

## **REGULATIONS FOR THE DEGREE OF MASTER OF LAWS IN TECHNOLOGY AND INTELLECTUAL PROPERTY LAW [LLM(T&IPL)]**

*(These regulations apply to candidates admitted to the LLM(T&IPL) curriculum in the academic year 2024-25 and thereafter.)*

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

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### **LLMTIPL1. Admission requirements**

To be eligible for admission to the courses leading to the degree of Master of Laws in Technology and Intellectual Property Law, 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 the 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 law or technology 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 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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### **LLMTIPL2. Advanced Standing**

Advanced Standing may be granted to candidates in recognition of studies completed successfully 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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**LLMTIPL3. Period of study**

- (a) The curriculum for the degree of Master of Laws in Technology and Intellectual Property Law 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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**LLMTIPL4. Completion of curriculum**

To complete the curriculum for the degree of Master of Laws in Technology and Intellectual Property Law, a candidate shall

- (a) satisfy the requirements prescribed under TPG 6 of the Regulations for Taught Postgraduate Curricula; and
  - (b) satisfactorily complete not fewer than 72 credits in the case of a full-time study in one academic year, including a capstone experience, or not fewer than 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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**LLMTIPL5. 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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**LLMTIPL6. Dissertation**

- (a) Candidates, whether full-time or part-time, who elect to submit a dissertation shall submit the title within four weeks of the first day of the semester registered for. The dissertation must be presented not later than December 31 or May 31 of the year for a 9-credit or an 18-credit dissertation enrolled in the first semester respectively. The May 31 deadline shall also be applicable to candidates who enroll in a 9-credit dissertation in the second semester.
- (b) 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 presented at least three months 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.
- (c) 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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**LLMTIPL7. Progression in curriculum**

- (a) Candidates shall normally be required to undertake a combination of courses and study requirement 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 (except 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 (except 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 as specified in LLMTIPL4(b).
- (iv) In each case under (i) or (ii) above, the total number of credits taken for the required curriculum study load shall not be fewer than 72 credits nor

more than 78 credits for the normative period of study specified in LLMTIPL3(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, 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 LLMTIPL3(b).

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**LLMTIPL8. Exemption**

Candidates may be exempted, with or without special conditions attached, from the requirement 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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**LLMTIPL9. 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/ 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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**LLMTIPL10. Absence from an 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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**LLMTIPL11. Requirements for graduation**

To be eligible for the award of the degree of Master of Laws in Technology and Intellectual Property Law, 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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**LLMTIPL12. 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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**LLMTIPL13. 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 MASTER OF LAWS IN TECHNOLOGY AND INTELLECTUAL PROPERTY LAW**

### **COURSEWORK**

The Board of Examiners shall decide what proportion of the final assessment for each course shall be determined by written 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**

The principal objective of the degree of Master of Laws in Technology and Intellectual Property Law is to offer a range of courses that provide a sound legal understanding of various aspects of the rapidly developing fields of technology law, intellectual property law, and the intersection between the two. This includes topic such as the legal implications of artificial intelligence, big data, data mining, regulation of Internet platforms, 3-D printing, outer space technologies, nanotech, fintech, protection of computer programmes and algorithms, digital remixings and user-generated contents, online streaming, green-tech, and biotechnologies (including genetic modifications and stem cell research). Subject areas will be regularly expanded and updated to ensure that students are able to understand and analyze contemporary legal issues in this area.

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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 Faculty Higher Degrees Committee. A 9-credit dissertation shall comprise a paper on a legal topic likewise approved with required range from 8,000 to 10,000 words. In both cases 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 not fewer than 72 credits nor more than 78 credits, including at least two 9-credit core courses and a capstone course in accordance with the regulations for this degree and the syllabus as set out below. Candidates may choose courses from the course outlines of individual areas of law below, and courses from any of the specialist programmes, but in any event no more than two courses from other LLM specialist programmes.

Candidates who do not hold an undergraduate degree in law shall be required by the Faculty Higher Degrees Committee to complete, amongst the eight 9-credit courses of this programme, up to two 9-credit courses of foundational law courses to be defined by the Committee at the time of admission.

## COURSE OUTLINES

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

### **Capstone courses**

*(Candidates must choose at least one course from the list below.)*

LLAW6132 International and Comparative Intellectual Property Law  
LLAW6170 Law and the internet

### **Core courses**

*(Candidates must choose at least two courses from the list below.)*

LLAW6139 China information technology and electronic commerce law  
LLAW6223 Copyright and Creativity  
LLAW6120 Intellectual property and information technology  
LLAW6219 Patent Law  
LLAW6046 Privacy and data protection  
LLAW6200 Topics in Trademark Law

### **Foundational law courses**

*(Candidates who do not hold an undergraduate degree in law shall be required to take both or either one of the courses below.)*

LLAW6159 Evidence  
LLAW6160 Legal system and methods

### **Electives** *(Department of Law)*

LLAW6243 Advanced intellectual property law  
LLAW6271 Bioethics foundations  
LLAW6124 Communications law  
LLAW6155 Competition Law II  
LLAW6187 Competition law and intellectual property  
LLAW6267 Courts  
LLAW6117 Cyber security and crime  
LLAW6311 Data and privacy regulation in China: law, economics and politics  
LLAW6014 18-credit Dissertation (18 credits)  
LLAW6054 9-credit Dissertation  
LLAW6300 Digitalisation: health, law and policy  
LLAW6111 E-business law  
LLAW6126 e-finance: law, compliance and technology challenges  
LLAW6210 Energy law  
LLAW6249 Entertainment law  
LLAW6287 FinTech finance  
LLAW6106 Global information technology law and practice  
LLAW6304 Governing online platforms: law, economics and politics  
LLAW6005 Hong Kong intellectual property law  
LLAW6119 Human rights and cyberspace  
LLAW6188 Intellectual property policy and practice  
LLAW6212 Intellectual property protection in China: law, politics and culture  
LLAW6140 Intellectual property, innovation and development  
LLAW6280 Introduction to artificial intelligence and law

LLAW6288 Introduction to European Union law  
LLAW6313 Law as data  
LLAW6301 Law, innovation, technology and entrepreneurship (LITE) - postgraduate internship  
LLAW6323 Legal concepts and practical application in financial transactions  
LLAW6285 Legal data science  
LLAW6302 LITE lab: emerging technology and business models (postgraduate)  
LLAW6181 Management and commercialization of intellectual property  
LLAW6176 Online Dispute Resolution  
LLAW6325 Technology, ethics, and legal practice  
LLAW6274 The beginning and end of life  
LLAW6275 The legal foundations of global health and development  
LLAW6250 The regulation of biomedical research  
LLAW6315 Theories and methods on law and society  
LLAW6326 Topics in technology law

**Electives\*** (*Department of Computer Science*)

ICOM7125 Digital forensics (6 credits)

ICOM6027 e-Crimes: digital crime scene and legal sanctions (6 credits)

\* Candidates who choose ICOM6027 / ICOM7125 or both of the courses offered by the Department of Computer Science are required to complete 78 credits or 75 credits respectively for satisfying the curriculum requirement.

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

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## **COURSE DESCRIPTIONS FOR THE DEGREE OF MASTER OF LAWS IN TECHNOLOGY AND INTELLECTUAL PROPERTY LAW [LLM(T&IPL)]**

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### *Capstone course*

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#### **LLAW6132 International and comparative intellectual property law**

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.

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

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#### **LLAW6170 Law and the internet**

Information and communication technologies are part of the very fabric of contemporary societies. Their understanding and mastery are a required form of literacy in the 21st century. Social dynamics everywhere have changed because of these technologies, and in their image a new social paradigm has been formed. As a social science, law is not immune to these transformations but is rather profoundly influenced by them and perhaps no technological development has shaped the face of law more profoundly than the Internet.

This course will empirically assess some core transformations which, in different areas, the Internet has brought to the law. While other courses in our programme (for instance, “Regulation of Cyberspace”) question at a higher level of abstraction the normative foundations of such transformations, in “Law and the Internet” our aim is to give you an introductory overview of the concrete, practical shifts that the institutions of law have been experiencing in a number of different areas because of the Internet – from Identity and Privacy to Copyright, and from Defamation and Liability in Online Environments to Cybercrime and Jurisdiction.

Main topics will vary slightly from year to year. The focus of our course is on major common law jurisdictions, taking the law in the Hong Kong and United Kingdom as a

starting point. Nonetheless, occasional – and in some areas extensive – references to the law in the European Union will be made.

Assessment: 35% mid-term essay, 65% take home examination

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*Core courses*

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**LLAW6046 Privacy and data protection**

This course will explore privacy and data protection in an increasingly interconnected data economy. The Personal Data (Privacy) Ordinance and the data protection principles in particular will be studied in depth, making reference to relevant court judgments and Administrative Appeal Board cases. Privacy protection under other ordinances and common law principles (such as breach of confidence, misuse of private information, nuisance, trespass, copyright infringement and defamation) will also be covered. Emphasis will be made to the balance between privacy on the one hand and other rights as well as public and social interests on the other. The challenges posed by technological innovations and applications such as the internet, social media, mobile applications, cloud computing and Big Data will be highlighted. Specific topics to be addressed will include: (a) the concept of privacy and the genesis and development of its political, philosophical and economic underpinnings; (b) global developments and international cooperation; (c) privacy and media intrusion; (d) regulation of direct marketing; (e) Privacy Commissioner for Personal Data: powers, functions and enforcement. The course will focus on the Hong Kong situation but reference will be made to relevant international human rights instruments and the global and regional trends and developments.

Assessment: 40% research assignment, 60% take home examination

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**LLAW6120 Intellectual property and information technology**

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 course looks 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.

Assessment: 10% presentation and class participation, 10% quiz, 30% examination, 50% research paper

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**LLAW6139 China Information technology and electronic commerce law**

This course examines the key law and regulations concerning the Internet, information technology and related business in Mainland China. It intends to provide a wide-angle view of the regulatory regime for the Internet and IT industry in Mainland China, in particular as to how such regulatory regime may be helping or damaging the development

of the IT industry in Mainland China. The course also intends to compare the regulatory regime in Mainland China with that of other jurisdictions, and examine the impact of the Chinese Internet and IT Regulations on cross-border transactions of IT products and services.

Topics may include:

- Principles of IT and Internet Regulatory System
- Administration and Licensing of Websites
- Electronic Signature
- Online Advertising, Publishing and Media
- Online Intellectual Property Issues
- Big Data and Cloud Computing Issues
- Online Finance, Virtual Monies and Credit Profiling Regulatory Issues
- Domain Name System and Cybersquatting in Mainland China
- Privacy Protection, Real-Name Registration, Encryption and Internet Censorship
- National Security and Anti-Terrorism Measures relating to Online Businesses
- Anti-Monopoly and Anti-Unfair Competition Issues relating to Online Businesses
- Liabilities of Network Service Providers
- Cross-Border Transfer of Electronic Data and Use of Electronic Evidence
- Jurisdiction and Conflict of Law in the Cyberspace
- Online Dispute Resolution

Assessment: 30% presentation and class participation, 70% research paper

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### **LLAW6200 Trademark law**

This course provides a comprehensive study of the legal principles governing trademark law as a vital form of intellectual property. Students will explore the nature and scope of trademark rights, delving into how they are acquired, maintained, and enforced. The course will cover the various forms of trademark infringement, such as likelihood of confusion, dilution, and counterfeiting, as well as key defenses, including fair use, nominative fair use, and functionality. Remedies available to trademark owners, such as injunctive relief, monetary damages, and the seizure and destruction of infringing goods, will be examined, along with important procedural issues that arise in trademark litigation. While the course will briefly touch upon the process of prosecuting trademark applications and the benefits of registration, the primary focus will be on substantive trademark law. By the end of the course, students will have a strong foundation in trademark law principles and be well-equipped to analyze and apply them to real-world situations.

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

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### **LLAW6219 Patent law**

Intellectual Property Rights (IPRs) are among the most important catalysts for growth and innovation in the modern economy. IPRs – in particular patents - are worth billions if not trillions of dollars. What are patents and why are they so valuable? This course will look at patents, first in the context of all IPRs, then will examine rights under a patent, criteria for patentability, and the process of getting and challenging a patent. The class will also cover issues related to patent claims and will look at some current patent issues including:

- Commercial dealings: ownership, licensing, assignments, employees' inventions
  - Protection of discoveries
  - The process of getting a patent
- Patent infringement: Literal infringement and a comparison of UK and US treatment of non-literal patent infringement
- Protection of information technology products and the controversy surrounding software patents
- Design patents
- The value of patents

Prior technical knowledge of the subject matter is not required.

Assessment: 10% class performance, 10% quiz, 30% patent drafting exercise, 50% take home examination

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### **LLAW6223 Copyright and creativity**

The course investigates the relationship between copyright protection and creativity by targeting creative sectors such as film, music, publishing, and software. 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 benefited from or are impeded by copyright protection, how “fair use” systems 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 initiatives are helpful in promoting creativity, and finally, how to capitalise on 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 of which the copyright laws and creative sectors are examined include but are not limited to Hong Kong, the mainland China, the United States and the European Union.

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

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*Foundational law courses*

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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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*Elective courses*

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**LLAW6005 Hong Kong intellectual property law**

A comparative study of the Hong Kong law relating to patents, copyright, registered designs, trade marks, trade secrets, trade descriptions, common law remedies including and akin to passing off and injurious falsehood, and associated rights in information. Previous study or practice in the area of intellectual property would be an advantage but is not essential provided some preliminary private study is undertaken.

Assessment: 0% or 25% optional assignment, 100% or 75% take home examination

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**LLAW6014 18-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 length ranging from 16,000 to 20,000 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.

Mutually exclusive: LLAW6054 9-credit Dissertation

Assessment: 100% Research paper

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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.

Mutually exclusive: LLAW6014 18-credit Dissertation

Assessment: 100% research paper

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**LLAW6106 Global information technology law and practice**

This course examines the legal and policy issues relating to information technology (IT) from a comparative, global perspective. 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. Issues to be canvassed include privacy and personal data,

internet jurisdiction, regulation of internet marketing, issues in electronic transactions, internet governance, domain name business models and disputes intellectual property challenges for new business models, legal issues raised by cloud computing, as well as net neutrality and telecom regulation.

Assessment: 25% class presentation, 75% final paper

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### **LLAW6111 E-business law**

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 of the subject matter is not required.

Assessment: 40% written assignment(s) and/or case preparation note(s), 60% research paper

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### **LLAW6117 Cyber security and crime**

‘Cyber security’ and ‘Cybercrime’ are complex issue that impacts on individuals, communities, organizations, and every country on this planet. Cyber security is about protecting the networks of governments, corporations and individual users by making it difficult for hackers to locate and exploit vulnerabilities. At times, cyber threats to critical infrastructure could even threaten national security. Whereas cybercrime tends to focus on protecting individuals and (private and public) organizations as they navigate through cyberspace. As well 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. Siting between cyber security and cybercrimes is privacy and data protection and it is the first line of defense for both cyber security and cybercriminal threats. This course will also explore and discuss the links between cyber

security, cybercrimes and data protection in an interconnected data world.

Assessment: 60% take home examination, 30% research essay, 10% participation

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### **LLAW6119 Human rights and cyberspace**

The exponential growth of digital communications technologies (DCT) great opportunities for and poses significant challenges to enjoyment of human rights in many areas. This course will examine a number of areas in which the digital revolution has provided new tools and opportunities for promoting the enjoyment of human rights such as privacy, equality, free expression and access to justice, as well as for facilitating violations of human rights. Topics to be covered may include:

- understanding privacy, free expression and equality as human rights;
- historic debates relating to DCTs' capacity to enhance human rights and freedoms;
- the global dimensions of digital networks and the parameters of the digital divide;
- implications of data profiling and sorting for privacy, equality and free expression;
- legal responses to “cyberbullying” and cyberviolence;
- the rights and needs of young people in a digitally networked world;
- technologically facilitated violence against women and girls;
- technology as a potential facilitator of access to justice; and
- the use of DCT to promote human rights.

Assessment: 20% participation, 20% paper presentation, 20% presentation on examples where technology has been used to facilitate human rights, 40% research paper

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### **LLAW6124 Communications law**

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, 70% research paper, 10% class participation

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### **LLAW6126 e-Finance: law, compliance and technology challenges**

The overall aim of this is to help students understand how regulatory compliance and enforcement processes are being transformed by increased global competition and accelerating technological innovation in financial markets.

Topics covered will include how the role of information technology in the delivery of modern financial services has evolved over time as well as how recent developments in information technology are transforming compliance processes inside firms and enforcement efforts of regulators.

The impact of digital transformation of compliance in financial services on law firms, legal departments in companies, government attorneys, compliance managers, internal and external auditors, and system administrators will be considered.

A case study examining the impact of global competition and technology innovation on data protection/information privacy compliance efforts under Hong Kong, European Union and US law will be used to integrate theoretical and practical perspectives on the delivery of e-finance services.

Assessment: 10% class participation, 40% coursework, 50% take home examination

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### **LLAW6140 Intellectual property, innovation and development**

This course examines the interplay between intellectual property law, innovation social 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 has 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% take home examination, 20% class participation

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## **LLAW6155 Competition law II**

Despite being relatively new to Hong Kong, competition law has become highly pertinent in East Asia in recent years. In Hong Kong, the Legislative Council finally adopted a cross-sector competition law for the city in June 2012, and the Competition Ordinance has been in full operation since December 2015.

This course takes a comparative look at the connections and differences between Hong Kong and European Union (EU) competition law. Given the Conduct Rules of the Competition Ordinance in Hong Kong are substantially modelled after Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU), the EU law (including “soft” law such as guidelines) on Articles 101 and 102 TFEU will provide useful guidance to the interpretation and application of the Hong Kong Conduct Rules. This course will examine in detail the First Conduct Rule and Article 101 TFEU; and the Second Conduct Rule and Article 102 TFEU. We will also consider competition law enforcement, Hong Kong specific issues and past paper questions (to illustrate the workings of competition law). This course excludes merger review, which forms the subject of a separate course.

Assessment: 50% take home examination, 25% commentary, 20% presentation, 5% participation

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## **LLAW6176 Online dispute resolution**

This course will introduce students to the use of information technology as a means of facilitating 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 out-of-court alternative dispute resolutions, it by no means ignores the potential that these technologies have for direct application 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: 60% research paper, 40% in-class Moot Court practice

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## **LLAW6181 Management and commercialization of intellectual property**

Topics include:

- Technology transfer and licensing
- Commercialization of innovations
- IP portfolio management
- IP issues in merger and acquisition

- IP issues in franchising and outsourcing
- IP and standard setting
- IP and competition
- IP litigation strategies
- IP issues in innovation industries such as ISP's liability and safe harbor, keyword advertising and digital music licensing.

Assessment: 100% in-hall examination

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### **LLAW6187 Competition law and intellectual property**

This course focuses on the interface between intellectual property laws and competition law. 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.

This course will focus on the interface between competition law and patent law, which presents the most acute policy conflict with competition law among all the main areas of competition law, with some attention paid to copyright and trademarks. The course presumes no background on either competition law and patent law. It will begin with a brief overview of these two areas of law so that students will be equipped with the basic knowledge necessary for the course. Topics covered in the course include: price fixing, market allocation, group boycotts, vertical price restraints, royalty issues, fraudulent intellectual property enforcement, tying, unilateral refusal to deal, deceptive conduct in standard-setting organizations, predatory product design, reverse payments, and no challenge clauses, among others.

Assessment: 30% class presentation, 70% research paper

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### **LLAW6188 Intellectual property policy and practice**

This course aims to add the theoretical aspects to the current IP courses and ask students to re-examine recent major cases in the US and commonwealth countries. The first part of the course would deal with the theories and policy analysis that justify IP protection and the rest deals with legal doctrines and practice with reference to the theories and policy analysis.

Assessment: 20% class participation, 80% weekly response papers or a research paper

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## **LLAW6210 Energy law**

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: 100% essay

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## **LLAW6212 China intellectual property law**

This course provides a thorough introduction to Chinese intellectual property law. It will cover copyright law, patent law, and trademark law. China's modern intellectual property system began to take shape in the 1980s as one of the aspects of reform and opening up and market economy reform. This system has been constantly refined over the last forty years. In the last decade, the Chinese government has expanded the focus of its legislation from providing intellectual property rights to protect intellectual assets to other aspects, including the creation of intellectual assets, the implementation of intellectual assets and intellectual property rights, the management of these assets and rights, and the services associated with them. This course will introduce students to the rules and policies of China's intellectual property system for the protection of copyrights, trademarks, and patents, as well as the rules and policies governing other aspects. The course may also include discussions of the operation of intellectual property rights in some industries, such as pharmaceuticals, cyberculture, animation, fashion, and automobiles.

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

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## **LLAW6243 Advanced intellectual property law**

This course is a comprehensive examination of the advanced topics and strategies surrounding intellectual property law in diverse industries. Building on foundational knowledge, the course dives into the intricacies of intellectual property (IP) laws, focusing on their creation, protection and advanced application in real-world scenarios. This encompasses, but is not limited to, industries such as information technology, biotechnology, pharmaceuticals, and music.

The course will scrutinize the technicalities of technology transfer and licensing, delving deeper into the legal constructs that regulate the exchange of technology and knowledge among different parties. It pays specific attention to the role of collaboration in not only the development but also the enhancement of IP utilization. Moreover, the course investigates how organizations can consolidate market dominance via proficient IP enforcement, discussing not only management but also advanced commercialization of IP. The course adopts an interactive approach through the case study method, encouraging students to analyze intricate situations, contemplate varying strategic alternatives, and comprehend the ramifications of assorted decisions.

Upon conclusion of the course, students will have a deepened understanding of the intricate aspects of intellectual property laws. They will be adept at applying their advanced knowledge to a variety of industrial contexts and prepared to influence effectively the strategic decisions of organizations with regards to IP. This course is designed to elevate students' intellectual property understanding to a level that will enhance their competitive standing in the marketplace.

Assessment: 20% class participation. 80% case study essay

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### **LLAW6249 Entertainment law**

This course provides practical knowledge about the legal, regulatory and business aspects of the entertainment industry in Hong Kong. The lecture room will turn into the legal office of a mass media and entertainment conglomerate. Students, positioned as recruits of the legal office, will learn how to deal with the common legal issues in the daily operations of the conglomerate. The conglomerate has broad-based business ranging from production, acquisition and distribution of TV programmes of different genres (drama, non-drama, news etc.), production and distribution of theatrical films, music publishing and recording to artiste management. Thus, the legal issues to be dealt with may include:-

- Copyright in entertainment industry
- Passing off
- Defamation
- Contempt of Court
- Privacy issues of celebrities
- Recruitment and management of artistes
- Advertising regulation
- Legal/ regulatory traps in producing a TV programme/ theatrical film or organizing a public entertainment event

Assessment: 50% research paper, 50% group project

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### **LLAW6250 The regulation of biomedical research**

The course is aimed at students seeking an understanding of the framework of legal and ethical regulation (both locally and internationally) of biomedical research in all its common aspects, and the legal and regulatory requirements that must be met before new drugs, vaccines, biologics or medical devices may become accessible to the public.

Topics that will be covered in the course include international standards for clinical trials (involving pharmaceutical and biopharmaceutical product); direct human experimental and biomedical research involving human subjects; ‘non-invasive’ epidemiological and other studies involving only the use of data; human tissue banking and biobanking; cohort studies; genomic research; the research use of ‘legacy’ diagnostic tissue or data collections; the sharing of personal, medical and genomic information; public ‘diseases registries’ and the use of medical information for public health research purposes; the legal and ethical regulation of multi-centre and multi-jurisdictional collaborative biomedical research; EMR (electronic medical records) databases; data-mining and the implications of migration to large-scale national health records systems; human embryonic stem cell and induced pluripotent stem cell research; genome editing and gene therapy; medical device trials (including devices based on artificial intelligence or machine learning); and ethical and regulatory standards for governance of biomedical research at the institutional level (through IRBs, ECs, HRECs).

Fundamental concepts such as the informed consent of subjects (at common law and under international clinical trial good practices) with particular emphasis on the consent given by or on behalf of minors, incompetent subjects and vulnerable populations, social value of the research, right to science, return of benefits to research subjects or affected populations, risk-benefit assessment, clinical trial designs and clinical equipoise will be considered, as along with the impact and requirements of national laws and regulations international guidelines.

The course seeks to help students understand and keep abreast of developments (and to enable them to advise the medical and biomedical research sectors) in the rapidly developing field of biomedical research, and to equip them with the basic language and vocabulary necessary to appreciate the legal and ethical implications. To this end, students will be introduced to basic technical (i.e. medical or scientific) information that relates to the research proposals or endeavours (e.g. human genome editing) considered in this course.

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

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### **LLAW6267 Courts**

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. Students should be prepared for copious reading assignments commensurate with a graduate-level course in the social sciences and consisting primarily of academic scholarship rather than cases. The readings are intended to introduce participants to the major debates and empirical arguments found in the scholarly literature on courts. The course will be conducted as a true graduate seminar, meaning that class time will consist primarily of collective critical discussion of the readings rather than passive absorption of the instructor's views. Each week, students will be required not only to demonstrate knowledge of what is in the readings, but also to offer their own evaluation and critique of the empirical arguments found in the readings and to articulate arguments of their own. The expectation is that students will engage in critical and original thinking and become active participants in the scholarly debate rather than passive consumers of scholarship produced by others.

Assessment: 30% research paper, 50% reaction papers, 10% oral presentation, 10% participation

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### **LLAW6271 Bioethics foundations**

This is a course in bioethics offering an introduction to the fundamentals of bioethics.

The course provides a firm grounding in traditional approaches to bioethics and relevant basics of legal and philosophical theory, while also introducing students to non-Western perspectives. By making connections to moral and legal philosophy as well as to bioethics, students will be able to locate current questions of policy and law within a broader academic context. The course will emphasize building student understanding of philosophical fundamentals, which are involved in and may provide a different perspective to more specific topics in bioethics such as the end of life and the physician-patient relationship.

The syllabus covers significant schools of thought essential to an understanding of bioethics and medical law, such as consequentialism, virtue ethics, and deontology. Students will also be introduced to non-Western perspectives, such as concepts in Confucian ethics. Throughout the class, students will examine legal, ethical, and economic and policy dimensions of questions in bioethics using the philosophical tools they develop. This will generally take the form of case studies, which students will be given to analyze and debate in class. Such case studies will cover topics such as rationing in modern health care systems, organ transplantation, the use of reproductive technology and human enhancement. Through the in-class debates, students will develop the ability to identify the key issues of bioethics that arise in the case studies, as well as construct well-formed arguments in support of or against a position in these debates.

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

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### **LLAW6274 The beginning and end of life**

The course examines in depth some of the most compelling ethical, legal and social issues brought about by the advent of modern technology which has blurred the certainty traditionally taken for granted as regards the constructs of the beginning of life and of its end. Major components of the course include the following:

- (i) The foetus and the beginning of life, including when human life can be said to begin and abortion and the balance of rights between the interests of the unborn child and its mother.
- (ii) Assisted reproductive technologies, including *in vitro* fertilization, donated gametes, and surrogacy. What controls should there be, for example, on genetic screening and genetic selection procedures, including procedures such as preimplantation genetic diagnosis (PGD) which allow the selection of embryos (whether against severely disabling or likely fatal heritable conditions, or for gender or 'social' reasons) for implantation?
- (iii) Decisions at the end of life, including how death should be defined in light of rapid developments in medical technology. This section will examine different perspectives on patient autonomy and the right of self-determination, anticipatory decisions and advance directives, refusal of treatment, and emergency treatment of the incompetent or unconscious. It will explore the right to refuse treatment and consider arguments for the right to die and euthanasia.

Assessment: 30% class participation, 30% coursework, 40% final examination

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### **LLAW6275 The legal foundations of global health and development**

This course will introduce students to global health law, international moves towards a right to global health, the fundamental human right of access to basic medical services, national and coordinated international responses to and the management of global health hazards (including responses to emergent infections, epidemics, antimicrobial resistance (AMR), addiction and substance abuse), the socio-legal management of and responses to risky behaviours (including STDs, addiction and substance abuse).

The course will also cover the role of international law, treaties and instruments touching on global health concerns, and how international law operates, and how it is different from national law.

The constitution, function, role and effectiveness of key international global health organizations such as the United Nations, World Health Organization, UNICEF and the FAO will also be studied. Selected examples on key pressing current issues such as national and international responses to SARS, MERS, Ebola, Zika and AMR, as well as

an assessment of the state of national and international preparedness for highly-pathogenic future pandemics and the effectiveness of public health measures such as that for tobacco control will be examined through case studies.

Students will also be introduced to the International Health Regulations (IHR 2005), and will examine responses of the various IHR Emergency Committees on Ebola, MERS-CoV, Zika virus etc. The often-strained relationships between international health organisations such as the WHO and national agencies will be examined.

The argument for basic medical services as a fundamental human right will be examined, particularly in the context of the links between health access on the one hand and economic and social development and social stability of developing countries on the other. The use of denial of medical services as a weapon of war will also be discussed.

In a similar context, equitable access to drugs and fair pricing will also be considered, as well as the role of intellectual property claims in the context of access to pharmaceuticals.

Finally, the course will examine current moves both at the national and international levels for a coordinated public health response to noncommunicable diseases (including epidemic ‘lifestyle’ diseases such as diabetes and other NCDs which are metabolic disorders), and the role that national and international law can play in such responses.

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

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## **LLAW6280 Introduction to artificial intelligence and law**

Big data and artificial intelligence are poised to become the fourth industrial revolution, fundamentally changing the way we live, work, and learn. This course introduces how data analytics and artificial intelligence are currently applied into legal studies, legal practice, and policy making.

To get a flavor of this course, consider the following questions that we will cover: 1. Recent machine learning algorithms outperform judges in making parole decisions in the United States, that is, algorithms are now better at predicting risks associated with the release of criminal suspects. How do the algorithms accomplish this? 2. Data analysis enables scholars and policy makers to precisely calculate incarceration’s influence on criminals’ income after release, for example, X years of incarceration will decrease income by \$Y. How do they accomplish this? 3. Data analytics help scholar and business to study when and why individuals obey contracts. What are the exact methods that they use?

This course can be seen as an introduction to data-driven and empirical methods in legal studies. The focus is to use real world examples to give students a basic idea of the underlying logics of applying different methods. Students are expected to achieve critical appreciation for empirical methods and data analytics thinking in law, but are not required to implement empirical research by themselves. In other words, the content covered in this course will be introductory in nature. No computer programming or statistical

analysis experience is required. Students who have programming or statistical analysis experience and want to study how to implement an empirical project in law should register LLAW6285 / JDOC6285 Legal Data Science. And you should not register LLAW6285 / JDOC6285 and this course simultaneously.

Assessment: 20% designing an empirical research, 40% reading reports, 40% essay

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### **LLAW6285 Legal data science**

This course offers a hands-on introduction to legal data science and aims to improve students' understanding of:

- 1) legal issues that involve technology;
- 2) the technologies that underlie many legal–tech products; and
- 3) how technology can be used in empirical legal research.

This class also provides practice in the logical reasoning skills important to many areas of legal practice and improves students' abilities to communicate with clients in high-tech industries.

No computer programming experience is required. Class operates in a “flipped” manner with weekly homework and readings, and intensive classroom activities that are designed to help students overcome obstacles.

Assessment: 10% participation, 20% weekly homework assignments, 10% quiz, 60% final project

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### **LLAW6287 FinTech finance**

The course will appraise the impact of financial and information technologies on banking and other financial services providers, as it closely follows the legal and regulatory developments in equity and debt finances in Hong Kong and globally leading FinTech hubs.

The course will focus on financial technology (FinTech) and regulatory technology (RegTech), used increasingly by financial institutions and their regulators to enhance regulatory compliance in and supervision of a sophisticated and fast-changing financial sector. A major part of the course syllabus will involve the systematic analysis of the emerging opportunities brought about by open banking for both traditional and challenger banks, virtual banks and their business model(s) and the Hong Kong Monetary Authority's Open API Framework for the Hong Kong Banking Sector. To that end, the course will also highlight the challenges faced by banking institutions, including traditional banks and virtual banks, in complying with the Personal Data (Privacy) Ordinance, the key data protection law in Hong Kong. In this regard, the thematic focuses will be on (1) data protection law in the digital banking era, in general;

and (2) data governance (including data security) in the implementation of open banking, in particular.

Other special focuses of the course include equity and debt-based crowdfunding, denoting a tripartite relationship among the crowdfunding platform (CFP) operator, the fundraiser (i.e. the company that raises funds through the CFP) and the investors (crowdfunders). Behavioural economics postulates that not all investors are rational, including both unsophisticated individual investors and sophisticated institutional investors (such as mutual funds, pension funds and insurance companies). Regulation may thus be used to impose on the issuer (i.e. the company that raises funds by issuing securities) a duty to disclose information about its business plan and finance forecast with a view to curbing the lemon problem. Likewise, investors must prove their financial eligibility to be allowed to invest in equity crowdfunding. In general, the securities sector is characterised by consumer protection and an investor-disclosure system.

The course will shed light on the legal and regulatory requirements, along with supervisory and policy measures, towards FinTech alternative finance at both local and international levels. Requirements, measures and standards set by international regulatory bodies such as the Global Partnership for Financial Inclusion, the G20, the OECD, the Financial Stability Board and the Bank for International Settlements will be closely examined. Combining supervisory approaches—for instance, the principle-based approach and the cost-benefit approach—with academic approaches, the course will promote and enable technical, theoretical, comparative, and interdisciplinary studies for students who are interested in or preparing to enter a FinTech-related career. The course is also practical and industry focused, reflecting on and closely following industry reports such as KPMG’s annual banking and anti-money laundering reports, along with Deloitte’s RegTech and FinTech survey reports. Designed to enhance creativity, critical thinking and deep learning, the course will foster an intimate understanding of regulations and policies on FinTech, RegTech and SupTech. Topics and issues covered in this course are diverse and wide-ranging and will include financial inclusion and digital financial inclusion, the digital banking model (implemented by virtual banks, which are also known as digital banks), FinTech and RegTech (with subordinated themes such as Sandbox, Open Banking, Application Programming Interface and Wealth Management Technology), P2P Lending, Equity Crowdfunding, Payments and Payment Technology (including Central Bank Digital Currency and Stablecoins).

The course will first introduce FinTech innovations such as blockchain, artificial intelligence, robo adviser solution and big data, all of which are exemplary of information technology, 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, data governance and control and privacy protection for consumers.

Assessment: 20% class participation, 30% research paper, 50% take home exam

This course is intended to introduce students to law and institutions of the European Union. The EU law constitutes an autonomous and developed legal system which is directly binding on all member states. It is based on international treaties (TEU, TFEU, CFR), but it is also composed of thousands of regulations and directives enacted by the EU bodies, as well as of the case law of the EU Court of Justice. An important portion of both legal regulations and judicial case-law addresses matters of fundamental rights.

The course is structured as a general introduction and, by definition, must be very selective. It is focused on EU “constitutional law” and does not enter into any of the specialized branches of EU law.

It explores, first, historical development of the European integration (topic 1) and the institutional scheme of the EU (the Union: competences, accession and withdrawal – topics 2-3; the three branches of government – topic 4).

Secondly, the course moves to matters of the EU legal order: system of sources (topic 5), primacy and direct effect of EU law (topics 6-7), liability and enforcement (topic 8).

Finally, the remaining three topics deal with EU fundamental rights: their development and present scope (9), prohibition of discrimination and relation to the ECHR (10), protection of personal liberty (European Arrest Warrant and blacklisting – topic 11).

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

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## **LLAW6300 Digitalisation: health, law and policy**

This course has three key objectives:

1. Introduce students to the ethical and legal implications of digitalisation of health and related aspects of law, primarily from a policy and regulatory standpoint. **Health** is referred to generally as the module for the study of digitalisation in a variety of health-related contexts, including healthcare (e.g. electronic health records and use of sensors to monitor medical adherence), biomedical research (e.g. use of artificial intelligence (AI) in drug development and medical research), health funding and insurance (e.g. use of Big Data analytics in claim and loss predictions) and public / global health (e.g. use of digital technologies to support realisation of the Sustainable Development Goals);
2. Introduce students to Computational **Law** as applicable to digitalisation of health (as outlined in Objective (1) above). The module will focus on a number of computational models of legal reasoning (and related legal application that have been developed), and will examine how modern legal expert systems are likely to change in response to the digitalisation of healthcare; and
3. Introduce students to data visualisation (in both health and law) and means of thinking critically about an increasingly data-driven world (with focus on potential sources of

misinformation and disinformation).

**Digitalisation** refers to the added value of applying digital technologies (such as Big Data analytics, AI and robotics) to interventions directed at meeting needs or goals that relate to health, administration of justice and regulatory compliance. The course adopts a **Policy** approach in that different epistemic systems of ethical, legal/regulatory and governance principles (e.g. human-centricity) that guide decisions to achieve health and legal outcomes will be examined. The ethical and legal implications of digitalisation policies in both subjective and objective decision-making will be considered.

The jurisprudential basis of right to information, freedom of expression (as pertinent to health), privacy, as well as concerns with misinformation and disinformation will be studied. The course will also cover the role of national laws, international law, and instruments touching on digitalisation concerns in health and related aspects of legal practice and regulation. Of these laws and normative instruments, this course will focus on those that pertain to data security, collection, sharing and use, control (e.g. through intellectual property) as well as those that apply to data custodians and intermediaries (including cloud platforms). Additionally, the normative impact of social organisations (including business entities) on digitalisation and regulatory trends will be considered.

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

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### **LLAW6301 Law, innovation, technology and entrepreneurship (LITE) - postgraduate internship**

The Law, Innovation, Technology and Entrepreneurship (LITE) programme is an interdisciplinary and experiential programme for students of all backgrounds. In LITE – Postgraduate Internship, postgraduate students will have the opportunity and commit to be onsite to work with Hong Kong tech companies at least the equivalence of one day in the week during the semester (“host companies”).

Host companies are initially expected to come from Cyberport, Hong Kong Science and Technology Park (HKSTP), and the FinTech Association of Hong Kong (FTAHK). Sectors and business areas may include fintech, digital entertainment, artificial intelligence, big data, blockchain, and cybersecurity, among others.

As compared to the structured project-based LITE Lab - Tech Startup Law (LLAW3255), LITE - Undergraduate Internship is more fluid to reflect the operations of innovation firms, startups, and social entrepreneurs, with tasks assigned supervised by relevant officers of such fast-moving and evolving companies. Supervision is primarily by the host company and may include multiple shorter-term projects and deliverables that evolve during the term of the internship. Priority will be provided to tasks and officers which are legally-related, and accordingly, host companies will tend to be later stage as compared to the companies involved in LITE Lab - Tech Startup Law (LLAW3255).

Student-company pairings will be made based on each student’s previous work experience, academic focus, areas of particular interest, and relevant skillsets. In addition

to class time, expected time commitment will be 9-10 hours per week devoted to the internship, comprised primarily of time committed to be spent on-site with the host company, reporting and communicating with the LITE instructors about progress.

Students will be assessed on a pass/fail basis.

Assessment: 10% learning reflections, 10% class contribution, 40% internship final project/tool/explainer, 40% internship participation and delivery

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### **LLAW6302 LITE lab: emerging technology and business models (postgraduate)**

Law, Innovation, Technology and Entrepreneurship (LITE) Lab@HKU is an interdisciplinary and experiential programme for students from all backgrounds.

Postgraduate students gain practical experience working with Hong Kong tech startup entrepreneurs through curated legal-related research projects determined between the startup and students that relate to real-world needs of such tech startups that are often at the cutting-edge of legal and technological innovation. For this project-based experiential course, students will regularly interact with tech startups at LITE Lab@HKU on campus, at HKU-Cyberport Fintech Nucleus, at the startup's premises and/or electronically under the supervision of instructors.

Projects will include interviews and consultations with and research to benefit emerging technologies and business models as well as contributing to LITE Lab@HKU's online resource and tools to enable access to justice and democratization of legal information to empower entrepreneurship and self-sufficiency for Hong Kong tech startups. For example, the inaugural undergraduate cohort for LITE Lab - Tech Startup Law (LLAW3255) worked with and conducted legal research for Hong Kong startups on topics including metadata, webscraping, data privacy, online platform liability and blockchain, and created legal primers for licensing agreements and cross-border distribution and sale agreements.

Students will be part of the growing LITE Lab@HKU community and conduct regular peer sharings amongst their cohort, including engaging in case rounds and project management, contributing towards internal knowledge management resources, and using design-thinking principles to create user-friendly deliverables that are comprehensible and helpful to laypersons. These are the skills and professionalism expected for those providing legal services in the future.

To create expand upon the impact, selected student deliverable are expected to be published on the LITE Lab@HKU website to foster the broader Hong Kong tech startup ecosystem.

Students will be assessed on a pass/fail basis.

Assessment: 10% class contribution, 10% learning reflections, 40% project service/product delivery, 40% research/case study

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## **LLAW6304 AI and competition law**

Large Language Models, like ChatGPT, are a recent demonstration of the abilities of Artificial Intelligence (AI). AI is a rapidly developing field that challenges many areas of the law. Competition law is no exception.

As more and more firms employ AI to set prices, rebates, and manage sales more generally, new challenges emerge. For instance, AI algorithms might be used to automatically adjust prices in response to competitor actions. The more sophisticated AI becomes, the more complex the challenges for competition law. These challenges can arise across all traditional areas of competition law, including anticompetitive collusion, unilateral behaviour, and merger control, as AI increasingly influences market dynamics.

The course will be divided into four parts. The first part will explore the current state of AI and its usage and potential usage in markets. The second part will examine the theory and feasibility of AI-facilitated collusion, as explored by scholars like Ezrachi and Stucke, along with potential antitrust responses. The third part will delve into an emerging area of research: how AI pricing and market actions affect the assessment of unilateral conduct, with a focus on AI-based predatory pricing and other exclusionary behaviour. Finally, the fourth part will explore how these insights and broader structural questions can inform competition policy in the area of mergers.

Assessment: 20% class participation, 30% an assigned case/paper presentation, 50% research paper

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## **LLAW6311 Sustainability and competition law**

This course examines the interaction between sustainability and competition between market actors and its regulation via competition law. The course is not tied to one specific jurisdiction, although it will often reference European competition law and related systems as the debate has matured in that part of the world.

Sustainability goes beyond environmental protection. It marries social development and economic development with environmental protection by ensuring that 'development [...] meets the needs of the present without compromising the ability of future generations to meet their own needs' (Brundtland Commission, 1987). The UN's 2030 Agenda outlines 17 Sustainable Development Goals with 169 associated targets, one of which encourages especially large and transnational companies to integrate sustainability into their operations.

Business action can impact sustainability and competition. However, the interaction between competition and sustainability raises a number of challenging questions, such as whether competition law should take sustainability into account when considering business activities and their effect on competition. Even where this question is answered in the affirmative, numerous more technical questions as to implementation remain.

To address these questions the course is divided into four parts. The first part provides a basic introduction into sustainability and the normative questions of whether competition should take account of sustainability concerns. The second part covers the economics of competition and sustainability. In this part, the course explores in particular how the protection of competition, consumer welfare, and sustainability overlap. In its third part, the course addresses substantive competition law questions with a focus on two sub-questions: How competition authorities can foster sustainability by targeted enforcement (such as against cartels that prevent consumers from buying sustainable products)? How to treat business action that contributes to a more sustainable world, how and under what conditions can competition law allow such activities? The final part of the course explores procedural tools that enforcers have at their disposal in the context of sustainability questions.

Assessment: 20% class participation, 30% an assigned case/paper presentation, 50% research paper

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### **LLAW6313 Law as data**

Law is created, transmitted, and performed through speech. By summarizing and extracting information from large amounts of text, we can better understand legal behaviour and institutions. This course has three objectives. First, to introduce some of the building blocks for treating legal text as data. Second, to gain some hands-on experience in analysing text data using the Python programming language. Third, to explore how quantitative methods for text analysis can yield social scientific insights. Motivated examples are provided throughout. No knowledge of Python is necessary although prior exposure to programming will be very helpful. Knowledge of calculus and linear algebra is highly recommended.

Assessment: 50% problem sets, 50% examination

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### **LLAW6315 Theories and methods on law and society**

This course will introduce the major topics in the fields of law & society, including legal pluralism, dispute transformation, judicial decision making, legal profession, legal consciousness, discourse analysis, law and regulation, law and social movements, law and psychology, and law and politics. It will cover how empirical data are used to make a theoretical point.

Assessment: 30% coursework, 70% final paper

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### **LLAW6323 Legal concepts and practical application in financial transactions**

The purpose of this course is to examine significant legal concepts and private law issues encountered in commercial finance and investment banking. A sound knowledge of these areas of law in the transactional context provides a firm foundation for legal practice in

international law firms and at the Bar including skills in tackling the latest challenges thrown up by globalization and the digital economy.

This course builds on the knowledge students have acquired in the core courses of Contracts and Torts in the application in the financial markets and will provide a deeper understanding of the part that private law plays in such markets.

The course will begin with an introduction to transactional structures in the financial markets including loans, guarantees, bonds, derivatives and structured finance. The aim is to consider various concepts in contract, property and trusts which are used to allocate, manage and transfer risk in transactions. While the focus will be on English law and Hong Kong law, the course will consider civil law jurisdictions for criticism and comparison (and the practical impact on transactions). For example, taking security for bonds and loans and the enforcement of security would have different impact under different laws. The course will also consider developments in the financial markets including tokenisation of financial instruments.

Prerequisite: Contract law

Assessment: 40% class participation and written comments in online platforms, 60% essay

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### **LLAW6325 Technology, ethics, and legal practice**

Ever since Covid in 2020, there has been a greater reliance on technology by businesses and consumers alike, affecting many aspects of everyday life. This also propelled the adoption of digital transformation embracing automation, ‘internet of things’ (IOT), cloud tech, block-chain, and AI at a much faster pace. At the same time, such disruption spore new risks; for example, AI has been labelled as an existential threat and there has been increased cyber-attacks creating more anxiety. Legal service is no different. The discourse about changing how lawyers work, undertake legal research, and advising their clients using legal technology have been on the rise. The course shall endeavour capture the key debates of digital transformation affecting business models of businesses and professional services including legal services. And with the adoption of new technology comes new ethical questions as well as dilemmas for businesses and professionals including lawyers. Whilst the regulatory debates are on-going, unknown impact on society like massive job losses also have ethical implications. As such this course shall contemplate the impact of digital disruption and new ethical predicaments that shall be thrust onto legal professionals; thereby preparing students for the challenges in the cyber age that lies ahead.

Assessment: 20% class participation, 30% research essay, 50% take home examination

[Students are required to pass the exam to be eligible to pass the course.]

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### **LLAW6326 Topics in technology law**

This course examines the cutting-edge technology law issues in the age of social media and artificial intelligence. It focuses on following three areas of technology law:

1. Legal protection of personal data;
2. Legal regulation of algorithms; and
3. Intellectual property and artificial intelligence systems

Each area of study will deal with the relevant legal and policy considerations. For example, we will discuss the extent to which personal data and intellectual property rights could impact the development of artificial intelligence systems, and will also explore whether and why intellectual property law should protect the creations generated by artificial intelligence systems.

Assessment: 20% class participation, 80% research essay

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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>1</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>1</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.