

REGULATIONS FOR THE POSTGRADUATE DIPLOMAS IN COMMERCIAL LAW (PDipCommL), IN THE LAW OF THE PEOPLE'S REPUBLIC OF CHINA (PDipL[PRC]), IN PUBLIC LAW (PDipPubL) AND IN INFORMATION TECHNOLOGY LAW (PDipITL)

(See also General Regulations)

Admission requirements

LL 27. To be eligible for admission to the courses leading to the Postgraduate Diploma in Commercial Law, the Postgraduate Diploma in the Law of the People's Republic of China, the Postgraduate Diploma in Public Law, or the Postgraduate Diploma in Information Technology Law (as the case may be), a candidate shall

- (a) comply with the General Regulations; and
- (b)
 - (i) hold the degree of Bachelor of Laws with honours of this University; or
 - (ii) hold a degree in law from another university or comparable institution accepted for this purpose; or
 - (iii) have been admitted to the professional practice of law in Hong Kong or in a territory or country other than Hong Kong; or
 - (iv) 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 second class honours degree of this University or from another university or comparable institution accepted for this purpose.

A candidate for admission under Regulation (b)(ii), (b)(iii) or (b)(iv) above shall produce evidence of sufficient academic attainment and shall satisfy the examiners in a qualifying examination if such an examination is required. A candidate who fails to meet the requirements of (b)(iv) above by reason only of the fact that his or her degree is not of at least second class honours standard may, nevertheless, be admitted provided that the Faculty Higher Degrees Committee is satisfied that by reason of his or her background, experience and professional qualifications, if any, the candidate is fit to follow the courses.

Qualifying examination

LL 28.

- (a) A qualifying examination may be set to test the candidate's formal academic ability or his ability to follow the courses of study prescribed. It shall consist of one or more written papers or their equivalent.
 - (b) A candidate who is required to satisfy the examiners in a qualifying examination shall not be permitted to register until he has satisfied the examiners in the examination.
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Award of postgraduate diplomas

LL 29. To be eligible for the award of the Postgraduate Diploma in Commercial Law or the Postgraduate Diploma in the Law of the People's Republic of China or the Postgraduate Diploma in Public Law or the Postgraduate Diploma in Information Technology Law a candidate shall

- (a) comply with the General Regulations; and
- (b) complete the curriculum and satisfy the examiners in accordance with the regulations set out below; or

- (c) have satisfied the examiners in the equivalent of two relevant 2-unit courses of instruction leading towards the degree of Master of Laws by part-time study.

The award of the Postgraduate Diploma to a candidate under (c) above shall be determined in circumstances as deemed appropriate by the Faculty Board on the recommendation of the Faculty Higher Degrees Committee.

Curriculum

LL 30. The curriculum shall comprise approximately 150 hours of prescribed work normally extending over one academic year of part-time study. To complete the curriculum a candidate shall

- (a) follow the equivalent of four credit units of courses of instruction or follow the equivalent of three credit units of courses of instruction and present a satisfactory dissertation on an approved subject;
- (b) satisfactorily complete all prescribed written and other work;
- (c) satisfy the examiners in each course of instruction by either assessed written work carried out during the course or a written examination at the end of the teaching programme or both; and
- (d) satisfy the examiners in an oral examination if such an examination is required.

LL 31. A 2-unit course of instruction is one which is taught over a period of two semesters and a 1-unit course of instruction is one which is taught over a period of one semester. A 1-unit intensive course of instruction is one which is taught over a period of approximately one month.

Dissertation

LL31(a) A candidate who elects to submit a dissertation under Regulation LL29(a) shall submit the title six weeks after the commencement of the first semester for approval and present the dissertation not later than August 31 following the written examinations.

In exceptional circumstances a candidate may apply to the Faculty Board for an extension of the period within which the dissertation must be presented.

The candidate shall submit a statement that the dissertation represents his own work undertaken after registration as a candidate for the degree.

The examiners may require an oral examination on the subject of the dissertation.

Failure to satisfy the examiners

LL 32. A candidate who has failed to satisfy the examiners in up to half of the courses of instruction may be permitted

- (a) to attend a supplementary examination; or
- (b) to repeat the course or courses of instruction in the following academic year and to re-take the prescribed examination or examinations; or
- (c) to re-take the prescribed examination or examinations in the following academic year without repeating the course or courses of instruction; or
- (d) to undertake the study of an alternative course or courses of instruction in the following academic year and to take the prescribed examination or examinations.

LL32(a). A candidate who has failed to present a satisfactory dissertation may be permitted, subject to his performance in other examinations, to revise the dissertation and to re-present it within a specified period as determined by the Board of Examiners after receiving a notice that it is unsatisfactory.

LL 33. A candidate who is not permitted to present himself for re-examination in any paper or papers in which he or she has failed to satisfy the examiners or to revise and re-present the dissertation shall be recommended for discontinuation of studies under General Regulation G 12.

Absence from an examination

LL 34. A candidate who is unable through illness or other acceptable reason to attend for examination may apply for permission to attend for examination at some other time.

Examination results

LL 35. At the conclusion of the examination a pass list shall be published. A candidate who has shown exceptional merit at the whole examination may be awarded a mark of distinction and this mark shall be recorded in the candidate's postgraduate diploma.

SYLLABUSES FOR THE POSTGRADUATE DIPLOMAS

OBJECTIVES

The Postgraduate Diplomas are offered by the Faculty of Law to meet the need of the Hong Kong legal community for shorter, specialised postgraduate law courses.

LENGTH OF CURRICULUM

The Postgraduate Diplomas extend over one academic year of part-time study.

COURSE OF STUDY

Each candidate is required to follow instruction through the medium of lecture courses, seminars and small group tuition.

STRUCTURE

Candidates shall follow the equivalent of 4 credit units of courses of instruction. Candidates may be permitted to choose any of the courses available under the LL.M. programme, in addition to the courses already listed in the syllabuses for the four postgraduate diplomas. Candidates may apply to substitute for a listed course a course offered by another Department in the University. Such application shall be

approved by the Head of Department who has to be satisfied that the course or course(s) from the other Department(s) are of equivalent standard to that of those listed in this syllabus and/or the LL.M. syllabus. Candidates shall normally be permitted to take not more than 1 unit of courses from another Department in the University. Permission will normally be granted only to take postgraduate courses, and only for those courses which can be shown to have relevance to candidates' overall course of study. Permission shall not be granted to substitute any other course for a compulsory course in the programme. A dissertation is regarded as equivalent to a 1-unit course. On accepting a place, candidates shall notify the Head of the Department of Law of the courses which they intend to follow. The selection of courses by each candidate shall be subject to approval by the Head of the Department of Law. In any one academic year only some of the courses listed will be available.

DISSERTATION

This shall comprise a paper not exceeding 10,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies) on a legal topic approved by the Faculty Higher Degrees Committee. The dissertation must provide evidence of original work or a capacity for critical analysis. For the purpose of Regulation LL30 the dissertation will be regarded as equivalent to a minimum of 37 hours of prescribed work.

COURSEWORK

The Board of Examiners shall decide what proportion of the final assessment for each course of instruction shall be determined by written work carried out during the course. 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.

COURSES OF INSTRUCTION

Postgraduate Diploma in Commercial Law

Two-unit courses

- . Admiralty (LLAW6001)
- . Civil and commercial law in the People's Republic of China (LLAW6003)
- . Credit and security law (LLAW6002)
- . Intellectual property law (LLAW6005)
- . International dispute resolution (LLAW6007)
- . Remedies (LLAW6010)
- . Shipping law (LLAW6011)
- . Trade and investment in the People's Republic of China (LLAW6013)

One-unit courses

- . Arbitration law workshop (LLAW6023)
- . Banking law (LLAW6024)
- . Company law and securities regulation in the People's Republic of China (LLAW6025)
- . Construction law (LLAW6027)
- . Current issues in insolvency law (LLAW6087)
- . Current issues in PRC commercial law (LLAW6028)
- . Dispute resolution in the People's Republic of China (LLAW6029)

- . Hong Kong environmental law (LLAW6033)
- . International air law: structure and organisation (LLAW6035)
- . International commercial transactions (LLAW6006)
- . International tax and tax planning (LLAW6096)
- . International trade regulation I : Introduction to the Law of the WTO (LLAW6039)
- . Law of international finance I – debt (LLAW6055)
- . Legal Chinese in commercial transactions (LLAW6041)
- . Liabilities in international aviation (LLAW6043)
- . PRC intellectual property law (LLAW6044)
- . PRC security and insolvency law (LLAW6048)
- . Privacy and data protection (LLAW6046)
- . Real estate law in the People's Republic of China (LLAW6047)
- . Securities regulation (LLAW6049)
- . Taxation in the People's Republic of China (LLAW6050)
- . The law of restitution (LLAW6051)

* In any one academic year only some of the courses listed will be available.

Postgraduate Diploma in the Law of the People's Republic of China

Two-unit courses

- . Civil and commercial law in the People's Republic of China (LLAW6003)
- . Introduction to Chinese law and legal system (LLAW6008)
- . Trade and investment in the People's Republic of China (LLAW6013)

One-unit courses

- . Company law and securities regulation in the People's Republic of China (LLAW6025)
- . Current issues in PRC commercial law (LLAW6028)
- . Dispute resolution in the People's Republic of China (LLAW6029)
- . Introduction to Chinese Law (LLAW6040)
- . Legal Chinese in commercial transactions (LLAW6041)
- . PRC intellectual property law (LLAW6044)
- . PRC security and insolvency Law (LLAW6048)
- . Real estates law in the People's Republic of China (LLAW6047)
- . Securities regulation (LLAW6049)
- . Taxation in the People's Republic of China (LLAW6050)

* In any one academic year only some of the courses listed will be available.

Postgraduate Diploma in Public Law

One-unit courses

- . Advanced administrative law (LLAW6021)
- . Equality and the law (LLAW6030)
- . Hong Kong and international law (LLAW6031)
- . Hong Kong basic law (LLAW6032)
- . Hong Kong environmental law (LLAW6033)
- . Human rights in Hong Kong (LLAW6034)
- . International air law: structure and organisation (LLAW6035)

- . International criminal law (LLAW6036)
 - . International environmental law (LLAW6037)
 - . International humanitarian law (LLAW6038)
 - . Postmodern legal theory (LLAW6045)
 - . Privacy and data protection (LLAW6046)
 - . The law of the Sea (LLAW6052)
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Postgraduate Diploma in Information Technology Law

One-unit courses

- . Computerisation of law (LLAW6116)
- . Cybercrime (LLAW6117)
- . e-Finance : law and regulation (LLAW6126)
- . Electronic banking law (LLAW6118)
- . Human rights and cyberspace (LLAW6119)
- . Issues in information technology law (LLAW6106)
- . Intellectual property in the information society (LLAW6120)
- . Internet content : property and liability (LLAW6121)
- . Internet governance : the law/technology interface (LLAW6122)
- . Privacy and data protection (LLAW6046)
- . Telecommunications law (LLAW6124)
- . The law of E-commerce (LLAW6125)
- . The legal impacts of IT on international trade and logistics (LLAW6111)

*In any one academic year only some of the courses listed will be available. Students are strongly advised to take the courses LLAW6121 and LLAW6122.