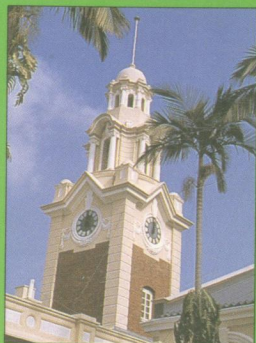


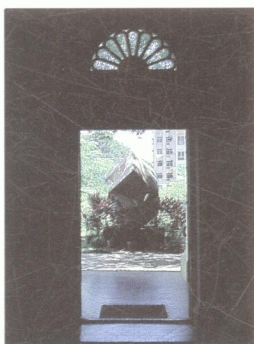


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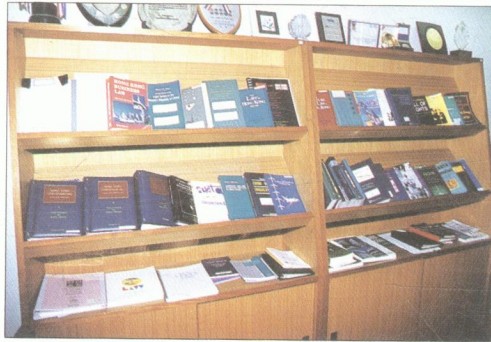


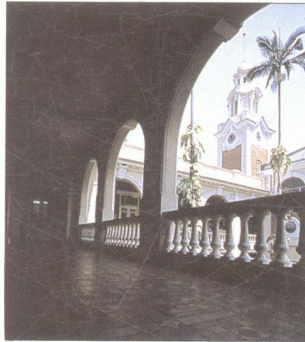
香港大學法律學院  
簡介

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An organisation is a group of people who come together from different directions, and join together to pursue a collective vision, and to realise a common dream.

*What organisation are we, the Faculty of Law at the University of Hong Kong?*

We are a collection of teachers, students and supporting staff, who come together to pursue the cause of legal education for Hong Kong. *Education* is a multi-dimensional and life-long process. It is not confined to the creation and transmission of knowledge and the development of intellectual skills. It includes also, for example, the cultivation of moral character, of a sense of purpose and vision in life, and of commitment to the spirit of intellectual inquiry and to the duty of serving the community, the nation and the world by dedicating one's best to it.

*Legal education* is also not confined to the training of lawyers. The study of law is not only meaningful and useful as a preparation for a career in the legal profession, but also as a vehicle for cultivating general intellectual and linguistic skills, learning about how society, politics and the economy work, and being nourished by the moral and ethical values that form the foundation of a civilised and humane society. As such, legal education in Hong Kong may be viewed as a preparation for a diversity of careers in Hong Kong as well as China.

*What element of this Faculty of Law am I most proud of as its member?* I am most proud of the high quality of its people--the distinguished scholars who teach here, the competent and dedicated administrative and clerical staff who work here, the outstanding graduates who were educated here, and, above all, the bright, conscientious and earnest students who are currently gathered here to learn about the law, about Hong Kong, China and the world, and about Life itself.

May our awareness be refreshed every day and every academic year of how wonderful it is that the mystery of Life has brought us together in this Faculty. Let us make the best of it; let us do our best in our respective roles. And together we shall make our collective dream come true.

Albert H.Y. Chen  
Dean  
*7 July 1996*

## 香港大學法律學院簡介

香港大學成立於1911年。為香港培養法律專業人才並非她當時的直接目標；一直到1924年，港大才聘任第一位法學教師（喬治·肯頓先生，George Keeton）；雖然早在1930年就開始醞釀開設法學專業，但是一直到1962年才正式考慮設立法學學位課程。1964年，港大當時的校外課程部開始為那些在香港攻讀倫敦大學的校外法學學士學位課程的學生講授法學。同時，任曼·克溫、托尼·高斯特和克力夫·帕納姆等人倡議開辦法律系。1966年，港大當局任命了一個工作小組，負責研究設立法學教育所需的設施，以期在香港大學培養法律專業人才。在進一步徵詢海外學界的意見後，1969年香港大學法律系正式成立並開始招生，進入法學學士課程，不久，另外一個負責籌辦開設法律專業教育課程的工作小組也開始運作。1972年，第一批法學學士課程的學生畢業，並開始攻讀法學專業證書課程。

這兩個工作小組的報告書於1974年由香港大學出版社以《香港的法律教育》為題正式出版。

港大法律系(Department of Law)原來隸屬港大社會科學學院(Faculty of Social Sciences)，到了1978年，法律系獨立出來，成為一個獨立的教學部門(School)，擁有自己的院務委員會(Board of Studies)。1984年7月1日，港大法律學院成立，由法律系(Department of Law)和法律專業教育系(Department of Professional Legal Education)組成，它們分別承擔三年制法學學士學位和一年制法學專業證書課程的教學工作。

在1986—87學年度，法律學院設立法學碩士學位課程。該課程側重於國際貿易法、商法、運輸法、稅法、人權法、國際法和中國法，主要是為從事法律實務工作的畢業生而設。從1993—94學年度

開始，商業法律研究及中國法律研究文憑課程也開始招生。而在1996-97學年，學院更增設公法研究文憑課程。

1988年，法律學院遷入香港大學梁銶琚大樓。本院的辦公室，部份教室和教員辦公室都分佈在三、四和五樓，其中，院長、系主任，院務主任都在四樓辦公，學院辦公室也在四樓。法律圖書館則在梁銶琚大樓的一和二樓。

## 法律系

法律系提供三年制的法學學士學位課程，並與法律專業教育系合作開辦法學碩士學位課程(Master of Laws)，商法、中國法或公法研究文憑課程(這些課程都是通過上課和考試完成的)，和法律哲學碩士和博士學位課程(M. Phil. and Ph.D. in Law)(這些課程是以寫論文來完成的)。

法律系共有三十多位教師。他們來自世界各地，包括香港、中國、英國、北美、馬來西亞、非洲、以色列、斯里蘭卡、澳大利亞和新西蘭。法學學士學位每年招收150名學生。一年級新生有五門必修課程，但是第二、第三年的許多課程都為選修課。每門課通常每週有兩小時的課堂講授和一小時的討論輔導(導修)。這些課程有些是一學期的，有些是兩個學期的。每學年由9月開始至6月結束，考試在12月或5月舉行。許多課程的考試成績是由平時功課的成績和最後考試的成績來決定。學生也需要參加模擬法庭的練習。

不少本系畢業生得到海外知名法學院—例如牛津大學、劍橋大學、倫敦大學、哈佛大學、耶魯大學等錄取攻讀研究生深造學位。



本系提供一年制的法學專業證書課程，畢業生可以成為見習大律師或見習律師，然後取得大律師或律師資格，在香港從事法律職業。課程設置側重於向學生提供他們將來在香港從事法律職業所必需的法律和程序知識、以及必要的專業技巧。學習方式以小組研習和起草文件的練習為主，並著重學生在導修課堂的參與。本系的教師包括有豐富實踐經驗的不同領域的專家。本系與香港律師界保持密切的聯繫，他們參與本系學生的培養和評估。

### 修讀法律概況

法律是由很多規則組成的，這些規則規範著現代社會日常生活、政治和經濟運作的各個方面。擁有法律知識可以增加人們對公共事務、政府行為及商務運作的理解，法學訓練能促進語文表達的準確性，提高思考、分析、推理及論辯的技能。目前許多國家已將法律及法律制度的教學視為其整個中等教育課程不可缺少的組成部分。

通過學習和研究具有一定難度的和互相衝突的法律觀點，再加上從聽講中獲得的基本概念以及小組討論和個人鑽研，可以使學生逐漸獲得一種全方位的思辯能力。這種能力對於許多不同類別的職業，無論是在法律專業、還是政府公務員界、商界、政界或學術界，都具有極大的價值。

香港作為國際貿易和金融中心的地位，加上九七回歸祖國的安排，使她在中國現代化進程中起著越來越重要的作用。這種情勢為從事法律學習研究及實踐提供了一個極具吸引力的環境。由於英國普通法大部分適用於香港，所以香港大學的法律教學與其他普通法國家的大學一樣，為學生提供基本的普通法訓練。除了這些基本訓

練，香港大學法律學院還就香港法、中國法及國際法為學生提供課程。雖然英語是主要的教學媒介，但也有把“中文在法律上的使用”作為獨立科目來教授。

在這一點上值得注意的是，〈〈中英聯合聲明〉〉和〈〈基本法〉〉中都規定，現存的香港法律在97年之後基本不變，繼續使用。

法學學士學位是修讀法律專業的第一個學位，為期三年，為學生提供了一個基礎的法律學科教育，同時還包括一些通識教育的成份，期望學生除了學習法律專業人員所必需具備的知識以外，還對社會、政治、經濟等方面有基本的認識。近年來，課程設計經歷了改革，如增加有關中國法律及“中文在法律上的使用”的內容，拓寬學生的科目選擇範圍，要求學生提交更多的論文，以增強表達和溝通能力，並培養獨立地進行法學研究的能力。此外，也鼓勵學生參加港大中文系提供的中文和普通話學習班及清華大學提供的暑期中國法律學習班。

法學學士學位課程由法律學院的法律系負責。法律學院的另一個部門是法律專業教育系，負責教授為期一年的全日制法學專業證書課程。法學學士學位獲得者可以入讀這一課程。獲得法學專業證書之後，願意成為事務律師(solicitor)者必須先做兩年見習律師工作，願意成為訟務律師(即大律師barrister)者則必須做一年學徒工作，然後才能成為具有完全資格的執業律師。香港大學的法學學士學位一向得到香港法律專業團體及海外各大學的承認。

目前，法律學院共有700多名學生和50多名全職教師。現時法律學院教師的數目比1969年它剛成立時的學生總數還要多，那時，只有4名講師和40名學生。

從那時起，港大法學院不但在規模上不斷擴大，而且一直積極發展與英國、中國、太平洋地區及其他地區國家的學術交流和訪問項目。

在香港，目前女性在法律學習中佔有很高的比例。近年來法律學士課程的學生中，女同學持續地佔大多數。

法律學院擁有一個藏書35,000冊的圖書館，圖書內包括香港、英國、中國、英聯邦國家的基本法律資料，也包括美國和歐洲大陸法制的一些資料。

隨著社會變得更加複雜和越來越依賴法律規則，諮詢律師和獲得法律服務的需求也相應增加，尤其是帶來對高質素的法律服務的需要。在這社會環境下，法學成爲了最受學生歡迎的學科之一。香港大學法律學院的畢業生絕大部分已成爲事務律師、訟務律師、法官、企業法律顧問或政府律師而服務於香港社會，當然也有畢業生從事其他領域的工作，例如商業、公共行政、政治、教學和研究等，其中還有人被任命爲御用大律師，或重要的諮詢委員會的成員，或成爲香港大律師公會，或律師公會的執行委員。看來，多種類型職業的大門正在向法律學院畢業生們敞開，因此，攻讀法律是具有直接的用途和真正的價值的。攻讀法學學位所帶來的智力訓練及對政府和社會事務的理解，對於許多不同種類的生活和工作，都具有寶貴的價值。

### 法學學士學位結構

同學們將通過參加聽講及小組討論，獲得老師的指導，同時還必須完成各書面作業，並參加辯論練習。

在第一學年，同學需參加五門課程的學習：合同法、侵權法、法律與社會、法律制度、法學寫作與研究。

第二年的必修課程包括憲法與行政法、刑法、財產法。第三年則只有一門名為“法律哲學”的必修課。第二年和第三年，同學可以從種類多樣的科目中作出選擇，包括（例如）公司法、證據法、信托法、家庭法、國際貿易法、知識產權法、法律衝突法、國際公法、人權法、中國法及中文在法律上的使用等等。

## 考試

第一學期的考試在12月進行，第二學期的則於翌年5月進行，那些需要一學年才完成的課程，於每年5月舉行一次考試。在大多數課程中，書面作業被計算在考試總成績之內。

## 職業認可

在香港獲得法律執業資格，須滿足以下要求：取得法學學士學位及法律專業證書，並經過兩年見習期（事務律師）或一年學徒期（訟務律師）。法學專業證書課程的入學申請人，包括港大法律系畢業生和其他被承認的香港及世界各地的大學和類似的學術機構的普通法課程的畢業生。法學專業證書課程現時每年招生200人，但入學競爭激烈。目前的選拔標準中，主要考慮申請人的法學學士學位的成績，尤其優先考慮那些在香港大學法律系獲得一等或二等榮譽學位的畢業生。



The first law teacher appointed to the University of Hong Kong was George Keeton in the 1930s, who taught law as part of a general degree and very much from a comparative perspective. He did not stay long before proceeding to a distinguished career as an academic in the United Kingdom, and no one seems to have been appointed to take his place.

Not until the 1960s were law teachers once again seen around the campus, this time employed in the Department of Extra Mural Studies to prepare students taking the external LLB degree of the University of London. Until then Hong Kong students who wished to become lawyers through the university route had to proceed to the UK. But part-time, external study in Hong Kong of English law was not a sufficient alternative to taking a degree in Britain: the profession needed a greater number of entrants, and from a wider socio-economic catchment area, than these options could provide. In any event, it was high time that the academic study of Hong Kong law was begun, such as could only be provided by teachers at the University of Hong Kong whose duties included research and publication. Thus by the end of the decade a law degree at the University of Hong Kong was created with the establishment of the Department of Law in the Faculty of Social Sciences and Law. With Dafydd M E Evans as the foundation Professor of Law and Head, the department received its first students in 1969. When this first cohort graduated three years later they were able to proceed, within the university, to the Postgraduate Certificate in Laws (PCLL), a one-year course of more practice-oriented instruction accepted by the professions.

The department later split from the Faculty and became a 'School', along with the two other 'professional' disciplines of Architecture and Education. But the Schools were somewhat anomalous within the university's structure and in due course they matured into separate Faculties in 1984. The Faculty of Law now consists of the

Department of Law and the Department of Professional Legal Education. The Department of Law has responsibility for the LLB while the Department of Professional Legal Education teaches the PCLL. The Faculty also offers a popular coursework LLM, Postgraduate Diplomas, and the research degrees of MPhil and PhD; in addition, it cooperates with the School of Professional and Continuing Education (successor to the Department of Extra Mural Studies) in teaching the Common Professional Examination Certificate and a separate intake of PCLL students.

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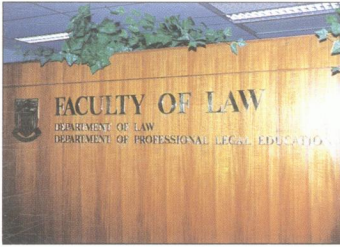
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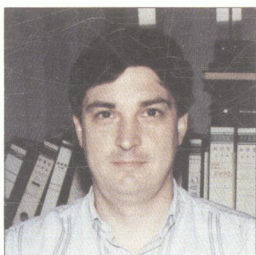
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Guanghai **Yu**

DEPARTMENT OF PROFESSIONAL LEGAL EDUCATION

Brian G. **Baillie**  
Charles D. **Booth**  
Christine N. **Booth**  
Janet R. **Burton**  
Anne R. **Carver**  
Eric T. M. **Cheung**  
Wilson W. S. **Chow**  
Emma C. **Day**  
Caroline M. **Hague**  
Andrew J. **Halkyard**  
Gary N. **Heilbronn**  
Helen J. **McCook**  
J. Arthur **McInnis**  
Stephen B. **Nathanson**  
Patrick J. **Sheehan**  
Christopher H. **Sherrin**  
Gillian M. G. **Stirling**  
Michael R. **Wilkinson**



Lecturer **Janice Brabyn** LLB (Victoria), LLM (Yale), LLM (Victoria) teaches and writes mainly in the fields of evidence and criminal law and also has long-term interests in extradition in particular and international mutual assistance in criminal matters generally. Major commitments for 1996-97 include empirical research about contested confessions in the Hong Kong District courts and running a new, active learning introduction course for the first-year LLB students. She has taught Fundamentals of Evidence and Trial Procedure and Introduction to Legal Theory, and in 1996-97, will be teaching Introduction to Law and Criminal Law. Her publications include "The Extraterritorial Reach of Hong Kong Criminal Law and the Court of Appeal", 23 *Hong Kong Law Journal* 178-206 (1993); Commentary on Orders 24, 38, 39 and 40, in *Hong Kong Supreme Court Practice* (William Clarke ed), looseleaf publications (1994); and "Extradition and the SARs after Reunification" (in press).



Director of the Centre for Comparative and Public Law and Senior Lecturer **Andrew Byrnes** BA (Hons), LLB (Hons) (ANU), LLM (Harv), LLM (Col) has written widely on human rights issues focusing both on international and Hong Kong developments, and has recently been involved in efforts to adopt and implement anti-discrimination legislation in Hong Kong. He is co-editor of the *Bill of Rights Bulletin* and the *Hong Kong Public Law Reports* and his current research interests include: human rights protection in Hong Kong under the Bill of Rights and the Basic Law; equal opportunities law; feminism and international

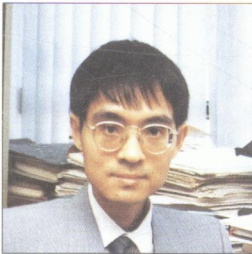
law; the law and practice of United Nations human rights treaty bodies; and private international law. In the academic year 1996-97, he will be teaching Human Rights: Theory and Practice in the LLM, and Introduction to Private International Law and Human Rights in Hong Kong in the LLB. He has taught Public International Law, International Human Rights Law, Legal System, and Constitutional and Administrative Law in the LLB. His recent publications include *Hong Kong Public Law and Human Rights Documents: A Sourcebook* (with Johannes Chan) (1993); "Enforcing the Human Rights of Women: A Complaints Procedure for the Convention on the Elimination of All Forms of Discrimination Against Women?" (with Jane Connors), 21(3) *Brooklyn Journal of International Law* 678-798 (1996); "The Application of the Hong Kong Bill of Rights to Relations between Private Individuals", in *Hong Kong's Bill of Rights: A Comparative Perspective* (Johannes Chan and Yash Ghai eds) 71-105 (1993); and "The Committee Against Torture", *The United Nations and Human Rights: A Critical Appraisal* (P Alston ed) 509-546 (1992).



Associate Professor **Johannes Man-mum Chan**

陳文敏 LLB, PCLL (HKU), LLM (London) has written widely on international and local human rights issues. He has appeared as a barrister in many Bill of Rights cases in Hong Kong, and has been involved in various international human rights activities. He is co-editor of the *Hong Kong Public Law Reports* and the *Bill of Rights Bulletin*. His academic interests extend to international human rights law, civil liberties, constitutional law, administrative law and media law. He has also provided extensive public and community services, and was selected one of the Ten Out-

standing Young Persons in Hong Kong in 1995. This year he will teach Human Rights: Theory and Practice to LLM students, and Legal System and Human Rights in Hong Kong to LLB students. His publications include *Public Law and Human Rights: A Hong Kong Sourcebook* (with Andrew Byrnes) (1993); *The Hong Kong Bill of Rights: A Comparative Approach* (with Yash Ghai) (1993); and *Media Law and Practice* (with Kenneth Leung) (1995) (in Chinese). He will be acting Head of the Department of Law from 1 September to 31 December 1996.

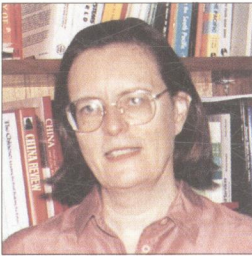


Professor **Albert Hung-yea Chen** 陳弘毅 LLB, PCLL (HKU), LLM (Harvard) became Dean of the Faculty of Law on July 1, 1996. He teaches Law and Society, and has taught Legal System, Constitutional and Administrative Law, and Use of Chinese in Law. His research interests include legal and political philosophy, comparative legal traditions, and constitutional developments in Hong Kong and China. His publications include the following books: *An Introduction to the Legal System of the People's Republic of China* (1992); *Law and Politics in Hong Kong* (1990) (in Chinese); and *Hong Kong's Legal System and the Basic Law* (1986) (in Chinese).

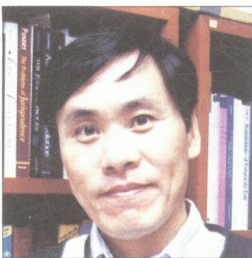


Assistant Professor **Anne Shann-Yue Cheung** 張善喻 LLB (HKU), LLB (Toronto), LLM (London) joined the Faculty in 1995. Her major interests include law and sociology, legal theory and legal education. Her writings are mainly on the analysis of legal system and aspects of law and society. This year she will teach Law and Society, Equity and Introduction to Trusts, and Legal Writing and Research. She has also taught Legal System. Her publica-

tions and papers include "A Preliminary Exploration of Pay Equity in Hong Kong", 25 *Hong Kong Law Journal* 383-400 (1995); "Hong Kong Legal System: Falling Apart or Forging Ahead" in *The Other Hong Kong Report* 13-32 (1995); and "Cultural Appropriation and the Search of Identity for Hong Kong" a paper presented at the *Annual Conference of the Canadian Law and Society Association* (1996).

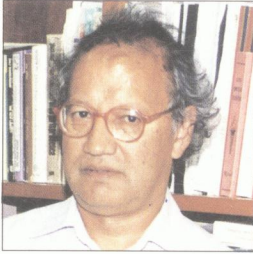


Associate Dean and Senior Lecturer **Jill Cottrell** LLB, LLM (London), LLM (Yale) has academic interests in the law of tort and environmental laws, as well as in research methodology for law students. In the academic year 1996-97, she will be teaching Tort and Legal Research and Writing to the LLB students and Hong Kong Environmental Law to LLM students. She has also taught Guided Research and Law and Society. Her publications include "Environmental Protection", *Trade and Investment Law in Hong Kong* (Philip Smart and Andrew Halkyard eds) 221-237 (1993); and *Heads of State in the Pacific* (with Yash Ghai) (1990), (2nd ed in progress). She has just finished a book on *Defamation in Commonwealth African Countries*.

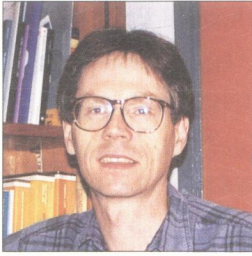


Assistant Professor **Peter Xiang Feng** 馮象 BA (Kunming), MA(Beijing), PhD (Harvard), JD (Yale) teaches Intellectual Property, Trusts, Property, Legal Theory in the LLB, and PRC Civil and Commercial Law in both the LLB and LLM. He is a visiting professor of the Oriental School of Law and Business, Shanghai, advisor to the Hong Kong Stock Exchange Listing Division, and the China law editor of the *Hong Kong Law Journal*. He will be on leave in the 1st semester of the 1996-97 academic year. In the 2nd se-

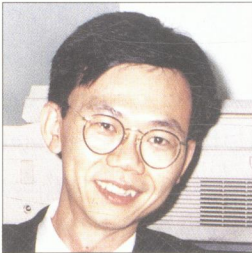
mester, he will teach Issues in Intellectual Property Law, PRC Civil and Commercial Law and Legal System. His publications include "Labour Law in China: An Overview", in *PRC Employment Law* 1-17 (1996); "The Ideal and Reality of Legal Scholarship", 1 <<中國書評>> 74-81 (1995) (in Chinese); and "Three Issues of Jurisculture", 9 <<讀書>> 27-32 (1995) (in Chinese).



Holder of the Sir Y K Pao Chair in Public Law, Professor **Yash Ghai** MA, DCL (Oxon), LL.M (Harvard) is particularly interested in constitutional law including human right. He has written extensively in this area, as well as on the law in many countries, especially in Africa and the Pacific. He has advised governments and other bodies on constitutional developments. He has been a visiting professor in the USA and Canadian and Australian universities, has held full-time appointments in universities in the USA, Africa, England, and Sweden. He has taught Law and Society, Constitutional and Administrative Law, and the Basic Law of the HKSAR. This year, he will be Visiting Professor at Harvard University in the 1st Semester, and will return in the 2nd Semester to teach Law and Society and The Basic Law of the HKSAR in the LLB and the Basic Law in the LL.M. His publications include *Human Rights and Governance: The Asia Debate* (1994); *The Law, Politics and Administration of Decentralisation in Papua New Guinea* (1992); "Hong Kong and Macao in Transition I: Debating Democracy, and Hong Kong and Macao in Transition II: Exploring the New Political Order" *2 Democratization* 270-290 and 291-312 (1995).



Head of Department and Lecturer **Rick Glofcheski** BA (WLU), LLB (Windsor), LLM (Cantab) will be teaching Tort Law to LLB students in the academic year 1996-97. He has also taught Criminal Law. His publications include "Recent Developments in Negligence Liability", *Law Lectures for Practitioners* (which he also edited) 187-203 (1994); "Conditions for Compensation under the Employees' Compensation Ordinance", *Law Lectures for Practitioners* (Janet Burton ed) 149-170 (1995); and "Tort/Contract Concurrency: the Demise of Tai Hing Cotton Mill Ltd", 26 *Hong Kong Law Journal* 34-46 (1996). He is also a member of the Editorial Committee of the *Hong Kong Law Journal*.



Lecturer **Say Goo** 吳世學 LLB (Leicester), LLM (East Anglia) was formerly lecturer in law at the University of Exeter, England. He has taught Land Law, Contract Law and Company Law. In the academic year 1996-1997, he will be teaching Property Law, Insolvency Law, Equity and Trusts, and Legal System. He is the author of *Minority Shareholders' Protection* (1994) and *Sourcebook on Land Law* (1994), and the co-author (with Andrew Hicks) of *Cases and Materials on Company Law* (1994). He is currently the sub-editor of the Far East section of the *Journal of Business Law* (UK) and a contributor to *Halsbury's Laws of Hong Kong*. He is writing a sourcebook on *Land Law in Hong Kong* for Butterworths.



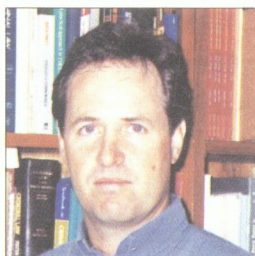
Assistant Professor **Lusina Kam-shuen Ho** 何錦璇 BA (Oxon), BCL (Oxon) has special interest in the law of equitable obligations, restitution, trusts and equitable remedies. This year, she will teach Legal System, and Equity



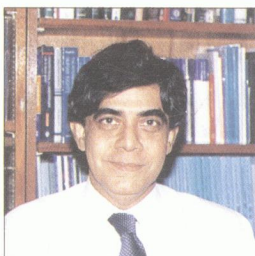
and Introduction to Trusts. She has also taught the Law of Trusts, Legal Research and Writing, and Guided Research. Her publications include “The Nature of Restitution - A Reply”, 16 *Oxford Journal of Legal Studies* 517-533 (1996); “Restitution for Unjust Gains - What Can We Gain From It?”, *Law Lectures For Practitioners* (Janet Burton ed) 171-189 (1995); “Presumption of Advancement: Voyage Into The Uncharted Sea”, 23 *Hong Kong Law Journal* 463-470 (1993). She is a member of the Editorial Committee of the *Hong Kong Law Journal*.



Associate Professor **Betty May-foon Ho** 何美歡 BA, MA (Berkeley), LLB (Toronto), LLM (Cantab) teaches and writes in the field of commercial law. This year she will teach Contract, Use of Chinese in Law, Law of Agency and Use of Chinese II (Agency). Her books include texts on contract, security for credit, and agency law. She has written 《香港合同法》 (1995); 《香港擔保法》 (1995); and “Agency”, in *Halsbury's Laws of Hong Kong* (1995).



Lecturer **Michael Jackson** LLB (Auckland), LLM (BC) teaches and writes mainly on criminal law and procedure. He is presently completing a student textbook on Hong Kong criminal law. He has a particular interest in the field of commercial crime, and has assisted as a solicitor in several major criminal fraud cases in recent years. He will be on leave this year.



Associate Professor **Nihal Jayawickrama** LLB (Ceylon), PhD (London) practised law in both original and appellate courts in Sri Lanka, and served from 1970-77 as Secretary for Justice, Attorney General, and Representative to the

United Nations General Assembly. He was a member of the Permanent Court of Arbitration and his government's representative on the Asian-African Legal Consultative Committee. He was Research Fellow at King's College London, and principal researcher for Paul Sieghart's pioneering work on the international law of human rights before he began an academic career in Hong Kong in 1985. In 1992-93, he was the Ariel F Sallows Professor of Human Rights at the University of Saskatchewan, and is the current Chairman of JUSTICE, the Hong Kong section of the International Commission of Jurists. In the academic year 1996-97 he will be teaching Constitutional and Administrative Law and Human Rights Law. His publications include "Human Rights Exception No Longer", *The Broken Mirror: China after Tiananmen* (Hicks ed) 354-368 (1990); "Hong Kong: The Gathering Storm", 22 *Bulletin of Peace Proposals* 157-174 (1991); "The Right of Self-Determination: A Time for Reinvention and Renewal", 57 *Saskatchewan Law Review* 1-19 (1993); and "Human Rights in Hong Kong - The Continued Applicability of the International Covenants", 25 *Hong Kong Law Journal* 171-179 (1995). He is currently researching the erosion of constitutionalism in Sri Lanka. He writes a weekly column in the Hong Kong Standard on legal and constitutional issues, and is the author of *The International Law of Human Rights* which is due to be published shortly.

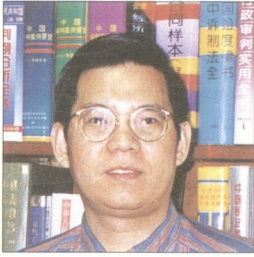


Lecturer **Alice Suet-ching Lee** 李雪菁 LLB (HKU), BCL (Oxon), PCLL (HKU) will teach Property Law, Issues in Intellectual Property, Fundamentals of Evidence and Trial Procedure this year. She has also taught Use of Chinese in Law. She has written on property law issues both in

English and Chinese. Her academic interests also extend to the use of Chinese in law and bilingualism in Hong Kong's legal system. She has participated in programmes designed to introduce aspects of Hong Kong law to Chinese Language Officers and court interpreters. She is currently co-authoring a book in Chinese on Hong Kong law. Her recent publications are "An Unsolved Problem For Adverse Possessors of New Territories Land", 26(1) *Hong Kong Law Journal* 7-20 (1996); and "Protecting Trade Marks in Hong Kong: Re Omega", 26(2) *Hong Kong Law Journal* 180-193 (1996).



Lecturer **Donald Lewis** AB (USC), JD (Emory), LL.M (London) has written extensively, and lectured throughout the Asia-Pacific region, on issues of PRC trade and investment law. He has served as a consultant and expert witness on Chinese law for international law firms and multinational corporations. He is the general editor of *The Life and Death of a Joint Venture in China* (1995), *China Investment Manual* (1994) and *China Trade and Marketing Manual* (1994). He was formerly a Fulbright law professor at Nankai and Zhongshan Universities in Tianjin and Guangzhou and a research fellow at the East-West Centre in Hawaii. His principal academic interests are Chinese law and international trade law. He will lecture in Trade and Investment in the People's Republic of China in the LL.M and International Trade Law in the LL.B in 1996-97. His publications include "Capital Contributions and Financing" (with Lawrence Yee), in *The Life and Death of a Joint Venture in China* 53-74 (1995); and "Domestic Commercial Arbitration in the People's Republic of China" (with Karen Ip), in *Dispute Resolution in the PRC* 74-91 (1995).



Assistant Professor **Liu Nanping** 劉南平 is a law graduate from Wuhan University in China. He also holds an LLM and a JSD from Yale University. He has experience practising Chinese law, and has published widely in both English and Chinese. In the academic year 1996-97, he will be teaching Introduction to Chinese Law and Law of Contract to LLB students and PRC Civil and Economic Law to LLM students. He has also taught PRC Civil and Commercial Law and Law of Contract in the LLB. He is a visiting professor of the South-Central China Institute. His publications include "'Legal Precedents' with Chinese Characteristics: Published Cases in the Gazette of the Supreme People's Court", 1 *Journal of Chinese Law* 107-140 (1991); "An Ignored Source of Chinese Law: The Gazette of the Supreme People's Court", 1 *Connecticut Journal of International Law* 271-316 (1990); and "'Judicial Review' in China: A Comparative Perspective", 14 *Review of Socialist Law* 241-253 (1988).



Lecturer **Athena Nga-chee Liu** 廖雅慈 BA (CNA), PhD (Glasgow) teaches Principles of Family Law, Issues in Family Law, Medico-legal Issues, the Law of Tort and Legal System. Her publications include "Strengthening the Protection of Children", 31 *University of Louisville Journal of Family Law* 361-383 (1994-95); "Parentage of Children Born As a Result of Natural and Assisted Reproduction", 24 *Hong Kong Law Journal* 356-371 (1994); "Clean Break: The Pitfalls with Finality", *Law Lectures For Practitioners* (Janet Burton ed) 221-235 (1995). She is member of the Provisional Council on Reproductive Technology; Provisional Council on Reproductive Technology, Ethics Committee; Provisional Council on Reproductive

Technology, Reproductive Technology Bill's Committee; Provisional Council on Reproductive Technology, Code of Practice Committee; and the Law Reform Commission Working Group on Guardianship and Custody of Minors.



Assistant Professor **Katherine Lynch** BA, LLB (Osgoode Hall), LLM (Cantab) teaches the Business Associations, Company Law and Alternative Dispute Resolution courses. Prior to coming to HKU, she was in private practice with the international law firm of McCarthy Tétrault in Vancouver, British Columbia and was a law clerk with the British Columbia Court of Appeal. She has published many articles on arbitration and property law and her research interests include arbitration and alternative dispute resolution, corporate and commercial law, and property law. Two of her recent publications include "Security For Costs in Domestic and International Arbitration in England and Hong Kong", 12(2) *Journal of International Arbitration* 17-49 (1995); and "Chinese Law: The New Arbitration Law", 26(1) *Hong Kong Law Journal* 104-120 (1996). She is also the co-author of a company law casebook entitled *Cases and Materials on Hong Kong Company Law* (forthcoming September 1996). She is a member of the Editorial Committee of the *Hong Kong Law Journal*. In 1996-97, she will be away on leave at Stanford University where she will be a Fellow in the Stanford Program in International Legal Studies.



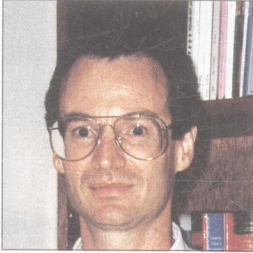
Assistant Professor **William MacNeil** BA, MA (Toronto), LLB (Dalhousie), LLM (London) has been with the Faculty since 1989. Prior to coming to Hong Kong, he was a research assistant in the Department of Law, London School

of Economics, and from 1992-93 he was a Wien Fellow at the Faculty of Law, Columbia University in New York where he is still enrolled in the JSD programme. He teaches Legal Theory, Law and Society, Law and Literature, Legal System, Criminal Law and Legal Writing. His main scholarly areas of interest are legal theory and legal history, and he has written: "Righting and Difference", in *Human Rights in Hong Kong* (Raymond Wacks ed) 86-119 (1992); "Living On: Borderlines - Law/History", 6(2) *Law and Critique* 167-191 (Autumn 1995); and "Taking Rights Symptomatically: Enjoyment, Fantasy and Identification in the Contemporary Jurisprudence of Rights", in *Law and Critique* (forthcoming, January 1997). He chairs the Post-Modern Legal Theory Workshop and supervises several MPhil and PhD students at work on issues including bilingualism and the law, legal hermeneutics and punishment.



Professor **Roda Mushkat** LLB (Jerusalem), LLM (Wellington), LLD (South Africa) and Postgrad Dip Int'L (Manchester), is a Member of the Israel Bar. In this academic year, she will be teaching Public International Law, Legal Theory, and Law & Society in the LLB. She has been teaching at HKU since 1979 in the subjects of Public International Law, Jurisprudence, Law and Society, Constitutional and Administrative Law, and Conflict of Laws. She is the author of numerous publications in the areas of international refugee law, international environmental law, Hong Kong's international personality, international law of war, human rights, and legal theory. Her recent publications include "Jurisdictional Issues in a Highly Autonomous Region - The Case of Hong Kong", 42 *International and*

*Comparative Law Quarterly* 11-47 (1993); "Environmental Sustainability - A Perspective from the Asia-Pacific Region", 27 *University of British Columbia Law Review* 153-187 (1993); and "Hong Kong's Quest for Autonomy: A Theoretical Reinforcement", in *Hong Kong and 1997: Essays in Legal Theory* (Raymond Wacks ed) 307-341 (1993).

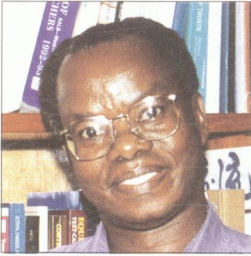


Lecturer **Shane Nossal** BA (Carleton), LLB (Ottawa), BCL (Oxon) joined the Faculty in 1989. This year he will teach Contract Law and Tort Law to students of the LLB programme. He has taught courses in Contract, Tort, and Shipping Law in the LLB programme, and Shipping Law in the LLM programme. He was editor of the *Hong Kong Law Journal* from 1990 to 1993. He has edited a number of works on local law, including *Bank Financing*, and has written on shipping, contract, and banking issues. His publications include "The Legal Status of Freight Forwarders' Bills of Lading", 25 *Hong Kong Law Journal* 78-95 (1995); "The Bills of Lading and Analogous Shipping Documents Ordinance", 24 *Hong Kong Law Journal* 181-89 (1994); and "The New Bank Terms and the Control of Exemption Clauses Ordinance", 23 *Hong Kong Law Journal* 422-47 (1993).



Associate Professor **Peter Rhodes** LLB (Auckland), LLM (Alberta), LLM (Harvard) was Dean of the Faculty from 1987 to 1993. His main areas of academic interest are international business transactions and international trade law. He also has a long-standing interest in tort and personal injury damage assessment. This year he will teach International Trade Law and Tort to LLB students, and In-

ternational Commercial Transactions to LLM students. His publications include “The Legal Regulation of Trade and Investment Into and Out of Hong Kong” (with Michael Olesnicky), 21 *University of British Columbia Law Review* 497-560 (1987); “Damages for Pain and Suffering in Hong Kong” in *Law Lectures For Practitioners* (A.T. Reyes ed) 147-167 (1988); and “Hong Kong Import and Export Regulation”, *Trade and Investment in Hong Kong* (Andrew Halkyard and Philip Smart eds) 413-443 (1993). He was a Member of the Law Reform Commission of Hong Kong from 1988-94.



Senior Lecturer **Bart Rwezaura** LLB (Makerere), LLM (Harvard), PhD (Warwick) has written widely on family law, the law relating to the child, and on women and the law. His major research focuses on the relationship between economic change and the transformation of family relations and family law. His more recent academic interests include contract law, Hong Kong legal history, and Chinese customary law. In the academic year 1996-97, he will be teaching Principles of Family Law, the Child and the Law and Contract Law. He has also lectured and tutored in Principles of Family Law and the Child and the Law, and tutored in Contract and Legal Systems. His recent publications include “The Concept of the Child’s Best Interests in the Changing Economic and Social Context of Sub-Saharan Africa”, 8 *International Journal of Law and the Family* 88-116 (1994); “Birth In Or Out of Wedlock: Does It Matter Any More?- The Parent and Child Ordinance 1993”, *Law Lectures For Practitioners* (Rick Glofcheski ed) 264-295 (1994); and “Recent Developments in The Divorce Law of Hong Kong: Towards Minimal Adju-



dication and Consensual Divorce”, 26 *Hong Kong Law Journal* 81-103 (1996).



Assistant Professor **Michael Sandor** LLB (Melbourne), LLM (London) practised briefly as a solicitor, and, after three years as a Legal Officer in the Commonwealth Attorney-General's Department in Australia, came to Hong Kong where he was a Crown Counsel for four years. He then became a systems engineer and a marketing manager in the computer industry before returning to the study of law. He joined the Faculty in 1978. He was commissioned by the Law Society to draft its Solicitors' Guide to Professional Conduct which was published in May 1995. His special interests include evidence, procedure, professional conduct, bio-ethics and law, and technology and law. His publications include "Conflicting Obligations and Chinese Walls", *Law Lectures for Practitioners* 103-123 (1993); "The Ethics of Refusal and the Way to the Courtroom", in *The Right To Representation* (Raymond Wacks ed) 61-84 (1994); "Are the Scales Fixed?", in *The New Gazette* 30-32 (1994); and *The Professional Conduct of Lawyers in Hong Kong* (with Michael Wilkinson) (forthcoming 1996). He is a member of the Guidance Committee and the Foreign Lawyers Committee of the Law Society of Hong Kong.

Senior Lecturer **Judith Sihombing** LLB (Melbourne), LLM (Malaya) taught in Malaysia and Australia prior to her arrival in Hong Kong. Her special interests include property, commercial law, and customary law (New Territories, Malaysia, Indonesia). This year, she will teach Contract, Banking, Credit and Securities, and Legal System. Her publications include *Goods: Sales and Securities* (1989), 2nd edition (1991), 3rd edition (forthcoming 1996); The Hong Kong chapters in *Do-*

*ing Business in Asia, CCH Asia*, (quarterly up-dates); *Hong Kong Conveyancing: Law and Practice* (with Michael Wilkinson), author of chapter 1: "Land Tenure in Hong Kong", chapter 4: "Co-ownership of Multi Storey Buildings", chapter 8: "Contract: formation", chapter 9: "Contract: Vitiating Factors", chapter 10: "Contract: Capacity and Effect", chapter 11: "Contract: Contents", chapter 13: "Security Transactions over Land", chapter 14: "Completion of the Contract for the Sale of Land", chapter 15: "Remedies for the breach of a contract for the sale of land" (Quarterly up-dates); and *Manual on Hong Kong Conveyancing: Law and Practice* (with Michael Wilkinson): author of Chapters 1, 4, 8, 9, 10, 11, 13, 14 and 15, (2nd edition forthcoming 1996).



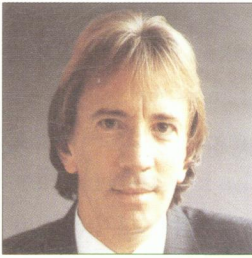
Associate Professor **Philip Smart** LLB, LLM (London) teaches company law, insolvency law and private international law and has written widely in international journals in these fields. In the academic year 1996-97, he will be teaching Law of Business Associations, Private International Law, Company Law and Insolvency Law in the LLB. His approach to teaching is that students should never become bogged down in details, but should approach problem-solving from the standpoint of principles and commonsense. His publications include *Cross-Border Insolvency* (1991); *Trade and Investment Law in Hong Kong* (ed with Andrew Halkyard) (1993), and "Safeguarding Assets in International Litigation: the Insolvency Option" 112 *Law Quarterly Review* 397-401 (1996).



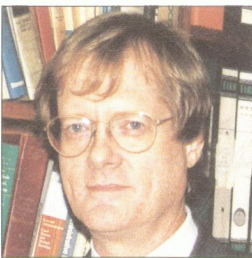
Lecturer **Benny Yiu Ting Tai** 戴耀廷 LLB, PCLL (HK), LLM (London) teaches constitutional and administrative law and writes mainly on the Basic Law of the Special Administrative Region. His research interests include human rights, legal education, administrative law, and comparative constitutional law. He is now a member of the Bilingual Laws Advisory Committee and the Committee on the Promotion of Civic Education. In the academic year 1996-97, he will be teaching Introduction to Law, and Constitutional and Administrative Law. His papers and publications include "Mutual Recognition and Enforcement of Judgements between Hong Kong and the People's Republic of China", presented in the Symposium on Legal Interaction between Hong Kong and China organised by the Chinese Law Research Group, Faculty of Law, University of Hong Kong, (June 1991); "Contempt of Court and Freedom of Press", in *Media Law and Practice in Hong Kong* (Johannes Chan and Kenneth Leung eds) 269-301 (1995) (in Chinese); and "The Hong Kong Ombudsman and the Bill of Rights", *Hong Kong's Bill of Rights: The First Year* (George Edwards and Andrew Byrnes eds) 121-139 (1993).



Assistant Professor **Anna Yick-man Tam** 譚奕雯 LLB, PCLL (HKU), LLM (Yale) joined the Department in December 1994. She will be teaching Business Associations and Company Law to LLB students in the 1996-97 academic year. She has taught Property Law and Legal System. Her research interests include company and commercial law. Her forthcoming publication is *Casebook on Hong Kong Company Law* (with Katherine Lynch and Philip Smart).



Professor (Chair of Law and Legal Theory) **Raymond Wacks** BA, LLB (Witw), LLM, PhD (Lond), DipLaw, MLitt (Oxon) was Head of the Department of Law from 1986 to 1993. He is a leading authority on the law of privacy. Professor Wacks' other major areas of interest are legal theory, and human rights. This year he will be offering a new LLM course Privacy and Data Protection and participating in the LLB courses Law and Society, Legal System and Introduction to Legal Theory. In addition to publishing articles and books on these subjects, he has edited a number of collections of essays on various aspects of Hong Kong law, including *The Future of the Law in Hong Kong* (1989), *Human Rights in Hong Kong* (1992) and *Hong Kong, China, and 1997: Essays in Legal Theory* (1993). Professor Wacks' major works in the field of privacy are *The Protection of Privacy* (the first book on the subject in England) (1980), *Personal Information: Privacy and the Law* (1989), *Privacy* (1993) and his latest book, *Privacy and Press Freedom* (1995). His well-known book, *Jurisprudence* (now in its fourth edition) is used by students throughout the common law world. He is Editor of the *Hong Kong Law Journal* and presented the RTHK television and radio programme *The Week in Politics*.



Professor (Chair) **Peter Wesley-Smith** BA, LLB (Adel), PhD (HK), formerly Dean (1993-96), is the longest-serving teacher in the Faculty and holds the only doctorate in law awarded by the University of Hong Kong. He has taught Constitutional and Administrative Law, Legal System, Guided Research, and Jurisprudence. His books cover constitutional and administrative law, constitutional history, and the legal system in Hong Kong, and his academic in-

terests extend also to aspects of international law, legal history, and legal theory. His publications include *Unequal Treaty 1898-1997* (1980); *Introduction to the Hong Kong Legal System* (2nd ed 1993); and the *The Sources of Hong Kong Law* (1994). He is currently Editor-in-Chief of the *Hong Kong Law Journal*, Member of the Editorial Board of the *Hong Kong Law Reports* and Member of the Hong Kong Law Reform Commission. He will be on leave for the academic year 1996-97.

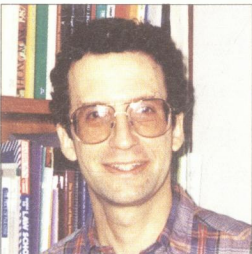


Assistant Professor **Guanghua Yu** 郁光華 BA (Shanghai Maritime), LLM (York), LLB, SJD (Toronto) taught at the City University until January 1996 when he joined the Faculty. In the academic year 1996-97, he will be teaching Introduction to Chinese Law, PRC Civil and Commercial Law and Tort Law. He has also taught Company Law and Business Law. His teaching and research interests encompass Company law, Insolvency law, International Trade Law, and Law and Economics. His publications include “China’s Intellectual Property Regime and Direct Foreign Investment”, 5(1) *Tilburg Foreign Law Review* 5-33 (1996); “China’s Foreign Exchange Regulations and Direct Foreign Investment”, 28(6) *Journal of World Trade* 99-120 (December 1994); and “Agency Costs in Joint Stock Companies and Monitoring Devices” (with Fu Jian), 3 *Economic Research Journal* 23-29 (1994) (in Chinese).





Assistant Professor **Brian Baillie** LLB (Adelaide), is a barrister and solicitor of various courts in Australia, and a solicitor of the Supreme Courts of Hong Kong and Northern Ireland. He has practised for many years, mainly in town planning, environmental law and administrative law. In 1986-87, he was a Visiting Adjunct Professor (Environmental Law) at the University of Oregon. His academic interests and publications cover administrative law, civil procedure, environmental law and professional negligence. In 1996-97, he will be teaching Advocacy, Criminal & Civil Procedure and Professional Practice in the PCLL. His publications include “Making Polluters Pay: Aspects of Public & Private Remedies in Hong Kong”, in *Environmental Law in Hong Kong* (Gary Heilbronn ed) 19-43 (1993); “Up-Date On Solicitors’ Legal Duties to Clients”, in *Modern Trends in Litigation* (Gary Heilbronn ed) 1-30 (1995); and “Environmental Law and Litigation in the U.S. - An Australian’s Impressions of America’s New Legal Frontier”, *5 Environmental and Planning Law Journal* 14-59 (1988). He is currently undertaking an MPhil which is concerned with environmental law issues in Pacific Island countries, particularly in the context of the tourism industry.



Associate Dean and Lecturer **Charles Booth** BA (Yale), JD (Harvard) joined the Faculty in 1989. Previously, he practised law with a Wall Street firm and taught law at the University of Hawaii. His main research and teaching interests are in comparative and transnational insolvency law, and he has written extensively in international journals

in these fields. His other research interests include Hong Kong insolvency law reform and commercial law. This year he will teach Commercial Law and Practice in the PCLL and Comparative Insolvency in the LLM. He has also taught Transnational Insolvency Law in the LLM. His publications include “The Transnational Aspects of Hong Kong Insolvency Law”, 2 *Southwestern Journal of Law & Trade in the Americas* 1-80 (1995); “Recent Developments in Hong Kong Bankruptcy Law Reform”, 2 *International Insolvency Review* 120-150 (1993); and “Recognition of Foreign Bankruptcies: An Analysis and Critique of the Inconsistent Approaches of United States Courts”, 66 *American Bankruptcy Law Journal* 135-232 (1992). He has also edited *Hong Kong Commercial Law: Current Issues and Developments* (1996) and is a member of the Editorial Committee of the *Hong Kong Law Journal*.



Assistant Professor **Christine Booth** LLM (HKU), solicitor, teaches Probate, Conveyancing, Landlord and Tenant Law, Commercial Law and Practice, and Civil Procedure in the PCLL. This term she will also be teaching Property Law in the LLB. Prior to joining the university, she specialized in commercial litigation with an international law firm and was then legal counsel to a multinational corporation where she enjoyed regional responsibilities. Her current projects include a book on the enforcement of judgements in Hong Kong. Her recent publications include “Undue Influence In Triangular Situations: The Husband, the Wife and the Bank”, 26 *Hong Kong Law Journal* 58-80 (1996); “Renewing Part IV Tenancies: Problems and Pitfalls”, *The New Gazette* 38-41 (April 1996); and “Renewing Part IV Tenancies: Preparing For Hearing”, *The New Gazette* 34-36 (May 1996).





Lecturer **Janet Burton** BA, LLB (ANU), LLM (Sydney), admitted as a solicitor in Australia and Hong Kong. Her interests include commercial law and practice, arbitration and alternative forms of dispute resolution, and the law of civil procedure. This year, she will teach Commercial Law and Practice, and Criminal and Civil Procedure in the PCLL. She has edited *Law Lectures for Practitioners* (1995).



Senior Lecturer **Anne Carver** BA, MA (Cantab) has been a lecturer in the Faculty since 1984. This year, she will teach Commercial Law and Practice, Advocacy, Accounts and Professional Practice to PCLL students, and International Trade Law to LLB students. Her publications include *Hong Kong Business Law* (3rd edition) (1996); *What Lawyers Do: A problem-solving approach to legal practice* (with Stephen Nathanson) (1996); and "Legal Dysfunctionalism: Hong Kong Company Law in the 1990s", in *Hong Kong Commercial Law: Current Issues and Developments* (Charles Booth ed) (1996).



Lecturer **Eric Tat-ming Cheung** 張達明, LLB, PCLL (HKU), will join the Department in December 1996. He has worked as a litigation solicitor at Johnson Stokes & Master since his admission in October 1989 (having previously served his articles there) and was admitted as a partner in October 1994. He has also been admitted as a solicitor in England and Wales as well as in Singapore. His areas of work include building and town planning appeals, solicitors' indemnity claims, building and construction litigation, and general banking and commercial litigation. He has been a member of the Hong Kong Law Reform Commission since July 1994.



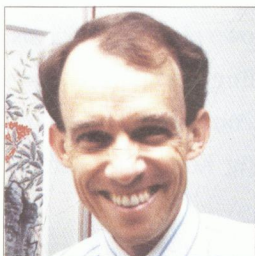
Assistant Professor **Wilson Wai-shun Chow** 周偉信 LLB, PCLL (HKU), solicitor in Hong Kong and England and Wales, is the first full-time local teacher in the Department of Professional Legal Education. His academic interests extend to PRC law and the comparative study of PRC and Hong Kong law. This year he will be teaching Conveyancing and Probate Practice, Revenue Law, and Accounts to PCLL students.



Lecturer **Emma Day** LLB (Bristol), solicitor of the Supreme Court of England, Wales and Supreme Court of Hong Kong joins the Faculty this year, and will teach Commercial Law and Practice, Civil and Criminal Procedure. Her particular area of interest is maritime law.

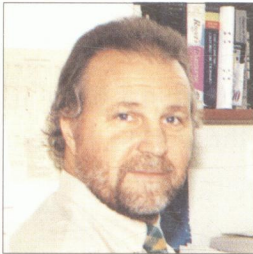


Lecturer **Caroline Hague** BA (Manchester), solicitor, teaches Commercial Law and Practice, Revenue, and Accounts in the PCLL. Her principal academic interest is in company and commercial law, in particular the role of company directors. She has co-authored with Jefferson VanderWolk two chapters: “Profits Tax: Assessable Profits” and “Profits Tax: Depreciation Allowances”, in *Hong Kong Tax Law - Cases and Materials* (Andrew Halkyard & Jefferson VanderWolk) 86-118 and 147-167 (1993); and written “The Perils of Being a Director”, in *Commercial Law* (Caroline Hague ed) (1991); and “Disqualification of Company Directors”, in *Hong Kong Commercial Law: Current Issues and Developments* (Charles Booth ed) 125-152 (1996).



Associate Professor **Andrew Halkyard** LLB (Australian National University), LL.M (University of Virginia) is a barrister-at-law in New South Wales. He has published

widely on taxation and investment law. He is also co-author of *Encyclopaedia of Hong Kong Taxation*. His current interests include a comparative study of Asian-Pacific taxation systems and cross-border taxation issues involving the People's Republic of China. This year he will be teaching Revenue Law and Commercial Law and Practice in the PCLL, and Taxation in the PRC to LLM students. He has also taught International Tax and Tax Planning to LLM students. He is an authorised climbing instructor of the Chinese Mountaineering Association.



Associate Professor **Gary Heilbronn** BA, LLB (Qld), LLM (Monash), Dip Criminology (Melbourne), Dip Commercial Law (Monash), PhD(Qld) studied literature, politics, and law at the Universities of Queensland, Melbourne and Monash, and practised especially in civil and criminal litigation. He will teach Civil and Criminal Procedure and Advocacy in the PCLL. He has also taught Aviation Law in the LLM. He has written texts on criminal and civil procedure, aviation law, and travel and tourism law and he is a consultant in these areas with a major Hong Kong law firm. His publications include "Aviation Title" in *Laws of Australia*, Sydney (1994); *Travel and Tourism Law*, Sydney (1992); and *Criminal Procedure in Hong Kong* (2nd ed) (1994).



Lecturer **Helen McCook** LLB, LLM (Canterbury) is admitted to practice in New Zealand, Hong Kong and England. She teaches and writes in the areas of conveyancing, probate, and litigation. In the academic year 1996/97, she will be teaching Conveyancing and Probate Practice and Civil and Criminal Procedure in the PCLL.



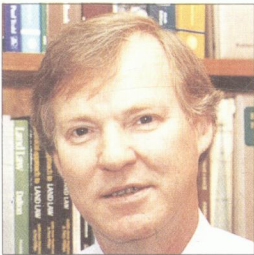
Assistant Professor **J A ('Art') McInnis** LLB (Saskatchewan), BA (Regina), BCL, LLM (McGill), FCI Arb, barrister and solicitor in Saskatchewan and British Columbia and solicitor in Hong Kong, has been a lecturer in the department since 1988. His special interests are in trade law, commercial law, alternative dispute resolution, civil law, and comparative law. He teaches Commercial Law and Practice, Civil and Criminal Procedure, and Advocacy. He has written *Hong Kong Construction Law*, 2 Vols, looseleaf (1995); and edited *Guide to Canada - Hong Kong Business* (1991) and *Legal Forum on Nationality, Passports & 1997*.



Associate Professor **Stephen Nathanson** B.Comm (McGill), LLB (UBC) is one of the world's leading authorities on the design and development of professional legal training programmes. He was one of the pioneer designers of the Professional Legal Training Course in British Columbia which served as a model for the design of similar courses around the Commonwealth. In 1992, he was appointed Visiting Professor at Nottingham Law School, and in that capacity helped to design and develop its Legal Practice Course, which has gained prominence in the United Kingdom and around the world. He has a wide range of teaching experience and interests, but specialises in teaching skills such as advocacy, interviewing, negotiation, drafting and writing. His research interests focus on legal education and he is perhaps best known for his work on curriculum design and legal problem solving, particularly, "Putting Skills and Transactions Together in Professional Legal Education", 5(2) *The Journal of Professional Legal Education* 187-200 (1987); "Developing Legal Problem-

Solving Skills”, 44(2) *The Journal of Legal Education* 215-231 (1994); and “The Role of Problem Solving in Legal Education”, 39(2) *The Journal of Legal Education* 167-183 (1989).

Lecturer **Patrick Sheehan** BComm, LLM (National University of Ireland) has academic interests extending to conveyancing, land law, and building and construction law. He has been a member of the Registrar General’s Working Party on Title Registration, the Law Reform Commission Sub-committee on Description of Flats for Sale, the Consumer Council’s Working Party on Regulation of Estate Agents, and the Conveyancing Panel. This year, he will teach Conveyancing and Probate Practice.



Head of Department and Professor (Chair of Professional Legal Education) **Christopher Sherrin** LLM (London), PhD (London), Barrister (Gray’s Inn) joined the department in January 1993 and has been Head since May 1993. He previously taught at the University of Bristol, the National University of Singapore, and the University of North Carolina. His main teaching and research interests are in the field of property law and he has written extensively on the law of wills, intestacy, and trusts. In the academic year 1996-97, he will be teaching Equity and Introduction to Trusts to LLB students, Conveyancing and Probate Practice, and Professional Practice to PCLL students. His recent publications include *Williams on Wills* (with F Barlow and R Wallington ) (7th ed), Vol 1: 1-975, Vol 2: 1000-2104 (1995); *The Law and Practice of Intestate Succession* (with R Bonehill) (2nd ed) (1994); and “Aut Ovis Aut Capra: Personal Representatives or Trustees”, *Hong*

*Kong Law Journal* 239-262 (1995). He is also the joint editor of *Williams on Wills* and the author of *Probate Practice in Hong Kong*, and is a member of the Editorial Committee of the *Hong Kong Law Journal*.



Lecturer **Gillian Stirling** MA (Hons) (Edinburgh), Postgrad Diploma in Financial Studies (Heriot-Watt), solicitor, has taught every subject except advocacy and civil & criminal procedure in the PCLL since joining the department in 1984. When not teaching she is kept busy chairing the Academic Staff Association, which looks after the interests of more than 900 senior teaching and administrative staff. She is also a member of the Inland Revenue Board of Review.



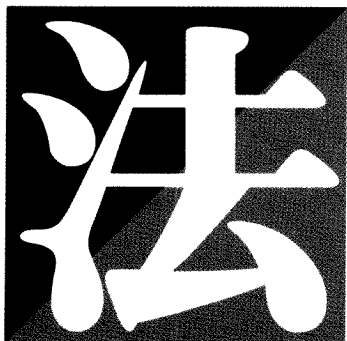
Associate Professor **Michael Wilkinson** BA, LLB (Cantab) is a barrister-at-law of the Inner Temple. He spent several years as Head of Law at the University of Malawi and as Head of the Department of Professional Legal Education here at HKU. In the academic year 1996-97, he will be teaching Conveyancing, and Criminal & Civil Procedure to PCLL students. He specializes in the teaching of litigation and conveyancing and has published books in these areas. His publications include *Hong Kong Conveyancing Law and Practice* (with Judith Sihombing), 3 Vols (1995) ; *Advocacy and the Litigation Process in Hong Kong* (2nd ed) (1995); and *Professional Conduct of Lawyers in Hong Kong* (with Michael Sandor), 2 Vols (1996).

Until the Department of Law opened its doors in 1969 there was virtually no published research on the law of Hong Kong. Since the first issue of the *Hong Kong Law Journal* in 1971, and the first book of *Law Lectures for Practitioners* three years later, the flow of learned analysis of local law has steadily increased, and it has been dominated by the contributions of teachers from the Faculty. There are now numerous books on many aspects of legal doctrine and the legal system. Publication has been dependent on the one hand upon expansion of the legal profession and, on the other, on the availability of authors - mostly academics. More and more loose-leaf practitioners' works, requiring much time and energy for their regular up-dating, are now appearing as well. International legal publishers find it increasingly profitable to operate in Hong Kong, though of course their products tend to be directed towards students or to concentrate on those areas of the law which are of most interest (and commercial value) to practitioners. More contemplative or theoretical or esoteric work can still find an outlet: both Oxford University Press and Hong Kong University Press have published collections of essays, edited and substantially written from the Faculty, devoted to such themes as human rights, the future of the law, and the contributions of legal theory to the challenge of post-1997 issues.

The Faculty itself has become a publisher of note: the *Problems and Prospects* series of seminar papers, a working paper series, the *Bill of Rights Bulletin*, and other works published in association with Hong Kong Law Journal Ltd frequently appear. For further information, contact Ms Alice Iu, Faculty of Law, at tel 2859 2932, fax 2559 3543.







The *Hong Kong Law Journal*, which has always been edited by members of the Faculty, commenced publication in 1971. Issued three times a year since then, and now completing Volume 26, it has made a very considerable contribution to the Hong Kong legal system and to the work of the Faculty. In formal terms published by a limited company, whose Board of Directors is composed of leading practitioners, it

is now managed by the Faculty through an Editorial Committee chaired by former Dean Professor Peter Wesley-Smith. From Volume 24 it has been given a new look, with a redesigned typeface, cover, and organisation of contents. Its basic editorial policy has not changed: our ambition is to provide readable and relevant commentaries on and analysis of current developments in Hong Kong law, learned articles, digests of decisions of the local courts on sentencing and personal injuries awards, material on Chinese law, and reviews of publications.

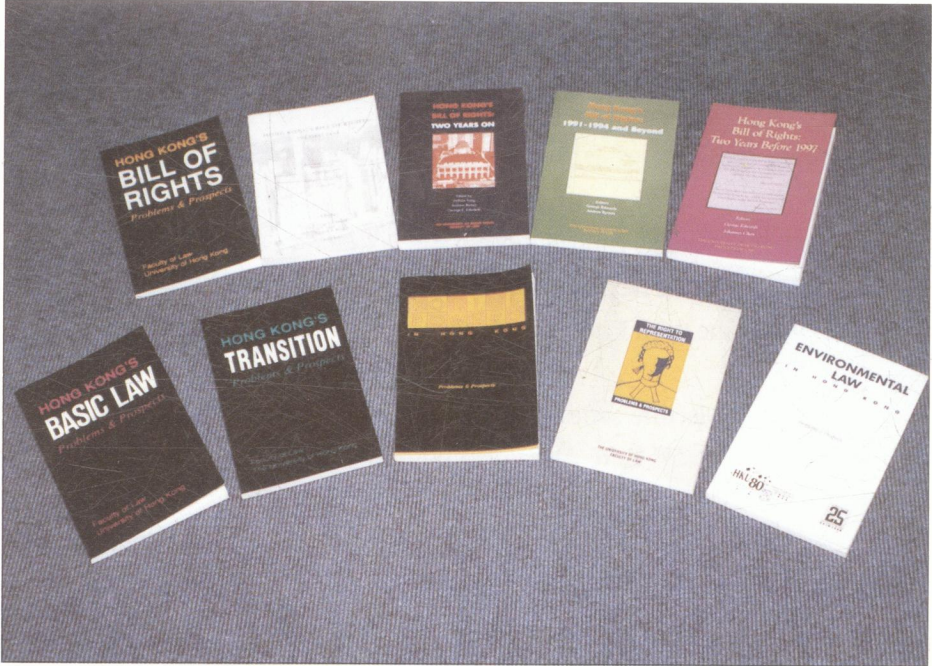
The company, which for this purpose is the Faculty's Continuing Education Committee, also organises the annual two-day Law Lectures for Practitioners (held annually since 1974). A book of the lectures follows soon afterwards, and other publications have been produced as well. Recently published is a volume of essays entitled *Modern Trends in Litigation*. Other collections of particular interest to legal practitioners are contemplated.

The Secretary of the company operates out of the Faculty under the direction of the Editor-in-Chief. Back issues are available (though some are sadly out of print) along with books previously published and earlier volumes of Law Lectures for Practitioners. Inquiries from the Secretary, Faculty of Law, tel/fax 2859 2917.



In 1994 the **Peter Allan** Memorial Lecture series was inaugurated with a visit from the President of the New Zealand Court of Appeal, Sir Robin Cooke. Peter Allan was a former Solicitor General and Commissioner of the Independent Commission Against Corruption whose premature death robbed us of a true friend. His colleagues and admirers established a fund to perpetuate his memory by the delivery of regular lectures by eminent legal scholars and practitioners. Sir Robin Cooke paid eloquent tribute to his fellow New Zealander in a stimulating lecture (published in *25 Hong Kong Law Journal* 64 (1995)) on “Brass Tacks and Bills of Rights”. Last year the Peter Allan Memorial Lecturer was Mr. Sydney Kentridge, a leader of the UK Bar and member of the Constitutional Court of South Africa. His visit was made possible by a generous donation, supplementing the fund, from a Hong Kong barrister who enjoyed Sir Robin Cooke’s contribution so much that he reportedly did not wish to wait two years before the next scheduled lecture. Another distinguished jurist will be invited to deliver the third Peter Allan Memorial Lecture in 1996-97.

Another memorial lecture series has been established to honour one of our most distinguished graduates, **Eric Au**, a rising star in the Legal Department before his untimely demise. The Chief Justice of Hong Kong, Sir T L Yang, delivered the first lecture on 3 October 1994, followed by a reception at the university attended by legal practitioners and friends. The second lecturer was Professor Guo Daohui, whose title was “The Democratisation of Chinese Law: Issues of Rights and Power in Law Making”. Another distinguished professor from China has been invited to deliver the third Eric Au Memorial Lecture in March 1997.

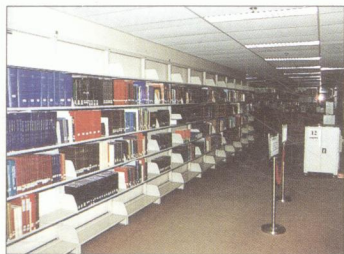


The University has a number of agreements with universities in other countries through which student exchanges may be organised. HKU law students have recently taken advantage of these arrangements to study in the University of Melbourne and the University of Toronto, earning credit for their LLB studies at the University of Hong Kong.

In addition, the Faculty of Law has negotiated three agreements to provide similar advantages. The first is with the Centre for Asian and Pacific Law at the University of Sydney. The second is an arrangement with the University of Kyushu in Fukuoka, Japan, pursuant to which the Faculty has exchanged staff on short visits, and in 1996-7 one of our students is to study in Kyushu for a Masters degree on a full scholarship. The third link is a triangular relationship with the Universities of London and Xiamen, concentrating on research into environmental law. Several other agreements with foreign universities are expected to be signed in the new academic year.

Any student wishing to study for a semester abroad should look out for relevant notices on the Faculty notice board.





The Law Library of Hong Kong University occupies two complete floors of the KK Leung Building, conveniently close to the Law Faculty.

The Law Library is used by the staff, researchers, and students of the Faculty of Law, and by those who are studying law in SPACE, or as part of other degrees - such as Business Studies or Accountancy. Legal practitioners in Hong Kong find that the wide range of its collections often supplies materials they have failed to locate elsewhere. Up to 350 users can be seated at one time, and during examination periods the Library becomes very busy indeed. It is recognised that students studying for higher postgraduate degrees in law have special needs, so seven lockable study rooms are provided exclusively for their use.

The law collections cover a wide range of jurisdictions, reflecting both Hong Kong's geographical position in Asia and the Pacific region, as well as the common law tradition which connects it to the legal systems of Britain, America, and the countries of the Commonwealth. Substantial purchases have been made recently to expand the collections of law reports and legislation in these major jurisdictions. Textbooks on a wide range of legal topics are regularly added to stock, to ensure that changes in the law are fully represented. Looseleaf works are particularly valuable for this purpose and the Library is always adding to its titles in this category.

New technology has affected law no less than other disciplines and now that all the law collections are available in the Online Public Access Catalogue, searching for relevant materials is easily undertaken from terminals in both the Law Library and other locations in the HKU Libraries system.

The international availability of legal information databases provides a powerful resource for those studying and researching the law. Both LEXIS/NEXIS - the world's

largest legal and newspaper database - and Infolaw - containing Hong Kong cases and legislation - are available within the Law Library. Law-On-Line, as described in a separate section of this Prospectus, is also accessible in the Law Library, as is the Internet generally.

Databases on CD-ROM are cheaper to search, and are adding dramatically to the volume and range of materials available. The Law Library has a wide range of these databases which include collections of legislation, indexes to legal journals, and United Nations materials, and legal precedents for practising lawyers.

The Chinese language collection of PRC law is rapidly expanding, with the regular addition of new texts and journals, and provides a valuable resource for postgraduate and comparative studies. It has recently been enhanced by the addition of some thirty provincial legal newspapers.

The Law Library is administered by a professional Law Librarian and an Assistant, supported by a willing and enthusiastic staff of ten. Assistance to users is available in the form of personal advice from the Law Librarian, as well as group introductions for new users, together with a series of leaflets and guidesheets.

Visit the Law Library's World Wide Web home page:

<http://www.hku.hk/lib/LawLib/lawlib.html>

or click on 'Law Library' on the

Law Faculty's home page:

<http://www.hku.hk/law/law.html>



*Director: Andrew Byrnes*

**The Centre for Comparative and Public Law** was officially established within the Faculty of Law of the University of Hong Kong in mid-1995. Its goals are to promote research in the fields of public and comparative law, and to disseminate the results of that research through publications and on-line materials. The Centre has research projects encompassing the international law implications of the resumption of Chinese sovereignty in 1997 (including the continued application of treaties), immigration law and practice, equality and the law in Hong Kong, the Hong Kong Bill of Rights, and international human rights law. The Centre has held regular seminars on the implementation of international human rights standards in Hong Kong and on other matters related to human rights in Hong Kong.

Seminars sponsored by the Centre since 1995 include several that preceded meetings in Geneva of United Nations Treaties Bodies that were considering human rights reports on Hong Kong. They include the UN Committees on : *Torture* (1995); *Civil and Political Rights* (1995); and *Race Discrimination* (1996). In the Autumn of 1996, the Centre plans similar seminars preceding reports on *Rights of the Child*; *Civil and Political Rights*; and *Economic and Social Rights*.

In May 1996, the Centre co-sponsored with the Commonwealth Secretariat a Judicial Colloquium on Human Rights and Women. It was attended by more



than 25 senior judges and others from around the Commonwealth.

In 1997, the Centre plans to host an international human rights training programme for local NGOs, and several other seminars and workshops related to aspects of public law, including treaty succession.

Each June, the Centre hosts a Bill of Rights Seminar, and publishes as part of the Faculty's *Problems & Prospects Series* a set of proceedings from the Seminars.

Through Law-On-Line, the Centre provides law-related information on-line via the World Wide Web. Law-On-Line is the only on-line database outside China that makes full, accurate and up-to-date information on Chinese law available over the Internet, in English and Chinese, with full-text search and retrieval in both languages. Also, Law-On-Line houses on-line databases that make available United Nations human rights documents, Hong Kong and international public law and human rights judicial decisions, international human rights bibliographical information (including full texts), and more.

Other publications (some of which are accessible in full on-line via Law-On-Line) of the Centre include:

*Hong Kong Bill Public Law Reports* (University of Hong Kong Press; Butterworths; annually);

*Bill of Rights Bulletin* (quarterly);

*Hong Kong's Bill of Rights: Two Years Before 1997* (1995); and

*Hong Kong's Bill of Rights: The Final Year* (1996)

For further information about the Centre's activities and publications, see <http://www.hku.hk/law/law.html>



The Law-On-Line Database Services of the Faculty of Law commenced after the enactment of the Hong Kong Bill of Rights Ordinance in 1991, originating as a human rights database project which later expanded to cover law and related information. Most of the information hosted by Law-On-Line is supplied by various providers, and its

services are promoted in the community by a marketing firm.

Databases on the Law-On-Line platform are grouped into seven categories:-

- (1) China Law - China Laws and Regulations, Government Working Reports, Legal and Social Statistics, legal news clippings, etc.;
- (2) Hong Kong Law - Hong Kong LegCo Meetings, Hong Kong Law Journal Index;
- (3) Human Rights - Bill of Rights Cases, Human Rights Clippings, Bibliography and International Documents;
- (4) Finance - China company reports and financial news clippings;
- (5) Economics and Business - Asian Statistics, China Business Information Network, Quest Economics and other business news clippings;
- (6) Newspapers - daily Hong Kong, China and Japan newspapers (Taiwan to come) and information technology-related newspapers;
- (7) Directories - Hong Kong Who's Who, China Enterprise, electronic product listings, etc.

In addition, Law-On-Line produces news-alert bulletins on a broad variety of issues, including law, finance and tax, property and construction, information technology and telecommunications, tender and investment opportunities, daily China news, and daily company, industrial and financial updates. The information is extracted from the existing Law-On-Line databases covering more than 600 sources. Legal

research and translation services are also available through Law-On-Line.

Law-On-Line aims to encourage access to information and the strengthening of legal research, in particular the comparative study of law in Hong Kong and China. It is hoped that the Law-On-Line services will be used as a tool for teaching and research, and the possibility of making them available to students is being explored.

Traditionally, legal research and information technology have not been an important aspect of law teaching in Hong Kong. It was generally only explored by academically-inclined students interested in research methodology. With more information resources gradually being placed on electronic networks, it has become necessary for law students to acquire requisite skills to access on-line information. It is important not only for comparative studies in different areas, but also for effective updating of changes in a particular area of law and for drawing cross-references from related developments in other countries. Moreover, the approaching change of sovereignty over Hong Kong and rapid legal development in China render it necessary for Hong Kong educated lawyers to examine various regional laws. In this respect, computer technology serves to assist lawyers in keeping up to date on a wide range of issues, enabling them to be more adaptable to changing circumstances.

The Law-On-Line system is available on Internet and is accessible by anyone with an Internet address. The system may be viewed by using the World Wide Web browser; URL address is <http://www.lawhk.hku.hk> Law-On-Line also provides certain free services that allow guest users to access sample data from selected databases and to receive sample bulletins. Guest users can register on-line to obtain a general understanding of the basic functionality of the Law-On-Line system.

## *Mooting programmes*

The Faculty of Law has participated for many years in international law mooting competitions, most notably:

- the Philip C Jessup International Law Moot Court Competition (the “Jessup Moot”) and
- the Commonwealth Mooting Competition

These moot competitions consist of two parts: (a) written legal arguments, and (b) oral arguments (as both appellants and respondents) before a panel of three judges. Students of both the Department of Law and the Department of Professional Legal Education are encouraged to participate in these mooting programmes. The benefits from participation are numerous, including improved legal research and writing skills, improved oral advocacy skills, and the chance to travel to the international round of the competitions and meet law students from around the world.

## *Jessup Moot*

The Jessup Moot is administered by the International Law Students Association and is traditionally held in Washington, DC (although the 1995 final was held at the United Nations in New York). 1996 marked the 37th anniversary of the Jessup Moot with more than 300 teams from 35 nations vying for the title of World Champion. The subject of the 1996 competition problem was “protection of military personnel database”.

The Faculty of Law holds annual internal selection moots in October to select the members of the Jessup Moot Team (normally five students selected from both departments in the Faculty) who represent the university in the regional competition against the City University of Hong Kong. The regional competition is held in February in the Supreme Court of Hong Kong, with presiding judges from the Hong Kong judiciary, the Bar, and international organisations. The winner of the regional round earns the right to represent Hong Kong in the international round of competition.

In 1995, the Hong Kong team which went to New York was from the University of Hong Kong, but in 1996 the team that went to the United States was from the City University.

In 1996 the University of Hong Kong team won the Deacon's Cup, and that team is representing Hong Kong at the Commonwealth Moot in Vancouver in August 1996.

### *Sponsorship*

The Faculty's international law mooting programme receives generous sponsorship from the following:

- the law firm of Kao, Lee & Yip
- Nina T H Wang of Chinachem Co
- the Peter Vine Charitable Foundation
- the Gary Alderdice Memorial Fund

In addition, each year the student mooters organise a fund-raising auction and food fair with generous contributions from Faculty members, students, and members of the Hong Kong judiciary and the Bar.

### *Faculty contact*

Watch the student notice boards on the 3rd floor, K K Leung Building for details of these competitions (normally posted in September) or contact Dr Mushkat, Chairperson of the Faculty's International Mooting Competitions Committee.



The curricula of the law school are very demanding and students in Hong Kong are generally very diligent in their studies. However, law students also actively participate in wide-ranging extra-curricular activities.

There are many options available to students in the Faculty. They can participate in activities provided by various clubs and societies or activities provided by residential and non-residential university halls. But most students confine their interest to the Law Association.

The Law Association is a body for students studying law. It has its own constitution and an executive committee which is responsible for the management of the Association. The Law Association is one of the Faculty Students' Associations under the supervision of the Students' Union of the University of Hong Kong. Nevertheless, the Association enjoys a high degree of autonomy in its day-to-day affairs.

The purposes of the Association as enshrined in the constitution are as follows:

- a. to secure the complete organisation and unity within the Association of all past and present students of the Faculty of Law;
- b. to promote the general welfare of the members of the Association;
- c. to promote an interest in serving the community amongst members of the Association.

The Association serves as a link between law students and students of other Faculties. Sport and cultural activities organised by the Students' Union are promoted by the

Association (eg Inter-Faculty Sports Competition and Inter-Faculty Drama Competition).

### *The Executive Committee*

The composition and duties of the executive committee appear from the titles of the members:

- 1 Chairman
- 2 Internal Vice-Chairman
- 3 External Vice-Chairman
- 4 General Secretary
- 5 Treasurer
- 6 Social Convenor
- 7 External Secretary
- 8 Public Secretary
- 9 Sports Captain
- 10 Legal Education Secretary
- 11 Welfare Secretary
- 12 Marketing Secretary

### *Functions*

In accordance with its charter, the Association organises a number of functions every year. The following list highlights several of these functions:

#### ORIENTATION CAMP

Held every year at the Kadoorie Research Centre in the New Territories, it provides an opportunity for the freshmen to meet current students and develop a friendly relationship.

#### ORIENTATION FORTNIGHT

It is comprised of a number of activities that help new students adjust to the life of the law school. The activities include individual visits, mass orientation, and a freshmen night.



## LEGAL EXHIBITION

This exhibition is usually held both on and off campus. It aims at educating the public about law and legal issues. The topics in recent years have concentrated mainly on human rights issues.

## ANNUAL BALL

In the past, the annual ball has been held in the Exhibition and Convention Centre in Wan Chai or in the Mandarin Oriental Hotel. It is a glamorous event which provides an opportunity for members of staff, past students, practitioners, and current students to be together.

## SEMINARS

These are held on the campus and usually involve current legal issues.

## INTERFLOW TOUR

In the past we have visited Shanghai and the University of Law and Politics in Beijing. The tour is an excellent opportunity for law students to gain greater knowledge of the life of law students and the legal system in mainland China.

## SOCIAL VISITS

The Association plans various activities, such as a visit to a home for the aged, in the hope that law students will become better aware of the needs of the old, the very young, and under-privileged members of the community.

## STOCK SALE

The stock sale is held in the Discussion Room every week. The Association sells accessories with the logo of the Association to its members. The aim is to foster a sense of unity of members. The response to these stock sales has been very encouraging in the past and shows that LA members are very supportive of the group.

## LAW DIRECTORY

This is a booklet containing basic information regarding all law students, the full constitution, and other particulars. It is issued free to each student.

## LEGAL TALKS

The Association delivers talks to secondary schools all over Hong Kong on legal topics.

Since autumn 1994, the *Hong Kong Student Law Review* has been published yearly by the students of the Law Faculty.

This is a student-written, -edited, -published and -managed publication which aims to provide a forum for law students in Hong Kong to try their hands at serious academic writing, to express their opinions on current legal issues, and to share their learning experience. The editors also hope to promote academia as a career option for Hong Kong law students.

The first volume included articles written by students covering such topics as China's entry into the World Trade Organisation, consumer protection in Hong Kong, and Corruption in Hong Kong and China; as well as shorter notes covering topics of general concern and importance to students which are particularly puzzling for most students, such as the Application of English Law Ordinance.

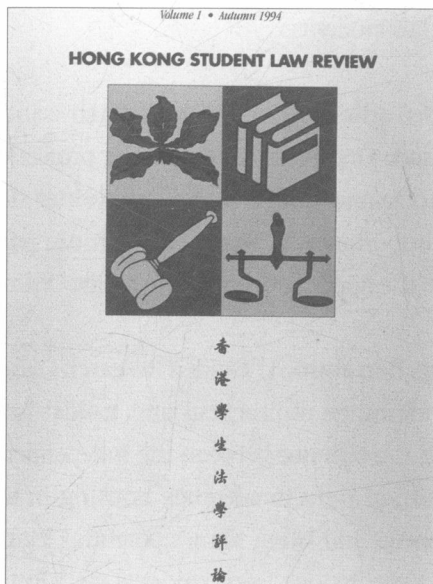
In volume two, a new section entitled "Guided Research Dissertations 1994-95" was added. It covered a wide range of practical and topical issues, such as the 1994 Chinese Company Law, the balance between the independence and accountability of the judiciary, the human right to adequate housing in the context of bedspace apartments in Hong Kong, and Hong Kong's potential legal vacuum. The second volume also included submissions from students studying at the City University, thus making the 1995 volume of the *Review* truly a "Hong Kong Student" Law Review.

Both volumes have been distributed among Commonwealth and American Universities this year in the hope of bringing Hong Kong issues to the forefront of contemporary legal education.

Students can contribute in many ways to the Review; positions include editors, proofreaders, fact-checkers, and business managers. Students who have participated

in the past feel that working on the Review has given them good experience in research and writing as well as in publishing in general.

Thus far, the Review has received an enthusiastic response from law firms and chambers. The editors hope that the Review will live up to expectations, and will be successful in encouraging students to think and write critically.



**Santa Clara University Summer School**

For more than 15 years, the Faculty has co-sponsored a law study/internship abroad programme with Santa Clara University, California. Each June, law students from the United States take classes at the Faculty in comparative public and commercial law, with a Hong Kong, PRC and Regional focus. During July, the students apply their classroom knowledge and gain practical experience while working at law firms, government offices, and private corporate counsel offices in Hong Kong. The lecturers are mostly from the Faculty and from private practice in Hong Kong. The Santa Clara Programme is well known, and is accredited by the American Bar Association.

**Duke University Asia-America Institute in Transnational Law**

In partnership with the Faculty the Duke University School of Law has established the Asia-America Institute in Transnational Law. This is designed to attract participants from both the United States and Asian region. In the 1996 session approximately 60 students attended. Teachers from the Faculty contribute to the teaching programme and assist in its organisation and administration. The current HKU Faculty of Law Programme Director is Charles Booth. The second session was held in July/August 1996; four student interns from our law school, paying a nominal fee, were in the class, and it is reported that their guidance in relation to Hong Kong nightlife was much appreciated by their classmates. Preparations are under way for the 1997 Institute which will be held from July 13 - August 12, 1997. The Institute is accredited by the American Bar Association.

**Advocacy Summer School**

The Faculty has for some years biennially hosted an advocacy course (alternating with City University of Hong Kong) which is partly sponsored by the British Council. Expertly taught by members of the English Bar, the course has been most beneficial in preparing final year LLB students for the PCLL Advocacy and Procedure courses.



# The Bachelor of Laws (LLB) Programme

## *Aims*

In some countries students study law after having taken a degree in another subject. In Hong Kong most students come to the study of law fresh from secondary school. The LLB degree therefore is designed to offer students not only an education in substantive law subjects and legal techniques which are useful for future practitioners of law, but also to provide education in the broadest sense of expanding the intellectual horizons of the students. Some of the courses are designed with a view to place the law in social, theoretical or comparative contexts, and all students are required to have some exposure to such courses.

Although most of our students go on to take the PCLL and enter the practice of law, not all will do so, and in their longer term futures many others will become administrators, business people or do something else for which the knowledge of substantive law is of small relevance. We believe that university education generally, and the study of law particularly, can and should develop the intellectual capacities and introduce the students to techniques and skills which will be of value to them whatever their careers, and in their lives as citizens outside the work context.

## *The curriculum*

The LLB degree is a three-year full-time undergraduate programme. To complete the curriculum a student must, in addition to following instruction, completing assignments, and participating in moots, pass in subjects totalling at least 25 units in value as follows:

- (A) all of the following subjects:
1. Constitutional and administrative law (2 units)
  2. Criminal law (2 units)
  3. Law and society (2 units)
  4. Law of contract (2 units)
  5. Law of tort (2 units)
  6. The legal system (2 units)
  7. Legal writing and research (1 unit)
  8. Property law (2 units)
- (B) the following subject:
- Introduction to legal theory (1 unit)

(C) one of the following subjects:

1. Comparative law (1 unit)
2. Criminology (1 unit)
3. Economic analysis of law (1 unit)
4. The Hong Kong Basic Law (1 unit)
5. Human rights law (2 unit)
6. International human rights (1 unit)
7. International organizations (1 unit)
8. Introduction to Chinese law (1 unit)
9. Law in East Asia (1 unit)
10. Law, justice and ideology (1 unit)
11. Legal fictions: representations of the law in literature, philosophy and cinema (1 unit)
12. Legal history (1 unit)
13. Medico-legal issues (1 unit)
14. Public international law (1 unit)
15. Sociology of law (1 unit)

(D) subjects selected from the following with a total unit value of not less than eight:

Two-unit courses

1. Guided research
2. Human rights law
3. Use of Chinese in Law II

One-unit courses (This is a list of those approved one-unit courses which are currently available or are likely to be available. In any one year not all will actually be taught, and new courses are sometimes added as new areas of the law develop or to reflect new interests of staff)

1. Alternative dispute resolution
2. Banking security
3. Banking law
4. Business associations
5. Civil litigation
6. Commercial law I
7. Commercial law II
8. Company law
9. Copyright law
10. Criminology
11. Current legal controversies



12. Economic analysis of law
13. Equity and introduction to trusts
14. Fundamentals of evidence and trial procedure
15. Human rights in Hong Kong
16. Insolvency law
17. International commercial litigation
18. International human rights
19. International organizations
20. International trade law I
21. International trade law II
22. Introduction to Chinese law
23. Introduction to private international law
24. Issues in evidence and trial procedure
25. Issues in family law
26. Issues in intellectual property law
27. Law, justice and ideology
28. Law of agency
29. Legal fictions: representations of the law in literature, philosophy and cinema
30. Legal history
31. Medico-legal issues
32. People's Republic of China civil and commercial law
33. Planning and environmental law
34. Principles of family law
35. Public international law
36. Remedies
37. Selected problems of international law
38. Shipping law
39. Sociology of law
40. Succession
41. The child and the law
42. The Hong Kong Basic Law
43. Trusts
44. Use of Chinese in law I

*Admission:*

An applicant who wishes to enter courses leading to the degree of Bachelor of Laws must satisfy the minimum University entrance requirements under Regulation G3 as specified below or has been exempted therefrom:

### G3 University entrance requirements

- (a) To satisfy the minimum requirements for entrance to the University, each applicant shall:
- (I) gain at the first and/or second attempt in the HKCEE Grade E or above in seven subjects, of which
    - (A) six subjects shall be obtained at one and the same time;
    - (B) one shall be English Language (Syllabus B) at Grade D or above (or Grade B or above in the case of English Language (Syllabus A));
    - (C) one shall be Chinese Language; or a language other than Chinese and English; and
    - (D) one shall be Mathematics;
  - (II) gain the following in the HKALE:
    - (A) Grade D or above in AS Use of English;
    - (B) Grade E or above in AS Chinese Language and Culture (or in not less than three of the five components of the paper) [Note: candidates who obtain Grade E or above in AL Chinese Literature may be exempted from this requirement, provided that they obtain Grade E or above in an AS subject other than Use of English and in addition to those required in satisfying Regulation G3(a)(II)(C)(ii). Candidates who satisfy the requirement in Regulation G3(a)(I)(C) with a language other than Chinese Language may be exempted from this requirement, provided they obtain Grade E or above in an AS subject other than Use of English and in addition to those required in satisfying Regulation G3(a)(II)(C)(ii).]
    - (C) *either* (i) Grade E or above in two AL subjects;  
*or* (ii) Grade E or above in one AL subject, and in two AS subjects other than Use of English and Chinese Language and Culture.
- (b) An applicant shall be deemed to have satisfied the minimum requirements for entrance to the University if he or she
- (I) has passed the final examination for a degree of any university in the Commonwealth;
  - (II) has attained the age of 25 years on or before September 1 of the year in which admission is sought;
  - (III) presents evidence of qualifications which are approved by the Senate as being of a level equivalent to or higher than the levels required to satisfy the requirements in (a) above.

# The Postgraduate Certificate in Laws (PCLL) Programme

## *Aims*

The PCLL is a one-year full-time curriculum leading to pupillage or employment as a trainee solicitor and then professional qualification as a barrister or solicitor in Hong Kong. The overall aim of the course is to prepare students to become lawyers by teaching them the knowledge, skills and professional ethics necessary for legal practice. This aim is broken down into four main objectives for students:

1. to be able to use substantive and procedural law in areas of particular importance to legal practitioners in general practice;
2. to develop the ability to conduct common legal transactions;
3. to be able to perform basic skills required of legal practitioners;
4. to be able to apply the principles of legal ethics to problems encountered in legal practice.

These objectives are achieved through a variety of learning methods: lectures, small-group sessions, simulations, and practical drafting, writing and problem-solving exercises.

Under the new Qualified Lawyers Transfer Regulations, on completing articles, a holder of the PCLL qualification may apply for admission as a solicitor in England and Wales.

## *The curriculum*

The course will cover the following papers:

- Accounts and financial management
- Advocacy
- Civil and criminal procedure
- Commercial law and practice
- Conveyancing and probate practice
- Professional practice
- Revenue law

## *Admission*

To be eligible for admission to the courses leading to the Postgraduate Certificate in Laws a candidate

(a) shall

- (i) hold a degree in law (see Note below) from a university or comparable institution subject in each case to Senate approval; or
- (ii) hold a professional qualification which entitles the candidate to practise law in a territory or country other than Hong Kong subject in each case to Senate approval; or

- (iii) pass the Common Professional Examination of Hong Kong or of England and Wales and satisfy this University as to the candidate's competence in business associations and evidence;
- (b) if applying on the basis of a degree in law of a university or comparable institution other than this University and the City University of Hong Kong (formerly known as City Polytechnic of Hong Kong) under (i) above, shall provide evidence of sufficient academic attainment and may be required to pass a qualifying examination.

*Note*

A candidate's degree must be in common law, should normally be from a Hong Kong or Commonwealth institution, and should include passes in six law subjects or subject areas including the following (or subjects recognized as their equivalent): constitutional law, contract, criminal law, property law, tort and trusts (or equity or remedies) in addition to satisfying the University as to the candidate's competence in business associations and evidence.

## Higher Degree Programmes in Law

The Faculty offers a variety of Higher Degree Programmes including both research and coursework programmes.

### **The Master of Laws**

#### *Curriculum*

The LLM programme offers a curriculum which Hong Kong is perhaps uniquely placed to provide. Hong Kong is, and will continue to be, a world financial and import/export centre as well as a major China trader. The territory has important commercial links and common cultural traditions with many of the countries of East and Southeast Asia. As an English-speaking enclave on the south China coast, Hong Kong is ideally situated for understanding the socialist legal system of mainland China. Hong Kong is also a society whose laws are in transition. As 1997 approaches, the territory faces the unprecedented challenge of having to accommodate to and interact with the legal system of the People's Republic of China.

As a result, the LLM programme emphasizes the following areas: law of international trade, investment and finance; commercial law; law of the People's Republic of China; law of international transport and travel; and public law and regional legal systems.

The LLM is a one-year full-time or two-year part-time curriculum which requires a minimum of 300 hours of prescribed work. The LLM curriculum has been restructured to include a number of new half courses. A half course of instruction is one which is taught over a period of one semester while a full course of instruction is one which is taught over a period of two semesters. Under the revised regulations, candidates are required to follow either the equivalent of four full courses of instruction or the equivalent of three full courses of instruction and a dissertation, but in both cases, candidates must follow at least one full course of instruction to complete the requirement of the curriculum. For this purpose, a dissertation is regarded as a full course of instruction. At least 25 per cent of the final assessment of each course is by written work carried out during the course. The courses offered annually are drawn from the following list:

Full courses:

1. Admiralty
2. Credit and security law
3. Civil and commercial law in the People's Republic of China

4. Human rights law: theory and practice
5. Intellectual property law
6. International commercial transactions
7. International dispute resolution
8. Introduction to Chinese law and legal system
9. Introduction to law in East Asia
10. Remedies
11. Securities regulation
12. Shipping law
13. Taxation and tax planning
14. Trade and investment in the People's Republic of China

Half Courses:

1. Advanced administrative law
2. Comparative insolvency law
3. Construction law
4. Equality and the law
5. Hong Kong and international law
6. Hong Kong Basic Law
7. Hong Kong environmental law
8. International air law: structure and organisation
9. International criminal law
10. International environmental law
11. International humanitarian law
12. Liabilities in international aviation
13. Postmodern legal theory
14. Privacy and data protection
15. People's Republic of China intellectual property
16. Taxation in the People's Republic of China
17. The law of restitution
18. Transnational insolvency law

Not all courses listed may be available in any one academic year. In the 1996-97 academic year, five full courses and approximately six half courses will be offered.

*Admission*

To be eligible for admission to the courses leading to the degree of Master of Laws a candidate shall

- (i) hold the degree of Bachelor of Laws with honours of this University; or
- (ii) hold a degree in law from another university or comparable institution accepted for this purpose;  
or
- (iii) have been admitted to the professional practice of law in Hong Kong or in a territory or country other than Hong Kong; or
- (iv) have obtained either the Common Professional Examination of England and Wales or the Common Professional Examination Certificate of this University provided that in either case the candidate has also obtained a second class honours degree of this University or from another university or comparable institution accepted for this purpose.

A candidate seeking admission under (ii), (iii) or (iv) above shall produce evidence of sufficient academic attainment and shall satisfy the examiners in a qualifying examination if such an examination is required. A candidate who fails to meet the requirements of (iv) above by reason only of the fact that his or her degree is not of at least second class honours standard may, nevertheless, be admitted provided that the Faculty Higher Degrees Committee is satisfied that by reason of his or her background, experience and professional qualifications, if any, the candidate is fit to follow the courses.

In addition to satisfying the requirements for admission to the curriculum, a candidate who is seeking admission on the basis of a qualification from a university or comparable institution outside Hong Kong of which the language of teaching and/or examination is not English is required to obtain:

- (i) a score of 550 or above in the Test of English as a Foreign Language (TOEFL); or
- (ii) a minimum overall band of 6 with no subtest lower than 5.5 in the International English Language Testing System (IELTS); or
- (iii) Grade C or above in the Overseas General Certificate of Education (GCE); or
- (iv) Grade C or above in the International General Certificate of Secondary Education (IGCSE); or
- (v) Grade C or above in the Cambridge Test of Proficiency in English Language;

unless in exceptional circumstances he or she is exempted from this requirement by the Senate Committee on Higher Degrees upon the recommendation of the Board of the Faculty.

### **Postgraduate Diplomas in Commercial Law (PDipCommL), in the Law of the People's Republic of China (PDipLPRC) and in Public Law (PDipPubL)**

#### *Curriculum*

These programmes are offered to meet the needs of the Hong Kong legal community for shorter, specialized postgraduate law courses leading to a qualification. The Postgraduate Diploma in Public Law is a new curriculum introduced this year. All the Postgraduate Diploma curricula involve one

academic year of part-time study and comprise a minimum of 150 hours of prescribed work. Candidates are required to take the equivalent of two full courses of instruction. The admission requirements for the diplomas are the same as those for the LLM. Students who successfully complete the equivalent of two full courses of a diploma programme may be permitted to continue postgraduate studies in the part-time LLM programme, provided that applications for conversion have been submitted on or before the prescribed deadline, and may obtain an LLM degree upon satisfactory completion of two further courses in their second year of study. The courses for the diplomas are derived from the LLM curriculum and are as follows:

### ***Postgraduate Diploma in Commercial Law***

#### Full Courses:

1. Admiralty
2. Credit and security law
3. Intellectual property law
4. International commercial transactions
5. International dispute resolution
6. Remedies
7. Securities regulation
8. Shipping law
9. Taxation and tax planning

#### Half Courses:

1. Comparative insolvency law
2. Construction law
3. Hong Kong environmental law
4. International air law: structure and organisation
5. Liabilities in international aviation
6. Privacy and data protection
7. People's Republic of China intellectual property
8. Taxation in the People's Republic of China
9. The law of restitution
10. Transnational insolvency law



## ***Postgraduate Diploma in the Law of the People's Republic of China***

Full Courses:

1. Civil and commercial law of the People's Republic of China
2. Introduction to Chinese law and legal system
3. Trade and investment in the People's Republic of China

Half Courses:

1. People's Republic of China intellectual property
2. Taxation in the People's Republic of China

## ***Postgraduate Diploma in Public Law***

Full Course:

1. Human rights law: theory and practice

Half Courses:

1. Advanced administrative law
2. Equality and the law
3. Hong Kong and international law
4. Hong Kong Basic Law
5. Hong Kong environmental law
6. International air law: structure and organisation
7. International criminal law
8. International environmental law
9. International humanitarian law
10. Postmodern legal theory
11. Privacy and data protection

### ***Admission***

To be eligible for admission to the courses leading to the Postgraduate Diploma in Commercial Law or the Postgraduate Diploma in the Law of the People's Republic of China or the Postgraduate Diploma in Public Law, a candidate shall have the same qualifications as required for admission to the LLM (see page 76-77)

## Research Degrees (MPhil and PhD)

### *Programme*

Hong Kong presents many opportunities for interesting and important original research in the field of law. In particular, the stresses and strains of adapting an English-based legal system to a financial and trading centre on the coast of China, and the legal aspects of the return of Hong Kong to Chinese sovereignty, have provided many features worthy of study. Yet much more legal research remains to be done. The Faculty of Law welcomes applications from those wishing to do research under supervision for an MPhil or PhD.

All research students have one, or more, supervisors appointed from amongst the academic staff of the department in which they are registered. The School of Research Studies offers a variety of courses and seminars designed to support research students in their work and enhance their personal development.

Candidates may register on the first day of any month on a full or part-time basis and are subject to a probationary period and to minimum and maximum periods of study as follows:

		Full-time	Part-time
MPhil	Probation	12 months	18 months
	Minimum	24 months	36 months
	Maximum	36 months	48 months
PhD	Probation	12 months	18 months
	Minimum	36 months	54 months
	Maximum	60 months	72 months

All candidates are required to register provisionally for the degree of MPhil for a probationary period of 12 or 18 months. At the end of this probationary period the candidate must submit a detailed scheme of research and may then be confirmed for either MPhil or PhD. Results of research must be presented in the form of a thesis which, in the case of a PhD, must represent "an original contribution to knowledge, deserving of publication." There will also be an oral or written examination on the candidate's research work.

### *Research Areas*

Major areas of research interest in the Faculty are:

1. Aviation and travel law
2. Commercial law
3. Constitutional and administrative law

4. Criminal law and criminology
5. Environmental law
6. Human rights law
7. Insolvency law
8. International trade law
9. Jurisprudence and legal theory
10. Family law
11. Law of the People's Republic of China
12. Public international law
13. Revenue law
14. Shipping law
15. Tort law

Current MPhil and PhD research topics include:

1. Civil jurisdiction of the Hong Kong courts
2. Commercial and company laws of China
3. Company law
4. Comparative environmental law
5. Comparative study of the legal aspects of credit security in the Asian region
6. Constitutional law
7. Consumer protection: a study of the PRC consumer protection law
8. Critical theories of law with a critical analysis of American constitutional law
9. Death penalty, the right to life and human rights in China
10. Detention without trial in China
11. Environmental law/Tourism/Pacific Island States
12. Future relations between the laws of Hong Kong Special Administrative Region and Mainland China
13. Human rights law
14. Jurilinguistics
15. Legal protection of intellectual property in international trade
16. Public policies, infrastructural development and the law in China and Hong Kong
17. Tax law and policy in Hong Kong

### *Admission*

The minimum requirements for a research student are:

- (i) a Bachelor's degree with honours of this University; or
- (ii) another qualification of equivalent standard from this University or from another university or comparable institution accepted for this purpose; and

shall satisfy the examiners in a qualifying examination if required.

A candidate who is seeking admission on the basis of a qualification from a university or comparable institution outside Hong Kong of which the language of teaching and/or examination is not English is required to obtain:

- (i) a score of 550 or above in the Test of English as a Foreign Language (TOEFL); or
- (ii) a minimum overall band of 6 with no subtest lower than 5.5 in the International English Language Testing System (IELTS); or
- (iii) Grade C or above in the Overseas General Certificate of Education (GCE); or
- (iv) Grade C or above in the International General Certificate of Secondary Education (IGCSE); or
- (v) Grade C or above in the Cambridge Test of Proficiency in English Language;

unless in exceptional circumstances he or she is exempted from this requirement by the Senate Committee on Higher Degrees upon the recommendation of the Board of the Faculty.

### *Housing*

Overseas students are eligible for accommodation in the university halls of residence. Students living in the halls of residence should ensure that their high table dining obligations do not conflict with their class schedule. For further information about housing, please contact the Office of Student Affairs, The University of Hong Kong (Tel: 2859 2305 Fax: 2546 0184).

### *Financial Support*

For students pursuing their studies full time as MPhil or PhD candidates, there are a limited number of Studentships offered for the minimum period of study. Each Postgraduate Studentship carries a stipend of approximately HK\$11,750 per month (subject to review). A Postgraduate Studentship holder may be required to undertake up to 150 hours per annum of teaching assistance duties.

Full-time research students may also apply for support to attend one overseas conference during their minimum period of candidature; this support usually comprises an airfare at the most economical rate and a contribution towards associated residential and registration expenses.

### *Application Information*

Application forms for research degrees are available from the Academic Services Enquiry Office, Room UG-02, Knowles Building, The University of Hong Kong, Pok Fu Lam Road, Hong Kong. Research degree applications may be made at any time, and a candidate whose application is accepted may register on the first day of any month. Prospective candidates should contact Richard A. Glofcheski, Head of Department of Law, or Charles D. Booth, Associate Dean of the Faculty responsible for Higher Degrees, on matters pertaining to their proposed field of research. Application forms for the LLM and Postgraduate Diploma programmes will be available by December 1996 from the Academic Services Enquiry Office. They should be returned by February 28, 1997, but applications returned after that date will be considered if vacancies remain. Enquires about the LLM or Postgraduate Diploma programmes should be addressed to Charles D. Booth as well.

Applications are welcome from overseas students. Past postgraduate students have come from Australia, Germany, Japan, New Zealand, the PRC, South Africa, Sweden, Switzerland, the United Kingdom, and the United States and have included students holding Commonwealth Scholarships.



## SCHEDULE OF FEES (FOR 1996-97 IN HK\$)

Application fee (for all applicants)	\$100
Assessment fee (for LLB applicants only)	\$100
Caution money (for all applicants)	\$350
Composition fee	
LLB, LLM (full-time), PCLL (full-time)	\$37,600 p.a.
MPhil/PhD (full-time)	[\$43,850 p.a. for 1997-98 (indicative) and \$48,020 p.a. for 1998-99 (indicative)]
LLM (part-time), PDipCommL (part-time), PDipLPRC (part-time), PDipPubL(part time)	\$18,800 p.a. [\$21,930 p.a. for 1997-98 (indicative) and \$24,010 p.a. for 1998-99 (indicative)]
MPhil/PhD (part-time)	\$25,070 p.a. [\$29,240 p.a. for 1997-98 (indicative) and \$32,020 p.a. for 1998-99 (indicative)]
Continuation fee (for MPhil and PhD candidates)	\$3,760 for 3 months, or part thereof (provisional at \$4,400 for 1997-98, \$4,850 for 1998-99)
Examination fee	
MPhil	\$1,000
PhD	\$1,500
Repeating each course (for LLB, LLM, PCLL, and Postgraduate Diplomas)	25% of the composition fee for the curriculum p.a. (rounded upward to the nearest \$50). [Maximum fee: the amount of the composition fee. The fee for a half-unit course is 12.5% of the composition fee, rounded upward to the nearest \$50.]
Graduation fee (for all students)	\$350





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香港大學法律學院

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**FACULTY OF LAW**

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- Message from the Dean
  - Department of Law
  - Department of Professional Legal Education
  - Law-On-Line
  - Law Library
  - Conference on Constitutional Transition 1997
  - Staff email list
  - Asia America Institute in Transnational Law
  - Centre for Comparative and Public Law

- Hong Kong Law Journal
- Bill of Rights Bulletin
- Hong Kong Law Alumni Association
- Faculty of Law Newsletter
- Faculty Publications
- Commonwealth Legal Education Association
- Public International Law (for HKU's Law students)
- Other law related WWW server
- Other WWW server
- Newsgroups

# ACADEMIC CALENDAR 1996-97

**LLB** 1st Semester LLB: 16.09.96 - 07.12.96  
 Examination Weeks: 09.12.96 - 19.12.96

2nd Semester LLB: 06.01.97 - 04.04.97  
 Examination Weeks: 28.04.97 - 17.05.97

**PCLL** 1st Semester PCLL: 16.09.96 - 07.12.96  
 Revision Week: 02.12.96 - 07.12.96  
 Examination Week: 09.12.96 - 14.12.96

2nd Semester 06.01.97 - 12.04.97  
 Revision Weeks: 14.04.97 - 30.04.97  
 Examination Weeks: 01.05.97 - 17.05.97

University Holiday	24.12.96	Christmas Eve
	31.12.96 (p.m.)	New Year Eve
Suspension of Classes	06.02.97 - 12.02.97	Suspension of Classes for Lunar Chinese New Year

Designated Vacations 23.04.97 - 30.04.97  
 01.07.97 - 31.08.97

General Holidays (subject to confirmation by the government)

28 September 96	Mid-Autumn Festival
21 October 96	Chung Yeung Festival
25, 26 December 96	Christmas
1 January 97	New Year Day
6, 7, 8 February 97	Lunar Chinese New Year
28, 29, 31 March 97	Easter
5 April 97	Ching Ming Festival
9 June 97	Tuen Ng Festival
28, 30 June 97	Queen's Birthday and following Monday



FACULTY OF LAW, THE UNIVERSITY OF HONG KONG

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