

The Chinese Contract Law Conference Boosts CityU School of Law's Stature on Chinese Private and Commercial Law

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On 15 and 16 of April 2016, a Conference of Perspectives on Chinese Contract Law was held at City University of Hong Kong. The conference was organized by Centre for Chinese and Comparative Law (RCCL) of CityU School of Law and Department of Management, University of Florida. The eminent contract law scholars from common law, civil law, mixed jurisdictions as well as mainland China assembled at CityU sharing their insights on how to improve Chinese Contract Law from comparative perspectives.

Professor Geraint Howells, Dean of CityU School of Law, welcomed all the guests in his opening remarks. He illustrated CityU's remarkable trajectory as a young university and touted the School of Law, in particular, as a legal education innovator in Hong Kong. Professor Larry DiMatteo (Huber Hurst Professor of Contract Law & Legal Studies, University of Florida) reflected on the context and mission of the law academics to demonstrate the significance of organizing such a conference. Speaking about the specific reasons for launching this conference, Dr Chen Lei, Associate Dean of School of Law, concluded the Opening Ceremony.

The conference had six sessions, each focused on “General Principles”, “Validity”, “Contract Formation”, “Performance and Breach”, “Remedies and Damages”, and “Chinese Contract Law and International Law Instrument & Future of Chinese Contract Law”.



During the first session, Professor Han Shiyuan (Professor, Tsinghua University) laid out the general principles under Chinese Contract Law. He discussed the system structure, norm functions as well as the development based on the eight articles. Professor Christian Twigg-Flesner (Professor of Commercial Law, University of Hull), Professor Ewan McKendrick (Registrar & Professor of English Private Law,

Oxford University), Professor Liu Qiao (Associate Professor, TC Beirne School of Law, University of Queensland), and Professor Martin Hogg (Deputy Head & Chair Professor of the Law of Obligations, University of Edinburgh), on the other hand, shed light on the subject matter from English common law perspectives and Scots law perspectives respectively. They compared different aspects of contract law between China and their home jurisdictions, ranging from the freedom of contract to concepts such as good faith and fairness.

The second panel comprised Professor Wang Yi (Professor of Civil and Commercial Law, Renmin University of China), Professor Mindy Chen-Wishart (Professor of the Law of Contract, Oxford University), and Professor Lutz-Christian Wolff (Wei Lun Professor of Law, Chinese University of Hong Kong). Professor Wang and Professor Wolff emphasized on specific aspects of contract validity -- the former on mandatory provisions and the latter on the impossibility to perform – whereas Professor Chen-Wishart presented a wide range of problems including alteration of contract, the third party interests, and undue influence.

The panel of “Contract Formation” discussed the issue of pre-contractual liability. Professor Shen Wei (KoGuan Chair Professor of Law, KoGuan Law School, Shanghai Jiaotong University), Professor Barbara Pasa (Associate Professor of Comparative Law & Chairs of Comparative Law, University of Torino), and Professor Alexander Loke (Assistant Dean & Professor, City University of Hong Kong) presented their studies from various angles. A heated discussion on renegotiation of contract was conducted after the panel presentations.

Dr Ding Chunyan (Assistant Professor, City University of Hong Kong), Professor Ulrich Schroeter (Chair for Private Law, International Corporate and Financial Markets Law, European Business Law, University of Mannheim), and Professor Geraint Howells & Professor James Devenney (Head & Professor of Commercial Law, School of Law, University of Exeter) presented their papers on “Performance & Breach” during the fourth panel discussion. They each brought to the conference their expertise in Chinese law, German law, English law and even Taiwan Civil Code and inspired a vivid discussion afterwards.

The presenters for the first session on the second day were Dr Chen Lei and Professor Michel Cannarsa (Dean and Professor, Faculty of Law, Catholic University of Lyon). They presented their papers concerning “Remedies & Damages”. Dr Chen discussed what could be recovered if a contract is failed to be performed and the extent, calculation, limitation and penalty of damages, etc. Professor Cannarsa explored the topic from the civil law perspective.

In the last session, Dr Andre Janssen (Visiting Associate Professor, City University of Hong Kong), Professor Larry DiMatteo, Dr Yang Fan (Assistant Professor, CityU School of Law) and Professor Wang Jingen (Associate Professor of International Business Law, TSL School of Business & Information Technology, Quanzhou Normal University) presented papers concerning international law instruments and future of Chinese Contract Law. Particularly, they elaborated on UNIDROIT Principles of International Commercial Contracts (PICC) and Contracts for the International Sale of Goods (CISG) as related to Chinese Contract Law.

A book launch ceremony was also held after the first day of the conference. Professor Alexander Loke, Professor Mindy Chen-Wishart, Professor Anselmo Reyes (Professor of Legal Practice, The University of Hong Kong), Professor Lusina Ho (Professor, The University of Hong Kong), Dr Chen Lei and Professor Han Shiyuan were invited to talk about the new book “Remedies for Breach of Contract” (edited by Mindy



Chen-Wishart, Alexander Loke, and Burton Ong, published by Oxford Press), which is a part of the “Studies in the Contract Laws of Asia” book series. Professor Han and Professor Chen-Wishart introduced the background of the book series. Professor Loke regarded the editorial process “eye opening” as the book offers a comparative overview of different Asian jurisdictions. As one of the book chapter contributors, Dr Chen was more than excited about this new addition to the contract law scholarship as he deemed this an example of CityU School of Law’s presence in the common law world.

After further explanation of the future publication plan on the basis of the conference, Professor Larry Dimatteo and Dr Chen Lei thanked all the guests again and concluded the one-and-a-half-day conference. Besides the legal scholars and experts, about forty students and legal practitioners also participated in the event learning from the cutting-edge recent legal researches. Overall, the conference is very successful and showcased CityU School of Law’s status as a powerhouse of Chinese and Comparative legal scholarship.