



Max Planck Institute for
Comparative and International
Private Law | Hamburg

HAMBURG LECTURE SERIES ON CHINESE LAW

DICKY TSANG

The Chinese University of Hong Kong

“An Empirical Review of China’s New Choice-of-Law Regime:
In Search of Clear Guidelines?”

Wednesday, 11 September 2019 – 5 pm

Conference Room 1, 1st floor

All employees and guests of the institute as well as
other interested parties are cordially invited to the lecture.

Knut Benjamin Pißler

About the Speaker:

Dr. Dicky Tsang is an Associate Professor in the Faculty of Law at The Chinese University of Hong Kong. His main research areas are private international law and company law. His work has appeared or is forthcoming in a number of leading international journals, including the Virginia Journal of International Law, the Vanderbilt Journal of Transnational Law and multiple articles in the Journal of Private International Law.

Prior to joining academia, he practiced as a corporate finance lawyer at two leading international law firms, working in their New York, London, Hong Kong, Beijing and Shanghai offices. He is admitted to practice in the state of New York, England & Wales and Hong Kong.

Dr. Tsang was awarded his LL.B. and PCLL at the University of Hong Kong. He also holds degrees from Georgetown University (S.J.D.), Columbia University (LL.M., J.D.) and University College London (LL.M.).

About the Topic:

The Act on the Application of Law for Foreign-Related Civil Legal Relationships (the "Act") came into force on 1 April, 2011. Its stated goals are to "clarify the application of laws concerning foreign-related civil relations" (Certainty), "reasonably solve foreign related civil disputes" (Reasonableness) and "safeguard the legal rights and interests of parties" (Parties' Rights).

However, since the Act came into force in 2011, there has been little sign of its effectiveness in improving the choice-of-law regime. One of the perceived reasons is the low number of foreign law applications by the Chinese courts which suggests bias against foreign law. Foreign parties who believe foreign law should be applicable may refrain from utilizing the Chinese courts. This contradicts the stated goals of the Act in improving certainty, reasonableness and protecting the parties' interests.

This project investigates the reasons behind this anomaly. An empirical survey is to be conducted on the foreign-related contract cases decided by Chinese courts in the ten-year period between 1 January 2008 and 31 December 2017, covering both the past (2008-2010) and the present (2011-2017) regimes.

A good dispute resolution system is essential to international transactions and a fair choice-of-law regime is a mainstay thereof. This project serves the dual purposes of finding the new regime's problems and suggesting guidelines by utilizing empirical data.

About the Hamburg Lecture Series on Chinese Law:

The "[Hamburg Lecture Series on Chinese Law](#)" was established in 2002 as a series of guest lectures from notable legal scholars and legal practitioners, who engage in research stays at the Hamburg Institute. It aims to provide insight into legal fields under development in the People's Republic of China and which are thus attracting great international interest.