

陳肇鴻

Christopher Chao-hung CHEN

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Email: chchen01@ntu.edu.tw

ORCID: 0000-0002-6527-7022 or <https://orcid.org/0000-0002-6527-7022>

Scopus ID: 57194081516

現職 Current Position

2022~ 國立臺灣大學法學院副教授 (2022 年 8 月迄今)
2024~ 國立臺灣大學法學院企業法制創新研究中心副主任

學歷 Education

2008 英國倫敦大學 (大學學院) 法學博士 Ph.D. (Lond. (UCL)) (September 2003 to August 2008)
2003 美國密西根大學法學碩士 LL.M. (Michigan) (August 2002 to June 2003)
2000 國立台灣大學法學碩士 (July 1998 to June 2000)
1998 國立台灣大學法學士 (July 1994 to June 1998)

主要研究領域

公司與公司治理；金融規範、金融交易與金融科技；衍生性金融商品法律

工作經驗 Previous Employment

2021-22 國立政治大學兼任副教授 March 2021 to July 2022
2009-21 新加坡管理大學法學院 (Singapore Management University School of Law)
副教授 (Associate Professor of Law) (tenured) July 2017 to January 2021
助理教授 (Assistant Professor of Law) July 2009 to June 2017
2008-09 富邦金融控股公司：金融商品專案顧問 (兼職)
2004-06 倫敦大學學院：教學助理 (Tutor of Contract Law, University College London) (兼職)
2002 得力商務律師事務所：實習律師
2000-2002 海軍總司令部：軍法書記官

獎項 Honours and Awards

2023 霖澤法學研究獎
2020-2021 Lee Kong Chian Fellowship (SMU, Singapore)
2014-2016 Della Suantio Fellowship (SMU, Singapore)
2013-2014 Sing Lun Fellowship (SMU, Singapore)

其他職務 Other Administrative and Non-Academic Position

臺灣證券交易所上市審議委員 (2024~)
金融監督管理委員會訴願審議委員 (May 2024 to April 2026)
新加坡管理大學研究倫理委員會 (Institutional Review Board, Singapore Management University)
副主席 (Deputy Chair) Jan 2020 – Jan 2021
委員 (Member) Jan 2015 – Jan 2021

研究計畫 Research Grants

* Principal investigator: 計畫主持人; Co-investigator: 協同主持人

- 2023-2025 國家科學及技術委員會 (National Science and Technology Council), 專題研究計畫: 「比較訴訟及金融消費評議中心之紛爭解決成效: 反思金融消費者保護法制」(A Comparative Study of the Effectiveness of Dispute Resolution between Financial Ombudsman and Civil Actions: Reflection on Financial Consumer Protection Regimes) (Project Number: 112-2410-H-002-030-MY2) (1 August 2023 to 31 July 2025)(擔任計畫主持人, **Principal investor**)
- 2023-2024 臺灣集中保管結算所股份有限公司, 專題研究計畫: 「『金融科技發展與創新實驗條例』修法可行性」(1 November 2023 to 31 July 2024) (擔任計畫主持人, **Principal investigator**)
- 2022-2023 國家科學及技術委員會 (National Science and Technology Council), 專題研究計畫: 「上市企業溫室氣體排放資訊揭露法制之比較研究」(A Comparative Study of the Disclosure of Information regarding Carbon Emission by Listed Companies) (Project Number: 111-2410-H-002-274-) (1 October 2022 to 30 September 2023)(擔任計畫主持人, **Principal investor**)
- 2020-2022 **Co-investigator**. Hong Kong General Research Fund (GRF)(Hong Kong). Project title: *The Politics of Corporate Governance in Chinese Firms* (1 Sep 2019 to 31 Aug 2022)(Project number: 11605519)
- 2018-2019 **Principal investigator**. MOE (Ministry of Education) Tier 1 Research Grant (Singapore). Project title: *Political Interference in the Governance of State-owned Enterprises in China and Foreign Investor Protection: An Examination of China Community Party Control over Dually-Listed Chinese Companies* (September 2018 to August 2019)(Approval number: 18-C234-SMU 002)
- 2018 金融消費評議中心, 「金融商品差異化制措施」(擔任計畫主持人)
- 2016-2018 **Co-investigator**. MOE Tier 2 Research Grant (Singapore). Project title: *Legal Transplantation of Corporate and Securities Law in Singapore and Hong Kong* (January 2016 to December 2018) (MOE's official grant number MOE2015-T2-1-142)
- 2015-2016 台灣期貨交易所, 「期貨交易法第 107 條內線交易不法行為態樣及構成要件適用分析之研究」(賴英照、朱德芳、陳肇鴻)
- 2014-2015 **Principal investigator**. MOE Tier 1 Research Grants (Singapore). Project title: *The Role of Law in Achieving Good Corporate Governance of State-owned Enterprises: A Comparative Study of the Legal Framework in Singapore and Taiwan* (March 2014 to February 2015)
- 2012-2013 **Principal investigator**. MOE Tier 1 Research Grants (Singapore). Project title: *An Empirical Study of the Citation of Case Law by Singapore Courts in Reported Judgments regarding Insurance Disputes* (March 2012 to February 2013)

學術發表 Publication

專書 Book and monograph

1. Chen, Christopher. 2023. *Evolution of Law Against Payment Frauds*. Routledge
2. 劉連煜、杜怡靜、林郁馨、陳肇鴻, 「選任獨立董事與公司治理」(元照, 2013 年 7 月)
3. Chen, Christopher. 2010. *Trading Risk: The Contractual Nature of Derivative Instruments and Certain Regulatory Issues*. VDM Verlag Dr. Müller

期刊 Journal Articles

4. 陳肇鴻, 資本市場上溫室氣體排放之資訊揭露與漂綠風險, 台大法學論叢, (2024 年 3 月 29 日已通知接受刊登) (*TSSCI)
5. Chen, Christopher Chao-hung. "Regulating Consumer Contracts with Government-made Templates: An Examination of Taiwan's Approach toward Boilerplate Forms" *Asian Journal of Comparative Law* (accepted for publication on 14 May 2024. Forthcoming in 2024)(*Scopus)
6. 陳肇鴻, 論公司的法令遵行制度及董事會之治理責任, 臺灣財經法學論叢, 7 卷 1 期, 2025 年 1 月, 頁 163-202

7. 陳肇鴻，2023 年公司法與證券交易法年度回顧，台大法學論叢，53 卷特刊，2024 年 11 月，頁 1325-1354 (*TSSCI)
8. 陳肇鴻，為併購目的取得股份及表決權行使，月旦裁判時報，147 期，2024 年 10 月，頁 24-31
9. 陳肇鴻，金融機構資料治理規範架構之建構：由資訊需求與風險出發，台灣法律人，35 期，2024 年 5 月，頁 47-62
10. 陳肇鴻，資本市場上之溫室氣體排放資訊之揭露義務：比較法的觀察，月旦法學雜誌，347 期，2024 年 4 月，頁 28-41
11. 陳肇鴻，訴訟外紛爭解決機制的濫用 – 以 2020 年之金融消費評議中心所作之評議決定的觀察，法律扶助與社會，12 期，2024 年 3 月，頁 55-98
12. 陳肇鴻，由金融控股公司法第 16 條之一修正草案論金融機構之關鍵人之適格性標準之建立，台灣法律人，30 期，2023 年 12 月，頁 32-43
13. 陳肇鴻，簡論虛擬貨幣交易平台的管制手段：兼評管理虛擬資產平台及交易業務事業（VASP）指導原則，月旦法學雜誌，343 期，2023 年 12 月，頁 63-77
14. 陳肇鴻，重思高齡客戶的金融消費者保護手段，月旦法學雜誌，339 期，2023 年 8 月，頁 42-59
15. 陳肇鴻，期貨經紀商平倉沖銷時的行為義務——評台北地方法院 110 年度金字第 1 號民事判決，台灣法律人，23 期，2023 年 5 月，頁 128-139
16. Chen, Christopher, Guo, Re-Jin, and Lin, Lauren Yu-Hsin. 2023. "The Effect of Political Influence on Corporate Valuation: Evidence from Party Building Reform in China." *International Review of Law and Economics* 73, 106120. Available online from 27 December 2022: <https://www.sciencedirect.com/science/article/abs/pii/S014481882200076X> or <https://doi.org/10.1016/j.irl.2022.106120> (*SSCI)
17. 陳肇鴻，定型化契約範本與市場參與者的行為選擇：以電子支付機構之使用者條款為例，月旦律評，12 期，2023 年 3 月，頁 80-95
18. 陳肇鴻，董事會面對 ESG 目標的治理責任：以金融機構氣候風險管理為例，臺灣財經法學論叢，第 5 卷第 1 期，2023 年 1 月，頁 219-260
19. 陳肇鴻，數位新台幣於貨幣法制上的意義 – 中央銀行數位貨幣對現行法制的影響初探，台灣法律人，第 18 期，2022 年 12 月，頁 51-64
20. 陳肇鴻，金融消費評議中心於 2020 年有關銀行業相關評議之實證分析，台灣法律人，第 8 期，2022 年 2 月，頁 86-101
21. 陳肇鴻，司法制的數位化及 COVID-19 的挑戰：以股東會機制的演化為中心，台大法學論叢，第 50 卷特刊，2021 年 11 月，頁 1239-1301 (*TSSCI)
22. 陳肇鴻，論金融機構外包服務及風險的規範機制，台灣法律人，第 2 期，2021 年 8 月，頁 68-86
23. Chen, Christopher, and Lin, Yu-Hsin. 2021. "Foreign Political Interference in the Governance of Listed Companies: A Market and Behavioral Analysis." *Duke Journal of Comparative and International Law* 31: 301-349
24. Lin, Lin, and Chen, Christopher. 2020. "The Promises and Perils of InsurTech." *Singapore Journal of Legal Studies* 2020: 115-142 (*Scopus)
25. Chen, Christopher, and Wan, Wai Yee. 2019. "Transnational Corporate Governance Codes: Lessons from Regulating Related Party Transactions in Hong Kong and Singapore." *Chinese (Taiwan) Yearbook of International Law and Affairs* 36(2): 56-93
26. Wan, Wai Yee, Chen, Christopher, and Goo, Say. 2019. "Public and Private Enforcement of Corporate and Securities Laws: An Empirical Comparison of Hong Kong and Singapore." *European Business Organisation Law Review* 20(2): 319-361 (*SSCI; Scopus)
27. Chen, Christopher. 2019. "A One-Size-Fits-All Approach to Corporate Governance Codes and Compliance by Smaller Listed Firms: An Examination of Companies Listed in Hong Kong and Singapore." *Berkeley Business Law Journal* 15(2): 337-364
28. Chen, Christopher, Wan, Wai Yee, and Zhang, Wei. 2018. "Board Independence as a Panacea to Tunneling? An Empirical Study of Related Party Transactions in Hong Kong and Singapore." *Journal of Empirical Legal Studies* 15(4) 987-1020 (*SSCI; Scopus)
29. Wan, Wai Yee, Chen, Christopher, Xia, Chongwu, and Goo Say H. 2018. "Managing the Risk of Corporate Fraud: The Evidence from Hong Kong and Singapore." *Hong Kong Law Journal* 48(1): 125-166 (*SSCI; Scopus)
30. Chen, Christopher. 2017. "Extraterritoriality of the Regulations and Interconnections of the Derivatives Market: Legal Implications for East and Southeast Asia." *Masaryk University Journal of Law and Technology* 11(2): 323-

- 350 (*Scopus)
31. Chen, Christopher, Zhang, Wei, and Wan, Wai Yee. 2018. "Regulating Squeeze-outs and Delistings by Controlling Shareholders: the Divergence between Hong Kong and Singapore." *Journal of Corporate Law Studies* 18(1): 185-216 (*SSCI; Scopus)
 32. 陳肇鴻，重思金融消費者保護之管制手段，月旦法學雜誌，266期，2017年7月，頁156-164
 33. Niu, Zihan, and Chen, Christopher. 2017. "Social Capital of Directors and Corporate Governance: A Social Network Analysis." *Brooklyn Journal of Corporate, Financial & Commercial Law* 11(2): 343-376
 34. Gao, Simin, and Chen, Christopher. 2017. "Financial Transnationalism and Financial Regulation Change: A Case Study of Derivatives Markets." *European Business Organisation Law Review* 18(1): 193-233 (*SSCI; Scopus)
 35. Chen, Christopher. 2017. "OTC Derivatives Regulation in Hong Kong and Singapore." *Brill Research Perspectives in International Banking and Securities Law* 1(4): 1-50
 36. Chen, Christopher. 2016. "Solving the Puzzle of Corporate Governance of State-Owned Enterprises: The Path of the Temasek Model in Singapore and Lessons for China." *Northwestern Journal of International Law and Business* 36 (2): 303-70 (*SSCI; Scopus)
 37. 陳肇鴻，零售市場投資產品之法律糾紛、訴訟風險及投資人保護：台灣有關連動債及共同基金訴訟之實證研究，政大法學評論，141期，2015年6月，頁109-196 (*TSSCI)
 38. Chen, Christopher. 2014. "Judicial Inactivism in Protecting Financial Consumer against Predatory Sale of Retail Structured Products: A Reflection from Retail Structured Notes Lawsuits in Taiwan." *Columbia Journal of Asian Law* 27: 165-220
 39. Chen, Christopher. 2014. "Measuring the Transplantation of English Commercial Law in a Small Jurisdiction: An Empirical Study of Singapore's Insurance Judgments between 1965 and 2012." *Texas International Law Journal* 49 (3): 469-505
 40. 朱德芳與陳肇鴻，衍生性金融商品之內線交易禁止法律規制－以規範客體範圍與民事賠償責任為核心，台大法學論叢，43卷2期，2014年6月，頁419-487 (*TSSCI)
 41. 曾宛如與陳肇鴻，建議公司秘書制度之芻議，月旦法學雜誌，226期，2014年3月，頁106-118
 42. Chen, Christopher. 2013. "The Resolution of the Structured Notes Fiasco in Hong Kong, Singapore, and Taiwan." *Company Lawyer* 34 (4): 119-25.
 43. 陳肇鴻，連動債糾紛之司法實踐—2009至2010年間相關判決之研究，中研院法學期刊，10期，2012年3月，頁161-223 (*TSSCI)
 44. Chen, Christopher. 2011. "Product Due Diligence and the Suitability of Minibonds: Taking the Benefit of Hindsight." *Singapore Journal of Legal Studies* 2011: 309-29
 45. Wang, Wallace Wen-Yeu, and Chen, Christopher. 2011. "Liberalization of Taiwan's Securities Markets – The Case of Cross-Taiwan-Strait Listings." *Banking and Finance Law Review* 26: 259-82
 46. 陳肇鴻，由比較法觀點論金融機構之適當性義務，軍法專刊，57卷2期，2011年4月，頁75-98
 47. 陳肇鴻，由經濟觀點論金融市場上以衍生性商品進行市場投機之管制，台大法學論叢，39卷3期，2010年9月，頁167-222 (*TSSCI)
 48. 陳肇鴻，由比較法觀點論金融機構客戶之分類，軍法專刊，第56卷4期，2010年8月，頁78-100
 49. 黃帥升與陳肇鴻，公司治理及各國董事制度新趨勢，萬國法律，174期，2010年12月，頁42-52
 50. Chen, Chao-hung Christophe. 2009. "The Boundary of Futures Regulation: From UK and US Judgments Regarding Commodity Forward Contracts." *Soochow Law Journal* 6 (1): 165-97
 51. Chen, Chao-hung Christophe. 2009. "Information Disclosure, Risk Trading and the Nature of Derivative Instruments: From Common Law Perspective." *National Taiwan University Law Review* 4 (1): 1-53 (*TSSCI)
 52. 陳肇鴻，論結構債之契約關係及指定用途金錢信託之法律性質，軍法專刊，第55卷第3期，2009年6月，頁111-133
 53. 陳肇鴻，論權益交換與大股東持股揭露問題，法學新論，7期，2009年2月，頁105-131
 54. 黃帥升與陳肇鴻，從瑞士銀行拍賣型利率債券案談財富管理之投資人保護，萬國法律，第163期，2009年2月，頁2-9
 55. 陳肇鴻，ISDA總契約、利率交換與消費者保護法：評高等法院96年金上字第3號判決，律師雜誌，第347期，2008年，頁1
 56. 陳肇鴻，由美國次級房貸市場風暴論信用衍生性商品及信用證券化產品之使用及管制，律師雜誌，第三三八期，2007年，頁77
 57. Chen, Chao-hung Christophe. 2006. "Labelling Genetically Modified Food – Comparative Law Studies from Consumer's Perspective." *National Taiwan University Law Review* 1 (1): 1-44 (*TSSCI)
 58. Chen, Chao-hung Christopher. 2006. "Dividing Hedging and Gambling: Legal Implications of Derivative

- Instruments.” *Opticon* 1826 1 (1) <http://www.ucl.ac.uk/opticon1826/archive/issue1/VfPHedgingGamblingPDF.pdf>.
59. 陳肇鴻，證券投資信託及顧問法下「避險基金」之法律定位問題，萬國法律，第 139 期，2005 年 2 月，頁 34-39
 60. 張若雯與陳肇鴻，論我國天然氣事業之代輸義務，月旦法學雜誌，第 93 期，2003 年 2 月，頁 114-126
 61. 陳肇鴻，海軍後勤採購適用政府採購法的幾個法律問題，海軍學術月刊，第 36 卷，第 9 期，2002 年 9 月，頁 112-117
 62. 張若雯及陳肇鴻，我國法下外國人強制收容制度之檢討，律師雜誌，第 275 期，2002 年 8 月，頁 60-67

論文集或研討會選輯 Book Sections or Conference Proceedings

63. Chen, Christopher Chao-hung. 2025. “Regulation of Payment Systems from the Perspectives of Consumer Protection and Fraud Prevention.” In *A Research Agenda for Financial Law and Regulation*, edited by Joseph Lee and Aline Darbellay, 221-236. Edward Elgar
64. Chen, Christopher. 2023. “Regulation of the Use of Artificial Intelligence for Investment in the Insurance Industry.” In *The Use of Artificial Intelligence in the Financial Sector: Opportunities and Regulatory Challenges*, edited by Nydia Remolina and Aurelio Gurrea-Martinez, 271-293. Edward Elgar.
65. Chen, Christopher Chao-hung. 2023. “Chapter 3 Corporate Meetings Post-Covid-19 in the Digital Era.” In *COVID-19 and International Business and Economic Law: China and Changing World*, edited by Kun Fan and Charlie Xiao-chuan Weng, 62-79. Academy Publishing
66. Chen, Christopher. 2022. “Data Governance by Insurance Companies in Singapore.” In *Data Governance in AI, FinTech and LegalTech: Law and Regulation in the Financial Sector*, edited by Joseph Lee and Aline Darbellay, 145-168. Edward Elgar
67. Chen, Christopher. 2022. “Corporate Governance Standards for Insurers in Singapore.” In *The Governance of Insurance Undertakings: Corporate Law and Insurance Regulation*, edited by Pierpaolo Marano and Kyriaki Noussia, 117-138. Springer
68. Chen, Christopher. 2022. “Nudging Technology Companies Toward Better ESG: A Commentary on Taiwan’s Voluntary Approach.” *USAI East-West Studies* 2(7): <https://usali.org/asia-pacific-symposium-essays/nudging-technology-companies-toward-better-esg-a-commentary-on-taiwans-voluntary-approach>
69. Chen, Christopher. 2020. “Rethinking the Regulatory Sandbox for Financial Innovation: An Assessment of the UK and Singapore.” In *Regulating FinTech in Asia: Global Context, Local Perspectives*, edited by Mark Fenwick, Steven Van Uytsel, and Ying Bi, 11–30. Springer
70. Chen, Christopher. 2020. “Regulation of Derivatives in Asia: When Technology Meets Financial Engineering.” In *Research Handbook on Asian Financial Law*, edited by Arner et al., 101-121, Edward Elgar
71. Chen, Christopher. 2019. “Transparency of Insurance Contract Law in Singapore.” In *Transparency in Insurance Contract Law*, edited by Pierpaolo Marano and Kyriaki Noussia, 633-653. Springer
72. Gao, Simin, and Chen, Christopher. 2019. “Transnational Business Governance Interactions and Financial Regulation Change: A Case of Asian Financial Markets.” In *Transnational Business Governance Interactions: Advancing Marginalized Actors and Enhancing Regulatory Quality*, edited by Stepan Wood et al., 275-293, Edward Elgar
73. Chen, Christopher. 2019. “Taiwan.” In *Comparative Corporate Governance in Asia: A Comparative Approach*, edited by Bruce Aronson and Joongi Kim, 325-352. Cambridge University Press
74. Chen, Christopher. 2018. “ASEAN Financial Integration and the Belt and Road Initiative: Legal Challenges and Opportunities for China in Southeast Asia.” In *International Governance and the Rule of Law in China under the Belt and Road Initiative*, edited by Yun Zhao, 163–96. Cambridge University Press
75. 陳肇鴻，新加坡：海尼根併亞太釀酒，「管理層收購法律規範：理論與實務」（元照，2014 年 5 月），頁 295-311
76. Chen, Christopher. 2013. “Regulation of Over-The-Counter Derivatives: A Comparative Study of Proposals in Singapore and Hong Kong.” In *International Business Law in the 21st Century: Challenges and Issues in East Asia*, edited by Yao-Ming Hsu and Yuichiro Tsuji, 221–42. Cambridge Independent Press
77. 陳肇鴻，新加坡私人公司制度之現狀及展望，於「關係人交易與中小企業公司治理」，政治大學編著，台灣法學，2012 年 5 月，頁 107-130
78. 陳肇鴻，英美契約法導論，于「英美法導論」（北京大學出版社，2012 年 7 月）

79. 陳肇鴻，英美契約法導論，於「英美法導論」（元照，2010年7月）

書評與判決評論

Book Review, Case Note or Legislative Update

80. 陳肇鴻，規範套利行為及公平對待股東原則，評臺灣高等法院 104 年度金上更（一）字第 4 號民事判決，月旦裁判時報，第 122 期，2022 年 8 月，頁 25-35
81. Chen, Christopher. 2022. “*Jo Braithwaite, The Financial Courts: Adjudicating Disputes in Derivatives Markets* [Cambridge: Cambridge University Press, 2020, 400pp, hb, £95].” *Modern Law Review* 85(1): 285-290 (*SSCI; Scopus)
82. Chen, Christopher. 2019. “Financial Services Law and Regulation by Dora Swee Suan Neo, Hans Tjio & Luh Luh Lan, eds [Singapore: SAL Academy Publishing, 2019.]” *Singapore Journal of Legal Studies* 2019: 489-491.
83. 陳肇鴻，投資人保護中心團體訴訟之公益性－最高法院 105 年台上字第 1380 號判決評釋，月旦裁判時報，第 59 期，2017 年 5 月，頁 54-59
84. Lee, Pey-Woan, and Chen, Christopher. 2016. “Modernising Company Law: The Singapore Experience.” *Company and Securities Law Journal* 34: 157-65
85. Chen, Christopher. 2011. “Book Review on Advertising Law and Regulation (Second Edition, Bloomsbury Profession Al, 2010).” *Journal of Business Law* 2011: 531-33