

## **REGULATIONS FOR THE POSTGRADUATE DIPLOMA IN COMMON LAW (PDipCL) AND THE MASTER OF COMMON LAW (MCL)**

*(See also General Regulations)*

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### **Admission requirements**

LL48 To be eligible for admission to the courses leading to the Postgraduate Diploma in Common Law or the Master of Common Law, a candidate shall

- (a) comply with the General Regulations; and
- (b) (i) hold a degree in law from a university (or comparable institution accepted for this purpose) in a non-common law jurisdiction; or  
(ii) have been admitted to the professional practice of law in a non-common law jurisdiction.

A candidate for admission shall, if required, 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) above may, in exceptional circumstances, 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, and the candidate satisfies the examiners in a qualifying examination.

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### **Qualifying examination**

- LL49
- (a) A qualifying examination may be set to test the candidate's formal academic ability or his or her ability to follow the courses of study prescribed. It shall consist of one or more examination papers or a research paper.
  - (b) A candidate who is required to satisfy the examiners in a qualifying examination shall not be permitted to register until he or she has satisfied the examiners in the examination.
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### **Award of postgraduate diploma**

LL50 To be eligible for the award of the Postgraduate Diploma in Common Law or the Master of Common 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.
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### **Award of master degree**

LL51 A candidate who has completed the curriculum for the Postgraduate Diploma in Common Law and satisfied the examiners in accordance with the regulations set out below, shall be awarded the Postgraduate Diploma in Common Law. A candidate who has completed the course requirements for the Postgraduate Diploma in Common Law and has completed and presented a satisfactory dissertation on an approved subject, shall be eligible for the award of the degree of Master of Common Law, but shall not be eligible for the award of the Postgraduate Diploma in Common Law.

LL51(a) A candidate admitted under this regulation to the course leading to the award of the Master of Common Law who fails to satisfy the examiners in respect of the dissertation shall be eligible for the award of the Postgraduate Diploma in Common Law.

## Curriculum

LL52 The curriculum for the Postgraduate Diploma in Common Law shall normally extend over one year of full-time study. To complete the curriculum a candidate shall

- (a) follow instruction;
- (b) satisfactorily complete all prescribed written and other work;
- (c) satisfy the examiners in each of a total number of subjects amounting to at least 48 credits in value and selected (with the approval of the Programme Director) from the subjects listed in the Syllabuses below.

Candidates may also be permitted to take subjects from the Master of Laws (LLM) curriculum, subject to approval of the Programme Director. For this purpose, a one-unit LLM subject shall be regarded as a 6-credit subject, and a two-unit LLM subject shall be regarded as a 12-credit subject.

LL52(1) In the case of the Master of Common Law, a candidate shall satisfactorily complete a dissertation pertaining to LL53 in addition to the requirements set out in LL52(a) to (c) above.

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## Dissertation

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- (a) The title of the dissertation shall be submitted for approval by not later than Dec 31 in the first semester of the same academic year in which the curriculum for the Postgraduate Diploma in Common Law ends, and the dissertation shall be presented by not later than August 31 of the second semester of the same academic year.
  - (b) In exceptional circumstances a candidate may apply to the Faculty Higher Degrees Committee for an extension of the period within which the dissertation or the title must be presented.
  - (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.
  - (d) The examiners may require an oral examination on the subject of the dissertation.
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## Examinations

LL54 Any candidate who has failed to pass a subject or subjects in the manner provided for in these Regulations may be permitted

- (a) to sit a supplementary examination; or
- (b) to repeat the subject or subjects by following the course of instruction and taking the prescribed examination, or by taking the prescribed examination without following the course of instruction; or
- (c) to undertake the study of any alternative subject or subjects which enable completion of the curriculum.

LL55 A candidate who has failed to pass a subject or subjects shall be recommended for the discontinuation of study under General Regulation G12 if not permitted to attend for examination at some other time or to sit a supplementary examination or to repeat the subject or subjects or to undertake the study of another subject or subjects which enable completion of the curriculum.

LL56 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.

LL57 A candidate who has failed to present a satisfactory dissertation may be permitted to revise the dissertation and re-present it within a specified period of not more than four months after receiving a notice that it is unsatisfactory.

## Examination results

LL58 At the conclusion of the examinations, or, in the case of the Master of Common Law, after presentation and examination of the dissertations, a pass list shall be published in alphabetical order. A candidate who has shown exceptional merit may be awarded a mark of distinction, and this mark shall be recorded in the candidate's postgraduate diploma or degree diploma.

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## COURSEWORK

The subjects available are as follows. Some of the subjects are not taught every academic year, but are run only if teachers and resources are available.

### *12-credit Courses*

Criminal law I and II (Common Law subject)  
 Equity and introduction to trusts I and II (Common Law subject)  
 Guided research  
 Human rights law  
 Law and society I and II  
 Law of contract I and II (Common Law subject)  
 Law of tort I and II (Common Law subject)  
 Property law I and II (Common Law subject)

### *6-credit Courses*

Administrative law (Common Law subject)  
 Admiralty (Common Law subject)  
 Alternative dispute resolution  
 Bank security (Common Law subject)  
 Banking law (Common Law subject)  
 Business associations (Common Law subject)  
 Chinese laws governing foreign investments  
 Civil litigation (Common Law subject)  
 Commercial law I (Common Law subject)  
 Commercial law II (Common Law subject)  
 Company law (Common Law subject)  
 Comparative law  
 Constitutional law (Common Law subject)  
 Construction law  
 Copyright law (Common Law subject)  
 Criminology  
 Cross-border legal relations between the Mainland and Hong Kong  
 Current legal controversies  
 Economic analysis of law  
 Emerging Markets : Finance and Investment (Common Law subject)  
 Equality and non-discrimination  
 Fundamentals of evidence and trial procedure (Common Law subject)  
 Human rights in China  
 Human rights in Hong Kong (Common Law subject)  
 Information technology law (Common Law subject)  
 Insolvency law (Common Law subject)  
 Insurance law (Common Law subject)  
 International commercial litigation (Common Law subject)  
 International commercial transactions (Common Law subject)

International criminal law  
 International human rights  
 International organizations  
 International trade law I (Common Law subject)  
 International trade law II (Common Law subject)  
 International Trade Regulation I : Introduction to the Law of the WTO  
 International Trade Regulation II : Selected Issues on WTO and China  
 Introduction to International Economic law  
 Introduction to legal theory  
 Introduction to private international law (Common Law subject)  
 Introduction to PRC law  
 Issues in evidence and trial procedure (Common Law subject)  
 Issues in family law (Common Law subject)  
 Issues in intellectual property law (Common Law subject)  
 Labour law (Common Law subject)  
 Law in East Asia  
 Law, justice and ideology  
 Law of agency (Common Law subject)  
 Law of International Finance I - Debt  
 Law, the individual and the community : a cross-cultural dialogue (Common Law subject)  
 Legal fictions : representations of the law in literature, philosophy and cinema  
 Legal history  
 Legal research and writing  
 Legal skills (Common Law subject)  
 Media law (Common Law subject)  
 Medico-legal issues (Common Law subject)  
 People's Republic of China civil and commercial law  
 Planning and environmental law (Common Law subject)  
 Principles of family law (Common Law subject)  
 Principles of Hong Kong taxation on income (Common Law subject)  
 Public international law  
 Regulation of financial markets  
 Remedies (Common Law subject)  
 Securities regulation (Common Law subject)  
 Selected problems of international law  
 Shipping law (Common Law subject)  
 Sociology of law  
 Succession (Common Law subject)  
 The child and the law (Common Law subject)  
 The Hong Kong Basic Law (Common Law subject)  
 The law of restitution (Common Law subject)  
 The law of the sea  
 The rights of the child in international & domestic law  
 The legal system (Common Law subject)  
 Use of Chinese in Law I

Note: Those courses listed in the LL.B. curriculum may, subject to the approval of the Programme Director, be made available to the students.

## **DISSERTATION**

This shall comprise a paper of not less than 10,000 words and not exceeding 15,000 words (exclusive of notes, appendices, bibliographies and tables of cases and statutes). It must provide evidence of original work or capacity for critical analysis.

## COURSE DESCRIPTIONS

### *12-credit Courses*

#### **LLAW1001 and LLAW1002 Law of contract I and II**

The function of contract; formation of a valid contract; offer and acceptance; capacity; illegality; interpretation of the terms of a contract; misrepresentation; mistake; duress and undue influence; privity; performance, discharge and breach; quasi-contract; remedies; principles of agency (outline).

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#### **LLAW1003 and LLAW1004 Law and society I and II**

This course provides an introduction to the following topics for the purpose of liberal education and providing broad interdisciplinary knowledge on which the study of the relationship between law and society may be pursued in the context of various areas of substantive law taught in the LL.B. curriculum. The intricate relations between law and society will be one of the primary concerns. Namely, they are the gaps between law and society, the constitutive force of law, and the interrelationship between law and other disciplines. Examples from daily lives in both the local and international contexts will be discussed. The concept of 'one country, two systems' will be borne in mind in teaching the course. The topics may include: the history of Western political thought; the role of law in market and planned economies; property rights; the rise of the modern liberal constitutional state, including the concepts of state, government, liberalism, democracy, socialism, Marxism, human rights, constitutionalism, and major forms of government in the contemporary world; the role of the legal profession and courts in society; the Chinese legal and cultural traditions and their modernization.

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#### **LLAW1005 and LLAW1006 Law of tort I and II**

General principles of liability, negligence, defences to negligence, vicarious liability, loss distribution, fatal accidents, duty of care towards employees, statutory compensation for employees, breach of statutory duty, occupiers' liability, nuisance, *Rylands v. Fletcher*, trespass to person, trespass to property, other intentional torts to person and property, defences to trespass, defamation, other interests protected by the law of tort, remedies (damages and injunction).

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#### **LLAW2001 Constitutional law**

The nature and characteristics of constitutions; constitutional doctrines : constitutionalism, the rule of law, the separation of powers, judicial review, autonomy, democracy, and human rights protection; the Basic Law of the Hong Kong Special Administrative Region, the Constitution of the People's Republic of China and their inter-relationship; comparison of the constitution of Hong Kong with the territory's colonial constitution and constitutions in other parts of the world; the relationship between Hong Kong Special Administrative Region and the Central Government of the People's Republic of China; the executive, legislative and judicial organs of the Hong Kong Special Administrative Region and their inter-relationships; human rights protection in Hong Kong; the prospect of constitutionalism in Hong Kong; judicial review of administrative action; control of law-making by delegates; the ombudsman; administrative appeals.

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#### **LLAW2002 Administrative law**

The topics which may be included in the course in any particular year include theories of administrative decision-making, judicial review of administrative action (*ultra vires* and procedural fairness, *Wednesbury* unreasonableness, proportionality, abuse of power), delegated legislation, administrative

law remedies, control of law-making by delegates, the practical aspects of bringing an action for judicial review under Order 53 of the Rules of the High Court, non-curial means of control and scrutiny of administrative action (Ombudsman, Administrative appeals, public enquiries), the structure and operation of administrative tribunals in Hong Kong, the Bill of Rights and review of administrative decision-making in Hong Kong, and access to information.

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### **LLAW2003 and LLAW2004 Criminal law I and II**

This course will introduce students to the principles and practice of criminal law in Hong Kong, including the aims and purposes of criminal law and punishment, the implications of the Bill of Rights, and the general principles of criminal liability, including strict liability, general defences, and inchoate and participation liability. A selection of offences will be examined in detail, including homicide offences, non-fatal offences against the person, sexual offences, criminal damage, and a range of offences against the Theft Ordinance (including theft, obtaining by deception and fraud).

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### **LLAW2005 and LLAW2006 Property law I and II**

Introduction: concept of a proprietary interest; what is property law; classification of property; the nature of a trust.

Ownership, title and possession: legal ownership; title; tenure and estates; equitable interests; possession-recovery and protection of possession; adverse possession.

Priority: doctrine of notice; statutory intervention (e.g. land registration); subrogation.

Creation and transfer of proprietary interests in land: creation; assignment; intervention of equity (e.g. *Walsh v Lonsdale*, part performance, estoppel, constructive and resulting trusts).

Future interests: remainders and reversions: trusts for sale; vested and contingent interest; rules against inalienability.

Concurrent interests: joint tenancy and tenancy in common; severance; termination.

Leases: nature of leases; relationship of landlord and tenant; termination; statutory intervention.

Easements: nature; creation and determination.

Licences: revocability; enforceability.

Covenants: between landlord and tenant; between adjoining and co-owners; role in use and management of land.

Security interests: mortgages; charges; pledges; liens.

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### **LLAW2007 and LLAW2008 Equity and Introduction to Trusts I and II**

History and nature of equity; equitable obligations (fiduciary obligations, breach of confidence other than trade secrets); equitable remedies (account, rescission, compensation, Lord Cairns' Act, injunction).

History and nature of trusts; creation of express trusts (the three certainties, formal requirements, constitution of trusts); offshore trusts; pension trusts in Hong Kong; administration of trusts; variation of trusts; the duties of trustees and rights of beneficiaries; liability for breach of trust, personal and proprietary; resulting and constructive trusts.

**LLAW3002 Guided research (12 credits)**

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 not exceeding 10,000 words (excluding tables of cases and statutes, notes, appendices and bibliographies).

Instruction will be given on the principles of legal writing and in legal research methodology and techniques including standard library research aids and tools and use of electronic databases.

Students taking this course as their Designated Research Course (see LL3(iii)) will be required to make an oral presentation on their research topic and methodology prior to the submission of the written research paper. The oral presentation will form part of the assessment in this course.

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**LLAW3003 Human rights law**

Cultural, historical and juridical background.

Domestic protection of human rights under the common law and by constitutional entrenchment.

Enforcement of human rights; principles of interpretation.

The content of substantive rights, including the following: life, self-determination, liberty and security of the person, freedom of movement, nationality, privacy, conscience, expression, association, assembly, equality, property, employment and education.

Human rights in a state of emergency.

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*9-credit Courses***LLAW1007 Legal skills**

How to read and use cases; a brief history of law reports; the law reports of Hong Kong and other common law jurisdictions; finding cases in law reports; reading and finding statutes; the rules and practices of statutory interpretation; the use of reference work for lawyers; finding and using materials in law journals; an introduction to computers, e-mail and the internet; the implications of the "information society"; using electronic research materials in law; using international legal materials; conceptualizing research questions, formulating strategies and tackling research problems; the correct citation of legal materials and the avoidance of plagiarism; planning and organizing written work; and introduction to legal drafting.

The teaching method will rely more on "hands-on" exercises rather than instruction. Many of the skills developed in the course, including those of group work, are "life skills" as well as work and study skills, and are intended to lay the foundation for life-long learning.

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*6-credit Courses***LLAW1008 The legal system**

An overview of legal systems (types and components of legal systems, classification of law, sources of law, and the background to the Hong Kong legal system); the ideology of the Hong Kong legal system (justice, the rule of law, and the separation of powers doctrine); the structure of the courts; the jury system; legislative bodies; sources of law (the meaning and theory of the common law and its present reception in the SAR, local "Chinese law and custom" or "customary law", mainland Chinese law, statute law); the legal profession and legal services; the Secretary of Justice; an introduction to criminal and civil procedure.

**LLAW2009 Introduction to PRC law**

A general overview of the present legal system and law of the PRC. The course begins with a survey of traditional Chinese law and the development of socialist theory and practice before and after 1949. It then provides an introduction to important areas of legislation enacted since 1979, including:

Legal tradition  
 Constitutional reform: courts, procuracy and lawyers  
 The criminal process  
 Administrative litigation  
 Marriage law and the status of women  
 Introduction to civil law (focus on contract)  
 Mediation and dispute settlement

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**LLAW3001 Introduction to legal theory**

The nature of law and laws: the central questions of legal theory, the relationship between law and morality, the function of law in society, the concepts and techniques used in the operation of developed legal systems.

Legal positivism: the command theory of law: Bentham and Austin; Hart's concept of law; Kelsen's pure theory of law.

Natural law and natural rights: Finnis, Dworkin, the nature of rights.

Legal realism; historical jurisprudence; legal reasoning; the future of the law in Hong Kong.

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**LLAW3006 Admiralty**

Introduction: maritime law; the Hong Kong legislation; public control of shipping and navigation in Hong Kong waters; control of marine pollution.

The ship: the ship as property; registration; purchase and sale; ship mortgages; liens; construction, maintenance and equipment; master and crew.

The running of the ship: contract of passage; contract of affreightment; charter-parties; loading and discharge; bills of lading; exclusion and limitation of liability; the Hague Rules; general average.

Navigation, safety at sea and collisions: the collision regulations; Hong Kong harbour regulations; collisions and liability for damage; limitation of liability.

Salvage, towage and wreck.

Marine insurance: history; course of business at Lloyds; insurable interest; indemnity; utmost good faith; types of policy; perils insured against; contents of policies; losses and other incidents of liability; rights of insurers; assignment of policies; mutual insurance.

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**LLAW3007 Alternative dispute resolution**

This course will examine the traditional methods of dispute resolution such as judicial adjudication, and consider alternative dispute resolution from both a Hong Kong and an Asian perspective.

This course is composed of two main parts:

- (a) an introduction to traditional methods of dispute resolution and a critique of their advantages and disadvantages; and
- (b) an examination of alternative dispute resolution methods, which will cover the following:
  - (i) the origin and development of the alternative dispute resolution movement, and



- (ii) an in-depth study of the following methods: confidential private listening; negotiation, mediation and conciliation; arbitration; good offices/ombudsman; mini-trials/summary jury trials; private courts, dispute resolution centres and online web-based ADR schemes.

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

### **LLAW3008 Bank security**

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

Duties of banker in taking securities: undue influence; mistake; misrepresentation; duties to inform or disclose to customer and third parties.

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

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

### **LLAW3009 Banking law**

Introduction: history of banking; outline of banking organization, control and regulation of financial institutions in Hong Kong; distinction drawn between banks and other deposit-taking institutions.

Banker-customer relationship: nature of the relationship and its development; meaning of 'customer' and types of accounts; banker's rights as against customer including appropriation of payment, lien and set-off; duties of banker including secrecy and payment of customers' cheques; implied duties of the customer; contractual attempts to modify such duties; supply of references; banker as adviser; determination of relationship.

Paper-based funds transfers: general principles in law relating to choses in action and their assignment; negotiable instruments especially cheques; money paid by mistake; forgery; direct debits; credit transfers.

Electronic funds transfers and other modern banking developments: nature and operation of various means of electronic funds transfers including consumer-related and non-consumer-related transfers; legal implications of such transfers; revocability and finality of payment instructions; standing orders; cheque cards; credit cards.

### **LLAW3010 Business associations**

Outline of different types of business associations.

Partnership: their nature and creation and the rights and duties of the partner *inter se* and *vis-a-vis* third parties.

Registered companies: their development and nature; problems relating to incorporation; separate corporate personality; limited liability; memorandum and articles of association; *ultra vires* doctrine; an overview of membership, management and control.

**LLAW3011 Chinese laws governing foreign investments**

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

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

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**LLAW3012 Civil litigation**

Introduction to civil procedure: an overview of the civil process including preliminary considerations before action, commencement, parties, pleadings, discovery, motions, pre-emptive strikes, trial, appeal, enforcement of judgments; judicial review, administrative litigation and other variations.

Introduction to advocacy: a consideration of how a party's legal position is presented, including theories and strategies of litigation, *viva voce* and other types of evidence, oral argument and appellate advocacy, negotiation and settlement, ethical considerations.

Critique of the trial process: an examination of the traditional adversarial process including adversarial and non-adversarial systems in other jurisdictions, and various forms of alternative dispute resolution within the adversarial context.

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**LLAW3013 Commercial law I**

Sale of goods: formation and subject matter of contract; duties of seller: title, quality, quantity, delivery; duties of buyer: transfer of property and risk; frustration and other discharge; seller's remedies; buyer's remedies.

Acquisition of goods from non-owner: *nemo dat* and exceptions.

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**LLAW3014 Commercial law II**

Consumer protection: product liability; statutory duties; exemption clauses and control thereof.

Personal property security interest: retention of title, hire-purchase, finance lease, sale and mortgage hire back, chattel mortgage, etc.

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

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**LLAW3015 Company law**

Capital: the nature and types of capital; raising, maintenance and reduction of capital; shares: transfer and registration, purchase by a company and financial assistance for purchase of its own shares; dividends, distributable profits.

Corporate borrowing: debentures, company charges, floating charges, registration, remedies of charge. The governance of a company: members, general meetings; directors, the position and duties of directors; board meetings; conflict of interest; majority rule, minority protection; external regulation, disclosure, notifications, annual return, audits, inspections and investigations.

Corporate failure: reconstructions and schemes and winding-up (overview).

Listed companies: regulation; public issues; mergers, acquisitions and takeovers.

**LLAW3016 Comparative law**

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

There will be case studies of one or both of the following:

The Constitutions of the People's Republic of China and the U.S.S.R. with those of selected common law jurisdictions (e.g. U.K., U.S.A., Australia);

The principles of the civil law of selected European nations with equivalent common law principles, taking special note of the harmonization policy of the E.E.C.

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**LLAW3017 Copyright law**

Economic, social and other justifications for copyright protection.

Requirements for copyright protection under the relevant copyright statutes.

Rights subsisting under a copyright and its infringement.

The law relating to industrial designs.

Reforms of copyright law.

Comparative study of copyright law in the People's Republic of China and/or Taiwan.

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**LLAW3018 Criminology**

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

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**LLAW3019 Current legal controversies**

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

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**LLAW3020 Economic analysis of law**

The course will begin with a brief review of the major forms of law and economics scholarship. Introduction to basic concepts such as moral hazard, adverse selection, collective action, free ride, prisoner's dilemma, tragedy of the commons, and externalities will be provided during the beginning of the course. Thereafter, discussion will enter into areas such as contracts, property, torts, corporations, and collective decision making. The course will end with the major criticisms of the law and economics scholarship.

The course is not designed to teach law *per se* in any of these areas, but instead uses examples from these areas to highlight the economic tools and concepts and to show their usefulness in many areas of the law.

**LLAW3021 Fundamentals of evidence and trial procedure**

What may be proved: facts in issue; relevance; admissibility and weight.

Functions of judge and jury: who decides; judicial discretion.

Burden of proof: standard of proof; presumptions.

Methods of proof: oral testimony; documentary evidence; real evidence, proof without evidence.

Oral testimony: competence, compellability of witnesses; questioning of witnesses including rules *re* previous consistent statements, refreshment of memory and collateral issues; corroboration of witnesses; identification evidence.

Hearsay: scope, rationale, problem areas.

Common law exceptions to hearsay: informal admissions especially confessions; other common law exceptions.

Statutory exceptions to hearsay.

Evidence of character of parties.

Privilege and public interest immunity.

Similar fact evidence.

Opinion and expert evidence.

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**LLAW3022 Human rights in Hong Kong**

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

Study of selected rights, including civil and political rights, economic, social & cultural rights and people's rights. Topics covered include impact on civil and criminal process, right to a fair and public trial, arrest, search and seizure, torture and degrading treatment, liberty and security of person, freedom of association and assembly, freedom of expression, right to nationality, right to family, right to political participation, discrimination and equality, right to housing, social securities, education and environment.

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**LLAW3023 Insolvency law**

The law of bankruptcy, and of winding up and dissolution of companies, and the recovery of debts generally. Acts of bankruptcy, commencement, the petition, bankruptcy of a firm, appointment of a receiver, adjudication, compositions and schemes of arrangement, consequences of bankruptcy, criminal bankruptcy, disabilities, discharge.

The failure of a company's business from the directors' and members' view-point, the decision to wind up and consequences of delay, the effect of prior receivership and the claims of secured creditors on winding up in general.

Winding up by the Court, the petition, winding up orders and their consequences, the role of the liquidator. Voluntary winding up, its general procedures and consequences, preferential debts, effect of winding up on antecedent and other transactions, proof of debts, dissolution, the lawyer's role.

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**LLAW3024 Insurance law**

Regulation of the insurance industry, types of insurance, indemnity and non-indemnity insurance, the insurance contract, renewal, indemnity, contribution, subrogation, insurable interest, the duty of utmost good faith, disclosure, the proposal as the basis of the contract, promissory warranties, waiver, definition of the risk, limits of liability, exceptions and conditions, third parties rights against the insurer, double insurance, professional indemnity, motor insurance, personal life insurance, and marine insurance.

### **LLAW3025 International commercial litigation**

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

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

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

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### **LLAW3026 International human rights**

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

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

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### **LLAW3027 International organizations**

International organizations: their developing importance especially in regional affairs; their constitutions; their law-making roles and methods; the importance of consensus, package deals and weighted votes; their status within the framework of international law.

A selection will be made from the following case studies:

The United Nations Conference on the Law of the Sea (UNCLOS III);

Regional economic organization: the Pacific Forum, the Organization of American States, the Organization of African Unity;

Regional defence organization: NATO, the Warsaw Pact.

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### **LLAW3028 International trade law I**

International trade terms and the use of documents in export sales; contract issues in the international trade context; China trade comparisons; attempts at standardisation, codification and unification; Hong Kong regulation of international sales transactions; bills of exchange; collections; documentary credits; bank guarantees and performance bonds; export credit insurance.

**LLAW3029 International trade law II**

Carriage by sea; carriage by air; multi-modal transport and containerisation; marine insurance; commercial arbitration regimes in Hong Kong and abroad; public regulation of international trade including aspects of the General Agreement on Tariffs and Trade and Multi-fibre Agreement.

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**LLAW3030 Introduction to private international law**

This course is intended to provide a basic introduction to the area of conflict of laws. It will provide an overview of the nature and theories of the conflict of laws; fundamental concepts; classification, characterization and renvoi; domicile and the status of individuals and corporations; the jurisdiction of local courts; the recognition and enforcement of foreign law; procedure and proof of foreign law; and the harmonization of conflicts rules through international treaties.

Problems of the choice of law in a number of the following areas will be considered: contracts, torts, property and succession.

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**LLAW3031 Issues in evidence and trial procedure**

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

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

(*Note:* Students enrolling for this course must have completed **Fundamentals of evidence and trial procedure** or an equivalent course.)

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**LLAW3032 Issues in family law**

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

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

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**LLAW3033 Issues in intellectual property law**

This course examines current controversial issues and problems in intellectual property law in the context of the circumstances of Hong Kong, with reference but not limited to the following areas:

Passing off action and other economic torts.

Registration of trade marks relating to goods and trade marks relating to services.

Copyright and designs: protection and infringement.

Protection of confidence and privacy.

Patents: requirements for grant and infringement.

**LLAW3034 Labour law**

The scope and sources of labour law.

The contract of employment: formation; obligations of parties, express and implied; termination and suspension of the contract and remedies for breach; restraint of trade; apprenticeship.

Statutes affecting employment terms in regard to formal requirements, wages, notice of termination; suspension, lay-off and redundancy; hours of work, rest days and holidays; children, young persons and women; the Labour Tribunal.

The employer's responsibility for the safety of his employees; negligence and breach of statutory duty; health, safety and welfare and other conditions of work in industry; enforcement; employees compensation.

The law of collective relations (in outline only).

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**LLAW3035 Law in East Asia**

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

An introduction to the historical foundations of the modern legal systems of Japan, South Korea and Taiwan;

Legal institutions: structure of state, courts, legal professions;

Codification of law, especially the institutions of private law;

Civil and commercial law;

Civil process and mediation;

Rights of the accused person;

Human rights and the legal status of women;

Framework for foreign trade and investment.

These topics will be examined from a comparative perspective with reference to the law in Hong Kong. The law will be analysed in the context of its history as well as its economic, political and cultural foundations.

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**LLAW3036 Law, justice and ideology**

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

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

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

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**LLAW3037 Law of agency**

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

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**LAW3038 Legal fictions: representations of the law in literature, philosophy and cinema**

This course will examine the representation of law in a variety of contexts: literary, philosophical and cinematic. Issues such as justice, rights, the Rule of Law, positivism, the language of the law, the trial and the role of the profession will be canvassed through 'texts' as varied as Plato's *Republic*,

Sophocles's *Antigone*, Mary Shelley's *Frankenstein*, Melville's *Bartleby the Scrivener*, Dickens's *A Tale of Two Cities* (or, alternatively, *Bleak House*), Kafka's *The Trial* (or *Before the Law*), Dworkin's *Law's Empire*, Foucault's *Discipline and Punish*, *Witness for the Prosecution*, *Judgment at Nuremberg* and perhaps a sampling of various television series ('Rumpole', 'L.A. Law', 'Perry Mason', 'Street Legal' and possibly that series that was stranger than fiction, the OJ Simpson trial).

How the law is 'imagined' by these various 'texts' constitutes an important social document, unlocking, to a certain extent, the values -- moral, political, juridical -- of the culture that produced the document. But this course will argue that these representations of the law do more than just 'hold up a mirror to nature'; indeed, they force us to rethink the law, reconceiving it, as well, as a representation -- in short, a text, subject to the same conventions of aesthetic representation. So the course will conclude by examining actual legal judgments, and how those judgments are informed by narrative conventions, plot structures, novelistic characterization and constitutive metaphors.

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### **LLAW3039 Legal history**

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### **LLAW3040 Medico-legal issues**

This course examine how the law regulates medical practice. Topics examined include consent to medical treatment, abortion, pre-natal injuries, death and withholding life sustaining treatment, euthanasia, organ transplant, confidentiality and access to medical records.

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### **LLAW3041 People's Republic of China civil and commercial law**

This course will begin with a discussion of the political economy of China's legal change. It will then examine the specific areas of the law from both a theoretical and practical approach. Topics addressed in the course include: contract law, the law on secured transactions, corporate law, securities regulation, and the foreign trade regime in the People's Republic of China.

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### **LLAW3042 Planning and environmental law**

#### *Planning and land use*

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

#### *Pollution control*

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

#### *The wider context*

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

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### **LLAW3043 Principles of family law**

This course covers basic principles of Hong Kong family law and its historical development. It examines marriage formation, nullity and legal consequences of marriage. It covers protection of spouse and children from domestic violence. This course also covers judicial separation, divorce and ancillary relief. The law relating to children is also examined with emphasis on parental responsibility, child adoption and child protection from abuse and neglect. Also studied is the impact on family law of the UN Convention on the Rights of the Child and other international treaties binding on Hong Kong.



**LLAW3044 Public international law**

Topics will include some of the following: introduction to the nature of international law and its historical development; sources of international law; the relationship between international and municipal law; the subjects of international law; the concept of sovereignty and state recognition; state jurisdiction; the acquisition and loss of territory; state responsibility; state succession; treaties and other international legal agreements; the pacific settlement of disputes; the use of force; international institutions; human rights.

The above is intended merely as a guide to the general nature of the subject matter to be covered. Special reference will be made throughout to considerations which are particularly relevant in the Hong Kong and Southeast Asian contexts.

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**LLAW3045 Remedies**

Damages: purpose, assessment and entitlement to damages at common law; remoteness of damages in contract and tort; damages for personal injury; damages in equity.

Specific performance: nature of the remedy; specific performance as an alternative to damages; supervision of the performance; discretionary consideration.

Injunctions: equitable origins of the injunction; power to grant injunctions; the different types of injunction; penalties for failure to comply with an injunction.

Other equitable remedies: declarations; restitution; rescission; rectification; account; delivery-up and cancellation of documents; receivers.

Defences to equitable remedies: the maxims of equity; the overriding discretion of the court.

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**LLAW3046 The child and the law**

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

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**LLAW3047 The Hong Kong Basic Law**

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

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**LLAW3048 The law of restitution**

This course covers the following topics: basic concepts in the law of restitution; restitution for money paid upon mistake; restitution of benefits paid upon failure of consideration; restitution of unlawful tax payments; restitutionary claims from 'third parties' (knowing receipt & tracing); restitutionary remedy for torts, breach of contract and equitable wrongs; defences for claims in restitution; restitutionary claims in insolvency proceedings.

**LLAW3049 The law of the sea**

This course will examine some of the important issues in the law of the sea originating from customary international law and law-making treaties, most notably the United Nations Convention on the Law of the Sea. The course will discuss such maritime zones as internal waters, territorial sea, contiguous zones, exclusive economic zones, the high seas, continental shelf, and international seabed areas. It will then consider rules and issues relating to various uses of the various sea zones, such as fishing, deep seabed mining, navigation and communication, marine scientific research, regulation of marine pollution, marine boundary disputes, military uses of the sea, and settlement of marine disputes. The course will also examine the interrelationship between international law and domestic law with respect to maritime matters. Relevant Chinese law will be taken into proper account.

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**LLAW3050 Securities regulation**

This course is an introduction to the framework of securities regulations. Topics include: self-regulation, regulatory agencies, financial and transactional intermediaries, primary distributions, secondary trading, acquisitions and mergers, insider trading, securities fraud, derivatives and globalization.

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**LLAW3051 Selected problems of international law**

A detailed examination of selected issues of international law in areas such as international environmental law, international criminal law, law of treaties, international economic law, law of the sea, law of war and humanitarian law, air and space law, international organizations and settlement of international disputes.

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**LLAW3052 Shipping law**

This course will examine the law relating to the carriage of goods by sea. Particular emphasis will be placed on charterparties (time, voyage, and demise), recent issues affecting bills of lading, exclusion and limitation of liability, demurrage, freight, liens and damages.

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**LLAW3053 Sociology of law**

The main objective of the course is to provide a general introduction to the sociological study of law. It attempts to develop an understanding of law in its social context by examining social theories of law and empirical research relating to law in contemporary industrialized societies, including Hong Kong. In seeking to explore the operation of law in action, the course first explores the theories and typologies of Durkheim and Weber with particular emphasis on problems of legitimacy, ideology, and social solidarity.

Specific sociologically significant features of the law are then considered. These include: the legal profession; the functions of courts; the enforcement of law by the police; the Rule of Law.

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**LLAW3054 Succession**

The law relating to the validity, construction, revocation and operation of wills and the rules governing intestate succession; family provision, the nature and purpose of the office of executor and administrator.

**LLAW3055 Use of Chinese in law I**

This course is designed to introduce students to the developing bilingual legal system in Hong Kong. It will be taught in Chinese (Cantonese).

Lectures will deal mainly with the following: the history of the official language policy in Hong Kong; Chinese legal vocabulary relating to basic legal concepts and areas of law such as public law, criminal law, the law of criminal procedure, the law of contract, the law of property and the law of tort; sources of Chinese language legal literature in Hong Kong, Taiwan and mainland China; the translation of legal documents.

Tutorials will involve discussion (in Cantonese) of basic elements in the Hong Kong legal system, hypothetical cases and current issues, as well as the use of Chinese to explain English legal documents and give legal advice.

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**LLAW3056 Law of International Finance I – Debt (6 credits)**

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

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**LLAW3057 International criminal law**

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

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**LLAW3061 Law, the individual and the community : a cross-cultural dialogue**

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

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

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

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### **LLAW3062 Human rights in China**

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

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### **LLAW3063 Emerging markets : finance and investment**

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

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### **LLAW3065 Information technology law**

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

Copyright protection for computer programs and databases.

Patent protection for computer-related inventions.

Semiconductor chip designs protection.

Legal issues on the Internet.

Electronic transactions and public key infrastructure.

Computer crimes.

Data protection.

### **LLAW3066 Cross-border legal relations between the Mainland and Hong Kong**

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

The status of PRC constitution and the Basic Law and the issue of congressional supremacy,

Criminal jurisdictions,

Repatriation of fugitives and sentenced persons and mutual legal assistance in other criminal matters,

Mutual recognition and enforcement of arbitral awards and judgments,

Procedures of cross-border services and evidence taking, and

Cross-border insolvency and family law matters.

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

### **LLAW3067 Construction law**

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

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

### **LLAW3068 The rights of the child in international and domestic law**

This course will examine the concept of children's rights within the Asia-Pacific region as a general theoretical issue, as well as consider selected issues of domestic law and practice in the light of the minimum standards mandated by international human rights law. The second part of the course will seek to apply these theoretical models to the concrete legal situations in the region. It will consider international instruments such as the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of Children, and the Hague Conventions on Child Abduction and Inter-country Adoption, as well as other regional or bilateral arrangements.

### **LLAW3069 Regulation of financial markets**

This foundation course addresses the nature and operation of financial markets and the role of regulation. Coverage, based on comparative analysis and international standards, will include major financial sectors (banking, securities, insurance), supporting legal and institutional structures, and current issues and trends.

**LLAW3070 International trade regulation I : Introduction to the Law of the WTO**

“Public” or governmental regulation of international trade is separate from but complementary to “private” international business transactions. At the international level, the World Trade Organization (WTO) is the primary multilateral legal and institutional framework that governs trade relations and trade-related issues between States. This course will examine the rules, norms and policies that constitute the WTO and its substantive agreements, with a special perspective and focus on issues that are related to China’s membership. The course will begin with a review of policies that affect international trade, and economic theories associated with such policies. The Agreement Establishing the WTO (WTO Agreement), the increasingly complex management of the activities of the WTO, and its decision-making processes, will be examined. Next, the substantive agreements and associated legal instruments included in the Annexes to the WTO Agreement will be analyzed. Significant attention will be focused on the core principles of the WTO Agreements: market access; non-discrimination; transparency and administration of justice; and, binding dispute settlement. In particular, the application of these principles under the GATT and GATS will be explored. The course will further examine some WTO rules that allow derogations from these general principles and specific obligations. These derogations include rules pertaining to regional trading agreements, safeguards, general exceptions, anti-dumping measures, subsidies and countervailing duties. Finally, the course will conclude with an examination of WTO rules on trade-related investment measures (TRIMs), and environmental measures which affect international trade.

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**LLAW3071 Equality and non-discrimination**

This course will consider theories of equality, international standards on equality and non-discrimination, and their implementation in national laws and practice. The course will examine (with an emphasis on inequality issues of relevance to Asia) different forms of discrimination and inequality, which may include discrimination on the basis of race, class, ethnicity, sex, disability and other grounds.

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**LLAW3072 Principles of Hong Kong taxation on income**

This course concentrates on the principles of law governing Hong Kong taxes on income: profits tax, salaries tax and property tax. Both the scheme of the relevant statutes and the ways in which case law has interpreted the relevant statutory provisions will be examined. On a practical level, relevant practices of the Inland Revenue Department will also be highlighted. Having acquired a sound knowledge of the law and practice, students will be expected to apply that knowledge to simulated but realistic situations commonly encountered in Hong Kong. Tax policy issues, including an analysis of Hong Kong's source-based jurisdiction of tax, capital taxation, broadly-based indirect taxation and taxation compliance will be covered. Where appropriate, these matters will be contrasted with the taxation system of Mainland China as well as other Asian jurisdictions.

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**LLAW3073 Media law**

The primary objective of the course is an appreciation of the extent that law is affecting media practice. A familiarity with principal areas, such as defamation, privacy, contempt of court and various regulatory regimes governing the media will be developed. The underlying themes throughout the course are the meaning of freedom of the press, the responsibility of the media as a watchdog, and the balance between the two. Apart from a study of the local context, there will be frequent references to comparative materials, in particular the USA. The syllabus outline is as follows :

1. Introduction: the role of the press in democratic society, its relation and differences with freedom of expression, the history of, and the justification of the development.
2. Freedom of the press: freedom from what, and freedom to do what? No licensing; control by the Press Council.
3. The Law of Defamation and its defences.
4. News Gathering I: Intrusion into Privacy.
5. News Gathering II: access to information, official meetings and records, places and institutions.
6. Breach of Confidence.
7. Publication of Obscene and Indecent articles
8. Contempt of Court : Disclosure of news sources and prejudicial reporting of trial.
9. Access to the Media and the rights of reply.
10. Broadcasting regulation and the differences between broadcasting and printing media.
11. Regulated Media and Beyond: the Internet.

Media law will be a one-semester course. Seminar will be conducted, where students are expected to have prepared for class discussion.

Assessment : 60% exam, 40% class participation, a research paper of about 15 pages and a presentation on the research paper.

### **LLAW3076 International commercial transactions**

The topic of International Commercial Transactions touches on a number of legal frameworks that govern international business. The various frameworks consist of a patchwork of national and international, governmental and private-sector laws, agreements and mandatory or voluntary codes of conduct. This course will be presented in four parts, and in each part, relevant laws and decisions of tribunals in various jurisdictions in Asia are comparatively considered to present a range of issues arising in contemporary practice. It will begin with an introduction and examination of commercial and legal implications of terms-of-art frequently used in international sales agreements, shipping contracts, insurance and financing arrangements, and customs documentation. International efforts to unify or harmonize definitions and their legal implications, as well as rules that govern the interpretation of contractual terms, such as the 2000 Inco-terms, ICC Uniform Customs and Practice for Documentary Credits, 1980 Vienna Convention on the International Sale of Goods, and UNIDROIT principles, will be discussed. Agency, distribution, technology and intellectual property transfers, and e-commerce, as widespread and emerging modes of conducting international business, the legal issues inherent in each form, and associated regulation will be considered. Issues related to international investment agreements involving governments will be examined. Special problems related to corruption and money-laundering will be discussed. Significant attention will be paid to the settlement of international commercial and investment disputes, which will include an examination of special problems associated with the recognition and enforcement of awards and judgments.

**LLAW3077 International trade regulation II : selected issues on WTO and China**

This course is an advanced seminar on the interactions between WTO law and national measures in selected areas such as customs administration; public health and safety, consumer protection, industrial and competition policies; agricultural, textiles and clothing markets, financial services markets, telecommunications, and intellectual property rights. Each topic will include a discussion of the interactions between WTO law and national measures with respect to China. This will include examination of issues related to State trading, economies in transition and differential treatment to accommodate the special needs of developing economies. The course will begin with a review of the general principles of the WTO agreements, and a discussion of the sources of WTO law concerning China's commitments and obligations. Topics of study will include valuation for customs purposes, pre-shipment inspection, rules of origin and import licensing procedures. The WTO agreements on sanitary and phytosanitary measures and technical barriers to trade will also be considered, as will the treatment of anti-dumping measures, subsidies and countervailing duties, and government procurement. Policies related to trade in agricultural products, textiles and clothing will be addressed in the light of relevant WTO agreements. The GATS and its annexes on Financial Services with respect to banking, insurance and securities, and, Telecommunications will be examined. Finally, the course will conclude with a detailed analysis of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement) and a review of the requirements necessary for a national regime to implement the TRIPs agreement.

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**LLAW3078 Introduction to international economic law**

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