

# Centre for Cross-Border Commercial Law in Asia

## The 2015 Annual Report

January 2016



# Research Grants

## Research Projects/Grants:

WY Wan, MoE Tier 2 Academic Research Funding, 2015 in respect of the project “Legal Transplantation of Corporate and Securities Laws in Singapore and Hong Kong” for 2016- 2018.

M Mohan, “Regulation & Investor State Dispute Settlement in Asia” (MoE Tier 1– Category B) for 2015-2017.



# Research Grants

## Research Projects/Grants:

### External:

M Mohan, “National Action Plans – Securing Compliance with Business & Human Rights Law in Asia and Africa (United Nations)” [Co Principal Investigators: M Mohan (Singapore), M Addo (United Kingdom) and B Meyersfeld (South Africa)], completed 2015.

### Internal:

M Mohan, “New Regulatory Space: Investment Arbitration in Asia” (MoE Tier 1 Research Grant), completed 2015.

M Mohan, “Domestic Solutions for Cross-border Harm: Transboundary Haze Pollution Law” (MoE Tier 1 Research Grant), completed 2015.

# Collaborations with Research Partners

- Co-convoked an international Trust Law and Wealth Management Conference with Singapore Academy of Law and University of York.
  - Secured a book contract with Cambridge University Press (Richard Nolan, Kelvin Low and Tang Hang Wu, editors).
- Co-convoked a conference on Comparative Takeover Regulation: International & Asian Perspective with NUS.
- Held a joint research forum in London with Centre for Commercial Law Studies, Queen Mary University of London (details below on page 21).
- Joint research forum with Australian National University and Reading University (details below).



# Future Collaborations with Research Partners

- A joint research symposium with Hong Kong University and NUS to take place in Hong Kong in 2016.
- A conference with City University of Hong Kong on the theme “Commercial Law in Asia” in 2016.
  - Publication output will be in a journal or a book.
- A conference with Bond University on “Protecting Business and Economic Interests: Contemporary Issues in Tort Law”, in Singapore in 2006.
  - Keynote speakers: Lord Hoffmann and Lord Neuberger
  - Publication output will be a special edition in Torts Law Journal
- A research project on the enforcement of judgment in ASEAN, India, China and Australia to be funded by the Asian Business Law Institute, Singapore Academy of Law.
  - Publication output will be model laws, a handbook on best practices or a draft convention (to be determined).



# Future Collaborations with Research Partners

- Scoping Conference & Evening Seminar on 'Regulation & ISDS in Asia' (first of two annual conferences)
  - Keynote Speaker: Professor Chester Brown, Sydney University (academic collaborator)
  - Conference participants: local and international domain experts, e.g. from ILA Singapore Branch
  - First year publication commitment will be a co-edited volume by PI and collaborator based on conference
  - Second year publication output will be a monograph by PI with Brill (book proposal solicited & submitted)
  - Further funding discussions with Clifford Chance Asia in progress



# Research

## Journal Articles:

HW Tang, "Equity in the Age of Statutes" (2015) *Journal of Equity* (forthcoming) (invited contribution).

HW Tang, "A Dispute in Chancery Lane: Re-Considering the Resulting and Common Intention Constructive Trust" (2015) *Conv* 169 (invited contribution).

HW Tang, "Taking Stock of the Change of Position Defence" (2015) 27 *Singapore Academy of Law Journal* 163.

HW Tang, "Setting Up A Non-Profit Trust Company: The Special Needs Trust Company in Singapore" (2014) 14 *Elder Law Journal* (invited contribution).

HW Tang, "Creditors, Trust and Insolvency" (2014) 20 (4) *Trusts and Trustees* 383 (invited contribution).



# Research

## Journal Articles:

WY Wan, “Directors’ Defence of Reliance on Professional Advisers under Anglo-Australian Law” (2015) 44 *Common Law World Review* 71.

WY Wan, “The Responsibilities of Lawyers for Their Clients’ Misstatements and Omissions to the Securities Market in Singapore” (2014) 26 *Singapore Academy of Law Journal* 137.

WY Wan, “Consultation on Draft Legislative Changes to Companies Act” (2015) 36 *Company Lawyer* 15.

WY Wan, “Corporate Claims against Director for Paying Bribes on Company’s Behalf: Ho Kang Peng v Scintronix (formerly TTL Holdings)” (2014) *LMCLQ* 478.

WY Wan, “Recent Development on Misleading Disclosure and Non-disclosure to the Securities Market (and their relationships with Insider Trading) in Singapore: Madhavan Peter v PP and other appeals” (2014) 35 *Company Lawyer* 13.





# Research

## Journal Articles:

M Mohan, “Asian State Perspectives on investor-state dispute settlement: An Evolving Marcottage”, *Yearbook of Investment Law* (Oxford University Press), forthcoming (2015).

M Mohan, “Clean Hands & Investment Arbitration: Questioning the ‘Victim-Savage’ Dialectic after *Al Warraq*”, *Journal of World Investment & Trade* (Brill,2016).

M Mohan, “Myanmar’s New Investment Law & the Limits of Arbitration” (2016) *ICSID Review* (forthcoming).

M Mohan, “The Dark Side of Transparency: Parsing the UNCITRAL Rules and Convention for meanings real and apparent” (2016) *Leiden Journal of International Law* (forthcoming).

# Research

## Journal Articles:

M Mohan & J A Kumar, “Bilateral Investment Treaty Interpretation: ‘Internationalist Spirit’ tempered by Context: Government of the Laos People’s Democratic Republic v Sanum Investments Ltd” (2015) SGHC 15, *Singapore Law Watch* (available for separate and additional publication).

Z Zhang, “Corporate Reorganization of China’s Listed Companies, Winners and Losers” (2016) 16 *Journal of Corporate Law Studies* (forthcoming).

Z Zhang, “In Search of Debt Restructuring for Distressed Asian Companies in England: A Case Study of Vietnam’s Vinashin” (2015) 16 *Australian Journal of Asian Law* 1-15.



# Research

## Journal Articles:

Z Zhang, “Enhancing Retail Investors’ Access to the Corporate Bond Market: the Latest Development in Singapore” (2015) 36 *Company Lawyer* 319.

Z Zhang, “Corporate Reorganizations in China: Recent Developments and Challenges” (2015) 12 *Company Lawyer* (forthcoming).

Z Zhang, “Singapore’s New Approaches to Attract Secondary Listings” (2015) 12 *Company Lawyer* (forthcoming).



# Research

## Conference Papers:

HW Tang, “Singapore Trust Law: Past Present and Future” (Japan Trust Law Association, Tokyo, 14 June 2015).

HW Tang “Compelling Trustees to Exercise Their Discretion: A Principle Of Non-interference?” (Liechtenstein Trust Law Conference 2015, Valduz, Liechtenstein, 24 April 2015).

HW Tang, “Equity in the Age of Statutes” (Equity in the Age of Statutes Symposium, Melbourne University Law School, Australia, 27 February 2015).

HW Tang, “Singapore Country Report” (Conference on “Condominium Laws and Urban Governance in Asia,” City University of Hong Kong, Hong Kong, 27–28 November 2014).



# Research

## Conference Papers:

WY Wan, “Cross-Border Public Offering of Securities in Fostering an Integrated ASEAN Securities Market: The Experiences of Singapore, Malaysia and Thailand” (Scoping Workshop: The Future of Banking and Financial Services Regulation and Implications for Asia and ASEAN, 2015, SMU, February 2015).

Z Zhang, “The Corporate Reorganization of China’s Listed Companies: Winners and Losers” (Australian Corporate Law Teachers Association 2015 Annual Conference, Melbourne University School of Law, Australia, 1-3 February).



# Research

## Books/Book Chapters:

HW Tang, “Equity & Trust” in Teo K. S. (ed), *Annual Review of Singapore Cases 2014* (Singapore Academy of Law, 2014).

HW Tang (with Michael Hor and Nicholas Poon), *Reading Law in Singapore* (LexisNexis, 2014).

M Mohan & C Morel, *Business & Human Rights in Southeast Asia – Risk and the Regulatory Turn* (Routledge University Press, 2014).

M Mohan & J A Kumar, "Corporate Accountability for Land & Resource Acquisition: the EU's Audit Mechanism for Claims in Cambodia", in Francesco Seatzu and Paolo Vargiu (eds), *Accountability in International Financial Law* (Ashgate, 2015, forthcoming).

M Mohan, “The International Legal System and Singapore”, in Gary Chan Kok Yew and Jack Tsen-Ta Lee (eds), *The Legal System of Singapore - Institutions, Principles and Practices* (Lexis Nexis, 2015).



# Research

## CEBCLA's Working Papers:

TM Yeo, “Staying Relevant: Exercise of Jurisdiction in the Age of the SICC” Working Paper of Yong Pung How Professorship of Law Lecture, 13 May 2015, available at

<http://law.smu.edu.sg/sites/default/files/law/CEBCLA/YPH-Paper-2015-Slides.pdf>

TM Yeo, “The Future of Private International Law in Singapore”, Working Paper of Yong Pung How Professorship of Law Lecture, 22 May 2014, available at <http://law.smu.edu.sg/YPH/2014>



# Events

## 1. Lunchtime Seminar:

Title: Myanmar's Foreign Investment Law

Speaker: Mr Chester Toh (Rajah & Tann Asia)

Chairperson: Professor Locknie HSU (SMU)

Date: 28 January 2015

## 2. Research Seminar:

Title: Regulatory Structure & Governance in the Post-Crisis Era

Speaker: Professor Jennifer Hill (University of Sydney)

Chairperson: Associate Professor Wan Wai Yee (SMU)

Date: 11 February 2015





# Events

## 3. The Scoping Workshop:

Title: The Future of Banking and Financial Services Regulation and Implications for Asia and ASEAN

Date: 27 February 2015

## 4. Jones Day Professorship of Commercial Law Lecture:

Title: Confidentiality in International Arbitration: Virtue or Vice?

Speaker: Professor Sir Bernard Rix (Queen Mary University of London)

Commentator: Mr Matthew Skinner (Jones Day)

Date: 12 March 2015



# Events

## 5. Seminar:

Title: Private Law Harmonisation in Europe

Speaker: Professor Geraint Howells (City University of Hong Kong)

Chairperson: Professor Yeo Tiong Min, S. C. (Hon) (SMU)

Date: 18 March 2015

## 6. Seminar:

Title: Consumer Law, Effective or a Mere Paper Tiger?

Speakers: Professor Geraint Howells (City University of Hong Kong) and Assistant Professor Gary Low (SMU)

Chairperson: Mr Chester Toh (Rajah & Tann Asia)

Date: 19 March 2015



# Events

## 7. Seminar:

Title: UNCITRAL - Singapore Seminar on 35 Years of the CISG: Achievements and Perspectives

Keynote Speakers: Mr V K Rajah S.C. (Attorney-General of the Republic of Singapore) and Professor Yeo Tiong Min, S. C. (Hon) (SMU)

Closing Speech by The Honourable the Chief Justice Sundaresh Menon.

Dates: 23 and 24 April 2015

## 8. Research Seminar (Internal):

Title: Corporate Reorganisation of China's Listed Companies, Winners and Losers

Speaker: Zinian Zhang (SMU)

Date: 5 May 2015



# Events

## 9. L-Leap Series:

Title: What I Wish I Knew as a Young Associate

Moderators: Mr Adrian Tan (Stamford Law Corporation and Mr Darius Tay (TSMP Law Corporation)

Panellists: Mr Chen Guan Feng (White & Case), Ms Koh Swee Yen (Wong Partnership), Mr Tan Choon Leng (RHTLaw Taylor Wessing) and Mr R. Thrumurgan (Trident Law Corporation)

Date: 7 May 2015

## 10. Seminar:

Title: Illegality and Consent Awards in International Arbitration

Speaker: Dr Yaraslau Kryvoi (University of West London)

Chairperson: Assistant Professor Mahdev Mohan (SMU)

Date: 11 May 2015



# Events

11. Yong Pung How Professorship of Law Lecture:

Title: Staying Relevant: Exercise of Jurisdiction in the Age of the  
SICC

Speaker: Professor Yeo Tiong Min, S. C. (Hon) (SMU)

Date: 13 May 2015

12. Myanmar Project (Min Law/NUS/SMU):

Visit from the delegation of Myanmar Universities

Coordinators: Assistant Professor Mahdev Mohan (SMU) and  
Professor Andrew Harding (NUS)

Dates: 9 to 12 June 2015



# Events

## 13. Lunchtime Seminar:

Title: POHA 2014 in the Workplace: Why Harassment is Your Business

Speaker: Mr Choo Zheng Xi (Peter Low LLC) and Mr Fong Wei Li (Fortis Law)

Chairperson: Associate Professor Goh Yihan

Date: 19 May 2015

## 14. Seminar:

Title: Latest Development in the Hong Kong & Singapore Mediation Landscape: Innovations to Overcome Challenges & Sustain the Growth of Mediation

Speakers: Professor Robyn Carroll (University of Western Australia) and Ms Eunice Chua (Singapore International Mediation Centre)

Date: 3 June 2015



# Events

## 15. Seminar:

Title: Using Empirical Studies in Legal Scholarship: The Example of Health Insurance on Near-Elderly Health and Mortality

Speaker: Professor Bernard Black (Northwestern University)

Date: 5 June 2015

## 16. Research Forum:

Title: Queen Mary University of London and Singapore Management University (QM-SMU) Research Forum

Coordinator: Assistant Professor Pasha L. Hsieh (SMU)

Dates: 24 and 25 June 2015



# Events

## 17. Conference:

Title: Comparative Takeover Regulation: International & Asian Perspective

Coordinators: Associate Professor WAN Wai Yee (SMU) and Assistant Professor Umakanth VAROTTIL (NUS)

Dates: 23 and 24 July 2015

## 18. Research Seminar:

Title: The Role of Attorney Experience in Torts Litigation: An Empirical Study

Speaker: Associate Professor Yun-Chien Chang (Institutum Iurisprudentiae, Academia Sinica, Taiwan)

Chairperson: Associate Professor Gary Chan (SMU)

Date: 29 July 2015





# Events

## 19. Conference:

Title: Modern Studies in the Law of Trusts and Wealth Management: Theory and Practice

Coordinator: Tang Hang Wu (SMU), Kelvin Low (SMU) and Richard Nolan (York)

Dates: 30 and 31 July 2015

## 20. Jones Day Professorship of Commercial Law Lecture:

Title: Company Law and Contractual Freedom

Speaker: Professor Eilís Ferran (Cambridge University)

Commentator: Elizabeth Cole (Jones Day)

Date: 24 August 2015



# Events

## 21. Research Forum:

Title: ANU-SMU-Reading Research Forum

Coordinators: Assistant Professor Maartje de Visser (SMU), Associate Professor Pauline Ridge (ANU) and Professor Nicholas Hopkins (Reading)

Dates: 10 and 11 September 2015

## 22. External Visit:

Visit by Institute of Legal Science, Ministry of Justice, Vietnam

Coordinator: Assistant Professor Mahdev Mohan (SMU)

Date: 28 September 2015



# Events

## 23. Seminar:

Title: Dispute Resolution in Inter-State & Investor-State Case: Lessons from the Asian Experience

Speakers: Professor Hi-Taek Shin (Seoul National University), Dr. Romesh Weeramantry (Clifford Chance, Hong Kong), Mr. Minn Naing Oo (Allen & Gledhill, Myanmar) and Professor Chester Brown (University of Sydney)

Moderators: Assistant Professor Mahdev Mohan (SMU) and Ms. Gitta Satryani (Herbert Smith Freehills, Singapore)

Date: 29 September 2015



# Events

## 24. The 3<sup>rd</sup> Singapore – WTO Policy Dialogue:

Title: The WTO: 20 Years and Beyond

Coordinator: Associate Professor Henry Gao (SMU)

Dates: 19 and 20 October 2015

## 25. Public Lecture:

Title: Singapore Mediation Lecture

Speaker: Dr Hans Peter Frick (Former Chief Legal Officer and Senior Vice President at Nestlé SA)

Date: 29 October 2015



# Events

## 26. Seminar:

Title: If It's so Good to Talk, Why Is It so Hard?

Speaker: Ian Marsh

Date: 5 November 2015

## 27. ASEAN Responsible Business Forum:

Title: Implementing the UNGPs on Business and Human Rights

Organisers: Assistant Professor Mahdev Mohan (SMU), Thomas Thomas (ASEAN CSR Network) and Professor Robert McCorquodale (British Institute of International and Comparative Law)

Date: 29 October 2015

Venue: Kuala Lumpur, Malaysia



# Events

## 28. Conference:

Title: Finance in Asia, Regulating Regional Markets.

Co-organisers: SMU, HKU, Shanghai Jiao Tong University and Melbourne University.

Date: 6 November 2015.

## 29. Herbert Smith Freehills – SMU Asian Arbitration Lecture:

Title: To Be Confirmed

Speaker: Professor Gabrielle Kaufmann-Kohler (University of Geneva)

Date: 24 November 2015

