

LLAW6188 Intellectual property policy and practice

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

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

LLAW6189 International law and modernity for a multipolar world

The course looks at the roots of the Western approach to international law in historical context, since the beginning of colonialism and imperialism. Its perspective is more philosophical than political, considering international law as a part of a wider scientific, cultural, religious as well as economic revolution. Key Western international law thinkers such as Vitoria, Gentili, Grotius, Vattel and Kant are examined, before coming to the 19th century expansion in the Far East. Close attention is played to the 19th century in China, especially the influence of the American Henry Wheaton and his translator, William Martin. This follows with a multipolar consideration of contemporary Chinese thinkers who are reviving Chinese classical thought on international ethics, as well as considering similar developments in the Islamic world. Some place is also given to Western internal critiques of international law from a critical or postmodern perspective.

Assessment: 10% class participation, through introducing discussion of texts, 90% essay

LLAW6190 International law in a world of crises

Ideally this course is a follow on from the more introductory course, Public international law. It adopts a rigorously critical view of the capacity of positive international law to deal with contemporary problems of international society. The course first introduces the complexities of international law methods in defining and dealing with international problems and then it provides a framework for addressing these problems in an interdisciplinary perspective. That is to say there is also added a political science and a political theory dimension.

There is an introduction to Crisis Theory after which follows a critical reflection on the legal skills employed by the International Court of Justice since the 1980s to deal with major crises. After this the course introduces a moveable selection of major crises such as: Islamic militant violence; ethnic conflict and its geopolitical significance; the international financial crises; nuclear proliferation; the idea of the UN alongside that of a “Coalition of the Democracies”; the strategic and economic significance of land and maritime boundary disputes. Students are encouraged to work and research together in an interdisciplinary way to propose solutions to the contemporary problems selected.

Assessment: 90% take home essay, 10% class participation

LLAW6192 Arbitration in Greater China

The course will introduce students to the arbitration systems in the Mainland, Hong Kong, Macau and Taiwan, covering their major distinctions in the regulations and practices of arbitration. The course will discuss, as such, main statutes governing arbitrations in the respective jurisdiction, relevant arbitration jurisprudences developed by the courts of each place, and arbitral rules and practices by major arbitration institutions (CIETAC, BAC, HKIAC, CAA, and MIA) in the region.

Assessment: 100% research paper

LLAW6193 Legal translation

This course is designed to give practical training in legal translation. It aims to produce qualified legal translators for both the legal and translation professions. It will be taught in Chinese (Cantonese). Except for students who have already completed Use of Chinese in Law I, applicants for enrolment in this course are required to complete a pre-class aptitude test and a preparatory course.

There will be two modules, one on legal translation from English into Chinese and the other, from Chinese into English. The two modules will each cover three streams of legal translation, namely, contracts, court judgments and legislation. Professional legal translators from these individual streams will be teachers in the respective streams of the course. Samples of legal translation will be analysed in lectures or workshops. At one-to-one or small group tutorials, the tutors will help the students to identify their own strengths and weaknesses as revealed in their marked translation exercises, and to enhance their legal translation skills accordingly. There will be no examination for this course. Students' performance will be assessed continuously by written assignments.

Assessment: 100% continuous assessment

LLAW6194 Global business law I

Global business law I deals with the growth of a business from being a mere domestic seller all the way through to its decision to become a foreign investor operating half-way across the world. In the course of that growth it will face international litigation, arbitration, choices about business from abroad, lawsuits abroad, investment treaties, its own lawsuits against foreign "host" states, and questions about how it plans to finance its foreign ventures.

Assessment: 100% 3-day take home examination

LLAW6195 Global Business Law II

The course employs a problem-oriented approach, and focuses on the law in action; namely, strategic choices which a business engaged in international trade would face.

The course starts off by introducing the global trading system (GATT, WTO, etc.). The first few weeks will introduce you to a problem faced by a firm which is either trying to sell or buy from abroad but faces a host of regulatory barriers. Some of these barriers are in the form of tariffs, others are not. While some firms are manufacturers seeking new markets abroad, others are domestic retailers or manufacturers trying to source internationally for cheaper goods or manufacturing inputs.

We will then address the case where the firm is not selling abroad, but wishes its own government to purchase its products to the exclusion of foreign products.

The course then turns to a different kind of business problem. What happens when a domestic firm finds itself facing such stiff competition from foreign imports that its very survival may be at stake? What tools are available to it to fend off such competition? When can such a firm claim that competition from abroad is "unfair", and does the law recognise such claims? Should it? In other cases, competition may not be unfair, but can the firm claim that it should be protected by its government nonetheless? What can other firms do in response to such action?

All these problems involve public/governmental regulation. To that extent we are dealing with public law. However, the issues we will address matter to whether a business will fail or succeed, depending on the available rules and how such rules may be used by these firms.

While we will be using a US casebook, many of the issues you will encounter are universal. The more minute details of the US regime may be peculiar in places, but there is in fact a high degree of world-wide convergence in the sorts of trade rules we will encounter due to widespread membership of the WTO. By using a US casebook, we also benefit by learning from a body of trade rules which has had a genuine, historical impact on the evolution of the global trading system. For many participants in the course (excepting exchange and other students from US law schools), there will be an opportunity to explore the rules of a major export market and to learn some US law. Most importantly, the casebook we will use is probably the best of its kind in introducing the subject from a business viewpoint.

Assessment: 100% 3-day take home examination

LLAW6196 Preventative law: approach to conflict prevention

Lawyers can play a key role not just in the resolution of disputes, but also in the prevention and management of conflicts within organizations and societies. This course will explore key processes through which a system is consciously created to address a stream of conflicts among individual and entities, as well as legally defined disputes. Similar to the public health model, which aims to promote positive individual and collective habits that stem the occurrence of disease, this course seeks to examine those mechanisms, principles and processes oriented toward the prevention of conflict. The approach of the course will be both theoretical and participatory in nature.

Assessment: 75% research paper, 25% class participation

LLAW6197 Law and social theory

Amongst the most powerful of contemporary analyses of law and legal institutions are those which draw on the tradition of social theory. These trends now constitute a discrete area of academic enquiry that is of growing importance and relevance. This course offers a series of readings which draw on that tradition and think them through in relation to contemporary legal problems.

The course will develop students' knowledge of the basic paradigms of social theory as it relates to law and place the development of law in social theoretical and historical context. By developing a critical understanding of the relationship between law and social theory students will assess the differences between diverse theoretical approaches and be able to develop and articulate their own understanding of the appropriate paradigms for analysis in legal and social theory. The aim is therefore to enhance students' understanding of contemporary law and legal institutions.

Topics to be covered may include: competing theories of law and modernity; analyses of alternative approaches to power and security; the role and consequences of processes of juridification; and theories of globalisation.

Assessment: 20% presentation, 80% research essay

LLAW6198 Chinese family law in comparative perspective

This course will study Chinese family law from a comparative and historical perspective. It covers issues such as marriage, divorce, child custody, abuse and neglect, adoption, cross-border marriage and new reproductive technologies.

Assessment: 100% continuous assessment

LLAW6199 Law and policy

This course explores and contrasts the different methodologies inherent in the disciplinary approaches of legal and policy analysis. It examines how each approach is relevant to the other in different practical situations e.g. in court and in government policy formulation. Each student will present a seminar paper that applies both legal and policy analysis to a practical issue of their choice.

Assessment: 100% research assignment

LLAW6200 Trademarks and unfair competition

Trademark law and the law of unfair competition play a crucial role in the commercialization of all varieties of goods, ranging from high-end fashion products to daily routine products. The course aims to explore the cutting-edge issues and fundamental theories and policies in the rapidly developing trademark law and the law of unfair competition. With a focus on the law in Hong Kong and Mainland China, the course also broadly examines the relevant doctrinal developments in the United States and European Union, and discusses the impacts of digital technology on international and domestic trademark protection. The course will cover the following topics:

- . Subject matter of trademark protection
- . Distinctiveness
- . Registration
- . Genericity
- . Exclusive rights
- . Limitations on exclusive rights/Trademark fair use
- . Infringement
- . Trademark dilution

Assessment: 100% continuous assessment

LLAW6201 PRC taxation law and policy

The course first examines legal, economic and political considerations relevant to the formulation and implementation of tax law and policy in the PRC. It then introduces the legal framework of tax law in the PRC from the legislative, administrative and judiciary perspectives and illustrates how tax law is developed, implemented, interpreted and enforced. The major components of China's tax system will be reviewed, including VAT, business tax, enterprise income tax and individual income tax. Other types of taxes which are experiencing rapid developments in the regulatory framework, e.g., real estate related taxes and environmental related taxes, will be explored and discussed. Given the increasing significance of the PRC in international trade and investment, tax implications arising from cross-border transactions involving PRC parties and the application of tax treaties will be analyzed.

Assessment: 30% participation, 70% research paper

LLAW6202 Law, literature and film

Law, literature and film come into contact on multiple levels: novels and films about the law influence the way society understands legal institutions and processes, and the law in turn regulates cultural and artistic production. This course introduces graduate students to the burgeoning fields of 'law and literature' studies and 'law and film' studies by exploring the ways in which literary, legal, and filmic discourses intersect. We will juxtapose novels, films, trial transcripts and critical theory in order to re-examine the boundaries between the three disciplines. Texts for discussion to be chosen from

works by Gustave Flaubert, Oscar Wilde, E.M. Forster, Franz Kafka, plus a selection of films by both local and overseas directors.

Assessment: 100% continuous assessment

LLAW6204 Introduction to common law

This course aims to provide a strong grounding in and understanding of the principles governing the development and the operation of the Common Law.

Part A of the course (taught by Professor Tilbury), introduces students, first, to the nature and philosophical underpinnings of the Common Law. Next it looks, in a series of Seminars at: the sources and general historical development of the Common Law; the importance of precedent; and of modes of statutory interpretation. It then moves on to look at a particular longitudinal case study (product liability) followed by a review of Common Law approaches to Criminal Law, Tort, Contract, Property and Succession.

Part B of the course (taught by Professor Cullen) first examines the divergent impact of the Common Law approach on the development of Public Law in the UK and the USA. Next it considers the way in which the Chinese (Mainland) political-legal structure has been shaped by historical events both during the Imperial period and post-1912 and post-1949. It moves on to look at the way the Public Law aspect of the Common Law has developed within British Hong Kong and in the HKSAR. Finally this part of the course considers aspects of the inter-action between the HKSAR Common Law system and the PRC legal system.

The subject will be “book-ended” by an Introductory Session in the First Seminar and Concluding Seminar. The Introductory Session will be designed to provide a subject “road-map” for students and to encourage them to think about (and discuss) how developing a stronger understanding the Common Law may be usefully informing to their overall understanding of the role, utility – and limitations – of legal systems in helping to regulate State-Citizen and Citizen-Citizen interaction. The Concluding Seminar will aim to foster some thoughtful reflection and discussion on certain (Common Law related) topics chosen for their relevance within China today.

Assessment: 25% reflection essay, 75% take home examination

LLAW6205 Clinical legal education

In this course the students will through interviewing real clients and handling real cases under the supervision of the course coordinator and voluntary duty lawyers in the private sector students will develop lawyering skills such as interviewing, negotiation, communication, facts investigation, legal research and analysis, applying the legal theories and principles to the real client’s case or situation, legal writing and drafting, as well as professional ethics and responsibilities. The “course” will consist of the following elements – training sessions and legal clinic work (including attending interview and advice sessions and preparing case summary, legal research memos and summary of advice). The applicants for this course are required to submit an application in prescribed form to the course coordinator for consideration and approval.

Assessment: Students will be assessed on a pass / fail basis by reference to the contents of the portfolio and the course coordinator and the supervising lawyers’ feedback on their professional attitudes and competence when they handle clients’ cases.

LLAW6206 Cross border corporate finance : issues and techniques

The course will provide an understanding of the underlying principles and policies of corporate finance law, and will familiarise students with the actual practices of the markets and techniques of key transactions. It will focus on the consideration and treatment of issues that arise when financing transactions. Seminars to introduce the topics will be augmented by exercises which will be designed to simulate real transactions. Students will be divided into teams, which will be pitched against other teams, role-playing, lawyers, financiers, borrowers/ fund-raisers and investment bankers.

The course will be useful to those who intend to work in the corporate and corporate finance sectors, in law firms or investment or commercial banks.

Assessment: 30% participation in term exercises, 70% take home examination

LLAW6207 Corporate conflicts

With increasing globalisation many corporations today operate beyond their domestic borders. Many businesses operate transnationally by means of a multinational group structure or through the medium of a joint venture. This course seeks to introduce students to the issues that arise in dealings with corporations that have a presence in more than one jurisdiction.

Some of the issues which we will be looking at are: What laws regulate companies that are incorporated in one jurisdiction but operate in another? How are mergers and amalgamations of corporations done when corporations operate in a number of jurisdictions? What are the issues that arise in the transnational collapse of corporations such as those we have witnessed in recent years? How are they dealt with?

The financial and securities markets are grappling today with issues arising from dealings in securities from multiple jurisdictions. We will also consider these issues.

The course will be useful to those who intend to have a corporate practice, or to work in the corporate, securities or banking sectors.

Assessment: 20% presentation and defense of paper, 80% research paper

LLAW6209 Comparative family law

The course focuses on family law issues in a comparative and international context and *prior knowledge of family law or comparative law is not required*.

Topics include: property and maintenance on divorce; the grounds for divorce; the legal status of cohabitants; legal regulation of adult relationships and changing family constructs; marital agreements (i.e. pre-nuptial, post-nuptial and separation agreement), the relevance of gender in family law and changing one's legal gender; parenthood and parental responsibility.

All topics are covered from a comparative perspective.

This course will be of interest to students and practitioners wanting to acquire an up-to-date understanding of current policy and issues in family law around the world and anyone with an interest in family law, comparative law and social policy.

Assessment: 20% class participation, 80% research paper

LLAW6210 Energy law

Energy law became recognised as a distinct subject following the energy crisis that resulted from the 1973 Arab-Israeli War. This course will introduce Energy law which concerns the laws and regulations that relate to the process and technology of production, distribution, conservation and development of carbon-based energy sources such as coal, oil and natural gas; non-carbon-based sources such as nuclear power; and renewable clean sources such as hydroelectricity, solar and wind power. More specifically, this course will introduce the law concerning the title, usage, development and control of those natural resources and technology which are used to manufacture energy. This specialisation is important because the energy industry remains to be a non-static, technologically developing, but heavily regulated and strategic, sector of the economy.

Areas covered in this course will include: the history of energy law; basic principles of energy law; theoretical perspectives on regulations as part of the modern legal system; regulatory issues for different types of energy; the common law rules of ownership; statutory ownership of sources; the law relating to the development of sources and technology; international energy investment law; soft regulatory laws in developing countries; alternative regulatory instruments; market mechanics; the role of law and the development of renewable energy technologies; national and supranational regulatory changes; regulatory developments in China; environmental regulations of energy and natural resources; territorial disputes over energy sources; nuclear power and the law; regulations of company structures and/or performance; regulating the largest (energy) companies in the world.

Assessment: 50% In-class exam; 50% essay

LLAW6211 World trade law, policy and business

This course may only be taken by graduate students. While there are no pre-requisites and no prior knowledge is required, the course is designed to be especially attractive to students who have taken Global Business Law I, or International Economic Law. It is not, however, open to graduate students who have previously taken Global Business Law II.

The course is tailor-made for graduate students who, in past years, would likely have taken Global Business Law II instead. Unlike Global Business Law II, the current course provides students with the opportunities to write a paper of no more than 6,000 words comprising 50% of the examination, and incorporates materials on the policy and business aspects of trade in East Asia (China, Korea and Japan). The course will also address specific policy and business challenges in other Asian countries and sub-regions (e.g. Vietnam, Southeast Asia more generally, and India).

Assessment: 50% take home examination, 50% research paper

LLAW6212 Intellectual property protection in China: law, politics and culture

This course will examine all major areas of Chinese intellectual property, including trademarks, patents, copyright, competition and related trade and technology transfer issues, with a brief introduction to background, policies and administrative procedures. Reading knowledge of Chinese helpful but not required. No prerequisite.

Topics to be covered: the IP challenge and common ground; overview of IP administration and ARR/ALL procedures; trade and service marks; patents and technology transfer; copyright and software protection; and competition (trade secrets, advertising etc).

Assessment: 20% participation, 80% take home examination

LLAW6213 Property protection in China: law, politics and culture

Due to China's unique economic structure and political culture, property protection has loomed large for many multinational companies to operate business in China. The vast growth of their investment in the Chinese property market makes it increasingly important for them to understand and use the complex legal system to protect their property interests. Moreover, a host of problems caused by the rapidly developing economic reform in China have made property protection a core issue at the forefront of human rights debate. Since the passage of the Property Law in 2007, there has been a more heated debate over the ways in which property system should be further reformed to address the problems such as social inequality and political change in China.

Situated in the watershed moment of institutional transition in China, this course aims to examine the legal protection of property rights under the Chinese law and its related economic, cultural and political issues. All the topics of this course will be discussed through case studies. With a focus on the newly adopted Property Law, the first part of the course deals in detail with the basic principles and rules that protect property rights. For example, we will discuss the civil law principles of property protection, acquisition of property, exclusive rights conferred on property owners, and the limitations on exclusive rights. The second part of the course considers the economic, social and political issues of protecting property rights in China. To do so, we will discuss issues such as the development of the real estate market, the protection of cultural property, and takings of property and land reforms.

Assessment: 30% participation, 70% two short essays or a research paper

LLAW6214 Current issues in Chinese law

This course will highlight one or more areas of contemporary Chinese commercial law and practice of importance to foreign trade, investment or finance in the People's Republic of China. The subject matter to be covered in the course is not fixed and will vary from year to year. Students will be apprised in advance of the subject of the course to be offered. A reading knowledge of simplified Chinese characters would be desirable.

Assessment: 100% research paper

LLAW6215 Seminar on human rights and constitutionalism in Asia

The Seminar on Constitutionalism and Human Rights in Asia offers a opportunity to explore human rights in its social and institutional contexts. Students will explore the important themes of constitutionalism and human rights in Asia, a region that houses nearly two-thirds of the world's population and includes a wide range of cultures and developmental contexts. In thinking about human rights we confront a common observation that human rights practice is ultimately local. While the human rights movement has made extraordinary efforts in the post-World War II era to develop global standards and institutions it has been plagued by weak implementation. Significant regional human rights treaties and institutions in Europe, Africa and the Americas have sought to address this deficiency with mixed success. Even in those regions with such regional human rights regimes domestic implementation and enforcement through the institutions of constitutionalism provide a vital link for human rights implementation. As the only region without a regional human rights regime, Asia has relied more completely on domestic constitutionalism and practices to articulate and implement human rights commitments. This has made the human rights debate more seriously a matter of local politics and legal culture. In this respect, Asia has had a noteworthy engagement with some of the central themes in the human rights debate, relating human rights to culture, to the political economy of development, democratization, autonomy, development of civil society and to war and conflict. Asian discussions of these concerns have intimately connected issues of human rights,

security and development. The seminar will explore these rich Asian themes and efforts. The course is open to any student interested in exploring these themes in a seminar context. There are no prerequisites. *For the basic content to be addressed each week see the course schedule below.*

Assessment: 100% continuous assessment

LLAW6216 Graduate seminar

The principal goal of the Graduate Seminar is to examine issues and questions regarding to comparative Chinese legal research which has been carried out in the English language. This is an interactive course which examines Chinese law scholarship and the underlining methodological questions.

Assessment: 100% continuous assessment

LLAW6219 Patent law

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

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

No prior technical knowledge is required for this class.

Assessment: 15% short quiz, 42.5% coursework paper, 42.5% exam

LLAW6220 Constitutionalism in emerging states

This seminar will examine comparative constitutional law in emerging states. The international debate over human rights and development often takes a top-down perspective (especially in human rights courses), asking what international institutions can do to better address issues of development, government power, human rights and human dignity. This course reverses this perspective, looking at these central issues of our time through a bottom-up constitutional lens. Unlike traditional comparative constitutional law courses that focus on established constitutional systems, this seminar will give greater emphasis to the development context and emerging states. With democratization in Latin America and East Asia, the collapse of the former Soviet Union, the economic and developmental crisis in Africa and South Asia and the Arab Spring, the debate over constitutionalism and its mission has taken on global dimensions. This debate addresses a range of questions. For example, will the rule of law and democracy better promote economic development? Can constitutional institutions such as judicial review, freedom of expression and democracy be

successfully established in all societies? What are the cultural dimensions of this problem? Has liberal democracy failed the poor? Does constitutionalism travel well? What institutional emphases might better serve a post-communist society, a very poor underdeveloped country, or a rapidly developing society? Does liberal constitutionalism better respond to crises? Will “illiberal democracy” work better? Addressing these questions has become an interdisciplinary project with law, political science and other disciplines.

Assessment: 70% Research paper; 20% Oral presentation of research paper; 10% Class participation(includes two think papers worth 5% each)

LLAW6221 Selected problems of the European convention on human rights

This course offers an introduction to the international human rights law as developed in Europe under the 1950 European Convention on Human Rights and under the case-law of the European Court of Human Rights. It is meant to be taken in conjunction with, or as a sequel to, the course on “International and Regional Protection of Human Rights”. The European Convention represents the most developed mechanism of protection of human rights on a regional level and information on its practical operation may be relevant also for other regional and national systems.

After a general presentation of the European Convention, i.e. the system of human rights enshrined therein, as well as the organization, jurisdiction and procedure of the European Court of Human Rights, examples and cases taken from three substantive areas will be discussed:

- 1) the right to life, focused, in the first place on the use of lethal force by State agents, but also addressing positive obligations of the State to protect human life and questions like euthanasia (mercy killing) and abortion;
- 2) the prohibition of ill-treatment and its current extensions in the Court’s case-law, particularly in respect to deportations and prison conditions and also in respect to the modern interpretation of the prohibition of forced labour;
- 3) the right to personal autonomy, including rights to personal identity and decisions on individual and family matters.

All students are invited to consult those written materials and, in particular, judgments of the European Court of Human Rights that are mentioned in the Syllabus.

Assessment: 100% research paper or take-home exam

LLAW6222 Financial dispute resolution: Hong Kong & international perspectives

The course will focus on the new financial dispute resolution regime in Hong Kong and the establishment of the Financial Dispute Resolution Centre (FDRC) and what these developments may signify for the future of resolving financial disputes in Hong Kong. In addition, the course will provide a comparative overview of financial dispute resolution from some selected markets globally. In response to increasing investor participation in financial markets, regulators and governments have sought different ways of responding to investor-broker disputes. This course will analyze these different approaches and discuss the impact of legal systems, markets and cultural preferences. The course will consider what choices have been made by Hong Kong in order to adapt to local circumstances and will challenge students to assess these choices in the light of global experience. The design of dispute resolution systems can be key to their success. Students will be expected to understand who the stakeholders are in financial disputes, what their specific needs are and how the Hong Kong FDRC may address these concerns. The class will be assigned reading in advance of class.

Students will be expected to participate in discussions and role-plays during class.

Assessment: 80% in-hall examination, 20% class participation

LLAW6223 Copyright and creativity

The course investigates the relationship between copyright protection and creativity by targeting creative sectors such as film, music, publishing, and software. Through in-depth analysis of the cases and empirical data involving copyright protection or infringement in these industries, the course aims to assess to what extent these sectors have benefited from or are impeded by copyright protection, how “fair use” systems can be employed to achieve a better balance between copyright industries and users/consumers of copyrighted works, whether alternative regimes such as public or free licenses including creative commons and open source initiatives are helpful in promoting creativity, and finally, how to capitalise on or commercialise the copyrights so that the works can generate financial gain for start-up creative companies or individuals. These issues will be discussed in the context of both traditional and internet-related creative sectors and activities such as parody, file-sharing, snippets and thumbnails, streaming, and copying for non-transformative personal use on internet, iPad or iPhone, and online games. The countries or regions of which the copyright laws and creative sectors are examined include but are not limited to Hong Kong, the mainland China, the United States and the European Union.

Assessment: 85% final take home examination, 15% class participation.

LLAW6224 Mergers and acquisitions

The course will consider the specific circumstances of mergers and acquisitions in Hong Kong. Both private and public/listed M&A situations will be considered.

The course will commence with an examination of the reasons for M&A transactions occurring and a consideration of how M&A transactions are to be assessed, for example, in terms of their value creation. Although the course is focused on practices in the Hong Kong market, the course will also explore M&A transactions internationally, particularly with a view to gaining an understanding of the art and science of conducting an M&A transaction.

The different ways M&A can be conducted will be examined from both sell-side and buy-side. The process of negotiating and executing transactions will be considered as well as the typical documents involved. This will cover standard terms in contracts, such as purchase price payment mechanisms, warranties and undertakings. Other aspects of the transaction process will be considered, in particular, the role of due diligence will be examined closely including as to how due diligence interacts with contractual documentation and the negotiation process. Problems arising in the cross-border context will also be considered.

A focus of the course will be the application and relevance of the Code on Takeovers and Mergers and the relevant Listing Rules of The Stock Exchange of Hong Kong Limited. The relevance of these regulations will be considered in the context of both commercial practices as well as regulatory objectives such as investor protection and the promotion of good corporate governance. Practices driven by regulatory considerations, such as irrevocable undertakings and the use of voting trusts, will also be considered.

There will be an emphasis on coursework comprised of actual and hypothetical M&A transactions that require legal analysis and solution via class presentations and discussion.

Assessment: 50% take home examination, 25% group coursework, 15% individual coursework; 10% class participation

LLAW6225 PRC shipping law (in Putonghua)

The course will examine the legal framework governing shipping and maritime trade in mainland China.

Topics include: ships and crew; contracts of sea carriage; bills of lading and charterparties; multimodal transport; sea towage contracts; collision of ships; salvage at sea; general average; marine insurance; limitation of time and liability for maritime claims; maritime dispute resolution. The PRC Maritime Code and relevant legislation will be covered.

The course will be taught in Putonghua and examined in Chinese. Problem-solving approach with case studies will be adopted.

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

LLAW6226 Comparative constitutional law theories

This course is designed to examine constitutional law from a comparative and interdisciplinary perspective. It will cover a series of topics arising in the comparative study of constitutional structure and law in countries including the USA, Germany, and China. In addition, the course will deal with questions of constitutional purpose, function, design, and rules. In case studies, the course will examine underlying values, the interpretation of constitutional law as well as the role of the judiciary. Readings will be drawn from legal and social science literature, including works from economics and political science. This course is theory-based and has a significant research component.

Assessment: 70% research paper, 20% presentation, 10% participation

LLAW6227 Introduction to private international law (conflict of laws)

The field of private international law, otherwise known as “the conflict of laws”, is a body of principles by which Hong Kong courts deal with cases involving a mainland or overseas element. It is particularly important in this jurisdiction. Hong Kong’s economy is an intersection of many different people and places, including the mainland and elsewhere in Asia, as well as Europe and the Americas. Therefore, a significant proportion of disputes here have a connection outside of Hong Kong. An understanding of the conflict of laws will be useful to you as members of Hong Kong’s legal profession and if you are involved in international business.

In private international law, there are three questions that a judge must ask himself or herself. The answers to those questions form the backbone of this course:

- Is it appropriate for me to exercise jurisdiction in this dispute, even though it is connected in some way with a place outside Hong Kong?
- If I decide that I will exercise jurisdiction, is it right for me to apply only the law of Hong Kong to the dispute? Or does its “foreign element” mean I should, to some extent, apply the law of some other jurisdiction?
- Has the dispute already been the subject of a decision by a court outside Hong Kong? Should I somehow give effect to that decision within Hong Kong?

The aim of this course is to giving you a working knowledge of private international law so that you can competently advise your clients on such issues.

Assessment: 100% Take home assignment

LLAW6228 Advanced legal theory

This course will provide a sustained and in-depth analysis of a central overarching theme in legal theory. The theme may vary from year to year. The inaugural theme is 'Law and the common good'.

The theme will be explored through a range of material and disciplinary approaches. These will include conventional scholarly texts in law, politics and philosophy, but will also draw on non-standard resources including art, poetry, film, and literature.

The purpose of the thematic approach is to provide a coherence to the study of several perennial problems in legal theory. By working in a sustained way through a range of questions and perspectives associated with the overarching theme, students will gain a deeper knowledge of legal theoretical issues.

The theme 'Law and the common good' has been chosen to allow students to engage with certain key claims that are made on behalf of contemporary law and legal institutions, namely that they strive to or do in fact embody a common good or set of goods. Whether and how that embodiment operates, according to what conditions and under what limitations are questions to be explored through a series of engagements with texts, contexts, representations and contestations.

Topics to be covered under the theme may include: historical lineages of law and the common good: Aristotle and Aquinas; measuring the common good: rights v utility; how can law reflect the common good?; pluralism, democracy and the common good; contesting commonality: whose commons, which goods?; identity and voice: protest and political trials; overcoming social division: memory and the politics of reconciliation; authority, obligation and allegiance; the 'new commons' and the global public good. This list is not exhaustive.

As this is an advanced level course it is expected that students will normally have already studied some aspect of legal theory or a cognate subject. However, this is not a prerequisite.

Assessment: 80% research essay, 20% oral presentation

LLAW6229 Arms control and disarmament law

This course will explore all aspects of arms control and disarmament law, including international law-making, supervision, interpretation, dispute settlement and enforcement efforts. By "arms control law," it is meant the rules and principles that regulate weapons and weapon-related material, which does not necessarily include the actual reduction or removal of those weapons or materials. By "disarmament," it is meant the rules and principles for the reduction and eventual removal of weapons and weapon-related material. Particular emphasis will be put on weapons of mass destruction (WMD), which include nuclear, chemical, and biological agents and the means to deliver them, inasmuch as the UN Security Council repeatedly has noted that WMD proliferation is a serious threat to international peace and security. International and regional efforts to respond to these threats will be evaluated from a critical perspective. This course also will focus on the international law relating to conventional weapons, including arms trade generally, weapons with non-detectable fragments, landmines, incendiary weapons, laser weapons, riot-control agents, cluster munitions, exploding bullets, expanding bullets and other questionable methods and means of warfare, all of which will be

evaluated from a critical perspective. The interaction between this branch of public international law and others will be explored, including the interaction with international humanitarian law, international human rights law, international trade law, air and space law, collective security law, the law of international organizations, the law of state responsibility and the law of the sea, among others. All of this and more will be analyzed through various case studies and with a critical eye in assessing whether the current legal regime is adequate in meeting the needs of the international community. Potential reforms to the system will be explored through discussion and debate.

Assessment: 80% research paper, 20% attendance and general participation in in-class debate and discussion

LLAW6230 Law and practice of investment treaty arbitration

This course is about a form of arbitration which is specific to disputes arising between international investors and host states – i.e. investor-state disputes – involving public, treaty rights. In contrast, international commercial arbitration typically deals with the resolution of disputes over private law rights between what are usually private parties.

It will be of interest to those interested in arbitration, or the law of foreign investment.

The course will be taught from the viewpoint of a commercial law practitioner, and international lawyer and former treaty negotiator who has drafted such treaties.

Assessment: 50% take home examination, 50% research paper

LLAW6231 Justice

This course is about justice. It begins with a treatment of John Rawls' justice as fairness and the related debates. Implications of justice as fairness to constitutional regimes will be analyzed. The course also involves a discussion of distributive justice and corrective justice and their implications to selected branches of law such as tax law, tort law, contract law, and property law.

Assessment: 70% research paper, 20% presentation, 10% class participation

LLAW6232 Clinical legal education programme – refugee stream

The Refugee Legal Assistance Clinic is offered to undergraduate and post-graduate students in the Faculty of Law at the University of Hong Kong (HKU) in partnership with Justice Centre Hong Kong, formerly Hong Kong Refugee Advice Centre (HKRAC). Justice Centre Hong Kong provides human rights advocacy for and assistance to claimants seeking non-refoulement protection in Hong Kong (known as “protection claimants”).

The Clinic allows law students to learn both the theory and practice of human rights advocacy and assistance in the Hong Kong protection claim context. Students will develop advocacy skills, legal knowledge and skills as well as professional judgment in a real practice setting. Specific skills include critically analyzing state policies and lobbying, preparing submissions to domestic and/or international bodies such as the Legislative Council or United Nations (UN) treaty monitoring bodies, understanding effective strategies to campaign for refugee rights, interviewing protection claimants, working with an interpreter, fact investigation, legal research and analysis, and legal drafting.

Students will be exposed to ethical dilemmas and choices. As such, this Clinic environment provides

opportunity for students to learn about the nature and extent of a social justice practitioner's professional and ethical responsibilities. Students have the opportunity to recognise challenges, creatively identify options, execute their own judgment, and understand the impacts of their decisions.

Students may also have the opportunity to understand how protection claimants' basic human rights are protected in Hong Kong, by attending Legislative Council meetings and/or court cases affecting protection claimants' rights and participating in community outreach visits, and to critically evaluate the sufficiency of such protection.

Assessment: 100% Clinical work: Pass/Fail in two components, namely 1) attendance, preparation, and participation; 2) written work

LLAW6233 Critical theory in legal scholarship

This course will review the most important developments in critical theory as it relates to law and jurisprudence. We will critically engage with the works of the thinkers connected with the critical tradition in Western philosophy including those by Friedrich Nietzsche, Soren Kierkegaard, Sigmund Freud and Michel Foucault. We will then look at the influence of this critical tradition in Western legal theory including the American legal realists, Critical Legal Studies and the emergence of identity based critical movements. Some of the central questions which we will analyse include: What is critique and why do it? What is the role of critique in social movements lawyering? How to apply critical approaches to the understanding of contemporary legal issues?

Assessment: 65% research paper; 25% class presentation; 10% class participation

LLAW6236 ASEAN law

The significance of this course lies in the formation of the ASEAN Community in 2015. ASEAN has become more formalistic and legalistic in the last decade: while there will not be an 'EU-style community' in place by 2015, a formal community will be declared. There is a rapidly growing parallel demand from a variety of stakeholder groups (private sector, academia, diplomats, donor organisations etc.) for authoritative information. What exactly has ASEAN agreed on? What is implemented and how does it affect us?

The Association of Southeast Asian Nations (ASEAN) is a regional community established in 1967 by Indonesia, Malaysia, the Philippines, Singapore, and Thailand to promote political and economic cooperation, and regional stability. By 1999, it has expanded to ten members to include Brunei, Vietnam, Laos, Burma and Cambodia. The ASEAN Declaration in 1967, the association's founding document, formalised the principles of peace and cooperation to which ASEAN is dedicated. With the ASEAN Charter entering into force on 15 December 2008, ASEAN established its legal identity as an international organization and took a leap into a community-building process with the aim of moving closer to 'an EU-style community'. The Charter is an important step towards creating a single free-trade area (FTA) for the region encompassing 500 million people. The ASEAN region has a total area of 4.5 million square kilometers, a combined gross domestic product of almost US\$700 billion. China together with Japan and South Korea participate in the forum ASEAN Plus Three (APT) that functions as a coordinator of cooperation between the ASEAN and these three East Asia nations.

This course will cover the following topics:

1. How community law is derived from soft law.
2. ASEAN's internal rules of conduct.
3. International treaties: Treaty of Amity and Cooperation (TAC), Southeast Asia Weapons Free

Zone, Haze Agreement etc.

4. Dispute Settlement mechanisms.
5. Economic integration: PTA, FTA and the proposed Customs Union.
6. The new legal structure under the ASEAN Charter.
7. Towards community law under the ASEAN Community Blueprints.
8. The ASEAN Human Rights mechanism.
9. The role of external actors (EU, US, Japan, Australia) in the creation of community law.
10. Regional financial policies: concepts and institutional aspects of regional financial integration.

Assessment: 50% in-class examination, 50% written assignment

LLAW6237 International arbitration: practice, process and strategy

The course will introduce students to the practice of international arbitration with a focus on administered arbitration (utilizing the HKIAC Administered Arbitration Rules) and investment arbitration. Utilizing a case study as the basis for the course, students will apply the theory of arbitration to a mock case. The course will provide students with the opportunity to manage a case from the beginning to the end. From negotiating and drafting an arbitration clause to drafting pleadings, students will have the opportunity to enhance their legal writing skills in the context of an arbitration. Students will also learn how to strategise and learn the various options available during the course of an arbitration (mediation, negotiation, settlement, etc). An investment arbitration component will be incorporated into the case study whereby students will learn how to navigate the investment arbitration process and options. Mock hearings will also take place before eminent arbitrators in the industry. The class will be assigned reading in advance of class. Students will be expected to participate in role-plays and teamwork during class.

Assessment: 20% Completion of a final research paper, 80% Class participation, written assignment and oral presentation in class

LLAW6238 Comparative arbitration in Asia

The course will survey the arbitration laws in major jurisdictions in Asia, including but not limited to Hong Kong, Singapore, China, India, Korea and Malaysia. For the sake of comparison and analysis, reference will be made to the UNCITRAL Model Law and the laws of major European arbitration centers. In addition, the course will survey compare and contrast the various approaches taken by arbitral institutions in these regions (such as HKIAC, SIAC, CIETAC, etc.) with respect to procedural and other matters. Again, reference to the UNCITRAL Model Rules and the rules of other major arbitral institutions (such as the ICC and the LCIA) will be useful for comparison and analysis.

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

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

Assessment: 80% Take home examination or research paper; 20% Class participation (a set of assessment rubrics will be developed to assess class participation)

LLAW6239 Law and regulation of private banking and wealth management I

The eruption of the global financial crisis in 2008 has led various organizations such as the G20, Financial Stability Board, Basel Committee on Banking Supervision and the IMF, to implement new regulatory and economic policies. In the wake of the crisis, governments and financial institutions have been engaged in the implementation of these policies. On one hand, a number of critiques have been put forward regarding the efficacy of some of these initiatives. Questions have been raised regarding the effectiveness of regulatory harmonization to reduce systemic risk, and the optimal capital requirement required in the eyes of risks balancing and economic development. On the other hand, amid such extreme volatility in Europe and the United States, the Asian markets, particularly the Chinese and South-East Asia market (including China, Hong Kong SAR, Indonesia, Vietnam, etc.), are seeing moderate growth. Many banks and financial institutions have shifted their focus from risk enhancement to business growth. With the worsening of the European debt crisis, they are now refocusing on reform, including to impose long-term structural changes to banks and financial institutions through regulations, risk management and corporate governance with the aim to weather through the financial instability and restore consumer trust, as well as constantly look for new business propositions and processes to enhance the opportunities of capturing new business, enlarging customer base, yet better customer experience.

Constant requirement of implementing regulatory changes and placement of proper risk management and crisis management processes and procedures are mandatory in order to solidify these opportunities. In addition, instillation of corporate governance culture and in-place of proper corporate governance process and procedures along the organizational hierarchy is important and is a key to corporate success. For practitioners (lawyers and bankers) to stay advanced in the game, they are required to have a good understanding of the subject contents.

The course consists of ten weeks of lectures. In addition to the academic requirement, the course will emphasise real-life experience and share from practitioners' perspectives. Recent scandals from major international banks on regulatory areas (i.e. KYC, AML, etc) will be analyzed. Important legal and regulatory components and ordinances on clients on-boarding process, sales process, end-to-end client relationship management, corporate governance, sales ethics, clients suitability and sustainability & risk profiling, compliance requirement, regulators reporting, data privacy, etc. will be discussed in deep details. In addition, dispute handling on financial disputes will also be discussed.

Assessment: 80% Research paper, 20% Presentation

LLAW6240 Security and human rights

A central feature in the discourse on public policy around the globe has been the question of whether, and to what extent, it was (and is) necessary to curtail human rights in order to maintain and promote "security" in times of perceived crisis. Whether it is the threat of terrorism, organised crime or the risk of re-offending sex-offenders and child-molesters, governments are quick to respond with security legislation that often has significant implications for internationally protected rights and liberties. This course focusses on the alleged balance of "security" and "liberty". It examines the theoretical underpinnings of the concepts of "security" and "liberty" and analyses how human rights protections apply in times of crisis. It discusses several contemporary case studies that highlight the tension between "liberty" and "security", including derogation from human rights treaties, preventive detention of sex offenders, extradition/expulsion and non-refoulement, and the blacklisting of terrorists. What these case studies have in common is that they originate in a long-standing predicament of the liberal democratic state: how far are we prepared to go to create a "secure" environment for ourselves without getting caught in our own security net?

The specific aims of this course are:

- ð to examine and analyse some of the theoretical underpinnings of the concepts of “security” and “liberty” ;
- ð to provide students with an understanding of the historical development of the operation of human rights in times of crisis and emergency;
- ð to develop students’ knowledge and understanding of contemporary challenges in relation to human rights and security;
- ð to assist students to develop advanced research skills in the area of human rights law and policy, in particular in the context of security;
- ð and to assist students to recognise international human rights law in their subsequent careers;

The course will be cover nine substantive areas and is structured as follows:

- I. Introduction
- II. The Concept of Liberty
- III. The Concept of Security
- IV. Balancing Liberty and Security?
- V. How Human Rights Work
- VI. Derogation From Human Rights Treaties in Times of Emergency
- VII. ‘Ticking Bombs’ and Torture
- VIII. Extradition and Expulsion and the Principle of Non-Refoulement
- IX. Blacklisting of Persons and Entities Suspected of Terrorism
- X. Preventive Detention

Assessment: 15% Class participation, 15% presentation of short paper (based on research essay), 70% Research essay

LLAW6242 Human rights in practice

Human Rights in Practice aims to empower and equip HKU students with the skills and knowledge necessary to excel in the changing global legal environment by providing students with the opportunity to learn by doing and by providing service to the community.

Consistent with HKU’s spirit of opportunity in the midst of change and its commitment to “re-imagining its curriculum as a total learning experience”, the course aims to meet the increasing demand for practical and theoretical knowledge about human rights throughout the Asian region by providing HKU students an opportunity to experience human rights in practice domestically, regionally and internationally. The clinic will collaborate with select international and domestic NGOs as well as foreign law schools on human rights projects, including advocacy campaigns, legal and policy analysis, litigation, legal aid clinics, fact finding and report writing, submissions to human rights bodies, and human rights trainings and capacity building.

Preliminarily identified NGOs and foreign law schools include Mother’s Choice, Christian Action, Equal Opportunities Commission, Liberty Asia, Georgetown University Law Center and select disabled persons organizations in mainland China and Hong Kong. (Additional organizations and law schools to be identified prior to July 2014.)

The aims are:

1. to expose students to the challenges and skills of acting in the role of a lawyer within the unstructured situations that international human rights lawyers confront in practice;
2. to expand opportunities for collaborative experiential learning;
3. to instruct students in the theory and practice of domestic and international law;
4. to give students an opportunity to practice their professional skills and ethics;
5. to encourage students to identify and provide service for unmet legal needs;

6. to encourage critical analysis of the law, the relationship between international and domestic legal systems, and the clients' place and the lawyer's role within the international legal system; and
7. to provide students an opportunity to evaluate the real-life application and effects of international human rights instruments, as well as contribute to the promotion, progressive enforcement and internalization of international human rights.

Specific skills taught include interviewing and counseling, working with an interpreter, oral advocacy, negotiation, fact investigation, legal research and analysis, and legal writing and drafting.

Assessment: 25% Weekly Seminar and Training Sessions; 25% Fieldwork with partner organizations; 30% Three directed Learning Journal entries (10% each); 20% Final written work product

LLAW6243 Advanced issues in intellectual property law

In the past decade, we have seen many attempts of the Hong Kong government to modernise our intellectual property laws often leading to extensive and sometimes heated debates. The Copyright Amendment Bill 2011 was not proceeded with as a result of filibuster because netizens were concerned about the lack of a parody exception and exemption for 'secondary creation'. Now that the government proposes 3 options to deal with parody, netizens and some interest groups lobby for a user generated content exception modeled on the recent Canadian amendments. Whilst parallel imports are basically liberalised under the trade mark legislation, parallel imports may still attract both civil and criminal liabilities under our copyright regime. Consultation about reforming our patent system to introduce original patent grant has led to disagreement about the commercial justification for such reform and whether with an original patent grant, we should maintain our re-registration and short-term patent systems. Although personal data is protected by our Personal Data (Privacy) Ordinance, the Ordinance does not extend to protect personal and territorial privacy. In the UK, the common law of breach of confidence is expanded to protect privacy and so far, we do not yet have a case on the subject.

On a global level, many countries stretch to extend conventional IP laws to cope with the digital era with varying results. Further, often, IP laws are criticised for lacking far behind technology and not being realistic with the computer generation.

This course aims to look critically into the underlying rationales and concepts of our intellectual property laws and discuss whether there is a need for a fundamental reform.

Assessment: 10% class discussions, 30% class presentation on assigned topics, 60% research paper

LLAW6244 Securities regulation II

Prerequisite: LLAW6049 Securities regulation I

The course will build on and develop concepts and issues that were considered in Securities Regulation I. The primary aspects of regulation the course is concerned with are (a) recent developments in issue, (b) capital markets and investment products, (c) enforcement and case law, and (d) Hong Kong in the context of global activities. These topics overlap and so are not mutually exclusive.

Hong Kong's borders are relatively transparent when it comes to the extent of international participation in Hong Kong's markets. Many of the activities and transactions undertaken here have an international nexus. In this light, Hong Kong's regulations will be put in the context of the network

of the international regulatory effort. The laws and regulations studied in the first part of this course will be recast in light of the role of IOSCO together with a conversation as to the common objectives, functions and principles that underlie the regulatory approach internationally despite the different regulatory architectures that may implement them. Appreciating the interconnectedness of international regulatory approaches will be relevant to a fuller consideration of subsequent topics in the course.

Recent issues and developments in Hong Kong's regulatory system will be looked at in some detail. A focus will be to develop a deeper understanding of the factors that have caused such developments including a consideration of the relevant international factors that must be taken in to account and why. Topics covered will include the operation of dark pools, high-frequency trading and the role of liquidity in the stock market and how these relatively new phenomena are to be understood in the context of the proper functioning of a stock market. A closer examination of certain parts of the Securities and Futures Ordinance will also be undertaken.

Specific attention will be had to the current state of regulation as regards the investment product and asset management industry. This will involve a detailed look at the regulatory matters that are of concern to fund managers as well as the matters that need to be considered when creating new investment products, including structured investment products, particularly those directed at the public.

A preliminary overview of derivatives and ISDA documentation will be given by way of an introduction to developing an understanding of the role of OTC derivatives in the marketplace, its connection with the global financial credit crisis, and the decision by G20 leaders to implement regulatory oversight of this market. Developments in Hong Kong as well as other important markets that are engaged in regulatory reform of this market will be reviewed.

A focus of the course will be on the rapidly developing body of caselaw in the Hong Kong courts arising out of the increased activity of the Securities and Futures Commission in bringing matters under the Securities and Futures Ordinance to trial. Regulatory enforcement cases will also be examined and the advantages and disadvantages of each approach will be explored.

Assessment: 65% take home examination, 25% group course work, 10% class participation

LLAW6245 Compliance in the Hong Kong securities industry

The course will provide students with an understanding of the core roles, tasks, challenges and issues that a regulated intermediary must deal with when seeking to comply with applicable laws and regulations. While 'compliance' can readily be understood as an objective, much of the course will be concerned with the hurdles and issues that face compliance as a function when implemented in the complex matrix of regulatory requirements, business needs, management styles, and cultural and behavioural factors, many of which can appear to be contradictory.

The course will commence with a brief recap of the regulatory framework for Hong Kong's securities industry, including the overarching objectives of regulation, and an ad hoc review of some important failures that serve to highlight the relationship between compliance, regulations and the proper operation of markets.

With a view to giving a 360-degree review of the compliance function, the course will examine (a) the different roles of compliance in different types of organizations, (b) positioning the compliance function in the context of an organization's culture, corporate governance practices, and ethics, (c) the proper role of compliance in the organization's relationships with third parties (including customers, clients, counterparties, and regulators) and (d) compliance as a risk management function.

While the focus of the course will be on regulated intermediaries such as securities dealers, corporate finance advisers and asset managers, the course will also consider the position of issuers, particularly the challenges facing newly listed issuers. Therefore, both regulatory codes issued by the Securities and Futures Commission as well as the ongoing requirements of the Listing Rules will be looked at from the perspective of a regulated intermediary or listed issuer seeking to comply with the same.

The development, purpose and important aspects of the in-house compliance manual will be examined in some detail. How policies and procedures should be tailored and applied to an organization's operations will be considered as well as how a compliance manual is laid out and introduced into the front and back offices.

The need to review and assess the effectiveness of a compliance programme as well as how to deal with misconduct or wrongdoing will be examined using actual enforcement cases as examples.

The course is organised on an interactive basis with a view to giving students closer contact with the issues that compliance problems give rise to; accordingly, student participation is expected to contribute to the learning context. External speakers shall be used, including from the industry and the regulators.

Assessment: 60% take home examination, 10% individual course work, 20% group course work, 10% class participation

LLAW6246 Law and regulation of private banking and wealth management II

Prerequisite: Law and Regulation of Private Banking and Wealth Management I (formerly "Law and Regulation of Private and Retail Banking")

Following on the introductory survey course, this course covers the design and compliance requirements of products offered by banks and other financial institutions in the context of private banking, wealth management services, and family office operations. In addition to the legal, regulatory and compliance components, a significant portion of the course covers the technical aspects of product design of products and services including investments, insurance, tax planning, succession planning, philanthropy, etc, so as to provide a full spectrum of cover for the participants. Throughout the course, emphasis will be made on ethical issues and risks. In addition to the theoretical framework of issues, the course emphasises practical dimensions and involves experienced market professionals.

Topic
Introduction and Overview Product proposition and strategy Product life cycle Product compliance
Investment Products Equity Futures and options Derivative contracts Fixed income securities
Listing Rules Requirements (for Equities, ETF, etc.)
Insurance Products
Tax Planning Services

Estate and Succession Planning Services
Wills
Intestacy and probate process
Trust and Philanthropy Services
Private Banking Client Diligence and Portfolio Management

Assessment: 100% research paper

COMPUTER SCIENCE MODULES*

**Only offer to candidates admitted to LLM(IT&IPL) programme*

ECOM6032 e-Discovery and digital forensics

This module will give the students an in-depth understanding of the current IT management and e-business litigation practices involving e-Discovery and Digital Forensics, and will help them to take a leading role in the management team to work with the legal counsel, auditor and department managers to prepare and implement an effective Incident Response Strategy to address various IT-business and legal problems in today's global competition and innovation driven economy.

Assessment: 100% course work, including assignments, case studies and class presentations and projects.

ICOM6027 e-Crimes: digital crime scene and legal sanctions

This module helps participants to grapple with crimes in the electronic age from both technical and legal points of view. It addresses three important aspects of the subject, namely, technologies adopted in e-crimes, legal sanctions and management of e-crimes scenes.

Topics covered include: trends in e-crimes; different types of e-crimes, tools and technologies for committing e-crimes; laws relating to e-crimes and criminal sanctions; digital forensics, post-incident crime scene management, and covert operation/live-forensic crime scene management, chain of evidence, collecting and collating digital evidence.

Assessment: Two written homework assignments (30%) and One open book examination (70%)

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

1. Each copy of a dissertation shall be typewritten or printed on one side only of International size A4 paper¹ (except for drawings, maps, or tables on which no restriction is placed), with a margin of not less than 38mm on the left-hand edge of each page.
2. The appropriate Board of the Faculty shall decide whether any dissertation submitted successfully in part-fulfilment of a higher degree by coursework shall be an accession to the University Library.
3. If it is to be an accession to the Library the top copy of the dissertation shall be used, and bound in one or more volumes as determined by the Librarian and between boards faced with cloth in black for MA, MPA, MMedSc, in dark blue for MSW, MBA, and in green for all others. The title, name of author, degree, and date shall be lettered in gilt on the front cover and spine in accordance with the standard layout approved by the Librarian. The title of a dissertation written in Chinese shall be lettered on the cover in Chinese and English.

¹ 297 mm x 210 mm

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