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One Country Two Systems and Cross-Border Legal Harmonization

5 November 2022 (Saturday) 9:00 – 18:00

Academic Conference Room, 11/F Cheng Yu Tung Tower, Centennial Campus, HKU

09:00 – 09:15 **Welcoming Remarks**
Hualing Fu (Warren Chan Professor in Human Rights and Responsibilities, Dean, Faculty of Law, The University of Hong Kong)

09:15 – 09:30 **Opening Speech**
C.M. Chan (President, The Law Society of Hong Kong)

Panel One: Cross-border Data Transfer

Moderator: Angela Zhang (Associate Professor of Law, The University of Hong Kong)

09:30 – 11:00
Richard Bird (Partner, Freshfields Bruckhaus Deringer)
Chen Li (China Commercial Legal Lead, Microsoft)
Sandra Liu (Global Head of Privacy, London Stock Exchange Group)
Mark Parsons (Partner, Hogan Lovells)

11:00 – 11:15 **Break**

Panel Two: Cross-border IP

Moderator: Yahong Li (Associate Professor of Law, The University of Hong Kong)

11:15 – 12:45
Guobing Cui (Professor of Law, Tsinghua University) Harmonization of Arbitral Award on Patentability between HKSAR and Mainland
Thomas Tsang (Deputy Director, HKSAR Intellectual Property Department) Hong Kong as an IP Trading Centre in the Greater Bay Area
Albert Wai-Kit Chan (Founder and Director, US-China Intellectual Property Institute) Patent Protection Strategy in the Greater Bay Area
Jyh-An Lee (Professor of Law, Chinese University of Hong Kong) Copyright Protection for AI-Generated Works in the Greater Bay Area
Haifeng Huang (Partner, Jones Day) Territoriality, Extraterritorial Application and Harmonization of Intellectual Property – A GBA Perspective

12:45 – 14:30 **Lunch**

Panel Three: Cross-border Dispute Resolution

Moderator: Susan Finder (Distinguished Scholar in Residence, Peking University; Fellow, Faculty of Law, The University of Hong Kong)

14:30 – 16:00
Edward Liu (Partner, Haiwen & Partners LLP) Recognising and Enforcing Mainland Awards and Civil Judgements in Hong Kong
Liang Zhang (Professor of Law, Sun Yat-sen University) Resolving the Conflict of Laws Issues in Civil and Commercial Matters in the GBA
Jenny Fung (Deputy Solicitor General, Policy Affairs, HKSAR Department of Justice) The New Mechanism for Reciprocal Recognition and Enforcement in Matrimonial and Family Cases between the Courts of Mainland and the HKSAR
Susan Finder (Distinguished Scholar in Residence, Peking University; Fellow, Faculty of Law, The University of Hong Kong) Recent Updates in Greater Bay Area Judicial Cooperation

16:00 – 16:15 **Break**

Panel Four: Cross-border Insolvency**Moderator:** **Stefan Lo** (Principal Lecturer, The University of Hong Kong)

16:15 – 17:45	Bob Wessels (Emeritus Professor of Law, Leiden University)	Cross-border Insolvency between Mainland China and Hong Kong: Challenges and Opportunities
	Min Kyung Kim (Judge, Daejeon District Court)	Cross-border Insolvency in the Korean Courts - Introduction of Hanjin Shipping Insolvency Case
	Look Chan Ho (Barrister, Des Voeux Chambers)	Cross-border Insolvency and Restructuring Cooperation Between Hong Kong and the Mainland
	Charles Booth (Professor of Law, The University of Hawaii)	Cross-border Insolvency Cooperation between the mainland and Hong Kong: A Proposal to Extend Cooperation to Personal Insolvency Proceedings Involving Shenzhen and Hong Kong
17:45 – 18:00	Closing Remarks Yun Zhao (Henry Cheng Professor in International Law, Head, Department of Law, The University of Hong Kong)	

Welcoming Remarks:

09:00 – 09:15



Hualing Fu

*Warren Chan Professor in Human Rights and Responsibilities
Dean, Faculty of Law, The University of Hong Kong*

Hualing Fu is Professor of Law and holder of the Warren Chan Professorship in Human Rights and Responsibilities. He holds an LL.B. from Southwestern University in China, an M.A. from University of Toronto and a Doctor of Jurisprudence degree from Osgoode Hall. Professor Fu's current research focuses on the rise of human rights lawyering in China and its implications for political and legal reform in China, the politics of anti-corruption enforcement, popular justice (including China's evolving use of mediation processes), and a critical re-assessment of rule of law reform in China in the past four decades. His other research areas include the constitutional status of Hong Kong, in particular central-local relationships in the Hong Kong context and national security legislation.

Opening Speech:

09:15 – 09:30



C.M. Chan

President of The Law Society of Hong Kong

Mr. C.M. Chan, President of The Law Society of Hong Kong, is qualified to practise as a solicitor in Hong Kong and England and Wales. He is also a Civil Celebrant, Registered Financial Planner and Chartered Tax Advisor. Mr. Chan is a General Counsel of an investment company, a part-time consultant of a local law firm and the Head of the Centre for the Rule of Law of the Hong Kong Policy Research Institute. He currently serves on a number of statutory bodies, including the Land Survey Disciplinary Board Panel, the Law Reform Commission, the Trade and Industry Advisory Board and the Advisory Body on Outcome Related Fee Structures for Arbitration. He is also an external examiner of the Department of Professional Legal Education, The University of Hong Kong, and the School of Law, City University of Hong Kong.

Closing Remarks:

17:45 – 18:00



Yun Zhao

*Henry Cheng Professor in International Law
Head of Department of Law, The University of Hong Kong*

Prof. Yun ZHAO is Professor and Head of Department of Law at the University of Hong Kong. He is also Chen An Chair Professor in International Law at Xiamen University (2015), Siyuan Scholar Chair Professor at Shanghai University of Foreign Trade (2012-14). He is listed as arbitrator in several international arbitration commissions.

Panel One: Cross-border Data Transfer

09:30 – 11:00



Angela Zhang

Associate Professor of Law, The University of Hong Kong

Angela Zhang is Director of the Philip K. H. Wong Centre for Chinese Law and associate professor of law at the

University of Hong Kong. An award-winning scholar, Angela's first book "Chinese Antitrust Exceptionalism" was named a Best Political Economy Book of the Year by ProMarket in 2021. Angela is also a highly sought-after commentator on Chinese regulatory governance issues and has frequently appeared in major media outlets. Prior to joining academia, Angela practiced law for six years in the United States, Europe and Asia. She received her LLB from Peking University, and her LLM, JD and JSD from the University of Chicago Law School.



Richard Bird

Partner, Freshfields Bruckhaus Deringer

Richard Bird is head of Freshfields IP/commercial practice group in Asia and advises clients in standalone commercial and transactional projects, and contentious intellectual property matters. His experience is wide-ranging, extending from R&D collaborations, licensing and distribution/supply arrangements to advice in the TMT space, including e-commerce, internet, media and e-health matters, and advice on data privacy and cyber security, encryption, advertising, labelling and consumer protection laws and regulations. He is also recognized as a skilled patent and trade mark litigator in Hong Kong and China. Richard contributes to legal publications and is a frequent author of client briefings and posts to Freshfields Digital.



Chen Li 李晨

China Commercial Legal Lead, Microsoft

Chen Li, a legal director leading a commercial legal team supporting Microsoft's China business operations

and new developments. Chen provides legal advice and develops creative solutions to complex issues in new businesses landing in China, cloud services, software licenses and marketing strategies. Chen also engages with HK FSI regulators (HKMA, SFC and HKIA) and industry associations and advocate multinational financial services institutions for cloud deployment. Chen is admitted to the State Bar of New York and graduated from University of Pennsylvania Law School.



Sandra Liu

Global Head of Privacy, London Stock Exchange Group

As Global Head of Privacy, Sandra coordinates and provides strategic advice on privacy-related matters across the

London Stock Exchange Group (LSEG). She leads the Group's Data Privacy team that spread across different regions. Her team advises and implements privacy compliance with the increasingly complex data protection regulations globally. In this strategic role, she partners closely with key senior stakeholders across LSEG. She is a member of the International Association Privacy Professionals Asia Advisory Board, contributing to its development. She is an experienced lawyer in data privacy and protection and risk management with regulatory background, more recently in financial industry, data, and technology. Sandra had spent many years, last as Senior Legal Counsel, at the Office for the Privacy Commissioner for Personal Data in Hong Kong, where she led a team that contributed to the development of guidance, enforcement, litigation, compliance, and policy. Before that, she was a litigator. Sandra is a qualified solicitor in HKSAR with Master of Laws Degree.



Mark Parsons 栢雅盛

Partner, Hogan Lovells

Mark heads Hogan Lovells's Asia-Pacific region regulatory practice. His practice covers the full range of commercial and regulatory work in the technology and data space, advising both TMT sector

businesses and clients in business sectors, such as retail and financial services, that depend on technology and data to generate business and to manage operations. He regularly advises clients on their APAC region data protection and cyber security compliance requirements. He is serving his fourth term as a member of the Hong Kong Privacy Commissioner for Personal Data's Standing Committee on Technological Developments.



Yahong Li
Associate Professor of Law, The University of Hong Kong

Yahong Li, JSD (Stanford), is an Associate Professor and Director of LLM Program in Tech & IPL at the University of Hong Kong. She is a member of Executive Committee of International Association for the Advancement of Teaching and Research in Intellectual Property, and a visiting fellow at Harvard, Cambridge, Max Planck and Berkeley, among others. She specializes in cross-disciplinary study of IP and innovation; and published multiple books including *Imitation to Innovation in China: The Role of Patents in Biotech and Pharmaceutical Industries* (EE, 2010), and numerous articles in top journals including IIC, LIT, QMJIP, Cardozo AELJL, and UPenn JIL.



Thomas Tsang
Deputy Director, HKSAR Intellectual Property Department

Mr. TSANG qualified as a solicitor of the High Court of the Hong Kong Special Administrative Region (“HKSAR”) in 2000 and commenced his private practice specialized in intellectual property (“IP”) law. Having joined the Intellectual Property Department of the HKSAR Government as a Senior Solicitor in 2008, he was promoted to Assistant Director of Intellectual Property in 2015 and started to assume his present position in 2022. As a public officer, he has been tasked, amongst others, to address legal and policy issues in taking forward various IP initiatives, including enhancing the local IP regime and promoting IP awareness.



Albert Wai-Kit Chan
Founder and Director, US-China Intellectual Property Institute

Dr. Albert Wai-Kit Chan is the Partner of the Law Offices of Albert Wai-Kit Chan, PLLC, practicing in all areas of intellectual property law (including patents, trademarks, copyrights, business transactions, litigation, licensing, technology transfer, evaluation, and trade secrets) and specializing in biotechnology. He works extensively with clients ranging from individual inventors to well-established prestigious research institutes in the U.S., China, and abroad. Dr. Chan is founder and director of the United States-China Intellectual Property Institute, Inc., a non-profit organization. Dr. Chan is a registered foreign lawyer in Hong Kong, where he also heads Albert Wai-Kit Chan Intellectual Property Limited.



Guobing Cui
Professor of Law, Tsinghua University

Cui Guobin is a Professor of Law as well as the Director of the Center for Intellectual Property at Tsinghua University Law School. His scholarly interests include intellectual property, antitrust, property, and law and economics theory. He was the Associate Dean for International Affairs and Academics (2016.7-2019.7). In August 2021, as a visiting professor, he taught Chinese IP Law at National University of Singapore School of Law. He also serves as legal advisor, State Administration for Market Regulation (SAMR), adjunct researcher, the Center for Judicial Protection of Intellectual Property, the Supreme People’s Court of China; Legal advisor, Beijing High People’s Court. Professor Cui earned his Ph.D. in law, LL.M., and B.Sc. in Chemistry from Peking University, and his second LL.M. from Yale Law School.



Jyh-An Lee
Professor of Law, Chinese University of Hong Kong

Jyh-An Lee is Professor, Executive Director of the Centre for Legal Innovation and Digital Society, and Outstanding Fellow of the Faculty of Law at The Chinese University of Hong Kong. Professor Lee holds a J.S.D. from Stanford Law School and an LL.M from Harvard Law School. He been featured on ABC News, BBC News, Bloomberg News, Financial Times, Fortune, and South China Morning Post as an expert on intellectual property and Internet law. His works have been cited by the US Court of Appeals for the Fifth Circuit, UK High Court of Justice, and the US International Trade Commission.



Haifeng Huang
Partner, Jones Day

Haifeng Huang leads Jones Day’s Intellectual Property practice in the Greater China region. He is regularly called on to lead teams and advise clients on their complex disputes and intellectual property matters, and also has a broad practice covering disputes and transactions involving patents, trademarks, copyrights, trade secrets, unfair competition, antitrust, and technology licenses. Mr. Huang also serves as a lecturer at the University of Hong Kong Law School Faculty of Law.

Panel Three: Cross-border Dispute Resolution

14:30 – 16:00



Susan Finder

Distinguished Scholar in Residence, Peking University; Fellow, Faculty of Law, The University of Hong Kong

Susan Finder is a Distinguished Scholar in Residence at the Peking University

School of Transnational Law and a Fellow of the Faculty of Law. Her research concentrates on the Supreme People's Court (SPC), much of which is published on her blog, the Supreme People's Court Monitor (最高人民法院观察). In 2018, she was appointed to the SPC's China International Commercial Court's Expert Committee and was reappointed this year. This is Susan's second career in academia. In her first academic career at the City University of Hong Kong, she published the first comprehensive study of the operations of the SPC.



Jenny Fung

Deputy Solicitor General, Policy Affairs, HKSAR Department of Justice

Ms Jenny Fung, Deputy Solicitor General (Policy Affairs) of the Department of Justice, has been involved in the legislative

process of the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance, Cap. 639. She attended before the Bills Committee of the Legislative Council to explain the Bill. She also attended as a speaker at the seminar jointly organized by the Department of Justice and the Supreme People's Court to mark the commencement of the Ordinance. She has substantial experience in cross boundary mutual legal assistance matters. She was also involved in the Record of Meeting of the Supreme People's Court and the Government of the HKSAR on Mutual Recognition of and Assistance to Bankruptcy (Insolvency) Proceedings between the Courts of the Mainland and the HKSAR signed in May 2021 and in the legislative process of the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Bill which is expected to be enacted before the end of 2022.



Liang Zhang

Professor of Law, Sun Yat-sen University

Professor Liang Zhang is Professor of Law and Dean of the Sun Yat-Sen University Law School. He is also

Director of Foreign-related Rule of Law Research Institute at Sun Yat-Sen University. He earned his LLB in 1999 and LLM in 2002 at Zhongnan University of Economics and Law, and his PhD at Xiamen University in 2005. His current research focuses on international economic law and arbitration law.



Edward Liu

Partner, Haiwen & Partners LLP

Qualified as solicitor of Hong Kong SAR, England & Wales and lawyer of P.R. China, Edward Liu is the partner of Haiwen & Partners LLP specialising in international

commercial disputes. As a leading lawyer with substantial experience in international arbitration and commercial litigation, Edward has been continuously recommended by legal directories in both dispute resolution and shipping practices. He has been appointed as members of several statutory and advisory bodies to the Hong Kong SAR Government, including International Legal and Dispute Resolution Services Expert Group, Advisory Committee on Promotion of Arbitration etc. He is on the panel or list of arbitrators of various arbitration institutions as well as an accredited mediator.

Panel Four: Cross-border Insolvency

16:15 – 17:45



Stefan Lo
Principal Lecturer, The University of Hong Kong

Dr Stefan Lo has specialised in corporate and insolvency law for over 20 years, working in practice and academia in

Australia and Hong Kong. Prior to joining the University of Hong Kong, he worked for over 10 years at the Department of Justice (DoJ), advising on the Companies Ordinance Rewrite, Corporate Insolvency Law Improvement Exercise and Statutory Corporate Rescue Procedure. From 2015 to 2021, he acted as Deputy Principal Government Counsel in heading the company law reform team at DoJ. He was also a member of the Standing Committee on Company Law Reform of Hong Kong in that period.



Bob Wessels
Emeritus Professor of Law, Leiden University

Bob Wessels has been from 1988–2008 a Professor of Commercial Law at Vrije University (Amsterdam) and from 2007 –

2014 a Professor of International Insolvency Law at the University of Leiden. Since 2010 he has been an independent Expert Counsel to the European Commission in matters of restructuring and insolvency law. Since 2016 he has been the Chairman of the independent European think tank Conference of European Restructuring and Insolvency Law. He has over 45 years of business law experience, including 13 years as a partner of (predecessor of) Ernst & Young, in Amsterdam and in London. From 2005-2019 he had his own independent (international) legal practice, acting as an expert witness (outside of the Netherlands some 10 times in courts in the USA, UK, Belgium, Poland, Switzerland, Greece, Austria, Ireland) and as an (international) arbitrator, mainly in the areas of general contract law, restructuring and insolvency law.



Min Kyung Kim
Judge, Daejeon District Court

Judge Dr. Min Kyung Kim is currently sitting as a judge in Korea. During her career in the judiciary, she has presided over civil, commercial, and criminal cases,

but her main expertise is in international and cross-border disputes, and private international law issues including cross-border insolvency as she sat in the special division for international commercial cases at the Seoul Central District Court. She holds a BA in Business Administration and Law, and a MA in International Commercial Law from the Seoul National University and an LLM from the University of Cambridge (Queens' College). While she was working as a full-time judge, she obtained a Ph.D. degree at the Seoul National University. Her Ph.D. thesis covers issues of overriding mandatory rules in international commercial disputes. She is also a general editor of the Korean Journal of International Trade and Business Law and director of the Korean Private International Law Association.



Look Chan Ho
Barrister, Des Voeux Chambers

Look Chan Ho has over two decades of experience in company, commercial and financial disputes and advisory work. Look is also a Door Tenant at Erskine Chambers

in London, a widely recognised pre-eminent set of barristers for company, insolvency and commercial disputes and advisory work. Before joining the Bar, Look practised for more than 15 years as a solicitor in London and Hong Kong at Freshfields Bruckhaus Deringer and was the Asia head of restructuring and insolvency. Look has published extensively on insolvency and conflict of laws which are widely cited internationally, including with approval by the Hong Kong High Court, UK Supreme Court, English Court of Appeal, English High Court, US Bankruptcy Court, Singapore Court of Appeal, Singapore High Court, Australia Federal Court, New Zealand High Court, and Isle of Man High Court. Look is the only barrister in Hong Kong listed in Who's Who Legal: Restructuring & Insolvency.



Charles Booth
Professor of Law, The University of Hawaii

Professor Charles D Booth is the Michael J Marks Distinguished Professor in Business Law at the William S Richardson School of

Law at the University of Hawaii at Manoa and the Founding Director of the Institute of Asian-Pacific Business Law. He has authored/co-authored more than 70 publications, which have been published in 12 jurisdictions. He has co-authored: A GLOBAL VIEW OF BUSINESS INSOLVENCY SYSTEMS (2010; republished in Chinese, 2018); the HONG KONG CORPORATE INSOLVENCY MANUAL (4th ed, 2018); and the HONG KONG PERSONAL INSOLVENCY MANUAL

(2nd ed, 2010; 3rd ed, forthcoming 2022). He is a Fellow in the American College of Bankruptcy and a Founding Member of the International Insolvency Institute. He also is a Co-Designer and Co-Director of the Professional Diploma in Insolvency Course (now enrolling its 14th cohort) organized by the HKICPA and is active in many World Bank insolvency law reform projects in Asia.