



FACULTY OF
LAW

NEWSLETTER

A Newsletter for Friends and Alumni

ISSUE 1
2019



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DEAN'S MESSAGE



It has been almost 50 years since the Law School at HKU opened its doors to the first LLB class in 1969 at what seemed to some like a makeshift premises at Caine Road, with 4 teachers and 50 students. Five decades on, the Faculty of Law is a mini metropolis with more than 80 full-time faculty, an army of adjunct, part-time and visiting faculty, and more than 2,000 students in our LLB, JD, LLM, MCL, PhD and PCLL programmes, housed in 12 floors of our own spectacular Cheng Yu Tung Tower. It is often regarded as one of the best in Asia, and amongst the top 20 law schools in the world, vying with significantly older institutions. Much has changed, but the core mission of the law school has remained remarkably constant. First and foremost, it was and is the law school for the people of Hong Kong.

The founders were fuelled by the conviction that the law and legal system of Hong Kong was one which had come of age, and which deserved special attention, both in terms of teaching and of research. The need to devote attention to the law of Hong Kong has only intensified with promulgation of the Basic Law on reunification with China. The Faculty has been and remains at the forefront of teaching and research in legal knowledge important to the people of Hong Kong. The Faculty's flagship LLB and the more recently minted JD programmes testify to this. That said, the founders of the law school had a larger vision - it was to be the fulcrum between China and the "West", leveraging on Hong Kong's unique position as the only common law legal system in China.

The Faculty has been, and continues, both to provide China with easy access to the common law world, and to provide the world with an easy access to China. This finds expression in the remarkably successful MCL programme, and in the Centre for Chinese Law, which has become a hive of activity as exciting as the City of Hong Kong itself. The founders had an even larger vision - the law school was to have a "special standing in the world". The world is larger than even China and the West. While we do occasionally have students, and faculty members, coming to us from many jurisdictions, there are new frontiers to be explored and new friends to be made - South and Central Asia, Africa, Continental Europe, and South America, just to name a few. The Faculty at 50 has much to offer, and much to learn. Our special standing in the world may not yet be as clear as we would like it to be, but we shall get there with the unflinching support of our Alumni, our donors, our supporters in China and from across the globe, and the people of Hong Kong.

Professor Michael Hor

Dean,
Faculty of law

MOOTING

Stellar Performances in the 2018 Herbert Smith Freehills Competition Law Moot and International Maritime Law Arbitration Moot

Building on its record of success in international mooting, the HKU Moot team captured the Best Written Pleadings Award in the 2018 Herbert Smith Freehills Competition Law Moot and was awarded the 1st Runner-Up in the 19th International Maritime Law Arbitration Moot.

Hosted by King's College London from 15 to 16 June 2018, the Competition Law Moot Team advanced to the semi-finals of the oral rounds before falling short to KCL which was ultimately the winner of this year's competition. Coached by Mr Thomas Cheng and Mr Kelvin Kwok, the HKU Team consisted of 4 PCLL students –Yuet Yi Cheng, Law Wai Tsun Hazel, Ng Chun Wai Jonathan and Karen Tsang Nga Yue. The HKU Team, together with 11 other teams, advanced to the oral rounds based on the strength of its written memorandum.



From left: Jonathan Ng, Hazel Law, Coach Thomas Cheng, Yuet Yi Cheng, Karen Tsang at KCL.



From left: Alex Fung, Justin Ma, Coach Ken Lee, Ferrida Chan, Ryan Cheung in Brisbane.



From left: Coach Ken Lee, Ryan Cheung, Alex Fung, Justin Ma, Ferrida Chan in Brisbane.

After winning all its moots in the preliminary stage with Hazel Law capturing an oralist award, the Team progressed to the knock-out rounds on route to its appearance in the semi-finals.

Competing against 29 participating universities from 29 June to 3 July 2018 in Brisbane, the Maritime Law Moot Team consisted of Alex Fung (PCLL), Justin Ma (PCLL), Ferrida Chan (BBA(Law) & LLB) and Ryan Cheung (LLB). The team is coached by Mr Ken Lee and guided by Professor Anselmo Reyes, Dr Felix Chan, Mr Winky So and the 2015 award-winning team. The HKU Team came in 6th overall in the general rounds and went on to defeat both the National University of Singapore and University of Malaya in the final rounds before losing to the University of Queensland in the grand finals.

The Faculty would like to express its heartfelt thanks to all those who have provided valuable input and encouragement to the teams through their journey.

Long Service Awards

At the University's Long Service Awards Presentation Ceremony 2018 on 12 June 2018, 4 administrative colleagues Ms Nancy Choi; Ms Maria Lau; Ms Flora Leung; Ms Pamela Tam received the 25 years' award and Mr Raymond Lam received the 35 years' award. Congratulations and a Big Thank you to our dedicated and loyal administrative colleagues!



From left: Raymond Lam, Professor Michael Hor, Nancy Choi, Flora Lam and Eddie Leung.

Research General Council (RGC) Awarded \$6 Million in Research Grant Funding (GRF) to HKU Faculty of Law

Research General Council (RGC) awarded \$6 Million in Research Grant Funding (GRF) to the Faculty in 2018-19. The 11 projects cover a range of legal topics of importance to Hong Kong, China and beyond as follows:

PRINCIPAL INVESTIGATOR	PROJECT TITLE
Dr Weixia Gu	The (Recognition and) Enforcement of Mainland Judgments in Hong Kong: A Regional Conflict of Laws Study
Dr Angela Zhang	Antitrust and the Rise of China: An Institutional Analysis
Dr Shahla Ali	Soft Law from the Ground Up: The Role of the UNCITRAL Regional Centre for Asia and the Pacific in the Formation of Transnational Dispute Settlement Norms
Mr Thomas Cheng	Anti-Monopoly Law Enforcement in China
Ms Rebecca Lee	Rationalising Recovery for Mistaken Transfers at Common law and in Equity?
Mr Haochen Sun	Building a Robust Trademark Fair Use Mechanism in China
Professor Albert Chen	Constitutional governance in 'Greater China' and the Unfinished Project of Chinese Constitutionalism
Dr Peter Chau	Examining non-instrumental justifications for tort compensation
Dr Shitong Qiao	Eminent Domain in Chinese Courts: An Empirical Study
Professor Lusina Ho	Legal Reform of Enduring Powers of Attorney: A Comparative Analysis
Dr Richard Wu	An Empirical and Comparative Study of Law Students' Perceptions of Their Values in Four Emerging and Transitional Economies: China, Russia, South Africa and Kazakhstan

Professor Rick Glofcheski Pioneered Authentic Assessment



In higher education, assessment has been characterized as “driving student learning” – it determines students’ learning strategies and affects their learning outcomes. Authentic assessment strategies, which draw connections between the subject matter and real-world problems, have demonstrated high effectiveness and efficiency in clinical education. But is that the only context where authentic assessment could be applied? Can authentic assessment be adopted in day-to-day classroom teaching and learning across different subjects?

In the “Authentic Assessment Symposium: The Transformation of Learning in Higher Education” on May 3, 2018. Professor Rick Glofcheski shared how he transforms students’ learning experience with authentic assessments and technology, among colleagues from various disciplines in the University.

An authentic assessment is one that requires real-world applications of learning. It often engages students in solving complex and ill-defined problems while taking into account the broad social context. One of the fundamental goals of university education is to get students prepared for the challenges in the real world, and one way to facilitate their learning is to design authentic assessment tasks.

Rick pointed out that students’ learning habits are to a large degree driven by how they will be assessed, assessments are therefore vital in motivating students to make meaningful connections between doctrinal learning and the real world. This is where authenticity comes into play in assessment design. Compared to conventional assessment, authentic assessment produces better learning, deeper learning, and more sustainable learning, for example, he engages his students with authentic news stories. In his tort law class, students are expected to identify and analyze news stories from a legal perspective, and create their own online news diary.

E-package of DIY Residential Tenancy Agreement to facilitate landlords and tenants to enter into tenancy agreements Launched

The 2016 Population By-census revealed that 47% of households living in private permanent housing are tenants, with a median monthly rent of \$10,000. Many landlords and tenants may not want to engage a lawyer to prepare a residential tenancy agreement as it can be costly and time consuming. Many of them simply buy a sample tenancy agreement from a stationery shop or download one from the internet, which are not satisfactory as these documents are not prepared and reviewed by persons competent in tenancy law. If the public uses inappropriate tenancy samples for renting their residential homes, it may result in disputes and problems between the landlord and tenant which can seriously affect their daily lives.

To address this problem, Ms Dora Chan, Principal Lecturer and Mr Edmund Cham, Adjunct Associate Professor and a team of students have prepared an “E-package of DIY Residential Tenancy Agreement” (“E-Package”) to provide the public with free and easy access to a residential tenancy agreement template and a set of guidance notes on the stamping, registration and filing of Form CR 109 for a residential tenancy agreement. By using the template and the guidelines, members of the public may independently enter into a tenancy agreement for their residential homes without the costs and trouble of engaging a lawyer or an estate agent.

The E-package is now available to the public free of charge from the HKU CLIC website (www.clic.org.hk/en/topics/DIY_Residential_Tenancy_Agreement).



Mr Edmund Cham and Ms Dora Chan (first and second from the right) introducing the E-package with the students.

Improvements to Hong Kong's corporate governance system

In a detailed report produced for the Hong Kong Institute of Certified Public Accountants (HKICPA), Mr Syren Johnstone, Principal Lecturer, and Professor Say H Goo, both from the Department of Law, have proposed a number of wide ranging recommendations for improving Hong Kong's corporate governance system.

The report examined the corporate governance systems of the United Kingdom, the United States, Mainland China, and Singapore. While Hong Kong's corporate governance system is generally on par with international best practices, the report suggests recommendations for enhancement in several areas.

Such recommendations include adopting better mechanisms to protect shareholders from potential abuses of the board through improved transparency and strengthening the role of independent non-executive directors. The ability of shareholders to bring actions has fallen behind other markets, particularly the UK and Mainland China, which have facilitated collective redress. A number of the recommendations would enable regulators to undertake more effective and graduated means of consequence management without requiring changes to the current model of regulatory oversight.

While more discussion and debate is necessary in order to agree on detailed changes, the HKICPA has stated it is ready to work with other stakeholders to facilitate further progress in Hong Kong's corporate governance development.



The study "Report on Improving Corporate Governance in Hong Kong" is available on the HKICPA's website.



New Master of Laws in Medical Ethics and Law (LLM (MEL)) Programme Set for Launch in September 2019

A ground-breaking cross-disciplinary Masters programme offered by the Faculty of Law will see its first intake of students in September 2019. The new programme, the Master of Laws in Medical Ethics and Law (LLM (MEL)), is the first of its kind in Hong Kong. It is also the first programme of its kind in the East Asia region that is taught in the English language.

Applications for the September 2019 intake of the programme were invited from 10 December 2018, and will close on 28 February 2019.

The curriculum is integrated interdisciplinary in nature which addresses concerns of growing importance of the healthcare professions, law and business, and spans important topics such as consent and confidentiality, research best practice, ethics at the end of life and the nuances of medical negligence. The programme is open, but not limited, to applicants with a degree in law, or in medicine. Applicants with relevant professional experience holding a degree in a discipline other than law or medicine will also be considered. For more details of the admission requirements, see <https://lm.law.hku.hk/mel/> under 'Admission requirements'. The curriculum offers a valuable guide to the fundamental ethical, legal and social issues influencing the delivery of healthcare, and provides a guide to address the increasing legal, ethical and policy complexities and quandaries of modern clinical practice and biomedical research.

The programme is offered on a full-time (1-year) or part-time (2-year) basis so that professionals can carry out their studies while maintaining career commitments.

EVENTS





1 Ms Amanda Whitfort and 2 Professor Mike Radford of the University of Aberdeen at the III Global Animal Law Conference on 4-5 May 2018.

3 Professor Alexa Lam at the Faculty Opening Ceremony 2018- 2019 on 31 August 2018.

4 5 Mr Stephen Kai-yi Wong, Privacy Commissioner at "Tackling Cyberbullying: A Comparative and Interdisciplinary Symposium" on 4 September 2018.

6 Welcoming Reception for the first cohort of the HKU-UCL Dual LLB Degree Programme on 6 September 2018, with Professor Johannes Chan, Programme Director.

7 8 Chief Executive Ms Carrie Lam at event "Voices of Ethnic Minority Youth" and a 20-minute play "HongKonger" on 20 September 2018.

9 Dr Roger Chennells (Consultant, Chennells Albertyn, Cape Town and Stellenbosch, South Africa) and Mr Michael Vidler at Conference "Who Owns Your Body?" on 6-7 November 2018.

11 Lecture "Is Common Sense the First Rule in Statutory Interpretation?" of "The Cutting Edge of the Law Lecture Series" by Professor Henry Litton on 6 November 2018.

12 Professor Henry Litton and recipients of this year's Bluebell Prize at the Lecture "The Effect in Law of a Signature on a Legal Document" (of "The Cutting Edge of the Law Lecture Series") on 16 November 2018.

FEATURE



LAW, JUSTICE & HUMANITY: 50 YEARS & BEYOND

Established in 1969, The Faculty of Law of The University of Hong Kong is the first law school in Hong Kong and one of the most prestigious law schools internationally. At its 50th Anniversary, a variety of celebration activities till the end of 2019 will be organized under the theme “*Law, Justice and Humanity: 50 Years and Beyond*”. The Faculty kicked off its Golden Jubilee celebration with the Annual Conference of The International Society of Public Law (ICON-S 2018) on 25 June 2018. In the same evening, a ceremony was held and attended by conference participants, guests, friends, donors, supporters, partners, alumni of the Faculty. The Honourable Chief Justice Geoffrey Ma congratulated the Faculty on its success and achievements. Professor Michael Hor, Dean of Law, joined Professor Andy Hor, Acting President and Vice-Chancellor of the University in thanking all the stakeholders for their ardent support for the Faculty in the last 50 years, enabling the Faculty to make significant contributions in major areas of law and venture into new dimensions of development in the days to come.



Speech by The Honourable Chief Justice Geoffrey Ma

It is a great honour to be asked to say a few words at this ceremony to begin the 50th Anniversary celebrations of the Faculty of Law. Together with many others, I warmly extend my congratulations to both the Faculty and the University.

I was recently looking at a series of paintings of the American landscape in the 19th Century done by members of that school known as the Hudson River School, founded by Thomas Cole and including influential artists such as Frederic Edwin Church and Albert Bierstadt. These were romantic portraits of the American wilderness and they bring a real sense of the pioneering spirit during that time. This reminded me of the founding of the Faculty of Law in the University of Hong Kong.

It must have felt like being a pioneer in those times when the Faculty of Law began in the University of Hong Kong

in 1969. Then, it was not a separate faculty, but a department within the Faculty of Social Sciences. I have also looked at photographs of the lecturers and the students at that time; they too resembled what we imagine pioneers to look like: rugged, full of hair and distinctly unkempt!

Today, the Faculty of Law has become what the Department of Law and Professor Dafydd Evans¹ must have hoped for: one of the foremost and most prestigious law schools in the world. The latest newsletter of the Faculty² reminds us that among law schools in Asia it is ranked first and worldwide, ranked 18th.³ The statistics, the accomplishments, the many alumni who have made great achievements⁴ all evidence the remarkable development of the Faculty over the past 50 years.

Yet, for me, all these facets of a successful faculty within a modern, prestigious university, important as no doubt they are, nevertheless do not represent the ultimate achievement of the Faculty. And this achievement can be described as the contribution it has made to the community and the Faculty's proper role within it. This lies in the teaching of what law represents. Ultimately, the true reputation of a law school and its overall success are to be seen in the light of the significance and success of the contribution it has made to the understanding of the rule of law in the community.

Law is integral to a society and the existence of the rule of law, critical. We all should know what is encompassed in the concept of the rule of law. The rule of law in a society means first, the existence of laws which respect the dignity and rights of individuals and also respect the rights of others in a community and secondly, the existence of an effective legal system that enforces such rights. I emphasise here the importance not only of respecting the rights of the individual but of the respect for other people's rights as well.

1 Then the head of the Department of Law.

2 Issue 1, 2018.

3 The Times Higher Education World University Rankings 2018.

4 Such as, most recently, The Honourable Mr Justice Andrew Cheung, the present Chief Judge of the High Court who will join the Court of Final Appeal in October.

Law is not just an auxiliary part of society, merely smoothing the way for commerce, daily living or any of the other routine and necessary parts of our lives. Law actually represents the way a community functions or should function. This is another way of saying that law represents the public or community interest. History has shown us that in numerous instances, the operation of the law has actually changed a society's perception of itself. The recognition that rights should be enjoyed without any differences based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is now firmly established as part of our law.⁵ The theme of equality is not just a legal concept of recent origin. It resonates throughout philosophical literature, although admittedly it is at its clearest when studied in the context of justice and the work of the courts. Plato's *Republic* (380 BC) – the starting point for the philosophical discussion of almost every aspect involving political theory in society – placed equality at the forefront of the discussions on justice.⁶ In *The Social Contract* (1726) Rousseau proceeds along the premise that laws which are intended as a manifestation of the general will must obviously be general in their application and not be selective.

A number of examples can readily be given as to how community perceptions have been changed by the law. The development of women's rights provides a good illustration to make this point. Plato makes the critical point in *The Republic*: "Women bear children and men beget them; but apart from that, the differences are really only in degrees of capacity, not essential distinctions of quality; even as men differ among themselves. The natures being the same, the education must be the same and the same careers must be open."

Another illustration of a societal change in perception is the long struggle in the United States regarding African-American rights and the fight for equality. One of the towering legal figures in the 20th Century was Thurgood Marshall, the first African-American associate justice of the Supreme Court of the United States.⁷ Marshall was perhaps more well known for his work with the NAACP⁸ which included his participation in the famous case of *Brown v Board of Education*.⁹ He trained under Charles Hamilton Houston, the Dean of Howard¹⁰ Law in the early 1930s and spoke often (and fondly) about his erstwhile mentor. In a "*Tribute to Charles H Houston*",¹¹ Thurgood Marshall said this about the way Dean Houston taught law:-

“He [Houston] brought in visiting professors. Some people were from the smaller schools, like Dean Roscoe Pound from Harvard. Then he brought in practicing lawyers – like Clarence Darrow, Arthur Garfield Hayes, you name them. And they taught us how the law was practiced, not how it read. Because, you see, in those days Harvard, Yale, Columbia – you name them, the big law schools – were bragging that they didn't train lawyers, they trained clerks to start off in big Wall Street law firms. Charlie Houston was training lawyers to go out and go in the courts and fight and die for their people.”

5 Article 25 of the Basic Law states that "All Hong Kong residents shall be equal before the law". Article 1 of the Hong Kong Bill of Rights (which implements the provisions of the International Covenant on Civil and Political Rights under Article 39 of the Basic Law) states in terms that rights are to be enjoyed by all without those differences just enumerated. It is no coincidence that the right to equality is the first of the fundamental rights stated in the Basic Law as well as in the Bill of Rights.

6 *The Republic* takes the form of dialogues in which Socrates takes a leading part.

7 Thurgood Marshall joined the Earl Warren Court in 1967 after having served two years as Solicitor General.

8 The National Association for the Advancement of Colored Persons.

9 349 US 294 (1955). This was a case involving the Warren Court.

10 This was the School of Law of Howard University in Washington DC.

11 Published in *Amherst* magazine, Spring 1978. This extract comes from the book *Thurgood Marshall: His Speeches, Writings, Arguments, Opinions and Reminiscences* edited by Mark V Tushnet.

This quote is admittedly somewhat exuberant but the point is really this. Of course, the Faculty of Law does train successful lawyers and some of the most successful legal practitioners in Hong Kong have read law here, but that is not the sum total of what a law school should aspire to. What Dean Houston was really telling us was that there is not only the practice side of law that is important, but as lawyers, we must also bear in mind the wider impact of the law and the rule of law itself within the community. In other words, the law does not just serve private interests. There are public aspects which are as, if not more, important. The significance of public law is emphasized by conferences such as the International Society of Public Law Conference taking place in Hong Kong at the moment.

The proper appreciation of the role of the law in Hong Kong is as important now as it has ever been in our history. Some people may believe that the law is there only to serve individual interests, but in truth it is there to serve everyone and everybody is equal before the law. As I stated earlier, while individual rights and freedoms are there to be respected, so are the rights and freedoms of other people within a society. No one person's rights trump another person's although sometimes a balance of interests must be reached. And when different interests are balanced, the exercise does not involve upholding the validity of one principle while denying validity to other principles: the balancing approach reflects the notion that the legal validity of all conflicting principles is kept intact.

I believe that the Faculty of Law, like many other law schools around the World, understands these concepts I have briefly alluded to, because they represent the very foundations and values of the law. If the students who are produced by the Faculty understand all this, the University has succeeded in perhaps its most important task.

As we face increasing challenges in Hong Kong and elsewhere, and while we must keep up with changes, certain fundamentals must be kept firmly in mind, and the rule of law is one of them. In order for any community to remain cohesive (the opposite of divisive), fundamental notions of rights and freedoms must not be undermined. I once again congratulate the Faculty of Law on this significant milestone, and wish it every success in all its ambitions and in its continued service to the community as a whole.



Group photo with Officiating guests and stakeholders of the Faculty:

First row, from left:

- i. Professor Michael Hor, Dean of Law
- ii. Ms Melissa Pang, President, The Law Society of Hong Kong, HKSAR
- iii. Professor Wang Zhenmin, Head of Legal Department, Liaison Office of the Central People's Government in the HKSAR
- iv. Professor the Hon Arthur Li, Council Chairman
- v. The Hon Chief Justice Geoffrey Ma, Chief Justice, Court of Final Appeal, HKSAR
- vi. Dr the Hon Sir David Li, Pro-Chancellor
- vii. Mr Wesley Wong, SC, Solicitor General, HKSAR
- viii. Mr Zhao Jiankai, Deputy Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR
- ix. Mr Philip J Dykes, SC, Chairman, Hong Kong Bar Association
- x. Professor Andy Hor, Acting President and Vice-Chancellor

Second Row, from left:

- xi. Mr Aaron Yam, Chairman, Law Association, The Hong Kong University Students' Union
- xii. Professor Albert Chen, Former Dean of Law
- xiii. Mr Kenneth Kwok, SC, Former President, The University of Hong Kong Law Alumni Association
- xiv. Mr Peter Cheng, Chairman, Chow Tai Fook Charitable Foundation
- xv. Mr Wong Yan Lung, SC, Former Secretary for Justice, HKSAR
- xvi. Ms Lucy Yen, Former President, The University of Hong Kong Law Alumni Association
- xvii. Professor Yash Ghai, Emeritus Professor, Faculty of Law
- xviii. Professor Johannes Chan, SC (Hon), Former Dean of Law
- xix. Mr Kelvin Tang, President, The University of Hong Kong Law Alumni Association





Dr the Hon Sir David Li (middle), the Pro-Chancellor, and other officiating guests officiated the Ceremony.



Book-giving Session by Mr Zhao Jiankai, Deputy Commissioner of Ministry of Foreign Affairs of the People's Republic of China in the HKSAR (left) to Professor Michael Hor, Dean of Law.



Professor Michael Wilkinson (left) and Professor Yash Ghai.



Annual Conference of the International Society of Public Law (ICON-S) 25-27 June 2018

The International Society of Public Law (ICON-S) is one of the world's foremost academic associations dedicated to the interdisciplinary study of public law. The 2018 ICON-S Annual Conference was the Society's fifth Annual Conference, following its four Annual Conferences (Florence 2014, New York 2015, Berlin 2016, Copenhagen 2017), and was the first time the conference was held outside of North America and Europe. The conference featured top scholars in public law and eminent judges, and more than 700 scholars and researchers from all over the world, who gathered to examine and exchange ideas on a wide range of topics central to public law scholarship and practice today, under an overarching theme of "Identity, Security, Democracy: Challenges for Public Law".



From left: Professor Johannes Chan (Chair), Judge Navi Pillay, Professor Yash Ghai, Professor Evan Brems at Plenary Session I.



More than 170 panels were held.



The Rt Hon the Lord Neuberger of Abbotsbury delivering the Keynote Address.

On the first day of the Conference, the Hon. Chief Justice Geoffrey Ma opened the event. The Keynote Address was delivered by the Rt Hon the Lord Neuberger of Abbotsbury, former President of the Supreme Court of the UK (2012-2017). The speakers at the three Plenary Sessions of the Conference included the following distinguished scholars and judges: Judge Navi Pillay, Yash Ghai, Eva Brems, Justice Ilwon Kang, Kim Lane Scheppele, Lin Tzu-Yi, Frank Pasquale, Karen Yeung and Christopher Yoo. In addition to the three Plenary Sessions, there were 170+ panels (each of three or more speakers) for the Concurring Sessions of the Conference.

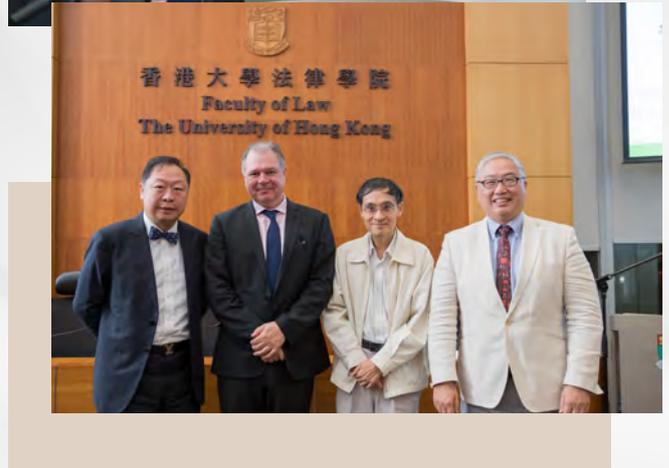


More than 700 scholars and researchers from all over the world participated in the 2018 ICON-S Annual Conference.

50th Anniversary Distinguished Lecture *Sapientia et Virtus – The Contributions of Jurisprudence*

Jurisprudence is the study of law and legal institutions in their social, philosophical, and historical contexts. The lecture “Sapientia et Virtus – The Contributions of Jurisprudence” by Scott Veitch, Paul KC Chung Professor in Jurisprudence, is an anniversary celebration of five decades of jurisprudential reflection, engaging with old and new questions that confront lawyers, judges, and citizens.

The lecture on 4 October 2018 explored themes that are central to jurisprudential enquiry and which are also of enduring importance to all citizens. Professor Veitch discussed thinkers familiar to generations of law students such as Hart, Fuller, and Dworkin as well as survey more recent developments in order to address topics of wider contemporary relevance: Can law authorize any kind of behaviour, no matter how unjust or discriminatory? Or are there limits to what can be done in the name of the law? Are equality and liberty compatible? Can law really hold power to account? Is the purpose of law and legal education to promote efficiency, entrepreneurialism, and competitiveness or should they aspire to dignity, virtue, and the common good? And who should decide?



50th Anniversary Distinguished Lecture *Digital Financial Transformation: Finance, Technology and Regulation*



Over the past decade, technology has transformed finance more rapidly than ever before. This transformation brings with it new regulatory challenges. What factors underlie digital financial transformation? During the lecture on 22 November 2018, Douglas W. Arner, Kerry Holdings Professor in Law presented a strategy for developing an ecosystem to support digital financial and economic transformation, based on an analysis of experiences around the world over the past decade.



Book Talk: An Ongoing Journey

The book talk on 11 October 2018 brought together two prominent alumni of the Faculty, Professor Johannes Chan and Dr Margaret Ng, to talk about their recently published recollections on law and politics in Hong Kong. The talk was very inspiring: the sharing of Professor Chan reminded us of the underlying values of law and the prevalence of law in ordinary daily life. The collection of his most memorable cases has renewed in us the calling to the legal profession, and the aspiration to uphold the core values underlying the rule of law. The conversation between Dr Ng and Dr Marco Wan, one of the two discussants, highlighted the footsteps of time in a generation's struggle to preserve the system and values of Hong Kong after the handover in 1997. As suggested by Cora Chan, the other discussant, while reading the 2 books, readers would reflect on the uniqueness of the political and legal environment in Hong Kong which inspires a deeper understanding of our current political and social issues.



Superwomen in Intellectual Property: A Sharing Session



During the sharing session on 25 October 2018, four distinguished graduates of the Faculty, Ms Anna Wu Hung Yuk (Chairperson, Hong Kong Competition Commission); Ms Winnie Tam SC (Former Chairman, Hong Kong Bar Association; Chairman, Communications Authority); Ms Winnie Yeung (Assistant General Counsel, Microsoft) and Ms Annie Tsoi (Partner, Co-Head of Intellectual Property Department, Deacons) kindly shared their experience and advice on intellectual property (IP) practice. As leading IP practitioners, they spoke about different career paths in IP practice, ways to accomplish well in IP practice, and major challenges that lie ahead for IP practitioners, among others.





THE UNIVERSITY OF HONG KONG
FACULTY OF LAW

香港大學法律學院

HKU LAW VIDEO ARCHIVE

The HKU Law Video Archive (<https://video.law.hku.hk/>), introduced in celebration of the 50th Anniversary of the Faculty, contains video and audio files of important public lectures by eminent academics and judges, keynote speeches at conferences, as well as public speeches by international dignitaries and community leaders delivered on various occasions, including our own graduation ceremonies, at the Faculty of Law. The University is a treasure trove of knowledge. By making these public lectures available online to the public, it represents a modest step to make available this huge body of knowledge for the benefit of the public, and in so doing, we also hope to make a modest contribution to facilitate a better public understanding of our legal system and its underlying values.



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Save the date
Gala Dinner

24 NOV 2019 (SUNDAY)

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FEATURE

200th Congregation

The 200th Congregation was held on 30 November 2018 at Hong Kong Convention and Exhibition Centre. This is the first time we organized a one-session Congregation outside campus and we are very honoured to have the First Chief Justice of the HKSAR Court of Final Appeal, The Honourable Andrew Li, to address more than 600 students.

Speech by The Honourable Andrew Li

I am honoured to be invited to participate in this Graduation Ceremony. As we are in the year celebrating the 50th anniversary of the Faculty of Law, this is an occasion of historic significance. I am delighted to be here at this meaningful event.

Even on the eternal clock of history, 50 years, half a century, represent a significant period for any institution. The 50th Anniversary is a time for celebration and reflection. It is also a time to look forward with commitment to the exciting challenges ahead.

Looking at the past, this Law School has built up a formidable reputation as our premier Law School. It is one of the best in Asia and ranks among the top law schools in the world. It has produced graduates who form the backbone of the Judiciary and the legal profession. Its graduates also contribute in business, government and other sectors. Many occupy leadership positions in public and civic life. I would like to express my warmest congratulations to all concerned, professors and graduates, for what you have achieved. You have every reason to be very proud of this Law School.

Of course, no institution can rest on its laurels. Looking ahead, I am sure that this Law School will continue to strive for excellence in its teaching and research and that it will go from strength to strength. Lawyers have a crucial role to play in upholding the rule of law and lawyers are what law schools make them.



That is why this Law School will continue to play such a significant role in maintaining the rule of law in our society. I would like to wish the School every success in its important endeavours.

On this happy occasion, I would like to convey to all graduates at both first degree and postgraduate levels my warmest congratulations. I am sure that the graduating students will agree with me when I say that you owe a great debt of gratitude to your families and your teachers for their unstinting support and wise guidance. It is a debt of honour which I am sure you will never forget. They must be very happy today and have every reason to be proud of your achievements. To them, I also wish to extend my congratulations and best wishes.

The body of alumni is a most important stakeholder of any Law School and can provide it with invaluable support. You have received much from this School and I trust you will do your part to contribute to the development of your Alma Mater in future years.

When this Law School was founded some 50 years ago in 1969, the world was a very different place. Compact discs were unknown, let alone computers and the Internet. Hong Kong had a Legislative Council the members of which were all appointed by the Governor. We had no cross harbor tunnel at all. The Hunghom tunnel was only completed in 1972.

Those somewhat idyllic times are long past. The last half century has witnessed the most momentous changes in the world. We have seen the most amazing advances in science, technology and in every field of human endeavor. As a striking example, it has been pointed out that there is today more computer power in a Ford family car than there was in Apollo 11 when Neil Armstrong took it to the Moon in 1969. All around the globe, there have been sea changes in the geopolitical landscape. Above all, our Motherland, China, has emerged as a modern and strong nation.

By the time the graduating students of today reach the prime of their working lives in say 20 to 30 years' time, we will be marching towards the middle of this century. What will be the world be like then? What does the future hold? Looking in the future, we can only be certain of one thing. The pace of change in all fields is likely to accelerate. The only certainty is uncertainty and the only security is the ability to cope with insecurity. I wish to offer our graduates a few thoughts which may provide them with guidance in meeting the exciting challenges ahead.

First, amongst rapid and accelerating changes, we must always remember that the practice of law is an honorable profession and that professional ethics must be observed at all times to the fullest. Further, lawyers must do their part to uphold the rule of law with an independent Judiciary which is of pivotal importance to Hong Kong under one country two systems.

We must develop a strong sense of responsibility. Today, people all around the world are very conscious of their rights. They talk about their entitlements. Some even think and act in terms of what society owes them. But all rights should be exercised responsibly. It is high time for the balance to be redressed and that we recognize and accord at least equal importance to our responsibilities. Responsibilities at various levels: to our country, China, to our community in Hong Kong, to our profession and to our family. I believe that developing a strong sense of responsibility by all citizens is of fundamental importance in our strive for a better future.

We live in a highly materialistic world, with some people measuring human worth by how much one earns and spends. But legal professionals should not be obsessed with materials possessions. I hope you will remember that, as has been well said, we make a living by what we get but we make a life by what we give. You must be prepared to contribute to the welfare of our society. Ultimately our society must find its soul in its social conscience based on respect for human dignity.

So act honorably and ethically, develop a strong sense of responsibility and contribute to the welfare of society.

Secondly, it is important to be and to remain adaptable at all times in order to meet changing circumstances. This is essential for success and indeed survival. As has been wisely observed, it is not the strongest or the most intelligent who survive. It is those who are most adaptable to change that are able to survive.

In order to remain adaptable, we must believe in and practice learning for life. This would ensure that we would have the knowledge and skills required from time to time in order to survive and thrive. Things taught at schools and universities are not an education but only a means to an education and there are no limits and boundaries to learning. We must be keen to continue to learn from experience in the university of life. As has been wisely observed, experience is the teacher of all things.

Thirdly, it is most important to develop the strength of character, the inner strength, to overcome adversity. Life's journey is a long distance one. As you progress through it, there will be many ups and downs. Sometimes, the sun will shine on you. But at other times, life can be stormy. Sometimes, the sailing will be plain. At other times, the territory will be rugged. It is important always to move on, with the determination to overcome adversity. "For sweet are the uses of adversity" as Shakespeare pointed out. You must face life's challenges with great vigor and courage.

In concluding, I am sure that with the excellent education you have received at this law School, you are well prepared to continue on life's journey and to face life's many challenges.

You should aim high and strive to make a difference. Each of you has the opportunity to fly as high as your ability, commitment and industry will take you. I wish all graduates every success and happiness.

Thank you. Good Health and Good fortune to you all.



From Tai Kwun (大館) to Siu Kwun (小館) – The latest Andrew Li and De Lege Lata Exhibitions on Campus

The recent opening of Tai Kwun, the new art and heritage centre in Central's former Central Police Station complex, including three declared monuments – the former Central Police Station, former Central Magistracy and Victoria Prison – has once again attracted public attention and focus on Law and Order in the city during the colonial period. Yet to explore more about various traditions of our legal profession in contemporary society, the newly staged LI Exhibition and De Lege Lata – Part II Exhibition are not to be missed.

Following his generous donation in 2014, Professor Andrew Li, Former Chief Justice (CJ) has donated to the Faculty another batch of historical items including his Instrument of appointment by Letters Patent as Queen's Counsel (QC) and Instrument of appointment as Chief Justice, with the former signed by the then Governor, Sir David Wilson, in 1988 on behalf of Queen Elizabeth II. Other precious items include the GBM Medal and CBE Medal he received. These invaluable items, together with his earlier gifts in 2014, including his court dress as junior barrister, ceremonial dress as QC, court dress as CJ of the Court of Final Appeal, HKSAR, and the red bag, wigs and wig boxes, will be on display in the Lui Che Woo Law Library (1/F Cheng Yu Tung Tower).



Professor Li at the unveiling in 2014.



Appointment of Queen's Counsel which Professor Li received in 1988.

During the unveiling in 2014, Professor Li thanked the Faculty for providing a “permanent home” for the judicial and professional uniforms which he had worn “day in and day out for 37 years”: 13 years on the bench and 24 years at the Bar”. Professor Li added to the collection with another set of very precious items – precious not just in signifying the important moments of Professor Li's stellar career. The items delineate the professionalism of law and dignity of the court. In Professor Li's own words “It is important for judges and advocates to wear a uniform in court. This is conducive to maintaining the dignity of the court and judicial process. Equally important, putting it on should remind the judge and the advocate of their respective important responsibilities: The judge to adjudicate disputes between citizens and between citizen and Government fairly and impartially without fear or favour”.

The Faculty is deeply honoured to be the home of the very precious gifts from the Former Chief Justice who has been widely recognised as a great Chief Justice who provided visionary leadership and has left an indelible mark in the annals of the history of the HKSAR.

We hope that the exhibition of this collection, together with the exhibition of De Lege Lata (recently enhanced to include materials on the traditions of barristers and solicitors) on 7/F Cheng Yu Tung Tower, will provide excellent resources to the community in understanding our legal system and traditions.

ALUMNI



HKU Law Alumni Choir Concert – Pop Through 50 Years

Music, like law, is a discipline which keeps evolving as time goes by, and yet, the charms of the ancient ones would never fade. This year, coinciding with the Faculty's Golden Jubilee, the Choir has carefully selected a series of familiar, landmark songs from each generation in the last half a century, with the theme "Pop through 50 Years". Through the old and new classics arranged by the Conductor Mr Jeffrey Sham, such as *Y.M.C.A.*, *Beat it*, *Paparazzi*, *Hero* and *All of Me* etc, the Choir and soloists including Mr Ronny Tong, SC, Ms Rayne Chai, Ms May Chan brought the audiences back in time and a wonderful evening on 17 November 2018.



STAFF

A warm welcome to new Faculty members joined during March-December 2018:

Dr Giuliano G. Castellano

Giuliano joined the Faculty as an Associate Professor. He is also a Fellow at the Asian Institute of International Financial Law (AIIFL) and a Fellow at the Higher Education Academy. Before joining HKU, he was with the University of Warwick and the London School of Economics and Political Science (LSE). Dr Castellano holds a Law Degree from Bocconi University (Milan, Italy), a PhD in Economics and Social Sciences from the Ecole Polytechnique of Paris, and a PhD in Law from the Inter-University Centre for Law, Economics and Institutions and awarded by the University of Turin. Dr Castellano's research interests are in the fields of financial regulation, international financial law, law & finance, and regulatory theory.

Jedidiah Kroncke

Jedidiah (Jed) comes to HKU as Associate Professor from FGV Sao Paulo School of Law (Brazil), where he taught after serving as the Senior Fellow at the East Asian Legal Studies Program of Harvard Law School. He earned his undergraduate degrees in Asian and Legal Studies as well as his doctoral degree in anthropology from UC Berkeley, and his law degree from Yale. He garnered post-doctoral fellowship at the law schools of Yale, NYU and Harvard. Dr. Kroncke's interdisciplinary work draws on the US, Chinese and Brazilian legal experiences, and is devoted to the productive indigenization of comparative legal analysis. His primary substantive interests are in international legal history and the development of alternative institutions in labor and property/trusts.



David Kwok

David Kwok joins HKU Law as a Lecturer. Before that, he was reading for a DPhil at the University of Oxford. David's research interests are anthropology of law, comparative environmental law and private law. He has published in the areas of comparative law, dispute resolution and historical practices of law. He will be teaching the subjects of Tort Law and Environmental Law. He enjoys travelling and hiking.



Stephanie Wong

Stephanie is a law graduate of this university. Before joining the Faculty as a full-time Lecturer, Stephanie was a part-time Lecturer teaching Commercial Law. She was called to the Bar in Hong Kong and joined Des Voeux Chambers in 2016. Her practice covers general Civil, Commercial, Intellectual Property, Competition, Chancery, Public law, and Arbitration etc. She is also currently serving as a Member of two Practice Area Committees of the Hong Kong Bar Association, namely the Committee on Intellectual Property Law and the Committee on Competition Law.



Jacky Yeung

Jacky obtained his first degree in Accounting at Macquarie University and completed the JD programme at HKU. He then started his teaching career as the Teaching Assistant in Accounting and Law in the HKU Faculty of Business and Economics and managed to identify his enthusiasm for teaching. After further completion of the PCLL and LLM programmes at HKU, he was called to the Bar in Hong Kong and eventually joined the HKU Faculty of Law as Lecturer. He will be teaching undergraduate Evidence and Criminal Procedure courses in the new academic year.



Charmaine Yip

After her LLB and PCLL with this University, Charmaine started her professional career with an international law firm, gaining experience in securities work and corporate finance. She has also worked for over 10 years in the Legal and Compliance department of global financial institutions, providing legal advisory services to the Equity sales and trading businesses. She is excited to be back at her alma mater as a Lecturer and looks forward to sharing her working knowledge and experience with students. Her duties/interests outside of work include chasing her young children around, and travelling and working out when she has the spare time.



Thank You and Goodbye

We would like to express our gratitude and best wishes to the following Faculty members who have left or will be leaving the Faculty:

- Professor Alexa Lam
- Professor Anselmo Reyes
- Mr Dave Lau
- Mr Eddie Leung
- Ms Jilian Yap

We wish them all the best in their future endeavours.

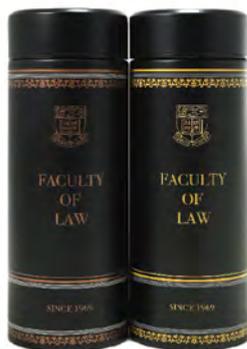
Retirement

The Faculty would like to thank the following colleagues for their dedication and contributions to the Faculty.

- Professor Athena Liu
- Ms Nancy Choi
- Ms Cecilia Chan

SOUVENIR

Available at Faculty Office (10/F Cheng Yu Tung Tower)



Thermal Flask (Bronze/ Yellow)
\$150 each



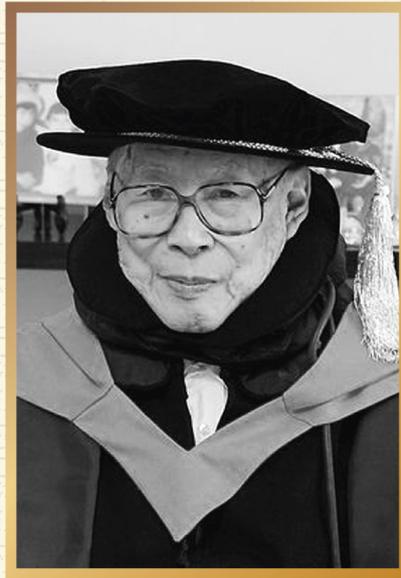
A5 notebook \$100



Certificate holder \$80



Pencase (Pencils Included) \$100



In Memory of Patrick, Yu Shuk-siu

We are sad to share with you the passing of Patrick Yu (BA 1942) on 12 January 2019. Patrick was one of the Faculty's founding fathers. He was an early advocate of a law school for Hong Kong and, as one of the first members of the University Grants Committee, he was closely involved in establishing the Department of Law at HKU in 1969. In his memoirs he recalls being 'naturally overwhelmed with pride and satisfaction to see the law school for which I had been clamouring for some twenty years become a reality'.

Over the past 50 years Patrick deepened his connections with the Faculty, returning often to give lectures, and becoming a friend and mentor to staff, students and graduates, several of whom served their pupillages in his chambers. In recognition of his many contributions to legal education and to society, the University conferred on him an honorary fellowship in 1998 and the honorary degree of Doctor of Laws in 2013.

Patrick Yu was one of Hong Kong's foremost criminal barristers in a career that spanned several decades. Some of his most celebrated cases are recounted in two volumes of memoirs, which have become essential reading for law students. They are a permanent record of his consummate forensic skills and his success in securing justice for defendants, many of whom were from poor backgrounds. Patrick's advice to students was that success depended on solid hard work and detailed planning and thought. He stressed the importance of ethics and conscience – advice that he exemplified throughout his long life with his own uncompromising moral courage.

Staff, students and alumni will long remember Patrick as a friend and supporter of the Faculty. We join his family, the profession and the community in mourning his passing. And we are indebted to his many contributions to the law and legal education during his long and exemplary life.

Professor Michael Hor
Dean of Law
The University of Hong Kong