

REGULATIONS FOR THE POSTGRADUATE DIPLOMAS IN COMMERCIAL LAW (PDipComL), IN THE LAW OF THE PEOPLE'S REPUBLIC OF CHINA (PDipL[PRC]), IN PUBLIC LAW (PDipPubL), IN INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY LAW (PDipIT&IPL), AND IN INTERNATIONAL ARBITRATION AND DISPUTE SETTLEMENT (PDipArb)

(See also General Regulations)

Admission requirements

LL 33. To be eligible for admission to 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 and Intellectual Property Law or the Postgraduate Diploma in International Arbitration and Dispute Settlement, 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 at least a second class honours degree of this University or from another university or comparable institution accepted for this purpose; or
 - (v) hold a degree in a discipline other than law or a qualification of equivalent standard from this University or from another university or comparable institution accepted for this purpose; provided that the Faculty Higher Degrees Committee is satisfied that by reason of the candidate's background, experience and professional qualifications, if any, the candidate is fit to follow the course applied for.

LL 34. A candidate for admission under Regulation (b)(ii), (b)(iii), (b)(iv) or (b)(v) 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 35.

- (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.

Length of curriculum

LL 36. The curriculum shall comprise approximately 150 hours of prescribed work. It shall extend over a minimum of one academic year and a maximum of two years of part-time study.

Award of postgraduate diplomas

LL 37. 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 and Intellectual Property Law or the Postgraduate Diploma in International Arbitration and Dispute Settlement, 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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Completion of curriculum

LL 38. To complete the curriculum a candidate shall follow the equivalent of four modules as prescribed by the syllabus; and

- (a) satisfactorily complete all prescribed written and other work;
 - (b) satisfy attendance requirements, if any;
 - (c) satisfy the examiners in each module by either assessed written work completed during the course or a written examination at the end of the module or both; and
 - (d) satisfy the examiners in an oral examination if such an examination is required.
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Dissertation

LL 39. A candidate, whether full-time or part-time, who elects to submit a dissertation equivalent to one module shall submit the title not later than six months before presenting the dissertation for examination. The dissertation must be presented not later than August 31 of the year in which the candidate would like to graduate.

LL 40. In exceptional circumstances a candidate may apply to the Faculty Board for an extension of the period within which the dissertation must be presented.

LL 41. 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.

Failure to satisfy the examiners

LL 42. A candidate who has failed to satisfy the examiners in not more than two modules in any academic year may be permitted

- (a) to attend a supplementary examination; or
- (b) to repeat the module(s) 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 module(s) ; or

- (d) to undertake the study of an alternative module(s) in the following academic year and to take the prescribed examination or examinations.

LL 43. 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 44. 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 45. 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 46. 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 diploma.

Conversion to master's programmes¹

LL 47. A candidate who has satisfied the examiners in all four modules taken by him or her for any of the Postgraduate Diploma programmes may be considered for conversion to the Master of Laws or the corresponding Master's programme, provided his or her application for conversion has been submitted to the Faculty Higher Degrees Committee before a certain date specified by the Faculty. A candidate who satisfies the examiners in all the modules taken in the Master's programme shall be awarded the Master's degree but shall not qualify for the award of the Postgraduate Diploma. The candidate shall be awarded the relevant Postgraduate Diploma if he or she has not completed the requirements for the award of the Master's degree.

SYLLABUSES FOR THE POSTGRADUATE DIPLOMAS

OBJECTIVES

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

STRUCTURE

Candidates shall follow the equivalent of 4 modules. Candidates may be permitted to choose any of the modules available under the Master's programme, in addition to the modules already listed in the syllabuses for the four Postgraduate Diplomas.

¹ Candidates are required to satisfy the admission requirements for the Master's degree programmes before applying for conversion.

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 research work or a capacity for critical legal analysis and argument.

COURSEWORK

The Board of Examiners shall decide what proportion of the final assessment for each module 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 modules

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

One module

- . 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)
- . Dissertation (LLAW6054)

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

Two modules

- . 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 module

- . 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)
 - . Dissertation (LLAW6054)
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Postgraduate Diploma in Public Law

One module

- . Advanced administrative law (LLAW6021)
 - . Equality and the law (LLAW6030)
 - . Equality and non-discrimination (LLAW6063)
 - . 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)
 - . Dissertation (LLAW6054)
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Postgraduate Diploma in Information Technology and Intellectual Property Law

Compulsory modules

One module from each sub-stream

Intellectual property law sub-stream

One module

- . Hong Kong intellectual property law (LLAW6005)
- . PRC intellectual property (LLAW6044)

- . International and comparative intellectual property law (LLAW6132)
- . Intellectual property and life science (LLAW6140)
- . Intellectual property and information technology (LLAW6120)

Information technology law sub-stream

One module

- . Cybercrime (LLAW6117)
- . PRC information technology law (LLAW6139)
- . Privacy and data protection (LLAW6046)
- . Issues in information technology law (LLAW6106)
- . Telecommunications law (LLAW6124)
- . The law of electronic commerce: international trade and logistics (LLAW6111)

Optional modules (one module)

- . Electronic banking and finance law (LLAW6118)
- . Human rights and cyberspace (LLAW6119)
- . Dissertation (LLAW6054)

Postgraduate Diploma in International Arbitration and Dispute Settlement

Compulsory module (one module)

- . Hong Kong Arbitration Law (LLAW6138)

One module

- . Arbitration law workshop (LLAW6023)
- . Alternative dispute resolution (LLAW6135)
- . Dispute resolution in the People's Republic of China (LLAW6029)
- . Dispute settlement in the WTO : Practice and Procedure (LLAW6136)
- . International commercial arbitration (LLAW6099)
- . Current issues in international arbitration and dispute settlement (LLAW6137)
- . Dissertation (LLAW6054)