Congratulations to Our Alumni

Recent Appointment to the Judiciary

High Court Registrar
Her Honour Judge Quenery Au Yeung Kwai-yue
(LLB 1984, PCLL 1989)

District Court Judges
His Honour Judge Stanley Chan Kwok-sing
(LLB 1986, PCLL 1987)
His Honour Judge Leung Chun-man
(LLB 1989, PCLL 1991)
Her Honour Judge Mimmie Chan Mei-lan
(LLB 1986, PCLL 1988)
His Honour Judge Au Hing-chung
(LLB 1996, PCLL 1998)

Magistrates
Mr Yu Cheuk-man (PCLL 1996)
Ms Debbie Ng Chung-yee (PCLL 1998)
Ms Veronica Hoong Shuk-hi (PCLL 2001)

Recent Appointment of Senior Counsel
Mr Mohan Tarashand Bharewany (LLB 1976)
Mr Lee Sha-hung, Robert (PCLL 1987)
Mr Lam Wai-ho, Godfrey (PCLL 1993)

THE COMMON LAW LECTURE SERIES
2006-2007

THE COMMON LAW LECTURE SERIES 2006-2007 contains the text of three lectures delivered by Lord Scott, Sir David Williams QC and Lord Woolf in 2006-2007, a foreword by the Hon Chief Justice Mr Andrew Li, and a Preface by our Dean, Professor Johannes Chan SC (Hon).

Lord Scott
Damages: an Area of Incoherence?

Sir David Williams QC
The Supreme Court of the United Kingdom: a Constitutional Prelude

Lord Woolf
The Contemporary Responsibilities of the Common Law Judge

Edited by
Jessica Young & Rebecca Lee
Faculty of Law
The University of Hong Kong
Published in February 2008
Paperback, 400 x 280 mm, 195 pages
ISBN 978-962-97469-9-4

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List Price: HK$1100 (book and postage for local addresses)
HK$130 (book and postage for addresses outside Hong Kong)

Our New PCLL

Lester Huang and Rimsky Yuen, SC: Reminiscences and Thoughts

Master of Laws in Arbitration and Dispute Resolution
Message from the Dean

The strength and reputation of any Faculty lies ultimately at its staff and students, and it is no exception for ours. The past 12 months has been an active period of recruitment for the best scholars and students. We have seen more than 10 new colleagues joining us. At the senior end, we welcome Professor Lim Chin Leng who joined us from NUS, as well as the return of Lee Atten and Malcolm Merry, both former colleagues who have left us for private practice and who have found academia irresistible! We have also seen some very dynamic and enthusiastic young colleagues. Welcome to the HKU family and the Law Faculty.

Good tidings have also come from our long-time colleagues. Professor Albert Cheu and Professor Philip Smart have been respectively made Joint Professor in Constitutional Law (not donated by himself or by me) and Harold Hoad-Wee Lee Professor in Corporate Law. Congratulations also go to Professor David Sandberg for receiving the ABC's Lawyer of the Year/ Senior Award, to Dr. Douglas Amiel for the HKU Outstanding Young Researcher Award in 2007, and to Janice Bubyn for being awarded the University Research Output Prize.

On the student side, we continue to recruit the best local students and an increasing number of international students. The LLB and the three double degree programmes remain the most competitive programmes in the University. We have included some latest admission statistics in this issue. The calibre of our students is again reflected by their excellent performance in international moot competitions. Some of our students have acquitted their challenging experience in various moot competitions.

We are also encouraged by the very high world ranking of HKU this year. Despite our scepticism about ranking, it is still very reassuring to know that HKU is ranked as 14th in the world, which is no small achievement. It also puts us in a challenging position as we must strive to maintain and improve our global reputation.

HKU Law Alumni Association continues to give us their best support. The Mentorship Programme is now one of our flagship programmes and many students and mentors have found the relationship rewarding. We are most grateful to the care and support from all our alumni and friends in the profession, and special thanks to Mr. Lucy Yen, the new President of the Law Alumni Association.

We have successfully launched the LLM in Arbitration and Dispute Resolution programme last September. This has been most timely, as both the Government and the Judiciary have been advocating mediation and alternative dispute resolution. In this connection, a series of Dispute Resolution Dialogues, short executive mediation workshops, talks, public lectures and other international and regional conferences have been held. The two public lectures by Professor Jan Power, one of the finest arbitrators in the world, were particularly well received.

The Faculty also has the pleasure to have received some most distinguished visitors, notably Professor Francis Reynolds GC from Oxford and Professor Michael Bridge from London School of Economics, both currently teaching as Visiting Professors at the Faculty for a period of six weeks. The recent seminar at which they were joined by The Honourable Sir Anthony Mason and Mr. Justice Reyes has been described as a "powerhouse seminar". The 800-seat lecture hall was packed with enthusiastic students, judges and practitioners. The Faculty has also recently entered into a research collaborative project on "Access to Knowledge" with Yale Law School and Professor Jack Balkin of Yale gave an enlightening public lecture on this topic. We have also recently concluded a 5-year LLM JD programme with University of British Columbia, which is the first of its kind across the Pacific.

There remains a lot of misunderstanding about our new PGL programme. Widespread rumours continue to suggest that the PGL programme will be extended to 2 years. We hope the special feature article of our PGL reform in this issue will dispel once and for all some of these unfounded rumours.

Space remains a major constraint to our expansion. We have converted most of our own classrooms into offices now, and space is likely to continue to haunt us until the new building is ready. Construction work of the centennial campus has already begun. The general planning for the new campus has more or less been settled, and we are working closely with the architect on the design, facilities and provisions. Concerns remain in regard to the outlook of the new building, as the Faculty and our alumni would like to see a design for the new Faculty of Law building that befits the dignity of the law and the tradition of excellence of the Faculty, and most important of all, the importance of the rule of law. I hope to be able to impart good news on this front very soon.

Prof Johannes Chan SC (Hon)
Dean, Faculty of Law
April 2008
Our New PCLL Programme

Introduction

As part of our response to the Legal Education Review and Reform, the PCLL curriculum at the Faculty of Law has undergone significant changes since 2001. We will reach the final phase of the PCLL reform in 2008–09 when the first cohort of our LLB under the 4-year curriculum is admitted to the PCLL. In general, the direction of the reform is to produce a more rigorous professional training programme with a focus on learning and conduct of legal practices and skills.

Unfortunately, there seems to be some misunderstanding about the reform. We hope to make use of this opportunity to give readers, our alumni and members of the profession a broad yet clear picture of our development and to clarify certain misunderstanding in relation to the HKU PCLL.

Will the PCLL programme be extended from the present one-year full-time to two-year full-time?

No, there is no plan to extend the duration of the PCLL programme. The full-time PCLL remains a one-year programme. We have introduced the part-time PCLL since 2005–06, which is a two-year programme.

What are the new admission requirements for PCLL applicants from 2008?

All applicants seeking admission to the PCLL from September 2008 will have to demonstrate competence in eleven core subjects and three top-up Hong Kong-specific subjects. The Hong Kong-specific subjects are Hong Kong Constitutional Law, Hong Kong Land Law and I. Hong Kong Legal System. The eleven core subjects are Contract, Tort, Constitutional Law, Criminal Law, Land Law, Equity, Commercial Law, Civil Procedure, Criminal Procedure, Evidence and Business Associations.

What are the reasons for introducing the new entry requirements?

The introduction of the new entry requirements is a result of the legal education reform. As part and parcel of the reform, the PCLL is moving towards a transactional and skills-based training programme. Some substantive legal knowledge which used to be taught at the PCLL is now rolled back to our four-year LLB, and that is why it is essential to ensure that all PCLL students should have a similar knowledge base. Students with a non-Hong Kong common law qualification are therefore required to demonstrate that they are equipped with a similar level of substantive legal knowledge.

Would the introduction of the new entry requirements effectively mean that overseas students will have to spend at least one more year before becoming eligible for PCLL admissions?

Not necessarily. Applicants with a non-Hong Kong common law qualification may be able to demonstrate their competence in the core subjects when such have been completed as part of their law degree, and in such circumstances, they may apply to the Conversion Examination Board for a full or partial exemption in each of those subjects. Regarding both the core and the top-up subjects, competence can also be shown if these applicants are admitted as visiting students in one of the three Law Schools in Hong Kong and pass the requisite examinations. Conversion Examinations as the last resort are being offered twice a year. There is no mandatory course for the examinations. Students may prepare for the examinations through self study or attending preparatory courses. They are not required to complete all examinations in one attempt and can make a subsequent attempt at a failed subject at a later examination session. Overseas students can, therefore, plan ahead and take some of the required subjects during their winter and summer breaks during their undergraduate studies. Properly planned, it is quite possible to satisfy the requirements without spending an extra year.

Does the Faculty run the Conversion Examinations?

No. An Examination Board under the auspices of the Standing Committee on Legal Education and Training, with the two branches of the legal profession and the three local law schools represented, runs the Conversion Examinations. Academic staff from the three universities are appointed as examiners. For more information about the Conversion Examinations, please visit http://www. peca.com.hk

Are there different kinds of study modes in the PCLL?

What is the financial cost of different modes of study?

PCLL students can choose to pursue either the one-year full-time programme or the two-year part-time programme. PCLL places are divided into Government-funded places and self-funded places. Government-funded places are subsidized publicly and the tuition for such places is lower than that of the self-funded places. However, the number of Government-funded places is very limited and so competition for these places is always keen. Self-funded students may apply for bursaries, which are awarded subject to a means test. Have applicants with non-Hong Kong common law qualifications been, and would they be, placed at a disadvantaged position in admission?

Admission to PCLL is based on merit. We do not set any quota for any particular category of applicants. Does a higher degree increase the chance of admission to the PCLL?

We adopt a holistic approach and do take into account all relevant information provided by applicants including a higher degree in law with good results.

What are the main features of the new PCLL curriculum?

Through consultation with the two branches of the profession and regular surveys with our graduates, we have noticed a consistent demand for strengthening certain legal skills and covering new practice areas. While the PCLL remains a common entry qualification for both branches of the legal profession, there are diverse needs of different sectors of the profession. Nevertheless, the PCLL can hardly cover all areas of legal practice and students may have their own career aspirations. Therefore, we believe that our PCLL programme must equip our students with the necessary skills and knowledge to perform competently in certain core areas of legal practice and provide them choices for specialization; and a suitable foundation to develop their subsequent practice.

The main features of the new HKU PCLL include: (a) an outcome-based curriculum modeled on real legal practice and problems; (b) systematic teaching of legal skills and (c) a degree of specialization for students in pursuit of their respective career choices. The curriculum will focus on the conduct of contentious (mainly litigation) and non-contentious (generally transactional) legal practices and the various skills involved (including advocacy and various forms of legal writing) which will be learnt and practised throughout the Core courses (they are: Civil and Criminal Litigation, Corporate and Commercial Transactions and Property Transactions including tenancy of and succession to properties) and the Electives (see below). Perspectives including Professional ethics and Taxation (including taxes on income and stamp duty) will be introduced followed by issues embedded and integrated into the Core and the Electives as appropriate.

How will the choice of Electives affect my career choice as a solicitor or a barrister?

Students are required to opt for any combination of three Electives for the second module. Electives are broadly categorized as litigation-related and transaction-related. While the PCLL remains a common qualification for entry into both branches of the legal profession, the professional bodies do have, and the Hong Kong Bar Association has indeed recently exercised, the power to impose additional requirements for admission to practice. Neither of the professional bodies has yet prescribed any of the Electives to be taken in order to qualify for admission to practice.

What is the teaching methodology?

Large Group sessions (LGS) will be more often used for briefing and review. The main objectives of an LGS will be to introduce students to the subject matter and issues involved and to prepare them for the Small Group sessions (SGs) and to sum up a learning module. SGs continue to provide the opportunities for skills learning, practices and feedback.

What makes the HKU PCLL special?

The Department of Professional Legal Education, which runs the PCLL programmes, has now 19 full time academic staff all of whom have practical experience and over 130 part-time staff who are mainly judges and legal practitioners. As the oldest law school in Hong Kong, the HKU Law Faculty has the strongest alumni network in the profession. Many of our graduates, being judges and distinguished practitioners, serve as part-time teachers or participate as external assessors in our advocacy assessments. In collaboration with the HKU Law Alumni Association, we have run a highly successful Law Mentorship Programme with full participation and support of the legal profession, as well as other interview workshops. Our extensive alumni network is invaluable to our students for their career, inter-personal and social development. The Faculty also has a full range of expertise in many specialized areas, and its academic activities are supported by 3 major research centres. The Faculty organizes many public lectures, conferences and seminars each year and students have the opportunity to meet and interact with distinguished scholars and judges. Our prestigious international moot programme is also open to PCLL students.
Lester Huang and Rimsky Yuen, SC: Reminiscences and Thoughts

We believe that this is the first occasion on which both the Chairman of the Bar and President of the Law Society are our alumni. Of this we are very proud. When recruiting school-leavers for admission to the University of Hong Kong we stress that we are seeking students with the potential to become leaders, whether serving in the public or political arena, in the profession, in business, in research, in education or in the performing arts. Both Lester Huang (LLB 1982, PCLL 1983) and Rimsky Yuen, SC (LLB 1986, PCLL 1987) have proved themselves as admirable leaders in their respective branches of the legal profession.

We felt that it would be appropriate to commemorate this event by interviewing them together. Over a lavish lunch (at least by University common room standards), Agnes Cheng and I put several questions to the Chairman and President about their careers, aspirations and lifestyles.

Professor Michael Wilkinson

Michael: Why choose law as your career?

Rimsky: It was largely a process of elimination and a practical decision. I was the youngest child in my family. My father retired at about the time when I was in Form Five. My family was not well off at all and I knew I had to be on my own. I realized that I would have to study a subject which has more prospects of making a living. In those days, the obvious choices were medicine, law or a few other professional disciplines. But since I was not good in science disciplines and did arts since Form Four, subjects like medicine were out of the question. Law then became an obvious choice. Having attended some career talks given by the Bar Association and the Law Society when I was doing Form Six, I thought that I should give it a try. Besides, I thought legal studies would be helpful even if I eventually ended up in another profession. I did not study law, most likely I would have studied Geography and might have eventually done a Master degree in town planning so as to become a town planner, which was my second career choice at that time.

Lester: I might have ended up being a social worker. However, my father was a barrister and I had some understanding of the profession even at a very young age. There is one song by Steve Wonder “Living for the City” and the lyrics depict a black boy in New York City trying to create a life, trying to overcome discrimination, yet ending in trouble. I was in a way motivated by the need for justice and a sense of contributing to society, especially assisting those who are less privileged.

Michael: Which model of education do you prefer? Elliot or mass education?

Rimsky: There should be a combination of both. In principle, there should be as many university places as possible. Unlike the past, university education should no longer be confined to the privileged few. However, that does not mean that we should altogether rule out elitist university education. In every place, there are bound to be some top universities and some not as good. There should be different universities to cater for the needs and desires of different students. Besides, there should be different types of universities, for example, some specializing in research, and others in vocational training.

Lester: When I was an LLB student, the class size in my year was 55. The benefit of having such a small class was that the “true elites” were able to help the non-elites (like me) and they really were able to pull classmaties to a higher standard. I certainly was a beneficiary of that.

Michael: Which subject in the law curriculum did you like most and which subject had the greatest impact on your legal career or on your life?

Lester: I was a bit slow in getting used to the study of law and that was why my academic results were not very satisfactory in the first year. I felt I didn’t quite understand Contract Law and was not learning very much. The other reason was that many first year lectures happened to start at 8 am in the morning and I was not focused enough at that hour of the day (but I was a diligent student and I made every effort to attend). By the second and third year, I was getting the hang of it, and studying law became a lot more enjoyable. The academic challenge in the second and third year was significantly greater and that made studying even more interesting. One of the more challenging subjects for me was the Law of Trusts, which I really enjoyed.

One of my most memorable experiences was in Family Law. At that time, Mrs Elizabeth Susses was one of our lecturers. Mrs Susses’ lectures were very intensive and she cited a lot of authorities without providing the origins of cases. My classmaties and I formed our own association called “Friends of Photocopying Club”. During each lecture each of us would take notes, but we would later turn to do something for a few minutes. At the end of the lecture, we would hand all the handwritten notes to one of us (again, we took turns) and that classmate would take up the responsibility of typing up a comprehensive set of notes. In the meantime the rest of us would go to the library and make photocopies of the handwritten notes of the cases. These would then be handed to the compiler of the notes for inclusion in the comprehensive set of notes. When the one responsible for compiling all the notes and handovers together had compiled the task, the notes would be photocopied and distributed to each member. If I look hard enough, I may still be able to find the three volumes of bound materials which I have kept. I am pretty confident that everyone in our group relied on those materials alone in preparing for our examinations. What is more remarkable is that those notes were made in the days when the computer was not available to us and they were all type-written.

PCLL was memorable because TIG (Tennis Interfaculty Games) was held in that year. I was a member of the HKU tennis team and I went with the University team to Singapore. I was up for training at the gym at 6:30 am in the morning and the training session finished at about 7:45 am. I would then go to class right afterwards and I didn’t miss any classes. Lunch hour was another one-on-one training session with a tennis coach. Then, after school from about 4:30 pm to 6:30 pm there was another practice session, this time involving the whole team. This practice routine took place several times a week. But I truly enjoyed that time, when I was in reality a full-time tennis player and part-time student.

Rimsky: When I was in University, I did not really have a favourite subject as such. Relatively speaking, local and international trade were probably the subjects that interested me more. I liked the style of the two lecturers who taught me both and international trade. Apart from their lecturing skills, both of them were extremely good in making the subject they taught a lively one. The former has gone back to England and the latter is now the partner of a well-known international law firm. After I started my practice and law for the initial few years, commercial and company law became my favourite. Why was there this change? I don’t really know. Maybe I was lucky enough to come across a few interesting commercial cases and my focus has since been kept there.

Michael: Which part of the university campus do you remember most and why?

Lester: I remember best the Law Library, which was at the 5th Floor of the Knowles Building at that time. The law library was one of the places where the students was centered around the Knowles Building. There was a lecture theatre on the 8th floor, and on the 5th floor there was the law library with pigeon holes for materials for students, staff offices, a students’ common room and that was it.

Rimsky: The Old Student Union Canteen. I miss the egg tarts it produced at about 3:30 pm to 4:00 pm every day in the afternoon. We had about 60 students in our class. The good thing about having a small class is that the students were very close to one another and there was a greater sense of fraternity. The Law Library was more our rendezvous than a place of study. Very often we gathered at the Law Library and then went to have afternoon tea at the Old Student Union Canteen. Unfortunately, the building that housed the Old Student Union Canteen was demolished before I completed my LLB study.
Michael: What are your hobbies?

Lester: Dogs. I had a mastiff who has just seen his last days. I spend all of time nursing him. My family and I did our best spend time with him and to pamper him. I also have a Labrador which is only a year old and is pretty much a puppy. We go for long walks nearly everyday. Soccer and tennis are also my hobbies but they are not activities which I can pursue as often as I would like.

Rimsky: Watching DVDs at home, reading magazines and traveling. I am not working. I am basically a couch potato. Unless I have dinner appointments with friends. I don’t like going out that much. Although big screen at cinema is attractive, the problem is you can’t pause or reverse when you wish to, nor can you sit as comfortably as when you are at home. I also find taping through different types of magazines enjoyable. Unlike books, magazines contain the most up-to-date information on a regular basis.

Michael: When was the last time you travelled for leisure?

Lester: My parents had their golden wedding anniversary recently and the whole family spent time in Thailand. Having some leisure activities is important and my last trip, following a conference in Nairobi, involved spending another few days in Kenya on Safari.

Rimsky: I often manage to spare one or two days either before or after conferences for myself. The latest pure pleasure trip was to Cebu in mid-June. My friends and I had a great time and I had a lot of fun going snorkeling there.

Michael: When you were a law student, did you have any inkling that you would one day be President or Chairman of a professional body? How did it come about?

Lester: A lot of people will know that I have been involved with the Law Society for a long time, but I never envisaged as a student being its President. I remember I was first involved in the Legal Education Committee. Eventually I moved to the Standing Committee and before I realized, I was nominated for the Council. I would not have been able to do this job without the support of my law firm. My Law Society role is almost a full-time job. I am still responsible for managing some clients and their legal matters, and to some extent I can delegate my work to other colleagues as well. But I would not have been able to do it without the support of the other partners.

Rimsky: Not at all when I was a student. That idea never came across my mind. For a long time, I had very limited involvement in Bar Association matters. I was focused on my own practice. It was only a few years ago when I received a call from the then Chairman, Mr. Philip Dykes, B.C. I thought I would involve myself in administration for one or two years. In 2003, I attended the American Bar Association’s Annual Meeting in Chicago. It was the first time I attended such an international conference and it was really eye-opening for me. My perspectives changed and from then I became interested in knowing about the legal profession in other jurisdictions and what they do for their respective members.

Michael: The Chief Justice told the following story in his speech at the LawAsia Conference session on ethics: A client asked his lawyer for a breakdown of his bill. The itemized account included a charge for ‘recognizing you in the street and crossing a busy road to talk to you about your affairs, and re-crossing the road after discovering it was not you’. The story is of course very derogatory about lawyer’s standards of conduct. Do you think that there is still a stigma attached to lawyers?

Lester: I believe this is a story from a long time ago and I certainly do not know of anything similar in Hong Kong during the time I have been involved in Council. I believe the Chief Justice has used this as a dramatic example to illustrate his point on ensuring that clients are properly charged. It is important that there are systems in place and the Law Society regularly addresses its concerns through our Billing Committee. Parties to litigation can also take the matter to taxation. The Law Society has a scheme where we mediate disputes on overcharging by law firms. I hope that, given the work that the Law Society has done over the years to ensure clients are fairly treated, the stigma is no longer here.

Rimsky: I find that sometimes the media reports on the amount of legal fees charged for certain high profile cases without actually examining or discussing the details of these charges and this may give a rather misleading picture to the general public. For example in the Nina Wang case members of the public or laymen reading the newspapers were probably astonished to see the size of the legal fees charged without knowing how much work was done, and would have the perception that the lawyers are always milking their clients. However, clients these days, especially corporate clients are very well-informed about their rights and they are very knowledgeable about how they can protect themselves against excessive fees. Besides, we are now often asked to provide a detailed quotation for our services for clients’ approval. This is probably very different from, say, twenty years ago.

Michael: Every profession changes. Delivery models are totally different from what they were ten years ago. What do you think the legal profession will look like in 10, 20 or 30 years’ time? What is your vision for the next generation of lawyers and what are the challenges?

Lester: We are observing changes in the legal industry. Certain transactions e.g. trademarks, are often not carried out byasoners anymore. People outside of the legal profession may be able to do more transactional work. Lawyers however will still handle the more sophisticated transactions. More and more lawyers are going to be paid not so much for these types of transactional work, but more for their deep thinking and analytical skills. In the litigation scene, we may also see big changes. We may have more mediation, arbitration, and perhaps, less court work. Through attending conferences and similar activities, we are able to compare our expertise with lawyers in other jurisdictions and to plan ahead. Certain activities will not change. For example, the need for someone to plan his or her estate succession will remain the same regardless of the state of technology. There will still be conflicts in trade matters because these are essentially matters of a human nature. The role of a lawyer is always going to be there. What will become a more popular area is human rights. If we look at the state of legal developments today, we are seeing a significant increase in Judicial review cases.

Rimsky: I think we need to watch out for the impact brought about by globalization. Besides, what lawyers do is very much affected by the state of the economy. For instance, there were at one time a large number of sale of goods and import and export cases, especially for the junior end of the Bar. That was because of the thriving manufacturing industry in Hong Kong. Now that the Hong Kong economy has changed, we have fewer of these cases. Many countries are now moving towards the knowledge economy, and this shift will also affect changes to the nature of the work done by lawyers. Put shortly, the world is getting smaller and so is the legal world. Future lawyers will need to have an international dimension when handling legal matters. A working knowledge of how other jurisdictions operate will be indispensable and cross-border practice is on the horizon. As a matter of fact, these issues have received more and more attention in international legal conferences in the past years and will continue to be so.
MASTER OF LAWS IN
ARBITRATION AND DISPUTE RESOLUTION

A Wonderful Beginning

Last year was an exciting year for the development of arbitration and alternative dispute resolution in the HKU Faculty of Law. In September 2007 the Faculty introduced a new specialized LL.M. in Arbitration & Dispute Resolution and admitted 40 well qualified and diverse students to the programme’s first year. Apart from legal professionals, many of these students are top executives and managers from the fields of banking, commerce, construction and engineering, education, finance and finance and accounting. We also established an active programme of conferences, seminars and training workshops, as well as an annual series of public lectures - the “HKU Dialogues in Dispute Resolution” - to provide education on a diverse range of dispute resolution issues. Looking ahead, we will continue to provide advanced legal and professional training and promote scholarship and intellectual exchange in negotiation, mediation, arbitration and dispute resolution generally to meet the needs of Hong Kong’s business and legal professionals, as well as the broader Hong Kong community.

HKU Dialogues in Dispute Resolution

In June 2007 we launched a unique series of public lectures entitled “The HKU Dialogues in Dispute Resolution” aimed at fostering discussion and debate in Hong Kong on important dispute resolution issues. Public lectures were held in 2007 with leading international arbitrators and mediators, including Visiting Professor Jan Paulsson, Mr. Lawrence Craig, Mrs. Nancy Cameren QC, Professor Arnold Zack and Professor Dame Hazel Genn, delivering stimulating lectures on the following diverse dispute resolution topics:

- Mandatory Mediation Schemes: Why, When and What?
- Collaborative Law, Interdisciplinary Collaborative Practice and Family Disputes
- Developments in Community Dispute Resolution: Child Mediation
- International Institutional Arbitration in Asia and Participants in the Arbitral Process
- Does ISID Create a Common Law of Investment Treaty Arbitration?
- Sports Arbitration: A Future Vision of International Law
- Workplace Fairness in a Global Economy
- Developing Court-Linked Mediation for Civil and Commercial Disputes in the English Courts

Mediation Education and Training

An important focus of the new LL.M. in Arbitration & Dispute Resolution is on mediation education and skills training, and on related issues such as effective mediation advocacy. In October 2007 Professors Denise Madigan and David Sandberg conducted a two week mediation training course (with HK Mediation Council professional accreditation) focusing on the theory and skills of mediation required for conducting a successful mediation. In November 2007 the HKU Faculty of Law also hosted a workshop on “Mediation in Commercial Disputes” presented by two of Europe’s most experienced commercial mediators, Mr. Michel Kallisopoulos, QC and Mr. William Marsh at the Pacific Place Conference Centre.

Mediation Conference

As part of the development of the new LL.M. in Arbitration & Dispute Resolution, the HKU Law Faculty helped co-organise an international mediation conference on November 30 and December 1, 2007 attended by over 200 participants. We would like to thank our co-organizers, including the Judiciary, HKGAR, Department of Justice HKGAR, Hong Kong International Arbitration Centre, Hong Kong Mediation Centre, Hong Kong International Mediation Council, the Law Society of Hong Kong and the Cheung Kong Centre for Negotiation and Dispute Resolution, Shantou University. Local and overseas speakers participated in a variety of conference panels discussing the development of mediation in overseas jurisdictions and how it has been combined with the judicial system (“court annexed” mediation). Other conference panels considered the role of mediation service providers, mediation and public sector initiatives and mediation and commercial disputes.

Admission to the 2008-2009
LL.M. IN ARBITRATION & DISPUTE RESOLUTION

This interdisciplinary Master of Laws programme is designed to equip both legal and non-legal professionals with the necessary knowledge, skills and expertise in important dispute resolution methods, including negotiation, mediation and arbitration. A law degree is preferable but not essential. Applicants can apply online or download the application form from http://www.hku.hk/law/ps/llm2006/

General Enquiries:
Tel: (852) 2859 2353
Email: lawad@:hkusx.hku.hk
Website: www.hku.hk/law

Application Deadline: 31 May 2008

The 6th International Forum on Online Dispute Resolution

The 6th International Forum on Online Dispute Resolution took place on December 4-5, 2007 and we would like to thank our co-organisers including the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), Hong Kong International Arbitration Centre, and the China International Economic and Trade Arbitration Commission. Local and international speakers spoke on a diverse range of ODR issues, including new technology and e-commerce, development of ODR in Asia, ODR and e-business, and social justice and ODR domain names and e-government.

International Chamber of Commerce,
3rd International Commercial Mediation Competition, Paris, France.
A team of four HKU Law Students recently participated in the 3rd Annual International Chamber of Commerce (ICC) International Commercial Mediation Competition at the ICC headquarters in Paris on February 14-18, 2008. Teams invited by the ICC from 30 universities from all over the world competed to determine the best mediation advocacy and negotiation skills in an international commercial mediation. Many congratulations to Ranee Khutchevardi (POL), Sebastian Xie (POL), Chee Seng (POW) and Natalie Tsang (L6B) who successfully represented HKU in this competition.

This was the first time that the HKU Faculty of Law was invited to participate in this prestigious ICC Mediation competition and the students did an outstanding job competing against top teams from law schools in USA, India and the UK.

In 2008, more HKU Dialogues in Dispute Resolution are planned, along with two international conferences in May and November 2008 considering dispute resolution, labour disputes and social justice.

Upcoming Events:
May 6, 2008 Public Lecture: “Islamic Financing and Alternative Dispute Resolution”
May 19, 2008 Seminar: “Mediation and the Resolution of Human Resource Disputes”
International Achievements

For our students, mootng is almost like taking up a full-time job in addition to their full-time studies. The time required for research, discussion and performance is equivalent to (if not more than) any one of our LLB subjects. Moots have to prepare very detailed submissions well in advance and present sophisticated legal arguments. Good advocacy skills and team cooperation are also key to performing well in the competitions.

Over the years, students from our Faculty have achieved excellent results in international competitions, receiving prizes for the best memorials or being named as one of the top orators. We would also like to thank our coaches’ efforts. The Faculty would also like to thank Sweet & Maxwell Asia for their continuous sponsorship and valuable support to our team.

The 3rd LAWASIA Moot Competition 2007 (Hong Kong)

Mooters: Hermima Ng (PCLL), Randy Shek (PCLL), Alice Qian (Shanghai University of International Studies)
Coach: Dr Keith Hotten
Subject: Cross-border Child Abduction
Ranking/Awards: Winner; Best Mooter at the General Rounds (Randy Shek)

The 5th ELSA Moot Court Competition on WTO Law 2007 (Geneva, Switzerland)

Mooters: Sabrina Ho (PCLL), Sze Yuk Suen (PCLL), Anna Chu (LLB), and Hu Ying (LLB)
Coach: Mr Don Leung (Academic Advisor), Mr Thomas Wong (Student Coach)
Ranking/Awards: Professor Gius Dieter Eihemann Award; Runner-up

The 5th Red Cross International Humanitarian Law Mooting Competition 2007 (Hong Kong)

Mooters: Bonnie Cheng Yan Ki (LLB), Ernest Ng Chung Yan (Shanghai University of International Studies) and Katherine Chau (PCLL)
Coach: Ms Suzanne Linton and Ms Pak Pak Napal
Ranking/Awards: Runner-up

Special thanks to: Mr Justice Hartmann, Ms Winnie Tam SC, Mr Earl Deng, Mr Jeffrey Chan, Ms Michelle Pang, Miss Maureen Liu, Mr Andrew Chan, Mr Roy Chan, Miss Wing Mei Wai for judging our students in their practice moots and for their helpful advice.

From a Mooter to a Coach

My involvement with the Vis International Commercial Arbitration Moot started with my failure to be selected for the team when I was still a student! I took comfort that HKU achieved its best result so far in that year – so the selection was keen! Two years later, I was asked to help out with a short legal point on which the team met difficulty. It is now the third year in which I acted as one of the coaches to the HKU team (together with Vandanah Rajan and Raymond Pierce).

In practice, I understand the importance of development of one’s skills to present ideas both on paper and orally with clarity as early as possible. The Vis Moot provides an opportunity which students may not otherwise have in their formal legal studies. irrespective of the team’s results in the competition, I treasure the many sessions in which arguments were put forward by students for reflection and refinement. Students (and myself) can only pick up the skills of advocacy through practice. We may not be conscious of this process – but I am certain that all team members came out of the competition with enhanced confidence and eloquence in getting their messages across.

A Reflection on the LawAsia Moot 2007

Had this been a real-life case, we would be fighting for the return of three-year-old Leticia to her father after her mother had taken her to another country. The law at first appeared to be on our side because the Hague Convention on the Civil Aspects of International Child Abduction favours return. But the catch was, the grandmother had a penchant for traditional herbal medicine and a fondness for the cane when it came to raising little Leticia. Just how can returning a small child to live with a cane-wielding grandma not be harmful? During the competition, we had to argue on the father’s behalf in one moot and resist the return on behalf of Leticia’s mother in another. One moment it would be harmful to Leticia to return to her father, the next moment, not returning her would be contrary to the spirit of the Hague Convention!

From the beginning of the PCCLM, we had the fundamentals of advocacy drilled into our heads. The numerous advocacy sessions reinforced what we were taught but taking part in the mootng competition stood as the ultimate test for us in terms of practising what we learned. Sure enough, we had done all the preparation we could on the law of international child abduction, and Dr Hotten had suffered numerous hours listening to our practice. Could we hold our own throughout the rounds making our arguments in front of judges and practitioners who specialize in the subject? No matter how many sessions we had in Advocacy lectures watching live demonstrations, the only way to test one’s mettle was being on one’s feet, in front of a (more) critical audience.

As it ended up, the final round was not as terrifying as we imagined. The eminent and learned judges were not particularly harsh with their questions (though the questions were no less inclusive). When they were testing our responses on our text and our analysis of the law, they did so with the most disarming of smiles and in the most gentle of tone. After the most nerve-wracking two hours of our lives, we came out unscathed and managed to bring the winners’ prize home. As Hermima and I are now embarking on our careers as pupils (and later as barristers) we can only hope that the judges we meet in the future, in the real courtrooms, will be just as pleasant and as willing to overlook our trembling hands at the lectern.

Randy Shek
PCLL, 2003-2007
2007 LawAsia Best Mooter

Alfred Cheng
PCLL, 2003, 2004

I am grateful to the faculty for being extremely supportive of the HKU Vis Moot team. I hope that the faculty and all alumni can join in and continue supporting our students in furthering their skills and broadening their horizons.
2007 Red Cross International Humanitarian Law Mooting Competition

On 17 March 2006, 3 students of the University entered the High Court of Hong Kong building for the grand final of the 5th Red Cross International Humanitarian law Mooting Competition.

The most problem this year covered a wide range of issues including internal armed conflicts, torture, killing of civilians and the misuse of emblems and vehicles of the ICRC. The complex scenarios gave rise to some difficult arguments on the duty of the commander to control the behavior of his regular and irregular subordinates and the right to fair trial of an accused under a set of Special Shari’ah akin to the law of various United National International Criminal Tribunals.

The Grand Final was an intense competition presided by Hon. Mr Justice Patrick Chan (Permanent Judge of the GFA), Professor Michael Davis (Dept. of GPA, CUHK), and Mr Michael Crawley (Lecturer, Edith Cowan University), Bonnie Cheng (LLB IV) and myself together with Katherine Chan (PGJLL) who had specialized in international criminal law in her previous pursuit at her master degree in the United Kingdom. She guided the whole team through complex research and constantly oversaw the work of the whole team.

The team’s gratitude must be expressed to various faculty members who generously spent their time with the team to improve its performance. They include Prof. Hui Ramm, Mr Oliver Jones, Mr Simon Young, Ms Vandana Raiward, Ms Yau Chi, and Michele Fung and Maureen Liu of the 2006 Team.

Mooting is definitely more than just arguing a case. Outside the courtroom, the team showed hospitality as the host team of the competition. Relentlessly putting forward their arguments on General Ready and Colonel Dady, all the participants made great friendships in this metropolitan city.

Now that the moot is over, the team is planning how best to utilize their prize to opportunities presented by the Faculty of Law, University of Sydney. He is particularly interested in banking and finance law, equity and trusts, property law, and arbitration. He likes reading and walking.

Lee AIKEN who left us in 1987, rejoined the Faculty as Associate Professor in August 2007 after practising in Sydney as a barrister for ten years and then lecturing at the Faculty of Law, University of Sydney. He is particularly interested in banking and finance law, equity and trusts, property law, and arbitration. He likes reading and walking.

GU Weisg conducted the Faculty as Senior Teaching Assistant since August 2007 after completing both MC, and SJU studies here at HKU. As one of our youngest faculty members, Weisg is familiar to us. She was awarded the prestigious Fulbright Scholarship last year, and has spent 6 months at NYU and Cornell Law School. She specializes in international commercial arbitration and ADR. Weisg enjoys light music and the arts, and loves exploring different cultures and cuisines when travelling.

Prof. Lim Chih Long joined the Faculty as Professor in July 2007 after seven years at the National University of Singapore. Having previously taught at the University of Wales, Aberystwyth and Queen Mary, University of London, in the greater part of the 90s. Somewhere between, he worked as a UN secretariat lawyer in Geneva, a staff member of the Attorney-General of Singapore, and an advisor to the Timor-Leste Prime Minister’s Office. But now he is back in the real world, and accompanied by his long-suffering wife Lyn.

Jelene LIN joined the Faculty as Assistant Professor in May 2007 after practising in Singapore as a solicitor. Her special interests are environmental law, regulation theory and international law. She is a tree-hugger, loves dogs and beach holidays in the sun.

LONG Qinglan joined the Faculty in September 2007 after obtaining her J.D from University of Kansas. Her special interest is in PCI civil and commercial law with comparative perspectives. She loves classical music and hiking.

Lee MASON joined the Faculty as Teaching Consultant in July 2007. He practiced Insurance Litigation from 1990 to 2002 and taught at BPP Law School in London from 2000. From 2005 to 2007 he was the Course Director of BPP’s full time Bar Vocational Course (BVC). Gary is interested in Insurance law, commercial litigation and ADR.

Gary MEGGITT joined the Faculty as Teaching Consultant in July 2007. He practiced Insurance Litigation from 1990 to 2002 and taught at BPP Law School in London from 2000. From 2005 to 2007 he was the Course Director of BPP’s full time Bar Vocational Course (BVC). Gary is interested in Insurance law, commercial litigation and ADR.

Marco WAN joined the Faculty as Assistant Professor in August 2007. He is completing a PhD on English and French literary trials at the University of Cambridge, and also holds a law degree from Cambridge and a B.A. degree in comparative literature from Yale University. His main areas of research include law and literature, critical theory, and the methodologies and practices of interdisciplinary. He recently developed an interest in salsa dancing, and aims to have reached the stage of not stopping on his partner more than once during each song by the time this newsletter goes to print.

Dr Emily LEE who obtained her PhD from the University of British Columbia joined the Faculty as Research Assistant Professor in January 2008 having practised with various law firms in both Taiwan and Canada and spent four years teaching Law at USCB as a session lecturer and an adjunct professor. Her special interests are commercial, corporate, and financial law. She enjoys reading, independent films and international travel. She also enjoys attending art and music appreciation classes and exhibitions.

Dr ZHAO Yun joined the Faculty as Associate Professor in January 2008. He was with the City University of Hong Kong for the past five years. His research interests are space law, dispute resolution, e-commerce law and international economic law.

Faculty Retreat

More than 40 members of the Faculty went for a retreat in Shenzhen on 18 October 2007, and had a very fruitful discussion on law curriculum development in response to the Government’s “3+4+4” curriculum reform initiative. The retreat was followed by a visit to the People’s Intermediate Court of Shenzhen where Faculty members met our alumni (who are judges of the Court) and attended a real trial.