

## **REGULATIONS FOR THE DEGREE OF MASTER OF LAWS IN ARBITRATION AND DISPUTE RESOLUTION [LLM(ARB&DR)]**

*These regulations apply to candidates admitted to the LLM(ARB&DR) curriculum in the academic year 2025-2026 and thereafter.*

*(See also [General Regulations](#) and [Regulations for Taught Postgraduate Curricula](#).)*

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### **LLMADR1. Admission Requirements**

To be eligible for admission to the courses leading to the degree of Master of Laws in Arbitration and Dispute Resolution, a candidate

- (a) shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula;
  - (b)
    - (i) shall hold the degree of Bachelor of Laws with at least second class honours of this University, or a qualification of equivalent standard from this University or another comparable institution accepted for this purpose; or
    - (ii) shall hold a degree in a discipline other than law with at least second class honours of this University, or a qualification of equivalent standard from this University or another comparable institution accepted for this purpose; and have at least two years of relevant experience and professional qualifications; or
    - (iii) shall have obtained either the Common Professional Examination of England and Wales or the Common Professional Examination Certificate of this University provided that in either case the candidate has also obtained a degree with at least a second class honours of this University, or a qualification of equivalent standard from this University or another comparable institution accepted for this purpose; and
  - (c) for a candidate who is seeking admission on the basis of a qualification from a university or comparable institution outside Hong Kong of which the language of teaching and/or examination is not English, shall satisfy the University English language requirement applicable to higher degrees as prescribed under General Regulation G2(b).
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### **LLMADR2. Advanced Standing**

Advanced Standing may be granted to candidates in recognition of studies completed successfully no more than 5 years before admission to the curriculum. Candidates who are awarded Advanced Standing will not be granted any further credit transfer for those studies for which Advanced Standing has been granted. The amount of credits to be

granted for Advanced Standing shall be determined by the Board of the Faculty of Law, in accordance with the following principles:

- (a) a candidate may be granted a total of not more than 9 credits (one course) for Advanced Standing unless otherwise approved by the Senate; and
  - (b) credits granted for Advanced Standing shall not normally be included in the calculation of the GPA unless permitted by the Board of the Faculty of Law but will be recorded on the transcript of the candidate.
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**LLMADR3.            Period of Study**

- (a) The curriculum for the degree of Master of Laws in Arbitration and Dispute Resolution shall normally require one academic year of full-time study or two academic years of part-time study, and shall include any assessment to be held during and/or at the end of each semester including summer semester.
  - (b) Candidates shall not in any case be permitted to extend their studies beyond the maximum period of registration of two academic years in the case of full-time candidates and three academic years in the case of part-time candidates, unless otherwise permitted or required by the Board of the Faculty of Law.
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**LLMADR4.            Completion of Curriculum**

To complete the curriculum for the degree of Master of Laws in Arbitration and Dispute Resolution, a candidate shall

- (a) satisfy the requirements prescribed under TPG 6 of the Regulations for Taught Postgraduate Curricula; and
  - (b) satisfactorily complete 72 credits in the case of a full-time study in one academic year, including a capstone experience, or 36 credits in the case of a part-time study in each of the two academic years of study, including a capstone experience.
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**LLMADR5.            Selection of Courses**

- (a) 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.
- (b) Withdrawal from courses beyond the designated add/drop period will not be permitted, except for medical reasons or 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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**LLMADR6.           Dissertation**

- (a) Candidates must successfully complete LLAW6022 Advanced Research Methodology in order to be eligible to submit a dissertation.
  - (b) Candidates, whether full-time or part-time, who elect to submit a dissertation shall propose a title for the dissertation, secure a supervisor, and secure the approval of the Programme Director by November 30 of the academic year in which they intend to submit a dissertation. Candidates shall submit the dissertation no later than May 1 of that academic year.
  - (c) In exceptional circumstances a candidate may apply to the Board of the Faculty of Law for an extension of the period within which the dissertation must be submitted. Such application must be made at least one month before the prescribed date of submission. Late applications for extension will not be considered, except for medical reasons or with the approval of the Board of the Faculty of Law.
  - (d) The candidate shall submit a statement that the dissertation represents his or her own work undertaken after registration as a candidate for the degree. The examiners may require an oral examination on the subject of the dissertation.
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**LLMADR7.           Progression in Curriculum**

- (a) Candidates shall normally be required to undertake a combination of courses and study requirements as prescribed in these regulations and the syllabus, and in the manner as specified below, unless otherwise permitted or required by the Board of the Faculty of Law:
  - (i) Candidates who are on a one-year full-time mode of study shall normally be required to take not fewer than 27 credits nor more than 36 credits in any one semester (not including the summer semester).
  - (ii) Candidates who are on a two-year part-time mode of study shall normally be required to take not fewer than 9 credits nor more than 18 credits in any one semester (not including the summer semester).
  - (iii) Where candidates are required to make up for failed credits, the Board of the Faculty of Law may give permission for candidates to exceed the required curriculum study load of 72 credits.
  - (iv) In each case under (i) or (ii) above, the total number of credits taken shall not exceed the required curriculum study load of 72 credits for the normative period of study specified in LLMADR3(a).

- (b) Candidates may, with the approval of the Board of the Faculty of Law, transfer credits for courses completed at other institutions during their candidature. 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 combined total number of credits to be granted for Advanced Standing and credit transfer shall not exceed half of the total credits normally required under the curriculum of the candidates during their candidature at the University.
  - (c) Unless otherwise permitted by the Board of the Faculty of Law, candidates shall be recommended for discontinuation of their studies if they have:
    - (i) failed to complete successfully 45 or more credits (under one-year full-time study) or 18 or more credits (under two-year part-time study) 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) failed to achieve an average semester GPA of 1.5 or higher for two consecutive semesters (not including the summer semester); or
    - (iii) exceeded the maximum period of registration specified in LLMADR3(b).
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**LLMADR8. Exemption**

Candidates may be exempted, with or without special conditions attached, up to 9 credits (one course) of the requirements prescribed in the regulations and the syllabus governing the curriculum with the approval of the Board of the Faculty of Law, except in the case of a capstone experience. Approval for exemption of a capstone experience may be granted only by the Senate with good reasons. Candidates who are so exempted must replace the number of exempted credits with courses of the same credit value.

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**LLMADR9. Assessment**

- (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 shall not be permitted to repeat a course for which they have received a passing grade for the purpose of upgrading.

- (d) Candidates are required to make up for failed courses in the following manner:
    - (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.
  - (e) Where candidates are permitted or required to present themselves for re-assessment/ re-examination/ re-submission/ assessment in an alternative course under (d) 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 semester GPA, year GPA and the cumulative GPA. Such candidates shall not be eligible for any mark of distinction.
  - (f) There shall be no appeal against the results of examinations and all other forms of assessment.
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**LLMADR10. Absence from Examination**

Candidates who are unable through 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 seven calendar days 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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**LLMADR11. Requirements for Graduation**

To be eligible for the award of the degree of Master of Laws in Arbitration and Dispute Resolution, candidates shall:

- (a) comply with the General Regulations and the Regulations for Taught Postgraduate Curricula;
- (b) complete the curriculum requirements prescribed in the regulations and syllabuses within the maximum period of registration and satisfy the examiner in not fewer

than 72 credits in accordance with the regulations governing examinations procedures, which shall include the successful completion of a capstone experience as specified in the syllabus; and

- (c) have achieved a Cumulative GPA of 1.50 or above.
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**LLMADR12.            Grading System**

Individual courses shall be graded in accordance with TPG9 (a) or (c) of the Regulations for Taught Postgraduate Curricula as determined by the Board of Examiners.

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**LLMADR13.            Classification of Awards**

Upon successful completion of the curriculum, candidates who have shown exceptional merit may be awarded the degree with distinction as determined by the Board of Examiners, and this mark shall be recorded in the candidates' degree diploma.

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## **SYLLABUS FOR THE DEGREE OF MASTER OF LAWS IN ARBITRATION AND DISPUTE RESOLUTION**

### **COURSEWORK**

The Board of Examiners shall decide what proportion of the final assessment for each course shall be determined by written or other work carried out during the course of study. Candidates will be informed at the beginning of the course of the relative proportions of the final assessment to be derived from coursework and from written examinations which will be held at the end of the teaching programme.

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### **OBJECTIVES**

Hong Kong is an ideal venue for the arbitration and mediation of disputes arising from international commercial and financial investment in Hong Kong, Mainland China and the rest of Asia. As the Hong Kong Special Administrative Region Government has stated its goal of further enhancing Hong Kong as a leading regional and international centre for dispute resolution, the Faculty of Law is offering the degree of Master of Laws in Arbitration and Dispute Resolution to train professionals with the necessary knowledge, skills and expertise in dispute resolution methods, particularly negotiation, mediation and arbitration. This specialised postgraduate degree programme is part of a comprehensive arbitration and dispute resolution teaching and research initiative of the Faculty of Law. This initiative seeks to (a) better serve the dispute resolution needs of Hong Kong's business, commercial and broader community; and (b) advance the Faculty as a regional and international centre of excellence in the teaching and research of negotiation, mediation, arbitration and dispute resolution generally.

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### **DISSERTATION**

An 18-credit dissertation shall comprise a paper with required length ranging from 16,000 to 20,000 words on a legal topic approved by the Programme Director.

A 9-credit dissertation shall comprise a paper with required length ranging from 8,000 to 10,000 words on a legal topic approved by the Programme Director.

The dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

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### **STRUCTURE**

Candidates are required to complete 72 credits, including the required compulsory courses and a capstone experience in accordance with the regulations for this degree and the syllabus as set out in either A or B below.

In relation to candidates with a degree in law to whom Course List A. below applies, in

addition to the three compulsory courses and one capstone course, candidates must choose at least two designated electives. Candidates may choose up to two other electives from courses not listed on the Course List below, but listed as Electives on the Course List for the General LLM programme.

In relation to candidates with a degree in a discipline other than law to whom Course List B. below applies, in addition to the six compulsory courses and one capstone course, candidates must choose one designated elective.

## COURSE LIST

*(Each of the courses listed below carries 9 credits unless otherwise stated)*

### **A. Candidates with a degree in law<sup>1</sup> shall follow the following syllabus:**

#### **Compulsory Courses (27 credits)**

*(Candidates must complete three of the following courses)*

LLAW6138 Arbitration law

LLAW6157 Arbitration practice, procedure and drafting

LLAW6161 Mediation

#### **Capstone Course (9 credits)**

*(Candidates must complete the following course)*

LLAW6135 Alternative dispute resolution

#### **Designated Electives (18-36 credits)**

*(Candidates must complete at least two of the following courses)*

LLAW6054 9-credit Dissertation#

LLAW6022 Advanced research methodology

LLAW6241 Arbitration award writing

LLAW6185 China investment law

LLAW6186 China trade law

LLAW6238 Comparative arbitration in Asia

LLAW6174 Family mediation

LLAW6222 Financial dispute resolution: Hong Kong and international perspectives

LLAW6099 International commercial arbitration

LLAW6321 International commercial litigation

LLAW6007 International dispute settlement

LLAW6294 International investment: structuring, protecting, and resolving related disputes

LLAW6230 Law and practice of investment treaty arbitration

LLAW6324 Mediation advocacy

LLAW6163 Negotiation: settlement and advocacy

LLAW6196 Preventative law: approaches to conflict prevention and resolution

*# Enrollment in this course requires prior approval by the Programme Director. Candidates must successfully complete LLAW6022 Advanced Research Methodology in order to be eligible to submit a dissertation.*

#### **Other Electives (0-18 credits)**

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<sup>1</sup> Candidates with a degree in law from a non-common law jurisdiction may take up to three 9-credit courses of foundational law courses among the eight 9-credit courses of this programme, subject to approval of the Programme Director. Any of these foundational courses may also be used in place of the elective(s). The foundational law courses are as follows:-

LLAW6158 Contract law

LLAW6159 Evidence

LLAW6160 Legal system and methods

*Candidates should refer to the Electives listed under the Course List for the syllabus for the general degree of Master of Laws. No more than two courses may be taken from any single Cluster in the Electives except for the Arbitration and Dispute Resolution Cluster.*

**B. Candidates with a degree in a discipline other than law shall follow the following syllabus:**

First Year (36 credits)

**Compulsory Courses (27 credits)**

*(Candidates must complete three of the following courses)*

LLAW6158 Contract law

LLAW6159 Evidence

LLAW6160 Legal system and methods

**Capstone Course (9 credits)**

*(Candidates must complete the following course)*

LLAW6135 Alternative dispute resolution

Second year (36 credits)

**Compulsory Courses (27 credits)**

*(Candidates must complete three of the following courses)*

LLAW6138 Arbitration law

LLAW6157 Arbitration practice, procedure and drafting

LLAW6161 Mediation

**Designated Electives (9 credits)**

*(Candidates must complete one of the following courses)*

LLAW6022 Advanced research methodology

LLAW6241 Arbitration award writing

LLAW6185 China investment law

LLAW6186 China trade law

LLAW6238 Comparative arbitration in Asia

LLAW6174 Family mediation

LLAW6222 Financial dispute resolution: Hong Kong and international perspectives

LLAW6099 International commercial arbitration

LLAW6321 International commercial litigation

LLAW6007 International dispute settlement

LLAW6294 International investment: structuring, protecting, and resolving related disputes

LLAW6230 Law and practice of investment treaty arbitration

LLAW6324 Mediation advocacy

LLAW6163 Negotiation: settlement and advocacy

LLAW6196 Preventative law: approaches to conflict prevention and resolution

***NOTE: Not all courses will be offered in any given year. For actual courses available, please refer to annual course offerings.***

## **COURSE DESCRIPTIONS FOR THE DEGREE OF MASTER OF LAWS IN ARBITRATION AND DISPUTE RESOLUTION [LLM(ARB&DR)]**

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### ***Compulsory courses for all candidates***

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#### **LLAW6138 Arbitration law**

The aim of the Arbitration Law course is to provide students with sufficient knowledge and understanding of the law of arbitration.

During the course, the students will focus on the dispute resolution process, as set out in more detail in the syllabus, including the following ADR methods:

- Negotiation;
- Mediation;
- Early Neutral Evaluation
- Expert determination;
- Adjudication
- Dispute Boards
- Arbitration
- State Court Litigation

Further in the course, the students will learn about the history of arbitration and about the major international arbitration legal instruments (NY Convention, UNCITRAL Arbitration Rules, UNCITRAL Model Law, the Washington Convention, and others). Further, the students will explore the differing statutory approaches to arbitration in the globalized world (common and civil law), the choices available to the parties in dispute resolution, the concepts of arbitration agreements, the arbitral procedure (commencement, tribunal appointment. Evidence, document production, written submissions, hearings, and others).

The students will learn about the duties and obligations of an arbitral tribunal, the notion of independence and impartiality, jurisdiction and powers, costs, and awards.

At the end of the course, the students will learn about the role of the state courts in arbitration, and about their supervisory powers.

The specific educational learning outcomes of this course are as follows:

#### **A. Knowledge and Understanding**

- To enhance understanding of arbitration as a private consent-based method of resolving disputes.
- To introduce the fundamental principles of arbitration law set out in detail in the syllabus below.
- To introduce the importance of the Hong Kong Arbitration Ordinance when

deciding disputes.

- To introduce the essential elements of a binding arbitration agreement and an enforceable arbitration award.
- To introduce the important role of reading and analyzing the sources of arbitration law, including both statutes (particularly domestic arbitration statutes such as the Arbitration Ordinance) and judicial decisions (case law).

## B. Intellectual and Practice Skills

This course seeks to help students develop the following intellectual skills:

- Ability to analyse and solve complex factual legal problems by selecting and applying relevant arbitration law principles;
- Ability to apply rules of law to hypothetical factual situations;
- Ability to isolate crucial issues in hypothetical factual scenarios; and
- Ability to support oral and written arguments using relevant judicial decisions and statutory provisions.

This course also seeks to help students develop the following practical skills:

- Ability to undertake the reading and research of the sources of arbitration law;
- Ability to express ideas both orally and in writing in a clear and coherent manner; and
- Ability to translate technical legal terms into language appropriate for users of arbitration and dispute resolution generally.

Students will consider a range of theoretical issues and substantive topics in this course, including:

- General Introduction to Arbitration and ADR
- Agreement to Arbitrate
- Appointment of Arbitrator
- Rights, Duties and Powers of an Arbitrator
- Commencement of Arbitration and Interlocutory Proceedings
- Arbitration Hearings
- Evidence in International Arbitration
- Costs & Interest in Awards
- Appeals
- Enforcement and Execution of Awards

Assessment: 30% research paper, 70% written final examination

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## **LLAW6157 Arbitration practice, procedure and drafting**

The aim of the Arbitration Practice, Procedure & Drafting course is to provide students with sufficient knowledge of and practice in the key procedural features in an arbitration (including preliminary meetings and the hearings, discovery and inspection of documents, interlocutory proceedings, pleadings and submissions, evidentiary issues, decision making and arbitration awards). There is particular focus on developing the students'

ability to dispense independent advice of the arbitration process with confidence. The course also considers the knowledge and practical skills necessary to write a final, reasoned and enforceable arbitration award.

The specific educational objectives of this course are:

#### A. Knowledge and Understanding

- To give an overview of the dispute resolution processes in both common and civil law jurisdictions, including negotiation, mediation, early neutral evaluation, expert determination, adjudication, dispute boards, arbitration, and court litigation;
- To introduce the history of arbitration and its development as a private method of dispute resolution;
- To introduce the background to, and scope of the New York Convention, the UNCITRAL Arbitration Rules and the UNCITRAL Model Law, as well as their key characteristics;
- To introduce global harmonisation and different statutory approaches to arbitration (including both common and civil law jurisdictions and “soft law”);
- To set out choices available to parties in dispute resolution and discuss the importance of the seat of the arbitration and arbitration rules, as well as the implications of party autonomy;
- To introduce the drafting requirements of an arbitration agreement and procedural elements of the arbitration process;
- To describe the processes and requirements relating to the appointment of an arbitral tribunal, recognise the importance of its independence and impartiality, as well as explain its jurisdiction, powers, duties and procedural choices;
- To introduce the key procedural features of the arbitration process, including preliminary meetings, discovery and inspection of documents, arbitration hearings, making submissions before an arbitrator or tribunal, making interlocutory applications, and the presentation and reception of evidence, decision making and arbitration awards;
- To explain the nature of and principles relating to remedies, costs, interest and arbitrator’s entitlement to fees and expenses, as well as to recognise the impact of currency on costs and damages issues;
- To introduce the essential elements of how to draft a final, reasoned and enforceable arbitration award that is clear, cogent, comprehensive and concise, and to address ambiguities and corrections in an award; and
- To consider the role of courts before, during and after an arbitration process.

#### B. Intellectual and Practical Skills

This course seeks to help students develop the following intellectual skills:

- Ability to analyse and solve complex factual legal problems by selecting and applying relevant arbitration law principles;
- Ability to apply rules of law to hypothetical factual situations;
- Ability to isolate crucial issues in hypothetical factual scenarios;
- Ability to support oral and written arguments using relevant judicial decisions and statutory provisions;
- Ability to evaluate submissions and distil relevant issues from them;

- Ability to evaluate evidence, deduce facts from it; and
- Ability to decide issues and make rational decisions by applying legal principles to facts.

This course also seeks to help students develop the following practical skills:

- Ability to undertake the reading and research of the sources of arbitration law;
- Ability to express ideas both orally and in writing in a clear and concise manner;
- Ability to translate technical legal terms into language appropriate for users of arbitration and dispute resolution generally;
- Ability to act as counsel in an arbitration proceeding and make oral and written submissions and interlocutory applications before an arbitrator or tribunal;
- Ability to act as an arbitrator and control the arbitration process in a fair and impartial manner, giving the parties balanced opportunity to make submissions and present their cases;
- Ability to render fair and rational procedural and substantive decisions within an arbitration hearing;
- Ability to select appropriate rules and procedures and apply them in a reasoned manner;
- Ability to draft and publish a final, reasoned and enforceable arbitration award; and
- Ability to intelligently and intelligibly use language that is grammatically correct and correctly spelt.

The following topics will be covered in the course:

- Overview of dispute resolution processes
- History of arbitration, international conventions and rules, and global harmonisation
- Choices available to parties in dispute resolution
- Arbitration agreement and commencement
- Arbitral Tribunal: Appointment, independence and impartiality, jurisdiction and powers, and duties and procedural choices
- Procedures: Pleadings, documents and evidence, applications to the tribunal and hearing
- Remedies, costs, interest and currency
- Awards
- Role of the courts

Prerequisite: Have taken and passed LLAW6138 Arbitration law.

Assessment: 30% Take home award writing exercise, 70% 3-hour limited open book written examination (For purposes of CIArb accreditation, students must achieve a minimum of 55% of the final mark of the written examination alone.)

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## **LLAW6161 Mediation**

The mediation module is a comprehensive 40-hour module approved by the Hong Kong Mediation Accreditation Association Limited (HKMAAL) to satisfy Stage 1 of the

mediator accreditation process. Participants are educated and trained in the process of mediation and the necessary skills required for effective mediation of disputes and are also assessed for HKMAAL mediator accreditation. While the participants will be introduced to a broad range of dispute resolution processes, the course focuses specifically on the process of mediation, including the structure and phases of mediation, the essential communication skills, management of the mediation process and effective mediation skills.

The course teaches the facilitative model of mediation. Please note that this is not the only way a mediation can be conducted. It is also the process which course assessors will expect and the process which HKMAAL expects people to follow if they wish to sit for the Stage 2 mediator accreditation assessments after the course.

The teaching of the Mediation Skills Training Course relies on an interactive and role playing method of learning and participants must have sufficient command of English language to comprehend and express themselves in an articulate manner. The course involves education and training in the mediation process, management and communication skills and the core skills necessary to conduct an effective mediation. Case studies, large and small group discussions, role playing (of different parts - the mediator, mediating party and advisor), Faculty coaching, individual feedback and peer review are all utilised. The participants mediate simulated cases with Faculty observation and assessment of mediation performance. Participants must complete the practical spoken part of the mediation assessment and may also be required to submit written assignments as part of the course assessment e.g. dealing with mediated settlement agreements and other mediation issues.

Assessment: 50% participation in mediation role play simulations, 50% research assignment

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*Compulsory courses for candidates without a degree in law*

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**LLAW6158 Contract law**

This course is designed to provide students enrolled in the LLM in Arbitration and Dispute Resolution, other LLM programmes or the MCL programme to acquire sufficient knowledge and understanding of contract law under common law. Students who thoroughly prepare for and participate in the course will be able to:

- understand the theoretical and practical aspects of contract law such as the legal principles of this subject. Both common and civil law approaches will be dealt with.
- analyze contract law problems by spotting the legal issues in which contractual obligations arise, identifying the relevant principles of contract law and applying the law to the legal problems in order to reach a solution.
- understand the underlying philosophies and public policy considerations behind certain principles of contract law
- engage in discussion of a variety of legal issues surrounding contract law
- evaluate the functions that contract law plays in our society and the extent to which principles promote these functions.

The following topics will be covered:

Contractual and quasi-contract obligations: Introduction to contract law, approaches to contracts in civil and common law jurisdictions, contract types, formalities, formation of a contract under civil and common law systems, contents of contract, privity and third party rights, offer revocation of offer, invitation to treat and acceptance, intention to create legal relationship, social and commercial agreements, consideration and promissory estoppel under civil and common law, consent and certainty, terms, representations, exclusion and limitation clauses, unfair contract terms, interpretation, effects and liabilities, (civil and common law), misrepresentation in different jurisdictions, its remedies and rescission, mistake, illegal or prohibited contracts performance and discharge, non-performance (breach), rules of remoteness and mitigation, remedies such as contractual damages, illegal contracts, undue influence, duress, good faith and unconscionability, fraud, frustration, agency (principal/agent and effects on third party), unjust enrichment.

Mutually exclusive: LLAW1001 and LLAW1002 Contract law

Assessment: 60% end of term final examination (2.5-hour limited open book), 20% take home mid-term problem, 20% class participation

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## **LLAW6159 Evidence**

The aim of the course is to enable students to acquire sufficient knowledge and understanding of the nature and the law of evidence to act effectively as a dispute resolver. On successful completion of this course, students will be able to demonstrate sound conceptual, technical and practical knowledge of:

- Distinguishing facts in issue, relevant facts and collateral facts in a dispute;
- Using judicial notice, admissions and presumptions in a dispute;
- Classification of different types of evidence and the significance of the classification;
- Assessing the relevance of a piece of to the issue evidence in dispute;
- Evaluating the admissibility of a piece of evidence for an issue in dispute;
- Determining how a piece of evidence can be presented to the tribunal;
- Assessing the weight of a piece of admissible evidence;
- Allocating of the burden and standard of proof on the parties in dispute;
- Distinguishing the concepts of legal burden and evidential burden;
- Identifying when a piece of evidence can/cannot be used for a hearsay purpose;
- Identifying and applying the rules related to examination of witnesses (including cross-examination and re-examination);
- How a tribunal may assess the weight to be given to evidence used for a hearsay purpose;
- Explaining the significance of written evidence in a dispute;
- Identifying when a piece of evidence may be subject to legal professional privilege and/or the doctrine of without prejudice;
- How parties in dispute may seek disclosure of evidence from the opposing parties;
- Identifying when and how expert evidence may be used by the parties in dispute; and
- Explaining the duties and responsibilities of an expert witness in a dispute.

Assessment: 70% in-hall examination, 30% in-class presentations

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## **LLAW6160 Legal system and methods**

The aim of the Legal System and Methods module is to provide students who do not have a first degree in law to acquire sufficient knowledge and understanding of the Hong Kong legal system and legal research, legal analysis and legal reasoning. The module will provide an introduction to the Hong Kong legal system and introduce students to sources of law, categories of law, the courts, the civil process in Hong Kong, the personnel of the legal system and other relevant aspects. Students will be trained in the use of legal materials and introduced to the case law process, the precedent system, the legislative process and approaches to statutory interpretation. Students will acquire and develop basic legal skills such as legal research, legal analysis and legal reasoning:

- understand the salient features of the HK legal system which act as a sound foundation for the study of other courses in this degree.

- engage in discussion of a variety of legal issues surrounding the HK legal system and critically evaluate some current issues.
- understand the development of common law and civil law systems of law, in particular the nature of case law and the rules of judicial precedent, as well as the significance of statute and its interpretation. The place and use of conventions (CISG) and common used principles such as PICC, PECL and UNIDRIOT principles of international commercial contracts will be explored.
- understand the principles of the tort of negligence, the duty of care, pure economic loss, negligent misstatement, nervous shock, breach of duty, causation and remoteness of damage, contributory negligence and consent, vicarious liability, occupier's liability, trespass, nuisance, disputes and their application and operation
- understand and appreciate the potential overlap between tort and contract claims and their remedies
- acquire sufficient legal research skills to locate relevant materials.
- identify crucial issues in hypothetical factual scenarios covering topics of substantive law such as tort, contract and criminal law, apply the law in analyzing the problems and reach a solution.

Assessment: 10% class participation, 30% end of term test on Torts (1.5-hour limited open book), 60% research essay

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*Capstone course*

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**LLAW6135 Alternative dispute resolution**

The course LLAW6135 Alternative Dispute Resolution ('ADR') examines disputes (their development, form and nature) and the range of processes by which they are handled (or avoided). In so doing, it considers access to civil justice issues and (including questions in the relationship between ADR and rule of law values), focusing on non-adversarial approaches to dispute resolution, especially negotiation, mediation, innovations in litigation and trial, arbitration, and forms of mixed process such as the ombudsperson. Litigation and adjudication have until the past several decades been regarded as 'the standard' mode of resolving disputes, especially among legal professionals and administrators of justice. The use of ADR has now come to be more widely accepted within many civil justice systems, including Hong Kong, so that the term ADR is today sometimes also used to refer to 'appropriate' or 'additional' dispute resolution. The course provides a general analysis of the field, and where relevant, consideration is given to dispute processes in various East Asian jurisdictions.

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.

Assessment: 100% research assignment

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*Designated electives*

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**LLAW6007 International dispute settlement**

Disputes are bound to arise on the international level. UN Charter Articles 2(3) and 33 require states to resolve their disputes through peaceful means, which include “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.” Inasmuch as these peaceful means of dispute settlement are governed by a body of rules and principles, lawyers play an important role in making sure that such means are used in a fair and effective manner. After explaining the history and development of international dispute settlement, as well as the general obligation on states to resolve their disputes peacefully, this course will explore each method in light of the relevant law and cases, with particular emphasis being placed on legal resolution through international courts and tribunals, including international arbitration and resolution through the International Court of Justice, the International Tribunal for the Law of the Sea, and the WTO Dispute Settlement Mechanism. The course concludes by looking at the future of international dispute settlement, including the need for conflict prevention and dialogue, the increasing juridification of dispute settlement, and the problems associated with the proliferation of dispute settlement mechanisms.

Assessment: 20% participation, 80% research paper

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**LLAW6022 Advanced research methodology**

The meetings in this introductory course explore the strategies and techniques available for research and writing in doctrinal and empirical legal studies, and the ways in which various research methodologies relate to the different theoretical approaches that inform research. Attention is also given to the manner in which differing research methods are often combined in practice, and to the skills involved in analyzing data and presenting findings. Students are encouraged to see their findings as potentially making contributions to both empirical knowledge and theoretical understanding.

The course teachers consider what research questions can be asked and which research methods might best help to provide answers to such questions. Because law students are generally more familiar with doctrinal research, so the course gives greater attention to empirical research. Course teachers look at the skills of questionnaire design, interviewing, participant observation, case studies, documentary research, surveys, sampling, ethical correctness and so on.

At the end of this course, students should have developed a strong understanding of how to identify and address research problems, a good awareness of the empirical and doctrinal research methodologies that they might use in their investigation and analysis,

and an enhanced ability to design and implement a research project in the field of legal studies.

Assessment: 100% research proposal

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### **LLAW6054 9-credit Dissertation**

An individual research project on an approved topic carried out under the supervision of an assigned teacher, resulting in the submission of a research paper with required range from 8,000 to 10,000 words (excluding tables of cases and statutes, notes, appendices and bibliographies). The dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

Prerequisite: LLAW6022

Mutually exclusive: LLAW6014 18-credit Dissertation

Assessment: 100% research paper

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### **LLAW6099 International commercial arbitration**

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 of 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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### **LLAW6163 Negotiation: settlement and advocacy**

This course is designed to give students an intensive opportunity to develop negotiation skills which can be used in the global arena to create and repair relationships and to manage and resolve conflict. Classes will consist primarily of inter-active negotiation role play simulations and inter-personal communication exercises, together with some lectures and class discussions. Initially, we will explore personal characteristics, cultural matters and communication skills. Then, we will focus on the acquisition of negotiation skills through inter-active negotiation problems. Throughout the course, we will emphasise critical reflection on the negotiation process.

This Negotiation module will involve an interactive mix of class discussions, small group sessions, student exercise and negotiation role playing simulations. Each seminar has a specific topic and students are provided with assigned readings. The teaching programme is designed to encourage maximum participation of students in the teaching process.

Students must be aware of the following expectations upon by the teacher in this course – all students in the Negotiation course must:

1. Attend all classes, on time and all the time. Each student depends on full and active participation by every other student. This cannot be over emphasised.
2. Be prepared to participate.
3. Prepare written outlines for all Negotiation Problems.
4. Complete all Negotiation Problems in class.
5. Complete and submit a descriptive, analytical journal of the student's progress in acquiring negotiation skills during the course.

Assessment: 50% research paper, 25% outlines and participation, 25% skills journal

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### **LLAW6174 Family mediation**

Using a combination of lecture, discussion, demonstration, and simulation, Family Mediation will present students with the theory and practice of family mediation, including: a basic grounding in the practice and theories of mediation, an understanding of the many variations of how mediation is actually conducted in family law cases, critical judgment as to when family law mediation might or might not be appropriate in individual cases, a familiarity with legislation involving family law mediation and critical inquiry as to the efficacy of different legislative initiatives, special issues facing mediators in family law mediation, and ethical consideration both as a family law mediator and as an attorney in family law mediation.

Assessment: 20% participation, 30% presentation, 50% written assessment

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### **LLAW6185 China investment law**

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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### **LLAW6186 China Trade law**

The course introduces China’s legal regime on 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; Regulation of China’s foreign trade: the legal framework of PRC Foreign Trade Law; PRC customs, licensing and quotas, inspection/standards systems, and trade remedies (anti-dumping, countervailing and safeguard measures); Trade transactions under the PRC Civil Code and CISG; Trade dispute resolution.

Assessment: 20% course participation, 80% research paper

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### **LLAW6196 Preventative law: approach to conflict prevention and resolution**

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 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: 75% research paper, 25% class participation

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## **LLAW6222 Financial dispute resolution: Hong Kong and international perspectives**

In the wake of the Global Financial Crisis various dispute resolution responses occurred. In respect of consumer/institution disputes, the course will focus on the new financial dispute resolution regime in Hong Kong and the establishment of the Financial Dispute Resolution Centre (FDRC) and what these developments may signify for the future of resolving financial disputes in Hong Kong. In addition, the course will provide a comparative overview of financial dispute resolution from some selected markets globally. In response to increasing investor participation in financial markets, regulators and governments have sought different ways of responding to investor-broker disputes. This course will analyze these different approaches and discuss the impact of legal systems, markets and cultural preferences. The course will consider what choices have been made by Hong Kong in order to adapt to local circumstances and will challenge students to assess these choices in the light of global experience.

In respect of institutional disputes, the course also considers how institutional clients are beginning to turn to ADR to solve their disputes e.g. PRIME Finance. The design of dispute resolution systems can be key to their success. Students will be expected to understand who the stakeholders are in financial disputes, what their specific needs are and how systems can be designed to address these concerns.

The class will be assigned reading in advance of class. Students will be expected to participate in discussions and role-plays during class. Students will work on a specific case study and work to resolve the dispute through negotiation, mediation and arbitration.

Assessment: 20% class participation, 20% individual presentation, 60% research paper

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## **LLAW6230 Law and practice of investment treaty arbitration**

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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## **LLAW6238 Comparative arbitration in Asia**

The course will survey the arbitration laws in common and civil law jurisdictions in Asia, including but not limited to PRC, Hong Kong SAR, South Korea, Singapore, and

Malaysia. For the sake of comparison and analysis, reference will be made to the UNCITRAL Model Law and the laws of major arbitration centers around the world. In addition, the course will compare and contrast the various approaches taken by arbitral institutions in these regions (such as HKIAC, SIAC, CIETAC, KCABC etc.) with respect to procedural and other matters. Again, reference to the UNCITRAL Model Rules and the rules of other major arbitral institutions (such as the ICC and the LCIA) will be useful for comparison and analysis.

Notwithstanding reference to UNCITRAL and other materials, the course will focus on the laws and procedural rules in use in the Asia-Pacific region. In addition, although the course will take a comparative approach to these laws and rules across common and civil law jurisdictions in the region, the interaction of state law and institutional rules within a particular jurisdiction will also be the subject of analysis and discussion. Finally, cultural and other issues which may impact the practice of arbitration in a given jurisdiction will be explored.

Students will be assigned reading in advance of class, and will be expected to participate in discussions during class.

Assessment: 60% research paper, 20% presentation, 20% class participation

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### **LLAW6241 Arbitration award writing**

This course provides students with the knowledge required to understand and consider evidence, weigh it up and analyse submissions, arrive at a conclusion, and write a final, reasoned and enforceable Arbitration Award in compliance with the UNCITRAL Model Law and Arbitration Rules.

This course focuses on the processes followed by an arbitrator in defining the issues that have to be decided by an award, dealing with the submissions made by the parties, analysing the appropriate law, evaluating the evidence, applying the law to that evidence, arriving at a conclusion and then writing a final, reasoned and enforceable award.

Assessment:

- A 100% written examination. The written examination requires students to write a reasoned and enforceable arbitration award, final as to the issues it determines.
  - In order to be eligible for applying for the Fellow grade of the CI Arb. students must achieve a minimum overall mark of 70% in the LLAW6241 examination.
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### **LLAW6294 International investment: structuring, protecting, and resolving related disputes**

Since the early days of the colony, when Hong Kong's first trading houses were established with Jardine & Matheson leading the way, and until contemporary Hong Kong with major listed Chinese conglomerates such as China Merchants investing in

major infrastructure projects around the world, Hong Kong has been known for its market-oriented approach and for its outlook to international investment and trade.

The course is a unique offering at a post-graduate level that is tailor-made for Hong Kong's international investment and trade community, whether in-house counsel, practising lawyers, managing directors, or project managers in charge of international transactions. The course is thus designed for students with a legal background (preferably a law degree) and for those students who have a background in international business transactions, international project management, and in transboundary infrastructure and banking projects.

The course is an interdisciplinary programme that unites several key legal disciplines under the general dispute resolution umbrella: public international law, investment and trade, investment structuring, investment protection, political risk insurance, WTO dispute resolution mechanism, and resolution of investment disputes.

Assessment: 10% class participation, 30% mid-term examination, 60% final examination

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### **LLAW6321 International commercial litigation**

International commercial disputes dealt with by national courts involve various substantive, procedural and conflict-of-laws issues. This course aims to present a full picture of how international commercial disputes are resolved in the path of the courts' decision-making. The court seized with a commercial dispute will first decide whether the court has jurisdiction to hear the case. In cases where there is a parallel proceeding in a foreign country, the court may consider whether to issue an anti-suit injunction or stay the proceedings. Once the jurisdictional issues are cleared, the court will proceed to the merit of the case. The court will assess the parties' contractual claims and defences under the applicable law to the contract.

This course will tackle these issues arising from different and distinct types of international commercial contracts.

This course consists of two parts.

Part one covers common issues to different types of contractual disputes such as:

- Principle of party autonomy
- How to deal with jurisdictional conflicts: anti-suit injunctions and stay of the proceedings (including recent anti-anti-suit injunctions regarding patent infringement)
- General clauses in international commercial contracts (boilerplates)

Part two tackles more contract-specific issues in international sales contracts, shipping and insurance contracts, licence agreements, EPC contracts, shipbuilding contracts, franchise agreements, commercial agency contracts, financial contracts and shareholders agreements such as:

- Grounds to establish/contest the court's jurisdiction

- Principles to determine the applicable law of the contract
- Typical claims and defences under specific contracts

In Part Two, the above-mentioned issues will be addressed under specific contractual contexts. For example, in the lecture covering international sales of goods will cover which court (habitual residence of the seller or buyer, or place of performance) shall have jurisdiction; how to determine applicable law in a sales contract; typical claims and defences under the CISG.

The topics will be taught with an extensive case law of the UK, Europe and the courts in the Asia Pacific region.

Assessment: 10% class participation, 30% team/self presentation, 60% research essay

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### **LLAW6324 Mediation advocacy**

This course is designed to give students an opportunity to understand the mediation process, the impact of the process on the parties and an understanding of the skills needed to be an effective advocate in mediation. Classes will focus on ensuring that students have a strong grasp of the principles and theoretical basis for mediation. The class will explore the negotiation principles which underly mediation and how this informs mediation advocacy.

The active participation of students is necessary and will involve preparing for class through assigned reading or through reflection on how to incorporate skills into their own personal toolkit. In particular, the students will participate in inter-active mediation and negotiation role-plays. This provides an experiential learning as students can acquire skills and a deeper understanding of theories through practical application.

The roleplays will enable the students to appreciate the communication, cultural and emotional challenges experienced by clients and advocates. Building on this with an understanding of negotiation skills, the students will be able to consider the modes of advocacy which are available to advocates and how advocates in mediation can provide the most effective support to their clients. The professional and ethical responsibilities of an advocate within mediation to support without prejudice negotiations within the context of potential litigation will be considered.

Prerequisite: Have taken and passed LLAW6161 Mediation.

Assessment: 25% participation and skills journal, 75% research paper

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## REGULATIONS GOVERNING THE FORMAT, BINDING, AND PRESENTATION OF DISSERTATIONS FOR HIGHER DEGREES BY COURSEWORK

1. Each copy of a dissertation shall be typewritten or printed on one side only of International size A4 paper<sup>2</sup> (except for drawings, maps, or tables on which no restriction is placed), with a margin of not less than 38mm on the left-hand edge of each page.
2. The appropriate Board of the Faculty shall decide whether any dissertation submitted successfully in part-fulfilment of a higher degree by coursework shall be an accession to the University Library.
3. If it is to be an accession to the Library the top copy of the dissertation shall be used, and bound in one or more volumes as determined by the Librarian and between boards faced with cloth in black for MA, MPA, MMedSc, in dark blue for MSW, MBA, and in green for all others. The title, name of author, degree, and date shall be lettered in gilt on the front cover and spine in accordance with the standard layout approved by the Librarian. The title of a dissertation written in Chinese shall be lettered on the cover in Chinese and English.

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<sup>2</sup> 297 mm x 210 mm

N.B. Candidates for higher degrees are reminded that any dissertation not typed or printed on the correct paper will not be accepted. Any candidate who has difficulty in obtaining the paper should consult his Faculty Office.