

## **REGULATIONS FOR THE DEGREE OF BACHELOR OF LAWS (LLB)**

*These regulations apply to students admitted to the LLB curriculum under the 4-Year '2012 curriculum' in the academic year 2018-19 and thereafter.*

*(See also General Regulations and Regulations for First Degree Curricula for candidates admitted under the 4-Year '2012 curricula')*

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### **Admission to the degree of Bachelor of Laws**

- LL 1. To be eligible for admission to the degree of Bachelor of Laws, candidates shall
- (a) comply with the General Regulations;
  - (b) comply with the Regulations for First Degree Curricula; and
  - (c) satisfy all the requirements of the curriculum in accordance with these Regulations and syllabus.
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### **Period of study**

- LL 2. The curriculum for the degree of Bachelor of Laws shall normally require eight semesters of full-time study, extending over not fewer than four academic years, and shall include any assessment to be held during and/or at the end of each semester. Candidates shall not in any case be permitted to extend their studies beyond the maximum period of registration of six academic years, except with the approval of the Board of the Faculty of Law.
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### **Completion of the curriculum**

- LL 3. To complete the curriculum a candidate shall
- (a) comply with the General Regulations;
  - (b) satisfy the requirements prescribed in UG5 of the Regulations for First Degree Curricula;
  - (c) follow instruction and attend classes as required, and complete all coursework requirements;
  - (d) satisfy the compulsory mootng requirement; and
  - (e) pass in courses totalling at least 240 credits in value, in the manner specified as follows:
    - 156 credits of Professional Core including 126 credits of compulsory courses<sup>1</sup> and 30 credits of disciplinary electives<sup>2</sup>;

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<sup>1</sup> A pass in both LLAW1013 Legal research and writing I and LLAW2017 Legal research and writing II shall be deemed to satisfy the "English in the Discipline" requirement under UG5(a) of the Regulations for First Degree Curricula.

<sup>2</sup> Law electives.

- 6 credits in Core University English<sup>3</sup> in accordance with UG5(a);
  - 6 credits in Chinese language enhancement<sup>4</sup> in accordance with UG5(b);
  - 36 credits of Common Core<sup>5</sup> courses in accordance with UG(5)(c); and
  - 36 credits of Free electives<sup>6</sup>.
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## **Advanced Standing**

LL 4. The Board of the Faculty of Law may grant advanced standing to candidates in recognition of studies completed successfully before admission to the curriculum in accordance with UG2 of the Regulations for First Degree Curricula. Advanced standing credits granted will be recorded on the transcript of the candidate but shall not be included in the calculation of the GPA nor be taken into consideration for the honours classification of the degree to be awarded.

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## **Transfer of credits**

LL 5. Candidates may, with the approval of the Board of the Faculty, transfer credits for courses completed at other institutions at any time during their candidatures. The number of transferred credits may be recorded in the transcript of the candidate, but the results of courses completed at other institutions shall not be included in the calculation of the GPA. The number of credits to be transferred shall not exceed half of the total credits normally required under the degree curricula of the candidates during their candidature at the University.

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## **Selection of courses**

LL 6. Candidates shall select their courses in accordance with these regulations and the guidelines specified in the syllabus before the beginning of each semester. Changes to the selection of courses may be made only during the add/drop period of the semester in which the course begins, and such changes shall not be reflected in the transcript of the candidate. Requests for changes after the designated add/drop period of the semester shall not normally be considered.

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<sup>3</sup> Candidates who have achieved Level 5 or above in English Language in the Hong Kong Diploma of Secondary Education Examination, or equivalent, are exempted from this requirement, and Core University English is optional. Those who do not take this course should take an elective course in lieu, see Regulation UG6.

<sup>4</sup> (a) Putonghua-speaking students who should take CUND9002 (Practical Chinese and Hong Kong Society) or CUND9003 (Cantonese for Non-Cantonese Speaking Students); and

(b) students who have not studied Chinese language during their secondary education or who have not attained the requisite level of competence in the Chinese language to take the Chinese language enhancement course should write to the Board of the Faculty to apply to be exempted from the Chinese language requirement, and

(i) take a 6-credit Cantonese or Putonghua language course offered by the School of Chinese especially for international and exchange students; OR

(ii) take an elective course in lieu.

<sup>5</sup> Candidates shall complete successfully 36 credits of courses in the Common Core Curriculum, comprising at least one and not more than two courses from each Area of Inquiry with not more than 24 credits of courses being selected within one academic year except where candidates are required to make up for failed credits.

<sup>6</sup> Free electives are courses offered by any Faculty of the University, including Law Faculty.

LL 7. Withdrawal from courses beyond the designated add/drop period will not be permitted, except for medical reasons and with the approval of the Board of the Faculty of Law. Withdrawal without permission will result in a fail grade in the relevant course(s).

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### **Specialisation**

LL 8. Candidates who have obtained at least 36 credits of law electives listed under one of the specialisations in the syllabus will be duly recognised by having that specialisation stated in the official academic transcript.

LL 9. Candidates shall declare their choice of specialisation, if any, in the beginning of the third academic year. Declaration made beyond the first semester of the fourth academic year will not be considered.

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### **Minor in another discipline**

LL 10. Candidates who have obtained the requisite number of credits (which shall not be fewer than 36 credits and not more than 48 credits) to declare a minor in a department, centre, school, programme or disciplinary field will be duly recognised by having the minor stated in the official academic transcript.

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### **Progression in curriculum**

LL 11.

- (a) Candidates shall normally be required to take not fewer than 24 credits nor more than 30 credits in any one semester (except the summer semester) unless otherwise permitted or required by the Board of the Faculty, or except in the last semester of study when candidates may be required to take fewer than 24 credits to satisfy the outstanding curriculum requirements.
  - (b) Candidates may, of their own volition, take additional credits not exceeding 6 credits in each semester, and/or further credits during the summer semester, accumulating up to a maximum of 72 credits in one academic year. With the special permission of the Board of the Faculty, candidates may exceed the annual study load of 72 credits in a given academic year provided that the total number of credits taken does not exceed the maximum curriculum study load of 288 credits for the normative period of study specified in LL2, save as provided for in LL11(c).
  - (c) Where candidates are required to make up for failed credits, the Board of the Faculty may give permission for candidates to exceed the annual study load of 72 credits provided that the total number of credits taken does not exceed the maximum curriculum study load of 432 credits for the maximum period of registration specified in LL2.
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## Grades

LL 12. Grades shall be awarded in accordance with UG8 of the Regulations for First Degree Curricula. Any course for which a candidate is given an F grade shall be recorded on the official academic transcript, and shall be taken into account in the calculation of the GPA . A pass in the course Mooting shall be recorded on the transcript but shall not be counted towards the GPA.

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## Passing a course

LL 13. Candidates shall pass a course if the Board of Examiners is satisfied by the candidates' performance in the assessment.

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## Assessment

LL 14.

- (a) Candidates shall be assessed for each of the courses for which they have registered, and assessment may be conducted in any combination of continuous assessment of coursework, written examinations and/ or any other assessable activities. Only passed courses will earn credits.
- (b) Candidates suspended under Statute XXXI shall not be allowed to take, present themselves for, and participate in any assessments during the period of suspension, unless otherwise permitted by the Senate.
- (c) Candidates are required to make up for failed courses in the following manner as prescribed in the curriculum regulations:
  - (i) undergoing re-assessment/re-examination in the failed course to be held no later than the end of the following semester (not including the summer semester); or
  - (ii) re-submitting failed coursework, without having to repeat the same course of instruction; or
  - (iii) repeating the failed course by undergoing instruction and satisfying the assessments; or
  - (iv) for elective courses, taking another course *in lieu* and satisfying the assessment requirements.
- (d) Where candidates are permitted or required to present themselves for re-assessment/ re-examination/ assessment in an alternative course under (c) above, the new grade obtained together with the previous F grade shall be recorded on the transcript and be included in the calculation of the GPA .
- (e) A candidate shall not be permitted to repeat a course for which he or she has received

a pass grade for the purpose of upgrading.

- (f) There shall be no appeal against the results of examinations and all other forms of assessment.
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### **Absence from an examination**

LL 15. Candidates who are unable, because of illness, to be present at the written examination of any course may apply for permission to present themselves at a supplementary examination of the same course to be held before the beginning of the First Semester of the following academic year. Any such application shall be made on the form prescribed within two weeks of the first day of the candidate's absence from any examination. Any supplementary examination shall be part of that academic year's examinations, and the provisions made in the regulations for failure at the first attempt shall apply accordingly.

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### **Overall pass**

LL 16. Subject to LL3, LL4 and LL5, a candidate who has passed courses totalling 240 credits in value shall be awarded the degree of LLB.

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### **Discontinuation of study**

LL 17. Candidates shall be recommended for discontinuation of their studies if they fail to satisfy the examiners in the examinations in accordance with UG4(e) of the Regulations for First Degree Curricula as follows:

- (i) fail to complete successfully 36 or more credits in two consecutive semesters (not including the summer semester), except where they are not required to take such a number of credits in the two given semesters; or
  - (ii) fail to achieve an average semester GPA of 1.0 or higher for two consecutive semesters (not including the summer semester); or
  - (iii) exceed the maximum period of registration specified in LL 2.
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### **Award of Degrees**

LL 18.

- (a) The degree of Bachelor of Laws shall be awarded in five divisions in accordance with UG9 of the Regulations for First Degree Curricula:

First Class Honours

Second Class Honours Division One

Second Class Honours Division Two

Third Class Honours  
Pass

- (b) The classification of honours shall be determined by the Board of Examiners for the degree in accordance with the following Graduation GPA (GGPA) scores, with all courses taken (including failed courses) carrying weightings which are proportionate to their credit values<sup>7</sup>:

<b>Class of honours</b>	<b>GGPA range</b>
First Class Honours	3.60 – 4.30
Second Class Honours	(2.40 – 3.59)
<i>Division One</i>	3.00 – 3.59
<i>Division Two</i>	2.40 – 2.99
Third Class Honours	1.70 – 2.39
Pass	1.00 – 1.69

- (c) Honours classification may not be determined solely on the basis of a candidate's Graduation GPA and the Board of Examiners for the degree may, at its absolute discretion and with justification, award a higher class of honours to a candidate deemed to have demonstrated meritorious academic achievement but whose Graduation GPA falls below the range stipulated in (b) above of the higher classification by not more than 0.1 Grade Point.
- (d) A pass list of successful candidates shall be posted on Faculty notice boards and the student homepage.

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<sup>7</sup> For students in the 2017-18 intake and thereafter who have successfully completed six Common Core courses, the calculation of Graduation GPA is subject to the proviso that either five Common Core courses with the highest grades (covering all four Areas of Inquiry), or all six courses will be counted towards Graduation GPA, depending on which generates the higher Graduation GPA.

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## SYLLABUS FOR THE DEGREE OF BACHELOR OF LAWS

1. A candidate shall, unless otherwise approved by the Head of Department, complete 156 credits of professional core including 126 credits of compulsory courses and 30 credits of disciplinary electives of the curriculum in accordance with LL3 and the syllabuses as set out below. Subject to LL11, candidates shall select 60 credits of courses in each of their First, Second, Third and Fourth Years.

### **First Year (60 credits)**

LLAW1009	Law and society (6 credits)
LLAW1001	Law of contract I (6 credits)
LLAW1002	Law of contract II (6 credits)
LLAW1013	Legal research and writing I <sup>8</sup> (6 credits)
LLAW1008	The legal system of the Hong Kong SAR (6 credits)
CAES1000	Core University English OR Free elective (if exempted from Core University English) <sup>9</sup> (6 credits)
CCXXxxxx	Common Core course <sup>10</sup> (24 credits)

### **Second Year (60 credits)**

LLAW1005	Law of tort I (6 credits)
LLAW1006	Law of tort II (6 credits)
LLAW2001	Constitutional law (6 credits)
LLAW2003	Criminal law I (6 credits)
LLAW2004	Criminal law II (6 credits)
LLAW2013	Land law I (6 credits)
LLAW2014	Land law II (6 credits)
LLAW2017	Legal research and writing II <sup>8</sup> (6 credits)
CCXXxxxx	Common Core course <sup>10</sup> (12 credits)

### **Third and Fourth Years (120 credits, 60 credits per year)**

LLAW2012	Commercial law (6 credits)
LLAW2009	Introduction to Chinese law (6 credits)

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<sup>8</sup> A pass in both LLAW1013 Legal research and writing I and LLAW2017 Legal research and writing II shall be deemed to satisfy the “English in the Discipline” requirement under UG5(a) of the Regulations for First Degree Curricula.

<sup>9</sup> Candidates who have achieved Level 5 or above in English Language in the Hong Kong Diploma of Secondary Education Examination, or equivalent, are exempted from this requirement, and Core University English is optional. Those who do not take this course should take an elective course in lieu, see Regulation UG6.

<sup>10</sup> Candidates shall complete successfully 36 credits of courses in the Common Core Curriculum, comprising at least one and not more than two courses from each Area of Inquiry with not more than 24 credits of courses being selected within one academic year except where candidates are required to make up for failed credits.

LLAW3001	Introduction to legal theory (6 credits)
LLAW3010	Business associations (6 credits)
LLAW3093	Administrative law (6 credits)
LLAW3094	Equity and trusts I (6 credits)
LLAW3095	Equity and trusts II (6 credits)
LLAW3187	Mooting and dispute resolution <sup>11</sup> (capstone) (6 credits)
LLAWxxxx	Disciplinary electives <sup>12</sup> (30 credits)
XXXXxxxx	Free electives <sup>13</sup> (36 credits)
CLAW9001	Practical Chinese for law students <sup>14</sup> (6 credits)

2. The disciplinary electives are listed as follows<sup>15</sup>:

LLAW3113	Advanced issues in information technology law
LLAW3206	Advanced law of obligations
LLAW3205	Advanced legal theory
LLAW3199	Advanced topics in competition law
LLAW3214	Advanced topics in constitutional law
LLAW3007	Alternative dispute resolution
LLAW3244	Alternative finance
LLAW3140	Animal law
LLAW3164	Arbitration and conflict of laws in Greater China
LLAW3112	Arbitration law
LLAW3207	Arms control and disarmament law
LLAW3213	ASEAN law
LLAW3008	Bank security
LLAW3009	Banking law
LLAW3186	Business and human rights
LLAW3230	Business of justice clinic
LLAW3138	Carriage of goods by sea

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<sup>11</sup> This may be substituted by participation in Jessup moot or any other international moot competition approved by the Head of the Department of Law. The course Mooting and dispute resolution which fulfils the requirement of LL3(d) shall be graded with pass/fail and shall not be counted in the calculation of the GPA.

<sup>12</sup> Law electives, including 6 credits of which must be a Designated Research Course. For the purpose of fulfilling specialisation requirements, students are required to take and pass at least 36 credits of law electives under one of the specialisation clusters as indicated in the syllabus, of which the additional 6 credits can be made up from the free electives category.

<sup>13</sup> Free electives are courses offered by any Faculty of the University, including Law Faculty.

<sup>14</sup> (a) Putonghua-speaking students who should take CUND9002 (Practical Chinese and Hong Kong Society) or CUND9003 (Cantonese for Non-Cantonese Speaking Students); and

(b) students who have not studied Chinese language during their secondary education or who have not attained the requisite level of competence in the Chinese language to take the Chinese language enhancement course should write to the Board of the Faculty to apply for exemption from the Chinese language requirement, and

(i) take a 6-credit Cantonese or Putonghua language course offered by the School of Chinese especially for international and exchange students; OR

(ii) take an elective course in lieu.

<sup>15</sup> For the purpose of PCLL admission, a candidate must satisfactorily complete Evidence I (or Evidence II), Land law III, Criminal procedure, Civil procedure, and either Business associations or Company law, and comply with any other requirements as may be specified in the PCLL regulations from time to time.



LLAW3046	Child and the law
LLAW3153	China investment law
LLAW3154	China trade law
LLAW3081	Chinese commercial law (in Putonghua) <sup>16</sup>
LLAW3173	Chinese family law in comparative perspective
LLAW3011	Chinese laws governing foreign investments
LLAW3097	Civil procedure
LLAW3241	Climate change law and policy
LLAW3148	Clinical legal education
LLAW3198	Clinical legal education (China)
LLAW3210	Clinical legal education programme – refugee stream
LLAW3088	Commercial dispute resolution in China
LLAW3139	Communications law
LLAW3015	Company law
LLAW3125	Comparative constitutional law
LLAW3204	Comparative constitutional law theories
LLAW3144	Comparative environmental law
LLAW3016	Comparative law
LLAW3231	Comparative law of elections
LLAW3191	Comparative family law
LLAW3156	Comparative remedies in trust law
LLAW3123	Competition law I
LLAW3124	Competition law II
LLAW3098	Constitutional and administrative law in the PRC
LLAW3196	Constitutionalism in emerging states
LLAW3067	Construction law
LLAW3223	Construction of commercial contracts
LLAW3202	Contract drafting and selected legal issues in commercial practice
LLAW3200	Copyright and creativity
LLAW3017	Copyright law
LLAW3183	Corporate conflicts
LLAW3137	Corruption: China in comparative perspective
LLAW3232	Courts
LLAW3184	Credit and security law
LLAW3099	Criminal procedure
LLAW3018	Criminology
LLAW3211	Critical theory in legal scholarship
LLAW3182	Cross-border corporate finance: issues and techniques
LLAW3245	Cross border corporate insolvency: issues and solutions
LLAW3066	Cross-border legal relations between the Mainland and Hong Kong (in Putonghua)
LLAW3195	Current issues in Chinese law
LLAW3100	Current issues in comparative commercial law
LLAW3092	Current issues in insolvency law
LLAW3019	Current legal controversies
LLAW3101	Cybercrime
LLAW3127	Dealing with legacies of human rights violations

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<sup>16</sup> Students taking this course may not take “PRC civil and commercial law”.

LLAW3237	Designing dispute resolution systems: public and private sector applications in a global perspective
LLAW3179	Digital copyright
LLAW3246	Disability rights clinic
LLAW3119	Dispute settlement in the WTO: practice & procedure
LLAW3151	E-business law
LLAW3020	Economic analysis of law
LLAW3117	Economic, social and cultural rights
LLAW3063	Emerging markets: finance and investment
LLAW3218	Energy law
LLAW3071	Equality and non-discrimination
LLAW3247	Ethical lawyering for public interest
LLAW3091	Ethnicity, human rights and democracy
LLAW3102	Evidence I
LLAW3103	Evidence II
LLAW3220	Gender, sexuality and the law
LLAW3165	Global business law I
LLAW3166	Global business law II
LLAW3169	Globalisation and human rights
LLAW3080	Governance and law
LLAW3203	Guided research
LLAW3217	Guided research II
LLAW3133	Healthcare law
LLAW3236	Heritage law
LLAW3047	Hong Kong Basic Law
LLAW3110	Human rights and cyberspace
LLAW3168	Human rights and governance
LLAW3062	Human rights in China
LLAW3022	Human rights in Hong Kong
LLAW3222	Human rights in practice
LLAW3083	Human rights: history, theory and politics
LLAW3065	Information technology law
LLAW3023	Insolvency law
LLAW3024	Insurance law
LLAW3238	Intellectual property and conflict of laws
LLAW3084	Intellectual property and information technology
LLAW3155	Intellectual property policy and practice
LLAW3104	Intellectual property, innovation and development
LLAW3085	International and comparative intellectual property law
LLAW3086	International and regional protection of human rights
LLAW3111	International commercial arbitration
LLAW3025	International commercial litigation
LLAW3076	International commercial transactions
LLAW3057	International criminal law
LLAW3078	International economic law
LLAW3134	International environmental law
LLAW3026	International human rights
LLAW3175	International humanitarian law
LLAW3157	International law and modernity for a multipolar world
LLAW3158	International law in a world of crises

LLAW3058	International moot competition
LLAW3027	International organisations
LLAW3135	International protection of refugees and displaced persons
LLAW3136	International securities law
LLAW3028	International trade law I
LLAW3160	Interpretation of statutes, contracts and treaties
LLAW3170	Introduction to Chinese law and legal system
LLAW3248	Introduction to class action litigation in the USA
LLAW3209	Introduction to Hong Kong securities law
LLAW3150	Introduction to information technology law
LLAW3120	Introduction to international human rights law
LLAW3159	Introduction to negotiation theory and practice
LLAW3030	Introduction to private international law (Conflict of laws)
LLAW3032	Issues in family law
LLAW3033	Issues in intellectual property law
LLAW3059	Jessup international law moot court competition
LLAW3216	Justice
LLAW3034	Labour law
LLAW3105	Land law III
LLAW3190	Language and the law
LLAW3249	Language rights and linguistic justice
LLAW3130	Law and development in the PRC
LLAW3141	Law and film
LLAW3128	Law and literature
LLAW3174	Law and policy
LLAW3142	Law and politics of constitutions
LLAW3208	Law and practice of investment treaty arbitration
LLAW3118	Law and religion
LLAW3239	Law and social justice at the intersections: gender, race, religion and sexuality
LLAW3172	Law and social theory
LLAW3253	Law and society in South East Asia
LLAW3035	Law in East Asia
LLAW3037	Law of agency
LLAW3056	Law of international finance I – debt
LLAW3048	Law of restitution I
LLAW3121	Law of restitution II
LLAW3049	Law of the sea
LLAW3145	Law, economics, regulation and development
LLAW3250	Law, governance and development in Asia
LLAW3233	Law, history and culture
LLAW3036	Law, justice and ideology
LLAW3161	Law, meaning and interpretation
LLAW3061	Law, the individual and the community: a cross-cultural dialogue
LLAW3090	Legal aspects of white collar crime
LLAW3234	Legal and legislative drafting
LLAW3226	Legal fictions: United States citizenship and the right to write in America
LLAW3039	Legal history
LLAW3162	Legal translation

LLAW3215	Luxury brands and trademark law
LLAW3073	Media law
LLAW3192	Mediation
LLAW3040	Medico-legal issues
LLAW3146	Multiculturalism and the law
LLAW3178	Online dispute resolution
LLAW3042	Planning and environmental law
LLAW3041	PRC civil and commercial law <sup>17</sup>
LLAW3107	PRC civil law (in Putonghua) <sup>18</sup>
LLAW3108	PRC criminal law and procedure
LLAW3109	PRC economic law
LLAW3089	PRC information technology law
LLAW3087	PRC intellectual property law
LLAW3152	PRC property law
LLAW3181	PRC security and insolvency law
LLAW3201	PRC shipping law (in Putonghua)
LLAW3177	PRC taxation law and policy
LLAW3129	PRC tort law
LLAW3167	Preventative law: approach to conflict prevention
LLAW3043	Principles of family law
LLAW3075	Privacy and data protection
LLAW3194	Property protection in China: law, politics and culture
LLAW3044	Public international law
LLAW3163	Public international law in domestic courts
LLAW3235	Punishment and society
LLAW3180	Regulation of cyberspace: theories of internet and normativity
LLAW3069	Regulation of financial markets
LLAW3229	Regulatory compliance in international finance and OTC derivatives documentation
LLAW3045	Remedies
LLAW3224	Resolution of transnational commercial disputes: processes and principles
LLAW3115	Rights and remedies in the criminal process
LLAW3068	Rights of the child in international and domestic law
LLAW3227	Securities law and regulation in Hong Kong I
LLAW3228	Securities law and regulation in Hong Kong II
LLAW3050	Securities regulation
LLAW3077	Selected issues: WTO and China
LLAW3116	Selected legal issues in commercial practice
LLAW3051	Selected problems in international law
LLAW3053	Sociology of law
LLAW3225	Sovereignty in law, theory and culture
LLAW3147	Space law and policy
LLAW3054	Succession
LLAW2011	Summer internship

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<sup>17</sup> Students taking this course may not take “PRC civil law (in Putonghua)” or “Chinese commercial law (in Putonghua)”.

<sup>18</sup> Students taking this course may not take “PRC civil and commercial law”.

LLAW3072	Tax law: principle and practice
LLAW3251	The beginnings of English law and literature
LLAW3252	The global migration legal clinic
LLAW3212	The law on financial derivatives and structured products
LLAW3240	The theory and history of the PRC constitution
LLAW3143	Topics in law and literature: Flaubert & Eliot
LLAW3171	Topics in English and European legal history
LLAW3176	Trademarks and unfair competition
LLAW3221	Trusts in practice
LLAW3055	Use of Chinese in law I
LLAW3004	Use of Chinese in law II
LLAW3070	World Trade Organization: law and policy

3. For the purpose of LL 8, the following specialisations are available for any student who has obtained 36 credits by completing courses listed below in the respective category or such other courses as may be approved by the Head of the Department of Law for the purposes of inclusion in that category. Not all specialisations are necessarily on offer every year.

- Chinese law
- Commercial, corporate and financial law
- International trade and economic law

#### Chinese law

LLAW3164	Arbitration and conflict of laws in Greater China
LLAW3153	China investment law
LLAW3154	China trade law
LLAW3081	Chinese commercial law (in Putonghua) <sup>15</sup>
LLAW3173	Chinese family law in comparative perspective
LLAW3011	Chinese laws governing foreign investments
LLAW3088	Commercial dispute resolution in China
LLAW3204	Comparative constitutional law theories
LLAW3156	Comparative remedies in trust law
LLAW3098	Constitutional and administrative law in the PRC
LLAW3137	Corruption: China in comparative perspective
LLAW3245	Cross border corporate insolvency: issues and solutions
LLAW3066	Cross-border legal relations between the mainland and Hong Kong (in Putonghua)
LLAW3195	Current issues in Chinese law
LLAW3151	E-business law
LLAW3062	Human rights in China
LLAW3028	International trade law I
LLAW3130	Law and development in the PRC
LLAW3041	PRC civil and commercial law <sup>16</sup>
LLAW3107	PRC civil law (in Putonghua) <sup>17</sup>
LLAW3108	PRC criminal law and procedure
LLAW3109	PRC economic law
LLAW3089	PRC information technology law

LLAW3087	PRC intellectual property law
LLAW3152	PRC property law
LLAW3181	PRC security and insolvency law
LLAW3201	PRC shipping law (in Putonghua)
LLAW3177	PRC taxation law and policy
LLAW3129	PRC tort law
LLAW3194	Property protection in China: law, politics and culture
LLAW3077	Selected issues: WTO and China
LLAW3240	The theory and history of the PRC constitution

Commercial, corporate and financial law

LLAW3206	Advanced law of obligations
LLAW3199	Advanced topics in competition law
LLAW3007	Alternative dispute resolution
LLAW3244	Alternative finance
LLAW3164	Arbitration and conflict of laws in Greater China
LLAW3213	ASEAN law
LLAW3008	Bank security
LLAW3009	Banking law
LLAW3153	China investment law
LLAW3154	China trade law
LLAW3081	Chinese commercial law (in Putonghua) <sup>15</sup>
LLAW3015	Company law
LLAW3156	Comparative remedies in trust law
LLAW3123	Competition law I
LLAW3124	Competition law II
LLAW3223	Construction of commercial contracts
LLAW3017	Copyright law
LLAW3183	Corporate conflicts
LLAW3184	Credit and security law
LLAW3182	Cross border corporate finance: issues and techniques
LLAW3245	Cross border corporate insolvency: issues and solutions
LLAW3100	Current issues in comparative commercial law
LLAW3092	Current issues in insolvency law
LLAW3151	E-business law
LLAW3063	Emerging markets: finance and investment
LLAW3165	Global business law I
LLAW3166	Global business law II
LLAW3023	Insolvency law
LLAW3024	Insurance law
LLAW3238	Intellectual property and conflict of laws
LLAW3136	International securities law
LLAW3028	International trade law I
LLAW3160	Interpretation of statutes, contracts and treaties
LLAW3209	Introduction to Hong Kong securities law
LLAW3030	Introduction to private international law (Conflict of laws)
LLAW3033	Issues in intellectual property law
LLAW3208	Law and practice of investment treaty arbitration
LLAW3037	Law of agency

LLAW3048	Law of restitution I
LLAW3121	Law of restitution II
LLAW3215	Luxury brands and trademark law
LLAW3109	PRC economic law
LLAW3069	Regulation of financial markets
LLAW3229	Regulatory compliance in international finance and OTC derivatives documentation
LLAW3045	Remedies
LLAW3227	Securities law and regulation in Hong Kong I
LLAW3228	Securities law and regulation in Hong Kong II
LLAW3050	Securities regulation
LLAW3072	Tax law: principle and practice
LLAW3252	The global migration legal clinic
LLAW3212	The law on financial derivatives and structured products
LLAW3176	Trademarks and unfair competition

*International trade and economic law*

LLAW3213	ASEAN law
LLAW3138	Carriage of goods by sea
LLAW3153	China investment law
LLAW3154	China trade law
LLAW3016	Comparative law
LLAW3123	Competition law I
LLAW3124	Competition law II
LLAW3245	Cross border corporate insolvency: issues and solutions
LLAW3119	Dispute settlement in the WTO: practice & procedure
LLAW3151	E-business law
LLAW3165	Global business law I
LLAW3166	Global business law II
LLAW3238	Intellectual property and conflict of laws
LLAW3085	International and comparative intellectual property law
LLAW3111	International commercial arbitration
LLAW3025	International commercial litigation
LLAW3076	International commercial transactions
LLAW3078	International economic law
LLAW3058	International mooted competition
LLAW3027	International organisations
LLAW3028	International trade law I
LLAW3208	Law and practice of investment treaty arbitration
LLAW3250	Law, governance and development in Asia
LLAW3035	Law in East Asia
LLAW3049	Law of the sea
LLAW3145	Law, economics, regulation and development
LLAW3044	Public international law
LLAW3077	Selected issues: WTO and China
LLAW3051	Selected problems in international law
LLAW3252	The global migration legal clinic
LLAW3070	World Trade Organization: law and policy





## COURSE DESCRIPTIONS

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### *Compulsory courses (in the order listed in the syllabus)*

#### **FIRST YEAR**

##### **LLAW1009 Law and society (6 credits)**

The objective of this course is to introduce students to the historical, comparative and critical study of issues relating to “law and society”. We hope to capture the dynamics between law and society, namely, how law is shaped by social changes, perception and thought, and how society is molded by legal rules and norms. We will discuss broad interdisciplinary perspectives and theoretical, empirical and policy considerations relevant to the study of the relationship between law and society.

In this one semester course, we will consider some topical themes, such as the relationship between law and politics, law and philosophy, law and history, law and culture, law and morality, law and gender, law and family, etc., to illustrate these dynamics. We will be using multi-disciplinary and interdisciplinary perspectives from anthropology, sociology, political science, history and philosophy. This is a course that is not primarily about law, but about how law-related socio-political and historical issues can be studied by employing these multi-disciplinary perspectives.

Assessment: 10% class participation in seminars, 90% examination

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##### **LLAW1001 and LLAW1002 Law of contract I and II (12 credits)**

The function of contract; formation of contract, including offer and acceptance, consideration and estoppel, certainty, intention to create legal relations and privity; contents of a contract, including express and implied terms, exemption clauses and statutory control; vitiating factors, including mistake, misrepresentation, duress, undue influence and unconscionability; discharge of contract, including performance, agreement, breach and frustration; remedies, including damages, specific performance, injunctions, action for an agreed sum, account of profits, liquidated damages, deposits, part-payments, rectification and rescission.

Assessment: 20% team work, 80% examination

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##### **LLAW1013 Legal research and writing I (6 credits)**

Legal Research and Writing I is a foundational skills course offered in the first semester of the first year. It is a practice-focused skills course and emphasises maximum participation. The lectures and tutorials work in tandem to help students develop skills such as research, analysis, legal reasoning, and persuasive argument. The students will be introduced to judgements, ordinances, and specific legal genres such as case note and legal memorandum.

The course comprises the following three inter-related elements:

- a. Research: how to identify and locate appropriate cases and legislation, as well as secondary sources.
- b. Legal analysis: the students will learn to closely read and analyse common law judgement; to use and interpret legislation; and to identify legal issues from fact-patterns.
- c. Legal writing: the students will learn to write succinctly and effectively, and construct logical and

persuasive arguments.

Assessment: 60% final take home exam, 30% written assignment, 10% class participation

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### **LLAW1008 The legal system of the Hong Kong SAR (6 credits)**

A major legacy of British colonialism is the common law system; which has been transplanted in almost every British colony. Hong Kong is no exception. Hong Kong inherited the common law system from the British in the heydays of the British Empire, and more than 150 years later, this common law system is preserved upon the resumption of Chinese sovereignty over Hong Kong under the unprecedented experiment of 'One Country, Two Systems', which is enshrined in our Basic Law. Why is it so important to preserve the common law system? What are its central features? In what ways is it 'common' to the 'common law heritage'? How is it different from the legal system on the Mainland? How and to what extent do the two legal systems interact?

The aim of the Legal system course is to provide students with an understanding of the HKSAR's legal system, its common law foundations and its interface with the PRC legal system within the One-Country-Two-Systems framework outlined in Basic Law. We will be looking at the common law process and the role of personnel who help put the law into motion. We will examine the impact and performance of Hong Kong's legal system through the study of a range of current issues, for e.g., whether the One-Country-Two-Systems experiment has been successful or whether the common law system can indeed function with Chinese characteristics; whether the law is a panacea for all social problems or are there difficult questions which lie beyond the capacities of courts, etc.

A legal system does not exist in isolation. It can only be properly understood in its historical, social, economic and political context. It is therefore important to be able to understand the inter-relationship between different priorities that exist in any modern society. If you go through the newspapers, you will note the large number of controversial issues that constantly draw attention to the fundamental values underpinning our legal system. What do we, as a community, stand for? Does the law reflect those values or is it merely responsive to the circumstances as and when they arise? For instance, it is easy to advocate for equal access to justice, but who should pay for the system? Few would disagree with the primacy of human rights but how do we prioritise different rights when they are seemingly in conflict with other equally important values?

The course seeks to approach questions about the legal system from the broader perspective of the political and social implications of particular legal frameworks. This enables a critical understanding of why the legal system is the way it is, whether it achieves the objectives that society considers important and whether it serves to protect society's fundamental values. How does it protect these values in a continually changing social order? If a system is to gain the trust of its constituents, it needs to be sturdy and its principles should be strong enough to stand the test of time, yet it should not be so inflexible as to yield injustice. How can a system be designed so as to ensure that the needs and rights of all constituents are provided for, including minorities? How should the law and the legal system strike a balance between conflicting values? These are some of the types of questions we will be considering during the course.

Assessment: 10% tutorial participation, 90% examination

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### **CAES1000 Core University English (6 credits)**

The Core University English (CUE) course aims to enhance first-year students' academic English language proficiency in the university context. CUE focuses on developing students' academic English language skills for the Common Core Curriculum. These include the language skills needed to

understand and produce spoken and written academic texts, express academic ideas and concepts clearly and in a well-structured manner and search for and use academic sources of information in their writing and speaking. Four online-learning modules through the Moodle platform on academic speaking, academic grammar, academic vocabulary, citation and referencing skills and avoiding plagiarism will be offered to students to support their English learning. This course will help students to participate more effectively in their first-year university studies in English, thereby enriching their first-year experience.

Assessment: 65% coursework assignment, 35% written examination

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## **SECOND YEAR**

### **LLAW1005 and LLAW1006 Law of tort I and II (12 credits)**

This course introduces students to the tort law system and the general and particularised principles of tort liability. The course begins with a critical examination of the social and economic functions of the tort system. It then proceeds to an examination of the leading case law and principles in the main tort actions, beginning with a detailed analysis of the predominant tort, negligence. Important negligence-related concepts such as vicarious liability, joint and several liability, contribution and limitation of action are considered, as well as the principle remedy for negligence, that of damages for personal injury and death. Torts closely related to negligence such as occupiers' liability and breach of statutory duty are also studied, as are the tort-related no-fault accident compensation schemes for work-related injury and disease. The course then proceeds to a study of trespassory torts, those torts that cause injury or interference through intentional conduct, and the remedies available. Torts causing damage to or interference with property and their remedies are then considered, including trespass to land, nuisance and *Rylands v. Fletcher*. The course concludes with an examination of and the remedies for the torts that protection reputation, principally, defamation.

This course aims to provide a solid grounding in the functions and principles of tort law, the ability to think critically about tort law, and the ability to conduct independent legal research and provide meaningful legal analysis of tort law problems. Through carefully designed learning activities, the course aims to nurture in students the ability to identify tort law issues in the unflagged tort-related events of daily life, and to engage in the independent legal analysis of such unflagged tort-related events.

Assessment:

50% final examination,

20% coursework in the 1<sup>st</sup> semester, including a test accounting for either 10% or 20% and an assignment submission accounting for either 0% or 10% (detailed instructions will be provided on the course website),

30% reflective media diary: begin work immediately in 1<sup>st</sup> semester, submission in 2<sup>nd</sup> semester

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### **LLAW2001 Constitutional law (6 credits)**

Constitutional law is a core component of a legal system. It also constitutes the foundation of a legal system, because it stipulates what are the sources of law in the legal system and how the law is made; it establishes, empowers and constrains the legislative, executive and judicial branches of government; and it regulates the relationship between these organs of government as well as the relationship between the government and the people. From the perspective of the people, constitutional law guarantees and protects their human rights and fundamental freedoms.

In Hong Kong, constitutional law also performs the important function of regulating the relationship

between Hong Kong as a Special Administrative Region of the People's Republic of China (PRC) and the Central Government Authorities of the PRC. Constitutional law in Hong Kong is therefore the legal foundation of 'One Country, Two Systems'. It is also an area of the law which is often the focus of public and media attention. Constitutional law cases and controversies often appear in the Hong Kong press as frontpage news stories. The outcomes of constitutional litigation sometimes not only change the lives of the parties to the case, but also have wide and deep impact on the Hong Kong community and its public and social policies, or the political relationship between Hong Kong and mainland China.

Constitutional law is closely related to politics, political philosophy and history. In students' previous legal studies, they have already come across aspects of constitutional history and constitutional theory (e.g. in the Law and Society course), as well as some constitutional controversies in Hong Kong (e.g. in the Legal System course). We hope that this course on constitutional law will provide for students the opportunity to study the subject more systematically and intensively. However, as it is only a one-semester course, it can do no more than opening the door for students, so that students who are interested in a broader and deeper understanding of the subject may acquire a solid foundation for their future studies in this interesting, exciting and challenging domain of public law.

Assessment: 30% research paper, 70% examination

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### **LLAW2003 and LLAW2004 Criminal law I and II (12 credits)**

Criminal law I introduces students to the principles of Hong Kong criminal law and liability. Topics include the nature and classification of crime, elements of criminal procedure in Hong Kong, the burden of proof and the impact of constitutional human rights, and the general principles of criminal responsibility. Offences considered will include homicide, non-fatal offences against the person, criminal damage and theft.

Criminal law II examines further aspects of criminal law and liability in Hong Kong, including criminal defences, participation and inchoate liability. It will examine the application of the general principles of criminal responsibility in selected criminal offence areas, including homicide, assaults, sexual offences, and theft and deception. Where possible, students will be encouraged to consider alternative approaches to the principles of liability, and to develop social policy analysis skills.

Assessment: 10% magistrate's court report, 30% mid-term examination, 60% final examination

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### **LLAW2013 and LLAW2014 Land law I and II (12 credits)**

Introduction to property and land law.

Acquisition of interests in land: legal and equitable methods.

Concurrent interests under ownership.

Acquisition of possessory title by adverse possession.

Priority: enforceability of interests against third parties.

Leases: nature; creation; termination; relationship of landlord and tenant.

Leasehold covenants: nature; enforceability; remedies.

Licences: nature; revocability; enforceability.

Easements: nature; creation; determination.

Security interests: mortgages; charges.

Assessment: 50% examination at the end of 1<sup>st</sup> semester, 50% examination at the end of 2<sup>nd</sup> semester

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### **LLAW2017    Legal research and writing II (6 credits)**

Legal Research and Writing II (LRW2) is usually taken by students in the second semester of their second year of the LLB programme. It follows on the LRW1 course, the foundational course offered in the first semester of the first year. While the LRW1 course introduces students to basic legal research and writing skills, LRW2 builds on those skills and concentrates on the development of more lawyerly skills including drafting and oral presentation skills.

LRW2 is a skills-training course. It emphasises maximum participation. The lectures and tutorials work in tandem to help students develop skills such as oral presentation, legal drafting, conducting research, problem solving, legal reasoning and persuasive arguments.

The course comprises two inter-related elements:

- a. Drafting – focusing on drafting simple legal documents and skeleton arguments that allow students to develop critical analysis, legal knowledge and legal reasoning.
- b. Oral presentation – focusing on oral presentation of cases, and an ability to engage in verbal legal argument and discourse. This also includes preparing PowerPoint slides and other supporting visual materials.

Pre-requisite: Legal research and writing I

Assessment: 55% written work, 35% oral presentation, 10% class participation

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## **THIRD YEAR AND FOURTH YEAR**

### **LLAW2012    Commercial law (6 credits)**

#### **A:    Sale and Acquisition of Goods**

##### **Transfer of Title**

- The rule *nemo dat quod non habet*
- Exceptions to nemo dat
- Legal and Equitable Interest

##### **Sale of Goods**

- Duties of Seller and Buyer, Express and Implied Terms
- Passing of Property
- Remedies
- Gifts

#### **B:    Personal Property**

##### **Personal Property and Interests in Personal Property**

- Types of Personal Property - Chose in Possession - Chose in Action
- Ownership Possession

- Bailment
- Legal and Equitable Assignment

#### Credit and Security

- Types of Security: Pledges - Liens - Mortgages (other than of land) - Bills of Sale
- Fixed and Floating Charges
- Retention of Title (*Romalpa*) Clauses
- Set-off
- Assignments of Choses in Action: Statutory, Legal and Equitable Assignments
- Rules of Priority
- Banking and Customer Relationship
- Negotiable Instruments: Bills of Exchange

#### C: Consumer Credit and Protection

##### Regulatory Framework

- Money Lenders Ordinance and Pawn Brokers Ordinance
- Function and Power of Consumer Council, Funds for Litigation and Group Litigation

##### Consumer Credit

- Guarantees

##### Consumer Protection

- Unconscionable Contracts Ordinance
- Control of Exemption Clauses Ordinance
- Supply of Services (Implied Terms) Ordinance
- Money Lenders Ordinance
- Protection of Vulnerable Consumers: Misrepresentation

#### D: Agency Law

Assessment: 100% in-hall final examination

### **LLAW2009 Introduction to Chinese law (6 credits)**

A general overview of the legal system and the basic principles of law in force in Mainland China today. Topics to be covered include the historical background to the contemporary Chinese legal system; constitutional law; sources of law; the law-making institutions and processes; the courts, procuratorates and legal profession; basic principles of civil and criminal procedure and administrative litigation; basic principles of civil, commercial, administrative and criminal law; and the impact of globalization on Chinese legal developments.

Assessment: 100% in-hall final examination

### **LLAW3010 Business associations (6 credits)**

This course introduces students to the law of business associations. The two main forms of business association to be covered in the course are partnerships and companies, with a predominant focus on the latter. Students will acquire an understanding of the basic issues in company law, including company formation, corporate personality, the relationship between the company and outsiders, directors' duties, the relationship among shareholders of a company, and the termination of a company. The focus will be on Hong Kong law, and by extension, law from the UK.

The course adopts the usual lecture-tutorial format. The tutorials are highly interactive and students are expected to come prepared and to participate actively in tutorial discussions. There is no prescribed textbook for the course. However, assigned readings will be made available to students through the

course Moodle and a list of additional references will be provided for further study throughout the course.

Assessment: 100% examination

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### **LLAW3093     Administrative law (6 credits)**

The course will introduce Hong Kong's law on judicial review of administrative action. Topics that may be covered in any particular year include: theories of administrative decision-making, grounds of judicial review (errors of law and fact, procedural impropriety, errors in the exercise of discretion, legitimate expectations), the public-private divide, the practical aspects of bringing an action for judicial review, and non-curial means of control and scrutiny of administration action (Ombudsman, Administrative appeals, public enquiries). The course will guide students on how to apply the law in factual scenarios and encourage students to reflect upon various theoretical issues in Administrative law.

Pre-requisite: Subject to special approval by the course coordinator, students taking this course must have completed LLAW 2001 Constitutional law (or its equivalent).

Assessment: 30% research paper, 70% examination

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### **LLAW3094 and LLAW3095     Equity and trusts I and II (12 credits)**

History and nature of equity; equitable obligations (fiduciary obligations, breach of confidence other than trade secrets); equitable remedies (account, rescission, compensation, Lord Cairns' Act, injunction). History and nature of trusts; creation of express trusts (the three certainties, formal requirements, constitution of trusts); offshore trusts; pension trusts in Hong Kong; administration of trusts; variation of trusts; the duties of trustees and rights of beneficiaries; liability for breach of trust, personal and proprietary; resulting and constructive trusts.

Pre-requisite: Law of contract I and II

Co-requisite: Land law I and II

Assessment: 20% class participation, 80% examination at the end of semester 2

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### **LLAW3001     Introduction to legal theory (6 credits)**

This course encourages critical reflection on the nature of law, the central issues of jurisprudence and the concepts and techniques used in the operation of legal systems. Topics to be covered will include the following: assessing the relationships between law, politics and morality; natural law; legal positivism; theories of justice; adjudication and legal reasoning; legal realism; feminist jurisprudence; sociological jurisprudence.

Assessment: 25% in-class group presentation, 75% examination

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### **LLAW 3187     Mooting and dispute resolution (capstone) (6 credits)**

Mooting and Dispute Resolution is a 6 credit compulsory course. The course takes place in both Semester 1 and Semester 2. Course credits are awarded at the completion of the course in Semester 2.

The course is designed to introduce you to the following:

## 1. Appellate Advocacy

- You will participate in a moot.
- You will be in teams of two, acting as Counsel for one of the parties in an appeal from a (fictional) trial decision. You will be required to prepare and submit to the court a skeleton argument of the legal arguments you intend to advance along with a list of authorities. You will also be required to argue the case before the court.
- This course builds upon the writing and oral presentation skills you have developed in Legal Research and Writing II.

## 2. Dispute Resolution Methods (such as litigation, arbitration and mediation).

Pre-requisite: Legal research and writing II

Assessment:

This is a pass/fail course.

In order to pass the course, students must complete all of the following **three** elements:

- (i) Attend one moot coaching session;
- (ii) Attend at least 80% of the lectures; and
- (iii) Participate in one mandatory moot in the competition, including:
  - prepare and submit a skeleton argument at the moot competition to a satisfactory level; and
  - prepare and present an oral argument at the moot competition to a satisfactory level.Please note that for the mandatory moot, **both** your oral presentation and skeleton argument must be of satisfactory standard.

In order to select the semi-finalists and the finalists of the moot competition, and to provide feedback to students on their performance, the moot (written and oral presentations) will be graded. However, the grades will have no impact on the students' GPA.

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### CLAW9001 Practical Chinese for law students (6 credits)

The course is designed to enhance the students' proficiency in the use of the Chinese language in the legal profession. It helps to sharpen the students' skills in writing formal letters, notices, announcements, proposals and reports. As a variety of the Chinese language, legal Chinese has its own distinctive characteristics, which are explored in this course. A special topic in this course is "Characteristics of Chinese Legal Language". The students are trained to express their ideas and views lucidly in Chinese in a legal context. Drilling practices are provided to familiarise them with the simplified forms of frequently used legal terms.

Assessment: 50% written assignments, 50% written examination

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### *Disciplinary electives (listed in alphabetical order)*

(† Prescribed PCLL Pre-requisites)



### **LLAW3113    Advanced issues in information technology law (6 credits)**

This course examines the legal and policy issues relating to information technology (IT). It covers wide range of issues involving how national governments regulate the technology of internet and how private citizens' rights relating to internet are protected such as privacy and personal data, censorship and freedom of expression, civil and criminal liabilities of internet entities (e.g. ISPs and end-users), internet jurisdiction, issues in electronic transactions such as digital signature, computer crimes, selected intellectual property issues (e.g. P2P infringement, business method patent and domain name), and enforcement of law over internet.

Assessment: 100% continuous assessment

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### **LLAW3206    Advanced law of obligations (6 credits)**

This is an advanced-level course that explores the framework of legal obligations. It seeks to deepen students' appreciation of the nature of and relationship between various branches of the law of obligations, and in doing so equip them with the knowledge and skills to master complex transactions in their future practice, where various branches of the law of obligations often overlap.

The course comprises four parts: (1) overview of the nature and foundation of Torts, Contracts, Unjust Enrichment and Equitable Obligations; (2) selected topics to plug gaps of knowledge in important Commercial areas; (3) comparative overview of remedial principles in various branches of the law of obligation; and (4) case studies of hypothetical scenarios where these branches of law interact with each other. The case studies will be based on the topics learned in Part 2, and seek to apply knowledge of these topics to practical fact scenarios.

Assessment: 70% take home examination, 30% mid-term assessment

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### **LLAW3205    Advanced legal theory (6 credits)**

This course provides an in-depth analysis of a number of key themes and texts in legal theory. Each year a core theme is introduced to provide a coherence to the study of several perennial problems in legal theory. This year the theme will be 'Liberty and Obligation'. It has been chosen to allow students to engage with certain key claims and demands that are made by or on behalf of contemporary law and legal institutions, exploring the more or less paradoxical relationship between the binding qualities of law and the promise of liberty it holds out.

The course will work in a sustained way through a range of questions and perspectives so that students gain a deeper knowledge of legal theoretical issues and how they bear on contemporary problems of law in society. These will be explored through a series of engagements with texts, contexts, representations and contestations.

The course is seminar-based and will be taught through a range of materials and disciplinary approaches. These will include conventional scholarly texts in law, politics and philosophy, but may also draw on non-standard resources. The classes will be discussion-based.

Students are expected to pursue their own interests and insights on the issues raised in the course in a 5,000 word research essay. The subject of the essay will be devised by each student individually in consultation with the course convenor. An oral presentation will allow students to articulate their understanding of the ideas being analysed, as well as to answer questions on it.

As this is an advanced level course it is expected that students will normally have already studied some aspect of legal theory or a cognate subject. However, this is not a prerequisite.

Assessment: 80% research essay, 20% oral presentation

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### **LLAW3199    Advanced topics in competition law (6 credits)**

This course focuses on the interface between intellectual property laws and competition law in the two leading competition law jurisdictions in the world: the US and the European Union (“EU”). The interface between these two bodies of law is one of the most complex and controversial, and yet theoretically interesting, areas of competition law. This interface juxtaposes the public policy rationale behind intellectual property laws and competition policy, and requires the enforcement agencies and the courts to strike delicate balances between these two policies. With respect to patent law, for example, the treatment of patent rights under competition law requires the courts to calibrate the provision of innovation incentives without incurring an excessive loss in consumer welfare. Similar tradeoffs are also found in the interface between copyright law and competition law, and to a lesser extent, between trademark law and competition law.

Most of the thorniest issues in the interface between intellectual property laws and competition law arise under patent law. As such, this course will largely focus on the patent competition interface. The first half of the course will focus on the treatment of the exercise of intellectual property rights under US antitrust law, with topics including intellectual property enforcement, tying, unilateral refusal to deal, deceptive conduct in standard-setting organizations, predatory product design, and various kinds of collusive conduct. The second half of the course will cover similar topics under EU law.

Assessment: 100% take home examination

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### **LLAW3214    Advanced topics in constitutional law (6 credits)**

This course will examine the study of constitutionalism at a more advanced level, particularly from both theoretical and comparative perspectives. It builds upon the knowledge that students would have gained after completing a basic course on constitutional law.

We will begin this course with an exploration of constitutional theory. We will examine (i) the nature and rationale for constitutional review, and the various judicial review models available in the common law world e.g. Canadian Charter of Human Rights and Freedoms and the United Kingdom Human Rights Act, (ii) the various “modalities” of constitution argumentation, (iii) the relevance of foreign law in constitutional interpretation, and (iv) the legitimacy and role of judicial “balancing” in rights-adjudication.

In the 2<sup>nd</sup> half of this course, we will also examine the adjudication of specific constitutionally enshrined rights from a comparative perspective. These may include i) due process rights, ii) right to equality, iii) counter-terrorism, and iv) socio-welfare rights. Jurisdictions to be surveyed would include the United States, Canada, South Africa, New Zealand, the United Kingdom, India, Singapore, Malaysia and Hong Kong.

This course will seek to demonstrate how judicial review can and should promote a form of deliberative democracy, a model which eschews the rule of judges as philosopher kings and also one that holds the promise of transformative change beyond the confines of the ballot box. It celebrates a model of judicial ‘penultimacy’ whereby courts are engaging in a continuing constitutional colloquy with the political institutions and the society at large, and participating in a dynamic process in which constitutional meanings have evolved conversationally and are not perfected unilaterally.

### **LLAW3007    Alternative dispute resolution (6 credits)**

In traditional legal studies, the judicial process (courtroom litigation) is often assumed to be the best means of resolving disputes. This adversarial approach shapes the views of future lawyers about the nature and pattern of disputes, as well as the preferred method of dispute resolution. This course considers a non-adversarial approach by analyzing the form and nature of disputes and examining the various methods of dispute resolution (such as judicial adjudication in court). The broad range of “alternative” (or “appropriate” or “additional”) dispute resolution (“ADR”) particularly in the context of Hong Kong and the Asia Pacific region. At the conclusion of this course, students should:

- Be familiar with the analysis of the form and nature of disputes and their incidence in society, the pattern of dispute resolution, the traditional methods of resolving disputes and the potential impact of various social, economic, legal, political and cultural factors on dispute resolution;
- Be familiar with the broad range of alternative methods of dispute resolution encountered in legal practice, and their use and application in Hong Kong and in the Asia Pacific region generally, as well as in a comparative international context;
- Be competent in critically analyzing and evaluating the various alternative methods of dispute resolution (e.g. their advantages and problems) by considering such issues as the legitimate expectations of disputants, quality of and access to justice, public and private costs of ADR and the politics of informal justice;
- Be competent in evaluating the application of ADR methods in various substantive areas and be able to advise future clients about the potential suitability of various dispute resolution processes and prepare them for participation in these varied dispute resolution processes; and
- Have participated in some simulated negotiation and mediation role-play simulations and developed some basic competency in effectively participating in negotiations and mediations. The critical, theoretical and evaluative material will be combined with simulated role-playing exercises for a better understanding of the various dispute resolution methods and processes.

This course is composed of two main parts:

- (a) an introduction to traditional methods of dispute resolution and a critique of their advantages and disadvantages; and
- (b) an examination of alternative dispute resolution methods, which will cover the following:
  - (i) the origin and development of the alternative dispute resolution movement, and
  - (ii) an in-depth study of the following methods: confidential private listening; negotiation, mediation and conciliation; arbitration; good offices/ombudsman; mini-trials/summary jury trials; private courts, dispute resolution centres and online web-based ADR schemes.

These methods of alternative dispute resolution will be examined by considering their present and potential application in Hong Kong and other parts of Asia, in such areas as: administrative complaints, commercial and construction disputes (both domestic and international), labour relations, landlord and tenant disputes and matrimonial disputes. Students will also engage in role playing exercises in simulated negotiation, mediation and arbitration with assessment.

Assessment: 70% research assignment, 30% class participation

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### **LLAW3244     Alternative finance (6 credits)**

Innovative technology creation and development, including financial technology (FinTech) and regulatory technology (RegTech), are increasingly being used by financial institutions and their regulators to enhance regulatory compliance in and supervision of a sophisticated and fast-changing financial sector.

The course will critically evaluate the claim that FinTech—a portmanteau of finance and technology, including blockchain, artificial intelligence, robo adviser solution, big data and automated suspicious transaction monitoring technology systems—has the ability to revolutionise financial inclusion and examines whether RegTech can be used by regulators for tracking and monitoring financial institutions' compliance activities.

RegTech is a new form of FinTech since both are rooted in post-2008 global financial crisis regulatory requirements, although RegTech's development was preceded by that of FinTech. Notably, the causes underlying FinTech's and RegTech's respective developments vary. RegTech is deployed to meet the regulatory challenges created by FinTech. Specifically, RegTech aims to more effectively regulate new commercial transactions facilitated by FinTech, such as payments made through mobile devices and equity crowdfunding through the internet portals which are cornerstones of the proposed course on alternative finance (i.e. internet financing).

Hong Kong is a leading international financial centre; its reputation and strategic role necessitates its work with international community by connecting to the global FinTech industries in the US, the UK, Singapore and China and their regulators in order to create an alternative opportunity to devise smarter financial regulations and better resolution within the FinTech sector.

The course will begin by expounding the role of FinTech in both the shadow banking and the traditional banking systems, followed by an exploration of the types of FinTech-enabled products and payment services such as crowdfunding and P2P lending, and ending with a forward-looking approach in tackling some critical and timely issues related to FinTech, including, but not limited to, financial democratisation, improving access to financial system, sharing economy and privacy protection for consumers.

Assessment: 80% take home examination, 20% group research project

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### **LLAW3140     Animal law (6 credits)**

This course examines the law relating to non-human animals. The course will introduce a range of theoretical perspectives on the way in which we think about animals, with a focus on moral/ethical theories of animal interests and animal rights. The welfare model of animal law, as expressed through relevant legislation and case law, will be critically analysed. While much of the consideration of this law will have an Asian orientation, attention will also be given to international developments in animal law. Finally, the course will explore practical ways in which lawyers may advance the interests of animals.

Assessment: 70% written research assignment, 30% seminar presentation

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### **LLAW3164     Arbitration and conflict of laws in Greater China (6 credits)**

This course will introduce students to the arbitration systems in the Mainland, Hong Kong, Macau and Taiwan, covering their major distinctions in the regulations and practices of arbitration. The course will discuss, as such, main statutes governing arbitrations in the respective jurisdiction, relevant arbitration jurisprudences developed by the courts of each place, and arbitral rules and practices by major arbitration institutions (CIETAC, BAC, HKIAC, CAA and MIA) in the region.

Assessment: 100% research paper

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### **LLAW3112     Arbitration law (6 credits)**

In the world's globalizing economy there has been a dramatic increase in the size and complexity of international business and commercial transactions. The main focus of this cross-listed course will be on the use of arbitration to resolve disputes arising out of such business and commercial transactions. The course will provide a comprehensive introduction to the arbitration law and practice in Hong Kong and students will consider a range of theoretical issues and substantive topics in this course, including:

- overview of the wide range of dispute resolution methods, including arbitration
- fundamental concepts of arbitration law
- legal framework of arbitration law in Hong Kong
- overview of Hong Kong's Arbitration Ordinance and its objectives and principles
- issues relating to the arbitral process and procedure, such as the:
  - o arbitrability of disputes
  - o enforceability of arbitration and submission agreements
  - o appointment and powers of arbitrators
  - o jurisdictional challenges
  - o preliminary proceedings
  - o form of the arbitration hearing
  - o interim and final remedies
  - o evidentiary matters (hearings and discovery)
- rendering of arbitral awards (including challenges and appeal)
- recognition and enforcement of arbitral awards
- interests and costs
- role of the courts in the arbitral process

Assessment: 100% continuous assessment or research paper

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### **LLAW3207     Arms control and disarmament law (6 credits)**

This course will explore all aspects of arms control and disarmament law, including international law-making, supervision, interpretation, dispute settlement and enforcement efforts. By “arms control law,” it is meant the rules and principles that regulate weapons and weapon-related material, which does not necessarily include the actual reduction or removal of those weapons or materials. By “disarmament,” it is meant the rules and principles for the reduction and eventual removal of weapons and weapon-related material. Particular emphasis will be put on weapons of mass destruction (WMD), which include nuclear, chemical, and biological agents and the means to deliver them, inasmuch as the UN Security Council repeatedly has noted that WMD proliferation is a serious threat to international peace and security. International and regional efforts to respond to these threats will be evaluated from a critical perspective. This course also will focus on the international law relating to conventional weapons, including arms trade generally, weapons with non-detectable fragments, landmines, incendiary weapons, laser weapons, riot-control agents, cluster munitions, exploding bullets, expanding bullets and other

questionable methods and means of warfare, all of which will be evaluated from a critical perspective. The interaction between this branch of public international law and others will be explored, including the interaction with international humanitarian law, international human rights law, international trade law, air and space law, collective security law, the law of international organizations, the law of state responsibility and the law of the sea, among others. All of this and more will be analyzed through various case studies and with a critical eye in assessing whether the current legal regime is adequate in meeting the needs of the international community. Potential reforms to the system will be explored through discussion and debate.

Assessment: 80% research paper, 20% general participation in in-class debate and discussion

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### **LLAW3213     ASEAN law (6 credits)**

The Association of Southeast Asian Nations (ASEAN) is a regional community established in 1967 by Indonesia, Malaysia, the Philippines, Singapore, and Thailand to promote political and economic cooperation, and regional stability. By 1999, it has expanded to ten members to include Brunei, Vietnam, Laos, Burma and Cambodia. The ASEAN Declaration in 1967, the association's founding document, formalised the principles of peace and cooperation to which ASEAN is dedicated. With the ASEAN Charter entering into force on 15 December 2008, ASEAN established its legal identity as an international organization and took a leap into a community-building process with the aim of moving closer to 'an EU-style community'. The Charter is an important step towards creating a single free-trade area (FTA) for the region encompassing 500 million people. The ASEAN region has a total area of 4.5 million square kilometers, a combined gross domestic product of almost US\$700 billion. China together with Japan and South Korea participate in the forum ASEAN Plus Three (APT) that functions as a coordinator between the ASEAN and these three East Asian nations.

2017 marks the 50th anniversary of ASEAN. Fifty years on, has ASEAN achieved what it aspired to achieve? As a major regional organization, what arrangements has it made with China, with other countries, and with other international organizations, in order to promote trade and other areas of cooperation? Underpinning these arrangements, what is the role of law? How do the ten ASEAN States reconcile their cultural, economic, legal and juridical differences in order to foster cooperation and function as a single entity?

This course begins with an overview of ASEAN's establishment, its goals and aspirations, before looking at how law is used to govern and regulate relationships between the ASEAN States. This course critically analyzes ASEAN's existence, whether as a legal entity or otherwise, and the way in which it interacts with other major players in international fora. Throughout the course, students are encouraged to engage with the literature, as well as the relevant debates, on important issues relating to ASEAN's development, and how this may impact on trade, stability etc. within the region.

Assessment: 100% essay

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### **LLAW3008     Bank security (6 credits)**

Lending and securities: the role of banks in trade and other financing; lending criteria; forms of securities; securities over goods and documents of title to goods including pledges, hypothecation and liens; financing of international trade including letters of credit, documentary bills of exchange, letters of guarantee and performance bonds; effect of Bills of Sale legislation; guarantees and sureties; set-off; fixed and floating charges; enforcement and realization of securities; general discussion of loan documentation.

Duties of banker in taking securities: undue influence; mistake; misrepresentation; duties to inform or

disclose to customer and third parties.

Court proceedings affecting banker: garnishee proceedings; Mareva injunctions; disclosure orders; insolvency of customer; banker's liability as constructive trustee; jurisdiction and conflict of laws especially in regard to international banking.

(Note: Unless exempted, candidates are required to have taken Banking law before taking this course.)

Assessment: 100% examination

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### **LLAW3009     Banking law (6 credits)**

This course is intended to provide an introduction to the major issues in banking law in Hong Kong. It is primarily concerned with the law governing the banker-customer relationship: the nature of the relationship, the banker-customer contract and termination of the relationship; legal issues relating to joint accounts, trust accounts, and accounts of infants, professionals and business associations; bankers' duties including confidentiality and the duty of care and fiduciary duties in relation to ordinary banking transactions, lending and investment services; including mis-selling claims against banks; bankers' rights including appropriation of payment, lien and set-off; the customer's duties to the bank; bankers' liability as constructive trustee; issues arising from third party intervention such as various types of court orders relevant to the provision of banking services. The money laundering regime will also be discussed from the perspective of legal issues faced by bankers.

The course will include an in-depth study of the law relating to negotiable instruments, predominantly focusing on cheques. Issues relevant to mistaken payments will also be discussed.

In the financing area, there will be an in-depth study of the law applicable to guarantees. The course will also include an introduction to autonomous payment undertakings such as letters of credit and performance bonds, and the key issues relating to bank loans and bankers' security.

Pre-requisites: This course requires fundamental understanding of the laws of contract, tort, equity and trusts, and business associations.

Assessment: 70% examination, 30% written assignment

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### **LLAW3186     Business and human rights (6 credits)**

This course investigates the relationship between business and human rights in the context of globalisation and as a distinct field within the broader corporate social responsibility (CSR) movement. The course will invite students to explore the relevance of human rights standards and norms to business operations and consider the extent to which corporations are or should be bound by human rights law and obligations. The legal, political, economic and social issues arising from the cross-border activities of multinational enterprises (MNEs), particularly in developing countries, will be examined against the backdrop of the growing public demand for greater transparency and accountability. The course will also analyse the role and methodologies of civil society seeking to influence corporate human rights practices, and the ways in which some MNEs have responded to growing pressure to address human rights issues through initiatives that seek to connect CSR, human rights and business strategy by managing reputational risk and promoting human rights as a source of competitive advantage in the marketplace.

Assessment: 70% research paper, 20% advocacy exercise, 10% class participation

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### **LLAW3230 Business of justice clinic (6 credits)**

The Business of Justice is a clinical legal education subject which combines practical experience and academic learning.

Under the supervision of the course instructors and in collaboration with individual legal practitioners and pro bono law firms, students will provide business-related legal assistance to non-governmental and non-profit organizations, innovative start-ups, entrepreneurs and small businesses.

Students will work with lawyers and other professionals to provide a diverse range of services. Working in small groups on allocated projects, students will gain practical legal skills by providing assistance and information to live clients.

The precise nature of the practical experience will vary depending on the needs of the relevant organisations and clients, who will be selected in advance of the academic semester. Clients who apply for the clinic will be selected by virtue of a means and merits test. A priority area of service will be providing assistance to businesses or entrepreneurs with a social or sustainable mission, who do not otherwise have the means to obtain the services necessary.

At the beginning of semester, students will interview clients and/or host organisations in order to define the parameters for the relevant project and to identify plausible deliverables. In assisting hosts and clients, students will apply their existing knowledge of doctrinal law where appropriate, and will be encouraged to use their legal research skills to provide assistance with unfamiliar areas of the law. Students will be encouraged to view both legal need and the law in context, where possible providing or facilitating a holistic range of services for clients.

Students will attend scheduled seminars at the University, taught by Hong Kong University academics. The seminars will facilitate a nexus between the practical legal experience and academic learning, and will assist students in negotiating the inevitable uncertainty they will experience as novice professionals. The focus of the seminars will be skills training, reflective practice, law in context and law and social change. Students will consider how transactional law can advance issues of economic and social justice. During the seminars students will engage in a collaborative learning process, contributing actively through presentations, peer teaching and critical dialogue.

Assessment: 30% class participation, 30% work portfolio, 40% reflective practice

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### **LLAW3138 Carriage of goods by sea (6 credits)**

The following topics will be covered:

1. Types of contract for the carriage of goods by sea.
2. Express and implied terms in contracts of affreightment (concerning seaworthiness, deviation, dangerous cargo, laytime, demurrage etc).
3. Voyage charterparties and time charterparties.
4. Bills of lading and other sea transport documents (e.g. waybills, delivery orders).
5. The Hague and Hague-Visby Rules and proposal for reform (the Rotterdam Rules).
6. Effects of bills lading issued where ship under charter.

Assessment: 100% examination

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### **LLAW3046 Child and the law (6 credits)**



This course covers the law of parent and child with emphasis on the emerging concept of parental responsibility and the rights of the child. It examines the increasing importance of parentage as a status and the effect of Parent and Child Ordinance (1993) on the status of children in Hong Kong. Also examined here is the effect of divorce on children and the enforcement of child support obligation. The course also examines the importance of listening to children in family proceedings and the role of mediation in the settlement of family disputes over children. Also considered is the law of child adoption and protection from abuse and neglect.

Assessment: 100% research paper

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### **LLAW3153     China investment law (6 credits)**

This course provides a comprehensive, informed treatment and analysis of the legal, policy and business aspects of foreign direct investment in China. Areas covered include: current PRC foreign investment policies and priorities, including “encouraged industries”; investment incentives and investment protection; PRC regulatory authorities and government approval process; offshore structures; PRC foreign-related business and investment organizations: representative offices, branch offices, holding companies, foreign investment enterprises (FIEs): Sino-foreign cooperative and equity joint ventures, wholly foreign-owned enterprises (WFOEs), listed and unlisted Sino-foreign joint stock limited companies (JSLCs); practical joint venture contract drafting and operational issues; trading and distribution; technology transfer; conversions; mergers and acquisitions; selected regulatory issues: corporate income taxation, foreign exchange control; FIE debt and equity financing ; out-bound China investment.

Assessment: 100% research paper

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### **LLAW3154     China trade law (6 credits)**

This course provides a focused, legal and policy treatment of China’s conduct and regulation of international trade at both the macro- and micro-economic levels. Areas covered include: China’s participation in the WTO, and in other multilateral, regional and bilateral trade-related arrangements, including ASEAN+ and China-ASEAN FTAs; Regulation of China’s foreign trade: PRC regulatory authorities, PRC Foreign Trade Law, foreign trade operators (FTOs), foreign trade agency: commissioning and entrustment arrangements; PRC customs, licensing and inspection/standards systems, and trade remedies: particularly, China’s anti-dumping regime; WTO, US and EU anti-dumping and subsidies/countervailing codes and related non-market economy (NME) treatment of China’s export enterprises and industries; Trade transactions: standard-form contracts, import-export sales contract issues arising under the PRC Contract Law and CISG.

Assessment: 100% research paper

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### **LLAW 3081     Chinese commercial law (in Putonghua) (6 credits)**

In this course, students will be introduced to the fundamental legal concepts and principles of commercial laws in Mainland China. The course provides students further with the knowledge of commercial law reforms in Mainland China against its development of a market economy as well as their implications in Hong Kong.

The aim of the course is to enable students to develop their basic understanding of the fundamental principles and rules of contract law, company law, partnership law, and their dispute resolutions. The

primary focus of the course is to examine these laws promulgated by the state legislature and pertaining judicial interpretations by the Supreme People's Court. Ancillary state policies and administrative notices will be introduced in class as well.

As a feature of this course, despite that Mainland China follows civil law tradition and mainly use statutes as legal authorities, cases relating to the topic will be discussed to help understand the legal principles. Another feature of the course is that pertaining regulations and practices in Hong Kong will be outlined and compared to for more impressive learning.

Pre-requisite: completion of Introduction to Chinese law or the equivalent and sufficient Chinese proficiency.

Assessment: 80% take home examination, 20% in-class presentation and participation

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### **LLAW3173 Chinese family law in comparative perspective (6 credits)**

This course will study Chinese family law from a comparative and historical perspective. It covers issues such as marriage, divorce, child custody, abuse and neglect, adoption, cross-border marriage and new reproductive technologies.

Assessment: 20% continuous assessment, 80% research paper

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### **LLAW3011 Chinese laws governing foreign investments (6 credits)**

The course will examine the laws and regulations governing foreign investment in China. The focus is not so much on an analytical study of each individual enactment, but on how they all come together to create the present legal and business regime and culture in which foreign investors are to function.

The course will consider the laws governing the activities of foreign investment enterprises (e.g. foreign exchange, labour issues, organizing subsidiaries), foreign investment forms (e.g. equity joint ventures, co-operative joint ventures, wholly foreign-owned enterprises), restricted investments (e.g. banking, other financial services, telecommunications, retail and wholesale trade) and corporate organizations (e.g. companies limited by shares, conversion of state-owned enterprises, holding companies and mergers). The many practical difficulties faced by foreign investors, and the limitations of the current legal framework will be examined.

Assessment: 100% research paper

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### **LLAW 3097 Civil procedure (6 credits)<sup>†</sup>**

The conduct of civil litigation in the High Court and District Court:

- considerations prior to commencement of action;
- legal aid;
- jurisdiction of courts;
- parties and joinder;
- commencement of proceedings;
- service and acknowledgment of service;
- pleadings (Statement of Claim, Defences and Counter-Claims; Reply);
- summary disposal of actions (judgment on admissions; default judgment and summary judgment);
- interlocutory application (interlocutory injunctions, Mareva injunctions, Anton Piller Orders,

- prohibition orders, security for costs, interim payments);
- discovery, further and better particulars, interrogatories;
- compromises and settlements, ADR, sanctioned offer and sanctioned payment;
- case management, sanctions for non-compliance, pre-trial security;
- aspects of the civil trial, preparation for trials and trial procedures, judgment and costs;
- enforcement of judgements; and
- appeals.

Assessment: 100% examination

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### **LLAW3241 Climate change law and policy (6 credits)**

This course will explore legal and policy responses to global climate change, perhaps the most pressing environmental, economic, and social problem facing the world. Special attention will be given to the evolution of the international climate change regime, including the principles, provisions, and key features of the United Nations Framework Convention on Climate Change (1992), and subsequent protocols and agreements adopted thereunder. Although course readings and discussion will focus on existing and proposed responses to climate change, the overarching aim of the course will be to anticipate how the climate change problem will affect our laws and our lives in the long run. Beyond the general significance of climate change to all of us, the course should be of special interest to those who intend to study and practice international law, environmental law, business law, or administrative law.

Assessment: 60% response papers, 20% final project, 20% class participation

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### **LLAW3148 Clinical legal education (6 credits)**

In this course the students will through interviewing real clients and handling real cases under the supervision of the course coordinator and voluntary duty lawyers in the private sector develop lawyering skills such as interviewing, negotiation, communication, facts investigation, legal research and analysis, applying the legal theories and principles to the real client's case or situation, legal writing and drafting, as well as professional ethics and responsibilities. The "course" will consist of the following elements – training sessions and legal clinic work (including attending interview and advice sessions and preparing case summary, legal research memos and summary of advice). The applicants for this course are required to submit an application in prescribed form to the course coordinator for consideration and approval.

Assessment: Students will be assessed on a pass / fail basis by reference to the contents of the portfolio and the course coordinator and the supervising lawyers' feedback on their professional attitudes and competence when they handle clients' cases.

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### **LLAW3198 Clinical legal education (China) (6 credits)**

This is a programme offered to law and mixed degrees students in the Summer Semester. As part of the experiential learning in the Faculty of Law, this course offers an opportunity for Hong Kong students 1) to observe the operation of the Chinese legal system from a close distance; 2) to participate in activities of provision of legal aid to the poor in the Mainland; and 3) to critically reflect the political and legal development in the Mainland.

The summer Internship is placed under the existing Clinical legal education course and offers a scheme of clinical legal education in Mainland China. Each student enrolled in this programme will be placed

in one of the hosting Non-Governmental Organizations (NGOs) in Mainland China between June and August for a period between six and eight weeks. During the placement, the students will work as Interns for the NGOs at the instructions and supervision of the relevant staff of the NGOs.

Hosting NGOs may be located in different parts of China. They include China-based international NGOs such as the American Bar Association's Beijing Office; domestic NGOs such as Yirenping Centre; or University-based legal aid centre such as the Wuhan University Legal Aid Centre. The Faculty will contact and enter into agreements with the NGOs and match NGOs with the student interest subject to availability.

Assessment: 100% continuous assessment

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### **LLAW3210 Clinical legal education programme – refugee stream (6 credits)**

The Clinical Legal Education Programme – Refugee Stream (“the Clinic”) is offered to undergraduate and post-graduate students in the Faculty of Law at the University of Hong Kong (HKU) in partnership with the Centre for Comparative and Public Law (CCPL) and Justice Centre Hong Kong. Justice Centre Hong Kong provides information and individual assistance to claimants and advocates for their rights in policy spheres and through campaigns to raise public awareness and change perceptions.

The Clinic allows law students to learn both the theory and practice of *non-refoulement* law in the Hong Kong. Students will learn the legal framework in Hong Kong for assessing protection needs and develop their legal skills in a real practice setting. Specific skills include: interviewing protection claimants, working with an interpreter, fact investigation, legal research and analysis, and legal writing and drafting.

Students will also have the opportunities to develop professional judgment through encounters with real legal and ethical dilemmas. Students will learn to take a human rights-based approach to legal work, to recognize challenges, to creatively identify options, and to diligently and ethically assist protection claimants.

Students work under the direct supervision of Justice Centre’s Legal Officer and/or other Justice Centre staff.

Assessment: 100% clinical work: Pass/Fail in two components, namely (1) preparation and participation in group seminars and clinical sessions; (2) written work

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### **LLAW3088 Commercial dispute resolution in China (6 credits)**

This course takes students to the areas of significance in the field of dispute resolution in Mainland China, particularly with respect to resolving business and commercial disputes. All major methods of dispute resolution will be examined, including civil litigation, commercial arbitration, and mediation in Mainland China. Some topical issues such as corporate disputes, securities enforcement, private international law, civil justice reform, and cross-border judicial assistance on commercial matters with Hong Kong, Macau and Taiwan will be looked into as well.

Assessment: 70% research paper, 30% mid-term response report

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### **LLAW3139 Communications law (6 credits)**

This course examines how the telecommunication and broadcasting industries are regulated in Hong

Kong, and introduces the main features and problems of the relating legislation and regulation.

Topics may include:

- TV and radio licensing
- Foreign ownership control
- Cross media ownership control
- Content regulation
- Competition regulation in broadcasting sector
- Telecommunications licensing
- Interconnection
- Competition regulation and consumer protection in telecommunications sector
- Convergence
- Interception and surveillance

Assessment: 20% group project, 10% class participation, 70% research paper

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### **LLAW3015    Company law (6 credits)**

1. Corporate entity and limited liability (limited by shares and limited by guarantee) and constitution of a company (articles of association)
2. Capital:
  - the nature and types of capital
  - acquisition of shares:
    - allotment of shares
    - transfer of shares including stamping and registration
    - transmission of shares
3. Capital maintenance rule:
  - distributions
  - reduction of capital
  - redeemable shares
  - purchase by a company of own shares
  - financial assistance for purchase of its own shares
4. Corporate governance:
  - directors: the position and duties of directors; board meetings and decision making process
  - members: the position of members; general meetings; majority rule and minority shareholders' protection
5. Corporate finance: debentures, company charges (fixed and floating charges), registration and enforcement of charges
6. Corporate dissolution and insolvency: winding-up, ranking of claims, unfair preferences, invalidation of floating charges, corporate rescue (schemes of arrangement and informal arrangements)
7. Listed companies (Hong Kong): regulation and; public issues (overview)
8. Corporate taxation (Hong Kong) (overview)

Note: In the dealing with the above topics, there will be a particular emphasis on Hong Kong case law

and the Companies Ordinance (Cap.622) and the Companies (Winding-up and Miscellaneous Provisions) Ordinance (Cap.32).

Pre-requisite: Having taken and passed Business Associations

Assessment: 80% examination, 20% class participation

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### **LLAW3125 Comparative constitutional law (6 credits)**

This interdisciplinary course will survey a combination of fundamental questions and cutting-edge scholarly debates concerning both constitutional drafting and constitutional adjudication. Readings will consist primarily of social science scholarship as opposed to judicial decisions and will have a primarily empirical as opposed to normative orientation.

Law school courses in comparative constitutional law have traditionally focused on constitutional adjudication to the exclusion of constitutional drafting. However, questions of constitutional drafting and constitutional design are of considerable and growing importance. Accordingly, this course will address not only how constitutions are interpreted and enforced, but also how they are created in the first place. The course will begin by considering foundational questions, such as: What is a constitution? What purpose(s) do constitutions serve? What practical effect, if any, do constitutions have? What topics should be addressed by a constitution?

Other topics to be addressed include the process by which constitutions are drafted; the extent to which the content of national constitutions has become standardized; the relationship between constitutional law and international law; the extent to which constitutional courts around the world employ common analytical techniques and the usage of foreign law by constitutional courts. The goal will be to develop an empirically informed understanding of recurring patterns and contemporary standards in constitutional drafting and constitutional adjudication. The course will be conducted in a seminar format, meaning that much of class time will be spent exploring the questions and arguments posed by the material through group discussion rather than through lectures by the instructor.

Assessment: 80% written assignment, 20% class participation

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### **LLAW3204 Comparative constitutional law theories (6 credits)**

This course is designed to examine constitutional law from a comparative and interdisciplinary perspective. It will cover a series of topics arising in the comparative study of constitutional structure and law in countries including the US, Germany, and China. In addition, the course will deal with questions of constitutional purpose, function, design, and rules. In case studies, the course will examine underlying values, the interpretation of constitutional law as well as the role of the judiciary. Readings will be drawn from legal and social science literature, including works from economics and political science. This course is theory-based and has a significant research component.

Assessment: 70% research paper, 20% presentation, 10% participation

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### **LLAW3144 Comparative environmental law (6 credits)**

This course is concerned with how various jurisdictions use law to address environmental problems such as air pollution, land contamination, and deforestation.

What are the factors that influence law-making, enforcement and compliance with environmental law

in each jurisdiction? What problems arise from the “transplanting” of environmental laws from the developed world to developing countries? What can Hong Kong and mainland China learn from the experiences of the United States (US) and the European Union (EU) in environmental law and policy? How does federalism within States and regional economic integration amongst States (such as in the EU) influence the application of environmental law within a nation? These are some of the questions that will be explored in this course.

A practical approach will be adopted in this course to highlight the various policy trade-offs inherent in designing and implementing environmental law and policy. The course will draw upon examples from Hong Kong, mainland China, the US, the EU and other countries in the Asia-Pacific region.

Assessment: 40% continuous assessment, 60% research paper

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### **LLAW3016 Comparative law (6 credits)**

The common law system provides principles and methods for responding to society's needs and values. Some of those principles and methods will be compared with the legal and extra-legal equivalents in non-common law nations. The influence of special social and economic characteristics will be noted. Appropriate jurisprudential theory will be discussed.

Assessment: 10% presentation, 10% class participation, 80% research paper

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### **LLAW3231 Comparative law of elections (6 credits)**

This course will focus on how Asian courts have responded to deficiencies in the electoral processes and the concomitant problem of partisan self-dealing. Specifically, partisan self-dealing occurs when the political actors devise electoral rules that govern voting, political parties, electoral boundaries, apportionment, the administration of elections, and campaign finance that are designed to entrench themselves in power.

This course will examine the landmark election cases in the common law jurisdictions of Hong Kong, India, Pakistan, and Singapore, and also the civil law jurisdictions of South Korea, Taiwan, and Thailand. The course will examine how courts operate when key election results and electoral restrictions are challenged in dominant party democracies, dynamic democracies, and fragile democracies in Asia. This course will also explore how courts address election disputes in Australia, Canada, and the USA.

Prerequisite: Students who have completed a course on constitutional law in Hong Kong or overseas.

Assessment: 70% take home paper, 20% two responses papers, 10% class presentation (or 30% mid-term assignment)

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### **LLAW3191 Comparative family law (6 credits)**

The course focuses on family law issues in a comparative and international context and prior knowledge of family law or comparative law is not required.

Topics include: property and maintenance on divorce; the grounds for divorce; the legal status of cohabitants; legal regulation of adult relationships and changing family constructs; marital agreements (i.e. pre-nuptial, post-nuptial and separation agreement), the relevance of gender in family law and changing one's legal gender; parenthood and parental responsibility.

All topics are covered from a comparative perspective.

This course will be of interest to students and practitioners wanting to acquire an up-to-date understanding of current policy and issues in family law around the world and anyone with an interest in family law, comparative law and social policy.

Assessment: 25% class participation, 75% research paper

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### **LLAW3156 Comparative remedies in trust law (6 credits)**

This course seeks to compare the laws between Anglo-common law jurisdictions and mainland China in relation to remedies available for breach of trust. While the trust has been well established in Anglo-common law jurisdictions, it is relatively new to mainland China, which promulgated the Trust Law in 2001.

The Chinese Trust Law puts in place a general framework for establishing trusts, but leaves a considerable part of the remedies for breach of trust to general remedial principles in civil and commercial laws. Accordingly, the objectives of the present course are two-fold: (1) to compare closely remedies for breaches of common law as opposed to Chinese trusts; (2) to evaluate the merits and demerits of both systems. It is hoped that students will acquire a better appreciation of the importance of the remedial framework in the effectiveness of the trust institution, and the difficulties facing any civil law jurisdiction in adopting the trust.

Assessment: 30% continuous assessment, 70% research paper

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### **LLAW3123 Competition law I (6 credits)**

This course introduces students to basic concepts of competition law (known as antitrust law in the US). Despite being relatively new to the region, competition law has become highly pertinent in East Asia in recent years. In Hong Kong, the Legislative Council finally adopted cross-sector competition law for the city in June 2012. In China, the Anti-Monopoly Law came into effect on August 1, 2008 and has attracted much attention around the world ever since. With its aggressive enforcement stance, South Korea has become a favorite jurisdiction for multinational corporations to lodge complaints against competitors. With increasing cross-border enforcement across the globe, competition law will surely take on yet greater importance in the future.

This course will focus on two of the three main areas of competition law: cartels and restrictive agreements, and monopolisation. It will focus on US law with some attention paid at the end of the course to the new Hong Kong Competition Ordinance.

Assessment: 50% take home examination, 30% case commentary, 20% class participation

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### **LLAW3124 Competition law II (6 credits)**

This course focuses on competition law of the European Union, with references made to the Hong Kong Competition Ordinance (which has come into full operation in December 2015) and, occasionally, US antitrust law. Despite being relatively new to the region, competition law has become highly pertinent in East Asia in recent years.

Given the first and second conduct rules of the Hong Kong Ordinance are substantially modelled on Articles 101 and 102 of the Treaty on the Functioning of the European Union (“TFEU”), the EU case-



law, regulations, and guidelines etc. on Articles 101 and 102 will provide useful guidance to the interpretation and application of the Hong Kong conduct rules. This course will examine in detail Article 101 TFEU (the first half of the course) and Article 102 TFEU (the second half of the course).

Assessment: 60% take home examination, 25% commentary, 15% presentation

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### **LLAW 3098    Constitutional and administrative law in the PRC (6 credits)**

This course consists of two parts. The first part of the course examines the following topics: (1) China's constitutional development and reform, (2) the state system, (3) The status of the Chinese Communist Party, (4) citizen's rights and obligations, and (5) the social and economic system. Through comparative studies, students are expected to understand the major differences between the concepts under the Chinese Constitution and the features of western liberal constitutionalism and the difficulties, as well as perspectives, for China's constitutional reform.

The second part of the course focuses on China's administrative law system. Topics of this part include (1) historical foundation and development of the administrative system in China, (2) comparative studies of Chinese and western administrative law system, (3) administrative review including administrative reconsideration, punishment, and supervision, (4) judicial review or administrative litigation, and (5) state compensation. In contrast to the first part, this part is mainly conducted through case study format. Students are expected to analyse the issues in the cases by applying relevant laws and regulations.

Assessment: 100% research paper

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### **LLAW3196    Constitutionalism in emerging states (6 credits)**

This seminar will examine comparative constitutional law in emerging states. The international debate over human rights and development often takes a top-down perspective (especially in human rights courses), asking what international institutions can do to better address issues of development, government power, human rights and human dignity. This course reverses this perspective, looking at these central issues of our time through a bottom-up constitutional lens. Unlike traditional comparative constitutional law courses that focus on established constitutional systems, this seminar will give greater emphasis to the development context and emerging states. With democratization in Latin America and East Asia, the collapse of the former Soviet Union, the economic and developmental crisis in Africa and South Asia and the Arab Spring, the debate over constitutionalism and its mission has taken on global dimensions. This debate addresses a range of questions. For example, will the rule of law and democracy better promote economic development? Can constitutional institutions such as judicial review, freedom of expression and democracy be successfully established in all societies? What are the cultural dimensions of this problem? Has liberal democracy failed the poor? Does constitutionalism travel well? What institutional emphases might better serve a post-communist society, a very poor underdeveloped country, a rapidly developing society? Does liberal constitutionalism better respond to crises? Will "illiberal democracy" work better? Addressing these questions has become an interdisciplinary project with law, political science and other disciplines.

Assessment: 70% research paper, 20% oral presentation of research paper, 10% class participation (includes two think papers worth 5% each)

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### **LLAW3067    Construction law (6 credits)**

The purpose of this course is to provide an introduction to the subject of construction law in Hong Kong

including

- the construction industry in context the construction industry in context
- roles and relationships of the professions engaged in construction and their regulation
- controls over building
- traditional and new forms of contracting
- procurement strategy and risk management
- tendering and contract formation
- liability in tort and contract
- contractor's and employer's obligations
- responsibility for design, defective buildings and subsequent owners
- time and payment issues
- preparation and defence of contractor's claims
- insurance and bonds
- nominated, named and domestic subcontractors and suppliers
- financial remedies for breach of contract
- suspension and determination of construction contracts

Assessment: 100% continuous assessment

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### **LLAW3223 Construction of commercial contracts (6 credits)**

This course is designed to provide students with an understanding of the principles of construction of commercial contracts. Unlike the substantive law of contract, construction of contractual terms is essentially intuitive in nature, with no rules but, rather, with fundamental guiding principles which have evolved from a large body of case law and, indeed, continue to evolve. It is, therefore, essential that any commercial lawyer has a solid grasp of such principles so as to enable them to anticipate how contractual terms are likely to be interpreted by the court for the purposes of giving advice and drafting contractual documents.

Other than examining the guiding principles of contractual construction, the course will also consider related concepts, such as implied terms, rectification and estoppel by convention, which are also highly relevant to the overall construction issue. To this end, the course will draw on, develop and deepen the knowledge acquired from the Law of Contract (LLAW 1001 & 1002).

Assessment: 70% take home assignment, 30% group project

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### **LLAW3202 Contract drafting and selected legal issues in commercial practice (6 credits)**

This course examines selected topics of Law, including in Contract Law, which are fundamental to commercial practice and the understanding of some commonly seen commercial contracts. The course begins with a refresher on Contract Law. It then proceeds to introduce the fundamental shape, structure and organisation of commercial contracts by looking at various commonly seen commercial contracts. The course also introduces some basic contract drafting skills and plain English writing skills. It then examines the aspects of Law and some technical drafting issues that are routinely encountered by the practitioner by reviewing various essential Common Law concepts and considering the Common Law's attitudes to the commercial world.

This course will be conducted by way of weekly interactive seminars, with the use of practical and interesting case studies and exercises.

Assessment: 10% class participation, 35% written assignment, 55% take home examination

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### **LLAW3200 Copyright and creativity (6 credits)**

The course investigates the relationship between copyright protection and creativity by targeting at creative sectors such as film, music, publishing, and software sectors. Through in-depth analysis of the cases and empirical data involving copyright protection or infringement in these industries, the course aims to assess to what extent these sectors have been benefited from or impeded by copyright protection, how “fair use” system can be employed to achieve a better balance between copyright industries and users/consumers of copyrighted works, whether alternative regimes such as public or free licenses including creative commons and open source initiative are helpful in promoting creativity, and finally, how to capitalise or commercialise the copyrights so that the works can generate financial gain for start-up creative companies or individuals. These issues will be discussed in the context of both traditional and internet-related creative sectors and activities such as parody, file-sharing, snippets and thumbnails, streaming, and copying for non-transformative personal use on internet, iPad or iPhone, and online games. The countries or regions that the copyright laws and creative sectors are examined include but not limited to Hong Kong, the mainland China, the United States and European Union.

Assessment: 80% take home examination, 20% class participation

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### **LLAW3017 Copyright law (6 credits)**

Economic, social and other justifications for copyright protection.  
Requirements for copyright protection under the relevant copyright statutes.  
Rights subsisting under a copyright and its infringement.  
The law relating to industrial designs.  
Reforms of copyright law.  
Comparative study of copyright law in the People's Republic of China and/or Taiwan.

Assessment: 100% research paper

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### **LLAW3183 Corporate conflicts (6 credits)**

With increasing globalisation many corporations today operate beyond their domestic borders. Many businesses operate transnationally by means of a multinational group structure or through the medium of a joint venture. This course seeks to introduce students to the issues that arise in dealings with corporations that have a presence in more than one jurisdiction.

Some of the issues which we will be looking at are: What laws regulate companies that are incorporated in one jurisdiction but operate in another? How are mergers and amalgamations of corporations done when corporations operate in a number of jurisdictions? What are the issues that arise in the transnational collapse of corporations such as those we have witnessed in recent years? How are they dealt with?

The financial and securities markets are grappling today with issues arising from dealings in securities from multiple jurisdictions. We will also consider these issues.

The course will be useful to those who intend to have a corporate practice, or to work in the corporate, securities or banking sectors.

Assessment: 80% research paper, 20% presentation and defense of paper

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**LLAW3137    Corruption: China in comparative perspective (6 credits)**

This course examines the pervasive problem of corruption in the People's Republic of China in comparative perspective. The course aims to combine theoretical understanding of corruption with the best practice in prevention, investigation and punishment of corruption. Subject matters to be covered in the course include perception of corruption, definition of corruption, theoretical observations, case studies on corruption, anti-corruption system, legal framework, education and whistle blowing, and international cooperation.

Assessment: 100% research paper

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**LLAW3232    Courts (6 credits)**

This course takes an interdisciplinary, comparative, and empirical perspective on politically relevant questions concerning the design and operation of courts. Potential topics include the manner in which social scientists study courts; the nature and basis of judicial power; the practical effects of judicial review; the different ways in which a system of judicial review can be designed; the role of courts in nondemocratic environments; the challenges of defining and achieving judicial independence; and the dynamics by which courts expand into the domain of politics. Reading assignments will consist primarily of academic scholarship from social science fields such as political science and economics in addition to law. Every week, students will be called upon in class to critically evaluate and debate the scholarly views that they encounter in the readings, and to go beyond mere recitation or summarization of what is in the readings. The small size of the course is designed to enable the course to be conducted as a true seminar, meaning that the oral contributions of students will form the primary basis for class discussion, rather than lecturing by the instructor.

Assessment: 10% participation, 15% oral presentation, 25% expanded reaction paper, 50% reaction papers

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**LLAW3184    Credit and security law (6 credits)**

The legal aspects of supplying and securing credit in respect of consumers and companies; the legal means of taking security over different types of property.

The forms of credit and security are divided into the "real" securities and the "quasi-securities". The real securities are: charges, mortgages, pledges and common law liens. The quasi-securities include hire-purchase, bills of sale, assignments of the benefit of a chose in action, sales and re-sales, finance leases, retention of title transactions, and many other forms usually involving indirect money lending. All of these forms of security are available to consumers as well as corporate borrowers. A common corporate loan is a charge over book debts. A common consumer loan transaction is a mortgage over land.

Topics to be studied include:

- the concept of security,
- the role of Equity in security transactions, real and personal securities,
- types of business finance,
- insolvency,
- drafting of documentation to achieve particular purposes, and
- remedies.

Assessment: 20% class participation, 80% examination

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**LLAW3099 Criminal procedure (6 credits) <sup>†</sup>**

An introduction to Criminal Procedure in Hong Kong. The conduct of criminal cases in Magistacies, District Courts and the High Court. Police powers including arrest, detention, search and seizure, questioning; remedies for abuse of police powers. Bail: general principles; refusal of bail; conditions; bail applications; offences.

Identification parades and identification evidence: identifications parades; Turnbull identification guidelines and procedures for use at court; dock identification; photo and video identification.

Jurisdiction of criminal courts: territorial jurisdiction; classification of offences; jurisdiction of the criminal courts of Hong Kong. Formulation and amendment of charges. Commencement of criminal proceedings; transfers and committals; indictments; preparation for trial and discovery in criminal proceedings; pleas; plea bargaining; juries and aspects of criminal trials; costs; sentencing options; criminal appeals.

Assessment: 100% examination

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**LLAW3018 Criminology (6 credits)**

Criminology involves a study of the phenomenon of crime and will involve a consideration of the following areas: the definition and nature of crime; the justification and theories of punishment; the various schools which provide perspectives on the understanding of the etiology of crime; the treatment of the offender and crime prevention and control.

Assessment: 100% research paper

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**LLAW3211 Critical theory in legal scholarship (6 credits)**

This course will review the most important developments in critical theory as it relates to law and jurisprudence. We will critically engage with the works of the thinkers connected with the critical tradition in Western philosophy including those by Friedrich Nietzsche, Soren Kierkegaard, Sigmund Freud and Michel Foucault. We will then look at the influence of this critical tradition in Western legal theory including the American legal realists, Critical Legal Studies and the emergence of identity based critical movements. Some of the central questions which we will analyse include: What is critique and why do it? What is the role of critique in social movements lawyering? How to apply critical approaches to the understanding of contemporary legal issues?

Assessment: 65% research paper; 25% class presentation; 10% class participation

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**LLAW3182 Cross border corporate finance: issues and techniques (6 credits)**

The course will provide an understanding of the underlying principles and policies of corporate finance law, and will familiarise students with the actual practices of the markets and techniques of key transactions. It will focus on the consideration and treatment of issues that arise when financing transactions. Seminars to introduce the topics will be augmented by exercises which will be designed to simulate real transactions. Students will be divided into teams, which will be pitched against other teams, role-playing, lawyers, financiers, borrowers/fund-raisers and investment bankers.

The course will be useful to those who intend to work in the corporate and corporate finance sectors, in law firms or investment or commercial banks.

Assessment: 70% research paper, 30% participation in team exercises

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### **LLAW3245 Cross border corporate insolvency: issues and solutions (6 credits)**

Today many corporations operate and have assets and creditors beyond their domestic borders. When these corporations collapse the legal uncertainties that follow their insolvency are a major obstacle to the advancement of international trade and finance.

The course covers:

- The issues that arise in transnational corporate collapses, with particular focus on the conflicts issues of jurisdiction, applicable law, recognition and enforcement; and
- The various approaches that have been suggested or implemented for their resolution

As the title suggests, this is a course about cross border issues in corporate insolvency and their resolution. It is NOT a course on the domestic insolvency laws of any particular jurisdiction.

The conflicts consideration of cross border corporate insolvencies has become critical with globalisation and the increasing transnational nature of corporate insolvencies today. The course seeks to provide students with an awareness and understanding of the issues that may arise so that they will be able to identify them, and deal with them sensibly and appropriately in practice.

Attempts at regional and international harmonisation have not to-date found completely viable solutions. Each of the approaches for the treatment of the issues has its shortcomings. Students will be encouraged to consider these approaches critically, and to formulate their own views as to how the issues ought to be dealt with.

The conflicts considerations and treatment are as necessary before as upon a transnational corporate collapse. Lawyers and investment bankers advising on financing transactions should anticipate and address these issues in the terms of the contracts or in the structuring the financing so that their financier clients are protected in the insolvency of the borrower.

The course should be useful to those who intend to have an international practice, or to work in the corporate, insolvency or financial sectors.

Prerequisite for one of the following categories:

1. Company law by whatever name called including Business associations
2. Private international law (conflict of laws) or courses rooted in conflict of laws such as LLAW3183 Corporate conflicts
3. Insolvency law by whatever name called
4. LLAW3182 Cross border corporate finance: issues and techniques
5. Significant practical experience in insolvency or conflict of laws

Assessment: 80% research paper, 20% oral presentation and defence

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### **LLAW3066 Cross-border legal relations between the Mainland and Hong Kong (in Putonghua) (6 credits)**

The course will focus on the constitutional, criminal and civil aspects of cross-border legal relations, which will include:

The status of PRC constitution and the Basic Law and the issue of congressional supremacy,  
Criminal jurisdictions,  
Repatriation of fugitives and sentenced persons and mutual legal assistance in other criminal matters,  
Mutual recognition and enforcement of arbitral awards and judgments,  
Procedures of cross-border services and evidence taking, and  
Cross-border insolvency and family law matters.

The course will be taught in both Putonghua and English. The medium of coursework and examination will be in Chinese.

Assessment: 100% research paper

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### **LLAW3195     Current issues in Chinese law (6 credits)**

This course will highlight one or more areas of contemporary Chinese commercial law and practice of importance to foreign trade, investment or finance in the People's Republic of China. The subject matter to be covered in the course is not fixed and will vary from year to year. Students will be apprised in advance of the subject of the course to be offered. A reading knowledge of simplified Chinese characters would be desirable.

Assessment: 100% research paper

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### **LLAW3100     Current issues in comparative commercial law (6 credits)**

Consumer protection: product liability; statutory duties; exemption clauses and control thereof.  
Personal property security interest: retention of title, hire purchase, finance lease, sale and mortgage  
hire back, chattel mortgage, etc.

Carriage and storage of goods: general introduction with emphasis on carriers and warehousemen as bailees.

Assessment: 100% continuous assessment

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### **LLAW3092     Current issues in insolvency law (6 credits)**

Insolvency cases in Hong Kong are at an all-time high and the entire insolvency legal regime – including the bankruptcy of individuals and the liquidation and rescue of companies – is in transition. This course will cover both personal and corporate insolvency and will address the ongoing initiatives to reform Hong Kong law.

Detailed knowledge of insolvency law is not a prerequisite. The Hong Kong Corporate and Personal Insolvency Manuals will be assigned and will provide students with both an overview of insolvency law in Hong Kong and a detailed analysis of practical considerations. Discussions in class will consider the adequacy of existing insolvency laws and procedures in Hong Kong and evaluate the strengths and weaknesses of the law reform amendments and proposals. Comparisons will be made with insolvency law developments in other jurisdictions.

There will be four primary areas covered: (1) personal insolvency law (both bankruptcy and voluntary

arrangements); (2) corporate liquidation; (3) corporate rescue (including out-of-court rescues and the proposed Provisional Supervision procedures); and (4) cross-border insolvency.

Assessment: 100% research paper

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### **LLAW3019    Current legal controversies (6 credits)**

The main objective of this course is to examine two or more topical legal issues in Hong Kong and place them in their social and political context. This will both encourage a more profound understanding of ‘law in action’ in specified areas, and serve as an opportunity to bring students up to date in subjects they have studied, but which may have changed in important respects since they studied them. It also allows for a broader analysis of legal problems, their genesis, development and effect than is possible in other courses. This analysis seeks where possible to straddle the borders of discrete law subjects and to consider the general question of the reform of the law.

Assessment: 100% research paper

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### **LLAW 3101    Cybercrime (6 credits)**

‘Cybercrime’ refers to computer-mediated activities which are either criminal or regarded as illicit and which can be conducted through global electronic networks. It encompasses cybercrimes against the person (e.g. cyber-stalking, cyber-pornography), cybercrimes against property (e.g. hacking, viruses, causing damage to data, cyber-fraud), and cyber-terrorism. The computer age has also provided organised crime with more sophisticated and potentially secure techniques for supporting and developing networks for a range of criminal activities, including drugs-trafficking, money laundering, illegal arms trafficking, and smuggling.

Cybercrime poses new challenges for criminal justice, criminal law, and law enforcement. This course will examine the nature of and problems created by cybercrime, along with some of the legal and policy challenges arising in relation to the development of national and international law enforcement and regulatory responses to cybercrime.

Assessment: 60% research paper, 40% assigned research, review and presentation

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### **LLAW3127    Dealing with legacies of human rights violations (6 credits)**

This course will examine the ways that nations around the world have dealt with, and are dealing with, legacies of gross violations of human rights of the past. It will draw from several disciplines but will be dominated by the legal approach which is firmly rooted in the right to an effective remedy for gross violations of human rights and the duty of States to investigate, prosecute and punish such acts. Issues to be examined will include the policy choices that nations emerging from sustained periods of repression or armed conflict have to make, and the types of mechanisms that have been employed by countries that have sought to deal with such situations. The course will, inter alia, examine whether there is a chasm between the striking promises made by the ubiquitous use of terminology such as ‘truth’, ‘justice’, ‘healing’ and ‘reconciliation’ and reality. How does public opinion, most significantly, the views of victims and survivors, fit into international diplomacy and local politics? What role can traditional dispute resolution play? The course will also examine the work and effectiveness of international criminal tribunals, ‘internationalised domestic courts’, commissions of inquiry, and other methods of reckoning with past wrongs in societies around the world, as well as consideration of new processes that are evolving.



Assessment: 15% class participation, 35% group exercise, 50% research paper

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**LLAW3237    Designing dispute resolution systems: public and private sector applications in a global perspective (6 credits)**

This course explores the design of mechanisms and processes oriented toward the resolution of conflict in both the public and private sector. The course will cover creative problem solving, organizational dispute resolution, sustainability and principles of conflict management in diverse regions. The approach of the course will be both theoretical and participatory in nature. Students will participate in a group action-research project involving one area of dispute system design.

Assessment: 100% action / research paper

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**LLAW3179    Digital copyright (6 credits)**

The course will examine issues relating to copyrights in digital media.

Assessment: 100% continuous assessment

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**LLAW3246    Disability rights clinic (6 credits)**

This course will provide an opportunity for HKU students to gain knowledge and practical experience in the rapidly developing area of disability rights law. Both for students who will work outside the corporate sector and also within the corporate sector, a working knowledge of disability law is imperative. In recent years, disability law has gained attention and prominence. As a result, there is demand for lawyers with knowledge and experience in this area. This is an area of law that touches all others; for example, from employment law, to education, medical, criminal and tort law. As such, it is desirable even for graduates who will work in private practice to have a working knowledge of disability law.

Through partnerships with innovative and progressive disability rights groups (both domestically and internationally), students will acquire substantive knowledge in international human rights law and disability rights law while actively applying the knowledge to practice through providing service to the community.

The Disability Rights Clinic will challenge students to identify, research, analyse and report on rights violations experienced by people with disabilities. Weekly seminars will incorporate both substantive knowledge and practical skills training.

No prerequisite but a prior or concurrent course in international human rights law is recommended.

Assessment: 50% clinical project, 20% two critical essays, 20% class participation (including leading one class discussion), 10% weekly reflection

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**LLAW3119    Dispute settlement in the WTO: practice and procedure (6 credits)**

This course is a specialised seminar on issues that arise in the context of WTO law and its dispute settlement processes. It will unfold along three themes: the foundations of WTO law; the law and policy of dispute settlement in the WTO; and, practice and procedure before WTO dispute settlement and arbitral Panels and Appellate Body (AB). The first theme will review the sources of WTO law, its

relationship with, and status within, the legal systems of WTO members. This includes an analysis of the standards of WTO review applicable to national measures applied by its Members within their own domestic legal systems, and the effects of WTO dispute settlement mechanisms on certain fundamental dimensions of national sovereignty.

The second theme will consider the provisions that establish and govern the processes and institutions for the settlement of disputes in the WTO. The principles that govern WTO dispute settlement will be explored, and the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) will be examined in some detail. Equally, particular attention will be given to specialised rules that are applicable to the settlement of disputes arising from the operation of a number of WTO Multilateral Agreements on Trade in Goods (MTAs), the General Agreement on Trade in Services (GATS), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), and the Plurilateral Trade Agreements.

The third theme will address issues concerning the scope of the jurisdiction of the WTO Panels and AB, practice and procedure related to claims and defences, stages of pleadings involved before the Panels and AB, evidentiary requirements, adoption and implementation of the decisions (“reports”) of the Panels and AB, as well as available remedies for breach of WTO obligations, and in particular, for failure to implement a Panel or AB decision.

Assessment: 100% continuous assessment

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### **LLAW3151    E-business law (6 credits)**

More and more companies and organisations are embracing information technology to add value to their business and to remain competitive. In the e-business environment, on one hand, existing law is being applied in a new setting. On the other hand, development of law is needed in order to address specific issues that online business creates.

The course looks at the main legal issues generated by the developments in e-business, their possible solutions and how to strategize and create value in the e-business context accordingly.

Topics to be covered include the international and national framework for e-business, branding and trade marks, contractual issues of online trading, online security issues, privacy and data protection, liabilities of online service providers, online tort issues and jurisdictional issues.

Prior knowledge is not required.

Assessment: 40% written assignment, 60% research paper

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### **LLAW3020    Economic analysis of law (6 credits)**

This course introduces students to the economic analysis of the law as a set of tools for analyzing laws and understanding the effect legal rules have on the way people behave. This course also explores the extent to which the principles of economics can be used to explain the workings of the legal system itself. Students will learn how to construct and critique basic economic models of the incentive effects of different legal rules and institutions.

The topics covered in this course include the Coase theorem, the choice between property and liability rules, the allocative effects of alternative liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; the economics of legal procedure; and public choice. Particular attention is paid to applying economic analysis to contemporaneous law and policy

controversies in Hong Kong and East Asia.

The course neither presumes nor requires a background in economics.

Pre-requisite: Law of contract

While not mandated (unlike the prerequisite of contract law), students who are in their final two years of their undergraduate study (3<sup>rd</sup> and 4<sup>th</sup> year for LLB; 4<sup>th</sup> and 5<sup>th</sup> year for double degrees) are in a better position to take full advantage of the course.

Assessment: 80% examination, 20% class participation

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### **LLAW3117    Economic, social and cultural rights (6 credits)**

This course will begin with a discussion of the theoretical and historical development of economic, social and cultural rights (“ESC rights”) under the international human rights system. It will then examine the sources of ESC rights, the obligations of states and the implementation of ESC rights at both international and domestic levels. Among the substantive contents of ESC rights, the course will study the right to food, the right to water, the right to the highest attainable standard of health, the right to work, the right to social welfare, and the right to housing. The course will also look at approaches to monitoring and advocacy strategies for the realization of ESC rights.

Assessment: 70% research paper, 20% case comment, 10% class participation

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### **LLAW3063    Emerging markets: finance and investment (6 credits)**

Consideration of the fundamental regulatory and contractual aspects of financing and investment in developing countries and transitioning economies. Specific subject matter will include the role of law in economic reforms, financial sector reforms in emerging economies, basics of infrastructure financing from the countries perspective, debt rescheduling, privatisation, regulation of foreign direct investment and related dispute resolution considerations from the emerging countries perspective.

Assessment: 100% continuous assessment

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### **LLAW3218    Energy law (6 credits)**

Energy law became recognised as a distinct subject following the energy crisis that resulted from the 1973 Arab-Israeli War. This course will introduce Energy law which concerns the laws and regulations that relate to the process and technology of production, distribution, conservation and development of carbon-based energy sources such as coal, oil and natural gas; non-carbon-based sources such as nuclear power; and renewable clean sources such as hydroelectricity, solar and wind power. More specifically, this course will introduce the law concerning the title, usage, development and control of those natural resources and technology which are used to manufacture energy. This specialisation is important because the energy industry remains to be a non-static, technologically developing, but heavily regulated and strategic, sector of the economy.

Areas covered in this course will include: the history of energy law; basic principles of energy law; theoretical perspectives on regulations as part of the modern legal system; regulatory issues for different types of energy; the common law rules of ownership; statutory ownership of sources; the law relating to the development of sources and technology; international energy investment law; soft regulatory laws in developing countries; alternative regulatory instruments; market mechanics; the role of law and the

development of renewable energy technologies; national and supranational regulatory changes; regulatory developments in China; environmental regulations of energy and natural resources; territorial disputes over energy sources; nuclear power and the law; regulations of company structures and/or performance; regulating the largest (energy) companies in the world.

Assessment: 30% class participation and presentations, 70% examination

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### **LLAW 3071    Equality and non-discrimination (6 credits)**

Equality and non-discrimination are universally regarded as fundamental human rights principles that underpin - and are necessary prerequisites to - the enjoyment of all human rights and freedoms. Indeed most of the major international human rights treaties as well as many national constitutions articulate rights to equality and non-discrimination either in general terms or with reference to a range of grounds such as race, gender, disability, religion, etc. Despite its prominent position in human rights law, the precise scope and meaning of equality remain contested and enforcement bodies have sometimes provided contradictory or conflicting interpretations. In other words, equality can mean different things to different people. This course considers how the law reflects, and might support the realization of, particular concepts of equality. It also examines the potential and the limits of the law as a means of achieving social and political change.

Assessment: 100% essay

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### **LLAW3247    Ethical lawyering for public interest (6 credits)**

This course will introduce students to ethical lawyering for public interest. It seeks to enhance the knowledge, skills *and in particular, legal ethics and professionalism* required of students interested in pro bono and other public interest works in both private and public sectors. The course will *teach through experiential learning* in the form of engaging in dialogues with lawyers and other stakeholders in different public interest law practice areas, as well as court visit.

The seminars are based on the five broad themes: (1) legal ethics and professionalism in lawyering; (2) connection between professional values and lawyers' roles and practice; (3) relationship between lawyering and public interest; (4) professionalism and public interest lawyering; and (5) public interest lawyering skills and strategies.

Assessment: 80% research paper, 20% legal writing

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### **LLAW3091    Ethnicity, human rights and democracy (6 credits)**

Most of the world's conflicts since the end of the Second World War involve ethnic groups against their own country's government, often claiming oppression or violation of their rights by these same authorities. The course examines the causes of this rise of ethnicity, and how majoritarian and liberal democracies – and other forms of government – at times seem to clash with international human rights standards in relation to these ethnic groups. It seems recent developments in the understanding and application of human rights and international law respond to this clash: the rise of rights of indigenous peoples, new modes of expression of self-determination, developments in the rights of minorities, various forms of autonomy to respond to collective claims, and the adaptation of human rights in order to better reflect and protect individuals belonging to ethnic groups facing a non-neutral state.

Assessment: 60% research paper, 30% test, 10% class participation

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**LLAW3102 Evidence I (6 credits)<sup>†</sup>**

The course covers the major topics typically included in an introductory evidence course: relevance, admissibility, residual discretion, burden and standards of proof, proof without evidence (presumptions, judicial notice and formal admissions), competence and compellability, refreshing memory, attacking credibility, prior statements, character evidence, similar fact evidence, opinion and expert evidence, hearsay, confessions, consciousness of guilt, exclusion of evidence for violations of human rights, and legal professional privilege.

The emphasis in this course is on rules of admissibility as opposed to trial procedure. However, a full understanding of these rules and their rationale requires a basic appreciation of trial procedures and practices. Consequently, students are advised to gain some knowledge of trial procedures early on in the course.

Assessment: 85% examination, 15% district court report

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**LLAW3103 Evidence II (6 credits)**

The course is intended to provide an opportunity for (a) in depth study of specialist areas of the law relating to evidence and procedure and (b) introducing students to different approaches towards problems of proof suggested by scholars in other disciplines.

Topics for study will be selected on a yearly basis from the following list: expert evidence; similar facts evidence; police practices and a fair trial; public interest immunity; interrogatories and other forms of admission; the use of forensic science; probability theory and proof; comparative evidence and procedure; admissibility/relevance of the confessions of third persons; evasions of the hearsay rule; features and problems of identification testimony; pre-trial and trial experiments; reforms; codification, together with any current controversies or developments in the general area of evidence and procedure the teachers or students find appropriate or interesting.

(Note: Students enrolling for this course must have completed Evidence I or an equivalent course.)

Assessment: 25% continuous assessment, 75% examination

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**LLAW3220 Gender, sexuality and the law (6 credits)**

This course explores the ways in which the law regulates sexual behavior, and considers the roles it plays in constructing sexual identities. It examines issues recurrent in discussions of gender and sexuality, including the oppositions between normality and deviancy, the public and the private, and autonomy and community. Comparative perspectives will be considered where appropriate. While the course focuses on case law and doctrine, it also has a strong jurisprudential dimension, and includes extensive readings in legal and cultural theory. There are no prerequisites, though students should have an interest in both case law and theory.

Assessment: 50% final paper, 30% mid-term paper, 10% class presentation, 10% participation in class discussion

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**LLAW3165 Global business law I (6 credits)**

Global business law I deals with the growth of a business from being a mere domestic seller all the way

through to its decision to become a foreign investor operating half-way across the world. In the course of that growth it will face international litigation, arbitration, choices about business from abroad, lawsuits abroad, investment treaties, its own lawsuits against foreign “host” states, and questions about how it plans to finance its foreign ventures.

Assessment: 70% take home examination, 30% class participation

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### **LLAW3166    Global business law II (6 credits)**

The course employs a problem-oriented approach, and focuses on the law in action; namely, strategic choices which a business engaged in international trade would face.

The course starts off by introducing the global trading system (GATT, WTO, etc.). The first few weeks will introduce students to a problem faced by a firm which is either trying to sell or buy from abroad but faces a host of regulatory barriers. Some of these barriers are in the form of tariffs, others are not. While some firms are manufacturers seeking new markets abroad, others are domestic retailers or manufacturers trying to source internationally for cheaper goods or manufacturing inputs.

We will then address the case where the firm is not selling abroad, but wishes its own government to purchase its products to the exclusion of foreign products.

The course then turns to a different kind of business problem. What happens when a domestic firm finds itself facing such stiff competition from foreign imports that its very survival may be at stake? What tools are available to it to fend off such competition? When can such a firm claim that competition from abroad is “unfair”, and does the law recognise such claims? Should it? In other cases, competition may not be unfair, but can the firm claim that it should be protected by its government nonetheless? What can other firms do in response to such action?

All these problems involve public/governmental regulation. To that extent we are dealing with public law. However, the issues we will address matter to whether a business will fail or succeed, depending on the available rules and how such rules may be used by these firms.

While we will be using a US casebook, many of the issues you will encounter are universal. The more minute details of the US regime may be peculiar in places, but there is in fact a high degree of world-wide convergence in the sorts of trade rules we will encounter due to widespread membership of the WTO. By using a US casebook, we also benefit by learning from a body of trade rules which has had a genuine, historical impact on the evolution of the global trading system. For many participants in the course (excepting exchange and other students from US law schools), there will be an opportunity to explore the rules of a major export market and to learn some US law. Most importantly, the casebook we will use is probably the best of its kind in introducing the subject from a business viewpoint.

Assessment: 70% take home examination, 30% class participation

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### **LLAW3169    Globalization and human rights (6 credits)**

The course explores the relationship between rights and globalisation. Globalisation is a complex process whereby ideas, technologies, people, and capital move from one place to another, resulting in the greater integration of the world. The spread of the idea of human rights itself, particularly under the aegis of the United Nations, is itself a consequence of globalisation. At the same time, there are other trends in globalisation which threaten the enjoyment of rights: the rise of corporate power, the weakening of state authority, the dominance of the market as the matrix for social, political and economic power, and the downgrading of social rights. Globalisation enables us to explore the

connections between political and economic rights, the limitations of rights as applied only against state authorities, and the debate on universalism versus relativism as different cultures are juxtaposed with the movements of peoples and cultures.

Assessment: 100% research paper

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### **LLAW3080 Governance and law (6 credits)**

This course seeks to understand why the state regulates certain activities and behavior in society, what different forms of regulation exist, when and what kind of legal regulation is deemed necessary, how legal regulation is enforced, and checks balances against abuse in enforcement. This course is jointly taught by staff from the Department of Politics and Public Administration and the Department of Law. The main objective of the course is to explore the interface between the study of Politics and Law in understanding governance. Relevant case studies will be included for illustration and discussion.

Assessment: 50% examination, 30% research paper, 20% group project presentation

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### **LLAW3203 Guided research (6 credits)**

This course is about legal scholarship. Students will acquire the skills of effective legal writing and research (including the choosing of research topic; different research methodology/techniques; framing of and responding to critical legal argument; problem of plagiarism) through producing a research paper under the supervision of a faculty member and participating in a series of workshop meeting sessions. Learning activities during the meeting sessions will primarily consist of presenting one's research topic/idea, engaging in others' research topic/idea, and collective discussions about the characteristics of good legal scholarship.

Given the unique manner in which this course is conducted as compared to other law courses, students should pay particular attention to the following administrative matters when selecting the course.

First, students are responsible for finding a faculty member who is willing to supervise the students on their research projects. Different faculty members have different considerations and requirements on the decision to supervise a student, but it is typically expected that the student when approaching the faculty member should have a reasonably viable research topic/proposal that falls into the research/teaching interest of the proposed supervisor. Students are strongly encouraged to secure the consent of their desired supervisor prior to the end of the add/drop period. Failure to do so run the risk of not being able to find a supervisor and/or complete the required paper within the time constraint of a semester – and the consequential failure of the course. On the flip side, students may, if approved by the their respective supervisors, begin their supervised research and writing prior to the formal registration of the course (e.g., in the presiding summer vacation prior to registration in Semester 1, or in Semester 1 prior to registration in Semester 2).

Second, as reflected in the 10% class participation mark, the workshop meeting sessions are integral to the educational objectives of this course. Failure to regularly attend and participate in the meeting sessions will result in averse deduction in the 10% class participation mark, including a zero score. Conflicting schedule with other classes/tutorials, overseas exchange, internship etc are not acceptable reasons for absence, so please plan accordingly when making your course selection.

Third, the expected word count of the research paper is between 6000 to 8000 words, though the supervisor may stipulate otherwise. To qualify for a Designated Research Course credit, the word count of the paper cannot be less than 5000 words.

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Assessment: 90% research paper, 10% class participation

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### **LLAW3217     Guided research II (6 credits)**

This course is about legal scholarship. Students will acquire the skills of effective legal writing and research (including the choosing of research topic; different research methodology/techniques; framing of and responding to critical legal argument; problem of plagiarism) through producing a research paper under the supervision of a faculty member and participating in a series of workshop meeting sessions. Learning activities during the meeting sessions will primarily consist of presenting one's research topic/idea, engaging in others' research topic/idea, and collective discussions about the characteristics of good legal scholarship.

Given the unique manner in which this course is conducted as compared to other law courses, students should pay particular attention to the following administrative matters when selecting the course.

First, students are responsible for finding a faculty member who is willing to supervise the students on their research projects. Different faculty members have different considerations and requirements on the decision to supervise a student, but it is typically expected that the student when approaching the faculty member should have a reasonably viable research topic/proposal that falls into the research/teaching interest of the proposed supervisor. Students are strongly encouraged to secure the consent of their desired supervisor prior to the end of the add/drop period. Failure to do so run the risk of not being able to find a supervisor and/or complete the required paper within the time constraint of a semester – and the consequential failure of the course. On the flip side, students may, if approved by their respective supervisor, begin their supervised research and writing prior to the formal registration of the course (e.g., in the presiding summer vacation prior to registration in Semester 1, or in Semester 1 prior to registration in Semester 2).

Second, as reflected in the 10% class participation mark, the workshop meeting sessions are integral to the educational objectives of this course. Failure to regularly attend and participate in the meeting sessions will result in adverse deduction in the 10% class participation mark, including a zero score. Conflicting schedule with other classes/tutorials, overseas exchange, internship etc are not acceptable reasons for absence, so please plan accordingly when making your course selection.

Third, the expected word count of the research paper is between 6000 to 8000 words, though the supervisor may stipulate otherwise. To qualify for a Designated Research Course credit, the word count of the paper cannot be less than 5000 words.

Pre-requisite / co-requisite: LLAW3203 Guided research

Assessment: 90% research paper, 10% class participation

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### **LLAW3133     Healthcare law (6 credits)**

Health care structure in Hong Kong: private health care and Hospital Authority; health insurance; complaint and investigation procedures; Hong Kong Medical Council and professional misconduct; other healthcare professionals e.g. psychotherapist and radiologist.

Medical treatment: consent to medical treatment; assessment of competence; role of expert witness; consent by and on behalf of a MIP and MHO; voluntary patients; compulsory detention; mental health review tribunals; medical negligence.

Beginning life: family planning; contraception; sterilization; abortion; child destruction; infanticide,



wrongful conception, and wrongful life.

Confidentiality: access to medical records; personal data and privacy; reporting statutes; AIDs; protection of genetic information.

Use of body parts and bodily materials; human experimentation: embryo and fetal research; rules governing clinical trials; liability for injuries; the role of institutional ethics committee.

Complimentary medicine: Chinese medicine; Chinese Medical Council; integrating Chinese medicine

Assessment: 30% continuous assessment, 70% research paper

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### **LLAW3236 Heritage law (6 credits)**

The content of this course consists of examining recent cases and scholarly works of experts who are participants of the debates in the protection of cultural heritage and are therefore contributors to the cumulative development Heritage law. The point of departure is the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Preamble of which provided the notion of cultural heritage as an 'international public good'. This provides that 'damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind'.

The aim of this course is to introduce Heritage law by providing a coherent entry point to the field by first approaching the subject from an international perspective. This is followed by looking at samples of existing and evolving heritage laws *vis-a-vis* state practice, and then critically examines the legal protection of cultural heritage, at both the international and national levels. Thus, this course starts with the general principles of protection at the international level before turning to the enforcement in domestic courts, and subsequently to the role of alternative dispute resolution, thereby providing a broad outline of the variety of methods that cultural heritage property can be protected.

Assessment: 100% essay

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### **LLAW3047 Hong Kong Basic Law (6 credits)**

The background to the Basic Law (the Joint Declaration and the process of drafting and agreeing on the Basic Law), basic Chinese and Western liberal constitutional concepts relevant to an understanding of the structure and orientation of the Basic Law, the relationship of the Basic Law to the Chinese Constitution, the relationship between the Hong Kong Special Administrative Region and the Chinese central government, the institutional structure of the Hong Kong SAR, especially the relationship between the executive and the legislature, the concept and special aspects of 'one country, two systems' (e.g. the economic system preserved in the Basic Law), human rights, judicial review and constitutional litigation.

Assessment: 30% continuous assessment, 70% research paper

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### **LLAW 3110 Human rights and cyberspace (6 credits)**

The exponential growth of the Internet and World-wide web provides great opportunities for and poses significant challenges to enjoyment of human rights in many years. This course will examine a number of areas in which the Internet revolution has provided new tools and opportunities for promoting the enjoyment of human rights, as well as for enabling violations of human rights:

- The use of the Internet for building human rights networks for the dissemination of information and the co-ordination of action at national and international levels.
- Issues of access to technology, in particular the opportunities for persons with certain disabilities provided by IT developments, the problems of accessibility and the legal obligations of e-service providers to ensure that their services are accessible to persons with disabilities.
- The use of the Internet for the dissemination of racist material and other forms of offensive material.
- Cyberstalking and harassment through the Internet.
- The global dimensions of the Internet: the difference between rich and poor, the issue of language.
- Gender and the Internet.
- Freedom of expression and the Internet.
- Jurisdictional and substantive law problems in relation to human rights and the Internet.
- Use of the Internet by non-governmental organisations for building international networks and co-ordinating activism of human rights issues.

Assessment: 80% research paper, 20% participation

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### **LLAW3168 Human rights and governance (6 credits)**

This course will examine the international and regional guarantees of the right to self-determination, its relationship with the democratic process and other democratic rights, sovereignty and self-determination, and the rights of minorities. The course may include particular emphasis on the relationship between human rights and the process of democratisation or transition from authoritarian regimes to democratic governments.

Assessment: 100% take home essay

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### **LLAW3062 Human rights in China (6 credits)**

This course will examine the international and domestic dimensions of the protection of human rights in the People's Republic of China. It will examine the applicability of international human rights standards to the PRC, the stance of the PRC in relation to international national mechanisms for the protection of human rights, and the place of international standards in domestic law. The course will consider the theoretical debates about the origin and contingency of human rights standards, questions of priorities in human rights, and the issue of rights in Chinese cultural contexts. It will also examine the extent of human rights protections available under the Chinese constitution and other laws, and will focus on selected issues, which may include the criminal justice system, freedom of expression, freedom of association, freedom of religion, labour rights, gender discrimination, and minorities/self-determination. The course will also examine the social and political forces that may contribute to the improvement of human rights in China.

Assessment: 100% research paper

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### **LLAW3022 Human rights in Hong Kong (6 credits)**

History of enactment, the Bill of Rights Regime, ICCPR, implementation of human rights treaties, Basic Law, interpretation, scope of application, inter-citizen rights, *locus standi*, permissible limitations, derogation and reservation, enforcement and remedy.

Study of selected rights, including civil and political rights, economic, social & cultural rights and people's rights. Topics covered include impact on civil and criminal process, right to a fair and public trial, arrest, search and seizure, torture and degrading treatment, liberty and security of person, freedom

of association and assembly, freedom of expression, right to nationality, right to family, right to political participation, discrimination and equality, right to housing, social security, education and the environment. The exact topics to be covered may change from years to years.

Assessment: 30% short paper, 70% research paper

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### **LLAW3222 Human rights in practice (6 credits)**

The Human Rights in Practice course aims to provide students an opportunity to learn how human rights lawyers, advocates and practitioners engage with human rights issues both domestically and internationally, through experiential learning. Students will engage substantively with different areas of international law and collaborate with select NGOs on human rights projects. Students will explore and experience first-hand the relationship between international human rights law and the Hong Kong legal system.

The course seeks to empower and equip students with the skills and knowledge necessary to excel in the changing global legal environment by providing them with the opportunity to work on cutting-edge international legal issues while serving the community.

Specific skills taught include interviewing; working with an interpreter; “client” relationships when working with an NGO; oral advocacy; collaborative and community-based lawyering; design and implementation of interactive legal trainings; negotiation; fact investigation; needs assessment; domestic and international legal research and analysis, including comparative legal research; and legal writing and drafting.

Assessment: 5% proactive and independent leadership in weekly small group meetings, 5% demonstration teaching session, 10% participation in seminar and Street Law Training, 20% reflective essays/reading responses, 30% community legal education teaching, 30% final written work product for partner organisation

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### **LLAW3083 Human rights: history, theory and politics (6 credits)**

This course will consider the evolution of concepts of human rights from historical, political, theoretical and philosophical perspectives. The Western traditions of human rights and the challenges to them will be examined. The issue of universal standards and cultural relativism and the political economy of human rights will also be examined, including the challenge to the dominant Western paradigms by the proponents of Asian values in interpreting and implementing human rights. Theoretical and practical questions relating to violations of human rights by non-State actors will also be considered, as will the impact of globalisation on the enjoyment of human rights. Feminist challenges to the dominant models and practice of human rights will also be examined.

Assessment: 100% continuous assessment

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### **LLAW3065 Information technology law (6 credits)**

This course examines the legal and policy issues brought forth by technological advances in information technology. Topics to be covered include, but are not limited to, the following:

Copyright protection for computer programs and databases.

Patent protection for computer-related inventions.

Semiconductor chip designs protection.

Legal issues on the Internet.

Electronic transactions and public key infrastructure.

Computer crimes.

Data protection.

Assessment: 100% research paper

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### **LLAW3023    Insolvency law (6 credits)**

The course is aimed to provide students with a basic and clear understanding of the issues confronting financially distressed companies. To that end, the options available to insolvent companies, the intricacies of corporate restructuring and insolvency, and the various elemental aspects of the reorganization and insolvency procedures will be explored and examined for. Relevant and highly pragmatic issues such as forensic accounting, cross-border and transnational insolvencies will also be introduced to students who are interested in choosing a professional career as private insolvency practitioners.

Pre-requisite: Having taken and passed Business associations

Assessment: 80% take home examination, 20% group research project and in-class presentation

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### **LLAW3024    Insurance law (6 credits)**

While insurance law is significant in its own right it also plays a critical role in the development of other branches of the law. Insurance contracts obviously underpin commercial transactions, particularly contracts for goods and services (including consumer contracts) and international trade. Insurance law also pervades the policy issues not always openly avowed in the reasoning of the courts when deciding negligence cases and claims for breach of statutory duty. At its root, insurance is the means by which a party, the insured, shifts the *risk* of suffering a loss (for example, property, life, credit or product liability) to another party, the insurer. As a specialist area of the law of contract, there is a rich body of case law together with a range of statutory interventions. There is a rejuvenated movement pressing for reform and the English and Scottish Law Commissions in an ongoing project which began in 2006 have revisited insurance law after a gap of some 25 years. As a result, two significant UK statutes on insurance contract law were passed in 2012 and 2015. Hong Kong is likely to follow suit.

The course covers the history and operation of the insurance market; regulation of insurance; the definition of insurance contracts; risk spreading; the importance and reform of the concepts of “Insurable Interest” and “Utmost Good Faith”; the role of intermediaries; the specific terms of insurance contracts; how losses and claims under insurance contracts are dealt with; and the rights of insurers.

Pre-requisites: Law of contract I and II, Commercial law

Assessment: 100% examination

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### **LLAW3238    Intellectual property and conflict of laws (6 credits)**

The internet brings us into everyday contact with multijurisdictional law. Copyright determines what we can lawfully view, download, link, or stream. But which country's copyright law applies? Contract in terms of agreement to terms of access to a website and its offerings, 'clickwrap' and 'browsewrap' agreements, all raise questions of which legal system has jurisdiction. A website may consist of trademarks, patents and copyright in data, pictures, video music, computer programs to name but a few. When we pay for access to material on a website and it is not available, or not available under our domestic 'fair dealing' exceptions to copyright infringement, can we circumvent any technical protection measure (TPM) which restricts our access? All these, and they are merely a few examples, raise issues of the interaction between intellectual property and conflict of laws.

In addition transshipment of goods via Hong Kong has long meant goods manufactured in the mainland may infringe certain Hong Kong intellectual property laws as they move through the SAR. Sovereign states outside Hong Kong have in the past and may in future assert jurisdiction over the infringements which occur by transshipment through Hong Kong. This is but a further example of conflict of laws and intellectual property.

This course attempts to identify and explore from a comparative perspective, private international law rules or the conflict of laws in relation to intellectual property in Hong Kong.

This course aims at broadening the scope of intellectual property discussion and enriching students' learning experience.

Assessment: 80% examination, 20% class participation

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### **LLAW3084 Intellectual property and information technology (6 credits)**

Given the ubiquity of information technology (IT) today, intellectual property (IP) issues related to IT have never been more challenging. With the predominance of frequent headlines about IT-related IP matters, IP and IT is, indisputably, one of the topics that has aroused great interest and attention today.

The class will look at the main IP issues related to IT, how IP can be used to protect, manage and create value from IT innovations, products and creations, and how the dynamic nature of IT would never leave IP law remain static.

Prior IP or IT knowledge is not required.

Assessment: 40% in-class assessment, 60% research paper

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### **LLAW3155 Intellectual property policy and practice (6 credits)**

This course aims to engage students in theoretical and policy discussions on Intellectual Property ("IP"). Students shall study doctrines and requirements of the substantive law including the latest legislative and case law developments, and debate and challenge their theoretical underpinnings. Students will be able to assess the IP regime in light of policy considerations such as freedom of speech, knowledge acquisition, creativity proliferation, human development and the overarching notion of justice.

Assessment: 60% take home examination, 30% class presentation, 10% class participation

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### **LLAW 3104 Intellectual property, innovation and development (6 credits)**

This course examines the interplay between intellectual property law, innovation and economic

development. While it covers copyright and trademark laws and examines how these two areas are affected by digital and Internet innovations, the focus of this course will be on patent law. Particularly this course will explore how cutting-edge technologies such as information technology, biotechnology and green technology have changed the landscape of patent law on the one hand, and how patent law have affected the development of these technologies on the other hand. It uses judicial cases and empirical examples to illustrate how patents for biotech and pharmaceutical inventions have affected the access to technology and essential medicines, and how patent regime has been employed to protect genetic resources/traditional knowledge and green technologies, and whether such protection promotes or impedes innovation and technology transfer in these industries, and how IP protection has affected social and economic development of developing countries and least-developed countries. Last but not least, the course investigates IP-related antitrust issues, and discusses how to strike a balance between IP and competition for the benefit of technology innovation and economic development.

Assessment: 80% research paper, 20% class participation

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### **LLAW3085     International and comparative intellectual property law (6 credits)**

This course introduces the international framework within which intellectual property law operates, including copyright, patents, trademarks, industrial designs, unfair competition, trade secrets, geographic indications, and other forms of intellectual property (IP). The course examines how multilateral conventions and agreements such as Berne Convention, Paris Convention and TRIPS Agreement shape national IP laws, the role of international bodies such as WIPO and WTO, the effect of bilateral agreements, and other international influences on the development of IP law. The course also introduces the enforcement provisions and WTO dispute settlement mechanism concerning international IP disputes. While devoting special attention to IPRs protection for cutting edge technologies such as biotechnology and information technology, the course also discusses the protection for traditional knowledge and folklore, and the overall implications of international IP protection for global competition between developed and developing countries in an integrated world market.

Pre-requisite: Have taken (or concurrently taking) other IP laws

Assessment: 85% take home examination and 15% class participation

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### **LLAW3086     International and regional protection of human rights (6 credits)**

This course will examine the evolution of international standards of human rights within the United Nations system and the mechanisms established to promote their enjoyment. The topics to be covered will include the development and content of the International Bill of Rights, the major United Nations human rights treaties and the work of the United Nations treaty bodies. The Charter-based mechanisms of the United Nations will be examined, including the Commission on Human Rights and its thematic and country-specific procedures. Particular attention will be given to the relevance of these mechanisms to the Asian-Pacific region.

The European, Inter-American and African regional systems for the protection of human rights will also be considered, in particular the work of their supervisory organs. The possibilities for Asian regional or sub-regional human rights machinery for the protection of human rights will also be examined.

Assessment: 25% in-class presentation, 75% take home assignment

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### **LLAW3111     International commercial arbitration (6 credits)**

International commercial arbitration is well established as the preferred binding mechanism for resolving cross-border commercial disputes. It has seen particularly marked growth and acceptance in the last 20-30 years, including in the Asia Pacific region. The law and practice of international commercial arbitration, while scarcely regulated, has evolved into a highly specialised craft based on international best practices. This course will consider the international and domestic legal framework for international commercial arbitration, as well as the broader regime including international arbitration rules, international arbitration institutions and organizations and international arbitration practices. However, a key focus will be the inside workings of international arbitrations, revealing the sometimes obscure practices of the discipline. The main topics covered include the making and enforcement of arbitration agreements, establishment of and powers of arbitration tribunals, jurisdictional issues, applicable law (both procedural and substantive), arbitration procedure and evidence, interim and final remedies and rendering and enforcement of arbitration awards (including challenges and appeals). The course will be taught with case examples principally from the Asia Pacific region, and extensive examples from the practices of well-known arbitral institutions, such as the ICC International Court of Arbitration, and of arbitrators sitting under the auspices of the ICC.

Students will be expected to have grasped an understanding of the core features of international commercial arbitration as a distinct discipline and to have developed a sense for how to approach technical legal problems that can arise in this field. They should also know their way around the UNCITRAL Model Law and 1958 New York Convention, and be able to apply that knowledge to relevant factual scenarios.

Assessment: 100% take home examination

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### **LLAW3025    International commercial litigation (6 credits)**

The course will examine in depth a number of important public and private international law issues from the perspective of international commercial litigation.

The areas to be covered may include: introduction to litigation and procedure in Hong Kong, Mareva injunctions and Anton Piller orders, the jurisdiction of Hong Kong courts over persons, firms and corporations, extended jurisdiction under HCR, Order 11, the exercise of discretion on the grounds of *lis alibi pendens* and *forum non conveniens*, choice of jurisdiction clauses, and *res judicata*. Reference will be made to the position in other countries, e.g. Australia, Canada, the US and Mainland PRC, as well as in Europe under the Brussels and Lugano Conventions.

The course will also deal with the issue of state immunity, the taking of evidence in other jurisdictions, and the enforcement of foreign judgements and arbitral awards in Hong Kong under the common law and statutory regimes.

Assessment: 100% continuous assessment

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### **LLAW3076    International commercial transactions (6 credits)**

The topic of international commercial transactions touches on a number of legal frameworks that govern international business. The various frameworks consist of a patchwork of national and international, governmental and private-sector laws, agreements and mandatory or voluntary codes of conduct. This course will be presented in four parts, and in each part, relevant laws and decisions of tribunals in various jurisdictions in Asia are comparatively considered to present a range of issues arising in contemporary practice. It will begin with an introduction and examination of commercial and legal implications of terms-of-art frequently used in international sales agreements, shipping contracts, insurance and financing arrangements, and customs documentation. International efforts to unify or

harmonise definitions and their legal implications, as well as rules that govern the interpretation of contractual terms, such as the 2000 Inco-terms, ICC Uniform Customs and Practice for Documentary Credits, 1980 Vienna Convention on the International Sale of Goods, and UNIDROIT principles, will be discussed. Agency, distribution, technology and intellectual property transfers, and e-commerce, as widespread and emerging modes of conducting international business, the legal issues inherent in each form, and associated regulation will be considered. Issues related to international sales agreements, shipping contracts, insurance and financing arrangements, and customs documentation. Issues related to international investment agreements involving governments will be examined. Special problems related to corruption and money-laundering will be discussed. Significant attention will be paid to the settlement of international commercial and investment disputes, which will include an examination of special problems associated with the recognition and enforcement of awards and judgments.

Assessment: 100% continuous assessment

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### **LLAW3057     International criminal law (6 credits)**

This course explores the rationale, origins, normative development, institutional mechanisms and role of international criminal law. To do this, we trace the roots of international criminal law in customary laws of war and early attempts to enforce rules prohibiting war crimes, before reviewing the operation of the Nuremberg and Tokyo International Military Tribunals that were established after the Second World War. We then take account of the Geneva Conventions, 1949, and the rise of international human rights law, focusing on the crimes of aggression, genocide, war crimes and crimes against humanity. We then delve into the law and practice of the ad hoc International Criminal Tribunals for the former Yugoslavia and Rwanda and relate their establishment and operation to the emerging system of international criminal law, and the process under way to establish the International Criminal Court. Other problems of international crime, including terrorism, drug-trafficking, hostage-taking and hijacking, also will be considered against the backdrop of the domestic and international socio-political realities of our time.

Assessment: 80% research paper, 10% court or tribunal presentation, 10% class participation

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### **LLAW3078     International economic law (6 credits)**

The recent dramatic transformation of the international economic legal order is generally attributed to “globalization”, on the one hand, and liberalization, harmonization and unification of national policies and laws that affect trade, investment, and financial and commercial transactions across national borders, on the other hand. Concerns arise as to the coherence and compatibility of these processes and efforts with respect to national and global economic development, and overall welfare. This is the domain of international economic law; the law and policy of relations between national governments concerning the regulation of economic transactions that have cross-border effects. The course will broadly introduce those areas of international law and institutions that have shaped, or are the resultant of, the recent transformation of the international economic legal order, under three general themes: international trade, investment and competition law; international financial and monetary law; international commercial transactions. It will cover the relevant activities of international organizations such as the WTO, ASEAN, APEC, NAFTA, EU and ICSID. In addition to trade, investment and competition, the subject matter will include topics dealing with banking, insurance and securities. The role of institutions such as central banks through the BIS and the Basle Committee in the development of regulatory frameworks will be examined. The activities of two Bretton Woods international institutions, the World Bank and IMF, as well as the IOSCO will be studied. Efforts to unify or harmonise laws that affect international commercial transactions by international institutions such as the ICC, UNCITRAL, UNIDROIT, Hague Conference in Private International Law and OECD will also be examined.



Assessment: 100% take home examination

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### **LLAW3134    International environmental law (6 credits)**

The past few decades has witnessed the rise of Asia as one of the world's most economically vibrant regions. Asia's economic boom has unfortunately been accompanied by severe environmental degradation. Air pollution, deforestation, biodiversity loss, are just some of the many environmental problems that Asia faces today. In addition, global environmental problems such as climate change are at the top of the international agenda. No longer considered solely the purview of the environmentalist or social activist, environmental regulation and law touch upon nearly all aspects of social, economic and political life.

This course aims to provide students with a contextual understanding of the key global environmental issues of the day and the legal solutions. After a broad survey of the field of international environmental law, this course will focus on some key areas which provide fertile ground for exploring the major innovations and controversies in international environmental governance. These key areas will include hazardous waste, and the illegal wildlife trade.

Classes will be conducted largely in a seminar format. Preparation and participation are crucial. A background in subjects such as Public international law, Global administrative law and Environmental law will be helpful but there are no prerequisites for this course.

Assessment: 50% research paper, 30% take home examination, 20% group presentation

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### **LLAW3026    International human rights (6 credits)**

The course will include a common element and an optional component. The common element is divided into two parts: (a) conceptual issues and (b) modalities for prescribing, invoking, appraising and implementing human rights. The first part will include an introduction to the concept of human rights and development of international human rights law. The second part will examine the techniques and procedures in protecting human rights, including reporting procedure, fact-finding commission, role and functions of various official institutions and non-governmental organizations, domestic absorption of international standards, sanctions and humanitarian intervention.

The optional component will vary from year to year, depending on teachers' expertise and students' interest. It will cover one or more of the following areas: (a) an in-depth study of one of the human rights conventions, such as the European Convention on Human Rights, the Convention Against Torture or the Inter-American Convention of Human Rights, their modus operandi, cases and practices, and a critical appraisal of the system; (b) a study on contemporary international human rights issues, such as protection of minorities, non-discrimination, nationality and refugees; (c) a comparative study of constitutional protection of human rights in selected countries.

Assessment: 100% research paper

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### **LLAW3175    International humanitarian law (6 credits)**

International Humanitarian Law (IHL), also known as the Law of Armed Conflict, is the body of rules and principles that govern how forces are to act once hostilities have broken out. The IHL regime is designed to make armed conflict less barbaric by protecting certain groups, such as civilians, wounded, sick, shipwrecked, prisoners of war, and religious personnel, and by prohibiting certain methods and

means of warfare. This course critically explores these rules and principles, as well as their application in various situations, with the aim to better promoting the objectives of this regime. Emphasis also is placed on developing creative ways to improve this legal regime.

Assessment: 100% continuous assessment

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### **LLAW3157    International law and modernity for a multipolar world (6 credits)**

The course looks at the roots of the Western approach to international law in historical context, since the beginning of colonialism and imperialism. Its perspective is more philosophical than political, considering international law as a part of a wider scientific, cultural, religious as well as economic revolution. Key Western international law thinkers such as Vitoria, Gentili, Grotius, Vattel and Kant are examined, before coming to the 19<sup>th</sup> century expansion in the Far East. Close attention is played to the 19<sup>th</sup> century in China, especially the influence of the American Henry Wheaton and his translator, William Martin. This follows with a multipolar consideration of contemporary Chinese thinkers who are reviving Chinese classical thought on international ethics, as well as considering similar developments in the Islamic world. Some place is also given to Western internal critiques of international law from a critical or postmodern perspective.

Assessment: 90% essay, 10% class participation, through introducing discussion of texts

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### **LLAW3158    International law in a world of crises (6 credits)**

Ideally this course is a follow on from the more introductory course, Public international law. It adopts a rigorously critical view of the capacity of positive international law to deal with contemporary problems of international society. The course first introduces the complexities of international law methods in defining and dealing with international problems and then it provides a framework for addressing these problems in an interdisciplinary perspective. That is to say there is also added a political science and a political theory dimension.

There is an introduction to Crisis Theory after which follows a critical reflection on the legal skills employed by the International Court of Justice since the 1980s to deal with major crises. After this the course introduces a moveable selection of major crises such as: Islamic militant violence; ethnic conflict and its geopolitical significance; the international financial crises; nuclear proliferation; the idea of the UN alongside that of a “Coalition of the Democracies”; the strategic and economic significance of land and maritime boundary disputes. Students are encouraged to work and research together in an interdisciplinary way to propose solutions to the contemporary problems selected.

Assessment: 90% take home essay, 10% class participation

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### **LLAW3058    International moot competition (6 credits)**

Students who have been selected as members of the team to represent the University of Hong Kong in one of the international moot competitions listed below (or any other moot competition approved by the Faculty Board) are eligible to enrol in this course.

The competitions are the William C Vis International Commercial Arbitration Moot (takes place in Vienna), the International Environmental Law Moot Court Competition, the Telders International Human Rights Law Moot, the Cardozo International Intellectual Property Moot, and the Manfred Lachs Space Law Moot Competition.

These competitions involve the preparation as members of a team of substantial written memorials, as well as participation in oral rounds.

A member of the Faculty will act as supervisor for those enrolled in the course. Assessment for the course may include components for written work, oral advocacy, and a brief individual research paper.

With the Head's permission, it is possible to take this course on a non-credit earning basis.

Assessment: 100% continuous assessment

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### **LLAW3027    International organizations (6 credits)**

The first international organizations, created in the 19th Century, were of limited scope and membership. It was not until after the First World War that international organizations took on a more universal nature in tackling common problems for states. Since then, hundreds of international organizations have sprung up to handle many issues that affect, or are seen as affecting, our daily lives. The body of rules that govern the functioning of these international organizations, as well as the rules that they create, are referred to as the law of international organizations -the subject of this course.

This course has two aims. First, it will provide an in-depth look at this area of law from a traditional perspective. Starting with a general history of international organizations and overview of current international organizations, the course will develop a definition of international organizations, which focuses on international legal personality, and then will develop a framework for classifying international organizations. This course next will explore the sources of power for international organizations, which involves the law of treaties and the doctrines of attributed powers, implied powers, and inherent powers, among other important principles. This course then will compare their structures, decision-making processes (including the settlement of disputes), membership and financing, privileges and immunities, sanctioning abilities, treaty-making powers, and relations with other international organizations, among other aspects. The United Nations, its subsidiary organs and its specialized agencies will be a major focus of the course, though many other international organizations also will be studied.

Relevant ICJ, PCIJ and other case law will be given particular emphasis in understanding these powers and functions of international organizations.

Second, with this basic understanding of the law of international organizations, students will be expected to explore contemporary legal debates surrounding international organizations. The course will discuss the problem of responsibility for international organizations and creating limitations on their powers. Indeed, while international organizations first were seen as helping to bring "salvation to mankind," today they are seen in a less than ideal light, largely due to concerns over their misdeeds and accountability for those misdeeds. The course will explore the problems associated with functionalism -the predominant theory associated with the expansion of international organizations' powers. The discussion will move on to exploring the possibility of creating limitations and accountability for international organizations through such alternative tools as constitutionalism, judicial review, an emphasis on the rule of law, and global administrative law, to name a few. Other debates to be discussed include the legal status of decisions and resolutions of international organizations in light of the sources doctrine of international law, and whether the differences between international organizations that stem from the differences in their constituent instruments make it impossible to talk of a unified body of law that governs these different entities. Students will be expected to develop their own thoughts on these debates, which they will demonstrate through their participation in class, as well as through the writing of at least four short case comments and either a longer paper on a topic to be chosen by the student in consultation with the professor.

Assessment: 50% research paper, 50% case comments

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### **LLAW3135    International protection of refugees and displaced persons (6 credits)**

This course will examine the various international attempts to address the problem of the forced movements of people due to persecution, armed conflict or natural disaster. It covers international efforts in protecting aliens and refugees, the definitions of refugees in international and regional instruments, the principle of non-refoulement, the 1951 Convention on Refugees, the work of the United Nations High Commissioner for Refugees, and national responses to the flow of refugees.

Assessment: 30% essay, 70% take home examination

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### **LLAW3136    International securities law (6 credits)**

International securities law is a topical course taught from both an academic and practitioner's perspectives, dealing with the law, practice and regulation of organised markets including stock exchanges, and the law and practice of financial derivatives and structured financial instruments.

The course aims to develop a usable understanding of law, practice and regulation of exchanges and financial derivatives transactions. This will include consideration of the parties involved and their motives, contract formation, the documentation involved in structuring transactions, allocating and mitigating risks, the functioning and legal foundations of organised exchanges, and the impact of established and post-crisis conflicts of law and re-regulation on transaction design and execution.

Pre-requisite: Business associations

Assessment: 100% three take home examinations spread evenly over the semester

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### **LLAW3028    International trade law I (6 credits)**

This course will provide students with a practical insight into a number of areas of international trade law and the practices of the Admiralty and Commercial Courts. It will use shipping scenarios to illustrate the various contracts and issues that arise in private international trade.

The course is designed to make students research and use case law, ordinances and international conventions. It is taught in a practical way and requires students to think of commercial solutions to problems.

The course covers the following areas:

- International Sale of Goods – the contracts and terms found in sale contracts involving an international element
- Marine Insurance – what is covered by insurance and the duties on an insured
- Letters of Credit – the method of financing the sale contract and the obligations on the banks and parties
- Carriage of Goods by Sea – who has a right to sue the sea carrier of the goods, the obligations on the sea carrier of the goods and whether the sea carrier can sue anyone for their losses
- Jurisdiction and Choice of Law – in which country a claim can be brought and which law will be applied to the claim
- Litigation – the most useful procedures used in commercial litigation such as security for costs, freezing injunctions, orders for inspection, arrest of ships
- Arbitration – the procedures that apply to an arbitration of a claim

Pre-requisites: Law of contract I and II and Law of tort I and II

Assessment: 100% take home assignment

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### **LLAW3160 Interpretation of statutes, contracts and treaties (6 credits)**

This course aims to give undergraduate students advanced training in the interpretation of legal instruments. The bulk of the course is on statutory interpretation, aiming to address the criticism that this area is not only fundamental but often inadequately understood by common law graduates. The subject aims, as supplementary measure, to ensure students appreciate the difference in approach to the interpretation of contracts and treaties and how best to tackle these tasks.

Assessment: 50% continuous assessment, 50% examination

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### **LLAW3170 Introduction to Chinese law and legal system (6 credits)**

The objective of this course is to introduce students to the study of Chinese law as a developing legal system in our world. Law as contemporary lawyers understand it didn't emerge spontaneously in traditional Chinese society. It has developed in China as part of the modernization project since the second half of 19<sup>th</sup> century. Since 1978, in order to initiate and carry out economic reforms, within a short period of time the Chinese Party-State has generated an extraordinary outpouring of laws. However, China has not been widely recognised as a "rule of law" society until now, due to the lack of some key institutional values that are "essential" to such a society. In this seminar, we shall examine the traditional Chinese ways of governing before China encountered modernity, the structure and roles of contemporary Chinese legal institutions, constitutional law, administrative law, criminal justice and civil procedure from historical and comparative perspectives.

Assessment: 90% take home examination, 10% class participation

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### **LLAW3248 Introduction to class action litigation in the USA (6 credits)**

This course will be an overview of class action litigation in the United States. It will focus on cases with worldwide press coverage, such as the Volkswagen Clean Diesel case, the British Petroleum (Deepwater Horizon) oil spill case, and the National Football League (concussion) case. Class actions are becoming more prominent worldwide, including in Hong Kong, and there is a global interest in the subject. The USA has been the model for other countries considering class actions. The basic elements of class actions will be covered, along with the theoretical and strategic concepts. The student will come away with significant knowledge regarding the class action device, and will thus be capable of comparing and contrasting the model in the USA with class actions in other countries.

Assessment: 80% in-class examination, 20% class participation

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### **LLAW3209 Introduction to Hong Kong securities law (6 credits)**

This course is intended to provide students with an introduction to the regulation of securities in Hong Kong. Coverage should include: who the regulators of the securities market of Hong Kong are; what are the sources of law and regulation of the securities market in Hong Kong; the Stock Exchange of Hong Kong and the listing process for companies; the continuing requirements imposed on listed companies; the licensing process of financial intermediaries and their continuing regulatory obligations;

the regulation of different types of financial product in Hong Kong; market misconduct, including insider dealing and other forms of market abuse; and dispute resolution processes in securities regulation, particularly the new process introduced via the Financial Dispute Resolution Centre.

The course should provide students with a basic understanding of how securities regulation can be separated into a number of different segments e.g. regulation of listed companies, regulation of licensed intermediaries, regulation of financial products, market misconduct and the resolution of disputes. Students should then be able to identify, research and keep themselves abreast of the continuing developments in each of these different segments.

Particular emphasis will be placed on understanding how financial crises serve to drive financial regulation and regulatory initiatives forward and in particular, how the Financial Crisis has and continues to inform regulatory change locally in Hong Kong.

Attention will also be given to anticipated and future developments in securities regulation in Hong Kong, including the transfer of the prospectus regime in its entirety from the Companies Ordinance to the Securities and Futures Ordinance, the move to a scripless market, and the future of the regulation of price sensitive information following the introduction of the new Part XIVA to the Securities and Futures Ordinance.

Two areas that will be considered in some detail will be the enforcement of rights and regulations in a contentious matters context i.e. in court or other similar forums such as the Market Misconduct Tribunal and the Securities and Futures Appeals Tribunal and the resolution of disputes in the securities markets of Hong Kong, particularly in the Financial Dispute Resolution Centre context.

Knowledge of companies law, particularly the anticipated transition from the old Companies Ordinance to the new, will be required for this course.

Assessment: 50% take home examination, 50% group reports

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### **LLAW3150 Introduction to information technology law (6 credits)**

This is a basic course in the LLM IP/IT stream introducing students to the information technology and the legal issues arising from the technology. The course will begin by examining the essential features of information technology and the characteristics of the Internet, followed by investigations into the legal issues created by the technology. Discussions will primarily be based on the laws of Hong Kong, with references made to the laws of other leading jurisdictions. Topics to be covered include, but are not limited to, the following:

- Introduction to information technology and the Internet
- Intellectual property issues
- Illegal contents on the Internet (e.g. defamatory or obscene materials)
- Online trading
- Data privacy
- E-crimes
- Jurisdictional issues

Assessment: 100% research paper

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### **LLAW3120 Introduction to international human rights law (6 credits)**

This course will introduce 3<sup>rd</sup> and 4<sup>th</sup> year undergraduates to basic principles of human rights. It will

be jointly taught by several members of staff, each teaching different aspects of human rights. The subjects covered can range from the basic philosophical foundations of human rights to the United Nations and Human Rights, to regional mechanisms for human rights protection, to international humanitarian law to fair trial and due process rights to the state of human rights in specific countries or regions.

Assessment: 100% continuous assessment

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### **LLAW3159 Introduction to negotiation theory and practice (6 credits)**

The course is designed to give students a thorough introduction to those capabilities, approaches and skills necessary for effective cross cultural negotiation. The course will cover the theory behind effective negotiation, review important works in the field of cross-cultural negotiation and introduce important skills necessary for effective negotiation. The interactive sessions are conducted in stages where content as well as technique is explained.

Assessment: 50% participation in negotiation simulations and completion of a negotiation skills journal, 50% research paper

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### **LLAW3030 Introduction to private international law (conflict of laws) (6 credits)**

The field of private international law, otherwise known as “the conflict of laws”, is a body of principles by which Hong Kong courts deal with cases involving a mainland or overseas element. It is particularly important in this jurisdiction. Hong Kong’s economy is an intersection of many different people and places, including the mainland and elsewhere in Asia, as well as Europe and the Americas. Therefore, a significant proportion of disputes here have a connection outside of Hong Kong. An understanding of the conflict of laws will be useful to you as members of Hong Kong’s legal profession and if you are involved in international business.

In private international law, there are three questions that a judge must ask himself or herself. The answers to those questions form the backbone of this course:

- Is it appropriate for me to exercise jurisdiction in this dispute, even though it is connected in some way with a place outside Hong Kong?
- If I decide that I will exercise jurisdiction, is it right for me to apply only the law of Hong Kong to the dispute? Or does its “foreign element” mean I should, to some extent, apply the law of some other jurisdiction?
- Has the dispute already been the subject of a decision by a court outside Hong Kong? Should I somehow give effect to that decision within Hong Kong?

The aim of this course is to giving you a working knowledge of Private International Law so that you can competently advise your clients on such issues.

Assessment: 30% take home mid-term test, 70% take home final examination

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### **LLAW 3032 Issues in family law (6 credits)**

This course examines current controversial issues pertaining to family law. Topics examined include rights and obligations of husband and wife during marriage, on divorce and protection for children and

the weaker spouse.

(Note: Students enrolling for Issues in family law should preferably have taken Principles of family law.)

Assessment: 30% continuous assessment, 70% research paper

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### **LLAW3033    Issues in intellectual property law (6 credits)**

This course aims at equipping students for intellectual property (“IP”) practice. IP is a collective term for different areas of law that protect creations of the mind such as copyright, trade marks, patents and trade secrets. Students shall study in detail the legislation and cases on copyright and trade marks (both registered and unregistered), the two major areas of IP practice, and be able to identify and advise on IP issues in everyday life.

Assessment: 30% research paper, 70% examination

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### **LLAW3059    Jessup international law moot court competition (6 credits)**

The Philip C. Jessup International Law Moot Court Competition is an international mooting competition in the field of public international law. Teams of up to five members prepare written memorials on a problem involving contemporary issues of international law, and participate in the Hong Kong regional mooting competition; the winner of the regional round is entitled to participate in the international rounds held in the United States. The deadline for the submission of the written briefs is normally early January; the oral rounds normally take place in February (Hong Kong) and late March/early April (international rounds).

Eligibility for enrolment in the course is limited to those students who have been selected as members of the team to represent the University of Hong Kong. A member of the Faculty will act as supervisor for those enrolled in the course. Assessment for the course may include components for written work, oral advocacy, and a brief individual research paper.

Assessment: 100% continuous graded assessment

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### **LLAW3216    Justice (6 credits)**

This course is about justice. It begins with a treatment of John Rawls’ justice as fairness and the related debates. Implications of justice as fairness to constitutional regimes will be analyzed. The course also involves a discussion of distributive justice and corrective justice and their implications to selected branches of law such as tax law, tort law, contract law, and property law.

Assessment: 70% research paper, 20% presentation, 10% class participation

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### **LLAW3034    Labour law (6 credits)**

This course is intended to provide an introduction to the major issues in labour and employment law in Hong Kong. It is concerned with the law governing the workplace: the common law of the contract of employment, the statutory provisions regulating the contract of employment and governing the rights and obligations of employees and employers, employees’ entitlements under legislation, workplace safety, the right to compensation for work-related injury, protection against discrimination, and



collective rights such as the right to form trade unions, to bargain and to strike. International law, in the form of the International Labour Organisation conventions as well as the major UN conventions on human rights, and their interface with domestic law, will be considered.

Assessment: 60% research essay, 10% presentation on research in progress, 10% reflective media diary, 10% class participation, 10% Labour Tribunal visit and report

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### **LLAW3105    Land law III (6 credits) <sup>†</sup>**

Government leases and Conditions; sale and grant of land by Government; sectioning and subdivision of land; duration of leases; compliance with Conditions; certificate of compliance; user restrictions in Government leases and Conditions; waiver of restrictive covenants

Deeds of mutual covenant; nature of co-owners' interests; common terms in deeds of mutual covenants; allocation of shares; basis principles governing building management; enforcement of covenants in deeds of mutual covenant;

Partition of Land in Joint Ownership

Special features of the New Territories: small house policy and tsos and t'ongs

Planning: Outline Zoning Plans; planning permission; planning through building controls; Land (Compulsory Sale for Redevelopment) Ordinance

Termination of Government leases and Conditions; resumptions by the Government and assessment of compensation;

Remedies; specific performance; rescission, damages; other express remedies in sale and purchase agreements; Land Registration and priority of registered instruments

Assessment: 100% examination

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### **LLAW3190    Language and the law (6 credits)**

Language plays an essential role both in creating law (e.g. in how specific laws are drafted) as well as in the implementation of law (e.g. in how language is deployed – but also contested - in court). This course examines how language plays these important social roles, and addresses topics, including: different linguistic registers and genres which shape our concept of what legal language is; communicative strategies adopted in the courtroom by speakers occupying different roles (judge, barrister, defendant, witness, etc.); how language is used and understood in legal drafting and interpretation; submission of language data as evidence in some court cases; and linguistic and legal issues that arise in bilingual and multilingual jurisdictions (i.e. in systems that formulate and apply their law in two or more different languages). Together, such aspects of language use form the subject matter of an increasingly researched and studied interdisciplinary field, known as 'language and law' or 'forensic linguistics', to which this course provides an accessible introduction.

Assessment: 10% class participation, 30% in-class test, 60% problem-based tasks

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### **LLAW3249    Language rights and linguistic justice (6 credits)**

This course aims to provide students with a solid foundation to the study of language rights. The first

part of the course offers a broad picture of linguistic diversity and cultural preservation, traces the evolution of language rights and explores the historical connections of such evolution with nation states, warfare, and globalization. The second part of the course surveys international and national legal regimes in the protection of language rights, covering both minority language rights and official language rights, and their manifestations as negative and positive rights. We will examine how some of these rights are realized in the domains of education, legal processes and public services across jurisdictions, as well as the limitations of their reach. The third part of the course focuses on the philosophical and moral basis of language rights, addresses sources of contention, and queries the concept of ‘linguistic justice’. Such discussions provide a lens through which tensions between liberalism and diversity may be probed.

Assessment: 60% research essay, 20% oral presentation, 20% in-class debate

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### **LLAW3130    Law and development in the PRC (6 credits)**

China’s three-decade economic growth accompanied by a weak legal system poses a challenge to the conventional wisdom that puts the rule of law as a precondition of economic development. This is the so-called “China problem” in the law and development field. What is the role of law in economic development? How to evaluate the Chinese economic development? Is it sustainable? This course addresses these questions.

The first part of this course will introduce the debate on the “China problem,” and review critically the assumptions and premises of both sides. Part II of this course will introduce general theories on law and development, in particular the roles of ideology, property rights and the state in economic development. Part III will examine law and development in China, with a focus on the evolution of contract and property laws in Chinese economic development. Part IV will look at law and development from a comparative perspective.

Reading materials will be selected not only from legal literature, but also economics, political science, sociology, and others.

Assessment: 30% final paper, 30% response papers, 40% class participation

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### **LLAW3141    Law and film (6 credits)**

Legal actors, institutions and problems have fascinated filmmakers since the early days of cinema. This course examines the ways in which the law and the legal system have been represented in a variety of films, and also considers the ways in which films engage with legal debates and controversies. This course is cross-listed between the Department of Law and the Department of Comparative Literature; it aims to encourage reflection on the cultural lives of the law and also on a central theme in film studies. No prior background in film studies or the law will be assumed.

Assessment: 15% class participation, 15% written questions, 10% paper proposal, 60% term paper

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### **LLAW3128    Law and literature (6 credits)**

This course explores the complex interactions between literature and the law. Even though the two disciplines may seem distinct, law and literature overlap in a variety of ways. Both are linguistic media and are constituted by narratives as well as fictions of various sorts. Throughout the course we will assess the relationship between law and literature, seeking to understand how the law is depicted in literature as well as how literary practices and techniques are utilized within the law. Why do legal

themes recur in fiction, and what kinds of literary structures underpin legal argumentation? How do novelists and playwrights imagine the law, and how do lawyers and judges interpret literary works? Does literature have law-making power, and can legal documents be re-interpreted as literary works? We will think through these questions by juxtaposing novels, plays, court cases, and critical theory. This course welcomes students who are eager to question the fundamental assumptions of what they study, who are curious about how the law intersects with other disciplines, and who would like to learn about the cultural life of law. It does not assume any previous training in literary criticism.

Pre-requisite: a previous course in legal and/or literary subject.

Assessment: 50% final essay, 30% mid-term essay, 20% class participation

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### **LLAW3174 Law and policy (6 credits)**

This course explores and contrasts the different methodologies inherent in the disciplinary approaches of legal and policy analysis. It examines how each approach is relevant to the other in different practical situations e.g. in court and in government policy formulation. Each student will present a seminar paper that applies both legal and policy analysis to a practical issue of their choice.

Assessment: 100% research assignment

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### **LLAW3142 Law and politics of constitutions (6 credits)**

Almost all modern states are constitutional states in the sense that they, in one form or the other, have a constitution. A constitution is not only a legal document; it is also political instrument. For what purpose was the constitution made; for what functions could it serve; and on which it can be sustained are questions that cannot be answered without considering the interaction between law and politics in the making, implementation and development of the constitution.

This course applies an interdisciplinary approach and a comparative perspective to analyze intertwining issues of law and politics concerning constitutions like: constitutional interpretation theories, the roles of political parties, religion, judiciary and the public in the constitutional processes, and the significance of dialogue in constitutional deliberation.

Assessment: 50% open book examination, 30% research paper, 20% group project presentation

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### **LLAW3208 Law and practice of investment treaty arbitration (6 credits)**

This course is about a form of arbitration which is specific to disputes arising between international investors and host states – i.e. investor-state disputes – involving public, treaty rights. In contrast, international commercial arbitration typically deals with the resolution of disputes over private law rights between what are usually private parties.

It will be of interest to those interested in arbitration, or the law of foreign investment.

The course will be taught from the viewpoint of a commercial law practitioner, and international lawyer and former treaty negotiator who has drafted such treaties.

Assessment: 50% take home examination, 50% research paper

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### **LLAW3118 Law and religion (6 credits)**

Law and religion are two of the oldest social institutions. In various forms, law and religion exist in every human society. Law and religion also have very close relationship to each other. Looking from human history, religion could be so intertwined with law that there could be complete overlap. However, the modern trend is to separate the two so that a wall is built between law and religion.

This course will examine the various models on how law and religion interact with each other. Historical as well as analytical approaches will be adopted. Critical questions will be raised on examining the proper relationship between law and religion under different worldviews and various religious traditions including Judaism, Islam, Buddhism, Hinduism and Christianity. The role of religion in public debate will also be considered.

Assessment: 50% take home examination, 30% research paper, 20% group project and presentation

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### **LLAW3239 Law and social justice at the intersections: gender, race, religion and sexuality (6 credits)**

One of the continuing challenges undermining the law's effectiveness is its inability to capture within its frame the most marginalized and vulnerable communities. This exclusion or marginalization of particular stakeholders from the legal process has received considerably less attention. Although the theme of access to justice conceptualizes this accessibility gap in some respects, it fails to capture stakeholders who never engage with the legal framework at any stage despite violations or gaps in the realization or implementation of their rights.

This course examines the limits of the law and its reach and assesses the structural and substantive 'justice gap' and its implications for particular groups. The course challenges law's framing and structuring of social, legal and political relationships given its mono-dimensional framing of legal issues which fails to capture the complex realities and diversities of life, communities and experiences governed by law. It deconstructs the single factor / frame / category of analysis such as gender, disability, race or sexual orientation to examine how the interpretive framework of the law fails to respond to multiple sites of oppression experienced by a particular individual / group and systemically disadvantages particular categories of persons. The legal system's failure to capture within its frame the lived realities of complex lives and relationships today results in the law's complicity in systemic and structural oppression. This paradigmatic non-recognition or the forceful fragmentation of particular identities is closely bounded up with identity politics and the historical exclusion of the voices of particular groups from legal and political frameworks. Given law's power to give meaning to actions, to determine legal truth and given its promise of equality and justice for all, the course places a magnifying lens on law's processes and substance to identify those at the margins of law and to reorient attention to marginalized voices to consider new ways of conceptualizing their authentic realities to achieve inclusive justice in a diverse and complex world.

For the clinical component of the course, depending on the posture of ongoing legal cases or issues, students will have an opportunity to work closely with the course lecturer and NGOs involved in serving clients from these communities to develop a rich grassroots-level understanding of the issues. Students will contribute to the development of a resource or toolkit on multiple, intersectional or additive discrimination and the potential strategies to mobilizing change in discourse, legal practice and social justice paradigms.

Assessment: 65% research paper, 15% presentation, 20% class participation and NGO consultation

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### **LLAW3172 Law and social theory (6 credits)**

Amongst the most powerful of contemporary analyses of law and legal institutions are those which draw on the tradition of social theory. These trends now constitute a discrete area of academic enquiry that is of growing importance and relevance. This course offers a series of readings which draw on that tradition and think them through in relation to contemporary legal problems.

This course will develop students' knowledge of the basic paradigms of social theory as it relates to law and place the development of law in social theoretical and historical context. By developing a critical understanding of the relationship between law and social theory students will assess the differences between diverse theoretical approaches and be able to develop and articulate their own understanding of the appropriate paradigms for analysis in legal and social theory. The aim is therefore to enhance students' understanding of contemporary law and legal institutions.

Topics to be covered may include: competing theories of law and modernity; analyses of alternative approaches to power and security; the role and consequences of processes of juridification; and theories of globalisation.

Assessment: 20% presentation, 80% research essay

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### **LLAW3253    Law and society in South East Asia (6 credits)**

Law and society courses deal with law in context, but are not concerned with discovering rules as such or with what the rules ought to be. This module aims to increase students' breadth of contextual understanding of law, and thereby their theoretical understanding of the subject from societal perspectives. These perspectives include historical, sociological, political, and economic/ development perspectives. SE Asia is defined as the ASEAN countries, but comparison with Hong Kong will be drawn where helpful. There will be an emphasis on ethnic and religious diversity, and therefore on legal pluralism as a perennial issue in this region. The course will explore issues that have bearing on diversity/ pluralism, especially on how ethnic and religious diversity are handled and how justice is conceived. Examples will be chosen from different areas of law, ranging from family law to jurisdictional issues to constitutional rights. These issues will cover pre-colonial, colonial, post-colonial and contemporary law.

Assessment: 50% term paper, 50% response essay

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### **LLAW3035    Law in East Asia (6 credits)**

This course will be the first opportunity for students in this Faculty to learn about the legal systems of the East Asian countries. The course will be taught thematically and comparatively from among the following topics:

- An introduction to the historical foundations of the modern legal systems of Japan, South Korea and Taiwan;
- Legal institutions: structure of state, courts, legal professions;
- Codification of law, especially the institutions of private law;
- Civil and commercial law;
- Civil process and mediation;
- Rights of the accused person;
- Human rights and the legal status of women;
- Framework for foreign trade and investment.

These topics will be examined from a comparative perspective with reference to the law in Hong Kong.

The law will be analysed in the context of its history as well as its economic, political and cultural foundations.

Assessment: 100% research paper

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### **LLAW3037 Law of agency (6 credits)**

The nature and creation of agency relationship; the relationship and rights and duties of principal and agent *inter se* and *vis-à-vis* third parties; comparison of the ability of the ‘agent’ to affect the ‘principal’s’ legal position in contract, tort and property.

Assessment: 100% continuous assessment

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### **LLAW3056 Law of international finance I - debt (6 credits)**

This foundation course will examine, primarily from a legal perspective but with interdisciplinary dimensions, the structure and operation of international bank and capital markets. The course, while sensitive to key issues of domestic, regional and international regulation of international securities offerings and international banking, will concentrate primarily on private law aspects of international financial transactions such as basic trade financing, Eurodollar syndicated loans, Loan sales and participation, Eurobond offerings, and basic interest rate and currency swaps, legal opinions and private international law considerations.

Assessment: 100% continuous assessment

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### **LLAW3048 Law of restitution I (6 credits)**

There is no universal definition as to what restitution (either as a body of law, or as a legal concept) encapsulates. It is often understood as the area of law which provides a remedy to a plaintiff against a defendant who is alleged to have obtained some gain (e.g. money or property) unlawfully. The notion of gain-based remedy is contrasted with that of loss-based remedy, which deals with compensation for loss suffered by a plaintiff as a result of a defendant’s action or omission.

Traditionally, the study of restitution has simply referred to unjust enrichment. Unjust enrichment occurs when a plaintiff complains that a defendant obtains a benefit at his expense. But theoretical debates may no longer accept restitution as merely congruent with unjust enrichment. Some academics (eg Graham Virgo at University of Cambridge) argue that restitution covers 3 areas of law: (i) unjust enrichment; (ii) restitution for wrongs; and (iii) vindication of property rights. This categorisation will be further discussed in subsequent seminar(s).

Restitution (broadly defined) is an important component of civil law. Indeed, restitution can be understood as one of the 3 ways of creating legal obligations between (say) two parties, the other ways being contract and tort. In recent years, restitutionary principles have been applied in commercial contexts, testing their boundaries and their adaptability to modern day business.

Assessment: 100% research paper

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### **LLAW3121 Law of restitution II (6 credits)**

This course covers the following topics: restitution of unlawful tax payments; restitutionary claims from

‘third parties’ (knowing receipt, common law & equitable tracing); restitutionary remedy for torts, breaches of contracts, and equitable wrongs; in personam and in rem rights in restitution; concurrence of claims in restitution and contract; and restitutionary claims in insolvency proceedings.

Assessment: 100% continuous assessment

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### **LLAW3049    Law of the sea (6 credits)**

The law of the sea is a cornerstone of public international law that is fraught with complexity from detailed treaties and elaborate custom that has been interpreted by numerous international courts and tribunals over a relatively long period of time. This course explores the key rules and principles of this legal regime primarily through a critical assessment of past efforts at dispute settlement, with the aim of developing sufficient problem-solving skills in this realm to successfully tackle future disputes as they arise. Topics to be addressed include: nationality of vessels and jurisdiction of the flag state; baselines and maritime boundaries; territorial seas, contiguous zones, straits, archipelagic waters, continental shelves and exclusive economic zones; the deep seabed; marine pollution; and living resources of the high seas.

Assessment: 100% continuous assessment

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### **LLAW3145    Law, economics, regulation and development (6 credits)**

This course is premised on a conviction that the law does not exist in a vacuum, and the study of the law should therefore not be confined to a narrow focus on legal doctrine and case law. The aim of this course is to provide a broad survey of inter-disciplinary approaches to the law, which will provide students with the basic toolkit to question and analyze legal theories and institutions from alternative perspectives. The belief is that students will gain a richer and more nuanced understanding of the law and legal methods as a result.

The course comprises of three broad components: (1) Law and Regulation, (2) Law and Economics, and (3) Law and Development.

The law and regulation component of the course seeks to examine the role of law as an instrument of regulating economic and social activity. The course will explore theories of regulation, regulatory techniques and instruments, and issues of efficiency, accountability and legitimacy in relation to regulation. It will also explore the application of economic concepts to the law, focusing on areas such as torts, contracts, and property rights. For instance, the course will examine how economic concepts have been applied to provide a benchmark for determining negligence in torts.

Finally, the law and development component will examine the relationship between law and economic, social, and political development. It will survey theories concerning the meaning of development and the potential role of law and legal institutions in the development process.

Assessment: 15% class participation, 10% symposium participation, 75% 3 short research papers

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### **LLAW3250    Law, governance and development in Asia (6 credits)**

In the wake of Asia's striking economic progress issues of law and governance are now seen as critical for the developing, developed and post-conflict states of Asia. Legal reforms are embracing constitutional, representative government, good governance and accountability, and human rights, based on the rule of law. How and on what principles should Asian states build these new legal orders?

Is there such a thing as an 'Asian approach' to development? Can Asia sustain economic progress and satisfy the demands for the control of corruption and abuse of powers, and the creation of new forms of accountability? This course examines on a broad comparative canvas the nature, fate and prospects for law and governance in developing democracies in Asia. Coverage of the issues will be both theoretical, as we ask questions about the evolving nature of 'law and development'; and practical, as we ask questions about the implementation of law and development projects across Asia. The emphasis is on governance reform and the legal system as a tool for development.

Assessment: 50% response essay, 50% term paper

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### **LLAW3233    Law, history and culture (6 credits)**

This course will enable students to research and examine the history of law and its connection with social, political and economic development of Hong Kong and China in the 19<sup>th</sup> and 20<sup>th</sup> centuries through students' first-hand exploration of archival documents and images stored in libraries and the Public Records Office. Students, through a close reading of archival materials, will be asked to reflect critically on their conventional basic ideas about the legal system, social customs and culture of Hong Kong and China. These ideas include, among others: 'Imperial China lacks the rule of law'; 'Hong Kong's rule of law is a British colonial legacy'; and 'Chinese traditionally preferred settling disputes through mediation than resorting to the law'. Adopting an interdisciplinary approach, this course will explore how the notion of law functions as a site of discourse in the expression of identity as well as the articulation of ethnic, cultural and socio-economic differences.

Assessment: 10% class participation, 90% research essay

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### **LLAW3036    Law, justice and ideology (6 credits)**

Social theory and the sociology of law: Pound, Erlich, Durkheim, Weber; law and social change.

Law as ideology: law and power, Marxist theories of law and state, critical legal studies.

Theories of justice: utilitarianism, the economic analysis of law, Rawls, Nozick, Hayek.

Assessment: 30% continuous assessment, 70% research paper

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### **LLAW3161    Law, meaning and interpretation (6 credits)**

This course is concerned with meaning in verbal discourse. What makes the course distinctive, however, is that its interest in interpretation will be comparative, not between different languages but as regards how verbal discourse is interpreted in settings that bring different interpretive norms to bear on linguistic data: e.g. in literary and film interpretation, in religious interpretation, and in legal interpretation. The course begins with an introductory review of topics and approaches in semantics and pragmatics, then traces how meanings are ascribed differently in a selection of disciplinary and institutional settings. A final stage of the course is concerned with how approaches to interpretation engage with one another and the controversies and debates that arise when they do. No specialized knowledge of linguistics, law, or religious interpretation is needed; the course will provide a multidisciplinary introduction to the fields under discussion. In doing so, it will draw extensively on contributions made by students who are taking or have taken relevant courses in linguistics, literary criticism, and other cognate fields.

Assessment: 10% in-class presentation, 30% in-class test, 60% written assignment

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**LLAW3061 Law, the individual and the community: a cross-cultural dialogue (6 credits)**

This course is a "global classroom" course centred on dialogue amongst parallel classes at universities in a number of countries (including Canada, Singapore, Malaysia, Finland and the US) by means primarily of Internet-based communications technology. The course deals with competing ideas about the appropriate relationship between individual and community and the role of law in regulating that relationship. A special concern is to explore the extent to which human rights are an indispensable and universally desirable aspect of such legal regulation. Are there reasons to believe that either the idea of human rights or the content attributed to some human rights cannot be justified as appropriate for all societies in all contexts? In order to provide a context for the dialogue amongst the students in the different universities, selected cases and scenarios from international human rights law (as well as some comparative constitutional case law) provide the concrete focus for exploring the broader theme. The issues to be examined are likely to include (though will not necessarily be restricted to) the death penalty, preventive detention, sexuality, corporal punishment, parent and child relationship, and freedom of expression.

The course will involve regular meetings of the class in Hong Kong, together with participation by students in discussions with their counterparts in other countries for 8 weeks during the semester. This discussion will be based around the common themes and reading being considered simultaneously by each of the classes during that period. The main form of communication technology used to link the students is an Internet website discussion group (a series of "conferences"), hosted by the Bora Laskin Law Library at the University of Toronto, with a back-up site at the National University of Singapore. Students will be required to contribute to the conferences on a weekly basis as part of the course. The co-instructors at the different institutions will moderate general conferences involving all students from all the participating universities.

[Note : This course was originally conceptualised and implemented by Professor Craig Scott of the University of Toronto and Professor Kevin Tan, of the National of University of Singapore. The course description above is based largely on their course description and appears with their permission.]

Assessment: 100% research paper

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**LLAW3090 Legal aspects of white collar crime (6 credits)**

The course applies international and comparative perspectives to the problem of white collar crime in the HKSAR. The topics covered include defining 'white collar crime', money laundering, terrorist financing, forfeiture/confiscation of crime tainted property, corporate criminal liability, punishing the corporation, investigating and prosecuting white collar crime, and possibly others.

Assessment: 30% continuous assessment, 70% research paper

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**LLAW3234 Legal and legislative drafting (6 credits)**

In this course students will master the skills required to draft complex legal documents, and will improve their skills at analyzing legislative and contractual provisions. The course teaches students how to compose coherent and unambiguous legal text, and how to structure legal documents to ensure maximum comprehensibility.

The course includes an examination of the principles of statutory interpretation that influence the judicial interpretation of legal documents, and shows how to use those principles to ensure that legal documents will be given their intended meaning if challenged before the courts.

Legislative and contractual provisions are analyzed in class, as a way of identifying and correcting typical drafting errors. Students are required to draft or redraft legal provisions and short legal documents as a way to master different aspects of drafting.

Assessment: 100% assignments

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**LLAW3226    Legal fictions: United States citizenship and the right to write in America  
(6 credits)**

In 1776, the idea of self-evidence grounded the philosophical assertion that “all men are created equal.” And yet, political, economic and social equality in the democratic republic of the United States has often proven less of a guarantee and more of a promise. Beginning with Thomas Jefferson’s writing of the “Declaration of Independence,” the recognition of a person as fully human in the United States has depended on assumptions regarding race, class and gender. The course examines the changing definition of United States citizenship by putting legal texts (the U.S. Constitution, federal and state laws, Executive Orders, Supreme Court decisions) in dialogue with literary writings and film. In this course we will read stories by people whom federal and or state law barred from full citizenship. Through autobiographies, fiction, poetry and speeches, we will examine the cultural legacy of legal terms such as “domestic dependent nation,” “illegal alien” and “unlawful enemy combatant.” The course themes may include: property and democracy, slavery, westward expansion and Indian Removal, immigration (with particular focus on China and Asia), the right of women to vote, and the wartime powers of the Executive Office. Our goal will be to pay careful attention to the language and genres of the American legislative and judicial system, and conversely to contextualize literature in relation to the legal history through which the U.S. Constitution has been reinterpreted and amended to broaden its terms of equality. We will read writers who used words to protest against and revise the historical circumstances in which they had to fight for legal standing. We will also consider how different kinds of writing -- legal, scientific, autobiographical and fictional -- employ different rhetorical strategies to reach audiences, affect readers and influence the world.

Assessment: 20% presentation, 80% research paper

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**LLAW3039    Legal history (6 credits)**

Hong Kong had been a constituent part of both the Chinese and the British Empire and was subjected to the laws and regulations of these two historic domains. This course examines how Western scholarship treats the legal history of both China and Britain to explain the approaches and construction of historical narratives for laws and legal systems. Approaching law through history, this course explains the history of legal ideas that shaped a modern common law legal system in China. The aim is to elucidate the legal nature and temporal position of a modern legal entity such as the ‘Hong Kong Special Administrative Region’ through the study of the techniques of historical construction.

This course will discuss the following: the Chinese imperial legal system, the paradoxical absence of Chinese civil laws, general Western study of Chinese laws, the works of twentieth century Harvard scholars such as William C. Jones’s work on the Great Qing Code, and the Californian sociological challenge to the Harvard school. Discussion on British legal history will include: the works of Blackstone, Holdsworth, Dicey and Maitland, British imperial expansion and Admiralty law, colonisation and the Unequal Treaties, colonisation and the corporate form: the cases of the Virginia Company, the Massachusetts Company and the East India Company. The course will also discuss the postmodernist philosophical critiques of history.

Assessment: 100% essay

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**LLAW3162    Legal translation (6 credits)**

This course is designed to give practical training in legal translation. It aims to produce qualified legal translators for both the legal and translation professions. It will be taught in Chinese (Cantonese). Except for students who have already completed Use of Chinese in Law I, applicants for enrolment in this course are required to complete a pre-class aptitude test and a preparatory course.

There will be two modules, one on legal translation from English into Chinese and the other, from Chinese into English. The two modules will each cover three streams of legal translation, namely, contracts, court judgments and legislation. Professional legal translators from these individual streams will be teachers in the respective streams of the course. Samples of legal translation will be analysed in lectures or workshops. At one-to-one or small group tutorials, the tutors will help the students to identify their own strengths and weaknesses as revealed in their marked translation exercises, and to enhance their legal translation skills accordingly. There will be no examination for this course. Students' performance will be assessed continuously by written assignments.

Assessment: 100% continuous assessment

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**LLAW3215    Luxury brands and trademark law (6 credits)**

The luxury industry plays an important role in many contemporary western and eastern societies. Economically, it is estimated that the top 100 luxury goods companies generated sales US\$212 billion in 2015. Culturally, as status symbols, luxury goods function to define class, social distinction, and personal beliefs and values. This seminar explores the rise of luxury brands and the role of trademark law in creating, sustaining, and regulating this industry. It examines landmark cases concerning trademark protection of luxury brands. Moreover, the seminar discusses the social, cultural, and political dimensions of luxury brands. It critically considers the public interest and social concerns arising from this rapidly developing area of economy and law.

Assessment: 80% two essays, 20% class participation

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**LLAW3073    Media law (6 credits)**

In this course, we study the law, principles and legal debate on media regulation, with a particular focus on freedom of expression. A familiarity with principal areas, such as defamation, privacy, and regulation of obscenity in both the printed media and online world will be examined. Thus, a central theme to explore is - how the balance between media freedom and accountability should be struck. Throughout the course, we will question and critically examine the meaning of freedom of the press/media, the responsibility of the media as a watchdog, and the balance between the two. Cases from Hong Kong, Canada, the UK, the US and the European Court of Human Rights will be included in your reading materials. The syllabus outline is as follows:

1. Introduction: the role of the press in democratic society, its relation and differences with freedom of expression, the history of, and the justification of the development.
2. Freedom of the press: freedom from what, and freedom to do what?
3. Defamation: the Law of Defamation and its defences; the challenge of the Internet and Internet service providers' liability
4. Privacy: reporting privacy and the right to be forgotten
5. Publication of Obscene and Indecent articles
6. Protection of News Source

7. Freedom of Information
8. State Secrets and National Security: Article 23 Debate; Wikileaks; Snowden saga
9. Broadcasting regulation and the differences between broadcasting and printed media
10. Regulated Media and Beyond: the Internet

Assessment: 60% research paper, 10% submission of outline/abstract, 10% expressing the view to media, 10% class participation, 10% presentation

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### **LLAW3192 Mediation (6 credits)**

This course covers the principles, process, practice and legal issues of mediation. It examines the underlying values, models and stages of mediation. It will analyse the legal and regulatory aspects of mediation, areas of application and developments of medication practice with a focus on Hong Kong from a comparative perspectives. It will also include skill building through drafting and role playing exercises.

Assessment: 50% research paper, 20% drafting exercises, 20% video-taped simulated mediation, 10% participation

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### **LLAW3040 Medico-legal issues (6 credits)**

In 1971, the life expectancies at birth in Hong Kong was 68 years for men and 76 for women. Four decades on, Hong Kong life expectancies was almost 81 for men, and over 89 for women – one of the longest life expectancies in the world (2013, Centre for Health Protection, Department of Health). Much can be put down to improved primary public health initiatives and infrastructure - such as ensuring universal access to clean water, childhood vaccination programs, better nutrition – and better education and higher income levels as Hong Kong underwent its meteoric economic transformation. But a lot of the credit must also go to advances in medical technology and knowledge. But these same advances in medical technology and knowledge also now raise new ethical, legal and social quandaries which humankind have never had to grapple with before.

A good example is the modern phenomenon of ‘medicalized death’ – at the end of life, people are much less likely to die a ‘natural’ death on their own beds at home, than at the end of a prolonged battle for life in a hospital ward. Indeed, medical technology now forces us to redefine what were confidently assumed to be eternal human certainties such as the definition of death, given that it is now entirely possible to maintain in a ‘living’ state a brain-dead person for many weeks, or in some cases, even months. With greatly extended life expectancy also arises the relevance of the quality of life in the final years: if ‘life’ is sustained only through the most aggressive of medical interventions in a hospital, at what point (or if at all) should such medical interventions be withdrawn in favour of allowing ‘nature to take its course’?

**Life, Death, Decisions at the End of Life and Reproductive Choices:** In the first half of the course, we deal with a trio of topics that raises closely related issues: how should we define life and death? In defining life, we also define death. And vice versa. None of us have any choice about being born, but should people have some say over how they should die? Or when they may refuse the indignity and distress of further medical interventions in favour of a ‘natural’ end? Can and should medical treatment be forced on people who do not want it? At the end of life, many patients are no longer in a state that they can make decisions for themselves. The burden of deciding for these patients then fall on the families and loved ones of these patients: on what principles should such decisions be taken? What about people who have the misfortune to never ever having the capacity to decide for themselves in the first place – babies who are born severely handicapped? How should we define the beginning of human life in the context of pregnancy? What kind of rights may a woman assert over the fetus growing within

her? If she is unable to have children, should she and her partner be allowed to commission a surrogate pregnancy? In what circumstances would it be ethical to deprive through enforced sterilization women of their basic human right to having a child?

**Property in the Human Body, Human Organ Transplantation:** We will spend one brief session on this fascinating topic which is closely connected with the previous topics of Life and Death. Modern medical technology and knowledge now makes it possible for people who might otherwise be condemned to a lingering and certain death through organ failure (most frequently kidney failure, or liver failure) to be given a new lease of life through the transplantation of an organ from a deceased donor. Yet that raises a disturbing conundrum: the organ that is transplanted must be alive in a very real biological sense if the transplant operation is to make sense at all. So the 'deceased' donor must be 'alive' in at least some sense when the organ was harvested, if only in the organ that was transplanted. But it is very unlikely that a person should be someone biologically 'dead' in every part except the very organ that is sought to be transplanted! How is this ethical (and scientific) conundrum to be squared? Does cadaveric transplantation (transplants of organs from a 'dead' donor) depend on an interpretation of death different from the traditional one assumed by humankind for most of its history – that people are dead (and only dead) when breath and heartbeat ceases? Note that medical technology now makes lung and heart transplants possible.

Current technology, too, makes it possible for people to receive organ taken from live voluntary donors. In the most usual situations, this involves the donation of a kidney by a family member to another who needs it. Nor are inter vivos (where the donor is alive) transplants limited to paired organs. Living liver transplants are commonly carried out, in which a live donor gives up a portion of his liver (usually the larger lobe!) for transplant.

Transplants also raises difficult legal, ethical and social issues as to the property and control of organs – and thereby human tissue. To what extent is a person entitled to claim and assert control over her or his body? Can a person specify that he or she should have his or her dead body dealt with in a specific way after death – for example, through cryogenic storage in liquid nitrogen against the hope that he or she may be thawed in the future for treatment when a cure is found for the condition that killed him or her? If a laboratory makes money out of tissue taken from a patient, can the patient claim the profits? Can a hospital claim a placenta and refuse its return to a mother from whom it came?

**Risks, Harm & Consent, and the Obligation of Confidence:** In the middle of the course, we will address the difficult balance of interests and rights in the context of two quite different relationships: that of the physician-patient, and that of the researcher-subject. What kind of risks must be made know to the patient or the subject? To what extent does the law in England and Hong Kong give effect to the much-banded about 'doctrine of informed consent'? What exactly does that doctrine involve? It is all very well and good to say piously that a patient or researcher must always give informed consent. But there are entire classes of people who are not competent in the law to give consent for themselves: children as a class comes to mind, as well as the mentally handicapped or incapacitated, and also other vulnerable populations. How does the doctrine of consent work for these classes and populations?

We are used to the idea that physicians must respect the confidence that patients repose in them. So physicians have a duty not to go about gossiping about their patients and their problems, because patients are entitled to privacy, and the law strongly protects that entitlement to privacy and the preservation of confidentiality. Yet there are some circumstances, where this principle may come unstuck: what if an erring husband who knows that he is infected with HIV insists on having unprotected sexual relationships with his unsuspecting wife – without telling her? In this context, we will also deal with issues in genetic privacy created by advances in genetic science.

**Human Biomedical Research:** The course ends with a trio of seminars centering about human experimentation, research involving human subjects, institutional ethical governance, human tissue banking, the use of medical information and biobanking. All these themes have the common link of

having at their heart the relationship between researcher and subject – a fundamentally different relationship of that between physician and patient that we have so far dealt with in the course. More than for any other group of topics, human biomedical research is likely to see the greatest expansion and development in ethical and legal doctrines relating to the regulation and control of scientific activities

Assessment: 70% take home examination, 30% class participation

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### **LLAW3146    Multiculturalism and the law (6 credits)**

Conquests, colonial projects have long been responsible for the instigation of large-scale ethnic and national mobility in order to further the ends of empire, for example, for the purposes of labour and industrial development or populating land considered to be *terra nullius*. In the aftermath of the First and Second World Wars, which led to a significant redrawing of national boundaries in some regions and more significantly, the liberation of countries in other of the world, people once again moved; some, voluntarily and in pursuit of their dreams whilst numerous others, became victims of exile due to economic, social or political circumstances. By the end of the Cold War period, the showdown between capitalist and communist ideological power blocs waned as a result of the failures of Gorbachev's communist-styled government in the Soviet Union and the resultant loss of confidence in the Chinese Communist Party. This and a combination of factors including America's embrace of isolationism, the onset of the Gulf War and economic and social strife, contributed to a pattern of migration that saw massive influxes of immigrants in Europe, Australia and America. The 21<sup>st</sup> Century has not seen any reduction in this trend of mass migration. Indeed, in the aftermath of 9/11, with the war in Iraq and Afghanistan, the exodus from the Middle-Eastern region continues. Similarly, there is widespread migration from the Eastern block of countries after the break up of the former Soviet Union.

This demographic shift has meant that the nation-state framework that originally dictated the exercise of sovereignty over one's subjects is in need of a significant overhaul. With the growing multicultural representation of communities residing within their borders, nation states have had to grapple with the challenge to the very conception of a monolithic nationhood that comprises the experiences of a singular nation, peoples or culture. Concomitantly, governance structures predicated on presumptions about shared political, social and secular ideals have also demonstrated their inability to cope with the increasing number of 'nationals' that now profess divergent worldviews and commitments, especially where these views derive from personal frameworks of governance such as religious or cultural beliefs and practices.

In the aftermath of the Second World War and in an age of decolonisation, an increasingly complex regime of international provisions has emerged to safeguard the fundamental rights and interests of all people as human beings. Particularly noteworthy and of interest are the development of international human rights law in the form of framework conventions that seek to recognise the risks faced by vulnerable minorities and to protect them against violations of their religious, cultural, linguistic and political rights. These ideas became morally compelling given the atrocities and persecution minorities experienced during times of war, conflict, and colonisation. Apart from the protection of their differences and identity on grounds of their equal worth and dignity, the naturalisation of immigrants into nationals has foreshadowed a need to include their voices in democratic governance structures in light of their new political identities. Yet, naturalised citizens often fail to have their voices heard due to lack of representation, exclusion or marginalisation of their voices and concerns and oftentimes, they lack the capacity to exercise such agency to engage political infrastructure. These circumstances have precipitated one of the most serious crises of identity in an increasingly globalised world, whose borders continue to shrink and shift and as citizens and groups become highly hybridized. Each of these hybridized identities is seeking recognition and protection of their distinct rights and interests whilst sharing geopolitical spaces with other competing identities in close proximity.

This conflict which has manifested itself in the form of tensions regarding minority rights, the freedom of religion, the right to practice one's culture and group rights and their implications limits. These conflicts have most acutely manifested themselves in liberal democratic states where these values are constitutionally enshrined. Questions have also arisen as to the extent of the state's obligation to honour these interests and rights through appropriate schemes in the name of minority rights and the implications of accommodation, assimilation or integration on the core commitments that underscore the liberal democratic constitutional framework, including values such as equality, human dignity and non-discrimination on grounds of race, religion, culture, nationality, gender or other status. Oftentimes, the protection of some of these values results in a conflict with another entrenched value. In the circumstances, the liberal project's commitment to individual freedoms and the practice of democratic engagement faces a paradoxical challenge that requires it to reconcile internal conflicts between these deeply held values, especially when these freedoms stand to challenge the very rights framework from which they derive. Modern pluri-national states demand an alternative discourse that facilitates the reconciliation between meaningful plurality and the potential accompanying threats to the political structures that facilitate such plurality in the first place.

The course examines this conflict through comparative and interdisciplinary lenses, drawing on material from law, political theory, philosophy, and postcolonial studies to better understand the nature of identity, rights, citizenship and the discourse of oppression, violence and conflict. This work will be used to equip students with an enriched analytic framework through which to conceptualise the problems as they emerge in various countries today and to examine and understand the use of various governance structures, approaches and arguments to reconcile conflicting rights within the liberal constitutional framework in light of international human rights commitments. The course considers the use of various tools by courts around the world in dealing with multicultural difference as manifested in the form of language, dress, religious symbols and religious or cultural practices as well as their impact on immigrant and sub-national identities, and evaluates these outcomes in terms of the guarantees of equality and non-discrimination. In doing so, the course material draws on case studies from a range of jurisdictions, including America, Australia, Canada, France and other parts of Europe, Hong Kong in addition to salient international cases that have come before regional courts such as the European Court of Human Rights and international tribunals like the United Nations Human Rights Committee to compare the practices of various jurisdictions to explore the focal themes of the course and to consider the feasibility of integrated approaches to address this contemporary challenge.

The ultimate objective of the course is to probe and question existing approaches to balancing conflicts between fundamental rights and to identify and develop suitable mechanisms and frameworks through which to understand and address the challenges posed in multicultural societies. It is hoped such a critical inquiry can motivate discussions on how the state can better balance competing values by being mindful of the nexus of certain rights to the micro-level identities of minorities in a political community whilst maintaining the allegiance of all groups and individuals as nationals.

Assessment: 70% research paper, 15% symposium presentation, 15% class participation

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### **LLAW3178    Online dispute resolution (6 credits)**

This course will introduce to the students how to use information technology to facilitate the resolution of disputes between parties. Despite the prevalent impression that online dispute resolution (ODR) is simply the online equivalent of alternative dispute resolution (ADR), the course will demonstrate to the students that ODR can augment the traditional means of resolving disputes by applying innovative techniques and online technologies to the process. Although the course will focus on the technological application in those out-of-court alternative dispute resolutions, it by no means ignores the potential that all these technologies may be applied directly in the litigation system. The course will examine online negotiation, mediation, arbitration, their combinations or other alternatives. The course has both theoretical and practical value to practitioners and academics.

Assessment: 40% in-class moot court practice, 60% research paper

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### **LLAW3042 Planning and environmental law (6 credits)**

#### *Planning and land use*

The government lease and land use control; Town Planning; Protecting the non-urban environment: country parks, marine parks, wetlands and the harbour; Environmental impact assessment;

#### *Pollution control*

Air, noise, water pollution and waste; legislation and common law;

#### *The wider context*

International environmental law as it applies to Hong Kong; Trade and the environment.

Assessment: 100% continuous assessment

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### **LLAW3041 PRC civil and commercial law (6 credits)**

This course examines the PRC civil and commercial law from a functional perspective. In the course students will be introduced to the fundamental legal concepts relating to civil and commercial relations and transactions in the PRC as well as the principles underlying the areas of law, including contracts, secured transactions, negotiable instruments, letter of credit, and corporations. In the teaching, both a descriptive account of the law and interdisciplinary methods of studying some areas of the law such as contract law and corporate law of the PRC will be provided. Through the study of the above specific areas of law, students will be provided with the necessary analytical skills and judgmental power essential for their future work.

Assessment: 100% examination

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### **LLAW3107 PRC civil law (in Putonghua) (6 credits)**

This course will introduce the fundamental legal concepts relating to civil relations and transactions in the PRC as well as the principles underlying the areas of law, including property, torts, and contracts. Both a descriptive account of the law and interdisciplinary methods of studying some areas of the law such as tort law and contract law of the PRC will be provided. Through the study of the above specific areas of law, students will be provided with the necessary analytical skills and judgmental power which are essential to their future work.

Assessment: 100% examination

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### **LLAW 3108 PRC criminal law and procedure (6 credits)**

This course will examine the structure of criminal liabilities under Chinese criminal law and the stages of criminal process on the mainland of the People's Republic of China (PRC). It will consider: (1) the organisations of criminal law in China and their relationship; (2) the changing rules of criminal liabilities and criminal process and their political and social contexts; and (3) the operations of the criminal law and the culture of criminal justice system in China. Major topics of the course include: definition of crime in the PRC, structure and principles of PRC criminal law, commercial crimes in the market economy, powers in criminal investigation, the judiciary and criminal trial, rules of evidence,



and rights of the accused.

Assessment: 30% continuous assessment, 70% research paper

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### **LLAW3109     PRC economic law (6 credits)**

This course examines the general framework of major economic legal institutions in China, broadly defined as the legal and regulatory structures governing business activity in both of the public and private sectors where the role of state oversight is prominent. Three issues will be discussed: (1) the making and implementation of laws and regulations on several critical aspects of doing business in China; (2) the process of institutionalizing legal governance for Chinese commerce as well as paving a level playing field for market participants; (3) the impact of globalization, particularly since China's entry into the World Trade Organization (WTO), on the development of the country's economic legal institutions.

Four areas of law are covered:

- Enterprise law: how to start and operate a business?
- Financial law: how to finance a business?
- Competition law: how to curb anti-competitive business activity?
- Consumer protection law: how to prevent businesses from harming consumers and to hold businesses accountable for product liability?

The primary objective of this course is to help students develop a general understanding of the legal and regulatory framework of major economic institutions in China, particularly those involving a significant role of the Chinese state in the economy. To achieve this objective, the course will examine key laws and regulations on important aspects of the Chinese economy and their reform during China's transition from a command economy to a market economy. Domestic debates over policy orientation and reform strategy will also be reviewed to explain how China's economic legal regime has evolved in the face of changing reform dynamics shaped by both domestic and global conditions.

Assessment: 80% take home examination, 20% group presentation

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### **LLAW3089     PRC information technology law (6 credits)**

This course examines the key law and regulations concerning the Internet and related business in Mainland China. It intends to provide a wide-angle view of the Chinese legislative framework for the Internet and IT industry. Against the background that both the Mainland and Hong Kong are the members of the WTO, the course also intends to examine the impact of the Chinese Internet and IT Regulations on cross-border transactions of IT products and services. The law of other jurisdictions and the international treaties, however, may be used to compare with the related Chinese law.

Topics may include:

- Overview of IT and Internet Regulatory System
- Administration of Websites
- Electronic Commerce and Electronic Signature
- Online Publishing and Media
- Online Advertising
- Telecommunications
- Commerce Encryption
- Online Intellectual Property Issues

- Domain Name System
- Legal Protection for Software and Integrated Circuits
- Privacy Protection and Internet Censorship
- Liabilities of Network Service Providers
- Defamation, Negligence and Trespass
- Computer Crimes
- Jurisdiction and Conflict of Law in the Cyberspace
- Online Dispute Resolution

Assessment: 100% research paper

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### **LLAW3087     PRC intellectual property law (6 credits)**

Intellectual property (IP) protection in China has drawn world-wide attention since China opened its door for economic and social reforms. The rampant piracy and counterfeiting activities have made IP protection a primary concern for many multinational companies in doing business in China. On the other hand, IP is largely seen as crucial to economic, social and cultural development in the knowledge age. Against this backdrop, many IP experts and policymakers have been debating about the ways in which IP can be used as a tool for transforming China into a knowledge-intensive economy.

This course deals primarily with the legal protection of copyrights, patents and trademarks in China. We will focus on the basic legal principles and rules concerning the protection of these three core forms of IP rights. Each area of study will be followed by an examination of the cutting-edge issues at the frontier of IP and technological development. For example, we will study the topics of copyright protection and digital technology, which primarily include the right of making available to the public, digital compilations of data, legal protection of the technological measures used by copyright holders. Moreover, we will closely examine a series of major cases to understand the latest developments in the judicial application of IP laws. Most of these cases involve multinational companies such as Ferrari, Google, Louis Vuitton, Pfizer and Starbucks.

Assessment: 80% take home examination, 20% class participation

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### **LLAW3152     PRC property law (6 credits)**

It is generally believed that secure property rights are the key to economic growth. Yet it is said that China has been the world's fastest growing major economy for the past 30 years without a well-functioning property law. This seeming contradiction has compelled leading scholars of different disciplines to reflect on the role of property rights in economic development.

Is the general belief valid? Is China really a counterexample? This course intends to answer both questions by investigating the evolution of the Chinese property system. It will cover four parts: evolution of property rights in Chinese constitution; evolution of the Chinese land administration laws; evolution of property rights in Chinese civil laws (i.e., from the 1986 Principles of Civil Law to the 2007 Property Law); and the relationship between property rights in action and property law on the books.

This course endeavors to deepen students' understanding of the PRC property system, with a focus on how real world developments influence the property law, and vice versa. It will draw on cases and examples from the real world to help students understand the PRC property system.

This course will not only enable students to understand the complex system of the PRC property system, but also the factors that have driven its development. This course will build a solid basis for students

who are interested in either practicing Chinese real estate law or doing related academic research.

Assessment: 50% final paper, 30% response paper, 20% class participation

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### **LLAW3181 PRC security and insolvency law (6 credits)**

This course will focus on both security and insolvency issues in the People's Republic of China, with reference to both PRC foreign investment enterprises and state-owned enterprises and companies. The options available to creditors for protecting their interests under Chinese law will be a central feature of both parts of this course.

Aspects of security law to be covered include the five forms of security – guarantee, mortgages, pledges, liens and deposits, with an emphasis on mortgages and guarantees. Topics to be studied include : the concept of security, Chinese attitudes towards security, the selection of security providers and of security vehicles, real and personal security, types of business finance, creating security (investigation, negotiation and documentation), the approval process, the recording system, and remedies.

The insolvency portion of the course will focus on the insolvency of foreign investment enterprises and state-owned enterprises and companies. The PRC Bankruptcy Law and related legislation at both the national and local levels will be considered. Topics to be studied include insolvency principles, the economic and political ramifications resulting from the insolvency of state-owned enterprises and companies, an overview of the insolvency process, commencement of insolvency cases, property available for distribution to creditors, representatives of the estate, and liquidation procedures generally. Cross-border insolvency issues, especially in relation to co-operation with the Hong Kong SAR, will also be considered. A reading knowledge of simplified Chinese characters would be desirable.

Assessment: 70% research paper, 30% assignment

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### **LLAW3201 PRC shipping law (in Putonghua) (6 credits)**

The course aims at promoting students' understanding of the legal framework governing shipping and maritime trade in mainland China.

Topics include: ships and crew; contracts of sea carriage; bills of lading and charterparties; multimodal transport; sea towage contracts; collision of ships; salvage at sea; general average; marine insurance; limitation of time and liability for maritime claims; maritime dispute resolution. The PRC Maritime Code and relevant legislation will be covered.

The course will be taught in Putonghua and examined in Chinese. The examination answers can be written in either English or Chinese as selected by the student. Problem-solving approach with case studies will be adopted.

Assessment: 100% written assignment

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### **LLAW3177 PRC taxation law and policy (6 credits)**

The course first examines the legal, economic, and political considerations relevant to the formulation and implementation of tax law and policy in the PRC. It then introduces the legal framework of tax law in the PRC from the legislative, administrative and judiciary perspectives and illustrates how tax law is developed, implemented, interpreted and enforced. The major components of China's tax system will be reviewed, including VAT, business tax, enterprise income tax and individual income tax. Other types

of taxes which are experiencing rapid developments in the regulatory framework, e.g., real estate related taxes and environmental related taxes, will be explored and discussed. Given the increasing significance of the PRC in international trade and investment, tax implications arising from cross-border transactions involving PRC parties and the application of tax treaties will be analyzed.

Assessment: 20% participation, 80% research paper

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### **LLAW3129     PRC tort law (6 credits)**

This course introduces the history of PRC tort law, the PRC Tort Law (2010), relevant principles of PRC General Principles of Civil Law on which tort law is based, other tort-related laws and regulations, and judicial interpretations. The course analyzes the tort cases which have been adjudicated by Chinese courts to see how cases are decided under the existing tort laws. The discussion of the laws and cases aims to solve the substantive issues including liabilities based on fault such as personal and property injury, tort injury to personality rights and family/business relations; liabilities without fault such as product liability, environmental pollution, ultrahazardous activities, and injuries caused by domestic animal; fault-presumed liabilities such as medical malpractice, motor-vehicle traffic accident and work-related accidents. These issues and various concepts such as intentional torts, negligence, vicarious liabilities, and joint and several liabilities will be discussed in comparison with the Common Law counterparts.

Assessment: 100% examination

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### **LLAW3167     Preventative law: approach to conflict prevention (6 credits)**

Lawyers can play a key role not just in the resolution of disputes, but also in the prevention and management of conflicts within organizations and societies. This course will explore key processes through which a system is consciously created to address a stream of conflicts among individual and entities, as well as legally defined disputes. Similar to the public health model, which aims to promote positive individual and collective habits that stem the occurrence of disease, this course seeks to examine those mechanisms, principles and processes oriented toward the prevention of conflict. The approach of the course will be both theoretical and participatory in nature.

Assessment: 25% class participation, 75% research paper

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### **LLAW3043     Principles of family law (6 credits)**

Family law is about people in a domestic setting; how domestic relationships are created, dissolved (which involves status alteration), reconstituted (remarriage, adoption), how relationships are regulated and disputes resolved (John Eekelaar). Hong Kong Family law is both common law and statute-based. However, the rules and principles are not ends in themselves, but they serve certain purposes or goals.

In this course, we examine the basic principles governing the creation of family relationship, termination and its consequences, how does the law deal with the evolving notion of domestic relationships, abuse occurring within such relationships, the protection it offers to the weaker party and the reconstitution of family relationships.

Families are undergoing changes constantly, as is society. Debates on transsexual marriage, same-sex marriage reflect this. Families are the microcosm of society bearing all the pressure which society exerts on its members. The challenge of the course is to understand the problems facing families today, to what extent the law is in tune with these problems, how best these problems could be alleviated, minimised

or resolved by law reform or other means.

The purpose of the course is to allow you to learn the basic family law rules, understand how these rules are applied to a particular family problem (which you need to utilise as a lawyer). As rules are not ends in themselves and they promote certain underlying values – you are required to critically analyse and assess what outcomes/values these rules promote; whether these values are consistent with prevailing societal values along certain theme, such as: (i) effective disputes resolution, (ii) protective (physical/economic) function of family law and (iii) upholding fundamental societal values concerning family, personal relationships and human rights.

Assessment: 45% written examination, 45% assignment and presentation, 10% class participation

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### **LLAW3075 Privacy and data protection (6 credits)**

This course will explore privacy and data protection in today's surveillance-driven and increasingly interconnected global society. We will consider a variety of topics including: the concept of 'privacy', its origins, its development of political, philosophical and economic underpinnings and its conflict with free speech; constitutional, common law and statutory means of privacy protection; privacy electronic surveillance and the interception of communications, including the Interception of Communications and Surveillance Ordinance (ICSO); data protection under the Personal Data (Privacy) Ordinances, including the six data protection principles, (DPPs) access and correction rights, trans-border data flow, the role and powers of the Privacy Commissioner, enforcement and exemptions from DPPs; privacy and social media; and the regional and international dimension, including data protection under APEC, Council of Europe, OECD, and EU instruments.

Assessment: 60% in-hall examination, 30% on-course assignment, 10% class participation

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### **LLAW3194 Property protection in China: law, politics and culture (6 credits)**

Due to China's unique economic structure and political culture, property protection has loomed large for many multinational companies to operate business in China. The vast growth of their investment in the Chinese property market makes it increasingly important for them to understand and use the complex legal system to protect their property interests. Moreover, a host of problems caused by the rapidly developing economic reform in China have made property protection a core issue at the forefront of human rights debate. Since the passage of the Property Law in 2007, there has been a more heated debate over the ways in which property system should be further reformed to address the problems such as social inequality and political change in China.

Situated in the watershed moment of institutional transition in China, this course aims to examine the legal protection of property rights under the Chinese law and its related economic, cultural and political issues. All the topics of this course will be discussed through case studies. With a focus on the newly adopted Property Law, the first part of the course deals in detail with the basic principles and rules that protect property rights. For example, we will discuss the civil law principles of property protection, acquisition of property, exclusive rights conferred on property owners, and the limitations on exclusive rights. The second part of the course considers the economic, social and political issues of protecting property rights in China. To do so, we will discuss issues such as the development of the real estate market, the protection of cultural property, and takings of property and land reforms.

Assessment: 70% two short essays or a research paper, 30% participation

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### **LLAW3044 Public international law (6 credits)**

Public international law governs inter-state relationships and entities such as individuals, international organizations and so on. The scope and importance of public international law has expanded dramatically in the last century due to increased awareness and studies towards globalisation, escalation of conflicts, environmental issues and human rights violations.

This *undergraduate* course aims to introduce the basics of the core aspects of public international law, including the law of obligations, law of peace, law of war and human rights against contemporary contested scenarios at the time of the course. With a view to give the students a practical perspective there will also be a short introduction to the use of public international law in the domestic law context.

Assessment: 10% participation in class discussions, 20% reflective journal, 40% in-class mid-term examination, 30% oral examination

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### **LLAW3163     Public international law in domestic courts (6 credits)**

This course aims to give undergraduate students advanced training in the use of public international law by domestic courts, especially in Hong Kong. It builds upon the introduction to the topic in the general public international law elective. The principles in this area are complex, especially in Hong Kong. Further, within public international law, they are among the most likely to be encountered by students in their legal careers. A specialist elective, with due regard to the Hong Kong position, is worthwhile.

Assessment: 50% continuous assessment, 50% examination

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### **LLAW3235     Punishment and society (6 credits)**

This course will explore the institution of punishment from a philosophical perspective.

The first part of the course will focus on the question of justification of punishment (i.e. what provides the positive reason and right for setting up the institution of punishment?) Deterrence, Self-defence, Retribution, Consent, and Forfeiture theories will be covered.

The second part of the course will explore the question of distribution of punishment (i.e. who should be punished and by how much?). Topics that may be covered include the following: Should successful crimes be punished more than failed attempts? Should poverty, youth, or repentance be mitigating factors? Should previous criminal records be taken into account in sentencing? How should we sentence offenders who commit their crimes under civil disobedience?

Assessment: 50% examination, 50% term paper

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### **LLAW 3180     Regulation of cyberspace: theories of internet and normativity (6 credits)**

The course takes a closer look at the legal and political challenges brought about by the Internet and related technologies. The goal is to provide participants with an in-depth understanding of the conflicts involved in the governance of the information environment and equip them with the tools to analyze and assess these conflicts from a normative perspective. This involves two analytical steps: (a) understanding the challenges and limitations of conventional legal institutions on the Internet, especially those administered by the State, and (b) reinterpreting and reinventing these institutions in the context of the Internet.

In order to achieve this goal, the course combines foundational readings with contextual analyses of

legal institutions on the Internet. This approach enables participants to make connections between some timeless questions of law and politics implicated in regulation and revisit them in the broader context of networked information technologies. To complement this framework, class discussions will pick up contemporary cases and events to which the concepts and theories will be applied.

The course is not necessarily targeted at students with prior knowledge of the interplay between law and technology, in general, and law and the Internet, in particular. While not focused on any particular jurisdiction, it takes major common law systems as its starting point.

Assessment: 80% research paper, 20% 4 notes and queries

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### **LLAW3069 Regulation of financial markets (6 credits)**

This foundation course addresses the nature and operation of financial markets and the role of regulation. Coverage, based on comparative analysis and international standards, will include major financial sectors (banking, securities, insurance), supporting legal and institutional structures, and current issues and trends.

Assessment: 100% take home examination

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### **LLAW3229 Regulatory compliance in international finance and OTC derivatives documentation (6 credits)**

Regulatory compliance in international and OTC derivatives documentation is a course for students planning to venture into today's interconnected legal and financial world. Theories will be explored in this course, complemented by practical insights, with an aim to provide students with hands-on understanding of complex legal, compliance and risk management concepts applicable to international banking, particularly in respect of over-the-counter derivatives ("OTC derivatives"), which is one of the most interesting and essential financial products. In this course, a lot of emphasis will be placed on the compliance framework and the standard contractual documentation for OTC derivatives.

The course also seeks to raise awareness towards the increasingly interconnected global regulatory framework (with focus on Asia-Pacific), and place emphasis on the necessity for a "compliant" finance industry.

By way of background, a derivative is a contract that derives its value from the performance of an underlying asset, index or interest rate. Examples include forwards, futures, options, swaps, collateralized debt obligations and credit default swaps.

Derivatives play a significant role in the financial system. Primarily, they serve as tools for financial market participants to hedge their risk exposures. Furthermore, derivatives may be used for speculation and may become a source of systemic risk in the financial market.

OTC derivatives are derivatives that are traded bilaterally between two counterparties and not traded through an exchange. As compared with exchange traded derivatives, OTC derivatives are more critical from a systemic risk management perspective. Because of the bilateral nature of the OTC derivative trades, it is more difficult for regulatory authorities to capture the nature and magnitude of these transactions for effective systemic risk management. While the insufficient regulatory management of OTC derivatives was regarded as one of the main causes for the 2008 financial crisis, various regulatory authorities around the world stepped up their efforts in regulating the trading of OTC derivatives after the crisis.

Assessment: 30% exam, 25% coursework, 25% test, 20% in-class participation

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### **LLAW3045 Remedies (6 credits)**

Damages: purpose, assessment and entitlement to damages at common law; remoteness of damages in contract and tort; damages for personal injury; damages in equity.

Specific performance: nature of the remedy; specific performance as an alternative to damages; supervision of the performance; discretionary consideration.

Injunctions: equitable origins of the injunction; power to grant injunctions; the different types of injunction; penalties for failure to comply with an injunction.

Other equitable remedies: declarations; restitution; rescission; rectification; account; delivery-up and cancellation of documents; receivers.

Defences to equitable remedies: the maxims of equity; the overriding discretion of the court.

Assessment: 100% continuous assessment

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### **LLAW3224 Resolution of transnational commercial disputes: processes and principles (6 credits)**

This course alludes to the available processes and the applicable principles relating to the resolution of commercial disputes that are transnational in nature. The primary focus is on the various forms of commercial dispute resolution processes available to contracting parties and the essential principles and issues pertinent to these different processes. The overriding aims of this course are to acquaint the students with the characteristics of each of these processes, to highlight the governing principles and to discuss both the perennial and emerging issues relating to this aspect of the law.

It is envisaged that lawyers advising clients on transnational commercial contracts will be required to prepare and draft dispute resolution clauses and/or to provide legal advice and representation when a dispute has arisen. Such lawyers are expected to explain to their clients the plethora of options available to them so as to advance their clients' best interests. Thus it is imperative that students have a commanding understanding and appreciation of the processes and principles concerning the resolution of transnational commercial disputes. This in turn will better prepare the students to be competent transnational lawyers.

The areas that will be examined in this course include (i) the fundamentals of the traditional and alternative commercial dispute resolution processes; (ii) the importance and effect of jurisdictional clauses or agreements; (iii) the principles governing the enforcement of foreign judgments; and (iv) the principles and approaches adopted by the courts in certain selected jurisdictions concerning the enforcement of arbitration clauses and awards. The role that National Courts play in arbitral proceedings will also be scrutinized in this course.

The topics to be discussed in this course include:

1. The traditional versus the alternative dispute resolution processes for international commercial disputes.
2. The arbitration versus litigation debate.
3. The role of national courts in arbitral proceedings.
4. Jurisdictional issues in international commercial disputes.



5. Enforcement and challenges to choice of court agreements.
6. Enforcement and challenges to arbitration clauses.
7. Principles governing the recognition and enforcement of foreign judgments.
8. Principles governing the enforcement and challenges to foreign arbitral awards.

Assessment: 70% seminar presentation and a paper on a given topic/issue, 30% class participation

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### **LLAW3115 Rights and remedies in the criminal process (6 credits)**

This course examines how courts in various common law countries have enforced the legal rights of suspects and accused persons at different stages in the criminal process. The following rights will be studied comparatively: right to be free from arbitrary detention, right to bail, right to legal representation, right of silence, right to trial without undue delay, right against unreasonable search and seizure, and right to a fair trial. The remedies to be examined will include exclusion of evidence at trial, stay of proceedings, declaration, damages, adjournment, and bail.

Assessment: 100% take home examination or 100% research paper

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### **LLAW3068 Rights of the child in international and domestic law (6 credits)**

This course will examine the concept of children's rights within the Asia-Pacific region as a general theoretical issue, as well as consider selected issues of domestic law and practice in the light of the minimum standards mandated by international human rights law. The second part of the course will seek to apply these theoretical models to the concrete legal situations in the region. It will consider international instruments such as the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of Children, and the Hague Conventions on Child Abduction and Inter-country Adoption, as well as other regional or bilateral arrangements.

Assessment: 100% research paper

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### **LLAW3227 Securities law and regulation in Hong Kong I (6 credits)**

Securities law and regulation are at the heart of the functioning of Hong Kong's securities and futures market, providing a robust underpinning necessary for an open, healthy, transparent and fair market, with clear rules that are consistently applied for the protection of market integrity and investors' interest. To succeed as an international financial centre, Hong Kong needs nothing less.

This course aims to provide students with an understanding of the philosophy and policy behind regulation, how policy imperatives are evaluated and implemented, and how the law and rules are administered. It will take students into the core of Hong Kong's securities market regulation. In the aftermath of the Asian Financial Crisis, it became clear that a modern, purposeful legislation was needed to plug the gaps in the then existing regulatory fabric and equip the Hong Kong market for challenges and opportunities in the new millennium and with it, the new technological era. Hong Kong undertook securities law reform to replace the labyrinth of some 10 pieces of related legislation with the Securities and Futures Ordinance (SFO). Students will be taken through the process behind the enactment of the SFO, the policy choices confronting Hong Kong and the imperatives behind the exercise. Equipped with a better understanding of the policy and regulatory philosophy behind the SFO, students will then be invited to examine in depth, through a series of case studies (based on actual cases brought before the Hong Kong courts and the Market Misconduct Tribunal) some of the key components of market regulation - the regulation of market structures such as Hong Kong's stock exchange and other automated trading systems, the regime for the offer of investments, the dual regime for combating

market misconduct market, and the tools that the regulator is given under the SFO to regulate the market, and how the regulator uses these tools. Through these case studies, students will understand how the law and rules are administered, the objectives behind various regulatory actions taken and the rationale for different protective actions sought. Students will be challenged to critically assess the effectiveness and implications of some of these actions, and explore other possible avenues of redress/rectification/protection.

Given Hong Kong's role as the bridge between the Mainland of China and the rest of the world, the course will also examine, albeit briefly, how Hong Kong has within the framework of its existing legal and regulatory system successfully connected with the Mainland Chinese market, and also connected the Mainland Chinese market with the international markets and international investors.

Assessment: 30% written work, 30% oral presentation, 40% take home written paper

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### **LLAW3228 Securities law and regulation in Hong Kong II (6 credits)**

Securities law and regulation are at the heart of the functioning of Hong Kong's securities and futures market, providing a robust underpinning necessary for an open, healthy, transparent and fair market, with clear rules that are consistently applied for the protection of market integrity and investors' interest. To succeed as an international financial centre, Hong Kong needs nothing less.

This course provides an overview of Hong Kong's securities regulatory regime, with special focus on how the regulation has been developed to both enable and supervise market players (i.e., regulated intermediaries such as brokers, fund managers, etc. who are licensed by or registered with the SFC to conduct regulated activities) and new and developing market innovations. Students will learn: the sources of law and regulation of the securities and futures market in Hong Kong and the philosophy behind regulation, the general fabric of regulation including a closer look at how the regime seeks to protect investors while at the same time permitting market innovation. Students will examine in detail the regime for the regulation of regulated intermediaries, the tools for supervising them, the administrative sanctions regime and the appeal mechanism. As well, students will be invited to consider how various market innovations in recent years, have challenged the limits of the existing legal and regulatory framework and how the regime has dealt with these issues. In this context students will examine legal and regulatory issues surrounding the offering of investments and products (including crowd funding and virtual currencies) and market structures and behaviours such as dark pools and high frequency trading. As securities markets are global and Hong Kong is a part of the global markets, the course will also examine how Hong Kong has responded to the 2008 Global Financial Crisis and the global reforms unleashed under the aegis of the G-20 and the Financial Stability Board. Specifically, students will examine some of the key pillars of these reforms, such as the regulation of credit rating agencies and over-the-counter derivatives, and the resolution of Too-Big-to-Fail financial institutions. Closer to home, students will examine the high profile failure of the Lehman Brothers Minibonds in Hong Kong and how the matter was resolved.

Students will be challenged to critically assess the effectiveness of Hong Kong's regulatory responses to these issues, and the longer-term implications to the development of Hong Kong's securities and futures market.

While students who have taken Securities Law and Regulation in Hong Kong I may find this course to be an interesting and useful continuation of their pursuit in the study of securities market regulation, that course is not a pre-requisite for this course. Each of these courses will in their own way and through the use of different subject matter introduce students to the diverse complexity and intellectual challenge of understanding securities markets and the legal and regulatory issues involved, and enable students to gain a good understanding of the subject from different perspectives.

Assessment: 30% written work, 30% oral presentation, 40% take home written paper

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### **LLAW3050     Securities regulation (6 credits)**

This course is an introduction to the framework of securities regulations. Topics include: self-regulation, regulatory agencies, financial and transactional intermediaries, primary distributions, secondary trading, acquisitions and mergers, insider trading, securities fraud, derivatives and globalisation.

Assessment: 100 % take home examination

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### **LLAW3077     Selected issues: WTO and China (6 credits)**

This course is an advanced seminar on the interactions between WTO law and national measures in selected areas such as customs administration; public health and safety, consumer protection, industrial and competition policies; agricultural, textiles and clothing markets, financial services markets, telecommunications, and intellectual property rights. Each topic will include a discussion of the interactions between WTO law and national measures with respect to China. This will include examination of issues related to State trading, economies in transition and differential treatment to accommodate the special needs of developing economies. The course will begin with a review of the general principles of the WTO agreements, and a discussion of the sources of WTO law concerning China's commitments and obligations. Topics of study will include valuation for customs purposes, pre-shipment inspection, rules of origin and import licensing procedures. The WTO agreements on sanitary and phytosanitary measures and technical barriers to trade will also be considered, as will the treatment of anti-dumping measures, subsidies and countervailing duties, and government procurement. Policies related to trade in agricultural products, textiles and clothing will be addressed in the light of relevant WTO agreements. The GATS and its annexes on Financial Services with respect to banking, insurance and securities, and Telecommunications will be examined. Finally, the course will conclude with a detailed analysis of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement) and a review of the requirements necessary for a national regime to implement the TRIPs agreement.

Assessment: 100% continuous assessment

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### **LLAW3116     Selected legal issues in commercial practice (6 credits)**

This course seeks to discuss selected topics of Law that are fundamental and practical to Commercial Practice. Its objects are two-fold: (1) to provide a fresh and perhaps practical perspective on certain topics in Contracts, Torts, and Commercial transactions generally; (2) to introduce new topics that help students plug gaps of knowledge in important Commercial areas.

The topics intended to be covered are :-

1. Mistake
2. Illegality
3. Liability for misrepresentations
4. Liability for non-disclosure
5. Estoppel
6. Assignment of choses in action
7. Set-off
8. Subrogation
9. Resulting trusts

#### 10. Constructive trusts

The course will be conducted through seminars. It will not cover the whole of the 10 topics listed, but specific themes within those areas. The approach will be practical, as well as theoretical.

Assessment: 30% continuous assessment, 70% research paper

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#### **LLAW3051 Selected problems in international law (6 credits)**

A detailed examination of selected issues of international law in areas such as international environmental law, international criminal law, law of treaties, international economic law, law of the sea, law of war and humanitarian law, air and space law, international organizations and settlement of international disputes.

Assessment: 100% research paper

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#### **LLAW3053 Sociology of law (6 credits)**

The main objective of the course is to provide a general introduction to the sociological study of law. It attempts to develop an understanding of law in its social context by examining social theories of law and empirical research relating to law in contemporary industrialised societies, including Hong Kong.

In seeking to explore the operation of law in action, the course first explores the theories and typologies of Durkheim and Weber with particular emphasis on problems of legitimacy, ideology, and social solidarity. Specific sociologically significant features of the law are then considered. These include: the legal profession; the functions of courts; the enforcement of law by the police; the Rule of Law.

Assessment: 100% research paper

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#### **LLAW3225 Sovereignty in law, theory and culture (6 credits)**

Sovereignty is a centrally important concept for both law and politics, to which recent debates in Hong Kong testify. In this course we will assess the meaning and significance of sovereignty by drawing on resources from across the arts, humanities and social sciences. We will read and discuss materials from law, political theory, philosophy, urban studies, literature and the visual arts in order to answer the following questions: What is sovereignty and how is it related to the history of the state? How is our understanding of sovereignty changing in the context of contemporary challenges like globalization, climate change and international terrorism? And what would law and politics look like *without* sovereignty? The course takes a broad historical sweep, from early-modern conceptions to the present day. We will look at key theorists of sovereignty like (the authoritarian) Thomas Hobbes, (the Nazi-sympathizing) Carl Schmitt and (the anarchist philosopher) Giorgio Agamben as well as explore thinkers who are trying to imagine law and politics 'without' or 'beyond' sovereignty. Throughout the course, we supplement theoretical and legal debates with insights from literature and the visual arts. The plays of William Shakespeare; poetry written by inmates within the Guantanamo detention centers; 17<sup>th</sup> century emblems and images; and an early-twentieth century novel will all help us understand the meaning of sovereignty and explore possibilities for its critique.

The course will be of particular interest to students who have enjoyed classes in legal theory, law and literature, law and film, or constitutional law. But the course is open to all who are excited to explore the possibilities of interdisciplinary scholarship and want to find out more about the elusive but crucially important notion of sovereignty. This course hopes to broaden the scholarly horizons of students by

bringing students together from different disciplinary backgrounds. The course will provide participants with valuable cross-disciplinary reading, rhetorical and evaluative skills.

Assessment: 25% mid-term essay, 75% final essay

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### **LLAW3147    Space law and policy (6 credits)**

This course introduces students to the study of space law. It will enable them to understand the socio-economic environment of Space law from the legal standpoint and will provide them with a detailed overview of the substantive rules of law relating to peaceful use of outer space, liability, registration, space commercialization, launching activities, remote sensing and environmental issues. It will teach them how to develop an understanding of the theoretical nature and practical aspects of the function of telecommunications services in mainland China and Hong Kong. Students will critically analyze the relevance and substance of Space law and related problems, such as space launching activities, remote sensing and space debris, and gain an understanding of the process of telecommunications liberalization within the World Trade Organizations (WTO)

Assessment: 100% research paper

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### **LLAW3054    Succession (6 credits)**

The law relating to the validity, construction, revocation and operation of wills and the rules governing intestate succession; family provision, the nature and purpose of the office of executor and administrator.

Assessment: 100% continuous assessment

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### **LLAW2011    Summer Internship (6 credits)**

This programme is offered only to law students. Students will undertake an internship with a non-governmental organisation or public authority in Hong Kong, Mainland China or other regional Community Partner Organisation (CPO). The internship will last for ONE MONTH and will take place in two separate internship sessions in June and July. Students may choose EITHER the June internship period organisation or the July internship period, but may not participate in both.

Application for this course is competitive and students will be SELECTED by CPOs based on their profile, specific skill-set, background knowledge, and interest or experience in particular areas of law. The CPOs taking part in the SJSI course work on a wide range of human rights and social justice issues, including migrant domestic workers, human trafficking, animal rights, labour rights, rights of ethnic minorities, women, the elderly, and children, among others. When applying, students may indicate which CPOs they are interested in working with.

The course will be assessed on the basis of a 5-point scale ranging from Poor to Excellent. These points will not be counted towards the calculation of the CGPA/WGPA or honours classification. However, these will be recorded on an official transcript. In addition, students who are selected to participate in the program and who successfully complete all requirements will be presented with a certificate officially recognising their contribution to and successful completion of the Programme.

Assessment: 100% completion of one-month internship with the CPO (clocking a minimum of 120 hours to qualify as satisfactory completion of the internship component); maintenance of work report documenting daily objectives, work output and achievement of goals; submission of reflective journal and a research paper

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**LLAW3072 Tax law: principle and practice (6 credits)**

The objective of this course is to provide students considering pursuing a career in corporate law, accounting or wealth management with the theoretical and practical skills to identify and analyse tax issues and to advise effectively both corporate and individual clients. Taxation plays a vital role in commercial transactions and corporate structuring in Hong Kong and throughout the world. This course will focus on a close examination of the Inland Revenue Ordinance and of the extensive case law on point. On a practical level, we will also consider relevant guidance and practice notes of the Inland Revenue Department, with a view to enabling students to understand how Hong Kong and international taxation operate in practice and to develop strategic and commercial awareness. Having acquired a sound theoretical basis in revenue law, students will be expected to apply that knowledge to tax structures and issues commonly encountered by corporations and high net worth individuals in Hong Kong. We will further cover tax policy issues, including an analysis of Hong Kong's territorial taxing jurisdiction, capital taxation, broadly-based indirect taxation and taxation compliance, with a view to providing an understanding of Hong Kong tax in the broader social, political, and international contexts. Where appropriate, these issues will be compared and contrasted with the taxation system of Mainland China as well as other common law jurisdictions such as the UK and Singapore.

Assessment: 50% final examination, 50% take home assignment

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**LLAW3251 The beginnings of English law and literature (6 credits)**

In England's medieval period, it has been said, 'law and literature grew up together'. In this course, we will examine the early history of English law: from the blunt legal codes of the earliest medieval English kings, through the rise of the common law after 1066, to the rapid growth of a complex and professionalised legal system in the early renaissance. Our survey of the foundational laws of England will be informed and enriched by a close examination of major literary works – such as the Old English epic *Beowulf*, the legends of King Arthur, Geoffrey Chaucer's *Canterbury Tales*, and early renaissance drama. The focus will be how English law and literature before the year 1600 influenced each other, and how both discourses tackled questions of authority, sovereignty and the rule of law – questions that both law and literature still grapple with today.

In addition to offering a window into a number of medieval worlds – early royal courts, the first universities, the scriptorium, the early Inns of Court, the guildhalls of London – this course traces the history of the English book itself. The legal and literary texts we study survive in medieval documents, rolls, manuscripts and early printed books; as we learn how these artefacts were composed and produced, we will discover the profound influence that legal writing had on the way that books were created, organised, reproduced and read in the medieval period and for centuries to come.

Students completing the course will have a strong sense of the history and development of English statute and common law, familiarity with many of the canonical literary texts and authors of the medieval and renaissance periods, and a critical understanding of the interactions of pre-modern law and literature, as well as the ability to undertake legal and literary research using primary texts and documentary artefacts from manuscript libraries and archives.

Assessment: 50% final essay, 30% mid-term essay, 20% oral presentation

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**LLAW3252 The global migration legal clinic (6 credits)**

The Global Migration Legal Clinic aims to empower and equip HKU students with the skills and

knowledge necessary to excel in a changing global legal environment by providing students with the opportunity to learn by doing and by providing service to the community.

This experiential course will focus on the growing number of people across Asia who migrate from their home each year in search of better work opportunities. In Hong Kong alone, 10% of the working population are foreign domestic workers. And the HK government recently announced that the number of said workers will grow from approximately 370,000 to over 600,000 in a matter of decades. Moreover, because of ageing populations and diminishing growth, unskilled migrant workers are increasingly important to economies across Asia, with nations such as China, Japan, and South Korea recently enacting laws allowing unskilled migrants to work in-country.

Conversely, as the amount of labor migration increases, the instances of abuse also increase. There are more slaves and bonded workers in the world today than at any time prior, and the vast majority of these workers are found in Asia. Recent studies have shown that a majority of foreign domestic workers in HK have been abused or deceived in some fashion, and the US government has categorized HK as a Tier-2 Watch country on its Trafficking in Persons Report for multiple years running.

Students in this Clinic will be tasked with focusing on specific legal cases and problems, and devising wholistic solutions to said problems. While their solutions will obviously involve legal recourse or research of some kind, students will be required to also consider broader solutions, including: media and social media exposure, lobbying, commercial solutions, etc.

The aims of the Clinic are:

1. to expose students to the challenges and skills of affecting real change in real-life situations;
2. to expand opportunities for collaborative experiential learning;
3. to instruct students in the theory and practice of various legal disciplines;
4. to give students an opportunity to practice their professional skills and ethics;
5. to encourage students to identify and provide service for unmet legal needs; and
6. to encourage critical analysis of the law, the relationship between international and domestic legal systems, and the clients' place and the lawyer's role within the international legal system.

Specific skills taught include interviewing, working with an interpreter, oral advocacy, negotiation, fact investigation, legal research and analysis, legal writing and drafting, collaborative problem solving, and lobbying.

Assessment: 25% weekly seminar and training sessions, 40% fieldwork with partner organisations, 15% blog assignment, 20% final video assignment

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## **LLAW3212 The law on financial derivatives and structured products (6 credits)**

This is a pioneering derivatives course that aims to give undergraduate students a working knowledge of derivatives and structured products as used in the financial markets in Hong Kong and the key legal concepts and documentation involved. While looking at the evolving legal and regulatory issues arising from the derivatives market, the course will primarily focus on private law aspects of international derivative transactions.

Topics to be covered include:

Infrastructure

- what are derivatives; introduction to key concepts; introduction to common structures (swaps, options and forwards); introduction to common derivative products terminology
- introduction to the derivatives market: key market players; regulators; important products; milestones
- main uses of derivatives

#### Key legal concepts

- capacity of counterparties to enter into derivative transactions
- close-out of derivative transactions, close-out netting, the distinction between netting and set-off
- collateral: distinction between taking collateral by way of title transfer and security interest; purposes of taking collateral; key Hong Kong legal issues; lessons learned from the insolvency of Lehman Brothers including the Minibonds crisis in Hong Kong
- key documentation for derivatives

#### Regulatory framework

- an overview of the licensing regime for derivatives
- an overview of what marketing and product approval restrictions apply to the distribution of derivative products
- mandatory clearing and reporting of OTC derivatives (and global regulatory reform in the wake of the financial crisis)
- regulatory reform in Hong Kong

#### Products and key legal features

- FX and interest rate derivatives (including the novel features of offshore RMB)
- equity derivatives
- credit derivatives
- retail structured products (Minibonds and ELNs)
- repos and stock loans
- clearing of OTC derivatives including client clearing

Assessment: 60% take home examination at the end of the semester; 30% written assignment; 10% class participation - preparation and participation in class discussions

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### **LLAW3240 The theory and history of the PRC constitution (6 credits)**

This course takes a historico-theoretical approach to explain the nature and purpose of the PRC Constitution and introduces the complex constitutional context in which the Basic Law of the Hong Kong SAR is grounded. The origin of the present-day Constitution of the People's Republic of China is neither 'Western', nor 'Far Eastern' or 'East Asian'. It is entirely based on the 'Eastern' or essentially Russian 1936 Constitution of the Soviet Union. This course will illuminate these conceptions and clarify common misconceptions by discussing the history and theories since the 19th century which forms the often neglected bedrock of the present day Chinese Constitution.

**Rationale:** Legal minds in the English-speaking Common Law world routinely attempt to understand the Chinese Constitution by employing a Western Anglo-American intellectual framework. This is uncritical. In the West, it is far too convenient to attempt an understanding of the Chinese Constitution by simple application of British and American constitutional concepts. Their comparatively minor difference in approach is not useful to fully comprehend the Chinese Constitution because its textual structure is based on a traditional Russian/Continental European model. It is also common for students of constitutional law to casually apply the textbook Western concept of "separation of powers" in such analyses. Hence, common law students taking this course will acquire a fresh approach to the law and constitution of China.

Assessment: 50% research essay, 40% two short essays, 10% class presentation

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### **LLAW3143 Topics in law and literature: Flaubert and Eliot (6 credits)**

This elective course is designed to introduce students to the major debates in 'law and literature' studies



through the works of two writers who helped to define literary realism, Gustave Flaubert and George Eliot. We will pay special attention to the law's reaction to the publication of literary works, and to the writers' response to changes in the law. Texts include Flaubert's *Madame Bovary*, and Eliot's *Adam Bede* and *Felix Holt*.

Assessment: 40% continuous assessment, 60% research paper

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### **LLAW3171 Topics in English and European legal history (6 credits)**

This course is open to LLB students in the second semester of 2009-2010. It proposes to introduce students to the development of Western private law institutions through an exploration of discrete topics of English and European Legal History between 1150 and 1850.

Topics are selected to enable students to acquire basic knowledge about the legal systems practised in England (the common law system) and continental Europe (the civil law system). The course aims to help students gain a better understanding of modern private law through the study of themes in the historical development of different legal systems. Students will be encouraged to draw comparative insights between common and civil law traditions. There are no pre-requisites to this course.

Assessment: 100% continuous assessment

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### **LLAW3176 Trademarks and unfair competition (6 credits)**

Trademark law and the law of unfair competition play a crucial role in the commercialization of all varieties of good, ranging from high-end fashion products to daily routine products. The course aims to explore the cutting-edge issues and fundamental theories and policies in the rapidly developing trademark law and the law of unfair competition. With a focus on the law in Hong Kong and Mainland China, the course also broadly examines the relevant doctrinal developments in the United States and European Union, and discusses the impacts of digital technology on international and domestic trademark protection. The course will cover the following topics.

1. Subject matter of trademark protection
2. Distinctiveness
3. Registration
4. Genericity
5. Exclusive rights
6. Limitations on exclusive rights/trademark fair use
7. Infringement
8. Trademark dilution

Assessment: 100% continuous assessment

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### **LLAW3221 Trusts in practice (6 credits)**

Using precedents and transactional documents adopted by leading London law firms in structuring trusts for clients and generously supplied by them, the course will examine in much greater depth various representative uses of trusts in the modern world, both to make family provision and in commerce. These include, for example, onshore and offshore family trusts, and the use of trusts in international finance such as bond issues, securitizations and debt subordinations. The course will examine how these trusts are handled by practising lawyers working within, and developing, legal doctrine. Finally it will explore the broad theoretical implications of this work.

As well as offering the opportunity to learn much more about how trusts are used in real life, the course provides clear links to legal practice in commerce, finance and wealth management, both in Hong Kong and abroad. Just as importantly, the course will provide some useful theoretical overviews of trusts. It also has generic value as a good introduction to how lawyers in practice use, adapt and modify the legal institutions they inherit and so create new structures for future use. This is a vitally important process that occurs in many areas, not just the law of trusts.

Assessment: 100% take home assignment

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### **LLAW3055    Use of Chinese in law I (6 credits)**

The course aims to introduce students to some of the areas of legal practice in which written and spoken Chinese is used, and also to prepare students for the more specialised and advanced Use of Chinese in Law II. The course, to be conducted in traditional Chinese (written) and Cantonese (oral), starts with an overview of the history of the use of Chinese in the Hong Kong legal system and legal field, and then moves on to an introduction (or revision – this course admits students who achieved Grade 4 or above in the HKDSE exam) of the essential Chinese skills as applied in the legal context. A series of guest lectures will be delivered in which participants of the local legal field – including a judge, a former senior law draftsman, a senior Government prosecutor, a practising solicitor and a court interpreter – share their experience in using Chinese in specific aspects of legal practice such as drafting legal documents, rendering advice to clients, presenting submissions in the court, writing judgments, and court interpreting. At the same time, small-group tutorials are conducted with a view to introducing skills and points of note in using Chinese, including Chinese legal terms and basic skills in drafting and translating documents.

Assessment: 100% coursework

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### **LLAW 3004    Use of Chinese in law II (6 credits)**

This subject aims at developing the Chinese verbal and written communication skills required for legal practice. It will be taught in Chinese (Cantonese). Except for students who have already completed Use of Chinese in Law I, applicants for enrolment in this subject are required to complete a pre-class aptitude test in August of the preceding year.

As a sequel to Use of Chinese in Law I, this subject provides further training in the drafting and translation of Chinese legal documents. It also teaches client-interviewing and client-management techniques in a Chinese conveyancing and probate context so as to develop the Chinese verbal communication skills for lawyers. A comparative study of Hong Kong and Mainland Chinese legal documents is included in this subject.

Assessment: 100% continuously by class drills and exercises, written assignments and participation

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### **LLAW3070    World Trade Organization: law and policy (6 credits)**

“Public” or governmental regulation of international trade is separate from but complementary to “private” international business transactions. At the international level, the World Trade Organization (WTO) is the primary multilateral legal and institutional framework that governs trade relations and trade-related issues between States. This course will examine the rules, norms and policies that constitute the WTO and its substantive agreements, with a special perspective and focus on issues that are related to China’s membership. The course will begin with a review of policies that affect

international trade, and economic theories associated with such policies. The Agreement Establishing the WTO (WTO Agreement), the increasingly complex management of the activities of the WTO, and its decision-making processes, will be examined. Next, the substantive agreements and associated legal instruments included in the Annexes to the WTO Agreement will be analyzed. Significant attention will be focused on the core principles of the WTO Agreements: market access; non-discrimination; transparency and administration of justice; and, binding dispute settlement. In particular, the application of these principles under the GATT and GATS will be explored. The course will further examine some WTO rules that allow derogations from these general principles and specific obligations. These derogations include rules pertaining to regional trading agreements, safeguards, general exceptions, anti-dumping measures, subsidies and countervailing duties. Finally, the course will conclude with an examination of WTO rules on trade-related investment measures (TRIMs), and environmental measures which affect international trade.

Assessment: 30% continuous assessment, 70% research paper

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