

***Pacta Sunt Servanda* in Changing Times**
online conference
25 June 2021, 14:00-20:00 (HKT)

14:00-14:03 CUHK LAW Dean: Welcome

14:03-14:07 CCTL Executive Director: Welcome

14:07-14:10 CCTL Obligations Lab Asia Chair: Welcome

14:10-14:30 Keynote – chair: Prof. Lutz-Christian Wolff

- Prof. The Honourable Ma Tao-Li, former Chief Justice of the Hong Kong Court of Final Appeal and Honorary Professor of Law, CUHK LAW: ‘Contract Law and the Rule of Law’ (20 min)

14:30-14:45 Break

14:45-16:00 Parallel Sessions I

Panel I: Business law and *pacta sunt servanda* – chair: Prof. Queenie Lai

- Mr. Kingsley Ong, Eversheds Sutherland, Hong Kong: ‘Contract enforcement during the global financial crisis’ (15 min)
- Adv. Joel Slawotsky, IDC Herzliya, Israel: ‘Chinese state-entity issued comfort letters and the essential security exception’ (15 min)
- Prof. Hiroyuki Watanabe, Waseda University, Japan: ‘*Pacta sunt servanda* in the context of Japanese M&A law: the Sumitomo vs. UFJ case’ (15 min)
- Mr. Jochen Ellrott, Freshfields Bruckhaus Deringer, Tokyo, Japan: ‘When to withdraw from M&A deals and how?’ (15 min)
- Q&A (15 min)

Panel II: COVID-19 and contract law – chair: Prof. Stuart Hargreaves

- Prof. Amelia Bongarzone, University Magna Graecia, Catanzaro, Italy: ‘*Pacta sunt servanda*, supervening events and remedies in the time of COVID-19 in the Italian legal experience’ (15 min)
- Mr. Peihao Yuan, CUHK LAW: ‘COVID-19 as *force majeure* event and exception from *pacta sunt servanda*?’ (15 min)

- Prof. Lutz-Christian Wolff, CUHK LAW: 'Responding to pandemics with flexible contract law?' (15 min)
- Q&A (15 min)

Panel III: *Pacta sunt servanda*: comparative reflections – chair: Prof. Samuli Seppänen

- Dr. Tran Kien/Dr. Do Giang Nam, both Vietnam National University, Hanoi, Vietnam: '*Pacta sunt servanda* under Vietnamese contract law' (15 min)
- Mr. Peter Sicheng Zhu, Parkside Chambers, Hong Kong: '*Pacta sunt servanda* in the context of settlement agreements: comparative observations and critique' (15 min)
- Ms. Michala (Michelle) Meiselles/Mr. Joel Klaff, University of Derby: 'Nachfrist – a model remedy in an age of change' (15 min)
- Mr. Rudi Cohrssen, CUHK LAW: '*Pacta sunt servanda*, constitutionalism, public policy and the judicial control of remedies in the South African law of contract' (15 min)
- Q&A (15 min)

Panel IV: *Pacta sunt servanda* in international law – chair: Prof. Michael Ramsden

- Dr. Miu Kai Kei Kelvin/Mr. Lo Po Kan Noble/ Ms. Yuen Man Yin Ada, CUHK LAW: 'Treaties and *pacta sunt servanda* – a shared concept for the PRC?' (15 min)
- Dr. Hanh Hong Pham, Faculty of International Law, Hanoi Law University, Hanoi, Vietnam /MSc. Huong Thi Thu Phung, Faculty of Finance & Banking, University of Economics & Business, Vietnam National University, Hanoi, Vietnam: 'COVID-19 and its ability to invoke to suspend / terminate the operation of a treaty of a party' (15 min)
- [reserve slot]
- Q&A (15 min)

16:00-16:15 Break

16:15-17:30 Parallel Sessions II

Panel V: Emerging issues in *pacta sunt servanda* – chair: Prof. Lee Jyh-An

- Mr. Nguyen The Duc Tam, University of Economics and Law (UEL), Vietnam National University, Ho Chi Minh City/Ms. Le Nguyen Hong Nhung, KPMG Vietnam: ‘Sometimes it takes more than two to tango – the application of the “blue pencil” doctrine from Vietnamese perspective’ (15 min)
- Dr. Eliza Mik, CUHK LAW: ‘*Pacta sunt servanda* and smart contracts’ (15 min)
- Dr. Roza Nurgozhayeva, Nazarbayev University: ‘The evolution of Kazakhstan’s legal system and the principle of *pacta sunt servanda*’ (15 min)
- Mr. Grégoire Lunven, CUHK LAW: ‘*Pacta sunt servanda* in financial law and the climate change challenge’ (15 min)
- Q&A (15 min)

Panel VI: *Pacta sunt servanda* in Chinese Law – chair: Prof. Michelle Miao

- Dr. Lin Siyi, King & Wood Mallesons: ‘Exceptions to *Pacta sunt servanda* in the Chinese Civil Code (15 min)
- Prof. Jianbo Lou/Ms. Yimeng Ye, Peking University: ‘Property management service contract with Chinese characteristics: an exception to *pacta sunt servanda*?’ (15 min)
- Mr. Chengjie Wang, Allbright Law Offices, Shanghai/Ms. Dan Xie, University of New South Wales: ‘The latest developments of *rebus sic stantibus* in the Civil Code of the PRC’ (15 min)
- [reserve slot]
- Q&A (15 min)

Panel VII: *Pacta sunt servanda* in Asian contract law – chair: Prof. Alan Gibb

- Mr. Elliot Fung, CUHK LAW: ‘The development of contractual estoppel in Hong Kong’ (15 min)
- Mr. Doan Thanh Hai, University of Otago, New Zealand/Dr. Doan Thi Phuong Diep, University of Economics and Law, Vietnam National University Ho Chi Minh City/ Ms. Vo Thi Thanh Linh, Da Lat University: ‘Conceptualizing the right to withdraw in distance contracts in Vietnam – a discourse of *pacta sunt servanda* with Eastern characteristics’ (15 min)
- Prof. Boeun Chang, Hankuk University of Foreign Studies: ‘Change of circumstances in Korean contract law – an exception to *pacta sunt servanda*’ (15 min)



- Prof. Ya-Lun Yen, National Cheng Kung University: 'Non-compete agreements under Taiwan Labor Standards Act and *pacta sunt servanda*' (15 min)
- Q&A (15 minutes)

17:30-17:40 Break

17:40-18:20 Distinguished Lecture (pre-recorded) – chair: Prof. Steve Gallagher

- Prof. Neil Andrews, University of Cambridge: 'The Future of Contract Law'

18:20-19:55 Plenary Session – chair: Prof. Normann Witzleb

- Prof. Geraint Howells, NUI Galway/University of Manchester: '*Pacta sunt servanda* and consumer protection' (20 min)
- Prof. Steve Gallagher, CUHK LAW: 'The Common Law option not to perform' (20 min)
- Prof. (em.) Michael Martinek, Saarland University: '*Pacta sunt servanda* and renegotiation duties in international commercial contracts' (20 min)
- Prof. Chao Xi, CUHK LAW: '*Pacta sunt servanda* and financial regulation' (20 min)
- Q&A (15 min)

19:55-20:00 CCTL Obligation Lab Asia Chair: Closing Remarks

20:05 Social Gathering Online