

THE UNIVERSITY OF HONG KONG

FACULTY OF LAW

**ASIAN INSTITUTE OF INTERNATIONAL
FINANCIAL LAW**

AIIFL



Annual Report

2000 – 2001

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CONTENTS

Director's Message	p. 3
Management and Administrative Structure	p. 5
AIFL Sponsored Activities	
Conferences and Workshops	p. 8
Honorary and Visiting Fellows' Lectures and Seminars	p. 10
Continuing Legal Education	p. 11
AIFL Research Activities 2000-2001	
Fellows' Areas of Interest	p. 12
Fellows' Publications	p. 14
Fellows' Additional Research Activities	p. 19
Global Network	p. 23
On-line Activities	p. 24
Outside Funding	p. 25

Director's Message

The Asian Institute of International Financial Law (AIIFL), based in the Faculty of Law, was established in 1999 under co-Executive Directors, Professor Joseph Norton and Mr. Say Goo. AIIFL was established to assist the Faculty of Law in developing a partnership with other units at HKU and with the local business and financial communities for establishing a leading Asian academic centre in the area of international financial law.

AIIFL serves as an umbrella for the research activities of its Fellows (drawn from the Faculty of Law and HKU generally) and its Honorary and Visiting Fellows (academics and professionals from outside HKU) and, building upon the solid basis established by its founding co-Executive Directors, has continued to forge ties with law schools and other institutions, both regionally and globally. The research activities of AIIFL Fellows cover a broad spectrum of areas, with much attention currently focusing on the ongoing reform of corporate and financial law throughout the region.

Over the past year AIIFL has organized a major conference on Chinese insolvency law and co-sponsored a conference in London on global e-finance. The Third AIIFL Distinguished Public Lecture was presented by Professor Rolf H Weber of Zurich University on the effect of China's accession to the WTO on Hong Kong.

AIIFL has identified three particular areas for institutional collaboration in research and conference activities for the upcoming academic year, 2001-2002 – financial regulation, WTO developments, and corporate insolvency and restructuring. Of course there is some overlap among these areas.

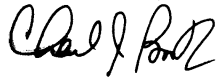
Among the areas of financial regulation being examined are the relationship between legal risk and financial regulation, WTO-related issues, the implications of the enactment of a comprehensive securities and futures bill in Hong Kong, and the state of recent regional developments. Next month AIIFL will co-sponsor two events on financial regulation: the first, a conference focusing on the future of financial regulation in Taiwan (to be held in Taiwan); and the second, a seminar in Hong Kong on current issues.

The study of WTO developments covers a broad range of related areas, with a recent focus on the dramatic legal changes underway in China in preparation for China's entry into the WTO. AIIFL is in the process of organizing two conferences on the WTO: one examining WTO and financial services and the implications for emerging and transitional economies; and the other with a greater China emphasis, addressing recent WTO case law and jurisprudence. AIIFL is also in the process of developing other projects related to China's entry into the WTO, including WTO rule-implementation and technical training.

The third area considers insolvency law reform and the development of effective corporate rescue procedures, in Hong Kong, China, and regionally. AIIFL, jointly with the newly established Bankruptcy Law and Reorganization Research Centre at the China University of Politics and Law in Beijing, is organizing a conference on the

out-of-court restructuring of state-owned enterprises in China. There will be a strong comparative dimension to the conference.

It is the hope of the Deputy Directors and myself that AIIFL can continue to attract the active involvement of a broad range of academics and professionals, as well as to establish relationships with other research institutes and centres that share an interest in the ongoing reform of corporate and financial law throughout the region.

A handwritten signature in black ink, appearing to read 'Charles D. Booth'.

Charles D. Booth
Director

28 June 2001

Management and Administrative Structure

All appointments noted will run through 30 November 2002.

Director:

Mr. Charles Booth, Associate Professor

Deputy Directors:

- Mr. Douglas Arner, Assistant Professor
- Mr. Donald Lewis, Associate Professor
- Dr. Arthur McInnis, Associate Professor
- Mr. Philip Smart, Associate Professor

Management Board:

- Mr. Charles Booth (Chairman)
- Mr. Douglas Arner
- Mr. Donald Lewis
- Dr. Arthur McInnis
- Mr. Philip Smart
- Dean of the Faculty of Law (ex-officio) – Professor Albert Chen
- Head of the Department of Law (ex-officio) – Professor Johannes Chan
- Associate Dean responsible for higher degrees (ex-officio) – Mr. Andrew Halkyard, Associate Professor
- Teacher responsible for the LLM (CFL) programme (ex-officio) – Mr. Say Goo, Associate Professor
- Teacher responsible for Faculty CLE (ex-officio) – Ms. Judith Sihombing, Senior Lecturer
- Interdisciplinary member from HKU – Professor Eric C. Chang (Faculty of Business and Economics)

Chairman of the Professional Advisory Board:

Anthony Neoh, SC

Chairman of the Academic Advisory Board:

Professor Joseph Norton, Sir John Lubbock Professor of Banking Law, University of London

Fellows

Faculty of Law, HKU

Mr. Douglas Arner
Mr. Charles Booth
Ms. Anne Carver
Mr. Felix Chan
Mr. Wilson Chow
Mr. Say Goo
Mr. Andrew Halkyard
Ms. Alice Lee
Mr. Donald Lewis
Ms. Li Yahong
Mr. Liu Nanping
Ms. Katherine Lynch
Dr. Arthur McInnis
Mr. Robert Morgan
Ms. Judith Sihombing
Mr. Philip Smart
Mr. Zhang Xianchu

Fellows from other HKU Units

Professor Eric Chang, Chair of Finance & Wang Seng Liang Professor, School of Business
Mr. Berry Hsu, Associate Professor in Law, Department of Real Estate and Construction

Honorary Fellows 2000-2001

Professor Rolf H Weber, Professor of Civil, Business, and European Law, Zurich University, 19 October – 25 November 2000

Visiting Fellows 2000-2001

Mr. Ronald Harmer, Consultant, Blake Dawson Waldron (Australia) and Staff Consultant, Asian Development Bank, 16 – 21 November 2000

Mr. Philip Wellons, Deputy Director, Program on International Financial Systems, Harvard Law School, 1 December 2000

Professor Frank Upham, New York University, 31 May 2001

Research Assistant

Mr. Kevin Cheung

Administrative Support

On 1 March 2001, Ms. Flora Leung took up the position of Secretary to AIIFL and the Centre of Comparative and Public Law (CCPL), initially on a 2-year appointment.

AIFL Sponsored Activities

Conferences and Workshops

October 2000

Workshop on Provisional Supervision and Workers' Wages

The focus of this workshop was a paper prepared by Mr. Philip Smart and Mr. Charles Booth on provisional supervision and workers wages, which offered an alternative proposal to the government's proposed scheme for workers' wages. Participants included Hong Kong insolvency practitioners and government officials.

November 2000

Chinese Insolvency Law Symposium: Developing on Insolvency Infrastructure

The symposium involved discussions among academics, insolvency practitioners, judges, and government officials on PRC insolvency law reform and cross-border insolvency issues between mainland China and the Hong Kong SAR. The roughly 40 speakers and commentators were drawn from twelve jurisdictions and attendees numbered over 140. The symposium was organized into three sessions, focussing on legal responses, cross-border insolvency issues, and administrative responses. Comparisons were drawn between the 1986 PRC Enterprise Bankruptcy Law (Trial Implementation) for State-Owned Enterprises (SOEs) and the 1995 and 2000 Drafts of the new Chinese bankruptcy law. This AIFL symposium was the first international forum at which members of the Working Group for Drafting the New Bankruptcy Law, Fiscal and Economic Committee under the Standing Committee of the PRC National People's Congress (NPC) (the Working Group) participated in a public discussion about the recent 2000 Draft, which has not yet been translated into English.

Simultaneous translation was provided in English and Mandarin. Co-sponsors included the Department of Economic Law at the China University of Politics and Law (CUPL) (in Beijing), the Duke University Global Capital Markets Center, the Hong Kong Society of Accountants, the Inter-Pacific Bar Association, and the Pepperdine University School of Law. Additional events were sponsored by the Centre for Commercial Law Studies at the University of London and the accounting firm Ferrier Hodgson.

Sweet and Maxwell Asia has agreed to publish a book arising out of the symposium.

June 2001

Legal Framework for Global E-Finance: Implications for Emerging and Transition Economies

AIFL served as a co-sponsor; the primary organizer was the Centre for Commercial Law Studies at the University of London. Mr. Douglas Arner participated in the event.

Forthcoming Conferences and Workshops (subject to confirmation)

July 2001

The Future of Financial Regulation in Taiwan

AIIFL is a co-sponsor; the primary organizer is the Department of Risk Management and Insurance, National Chengchi University, Taipei.

Current Issues in Financial Regulation

AIIFL is organizing this seminar, which will be held on 9 July 2001 at the University of Hong Kong.

Conference on WTO Case Law and Jurisprudence

AIIFL will serve as a primary organizer and is in the process of identifying other co-sponsors.

Spring 2002

WTO and Financial Services: Implications for Emerging and Transition Economies

AIIFL is a co-sponsor; the lead organizer is the Centre for Commercial Law Studies at the University of London; other co-sponsors include the British Institute of International and Comparative Law, Peking University, and the University of Witwatersrand.

Honorary and Visiting Fellows' Lectures and Seminars

November 2000

The 3rd AIIFL Distinguished Public Lecture – Professor Rolf H Weber, Professor of Civil, Business, and European Law, Zurich University, presented a lecture entitled, “How Hong Kong Could Reposition Itself as a Regional and International Financial Centre in View of China’s Imminent Accession to the WTO: An External Perspective”, 10 November 2000.

Mr. Ronald Harmer, Consultant, Blake Dawson Waldron (Australia) and Staff Consultant, Asian Development Bank, spoke on the effort by UNCITRAL to develop a model bankruptcy law, 20 November 2000.

December 2000

Mr. Philip Wellons, Deputy Director, Program on International Financial Systems, Harvard Law School, presented a seminar on his Program’s financial law research agenda, 1 December 2000.

May 2001

Professor Frank Upham, New York University, presented a seminar on “Ideology, Experience, and the Rule of Law in Developing Societies”, jointly organized by AIIFL and CCPL, 31 May 2001.

Forthcoming (subject to confirmation)

September/October/November 2001

Mr. Marc Dassel, Professor of Belgian Tax Law and Professor of European Financial and Tax Law, Free University of Brussels.

March 2002

Professor Steven L Schwarcz, Professor of Law, Duke Law School and Faculty Director, Global Capital Markets Center, Duke University.

March/April 2002

Professor Ian F Fletcher, Herbert Smith Professor of International Commercial Law, University College London.

Continuing Legal Education

In the Spring 2001 semester, AIIFL launched a series of 2-hour Continuing Legal Education sessions. These sessions are designed for professionals who want to acquire working knowledge at a sufficiently high level in specialized areas of financial law. These seminars have attracted over 160 attendees. Except where otherwise noted, the speakers are from the Faculty of Law. The following nine sessions have been/will be held this semester:

17 March 2001 - **Mr. Andrew Halkyard** and **Professor Laura Edgar** (University of London), Taxation of Electronic Commerce

18 April 2001 - **Mr. Charles Booth**, An Overview of the New Bankruptcy Law

25 April 2001 - **Mr. Zhang Xianchu**, China's Accession to the WTO and the Opening of its Securities Market

16 May 2001 - **Mr. Wilson Chow**, Taxability of Stock Option and IRD's Policy on Penalty Tax Assessment

23 May 2001 - **Mr. Douglas Arner**, Global Offerings: Recent International Developments

30 May 2001 - **Dr. Arthur McInnis** and **Mr. Stephen Jamieson** (Assistant Director, The Stock Exchange of Hong Kong), Sourcing Project Finance Funds from the Capital Markets in Asia

6 June 2001 - **Mr. Philip Smart**, Practical Legal Research on the Internet

7 June 2001 - **Mr. Donald Lewis**, China's WTO Accession: Issues of Compliance and Enforcement

13 June 2001 - **Ms. Judith Sihombing**, The Use of New Interests for Security and Trading

4 July 2001 - **Mr. Robert Morgan**, Resolution of Financial Disputes: Choosing an Appropriate Process

Future Plans

In 2001-2002, AIIFL will extend its CLE seminar series over two semesters. It will also provide administrative support for the Faculty's general CLE activities. In addition, AIIFL is in the process of organizing an executive training programme on WTO law to be held in early 2002.

AIIFL Research Activities 2000 - 2001
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Fellows' Areas of Interest

Name:	Research areas:
Douglas Arner	Legal risk and financial regulation Legal infrastructure for development Global offerings of securities Evaluation of legal reform WTO and financial services Financial crises and the new international financial architecture
Charles Booth	Cross-border insolvency law Hong Kong insolvency law reform Hong Kong corporate rescue Chinese insolvency law Asian insolvency law reform in the aftermath of the Asian financial crisis
Annie Carver	The Americanization of Hong Kong company law Corporate governance Corruption and business ethics
Felix Chan	Shipping law and logistics management
Wilson Chow	Tax Labour and trade unions
Say Goo	Corporate governance
Andrew Halkyard	Comparative (greater China) project on taxpayer's rights
Alice Lee	Intellectual property
Donald Lewis	China's WTO accession Administrative governance in China Dynamics of cultural and economic development
Li Yahong	Chinese intellectual property
Katherine Lynch	Corporate law generally Commercial arbitration and dispute resolution

Name:	Research Areas:
Arthur McInnis	Procurement Construction law Structured and project finance Environmental law
Robert Morgan	International commercial arbitration and alternative dispute resolution
Philip Smart	Cross-border insolvency law Hong Kong insolvency law reform Hong Kong corporate rescue Corporate law generally
Zhang Xianchu	Chinese insolvency law The impact of the reform of SOEs on the Chinese legal system Development of securities law in mainland China and its impact on Hong Kong Mutual legal assistance between Hong Kong and mainland China

Fellows' Publications

Douglas Arner

“Reflection on the ‘Rule’ and Role of Law in Financial Sector Development”, in J Faundez, M Footer & J Norton (eds), *Governance, Development and Globalization: A Tribute to Lawrence Tshuma* (London: Blackstone, 2000), ch. 17, pp. 267-88.

Co-author with Joseph J Norton, “Hong Kong SAR: Financial Regulation and Future as an International Financial Centre”, in J Norton, C Li & Y Huang (eds), *Financial Law in the Chinese Economic Circle: Risk and Regulation* (London: Kluwer 2000), ch. 9, pp. 255-317.

“International Standards and the Transitional Economies”, in Y Kalyuzhnova & M Taylor (eds), *Transitional Economies: Banking, Finance, Institutions* (London: Macmillan, forthcoming 2001), ch. 7.

Co-author with Thomas W Slover, “Mexico: Crisis and Reform in the 1990s”, in J Norton, D Arner & M Yokoi-Arai (eds), *Global Financial Crises in the 1990s* (London: Kluwer, forthcoming 2001).

Co-author with Joseph J Norton, “Development of Capital Markets, Stock Exchanges and Securities Regulation in Transition Economies”, in Y Kalyuzhnova & M Taylor (eds), *Transitional Economies: Banking, Finance, Institutions* (London: Macmillan, forthcoming 2001), ch. 4.

Charles Booth

Co-author with Philip Smart, “The New Avoidance Powers under Hong Kong Insolvency Law: A Move from Territoriality to Extraterritoriality”, 34 INTERNATIONAL LAWYER 255-65 (USA, 2000); republished in 17(5) NATIONAL INSOLVENCY REVIEW 54-63 (Canada, Oct. 2000).

“Hong Kong Insolvency Law Reform: Preparing for the Next Millennium”, *Norton's Annual Survey on Bankruptcy* (USA, 2000); republished in JOURNAL OF BUSINESS LAW 126-156 (UK, 2001).

Co-author with Philip Smart, “Corporate Rescue: This Year, Next Year ...”, HONG KONG LAWYER 50-55 (June 2000); republished as “Corporate Rescue in Hong Kong: This Year, Next Year ...”, GLOBAL INSOLVENCY & RESTRUCTURING REVIEW 13-17 (UK, Mar. 2001).

Co-author with Philip Smart, “Provisional Supervision and Workers' Wages: An Alternative Proposal”, 31(2) HKLJ (forthcoming Sept. 2001) (est. 10 pp.).

Co-author with Zhang Xianchu, “Beijing's Initiative on Cross-Border Insolvency: Reflections on a Recent Visit of Hong Kong Professionals to Beijing”, 31(2) HKLJ (forthcoming Sept. 2001) (est. 10 pp.).

Co-author with Philip Smart, “Reforming Corporate Rescue Procedures in Hong Kong”, *JOURNAL OF CORPORATE LAW STUDIES* (UK, forthcoming Dec. 2001) (est. 20 pp.).

Co-author with Philip St J Smart and Stephen Briscoe, *Hong Kong Corporate Insolvency Manual* (HKSA, forthcoming 2002) (est. 200 pp.).

Co-author with Philip St J Smart and Stephen Briscoe, *Hong Kong Personal Insolvency Manual* (HKSA, forthcoming 2002) (est. 200 pp.).

Annie Carver

Co-author with P Fosh, W Chow, S H Ng and H Samuel, “Views on Trade Unions and Relationship to Power in the Hong Kong Special Administrative Region of China”, 42 *JOURNAL OF INDUSTRIAL RELATIONS* 417-444 (Australia, 2000).

Co-author with John Whitman, “Purchase Pooling and the Playing Field – Perceived Barriers to Cross-Border Mergers and Acquisitions: Or The Clean Surplus Meets the Dirty Surplus”, in Joseph Norton (ed), *Yearbook of International and Economic Law, 2001* (London: Kluwer Law International), pp. 331-346.

“Hong Kong Business Law” (5th ed) (Hong Kong: Longman), 675 pp.

Felix Chan

Co-author, *Halsbury’s Laws of Hong Kong: Maritime Law* (Hong Kong: Butterworths, 2000), Vol. 18(1).

Co-author with W S Chan, “Actuarial Assessment of Damages in Personal Injury Litigation in Hong Kong: Chan Pui Ki (an infant) v Leung On”, 2000(3) *INTERNATIONAL JOURNAL OF EVIDENCE AND PROOF* 194-203 (UK).

Co-author with W S Chan, “Actuarial Assessment of Damages in Personal Injury Litigation: the Hong Kong Position and the Comparative International Aspects”, 30 *HKLJ* 272-289 (2000).

Co-author with W S Chan, “Lee Wee Lian Revisited – Should Actuarial Tables be used for the Assessment of Damages in Personal Injury Litigation in Singapore?”, 2000(2) *SINGAPORE JOURNAL OF LEGAL STUDIES* 364-378.

Co-editor with R Wu, *Law Lectures for Practitioners 2000* (Hong Kong: HKLJ 2000).

“Hong Kong Welcomes Electronic Bills of Lading”, 1 *INTERNATIONAL INTERNET LAW REVIEW* 17-20 (UK, 2001).

Co-author with Jimmy Ng and Bobby Wong, *Shipping and Logistics Law* (Hong Kong: Hong Kong University Press, forthcoming late 2001).

Co-editor with R Wu, *Law Lectures for Practitioners 2001* (Hong Kong: HKLJ forthcoming 2001).

Wilson Chow

Co-author with A J Halkyard and J P VanderWolk, *Hong Kong Tax Law: Cases and Materials* (3rd ed), (Singapore: Butterworths, Sept. 2001), 430 pp.

“Taxing of Employees in Troubled Times: A Case of Adding Fuel on the Fire?”, *Law Lectures for Practitioners 2000*, pp. 88-101.

Co-author with Andrew C S Lam, “The Pong Case: Final Encounter?” 4 ASIA-PACIFIC JOURNAL OF TAXATION 2-6 (2000).

Co-author with P Fosh, A Carver, S H Ng and H Samuel, “Views on Trade Unions and Relationship to Power in the Hong Kong Special Administrative Region of China”, 42 JOURNAL OF INDUSTRIAL RELATIONS 417-444 (Australia, 2000).

Andrew Halkyard

“Stamp Collecting: Concepts and Planning”, *HK Tax Planning Manual* (3rd ed) (Hong Kong: THC Press, Apr. 2000), Ch. 5, pp. 5.1-5.21.

“Hong Kong Estate Duty: A Blueprint for Reform?”, 30 HKLJ 47-73 (2000).

“One Country, Two (Taxation) Systems: A Treaty in All But Name”, 9(1) PACIFIC RIM LAW & POLICY JOURNAL 73-93 (2000).

“Encyclopaedia of Hong Kong Taxation: Stamp Duty”, (Issue 7 to Vol. 1) (Singapore: Butterworths, May 2000), new text approximately 25 pp.

“To Use or Not to Use? Taxation of Royalties for Exploitation of Trademarks”, 5(2) ASIAN-PACIFIC JOURNAL OF TAXATION 56-61 (2001).

“Encyclopaedia of Hong Kong Taxation: Estate Duty”, (Issue 7 to Vol. 2) (Singapore: Butterworths, Aug. 2000), new text approximately 10 pp.

Co-author with PG Willoughby, *The Annotated Ordinances of Hong Kong: Stamp Duty Ordinance (Cap 117)* (Butterworths Asia, Dec. 2000), 585 pp.

Co-author with PG Willoughby, *The Annotated Ordinances of Hong Kong: Estate Duty Ordinance (Cap 111)* (Butterworths Asia, Dec. 2000), 506 pp.

“Encyclopaedia of Hong Kong Taxation: Income Tax”, (Issue 7 to Vols. 3 and 4) (Singapore: Butterworths, Jan. 2001), new text approximately 30 pp.

“Treating Taxpayers Right: Taxpayers’ Rights With Special Reference To Hong Kong”, ASIA PACIFIC LAW REVIEW, text 20 pp. (forthcoming 2001).

“Encyclopaedia of Hong Kong Taxation: Stamp Duty, Estate Duty, Income Tax”, (Issue 8 to Vols. 1 and 2) (Singapore: Butterworths Asia, Aug. 2001), new text approximately 25 pp.

Co-author with J P VanderWolk and W Chow, *Hong Kong Tax Law: Cases and Materials* (3rd ed) (Singapore: Butterworths, Sept. 2001), 430 pp.

Berry Hsu

Laws of Taxation in the Hong Kong SAR (Hong Kong: Hong Kong University Press, 2001), 252 pp.

Donald Lewis

“Governance in China: The Present and Future Tense”, in L J Brahm (ed), *China’s Century: The Awakening of the Next Economic Powerhouse* (Singapore: John Wiley & Sons, 2001), pp. 235-243.

Arthur McInnis

Butterworths Building Law Handbook (Singapore: Butterworths, Sept. 2000), 617 pp.

“Equity in Construction Law – New Malaysian Directions”, 27 JOURNAL OF MALAYSIAN AND COMPARATIVE LAW 269-280 (2000).

The New Engineering Contract (London: Thomas Telford, forthcoming July 2001), 660 pp.

Philip Smart

“The Rule Against Foreign Revenue Laws”, 116 LAW QUARTERLY REVIEW 360-365 (UK, 2000).

Co-author with Charles Booth, “The New Avoidance Powers under Hong Kong Insolvency Law: A Move from Territoriality to Extraterritoriality”, 34 INTERNATIONAL LAWYER 255-65 (USA, 2000); republished in 17(5) NATIONAL INSOLVENCY REVIEW 54-63 (Canada, Oct. 2000).

Co-author with Charles Booth, “Corporate Rescue: This Year, Next Year ...”, HONG KONG LAWYER 50-55 (English) (June 2000); republished as “Corporate Rescue in Hong Kong: This Year, Next Year ...”, GLOBAL INSOLVENCY & RESTRUCTURING REVIEW 13-17 (UK, Mar. 2001).

Co-author with Charles Booth, “Provisional Supervision and Workers’ Wages: An Alternative Proposal”, 31(2) HKLJ (forthcoming Sept. 2001) (est. 10 pp.).

Co-author with Charles Booth, “Reforming Corporate Rescue Procedures in Hong Kong”, *JOURNAL OF CORPORATE LAW STUDIES* (UK, forthcoming Dec. 2001) (est. 20 pp.).

Co-author with Lusina Ho, “Re-Interpreting the Quistclose Trust: A Critique of Chambers’ Analysis”, *OXFORD JOURNAL OF LEGAL STUDIES* (UK, forthcoming 2001) (est. 22 pp.).

Co-author with Charles Booth and Stephen Briscoe, *Hong Kong Corporate Insolvency Manual* (HKSA, forthcoming 2002) (est. 200 pp.).

Co-author with Charles Booth and Stephen Briscoe, *Hong Kong Personal Insolvency Manual* (HKSA, forthcoming 2002) (est. 200 pp.).

Zhang Xianchu

“Foreign Law Applied by the People’s Court in China”, *Special Features of CCH China Update* 15-6, 24 (Aug. 2000).

“Special Feature: Foreign Law Applied by the People’s Court in China”, *CCH China Law Update* 15-24 (Aug. 2000).

“China’s Accession to WTO: The Opportunities and Challenges of the Legal Professionals of Hong Kong”, *Hong Kong Globe* A5 (in Chinese) (9 Nov. 2000).

“The Agreement between Mainland China and the Hong Kong SAR on Mutual Enforcement of Arbitral Awards: Problems and Prospects”, 29 *HKLJ* 463-85 (2000).

“The Old Problems, the New Law, and the Developing Market – A Preliminary Examination of the First Securities Law of the People’s Republic of China”, 33 *INTERNATIONAL LAWYER* 983-1014 (2000).

“Guangdong and the Challenges of the Twenty-first Century: the Legal Perspective”, in J. Cheng (ed), *Guangdong in the Twenty-first Century: Stagnation or Second Take-off?* (Hong Kong: City University of Hong Kong Press, 2000), pp. 191-232.

“Legal Characteristics of Red Chip Companies and Certain Issues Concerning Their Governance”, 4 *COMMERCIAL LAW REVIEW* 129-69 (2001) (in Chinese).

Co-author with Charles Booth, “Beijing’s Initiative on Cross-Border Insolvency: Reflections on a Recent Visit of Hong Kong Professionals to Beijing”, 31(2) *HKLJ* (forthcoming Sept. 2001) (est. 10 pp.).

Fellows' Additional Research Activities

Douglas Arner

17-18 Aug. 2000: Speaker, "Bank Governance and Lending to Related Persons", World Bank Asian Banking Law Forum, Bangkok, Thailand.

14 Sept. 2000: Speaker, "Global Public Financial Law & Financial Sector Reform in Emerging Markets", Executive Roundtable: The Future of Global Financial Regulation in the Digital Era, Oxford Banking Forum, Kuala Lumpur, Malaysia.

30 Oct. 2000: Session chair and member, Planning Committee, A Symposium on the Legal Development of a New Financial Product in Asia – A Comparative Analysis and Implication, The University of Hong Kong.

7-8 June 2001: Presenter, session chair and member, Planning Committee, A Global Legal Framework for E-finance, British Institute of International and Comparative Law, London, United Kingdom.

Charles Booth

Sept. 1999 – present: Co-designer and co-director with Philip Smart of the HKSA Diploma Course in Insolvency.

17 Oct. 2000: Speaker, "Responding to the Asian Financial Crisis: The Need to Build Effective Insolvency Systems", Harvard Asian Law Society, Harvard Law School, Cambridge, MA.

19 Oct. 2000: "Rationalizing the Scope of the Application of Foreign Laws under United States Bankruptcy Code Section 304: A Consideration of *In re Treco* and *In re Grandote*", presented at Session of the Working Group on Pacific Rim Insolvencies, ABA Section of Business Law Fall Meeting, Boston, MA.

26 Oct. 2000: With Philip Smart, presented a paper at the Workshop on Provisional Supervision and Workers' Wages, Hong Kong.

17-18 Nov. 2000: Co-presenter with Zhang Xian Chu, "Chinese Bankruptcy Law in an Emerging Market Economy: The Shenzhen Experience", Panel on Chinese Bankruptcy and Reorganization Law: Legal Responses, Chinese Insolvency Law Symposium: Developing an Insolvency Infrastructure, University of Hong Kong, Faculty of Law, AIIFL.

5 Dec. 2000: "Hong Kong Developments", presented at UNCITRAL/INSOL Global Insolvency Colloquium, Panel on the Identification of Issues Important to Countries about to Reform Insolvency Law, Vienna, Austria.

Feb. 2001: Participated in the Forum for Asian Insolvency Reform (FAIR) in Bali, Indonesia. The Symposium focussed on an assessment of recent insolvency developments and the role of the judiciary and was hosted by the Ministry of Finance of Indonesia and the University of Justice and Human Rights of Indonesia.

Feb. 2001 – present: Co-Chair of the International Insolvency Institute Task Force on Creditors and Claims for the UNCITRAL Legislative Drafting Guide to Insolvency Project.

23 Mar. 2001: “Recent Developments in Hong Kong and Chinese Insolvency Law”, presented at Session of the Working Group on Pacific Rim Insolvencies, ABA Section of Business Law Spring Meeting, Philadelphia, PA.

12 Apr. 2001: With Zhang Xianchu, joined a delegation from the HKSA on a trip to Beijing to meet with Beijing delegation to discuss cross-border insolvency issues between mainland China and the Hong Kong SAR.

24 Apr. 2001: “Rights, Powers and Duties of the Debtor and Creditors in Insolvency Proceedings: Hong Kong Law”, presented at Insolvency Committee Session, IPBA Annual Conference, Tokyo.

27 Apr. 2001: Lecturer, “Hong Kong and PRC Cross-Border Insolvency Law”, Japanese Institute of International Business Law, Tokyo.

May 2001 – present: Member of 4-person team (headed by Professor Jay L. Westbrook) drafting the *Technical Paper on the World Bank’s Insolvency Principles and Guidelines*.

Felix Chan

23 Sept. 2000: “International Trade Law: The Interface between Mainland China and Hong Kong in the Globalisation Journey”, in-house Continuous Professional Development (CPD) Seminar, Messrs. Gallant Y T Ho & Co, Hong Kong.

24-26 Oct. 2000: “Unpaid Vendor’s Lien on Goods Carried by Sea”, presented at the Fourth International Conference on Maritime Law, the China Maritime Law Association and the Supreme People’s Court of the PRC.

15 Jan. 2001: “Current Issues in Transport Law and Management”, seminar organized by the Centre of Urban Planning and Environmental Management (CUPEM), University of Hong Kong.

23 Apr. 2001: “Electronic Shipping and Letters of Credit”, seminar organized by CUPEM, University of Hong Kong.

6-9 June 2001: “Actuarial Assessment of Compensation payable to Personal Injury Victims in Maritime Accidents”, presented at the Fourth International Conference on Maritime Law in Greece: Liability to Pay Damages in Greek and International Maritime Law, organized by the Piraeus Bar Association, Greece.

Andrew Halkyard

July 2000: “Stamp Duty: Legal and Practical Issues”, CPD Seminar for the Law Society of Hong Kong (with M Olesnicky, Baker & McKenzie).

Sept. 2000: “Should Estate Duty be Abolished? Public and Private Contexts”, Seminar for Hong Kong Bank.

Nov. 2000: “Hong Kong’s Tax Base: Its Criteria, Principles and Problems”, HKSA.

Donald Lewis

Mar. 2001: “Administrative Governance in China: Imperial Antecedents and Contemporary Correlatives”, presented at the Association of Asian Studies (AAS) Annual Meeting, Chicago, IL; and at the Symposium on the Rule of Law in China: The Interface between Chinese Legal History and Contemporary Legal Institutions in China, Southwestern School of Law, Los Angeles, CA.

Arthur McInnis

Dec. 1999 – present: Legal advisor to Joint Contracts Committee (Hong Kong) on the drafting of the new standard forms of building contract for Hong Kong.

2 Mar. 2001: “Extensions of Time under Standard Forms of Contract”, paper presented at Construction Contract Claims, Administration and Disputes, Manila, Philippines.

19 Apr. 2001: “Law and Construction Industry Reforms”, presented at Law Lectures for Practitioners, HKLJ, Hong Kong.

22 May 2001: Panel member in discussion of *The Tang Report* at Construction Forum, organized by the Society of Construction Law Hong Kong.

Philip Smart

Sept. 1999 – present: Co-designer and co-director with Charles Booth of the HKSA Diploma Course in Insolvency.

26 Oct. 2000: With Charles Booth, presented a paper at the Workshop on Provisional Supervision and Workers’ Wages, Hong Kong.

Zhang Xianchu

17-18 Nov. 2000: Co-presenter with Charles Booth, “Chinese Bankruptcy Law in an Emerging Market Economy: The Shenzhen Experience”, Panel on Chinese Bankruptcy and Reorganization Law: Legal Responses, Chinese Insolvency Law Symposium: Developing an Insolvency Infrastructure, University of Hong Kong, Faculty of Law, AIIFL.

3 Dec. 2000: Co-presenter with Prof. Albert Chen and Prof. Johannes Chan: “Legal Education in Hong Kong”, 21st Century Forum of International Law School Deans, People’s University, Beijing, China.

12-13 Jan. 2001: Speaker, “The Legal Status of the WTO Rules in China”, Conference of the HKU-Peking University Legal Research Center on the Legal Development of China, University of Hong Kong.

16-17 Mar. 2001: “China’s Accession to the WTO and Opening its Securities Market”, presented at the Conference on China and the WTO, Australia National University, Canberra, Australia.

20-21 Mar. 2001: “Legal Challenges to the Economic Integration of Mainland China and the Hong Kong SAR”, presented at the Symposium of Law, Economy and Social Change in Hong Kong, Kobe University, Kobe, Japan.

12 Apr. 2001: With Charles Booth, joined a delegation from the HKSA on a trip to Beijing to meet with Beijing delegation to discuss cross-border insolvency issues between mainland China and the Hong Kong SAR.

30 May 2001: Speaker “The Impact of China’s Accession in the WTO on its Legal System”, Symposium on WTO and China: the Government’s Changing Role, Fudan University, Shanghai, China.

May-June 2001: Visited Commodity Exchanges in Zhengzhou and Dalian, China

13 June 2001: “The Latest Development of Contract Law in China”, CPD Seminar for the Law Society of Hong Kong.

Global Network

AIIFL has developed institutional links with a variety of organizations in Hong Kong and abroad. Among the institutions with which AIIFL has co-sponsored activities or is in the process of organizing events, or with which it co-operates more generally, are the following:

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RAU Banking Law Institute, Johannesburg, South Africa
Mandela Institute School of Law, University of Witwatersrand, Johannesburg

Australasia

Centre for Corporate Law and Securities Regulation, University of Melbourne

China

China University of Politics and Law, Beijing
Peking University

Continental Europe

Banking Law Institute, University of Cologne
University of Zurich, Postgraduate Programme in International Business Law

Hong Kong

Hong Kong Society of Accountants

Taiwan

National Chengchi University, Taipei

United Kingdom

British Institute of International and Comparative Law
Centre for Commercial Law Studies, University of London
London Institute of International Banking, Finance and Development Law

United States

Duke University Global Capital Markets Center (North Carolina)
Pepperdine University School of Law (California)
SMU Institute of International Banking and Finance (Texas)

International Associations

Inter-Pacific Bar Association

On-line Activities

AIIFL is in the process of revising its website. Ms. Belle Liu is completing the revision, under the guidance of Mr. Douglas Arner, and AIIFL expects to re-launch the site by 1 September 2001.

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Donors for 2000-2001

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