

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

*These regulations apply to students admitted to the LLB curriculum in the academic year 2011-12 and thereafter.*

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

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### **Admission to the degree of Bachelor of Laws**

- LL 1. To be eligible for admission to the degree of Bachelor of Laws, candidates 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.
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### **Period of study**

LL 2. The curriculum for the degree of Bachelor of Laws shall normally require eight semesters of full-time study, extending over not fewer than four academic years, and shall include any assessment to be held during and/or at the end of each semester. Candidates shall not in any case be permitted to extend their studies beyond the maximum period of registration of six academic years, except with the approval of the Board of the Faculty of Law.

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### **Completion of the curriculum**

- LL 3. To complete the curriculum a candidate shall
- (a) comply with the General Regulations
  - (b) satisfy the requirements prescribed in UG5 of the Regulations for First Degree Curricula,
  - (c) follow instruction and attend classes as required, and complete all coursework requirements;
  - (d) satisfy the compulsory mooted 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.
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### **Advanced Standing**

LL 4. The Board of the Faculty of Law may grant advanced standing to candidates in recognition of studies completed successfully in an approved institution of higher education elsewhere in accordance with UG2 of the Regulations for First Degree Curricula. 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. Advanced standing credits granted will be recorded on the transcript of the candidate but shall not be included in the calculation of the

semester GPA, year GPA or cumulative GPA nor be taken into consideration for the honours classification of the degree to be awarded.

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### **Selection of courses**

LL 5. Candidates shall select their courses in accordance with these regulations and the guidelines specified in the syllabus before the beginning of each semester. Changes to the selection of courses may be made only during the add/drop period of the semester in which the course begins, and such changes shall not be reflected in the transcript of the candidate. Requests for changes after the designated add/drop period of the semester shall not normally be considered.

LL 6. Withdrawal from courses beyond the designated add/drop period will not be permitted, except for medical reasons and with the approval of the Board of the Faculty of Law. Withdrawal without permission will result in a fail grade in the relevant course(s).

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### **Specialisation**

LL 7. Candidates who have obtained 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.

LL 8. Candidates shall declare their choice of specialization, if any, in the beginning of the third academic year. Declaration made beyond the first semester of the fourth academic year will not be considered.

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### **Minor in another discipline**

LL 9. Candidates who have obtained the requisite number of credits (which shall not be fewer than 36 credits and not more than 48 credits) to declare a minor in a department, centre, school, programme or disciplinary field will be duly recognised by having the minor stated in the official academic transcript.

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### **Progression in curriculum**

LL 10.

- (a) Candidates shall normally be required to take not fewer than 24 credits nor more than 30 credits in any one semester (except the summer semester) unless otherwise permitted or required by the Board of the Faculty, or except in the last semester of study when candidates may be required to take fewer than 24 credits to satisfy the outstanding curriculum requirements.
- (b) Candidates may, of their own volition, take additional credits not exceeding 6 credits in each semester, and/or further credits during the summer semester, accumulating up to a maximum of 72 credits in one academic year. With the special permission of the Board of

the Faculty, candidates may exceed the annual study load of 72 credits in a given academic year provided that the total number of credits taken does not exceed the maximum curriculum study load of 288 credits for the normative period of study specified in LL2, save as provided for in LL10(c).

- (c) Where candidates are required to make up for failed credits, the Board of the Faculty may give permission for candidates to exceed the annual study load of 72 credits provided that the total number of credits taken does not exceed the maximum curriculum study load of 432 credits for the maximum period of registration specified in LL2.
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## **Grades**

LL 11. Grades shall be awarded in accordance with UG8 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, and shall also count towards the cumulative GPA (CGPA) and the degree. A pass in the course Mooting shall be recorded on the transcript but shall not be counted towards the cumulative GPA (CGPA).

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## **Passing a course**

LL 12. Candidates shall pass a course if the Board of Examiners is satisfied by the candidates' performance in the assessment.

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## **Assessment**

LL 13.

(a) Candidates shall be assessed for each of the courses for which they have registered, and assessment may be conducted in any combination of continuous assessment of coursework, written examinations and/ or any other assessable activities. Only satisfactorily completed courses will earn credits.

(b) Candidates are required to make up for failed courses in the following manner as prescribed in the curriculum regulations:

- (i) undergoing re-assessment/re-examination in the failed course to be held no later than the end of the following semester (not including the summer semester); or
- (ii) re-submitting failed coursework, without having to repeat the same course of instruction; or
- (iii) repeating the failed course by undergoing instruction and satisfying the assessments;  
or

(iv) for elective courses, taking another course *in lieu* and satisfying the assessment requirements.

(c) Where candidates are permitted or required to present themselves for re-assessment/ re-examination/ assessment in an alternative course under (b) above, the new grade obtained together with the previous F grade shall be recorded on the transcript and be included in the calculation of the semester GPA, year GPA and the cumulative GPA.

(d) A candidate shall not be permitted to repeat a course for which he or she has received a pass grade for the purpose of upgrading.

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### **Absence from an examination**

LL 14. Candidates who are unable through illness to be present at the written examination of any course may apply for permission to present themselves at a supplementary examination of the same course to be held before the beginning of the First Semester of the following academic year. Any such application shall be made on the form prescribed within two weeks of the first day of the candidate's absence from any examination. Any supplementary examination shall be part of that academic year's examinations, and the provisions made in the regulations for failure at the first attempt shall apply accordingly.

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### **Overall pass**

LL 15. Subject to LL 3 and LL 4, a candidate who has passed courses totalling 240 credits in value shall be awarded the degree of LLB.

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### **Discontinuation of study**

LL 16. Candidates shall be recommended for discontinuation if they fail to satisfy the examiners in the examinations in accordance with UG4(e) as follows:

- (i) fail to complete successfully 36 or more credits in two consecutive semesters (not including the summer semester), except where they are not required to take such a number of credits in the two given semesters, or
  - (ii) fail to achieve an average semester GPA of 1.0 or higher for two consecutive semesters;  
or
  - (iii) exceed the maximum period of registration specified in LL 2.
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### **Pass lists**

LL 17.

(a) The degree of Bachelor of Laws shall be awarded in five divisions :

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

(b) A pass list of successful candidates shall be posted on Faculty notice boards and the student homepage.

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## **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 regulations and the syllabuses as set out below. Unless the Head of Department determines otherwise, candidates shall select 60 credits of courses in each of their First, Second, Third and Fourth Years.

### **First Year (60 credits)**

LLAW1009	Law and society (6 credits)
LLAW1001	Law of contract I (6 credits)
LLAW1002	Law of contract II (6 credits)
LLAW1005	Law of tort I (6 credits)
LLAW1006	Law of tort II (6 credits)
LLAW1013	Legal research and writing I <sup>1</sup> (6 credits)
LLAW1008	The legal system (6 credits)
CAES1602	Writing solutions to legal problems (3 credits)
CLAW1009	Practical Chinese language for law students <sup>2</sup> (3 credits)
CCXXxxxx	Common core course <sup>3</sup> (6 credits)
CCXXxxxx	Common core course <sup>3</sup> (6 credits)

### **Second Year (60 credits)**

LLAW2012	Commercial law (6 credits)
LLAW2001	Constitutional law (6 credits)
LLAW2003	Criminal law I (6 credits)
LLAW2004	Criminal law II (6 credits)
LLAW2013	Land law I (6 credits)
LLAW2014	Land law II (6 credits)
LLAW2017	Legal research and writing II <sup>1</sup> (6 credits)

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<sup>1</sup> A pass in both LLAW1013 Legal research and writing I and LLAW2017 Legal research and writing II shall be deemed to satisfy the requirement of 3 credits in English language enhancement under UG5(a) of the Regulations for First Degree Curricula.

<sup>2</sup> To satisfy the Chinese language enhancement requirement, students should take the 3-credit CLAW1009 courses, except for

- (a) Putonghua-speaking students who should take CUND0002 Practical Chinese Language & Hong Kong (In *Putonghua*) or CUND0003 Cantonese for Non-Cantonese Speaking Students; or
- (b) Students who have not studied the Chinese language during their secondary education/ who have not attained the requisite level of competence in the Chinese language to take CLAW1009 can apply
  - (i) to take credit-bearing Cantonese or Putonghua language courses offered by the School of Chinese especially for international and exchange students; OR
  - (ii) to be exempted from the Chinese language requirement. If exempted, these students should take an elective course in lieu.

<sup>3</sup> The Common core courses should be chosen from different Areas of Inquiry.

LLAW2009	Introduction to Chinese law (6 credits)
LLAWxxxx	Disciplinary Elective (6 credits)
LLAWxxxx	Disciplinary Elective (6 credits)

**Third Year (60 credits)**

LLAW3093	Administrative law (6 credits)
LLAW3094	Equity and trusts I (6 credits)
LLAW3095	Equity and trusts II (6 credits)
LLAW3001	Introduction to legal theory (6 credits)
LLAW3187	Mooting <sup>4</sup> (6 credits)
LLAWxxxx	Disciplinary Electives (12 credits)
XXXXxxxx	Free Electives <sup>5</sup> (18 credits)

**Fourth Year (60 credits)**

LLAWxxxx	Disciplinary Electives (60 credits)
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2. The disciplinary electives are listed as follows<sup>6</sup>:

*12-credit course*

LLAW3002	Guided research
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*6-credit course (unless otherwise mentioned)*

LLAW3113	Advanced issues in information technology law
LLAW3199	Advanced topics in competition law
LLAW3007	Alternative dispute resolution
LLAW3140	Animal law
LLAW3164	Arbitration in Greater China
LLAW3112	Arbitration law
LLAW3008	Bank security
LLAW3009	Banking law
LLAW3010	Business associations
LLAW3189	Capstone: Research project in law and literary studies
LLAW3138	Carriage of goods by sea
LLAW3046	Child and the law
LLAW3153	China investment law
LLAW3154	China trade law

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<sup>4</sup> This may be substituted by participation in Jessup mooting or any other international moot competition approved by the Head of the Department of Law. The course Mooting which will take effect from September 2012 and fulfils the requirement of LL3(d) shall be graded with pass/fail and shall not be counted in the calculation of the CGPA.

<sup>5</sup> Free Electives are courses offered by any Faculty of the University, including Law Faculty.

<sup>6</sup> For the purpose of PCLL admission, a candidate must satisfactorily complete Evidence I (or Evidence II), Land Law III (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.

LLAW3173 Chinese family law in comparative perspective  
LLAW3011 Chinese laws governing foreign investments  
LLAW3097 Civil procedure  
LLAW3148 Clinical legal education  
LLAW3198 Clinical legal education (China)  
LLAW3015 Company law  
LLAW3125 Comparative constitutional law  
LLAW3144 Comparative environmental law  
LLAW3016 Comparative law  
LLAW3191 Comparative family law  
LLAW3156 Comparative remedies in trust law  
LLAW3123 Competition law  
LLAW3098 Constitutional and administrative law in the PRC  
LLAW3196 Constitutionalism in emerging states  
LLAW3067 Construction law  
LLAW3017 Copyright law  
LLAW3183 Corporate conflicts  
LLAW3137 Corruption: China in comparative perspective  
LLAW3184 Credit and security law  
LLAW3099 Criminal procedure  
LLAW3018 Criminology  
LLAW3182 Cross border corporate finance: issues and techniques  
LLAW3066 Cross-border legal relations between the Mainland and Hong Kong  
LLAW3195 Current issues in Chinese law  
LLAW3100 Current issues in comparative commercial law  
LLAW3092 Current issues in insolvency law  
LLAW3019 Current legal controversies  
LLAW3101 Cybercrime  
LLAW3127 Dealing with legacies of human rights violations  
LLAW3179 Digital copyright  
LLAW3088 Dispute resolution in the PRC  
LLAW3119 Dispute settlement in the WTO: Practice & procedure  
LLAW3151 E-business law  
LLAW3020 Economic analysis of law  
LLAW3117 Economic, social and cultural rights  
LLAW3063 Emerging markets: finance and investment  
LLAW3071 Equality and non-discrimination  
LLAW3091 Ethnicity, human rights and democracy  
LLAW3124 European economic regulation  
LLAW3102 Evidence I  
LLAW3103 Evidence II  
LLAW3165 Global business law I  
LLAW3166 Global business law II  
LLAW3169 Globalisation and human rights  
LLAW3080 Governance and law  
LLAW3133 Healthcare law  
LLAW3047 Hong Kong Basic Law  
LLAW3110 Human rights and cyberspace  
LLAW3168 Human rights and governance  
LLAW3062 Human rights in China

LLAW3022 Human rights in Hong Kong  
LLAW3083 Human rights: history, theory and politics  
LLAW3065 Information technology law  
LLAW3023 Insolvency law  
LLAW3024 Insurance law  
LLAW3084 Intellectual property and information technology  
LLAW3087 Intellectual property law in China  
LLAW3155 Intellectual property policy and practice  
LLAW3104 Intellectual property, innovation and development  
LLAW3085 International and comparative intellectual property law  
LLAW3086 International and regional protection of human rights  
LLAW3111 International commercial arbitration  
LLAW3025 International commercial litigation  
LLAW3076 International commercial transactions  
LLAW3057 International criminal law  
LLAW3078 International economic law  
LLAW3134 International environmental law  
LLAW3026 International human rights  
LLAW3175 International humanitarian law  
LLAW3157 International law and modernity for a multipolar world  
LLAW3158 International law in a world of crises  
LLAW3058 International moot competition  
LLAW3027 International organisations  
LLAW3135 International protection of refugees and displaced persons  
LLAW3136 International securities law  
LLAW3028 International trade law I  
LLAW3029 International trade law II  
LLAW3160 Interpretation of statutes, contracts and treaties  
LLAW3170 Introduction to Chinese law and legal system  
LLAW3150 Introduction to information technology law  
LLAW3120 Introduction to international human rights law  
LLAW3188 Introduction to law and literary studies  
LLAW3159 Introduction to negotiation theory and practice  
LLAW3030 Introduction to private international law  
LLAW3032 Issues in family law  
LLAW3033 Issues in intellectual property law  
LLAW3059 Jessup international law moot court competition  
LLAW3034 Labour law  
LLAW3105 Land law III (Conveyancing)  
LLAW3130 Law and development in the PRC  
LLAW3141 Law and film  
LLAW3128 Law and literature  
LLAW3174 Law and policy  
LLAW3142 Law and politics of constitutions  
LLAW3118 Law and religion  
LLAW3172 Law and social theory  
LLAW3035 Law in East Asia  
LLAW3037 Law of agency  
LLAW3056 Law of International Finance I – Debt  
LLAW3048 Law of restitution I

LLAW3121	Law of restitution II
LLAW3049	Law of the sea
LLAW3145	Law, economics, regulation and development
LLAW3036	Law, justice and ideology
LLAW3161	Law, meaning and interpretation
LLAW3061	Law, the individual and the community: a cross-cultural dialogue
LLAW3090	Legal aspects of white collar crime
LLAW3190	Legal discourse and the mind
LLAW3162	Legal translation
LLAW3073	Media law
LLAW3192	Mediation
LLAW3040	Medico-legal issues
LLAW3146	Multiculturalism and the law
LLAW3178	Online dispute resolution
LLAW3042	Planning and environmental law
LLAW3041	PRC civil and commercial law <sup>7</sup>
LLAW3107	PRC civil law (in Putonghua) <sup>8</sup>
LLAW3081	PRC commercial law (in Putonghua) <sup>9</sup>
LLAW3108	PRC criminal law and procedure
LLAW3109	PRC economic law
LLAW3089	PRC information technology law
LLAW3181	PRC security and insolvency law
LLAW3177	PRC taxation law and policy
LLAW3129	PRC tort law
LLAW3167	Preventative law: approach to conflict prevention
LLAW3043	Principles of family law
LLAW3072	Principles of Hong Kong taxation on income
LLAW3075	Privacy and data protection
LLAW3194	Property protection in China: law, politics and culture
LLAW3044	Public international law
LLAW3163	Public international law in domestic courts
LLAW3180	Regulation of cyberspace
LLAW3069	Regulation of financial markets
LLAW3045	Remedies
LLAW3115	Rights and remedies in the criminal process
LLAW3068	Rights of the child in international and domestic law
LLAW3050	Securities regulation
LLAW3077	Selected issues: WTO and China
LLAW3116	Selected legal Issues in commercial practice
LLAW3051	Selected problems in international law
LLAW3053	Sociology of law
LLAW3147	Space law and policy
LLAW3054	Succession

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<sup>7</sup> Students taking this course may not take “PRC civil law (in Putonghua)” or “PRC commercial law (in Putonghua)”.

<sup>8</sup> Students taking this course may not take “PRC civil and commercial law”.

<sup>9</sup> Students taking this course may not take “PRC civil and commercial law”.

LLAW2010	Summer internship ( <i>3 credits</i> )
LLAW3139	Telecommunications law
LLAW3171	Topics in English and European legal history
LLAW3143	Topics in law and literature: flaubert & eilot
LLAW3176	Trademarks and unfair competition
LLAW3055	Use of Chinese in law I
LLAW3004	Use of Chinese in law II
LLAW3070	World Trade Organization: law and policy

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.

3. For the purpose of LL 7, the following specialisations are available for any student who has obtained 48 credits by completing courses listed below in the respective category or such other courses as may be approved by the Head of the Department of Law for the purposes of inclusion in that category. Not all specialisations are necessarily on offer every year.

- Chinese law
- Commercial, corporate and financial law
- International trade and economic law

Chinese law

LLAW3164	Arbitration in Greater China
LLAW3153	China investment law
LLAW3154	China trade law
LLAW3173	Chinese family law in comparative perspective
LLAW3011	Chinese laws governing foreign investments
LLAW3156	Comparative remedies in trust law
LLAW3098	Constitutional and administrative law in the PRC
LLAW3137	Corruption: China in comparative perspective
LLAW3066	Cross-border legal relations between the mainland and Hong Kong (in Putonghua)
LLAW3195	Current issues in Chinese law
LLAW3088	Dispute resolution in the PRC
LLAW3151	E-business law
LLAW3062	Human rights in China
LLAW3028	International trade law I
LLAW3029	International trade law II
LLAW3087	Intellectual property law in China
LLAW3130	Law and development in the PRC
LLAW3041	PRC civil and commercial law <sup>7</sup>
LLAW3107	PRC civil law (in Putonghua) <sup>8</sup>
LLAW3081	PRC commercial law (in Putonghua) <sup>9</sup>
LLAW3108	PRC criminal law and procedure
LLAW3109	PRC economic law
LLAW3089	PRC information technology law
LLAW3181	PRC security and insolvency law
LLAW3177	PRC taxation law and policy
LLAW3129	PRC tort law

- LLAW3194 Property protection in China: law, politics and culture  
LLAW3077 Selected issues: WTO and China

Commercial, corporate and financial law

- LLAW3007 Alternative dispute resolution  
LLAW3009 Banking law  
LLAW3010 Business association  
LLAW3153 China investment law  
LLAW3154 China trade law  
LLAW3123 Competition law  
LLAW3017 Copyright law  
LLAW3182 Cross border corporate finance: issues and techniques  
LLAW3151 E-business law  
LLAW3165 Global business law I  
LLAW3166 Global business law II  
LLAW3023 Insolvency law  
LLAW3136 International securities law  
LLAW3030 Introduction to private international law  
LLAW3033 Issues in intellectual property law  
LLAW3081 PRC commercial law (in Putonghua)<sup>9</sup>  
LLAW3109 PRC economic law  
LLAW3072 Principles of Hong Kong taxation on income  
LLAW3069 Regulation of financial markets  
LLAW3176 Trademarks and unfair competition

International trade and economic law

- LLAW3138 Carriage of goods by sea  
LLAW3153 China investment law  
LLAW3154 China trade law  
LLAW3016 Comparative law  
LLAW3123 Competition law  
LLAW3119 Dispute settlement in the WTO: practice & procedure  
LLAW3151 E-business law  
LLAW3124 European economic regulation  
LLAW3165 Global business law I  
LLAW3166 Global business law II  
LLAW3085 International and comparative intellectual property law  
LLAW3111 International commercial arbitration  
LLAW3025 International commercial litigation  
LLAW3076 International commercial transactions  
LLAW3078 International economic law  
LLAW3058 International mooted competition  
LLAW3027 International organisations  
LLAW3028 International trade law I  
LLAW3029 International trade law II  
LLAW3035 Law in East Asia  
LLAW3049 Law of the sea  
LLAW3145 Law, economics, regulation and development

LLAW3044 Public international law  
LLAW3077 Selected issues: WTO and China  
LLAW3051 Selected problems in international law  
LLAW3070 World Trade Organization: law and policy

## **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.

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*Compulsory courses (in the order listed in the syllabus)*

### **FIRST YEAR**

#### **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.

Assessment: 10% continuous assessment, 90% examination.

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#### **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; misinterpretation; mistake; duress and undue influence; privity; performance; discharge and breach; quasi-contract; remedies; principles of agency.

Assessment: 30% continuous assessment, 70% examination.

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

This course introduces students to the tort law system and the general and particularized principles of tort liability. The course begins with a critical examination of the social and economic functions of the tort system. It then proceeds to an examination of the leading case law and principles in the main tort actions, beginning with a detailed analysis of the predominant tort, that of negligence. Important negligence-related concepts such as vicarious

liability, contribution and limitation of action are considered, as well as the principle remedy for negligence, that of damages for personal injury and death. Torts closely related to negligence such as occupiers' liability and breach of statutory duty are also studied, as are the tort-related no-fault accident compensation schemes for work-related injury and disease. The course then proceeds to a study of trespassory torts, those torts that cause injury or interference through intentional conduct, and the remedies available. Torts causing damage to or interference with property and their remedies are then considered, including nuisance and *Rylands v. Fletcher*. The course concludes with an examination of and the remedies for the torts that protection reputation, principally, defamation.

This course aims to provide a solid grounding in the functions and principles of tort law, the ability to think critically about tort law, and the ability to conduct independent legal research and provide meaningful legal analysis of tort law problems. Through carefully designed learning activities, the course aims to nurture in students the ability to identify tort law issues in the unflagged tort-related events of daily life, and to engage in the independent legal analysis of such unflagged tort-related events.

Assessment: 40% continuous assessment, 60% examination

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### **LLAW1013 Legal research and writing I (6 credits)**

This course will focus on case analysis and statutory interpretation. Students will learn the skills to analyze cases by identifying the ingredients of a case, extracting relevant legal principles underlying various cases, and applying such principles to hypothetical legal problems. Students will also learn about the fundamentals about statutes, the rules of statutory interpretation and their application to hypothetical legal problems. Students will communicate their analysis by way of mainly writing legal memorandum, case briefs and correspondence.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 20% continuous assessment, 80% examination.

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### **CAES1602 Writing solutions to legal problems (3 credits)**

The course follows on from language input into the Legal Research and Writing I course in

Semester 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 issues typically found in tutorial and examination questions. The focus is on the discourse structure of legal arguments, with attention paid to control of the grammar, vocabulary and stylistic features typical of problem solutions. Students receive substantial individual feedback on 3 problem cycles, featuring revisions of each answer. Assessment is wholly by coursework, including 1 extended piece of writing under examination conditions at the end of the course.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% continuous assessment.

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## **SECOND YEAR**

### **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.

Assessment: 100% examination.

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### **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.

Assessment: Stream 1: 25% coursework, 75% examination;  
Stream 2: 25% coursework, 25% continuous assessment, 50% examination.

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### **LLAW2003 and LLAW2004 Criminal law I and II (12 credits)**

Criminal Law I 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.

Criminal Law II 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.

Assessment: 50% continuous assessment, 50% examination.

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### **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.

Assessment: 100% examination.

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### **LLAW2017 Legal research and writing II (6 credits)**

This course will focus on skills relating to contract drafting and interpretation, legal research and drafting of simple pleadings. Students will learn how to draft simple contracts in light of fictitious clients' concerns and construe contractual terms in practice, making use of their knowledge of contract law. Students will also learn the research skills to find relevant legal authorities in the course of drafting pleadings such as statement of claim and defence for hypothetical legal problems.

Assessment: 100% continuous assessment.

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### **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 globalization on Chinese legal developments.

Assessment: 100% examination.

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## **THIRD YEAR**

### **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.

Assessment: 50% continuous assessment, 50% examination.

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### **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.

Assessment: 30% continuous assessment, 70% examination.

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### **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.

Assessment: 25% continuous assessment, 75% examination.

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### **LLAW 3187      Mooting (6 credits)**

The course is designed to introduce students to appellate advocacy in the form of a 'moot court' exercise and alternative dispute resolution mechanism. For assessment, 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 'judges' who are assigned to the court, and in conformity with the written mooting instructions issued to the students by the Faculty of Law. The course is assessed on a pass/fail basis.

Assessment: 100% continuous assessment.

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## FOURTH YEAR

### *Disciplinary Electives*

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*Disciplinary electives (listed in alphabetical order)*

(† Prescribed PCLL Pre-requisites)

#### **LLAW3113 Advanced issues in information technology law (6 credits)**

This course examines the legal and policy issues relating to information technology (IT). It covers wide range of issues involving how national governments regulate the technology of internet and how private citizens' rights relating to internet are protected such as privacy and personal data, censorship and freedom of expression, civil and criminal liabilities of internet entities (e.g. ISPs and end-users), internet jurisdiction, issues in electronic transactions such as digital signature, computer crimes, selected intellectual property issues (e.g. P2P infringement, business method patent and domain name), and enforcement of law over internet.

Assessment: 100% continuous assessment.

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#### **LLAW3199 Advanced topics in competition law**

This course will introduce students to more advanced and specialized topics of competition law. Examples include the interface between intellectual property and competition law, merger review, and competition law in the developing country context. The course will consist of two or more modules, and its structure may vary according to the topics chosen for a particular year. In some years, there will be one chosen topic, and the modules will focus on the treatment of that topic in different jurisdictions for comparative purposes. In some other years, the course will consist of modules covering distinct topics. Instructors will often be visitors from overseas. Given the more advanced and specialized nature of the course, students are expected to have some background in competition law. The assessment method will vary depending on the instructors' preference.

Assessment: 100% 2 take home exams

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#### **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.

Assessment: 40% continuous assessment, 60% coursework.

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### **LLAW3140 Animal law (6 credits)**

This course examines the law relating to non-human animals. The course will introduce a range of theoretical perspectives on the way in which we think about animals, with a focus on moral/ethical theories of animal interests and animal rights. The welfare model of animal law, as expressed through relevant legislation and case law, will be critically analysed. While much of the consideration of this law will have an Asian orientation, attention will also be given to international developments in animal law. Finally, the course will explore practical ways in which lawyers may advance the interests of animals.

Assessment: 100% research paper.

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### **LLAW3164 Arbitration in Greater China (6 credits)**

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

Assessment: 100% research paper.

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### **LLAW3112 Arbitration law (6 credits)**

In the world's globalizing economy there has been a dramatic increase in the size and complexity of international business and commercial transactions. The main focus of this cross-listed course will be on the use of arbitration to resolve disputes arising out of such business and commercial transactions. The course will provide a comprehensive introduction to the arbitration law and practice in Hong Kong and students will consider a range of theoretical issues and substantive topics in this course, including:

- overview of the wide range of dispute resolution methods, including arbitration
- fundamental concepts of arbitration law
- legal framework of arbitration law in Hong Kong
- overview of Hong Kong's Arbitration Ordinance and its objectives and principles
- issues relating to the arbitral process and procedure, such as the:
  - o arbitrability of disputes
  - o enforceability of arbitration and submission agreements
  - o appointment and powers of arbitrators
  - o jurisdictional challenges
  - o preliminary proceedings
  - o form of the arbitration hearing
  - o interim and final remedies
  - o evidentiary matters (hearings and discovery)
- rendering of arbitral awards (including challenges and appeal)
- recognition and enforcement of arbitral awards
- interests and costs
- role of the courts in the arbitral process

Assessment: 100% continuous assessment or research paper.

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### **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.)

Assessment: 100% examination.

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### **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.

Assessment: 25% continuous assessment, 75% examination.

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### **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.

Assessment: 100% examination.

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### **LLAW3189 Capstone: Research project in law and literary studies (6 credits)**

The final-year research project enables students to pursue their individual interests in any aspect of the intersection between literary and legal discourses under the supervision of a faculty member. The project will culminate in an extended essay of approximately 5,000 words. Students are expected to meet with their supervisors regularly and to present their work-in-progress to their supervisors in the course of the semester.

Assessment: 100% research paper.

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### **LLAW3138 Carriage of goods by sea (6 credits)**

- General principles: seaworthiness, deviation, dangerous cargo etc
- Voyage and time charterparties
- Bills of lading (including their use in commerce) and other transport documents at present used (eg waybills, delivery orders)

- The Hague and Hague-Visby Rules for bills of lading contracts; the proposed Rotterdam Rules (adopted by the UN General Assembly in 2008 and opened for signature at Rotterdam in September 2009)
- The interaction of bills of lading and charterparty contracts
- Multimodal transport
- Problem-solving of the sort of disputes that arise

Assessment: 100% examination.

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### **LLAW3046 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.

Assessment: 100% research paper.

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### **LLAW3153 China investment law (6 credits)**

This course provides a comprehensive, informed treatment and analysis of the legal, policy and business aspects of foreign direct investment in China. Areas covered include: current PRC foreign investment policies and priorities, including “encouraged industries”; investment incentives and investment protection; PRC regulatory authorities and government approval process; offshore structures; PRC foreign-related business and investment organizations: representative offices, branch offices, holding companies, foreign investment enterprises (FIEs): Sino-foreign cooperative and equity joint ventures, wholly foreign-owned enterprises (WFOEs), listed and unlisted Sino-foreign joint stock limited companies (JSLCs); practical joint venture contract drafting and operational issues; trading and distribution; technology transfer; conversions; mergers and acquisitions; selected regulatory issues: corporate income taxation, foreign exchange control; FIE debt and equity financing ; out-bound China investment.

Assessment: 100% research paper.

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### **LLAW3154 China trade law (6 credits)**

This course provides a focused, legal and policy treatment of China’s conduct and regulation of international trade at both the macro- and micro-economic levels. Areas covered include: China’s participation in the WTO, and in other multilateral, regional and bilateral trade-related arrangements, including ASEAN+ and China-ASEAN FTAs; Regulation of China’s foreign trade: PRC regulatory authorities, PRC Foreign Trade Law, foreign trade operators (FTOs),

foreign trade agency: commissioning and entrustment arrangements; PRC customs, licensing and inspection/standards systems, and trade remedies: particularly, China's anti-dumping regime; WTO, US and EU anti-dumping and subsidies/countervailing codes and related non-market economy (NME) treatment of China's export enterprises and industries; Trade transactions: standard-form contracts, import-export sales contract issues arising under the PRC Contract Law and CISG.

Assessment: 20% continuous assessment, 80% research paper. .

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### **LLAW3173 Chinese family law in comparative perspective (6 credits)**

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

Assessment: 20% continuous assessment, 80% research paper.

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### **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.

Assessment: 100% research paper.

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### **LLAW 3097 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.

Assessment: 100% examination.

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### **LLAW3148 Clinical legal education (6 credits)**

In this course the students will, under the supervision of the Director for Clinical Legal Education (“the Director”) and other solicitors employed by the Faculty in the Legal Clinic, act as lawyers for clients. The “course” will consist of the following elements – training sessions; legal clinic work; small claims tribunal work; group reviews; and an assessment.

Assessment: 100% continuous assessment.

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### **LLAW3198 Clinical legal education (China) (6 credits)**

This is a programme offered to law and mixed degrees students in the Summer Semester. As part of the experiential learning in the Faculty of Law, this course offers an opportunity for Hong Kong students 1) to observe the operation of the Chinese legal system from a close distance; 2) to participate in activities of provision of legal aid to the poor in the Mainland; and 3) to critically reflect the political and legal development in the Mainland.

The summer Internship is placed under the existing Legal Clinical Education course and offers a scheme of clinical legal education in mainland China. Each student enrolled in this programme will be placed in one of the hosting Non-Governmental Organizations (NGOs) in Mainland China between June and August for a period between six and eight weeks. During the placement, the students will work as Interns for the NGOs at the instructions and supervision of the relevant staff of the NGOs.

Hosting NGOs may be located in different parts of China. They include China-based international NGOs such as the American Bar Association's Beijing Office; domestic NGOs such as Yirenping Centre; or University-based legal aid centre such as the Wuhan University Legal Aid Centre. The Faculty will contact and enter into agreements with the NGOs and match NGOs with the student interest subject to availability.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% examination.

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### **LLAW3125 Comparative constitutional law (6 credits)**

This course reviews the operation of certain key aspects of the Basic Law of the HKSAR within a comparative context. Regular reference will be made to operational characteristics of Public Law in Canada, Australia, the United States and certain other jurisdictions. Topics may include: an overview of the nature of Constitutional Law and Constitutionalism, the theory and nature of Judicial Review, the operation of the adjudicating process in political entities where sovereignty is divided to some degree, the right to due process, equality rights and other key civil and political rights including freedom of expression and freedom of the press.

Assessment: 20% continuous assessment, 80% research paper.

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### **LLAW3144 Comparative environmental law (6 credits)**

This course is concerned with how various jurisdictions use law to address environmental problems such as air pollution, land contamination, and deforestation.

What are the factors that influence law-making, enforcement and compliance with environmental law in each jurisdiction? What problems arise from the “transplanting “ of environmental laws from the developed world to developing countries? What can Hong Kong and mainland China learn from the experiences of the United States (US) and the European Union (EU) in environmental law and policy? How does federalism within States and regional economic integration amongst States (such as in the EU) influence the application of environmental law within a nation? These are some of the questions that will be explored in this course.

A practical approach will be adopted in this course to highlight the various policy trade-offs inherent in designing and implementing environmental law and policy. The course will draw upon examples from Hong Kong, mainland China, the US, the EU and other countries in the Asia-Pacific region.

Assessment: 40% continuous assessment, 60% research paper.

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### **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.

Assessment: 20% continuous assessment, 80% research paper.

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### **LLAW3191 Comparative family law (6 credits)**

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

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

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

Assessment: 20% participation, 80% research paper.

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### **LLAW3156 Comparative remedies in trust law (6 credits)**

This course seeks to compare the laws between Anglo-common law jurisdictions and mainland China in relation to remedies available for breach of trust. While the trust has been well established in Anglo-common law jurisdictions, it is relatively new to mainland China, which promulgated the Trust Law in 2001.

The Chinese Trust Law puts in place a general framework for establishing trusts, but leaves a considerable part of the remedies for breach of trust to general remedial principles in civil and commercial laws. Accordingly, the objectives of the present course are two-fold: (1) to compare closely remedies for breaches of common law as opposed to Chinese trusts; (2) to evaluate the merits and demerits of both systems. It is hoped that students will acquire a better appreciation of the importance of the remedial framework in the effectiveness of the trust institution, and the difficulties facing any civil law jurisdiction in adopting the trust.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW3123 Competition law (6 credits)**

Did you ever wonder why oil companies in Hong Kong adjust petrol prices simultaneously, and whether that has any implications for the price we pay for autofuel? Did you ever wonder how and why Internet Explorer managed to drive Netscape out of the market, when Netscape was initially a superior product? Competition law may help you answer these questions. This course, to be offered in the second semester, introduces students to relevant competition law concepts, including regulation of anticompetitive agreements and collusive behavior, regulation of monopolies. Materials will be principally drawn from the U.S., the European Community. There will also be a brief introduction of the ongoing development in competition law in Hong Kong, and China.

Assessment: 100% continuous assessment.

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### **LLAW 3098 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.

Assessment: 100% research paper.

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### **LLAW3196 Constitutionalism in emerging states (6 credits)**

This seminar will examine comparative constitutional law in emerging states. The international debate over human rights and development often takes a top-down perspective (especially in human rights courses), asking what international institutions can do to better address issues of development, government power, human rights and human dignity. This course reverses this perspective, looking at these central issues of our time through a bottom-up constitutional lens. Unlike traditional comparative constitutional law courses that focus on established constitutional systems this seminar will focus on the circumstances of emerging states. With democratization in Latin America and East Asia, the collapse of the former Soviet Union, and the economic and developmental crisis in Africa and South Asia, the debate over constitutionalism and its mission has taken on global dimensions. This debate addresses a range of questions. For example, will the rule of law and democracy better promote economic development? Can constitutional institutions such as judicial review, freedom of expression and democracy be successfully established in all societies? What are the cultural dimensions of this problem? Has liberal democracy failed the poor? Does constitutionalism travel well? What institutional emphases might better serve a post-communist society, a very poor underdeveloped country, a rapidly developing society? Does liberal constitutionalism better respond to crises? Will "illiberal democracy" work better? How should a lawyer representing a commercial client view a country's constitutional base? Does it matter? Addressing these questions has become an interdisciplinary project. The historic monopoly of lawyers in constitutional studies has increasingly given way to a shared interdisciplinary project with political science and other disciplines.

Assessment: 100% continuous assessment and research paper.

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### **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

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% research paper.

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### **LLAW3183 Corporate Conflicts (6 credits)**

This course will consider the conflict issues that arise in dealings with corporations that have a presence in more than one jurisdiction, including the takeover of these corporations or their businesses, and the merger and migration of corporations across borders, all common corporate transactions these days. It will also consider the issues that the financial and securities markets are grappling with today in dealings with securities from multiple jurisdictions.

Assessment: 100% continuous assessment.

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### **LLAW3137 Corruption: China in comparative perspective (6 credits)**

This course examines the pervasive problem of corruption in the People's Republic of China in

comparative perspective. The course aims to combine theoretical understanding of corruption with the best practice in prevention, investigation and punishment of corruption. Subject matters to be covered in the course include perception of corruption, definition of corruption, theoretical observations, case studies on corruption, anti-corruption system, legal framework, education and whistle blowing, and international cooperation.

Assessment: 100% research paper.

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### **LLAW3184 Credit and security law (6 credits)**

The legal aspects of supplying and securing credit in respect of individuals and companies; the legal means of taking security over different types of property.

Aspects of law that are particularly relevant to non-corporate credit and security are: charges, mortgages, hire-purchase, bills of sale, pledges and liens, and assignments of chose in action.

The areas of law that are particularly relevant to corporate credit and security include floating and fixed charges, conditional sales, trusts, and hire-purchase.

Topics to be studied include: the concept of security, the role of Equity in security transactions, real and personal securities, types of business finance, insolvency, drafting of documentation to achieve particular purposes, and remedies.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% examination.

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### **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.

Assessment: 100% research paper.

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### **LLAW3182 Cross border corporate finance: issues and techniques (6 credits)**

The course will provide an understanding of the underlying principles and policies of corporate finance law, and will familiarise students with the actual practices of the markets and techniques of key transactions. It will focus on the consideration and treatment of issues that arise when financing transactions cross borders.

Seminars to introduce the topics will be augmented by exercises which will be designed to simulate real transactions. Students will be divided into teams, which will be pitched against other teams, role-playing, lawyers, financiers, borrowers/fund-raisers and investment bankers.

Assessment: 100% continuous assessment.

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### **LLAW3066 Cross-border legal relations between the Mainland and Hong Kong (in Putonghua) (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.

Assessment: 100% research paper.

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### **LLAW3195 Current issues in Chinese law (6 credits)**

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

Assessment: 100% research paper.

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### **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.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 20% continuous examination, 80% research paper.

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### **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.

Assessment: 100% research paper.

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### **LLAW 3101 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.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW3127 Dealing with legacies of human rights violations (6 credits)**

This course will examine the ways that nations around the world have dealt with, and are dealing with, legacies of gross violations of human rights of the past. It will draw from several disciplines but will be dominated by the legal approach which is firmly rooted in the right to an effective remedy for gross violations of human rights and the duty of States to investigate, prosecute and punish such acts. Issues to be examined will include the policy choices that nations emerging from sustained periods of repression or armed conflict have to make, and the types of mechanisms that have been employed by countries that have sought to deal with such situations. The course will, inter alia, examine whether there is a chasm between the striking promises made by the ubiquitous use of terminology such as ‘truth’, ‘justice’, ‘healing’ and ‘reconciliation’ and reality. How does public opinion, most significantly, the views of victims and survivors, fit into international diplomacy and local politics? What role can traditional dispute resolution play? The course will also examine the work and effectiveness of international criminal tribunals, ‘internationalised domestic courts’, commissions of inquiry, and other methods of reckoning with past wrongs in societies around the world, as well as consideration of new processes that are evolving.

Assessment: 50% continuous assessment, 50% research paper.

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### **LLAW3179 Digital copyright (6 credits)**

The course will examine issues relating to copyrights in digital media.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 25% continuous assessment, 75% research paper.

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### **LLAW3119 Dispute settlement in the WTO: Practice and procedure (6 credits)**

This course is a specialized seminar on issues that arise in the context of WTO law and its dispute settlement processes. It will unfold along three themes: the foundations of WTO law; the law and policy of dispute settlement in the WTO; and, practice and procedure before WTO dispute settlement and arbitral Panels and Appellate Body (AB). The first theme will review the sources of WTO law, its relationship with, and status within, the legal systems of WTO members. This includes an analysis of the standards of WTO review applicable to national measures applied by its Members within their own domestic legal systems, and the effects of WTO dispute settlement mechanisms on certain fundamental dimensions of national sovereignty.

The second theme will consider the provisions that establish and govern the processes and institutions for the settlement of disputes in the WTO. The principles that govern WTO dispute settlement will be explored, and the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) will be examined in some detail. Equally, particular attention will be given to specialized rules that are applicable to the settlement of disputes arising from the operation of a number of WTO Multilateral Agreements on Trade in Goods (MTAs), the General Agreement on Trade in Services (GATS), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), and the Plurilateral Trade Agreements.

The third theme will address issues concerning the scope of the jurisdiction of the WTO Panels and AB, practice and procedure related to claims and defences, stages of pleadings involved before the Panels and AB, evidentiary requirements, adoption and implementation of the decisions ("reports") of the Panels and AB, as well as available remedies for breach of WTO obligations, and in particular, for failure to implement a Panel or AB decision.

Assessment: 100% continuous assessment.

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### **LLAW3151 E-business law**

Legal issues raised by the growing use of Electronic Data Interchange and Computer Encryption in international commercial transactions, documentary credits and international carriage of goods. Topics include the national and international framework for electronic

commerce; electronic contracting; internet trade system using the private/public key cryptography; legal authentication and security issues; International Conventions and Model Laws on electronic commerce promulgated by international bodies such as ICC, UNCITRAL; OECD; electronic bills of lading and BOLERO; electronic letters of credit; internet taxation issues and revenue implications.

Assessment: 50% continuous assessment, 50% research paper.

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### **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.

Assessment: 100% research paper.

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### **LLAW3117 Economic, social and cultural rights (6 credits)**

This course will first examine the historical and conceptual evolution and recognition of economic, social and cultural rights, followed by an examination of various international and regional instruments governing economic, social and cultural rights, and in particular, implementation and enforcement of these instruments. There will then be a study of selected rights, including the right to food, the right to work, the right to housing, the right to medical care, the right to education, the right to trade union and collective bargaining, the right to social security, the right to preserve cultural heritage, and minority rights.

Assessment: 100% continuous assessment or 100% research paper.

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### **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.

Assessment: 100% continuous assessment.

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### **LLAW 3071 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.

Assessment: 100% continuous assessment.

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### **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, 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 multiculturalism.

Assessment: 100% continuous assessment.

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### **LLAW3124 European economic regulation (6 credits)**

This course, to be offered in the second semester, introduces students to the regulation of economic activities in the European Community ("EC"). Students will learn how the European Community has striven towards its goal of integration of the common market through economic regulations. In addition, they will acquire an understanding of the general economic and legal environment within the EC, the relationships between the EC and the Member States, and on a broader level, how the European experience sheds light on the allocation of power within a federal system. Areas to be covered in the course include free movement of goods, freedom to provide services, freedom of establishment, state aid, and possibly public procurement, and competition law.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 25% continuous assessment, 75% examination.

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### **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.)

Assessment: 25% continuous assessment, 75% examination.

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### **LLAW3165 Global business law I (6 credits)**

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

Assessment: 100% continuous assessment.

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### **LLAW3166 Global business law II (6 credits)**

Global business law II deals essentially with problems of trade law, including measures taken to counter “unfair trade” from abroad and market access in foreign markets. For example, it will touch on the perspective of foreign business in relation to China’s 2001 WTO accession, and the experience in the last decade. What are the business implications of China’s increasing “litigiousness” at the WTO? What are “Buy China” and “Buy America” about? There will be also be a “development” perspective, from lawsuits brought by indigenous people for corporate responsibility violations abroad, to the problems facing developing countries in the WTO and their implications for business.

Assessment: 100% continuous assessment.

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### **LLAW3169 Globalization and human rights (6 credits)**

The course explores the relationship between rights and globalisation. Globalisation is a complex process whereby ideas, technologies, people, and capital move from one place to another, resulting in the greater integration of the world. The spread of the idea of human rights itself, particularly under the aegis of the United Nations, is itself a consequence of globalisation. At the same time, there are other trends in globalisation which threaten the enjoyment of rights: the rise of corporate power, the weakening of state authority, the dominance of the market as the matrix for social, political and economic power, and the downgrading of social rights. Globalisation enables us to explore the connections between political and economic rights, the limitations of rights as applied only against state authorities, and the debate on universalism versus relativism as different cultures are juxtaposed with the movements of peoples and cultures.

Assessment: 100% research paper.

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### **LLAW3080 Governance and law (6 credits)**

This course seeks to understand why the state regulates certain activities and behavior 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.

Assessment: 50% continuous assessment, 50% examination.

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### **LLAW3002 Guided research (12 credits)**

An individual research project on a 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. Footnotes or endnotes should not exceed 2,000 words).

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.

Assessment: 20% continuous assessment, 80% coursework.

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### **LLAW3133 Healthcare law (6 credits)**

Health care structure in Hong Kong: private health care and Hospital Authority; health insurance; complaint and investigation procedures; Hong Kong Medical Council and professional misconduct; other healthcare professionals e.g. psychotherapist and radiologist.

Medical treatment: consent to medical treatment; assessment of competence; role of expert witness; consent by and on behalf of a MIP and MHO; voluntary patients; compulsory detention; mental health review tribunals; medical negligence.

Beginning life: family planning; contraception; sterilization; abortion; child destruction; infanticide, wrongful conception, and wrongful life.

Confidentiality: access to medical records; personal data and privacy; reporting statutes; AIDs; protection of genetic information.

Use of body parts and bodily materials; human experimentation: embryo and fetal research; rules governing clinical trials; liability for injuries; the role of institutional ethics committee.

Complimentary medicine: Chinese medicine; Chinese Medical Council; integrating Chinese medicine

Assessment: 30% continuous assessment, 70% research paper.

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### **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.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW 3110 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.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW3168 Human rights and governance (6 credits)**

This course will examine the international and regional guarantees of the right to self-determination, its relationship with the democratic process and other democratic rights, sovereignty and self-determination, and the rights of minorities. The course may include particular emphasis on the relationship between human rights and the process of democratisation or transition from authoritarian regimes to democratic governments.

Assessment: 100% research paper.

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### **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.

Assessment: 100% research paper.

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### **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.

Assessment: 30% continuous assessment, 70% research paper.

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### **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.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% research paper.

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### **LLAW3023 Insolvency law (6 credits)**

The course is aimed to provide students with a basic and clear understanding of the issues confronting financially distressed companies. To that end, the options available to insolvent companies, the intricacies of corporate restructuring and insolvency, and the various elemental aspects of the reorganization and insolvency procedures will be explored and examined for. Relevant and highly pragmatic issues such as forensic accounting, cross-border and transnational insolvencies will also be introduced to students who are interested in choosing a professional career as private insolvency practitioners.

Assessment: Continuous assessment, take-home examination

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### **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.

Assessment: 100% continuous assessment.

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### **LLAW3084 Intellectual property and information technology (6 credits)**

This course examines intellectual property rights (i.e., patents, trademarks and copyright) as they apply to the information technology and the challenges they pose in the on-line world. The course will also examine enforcement issues as well as issues specific to e-commerce such as domain names and strategies for the protection of websites.

Topics to be covered include, but are not limited to, the following:

Introduction to information technology

Software copyright  
Protection of databases  
Intellectual property issues on the Internet  
Software and business method patents  
Protection of semiconductor chips

Assessment: 100% research paper.

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### **LLAW3087 Intellectual property law in China (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).

Assessment: 100% continuous assessment.

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### **LLAW3155 Intellectual property policy and practice**

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

Assessment: 100% continuous assessment.

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### **LLAW 3104 Intellectual property, innovation and development (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.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% continuous assessment.

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### **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 Asian regional or sub-regional human rights machinery for the protection of human rights will also be examined.

Assessment: 100% continuous assessment.

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### **LLAW3111 International commercial arbitration (6 credits)**

In the world's globalizing economy there has been a dramatic increase in the size and complexity of international commercial transactions. This course will examine the legal problems and other risks (including financial, monetary, political and cultural) associated with the resolution of disputes arising out of such international commercial transactions. The main focus of the course will be on the use of international commercial arbitration to resolve disputes in a globalizing economy. The course will consider the following topics : the sources of international arbitration law (domestic and international), ad hoc and institutional arbitration, model arbitration laws and arbitration rules, arbitration laws of the HKSAR, the PRC and other Asia-Pacific states, and issues relating to the international arbitral process and procedure, such as arbitrability of disputes, arbitration and submission agreements, powers of arbitrators, the applicable law, the form of the arbitration hearing, interim and final remedies, arbitral awards

(including challenges and appeal), and the recognition and enforcement of arbitral awards.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% continuous assessment.

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### **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 judgments.

Assessment: 100% continuous assessment.

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**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.

Assessment: 100% continuous assessment.

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**LLAW3078 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.

Assessment: 100% continuous assessment.

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**LLAW3134 International environmental law (6 credits)**

The past few decades has witnessed the rise of Asia as one of the world’s most economically

vibrant regions. Asia's economic boom has unfortunately been accompanied by severe environmental degradation. Air pollution, deforestation, biodiversity loss, are just some of the many environmental problems that Asia faces today. In addition, global environmental problems such as climate change are at the top of the international agenda. No longer considered solely the purview of the environmentalist or social activist, environmental regulation and law touch upon nearly all aspects of social, economic and political life.

This course aims to provide students with a contextual understanding of the key global environmental issues of the day and the legal solutions. After a broad survey of the field of international environmental law, this course will focus on some key areas which provide fertile ground for exploring the major innovations and controversies in international environmental governance. These key areas will include climate change and the Kyoto Protocol regime, ozone depletion and regulation, and the illegal wildlife trade.

Assessment: 40% continuous assessment, 60% research paper.

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### **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.

Assessment: 100% research paper.

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### **LLAW3175 International humanitarian law (6 credits)**

International Humanitarian Law (IHL), also known as the Law of Armed Conflict, is the body of rules and principles that govern how forces are to act once hostilities have broken out. The IHL regime is designed to make armed conflict less barbaric by protecting certain groups, such as civilians, wounded, sick, shipwrecked, prisoners of war, and religious personnel, and by prohibiting certain methods and means of warfare. This course critically explores these rules and principles, as well as their application in various situations, with the aim to better promoting the objectives of this regime. Emphasis also is placed on developing creative ways to improve this legal regime.

Assessment: 100% continuous assessment.

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### **LLAW3157 International law and modernity for a multipolar world (6 credits)**

By way of illustration, the course looks at the late Spanish Scholastics such as Vitoria and Suarez, early modernist critiques of international law, such as Machiavelli and Hobbes, natural law rationalists such as Grotius, Pufendorf and Kant, before coming to the contemporary figures such as Jurgen Habermas, Jacques Derrida and others. Following the critique of figures such as Richard Tuck, the course recognizes that international law has been formed largely in confrontation with the non-Western world and the course looks for possibilities of future engagement in a Multipolar World.

Assessment: 10% continuous assessment, 90% research paper.

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### **LLAW3158 International law in a world of crises (6 credits)**

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

Assessment: 100% research paper.

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### **LLAW3058 International mootng 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 mootng competitions listed below (or any other mootng 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.

Assessment: 100% continuous assessment.

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**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.

Assessment: 100% continuous assessment.

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**LLAW3135 International protection of refugees and displaced persons (6 credits)**

This course will examine the various international attempts to address the problem of the forced movements of people due to persecution, armed conflict or natural disaster. It covers international efforts in protecting aliens and refugees, the definitions of refugees in international and regional instruments, the principle of non-refoulement, the 1951 Convention on Refugees, the work of the United Nations High Commissioner for Refugees, and national responses to the flow of refugees.

Assessment: 100% continuous assessment.

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**LLAW3136 International securities law (6 credits)**

Securities markets have become increasingly international in nature, with the process of financial liberalisation and economic globalisation. This course provides an introduction to international securities markets and relevant law and regulation. Comparative discussion, vis-à-vis major international financial jurisdictions, including the United States, European Union, Hong Kong and PRC, as well as relevant international principles, standards and practices, with respect to the fundamental aspect of capital market regulations including: entry, disclosure, capital adequacy, offerings, exemptions, insider trading, takeovers, enforcement and extraterritorial jurisdiction. Emphasis will be placed on the development of international 'best practices'.

Assessment: 100% continuous assessment.

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**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.

Assessment: 100% continuous assessment.

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### **LLAW3029 International trade law II (6 credits)**

Carriage of goods by sea; multi-modal transport and containerisation; marine insurance; public regulation of international trade including selected aspects of law and policy of the World Trade Organization (WTO), China and the Association of Southeast Asian Nations (ASEAN).

Assessment: 100% continuous assessment.

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### **LLAW3160 Interpretation of statutes, contracts and treaties (6 credits)**

This course aims to give undergraduate students advanced training in the interpretation of legal instruments. The bulk of the course is on statutory interpretation, aiming to address the criticism that this area is not only fundamental but often inadequately understood by common law graduates. The subject aims, as supplementary measure, to ensure students appreciate the difference in approach to the interpretation of contracts and treaties and how best to tackle these tasks.

Assessment: 50% continuous assessment, 50% examination.

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### **LLAW3170 Introduction to Chinese law and legal system (6 credits)**

The course explores the relationship between rights and globalisation. Globalisation is a complex process whereby ideas, technologies, people, and capital move from one place to another, resulting in the greater integration of the world. The spread of the idea of human rights itself, particularly under the aegis of the United Nations, is itself a consequence of globalisation. At the same time, there are other trends in globalisation which threaten the enjoyment of rights: the rise of corporate power, the weakening of state authority, the dominance of the market as the matrix for social, political and economic power, and the downgrading of social rights. Globalisation enables us to explore the connections between political and economic rights, the limitations of rights as applied only against state authorities, and the debate on universalism versus relativism as different cultures are juxtaposed with the movements of peoples and cultures.

Assessment: 100% continuous assessment.

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### **LLAW3150 Introduction to information technology law (6 credits)**

This is a basic course in the LLM IP/IT stream introducing students to the information technology and the legal issues arising from the technology. The course will begin by examining the essential features of information technology and the characteristics of the

Internet, followed by investigations into the legal issues created by the technology. Discussions will primarily be based on the laws of Hong Kong, with references made to the laws of other leading jurisdictions. Topics to be covered include, but are not limited to, the following:

Introduction to information technology and the Internet  
Intellectual property issues  
Illegal contents on the Internet (e.g. defamatory or obscene materials)  
Online trading  
Data privacy  
E-crimes  
Jurisdictional issues

Assessment: 100% research paper.

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### **LLAW3120 Introduction to international human rights law (6 credits)**

This course will introduce 3<sup>rd</sup> and 4<sup>th</sup> year undergraduates to basic principles of human rights. It will be jointly taught by several members of staff, each teaching different aspects of human rights. The subjects covered can range from the basic philosophical foundations of human rights to the United Nations and Human Rights, to regional mechanisms for human rights protection, to international humanitarian law to fair trial and due process rights to the state of human rights in specific countries or regions.

Assessment: 100% continuous assessment.

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### **LLAW3188 Introduction to law and literary studies (6 credits)**

This course introduces students to the different ways in which literary and legal texts can interact. Topics include literature as a humanizing supplement to the law, the history of 'discipline' as a concept, legal versus literary interpretation, linguistic dimensions of court judgments, confessions, and psychological processes implicit in legal reasoning. The course is deliberately designed as a team-taught course so that students enrolled in the double degree will be exposed to the approaches of different faculty members involved in the programme from an early stage in their academic careers.

Assessment: 20% continuous assessment; 30% mid-term research paper; 50% final research paper

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### **LLAW3159 Introduction to negotiation theory and practice (6 credits)**

The course is designed to give students a thorough introduction to those capabilities, approaches and skills necessary for effective cross cultural negotiation. The course will cover the theory behind effective negotiation, review important works in the field of cross-cultural negotiation and introduce important skills necessary for effective negotiation. The interactive sessions are conducted in stages where content as well as technique is explained.

Assessment: 25% continuous assessment, 75% research paper.

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### **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.

Assessment: 50% continuous assessment, 50% examination.

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### **LLAW 3032 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.)

Assessment: 30% continuous assessment, 70% research paper.

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### **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.

Assessment: 30% optional research paper, 70 or 100% examination.

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### **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.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW3105 Land law III (Conveyancing) (6 credits) †**

Government leases and Conditions; sale and grant of land by Government; sectioning and subdivision of land; duration of leases; compliance with Conditions; certificate of compliance; user restrictions in Government leases and Conditions; waiver of restrictive covenants

Deeds of mutual covenant; nature of co-owners' interests; common terms in deeds of mutual covenants; allocation of shares; basic principles governing building management; enforcement of covenants in deeds of mutual covenant;

Special features of the New Territories: small house policy and tsos and t'ongs

Planning: Outline Zoning Plans; planning permission; planning through building controls; Land (Compulsory Sale for Redevelopment) Ordinance

Termination of Government leases and Conditions; resumptions by the Government and assessment of compensation;

Remedies; specific performance; rescission, damages; other express remedies in sale and purchase agreements

Land titles system

Assessment: 100% examination.

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### **LLAW3130 Law and development in the PRC (6 credits)**

This course examines the role of law and legal institutions in the political, economic and social development in the People's Republic of China. The course has three objectives: first, to expose students to the function and structure of Chinese legal institutions in political, economic and social development; second, to explore the limits and prospects of the Chinese legal reform; third, to consider how the Chinese legal reform both draws from and informs the law and development movement outside China.

Assessment: 20% continuous assessment, 80% research paper.

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### **LLAW3141 Law and film (6 credits)**

This elective course introduces students to the cultural study of the law by considering the multiple responses of cinematic texts to legal events. How are lawyers and legal institutions represented on the screen, and what does that tell us about the law? Is there a jurisprudential subtext to film? How do films attempt to capture traumatic events and human rights violations? Readings in jurisprudential theory and film theory will inform our discussion.

Assessment: 40% continuous assessment, 60% research paper.

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### **LLAW3128 Law and literature (6 credits)**

This course explores the complex inter-relations between literature and the law by examining the ways in which each discipline has responded to the other's presence. Both law and literature are products of language. Does that mean that they are cognate disciplines, or are they competing epistemologies? Why do legal themes recur in fiction, and what kinds of literary structures underpin legal argumentation? Now do novelists and playwrights imagine the law, and how do lawyers and judges interpret literary works? We will think through these questions by juxtaposing novels, plays, court cases, and critical theory. Prerequisite: a previous course in legal and/or literary subject.

Assessment: 40% continuous assessment, 60% research paper.

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### **LLAW3174 Law and policy (6 credits)**

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

issue of their choice.

Assessment: 100% coursework.

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### **LLAW3142 Law and politics of constitutions (6 credits)**

Almost all modern states are constitutional states in the sense that they, in one form or the other, have a constitution. A constitution is not only a legal document; it is also a political instrument. For what purpose was the constitution made; for what functions could it serve; and on which it can be sustained are questions that cannot be answered without considering the interaction between law and politics in the making, implementation and development of the constitution. This course applies an interdisciplinary approach and a comparative perspective to analyze intertwining issues of law and politics concerning constitutions like: constitutional interpretation theories, the roles of political parties, religion, judiciary and the public in the constitutional processes, and the significance of dialogue in constitutional deliberation.

Assessment: 100% continuous assessment.

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### **LLAW3118 Law and religion (6 credits)**

Law and religion are two of the oldest social institutions. In various forms, law and religion exist in every human society. Law and religion also have a very close relationship to each other. Looking from human history, religion could be so intertwined with law that there could be complete overlap. However, the modern trend is to separate the two so that a wall is built between law and religion.

This course will examine the various models on how law and religion interact with each other. Historical as well as analytical approaches will be adopted. Critical questions will be raised on examining the proper relationship between law and religion under different worldviews and various religious traditions including Judaism, Islam, Buddhism, Hinduism and Christianity. The role of religion in public debate will also be considered.

Assessment: 100% continuous assessment.

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### **LLAW3172 Law and social theory (6 credits)**

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

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

institutions.

Assessment: 20% continuous assessment, 80% research paper.

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### **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.

Assessment: 100% research paper.

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### **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-à-vis* third parties; comparison of the ability of the 'agent' to affect the 'principal's' legal position in contract, tort and property.

Assessment: 100% continuous assessment.

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### **LLAW3056 Law of international finance I – debt (6 credits)**

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

Assessment: 100% continuous assessment.

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**LLAW3048 Law of restitution I (6 credits)**

This course covers the following topics: theory and history of restitution; basic concepts in the law of restitution; restitution for money paid and benefits obtained upon grounds such as mistake, undue influence, compulsion, necessity, failure of consideration; and absence of consideration; and defences for claims in restitution.

Assessment: 100% continuous assessment.

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**LLAW3121 Law of restitution II (6 credits)**

This course covers the following topics: restitution of unlawful tax payments; restitutionary claims from 'third parties' (knowing receipt, common law & equitable tracing); restitutionary remedy for torts, breaches of contracts, and equitable wrongs; in personam and in rem rights in restitution; concurrence of claims in restitution and contract; and restitutionary claims in insolvency proceedings.

Assessment: 100% continuous assessment.

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**LLAW3049 Law of the sea (6 credits)**

The Law of the Sea is a cornerstone of public international law that is fraught with complexity from detailed treaties and elaborate custom that has been interpreted by numerous international courts and tribunals over a relatively long period of time. This course explores the key rules and principles of this legal regime primarily through a critical assessment of past efforts at dispute settlement, with the aim of developing sufficient problem-solving skills in this realm to successfully tackle future disputes as they arise. Topics to be addressed include: nationality of vessels and jurisdiction of the flag state; baselines and maritime boundaries; territorial seas, contiguous zones, straits, archipelagic waters, continental shelves and exclusive economic zones; the deep seabed; marine pollution; and living resources of the high seas.

Assessment: 100% continuous assessment.

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**LLAW3145 Law, economics, regulation and development (6 credits)**

This course is premised on a conviction that the law does not exist in a vacuum, and the study of the law should therefore not be confined to a narrow focus on legal doctrine and case law. The aim of this course is to provide a broad survey of inter-disciplinary approaches to the law, which will provide students with the basic toolkit to question and analyze legal theories and institutions from alternative perspectives. The belief is that students will gain a richer and more nuanced understanding of the law and legal methods as a result.

The course comprises of three broad components: (1) Law and Regulation, (2) Law and

Economics, and (3) Law and Development.

The law and regulation component of the course seeks to examine the role of law as an instrument of regulating economic and social activity. The course will explore theories of regulation, regulatory techniques and instruments, and issues of efficiency, accountability and legitimacy in relation to regulation. It will also explore the application of economic concepts to the law, focusing on areas such as torts, contracts, and property rights. For instance, the course will examine how economic concepts have been applied to provide a benchmark for determining negligence in torts.

Finally, the law and development component will examine the relationship between law and economic, social, and political development. It will survey theories concerning the meaning of development and the potential role of law and legal institutions in the development process.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW3161 Law, meaning and interpretation (6 credits)**

Topics from the course will be chosen from the following: linguistic rules and legal rules; lawyers as linguists; linguists as lawyers; dictionaries and the law; perjury; strict and purposive construction; interpretation and law; law as narrative; indeterminacy and legal interpretation; interpretation and authority; intellectual property law, brands and ownership of language; law's control of language; defamation law; censorship and meaning; legal language as a sacred register; language, law and cyberspace; legal language and social systems of control; language and legal reasoning; legal rhetoric.

Assessment: 100% research paper.

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### **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.]

Assessment: 100% coursework.

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### **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.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW3190 Legal discourse and the mind (6 credits)**

This course is a critical enquiry into how the law, as a cultural construct, attempts to reflect the society's values by regulating behaviour, and the challenges embedded in such a representation. The course shows how the processes of human perception, language use, memory reconstruction and decision-making interact with the legal system, and how such interactions sometimes pose challenges to justice.

Assessment: 30% continuous assessment; 70% research paper.

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### **LLAW3162 Legal translation (6 credits)**

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

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

Assessment: 100% continuous assessment.

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### **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: 30% continuous assessment, 70% research paper.

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### **LLAW3192 Mediation (6 credits)**

This course covers the theory and practice of mediation. It will examine the underlying principles and process elements of mediation. It will analyze the legal and regulatory aspects of mediation, areas of application and developments of mediation practice from a Hong Kong perspective. It will also include skill building through interactive role playing exercises.

Assessment: 25% participation, 75% research paper.

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### **LLAW3040 Medico-legal issues (6 credits)**

This course examines 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.

Assessment: 40% continuous assessment, 60% research paper.

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### **LLAW3146 Multiculturalism and the law (6 credits)**

With the advent of globalisation, the interface between multicultural and multi-religious communities has become increasingly complex, particularly when set against the background of liberal democratic regimes. Mass-migration of populations in search of economic opportunities or freedom from conflict-torn zones has led to increased interaction between cultural and religious communities and their practices. Tensions arising from minority practices adjudged 'controversial' by the host community in these societies have resulted in a clash between the majority and the minority groups, often straining community relations and testing the limits of tolerance. For example, if freedom of religion is a fundamental right, how should conflicts between this right and the right to equality be dealt with? Or how should the law approach religious limitations on the freedom of expression or regulate hate speech against religion?

This course aims to explore the challenges posed by minority rights, ethnicity, cultural and religious rights to the liberal democratic model of government, which focuses on the individual, his rights and the responsibility of the state in protecting his rights. It will examine the difficulties inherent in effectively protecting minority rights in a liberal democracy by drawing on developments in this area at the national level by looking at countries such as (but not

limited to) India, United States, United Kingdom and Singapore. Course materials will be drawn from a variety of sources in order to compare the practices of various jurisdictions with a view to exploring the focal themes of the course and to consider the feasibility of integrated approaches to address this contemporary challenge. The ultimate objective is to identify a suitable mechanism to strike the delicate balance between the various conflicting rights and competing identities in a community.

The course will also look at how international law has developed in this regard. Despite various initiatives to protect these rights as group rights, minority rights, the freedom of religion or culture, the international human rights movement and national regimes seeking to implement these rights remain inadequate in this regard. It will consider different ways to deal with religious and cultural pluralism in the national context and consider the implications this has for constitutional law and international law. In this context, a variety of themes will be explored, such as the liberal democratic tradition as contrasted with the communication system of governance, religious influences on morality and the law, religious rights in the public and private spheres and the rights of women and children.

Assessment: 100% continuous assessment.

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### **LLAW3178 Online dispute resolution (6 credits)**

This course will introduce to the students how to use information technology to facilitate the resolution of disputes between parties. Despite the prevalent impression that online dispute resolution (ODR) is simply the online equivalent of alternative dispute resolution (ADR), the course will demonstrate to the students that ODR can augment the traditional means of resolving disputes by applying innovative techniques and online technologies to the process. Although the course will focus on the technological application in those out-of-court alternative dispute resolutions, it by no means ignores the potential that all these technologies may be applied directly in the litigation system. The course will examine online negotiation, mediation, arbitration, their combinations or other alternatives. The course has both theoretical and practical value to practitioners and academics.

Assessment: 40% continuous assessment, 60% research paper.

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### **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.

Assessment: 100% continuous assessment.

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**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.

Assessment: 100% examination.

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**LLAW3107 PRC civil law (in Putonghua) (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.

Assessment: 100% examination.

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**LLAW 3081 PRC commercial law (in Putonghua) (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.

Assessment: 100% continuous assessment.

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**LLAW 3108 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.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW3109 PRC economic law (6 credits)**

This course introduces students to the general framework of major economic legal institutions in China, broadly defined as the legal and regulatory structures supporting the Chinese state's management of various types of economic activities by both public and private agents. Primary subject areas of investigation include banking and insurance law, law on consumer protection and product liability, anti monopoly and competition law, tax law, foreign investment law and labour law. This course also examines the impact of globalization and China's transition to a market economy on the reform of the country's economic legal regime, particularly the policy implications of China's entry into the World Trade Organization (WTO).

Assessment: 100% continuous assessment.

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### **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

Assessment: 20% continuous assessment, 80% research paper.

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### **LLAW3181 PRC security and insolvency law (6 credits)**

This course will focus on both security and insolvency issues in the People's Republic of China, with reference to both PRC foreign investment enterprises and state-owned enterprises and companies. The options available to creditors for protecting their interests under Chinese law will be a central feature of both parts of this course.

Aspects of security law to be covered include the five forms of security – guarantee, mortgages, pledges, liens and deposits, with an emphasis on mortgages and guarantees. Topics to be studied include : the concept of security, Chinese attitudes towards security, the selection of security providers and of security vehicles, real and personal security, types of business finance, creating security (investigation, negotiation and documentation), the approval process, the recording system, and remedies.

The insolvency portion of the course will focus on the insolvency of foreign investment enterprises and state-owned enterprises and companies. The PRC Bankruptcy Law and related legislation at both the national and local levels will be considered. Topics to be studied include insolvency principles, the economic and political ramifications resulting from the insolvency of state-owned enterprises and companies, an overview of the insolvency process, commencement of insolvency cases, property available for distribution to creditors, representatives of the estate, and liquidation procedures generally. Cross-border insolvency issues, especially in relation to co-operation with the Hong Kong SAR, will also be considered. A reading knowledge of simplified Chinese characters would be desirable.

Assessment: 100% continuous assessment.

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### **LLAW3177 PRC taxation law and policy (6 credits)**

The course examines the legal, economic, and political considerations relevant to the formulation and implementation of tax law and policy in PRC. Although the primary emphasis is on current law, the course will also focus on a variety of tax policy issues in the PRC. The specific topics covered may include, among others, the following: (1) the concept of tax in economic and constitutional perspectives; (2) the categorization of tax in economics and law; (3) taxation principles; (4) direct taxation in the PRC including individual income tax and enterprise income tax; (5) indirect taxation with particular focus on the Value Added Tax in the PRC; (6) discussion of taxation development in the PRC which mainly addresses the issues of a consolidated environmental tax and a uniform social security tax; (7) the tax administration system; and (8) tax disputes settlement and taxpayers' protection in the PRC.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW3129 PRC tort law (6 credits)**

This course introduces the history of PRC tort law, the main provisions of the newly enacted

PRC Tort Law (2010), relevant principles of PRC General Principles of Civil Law on which tort law is based, other tort-related laws, regulations, and judicial interpretations. The course will analyze the tort cases which have been adjudicated by Chinese courts to see how cases are decided under the existing tort laws and what are the problems with these decisions. The discussion of the laws and cases will aim to solve the substantive issues including liabilities based on fault such as tort injuries to human body, dignity, family relations, property, etc; liabilities without fault such as product liability, environmental pollution, injuries caused by animal; accidental torts such as accidents in transportation, medical treatment and work-related activities. These issues and various concepts such as intentional torts, negligence, vicarious liabilities, and joint and several liabilities will be discussed in comparison with the Common Law counterparts.

Through studying the laws and analyzing cases in this course, the students are expected to have an overall understanding of Chinese tort law system, the necessary skill to identify and analyze the legal issues in a given case, and a certain degree of understanding of how tort laws are applied and interpreted in Chinese courts against China's unique political, social, economic and cultural background so that they will be able to handle practical tort cases in their future mainland-related legal practice.

Assessment:

15% for participation (5% attendance + 10% discussion), 85% for a final 24-hour take-home exam.

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### **LLAW3167 Preventative law: approach to conflict prevention (6 credits)**

This course seeks to examine those mechanisms, principles and processes oriented toward the prevention of conflict. The course will cover: creative problem solving, regulatory compliance, organizational dispute resolution, group consultation, sustainability and conflict management, conflict prevention in diverse regions, and prospects and challenges associated with the evaluation of preventative efforts. The approach of the course will be both theoretical and participatory in nature. Students will participate in a group action-research project involving one area of preventative law.

Assessment: 25% continuous assessment, 75% research paper.

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### **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.

Assessment: 30% continuous assessment, 70% research paper.

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### **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.

Assessment: 50% continuous assessment, 50% examination.

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### **LLAW 3075 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.

Assessment: 100 % continuous assessment.

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### **LLAW3194 Property protection in china: law, politics and culture (6 credits)**

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

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

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

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### **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.

Assessment: 100% continuous assessment.

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### **LLAW3163 Public international law in domestic courts (6 credits)**

This course aims to give undergraduate students advanced training in the use of public international law by domestic courts, especially in Hong Kong. It builds upon the introduction to the topic in the general public international law elective. The principles in this area are complex, especially in Hong Kong. Further, within public international law, they are among the most likely to be encountered by students in their legal careers. A specialist elective, with due regard to the Hong Kong position, is worthwhile.

Assessment: 50% continuous assessment, 50% examination.

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### **LLAW 3180 Regulation of cyberspace (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 non-transparent 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.

Assessment: 30% continuous assessment, 70% research paper.

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### **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.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% continuous assessment.

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### **LLAW3115 Rights and remedies in the criminal process (6 credits)**

This course examines how courts in various common law countries have enforced the legal rights of suspects and accused persons at different stages in the criminal process. The following rights will be studied comparatively: right to be free from arbitrary detention, right to bail, right to legal representation, right of silence, right to trial without undue delay, right against unreasonable search and seizure, and right to a fair trial. The remedies to be examined will include exclusion of evidence at trial, stay of proceedings, declaration, damages, adjournment, and bail.

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% research paper.

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### **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.

Assessment: 100 % continuous assessment.

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### **LLAW3077 Selected issues: 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.

Assessment: 100% continuous assessment.

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### **LLAW3116 Selected legal issues in commercial practice (6 credits)**

This course seeks to discuss selected topics of Law that are fundamental and practical to Commercial Practice. Its objects are two-fold: (1) to provide a fresh and perhaps practical perspective on certain topics in Contracts, Torts, and Commercial transactions generally; (2) to introduce new topics that help students plug gaps of knowledge in important Commercial areas.

The topics intended to be covered are :-

1. Mistake
2. Illegality
3. Liability for misrepresentations
4. Liability for non-disclosure
5. Estoppel
6. Assignment of choses in action
7. Set-off
8. Subrogation
9. Resulting trusts
10. Constructive trusts

The course will be conducted through seminars. It will not cover the whole of the 10 topics listed, but specific themes within those areas. The approach will be practical, as well as theoretical.

Assessment: 30% continuous assessment, 70% research paper.

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### **LLAW3051 Selected problems in 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.

Assessment: 100% research paper.

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### **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.

Assessment: 100% research paper.

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### **LLAW3147 Space law and policy (6 credits)**

This course introduces students to the study of space law. It will enable them to understand the socio-economic environment of Space Law from the legal standpoint and will provide them with a detailed overview of the substantive rules of law relating to peaceful use of outer space, liability, registration, space commercialization, launching activities, remote sensing and environmental issues. It will teach them how to develop an understanding of the theoretical nature and practical aspects of the function of telecommunications services in mainland China and Hong Kong. Students will critically analyze the relevance and substance of Space Law and related problems, such as space launching activities, remote sensing and space debris, and gain an understanding of the process of telecommunications liberalization within the World Trade Organizations (WTO)

Assessment: 20% continuous assessment, 80% research paper

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### **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.

Assessment: 100% continuous assessment.

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### **LLAW2010 Summer Internship (3 credits)**

This is a programme offered to law students. A law student will participate in a placement with a voluntary agency or a public authority in Hong Kong or Mainland China 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 report shall be submitted to the programme director within 3 to 6 weeks (as instructed) 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 or honours classification. However, it will be recorded on the official transcript.

Assessment: 100% continuous assessment.

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### **LLAW3139 Telecommunications law (6 credits)**

The aim of this course is to provide an overview of telecommunication legislation and regulation. In the last two decades the traditional monopolies offering telecommunications services have been broken up around the world. The liberalization of the telecommunication markets has called for legislation and regulation able to deal effectively with incumbent dominant operators to ensure a level playing field to all new entrants in the market.

The following topics may be covered:

- Telecommunications technology – the jargon explained;
- The move towards the liberalization of the telecommunications industry – GATS and WTO agreements on Basic Telecommunications; an overview of the Hong Kong telecommunications market pre and post 1995;
- The need to regulate; regulatory principles and structures; regulatory models compared (US, EU and Hong Kong); types of licences; licence fees; licence provisions;
- The role of the regulator, his powers and duties. The Office of the Telecommunications Authority (OFTA), the Telecommunications Authority (TA) and the Information Technology and Broadcasting Bureau (ITBB);
- Telecommunications regulation and legislation in Hong Kong. The impact of the

Telecommunications Amendment Ordinance 2000;

- Universal service obligation; numbering and portability; key principles and issues in interconnection; interconnection charges and agreements; access; cost allocation; unbundling the local loop; tariffs;
- The regulation of anti-competitive conduct; sector-specific provisions vs competition laws (US, EU and Hong Kong approaches compared);
- The regulation of broadcasting in Hong Kong – an overview;
- The convergence of telecommunications, broadcasting and computer technologies – challenges for the regulator. Proposals for dealing with convergence compared. The Internet - a prototype of the converged media.
- The challenges posed by the Internet; Internet telephony – various approaches compared; the licensing of Internet Service Providers.

Assessment: 20% continuous assessment, 80% research paper.

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### **LLAW3143 Topics in law and literature: Flaubert and Eliot (6 credits)**

This elective course is designed to introduce students to the major debates in ‘law and literature’ studies through the works of two writers who helped to define literary realism, Gustave Flaubert and George Eliot. We will pay special attention to the law’s reaction to the publication of literary works, and to the writers’ response to changes in the law. Texts include Flaubert’s *Madame Bovary*, and Eliot’s *Adam Bede* and *Felix Holt*. Enrolment is limited to 16.

Assessment: 40% continuous assessment, 60% research paper.

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### **LLAW3171 Topics in English and European legal history (6 credits)**

This course is open to LLB students in the second semester of 2009-2010. It proposes to introduce students to the development of Western private law institutions through an exploration of discrete topics of English and European Legal History between 1150 and 1850.

Topics are selected to enable students to acquire basic knowledge about the legal systems practised in England (the common law system) and continental Europe (the civil law system). The course aims to help students gain a better understanding of modern private law through the study of themes in the historical development of different legal systems. Students will be encouraged to draw comparative insights between common and civil law traditions. There are no pre-requisites to this course.

Assessment: 100% continuous assessment.

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### **LLAW3176 Trademarks and unfair competition (6 credits)**

Trademark law and the law of unfair competition play a crucial role in the commercialization of all varieties of good, ranging from high-end fashion products to daily routine products. The course aims to explore the cutting-edge issues and fundamental theories and policies in the

rapidly developing trademark law and the law of unfair competition. With a focus on the law in Hong Kong and Mainland China, the course also broadly examines the relevant doctrinal developments in the United States and European Union, and discusses the impacts of digital technology on international and domestic trademark protection. The course will cover the following topics.

1. Subject matter of trademark protection
2. Distinctiveness
3. Registration
4. Genericity
5. Exclusive rights
6. Limitations on exclusive rights/trademark fair use
7. Infringement
8. Trademark dilution

Assessment: 100% continuous assessment.

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### **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.

Assessment: 100% continuous assessment.

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### **LLAW 3004 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.

Assessment: 100% continuous assessment.

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### **LLAW3070 World Trade Organization: law and policy (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.

Assessment: 30% continuous assessment, 70% research paper.

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