

RESEARCH PROJECTS

A Pilot Project: An Investigation into Current Practices & Recommendations for the Improvement of Bilingual Interviewing Practices By Police of Rape Victims in Hong Kong

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❖ CUHK Research Committee Funding (Direct Grants)

Considerable resources and effort have been invested in translating English legal documents into Chinese since the passage of the Hong Kong bilingual ordinance. Despite its importance, we know little about the impact of bilingual translation and interpretation on proceedings leading up to and including trial, particularly in rape cases. This project builds on the work of Leung. It will focus specifically how assumptions police hold about rape victims and women affect how they conduct interviews and record interview statements of rape victims. It will make recommendations that improve police interview practices in rape cases. The long term goal is to improve police interviewing of rape victims. Leung's earlier CERG grant aimed to: describe and analyze strategies English-Chinese translation strategies; analyze and explain problems interpreters encounter; and tease out the relationships between the legal translation and interpretation. This project looks specifically at an earlier, yet crucial stage; it investigates how the police interview victims of alleged rape. This stage is crucial because there is often a difference in what the police tell the court the victim said in the interview and what is written in the victim's statement, and what the

victim actually testifies in court. This discrepancy brings the victim's credibility into question. Studies from overseas indicate that police often adopt certain key words and phrases which are a type of 'shorthand.' This shorthand invariably embodies mistaken and outdated assumptions about the role of the victim in rape cases and the role of women in society, in general.

(SS05346)

The Implementation of the Chinese Contract Law: A Pilot Study

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❖ CUHK Research Committee Funding (Direct Grants)

Since its adoption in 1999, the PRC Contract Law has been hailed as a major achievement in China's legal reform. This Project studies in selected areas the implementation of the law in practice and in particular the ways in which the courts have interpreted and applied the law in actual cases. In light of the changed political, social and economic environment since China's accession to the WTO and China's efforts to draft a new Civil Code, the Project will investigate in selected areas the degree to which the legislative policies and objectives underlying the law have been carried out and the direction in which the law of contract is evolving. The project will follow a four-stage working plan combining legal and empirical research and will be completed in one year. (SS05974)

M&A Legislation in China: Between Market Control and Market Needs

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- 1 March 2006
- ❖ CUHK Research Committee Funding (Direct Grants)

Mainland China's investment laws have always been ambivalent. On the one hand, foreign investment activities in Mainland China have traditionally been under tight government control. On the other hand, China has always been eager to attract foreign investment and consequently tried to offer preferential market entry options.

This project is meant as a pilot study which will lay the grounds for a comprehensive contextual analysis of the development of the PRC investment law system with a focus on the identification of the contradicting factors that have shaped and are shaping this area of law.

It is necessary to limit the scope of this pilot study in order to allow for a focused discussion at this stage this project attempts a preliminary analysis of one particular area of Chinese investment law, i.e. the rules and regulations governing investments in Mainland China through mergers and acquisitions (M&A). The PRC M&A regime is of particular interest for the development of the PRC's investment law system because M&A activities did basically not exist in China until the mid/late nineties of the last century and are therefore a rather new phenomenon. M&A activities in Mainland China have, however, seen explosive growth rates in recent years and numbers are expected to increase again dramatically over the next ten years. It will be interesting and important to explore to what extent the constraints which have traditionally been imposed on investment activities in Mainland China are also shaping the rather new M&A legislation.

(SS05537)

Strengthening Hong Kong's Constitutional Identity

✉ YU Xingzhong

□ 1 September 2005

- ❖ Research Grants Council (Earmarked Grants)

This research aims to explore ways to define and strengthen Hong Kong's constitutional identity. Through comparative, empirical and case analysis, this research will look into some elements contributing to form Hong Kong's constitutional identity, such as sharing of the power to interpret the Basic Law by multi-interpretive authorities, the relative positioning of different power branches in Hong Kong's constitutional reconfiguration and the integration of the Basic Law with the common law constitutional tradition of Hong Kong. It will also explore a theory of special constitutional principles and their relations with general constitutional principles, which will provide a theoretical background for understanding Hong Kong's unique constitutional context. Theoretically, this research would contribute not only to the constitutional scholarship in Hong Kong, but also the literature on constitutionalism in general. Practically, it could provide ideas and intellectual recourses for those who are engaged in constitutional practice in Hong Kong in their effort to keep Hong Kong's own legal identity and autonomy.

(CU05641)

Please refer to previous issues of this publication for more details of the following ongoing research at the department:

Edition Title/Investigators

- 2004-05 Investigation and Analysis of Issues Raised by Self-Representation in the High Court of Hong Kong (SS04391)
✍ KELLY Elsa Mary Anne • LAM Hugh Simon Hung San* • HUI Wang*
- 2004-05 An Empirical Study of the Criminal Justice System in China (SS02559)
✍ MCCONVILLE Michael James • CHOY Dick Wan
- 2004-05 China's Practice on International Law: The Emergence of a New World Power and Challenges to the International Legal Order (SS01510)
✍ LING Bing