



THE CHINESE UNIVERSITY OF HONG KONG
香港中文大學

Welcome Message

We are delighted to welcome you to the 2014 annual conference of the European China Law Studies Association (ECLS) hosted by The Chinese University of Hong Kong. The aim of this conference is to bring together academics, professionals, policy makers, and others, to reflect on and advance the broad themes of law-making, law enforcement, and access to law in China, from a variety of perspectives.

This conference is the first ECLS annual conference to be held outside Europe, since the ECLS was founded in 2006. Though distance matters much less in a globalized world, this conference has the benefit of geographical proximity to the legal system and tradition that constitutes the ECLS's primary academic interest. We hope that this conference will provide an excellent forum for the exchange of ideas, as well as a platform for the development of research collaboration.

Hong Kong is one of the world's greatest cosmopolitan cities, and this conference is convened in a culturally rich part of Hong Kong. We hope that you will also have an opportunity to explore and indulge during your stay in Hong Kong. Enjoy the culture and warm hospitality that the world city of Hong Kong has to offer!

We look forward to meeting you during the conference!

Sincerely yours,

Handwritten signature of Christopher Gane in black ink.

Christopher Gane
Dean
Simon F S Li Professor of Law
Faculty of Law, CUHK

Handwritten signature of Chao Xi in black ink.

Chao Xi
Associate Professor
Faculty of Law, CUHK

Handwritten signature of Flora Sapio in black ink.

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ECLS 2014 Annual Conference Making, Enforcing and Accessing the Law

Chinese University of Hong Kong, 15-16 November 2014

Conference Programme (as of 10 November)

DAY 1: SATURDAY, 15 NOVEMBER, 2014

Morning Sessions:

(Ballroom, Harbour Grand Hong Kong, North Point, Hong Kong)

08:30 - 09:00 Registration and Coffee

09:00 - 09:15 Welcome

- Professor Benjamin Wah, Provost, CUHK
- Professor Christopher Gane, Dean, CUHK Faculty of Law
- Professor Dr Knut Pissler, Chairman, ECLS

09:15 - 10:45 The Rule of Law: Local and Global Perspectives

Chair: Dean Christopher Gane, Chinese University of Hong Kong

- Dr Markus Ederer, Secretary of State, German Federal Ministry for Foreign Affairs; formerly Head of the EU Delegation to China
- Grand Justice Liu Guixiang, Grand Justice of Second Rank, Deputy- Ministerial Rank Member of the Adjudication Committee, Supreme People's Court
- Lord Macdonald of River Glaven, Warden, Wadham College of Oxford University; formerly Director of Public Prosecution, England and Wales

10:45 - 11:00 Tea Break

11:00 - 12:30 China Law and the Globalized Legal Profession

Chair: Paul Mitchard QC, Chinese University of Hong Kong

- Mr. Vincent Connor, Head of Hong Kong Office & Head of Sectors - Asia, Pinsent Masons
- Dr Gao Xiqing, formerly Deputy Chairman, China Securities Regulatory Commission; Vice Chairman and President, China Investment Corporation
- Mr. Giles White, Group General Counsel, Jardine Matheson Limited
- Mr. Zhang Yi, Managing Partner & Member of International Management Committee, King & Wood Mallesons and SJ Berwin

12:30 - 13:40 Lunch

13:40 – 14:15 Trip from Harbour Grand Hong Kong to CUHK Graduate Law Centre

Afternoon Sessions:

(CUHK Graduate Law Centre, 2/F Bank of America Tower, Admiralty)

14:15 - 16:00: Parallel Sessions

Session 1: Law, Politics and Law Making

Graduate Law Centre, Lecture Theatre 3

Chair: Knut Pissler, Max Planck Institute for Comparative and International Private Law and ECLS

- The Role of Campaigns in Law Making
- *Sarah Biddulph, University of Melbourne*
- Law-making in China: Systemic Normative Pluralism, Reactive Legislation
- *Ignazio Castellucci, University of Trento*
- Understanding China's System for Addressing Legislative Conflicts: Capacity Challenges and the Search for Legislative Harmony
- *Keith Hand, Hastings College of the Law, University of California*
- Law Making in China. The Example of Laws affecting Civil Society
- *Karla W. Simon, New York University*
- Inter-Ministry Politics on Law-making: Legislating Private Equity in China
- *Xiao Yu and Zhao Ranran, East China University of Political Science And Law*

Session 2: Mediation, Law and Justice

Graduate Law Centre, Warren Chan Moot Court

Chair: Michael Palmer, Shantou University and SOAS, University of London

- Approaches to the Reform of Civil Judicial Mediation in China
 - *Cai Yanmin, Sun Yat-Sen University*

- Perspectives on Disability and Social Justice
 - *Cui Fengming, Harvard Law School*

- Civil Society and Environmental Dispute Resolution
 - *Lin Yang, Shantou University*

- Domestic Violence and Mediation in the PRC
 - *Michael Palmer, Shantou University and SOAS, University of London*

- Mediation in Chinese TV Dramas
 - *Zhao Yixian Eva, Shantou University*

- Professionalization and Institutionalization of Mediation in China
 - *Zhao Yun, University of Hong Kong*

Session 3: Regulating the Business Sector

Graduate Law Centre, Lecture Theatre 1

Chair: Lutz-Christian Wolff, Chinese University of Hong Kong

- Enforcement with Chinese Characteristics: Competition Law and Consumer Protection Law in China
 - *Thomas Kristie and Qianlan Wu, University of Nottingham*

- Notices, Enforcement and the Making of the Hong Kong Competition Ordinance
 - *Felix Mezzanotte, Hong Kong Polytechnic University*

- Competition Law Making Process and Implementation in China
 - *Lea Murphy, China Greatway Advisory*

- Company Law Implementation in the PRC in the Shadow of Culture and the State
 - *Roman Tomasic, University of South Australia*

- Corporate Reorganisation in China: Recent Developments and Challenges
 - *Zhang Zinian, Singapore Management University*

16:00 - 16:15 Tea Break

16:15 - 18:00: Parallel Sessions

Session 4: Law and Economic Globalization

Graduate Law Centre, Lecture Theatre 3

Chair: Zhang Xianchu, University of Hong Kong

- Law-making, Enforcement and Access to Law: International Sales of Goods and Chinese Corporations
 - *Vivienne Bath, University of Sydney*
- The Protection of China's Outbound Investment: The Standing of State-Owned Entities under Investment Treaties
 - *Julien Chaisse, Chinese University of Hong Kong*
- 'Ship' under the Chinese Maritime Code: I Know It When I See It?
 - *Liu Shuo, Erasmus University*
- The Liberalization of China's Outbound Investment Regime
 - *Lutz-Christian Wolff, Chinese University of Hong Kong*
- Problematic Domicile Principle in Proscribing "Foreign Investor" in M&A National Security Review of Mainland China
 - *Yue Ying, Peking University*

Session 5: Law, Energy and Environment

Graduate Law Centre, Warren Chan Moot Court

Chair: Bryan Mercurio, Chinese University of Hong Kong

- A Comparison between Shale Gas in China and Unconventional Fuel Development in the United States: Health, Water and Environmental Risks
 - *Paolo Farah, West Virginia University*
- Towards an Ecological Civilization: Environmental Policymaking in China
 - *Fernando Dias Simões, University of Macau*
- Prevention of Agricultural Land Pollution: An Empirical Study on Legal Measures in Hunan Province
 - *Wu Xianshu, China University of Political Science and Law*
- Regulating Carbon Emissions Trading in China – From Local Pilot Schemes to National Market
 - *Zhao Yuhong, Chinese University of Hong Kong*

Session 6: Socialist Democracy: Theory, Practice and Innovations

Graduate Law Centre, Lecture Theatre 1

Chair: Zhao Yun, University of Hong Kong

- Crafting a Theory of Socialist Democracy for China in the 21st Century: Considering Hu Angang's Theory of Collective Presidency in the Context of the Emerging Chinese Constitutional State
 - *Larry Catá Backer, Pennsylvania State University*
- Institutionalizing Shanfang Within the Chinese Socialist Rule of Law Framework
 - *Larry Catá Backer and Keren Wang, Pennsylvania State University*
- Journalistic Exercise of Freedom of Information: A Socio-legal Review of China's Access to Information Regime
 - *Chen Yongxi, University of Hong Kong*
- Promote Reforms to Resolve the Current Problems of Complaint Petition Letters and Visits
 - *Tong Zhiwei, East China University of Politics and Law*
- On the Perfection of Judicial Protection System of Human Rights in Contemporary China
 - *Wang Xigen, Wuhan University*

18:45 - 20:30 Conference Dinner

DAY 2: SUNDAY, 16 NOVEMBER, 2014

Morning Sessions:

(CUHK Graduate Law Centre, 2/F Bank of America Tower, Admiralty)

09:00 - 10:45: Parallel Sessions

Session 7: China's Court Reform

Graduate Law Centre, Warren Chan Moot Court

Chair: Rogier Creemers, University of Oxford and ECLS

- Causes and Consequences of Judicial Institution-Building in China
 - *Stéphanie Balme, Sciences Po Paris and Columbia Law School*
- Reflections on Current Trends in Court Reform
 - *Benjamin Liebman, Columbia Law School*
- Torts Law and the Court Reform
 - *Yang Lixin, China Renmin University*

Session 8: Labour and Immigration

Graduate Law Centre, Classroom 2

Chair: Juha Karhu, University of Lapland and ECLS

- Collective Bargaining in China: Guangdong Regulation a Harbinger of National Model?
 - *Ronald C Brown, University of Hawaii at Manoa*
- Implementation of Justice in Employment and Service Relations in China: Exploring Legal Responsibilities within Contract Chains in the Building Industry
 - *Pilar-Paz Czoske, University of Cologne*
- Law Enforcement through Political Campaigns: Taking the Sanfei Campaigns as an Example in the Area of Immigration Law
 - *Jasper Habicht, University of Cologne*
- The Bonfire of the 'Illegalities': Will China's New Immigration Law Combat the 'San Fei' (Illegal Entry, Illegal Residence, Illegal Work)?
 - *Mimi Zou, Chinese University of Hong Kong*

Session 9: Criminal Law and Justice

Graduate Law Centre, Lecture Theatre 3

Chair: Gregory Gordon, Chinese University of Hong Kong

- The Political Battlefield Surrounding the Cases of Liu Xiaobo and Xu Zhiyong
 - *Hermann Aubié, University of Turku*

- Mental Disability in an Age of Social Harmony: China's Mental Health Law in Practice
 - *Joy Chia, Chinese University of Hong Kong*
- Enforcement of Amended Criminal Procedure Law in China: Trends and Patterns
 - *Li Li, Sun Yat-sen University*
- HIV Government Accountability and Justice in China
 - *Meng Jinmei, Shantou University*
- Judicial Reform and the Case Referencing System
 - *Susan Trevaskes, Griffith University*

Session 10: Judges as Legislators?

Graduate Law Centre, Lecture Theatre 1

Chair: Samuli Seppanen, Chinese University of Hong Kong

- Responsive Justice in China during Transitional Times: Revisiting the Juggling Path between Adjudicatory and Mediatorial Justice
 - *Gu Weixia, University of Hong Kong*
- Judge-made Law in Chinese Civil Law: From an Empirical Perspective
 - *Min Lee, Central South University of Forestry and Technology*
- Judicial Lawmaking in China
 - *Vai Io Lo, Bond University*
- The Chinese Guiding Case System – Solution to Legal Problems or Reaction to Non-Legal Demands?
 - *Marco Otten, University of Cologne*

10:45 - 11:00 Tea Break

11:00 - 12:45: Parallel Sessions

Session 11: Law in Social Transformation of Chinese Society

Graduate Law Centre, Warren Chan Moot Court

Chair: Billy K. L. So, Hong Kong University of Science and Technology

- Law in the *Chunqiu Zuo zhuan*
 - *Ulrich Manthe, University of Passau*

- Dirt of Whitewashing: Re-conceptualizing Debtors' Obligations in Chinese Business by Transplanting Bankruptcy Law to Early British Hong Kong (1860s-1880s)
 - *Michael Ng, University of Hong Kong*

- Between Law Court and ADR in Modern Shanghai's Publishing Industry
 - *Billy K. L. So, Hong Kong University of Science and Technology*

- Normative Dualism: Chinese Attitudes Toward Good Governance
 - *Yu Xingzhong, Cornell Law School*

Session 12: China and the International Legal Order

Graduate Law Centre, Lecture Theatre 3

Chair: Björn Ahl, University of Cologne

- Rule of Law in Foreign Policy-making: China's Non-Appearance in the South China Sea Arbitration
 - *Ling Bing, University of Sydney*

- Unravelling the 'Right of Asylum': A Case Study of China
 - *Shuo Liu, University College Dublin*

- Effective Use of International Law in the Chinese Domestic Order: Formal Implementation or Informal Inspiration?
 - *Wim Muller, University of Manchester and Chatham House*

- Should the CESL Influence the Chinese Consumer Protection Law Reform?
 - *Kate Surala, Maastricht University*

Session 13: The Changing Role of the Judiciary

Graduate Law Centre, Lecture Theatre 1

Chair: Zhao Yuhong, Chinese University of Hong Kong

- Law-making and Enforcement of Law: the SPC's Two Faces of Janus
 - *Ivan Cardillo, Zhongnan University of Economics and Law*

- Courts as Regulators: Understanding the Non-Judicial Role of the Chinese Judiciary
 - *Pan Xuanming, Chinese University of Hong Kong*

- Judicial Independence or Government Responsibility? The Law Makers and Users of Environmental Courts in China
 - *Wang Juan , McGill University and Liang Wenting, Beihang University*
- Judicial Empowerment within/out of the Political-Legal System in China?
 - *Yu Xiaohong, Tsinghua University*

Session 14: Access to Justice

Graduate Law Centre, Classroom 2

Chair: Lin Feng, City University of Hong Kong

- Public Trial in Chinese Courts and the New Public Access Judgment Database
 - *Björn Ahl and Daniel Sprick, University of Cologne*
- Resolving Competition Related Disputes
 - *Beth Farmer, Pennsylvania State University*
- Practices of Civil Mediation in Mainland China: From Tradition to Modernity
 - *He Zhi-hui, Hubei University*
- Evolution of the Guiding Case System towards Judicial Centralization in China
 - *Peter Wang, City University of Hong Kong*

12:45 - 14:00 Lunch

Afternoon Sessions:

(CUHK Graduate Law Centre, 2/F Bank of America Tower, Admiralty)

14:00 - 16:00: Parallel Sessions

Session 15: Whither Chinese Legal Reform?

Graduate Law Centre, Warren Chan Moot Court

Chair: Albert Chen Hung-ye, University of Hong Kong

- Changes in Chinese Administrative Structures and the Rule of Law
 - *Juha Karhu, University of Lapland*

- Chinese Law Reform: Recent Past and Possible Future
 - *Stanley Lubman, UC Berkeley School of Law*

- Fly High the Banner of Socialist Rule of Law with Chinese Characteristics! What Does the 4th Plenum Decision Mean for Legal Reforms in China?
 - *Randall Peerenboom, La Trobe University and University of Oxford Centre for Socio-Legal Studies*

- Gift-Giving in China and the Rule of Law and Virtue
 - *Mary Szto, Hamline University*

Session 16: Law and the Market

Graduate Law Centre, Lecture Theatre 1

Chair: Bryan Druzin, Chinese University of Hong Kong

- China's Fiscal and Taxation Legal Reform – Issues and Proposals
 - *Hu Tianlong Lawrence, China Renmin University*

- Determinants for Effectiveness of Chinese Law – A Case Study of Product Quality Legal Regime
 - *Mary Ip, University of New South Wales*

- A Study of China's Regulation on Insider Trading of Unlocked Restricted Stocks
 - *Peng Lian, East China University of Political Science and Law*

- Protecting Minority Shareholder Rights: Comparative Analysis of Laws in China, Germany, Ukraine
 - *Yelyzaveta Sushko, Ukraine*

- Private-ordering on the Internet: The Sina Weibo's Credit Score System
 - *Tao Zhongyi, University of Hong Kong*

Session 17: Law and Enforcement

Graduate Law Centre, Lecture Theatre 3

Chair: Huang Hui, Chinese University of Hong Kong

- Evolving Concepts and Standards in PRC Trademark Law 2001-2013:
A Study on the Interaction of Statute and Case Law
 - *Raffaello Girotto, University of Trento*

- Post-contractual Evaluation of Obligations in China: Emphasis on Changing Circumstances
 - *Matti Tjäder, University of Lapland*

- An Understanding of Traditional Chinese Medicine from a Concern of Legal and Semantic Aspects
 - *Wang Saisai, University of Brussels*

- Reasons for Noncompliance with Cultural Heritage Laws in China
 - *Zhang Shunxi, China Renmin University*

- Administrative Components in Private Law - The Special Role of the Chinese State in Private Law Enforcement
 - *Rebecka Zinser, Humboldt University Berlin*

16:00 - 16:15 Tea Break

16:15 – 17:15 General Assembly of the European China Law Studies Association

Graduate Law Centre, Lecture Theatre 2