

Curriculum Vitae Berry Fong-Chung HSU

Contact E-mail: bhsu@ctbc.edu.tw

Degrees

- 1989 Ph. D. (full-time internal), Faculty of Laws, University of London
LL. M., University of Alberta
- 1972 M. A. (Mathematics), University of Oregon
- 1971 B.Sc. (Mathematics and Computing Science), University of Alberta
(Knights of Columbus Scholarship, 1969-70, Notre Dame University, Canada)

Legal/Professional Qualifications

- 1999 Barrister and Solicitor, High Court of New Zealand
- 1997 Barrister and Solicitor, Supreme Court of Victoria, Australia
Passed all courses required by the Council of Legal Education, Victoria
One academic year practical training with Leo Cussen Institute and work
experience with Stikeman Elliott
- 1990 Chartered Engineer, British Engineering Council; MBCS
- 1983 Academically qualified as a Solicitor of the Supreme Court of Hong Kong
Passed Part II Qualifying Examination, Law Society of Hong Kong

Academic and Professional Experience

- 08/17 to present Professor, Department of Business and Economic Law, China Trust
Bank Corporation (CTBC) Business School, Tainan, Taiwan
- 02/16 to present Honorary Fellow, Asian Institute of International Financial Law,
Faculty of Law, University of Hong Kong
- 03/20 to 06/20 Honorary Professor, Faculty of Business and Economics, University of
Hong Kong
- 03/19 to 06/19 Honorary Professor, Faculty of Business and Economics, University of
Hong Kong
- 10/17 to 08/18 Adjunct Professor, Faculty of Business and Economics, University of
Hong Kong
- 06/17 to 08/17 Adjunct Professor, Faculty of Business and Economics, University of
Hong Kong
- 03/17 to 06/17 Visiting Professor, Department of Business and Economic Law, China
Trust Bank Corporation (CTBC) Business School, Tainan, Taiwan
- 09/16 to 12/16 Visiting Professor, Shanghai University of Politics and Law
- 05/16 to 08/16 Adjunct Professor, Faculty of Business and Economics, University of
Hong Kong

07/05 to 01/16 Deputy Director, Asian Institute of International Financial Law, Faculty of Law, University of Hong Kong

09/06 to 01/16 Professor in Law, Department of Real Estate and Construction, University of Hong Kong

05/95 to 08/06 Assistant to Associate Professor in Law, Department of Real Estate and Construction, University of Hong Kong
Academic Director, Asia Institute for Political Economy, School of Economics and Finance, University of Hong Kong (01/06 – 08/06)

07/92 to 06/95 Lecturer in Law and Taxation, also Hall Warden, Hong Kong University of Science and Technology

02/74 to 06/92 Computer Programmer and Senior Research Analyst (Computing), University of Alberta; Senior Systems Analyst (Engineering), Government of Alberta

Public Services

02/2007 to now Member, Appeal Tribunal (a quasi-judicial body established under the *Buildings Ordinance*)

05/1995 to 04/2001 Member, Board of Review (a quasi-judicial body established under the *Inland Revenue Ordinance*)

Other Appointments

October 2017 Member, Review Panel, Faculty of Law, University of Macau

December 2014 Visiting Professor, Faculty of Law, Peking University (K.C. Wong Education Foundation Scholar)

November 2014 Internal Examiner, Faculty of Law, University of Hong Kong (Ph.D. Thesis of Mr. Gibson E. Corby: *Managing Financial Stability and Liquidity Risks in Hong Kong's Banking System: What is the Optimum Supervisory Model*)

July 2014 Internal Examiner, Faculty of Law, University of Hong Kong (Ph.D. Thesis of Ms. Jin Jing: *Constructing the Corporate Governance System within the Regime of Corporation Law from the Perspective of a Revised Mechanism Design Theory*)

August 2013 External Examiner, Faculty of Law, University of Macau (Ph.D. Thesis of Ms. Dongjuan Lu: *The Study on Tort Liability of Road Traffic Accidents of Macao*)

June 2011 Internal Examiner, Faculty of Law, University of Hong Kong (Ph.D. Thesis of Miss Wei Yan: *Regulating Municipal Water Supply Concessions: Accountability in Transitional China*)

June 2011 Internal Examiner, Faculty of Law, University of Hong Kong (Ph.D. Thesis of Mr. Han Bin: *The Integration of the Mainland and Hong Kong Securities Markets*)

July 2010 Internal Examiner, Faculty of Law, University of Hong Kong (Ph.D. Thesis of Mr. Lin Zhang: *Venture Capital and the Corporate Governance of Chinese Listed Companies*)

January 2001	Internal Examiner, Faculty of Law, University of Hong Kong (Ph.D. Thesis of Mr. Michael Littlewood: <i>Taxation without Representation</i>)
1995 to 1998	Honorary Lecturer, School of Business, University of Hong Kong
1995 to 1997	Adjunct Lecturer in Law, Sun Yatsen University, China

Publications

Category I – Research outputs

Books

1. **B. Hsu**, D. Arner, M. Tse, and S. Johnstone, *Financial Markets in Hong Kong – Law and Practice* (Oxford: Oxford University Press, 2006), 524 pp.; 2nd edition (2016) published as D. Arner, **B. Hsu**, S. Goo, S. Johnstone, and P. Lejot, *Financial Markets in Hong Kong* (Oxford: Oxford University Press, 2016), 672 pp.
Reviewed by: i) *Hong Kong Law Journal*, 37:2(2007), pp. 293-8; ii) *Banking & Financial Law Review* 22:3(2007), pp. 457-62.
2. **B. Hsu**, *Laws of Taxation in the Hong Kong SAR* (Hong Kong: Hong Kong University Press, 2001; Reprint 2002), 250 pp.
Reviewed by: i) *Hong Kong Law Journal*, 31:2(2001), pp. 342-4; ii) *Asia-Pacific Journal of Taxation*, 5:2(2001), pp. 79-83.
3. **B. Hsu**, *Laws of Banking and Finance in the HKSAR* (Hong Kong: Hong Kong University Press, 1998; Reprint 1999), 328 pp.
Reviewed by: *China Review International*, 8:2(2001), pp. 396-407.
4. **B. Hsu**, *The Common Law in Chinese Context* (Hong Kong: Hong Kong University Press; London and New York: M.E. Sharpe, March and May 1992; 2nd Reprint, May 1995), 304 pp.
Reviewed by: i) *The China Quarterly*, March 1995, pp. 232-3; ii) *Pacific Affairs*, Univ. of British Columbia, 66:2(1993), pp. 318-9; iii) *Far Eastern Economic Review*, 23 Sept. 1993, p. 42; iv) *Journal of Asian History*, Indiana Univ., 27: 1(1993), pp. 79-80; v) *The Pacific Review* 7:4(1994), pp. 461-2; vi) *Asian Law Journal*, 1:12(1993), p. 29; vii) *Hong Kong Lawyer*, (4)1994, p. 33.
Research note: "Social harmony and individual rights in China", *Columbia Law Review*, Columbia University, 93:5(1993), pp. 1332-7.

Articles in law journals (sole authorship)

1. **B. Hsu**, "A Public Trust Doctrine for Hong Kong", 15(2011) *N.Z. Journal of Environmental Law*, University of Auckland, pp.89-111. Shorter version: "Environmental Protection under Common Law", November 2011 *Hong Kong Lawyer*, pp.54-61. This article is a pioneering study of public trust in Hong Kong context from the perspectives of property rights, state's obligations, comparative law, and law and economics; and also complements a study that was published as B. Hsu,

“Constitutional Protection of a Sustainable Environment in the Hong Kong Special Administrative Region” (2004).

2. **B. Hsu**, “Judicial Independence under the Basic Law”, 34:2(2004) *Hong Kong Law Journal*, pp. 279-302. Shorter version: “Judicial Independence in Hong Kong: Apparent or Real?”, Cover Story, (10)2004 *Hong Kong Lawyer*, pp.76-80; An update (Chinese version) was published as B. Hsu and L. F. Pu, “Judicial Independence under the Basic Law”, *Seminar on Review and Prospect of the Basic Law: Collection of Articles* (Hong Kong: One Country Two System Economic Research Institute, 2008), pp.172-191.
3. **B. Hsu**, “Constitutional Protection of a Sustainable Environment in the Hong Kong Special Administrative Region”, 16:2(2004) *Journal of Environmental Law*, University of Oxford, pp. 193-214.
4. **B. Hsu**, “Asset Quality in HKSAR’s Real Estate Market: A Public Policy and Legal Analysis”, 19:2(2002) *UCLA Pacific Basin Law Journal*, University of California, pp. 263-85.
5. **B. Hsu**, "International Law and Trade Agreements: Building a sustainable environment in the Hong Kong SAR", 20:4(2001) *Virginia Environmental Law Journal*, University of Virginia, pp. 549-71.
6. **B. Hsu**, “Is the Financial Crisis over in the HKSAR? An Evaluation of its Banking Framework”, 16:2(2001) *Banking & Finance Law Review*, pp. 275-301.
7. **B. Hsu**, "Legislative Control of Hong Kong Financial Markets", 28:3(1997) *Law and Policy in International Business*, symposium issue, Georgetown University Law Centre, pp. 649-714.
8. **B. Hsu**, "The politics in Canadian judicial decision making process", 32:4(1994) *Alberta Law Review*, University of Alberta, pp. 741-61.

Articles in law journals (lead/corresponding authorship)

1. G. Chen and **B. Hsu (corresponding author)**, “Law and Policy in the Sustainability of Affordable Housing: The Case of China”, 30:2(2013) *UCLA Pacific Basin Law Journal*, University of California, pp. 259-317.
2. **B. Hsu**, L. F. Pu, and S. Zhu, "Regulating Financial Derivatives in China", 43:4(2010) *Chinese Law and Government*, pp.1-90.
3. **B. Hsu** and G. Chen, “Housing Reform in China: Policy Functions as Law”, 39:1(2010) *Real Estate Law Journal*, pp.44-70.

4. D. Arner, K.W. Chau, **B. Hsu (corresponding author)**, F. Pretorius, and L.F. Pu, "Regulating the Credit Rating Agency in Hong Kong: Lessons from the Global Financial Crisis", 25:3(2010) *Banking & Finance Law Review*, pp.361-403.
5. D. Arner, **B. Hsu (corresponding author)**, and L. F. Pu, "Financial Markets in China: The Regulatory Framework of Credit Rating Agencies", 43:3(2010) *Chinese Law and Government*, pp.1-99.
6. **B. Hsu** and G. Chen, "The Protection of Property Rights in Post-WTO China", 38:1(2009) *Real Estate Law Journal*, pp.7-32.
7. **B. Hsu**, D. Arner, and Q. Wan, "Policy Functions as Law: Legislative Forbearance in China's Asset Management Companies", 23:2(2006) *UCLA Pacific Basin Law Journal*, University of California, pp. 129-71. The materials of this article were incorporated in Chapter 5 of *Financial Restructuring and Reform in Post-WTO China* (2007).
8. **B. Hsu**, D. Arner, Q. Wan, and W. Wang, "Banking Liberalization and Restructuring in Post-WTO China", 21:1(2005) *Banking & Finance Law Review*, pp. 23-59.
9. **B. Hsu** and Q. Wan, "Enhancing Competitiveness of China's Banks through Disposing Non-performance Loans by Asset Management Companies", 37:6(2004) *Chinese Law and Government*, pp. 1-66.
10. **B. Hsu** and Philip Baker, "The spirit of common law in Hong Kong: The transition to 1997", 24:2(1990) *University of British Columbia Law Review*, pp. 307-43.
11. **B. Hsu** and Philip Baker, "Law and opinion in Hong Kong in late 1980s", 20:3(1990) *Hong Kong Law Journal*, pp. 345-66.

Articles in law journals (co- authorship)

1. D. Arner, **B. Hsu**, and A. Da Roza, "Financial Regulation in Hong Kong: Time for a Change", (2010) *Asian Journal of Comparative Law*, 5(2010), pp.71-114.
2. D. Arner, C. Booth, P. Lejot, and **B. Hsu**, "Property Rights, Collateral, Creditor Rights and Insolvency in East Asia", 42:3(2007) *Texas International Law Journal*, University of Texas at Austin, pp.515-59. This is an expanded and updated version of a study that was published as D. Arner, C. Booth, **B. Hsu**, P. Lejot, Q. Liu, and F. Pretorius, "Property Rights, Collateral and Creditor Rights in East Asia", in S. Ghosh (editor), *East Asian Finance: The Road to Robust Markets* and in E. Dalla, *East Asian Finance: Selected Issues* (Washington, D.C.: Work Bank, 2006), pp. 1-42.
3. D. Arner, C. Booth, **B. Hsu**, and P. Lejot, "Property Rights, Collateral, Creditor Rights and Financial Development", 17:5(2006) *European Business Law Review*, pp. 1215-40. The framework of analysis underlying this article is drawn from D. Arner,

Financial Stability, Economic Growth and the Role of Law (New York: Cambridge University Press, 2007).

Articles in non-law journals (sole/lead authorship)

1. **B. Hsu** and D. Arner, 'WTO Accession, Financial Reform and the Rule of Law in China', 7:1(2007) *China Review*, Chinese University of Hong Kong, pp. 53-79.
2. **B. Hsu**, "The Legal Infrastructure of the HKSAR: A Global Challenge", 10(2000) *China Review*, Chinese University of Hong Kong, pp.157-74.
3. **B. Hsu** and M.C. Lo, "The Limits of Common Law in Hong Kong", 6(1995) *Hong Kong Journal of Social Sciences*, Oxford University Press, pp. 59-71.
4. **B. Hsu** and L.K Sun, "The abused child syndrome and individual rights", 5:3(1995), *Journal of Asian Pacific Communication*, pp. 177-82.

Chapters/co-authorship in books

1. D. Arner and **B. Hsu**, "Hong Kong Markets and Exchanges", in: M. Blair, G. Walker, and S. Willey (editors), *Financial Markets and Exchanges Law* (Oxford: Oxford University Press, 2012), pp.609-34.
2. R. Cullen, D. Arner, **B. Hsu**, X. Yang, and A. Wong, "Fiscal Policy and Financial System" in J. Chan and C.L. Lim (editors), *Law of the Hong Kong Constitution* (Hong Kong: Sweet & Maxwell, 2011), pp.321-58.
3. F. Pretorius, P. Lejot, A. McInnes, D. Arner, and **B. Hsu**, *Project Finance for Construction & Infrastructure* (Oxford: Blackwell, 2008), 357 pp.
4. J. Barth, Z. Zhou, D. Arner, **B. Hsu**, and W. Wang, *Financial Restructuring and Reform in Post-WTO China* (The Hague: Kluwer Law International, 2007), Chapters 1 and 5, pp. 1-43 and 123-70.
5. **B. Hsu**, "Are Hong Kong's Economic Fundamentals Really Sound? A Call for Reform and Transparency" in Douglas Arner, Mamiko Yokoi-Arai, and Zhongfei Zhou (editors), *Financial Crises in the 1990s: A Global Perspective* (London: The British Institute of International and Comparative Law, 2001), pp. 339-58.
6. **B. Hsu** and C.Y. Yuen, "Tax-Avoidance due to the Zero Capital Gains Tax: Some Indirect Evidence from Hong Kong", in Herbert G. Grubel (editor), *International Evidence on the Effects of Having No Capital Gains Taxes* (Vancouver: The Fraser Institute, 2001), pp. 20-2 and pp. 39-54.
7. **B. Hsu**, "Restoring Social Equity, Financial Stability and Global Competitiveness in the HKSAR: A Reform of the Property Tax System", *International Financial Sector*

Reform: Standard Setting and Infrastructure Development (London: Kluwer Law International, 2002), pp. 257-70 and 4(1999) *Yearbook of International Financial and Economic Law*, Kluwer Law International, pp. 261-77; incorporated as a chapter in B. Hsu, *Laws of Taxation in the Hong Kong SAR* (2001).

8. **B. Hsu**, "Judicial Development of Hong Kong on the Eve of 1 July 1997" in Ming K. Chan and Gerry A. Postiglione (editors) and Ezra Vogel (foreword), *The Hong Kong Reader: Passage to Chinese Sovereignty* (New York: M.E. Sharpe, 1996), pp. 65-97. The framework of analysis underlying this book chapter is drawn from B. Hsu, *Common Law in Chinese Context* (1992).

Category II – Textbooks, book reviews, and professional publications

Textbooks

1. D. Arner, **B. Hsu**, S. Johnstone, and M. Tse, *Regulatory Framework of Securities and Futures Industry* (Hong Kong: Hong Kong Securities Institute, 2006), 197 pp.
2. S. Johnstone, D. Arner, **B. Hsu**, and M. Tse, *Corporate Capital, Governance, and Takeovers* (Hong Kong: Hong Kong Securities Institute, 2006), 242 pp.
3. **B. Hsu**, *A Guide to Hong Kong Taxation* (Hong Kong: The Chinese University Press, 1996), 393 pp.

Book reviews and professional journal articles etc.

1. S. Johnstone, A.M. Da Roza, **B. Hsu**, "Hong Kong Minibonds Scandal: Regulator Accountability", 28:5(2009) *International Financial Law Review*, pp.35-8.
2. D. Arner, **B. Hsu**, A. Da Roza, "The Global Credit Crisis: Implications for Financial Regulation in Hong Kong", Cover Story, 2(2009) *Hong Kong Lawyer*, Law Society of Hong Kong, pp.40-8.
3. **B. Hsu** and D. Arner, "Re-evaluating the Efficient Capital Markets Hypothesis: The Case of Hong Kong", 43:4(2009) *The International Lawyer*, symposium issue, American Bar Association, pp.1429-49. Part of the analysis underlying this article had been incorporated in B. Hsu, D. Arner, M. Tse, and S. Johnstone, *Financial Markets in Hong Kong – Law and Practice* (2006).
4. D. Arner, K.W. Chau, **B. Hsu (corresponding author)**, F. Pretorius, L.F. Pu, and K.S. Tse, "Basel II and its Impact on the Property Market in Hong Kong", 125:6(2008) *The Banking Law Journal*, pp.527-50.
5. **B. Hsu**, D. Arner, and F. Pretorius (editors), Road and Tunnels (Reissue), M. Downey (original title), *Halsbury's Laws of Hong Kong* (Hong Kong: LexisNexis, 2008), pp.129-92.

6. **B. Hsu**, D. Arner, and F. Pretorius, "Beyond the Basel Accord: Should the Capital Adequacy Ratio Take Account of The Real Estate Environment in the Hong Kong SAR?", 124:4(2007) *The Banking Law Journal*, pp. 297-308
7. D. Arner, **B. Hsu**, C.K. Low, G. Lienke, and S. Johnstone, "Hong Kong", *International Securities Regulation* (New York: Oceana Publications, A Division of Oxford University Press, Inc., ISR Release 2006-3), 62 pp.
8. J. Barth, Z. Zhou, D. Arner, **B. Hsu**, and W. Wang, "Observations on China's Banking Laws under the WTO", 12(2006) *The Banker*, pp.93-5.
9. **B. Hsu**, "A review of *Crime and Justice in Hong Kong* by Harold Traver and Jon Vagg", 31:1(1993) *Journal of Oriental Studies*, University of Hong Kong, pp. 142-6.
10. **B. Hsu**, "Common Law in Hong Kong: A cross-cultural comparison", 4(1992) *Contacts Between Cultures*, pp. 236-41.
11. Philip Baker and **B. Hsu (corresponding author)**, "Common law under socialist legal system: The future of Hong Kong", 7:1(1991) *China Law Reporter*, American Bar Association, pp. 1-20.
12. **B. Hsu**, "Comments on law and social attitudes in 1920s in Shanghai", 15:1(1985) *Hong Kong Law Journal*, pp. 86-8.

Research Grant – RGC Competitive Earmarked Research Grant

1. Co-investigator with D. Arner (project co-ordinator) and others, Theme-based Research Scheme, *Enhancing Hong Kong's Future as a Leading International Financial Centre*, 2012, on-going - \$13,523,000.
2. Co-investigator with D. Arner (principal investigator), J. Lou, M. Tse, and Z. Zhou, *Hong Kong as Asia's International Financial Centre: A Law and Finance Perspective*, 1 August 2005 to 31 July 2008 - \$640,064.
3. **B. Hsu** (principal investigator) with K.W. Chau, F. Pretorius, and M. Tse, *Real Estate Cycles and Credit Ratings of Banks in Hong Kong*, 1 January 2005 to 31 December 2006 - \$364,141.
4. Co-investigator with F. Pretorius (principal investigator), and K.W. Chau, An Empirical investigation into project finance arrangements in bank-dominated financial systems, 1 October 2003 to 30 September 2005 - \$322,439.
5. Co-investigator with D. Arner (principal investigator), M.M. Bushehri, J.B. Lou and Z. Zhou, *Financial Regulation and the WTO: liberalization and restructuring in China*; 1 September 2002 to 31 August 2004 - \$598,219.

Research Student Supervision

Theses submitted successfully as doctoral candidates:

1. Wei Xiao, B.Sc. (Xidian), M.Sc. (Chinese Academic of Science), M.Phil. (Cambridge); *The Compensation for Land Expropriation in Rural China under the Constitution of People's Republic of China*; Researcher, Jiaotong Bank of China (November 2014)
2. Mui Fong Lee, B.B.A., M.Fin. (York), LL.B. (Nottingham Trent); *Corporate Accountability and Transparency in Transition Economy: Examples from China's Commercial Banks*; Assistant Professor, Hang Seng Management College (November, 2013)
3. Gengzhao Chen, LL.B., LL.M. (China University of Politics and Law), LL.M. (Southern Methodist University), Attorney (New York); *The Right to Adequate Housing in China: A Progressive Implementation*; Assistant Professor, Hang Seng Management College (June 2013).
4. Lifan Pu, LL.B., LL.M. (Peking), Legal Practitioner (China); *Credit Ratings and Banking Regulations in the Context of Real Estate Cycle*; Legal Researcher, Shanghai Stock Exchange (March 2009).
5. Qun Wan, LL.B. (Peking), LL.M. (Zhongshan), Legal Practitioner (China); *Bank Restructuring and the Disposition of Non-performing loans in China*; Research Fellow, Asian Institute of International Financial Law, Faculty of Law, University of Hong Kong (March 2006).
6. Dora L.Y. Lo, LL.B., LL.M. (London), P.C.LL. (Hong Kong), Barrister (Hong Kong); *The Determinants of Penalty Tax in the Hong Kong Special Administrative Region*; Director, Community College, Lingnan University (January 2003).
7. Po Shu AU, B.B.A. (HK University of Science & Technology); *The Evolution of Multinational Enterprises*; Assistant Professor, United International College (June 2002).
8. Chi MA, M.S. (Carnegie Mellon University); *Properties of Real Estate Price Indices*; Assistant Professor, University of Macau (December 1999).
9. Jasmine NG, B.A. (National University of Singapore); *Intertemporal Pricing Strategies: A Study of the Primary Private Housing Market of Hong Kong*; Assistant Professor, Open University of Hong Kong (December 1999, co-supervised).
10. Sai Hong KO, M.Sc. (Loughborough University), Solicitor (Hong Kong); *An Analysis of the Legal Framework relating to the Securities and Futures Sector of the Hong Kong SAR*; Principle Lecturer, City University of Hong Kong (November 1999).