

香港刑事诉讼费用制度：多重价值功能的平衡

作者：李利

关键字：辩方诉讼费用；控方诉讼费用；虚耗诉讼费用；程序控制

摘要/Abstract

香港地区的刑事诉讼费用制度已相当完善。该制度主要由《刑事案件讼费条例》和相关法院条例等成文法所确立，辅之以判例法上的规定。香港刑事诉讼费用大致可以分为三种情况：控方补偿被告人支出的诉讼费用，被告人补偿控方支出的诉讼费用，法律或其他诉讼代表承担的因其严重不当行为产生的诉讼费用。这三种情况都以补偿性为原则，以填补控辩双方因参与诉讼程序而产生的开支。诉讼费用制度起到了调控诉讼行为，防止程序滥用，提高办案质量，维护被告人权利等多重功能，应为我国内地刑事诉讼法所借鉴。因此，可以考虑在构建我国内地刑事诉讼费用制度时沿用补偿原则，并在审判监督程序、撤回公诉和辩护制度中规定诉讼费用承担。

The system of costs in criminal cases has been mature in Hong Kong. It has been established by the Costs in Criminal Cases Ordinance and relevant court ordinances and specified in case laws. There are three types of criminal costs in Hong Kong: defense costs, prosecution costs and wasted costs. The costs awarded shall be compensatory rather than punitive. Moreover, criminal costs have multiple functions: regulating litigation actions, preventing procedure abuse, promoting solid cases and protecting the rights of defendants. Therefore, this paper puts forward suggestions on criminal costs in China based on Hong Kong practice.

万山海洋开发试验区的法律分析

作者：王承志，欧智斌

关键字：万山海域；内水；无害通过；游艇停泊；海钓

摘要/Abstract

万山海洋开发试验区作为广东省第一个海洋经济开发区，自身拥有良好的区位优势和环境资源。推动万山海域的开发对珠海市乃至珠三角地区的产业升级和经济发展有十分重要的作用。但是在准备大力发展的同时，万山地区本身仍存在一些亟待破除的制度障碍问题。本文从万山开发高端旅游业的角度出发，对该地区海域的法律性质、船舶过境、游艇停泊、海钓等问题进行分析，并对该地区的试验性开发从发展与保护的角度提出了建设性意见。

Wanshan sea area, which owns great location advantages and natural resources, was the first Economic Development Trial Area established by the government of Guangdong Province. Promoting the development of Wanshan area exert profound influence both on the industrial upgrading and economic development in Zhuhai district and the pearl river delta region. However, there are some policy obstacles needed to be removed before the implementation of the new measures. This article mainly analysis the legal issue in Wanshan area such as the nature of this sea area based on The United Nations Convention on the law of the sea as well as Chinese law and policies, ship transit, yacht docking and fishing excursion with the perspective of developing high-end tourism. In the end, proposals are offered concerning both development and protection of this area.

从时际法的视角论南海诸岛的主权归属

作者：黄明明

关键字：时际法；发现；命名；先占；有效控制

摘要/Abstract

时际法是一项重要的国际法原则，它强调权利的创设应以与之同时的法律进行判断，权利的存续则应遵循法律发展演变所要求的条件。根据时际法，古代中国对作为无主地的南海诸岛实施了先占，完成了早期国际法对确立领土主权的要求，从而确立了对南海诸岛的完整主权。近现代中国从不同层面持续采取了多项维护主权的措施，且不存在放弃或转移岛屿主权的任何情形。南海诸岛的其他争端国因缺乏对南海诸岛实施先占或有效占领的前提条件，且在多个方面受到国际法相关原则的限制，因而其主权要求是没有任何国际法依据的。

Intertemporal law is an important principle of international law. It emphasizes that the act creative of a right is subject ed to the law in force at the time the right arises, and the existence of the right shall follow the conditions required b y the evolution of law. According to intertemporal law, islands in the South China Sea, as terra nullius, were possess ed by ancient China in the manner of occupation. China had established a complete sovereignty over these islands b y meeting the requirements of the early-stage international law. Modern China took different measures to safeguard it s sovereignty in the past, and there is no any act of giving up of transferring its sovereignty. Thus, due to lack of th e premise or foundation of effective control and the limitation of relevant international law, other claiming states aroun d the South China Sea have no right to claim sovereignty over these islands.

企业社会责任与市场绩效——基于我国社会责任指数成分股调整的事件研究

作者：陈晓慧，徐勇，江炎骏

关键字：社会责任指数；纳入事件；剔除事件；市场反应

摘要/Abstract

采用事件研究法，研究我国上市公司被三大社会责任指数剔除和纳入的市场反应，以检验企业社会责任与市场绩效的关系。研究结果显示，我国上市公司被社会责任指数剔除的市场反应不显著，上市公司被社会责任指数纳入产生了显著负面的市场反应。结果表明，虽然被社会责任指数纳入是上市公司正面的社会责任事件，但是投资者将其视为过度投资社会责任的信号，社会责任水平过高同样不被资本市场认可。首次在中国资本市场情景下，基于新的视角，探讨上市公司社会责任对资本市场的影响，拓展了企业社会责任与绩效关系的研究。本研究对上市公司高效履行社会责任有重要的实践启示，还对社会责任指数发布方提出了建议。

based on the event study to find the market reaction with or without three indexes of social responsibility in Chinese l isted companies and test the relations between Corporate Social Responsibility and Market Performance. The result s reveals that market reaction to exit from the social responsibility index was not significant, but market reaction t o entry from the social responsibility index was negative significant. The study indicates that although entry event wa s positive corporate social responsibility events, but investors may regarded it as a signal of excessive investment i n social responsibility which means they were not recognized as the same high level of social responsibility by the c apital markets. For the first time in the Chinese capital market scenario and based on new perspectives, the stud y test the impact of the social responsibility of listed companies on the capital market. This paper expands the stud y of relations between corporate social responsibility and market performance, which has important practical inspir ation for Chinese listed companies complying with social responsibility efficiently and give suggestions on how to rel ease the social responsibility index.

人民币国际化的进程走向及当前应对——基于国际货币横向比对的视角

作者：August Sila

关键字：国际货币；人民币国际化；货币职能

摘要/Abstract

随着中国改革的深入、中国经济对世界经济影响的增强，人民币国际化题域日益凸显，人民币国际化的进程走向及其当前应对是当前人民币国际化题域需要正视的问题。基于国际货币横向比对，基于Chinn & Frankel模型、Matlab主成分分析实证把握国际货币运行规律与人民币国际化进程走向，并从中探索人民币国际化的当前应对，提出从保持人民币价值稳定、推动中国经济平衡发展、有序扩大国际贸易规模是人民币国际化的当前应对。