













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

1. A candidate shall, unless otherwise approved by the Head of Department, complete 156 credits of professional core including 126 credits of compulsory courses and 30 credits of disciplinary electives of the curriculum in accordance with LL3 and the syllabuses as set out below. Subject to LL11, 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)
LLAW1013	Legal research and writing I <sup>7</sup> (6 credits)
LLAW1008	The legal system of the Hong Kong SAR (6 credits)
CAES1000	Core University English OR Free elective (if exempted from Core University English) <sup>8</sup> (6 credits)
CCXXxxxx	Common Core course <sup>9</sup> (24 credits)

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

LLAW1005	Law of tort I (6 credits)
LLAW1006	Law of tort II (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)
CCXXxxxx	Common Core course <sup>3</sup> (12 credits)

### ***Third and Fourth Years (120 credits, 60 credits per year)***

LLAW2012	Commercial law (6 credits)
LLAW2009	Introduction to Chinese law (6 credits)
LLAW3001	Introduction to legal theory (6 credits)
LLAW3010	Business associations (6 credits)
LLAW3093	Administrative law (6 credits)
LLAW3094	Equity and trusts I (6 credits)
LLAW3095	Equity and trusts II (6 credits)

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<sup>7</sup> A pass in both LLAW1013 Legal research and writing I and LLAW2017 Legal research and writing II shall be deemed to satisfy the “English in the Discipline” requirement under UG5(a) of the Regulations for First Degree Curricula.

<sup>8</sup> Candidates who have achieved Level 5\*\* in English Language in the Hong Kong Diploma of Secondary Education Examination, or equivalent, may at the discretion of the Faculty be exempted from this requirement and should take an elective course in lieu, see Regulation UG6.

<sup>9</sup> For the fulfillment of Regulation UG5(c) “Requirements for Graduation” of the Regulations for First Degree Curricula, candidates shall complete successfully six Common Core Courses comprising at least one and not more than two Common Core courses from each Area of Inquiry with not more than one course from the same Area of Inquiry being selected within one academic year except when candidates are required to make up failed credits.













































































### **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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### **LLAW3211 Critical theory in legal scholarship (6 credits)**

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

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

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

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

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

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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: 100% 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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### **LLAW3101 Cybercrime (6 credits)**

'Cybercrime' refers to computer-mediated activities which are either criminal or regarded as illicit and which can be conducted through global electronic networks. It encompasses cybercrimes against the person (e.g. cyber-stalking, cyber-pornography), cybercrimes against property (e.g. hacking, viruses, causing damage to data, cyber-fraud), and cyber-terrorism. The computer age has also provided organised crime with more sophisticated and potentially secure techniques for supporting and developing networks for a range of criminal activities, including drugs-trafficking, money laundering, illegal arms trafficking, and smuggling.

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

Assessment: 60% research paper, 40% assigned research, review and presentation

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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: 15% class participation, 35% group exercise, 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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### **LLAW3119 Dispute settlement in the WTO: practice and procedure (6 credits)**

This course is a specialised 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 specialised 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 (6 credits)**

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% research essay, 30% in-class assessment, 20% presentation based on the research essay

### **LLAW3020 Economic analysis of law (6 credits)**

This course introduces students to the economic analysis of the law as a set of tools for analyzing laws and understanding the effect legal rules have on the way people behave. This course also explores the extent to which the principles of economics can be used to explain the workings of the legal system itself. Students will learn how to construct and critique basic economic models of the incentive effects of different legal rules and institutions.

The topics covered in this course include the Coase theorem, the choice between property and liability rules, the allocative effects of alternative liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; the economics of legal procedure; and public choice. Particular attention is paid to applying economic analysis to contemporaneous law and policy controversies in Hong Kong and East Asia.

The course neither presumes nor requires a background in economics.

Pre-requisites: Law of contract

While not mandated (unlike the prerequisite of contract law), students who are in their final two years of their undergraduate study (3<sup>rd</sup> and 4<sup>th</sup> year for LLB; 4<sup>th</sup> and 5<sup>th</sup> year for double degrees) are in a better position to take full advantage of the course.

Assessment: 80% examination, 20% class participation

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

This course will begin with a discussion of the theoretical and historical development of economic, social and cultural rights (“ESC rights”) under the international human rights system. It will then examine the sources of ESC rights, the obligations of states and the implementation of ESC rights at both international and domestic levels. Among the substantive contents of ESC rights, the course will study the right to food, the right to water, the right to the highest attainable standard of health, the right to social welfare, and the right to housing. The course will also look at approaches to monitoring and advocacy strategies for the realization of ESC rights.

Assessment: 70% research paper, 20% case comment, 10% class participation

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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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### **LLAW3218 Energy law (6 credits)**

Energy law became recognised as a distinct subject following the energy crisis that resulted from the 1973 Arab-Israeli War. This course will introduce Energy law which concerns the laws and regulations that relate to the process and technology of production, distribution, conservation and

development of carbon-based energy sources such as coal, oil and natural gas; non-carbon-based sources such as nuclear power; and renewable clean sources such as hydroelectricity, solar and wind power. More specifically, this course will introduce the law concerning the title, usage, development and control of those natural resources and technology which are used to manufacture energy. This specialisation is important because the energy industry remains to be a non-static, technologically developing, but heavily regulated and strategic, sector of the economy.

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

Assessment: 30% class participation and presentations, 70% examination

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### **LLAW3071 Equality and non-discrimination (6 credits)**

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

Assessment: 30% essay, 70% take home examination

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### **LLAW3091 Ethnicity, human rights and democracy (6 credits)**

Most of the world's conflicts since the end of the Second World War involve ethnic groups against their own country's government, often claiming oppression or violation of their rights by these same authorities. The course examines the causes of this rise of ethnicity, and how majoritarian and liberal democracies – and other forms of government – at times seem to clash with international human rights standards in relation to these ethnic groups. It seems recent developments in the understanding and application of human 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 to respond to collective claims, and the adaptation of human rights in order to better reflect and protect individuals belonging to ethnic groups facing a non-neutral state.

Assessment: 60% research paper, 30% test, 10% class participation

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### **LLAW3102 Evidence I (6 credits)<sup>†</sup>**

The course covers the major topics typically included in an introductory evidence course: relevance, admissibility, residual discretion, competence and compellability, refreshing memory, attacking credibility, prior statements, character evidence, similar fact evidence, opinion and expert evidence, hearsay, confessions, consciousness of guilt, exclusion of evidence for violations of human rights, and legal professional privilege.

The emphasis in this course is on rules of admissibility as opposed to trial procedure. However, a full understanding of these rules and their rationale requires a basic appreciation of trial procedures and practices. Consequently, students are advised to gain some knowledge of trial procedures early on in the course.

Assessment: 70% examination, 25% take home mid-term test, 5% district court visit report

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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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### **LLAW3220 Gender, sexuality and the law (6 credits)**

In this course, we will examine the legal regulation of gender and sexuality in a variety of contexts, ranging from the home to the workplace. In recent years, theorists of gender and sexuality have underscored the ways in which sexual identities can be considered as social constructs. What are sexual identities, why are they important, and to what extent does the law play a part in their construction?

We will examine these questions in a variety of contexts, including marriage (and its alternatives); reproductive technology; workplace discrimination; the relationship between sexuality, free speech and freedom of assembly; and the criminalization of sexual behaviors.

Throughout the course, we will compare legal developments in Hong Kong with developments in other jurisdictions, including the United States and Europe, as appropriate. We will examine the similarities and differences between Hong Kong's circumstances and those in other parts of the world, and ask how useful a comparative approach would be to our understanding of local developments.

While this course focuses on case law and doctrine, it will also have a strong jurisprudential dimension, and there will be extensive readings in critical theory, including works by Janet Halley, Catherine MacKinnon, and Michael Warner.

This course has no prerequisites, but students are expected to be prepared to engage with both legal doctrine and legal theory.

Assessment: 50% final paper, 30% mid-term paper, 10% class presentation, 10% participation in class discussion

### **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% 3-day take home examination

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

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

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

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

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

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

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

Assessment: 100% 3-day take home examination

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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.

Pre-requisite: 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% examination, 30% research paper, 20% group project presentation

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### **LLAW3203 Guided research (6 credits)**

Instruction will be given on the principles of effective legal writing and in legal research methodology and techniques. Students will also consider how to choose a research topic, how to work effectively with their supervisor and the problem of plagiarism.

The majority of the course (by its very nature) will involve students carrying out research and preparing their research paper on their own.

Given that the course is a one semester course, students are expected to look for a faculty member who is willing to supervise the students on their research project prior to the end of the add/drop period. Different faculty members have different considerations and requirements on the decision to supervise a student, but it is typically expected that the student when approaching the faculty member should have a reasonably viable research topic/proposal that falls into the research/teaching interest of the proposed supervisor. Students who have not secured a supervisor and an approved topic prior to the end of the add/drop period run the risk of not being able to find a supervisor and/or complete the required paper within the time constraint of a semester – and the consequential failure of the course.

The research paper must not exceed 8,000 words (excluding tables of cases and statutes, notes, appendices and bibliographies. Footnotes or endnotes should not exceed 2,000 words). The individual research paper is on an approved topic and is carried out under the supervision of an assigned supervisor.

Assessment: 100% research paper

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### **LLAW3217 Guided research II (6 credits)**

Instruction will be given on the principles of effective legal writing and in legal research methodology and techniques. Students will also consider how to choose a research topic, how to work effectively with their supervisor and the problem of plagiarism.

The majority of the course (by its very nature) will involve students carrying out research and preparing their research paper on their own.

Given that the course is a one semester course, students are expected to look for a faculty member who is willing to supervise the students on their research project prior to the end of the add/drop period. Different faculty members have different considerations and requirements on the decision to supervise a student, but it is typically expected that the student when approaching the faculty member should have a reasonably viable research topic/proposal that falls into the research/teaching interest of the proposed supervisor. Students who have not secured a supervisor and an approved topic prior to the end of the add/drop period run the risk of not being able to find a supervisor and/or complete the required paper within the time constraint of a semester – and the consequential failure of the course. On the flip side, students may, if approved by their respective supervisor, begin their supervised research and writing prior to the formal registration of the course (e.g., in the presiding summer vacation prior to registration in Semester 1, or in Semester 1 prior to registration in Semester 2).

The research paper must not exceed 8,000 words (excluding tables of cases and statutes, notes, appendices and bibliographies. Footnotes or endnotes should not exceed 2,000 words). The individual research paper is on an approved topic and is carried out under the supervision of an assigned supervisor.

Pre-requisite / co-requisite: LLAW3203 Guided research

Assessment: 100% research paper

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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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### **LLAW3110 Human rights and cyberspace (6 credits)**

The exponential growth of the Internet and World-wide web provides great opportunities for and poses significant challenges to enjoyment of human rights in many years. This course will examine a number of areas in which the Internet revolution has provided new tools and opportunities for promoting the enjoyment of human rights, as well as for enabling violations of human rights:

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

Assessment: 80% research paper, 20% participation

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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% take home essay

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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 security, education and the environment.

Assessment: 30% short paper, 70% research paper

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### **LLAW3222 Human rights in practice (6 credits)**

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

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

Preliminarily identified NGOs and foreign law schools include Mother's Choice, Christian Action, Equal Opportunities Commission, Liberty Asia, Georgetown University Law Center and select disabled persons organizations in mainland China and Hong Kong.

The aims are:

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

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

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

Assessment: 25% weekly seminar and training sessions, 25% fieldwork with partner organizations, 30% three directed learning journal entries (10% each), 20% final written work product

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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.

Pre-requisite: Having taken and passed Business associations

Assessment: 100% take home examination

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### **LLAW3024 Insurance law (6 credits)**

The course covers the history and operation of the insurance market; regulation of insurance; the definition of insurance contracts; risk spreading; the importance and reform of the concepts of “Insurable Interest” and “Utmost Good Faith”; the role of intermediaries; the specific terms of insurance contracts; how losses and claims under insurance contracts are dealt with; and the rights of insurers.

Pre-requisites: Law of contract I and II, Commercial law

Assessment: 100% examination

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

Given the ubiquity of information technology (IT) today, intellectual property (IP) issues related to IT have never been more prominent. With almost daily headlines about IT-related IP matters, IP and IT is one of the hottest and most important topics in law today.

The class will look at how IP can be used to protect IT innovations, products and creations, and how technological developments present new challenges in IP law.

Prior IP or IT knowledge is not required.

Assessment: 50% in-class assessment, 50% research paper

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### **LLAW3155 Intellectual property policy and practice (6 credits)**

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

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### **LLAW3104 Intellectual property, innovation and development (6 credits)**

This course examines the interplay between intellectual property law, innovation and economic development. While it covers copyright and trademark laws and examines how these two areas are affected by digital and Internet innovations, the focus of this course will be on patent law. Particularly this course will explore how cutting-edge technologies such as information technology, biotechnology and green technology have changed the landscape of patent law on the one hand, and

how patent law have affected the development of these technologies on the other hand. It uses judicial cases and empirical examples to illustrate how patents for biotech and pharmaceutical inventions have affected the access to technology and essential medicines, and how patent regime has been employed to protect genetic resources/traditional knowledge and green technologies, and whether such protection promotes or impedes innovation and technology transfer in these industries, and how IP protection has affected social and economic development of developing countries and least-developed countries. Last but not least, the course investigates IP-related antitrust issues, and discusses how to strike a balance between IP and competition for the benefit of technology innovation and economic development.

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

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### **LLAW3085 International and comparative intellectual property law (6 credits)**

This course introduces the international framework within which intellectual property law operates, including copyright, patents, trademarks, industrial designs, unfair competition, trade secrets, geographic indications, and other forms of intellectual property (IP). The course examines how multilateral conventions and agreements such as Berne Convention, Paris Convention and TRIPS Agreement shape national IP laws, the role of international bodies such as WIPO and WTO, the effect of bilateral agreements, and other international influences on the development of IP law. The course also introduces the enforcement provisions and WTO dispute settlement mechanism concerning international IP disputes. While devoting special attention to IPRs protection for cutting edge technologies such as biotechnology and information technology, the course also discusses the protection for traditional knowledge and folklore, and the overall implications of international IP protection for global competition between developed and developing countries in an integrated world market.

Pre-requisite: Have taken (or concurrently taking) other IP laws

Assessment: 85% take home examination and 15% class participation

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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: 20% in-class presentation, 80% take home assignment

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

International commercial arbitration is well established as the preferred binding mechanism for resolving cross-border commercial disputes. It has seen particularly marked growth and acceptance in

the last 20-30 years, including in the Asia Pacific region. The law and practice of international commercial arbitration, while scarcely regulated, has evolved into a highly specialised craft based on international best practices. This course will consider the international and domestic legal framework for international commercial arbitration, as well as the broader regime including international arbitration rules, international arbitration institutions and organizations and international arbitration practices. However, a key focus will be the inside workings of international arbitrations, revealing the sometimes obscure practices of the discipline. The main topics covered include the making and enforcement of arbitration agreements, establishment of and powers of arbitration tribunals, jurisdictional issues, applicable law (both procedural and substantive), arbitration procedure and evidence, interim and final remedies and rendering and enforcement of arbitration awards (including challenges and appeals). The course will be taught with case examples principally from the Asia Pacific region, and extensive examples from the practices of well-known arbitral institutions, such as the ICC International Court of Arbitration, and of arbitrators sitting under the auspices of the ICC.

Students will be expected to have grasped an understanding of the core features of international commercial arbitration as a distinct discipline and to have developed a sense for how to approach technical legal problems that can arise in this field. They should also know their way around the UNCITRAL Model Law and 1958 New York Convention, and be able to apply that knowledge to relevant factual scenarios.

Assessment: 100% take home examination

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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 US 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 harmonise 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: 80% research paper, 10% court or tribunal presentation, 10% class participation

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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 harmonise 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% take home examination

### **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 hazardous waste, and the illegal wildlife trade.

Classes will be conducted largely in a seminar format. Preparation and participation are crucial. A background in subjects such as Public international law, Global administrative law and Environmental law will be helpful but there are no prerequisites for this course.

Assessment: 50% research paper, 30% take home examination, 20% group presentation

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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

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

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

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

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

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

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

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

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### **LLAW3058 International mooting competition (6 credits)**

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

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

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

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

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

Assessment: 100% continuous assessment

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### **LLAW3027 International organizations (6 credits)**

The first international organizations, created in the 19th Century, were of limited scope and membership. It was not until after the First World War that international organizations took on a more universal nature in tackling common problems for states. Since then, hundreds of international organizations have sprung up to handle many issues that affect, or are seen as affecting, our daily lives. The body of rules that govern the functioning of these international organizations, as well as the rules that they create, are referred to as the law of international organizations -the subject of this course.

This course has two aims. First, it will provide an in-depth look at this area of law from a traditional perspective. Starting with a general history of international organizations and overview of current international organizations, the course will develop a definition of international organizations, which focuses on international legal personality, and then will develop a framework for classifying international organizations. This course next will explore the sources of power for international organizations, which involves the law of treaties and the doctrines of attributed powers, implied powers, and inherent powers, among other important principles. This course then will compare their structures, decision-making processes (including the settlement of disputes), membership and financing, privileges and immunities, sanctioning abilities, treaty-making powers, and relations with other international organizations, among other aspects. The United Nations, its subsidiary organs and its specialized agencies will be a major focus of the course, though many other international organizations also will be studied.

Relevant ICJ, PCIJ and other case law will be given particular emphasis in understanding these powers and functions of international organizations.

Second, with this basic understanding of the law of international organizations, students will be expected to explore contemporary legal debates surrounding international organizations. The course will discuss the problem of responsibility for international organizations and creating limitations on their powers. Indeed, while international organizations first were seen as helping to bring "salvation to mankind," today they are seen in a less than ideal light, largely due to concerns over their misdeeds and accountability for those misdeeds. The course will explore the problems associated with functionalism -the predominant theory associated with the expansion of international organizations' powers. The discussion will move on to exploring the possibility of creating limitations and accountability for international organizations through such alternative tools as constitutionalism, judicial review, an emphasis on the rule of law, and global administrative law, to name a few. Other debates to be discussed include the legal status of decisions and resolutions of international organizations in light of the sources doctrine of international law, and whether the differences between international organizations that stem from the differences in their constituent instruments make it impossible to talk of a unified body of law that governs these different entities. Students will be expected to develop their own thoughts on these debates, which they will demonstrate through their participation in class, as well as through the writing of at least four short case comments and either a longer paper on a topic to be chosen by the student in consultation with the professor.

Assessment: 40% research paper, 40% three cases comments, 20% class participation

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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: 30% essay, 70% take home examination

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

International securities law is a topical course taught from both an academic and practitioner's perspectives, dealing with the law, practice and regulation of organised markets including stock exchanges, and the law and practice of financial derivatives and structured financial instruments.

The course aims to develop a usable understanding of law, practice and regulation of exchanges and financial derivatives transactions. This will include consideration of the parties involved and their motives, contract formation, the documentation involved in structuring transactions, allocating and mitigating risks, the functioning and legal foundations of organised exchanges, and the impact of established and post-crisis conflicts of law and re-regulation on transaction design and execution.

Pre-requisite: Business associations

Assessment: 100% three take home examinations spread evenly over the semester

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### **LLAW3028 International trade law I (6 credits)**

This course will provide students with a practical insight into a number of areas of international trade law and the practices of the Admiralty and Commercial Courts. It will use shipping scenarios to illustrate the various contracts and issues that arise in private international trade.

The course is designed to make students research and use case law, ordinances and international conventions. It is taught in a practical way and requires students to think of commercial solutions to problems.

The course covers the following areas:

- International Sale of Goods – the contracts and terms found in sale contracts involving an international element
- Marine Insurance – what is covered by insurance and the duties on an insured
- Letters of Credit – the method of financing the sale contract and the obligations on the banks and parties
- Carriage of Goods by Sea – who has a right to sue the sea carrier of the goods, the obligations on the sea carrier of the goods and whether the sea carrier can sue anyone for their losses
- Jurisdiction and Choice of Law – in which country a claim can be brought and which law will be applied to the claim
- Litigation – the most useful procedures used in commercial litigation such as security for costs, freezing injunctions, orders for inspection, arrest of ships
- Arbitration – the procedures that apply to an arbitration of a claim

Pre-requisites: Law of contract I and II and Law of tort I and II

Assessment: 100% take home assignment

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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 objective of this course is to introduce students to the study of Chinese law as a developing legal system in our world. Law as contemporary lawyers understand it didn't emerge spontaneously in traditional Chinese society. It has developed in China as part of the modernization project since the second half of 19<sup>th</sup> century. Since 1978, in order to initiate and carry out economic reforms, within a short period of time the Chinese Party-State has generated an extraordinary outpouring of laws. However, China has not been widely recognised as a "rule of law" society until now, due to the lack of some key institutional values that are "essential" to such a society. In this seminar, we shall examine the traditional Chinese ways of governing before China encountered modernity, the structure and roles of contemporary Chinese legal institutions, constitutional law, administrative law, criminal justice and civil procedure from historical and comparative perspectives.

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

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**LLAW3209 Introduction to Hong Kong securities law (6 credits)**

This course is intended to provide students with an introduction to the regulation of securities in Hong Kong. Coverage should include: who the regulators of the securities market of Hong Kong are; what are the sources of law and regulation of the securities market in Hong Kong; the Stock Exchange of Hong Kong and the listing process for companies; the continuing requirements imposed on listed companies; the licensing process of financial intermediaries and their continuing regulatory obligations; the regulation of different types of financial product in Hong Kong; market misconduct, including insider dealing and other forms of market abuse; and dispute resolution processes in securities regulation, particularly the new process introduced via the Financial Dispute Resolution Centre.

The course should provide students with a basic understanding of how securities regulation can be separated into a number of different segments e.g. regulation of listed companies, regulation of licensed intermediaries, regulation of financial products, market misconduct and the resolution of disputes. Students should then be able to identify, research and keep themselves abreast of the continuing developments in each of these different segments.

Particular emphasis will be placed on understanding how financial crises serve to drive financial regulation and regulatory initiatives forward and in particular, how the Financial Crisis has and continues to inform regulatory change locally in Hong Kong.

Attention will also be given to anticipated and future developments in securities regulation in Hong Kong, including the transfer of the prospectus regime in its entirety from the Companies Ordinance to the Securities and Futures Ordinance, the move to a scripless market, and the future of the regulation of price sensitive information following the introduction of the new Part XIVA to the Securities and Futures Ordinance.

Two areas that will be considered in some detail will be the enforcement of rights and regulations in a contentious matters context i.e. in court or other similar forums such as the Market Misconduct Tribunal and the Securities and Futures Appeals Tribunal and the resolution of disputes in the securities markets of Hong Kong, particularly in the Financial Dispute Resolution Centre context.

Knowledge of companies law, particularly the anticipated transition from the old Companies Ordinance to the new, will be required for this course.

Assessment: 50% take home examination, 50% group reports

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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% class participation, 75% research paper

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### **LLAW3030 Introduction to private international law (conflict of laws) (6 credits)**

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

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

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

The aim of this course is to giving you a working knowledge of Private International Law so that you can competently advise your clients on such issues.

Assessment: 30% mid-semester test, 70% final examination

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### **LLAW3032 Issues in family law (6 credits)**

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

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

Assessment: 30% continuous assessment, 70% research paper

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