



Chinese Studies  
Chinese Legal Culture



# **10<sup>th</sup> Annual Conference European China Law Studies Association**

Cologne, 25–27 September 2015

**New Perspectives on the Development  
of Law in China**

**Conference Programme**



## Introductory Remarks

The 10<sup>th</sup> Annual Conference of the European China Law Studies Association (欧洲中国法研究协会 [www.ecls.eu](http://www.ecls.eu)) is organised by the Chair of Chinese Legal Culture at the Institute of East Asian Studies, University of Cologne.

The annual conference is a leading international academic forum for the exchange of information and ideas on Chinese law, as well as a platform for the initiation of research collaboration.

This year's conference brings together scholars, practitioners and policy makers to discuss new perspectives on the development of law in China.



**Friday, 25 September 2015**

**15.00–16.30 h ECLS General Assembly Meeting**

Institute of East Asian Studies, Room 3.07  
Dürener Straße 56–60

*The meeting is for ECLS members only  
Membership application forms will be available for  
those who would like to join the ECLS*

**18.00–22.00 h Reception  
at Rautenstrauch-Joest-Museum**

Rautenstrauch-Joest-Museum  
Cäcilienstraße 29–33

**Saturday, 26 September 2015**

**08.30–09.00 h Registration**

University of Cologne Main Building, Lecture Hall II  
Albertus-Magnus-Platz

**09.00–09.30 h Welcome Remarks**

University of Cologne Main Building, Lecture Hall II  
Albertus-Magnus-Platz

*Moderator* Dr Vivienne X. GUO  
*University of Cologne*

Prof Stephan SCHRÖDER  
*Associate Dean of the Arts and Humanities Faculty,  
University of Cologne*

Dr Knut Benjamin PISSLER  
*President, European China Law Studies Association (ECLS)*

Prof Uwe BLAUROCK  
*President, German-Chinese Jurists' Association (DCJV)*

Prof Björn AHL  
*Convenor of the 10<sup>th</sup> Annual ECLS Conference*



**Saturday, 26 September 2015**

**09.30–10.30 h    Keynote Speeches**

University of Cologne Main Building, Lecture Hall II  
Albertus-Magnus-Platz

*Moderator*    Dr Vivienne X. GUO  
*University of Cologne*

**Double Whammy: Lay Assessors as Flunkeys  
in Chinese Courts**

Prof HE Xin  
*City University of Hong Kong*

**Law in China – Snapshot 2015**

Dr Sabine STRICKER-KELLERER  
*Senior China Counsel, Freshfields Bruckhaus Deringer*

**10.30–10.45 h    Coffee Break**

**Saturday, 26 September 2015**

**10.45–12.15 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 1* **New Developments in Chinese Corporate Law and Securities Law**

*Panel Chair* Prof Katrin BLASEK  
*Wildau University of Applied Sciences*

**Informality Matters: Enforcement of Securities Laws in China**

Xi Chao  
*Chinese University of Hong Kong*

**From the Reform of Capital Subscription to the Codification of Chinese Corporate Law**

DONG Yiliang  
*Kion Group AG*

**New Developments in the Chinese Securitisation Market**

TAN Fugui  
*Hogan Lovells International LLP*



**Saturday, 26 September 2015**

**10.45–12.15 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 2* **Zhengfa: In Pursuit of the Component  
Elements for a Theory of Chinese Law**

*Panel Chair* Prof HE Xin  
*City University of Hong Kong*

**The Ideological Grammar of Chinese Law**

Rogier CREEMERS  
*University of Oxford*

**The Narrative Building Blocks for the  
4<sup>th</sup> Plenum: Developing Party Vocabulary on  
Rule of Law**

Ewan SMITH  
*University of Oxford, Renmin University*

**Political Discourse in the People's War  
on Terror**

Susan TREVASKES  
*Griffith University*

**12.15–13.30 h Lunch Break**

**Saturday, 26 September 2015**

**13.30–15.00 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 3*

**Chinese Courts and Recent Judicial Reforms**

*Panel Chair*

Prof Stéphanie BALME

*Sciences Po*

**Assessing China's Court Reforms after One Year**

Susan FINDER

*Hong Kong University*

**Judicial Autonomy and the Communist Party  
of China: The Roles of Political Legal Commit-  
tee in the Decision-making of the Courts**

YUE Liu

*University of British Columbia*

**Study on the Legislativealization of  
Judicial Interpretations (“Sifa Jieshi”)**

YANG Guodong

*Hamburg University*





**Saturday, 26 September 2015**

**The Status of Guiding Cases Under the  
Judicial Reform**

LI Weiwei  
*Shenzhen University*

**13.30–15.00 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 4* **Current Developments in Chinese Labour Law**  
*Panel Chair* Dr Andreas LAUFFS

**Chinese Workers with Benefits**

Ronald BROWN  
*University of Hawaii at Manoa*

**Labour in Defiance: The Emergence of  
Autonomous Collective Bargaining in China**

ZHANG Yihong  
*University of Helsinki*

**Transformation and Functional Evolution of  
the Sectoral Collective Bargaining in the PRC**

Valentina BELLOMO  
*Ca' Foscari University of Venice*

**Saturday, 26 September 2015**

**13.30–15.00 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 5* **The Semiotics of Chinese Communist Party  
“Law” and State Law — Part I**

*Panel Chair* Dr Elisa NESOSSI  
*Australian National University*

**On the Historical Origins and Current  
Application of the Concept of the People’s  
Democratic Dictatorship and the Mass Line**

GAO Shan  
*Pennsylvania State University*

**The Ideological Structures of Chinese Consti-  
tutionalism: Reading the General Program of  
the Chinese Communist Party Constitution**

Larry Catá BACKER  
*Pennsylvania State University*

**“Seeking Truth from Facts” in  
Party Discipline Legislation**

Flora SAPIO  
*Australian National University*

**15.00–15.30 h Coffee Break**



**Saturday, 26 September 2015**

**15.30–17.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 6*

**Central and Local Law-making in China**

*Panel Chair*

Prof Caroline VON GALL

*University of Cologne*

**How Do Local People's Congresses  
Lead the Lawmaking in China: The Case of  
Legislative Evaluation**

WEN Guanbin

*Tilburg University*

**The Role of the State Council in the Lawmaking  
Process: The Case of the Anti- Monopoly Law**

Wendy NG

*University of Adelaide*

**Whose Voice, Whose Interests?**

Natalie MROCKOVA

*University of Oxford*

**Saturday, 26 September 2015**

**Regulation of the Inter-Provincial Establishment of Companies: Applying the Economics of Federalism to China**

SHEN Guang  
*Maastricht University*

**The Legislative Power of Shenzhen Special Economic Zone**

Madeleine MARTINEK  
*University of Göttingen*

**15.30–17.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 7* **Chinese Investment Law and New Developments in Bilateral Investment Treaties with China**

*Panel Chair* Prof LI Yuwen  
*University of Rotterdam*

**Legal Reforms to Foreign Investment and International Investment Agreements**

Vivienne BATH  
*University of Sydney*



**Saturday, 26 September 2015**

**China's New Bilateralism and  
Legal Competitive Externalities**

David HALLINAN

*University College Dublin*

**China-EU Investment-Treaty – Preserving the  
Status Quo or Moving Forward?**

Hinrich JULIUS

*Hamburg University*

**Economic Exigencies and the Potential  
Proliferation of Investor-State Arbitration:  
When are Government Measures  
Tantamount to Expropriation?**

Claire WILSON

*Hong Kong Shue Yan University*

**Chinese Academic Discourse on International  
Dispute Resolution and Sovereignty in  
Economic and Territorial Disputes –  
Practice and Prospects of the PRC at the  
WTO DSM, ICSID, ITLOS and ICJ**

Thomas Stephan EDER

*University of Vienna*

**Saturday, 26 September 2015**

**15.30–17.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 8* **New Perspectives on the Nature of Chinese Law**

*Panel Chair* Prof LIN Feng  
*City University of Hong Kong*

**The Flexibility of Chinese Law – Trick or Treat?**

Lutz-Christian WOLFF  
*University of Hong Kong*

**Law vs. Law Enforcement:  
The Case of Chengguan in China**

Philipp HIRSCHFELD

**Understanding the Conflict between  
China's Constitutions**

Jean Christopher MITTELSTAEDT  
*Sciences Po*



**Saturday, 26 September 2015**

**18.00–20.00 h**    **Guided City Tour**

Meeting Point:

University of Cologne Seminar Building

Universitätsstraße 37

**Sunday, 27 September 2015**

**09.00–10.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 9* **Legal Transfers as a Driving Factor of the  
Development of the Chinese Civil Code,  
Investment and Tax Law**

*Panel Chair* Prof Georg GESK  
*Osnabrück University*

**Foreign Trade and Investment Law in China:  
Legal Transfer and Development in an  
Evolving Legal System**

ZHAO Lijun  
*Middlesex University*

**A Civil Code for XXI Century China:  
Comparative Law Perspectives**

Marina TIMOTEO  
*University of Bologna*

**Legal Transfers and the Development  
of the Chinese Tax System**

Bernard SCHNEIDER  
*Queen Mary University of London*





**Sunday, 27 September 2015**

**09.00–10.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 10* **New Legal Perspectives on the Relation  
of the State and the Market**

*Panel Chair* Prof Lutz-Christian WOLFF  
*University of Hong Kong*

**Trademark Co-existence without Confusion  
in China? Recent Trademark Cases from the  
Zhejiang Courts**

Roger GREATREX  
*Lund University*

**State as an Entrepreneur: A Study of the  
Investment Contractual Terms and Level of  
Control of China's Sovereign Wealth Fund  
in Its Portfolio Firms**

Li Jing  
*Tilburg University*

**State Intervention, Planned Innovation: Law-  
Driven Developments in Chinese Hedge Funds**

Christopher Hsu  
*Goethe University Frankfurt*

**Sunday, 27 September 2015**

**09.00–10.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 11* **Administrative Litigation and  
Environmental Protection Law**

*Panel Chair* Dr CHEN Yongxi  
*University of Hong Kong*

**The Reform of the Reform – Tendencies  
in China's Administrative Law**

Nina ROTERMUND  
*University of Göttingen*

**Towards the Blue Skies: The Revision of  
China's Air Quality Prevention Act (AQPA) and  
Actual Changes that are Brought Upon**

Jaakko RASTAS  
*University of Lapland*



**Sunday, 27 September 2015**

**State's Obligation to Conduct Transboundary  
Environmental Impact Assessment in  
Preventing Nuclear Damage:  
An Overview of China's Practice**

HA Lisi

*Wuhan University*

**The Making of the Chinese Nationality Law**

Jasper HABICHT

*University of Cologne*

**10.30–11.00 h    Coffee Break**

**Sunday, 27 September 2015**

**11.00–13.00 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 12* **Images of Law: Legal Professions and  
Activism in Chinese Film**

*Panel Chair* Prof Felix WEMHEUER  
*University of Cologne*

**Picturing the Judiciary: (Re-)constructing the  
Person of the Judge in Chinese Film**

Agnes SCHICK-CHEN  
*University of Vienna*

**Mundane Police Work in Chinese Documentary  
Film: The Works of Zhao Liang and Zhou Hao**

Marina SVENSSON  
*Lund University*

**Disobedient Images: Human Rights Lawyers'  
Visual Advocacy and the Formation of  
Civic Rights Consciousness in China**

Eva PILS  
*King's College London*



**Sunday, 27 September 2015**

**Executing Justice: A Gender Perspective on  
Inspector Wu Hongyan in “Night Train”  
by Diao Yinan (2007)**

Astrid LIPINSKY  
*University of Vienna*

**Comparing Judicial Cultures**

Stéphanie BALME  
*Sciences Po*

**11.00–13.00 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 13*

**Investigating Legal Change in Divorce Law,  
Contract Law and Privacy Protection**

*Panel Chair*

Prof Marina TIMOTEO  
*University of Bologna*

**百年(不)好合! One Hundred Years of Marital  
(Un)happiness! An Analysis of Divorce Pro-  
ceedings Involving Domestic Violence in China**

Sara D’ATTOMA  
*Ca’ Foscari University Venice*

**Sunday, 27 September 2015**

**Good Faith in Chinese Civil Law**

Matti TJÄDER

*University of Lapland*

**Personal Information Protection without a  
Public Right to Privacy: Revisiting the Recent  
Development of Chinese Law-making regard-  
ing Data Privacy and Surveillance**

CHEN Yongxi

*University of Hong Kong*

**11.00–13.00 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 14*

**Tradition and Reform of Chinese Law**

*Panel Chair*

Prof Roger GREATREX

*University of Lund*

**Western Universalism versus Cultural Rela-  
tivism during the Process of Chinese Legal  
Transformation: The Example of Family Law  
as a “Hard Core” of Legal Culture**

LUO Gang

*University of Paris 1 Pantheon-Sorbonne*



**Sunday, 27 September 2015**

**Present at the Creation: Tracing the Origin of  
Terms Contained in the Macau Basic Law**

Jason BUHI

*University of Hong Kong*

**Seeing Tradition in Modernity: Yang Honglie's  
Historiography of China's Legal System**

Britta BÜERMANN

*University of Göttingen*

**Chinese Culture and Perceptions of Rule of  
Law: A Comparison between Hong Kong and  
Taiwan**

LEE Karen

*University of Hong Kong*

**13.00–14.00 h    Lunch Break**

**Sunday, 27 September 2015**

**14.00–15.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 15* **New Developments in Chinese Criminal Law  
and Criminal Procedure Law**

*Panel Chair* Prof Thomas WEIGEND  
*University of Cologne*

**The Challenges of Implementation of  
Criminal Procedure Law**

YUE Liling  
*China University of Political Science and Law*

**Legal and Political Rights Advocacy in  
Wrongful Conviction Cases: A Study of the  
Leping Case of Injustice**

JIANG Jue  
*Chinese University of Hong Kong*

**Accumulation of Criminal Actions as Risk  
Factor for Doing Business in China**

Georg GESK  
*Osnabrück University*





**Sunday, 27 September 2015**

**14.00–15.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 16* **The Semiotics of Chinese Communist Party  
“Law” and State Law — Part II**

*Panel Chair* Dr Flora SAPIO  
*Australian National University*

**Virtue, Law and the Perfectionist State:  
An Analysis of “Fazhi” with Xi’s Characteristics**

Elisa NESOSSI  
*Australian National University*

**The 2008 Anti-Monopoly Law**

Beth FARMER  
*Pennsylvania State University*

**Reexamining Hong Kong’s Political Tensions  
under the Theoretical Foundation of  
Chinese Socialist System**

WANG Keren  
*Pennsylvania State University*

**Sunday, 27 September 2015**

**14.00–15.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 17* **New Perspectives on the Interaction  
between Chinese Law and International Law**

*Panel Chair* Prof Peter-Tobias STOLL  
*University of Göttingen*

**International and Domestic Law in China:  
A Sociolegal Perspective**

Wim MULLER  
*University of Manchester*

**Interaction between International Standards and  
Domestic Constitutional Norms – A Case Study  
of the Chief Executive Election in Hong Kong**

LIN Feng  
*City University of Hong Kong*



**Sunday, 27 September 2015**

**The Impact of International Investment Law  
on China's New Foreign Investment Law Draft:  
A Focus on National Treatment Standard**

LI Yuwen

*University of Rotterdam*

**15.30–16.00 h** **Coffee Break**

**Sunday, 27 September 2015**

**16.00–17.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 18* **Current Issues in Chinese Dispute Resolution**  
*Panel Chair* Dr Knut Benjamin PISSLER

*Max Planck Institute for Comparative and  
International Private Law*

**The Analysis of the Factors Driving Public  
Interest Litigation in China**

JIANG Junxin  
*University of Turku*

**Competing over the Law: the Legal Conscious-  
ness of Petitioners in Chinese Courts**

FENG Yuqing  
*Southeast University*

**Judicial “Mediation” in China –  
Recent Developments and Future Trends**

Nils PELZER  
*Max Planck Institute Luxembourg for International,  
European and Regulatory Procedural Law*



**Sunday, 27 September 2015**

**Why the Western ADR Theory Cannot Justify  
the Chinese Courts' Role in Court-annexed  
Mediation – An Empirical Examination**

LI Yedan

*University of Amsterdam*

**16.00–17.30 h Parallel Sessions**

University of Cologne Seminar Building  
Universitätsstraße 37

*Session 19* **Socio-Economic Transformation and  
Chinese Law**

*Panel Chair* Prof Ronald BROWN  
*University of Hawaii at Manoa*

**Theorising “Elder Law” in China:  
Towards a Relational Account**

Mimi ZOU

*Chinese University of Hong Kong*

**Sunday, 27 September 2015**

**The Study of Support System of Policy and Law related to Embedded Social Structure and Social Community in Xinjiang**

ZHANG Zhaoxia

*Northwest University for Nationalities,  
Sichuan University*

**“Collect Gold in Times of Trouble, Collect Jade in Good Times”: Private Market, Public Engagement and the Protection of Cultural Property in the People’s Republic of China**

Simona NOVARETTI

*University of Turin*

**17.30–17.45 h Closing Remarks**

University of Cologne Main Building, Lecture Hall II  
Albertus-Magnus-Platz

Prof Björn AHL

*Convenor of the 10<sup>th</sup> Annual ECLS Conference*



## Notes



















## Contact

[ecls-2015@uni-koeln.de](mailto:ecls-2015@uni-koeln.de)

Participants can find all relevant information on the locations of conference venues on the conference website at

[ecls2015.uni-koeln.de](http://ecls2015.uni-koeln.de)

For urgent inquiries during the conference, you may reach members of the organisation team at

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+49 162 686 1606 (Mr Jasper HABICHT)