

REGULATIONS FOR THE DEGREE OF BACHELOR OF LAWS (LLB)

These regulations apply to students admitted from the academic year 2004-2005.

(See also General Regulations and Regulations for First Degree Curricula)

Eligibility for admission

- LL 1. To be eligible for admission to the degree of Bachelor of Laws a candidate shall
- (a) comply with the General Regulations;
 - (b) comply with the Regulations for First Degree Curricula; and
 - (c) satisfy all the requirements of the curriculum in accordance with these Regulations and syllabus.
-

The curriculum

- LL 2. Subject to LL 8 below, the curriculum for the degree of Bachelor of Laws shall extend over not less than four years and not more than six years of full-time study, except with the approval of the Board of the Faculty of Law.
-

Completion of the curriculum

- LL 3. To complete the curriculum a candidate shall
- (a) comply with the General Regulations
 - (b) comply with the Regulations for First Degree Curricula,
 - (c) follow instruction and attend classes as required, and complete all coursework requirements;
 - (d) satisfy the compulsory moot requirement, unless otherwise exempted by the Head of the Department of Law; and
 - (e) pass in courses totalling at least 240 credits in value, in the manner specified below.
-

Advanced Standing

- LL 4. The Board of the Faculty of Law may exempt any candidate from any of the courses, and award equivalent credits to such candidate (by way of advanced standing under UG 2 of the Regulations for First Degree Curricula), on the ground that appropriate courses have been completed successfully in other programmes: provided that no candidate shall be eligible for the award of the degree of Bachelor of Laws without having earned at least 120 credits by passing courses at this University.
-

Selection of courses

- LL 5. Unless the Head of Department of Law determines otherwise a candidate shall take courses totalling 60 credits in value in each year. Candidates shall select their courses in accordance with these regulations and the guidelines specified in the syllabus by a prescribed date before the beginning of the academic year. Such selection shall be subject to approval by the Head of Department of Law. Changes to the selection of courses may be made subject to the approval of the Head of the Department of Law during the first two weeks of each semester, and such changes shall not be reflected in the transcript of the candidate. Requests for changes after the first two weeks of a semester shall not normally be considered.

Specialisation

LL 6. A candidate who has taken at least 48 credits of law electives listed under one of the specialisations in the syllabus will be duly recognised by having that specialisation stated in the official academic transcript provided that he or she has achieved a CGPA of 2.9 in the courses taken under that specialisation.

Minor in another discipline

LL 7. A candidate who has taken the requisite number of credits (which shall not be less than 36 credits and not more than 48 credits) specified by the Board of the Faculty of Law for a minor in a department, centre, school, programme or disciplinary field prescribed by the Board of the Faculty of Law will be duly recognised by having the minor stated in the official academic transcript.

Fast-track LLB

LL 8. A candidate who has already obtained an undergraduate degree in any discipline and who has taken 174 law credits in this curriculum shall be awarded an LLB. The fast-track curriculum shall extend over at least two academic years.

Passing a course

LL 9. A candidate shall pass a course if the Board of Examiners is satisfied by the candidate's performance in the assessment.

Grades

LL 10. Grades shall be awarded in accordance with UG5 of the Regulations for First Degree Curricula. Any course for which a candidate is given an F grade shall be taken into account in the calculation of the semester GPA (SGPA) and shall be recorded on the official academic transcript, but shall not count towards the cumulative GPA (CGPA) and the degree. A pass in the Information Technology proficiency test or 3-credit course in Information Technology, and a pass in the course Mooting, shall be recorded on the transcript but shall not count towards the cumulative GPA (CGPA).

Failure to pass a course

LL 11.

- (1) Any candidate who fails to pass a course or courses in the manner provided for in these Regulations may be permitted by the Board of Examiners
 - (a) to sit a supplementary examination (or take any relevant assessment or re-assessment);
or
 - (b) to repeat the course or courses by following instruction and taking the prescribed examination (or any relevant assessment or re-assessment), or by taking the prescribed examination (or any relevant assessment or re-assessment) without following instruction; or
 - (c) to undertake the study of any alternative course or courses which enable completion of the curriculum.

- (2) Where a candidate is required to sit a supplementary examination or be assessed or re-assessed under (1)(a), or to be assessed in an alternative course under 1 (c), or to repeat a course or courses under (1)(b), the new grade obtained shall replace the previous F grade in the calculation of the cumulative GPA, but the previous F grade may be recorded on the transcript.
- (3) A candidate shall not be permitted to repeat a course for which he or she has received a pass grade for upgrading purposes.

Overall pass

LL 12. Subject to LL 3, LL 4 and LL 8, a candidate who has passed courses totalling 240 credits in value shall be awarded the degree of LL.B.

Discontinuation of study

LL 13. A candidate

- (1) who is on probation and who, during the next academic year, fails to satisfy the criteria set out in the LLB examination procedures, or
- (2) who is on probation during the seventh semester and fails to satisfy the criteria set out in the LLB examination procedures, or is placed on probation at the end of the seventh semester or any subsequent semester and fails to satisfy the criteria set out in the LLB examination procedures during the next consecutive semester,

shall be recommended for discontinuation of study under the General Regulations.

Absence from an examination

LL 14. Candidates who are unable through illness or other acceptable reason to attend for examination may apply for permission to attend for examination at some other time.

Pass lists

LL 15. The degree of Bachelor of Laws shall be awarded in five divisions and normally on the basis of cumulative GPA :

First Class Honours
 Second Class Honours Division One
 Second Class Honours Division Two
 Third Class Honours
 Pass

SYLLABUS FOR THE DEGREE OF BACHELOR OF LAWS

1. A candidate shall, unless otherwise approved by the Head of Department, complete the compulsory courses and electives of the curriculum in accordance with the order of study as set out below. A candidate may take a maximum of 48 credits of electives in non-law subjects as may be specified and approved by the Head of Department from time to time.

First Year (60 credits)

Law of contract I (6 credits)
 Law of contract II (6 credits)
 Law and society (6 credits)
 Law of tort I (6 credits)
 Law of tort II (6 credits)
 The legal system (6 credits)
 Legal research and writing I, II and III (9 credits)
 Critical thinking and logic (6 credits)¹
 Writing solutions to legal problems (3 credits)
 Practical Chinese language for law students (3 credits)*
 A course in 'Science and Technology Studies' (3 credits)

Second Year (60 credits)

Commercial law (6 credits)
 Constitutional law (6 credits)
 Criminal law I (6 credits)
 Criminal law II (6 credits)
 Introduction to Chinese law (6 credits)
 Land law I (6 credits)
 Land law II (6 credits)
 Legal research and writing IV and V (6 credits)
 Electives (12 credits)

Third Year (60 credits)

Introduction to legal theory (6 credits)
 Administrative law (6 credits)
 Equity and trusts I (6 credits)
 Equity and trusts II (6 credits)
 Mooting (3 credits) **
 Research project (oral presentation) (6 credits) ***
 Electives (27 credits)

Fourth Year (60 credits in total)

Electives (60 credits)

[* or a substitute 3-credit language course approved by the Head of the Department of Law where the candidate has been exempted from this course.]

[** This may be substituted by participation in Jessup mooting or any other international moot competition approved by the Head of the Department of Law.]

[*** Or one of the following courses: Guided Research, International Mooting Competition, Jessup International Law Moot Court Competition.]

¹ A pass in the course 'Critical thinking and logic' shall be deemed to satisfy the requirement of UG 3(a) (iv) of the Regulations for First Degree Curricula.

2. Where a candidate has been exempted from the course 'Practical Chinese for law students', a substitute 3-credit course in languages other than Chinese and English, as approved by the Head of the Department of Law, should be completed.
3. The requirement of UG 3 (b) can be fulfilled by either obtaining a pass in an information technology proficiency test or completing a 3-credit course in information technology. The 3 credit earned by completing the information technology course will be counted in addition to the 240 credits as specified in LL 3 (e).
4. The 3-credit course in Mooting which fulfils the requirement of LL 3(d) shall be graded with pass/fail and shall not be counted in the calculation of the CGPA.
5. Unless the Head of Department determines otherwise, and subject to any advanced standing given under LL 4, a 'fast track' candidate shall complete 174 credits of compulsory courses and electives of the curriculum as follows:

The legal system (6 credits)
 Law of contract I (6 credits)
 Law of contract II (6 credits)
 Law of tort I (6 credits)
 Law of tort II (6 credits)
 Criminal law I (6 credits)
 Criminal law II (6 credits)
 Legal research and writing I to V (15 credits)
 Constitutional law (6 credits)
 Administrative law (6 credits)
 Introduction to Chinese law (6 credits)
 Commercial law (6 credits)
 Land law I (6 credits)
 Land law II (6 credits)
 Equity and trusts I (6 credits)
 Equity and trusts II (6 credits)
 Research project (oral presentation) (6 credits)
 Mooting (3 credits)
 Law electives (60 credits)²

6. The law electives are listed as follows²:

12-credit course

Guided research

6-credit courses (unless otherwise mentioned)

Admiralty
 Alternative dispute resolution
 Bank security

² For the purpose of PCLL admission, a candidate must satisfactorily complete Evidence I and II, Law of Conveyancing, Criminal Procedure, Civil Procedure, and either Business Associations or Company Law, and comply with any other requirements as may be specified in the PCLL regulations from time to time.

Banking law
Business associations
Child and the law
Chinese laws governing foreign investments
Civil procedure
Company law
Comparative law
Constitutional and administrative law in the PRC (in Putonghua)
Construction law
Copyright law
Criminal procedure
Criminology
Cross-border legal relations between the Mainland and Hong Kong
Current issues in comparative commercial law
Current issues in insolvency law
Current legal controversies
Cybercrime
Dispute resolution in the PRC
Economic analysis of law
Emerging markets: finance and investment
Equality and non-discrimination
Ethnicity, human rights and democracy
Evidence I
Evidence II
Governance and law
Hong Kong Basic Law
Human rights: history, theory and politics
Human rights and cyberspace
Human rights in China
Human rights in Hong Kong
Information technology Law
Insurance law
Intellectual property issues in biotechnology
Intellectual property law
Intellectual property and technology: protecting and managing digital assets
International and comparative intellectual property law
International and regional protection of human rights
International commercial litigation
International commercial transactions
International criminal law
International human rights
International moot court competition
International organizations
International trade law I
International trade law II
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 private international law
Issues in family law
Jessup international law moot court competition
Labour law
Law in East Asia
Law, justice and ideology
Law of conveyancing

Law of International Finance I – Debt
 Law of restitution
 Law of the sea
 Law, the individual and the community: a cross-cultural dialogue
 Legal aspects of white collar crime
 Media law
 Medico-legal issues
 PRC commercial law (in Putonghua)
 PRC civil and commercial law
 PRC civil law (in Putonghua)
 PRC criminal law and procedure (in Putonghua)
 PRC economic law (in Putonghua)
 PRC intellectual property law (in Putonghua)
 Planning and environmental law
 Principles of family law
 Principles of Hong Kong taxation on income
 Privacy and data protection
 Public international law
 Regulation of cyberspace II: internet content
 Regulation of financial markets
 Remedies
 Rights of the child in international and domestic law
 Securities regulation
 Selected problems in international law
 Shipping law
 Social justice summer internship (3 or 6 credits)
 Sociology of law
 Succession
 Use of Chinese in law I
 Use of Chinese in law II

Subject to the approval of the Head of the Department of Law, courses listed in the various LLM programmes may be specified from time to time as available to LLB students.

7. For the purpose of LL 6, the following specialisations are available for any student who has obtained 48 credits by completing courses in the respective category. Not all specialisations are necessarily on offer every year.
- Chinese law
 - Commercial, corporate and financial law
 - International trade and economic law

Chinese law

Chinese laws governing foreign investments
 Constitutional and administrative law in the PRC (in Putonghua)
 Cross-border legal relations between the mainland and HK
 Dispute resolution in the PRC
 Human rights in China
 PRC commercial law (in Putonghua)
 PRC civil and commercial law
 PRC civil law (in Putonghua)
 PRC criminal law and procedure (in Putonghua)
 PRC economic law (in Putonghua)
 PRC intellectual property law (in Putonghua)

Commercial, corporate and financial law

Alternative dispute resolution
 Bank security
 Banking law
 Company law
 Copyright law
 Current issues in comparative commercial law
 Current issues in insolvency law
 Emerging markets: finance and investment
 Insolvency law
 Insurance law
 Introduction to private international law
 Issues in intellectual property law
 Law of agency
 Law of restitution
 Principles of Hong Kong taxation on income
 Regulation of financial markets
 Remedies
 Securities regulation

International trade and economic law

Comparative law
 International organisations
 International mooted competition
 International trade regulation I: introduction to the law of the WTO
 International trade regulation II: selected issues on WTO and China
 International commercial litigation
 International commercial transaction
 International trade law I
 International trade law II
 Introduction to international economic law
 Law in East Asia
 Law of the sea
 Selected problems in international law

COURSE DESCRIPTIONS

The courses available to students are listed below. Where two courses are described as “I and II” (12 credits), this means that they may either be taught separately in two semesters in the same academic year or be taught as one combined course in one semester, and may either be examined separately or at the same time.

Compulsory courses (in the order listed in the syllabus)**LLAW 1001 and LLAW 1002 Law of contract I and II (12 credits)**

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

LLAW1009 Law and society (6 credits)

This course aims to capture the dynamics between law and society, namely, how law is shaped by social changes, perception and thought, and how society is moulded by legal rules and norms. Broad interdisciplinary knowledge and perspectives relevant to the study of the relationship between law and society will be discussed. Theoretical, empirical and policy considerations will be taken into account.

General themes chosen to highlight the above dynamics will include the relationship between law and political power, law and economic development, law and history, law and family, and law and social life. Specific topics covered may vary from year to year and may include the following: the rule of law and the liberal constitutional state; law and economic development in the age of globalisation; the anthropology of law; law and culture; law and morality; the historical and philosophical foundations of western and Chinese law; current socio-legal issues in Hong Kong.

LLAW1005 and LLAW1006 Law of tort I and II (12 credits)

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).

LLAW1008 The legal system (6 credits)

An overview of major legal systems in the world (common law, civil law, socialist law, religious law), including a brief overview on a comparison between the common law system and the PRC legal system; the ideology of the common law system and the rule of law, justice and separation of powers; development of the Hong Kong legal system; classification of law, sources of Hong Kong law; law making process; Hong Kong court system; doctrine of stare decisis; access to justice and legal aid; legal profession and legal services; jury system; law reform; Government lawyers and organization of Government legal services; the language of the law; interface between the PRC legal system and the Hong Kong legal system.

LLAW1010 Legal research and writing I (3 credits)

Case reading: distinguishing law/fact; learning the structure and language of common law judgments; identifying relevant facts; identifying and defining legal issues, ratios, arguments, reasoning with precision; learning the ways in which judges in one case treat the judgments in earlier cases; precedent in action.

Basic legal writing skills using short weekly marked up and graded writing assignments in the format of case briefs, letters to clients, closed internal memoranda. Emphasis will be placed upon correct use of general English and appropriate legal terminology, clarity of expression and logical, effective organisation of ideas and arguments.

Learning skills: pre-class preparation; in class exercises, participation in class discussions using group and Socratic methods.

LLAW1011 Legal research and writing II (3 credits)

All about legislation: the anatomy of an ordinance; the life cycle of an ordinance; the nature and use of the revised and loose-leaf editions of the Laws of Hong Kong and the Legal Supplements to the Gazette;

the structure of the English Statute Book, the nature of subordinate legislation; reading ordinances; statutory interpretation in common law jurisdictions.

Basic legal writing skills using short, weekly marked up and graded writing assignments involving precise identification and resolution of statutory interpretation problems.

Learning skills; pre-class preparation, in class presentation on part of the life cycle of an ordinance, participation in very small group discussions with systematic reporting and feedback.

LLAW1012 Legal research and writing III (3 credits)

Library research involving identifying and physically locating appropriate Hong Kong and English case law and statutory provisions using (i) paper and (ii) electronic sources with emphasis upon thoroughness, efficiency and being as up to date as practically possible; basic research tools for Canada and Australia; use of legal encyclopedias, especially Halsburys, and digests such as Current Law and Hong Kong's own materials; a first introduction to legal journals.

Students will be expected to do a number of ungraded, narrowly focused research assignments, designed to assist students in familiarizing themselves with legal research tools and methods. They will then be expected to complete a research plan, a research file, an office memo, a barrister's skeleton, oral argument and final judgment – all based on an assigned research request (a different research request set by each tutor).

PHIL1005. Critical thinking and logic (6 credits)

Critical thinking is a matter of thinking clearly and rationally. It is important for solving problems, effective planning, and expressing ideas clearly and systematically. We shall study the basic principles of critical thinking, and see how they can be applied in everyday life.

ECEN1602 Writing solutions to legal problems (3 credits)

The course follows on from language input into the Legal research and writing course in the first semester of Year 1. *Writing solutions to legal problems* dovetails closely with a substantive law course (Tort), allowing students to apply and articulate their knowledge of tort law as they frame a written response to the kinds of legal questions typically found in tutorial and examination questions. The initial focus is at the level of the discourse structure of legal arguments and then on the control of the grammar, vocabulary and stylistic features typical of the genre. Students receive substantial individual feedback on 3 problem cycles, featuring 2 revisions of each initial answer attempt. Assessment is wholly by coursework, including 2 extended pieces of writing under examination conditions at the end of the course. Final writing outcomes are co-assessed with Law Dept. colleagues.

CLAW1009 Practical Chinese language for law students (3 credits)

This course is designed to teach the basic skills of practical Chinese, to help students learn the characteristics of Chinese legal language so as to be able to express ideas and opinions in Chinese in a legal context, as well as to enable students to realize that language proficiency is a lifelong self-learning process. The course, which lasts for one semester, will include teaching in a variety of basic practical Chinese writing skills, with an emphasis on the writing of Chinese legal language. Equal weight will be given to coursework and examination in assessment.

LLAW2012 Commercial law (6 credits)

This course will introduce the fundamental principles of commercial law through the integration of legal issues associated with contracts, personal property, security and finance and equity in the context of commercial transactions. It focuses on the types of commercial transactions, the legal relations between parties thereto, issues arising from interrelated financial transactions, and credit and security. It covers introduction to personal property, rights in rem and rights in personam, bailment; commercial transactions (sale of goods and services, statutory control on unconscionable terms; implied terms and exemption/limitation clauses; transfer of title, nemo dat); gift; negotiable instruments, assignment of choses in action and security interests (retention of title, lien, pledges, mortgages, fixed and floating charges, guarantees); protection of interests in property and remedies (conversion, detinue, trespass, unjust enrichment, set-off); introduction to bankruptcy and corporate insolvency; settlement of commercial disputes.

LLAW2001 Constitutional law (6 credits)

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 resumption of sovereignty and the Basic Law of the Hong Kong Special Administrative Region, its framework and content, interpretation and amendment; international dimension and external affairs; 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.

LLAW2003 Criminal law I (6 credits)

This course introduces students to the principles of Hong Kong criminal law and liability. Topics include the nature and classification of crime, elements of criminal procedure in Hong Kong, the burden of proof and the impact of constitutional human rights, and the general principles of criminal responsibility, including criminal defences and degrees of participation. Offences considered will include homicide and theft.

Co-requisite: LLAW2004 Criminal law II

LLAW2004 Criminal law II (6 credits)

This course examines further aspects of criminal law and liability in Hong Kong, including additional criminal defences and inchoate liability. It will examine the application of the general principles of criminal responsibility in selected criminal offence areas, including homicide, assaults, sexual offences, and theft and deception. Where possible, students will be encouraged to consider alternative approaches to the principles of liability, and to develop social policy analysis skills.

Prerequisite: LLAW 2003 Criminal law I

LLAW2009 Introduction to Chinese law (6 credits)

A general overview of the legal system and the basic principles of law in force in mainland China today. Topics to be covered include the historical background to the contemporary Chinese legal system; constitutional law; sources of law; the law-making institutions and processes; the courts, procuratorates and legal profession; basic principles of civil and criminal procedure and administrative litigation; basic principles of civil, commercial, administrative and criminal law; and the impact of globalisation on Chinese legal developments.

LLAW2013 and LLAW2014 Land law I and II (12 credits)

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; leasehold estates in Hong Kong; ownership and possession; tenure and estates; equitable interests; possession-recovery and protection of possession; adverse possession and possessory title.

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; ownership in multi-storey buildings; 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.

Land registration and priorities.

LLAW2015 Legal research and writing IV (3 credits)

Using materials from a range of substantive law courses, students will be required to complete a number of written assignments such as a draft legal brief and a revised version, clauses for or answering problem questions in relation to simple hire purchase, car parking, employment or tenancy agreements; a simple set of pleadings, an essay critically commenting on a legal journal article.

LLAW2016 Legal research and writing V (3 credits)

Students will be required to complete two supervised assignments, each involving the preparation of a research plan, working bibliography (if appropriate), full draft and final polished product. One assignment, to be completed in the first semester, will require research in an area of private law, probably in the form of an open memorandum. The other assignment will require research in an area of public or comparative law with the additional requirement of a presentation of the paper to a seminar of peers as a work in progress. The second assignment and presentation will be completed in the second semester.

LLAW3001. Introduction to legal theory (6 credits)

This course encourages critical reflections on the nature of law, the central issues of jurisprudence and the concepts and techniques used in the operation of legal systems. Topics to be covered may include some of the following: the relationship between law and morality; natural law; legal positivism; Ronald Dworkin's jurisprudence; utilitarianism and economic analysis of law; justice; liberty; rights; the Rule of Law; punishment; adjudication and legal reasoning; legal realism; sociological jurisprudence; critical legal studies; feminist jurisprudence; postmodern jurisprudence.

LLAW3093 Administrative law (6 credits)

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.

LLAW3094 and LLAW3095 Equity and Trusts I and II (12 credits)

History and nature of equity; equitable obligations (fiduciary obligations, breach of confidence other than trade secrets); equitable remedies (account, recession, 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.

LLAW3096 Mooting (3 credits)

The course is designed to introduce students to appellate advocacy in the form of a 'moot court' exercise. Students are required, in teams of two, to assume the role of counsel for one of the parties in an appeal from a fictional trial decision. They are required to prepare and submit to the 'court', a skeleton of their legal arguments, and a list of authorities, and to make oral argument before the court, to the satisfaction of the faculty member who is assigned to the court, and in conformity with the written mooting instructions issued to the students by the Faculty of Law.

LLAW3074 Research project (oral presentation) (6 credits)

Each student will be allocated a specific area of research, under the supervision of an assigned teacher. Students may be required to keep a research diary and assessment will primarily take the form of a separate viva for each student. Instruction will be given on appropriate research methodologies and strategies.

Law electives (listed in alphabetical order)**LLAW3006 Admiralty (6 credits)**

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.

LLAW3007 Alternative dispute resolution (6 credits)

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 (6 credits)

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 (6 credits)

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 (6 credits)

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.

LLAW3046 Children and the law (6 credits)

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.

LLAW3011 Chinese laws governing foreign investments (6 credits)

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.

LLAW3097 Civil procedure (6 credits)

The conduct of civil litigation in the High Court and District Court: considerations prior to commencement of action; jurisdiction of courts; parties and joinder; commencement of proceedings by writs and originating summonses; applications for judicial review; service of process; pleadings (Statement of Claim, Defences and Counter-Claims; Replies); summary disposal of actions; interlocutory proceedings; discovery; further and better particulars; interrogatories; admissions; pre-trial security; compromises and settlements; aspects of the civil trial and costs; civil appeals; costs; enforcement of judgements.

LLAW3015 Company law (6 credits)

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 (6 credits)

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.

LLAW3098 Constitutional and administrative law in the PRC (6 credits)

This course consists of two parts. The first part of the course examines the following topics: (1) China's constitutional development and reform, (2) the state system, (3) The status of the Chinese Communist Party, (4) citizen's rights and obligations, and (5) the social and economic system. Through comparative studies, students are expected to understand the major differences between the concepts under the Chinese Constitution and the features of western liberal constitutionalism and the difficulties, as well as perspectives, for China's constitutional reform.

The second part of the course focuses on China's administrative law system. Topics of this part include (1) historical foundation and development of the administrative system in China, (2) comparative studies of Chinese and western administrative law system, (3) administrative review including administrative reconsideration, punishment, and supervision, (4) judicial review or administrative litigation, and (5) state compensation. In contrast to the first part, this part is mainly conducted through case study format. Students are expected to analyse the issues in the cases by applying relevant laws and regulations.

LLAW3067 Construction law (6 credits)

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
-

LLAW3017 Copyright law (6 credits)

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.

LLAW3099 Criminal procedure (6 credits)

The conduct of criminal cases in Magistracies, District Courts and the High Court. Police powers including arrest, detention, search and seizure; questioning; remedies for abuse of police powers; bail; jurisdiction of criminal courts; formulation and amendment of charges; commencement of criminal proceedings; transfers and committals; indictments; preparation for trial and discovery in criminal proceedings; pleas; plea bargaining; juries and aspects of criminal trials; costs; sentencing options; criminal appeals.

LLAW3018 Criminology (6 credits)

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.

LLAW3066 Cross-border Legal Relations between the Mainland and Hong Kong (6 credits)

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.

LLAW3100 Current issues in comparative commercial law (6 credits)

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.

LLAW3092 Current issues in insolvency law (6 credits)

Insolvency cases in Hong Kong are at an all-time high and the entire insolvency legal regime – including the bankruptcy of individuals and the liquidation and rescue of companies – is in transition. This course will cover both personal and corporate insolvency and will address the ongoing initiatives to reform Hong Kong law.

Detailed knowledge of insolvency law is not a prerequisite. *The Hong Kong Corporate and Personal Insolvency Manuals* will be assigned and will provide students with both an overview of insolvency law in Hong Kong and a detailed analysis of practical considerations. Discussions in class will consider the adequacy of existing insolvency laws and procedures in Hong Kong and evaluate the strengths and weaknesses of the law reform amendments and proposals. Comparisons will be made with insolvency law developments in other jurisdictions.

There will be four primary areas covered: (1) personal insolvency law (both bankruptcy and voluntary arrangements); (2) corporate liquidation; (3) corporate rescue (including out-of-court rescues and the proposed Provisional Supervision procedures); and (4) cross-border insolvency.

LLAW3019 Current legal controversies (6 credits)

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.

LLAW3101 Cybercrime (6 credits)

‘Cybercrime’ refers to computer-mediated activities which are either criminal or regarded as illicit and which can be conducted through global electronic networks. It encompasses cybercrimes against the person (e.g. cyber-stalking, cyber-pornography), cybercrimes against property (e.g. hacking, viruses, causing damage to data, cyber-fraud), and cyber-terrorism. The computer age has also provided

organised crime with more sophisticated and potentially secure techniques for supporting and developing networks for a range of criminal activities, including drugs-trafficking, money laundering, illegal arms trafficking, and smuggling.

Cybercrime poses new challenges for criminal justice, criminal law, and law enforcement. This course will examine the nature of and problems created by cybercrime, along with some of the legal and policy challenges arising in relation to the development of national and international law enforcement and regulatory responses to cybercrime.

LLAW3088 Dispute Resolution in the PRC (6 credits)

This course examines the major features of commercial dispute resolution in the People's Republic of China. Chinese approaches to disputes and dispute settlement, including cultural and political influences, will be considered at the outset. The four principal Chinese institutions for commercial dispute resolution - amicable negotiations, conciliation, arbitration and litigation - will be the focus of the course, with an emphasis on commercial arbitration. Administrative channels for resolving disputes will also be discussed.

Both PRC foreign-related and domestic commercial arbitration will be treated at length. Arbitration before the China International Economic and Trade Arbitration Commission (CIETAC) will be a prominent feature of this part of the course, including an examination of the jurisdiction, procedures and practices of CIETAC. The emergence of reorganized domestic arbitration commissions will be discussed, including arbitral procedures and practices. Issues of enforcement of both Chinese and foreign arbitral awards in the PRC will also be covered.

Other topics include : institutional conciliation before the Beijing Conciliation Centre and in the People's Courts; joint conciliation; enforceability of conciliation agreements; foreign-related litigation in the People's Courts, including court organization, jurisdiction and venue, service of process, preservation measures, pre-trial and trial procedures, appellate procedures and enforcement of judgements; and bilateral judicial assistance agreements. A reading knowledge of simplified Chinese characters would be desirable.

LLAW3020 Economic analysis of law (6 credits)

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.

LLAW3063 Emerging markets : finance and investment (6 credits)

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, privatisation, regulation of foreign direct investment and related dispute resolution considerations from the emerging countries perspective.

LLAW3071 Equality and non-discrimination (6 credits)

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.

LLAW3091 Ethnicity, human rights and democracy (6 credits)

The rise of ethnic consciousness and the prevalence of conflicts based on diverse ethnic claims raise fundamental problems for rights and democracy. The course examines the causes of the rise of ethnicity and the challenges it poses to rights and democracy. The dominant modes of rights and liberal democracy, based on notions of the individual (or citizen) and social homogeneity, seem to clash with the claims of groups rights and cultural relativism. Many recent developments in the regime of rights and international law respond to this clash: the rise of rights of indigenous peoples, consociationalist democracy, new modes of expression of self-determination, developments in the rights of minorities, various forms of autonomy, the expansion of the scope of humanitarian intervention, and the adaptation of bills of rights to accommodate multi-culturalism.

LLAW3102 Evidence I (6 credits)

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.

Exclusion of evidence; self-incrimination; confession; unlawfully obtained evidence and human rights violation.

Privilege and public interest immunity.

Similar fact evidence.

Opinion and expert evidence.

LLAW3103 Evidence II (6 credits)

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.

Topics for study will be selected on a yearly basis from the following list: expert evidence; 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; 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 Evidence I or an equivalent course.)

LLAW3080 Governance and law (6 credits)

This course seeks to understand why the state regulates certain activities and behaviour in society, what different forms of regulation exist, when and what kind of legal regulation is deemed necessary, how legal regulation is enforced, and checks balances against abuse in enforcement. This course is jointly taught by staff from the Department of Politics and Public Administration and the Department of Law. The main objective of the course is to explore the interface between the study of Politics and Law in understanding governance. Relevant case studies will be included for illustration and discussion. To take this course, student must have successfully completed POLI1002 Fundamentals of Public Administration and LLAW3093 Administrative Law. Students are allowed to take either POLI0064 or LLAW3080 to fulfill the respective programme requirements for the Department of Politics and Public Administration or the Department of Law.

LAW3002 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.

LLAW3047 Hong Kong Basic Law (6 credits)

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.

LLAW3083 Human rights: history, theory and politics (6 credits)

This course will consider the evolution of concepts of human rights from historical, political, theoretical and philosophical perspectives. The Western traditions of human rights and the challenges to them will be examined. The issue of universal standards and cultural relativism and the political economy of human rights will also be examined, including the challenge to the dominant Western paradigms by the proponents of Asian values in interpreting and implementing human rights. Theoretical and practical questions relating to violations of human rights by non-State actors will also be considered, as will the impact of globalisation on the enjoyment of human rights. Feminist challenges to the dominant models and practice of human rights will also be examined.

LLAW3110 Human rights and cyberspace (6 credits)

The exponential growth of the Internet and World-wide web provides great opportunities for and poses significant challenges to enjoyment of human rights in many years. This course will examine a number

of areas in which the Internet revolution has provided new tools and opportunities for promoting the enjoyment of human rights, as well as for enabling violations of human rights:

- The use of the Internet for building human rights networks for the dissemination of information and the co-ordination of action at national and international levels.
- Issues of access to technology, in particular the opportunities for persons with certain disabilities provided by IT developments, the problems of accessibility and the legal obligations of e-service providers to ensure that their services are accessible to persons with disabilities.
- The use of the Internet for the dissemination of racist material and other forms of offensive material.
- Cyberstalking and harassment through the Internet.
- The global dimensions of the Internet: the difference between rich and poor, the issue of language.
- Gender and the Internet
- Freedom of expression and the Internet
- Jurisdictional and substantive law problems in relation to human rights and the Internet.
- Use of the Internet by non-governmental organisations for building international networks and co-ordinating activism of human rights issues.

LLAW3062 Human rights in China (6 credits)

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.

LLAW3022 Human rights in Hong Kong (6 credits)

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.

LLAW3065 Information technology law (6 credits)

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.

LLAW3024 Insurance law (6 credits)

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.

LLAW 3104 Intellectual property issues in biotechnology (6 credits)

This course explores the particular doctrines and issues concerning the patenting of biotechnological inventions in, *inter alia*, pharmaceuticals (including Chinese medicine), life forms, DNA sequences, cell lines, food productions, environmental protection and similar technologies. The course will survey the international dimension of biotechnology patenting with the focus on the development of Hong Kong and mainland China. Particularly, the course will introduce students to the biotechnology revolution and the commercialisation of biotechnological discoveries through patenting. Patent systems of various countries such as the US, EU, Hong Kong and mainland China concerning biotechnology will be examined. The course also briefly introduces other forms of intellectual property protection for biotechnology such as copyright, trademarks and trade secrets. In addition, the debates surrounding the exploitation of raw materials and traditional knowledge of the lesser developed countries such as South Africa and India by the advanced nations for the pharmaceutical inventions will be discussed.

Previous study or concurrent enrolment in any basic intellectual property course is recommended but not required. Scientific and technical background is helpful but not required.

LLAW3033 Intellectual property law (6 credits)

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.

LLAW3084 Intellectual property and technology: protecting and managing digital assets (6 credits)

This course examines intellectual property rights such as patents, trademarks and copyright and the challenges faced by them in the on-line world. The course will also examine the various forms of protection for software. Enforcement issues in the on-line world will also be considered as will issues specific to e-commerce such as domain names and strategies for the protection of web sites.

The following topics may be covered:

- A brief history of intellectual property and its nature.
- Intellectual property rights: patents, trademarks, copyright, registered designs - the nature of each right; the protection offered by each of these rights and how it can be obtained; duration of protection; infringement and enforcement; intellectual property laws in Hong Kong.
- The nature of software : copyright or patent protection for software; diverging views and provisions in the United States, Europe and Hong Kong. The patentability of software US vs European/Hong Kong view. Patents for business methods - the position in the US, Europe and Hong Kong. Disputes over patents for business methods : *Amazon.com v Barnesandnoble.com*; *Network Engineering Software Inc. v eBay Inc.*; *Winston v Ask Jeeves Inc.* etc.
 - The challenges of intellectual property in the Internet Age: the territorial nature of intellectual property rights; international efforts to harmonise intellectual property rights; TRIPS obligations; European Community Directives. Copyright in the Information Society - the end of the first sale doctrine? Copyright infringement in the on-line world -hyper linking, framing, caching, browsing, 'down stream infringement', *Napster*, *MP3*.
 - Domain name issues. The decentralised nature of the Internet and the management of unique identifiers. The domain name system explained. Challenges to the domain name system *PGMedia Inc D/B/A/Name.Space v Network Solutions Inc. and the National Science Foundation*. The formation of ICANN, its role and mandate. Disputes over domain names and ICANN's 1999 Uniform Dispute Resolution Policy. Cybersquatters and typo-squatters. An overview of UDRP decisions in the past year. Domain name trends and new initiatives. Domain names in Hong Kong - the overhaul of the existing system. Chinese language domain names - VeriSign vs CNNIC registrations.
- Trademarks, passing-off and domain names - where should the analogies end?
- Protecting your website - IP strategies for websites. Branding and co-branding issues.
- Trade Secrets and the Internet
 - Trademark infringement in the on-line world - domains and hidden trademark infringement (meta-tags). A look at case law from Hong Kong, Europe and the United States. The application of the fair use doctrine and implied licences on the Internet. Establishing jurisdiction for intellectual property cases on the Internet; enforcement issues on the Internet - which remedy is useful in cyberspace?

LLAW3085 International and comparative intellectual property law (6 credits)

This course examines the international framework within which intellectual property law operates, including copyright, patents, trade marks, designs and other forms of intellectual property. The course examines how multilateral Conventions and other agreements such as TRIPS shape national intellectual property laws, the effect of international bodies such as WIPO and WTO, the role of bilateral agreements, and other international influences on the development of intellectual property laws. Previous or concurrent study of intellectual property is recommended to students considering this course.

LLAW3086 International and regional protection of human rights (6 credits)

This course will examine the evolution of international standards of human rights within the United Nations system and the mechanisms established to promote their enjoyment. The topics to be covered will include the development and content of the International Bill of Rights, the major United Nations human rights treaties and the work of the United Nations treaty bodies. The Charter-based mechanisms of the United Nations will be examined, including the Commission on Human Rights and its thematic and country-specific procedures. Particular attention will be given to the relevance of these mechanisms to the Asian-Pacific region.

The European, Inter-American and African regional systems for the protection of human rights will also be considered, in particular the work of their supervisory organs. The possibilities for an Asian regional or sub-regional human rights machinery for the protection of human rights will also be examined.

LLAW3025 International commercial litigation (6 credits)

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.

LLAW3076 International commercial transactions (6 credits)

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 sales agreements, shipping contracts, insurance and financing arrangements, and customs documentation. 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 judgements.

LLAW3057 International criminal law (6 credits)

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.

LLAW3026 International human rights (6 credits)

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.

LLAW3058 International mooting competition (6 credits)

Students who have been selected as members of the team to represent the University of Hong Kong in one of the international mooting competitions listed below (or any other mooting competition approved by the Faculty Board) are eligible to enrol in this course.

The competitions are the William C Vis International Commercial Arbitration Moot (takes place in Vienna), the International Environmental Law Moot Court Competition, the Telders International Human Rights Law Moot, the Cardozo International Intellectual Property Moot, and the Manfred Lachs Space Law Moot Competition.

These competitions involve the preparation as members of a team of substantial written memorials, as well as participation in oral rounds.

A member of the Faculty will act as supervisor for those enrolled in the course. Assessment for the course may include components for written work, oral advocacy, and a brief individual research paper.

With the Head's permission, it is possible to take this course on a non-credit earning basis.

LLAW3027 International organizations (6 credits)

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.

LLAW3028 International trade law I (6 credits)

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 (6 credits)

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.

LLAW3070 International trade regulation I: introduction to the law of the WTO (6 credits)

“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.

LLAW3077 International trade regulation II: selected issues on WTO and China (6 credits)

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.

LLAW3078 Introduction to international economic law (6 credits)

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.

LLAW3030 Introduction to private international law (6 credits)

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.

LLAW3032 Issues in family law (6 credits)

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.)

LLAW3059 Jessup international law moot court competition (6 credits)

The Philip C. Jessup International Law Moot Court Competition is an international mooting competition in the field of public international law. Teams of up to five members prepare written memorials on a problem involving contemporary issues of international law, and participate in the Hong Kong regional mooting competition; the winner of the regional round is entitled to participate in the international rounds held in the United States. The deadline for the submission of the written briefs is normally early January; the oral rounds normally take place in February (Hong Kong) and late March/early April (international rounds).

Eligibility for enrolment in the course is limited to those students who have been selected as members of the team to represent the University of Hong Kong. A member of the Faculty will act as supervisor for those enrolled in the course. Assessment for the course may include components for written work, oral advocacy, and a brief individual research paper.

With the Head's permission, it is possible to take this course on a non-credit earning basis.

LLAW3034 Labour law (6 credits)

This course is intended to provide an introduction to the major issues in labour and employment law in Hong Kong. It is concerned with the law governing the workplace: the common law of the contract of employment, the statutory provisions regulating the contract of employment and governing the rights and obligations of workers and employers, workers' entitlements under legislation, workplace safety, the right to compensation for work-related injury, protection against discrimination, and collective rights such as the right to form trade unions, to bargain and to strike. International law, in the form of the International Labour Organisation conventions as well as the major UN conventions on human rights, and their interface with domestic law, will be considered.

LLAW3035 Law in East Asia (6 credits)

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.

LLAW3036 Law, justice and ideology (6 credits)

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.

LLAW3105 Law of conveyancing (6 credits)

System of land tenure in Hong Kong; Government leases and Conditions; user restrictions and modification of restrictions; planning and building controls; deeds of mutual covenant and building management; sale and purchase agreements; formalities; the nature of title, good and doubtful titles; possessory title; limitations on title; proof of title; completion; registration of instruments; assignments; remedies for breach; mortgages.

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.

LLAW3048 Law of restitution (6 credits)

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 Law of the sea (6 credits)

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.

LLAW3061 Law, the individual and the community : a cross-cultural dialogue (6 credits)

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.)

LLAW3090 Legal aspects of white collar crime (6 credits)

The course applies international and comparative perspectives to the problem of white collar crime in the HKSAR. The topics covered include defining 'white collar crime', money laundering, terrorist financing, forfeiture/confiscation of crime tainted property, corporate criminal liability, punishing the corporation, investigating and prosecuting white collar crime, and possibly others.

LLAW3073 Media law (6 credits)

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.

LLAW3040 Medico-legal issues (6 credits)

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.

LLAW3081 PRC commercial law (6 credits)

The course will examine the legal framework governing commercial transactions in mainland China. Special attention will be paid to General Principles of Civil Law, Contract Law, Company Law, Bankruptcy Law, Securities Law, and other principal legislation in the area. Dispute resolution will also be briefly discussed. In order to enable students to better appreciate the rapid legal development and practical issues, the course will be taught in Putonghua and examined in Chinese. Problem solving approach will be used in the course.

Pre-requisite: completion of Introduction to Chinese Law or the equivalent and sufficient Chinese proficiency.

LLAW3041 PRC civil and commercial law (6 credits)

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.

LLAW3107 PRC civil law (6 credits)

This course will introduce the fundamental legal concepts relating to civil relations and transactions in the PRC as well as the principles underlying the areas of law, including property, torts, and contracts. Both a descriptive account of the law and interdisciplinary methods of studying some areas of the law such as tort law and contract law of the PRC will be provided. Through the study of the above specific areas of law, students will be provided with the necessary analytical skills and judgmental power which are essential to their future work.

Knowledge in written Chinese and Putonghua is essential as the course will be taught in Chinese and Putonghua.

LLAW3108 PRC criminal law and procedure (6 credits)

This course will examine the structure of criminal liabilities under Chinese criminal law and the stages of criminal process on the mainland of the People's Republic of China (PRC). It will consider: (1) the organisations of criminal law in China and their relationship; (2) the changing rules of criminal liabilities and criminal process and their political and social contexts; and (3) the operations of the criminal law and the culture of criminal justice system in China. Major topics of the course include: definition of crime in the PRC, structure and principles of PRC criminal law, commercial crimes in the market economy, powers in criminal investigation, the judiciary and criminal trial, rules of evidence, and rights of the accused.

LLAW3109 PRC economic law (6 credits)

This course examines the basic legislation of economic law in China, including banking law, consumer protection law, product quality law, anti-unfair competition law and taxation law. The study will focus on the functions of the government in the business environment of China today. The course will enable students not only to understand that general principles and laws in these areas, but also to appreciate relevant policy issues in the context of China's transition towards a market economy. The commitments of the Chinese Government on its accession to the WTO will also be addressed.

LLAW3087 PRC intellectual property law (6 credits)

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).

LLAW3042 Planning and environmental law (6 credits)*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.

LLAW3043 Principles of family law (6 credits)

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.

LLAW3072 Principles of Hong Kong taxation on income (6 credits)

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.

LLAW3075 Privacy and data protection (6 credits)

This course will consider the question of protection of privacy by the common law, bills of rights, the constitution, with particular reference to electronic surveillance and the conflict between privacy and free speech, including problems related to the Internet. Specific issues to be discussed will include: the concept of 'privacy' and the genesis and development of its political, philosophical and economic underpinnings, background to the legislation; existing common law and statutory protection: the equitable remedy for breach of confidence, defamation, copyright, the intentional infliction of emotional distress, the public interest, remedies, electronic surveillance, interception of communications, telephone tapping under the Telecommunication Ordinance, the protection of 'personal information', the data protection principles, data matching and PINS, access rights, transborder data flow, the Privacy Commissioner: powers, functions, exemptions from the principles, the sectoral codes, the international dimension: UN Guidelines, Council of Europe Convention and OECD Guidelines, Council of the EC draft directive, Articles 17 and 19 of the ICCPR, Article of the BORO, the ECHR, and the Internet and the protection of personal information.

LLAW3044 Public international law (6 credits)

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.

LLAW3082 Regulation of cyberspace II: internet content (6 credits)

Regulation of content in cyberspace is plagued with many difficulties. The ability to access and utilize information over the global network has made regulations and laws regulating to the Internet a challenging prospect. As existing legal and regulatory principles continue to be adapted to the online environment, novel issues arise. This course will examine many of the inherent difficulties including Internet Service Provider liability for third party content, censorship and access control, the role of technology in protecting and shielding entities from liability, the difficulty in promulgating international standards, and the unique problems of jurisdiction and regulatory arbitrage in cyberspace.

The course is divided into three themes where topics may include:

1. Internet Jurisdiction and Liability
 - Jurisdiction everywhere vs. jurisdiction nowhere
 - Internet Service Provider Liability
2. Censorship and Freedom of Expression in Cyberspace
 - Censorship of Internet Content and Internet Access (Internet access policies, firewall technology, filtering systems, laws)
 - Control of search engines (The Google Effect – censorship and anticensorship technology)
 - Defamation
 - Commercial speech
 - Harmful content/Obscenity
 - Hate speech
 - Private regulation of speech through nontransparent methods
 - Regulation of speech through computer code (technologies)
3. Select Issues in Intellectual Property
 - Copyright and other protection of Internet content (hypertext linking, caching, search engines, meta-tag, etc.)
 - Mounting tension between intellectual property protection and freedom of expression
 - Liability of ISPs for IP infringements by others
 - Technologies used to prevent works distributed via the Internet and to ensure their lawful use (digital rights management systems, spiders, bots, and other tracking devices)

This course will be a one-semester course conducted in a seminar format where students are expected to be well prepared and participate in class. Previous exposure to intellectual property law and information technology law is an asset but is by no means a pre-requisite.

LLAW3069 Regulation of financial markets (6 credits)

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.

LLAW3045 Remedies (6 credits)

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.

LLAW3068 Rights of the child in international and domestic law (6 credits)

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.

LLAW3050 Securities regulation (6 credits)

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 globalisation.

LLAW3051 Selected problems of international law (6 credits)

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.

LLAW3052 Shipping law (6 credits)

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

LLAW2010/LLAW2011 Social justice summer internship (3 credits/6 credits)

This is a programme offered to both law (including law mixed degree) and social sciences students. A law student will be paired up with a social sciences student in a placement with a voluntary agency or a public authority between June and August for a period of not less than 4 weeks. During the placement, students will work as volunteers for the agency/authority at the instructions and supervision of the relevant staff of the agency/authority. A joint report shall be submitted to the programme director within 6 weeks after the end of the placement. The report shall include 2 parts. The first part shall cover the nature of work they have done during the placement. The second part shall consist of their observations on social justice. In particular, it shall discuss how the social/legal system works, its strengths and weaknesses, the necessity for improvement in terms of organization and legislation. Participating students may also be required to do a presentation of their reports.

The course will be assessed on a pass/fail basis and will not be counted towards the calculation of the CGPA/WGPA or honours classification. However, it will be recorded on the official transcript.

If a student has completed the 3-credit course and has completed a research paper as prescribed by the teacher in charge, the course shall be counted as 6 credits and will be counted towards the CGPA/WGPA and honours classification.

If a student has chosen to combine this course with the course “LLAW 3002 Guided Research”, the course will be assessed according to the criteria and treated according to the arrangements of the “Guided Research” course.

LLAW3053 Sociology of law (6 credits)

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.

LLAW3054 Succession (6 credits)

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 (6 credits)

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.

LLAW3004 Use of Chinese in law II (6 credits)

This course is designed to allow the teaching of law in the Chinese language. Its subject matter will vary according to the teacher concerned but must be the same as an option course on an area of the law using English as the medium of instruction and offered as part of the LLB programme by the Faculty. This course teaches the substantive content of that course (the title of which will appear in brackets as part of the title of this course on the official academic transcript) as well as Chinese language legal skills, and the assessment will be based on both substantive legal knowledge and the ability to use Chinese in expressing the law.

In addition to the study of the law through English materials, students will be required to do translation exercises and to study Chinese language materials on relevant legal concepts and doctrines. Students who take this course cannot receive double credits by taking the optional course taught in English on the same area of law, and students who have already taken that course cannot take this course.

The medium of coursework and examination will be Chinese.

**REGULATIONS FOR THE DEGREE OF
BACHELOR OF LAWS
(LLB)**

These regulations apply to students admitted to the first year of study in the academic year 1998-99 and thereafter.

(See also General Regulations and Regulations for First Degree Curricula)

Eligibility for admission

- LL 1. To be eligible for admission to the degree of Bachelor of Laws a candidate shall
- (a) comply with the General Regulations;
 - (b) comply with the Regulations for First Degree Curricula; and
 - (c) satisfy all the requirements of the curriculum in accordance with these Regulations and syllabuses.
-

The curriculum

- LL 2. The curriculum for the degree of Bachelor of Laws shall extend over not less than three years and not more than five years of full-time study, except with the approval of the Board of the Faculty of Law.
-

Completion of the curriculum

- LL 3. To complete the curriculum a candidate shall
- (a) satisfy the requirements prescribed in UG3 of the Regulations for First Degree Curricula, and either obtain a pass in an Information Technology proficiency test or successfully complete a 3-credit course in Information Technology;
 - (b) follow instruction and attend classes as required;
 - (c) (subject to LL 10 below) pass in courses totalling at least 180 credits in value as follows :
 - (i) all of the following courses :
 - Administrative law (6 credits)
 - Constitutional law (6 credits)
 - Criminal law I (6 credits)
 - Criminal law II (6 credits)
 - Equity and introduction to trusts I and II (12 credits)
 - Introduction to legal theory (6 credits)
 - Introduction to PRC Law (6 credits)
 - Law and society I and II (12 credits)
 - Law of contract I and II (12 credits)
 - Law of tort I and II (12 credits)
 - The legal system (6 credits)
 - Property law I and II (12 credits)
 - Legal skills (9 credits)
 - English skills for legal study (3 credits)
 - Writing solutions to legal problems (3 credits)
 - Practical Chinese language course for law students (3 credits)*
 - Moot court (3 credits)
- [*or a substitute 3-credit course in other languages approved by the Head of the Department of Law where the candidate has been exempted from this course.]

- (ii) courses selected from the following with a total of 42 to 48 credits in value:

Twelve-credit courses

Guided research (12 credits)
 Human rights law (12 credits)
 Use of Chinese in law II (12 credits)

Six-credit/Three-credit courses

Administrative law (6 credits)
 Admiralty (6 credits)
 Alternative dispute resolution (6 credits)
 Bank security (6 credits)
 Banking law (6 credits)
 Business associations (6 credits)
 Chinese laws governing foreign investments (6 credits)
 Civil litigation (6 credits)
 Commercial law I (6 credits)
 Commercial law II (6 credits)
 Commercial law in mainland China (6 credits)
 Company law (6 credits)
 Comparative law (6 credits)
 Construction law (6 credits)
 Copyright law (6 credits)
 Criminology (6 credits)
 Cross-border legal relations between the Mainland and Hong Kong (6 credits)
 Current legal controversies (6 credits)
 Economic analysis of law (6 credits)
 Emerging markets : finance and investment (6 credits)
 Equality and non-discrimination (6 credits)
 Fundamentals of evidence and trial procedure (6 credits)
 Human rights in Hong Kong (6 credits)
 Human rights in China (6 credits)
 Information Technology Law (6 credits)
 Insolvency law (6 credits)
 Insurance law (6 credits)
 International commercial litigation (6 credits)
 International commercial transactions (6 credits)
 International criminal law (6 credits)
 International human rights (6 credits)
 International moot competition⁺ (6 credits)
 International organizations (6 credits)
 International trade law I (6 credits)
 International trade law II (6 credits)
 International Trade Regulation I : Introduction to the Law of the WTO (6 credits)
 International Trade Regulation II : Selected Issues on WTO and China (6 credits)
 Introduction to International Economic law (6 credits)
 Introduction to private international law (6 credits)
 Issues in evidence and trial procedure (6 credits)
 Issues in family law (6 credits)
 Issues in intellectual property law (6 credits)
 Jessup international law moot court competition⁺ (6 credits)
 Labour law (6 credits)
 Law in East Asia (6 credits)
 Law, justice and ideology (6 credits)
 Law of agency (6 credits)
 Law of International Finance I – Debt (6 credits)

Law, the individual and the community: a cross-cultural dialogue (6 credits)
 Legal fictions: representations of the law in literature,
 philosophy and cinema (6 credits)
 Legal history (6 credits)
 Media law (6 credits)
 Medico-legal issues (6 credits)
 People's Republic of China civil and commercial law (6 credits)
 Planning and environmental law (6 credits)
 Principles of family law (6 credits)
 Principles of Hong Kong taxation on income (6 credits)
 Public international law (6 credits)
 Regulation of financial markets (6 credits)
 Remedies (6 credits)
 Research project (oral presentation) (6 credits)
 Securities regulation (6 credits)
 Selected problems of international law (6 credits)
 Shipping Law (6 credits)
 Social justice summer internship (3 or 6 credits)
 Sociology of law (6 credits)
 Succession (6 credits)
 The child and the law (6 credits)
 The Hong Kong Basic Law (6 credits)
 The law of the sea (6 credits)
 The law of restitution (6 credits)
 The rights of the child in international & domestic law (6 credits)
 Use of Chinese in Law I (6 credits)

Subject to the approval of Head of the Department of Law, those courses listed in the LLM curricula which may be specified from year to year (courses are of either 6 or 12 credits) to be made available to LLB students.

- (iii) Unless the Head of the Department of Law approves otherwise, when selecting from the courses listed in (ii) above, a candidate must select in the third year of study at least one Designated Research Course. The following courses are Designated Research Courses :^①

Research project (oral presentation)
 Guided research
 Jessup international law moot court competition
 International mooting competition

- (iv) courses (other than any mentioned above) with a total of 9 to 15 credits in value selected from courses offered by any department or division of this University other than the Department of Law (or in exceptional cases offered by another University or comparable institution in Hong Kong or elsewhere), provided that approval by the Head of the Department of Law for the candidate to take the course for the purpose of completing the LLB curriculum has been obtained. Such courses must include a 3-credit course in "Science and Technology Studies" under UG 3(a)(iii) and a 3-credit course under UG 3(a)(iv).

- * Enrolment in the courses marked with (+) is limited to those candidates who have been selected as members of the mooting competition team to represent the University.

Note^①: This requirement is applicable to students admitted to the curriculum from the academic year 2002-03 onwards.

Advanced standing

LL 4. The Board of the Faculty of Law may exempt any candidate from any of the courses, and award equivalent credits to such candidate (by way of advanced standing under UG2 of the Regulations for First Degree Curricula), on the ground that appropriate courses have been completed successfully elsewhere : provided that no candidate shall be eligible for the award of the degree of Bachelor of Laws without having earned at least 120 credits by passing courses at this University.

Order of study

LL 5. The following courses shall be taken in the first, second and third years of study respectively unless the Head of the Department of Law approves otherwise:

First Year (60 credits in total)

Law of contract I and II (12 credits)
 Law and society I and II (12 credits)
 Law of tort I and II (12 credits)
 The legal system (6 credits)
 Legal skills (9 credits)
 English skills for legal study (3 credits)
 Writing solutions to legal problems (3 credits)
 Practical Chinese language course for law students (3 credits)

Second Year (60 credits in total)

Administrative law (6 credits)
 Constitutional law (6 credits)
 Criminal Law I (6 credits)
 Criminal Law II (6 credits)
 Equity and Introduction to Trusts I and II (12 credits)
 Introduction to PRC Law (6 credits)
 Property Law I and II (12 credits)
 Elective courses outside the Department of Law (6 credits)

Third Year (60 credits in total)

Introduction to legal theory (6 credits)
 Moot court (3 credits)
 Optional courses in the Department of Law (42 to 48 credits)
 Other elective courses outside the Department of Law (3 to 9 credits)

- (1) A 3-credit course in “Science and Technology Studies” must be included in the 9 to 15 credits of electives offered outside the Department of Law.
- (2) A 3-credit course in Information Technology taken in accordance with LL3(a) above shall be counted as an additional 3 credits on top of the 180 credits as set out in LL5.
- (3) The 3-credit course in Moot Court taken in accordance with LL3(c)(i) shall be graded with pass/fail and shall not be counted towards the calculation of the GPA.

Selection of courses

LL 6. Unless the Head of Department of Law determines otherwise a candidate shall take courses totalling 60 credits in value in each year. Candidates shall select their courses in accordance with these regulations and the guidelines specified in the syllabus by a prescribed date before the beginning of the academic year. Such selection shall be subject to approval by the Head of Department of Law. Changes to the selection of courses may be made subject to the approval of the Head of the Department of Law during the first two weeks of each semester, and such changes shall not be reflected in the transcript of the candidate. Requests for changes after the first two weeks of a semester shall not normally be considered.

Assessment

LL 7. A candidate shall pass a course if the Board of Examiners is satisfied by the candidate's performance in the assessment, which may be conducted in any one or any combination of the following manners: written examination or test, written assignment or exercise, continuous assessment of performance, research or project report, or any other manner.

Grades

LL 8. Grades shall be awarded in accordance with UG5 of the Regulations for First Degree Curricula. Any course for which a candidate is given an F grade shall not be counted towards the degree, but shall be recorded on the transcript of the candidate. A pass in the Information Technology proficiency test or 3-credit course in Information Technology under LL3(a) shall be recorded on the transcript but shall not count towards the cumulative GPA.

Failure to pass a course

LL 9.

- (1) Any candidate who has failed to pass a course or courses in the manner provided for in these Regulations may be permitted by the Board of Examiners
 - (a) to sit a supplementary examination (or take any relevant assessment or re-assessment); or
 - (b) to repeat the course or courses by following instruction and taking the prescribed examination (or any relevant assessment or re-assessment), or by taking the prescribed examination (or any relevant assessment or re-assessment) without following instruction; or
 - (c) to undertake the study of any alternative course or courses which enable completion of the curriculum.
- (2) Where a candidate is required to sit a supplementary examination or be assessed or re-assessed under (1)(a) and (c) or to repeat a course or courses under (1)(b), the new grade obtained shall replace the previous F grade in the calculation of the cumulative GPA, but the previous F grade may be recorded on the transcript.
- (3) A candidate shall not be permitted to repeat a course for which he or she has received a pass grade for upgrading purposes.

Overall pass

LL 10.

- (1) Subject to LL 3, LL 4 and LL 6, a candidate who has passed courses totalling 180 credits in value under LL 3(c) shall be awarded the degree of LL.B.
 - (2) A pass in “English skills for legal study” and “Writing solutions to legal problems” shall be deemed to satisfy the English language enhancement requirement specified in UG3(a)(i).
 - (3) A pass in “Practical Chinese language course for law students” shall be deemed to satisfy the Chinese language enhancement requirement specified in UG3(a)(ii).
-

Discontinuation of study

LL 11. A candidate who has failed to pass a course or courses shall be recommended for discontinuation of study under the General Regulations if not permitted to continue his or her studies under LL 9 above.

Absence from an examination

LL 12. Candidates who are unable through illness or other acceptable reason to attend for examination may apply for permission to attend for examination at some other time.

Pass lists

LL 13. The degree of Bachelor of Laws shall be awarded in five divisions and normally on the basis of cumulative GPA :

First Class Honours
 Second Class Honours Division One
 Second Class Honours Division Two
 Third Class Honours
 Pass

SYLLABUSES FOR THE DEGREE OF BACHELOR OF LAWS

COURSE DESCRIPTIONS

The courses available to students are listed below. Where two courses are described as "I and II (12 credits)", this means that they may either be taught separately in two semesters in the same academic year or be taught as one combined course in one semester, and may either be examined separately or at the same time.

Compulsory Courses

LLAW2003 Criminal law I (6 credits)

This course introduces students to the principles of Hong Kong criminal law and liability. Topics include the nature and classification of crime, elements of criminal procedure in Hong Kong, the burden of proof and the impact of constitutional human rights, and the general principles of criminal responsibility, including criminal defences and degrees of participation. Offences considered will include homicide and theft.

Co-requisite: LLAW2004 Criminal law II

LLAW2004 Criminal law II (6 credits)

This course examines further aspects of criminal law and liability in Hong Kong, including additional criminal defences and inchoate liability. It will examine the application of the general principles of criminal responsibility in selected criminal offence areas, including homicide, assaults, sexual offences, and theft and deception. Where possible, students will be encouraged to consider alternative approaches to the principles of liability, and to develop social policy analysis skills.

Prerequisite: LLAW 2003 Criminal law I

LLAW2009 Introduction to PRC Law (6 credits)

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

LLAW1001 and LLAW1002 Law of contract I and II (12 credits)

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).

LLAW1003 and LLAW1004 Law and society I and II (12 credits)

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.

LLAW1005 and LLAW1006 Law of tort I and II (12 credits)

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).

LLAW1007 Legal Skills (9 credits)

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.

LLAW1008 The legal system (6 credits)

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.

LLAW2001 Constitutional law (6 credits)

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.

LLAW2002 Administrative law (6 credits)

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.

LLAW2005 and LLAW2006 Property law I and II (12 credits)

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.

LLAW2007 and LLAW2008 Equity and Introduction to Trusts I and II (12 credits)

History and nature of equity; equitable obligations (fiduciary obligations, breach of confidence other than trade secrets); equitable remedies (account, recession, 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.

LLAW3001 Introduction to legal theory (6 credits)

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.

ECEN1601 English skills for legal study (3 credits)

This course is designed to make students aware of how legal rules and reasoning are realized through the language of cases and statutes. At the same time it provides them with a set of strategies for coping with the lengthy and complex texts that they will encounter on their tort course and, by extension, other first year courses. The course also provides opportunities for students to present, discuss and receive feedback on their handling of legal problems in seminar mode. Assessment is wholly by coursework.

ECEN1602 Writing solutions to legal problems (3 credits)

This course builds on the skills acquired in the previous English skills for legal study course but the focus is now on writing solutions to legal problems within a time limit. Students learn to retrieve and structure their knowledge of tort law as they frame written responses to the kinds of legal issues typically found in tutorial and examination questions. The initial focus is at the level of overall organization of arguments and then on the control of grammar, vocabulary and stylistic features. Students receive substantial individual feedback on their own writing. Achievement is wholly by coursework.

CLAW1009 Chinese language and communication (3 credits)

This course is designed to teach the basic skills of practical Chinese, to help students learn the characteristics of Chinese legal language so as to be able to express ideas and opinions in Chinese in a legal context, as well as to enable students to realize that language proficiency is a lifelong self-learning process. The course, which lasts for one semester, will include teaching in a variety of basic practical Chinese writing skills, with an emphasis on the writing of Chinese legal language. Equal weight will be given to coursework and examination in assessment.

Twelve-credit Courses**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.

LLAW3003 Human rights law (12 credits)

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.

LLAW3004 Use of Chinese in law II (12 credits)

This course is designed to allow the teaching of law in the Chinese language. Its subject matter will vary according to the teacher concerned but must be the same as an optional course on an area of the law using English as the medium of instruction and offered as part of the LL.B. programme by the Faculty. This course teaches the substantive content of that course (the title of which will appear in brackets as part of the title of this course on the student's transcript) as well as Chinese language legal skills, and the assessment will be based on both substantive legal knowledge and the ability to use Chinese in expressing the law.

In addition to the study of the law through English materials, students will be required to do translation exercises and to study Chinese language materials on relevant legal concepts and doctrines.

Students who take this course cannot receive double credits by taking the optional course taught in English on the same area of law, and students who have already taken that course cannot take this course.

The medium of coursework and examination will be Chinese.

Six-credit Courses**LLAW3006 Admiralty (6 credits)**

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.

LLAW3007 Alternative dispute resolution (6 credits)

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 (6 credits)

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 (6 credits)

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 (6 credits)

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 (6 credits)

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.

LLAW3012 Civil litigation (6 credits)

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.

LLAW3013 Commercial law I (6 credits)

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.

LLAW3014 Commercial law II (6 credits)

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.

LLAW3015 Company law (6 credits)

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 (6 credits)

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.

LLAW3017 Copyright law (6 credits)

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.

LLAW3018 Criminology (6 credits)

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.

LLAW3019 Current legal controversies (6 credits)

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.

LLAW3020 Economic analysis of law (6 credits)

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 (6 credits)

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.

LLAW3022 Human rights in Hong Kong (6 credits)

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.

LLAW3023 Insolvency law (6 credits)

Hong Kong insolvency law is in the midst of on-going reform. This course will cover the law of personal insolvency (bankruptcy and individual voluntary arrangement (IVA)), corporate insolvency (winding up and corporate rescue), and the recovery of debts generally. Attention will be paid to existing law and proposed reforms, as well as to the underlying (and at times competing) philosophies and principles.

Bankruptcy and IVA – the focus will be on the changes made by the Bankruptcy (Amendments) Ordinance 1996 that came into operation on 1 April 1998, including grounds for commencement, jurisdiction, consequences of the petition and of the making of the bankruptcy order, examination of the debtor, property of the estate, discharge, and the exercise of avoidance powers.

Winding up – the differences between voluntary and compulsory liquidations will be examined although compulsory liquidations will be considered in more detail. Among the topics covered will be grounds for commencement, jurisdiction, consequences of the petition and of the making of the winding-up order, actions against directors, proof of debts, set-off, and the exercise of avoidance powers.

Corporate rescue – the HKMA/HKAB guidelines for corporate debt restructuring and workouts will be considered, as will the governments' proposed provisional supervision scheme. Among the topics considered will be commencement, the moratorium, the provisional supervisor, the role of secured creditors, and the treatment of workers.

LLAW3024 Insurance law (6 credits)

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 (6 credits)

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.

LLAW3026 International human rights (6 credits)

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.

LLAW3027 International organizations (6 credits)

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.

LLAW3028 International trade law I (6 credits)

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 (6 credits)

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.

LLAW3030 Introduction to private international law (6 credits)

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.

LLAW3031 Issues in evidence and trial procedure (6 credits)

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.

Topics for study will be selected on a yearly basis from the following list: expert evidence; 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; 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.)

LLAW3032 Issues in family law (6 credits)

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.)

LLAW3033 Issues in intellectual property law (6 credits)

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 (6 credits)

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).

LLAW3035 Law in East Asia (6 credits)

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.

LLAW3036 Law, justice and ideology (6 credits)

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.

LLAW3037 Law of agency (6 credits)

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.

LAW3038 Legal fictions: representations of the law in literature, philosophy and cinema (6 credits)

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.

LLAW3039 Legal history (6 credits)

LLAW3040 Medico-legal issues (6 credits)

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.

LLAW3041 People's Republic of China civil and commercial law (6 credits)

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.

LLAW3042 Planning and environmental law (6 credits)

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.

LLAW3043 Principles of family law (6 credits)

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 (6 credits)

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.

LLAW3045 Remedies (6 credits)

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.

LLAW3046 The child and the law (6 credits)

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.

LLAW3047 The Hong Kong Basic Law (6 credits)

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.

LLAW3048 The law of restitution (6 credits)

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 (6 credits)

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.

LLAW3050 Securities regulation (6 credits)

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 globalisation.

LLAW3051 Selected problems of international law (6 credits)

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.

LLAW3052 Shipping law (6 credits)

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.

LLAW3053 Sociology of law (6 credits)

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.

LLAW3054 Succession (6 credits)

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 (6 credits)

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.

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.

LLAW3057 International criminal law (6 credits)

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.

LLAW3058 International mooting competition (6 credits)

Students who have been selected as members of the team to represent the University of Hong Kong in one of the international mooting competitions listed below (or any other mooting competition approved by the Faculty Board) are eligible to enrol in this course.

The competitions are the William C Vis International Commercial Arbitration Moot (takes place in Vienna), the International Environmental Law Moot Court Competition, the Telders International Human Rights Law Moot, the Cardozo International Intellectual Property Moot, and the Manfred Lachs Space Law Moot Competition.

These competitions involve the preparation as members of a team of substantial written memorials, as well as participation in oral rounds.

A member of the Faculty will act as supervisor for those enrolled in the course. Assessment for the course may include components for written work, oral advocacy, and a brief individual research paper.

With the Head's permission, it is possible to take this course on a non-credit earning basis.

LLAW3059 Jessup international law moot court competition (6 credits)

The Philip C. Jessup International Law Moot Court Competition is an international mooted competition in the field of public international law. Teams of up to five members prepare written memorials on a problem involving contemporary issues of international law, and participate in the Hong Kong regional mooted competition; the winner of the regional round is entitled to participate in the international rounds held in the United States. The deadline for the submission of the written briefs is normally early January; the oral rounds normally take place in February (Hong Kong) and late March/early April (international rounds).

Eligibility for enrolment in the course is limited to those students who have been selected as members of the team to represent the University of Hong Kong. A member of the Faculty will act as supervisor for those enrolled in the course. Assessment for the course may include components for written work, oral advocacy, and a brief individual research paper.

With the Head's permission, it is possible to take this course on a non-credit earning basis.

LLAW3060 Moot court (3 credits)

The course is designed to introduce students to appellate advocacy in the form of a 'moot court' exercise. Students are required, in teams of two, to assume the role of counsel for one of the parties in an appeal from a fictional trial decision. They are required to prepare and submit to the 'court', a skeleton of their legal arguments, and a list of authorities, and to make oral argument before the court, to the satisfaction of the faculty member who is assigned to the court, and in conformity with the written mooted instructions issued to the students by the Faculty of Law.

LLAW3061 Law, the individual and the community : a cross-cultural dialogue (6 credits)

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.)

LLAW3062 Human rights in China (6 credits)

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.

LLAW3063 Emerging markets : finance and investment (6 credits)

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, privatisation, regulation of foreign direct investment and related dispute resolution considerations from the emerging countries perspective.

LLAW3065 Information technology law (6 credits)

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 (6 credits)

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 (6 credits)

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 (6 credits)

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 (6 credits)

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 (6 credits)

“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.

LLAW3071 Equality and non-discrimination (6 credits)

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.

LLAW3072 Principles of Hong Kong taxation on income (6 credits)

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.

LLAW3073 Media law (6 credits)

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.

LLAW2010/LLAW2011 Social justice summer internship (3 credits/6 credits)

This is a programme offered to both law (including law mixed degree) and social sciences students. A law student will be paired up with a social sciences student in a placement with a voluntary agency or a public authority between June and August for a period of not less than 4 weeks. During the placement, students will work as volunteers for the agency/authority at the instructions and supervision of the relevant staff of the agency/authority. A joint report shall be submitted to the programme director within 6 weeks after the end of the placement. The report shall include 2 parts. The first part shall cover the nature of work they have done during the placement. The second part shall consist of their observations on social justice. In particular, it shall discuss how the social/legal system works, its strengths and weaknesses, the necessity for improvement in terms of organization and legislation. Participating students may also be required to do a presentation of their reports.

The course will be assessed on a pass/fail basis and will not be counted towards the calculation of the CGPA/WGPA or honours classification. However, it will be recorded on the official transcript.

If a student has completed the 3-credit course and has completed a research paper as prescribed by the teacher in charge, the course shall be counted as 6 credits and will be counted towards the CGPA/WGPA and honours classification.

If a student has chosen to combine this course with the course “LLAW 3002 Guided Research”, the course will be assessed according to the criteria and treated according to the arrangements of the “Guided Research” course.

LLAW3074 Research project (oral presentation) (6 credits)

Each student will be allocated a specific area for research, under the supervision of an assigned teacher. Students may be required to keep a research diary and assessment will primarily take the form of a separate viva voce for each student. Instruction will be given on appropriate research methodologies and strategies.

LLAW3076 International commercial transactions (6 credits)

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 (6 credits)

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.

LLAW3078 Introduction to international economic law (6 credits)

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.

LLAW3080 Governance and law (6 credits)

This course seeks to understand why the state regulates certain activities and behaviour in society, what different forms of regulation exist, when and what kind of legal regulation is deemed necessary, how legal regulation is enforced, and checks balances against abuse in enforcement. This course is jointly taught by staff from the Department of Politics and Public Administration and the Department of Law. The main objective of the course is to explore the interface between the study of Politics and Law in understanding governance. Relevant case studies will be included for illustration and discussion. To take this course, student must have successfully completed POLI1002 Fundamentals of Public Administration and LLAW2002 Administrative Law. Students are allowed to take either POLI0064 or LLAW3080 to fulfill the respective programme requirements for the Department of Politics and Public Administration or the Department of Law.

LLAW3081 Commercial law in mainland China (6 credits)

The course will examine the legal framework governing commercial transactions in mainland China. Special attention will be paid to General Principles of Civil Law, Contract Law, Company Law, Bankruptcy Law, Securities Law, and other principal legislation in the area. Dispute resolution will also be briefly discussed. In order to enable students to better appreciate the rapid legal development and practical issues, the course will be taught in Putonghua and examined in Chinese. Problem solving approach will be used in the course.

Prerequisite: completion of Introduction to Chinese Law or the equivalent and sufficient Chinese proficiency.

LLAW3082 Regulation of cyberspace II: internet content (6 credits)

Regulation of content in cyberspace is plagued with many difficulties. The ability to access and utilize information over the global network has made regulations and laws regulating to the Internet a challenging prospect. As existing legal and regulatory principles continue to be adapted to the online environment, novel issues arise. This course will examine many of the inherent difficulties including Internet Service Provider liability for third party content, censorship and access control, the role of technology in protecting and shielding entities from liability, the difficulty in promulgating international standards, and the unique problems of jurisdiction and regulatory arbitrage in cyberspace.

The course is divided into three themes where topics may include:

1. Internet Jurisdiction and Liability
 - Jurisdiction everywhere vs. jurisdiction nowhere
 - Internet Service Provider Liability
2. Censorship and Freedom of Expression in Cyberspace
 - Censorship of Internet Content and Internet Access (Internet access policies, firewall technology, filtering systems, laws)
 - Control of search engines (The Google Effect – censorship and anticensorship technology)
 - Defamation
 - Commercial speech
 - Harmful content/Obscenity
 - Hate speech
 - Private regulation of speech through nontransparent methods
 - Regulation of speech through computer code (technologies)
3. Select Issues in Intellectual Property
 - Copyright and other protection of Internet content (hypertext linking, caching, search engines, meta-tag, etc.)
 - Mounting tension between intellectual property protection and freedom of expression
 - Liability of ISPs for IP infringements by others
 - Technologies used to prevent works distributed via the Internet and to ensure their lawful use (digital rights management systems, spiders, bots, and other tracking devices)

This course will be a one-semester course conducted in a seminar format where students are expected to be well-prepared and participate in class. Previous exposure to intellectual property law and information technology law is an asset but is by no means a pre-requisite.

LLAW3083 Human rights: history, theory and politics (6 credits)

This course will consider the evolution of concepts of human rights from historical, political, theoretical and philosophical perspectives. The Western traditions of human rights and the challenges to them will be examined. The issue of universal standards and cultural relativism and the political economy of human rights will also be examined, including the challenge to the dominant Western paradigms by the proponents of Asian values in interpreting and implementing human rights. Theoretical and practical questions relating to violations of human rights by non-State actors will also be considered, as will the impact of globalisation on the enjoyment of human rights. Feminist challenges to the dominant models and practice of human rights will also be examined.

LLAW3084 Intellectual property and technology: protecting and managing digital assets (6 credits)

This course examines intellectual property rights such as patents, trademarks and copyright and the challenges faced by them in the on-line world. The course will also examine the various forms of protection for software. Enforcement issues in the on-line world will also be considered as will issues specific to e-commerce such as domain names and strategies for the protection of web sites.

The following topics may be covered:

- A brief history of intellectual property and its nature.

- Intellectual property rights: patents, trademarks, copyright, registered designs - the nature of each right; the protection offered by each of these rights and how it can be obtained; duration of protection; infringement and enforcement; intellectual property laws in Hong Kong.
- The nature of software : copyright or patent protection for software; diverging views and provisions in the United States, Europe and Hong Kong. The patentability of software US vs European/Hong Kong view. Patents for business methods - the position in the US, Europe and Hong Kong. Disputes over patents for business methods : *Amazon.com v Barnesandnoble.com*; *Network Engineering Software Inc. v eBay Inc.*; *Winston v Ask Jeeves Inc.* etc.
- The challenges of intellectual property in the Internet Age: the territorial nature of intellectual property rights; international efforts to harmonise intellectual property rights; TRIPS obligations; European Community Directives. Copyright in the Information Society - the end of the first sale doctrine? Copyright infringement in the on-line world -hyper linking, framing, caching, browsing, 'down stream infringement', *Napster*, *MP3*. Trademark infringement in the on-line world - domains and hidden trademark infringement (meta-tags). A look at case law from Hong Kong, Europe and the United States. The application of the fair use doctrine and implied licences on the Internet. Establishing jurisdiction for intellectual property cases on the Internet; enforcement issues on the Internet - which remedy is useful in cyberspace?
- Domain name issues. The decentralised nature of the Internet and the management of unique identifiers. The domain name system explained. Challenges to the domain name system *PGMedia Inc D/B/A/Name.Space v Network Solutions Inc. and the National Science Foundation*. The formation of ICANN, its role and mandate. Disputes over domain names and ICANN's 1999 Uniform Dispute Resolution Policy. Cybersquatters and typo-squatters. An overview of UDRP decisions in the past year. Domain name trends and new initiatives. Domain names in Hong Kong - the overhaul of the existing system. Chinese language domain names - VeriSign vs CNNIC registrations.
- Trademarks, passing-off and domain names - where should the analogies end?
- Protecting your website - IP strategies for websites. Branding and co-branding issues.
- Trade Secrets and the Internet

LLAW3085 International and comparative intellectual property law (6 credits)

This course examines the international framework within which intellectual property law operates, including copyright, patents, trade marks, designs and other forms of intellectual property. The course examines how multilateral Conventions and other agreements such as TRIPS shape national intellectual property laws, the effect of international bodies such as WIPO and WTO, the role of bilateral agreements, and other international influences on the development of intellectual property laws. Previous or concurrent study of intellectual property is recommended to students considering this course.

LLAW3086 International and regional protection of human rights (6 credits)

This course will examine the evolution of international standards of human rights within the United Nations system and the mechanisms established to promote their enjoyment. The topics to be covered will include the development and content of the International Bill of Rights, the major United Nations human rights treaties and the work of the United Nations treaty bodies. The Charter-based mechanisms of the United Nations will be examined, including the Commission on Human Rights and its thematic and country-specific procedures. Particular attention will be given to the relevance of these mechanisms to the Asian-Pacific region.

The European, Inter-American and African regional systems for the protection of human rights will also be considered, in particular the work of their supervisory organs. The possibilities for an Asian regional or sub-regional human rights machinery for the protection of human rights will also be examined.

LLAW3087 PRC intellectual property law (6 credits)

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).

LLAW3088 Dispute Resolution in the People's Republic of China (6 credits)

This course examines the major features of commercial dispute resolution in the People's Republic of China. Chinese approaches to disputes and dispute settlement, including cultural and political influences, will be considered at the outset. The four principal Chinese institutions for commercial dispute resolution - amicable negotiations, conciliation, arbitration and litigation - will be the focus of the course, with an emphasis on commercial arbitration. Administrative channels for resolving disputes will also be discussed.

Both PRC foreign-related and domestic commercial arbitration will be treated at length. Arbitration before the China International Economic and Trade Arbitration Commission (CIETAC) will be a prominent feature of this part of the course, including an examination of the jurisdiction, procedures and practices of CIETAC. The emergence of reorganized domestic arbitration commissions will be discussed, including arbitral procedures and practices. Issues of enforcement of both Chinese and foreign arbitral awards in the PRC will also be covered.

Other topics include : institutional conciliation before the Beijing Conciliation Centre and in the People's Courts; joint conciliation; enforceability of conciliation agreements; foreign-related litigation in the People's Courts, including court organization, jurisdiction and venue, service of process, preservation measures, pre-trial and trial procedures, appellate procedures and enforcement of judgements; and bilateral judicial assistance agreements. A reading knowledge of simplified Chinese characters would be desirable.

LLAW3089 PRC information technology law (6 credits)

This course examines the key law and regulations concerning the Internet and related business in Mainland China. It intends to provide a wide-angle view of the Chinese legislative framework for the Internet and IT industry. Against the background that both the Mainland and Hong Kong are the members of the WTO, the course also intends to examine the impact of the Chinese Internet and IT Regulations on cross-border transactions of IT products and services. The law of other jurisdictions and the international treaties, however, may be used to compare with the related Chinese law.

Topics may include:

- Overview of IT and Internet Regulatory System
- Administration of Websites
- Electronic Commerce and Electronic Signature
- Online Publishing and Media
- Online Advertising
- Telecommunications
- Commerce Encryption
- Online Intellectual Property Issues

- Domain Name System
 - Legal Protection for Software and Integrated Circuits
 - Privacy Protection and Internet Censorship
 - Liabilities of Network Service Providers
 - Defamation, Negligence and Trespass
 - Computer Crimes
 - Jurisdiction and Conflict of Law in the Cyberspace
 - Online Dispute Resolution
-

LLAW3090 Legal aspects of white collar crime (6 credits)

The course applies international and comparative perspectives to the problem of white collar crime in the HKSAR. The topics covered include defining ‘white collar crime’, money laundering, terrorist financing, forfeiture/confiscation of crime tainted property, corporate criminal liability, punishing the corporation, investigating and prosecuting white collar crime, and possibly others.

LLAW3091 Ethnicity, human rights and democracy (6 credits)

The rise of ethnic consciousness and the prevalence of conflicts based on diverse ethnic claims raise fundamental problems for rights and democracy. The course examines the causes of the rise of ethnicity and the challenges it poses to rights and democracy. The dominant modes of rights and liberal democracy, based on notions of the individual (or citizen) and social homogeneity, seem to clash with the claims of groups rights and cultural relativism. Many recent developments in the regime of rights and international law respond to this clash: the rise of rights of indigenous peoples, consociationalist democracy, new modes of expression of self-determination, developments in the rights of minorities, various forms of autonomy, the expansion of the scope of humanitarian intervention, and the adaptation of bills of rights to accommodate multi-culturalism.

LLAW3092 Current issues in insolvency law (6 credits)

Insolvency cases in Hong Kong are at an all-time high and the entire insolvency legal regime – including the bankruptcy of individuals and the liquidation and rescue of companies – is in transition. This course will cover both personal and corporate insolvency and will address the ongoing initiatives to reform Hong Kong law.

Detailed knowledge of insolvency law is not a prerequisite. *The Hong Kong Corporate and Personal Insolvency Manuals* will be assigned and will provide students with both an overview of insolvency law in Hong Kong and a detailed analysis of practical considerations. Discussions in class will consider the adequacy of existing insolvency laws and procedures in Hong Kong and evaluate the strengths and weaknesses of the law reform amendments and proposals. Comparisons will be made with insolvency law developments in other jurisdictions.

There will be four primary areas covered: (1) personal insolvency law (both bankruptcy and voluntary arrangements); (2) corporate liquidation; (3) corporate rescue (including out-of-court rescues and the proposed Provisional Supervision procedures); and (4) cross-border insolvency.