

RESEARCH PROJECTS

Civil Justice Reform in Hong Kong

✍ KELLY Elsa Mary Anne

☐ 30 June 2007

❖ CUHK Research Committee Funding (Direct Grants)

This research project will examine the nature, introduction and implementation of the new reforms to Hong Kong's civil justice system. It will analyse the new reforms and recent developments in Hong Kong's civil justice system from the perspective of access to justice. It will compare the reform process with developments in other common law jurisdictions which have, or are in the process of, reforming their systems. The project will address key questions including how the new reforms will work in practice in Hong Kong; the extent to which the new reforms will improve existing practices and procedures and the extent to which the new reforms will improve access to justice.

(SS06974)

Modifying “The Gold Rush: Mining the Law” Online Game Designed for Secondary Students into a CD-Rom on Hong Kong Law for First Year Law Students”

✍ LE BRUN Marlene Jean • LI Woon Woon (Information Technology Services Centre)#

☐ 1 April 2006

❖ Teaching Development Grant 2005/06

The aim of this project was to rewrite and redesign the online game, The Gold Rush: Mining the Law so

that it was suitable for first year law students in Hong Kong and to produce it in CD-Rom format so that it could be used for teaching law students. The development of the CD-Rom version led to the production of a second game. Discovery Destination: Lawyer, which tests students' knowledge and understanding of common law and Hong Kong legal method and the Law of Contract. Discovery Destination: lawyer was evaluated by a cohort of first year law students and modified on the basis of the feedback that they provided. The game will be used for teaching purposes in year one of the LLB degree programme at The Chinese University of Hong Kong. (LL05575)

Regional Autonomy and International Rule of Law: The International Legal Status of the Hong Kong SAR under the One Country Two Systems Principle

✍ LING Bing • LI Zhaojie James* • CHEUNG Sau Ha Deneb*

☐ 1 August 2006

❖ Research Grants Council (Earmarked Grants)

Modern international law envisions states as the principal actors engaging in international affairs and does not generally recognise regional entities to have separate and autonomous status. Under the One Country Two Systems principle, Hong Kong enjoys high degree of autonomy, which includes considerable powers and capacities to conduct international relationships on its own. This Project investigates Hong Kong's practice on a select range of international legal matters since 1997, including treaty-making, jurisdiction, extradition and immunities, trade and commerce, human rights, environmental protection, and private international law. It will, on the one hand, demonstrate how

Hong Kong's special international status contributes to the development of international rule of law relating to the governance of regional autonomy of States. On the other hand, the Project will study the various legal aspects of the SAR's cross-border relationship with the rest of China and thereby contributes to a better understanding of Hong Kong's constitutional position in China. The Project will be carried out primarily through documentary survey and interviews with the relevant governmental officials in Hong Kong and China and will compare the Hong Kong experience with the practice of leading federated States in the world. The Project will be conducted in four stages through two years and will produce a research book or a series of journal articles. It will fill the void in an important area which has not been systematically studied since 1997.

(CU06723)

**Film the Law Students and the School of Law :
Reflections on a 4-Year Undergraduate Degree**

✍ MCCONVILLE Michael James • CARVER Anne Rosamunde • SHIVE Glenn Landes (Educational Administration & Policy) • MCNAUGHT Carmel Marie (Centre for Learning Enhancement and Research)

☐ 1 October 2006

❖ Teaching Development Grants for 05-08
Triennium

- Legal education is multifaceted academic and professional training and, since 2004, the undergraduate LLB programme has become a four-year undergraduate programme.
- As a result of the Report of the consultants on legal education and training in Hong Kong: a preliminary review in August 2002, a four-year

curriculum was introduced and educational providers were invited to redesign their programmes in order to give students an expanded view of the world, enrich their general education, in addition to providing them with professional knowledge and skills.

- With its innovative new curriculum and its first intake of students in September 2006, the new School of Law at CUHK is concerned to develop appropriate Teaching Quality Assurance mechanisms, and associated staff and student development materials. The School also wishes to reflect upon divergent approaches to learning, to enrich the interpretation of the Student Engagement Questionnaire (SEQ) and other questionnaires within the University, and to provide feedback for curriculum design in future years.
- The Film of the law students is the first part of a four-year longitudinal study of the first intake of LLB students, the class of 2010. We shall film interviews with 10 law students in October 2006 and May 2007 and May 2008; film interviews with six law teachers in December 2006; and film an interview with Professor Paul Redmond, the lead Consultant to The legal education and training in Hong Kong: a preliminary review and a Visiting Professor in the School of Law 2006-2009.
- The School of Law regards the power of visual materials as a major tool in reflecting upon processes, development and outcomes (Fuery & Fuery, 2003). The video documentary *A private universe* produced by the Harvard-Smithsonian Center for Astrophysics in 1987 is an interesting earlier model of the advantages of filming students for student learning and outcomes; this project forms a precedent for this approach and lends support

to the current application.

- Curriculum design in law has, not surprisingly, sought an evidence base (Olgoff, J.R.P., Lyon, D. R., Douglas, K.S., & Rose V. G., 2000). This film will also contribute a unique perspective to current research on the culture and value systems of law students (Sheldon & Krieger, 2004; Allen & Baron, 2004) in general, and in Hong Kong in particular.

(LL06465)

The International Law and International Relations Dimensions of China's Exchange Rate Regime

✉ WANG Jiangyu

□ 30 June 2007

- ❖ CUHK Research Committee Funding (Direct Grants)

China's exchange rate regime has been an international concern for years, and is possibly one of the chief reasons for causing a trade war between the United States and China. Critics have alleged that the current Chinese RMB practices add unfair advantages to Chinese exports, and are hence a violation of international law. This project, believed to be the first comprehensive legal work on this particular issue, aims to study China's exchange rate regime in the context of international law and economic relations. It will examine the legality of the regime under the law of the World Trade Organization (WTO) and the International Monetary Fund (IMF). It will also explore the international relations aspects of China's exchange rate policies and practices, aiming to explain why China has been resistant to international pressure to reevaluate its currency, mainly from the perspectives of trade liberalization and economic development.

(SS06588)

Chinese Private International Law and Sino-Foreign Business Transactions

✉ WOLFF Lutz-Christian

□ 30 June 2007

- ❖ CUHK Research Committee Funding (Direct Grants)

Foreign business activities with partners from Mainland China are booming. Sino-foreign business projects are always conducted within a multi-jurisdictional environment. Consequently, the determination of the law governing respective transactions is of crucial importance. Up to date there is hardly any comprehensive study of the related theoretical and practical private international law ("PIL") dimension of Sino-foreign business transactions. Either research in the area of PIL focuses on general issues or related studies are limited to specific topics without reference to Sino-foreign business transactions. It does not come to a surprise that there is no comprehensive account of how China's business related PIL rules are being implemented in practice. This study attempts to fill the gap by focusing on three questions:

- (1) How are the different types of Sino-foreign business transactions treated under China's PIL rules?
- (2) How have Chinese courts and arbitration organs implemented China's PIL rules in the context of Sino-foreign business transactions?
- (3) How have parties to Sino-foreign business transactions responded to China's PIL rules?

(SS06951)

Remedying the Environmental Harm of Historical Pollution – A Comparative Study

- ✉ ZHAO Yuhong
 ☐ 30 June 2007
 ❖ CUHK Research Committee Funding (Direct Grants)

Much environmental harm we suffer today is the result of historical pollution. The highly publicized examples include the contaminated sites at both Kai Tak Airport and Cheoy Lee Shipyard. Environmental harm, nevertheless, is not restricted to land contamination. Other examples are destruction of the ecosystem and depletion of indigenous plants and animals. Yet, there are no legal guidance as to what remedial measures should be taken and who should pay for such remediation in either Hong Kong or Mainland China. The proposed research aims at investigating how to develop a fair, just, effective and efficient legal framework to remedy the environmental harm caused by historical pollution. It will focus on three specific questions: First of all, what remedial actions should be taken in relation to the environmental harm? Should remedial measures be taken to restore the environment to its original pre-pollution state, to a certain state suitable for any future use (i.e. multifunctional use), or to a state suitable for a specific proposed use? The answer to this first question determines the cost of remedial measures. Secondly, who should bear the restoration cost? In the absence of any legal guidance in Hong Kong and China, it is usually the government or the victims that foot the bill of remedial cost, which is neither fair nor efficient. A liability scheme making polluters pay needs to be set up. Thirdly, how to ensure sufficient funding for the restoration if “polluters” cannot be identified? To what extent can insurance and compensation fund play an effective role of financial provision?

(SS06939)

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

<u>Edition</u>	<u>Title/Investigators</u>
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*
2005-06	A Pilot Project: An Investigation into Current Practices & Recommendations for the Improvement of Bilingual Interviewing Practices By Police of Rape Victims in Hong Kong (SS05346) ✉ LE BRUN Marlene Jean • Brand-Miller Jennie*
2005-06	The Implementation of the Chinese Contract Law: A Pilot Study (SS05974) ✉ LING Bing
2005-06	M&A Legislation in China: Between Market Control and Market Needs (SS05537) ✉ WOLFF Lutz-Christian
2005-06	Strengthening Hong Kong's Constitutional Identity (CU05641) ✉ YU Xingzhong

The following **symbols** are used throughout the Research Projects section:

✍ Investigator(s)

☐ Commencement Date

❖ Source(s) of Fund

* Name of external researcher

Name of staff who has left the University as of 1 September 2007