

JUNE 6: DAY 2

**Keynote lecture:**

The Rt Hon Dame Sian Elias, GNZM, Chief Justice of New Zealand  
*Celebrating the Profession* (paper)

**Session 1: Arbitration**

Session Chair: Ms Louise Barrington HONG KONG *Do Rules Make a Difference? A comparison of UNCITRAL and institutional rules of arbitration*

**Speakers:**

Prof Kap-You Kevin Kim *ICC vs. UNCITRAL* (PowerPoint)

Dr Colin Ong *International Arbitration: UNCITRAL aspects*

Mr DM Papat

Mr Leo Seewald

Mr Christopher To

**Session 2: Franchising in Asia**

Session Chair: Ms Charlene Yuen *Regulatory Framework Governing Franchising in China* (PowerPoint)

**Speakers:**

[Mr J Balachandran \*Franchising in Singapore\* \(PowerPoint\)](#)

Mr Manoj K Chhabra *Franchising In India* (PowerPoint)

Ms Charmaine Koo *Franchising in Hong Kong* (PowerPoint)

[Prof Andrew Terry \*Franchising in Vietnam\* \(PowerPoint\)](#)

**Session 3: Mutual Co-operation Between Courts: the enforcement of judgments in China**

Session Chair: Mr Ip Shing Hing

**Speakers:**

[Mr Frank Poon \*Enforcement of Judgments between the Mainland and the Hong Kong SAR - A First Step\* \(PowerPoint\)](#)

Dr Tao Kai Yuan *Guangdong Commercial Trial Involving HK: Practice, Issues and Perspective*

Prof Zhang Xian Chu *Cross Border Enforcement of Judgment in Civil and Commercial Matters in Greater China* (PowerPoint)

Mr Zhong Ying *Mutual Co-operation of Civil Judgment and Enforcement in China: viewing from angle of harmonious justice*

**Session 4: The Role of a Judge in a Criminal Trial**

Session Chair: The Hon Paul de Jersey AC, Chief Justice of Queensland

**Speakers:**

The Hon Murray Gleeson AC, Chief Justice of Australia

[Mr Clive Grossman QC \(Paper\)](#)

**Session 5: Legal Practice: globalization of practices and associated risks, limited liability, removal of admission barriers**

Session Chair: Mr A K Ganguli

**Speakers:**

[Mr Beom Su Kim \*Opening of Legal Market in Korea\* \(PowerPoint and paper \)](#)

Ms Megan Mahon *Australian Lawyers Looking to Asia: regional and international outreach* (PowerPoint and paper)

Mr Francis Xavier (PowerPoint)

Session 6: **Labour Law**

Session Chair: Mr Duncan Abate (PowerPoint and paper)

**Speakers:**

Ms Mitsuko Horiuchi *Equality at Work in Japan: Progress and Challenges* (PowerPoint)

Commissioner S J Kenner *Work Choices: A watershed for Australian Industrial Law or for Federation?*

Session 7: **China's Criminal Justice System: an overview**

**Speakers:**

Prof Jerome Cohen *Critical Issues in China's Current Criminal Justice Reforms*

Dr Fu Hua Ling *Piecemeal Reform in the Criminal Justice System in China*

Session 8: **Role of the courts: nurturing an ethical and viable legal profession** Session

Chair: The Hon C J Dilip Paudel, the Chief Justice of Nepal

**Speakers:**

The Hon Andrew Li, the Chief Justice of Hong Kong SAR (paper)

Mr Mah Weng Kwai *Role of the courts: nurturing an ethical and viable legal profession* (PowerPoint and paper)

The Hon S Ahmed Sarwana *Ethics, Advocacy and Justice: Islamic, Anglo-Saxon & Pakistan law* (PowerPoint)

Session 9: **Legal Practice - anti-money laundering**

Session Chair: Mr Michael Lintern-Smith *Anti-Money Laundering* (PowerPoint)

**Speakers:**

Mr Jeff Lane

Prof Jorge Godinho *The Recent Evolution of Financial Strategies of Crime Control in the Macau SAR* (PowerPoint and paper)

Session 10: **Mediation: building a mediation culture in the legal profession**

Session Chair: Prof David Sandborg

**Speakers:**

Ms Nancy Cameron QC (PowerPoint)

Mr Chan Bing Woon (paper (notes))

Mr Loong Seng Onn (PowerPoint)

Mr David Newton

Mr Sriram Panchu

Ms Sylvia Siu (paper)

Prof Tang Hou Zhi

Mr Christopher To *Mediation: what's in it for me?* (PowerPoint)

Session 11: **China: outward investment by Chinese companies**

Session Chair: Mr. Junius Ho

**Speakers:**

Mr Wong Huen  
Mr Chen Ying Ming Frank (PowerPoint)  
Mr Justin Shmith (PowerPoint)

**Session12: Judicial Control of Administrative Action**

Session Chair: The Hon Justice Robert Nicholson AO

**Speakers:**

Mr Benedict Lai *Recent Trends and Developments of Judicial Review in Hong Kong* (PowerPoint and paper)

Mr Steven Thiru *Judicial Control of Administrative Action: vistas in Malaysian public law* (PowerPoint)

The Hon Justice Margaret Wilson *Judicial Control of Administrative Action* (Paper)

JUNE 7: DAY 3

**Plenary session:**

The Hon JJ Spigelman AC, Chief Justice of New South Wales

*International Commercial Litigation: an asian perspective* (paper)

**Session 13 & 17: Intellectual Property Piracy and Prosecution of Infringements**

Session Chair: Mr. Alan Moyle

**Speakers:**

Mr Chungwan Choi *The Fight Against On-line Music Piracy in Korea* (PowerPoint)

Dr Arnold Gerscha, MBL-H.S.G *Fake products under the EC legislation* (PowerPoint)

Ms Esther Ho *Online Piracy* (PowerPoint )

Mr John Lambrick *Piracy and Peer to Peer File Sharing - Is the Genie out of the Bottle?* (PowerPoint and paper)

Mr Ngangom Junior Luwang *IP Enforcement in Developing Countries* (PowerPoint)

Mr David Marriott *IP Piracy & Prosecution - New Zealand perspective* (PowerPoint)

Dr Joseph Meissner *In Praise of IP Piracy* (PowerPoint and paper)

Ms Shi Xiaomei *The Present and Future IP Developments in China* (PowerPoint and paper)

**Session 14 & 18: Public Law: constitutional protection of human rights**

Session Chair: Prof Johannes Chan SC (Hon)

**Speakers:** Mr Paulo Cardinal *The Constitutional Layer of Protection of Fundamental Rights in The Macau Special Administrative Region* (paper)

Dr. Jennifer Corrin *Extending the Application of Human Rights in Former Colonies, with Particular Reference to Small Island States of the South Pacific* (PowerPoint)

Prof Hurst Hannum *Democratisation and Democratic Rights in the Asia Pacific Region*

Mr Daniel O'Gorman SC *Human Rights and Australia's Terrorism Laws* (PowerPoint and paper)

**Session 15: China: dispute resolution**

Session Chair: Ms. Sally Harpole *What are the most effective means of resolving disputes in China*

**Speakers:**

Mr Fei Ning *A practitioner's view of arbitration and mediation in China* (PowerPoint)

Mr Kwok Kit Cheung *The client's view of litigation and other dispute resolution methods in China*

Ms Helen H Shi *Court Litigation in China* (PowerPoint)

Ms Wang Xilian *The enforcement of arbitration in China*

Mr Yu Jianlong *The combination of mediation and arbitration in the arbitral process* (paper)

#### Session16: **Securities Listing and Regulation**

Session Chair: Mr Jeff Leong *Crossborder Listings in Malaysia* (PowerPoint)

##### **Speakers:**

Ms Sou Chiam *Securities Law in New Zealand: changes and challenges* (PowerPoint and paper)

Mr Tim Flahvin *Listing on the ASX* (PowerPoint)

Dr Liu Wei *Raising Capital On the Hong Kong Stock Exchange* (PowerPoint)

Mr Yeo Wee Kiong *Domestic and Foreign Listings on the Singapore Stock Exchange* (PowerPoint)

Mr Luu Tien Ngoc *Capital Market Developments in Vietnam* (PowerPoint and paper)

#### Session 19: **Fundraising by PRC Companies**

Session Chair: Mr Joseph Tse

**Speaker:** Mr Wang Qingjie (PowerPoint)

#### Session 20: **Corporate Governance: directors' duties and shareholder protection**

Session Chair: Prof Philip Smart (PowerPoint)

##### **Speakers:**

Mr Moses Cheng (PowerPoint)

Mr Kim Ki Young *Sale of Trasury Shores and Shareholder protection in Korea* (PowerPoint)

Mr Chihiro Nuno *Recent Development of director's duties in Japan* (PowerPoint)

#### Session 21: **Professional Indemnity Insurance: a necessary evil?**

Session Chair: Mr. Glenn Ferguson

##### **Speakers:**

Mr Christopher Coyne *Professional Indemnity Insurance: a necessary evil?* (PowerPoint)

Mr Ragnunath Kesavan *Professional Indemnity Insurance: a necessary evil* (paper)

Mr Andrew Ng

Mr Murray Wood

#### Session 22: **Women in the Law**

Session Chair: Ms Joanne Long

##### **Speakers:**

Ms Nehla Basawaiya (PowerPoint)

Ms Malathi Das *Glass Ceilings in the Workplace for Women Lawyers* (PowerPoint and paper)

Ms Izumi Harada *Work/Life Blance and Gender Equality in Japanese Law Society* (PowerPoint and paper)

Ms Megan Mahon (PowerPoint and paper)

#### Session23: **China: recent changes in China's tax regime**

Session Chair: Mr Wilson Chow

**Speakers:**

Ms Joyce Law *China: recent changes in China's tax regime*

Mr Liu Longheng *Change and Development Trend of China's Tax Law System Reform (Paper)*

Ms Cassie Wong *China: recent changes in China's tax regime*

**Session 24: Corporate Governance issues in Mergers & Acquisitions**

Session Chair: Mr Manoj K Chhabra

**Speakers:**

Mr Murad Ali Bin Abdullah *Corporate Governance Issues in Mergers & Acquisition: A Malaysian Perspective (PowerPoint)*

Mr Mohan Parasaran

Mr Severin Roelli *Swiss Corporate Governance Issues in M & A Transactions (PowerPoint)*

Ms Chisako Takaya *Corporate Governance Issues in M & A Japan (PowerPoint)*

Mr Henning von Zanthier, LL.M. *Corporate Governance issues in M & A from the Polish point of View (PowerPoint)*

**Session 25: Family Law: abduction of children to Asian countries - remedies under the Hague Convention**

Session Chair: Ms. Helen Y.H. Kong

**Speakers:**

Prof Frank Bates *Escaping Carers and the Hague Convention (Paper)*

Mr Robin Egerton *Family Abduction of children to Asian countries (Paper)*

Mr Anil Malhotra *Conflict of Jurisdictions in Interparental Child Custody Disputes: the Indian position (Paper)*

Ms Mikiko Otani *Abduction of Children to and from non State Parties to the Hague Convention: Japanese experience*

**Session 26: International Law of the Sea, Piracy and the Patagonian Tooth Fish**

Session Chair: Mr Surendra Desai

**Speakers:**

Mr Phillip Laskaris (PowerPoint and paper)

Mr Mark Trowell QC *International Law of the Sea, Piracy and the Patagonian Toothfish (PowerPoint and paper)*

**Session 27: WTO - Anti-dumping issues**

Session Chair: Mr Vincent Lim

**Speakers:**

Mr Matthew McConkey *US Antidumping Cases Against China: what's new? (PowerPoint)*

Ms Jacqueline Pruner *Waiting for the Other Shoe to Drop: EU antidumping duties and China 's leather shoe good exports (PowerPoint and paper)*

Prof Wang Jianyu *China & Antidumping: what's new?*

**Session 28: Issues in Developing Legal Systems**

Session Chair: The Hon Justice Murray Kellam AO

**Speakers:**

Mr Ian Wingfield *The Hong Kong Experience: ten years on from reunification*  
(PowerPoint and paper)

The Hon Justice Gerard Winter *One South Pacific, One Regional Court*

JUNE 8: DAY 4

Session 29: **Family Law**

Session Chair: Mr Andrew Davies

**Speakers:**

Ms Yet Ngo Foo *Towards The Recognition And Better Enforcement Of Foreign Family Court Orders in Malaysia* (PowerPoint and paper)

Mrs Linda Heathfield

Mr Koh Tien Hua *A Summary of Recent Developments in Family Law in Singapore*  
(PowerPoint and paper)

Mr Ranjit Malhotra *Conflict of Law in Inter Country Adoptions and The Protection of Women from Domestic Violence ACT 2005: the Indian prospective* (Paper)

Session 30: **Banking Law: Islamic finance**

Session Chair: Ms Malathi Das

**Speakers:**

Mr AB Nasir *Islamic Finance the Potential for an Alternative Financial Paradigm in Hong Kong*  
(PowerPoint)

Ms Abdul Rahim Noorashikin *Islamic Finance Arbitration Rules of Kuala Lumpur Regional Centre For Arbitration* (Paper)

Mr Jal Othman *Islamic Finance: a viable alternative means for financing* (PowerPoint)

Session 31: **Recent changes to China's Property Law**

**Speakers:**

Mme Liu Yang *The Property Law: Legislation of Historic Significance in China* (Paper)

Mr Wong Kwai Huen (PowerPoint)

Session 32: **Enforcement and Compliance of Environment Laws in Asia and the Pacific**

Session Chair: Ms Jolene Lin

**Speakers:**

Mr Matthew Baird *Administrative Penalties for Environmental Offences in Australia and New Zealand* (PowerPoint and paper)

Prof Johannes Chan SC (Hon) (PowerPoint and paper)

The Hon Justice Brian Preston *Sentencing for Environment Laws* (PowerPoint)

Session 33: **Family Law: Shariah Law & Civil Law - How they co-exist**

Session Chair: Mr Murad Ali Bin Abdullah

**Speakers:**

Dr Ann Black *Giving Limited Recognition to Shariah Law in Australia: an appraisal*

Mr Paul Howard *Religious Upbringing of Children* (PowerPoint and paper)

Prof Zaleha Kamarudin

Session 34: **Legal Education**

Session Chair: Ms June McPhie

**Speakers:** Ms Anne Marie David (PowerPoint)

Ms Mariette Peters *Legal Education v Legal Practic: bridging the gap* (PowerPoint)

Prof Akira Saito *Legal Education for Value creative Business Lawyers: a postmodern approach towards globalizing markets societies* (PowerPoint)

Prof S Sivakumar *Clinical Teaching in Legal Education: Need for a change in skill and professional training* (PowerPoint and paper)

### Session 35: **Securities Listing in China**

Session Chair: Mr. Mah Weng Kwai

**Speakers:**

Mr Wu Guo Fang *Summary on the Latest Development of the Legislation on Securities and Public Companies in China* (PowerPoint)

Mr Ye Lin *Public Company: merger and acquisition* (Paper)

### Session 35A: **Legal Professional Privilege: whistleblower or confidante?**

Session Chair: Mr Colin Cohen

**Speakers:**

Mr Patrick Bourke *Legal Professional Privilege* (PowerPoint)

Prof Rosalind Croucher *Client Legal Privilege and Federal Investigatory Bodies in Australia: the challenge of balancing public interests* (PowerPoint and paper)

### Session 36: **The Rule of Law Under Threat**

Session Chair: Mr Lester Huang

**Commentators:**

Mr. Martin Lee QC

Mr Shunji Miyake

**Speakers:**

Mr Graham Everett Leung *The Rule of Law Under Challenge in Fiji* (paper)

Mr Bishwa Mainali (PowerPoint and paper)

Mr Rasheed Razvi

### **G L Sanghi Memorial Lecture:**

Mr KTS Tulsi *Declining Respect for Human Rights: a cause for alarm*