

法律 CUHK
LAW

THE CHINESE UNIVERSITY OF HONG KONG
香港中文大學

Faculty of Law
The Chinese University of Hong Kong

10th Anniversary Chronicle

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CONGRATULATORY MESSAGES



The Honourable Geoffrey Ma Tao-li, GBM

Chief Justice of the Court of Final Appeal, HKSAR

It is with great pleasure that I add my congratulations to the very many already received on the occasion of the 10th Anniversary of the Faculty of Law. It is really quite remarkable how the Chinese University of Hong Kong has earned itself the reputation as one of the leading universities worldwide within the space of less than 55 years. It is nothing short of astonishing that the Faculty has firmly established itself - and this is reflected in numerous surveys - as one of the leading law schools in the world within ten years of its establishment. Much is owed to Professor Christopher Gane and his staff in this respect.

Reputations are hard earned and these days there are numerous objective indicators to be satisfied when universities and faculties are ranked. Of course I readily see the value of rankings and surveys but for me the success of a law school lies in examining its essence, ambition and purpose. The essence of the study of law lies in understanding human and societal interactions; these concepts can be distilled into one phrase - mutual respect. The ambition of any law school is not just to teach legal concepts and principles but to inculcate a proper understanding of the role of the law in a community. And so we arrive at the purpose of the law and the purpose of the study of law: to prepare students to respect the rule of law, to understand the role of the law in society and to provide an informed understanding of these matters to other members of the community. This is the ambition of CUHK's Faculty of Law and the high quality of the graduates, not to mention the teaching and research staff, reflect this.

I once again congratulate the Faculty of Law, and wish it much continued success in achieving its goals and further extending its roots in the Hong Kong community.



The Honourable Andrew Li Kwok-nang, GBM, JP

Former Chief Justice of the Court of Final Appeal, HKSAR

The establishment of the new Faculty of Law 10 years ago represented a substantial investment by the community. With the University's strong reputation, it was hoped that the Faculty would be able to attract good staff and students and this would enable it to build its standing within a short time. This would add diversity and competition to legal education in Hong Kong.

After a decade, these expectations have been completely fulfilled. The Faculty has a highly capable team of staff. Their research has been ranked most favorably by the University Grants Committee's Research Assessment Exercise in 2014. It has educated over 4,000 graduates who are of high quality and are appreciated by employers. It has good links with law schools outside Hong Kong. The Visiting Committee of external assessors reporting in January 2015 "was impressed to the highest degree with [its] development". In 2015, the Faculty of Law was ranked number 42 in the QS World Rankings. This is a remarkable achievement for such a newly established Law School.

I must take this opportunity of congratulating all concerned for what the Faculty has achieved. Looking to the future, we live in a rapidly changing world. In meeting the challenges ahead, I believe that it would be of fundamental importance to have firmly in mind two matters.

First, students must develop a strong sense of commitment to society. They must understand the core values of Hong Kong's separate system and the fundamental importance of the rule of law. It must

be recognised that the legal profession is not merely a market driven business but is a noble profession with ethical dimensions and honourable ideals.

Secondly, the destiny of Hong Kong is and will forever be as part of China. It would be important for students to gain an understanding of Mainland China in all aspects, including its legal system. This would enable them to deal effectively and satisfactorily with the continuous working of the one country two systems principle in the years ahead and beyond 2047.

Lawyers play a very important role in society. Lawyers are what the Law Schools make them. The Faculty has a vital mission in educating the lawyers and leaders of tomorrow. I am confident that under the able leadership of the Dean, it will progress from strength to strength and will continue to meet the high expectations of our community.



Mr. Carlson Tong Ka-shing, SBS, JP

Chairman of the University Grants Committee

I would like to extend my warmest and sincere congratulations to the CUHK Faculty of Law on this memorable occasion of its 10th anniversary.

With a view to encouraging the development of legal education in the wider interest of Hong Kong and having taken into account the capability of CUHK to mount the programme, the UGC in 2004 accepted the Academic Development Proposal submitted by the CUHK to establish a new law school. The CUHK Faculty of Law soon established itself a renowned law school in Hong Kong as well as in the Asia Pacific region. Since its inception in 2006, the Faculty has made remarkable progress both in the provision of quality legal education, having nurtured overall ten thousands of talents with solid grounding in legal knowledge in support not only of the law profession and but also of the social and economic development of Hong Kong. In addition, the Faculty has built up its outstanding capacity in research in a very short space of time, as showcased in the Research Assessment Exercise 2014, in which 64% of its submissions was adjudged of “world leading” or “internationally excellent”. I am confident that the Faculty, guided by its vision of promoting justice and safeguarding the rule of law, will continue to extend the frontier of knowledge and grow from strength to strength.

On behalf of the University Grants Committee, may I wish the CUHK Faculty of Law, including all of its students and staff, every success in its future endeavours.



Professor Joseph J Y Sung, SBS, JP

Vice-Chancellor and President
The Chinese University of Hong Kong

On this auspicious occasion of the 10th Anniversary of the Faculty of Law, let me extend to its students and staff my hearty congratulations. In the short span of a decade, the Faculty has made impressive strides in both teaching and research: it ranked among the top 50 law schools in the world according to a survey by Quacquarelli Symonds in 2015, and it came up first in the 2014 Research Assessment Exercise conducted by the University Grants Committee of Hong Kong. Such accomplishments, as well as others, testify to the strength of shared purpose and unrelenting commitment.

The continued success of Hong Kong depends a lot on the soundness of its legal infrastructure, and the Faculty of Law was set up with that conviction in mind. Almost every aspect of our life is influenced, if not regulated, by the law, which often represents the first step to solving many complex social and economic issues. I would therefore like to take this opportunity to encourage CUHK students interested in legal studies to tap into CUHK's strengths in multidisciplinary research to broaden their horizons and explore the many opportunities for collaboration between law and other disciplines.

To the founding members and staff of the Faculty, let me thank you again for your vision and contributions towards legal education and research and knowledge transfer. I am sure the next decade will see you all go on to even greater successes that both CUHK and Hong Kong can boast of.

Legal Education for Hong Kong's Future

Professor Christopher Gane

Simon F S Li Professor of Law
Dean of the Faculty of Law



The Faculty of Law celebrates its 10th anniversary at a time of considerable debate about the future shape of legal education in the common law world. In the United States, the American Bar Association's Task Force on the Future of Legal Education reported in 2014 against a background of deep dissatisfaction with the form and cost of legal education in the United States. In England and Wales a major review of the legal education and training conducted under the auspices of the Bar Standards Board, the Solicitors Regulation Authority and the Legal Executives Professional Standards Board is likely to lead to major changes in the routes through which aspiring lawyers are admitted to practice. And here in Hong Kong we await the outcomes of the Review of Legal Education and Training conducted on behalf of the Standing Committee on Legal Education and Training.

Legal education and training in Hong Kong has not had to deal with some of the major difficulties encountered in other jurisdictions. The problems faced in the United States, for example, - lack of jobs for law school graduates against a background of spiralling educational costs - are fortunately not replicated here. But beyond these operational questions, there is no doubt that Hong Kong faces issues that are shared by legal systems worldwide. The external environment against which legal education is likely to develop in the next five to ten years is less and less a predominantly "local" one. All legal systems, and thus all legal education systems, are faced with the impact of globalisation, economic and political uncertainty and the challenge of balancing global demands against the continuing need to address local issues. Hong Kong is no different. Indeed, as a major international centre, it is likely to face such pressures to a much greater extent than jurisdictions which do not have a substantial international profile.

So how should the Faculty address the future? This is not the place to embark on a detailed ten-year plan. What follows should rather be seen as an aspirational statement, a statement of principles within which the Faculty's various programmes and activities - existing and yet to be implemented - may develop.

Legal Education Based on Scholarship

The legal education provided by the Faculty must be based on scholarship that marks it out as a global presence in terms of legal research. This is not to say that the Faculty should place less value on teaching than it has done to date - quite the contrary. The relationship between teaching and research is a close and productive one, and while for many colleagues teaching is seen as a natural product of their research, for others research is constantly improved by interaction with students within and beyond the classroom. As we pursue excellent scholarship we promote excellence in the classroom.

Legal Education That Prepares Students for Citizenship

There is a perennial, and ultimately inconsequential, debate about what law schools do. Are we here to provide a general education that provides a means to intellectual growth and personal development, or are we here to train the next generation of lawyers. Very few law teachers subscribe to the view that the purpose of legal education is exclusively one or the other, and the vast majority recognise that we are here to do both. I believe that law schools are exceptionally well placed to prepare their students for something that is not just about their personal development, or their future careers, and that is preparation for citizenship. A healthy civil society depends on well-informed, articulate and engaged citizens, and the skills that are acquired during the study of law, along with the substantive knowledge that is acquired during that process, should place law graduates at the forefront of the civil society. This is, of course, especially important in the context of Hong Kong, as it works out its relationship with the rest of China. Above all, capable law graduates can contribute to an informed debate about the future development of the principle of "One Country - Two Systems" upon which the future of Hong Kong turns.

Legal Education That Acknowledges Global Challenges

Traditionally, and even today, the primary focus of much legal education is on the local. Students have not been presented with questions that have a wider import, and thus have not been equipped to address some of the most important problems that face us all today. This is in sharp contrast to what assails us each day from the news media - environmental issues, safe access to energy and other basic necessities, terrorism and violation of human rights. These are issues that are, of course, addressed by many elective courses in most law schools. But they must move much more to the centre of our programmes, either as required elements of the "core" law curriculum, or at least by way of programmes that focus on these issues. Students who are naturally concerned about future employment prospects will often adopt a rather narrow view of what "matters" in the law curriculum. It is our responsibility as law teachers to demonstrate to them the importance of subjects and issues that may not, in their view, be relevant to their future career direction.

Legal Education That Acknowledges Globalisation of Legal Practice

Legal practice is greatly influenced by globalisation and legal education needs to recognise this. Today lawyers need to know how their counterparts in other jurisdictions conceive of legal issues, and formulate solutions to legal problems. In a sense, this requires us metaphorically to turn back the clock to a time when legal education was not based on the concerns of the nation state, but on the inculcation of legal principle. In the jurisdiction in which I was initially educated as a lawyer (Scotland) it was historically common for aspiring lawyers to undertake much of their legal education outside that jurisdiction, pursuing the study of the Civil Law in Universities in the Low Countries, France or Italy, returning home to complete their legal education by apprenticeship to a local practitioner. This process produced lawyers who were technically adept in the requirements of their local practice, but who understood the principles of law applied throughout most of the rest of Europe. This is what modern legal practice will need, and what modern legal education needs to provide. At the very least, we need to open up to our students ways of understanding the principles upon which other legal systems are based, and the conceptual differences that exist between the Common Law and other major systems, in particular the Civil Law.

That understanding is especially important when addressing the relationship between Hong Kong's legal system and that of the rest of China. There are two aspects to this. The first is the role that Hong Kong lawyers (broadly defined) can play in

informing their counterparts in China about the fundamental principles and practice of the Common Law. The second is the role that Hong Kong lawyers can play in addressing the greatest of the uncertainties that Hong Kong faces - what will happen when the initial fifty-year period of "One Country - Two Systems" comes to an end. The maintenance of that system would seem to be the most desirable outcome. Certainly any attempt to effect a wholesale replacement of Hong Kong's legal system would spell disaster. Informed explanation of the advantages of the Hong Kong system, coupled with a willingness to explore areas in which the two legal systems might be brought closer together would seem to be an important role for Hong Kong lawyers. But it will need greater understanding on their part of the law in China.

Legal Education That is Technology-aware

The next decade will see enormous advances in the use of artificial intelligence in legal work. Significant claims are already made about the ability of programmes such as IBM's "Watson" and its derivative "Ross" to deliver routine legal research results faster and more accurately than human legal researchers. Opinions are divided on quite what this implies for legal practice. But it is clear that legal education programmes will need to become very quickly aware of these developments, and consider how and what they teach their students.

Legal Education That Can Adapt to Change

In short, all of this means that we must provide legal education that will help our students adapt to change. We must provide a form of legal education that inculcates in our students a "legal imagination", a habit of thought that allows them to produce answers to novel legal questions, and, indeed, a way of thinking that enables them to ask those novel questions. In order to do this, we must become less concerned with the detailed rules of our legal system, and focus on issues of principle and conceptual understanding. This is not an easy task, especially given the extent to which the content of qualifying law degrees is influenced by the concerns of legal professions. Those concerns are understandable, but it is our responsibility as legal educators to persuade them that it is in their interest as practitioners to support a principle - based form of legal education that should produce more intellectually adept young entrants to the professions.

This is an ambitious agenda, and one that will require hard work, imagination and a willingness to adapt. The Faculty has demonstrated these qualities during its first decade. There can be no doubt that it will do so for the future. ■

REFLECTIONS OF THE FOUNDING DEAN

The Birth of the New School of Law

Professor Mike McConville

Founding Dean
and Emeritus Professor of the
Faculty of Law



The birth of the new School of Law in 2004 represented the then missing piece in the jigsaw of the Chinese University of Hong Kong and offered one of the most exciting developments in legal education in Asia in modern times. What was envisaged at the outset was an institution with a broad approach to legal education, high-quality and innovative teaching, research-active staff, a commitment to local communities and a clear strategy in relation to Greater China. The character of the School and Faculty that emerged is best understood by looking at the foundational ideals and animating principles that underpinned its formative years and guided the recruitment of staff and students, the programmatic structure and its relationship with the external world.

The overall ambition was to give the Law School a distinctive definition and character by setting standards of excellence in teaching, research and programme design whilst ensuring that the School was of international character and fully integrated into local and regional communities. The general aim was to nurture the rule of law and the values of critical thinking, integrity, justice, collegiality, independence, responsibility, humility, dedication and public service enshrined in the traditions of the Chinese University of Hong Kong.

The School was never seen simply as the provider of services but as a co-operative enterprise. Its goal was to create a community of staff (teaching and administrative of equal standing) and students who would share the responsibility for securing the success of the enterprise as a whole. The ability of the Law School's aspiration to attract students and staff with the qualities, willingness and commitment to engage in the fulfilment of its aims was an essential condition of its success.

The School put extensive effort into the creation of research and teaching teams on the basis that teams are the locus for

testing ideas, formulating corporate strategies and delivering operational success. Together Professor McConville and Mrs. Diana Ying created academic, administrative support and development structures to enable this new family of colleagues to achieve the Law School's goal to reach international standards of teaching and research.

Amongst its goals, the Law School had two of particular importance. The first goal was to develop in its students the professional skills and orientations to enable them to adapt to changing circumstances and to work in a variety of legal contexts. The School aimed to broaden the students' perspectives by exposing them to different traditions of law in Hong Kong, China and the Asia-Pacific region generally.

The second goal was to encourage students to look behind the contemporary rules of law to examine the values, purposes and policies underlying the rules. Thus the School emphasised the acquisition of transferable skills and competencies rather than requiring the students to simply identify the existing legal rules. In addition to furthering the interests of those they might be called on to advise and represent, students would be encouraged to look at law in its various contexts. Students would also be encouraged to look at alternative and complementary methods of structuring and managing relationships to maintain harmony and good order to promote the welfare of the community as a whole.

Accordingly, the School aimed to provide for staff and all levels of students a learning and research environment in which they could look beyond the existing rules of law to the values and policy implications underlying the rules. Thus the School encouraged the habit for lawyers to examine the rules of law with an inquiring mind. Lawyers must accept responsibility for maintaining the integrity of the existing law and legal system, and responsibility to contribute to its progressive improvement.

The financial, public law and professional considerations involved in the establishment of the School of Law were reflected in its programmes and orientation. In view of its relationship with mainland China, together with its standing as an international financial centre, Hong Kong stands at the forefront of the global economy. Hong Kong's status as a Special Administrative Region of China presented both a challenge and a test of innovative constitutional order. The new School was fully conscious that the legal profession not only played an important part in the constitutional structure and the maintenance of the rule of law in a narrow sense. It also played an important part in the administration of justice and the rule of law in the wider sense by providing a framework for fair dealing at the international level and of the fair resolution of disputes at the local level.

The School also recognised that Hong Kong is a rich and diverse community. Most of the members of this community are not directly or indirectly involved in international financial activity. All of these members of the community, however, have a shared interest in a stable legal order and a set of legal rights and protections.

This includes the provision of legal defence and support and requiring the help of trained lawyers or paralegals. Lawyers who serve the needs of this wider community are seen by the School as engaging in important and demanding work which is equally as valuable as services provided by lawyers engaged in international financial work.

From 2005-2006 the School developed a comprehensive set of teaching programmes in line with its aspirations and received its founding students in September 2006, one year after a highly committed team of teaching and administrative support staff had been put in place.

A central pillar of the undergraduate teaching programme was the LLB. The education debate in Hong Kong in previous years had broken the mould of information-based teaching. It did not, however, provide a clear guide as to what should replace it except in the narrow sense of extending undergraduate study beyond three years. The School took the opportunity to breathe life into the concept of this new educational environment: 'learning by doing' infused by principles of 'constructive alignment'. The School's programme was designed to reflect our student cohort's very broad span of abilities ranging from school-leavers, local non-law graduate entrants and overseas graduates with divergent backgrounds, capabilities, ambitions and future career paths. We offered a flexible learning environment with multiple pathways (including Double Degree options with Arts and Social Science) to provide for students who would, in increasing numbers, establish their careers outside of legal practice.

The decision to establish a Juris Doctor Programme (JD) gave appropriate recognition to the generic needs of graduates from non-law backgrounds whose difficulty in fitting into an LLB structure had hitherto not been adequately addressed. This, however, was our starting point rather than the end point in thinking about the needs of graduate-entrants. The School took the opportunity to innovate by placing the JD programme on a proper postgraduate footing, thereby creating pedagogic and market leadership.

The School's newly created Masters Programmes were designed to meet the needs of a diverse groups of students from the Peoples Republic of China and elsewhere. The programmes focused upon Hong Kong's strengths as a global financial and trading centre. We therefore built upon Hong Kong's position as a gateway to mainland China with offerings in Chinese Business Law, International Economic Law and Common Law and placed particular emphasis on creating high status/high-end courses in order to ensure that we would become a world class international law school.

One year later, in 2007, the School established an innovative PCLL. We gave both pedagogical and structural recognition to the divergent needs of the two branches of the profession (solicitors and barristers) in order to resolve existing tensions within the learning environment. We therefore devised an appropriately integrated programme combining the mixture of law, procedure, skills and competences that characterizes current legal practice. Thus, our PCLL gave pride of place to the pedagogical principle of 'learning by doing'.

The new Law School was intended to be an essentially Hong Kong institution. However, given that the School is so closely linked to Hong Kong's international legal profession, whose activities transcend national boundaries, it was also necessary that the School had an international character and developed close relationships with legal institutions outside Hong Kong and centres of legal learning in the region.

Consistent with the University's mission, the new Law School set out to have a clearly articulated policy of constructive engagement with mainland China. The School therefore established joint research initiatives, joint conferences and collaborative publishing endeavours with mainland China. The curricula of the new School also reflected the University's overall policy of constructive engagement with China and the School's staff and student exchange programmes became an entrenched and regular part of the School's activities.

In addition to the School's teaching objectives delivered through its main programmes, the Sir TL Yang Society encouraged students to further their personal and professional development through engagement with the wider community. Under the aegis of the Sir TL Yang Society each student was linked to legal, business and political sections of the community through a mentor who would guide the student throughout the course of his or her studies.

The foundations for the future of the Law School were laid not only in the structure of its programmes but also in the principles and values upon which these were based. A talented and committed team of teachers, administrators and students gave expression to these enduring and fundamental values and principles. In 2008 the School of Law achieved full Faculty status - an extraordinary achievement - within four years from its inception, reflecting the sense of pride that the whole University felt towards its youngest Faculty. ■

A SNAPSHOT OF THE FIRST 10 YEARS

Dedication Ceremony of the School of Law, 9 November 2006

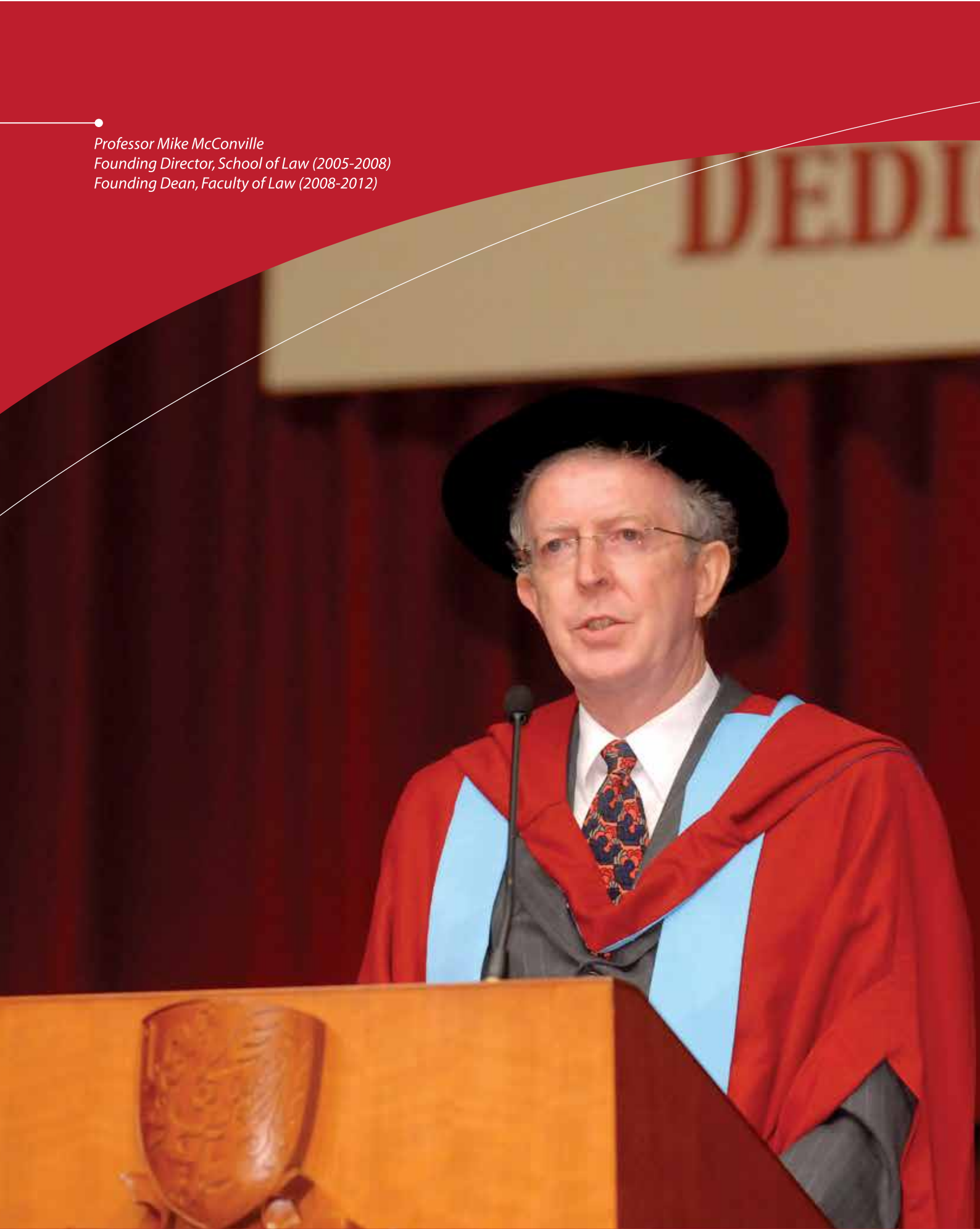


The Chinese characters representing the Faculty 「法律」 (law) were handwritten by Emeritus Professor Ambrose King, former Vice-Chancellor of The Chinese University of Hong Kong



School of Law at Mong Man Wai Building (2005-2008)

Professor Mike McConville
Founding Director, School of Law (2005-2008)
Founding Dean, Faculty of Law (2008-2012)



Founding members of the School of Law, 2005



Mrs. Diana Ying
Planning Officer (2004-2011)
and the first staff member of
the School of Law



Law Academic Advisory Committee Visit to Beijing in 2005

Press Conference to announce the establishment of the CUHK Graduate Law Centre in Central, 11 January 2006



International Conference on Crime, Law and Justice in Chinese Societies: Global Challenges and Local Responses jointly organised with the Department of Sociology, 16 March 2007



Naming Ceremony of Lee Quo Wei Law Library, 26 January 2007



Press Conference to launch the 1st JD/MBA Double Degree Programme in Asia, 10 January 2007



Warren Chan Moot Court



Naming Ceremony of Warren Chan Moot Court at the CUHK Graduate Law Centre, 15 August 2008



International Conference on Effective Judicial Review: A Cornerstone of Good Governance jointly organised with the Centre for Public Law, University of Cambridge, 10-12 December 2008

Postgraduate Scholarships and Prizes Presentation Ceremony, 2010



Faculty Dinner to celebrate the advancement of the School of Law to Faculty status, 24 February 2009



Orientation Day for Undergraduate Admissions, 2010

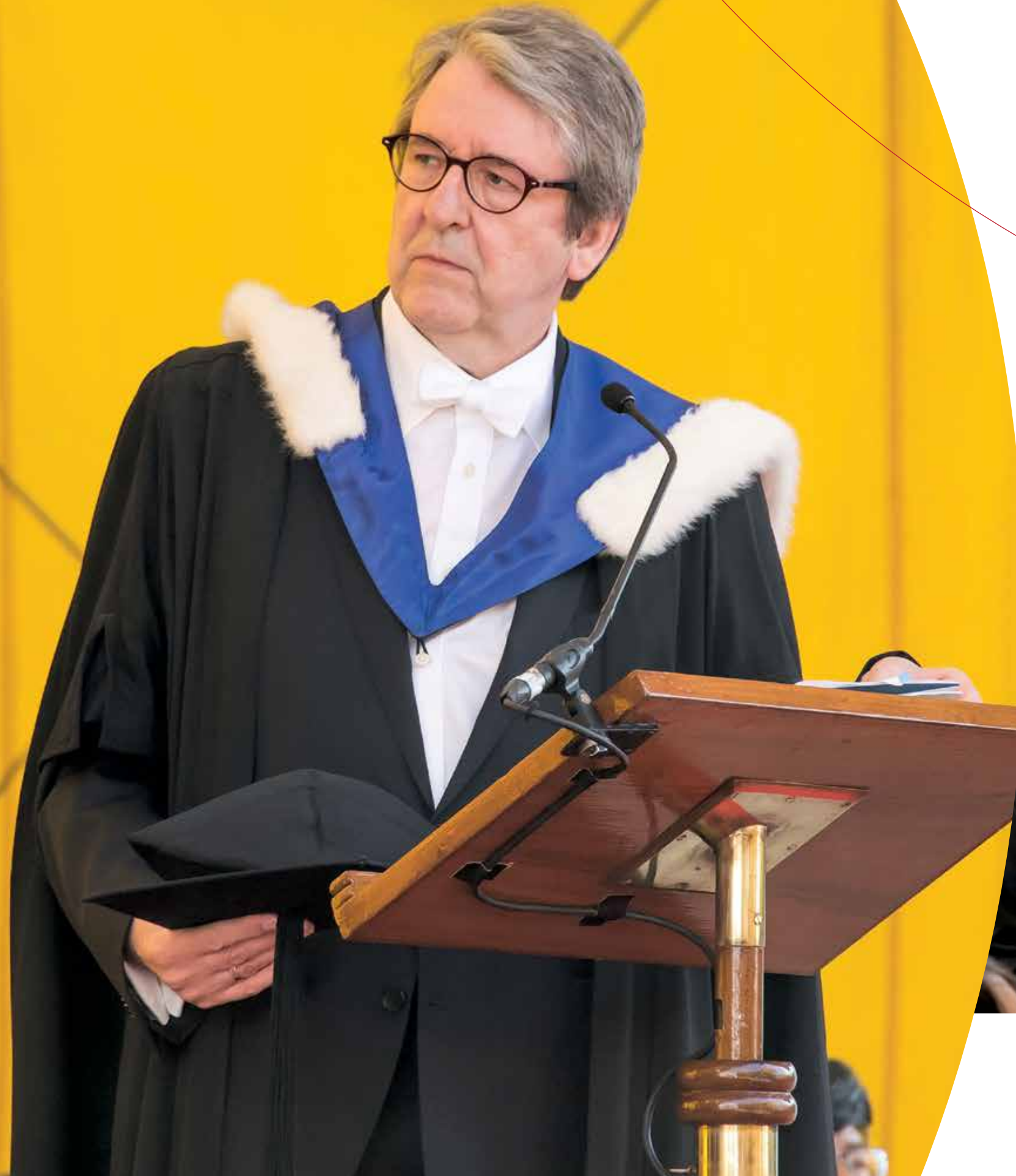
Faculty of Law at Lee Shau Kee Building (2008-Present)



On behalf of the Hong Kong Law Society, Mr. Lester Huang (right) presented a gift to the Faculty to mark the Faculty's relocation to its new premises at Lee Shau Kee Building in 2008



Professor Christopher Gane
Dean, Faculty of Law (2012-Present)



Orientation Day for Undergraduate Admissions, 2015



LLB Summer Study Abroad Programme at Osgoode Hall Law School, York University in Canada, 2016



The Sir TL Yang Society High Table Dinner, 14 May 2015



Postgraduate Orientation Day for JD and LLM students



PhD Candidates Summer Workshop



PCLL High Court Visit



LLM Programme Induction

*CUHK 50th Anniversary Distinguished Lecture
by The Honourable Chief Justice Geoffrey Ma Tao-li, 22 March 2013*



*Inaugural Lecture of
Wei Lun Professorship in Law by
Professor Lutz-Christian Wolff,
13 January 2015*

*A Dialogue between The Honourable
Justice Antonin Scalia and
The Honourable Justice Kemal Bokhary
on Judges and Democracy,
1 February 2016*



PERSPECTIVES ON TEACHING AND LEARNING

Lessons from the Courtroom: Bringing the Classroom to Life and Bringing Life to the Classroom

Professor Gregory S. Gordon



Introduction

In my years as a trial attorney in various fields (civil litigation, international and domestic criminal prosecutions, human rights cases, immigration matters), I came to realize that, regardless of the context, courtroom presentations were most effective when the materials presented to the finders of fact could, to the greatest extent possible, come to life. Use of visual evidence, such as photographs, video recordings, or physical evidence, could be quite effective in this regard. Putting the witness at ease during direct examination so she could speak more freely and vividly, effectively conjuring the scene for the jurors or judges, was also quite valuable. And, of course, reliance on demonstrative evidence - graphs, charts, diagrams - could work wonders in terms of successfully advancing the case. At the same time, clarity, concision and confidence, in setting the basic parameters in an opening statement, and, at times, passionate advocacy in a closing statement, could play a significant role in determining the outcome of a case.

When I became a law professor, I wondered how this wisdom regarding effective presentations in the courtroom might translate to the classroom. Over time, I have come to some conclusions, in that regard.

First, the vivid witness account, which would seem to recreate the scene as if it were happening in the courtroom, made me realize that bringing in something that approximated a real-

life scenario in the classroom could be quite effective. So I have learned to rely heavily on the use of hypotheticals and simulated situations.

Second, as the use of visual and physical evidence, as well as demonstrative aids, was very helpful in the courtroom, I have come to appreciate the comparable worth of audio-visual materials in the classroom, such as scenes from plays and clips from feature films.

Finally, given the central role in the courtroom of convincing verbal expression - i.e., expressing ideas, theories and evidence in a clear fashion that makes them tangible and real but also describing them with conviction and flair to stress their significance - I try to employ the same kind of verbal strategies with a pedagogic focus. This includes use of the Socratic Method along with lectures laced with humour.

In the balance of this essay, I will describe how I have used these strategies and provide some examples.

Experiential Learning

With respect to experiential learning, by way of example, in my Issues in International Law class, I have had students represent different countries in negotiating provisions for an updated Universal Declaration of Human Rights. Each student is given information about the country he or she represents and is told to reflect the country's position in the negotiations. If the provision to be revised relates to freedom of religion and the countries in the negotiation session are China, Norway, the United States and Iran, the negotiations can be quite challenging and the students have to be creative in drafting revised provisions. The students then share the various provisions that have been negotiated and they are often thunderstruck by the results.

Instead of seeing what might appear to be calcified legal principles that have been around for almost 70 years and are more like scriptural marble than group-dynamic alchemy, through the revision negotiations they see how a living, breathing document is born and how initially fragile it was coming into being. In this way, the law becomes organic and supple but also potentially vulnerable and adaptive. Students hopefully learn that they will become stewards and protectors of these norms. And perhaps they realize that they must use a combination of intuition, intellect and good ethics to operationalize these rules and aspirations with any degree of success.

Use of Audio-Visual Materials and Games

Group exercises and discussions certainly help bring the real world into the classroom and engage students. But there are other important ways this can be done. In this regard, I use film clips generously. In Principles of International Law, for example, to illustrate the ancient lineage of diplomatic immunity I show the "tennis ball" scene from Kenneth Branagh's *Henry V*. In the clip, the king is insulted in his court by a representative of the French Dauphin, who offers the unlikely tribute of the tennis balls, and the king declares war. But even as he vents his bellicose intentions, he asks his vassals to give the terrified French diplomat safe passage. The students are clearly entertained and enlightened about this ancient norm but they also gain an appreciation for how the rule of law can be respected, and must be respected, in even the most volatile situations.

Another method for "audio-visual" engagement is via simulated television games testing student knowledge of the materials. My favourite one for this purpose is Jeopardy!, based on an American quiz show where contestants provide responses in the form of questions (as opposed to answers). This provokes a lot of gaffes and laughs at first but the students catch on quickly and their performance in the game helps them realize how much important information they have learned in the class. So, for International Criminal Law, for example, if I said: "This United Nations organ authorized the creation of the International Criminal Tribunal for the former Yugoslavia." The proper response would be: "What is the Security Council?" This becomes a fun and easy way to master material that might have been difficult to retain or digest at first. I always remind them that the point of this exercise is to have some fun in learning, not the competition itself.

Lecture and Discussion

But while all these techniques to bring the classroom to life are an integral part of my teaching, they are not at the very core of it. They enrich and accentuate but they do not replace the foundation of learning in the classroom - the lecture itself. And by "lecture," I do not mean delivering a monologue while the students passively take notes. Rather, there is an interaction between professor and students that draws out the essence of the materials being studied.

If we are examining a case, students will be asked to describe the facts, frame the issue, and explain the decision. If there are policy implications undergirding a rule, I will stimulate discussion to elicit the students views on this. I make a point of using humour as much as possible. Often, I will poke fun at myself (analogizing a gaffe I made at the grocery store, for example, to illustrate a point related to customary law).

And if I want them to think very deeply about an issue that may not be easily resolved, I will use the Socratic Method. For instance, I may give them a doctrinally muddled hypothetical and engage them in series of questions and answers to see if they can try to resolve the blurring conceptually. I try to be very reflective and intentional in closing the loop on the hypothetical and I offer perspective, while giving students the chance to add their own.

And this relates to something I tell students at the very beginning of the term - that we are like a team. And together, as a group, we will work through issues and discover big ideas. We can disagree with each other. But we must always be civil and professional.

At the same time, when I do lecture, in order to convey a complex concept or emphasize an important point, I strive to convey to the students how interesting I find the material. If the students see that I am enjoying the material, then, I believe, they are more likely to enjoy the material. And this may be the most important part of bringing the classroom to life - instilling passion in the teaching. And for me, this is very easy to do. I love my job. And I think that, more than anything else, is what livens the lesson.

Conclusion

Ideally, a class session contains all of the elements I have described in this piece. It could begin with a film clip, which is used as a launching point for a discussion. Then it could involve a "mini-lecture" followed by a group exercise, another mini-lecture and then a game. Sometimes an entire class is devoted to an experiential exercise, which helps the students apply the many rules they have learned. Some classes will necessarily be focused on lecture, with a group exercise coming at the end. But another may feature a group exercise at the outset but then finish with a lecture.

The point is that each lesson plan is different - there is no one-size-fits-all. The best lessons plans, I believe, will mix and match these various ways of imparting knowledge to students. And if I am doing my job correctly, I believe, that knowledge will be conveyed to the students through passion, humour, and a good dose of circumspection when the serious moments call for it. The key, however, coming full circle, is to use all these techniques and all these emotions to bring life into the classroom - real-life situations put into perspective by lively discussions that arouse life-long learning passions. In the end, what was true in the courtroom has turned out to be true in the classroom as well. ■

Studying Law: A Student's Perspective

Nicole Yeung

Interview by Anne Carver



Miss Nicole Yeung is a third year LLB student in 2016/2017. She has actively participated in a wide range of activities organized by the Faculty and the Undergraduate Law Society. For this interview, she talks about her student life and study experience at CUHK and about how studying law at the Faculty of Law allowed her to grow both intellectually and personally.

• Why did you choose to come to The Chinese University of Hong Kong's Faculty of Law?

I was first drawn to the campus and environment of The Chinese University of Hong Kong and then when I came to the Open Day, I found the teaching staff very warm and welcoming. There is something about joining a young Law School that makes you feel like you are part of the beginning of something: you are laying the foundations of the law school and setting standards rather than simply meeting them.

• What is about law that you think is important?

I think the law helps us keep our conscience in check and helps to maintain social harmony. Law is very important as an instrument to keep our society together and safeguard the rights and privileges of every citizen.

• You talk about harmony and the role of the law in society, can you tell me what the rule of law means to you?

For me the rule of law maintains social stability and harmony without actually interfering with the lives of people in society. That is the difference between the rule of law and rule by law. The rule of law operates on mutual respect - For a successful rule of law system, we must respect the law and in turn, having the law respect the rights of citizens and ensure that there is no arbitrary exercise of power.

When I was studying Constitutional Law, the rule of law came up as a key topic of debate. We debated the rule of law and my professor often reminded us how important it was for a successful legal system to have a rule of law instead of by law. I think with that lesson, this concept has stuck with us and will be with us in all the future subjects that we will cover.

• What is your favourite study mode?

Study groups are life savers especially when you are studying with a group of friends whom you share similar study patterns with. First, it makes studying less boring and less unwelcoming. Secondly, you can approach the same problem from different perspectives, which is great. Sometimes when you study you cannot cover all the materials but when you have Study Groups you can share your ideas and others can rebut your ideas. It helps cover a lot more ground in terms of the content you have to absorb for your finals.

• How do you cope with pressure?

Law is definitely a tough subject to study and I would be lying if I said it was easy. So it is definitely challenging as you have many lectures and tutorials each week for which you must be prepared. That being said, it's not impossible to do provided you have good time management skills. Hopefully you will find some subjects very interesting and once you enjoy something it makes it less challenging anyway. Having an interest for the subject you are tackling makes it enjoyably hard, at least.

• What have you enjoyed most about being a law student?

The thing I enjoy most about being at the Faculty of Law is that we have a great support base provided by Faculty staff. We have two main support bases. One is the Academic Advisor programme where each student is assigned to a professor from whom you can seek any academic or general advice. We also have a Distinguished Professional Mentor programme where a student is assigned a practicing member of the legal profession and it is external support as opposed to internal support. Studying is great. I also love being with my fellow students. We share a lot of things in common. We are doing a tough subject together, but sitting together at lectures makes it easier; it makes the whole subject feel easier when you are doing it with friends.

• Can you describe the kind of teaching you received?

In terms of teaching I think the overall environment is very friendly and all the staff are extremely approachable. It is almost like the teachers are doing the course with us. So the teachers are very engaged in class and they offer a lot of support even after teaching hours. I can definitely tell that that they are very dedicated to sharing their knowledge with us.

• Last year you ran for the President of the Undergraduate Law Society. Why did you take on this challenge?

I think taking up this challenge has given me an insight into what being a leader means. I think leadership is very important for law students as they are essentially the protectors of the Undergraduate Law Society. I decided to run for President of the Undergraduate Law Society because I had a vision of what I wanted the Society to bring to the students and to the Faculty. I was confident that I could influence the members and my fellow executive members to share that vision with

me and to work with me in achieving that goal. But to do so, I first had to take initiative, which is why I decided to take on this challenge. And on a wider scale, that is what lawyers should aim to do. So leadership in law is rather like our Undergraduate Law society but on a wider scale.

• Leadership also requires courage. Tell us what it was like to stand for election and what was your vision?

It was not easy to step up to run for President. My vision when I decided to run for election was to bring students closer to the Faculty and to integrate students from different years as a whole. My aim was not to isolate each year group from one another but rather to enable the senior year groups to share their insights and experiences with the lower years. This would equip students with valuable knowledge and experience as early as possible for their journey through Law School and also help bridge the gap between the Law School and the wider Legal Profession. I wanted the Society to reach out externally, to connect people and to, hopefully, give more opportunities to the students in preparing for their future careers.

• Does the Faculty help you with any problems you face as a law student?

There is a lot of help from the Faculty. We have the Distinguished Professional Mentors and the Academic Advisors who offer a lot of assistance in helping the students realise what they really want to achieve in their careers and remind them that study is important but that studying is not the be all and end all. Students can go to their Academic Advisors at any time to seek advice on time management or possible alternative career paths. The Faculty offers a helping hand when needed.

• Do you have any message to a student who might be thinking about coming to CUHK Faculty of Law?

A message I would give to prospective students would be that law is tough, generally speaking, but studying at the Faculty of Law here is definitely exciting and the only pressure you will receive is from yourself. Just remember, you will face the challenges and overcome hardships along with everyone else doing law at CUHK, so you will not be alone! ■

The Rise of a Mooting Giant

Professor Peter Rhodes

Interview by Anne Carver



Professor Peter Rhodes is one of the School of Law founding academics. He is particularly well-respected for having set up the Faculty's highly successful moot programme. In this interview he shares his journey to moot success.

• What was your first moot experience like?

When I arrived the Faculty in 2006, I was told that the law school had entered a team of law students for an international arbitration competition in Hong Kong. Although we had a team, there was no real coach so I was asked to be the coach. I had to teach myself what the moot was about. I was fortunate that, at the time, there was a young German graduate here on exchange who, as a student, had participated in the VIS East Moot. I was able to recruit him and I worked with my colleague Dinusha and the three of us coached the first CUHK team to participate in an international moot competition. Mooting is a part of the curriculum of all good law schools and in the first year of teaching at CUHK moot was part of the curriculum. We began modestly participating in the VIS (East) International Commercial Arbitration Moot in the first year of 2006 with only six students in the team. They were confident and articulate and very keen to do well. In fact they went on to do very well indeed in the competition and became great ambassadors for our university and law school. The moot programme has now expanded and we have internal moot competitions and participate in local, regional as well as international competitions.

• Could you tell us more about how the moot programme evolved at the Faculty?

For the first moot competition we had the advantage of the young German who had gone through moot and who shared his experiences with us. We were all learning

together and, as we expanded by adding more moots each year, support kept growing. There was tremendous student interest; we got great support from the Faculty who were willing to be coaches; and Dean McConville was willing to give us time to work with the students. The programme evolved incrementally to meet demand.

Mooting was certainly a way a new law school like ours became known locally, regionally and internationally.

Locally we became known because we participated in Hong Kong moots with the other two law schools, and the judges in many of those moots were partners in leading law firms, members of the judiciary, and leaders at the Bar. We were brought to the attention of Hong Kong practitioners and it gave them a first hand opportunity to look at the quality of our students, see them as advocates and to read their written submissions.

We also participated in regional competitions, such as the Law Asia Moot and the Red Cross Humanitarian Law Moot, and that meant that our law school came to the attention of leaders of the legal profession throughout Asia.

Finally of course, internationally, our teams entered the Jessup Moot. This moot begins with 600 law schools competing from around the world and finishes in Washington, DC.

We went in to these competitions as a total unknown but our teams have done well and now our Faculty of Law is known and globally recognised as a result of these moots.

• What makes a good moot team?

First of all you have to have very bright students and we certainly have bright students in all our programmes. I should, as an aside, say that moot is unique because it is the only course where we have LLB students, JD students and PCLL students all in one class, which means we have the brightest and best students all working together. Secondly, apart from being just very bright students, they are all highly motivated, want to do well and hope to become ambassadors on the regional or international stage. So they put in a huge amount of effort, long hours, work late at night to meet deadlines and really do seem to have this wish to excel. They have - to put it in the language of sports - a 'winning attitude'.

• Is moot a good training for students?

Mooting develops a wide range of legal skills:

First of all it introduces students to a new area of the law, which they explore in detail. If they go into the VIS Moot they are exploring international arbitration and the international sale of goods in great detail, which expands their knowledge base.

It develops skills, for example, the ability to analyse a very complex detailed fact situation. The problems students have to deal with include reading 60 to 80 pages of very complex facts, exhibits and documents. Then, having identified the issues, they have to engage in deep legal research. They must also develop superb writing skills because they then have to write very deep, complex written arguments. Finally, of course there is advocacy: moot develops their oral skills.

It also develops, however, what we might call life skills: an opportunity to learn to work in a team. Mooting develops students' ability to work with difficult people; to learn how to motivate each other; to manage their time; and how to meet deadlines. These life skills are very important for young people going into the practice of law.

• What are you looking for in a potential mooter?

I'm looking at a range of skills. Not everyone is selected as an advocate. They may, however, be superb researchers, maybe very good at writing written arguments. So in a sense it's horses for courses. Because they are part of a team and the team comprises those who are good at research, those who are good at writing and those who are good at advocacy. It is the rare student that is good at all three. Very good students may be good at two out of three but as long as they have enthusiasm and the commitment and do their best in all three, they do well when it comes to assessment.

• Is moot fun for students?

Mooting is good to have on a student's CV. The students know they will learn a whole range of skills that they cannot learn on any other course. It is also a unique opportunity for the juniors to work with the JDs. Now we have got to the point where we say we have 8 places on a moot team but we have as many as 100 student applicants. The selection process is now hugely rigorous: applicants have to give us writing samples; they have to do simulations; and also to do an interview. I use members of the previous years' teams on the interview panel - not just me - so now it is not so easy to become a member of the moot team. The students have to shine just as much here as they do in any interview with a law firm.

• As you mention, places for international moots are limited; does that mean not all law students get to participate in moot?

We give every student the opportunity to participate in moot in a number of ways. In the LLB we have an elective moot course. A number of those students who have taken the basic elective moot course have then gone on to be selected for an international moot team. The students themselves have taken the initiative and they have formed an LLB moot society and they have organised moots and have invited all LLB students to participate.

Our students have participated in moots against the other two law schools in Hong Kong so we have tried to provide an opportunity for every student at different levels to engage in moot. In other words the students experience team work, hard work and motivation. It makes being a law student fun.

• Finally, what are the moot achievements of the students you are most proud of?

For a new Law School coming up to celebrating its 10th anniversary, the achievements of the moot teams have been truly remarkable. All credit must go to our students who are very intelligent, motivated and hardworking and the support by our Faculty coaches.

In the Jessup Moot, for example, our team won the Hardy C. Dillard Award for the best written memorial which means that they wrote the best memorial out of the 600 teams who entered the competition. For a new law school that is remarkable. We also won the Law Asia Moot competition two years ago so that made us the best Law School in the Asia Pacific Region for that competition. Not only did we win the competition itself, but we also won the competition for the best written arguments and the best oral arguments. In the Vis Moot Competition four years ago, one of our oralists was ranked number 3 out of the 600 students who argued - again a remarkable achievement. These sorts of achievements reflect the ability, the talent and hard work of our students and have certainly made the legal world, both regionally and nationally, sit up and take notice of CUHK and its new Law School. ■

MOOTING



CUHK Moot Team won the coveted White & Case Jessup Cup in the qualifying rounds of the Philip C. Jessup International Law Moot Competition in 2016 and also swept the prizes for Best Applicant Memorial, Best Respondent Memorial, Best Oralist, and Second Runner-Up Oralist



CUHK Moot Team won the championship and the LAWASIA Trophy for Best Memorial at the LAWASIA International Moot Competition in 2013



CUHK Moot Team won the championship at the International Criminal Court (ICC) Moot Court Competition Chinese version in 2016



CUHK Moot Team won the championship at the Willem C. Vis (East) International Commercial Arbitration Moot, and also swept the prizes for Honourable Mention for Respondent's Memorandum and Honourable Mention for Oral Advocacy

Faculty of Law

RESEARCH IN

THE FACULTY OF LAW

From a Standing Start to Leading the Field

The Faculty of Law has been able to grow and thrive through the quality and attractiveness of its teaching programmes, which are the main drivers of its economy. But a law faculty - indeed any academic entity - cannot hope to achieve an international reputation based solely on its teaching, however excellent. True excellence depends on the combination of high quality teaching and research excellence, and in this regard again the Faculty has made great progress. Its research output is prodigious - more than 800 scholarly outputs since 2010, nearly 25% of which are scholarly books and chapters, and 35% of which are journal articles, and the bulk of the remaining outputs conference papers delivered at conferences locally, regionally and internationally. But quantity is not the real measure of success here - what counts is the quality of research. Here the Faculty does not need to sing its own praises. The Faculty has recently undergone two external evaluations of its research activity.

In the first of these - the "Research Assessment Exercise" conducted by the University Grants Committee in 2014-2015 - a panel of local and international experts in law ranked 64% of the Faculty's research activity as either 'world leading' or 'internationally significant', which was the best performance of the three law schools in Hong Kong (CUHK, University of Hong Kong, City University of Hong Kong). In the same year, in its report to the Vice-Chancellor on the state of the Faculty, an external Visiting Committee (comprising Professor Leon E Trakman, Professor Ray Cocks, Professor John Jackson, and Mr. Malcolm Kemp) commended '[t]he strong commitment of the Faculty towards excellence in research supported by a strong research management structure which has resulted in top quality research outputs, success in research grants, a vibrant research postgraduate community and clusters of research excellence in clearly identified areas'.

There is not space to feature all of the excellent research that is currently underway in the Faculty, but three of our outstanding early career researchers have provided an insight into their work and what motivates them as researchers. Their statements give us at least an insight into the diversity and richness of the CUHK Law community of researchers.

Professor Jyh-An Lee

My research has focused on the interaction between law, technologies, markets, and human behaviour. I have written about all primary aspects of intellectual property (IP), including copyright, trademarks, patents, and trade secrets. A major focus of my research concerns IP development in China. I have investigated how China learns western IP rules, recognizes the value of IP, incorporates IP as part of its national and business strategies, and uses IP and IP law as weapons to fight against its western competitors. I use the evolution of IP practice as a lens through which to understand the social, economic, and technological development of China. One example is that I have been involved in a series of research projects exploring standard-essential patent (SEP) issues associated with China. In recent years, the communications industry has seen increased litigation concerning SEPs in many jurisdictions. Multinational enterprises, including Qualcomm and Samsung, face patent or anti-monopoly litigation or administrative investigations over SEPs in China. At the same time, Chinese companies, such as Huawei and ZTE, have played a major role in shaping the European Court of Justice's judgments regarding SEPs. Because China has grown into a major player and market in the worldwide communications business, its public policy, court decisions, and private business strategies concerning SEPs are likely to have a huge global impact in the high-technology sector.

I have also been fascinated by Internet development in China, where the strictest regulations and nimblest business models surprisingly co-exist. I have published some widely-cited papers on Chinese Internet law, ranging in focus from the Internet filtering enabled by the Great Firewall, the regulation of political and non-political free speech in blogs and microblogs, the legal and technological control of search engines, and Chinese hackers and international cybersecurity issues to real-name registration rules imposed on Internet and mobile service providers. Based on these works, I have a number of ongoing research projects covering a variety of issues, such as p2p lending and Internet financing, mobile payment, blockchain national cybersecurity concerns, Internet norms, trust-enhancing mechanisms, and dispute resolution associated with major Chinese Internet platforms. These seemingly discrete issues reveal a legal and technological infrastructure that is quite dissimilar from its Western counterpart. Furthermore, China's unique Internet

regulatory approach has occasionally generated a spillover effect in jurisdictions outside China, as well as in the global Internet architecture. Therefore, scholarly focus in this area has shifted from "how the Internet will change China" to "how China will change the Internet." This remarkable development forms an important part of my recent scholarship. ■



Professor Lee holds a doctoral degree (JSD) from Stanford, an LLM from Harvard and an MBA and an LLB from National Taiwan University. He is admitted to practice in Taiwan.

(LWOP). My research has also extended to exploring recent populist backlashes against the European Court of Human Rights in England in the field of criminal justice.

I believe that within the learning environment of CUHK Law, I am at once a student, teacher and researcher, eager to learn from all students and colleagues. With tremendous passion, I love to view teaching and research as an organic whole. I expect my students to view legal issues from outside a conventional frame of reference and experience the joy, liberty and enlightenment which independent thinking brings together. Socrates said it best: 'this power (of knowledge) is in the soul of each and is the instrument with which each learns'. ■

Professor Michelle Miao

Among my research interests are the intersections between the domains of criminology, human rights, socio-legal studies and international law. My doctoral thesis (2013) presented material from one of the first empirical studies of China's recent death penalty reform under the influence of international human rights law. The core empirical component of the thesis was a series of elite interviews with penal professionals at national and lower levels in China, including judges, prosecutors, and legislators, who are proximate to the sources of information held by state authorities, or closely involved in the day-to-day administration of capital punishment.

My recent scholarship focuses on the administration of criminal law and policies in China and the United States. I have researched post-reform capital sentencing process in mainland China and examined the role of long-term incarceration, in particular the suspended death penalty regime in contemporary China. I have carried out interviews and data collection in multiple U.S. jurisdictions, with the aim of enriching our understanding of the regime of "Life Without the Possibility of Parole"

Professor Bryan Druzin

I am a legal theorist. My scholarship applies game theory and behavioral economics to various areas of law and political theory. I have published extensively with leading U.S. law schools (Duke, Cornell, Vanderbilt, Georgetown, etc.), international peer-reviewed journals, and have contributed to several edited volumes published by Oxford University Press and Cambridge University Press. I am a frequent speaker at legal forums around the world, and am regularly interviewed by international media on issues related to my scholarship.

My scholarship relates to a single, defining idea: the bottom-up emergence of legal order, and the structural causes that underpin and shape this emergence. This topic cuts across a broad range of legal domains. My work thus addresses some of the most pressing issues of modern legal theory, such as the self-ordering potential of private law, treaty stability in public international law, the emergence of global governance, the growing power of soft law, spontaneous changes in mass social norms, and the self-ordering nature of customary law, rights, and markets. In pursuing this bottom-up analysis of law, I am contributing to and helping to lead a contemporary trend in jurisprudential scholarship. My work is highly interdisciplinary. It draws from economics, political science, sociology, and normative ethics, and has been deeply influenced by a diverse range of thinkers, such as John Rawls, Michel Foucault, Friedrich Hayek, and David Hume.

My research is steadily expanding in depth and scope. I have recently received extensive funding to conduct a series of games involving hundreds of participants to empirically support my theory of property rights emergence, a project which has already attracted widespread interest. My current research projects explore the implications of bottom-up ordering for the emergence of global governance. This subject has captured my research focus because it is a topic of profound importance as the world grows increasingly globalized. Given the current political and legal fragmentation of the international system, the task of sustaining coordinated action on a host of critical issues from climate change to international security remains elusive. This difficulty, however, does not impugn its possibility - it merely speaks to the inadequacy of our current governance structures. The perennial dilemma is how, in the absence of a central authority, can the international community



Professor Druzin holds a BA, an LLB and an LLM from the University of British Columbia and a PhD in law from King's College London.

establish institutions of stable governance? The answer, I argue, must come in the form of bottom-up ordering. The central question I wish to answer therefore is this: employing our knowledge of game theory, is it possible to fashion structural mechanisms that will accelerate the emergence of global governance?

We are living in a period of complexity and rapid evolution, in which we do not have the luxury of waiting for the slow advance of global governance - we must accelerate this process through every means at our disposal. It is the importance and fierce urgency of this project that drives me as a researcher. ■



Professor Miao holds a doctoral degree from University of Oxford and two Master's Degrees, one from Renmin University of China Law School and the other from New York University Law School. She was appointed as a British Academy Postdoc Research Fellow at University of Nottingham, School of Law (2015), a Global Research Fellow at New York University Law School (2014) and a Howard League post-doctoral fellow at Oxford University's Centre for Criminology (2013). She was a member of the corporation and securities law group at HellerEhrman LLP (New York and Hong Kong).

GRADUATIONS



GRADUATIONS

In 2007, the CUHK School of Law held its first Graduation Ceremony to celebrate the graduation of 58 founding students at the Sir Run Run Shaw Hall. Since then, every year the Hall has been filled with an ever increasing number of impeccably robed and capped graduates.

At its 10th Anniversary in 2016, the Faculty of Law is proud to have 4,907 graduates from six different programmes:

LLB 479

JD 1,314

LLM 2,034

PCLL 1,056

MPhil 5

PhD 19

Our Guests of Honour

The Faculty would like to express its gratitude to the Master's Degree Graduation Ceremony's distinguished Guests of Honour, who have sent our graduates off into the world with inspiring words and important lessons for life.



Professor Christopher F. Forsyth (2010)



The Honourable Mr. Justice Ribeiro (2013)



Dr. Anthony Neoh SC (2007)



The Honourable Wong Yan-lung SC (2014)



The Honourable Chief Justice Geoffrey Ma (2011)



The Honourable Elsie Leung Oi-sie (2012)



The Honourable Justice Annabelle Bennett (2015)



The Honourable Mr. Justice Bokhary (2009)

The Faculty is honoured to have the Chairman of the Hong Kong Bar Association, Ms. Winnie Tam SC, as the Guest of Honour for its 2016 Master's Degree Graduation Ceremony, to be held on 19 November 2016.

CAREER DEVELOPMENT AND PROFESSIONALISM

The Perfect Job

Paul Mitchard QC



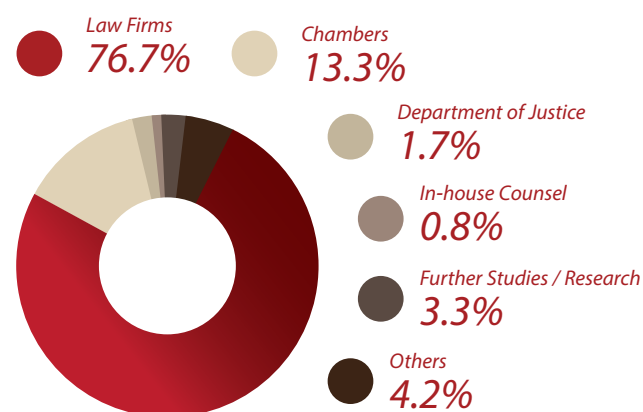
Mr. Paul Mitchard QC joined the Faculty of Law of The Chinese University of Hong Kong as Director of Career Planning and Professionalism in 2014, after more than 35 years in private practice. In this article he shares his experience of setting up an effective careers office at the Faculty of Law.

It is now almost two years since, when sitting one day at my desk at Skadden Arps, the telephone rang and an old college friend, Richard Morris, announced "I've found the perfect job for you". I came to learn that the CUHK Law Faculty had decided upon the need for a careers office and were looking for someone to lead the initiative.

Always one for a new challenge and, as I had mentioned to Richard in a conversation a few weeks earlier, having almost reached the firm's retirement age, I decided to apply for the post of Director of Career Planning and Professionalism. As a law firm partner I had been involved in recruiting lawyers from around the world over a period of almost 30 years, but working inside a university was a very different challenge.

I came to learn that the creation of a careers office was one of a number of significant steps which had been decided upon by the CUHK Law Faculty to satisfy not just the needs of recruitment but also the challenges posed by technology and globalisation which the Faculty was proposing to meet with, among other things, its adoption of new teaching approaches associated with the online environment and its "Globalisation Strategy".

So, having been appointed, I first assessed the career support which I believed the students needed. As shown by the pie chart below (based upon a combined survey of 2014 and 2015 PCLL graduates), most of the Law Faculty's PCLL students who take up immediate employment go into law firms in Hong Kong, with a smaller proportion going to the Hong Kong bar, and the rest divided between in-house, DOJ and elsewhere.



* These figures comprise 120 student responses out of 149 graduates of the 2014-15 cohort.

The banking crisis, and concerns over money-laundering and corruption, magnified by the extraterritorial effects of (mainly) US regulation, have also generated new opportunities in quasi-legal fields such as compliance and corporate investigations. These developments have also provided some scope for those wishing to practice in areas in which the law plays a significant part without necessarily having a legal qualification. Some students have also shown interest in the New York bar as an alternative to qualifying in Hong Kong.

In almost all these sectors the jobs market for lawyers has become more intensely competitive and it had become evident that educational establishments around the world were increasingly implementing career guidance programmes for those with whom students at CUHK's Law Faculty would be competing for employment.

Most larger firms now recruit their trainees mainly, and sometimes exclusively, from their pool of interns, which has led to an increasing focus on the behavioural and nascent professional skills of would-be lawyers at the internship application stage. Law firms inevitably recognise that they are taking on not just potential trainees, but also their future lawyers and indeed are creating the pool from which they hope that some or all of their future partners will emerge. So such attributes as personability, effective communication and team working and the ability to handle such challenges as conflicts or ethical questions, as well as the more traditional skills of ability to demonstrate initiative and leadership are tested at the application stage. In this respect, reliance is necessarily placed upon the job application, CV and interview (as well as occasionally by more targeted testing through questionnaires or aptitude tests), which in turn has meant that law undergraduates, who generally apply for internships in their penultimate degree year, must focus on these "non-legal" skills whilst still undergoing their legal education.

So the first part of the challenge was to design a course that would meet the needs of this constituency by providing assistance and guidance to students not only in finding suitable positions in law firms, chambers and elsewhere but also in laying the foundations for meeting the standards for professionalism and personal skills which potential employers expect. This includes recognising the importance in the practice of law of issues associated with emotional intelligence, honing behavioural skills and enhancing the CV, as well as identifying in good time any areas for improvement.

To meet this challenge, my team helped me to design a programme of seminars and other events to run in parallel

with the recruitment season, including talks from outside speakers such as law firm representatives, barristers, human resources staff and the Department of Justice. Seminars are additionally given in legal writing and the Faculty has also instituted a Standardised Client Initiative to provide students with experience of client handling.

This programme was then supported by a fully updated Virtual Careers Resource Centre providing information online about job-seeking, guidance for making applications and links to numerous other on-line resources which are reviewed and updated regularly. Additionally career guidance is provided in one-on-one career "surgeries" mainly aimed at those who are struggling to find an internship, training contract, mini pupillage or other position.

The most significant development, however, has been the implementation of an e-mentoring scheme in January 2016, to coincide with the Faculty's 10th anniversary and launched in conjunction with a brand new alumni website to enable students to connect with and obtain guidance from its increasing band of Law Faculty alumni. The concept behind this is that the Faculty has a growing and indeed flourishing group of alumni engaged in legal practice, or sometimes in other areas, whilst the students have a need for guidance and mentoring about career choices and other aspects of the transition into the outside world. So we are seeking to encourage the alumni to provide the students with the benefits of the experience they have gained since graduation by making themselves available via the "matching" service which the e-mentoring programme provides. It is designed to work using a medium with which today's students are very comfortable, but leading hopefully to the formation of "offline" relationships with a mentor selected ideally to match in the students chosen area of practice.

Law firms themselves have benefited greatly from technological developments: whilst having had little effect on employment prospects (law is still a very labour-intensive discipline) technological advances in online research, knowledge management and other resources such as computer-assisted drafting have increased cost-saving, speed of delivery, efficiency of working and hence productivity and ultimately profitability. Technology and social media have also changed the way law-firms market and promote themselves,

leading to a greater emphasis on branding and differentiating the firm from its competitors. For the lawyers themselves, though, it is becoming increasingly important to have a wider grasp of technological developments in order to communicate effectively with clients, adapt to their working practices and in some cases to understand the operation of their business in order to deliver a proper service.

In order to help students already familiar with the use of digital technologies, the Faculty of Law has therefore adopted a number of new teaching approaches associated with the online environment, including podcasting. Online platforms have also become the default venue for delivering syllabus and other class materials in the Faculty and various digitally-enabled teaching methods have been implemented, including interaction with students via social media. Support has also been given to assist Faculty members in developing micro-modules in the "flipped classroom" setting. Through these digitally enabled learning processes students are taught how to receive and distribute information in an efficient and effective way and learn appropriate network etiquette, which is important for their professional career.

As to globalisation, although it is often said that law does not travel (most states restrict the practice of domestic law to those qualified in that jurisdiction) nevertheless the increasing globalisation of business has meant that those working in transnational practice areas need to have some familiarity with the principles of private international law, particularly comparative law and conflicts of laws. In this regard, one of the challenges of the modern age, and perhaps that which is least effectively handled by law-firms, is the need to manage the risks associated with taking steps which have unforeseen consequences under foreign laws which may impact upon a particular transaction.

The aim of the Globalisation Strategy is to widen the Faculty's international outlook and to make students more competitive within the global legal services market, whilst at the same time improving the student experience of legal education. This is in alignment with the University's mission "to bring together China and the West" and commit to "internationalisation", and to implement its "global engagement" recommendations. The implementation of the Globalisation Strategy to date has involved the identification of suitable courses in the Bachelor of Laws and Juris Doctor programmes to incorporate global law elements into the curriculum. The Faculty has also established a Global Professors Programme and a Global Fellows Programme to support and coordinate visits to the Faculty of senior legal scholars and prominent legal practitioners and officials from around the world and introduced a further new course, "Global Issues in Law", as a vehicle to underpin these visits. The Faculty has also taken enhanced steps to facilitate student exchange arrangements; it has produced a set of Faculty-to-Faculty templates for student and staff exchange and other collaboration arrangements with partners and has identified strategic partners in the various regions of the world as well as identifying and subscribing to relevant institutional networks, such as the Asian Law Institute.

As a final insight, one cannot ignore that the one thing that training, adaptation to globalisation and technology cannot do is produce a substitute for good judgment and creative thinking - two related but distinct attributes shared by virtually all top lawyers, and without which it is indeed difficult to progress to the higher reaches of the profession. These are the province of the individual but the role of the Law Faculty is to provide both an environment and training appropriate to the challenges of the modern world, in which those attributes can flourish to the fullest extent possible. It is also our job to provide the best foundations that we can in terms of career support and mentoring, bearing in mind that we must ourselves also continue to adapt to meet the needs of the students whose interests we seek to promote in an ever-changing market. ■

Learning Leadership in Law from a Family of Ducks

Roger Phang

Mr. Roger Phang is one of the Faculty of Law's founding LLB students. He has also graduated from CUHK's PCLL and the University of Oxford's BCL, for which he received the prestigious Sir Edward Youde Memorial Fellowship for Overseas Studies. Roger is currently a Barrister-at-Law.



At a recent interview that I had for the 10th Anniversary of our Faculty, I was asked how, if at all, had leadership been taught at law school. The answer that I gave was that leadership was not something that can, in my view, be taught. By that, I did not mean that our Faculty makes no effort at all to breed new leaders for our profession. What I meant was that the kind of leadership that we normally think of, such as that of a president, a corporate manager or a professional sports team captain, is not quite the same as that required of a lawyer, and in particular, a barrister. In my view, leadership at the Bar bears quite a different meaning, and how it is inspired through legal education is therefore also different.

At law school, we rarely, if ever, participated in anything like corporate leadership development training, outward bound programmes or other team-building activities designed for developing leadership skills. This is understandable since most of the lawyering that we do, especially at the Bar, is not a team effort. Our legal education is therefore heavily focused on the individual. Indeed, as a junior barrister, most of the time I work independently; and when I do work with another barrister in a team, I am invariably being led! But having given the question a second thought, I can well see how the training that I received in law school prepared me with the unique kind of leadership required of a young barrister. I am pleased to have this second chance to explain my answer.

When I started as a barrister, I was told by my pupil master that in our profession, it matters not how young or junior one is when compared with his instructing solicitor. It is the barrister who takes the driver's seat and runs the case. It can

therefore be observed that there is an expectation that all barristers, no matter how young they are, are ready to lead from day one. In my view, the fact that young barristers are often able to live up to that expectation despite their relative inexperience demonstrates that something about leadership is instinctive.

I can try to illustrate this by the example of a family of ducks. Anyone who has seen a mother duck and her ducklings out and about would know that it is quite a comical sight, for they trail each other in a straight line, crossing bustling streets and perilous highways. While there is much to commend about how orderly they behave, it also means that when they (not uncommonly) pass over a sewer, the ducklings often fall right through the cracks one after the other. There are many online videos that have captured this typical sight, but what is remarkable is that while humans are rescuing the ducklings from the sewer, the mother duck is always nearby anxiously waiting for the family to reunite. And when each duckling is rescued, it immediately reassembles behind the mother and resumes their excursion.

Although the human world is, perhaps, a bit more complicated than the ducks' world, that does not mean that there is nothing we can learn from them. In my view, this little anecdote tells us at least three things about leadership, which I find very apt for a young barrister to bear in mind.

First, it shows that leadership is instinctive. Leadership to the mother duck (or hen, for want of a proper name) is effortless. We know, of course, that there is a scientific explanation for this, which is the phenomenon of "imprinting". However, that does not undermine my point. It plainly takes at least two for leadership to come into play - and in my opinion, the example shows that the emergence of a leader is a natural process. Indeed, in any group of persons, it is not difficult to identify who is the leader. In many cases, the leader is unlikely to have been selected through a formal process. Rather it is at critical or significant moments that the individual who demonstrates superior knowledge, composure and sensitivity to others is looked upon as a leader.

As lawyers, we often find ourselves in this position. The lay client, who has never had the experience of court, is often in a most devastated state as something important to him is at stake. In this situation, we as lawyers have an edge over the client, for we are inherently more knowledgeable about the law and the legal process which the client will have to go through. This is attributable to the training that we have received at law school, for example, approaching problems with an analytical mind, identifying issues which are relevant and in dispute, assessing of the merits of a case with reference to provable facts and supportable inferences, and applying the rules of evidence and procedure. Mastering these skills helps us emerge easily as a beacon guiding the client through the legal process. Simply put, a leader has to know the way. Our education therefore taught us to find the way so that we can lead the way.

But that is not enough. A second important observation from the anecdote is that a leader does not leave anyone behind. A true leader is all about the people. In our profession, leadership is about the client. So at law school, we were taught to uphold the highest standards of professional conduct and integrity. These ethical rules and standards, which have been so emphatically impressed upon us throughout the years, exist to protect the interests of those we represent. It must be emphasized that we are a service industry, and in the discharge of our duties, we gain access to sensitive and private information about others. We must therefore constantly have our clients' best interests at the forefront of our minds. True

leadership is, in my view, the antithesis of advancing one's own interests. But there is another aspect to this which I think was borne out by a course then known as "The Individual, the Community and the Law". This course inspired me to look at the law from the user's perspective, and to use empirical evidence and field research to evaluate how well the law achieves its purposes. By seeing the law at work through the prism of actual users, we are better informed to propose practical reforms to ameliorate the system and enhance the law's effectiveness in helping people solve their problems. None of this can be achieved without empathy. Litigation is often a protracted and agonizing experience, and law school was where we were encouraged to reach out to the community to find ways to improve the law for the benefit of its users. I therefore consider that a genuine concern for the benefit of others is an indispensable quality of a true leader.

Finally, I come to the third lesson that I think we can learn from the ducks, which is that a leader should help others to become leaders themselves - for I can safely assume that the mother duck was once herself a follower! In a similar vein, junior counsel too would one day become leading counsel. Leadership is, therefore, an increasingly important skill as one becomes more senior. It requires one to openly share his work and experience. In this respect, I think our legal education has laid some important foundation work to facilitate the good tradition of bringing up young lawyers. In particular, we have been strongly encouraged at law school to form study groups and lead discussions. In my experience, there is no greater joy than engaging in an intensive exchange of views under an atmosphere of mutual respect. In leading a discussion, one must facilitate the exchange of opinions so that the discussion remains focused and disciplined, and at the end of the day helps to narrow down people's differences. None of this can be achieved if one holds back his views selfishly. A true leader understands that generously sharing with others results in the collective benefit for all, and discussions of the like were in fact the mode in which many lectures or tutorials were conducted.

The seeds of leadership have therefore been planted as early as in law school. Of course, whether they grow and branch out to benefit others depends on many other factors. But if one understands these simple lessons as do the ducks, I trust that they will become fine leaders to their clients, to younger members of the profession, and to the community at large. ■



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Celebrating
the Faculty of Law

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Anniversary

10th ANNIVERSARY CONFERENCE ON TEACHING AND LEARNING IN LAW - DIRECTIONS IN LEGAL EDUCATION

Opening Address by The Honourable Mr. Justice Poon JA



In June 2016, the Faculty of Law hosted its 10th Anniversary Conference on Teaching and Learning in Law - Directions in Legal Education. On that occasion, we were fortunate to receive an eloquent speech on the importance of legal education to society from The Honourable Mr. Justice Poon JA. Delivered as Opening Address to the Conference, the Judge's observations are meant to give us something on which to reflect, and so also provide persuasive closing remarks to this Chronicle.

It is a great honour to have been invited to give the opening address at the inaugural Teaching and Learning Conference in Law - Directions in Legal Education. This Conference is one of the celebratory events to mark the 10th anniversary of the Law Faculty at the CUHK. The celebration is well earned. The Faculty is renowned as the best research law faculty in Hong Kong and a top-50 law school worldwide. It is regarded, and rightly so, as one of the newest and fastest growing law faculties in the Asia Pacific Region. It is also a major contributor to legal education in Hong Kong. All these are attained within 10 years. And 10 years only. What a remarkable achievement! With such a solid foundation laid down in the past decade, the Faculty will surely excel itself in the next.

This Conference has a very ambitious goal. It brings together many distinguished academics, practitioners and interested stakeholders from Hong Kong and all over the world. We may come from different places. But we all share the same mission of fostering legal education and training for not only the benefits of individual law students or educational institutions but also the greater and long term interests of the society as a whole. As I will seek to demonstrate in a moment, legal education and training is one of the key factors contributing to the success of any civilized society in this fast developing world.

The Conference also provides a platform for all the participants to discuss how to embrace the shifting legal education landscape; to reflect on the roles of teachers and students; and to debate common challenges and best practices in the field of legal education. The topics that we are going to cover in the Conference are diversified and touch upon a wide range of interesting and thought provoking subject matters. We will examine legal education and training from different perspectives and at different levels. We will revisit and reflect

on the underlying philosophy of legal education and training. We will rethink about its contents and methodologies, identifying any area where improvements are called for. We will consider its interaction with other disciplines and if possible reap the benefits of cross fertilization generated by such multi-disciplinary interactions. We will examine how recent societal, political and economical changes impact on legal education and training. Together we will explore the directions forward and hopefully lay down some useful pointers guiding our way when we soldier on to meet the challenges before us.

This is a very bold agenda. But I am sure that with so many experts here, it is an achievable goal.

I do not profess to be an expert in legal education. But having been granted the opportunity to give the opening speech, I would like to offer two observations based on my own experience as a Judge in this jurisdiction. For obvious reasons, my observations mainly concern Hong Kong. But I think they may also be relevant to other jurisdictions.

My first observation is on globalization. Globalization of the legal services sector is now the trend in many developed jurisdictions. The change first started in the USA, then spilled over to Europe and finally reached the Asia Pacific Region. We can now see that taking place in Hong Kong. It is one of the key considerations underlying the Hong Kong Government's long term policy in further developing and promoting Hong Kong as an international legal services and dispute resolution centre in the Asia Pacific Region. According to the Department of Justice of Hong Kong, such a policy provides the context in which proposed reviews on legal education and training in Hong Kong should proceed.

Further, as rightly pointed out by the Law Society of Hong Kong, globalization has transformed the nature of legal work, the types of legal services provided and the demographics of the legal profession. These changes in turn have implications on the expectations of the legal profession as employers, the aspirations of law graduates, and the legal education and training which law students are receiving.

According to the Law Society, the expectation of the profession is that law graduates must take cognizance of global developments and the increased emphasis on internationalization not only in the legal sector, but also economically, socially and politically. Lawyers are required to consider diverse approach to common problems. When dealing with legal problems that have a transnational and multi-jurisdictional dimension, which is now a common occurrence in Hong Kong, they are required to provide multilateral solutions across jurisdictions and across specializations, taking into account the social, economical and political ramifications of such solutions.

Changes in the market and in the demand for legal services also affect the aspirations and expectations of law students. Compared with law students a decade ago, law graduates nowadays who have been trained in a multi-cultural and multi-jurisdictional environment may expect greater mobility, and hence greater opportunity to work across countries and jurisdictions, with more diverse career options and development.

With the above considerations firmly in mind, law schools need to ensure that the legal education their law students are receiving will adequately prepare them to take up their role as lawyers in Hong Kong, an international city, financial center and dispute resolution center, in this age of globalization.

Irrespective of all the changes in the legal landscape caused by globalization, there is one thing which does not change and cannot be changed. This brings me to my second observation.

As we all know, the rule of law is essential to Hong Kong's success. Enshrined in the Basic Law and deeply rooted in our legal tradition and culture, the rule of law is the cornerstone of Hong Kong as a civilized society where its citizens' freedoms and rights are jealously protected. It is the core value based on which Hong Kong as a vibrant commercial city and an international financial center flourishes. Together with other factors, it enables Hong Kong to outdo some 60 jurisdictions to become the world's most competitive economy in 2016. It underpins Hong Kong's much coveted status as one of the most established international dispute resolution centers in the region. Such a status will surely give Hong Kong a strategic position in the Central Government's epic scheme of One Belt One Road.

A vibrant, independent legal profession is an essential element to any civilized society committed to the rule of law, like Hong Kong. The profession of law is fundamental because it is through good quality legal advice and good legal representation that citizens can effectively enforce their private rights in courts, can gain a proper understanding of their rights and duties, can order their affairs lawfully, and can hold the executive to account.

Viewed from this perspective, the primary purpose of legal education and training must be to nurture lawyers, generation after generation, who will take the rule of law to their heart and will strive their best to maintain the rule of law no matter how hard it might be. Legal education and training has a very special and important role to play in maintaining the rule of law in Hong Kong indeed.

In his speech delivered at the Lord Upjohn Lecture in November 2012, Lord Neuberger said :

“ Asking and answering the question whether legal education and training is fit for purpose, or the more measured question of how it could be improved, must begin with an assessment of whether it properly equips those entering the profession with the knowledge, skills, integrity and sense of independence which will enable them to play their role in maintaining the rule of law. It is within that overarching framework the other considerations ... gain their value and meaning. ”

I would venture to suggest that the assessment proposed by Lord Neuberger should anchor the debates and discussions that we are going to have in this Conference.

We are living in a world full of uncertainties and opportunities. The challenges that legal education faces in this ever changing world are enormous. But I am confident that after this Conference, with the collective wisdom and contributions from so many distinguished academics and speakers from Hong Kong and around the world, we will find the way forward and to rise above the challenges in the years to come. ■

10th ANNIVERSARY CELEBRATORY EVENTS 2016



2016 Asia-Pacific Law Deans' Forum,
co-organised with the International
Association of Law Schools (IALS)
7 - 10 April



Public Lecture on
"Finding Common Ground between
East and West: Discussing Common
Values and Aspirations"
by The Honourable Louise Arbour,
Former Justice of the Supreme Court of Canada
30 May



International Conference on
"The Political Economy of
Financial Regulation"
2 - 4 June



Book Launch and Conference on
"Sexual Violence in Armed Conflict"
7 - 8 October



10th Anniversary Gala Dinner at
Conrad Hong Kong
12 November



The Transpacific Partnership (TPP):
A Paradigm Shift in International Trade Regulation?
- Annual AWRN Conference 2016, co-hosted with
Asia WTO Research Network (AWRN)
16 - 17 May



10th Anniversary Conference on Teaching and Learning in
Law - Directions in Legal Education
3 - 4 June



Mok Hing Yiu Visiting Professor Public Lecture on
"Justice and the Misunderstood"
by The Rt Hon Dame Elish Angiolini, DBE QC
Principal of St Hugh's College, University of Oxford
29 September



International Conference on
"Art, Antiquities,
Heritage and Wildlife Crime in
Southeast Asia"
22 October



Symposium on
"Legal Aspects of China's Belt and Road
Initiative" cum Book Launch
5 November

10th ANNIVERSARY

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