

**The Chinese University of Hong Kong
Faculty of Law**

**Juris Doctor / Master of Laws Programmes
Course Description**

LAWS6001 Legal System

The development of Hong Kong's legal system is the story of Hong Kong. It is one of the reasons for Hong Kong's success as a major international financial and trading centre. It is also the story of the common law in a Chinese context and the value system of Hong Kong people reflected in the Basic Law and constitutional principles. This course examines the background to the legal system, the sources of Hong Kong law, the SAR legal machine, and the idea of law as a value system. Throughout the course students are expected to identify the characteristics of the Hong Kong legal system and what makes law 'legitimate' in our society. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied the Hong Kong legal system. Topics covered include: the development of Hong Kong's legal system; definitions of the rule of law; the courts; the role of the judiciary; the Basic Law; categories of the law; the legal profession; and the law making process in Hong Kong.

LAWS6002 Jurisprudence

In this course, students will address the question, 'What is Law?'. Subjects discussed will include the concept of law, the nature of judicial reasoning, theories of justice, theories of rights, and theories of punishment. Attention is paid to the different methodological approaches in legal and political philosophy, including analytical, interpretive, sociological, realist, feminist and postmodernist approaches to law. By the end of the course and having done the required reading and writing, students should be able to articulate and justify a considered and coherent position on issues which you consider important in the relationships between law, politics and morals; be able to expound and criticise important ideas of selected jurists; and show an ability to think in a more abstract or general fashion than is generally achieved in the study of specific areas of law.

LAWS6003 The Individual, the Community, and the Law

This course will explore the role of lawyers in society in terms of the historical development and orientation of the professions, lawyers' understanding of and commitment to codes of conduct and ethical practice, and the relationship between the professional lawyer and the needs of the community. Students will examine the role of lawyers in a practical sense in relation to the needs of different groups in society with a view to developing in students a lifelong commitment to public interest law and helping them deliver practical benefits to the wider community. Teaching will be both classroom and community based: there will be emphasis upon developing projects in conjunction with and for the benefit of selected groups such as school children, domestic workers, prisoners, unrepresented litigants. (Alternative arrangements will be made for part-time students). A number of different teaching methods will be employed during the course and students, working in groups and individually, will be actively engaged with the community in devising and delivering course-relevant projects. Guests with relevant specialist interests will be invited to speak to the students. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level.

LAWS6004 Legal Research, Analysis and Writing

This course is specifically designed for students at the postgraduate level who have not previously studied any legal research and writing courses. It will introduce students to those elements of legal research that will assist in developing the necessary legal analytical and presentational skills for effective legal writing. The course will also help students learn how to use the law library and the numerous legal databases for conducting research. Students will learn how to find cases electronically and in paper form, how to prepare written arguments and opinions, how to present legal arguments and how to write about law to a number of different audiences. The course will be taught at the level appropriate for postgraduate studies. Topics covered include: using electronic resources; how to read and understand cases; how to read and understand statutes; the different purposes of and audiences for legal research and writing; Hong Kong reported and unreported cases; law reports; legal analysis and issue identification; elements of legal writing and legal argument.

LAWS6011 Principles of Company Law

The course examines the objectives, value system, and the role of the private limited liability company in Hong Kong company law. It will examine the birth, life, and death of a Hong Kong company with particular emphasis on the objectives of company law in the context of Hong Kong company law reform. It identifies issues raised by the protection of minority shareholders, majority rule, 'lifting the veil', and the protection of the outsider in the context of the twin company law legal concepts of limited liability and independent legal personality. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied company law as it applies in a common law jurisdiction. Students are expected to make a presentation on a company law topic as part of the assessment of these skills. Topics covered include: definitions of a private and public company; the structure and formal arrangements of a Hong Kong private limited liability company; the 'one-person company'; the constitution of a Hong Kong company; the allotment, issue, and transfer of shares; minority protection and legal remedies of shareholders; the appointment of company officers including directors; the powers and statutory duties of Hong Kong company directors; officers and the question of corporate authority; issues in corporate personality and the lifting of the veil; and sources of finance including fixed and floating charges, receiverships, and liquidation.

LAWS6012 Principles of Civil Procedure

This course examines the conduct of civil actions in the District Court and the High Court of Hong Kong. Students will be introduced to the statutes, rules, and substantive law that govern civil procedure, and they will learn how to conduct research on a procedural topic. This course has been designed for postgraduate students who have not previously studied civil procedure in a common law jurisdiction. Students will be expected to evaluate the Hong Kong rules critically and assess developments and current law reform issues in civil procedure in Hong Kong generally. A number of different teaching methods will be employed during the course. Students will build upon their knowledge of the laws of contract, tort, and evidence and will learn how to identify and pursue a legal remedy. Topics covered include: methods of commencing an action and identifying the parties to it; the function and rules of pleadings; service; interlocutory matters; the discovery process; striking out or dismissal of an action for want of prosecution; taking a case to trial; settlement and compromise; injunctive relief; methods of enforcement; and the appeal process.

LAWS6013 Principles of Evidence

This course will examine and review the rules of evidence within a broad social context and focus upon case studies to exemplify particular issues in evidence. It will examine the fundamental principles governing the adducing of evidence within the adversarial framework of the common law. By incorporating

a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied the law of evidence as it applies in a common law jurisdiction. In this course, students will gain a critical appreciation of the burden of proof in criminal and civil cases, the rules governing the admissibility of evidence, the roles of the judge and the parties, and the course of the trial. Students will be able to place the rules of evidence within their wider historical, social, and psychological contexts. The course will help students enhance their skills in problem-solving, legal research, and writing. Topics covered include: relevance and admissibility; presumptions and the burden of proof; competence and compellability of witnesses; prior inconsistent statements; character; expert witnesses; confessions; unlawfully-obtained evidence; and identification evidence.

LAWS6014 Principles of Criminal Procedure

The course will take a practical approach placing the study of criminal procedure in the context within which Hong Kong practitioners operate. Teaching will involve the use of sample documents relevant to criminal procedure. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length, this course is designed specifically for students at the postgraduate level who have not previously studied criminal procedure as it applies in a common law jurisdiction. A number of different teaching methods will be employed during the course including written and oral performance exercises. Teaching will be contextually-based so that criminal procedure is discussed in relation to the practical and ethical dilemmas facing the criminal practitioner in Hong Kong. All students wishing to study this course will ideally have completed a relevant course in criminal law.

LAWS6015 Principles of Constitutional Law

This course deals with the main constitutional rules and principles in Hong Kong. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and the opportunity for a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied the law relating to Hong Kong's constitutional arrangements. In Hong Kong, the Basic Law performs the function of a local constitution. Throughout the course students will be expected to evaluate and discuss the part played by the Basic Law in (i) maintaining order and stability while accommodating political, economic and social change; and (ii) mediating the values of Hong Kong's 150-year heritage as a British Crown Colony with its new status as a Special Administrative Region of the PRC enjoying 'a high degree of autonomy'. Students will be introduced to the methods and techniques of public law while developing their problem-solving, research, and writing skills to a level appropriate for postgraduate studies. Topics covered include: constitutions and constitutionalism; colonial administration; Sino-British Joint Declaration; the Basic Law (structure, content, interpretation, and amendment); branches of government (legislative, executive, and judicial); the nature and extent of legislative, executive, and judicial power; lawmaking in Hong Kong; judicial review; the relationship between the Basic Law and the Constitution of the PRC; democracy; the Bill of Rights; and external affairs and treaties.

LAWS6016 Principles of Conveyancing

This course examines the law relating to the creation and transfer of interests in land and provides a foundation for conveyancing practice. The course will focus on the principles of conveyancing including land tenure, the ownership and management of multi-storey buildings, the formal requirements of agreements for the sale and purchase of land, remedies, the registration of interests in land and special features of Hong Kong conveyancing including the small house policy. The course will also take a contextual and practical approach: students will consider the importance of land transactions in economic development, the conveyancing process and current issues relating to conveyancing including title registration and the role of lawyers.

LAWS6017 Principles of Commercial Law

This course introduces students to specific commercial transactions and related legal issues. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied commercial law in a common law jurisdiction. Commercial law involves different types of business relationships and interrelated financial transactions (including consumer credit and consumer protection). Students will develop their problem-solving skills by analyzing these relationships and the different types of commercial documents.

Topics covered will include: the Sale of Goods Ordinance; issues in bankruptcy such as the doctrine of relation back (fraudulent preference); bills of exchange; personal property and interests in personal property; credit and security, including pledges, liens and mortgages and assignments of choses in action and guarantees; Nemo dat and exceptions in commercial law; the provisions of the Hong Kong consumer protection statutes (such as the Moneylenders Ordinance and the Control of Exemption Clauses Ordinance). This course will also briefly touch on retention of title and fixed and floating charges together with an overview of Romalpa clauses (but these will separately be examined in Principles of Company Law).

LAWS6018 Principles of Equity and Trusts

This course deals with the main rules and principles of equity and trusts in Hong Kong. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied equity and trusts. Throughout the course students will be expected to evaluate and discuss the part played by equity and trusts in (i) accommodating the law to elementary requirements of justice and fairness; and (ii) in determining their suitability to the social, economic, and historical circumstances of Hong Kong. Students will also develop their problem-solving, research, and writing skills to a level appropriate for postgraduate studies. Topics covered include: the history and nature of equity; the relationship between common law and equity; the nature of trusts; express trusts, charitable trusts, resulting trusts, and constructive trusts; powers and duties in the trust relationship; remedies for breach of trust; undue influence; unconscionable dealings; fiduciary obligations; confidential information; equitable estoppel; assignments and the disposition of equitable interests; and remedies (declarations, specific performance, injunctions, equitable damages).

LAWS6019 Principles of Land Law

A well developed land regime in which property rights are well respected and protected plays a key role in contributing to the success of Hong Kong as an international financial and commercial hub and is one of the most widely recognised features in Hong Kong's legal system. Throughout the course students will be expected to evaluate and discuss the part played by 'property rights' in Hong Kong and will examine the essential principles of land law. This course deals with the main rules and principles relating to the ownership, purchase, and disposal of land and buildings in Hong Kong. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied land law as it applies in a common law jurisdiction. This course will provide the students with the knowledge of the principles underlying the land tenure system in Hong Kong. It will cover concepts of leasehold estates, covenants in land, the creation and transfer of various forms of interest, ownership and title, the taking and enforcing securities in land, landlord and tenant, and land registration systems and priorities. This course is intertwined with other core subjects of common law such as equity and trusts, contract, and torts. Students will be able to gain a sound knowledge in this area of law and be able to develop the required intellectual skills to analyse legal problems in relation to land.

LAWS6020 Principles of Administrative Law

This course deals with the main rules and principles regulating the making of decisions by the executive branch of government and government agencies in Hong Kong. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied administrative law as it applies in a common law jurisdiction. This course deals with both the substantive legal rules and principles which must be observed by the government in order for a decision to be lawful, and the procedural avenues by which the lawfulness of a governmental decision may be challenged. Throughout the course students will be expected to evaluate and discuss the extent to which the rules, principles, and procedures of administrative law in Hong Kong (i) constrain and control governmental decision making; (ii) operate as a practical mechanism for the protection of civil liberties and economic freedom; (iii) buttress the rule of law; and (iv) aid transparency and accountability of public administration. Students will also be further introduced to the methods and techniques of public law while developing their problem-solving, research, and writing skills to a level appropriate for postgraduate studies. Topics covered include: grounds of review (ultra vires, error of law, unreasonableness and proportionality, irrelevant considerations, failure to take account of relevant considerations, bad faith, bias, conflict of interest and duty, and natural justice); delegated legislation and decision making by delegates; access to information and the duty to provide reasons; judicial review by the High Court; and non-curial review by tribunals, the Ombudsman and other agencies.

LAWS6021 Principles of Contract

This course deals with the main rules and principles regulating legally enforceable agreements in Hong Kong. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied the law of contracts as it applies in a common law jurisdiction. Throughout the course students will be expected to evaluate and discuss the part played by contracts in facilitating economic and social co-ordination in a free community with particular reference to Hong Kong's context, at a level appropriate for postgraduate studies. Students will, furthermore, be introduced to the common law's methods, techniques, and core values while developing their problem-solving, research, writing, information, and advocacy skills to a level appropriate for postgraduate studies. Topics covered include: contract formation (offer and acceptance, certainty of terms, consideration, estoppel, formalities); contractual terms (implied terms, conditions, warranties, innominate terms); parties (privity, capacity); discharge of contracts (by performance, by agreement, by frustration, by breach); remedies for breach of contract (damages, penalty clauses, specific performance, injunction, exemption and limitation clauses); and factors defeating contractual liability (illegality, public policy, misrepresentation, mistake, *non est factum*, duress, undue influence, unconscionability).

LAWS6022 Principles of Criminal Law

This course examines the basis of criminal liability as it applies in Hong Kong. It seeks an understanding of crime based on the wider society by incorporating a more extended range of mandatory readings than undergraduate courses of similar length. This course is designed specifically for students at the postgraduate level who have not previously studied criminal law as it applies in a common law jurisdiction. Students will, through the adoption of a contextual approach, gain an understanding of the fundamental principles of criminal liability, general defences, and the structure and working of selected offences. Students will gain a critical understanding of crime and society and of the practical application of general principles of liability as well as developing problem-solving, writing, and theoretical skills. Topics covered include: the nature of criminal liability; general defences; inchoate crimes; participation in crime; individual and corporate responsibility; offences against the person including homicide; and property/aggravated property offences.

LAWS6023 Principles of Tort

This course deals with the main rules and principles regulating torts in Hong Kong. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied the law of tort as it applies in a common law jurisdiction. Torts are legally enforceable civil obligations that do not depend on any prior agreement between the parties. They are among the most frequently encountered legal issues in daily life. As with the law regulating contracts, the law regulating torts is a principal foundation of the common law. Throughout the course students will be expected to evaluate and discuss the part played by torts in maintaining and promoting (i) social and economic order, and (ii) responsible and respectful conduct, based on the community's own customs, traditions, and expectations. Students will also be further introduced to the common law's methods, techniques, and core values while developing their problem-solving, research, writing, and information literacy skills to a level appropriate for postgraduate studies. Topics covered include: the scope of tort law and general principles of liability; negligence (standard of care, duty of care including pure economic loss and nervous shock, causation and remoteness, defences, contributory negligence); assessment of damages for personal injuries; employers' liability for injuries to employees; vicarious liability; strict liability and the rule in *Rylands v Fletcher*; occupiers' liability; defamation; breach of statutory duty; nuisance; trespass (to persons, to land, to goods); detinue; conversion; defences to intentional torts; and remedies for intentional torts.

LAWS6031 Issues in Company Law

This course will examine: the differences between a private and public company and the role of the Listing Rules from the perspective of self-regulation and modern company law; issues in groups of companies from the perspective of company directors and creditors; and general considerations in debt and equity finance from the perspective of the protection of creditors and shareholders. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who, apart from LAWS6011 Principles of Company Law, have not previously studied company law as it applies in a common law jurisdiction. It builds upon the principles already studied to enable students to deepen their understanding of company law whilst developing their problem-solving and writing skills. Topics covered include: an introduction to the Listing Rules and the Securities and Futures Ordinance; issues in relation to the statutory backing of the Listing Rules; the legal significance of parent and the subsidiary companies and definitions of the corporate group; liability for the debt of insolvent subsidiaries; forms of corporate debt finance; charges and book debts; secured debt finance; and the nature of the floating charge in Hong Kong law.

LAWS6032 Issues in Contract

This course builds upon LAWS6021 Principles of Contract. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who, apart from LAWS6021, have not previously studied the law of contracts as it applies in a common law jurisdiction. Throughout the course students will be expected to continue evaluating and discussing the part played by contracts in facilitating economic and social co-ordination in a free community with particular reference to Hong Kong's context at a level appropriate for postgraduate studies. Students will: extend and deepen their understanding of several areas of contract law to which they were introduced in LAWS6021 while being further introduced to the common law's methods, techniques, and core values; and develop their problem-solving, research, writing, and advocacy skills to a level appropriate for postgraduate study. This course involves a more extensive and in-depth exploration of the following topics: remedies for breach of contract (damages, penalty clauses, specific performance, injunction, exemption and limitation clauses);

factors defeating contractual liability (illegality, public policy, misrepresentation, mistake, *non est factum*, duress, undue influence, and unconscionability).

LAWS6033 Issues in Criminal Law

This course builds upon LAWS6022 Principles of Criminal Law. Drawing on a more extended range of compulsory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who, apart from LAWS6022, have not previously studied criminal law as it applies in a common law jurisdiction. Throughout the course students will be expected to deepen their understanding of the role of criminal law in society and the techniques used by the Common Law to resolve new fact situations and problems. The course involves a more extensive and in-depth exploration of the following topics: murder and manslaughter; offences of strict liability; corporate crime; fraud; blackmail; kidnapping; rape; and cyber crime. Special regard will be paid to areas of topical concern.

LAWS6034 Issues in Equity and Trusts

This course builds upon LAWS6018 Principles of Equity and Trusts. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who, apart from LAWS6018, have not previously studied equity and trusts. Throughout the course students will be expected to evaluate and discuss the part played by equity and trusts in (i) accommodating the law to elementary requirements of justice and fairness, and (ii) the suitability of that accommodation to the social, economic, and historical circumstances of Hong Kong. Students will also continue developing their problem-solving, research, and writing skills to a level appropriate for postgraduate studies. Students will extend and deepen their understanding of several areas of equity and trusts to which they were introduced in LAWS6018. This course involves a more extensive and in-depth exploration of the following topics: undue influence; unconscionable dealings; fiduciary obligations; confidential information; equitable estoppel; assignments and disposition of equitable interests; and remedies (declarations, specific performance, injunctions, equitable damages).

LAWS6035 Issues in Land Law

A well developed land regime in which property rights are well respected and protected plays a key role in contributing to the success of Hong Kong as an international financial and commercial hub and is one of the most widely recognised features in Hong Kong's legal system. This course deals with the main rules and principles relating to the ownership, purchase, and disposal of land and buildings in Hong Kong. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied land law as it applies in a common law jurisdiction. Throughout the course students will be expected to evaluate and discuss the part played by 'property rights' in Hong Kong and will examine the essential principles of land law. This course will provide the students with the knowledge of the principles underlying the land tenure system in Hong Kong. It will cover concepts of leasehold estates, covenants in land, the creation and transfer of various forms of interest, ownership, and title, the taking and enforcing securities in land, landlord and tenant, land registration system, and priorities. This course is intertwined with other core subjects of common law such as equity and trust, contract, and tort. Students will be able to gain a sound knowledge in this area of law and be able to develop the required intellectual skills to analyse legal problems in relation to land.

LAWS6036 Principles of International Law

Public International Law is the body of rules and principles regulating primarily the conduct of relations among States (i.e. independent countries) and intergovernmental organizations (e.g. the United Nations). It is the legal framework within which international life at the official level is conducted, and aims to facilitate an orderly, just and peaceful system of international politics. This course is designed to give students a comprehensively structured overview of the international legal architecture, and to serve as a foundation for more advanced studies in particular specialised fields of international law. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied international law. Topics covered include: history and nature of international law; sources of international law; treaties; statehood and international legal personality; state responsibility; treatment of foreign nationals and diplomatic protection; state jurisdiction; state immunities; state territory; international dispute settlement; use of force in international relations; law of the sea; international human rights.

LAWS6037 International Legal Advocacy

Only students selected to represent The Chinese University of Hong Kong in academically demanding international mooted competitions may register for this course. A member of the Faculty will be appointed as an advisor to each mooted team and will be responsible for supervising student preparation for, and participation in, the mooted competition. This course consists of three phases: (i) instruction in the fundamental rules and principles of the law to which the mooted competition relates; (ii) legal research into the mooted problem and preparation of a substantial piece of legal writing; and (iii) participation in the team's presentation of submissions at the oral stages of the competition either as advocate or researcher. A student must satisfactorily participate in all three phases to a level appropriate for postgraduate studies to pass the course. Note: a student may represent the University in an international mooted competition without registering for this course.

LAWS6038 Australian Constitutional Law

Australia is a federation with legislative power divided between the six constituent States and the Commonwealth (i.e. the Australian federal authorities). This course is primarily a study of the distribution of legislative power between the States and the Commonwealth, with particular reference to Commonwealth legislative power and its limitations. Topics covered include: constitutional structure of the Australian federation; judicial review and basic principles of Australian constitutional interpretation; separation of the Commonwealth's legislative and judicial powers; inconsistency of Commonwealth and State laws; trade and commerce; freedom of interstate trade; corporations; grants, taxation, and excise; external affairs; defence; and implied rights.

LAWS6039 Canadian Constitutional Law

Canada is a federation with legislative power constitutionally divided between ten provinces and the federal government. This course is primarily a study of how the distribution of legislative power between the federal Parliament and the provincial legislatures has evolved over time as a result of judicial review. Topics covered include: constitutional structure of the Canadian federation, including the federal Parliament's general/residual legislative powers; judicial review and basic principles of Canadian constitutional interpretation; criminal law; regulation of the economy; and the Charter of Rights and Freedoms.

LAWS6040 Conflict of Laws

Hong Kong is a small, but highly international, jurisdiction. Many legal disputes between private parties in Hong Kong involve legal rules, principles, and issues from other jurisdictions in China and abroad. These foreign laws are frequently inconsistent with the laws in Hong Kong. For instance, a contract concluded between a Hong Kong company and a US company in Japan may contain clauses that are enforceable in Japanese law but not in Hong Kong law. This course involves a study of the rules and principles for resolving conflicts that arise between Hong Kong law and the law of other jurisdictions. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied the conflict of laws as it applies in a common law jurisdiction. The rules of Conflict of Laws (sometimes known as Private International Law) are orientated to answering three questions: (i) Which law applies in the event of a conflict? (ii) Do Hong Kong courts have jurisdiction to determine the dispute and should they exercise jurisdiction? (iii) Should a Hong Kong court recognise and enforce a foreign court's judgment? These questions are examined in a few selected areas of law such as contracts, torts, family law, criminal law, and property.

LAWS6041 Interviewing and Counselling

This course explores the various models of legal interviewing and examines the psychology of human communication in cross-cultural settings. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length, a more research-focused assessment regime, and more sophisticated simulations, this course is designed specifically for students at the postgraduate level. In addition to being introduced to the theory and techniques of interviewing, students will improve their communication skills as they explore some of the more difficult issues that can arise in legal interviews. Their learning of the skills of interviewing will be enhanced by demonstration, practice, reflection, and feedback. Sections of the course will be delivered online and by CD-ROMs. This course is recommended for students who wish to represent The Chinese University of Hong Kong in the annual international client counselling competition.

LAWS6042 Dispute Resolution

In this course students will be provided with a comprehensive introduction to the many forms of dispute resolution that are now available and used widely by lawyers throughout the world. Students will also be given an opportunity to learn the skills of negotiation, mediation, and arbitration through sophisticated role plays so that they are able to learn first hand the advantages and disadvantages of each method of dispute resolution. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length, a more research-focused assessment regime, and sophisticated and complex role plays, this course is designed specifically for students at the postgraduate level. The study of dispute resolution provides a springboard from which to teach students about: the nature of disputes; the assumptions underlying society's response to and categorisation of disputes; the pros and cons of traditional methods of dispute resolution; and the strengths and weaknesses of the various methods of dispute resolution that are currently available. This course is recommended for students who wish to represent The Chinese University of Hong Kong in the annual international negotiation competition.

LAWS6043 Comparative Constitutional Traditions

This course explores foundational concepts of, and topical issues in, constitutional law from a comparative perspective. Topics covered include: constitutionalism and its alternatives; constitutionalism as a product of western political philosophy and its adaptation to Asian conditions; limited government; federalism; protection of basic rights; democracy, dictatorship, and the rule of law; separation of powers; law-making

processes; judicial review; executive power; constitutionalism and international law. Comparisons will be made across a wide range of constitutional traditions, with an emphasis on Asian traditions.

LAWS6044 Principles of Environmental Law

This course deals with the main principles underlying the regulation of the environment in Hong Kong. Where relevant, the application of international environmental law in Hong Kong is considered in addition to jurisdiction specific legislation and case law. As there are no standard texts specifically on environmental law in Hong Kong, and the relevance of most other books is limited, the chosen text is supplemented by additional readings; this includes a range of materials which will enable students to acquire an appreciation of the context and content of the relevant law. Throughout the course students will be expected to analyze and evaluate the effectiveness of the Hong Kong legal system in the prevention of environmental harm and the enforcement of the law. As such importance will be placed on understanding and applying appropriate techniques of legal interpretation to the principles that are incorporated in the law.

LAWS6045 Issues in Human Rights

This course provides students with the opportunity to study human rights law from various perspectives. It will do so through three key perspectives: comparative, international and thematic perspectives. Students will be expected to familiarise themselves with human rights norms contained in treaties, legislation and case law from various jurisdictions in Asia, key constitutional systems around the world and various international & federal systems. Students will study the meaning and scope of human rights norms; different modes of enforcement and protection; and key theoretical and current issues relating to human rights. Students will be expected to evaluate the primary and secondary materials in order to critically assess issues and developments relating to human rights.

LAWS6046 Law and Literature

This course provides a basic introduction to the field of law and literature, focusing on the interdisciplinary connection between both. It is designed to examine the role of language, narrative and rhetoric in law, and the role of law, legal reasoning and legal institutions in literary works. It examines two commonly-discussed sub-fields: 'law-in-literature' and 'law-as-literature'. Law-in-literature focuses on the depiction of law and jurisprudential questions in works of literature. Law-as-literature examines legal opinions and arguments from a literary lens – as works of literature, exploring the similarities law shares with literature and focusing on the construction of narratives by lawyers and judges to advance our understanding of the law. This course will provide an opportunity to think about the law in a new way and to have an interdisciplinary discussion of the larger questions of law and life.

LAWS6047 Principles of Employment Law

This course is designed to give students the ability to analyze employment problems in the Hong Kong context. After completing the course, students should be able to identify relevant legal principles from the common law which apply to the employment relationship, understand the relationship between and workings of Hong Kong's major pieces of employment law legislation; and understand the application of employment law in business – commercial realities and mediation as well as black-letter law.

In order to achieve this, student will need to develop an understanding of the role of the employer and the employee at law; and have some awareness of cross-border issues relating to employment law.

Topics include 1) Statutory framework 2) Employees and contractors 3) continuous employment 4) Unions and tribunals 5) Leave and holidays, 6) Wages and payroll, 7) Termination and severance, 8) Duties of the Employer, 9) Duties of the employee, 10) Restrictive covenants 11) Vicarious liability 12) Employees' Compensation 13) Discrimination.

LAWS6048 Jessup International Law Moot

Only students selected to represent The Chinese University of Hong Kong in the Philip C. Jessup International Law Moot Court Competition may register for this course. A member of the Faculty will be appointed as an advisor to each mooting team and will be responsible for supervising student preparation for, and participation in, the mooting competition. This course consists of three phases: (i) instruction in the fundamental rules and principles of the law to which the mooting competition relates; (ii) legal research into the moot problem and preparation of a substantial piece of legal writing; and (iii) participation in the team's presentation of submissions at the oral stages of the competition either as advocate or researcher. A student must satisfactorily participate in all three phases to a level appropriate for postgraduate studies to pass the course. Note: a student may represent the University in an international mooting competition without registering for this course.

LAWS6049 Advanced Judicial Review Independent Research Paper

This course will:

- Build on students' existing knowledge of the content of the law relating to judicial review;
- Facilitate deep enquiry into a wide range of issues relating to judicial review, including the functions and scope of judicial review; the legitimacy of judicial review; conditions for effective judicial review; and the relationship between judicial review and governance;
- Provide exposure to the views and expertise of leading practitioners, judges and academics working in the area of judicial review; and
- Give students the opportunity to further develop their research, analytical and writing skills in the area.

Topics covered:

- Functions of judicial review;
- Necessities for effective judicial review;
- Legitimacy & scope of judicial review;
- Issues relating to grounds of judicial review;
- Comparative analyses of judicial review from different jurisdictions;
- Administrative law remedies

LAWS6050 Mooting

The course objectives focus on the development of a student's research and analytical skills in order to present submissions persuasively. Since clear writing is a reflection of clear thinking, students will learn how to write succinct submissions. The course will develop success in mooting by ensuring students have the ability to read without a script, with minimal reliance on notes. Participation on the course should provide students with sufficient confidence to maintain eye contact and be able to improve and adapt their points when dealing with judicial interventions.

LAWS6051 Principles of Remedies

The course is intended to fulfil three main purposes: (i) to acquaint students with the law relating to remedies; (ii) to consider the consequences of the failure to perform or observe undertakings and promises, and (iii) to review various situations giving rise to remedial relief, independent of substantive transactions. This will include the general remedies for breach of contract, the commission of a tort, and the various defences available. It looks at the substantive transaction giving rise to the remedy, such as various types of contracts, vitiating factors, and the various types of breach. Statutory remedies are discussed here also. It looks at the modern approach to *Hadley v Baxendale*, especially in reference to a commercial contract. Student who successfully completes the course should gain a clear understanding of aspects of the law of Remedies – at common law and in equity and especially in relation to contract, and tort. The course will cover all aspects of the areas of law which impinge on the consequences of breach, omission or other

causes of action giving rise to remedial relief. Specific areas of remedies which are of importance in day-to-day practice of the law will be explored.

LAWS6053 Refugee Clinical Legal Assistance Programme

The Refugee Clinical Legal Assistance Programme is offered to undergraduate and postgraduate students in the Faculty of Law at the Chinese University of Hong Kong in partnership with the Hong Kong Refugee Advice Centre (HKRAC). HKRAC provides general advice and legal aid to asylum-seekers and refugees in Hong Kong. The Clinic allows law students the opportunity to learn both the theory and practice of domestic and international refugee law under the direct supervision of HKRAC's Head of Clinical Programmes and with guidance from HKRAC's legal staff.

Students are required to participate in all components of the Clinic in order to receive full academic credit including the intensive two-day Training Weekend, clinical casework, and the weekly three-hour seminar.

LAWS6054 Principles of Family Law

The course is intended to fulfil three main purposes: (i) to acquaint students with the law relating to marriage, nullity, separation, divorce and other ancillary matters; (ii) to consider the issues on marriage, nullity, judicial separation, the five facts for divorce, ancillary relief claims of the parties on family assets and issue of children; and (iii) to review various situations on application of the law and practice. This will include the general legal principles on nullity, judicial separation and divorce, financial relief for maintenance pending suit, periodical payments, lump sum payments and properties adjustment, transfer and settlement orders and issues of custody, care and control and access of children of the family. It will look at the application for avoidance of disposition of family assets, injunction against taking children out of the jurisdiction, wardship proceedings and Hague Convention against abduction of children. Students will be introduced to the new law against domestic violence and the related application for injunction against non-molestation and ouster order. Different approaches of the Alternative Dispute Resolution in resolving family problems will be explained and taught by way of introduction to the students. Topics covered include: Marriage and divorce; Financial provision and property adjustment; Children; Protection from molestation and violence; Alternative dispute resolution in divorce.

LAWS6055 Principles of Mediation

The objective of the mediation course is to understand the fundamentals of mediation in theory and practice, particularly focusing on Hong Kong's mediation development and *status quo*. The theory will be delivered in segments, commencing from the preparation of a mediation process and concluding with the settlement agreement. After each stage of the mediation process, students will be asked to convert the theory into practice by way of role plays. The course is designed to provide both a theoretical base as well as opportunities for students to acquire and practice skills by regular interaction in class. In addition, the course complies with international mediation standards.

LAWS6056 Principles of Revenue Law

Students will be exposed to tax law and policy through readings, lectures, and interactive tutorials. Fundamental concepts will be introduced first, followed by study of the history and current state of Hong Kong tax law and administration, including Profits Tax, Salaries Tax, Property Tax, Personal Assessment, Stamp Duty, and Hong Kong's comprehensive double tax agreements with other jurisdictions. Students will be asked to apply the law to specific fact patterns and discuss issues arising in situations in which the application of current law is unclear. The last segments of the course will be devoted to consideration of new and evolving tax policy issues in Hong Kong. The course is intended to provide students with broad

awareness of tax issues and practical aspects of tax administration in Hong Kong, as well as an appreciation of tax policy issues and possible alternatives to the current system.

LAWS6057 Issues in Tort

This course builds upon LAWS6023 Principles of Tort. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who, apart from LAWS6023, have not previously studied the law of tort as it applies in a common law jurisdiction. Throughout the course students will be expected to continue evaluating and discussing the part played by torts in maintaining and promoting (i) social and economic order; and (ii) responsible and respectful conduct, based on the community's own customs, traditions, and expectations. Students will: extend and deepen their understanding of several areas of tort law to which they were introduced in LAWS6023 while being further introduced to the common law's methods, techniques, and core values; and develop their problem-solving, research, writing, and advocacy skills to a level appropriate for postgraduate study. This course involves a more extensive and in-depth exploration of the following topics: defamation; breach of statutory duty; nuisance; trespass (to persons, to land, and to goods); detinue; conversion; defences to intentional torts; and remedies for intentional torts.

LAWS6058 Principles of Intellectual Property

This course examines the principles underlying the group of causes of action which has become known as intellectual property. By incorporating a more extended range of mandatory readings than undergraduate courses of similar length and a more research-focused assessment regime, this course is designed specifically for students at the postgraduate level who have not previously studied Hong Kong intellectual property law. Intellectual property comprises registered and unregistered trademarks (passing off), domain names, copyright, patents, designs, trade secrets, plant varieties, and silicon chip topography. Students will gain a critical understanding of these areas of the law, some historically formed others recent *sui generis* regimes, and their place in modern society. Students will also develop their problem solving, legal research, writing, and presentation skills. Topics covered include: major international treaties such as World Trade Organisation (WTO) Trade Related Intellectual Property Rights (TRIPs) Agreement; Paris, Berne and other major conventions; and the causes of action as listed above. The course will take a contextual approach placing the study of intellectual property within the history and culture of Hong Kong society so that students gain a broader understanding of the role of intellectual property in Hong Kong's Common Law in a Chinese context.

LAWS6059 Principles of Securities Regulation

This course explores how the securities markets are structured and regulated and examines the underlying principles of the relevant law. The topics covered in this course include the regulatory framework for the securities markets, the disclosure philosophy of securities regulation, fundraising regulation, prospectus liability, insider trading, market manipulation, continuous disclosure and takeover rules and procedures. These are studied against the background of the increasing globalization of financial markets, and hence while the focus is on the law in Hong Kong, it has some comparative features so as to expand the horizon of knowledge for students. This course is designed to meet the intellectual need of our graduates who may wish to pursue a career in the financial markets, whether it is of a strictly legal nature or not. In particular, for those wishing to become investment bankers, securities lawyers or specialized accountants, it is essential to take this subject.

LAWS6060 Secured Transactions and the Law

This course will cover the law and issues in the practice of giving and taking security for obligations over property. The focus will be on the common law institutions of pledge, mortgage and charge. Security over both real and personal property will be considered. The law in Hong Kong will be considered in comparative perspective. The comparison will be with Australian law. The reform of the law of personal property security will also be considered, by reference to reform along the lines of Article 9 of the US Uniform Commercial Code, as in force in various provinces in Canada since 1976 and currently (October 2009) pending in Australia.

The course will commence with a consideration of why security is given and taken, and then proceed by reviewing the elements of security in the following way: 1) Mortgage of real property, including formalities and remedies; 2) Charge over real property; 3) Priorities; 4) Pledge of chattels; 5) Mortgage over personal property; 6) Charge over personal property; 7) Conditional sales, hire purchase and finance lease of personal property; 8) Third party disputes in relation to personal property; 9) Security over particular forms of personal property: choses in action, intellectual property and insurance policies; 10) Security over the assets of a business undertaking: herein of the floating charge; 11) Title retention arrangements, particularly Romalpa clauses; and 12) Reforming the law of secured transactions: the UCC Article 9 as a model.

LAWS6061 Non-Marine Insurance Law

The course covers the key components of the formation of the insurance contract, claims and the regulation of insurance business and insurance intermediaries. Although it does not cover marine insurance in its own right, reference will be made to the Marine Insurance Act 1906 and to the case law decided thereunder relevant to non-marine insurance contracts. The course is concerned with English law, but reference will be made to developments in other common law jurisdictions (e.g. the USA, Canada and Australia) in order to see how insurance law issues may receive different judicial/legislative responses elsewhere. References to Hong Kong will be included in the fuller description. Although many students will already have a background in contract law, this is not necessary for this course so it is suitable for someone from a non-common law background. Those who have such a background will be familiar with some aspects (e.g. the analysis of offer and acceptance in the formation of a contract), but not only does the course go beyond the type of analysis employed by courses on the general principles of contract law (e.g. the course looks at regulation), it will quickly become clear that an insurance contract has a number of features that mark it out from most other types of contract: for instance, it is one of the few contracts where parties have a duty of disclosure before the contract.

In particular, the course covers the following topics:

- Elements of insurance - definitions; regulation of insurance business.
- Insurance intermediaries - regulation; insurance agents; insurance brokers.
- Insurable interest - indemnity; life & property policies; joint & composite insurance.
- Formation - common law principles; premiums; commencement of the risk; cover notes; renewals.
- Utmost good faith - the mutual duty of disclosure; misrepresentation; remedies for breach of duty.
- Terms - warranties; conditions.
- Construction of the policy - rules of construction; specific terms.
- Causation - doctrine of proximate cause; the assured's misconduct.
- The claims process - notification clauses; fraudulent claims; claims co-operation, good faith obligations on the insured and the insurer.
- Resolving disputes, including the role of the ombudsman.
- Indemnity - the indemnity principle; valued and unvalued policies; mitigation of loss and 'due precautions' conditions.
- Reinstatement - contractual reinstatement; reinstatement under statute.

LAWS6062 Principles of Corporate Crime and Social Responsibility

The proposed course considers the historical origins of the modern corporation, how corporate prosecutions developed, and the various types of corporate crime. It will examine the cost and extent of corporate crime, and theories of how and why it happens. The course will examine some common law and UK legislative responses to particular types of crime - such as corporate manslaughter - and the theories and practice of corporate punishment. The course will also examine the advent of the theory and practice of 'corporate social responsibility', how businesses are expected to conduct their operations internationally with responsibility and accountability to their stakeholders and to wider society. It will examine how this expectation is framed in terms of human rights obligations.

Students with an interest in corporate behaviour, crime, law and ethics will find this course useful. Students will be expected to undertake some independent research into a topic within the syllabus.

LAWS6063 Principles of Construction Law

The purpose of this course is to provide a complete introduction to the subject of construction law and practice in Hong Kong. It will consist of four main areas: (1) the construction process and the law with an introduction to the topic and its importance to the local economy; the parties engaged in the construction industry and their regulation; the forms of contract and procurement methods for construction services; (2) law in the context of construction contracts; (3) an overview of project finance and alternative forms of project delivery including public private partnerships; and (4) dispute resolution in the construction industry.

LAWS6064 Issues in International Law

This course is designed to give students a comprehensively structured overview of some of the more important substantive areas of law regulating international relations. Topics covered may include: use of force; law of the sea; international dispute settlement; international criminal law; international human rights.

LAWS6101 Legal System and Methods in China

This course provides a general overview of the history, structure, and basic principles of the legal system and method in the PRC. It looks into the historical and cultural origin of contemporary Chinese law, the special characteristics that distinguish Chinese law from other major legal systems of the world, and the role of law in modern Chinese economy and society. Topics covered include: Chinese legal tradition; contemporary legal reform in China; the development of the Chinese constitution; Chinese legislative organs and process; sources of Chinese law; Chinese courts and judicial reform; administrative and judicial procedures; the legal profession; legal education; and legal research. A central component of the course running through various substantive topics is the exploration of the skills and methods essential to the study and practice of Chinese law, such as those of statutory interpretation, case analysis, legal research, legal writing, and dispute resolution. This course serves as a foundation course for the study of more specialist courses on Chinese law.

LAWS6102 Chinese Civil Law

This course provides a general overview of the basic concepts, doctrines, and methods of Chinese civil law. It looks into the general theory and concepts that underpin modern civil and commercial law in China and examines their application in selected areas of law. The course focuses on a comparative understanding of Chinese civil law, especially in relation to common law and international commercial law, and invites critical insights from a cross-disciplinary perspective. Topics covered include both the general doctrines of

Chinese civil law (such as civil legal relationships, persons, things, civil juristic acts, agency, and prescription) and a selected number of areas of civil law (such as contracts, torts, unjust enrichment, real rights, personal rights, family, and succession). An important component of the course is the application of case studies through which students learn the special methodology of civil law analysis and essential skills of legal research, writing, and presentation in the context of Chinese civil law. This course serves as a foundation for the study of more specialised courses on Chinese civil and commercial law.

LAWS6103 Chinese Contract Law

This course provides an overview of the fundamental concepts, doctrines and methods of Chinese contract law. It looks into the general theory and concepts that underpin modern contract law in China and study them in the historical context of China's legal development in the reform era. The course focuses on a comparative understanding of Chinese contract law, especially in relation to common law and international uniform law, and invites critical insights on contract law from a cross-disciplinary perspective. The subjects covered in the course are the general part of Chinese contract law, including the history, structure and fundamental principles of Chinese contract law, formation of contract, effectiveness of contract, performance, modification and transfer of contract, discharge of contract and liability for breach of contract. An important component of the course is the application of case studies through which students learn the method of legal analysis for Chinese contract law and the essential skills of legal research, writing and presentation.

LAWS6104 Chinese Company Law

The PRC Company Law was enacted in order to serve as a legal regime for business entities established in Mainland China in the form of companies limited by shares and joint stock companies. This was an attempt to harmonise Mainland Chinese law governing the establishment, operation, and termination of corporations. Despite this law, until today a variety of layers of different company regimes exist in Mainland China leading to a degree of complexity that causes many problems and difficulties in practice. This course will give students an advanced understanding of the historical development of the PRC company law system in its cultural, political, and socio-economic context. It analyses the differences of available company types in Mainland China as well as their practical significance. The course is divided into the following six parts: the historical development of the PRC company law system; the PRC Company Law of 1994; other company law rules; the company limited by shares; the joint stock company; and the law governing capital markets in the PRC. The course aims at analysing PRC company law from a practical point of view, by means of practice oriented in-class and take-home exercises.

LAWS6111 Chinese Foreign Trade and Investment Law

By 2003 China had already attracted the second largest volume of foreign direct investment worldwide. China is also close to becoming the most important trading nation in Asia. Legal rules governing international trade and investment activities on the Chinese mainland are therefore of tremendous practical importance. This course analyses in depth how the Mainland Chinese international business law system has developed since 1978 in its political, social and economic context. It focuses on related practical implications to be taken into account from the viewpoint of Chinese and foreign traders and investors. Topics covered include: the historical development of the PRC foreign trade and investment system; particularly, the impact of China's accession to the WTO; non-investment versus investment business activities in Mainland China; the PRC foreign trade system (different forms of trading with mainland partners; the state's (former) foreign trade monopoly; trade contract law and practice; licenses, quota requirements, quality inspection and other restrictions; shipping and payment terms; customs law; anti-dumping; contract practice); and PRC investment law (China's international investment treaties; government control of investment activities; representative offices; investment vehicles (EJVs, CJVs and WFOEs); industry-related special rules; mergers and acquisitions; restructuring, dissolution and insolvency

of FIEs; and contract practice). In-class and take-home exercises will allow students to develop their problem-solving, drafting, negotiation, and presentation skills.

LAWS6112 Chinese Practice on International Law

This course studies the behaviour and attitudes of the People's Republic of China in major areas of international law. Students will look into the political, economic, and historical context in which Chinese views on international law and international society have evolved. The course illustrates the changing role of international law in China's foreign policy and domestic reform by examining specific areas of China's practice in international law such as sovereignty and statehood, the law of treaties, the implementation of international law in the domestic legal order, territorial disputes, jurisdiction and extradition, sovereign and diplomatic immunities, the law of the sea, human rights, the United Nations, the use of force, and international humanitarian law.

LAWS6113 Private International Law in China

This course covers the law and practice of various areas of private international law as practised in the China area. Students will study the historical context in which Chinese private international law has developed, and the influence that comparative and international legal scholarship has had over the theory and practice of private international law in different parts of China. The course will examine related legislation, judicial practice, and scholarly views on general aspects of private international law as well as specific areas of applicable law such as contract, tort, property, family, and succession. The course also covers law and practice in civil cases with foreign elements and the recognition and enforcement of foreign civil judgments and arbitral awards.

LAWS6114 Chinese Civil Procedure Law

This course provides an overview of the law and practice of civil litigation in China. Students will examine legislation, judicial interpretations, leading court decisions, and published empirical data relating to civil litigation in China in order to understand how China's civil justice system operates and how it affects the interaction of individuals and business entities. The course will review the historical process in which China's civil procedure law has evolved, and study the essential concepts and doctrines of the Chinese system in comparison with those in the legal systems of other industrialised countries.

LAWS6115 Chinese Securities Regulation

Securities are tradable interests representing financial value including shares of corporate stock or mutual funds, bonds issued by corporations or governmental agencies, stock options or other options, and other derivative securities. Securities can be newly issued and offered on the primary capital market, for example through Initial Public Offerings. They can also be traded on what is known as the secondary capital market. This course introduces students to different types of securities as well as economic and legal concepts governing capital markets. It analyses the development of the Mainland Chinese securities system. It also discusses special topics including restrictions that have been imposed on foreigners' and foreign invested enterprises' participation in the mainland capital markets and the procedure and practical significance of securities-related disputes in Mainland China. The course is taught in an interactive manner with a focus on practical issues. Through in-class and take-home exercises students will develop their problem-solving, legal research, writing, and presentation skills.

LAWS6116 Chinese Intellectual Property Law

This course approaches Chinese intellectual property law from a comparative perspective and in the light of the civil law approach to property and civil wrongs. It examines the principles underlying Chinese law with respect to registered trademarks, domain names, copyright, patents, design patents, trade secrets, and other *sui generis* legislation. These include those concerning computers, the Internet, biotechnology, plant varieties, and e-commerce. Competition law, technology transfer law, and the international intellectual property system are also considered. Students will gain a critical understanding of these areas of the law, some of which being historically formed, others recent, and their place in modern Chinese society. Students will also develop their problem-solving, legal research, writing, and presentation skills.

LAWS6117 Chinese Banking Law

This course approaches Chinese banking law from a comparative perspective and in the light of the civil law tradition. This course examines the principles underlying Chinese banking law and negotiable instruments, and it provides an introduction to securities. Students will gain a critical understanding of these areas of the law and their place in modern Chinese society. Students will also develop their problem-solving, legal research, writing, and presentation skills.

LAWS6118 Chinese Tax Law

Tax law often plays a very significant role when it comes to making business decisions in all jurisdictions including Mainland China. Students will acquire an in-depth understanding of the Mainland Chinese tax system. They will come to understand the historical development of the different PRC tax regimes and the political, cultural, economic, and social factors that have shaped and continue to shape the enactment and the implementation of related rules in practice. The course begins with a general discussion of tax concepts and their meaning for Mainland China in general. Thereafter students will consider how the Mainland Chinese tax system has developed over the years, focusing on its contours and its problems. The course primarily focuses on the rules governing the most important Chinese tax types, namely individual income tax, income tax imposed on enterprises with and without foreign investment, value-added tax, business tax, consumption tax, land value-added tax as well as stamp duty tax. During the final part of the course students will learn about the current discussion to reform the PRC tax system and the potential significance of these reforms for the different concerned parties. Throughout the course students will develop their problem-solving, legal research, writing, and presentation skills to an appropriate postgraduate level.

LAWS6119 Chinese Environmental Law

This course introduces the basic environmental legal concepts, principles and mechanisms in Chinese law, considers the dynamic interaction between economic development and environmental protection in China, and investigates the development and operation of Chinese environmental law, with a focus on law-making, regulatory control and judicial remedies in both preventing and remedying the harm of air pollution, water pollution and solid waste contamination. The course further examines China's participation in international environmental law to tackle the global problems of ozone depletion, climate change, transboundary movement of waste and loss of endangered species and biodiversity, and studies the relationship between trade and environment. Students acquire the skills essential to the study and practice of Chinese environmental law, and develop the capacity to engage in comparative analysis of environmental law issues.

LAWS6120 Dispute Resolution in China

The number of court and arbitration cases has increased rapidly in Mainland China in recent years while non-contradictory dispute settlement methods appear to have dominated in the past. This course discusses

the basic forms of dispute settlement namely negotiation, mediation, arbitration and court proceedings, in their historical and socioeconomic contexts. Students will gain a thorough understanding of the differences between various methods of dispute settlement, their Chinese characteristics, their advantages and disadvantages. They will learn about the preconditions and the practical significance of contractual dispute settlement clauses, about *ad hoc* and institutionalized procedures, and about the different organs in charge of dispute settlement procedures in Mainland China on the basis of the underlying rules and regulations. The course covers the recognition and enforcement of awards in Mainland China with a special focus on cross-border issues. Successful work in the area of dispute settlement requires many different skills. Students will acquire these skills through interactive training modules, including mock trials, negotiation exercises, and assignments drafting with an emphasis on problems arising out of multi-cultural interactions.

LAWS6121 Chinese Constitutional and Administrative Law

This course provides an overview of the constitutional and administrative law of China. Students will study the political and historical context in which the Chinese system of constitutional and administrative law has come into being. The development of the Constitution of China will be scrutinised and the major statutes, judicial interpretations, case decisions, and scholarly propositions on constitutionalism will be examined. The theory and practice of administrative procedure and administrative litigation will be scrutinised. Specific areas of theoretical or topical significance (such as human rights, the rule of law, judicial independence, central-local relationships, and constitutional judicial review) will be identified for more in-depth study in the course.

LAWS6122 Chinese Politics and Law

This course examines the politics and the problems of governance in contemporary China in light of historical, ideological, social, cultural, and institutional factors. The course helps students develop an analytical and critical understanding of the political and administrative institutions of China, appreciate the post-1949 social and political changes in China within a broad ideological and socio-political context, and foster a critical understanding of the respective roles of the Government, the Party, and the bureaucracy under the Communist regime. The fundamentals of doing research on Chinese politics will also be taught. Topics covered include: Chinese socialism; political economy in China; social and political changes in the Mao era; the organisation of state administration in China; constitutional development in China; the Cultural Revolution and its aftermath; the politics of economic reform in China; China's political reform; and state-society relations in China.

LAWS6123 Chinese Finance and Law

This course is designed to introduce students to the financial market and financial institutions of Mainland China. The history of and current issues relating to China's financial system will be covered. Topics covered include: China's markets for securities and foreign exchange and their regulatory framework, price behaviour and efficiency; recent developments and trends; ownership structure; capital structure; dividend policy; and project financing of state-owned as well as privately-owned corporations.

LAWS6124 Chinese Accounting and Law

This course is designed to introduce and examine the fundamental structure and current developments in the accounting framework in Mainland China. It describes the economic background and business environment in China as relevant to accounting practice and examines the legal and regulatory framework for accounting and the accounting profession in China. Students will study the accounting regimes of the various types of domestic enterprises in China and their financial reporting as well as the accounting requirements and practice in relation to foreign investments in China. Topics covered include: the accounting environment in China; the Chinese accounting regulatory framework; the Chinese accounting

standards; the Chinese accounting system; the Certified Public Accountants Law in China; the Chinese financial system; and the Chinese taxation system.

LAWS6125 Property Law in China

This course provides an introduction to the doctrines and practice of property law in China, as well as to its social context. The emphasis of the course will be on land law and real estate (immoveable things), including land administration law. The principles of the law of personal property (moveable things) will be covered as well. The objectives of the course are to gain familiarity with the fundamental principles and concepts of Chinese property law; to understand central practices in Chinese property law, for example, some mechanisms of the Chinese real estate market; to gain an awareness of relevant social problems, for example those arising in the context of urban development, and to acquire fluency in discussing the above issues. In order to achieve these objectives, we will be reading and discussing the new P.R.C. Property Law as well as the constitutional provisions affecting China's property regime, relevant provisions and principles of other private law legislation, and laws and regulations on land administration. We will discuss reports and documents from practical experience as well as case reports, and consider institutional structures determining the way property law is applied - or not. We will also make reference to the property law of other jurisdictions such as the German one, to help us with grasping conceptual issues in Chinese property law.

LAWS6126 Chinese Economy and Law

This course is designed to provide students with an introduction to the Chinese economy and analyses China's contemporary economic issues. By examining China's experience and comparing it with other economies, the course also addresses important questions in development, comparative, and transition economies. Students will study the development process of the Mainland Chinese economy (particularly since 1978) and the post-reform economic system in China. Students will examine the basic concepts and theories of development, and comparative and transition economics and their relevance to China, and students will use economists' tools to analyse the Chinese economy and its interaction with other economies (especially the economy of Hong Kong). Topics covered include: Chinese economic reform; development of the financial sector in China; China's foreign trade and WTO accession; reform of state-owned enterprises in China; China's economic policy and foreign direct investment; the Pearl-River Delta and the Yangtze Delta regional economies; and the integration of the Hong Kong and Chinese economies.

LAWS6127 Chinese Commercial Law

This course surveys the laws and institutions in Mainland China that regulate commercial organisations, transactions, and dispute resolution. It explores the development of commercial law in China in the context of an evolving market economy, the integration of the Chinese legal framework with foreign and international commercial law in the era of economic globalisation and the role that commercial regulation plays in China in business decision-making and social and economic governance. Topics covered include: major areas of commercial law such as commercial contracts, negotiable instruments, secured transactions, business organisations, securities regulation, consumer protection, competition law, banking, taxation; and commercial dispute resolution. Subjects dealt with in other more specialized courses will not be covered. An important component of the course is the introduction of essential skills in Chinese commercial practice, such as legal research, legal drafting, negotiation, and alternative dispute resolution. The course serves both as a foundation for and complement to other more specialised courses on Chinese commercial law.

LAWS6128 Chinese Financial Law

This course will examine the history, structure, basic principles and recent developments of Chinese financial legal system; consider the historical, political and economic context in which Chinese financial law has evolved and operated. It will help students understand the role of financial law in China's economic development and learn the skills essential to the study and practice of Chinese financial law, such as those for statutory interpretation, case analysis, legal research, and dispute resolution. Topics covered include: Financial System Reforms in China; Central Bank: People's Bank of China (PBOC); Commercial Banks: Entry; Commercial Banks: Regulation; Commercial Banks: Financial Restructuring; Commercial Banks: Customers; Commercial Banks: Commercial Lending; Commercial Banks: Foreign Banks; Regulation of Non-Bank Financial Institutions; and Chinese Financial Law and the CEPA.

LAWS6129 Chinese Law Internship

This course provides students with an opportunity to undertake two to three weeks of intensive academic study on Chinese law and society and four weeks of internship with a Chinese court. In the academic study sessions, students will attend lectures and seminars that will provide the students with the essential knowledge and critical perspectives on Chinese law and practice and will prepare them for the work in the internship stage. In the internship stage, students will be assigned to several people's courts in Mainland China and work as interns for four weeks. By participating in practical work in Chinese courts under the guidance of their mentors, students will observe, study and reflect on the actual operation of the legal system in China. The course is taught in mandarin Chinese. Assessment is on a pass / fail basis.

LAWS6201 Common Law: Origins and Development

Hong Kong is among the many regions of the world which share in the common law's tradition, methods, rules, principles, and values. In this course, students will receive a solid grounding in the foundations and principal features of the common law as a legal system. Throughout the course, students will be expected to evaluate and discuss: (i) the extent to which the common law reflects and shapes the customs, traditions, and values of the society; (ii) the adaptability of the common law to serve different types of societies; and (iii) the role of the common law in underpinning civil and economic stability, liberty, and dynamism. Students will also develop their abstract-conceptual, research, and writing skills to a level appropriate for studies at the postgraduate level. Topics covered include: historical origins of the common law in England; the emergence of contract, tort, equity, and criminal law; the reception of the common law around the world; core values; major rules and principles and their relationship to the underlying society; stability and change in the common law – *stare decisis*, judicial reasoning, appeals; judicial independence; parliamentary supremacy; statutory interpretation and comparison with the Civil Law.

LAWS6211 History, Culture, and the Law

This course examines the links between law, history, and culture. Law has long been seen, not as a stand alone tradition, but rather as a product of history and culture. Law is not comprehensible without knowledge of the formative processes of legal traditions and their incorporation as an attribute of culture formed over time. This course combines aspects of legal history and jurisprudence, especially sociology and political science. Students will gain a critical understanding of traditional and modern scholarship in these aspects of these fields and their relevance to law in contemporary society. Topics covered include: the Confucianist and anti-legalist traditions in China; the Greek/Roman law beginnings of the Western civil and common law traditions; the subsequent development of systems of law and government in both China and the West; and an introduction to jurisprudential, sociological, and political science theories in relation to these. The course situates itself squarely within the history and culture of Hong Kong society so that students gain a broader understanding of history, culture, and law in Hong Kong's Chinese context.

LAWS6212 Crime and the Sanctioning Process

The purpose of this course is to educate students to think critically about the operation of the criminal justice system. Major aspects of the criminal process will be studied, and the focus throughout will be to contrast the theory of criminal law/criminal process with law in practice. The divergence between theory and practice will provide the springboard to encourage students to explore the nature of legal rules, the culture of criminal justice organisations, and how the socio-political context in which criminal law operates influences the treatment of various groups within the criminal process. Areas of study will include criminal statistics, police powers of arrest, search, detention and interrogation, the structure, organisation and work practices of prosecutors and defence lawyers, plea bargaining, the operation of prisons, and the effectiveness of non-custodial punishments. Course materials will draw heavily upon empirical research from around the world, and students will be encouraged to undertake assessments with an empirical component.

LAWS6213 Comparative Legal Traditions

This course is designed to give credit to the growing practical significance of comparative legal work. Through interactive teaching methods students will acquire specialised knowledge in the area of comparative law. Special emphasis is placed on the critical analysis of traditional concepts and the development of new perspectives in this area. Topics covered include: the concepts of comparative law and its significance in practice; the methods of comparative law; the history of comparative law; the (traditional) euro-centric approach of comparative law; the (traditional) private law-centred approach of comparative law; the legal family concept; mixed and harmonised legal systems; private law concepts; constitutional and administrative law concepts; and criminal law legal concepts. The course emphasizes the necessity to develop skills in the area of comparative law. Students will receive training in the areas of problem-solving, advocacy, drafting, and negotiation. Students will learn to appreciate the practical differences of various legal systems and develop tools to overcome related practical problems through in-class and take-home exercises.

LAWS6214 Copyright, Digital Subject Matter & Information Technology

This course will survey copyright issues pertaining to digital subject matter, including multi media works, computer software, intranet and internet communications, from a global comparative perspective. Whether there is copyright subsistence and in what, whether infringement occurs and where, by whom (facilitator or browser, 'down loader' or 'up loader') what jurisdiction's (or jurisdictions') law governs, and the scope of implied licences are all considered. The US Digital Millennium Copyright Act 1998 and similar legislation in various jurisdictions, are considered as are the file sharing (P2P) cases, safe harbour legislation and procedures and other defences. Striking a balance between legitimate access to digital and other information technology in the interests of users and information provider competitors whilst preserving a sufficient incentive for copyright owners to make available digital information is the challenge for copyright law everywhere yet it is difficult to articulate the specifics of the law and technology let alone meet the challenge.

LAWS6215 Common Law: Globalization and Convergence

Students will explore how Common Law has been carried into many parts of the world, and learn how in the modern state, legislated and administrative rules have greatly displaced judicially crafted solutions for the majority of legal problems. After presenting the essential characteristics of Common Law, the course will examine the three major waves of legal globalization: colonization in the 19th Century, the law and development movement of the post World War II period, and the "Washington Consensus" of the post Cold War period. Students will learn how colonial rules interacted with native Chinese law in Hong Kong, the difficulties of transplanting rules from one culture into another, and some aspects of the second-generation review of transplanted rules currently taking place. A main focus of the course will be to examine how

rules (colonial, statutory and regulatory) have interacted with judicial action. We will in particular see how in the 20th Century, statutes and rules steadily came to dominate the field, leading to a convergence both of many individual bodies of rules and of the larger systems of Common and Civil Law. In sum, two sources of change will be studied: influence between legal systems and change within legal systems in response to changing circumstances. We will conclude with an investigation of the convergence of Common Law and Civil Law based not on geography and heritage, but on the type of problems addressed by a given law, the density of information and expert commentary available, and the existence of competent rule-making bodies.

LAWS6216 Comparative Constitutional Law

This course introduces you to issues in comparative constitutional law. Subjects we discuss in this course include the idea of constitutionalism, its history and its relationship with different forms of political governance; the scope and protection of constitutional rights in different jurisdictions; constitutionalism and human rights; the comparative merits of different judicial and constitutional review systems; constitution-making in post-conflict settings; the constitutions of failed states; and constitutionalism and rights activism. By the end of the course and having done the required reading and writing, you should be able to conduct research on constitutional law in different jurisdictions and to articulate and justify a position issues discussed in this course.

LAWS6217 Principles of Unjust Enrichment

The following topics will be covered during this course: the theoretical nature of unjust enrichment, its relationship to restitution, and its place in the law of obligations; what is meant by enrichment; which factors make any enrichment unjust, including mistake, compulsion, exploitation, and failure of consideration; defences to a claim of unjust enrichment, including change of position and passing on.

LAWS6301 Law of International Business Transactions I

This course introduces basic ideas and concepts of the law governing international business transactions. It explains the advantages and disadvantages of non-investment and investment related business transactions and analyses critically how cross-border business activities have developed over the past 100 years and what this means for different concerned parties and societies. It goes on to introduce reasons for attempts to regulate cross-border business activities on the international and on the domestic level and analyses in detail the related legal regimes. On the basis of a critical discussion of different types of cross-border business activities, students will obtain a thorough understanding of the legal sources governing cross-border business activities on the domestic and on the international levels. The main part of the course is dedicated to international trade related legal issues thus exemplifying the significance of trans-national business activities. Topics to be addressed in detail are: (1) forms of doing cross-border trade; (2) conflict of (trade) laws; (3) sources of the law of international sales of goods; (4) contract practice, contract terms, INCOTERMS, and customary trade usages; (5) transport of exports; (6) financing international trade; (7) terms of payment; (8) breach of international contracts; (9) force majeure; (10) transfer of property and retention of title; (11) commercial invoices, packing, insurance issues; (12) cross-border product liability; (13) taxation of international trade activities; (14) customs law, anti dumping law and other governmental restrictions. While the course discusses topics from the viewpoint of all concerned parties, it focuses on aspects which are relevant for private business entities which engage in international trade. Therefore, skills-based training modules, such as negotiation, drafting, presentation, and problem-solving exercises are used in order to allow students to explore the relevance of related issues 'on the job'.

LAWS6302 Law of International Business Transactions II

This course analyses critically legal aspects of cross-border investment activities. It explains the legal framework governing international merger and acquisition activities on the domestic and the public international law level, but it focuses on transactional aspects from the viewpoint of private investors. Major topics will be studied through in-class exercises, thus allowing students to gain the practical core skills that are necessary to deal with related issues in private practice. These skills-based training modules will include amongst others drafting, negotiation, presentation, and dispute settlement exercises. Topics covered include: investment versus non-investment related cross-border business activities; the historical development and present significance of international merger and acquisition activities; different forms of investment vehicles from a comparative perspective; domestic and public international law sources of investment law; investment restrictions; cross-border investment and corruption; structuring investment projects; due diligence; contract issues (including pre-signing arrangements, reps and warranties, disclosure letters); cross-border investment and technology transfer; labour issues; and the taxation of cross-border investment projects.

LAWS6303 Trans-national Legal Problems

This course covers theoretical and practical legal questions arising out of trans-national scenarios. It introduces and analyses the special issues to be dealt with in this context and the solutions that have been developed on the public international law level and on the level of domestic law. The course has three main parts. Part I will enable students to identify and examine the reasons for the special problems that must be addressed in trans-national contexts. Emphasis is placed on the critical analysis of political, socio-economic, and cultural aspects of trans-national legal problems and the significance and impact of respective legal structures in light of the globalisation of the world's legal regimes. Part II covers public international law related aspects of trans-national scenarios. It provides an advanced understanding of the historical development, the sources, and the main subjects (players) of public international law. Part III addresses trans-national problems arising in relation to and among individuals and/or private entities with a focus on private international law concepts. It also examines attempts to harmonise legal rules applied in different jurisdictions. The course provides students with substantive legal knowledge as well as enables them to develop advanced legal skills. Students will be requested to contribute actively to their own learning experience in forms such as in-class exercises and presentations as well as library-based research.

LAWS6304 International Economic Development and the Law

This course will focus on how countries can develop economically (and what constraints they face) within the framework of international economic law (IEL). In order to provide students with a full understanding of economic development through the use of international economic law, this course will also blend theory and practice. The course will address the general issues of the role of states and international organisations in economic development, as well as the (changing) role of IEL in economic development. The course will be devoted to case studies of select countries, focusing on their use of IEL in economic development and will analyse recent movements toward regional integration.

LAWS6311 World Trade Law

The focus of this course is on the legal structure that affects globalization. For our purposes we can think of globalization as the process by which national economies become interdependent and interlinked. This course introduces students to the legal, business and policy aspects of international trade, focusing on the complex legal framework of the various WTO Agreements as well as recent bilateral and regional trade agreements. This course analyses the legal framework of the WTO by studying the regulatory legal principles of the WTO and how they operate at both the national and international level. More specifically, the course covers issues such as tariffs and tariff negotiations, quotas, most favoured nation clauses,

regional trading blocs, national treatment clauses and exceptions for environmental, health and safety and other policies, anti-dumping, export subsidies, countervailing duties, international rules on patents and copyrights and other topics of contemporary importance currently being debated. The course should give participants a sound understanding of key legal issues and principles relating to international trade and a thorough knowledge and understanding of the importance of domestic and international policy issues to the world trading system. There are no prerequisites for this course and no background in economics, international relations or international law is assumed.

LAWS6312 International Financial and Banking Law

This course seeks to identify society's perception of its economic, social, and other needs with respect to banking and financial regulation, and examines the underlying principles that law has offered to meet these needs. Proceeding from an international and comparative perspective, the course examines the system of financial and banking regulations in selected jurisdictions including Hong Kong and other Asian countries. Students will gain a critical understanding of these historically and culturally formed areas of law and their place in an increasingly globalised society. Reference will be made to external developments Hong Kong is adopting, including Islamic financing. Students will also develop problem-solving and legal research, writing, and presentation skills to an appropriate postgraduate level.

LAWS6313 International Taxation

This course focuses on aspects of international taxation from the viewpoint of an economist. It introduces the concept of taxation including basic accounting principles and analyses critically their significance for the different concerned parties. It explains different tax types by giving country specific examples. Students will gain a thorough understanding of the reasons for the attempts to establish an international tax system, why these attempts have failed, and what this means for international business activities. Common taxation principles applied in many countries in relation to direct and indirect taxes will be discussed as well as tax regimes that have been enacted on the level of international organisations. The problem of double taxation as well as the specifics of bilateral and multilateral tax treaties will be analysed in detail. In its last part, the course focuses on the question of how private business entities react or should react to specific tax regimes. Transfer pricing, tax evasion, and tax avoidance are examined critically as well as counter-measures taken on the domestic and the international level. The course focuses on practical tax issues as they are to be understood and applied by international business lawyers. It therefore incorporates many exercises, thus enabling students to identify tax-related issues that may become important in the context of international business transactions and to develop appropriate practical solutions. The course may be combined with an equivalent course offered in other departments at CUHK.

LAWS6314 The Law of Electronic Commerce

This course examines the legal principles underlying the development and regulation of electronic commerce. Proceeding from an international and comparative perspective, the course examines the very recent and *ad hoc* development of law to meet the needs of the rapidly developing electronic commerce. Areas of legal regulation of electronic commerce discussed include: contractual arrangements between user and internet service providers (ISPs); web site vendors' contractual terms including 'click wrap licenses'; domain name allocation and dispute settlement; intellectual property law applied to digital information; and conflict of laws. Students will gain a critical understanding of this area of law and its place in an increasingly globalised society. Students will also develop their problem-solving and legal research, writing, and presentation skills to an appropriate postgraduate level.

LAWS6315 Competition Law

This course examines the principles underlying international competition law. Free market economic theory and practice pervades contemporary international commerce in an unprecedented and increasingly globalised manner. A cornerstone of free market economic theory is the necessity to remove distortions to competition such as monopolies, oligopolies, and anti-competitive behaviour. Proceeding from an international and comparative perspective, the course examines the competition law of selected jurisdictions including Mainland China, the United States, the European Union and the somewhat iconoclastic position of Hong Kong. Students will gain a critical understanding of these historically and culturally formed areas of law and their place in an increasingly globalised society. Students will also develop their problem-solving, legal research, writing, and presentation skills to an appropriate postgraduate level.

LAWS6316 Shipping Law

This course explains legal principles governing the transport of goods to international or national consignees. It explains the various forms of shipping by sea, land, and air (mono-modal and multi-modal) and related domestic and public international legal regimes. It discusses in detail topics that are crucial for legal practitioners such as different types of contracts of carriage and their major contents, freight-related issues, bills of lading and other carriage documents, the liability of carriers, specifics of container transport arrangements, special issues regarding transport-related dispute settlement as well as topical issues regarding the insurance of goods in transit. Students will have acquired an advanced understanding of the practical impact of shipping law related issues. The course will be taught in an interactive manner with many in-class and take-home exercises, thus allowing students to develop their problem-solving, research, writing, and presentation skills to an appropriate postgraduate level.

LAWS6317 International Commercial Dispute Resolution

This course provides students with an advanced knowledge of the different aspects of disputes arising in the context of international business transactions and the related national and international legal frameworks. It starts out with an in-depth analysis of potential sources of conflicts such as difficulties arising out of multi-cultural scenarios, choice of law problems, the significance of proper documentation, and exchange control matters. Students will further study measures that can be taken in order to avoid conflicts. The main part of the course discusses in detail the different forms of dispute settlement, namely negotiation, mediation, arbitration, and court proceedings with a focus on practical aspects. Finally, the complex topic of the cross-border enforcement of foreign judgments and awards is analysed in detail. This course is meant to provide students not only with substantive knowledge but with avoidance and disputes settlement skills. The course is therefore taught in an interactive way with in-class and take-home exercises and skills-based training modules.

LAWS6318 International and Comparative Intellectual Property Law

This course explores how society regulates ownership, control, and access to ideas, and examines the underlying principles of the relevant law. These principles include registered and unregistered trademarks (passing off), domain names, copyright, patents, designs, trade secrets, plant varieties, and silicon chip topography. These are studied against the background of modern information society - especially digital subject matter (internet and multimedia), bio-technology, and other applied sciences. Proceeding from an international and comparative perspective, the course examines the development of the international intellectual property law system culminating in the World Trade Organisation (WTO) TRIPs agreement. TRIPs has led to an unprecedented level of uniformity of national legal regimes dealing with intellectual property, perhaps the most uniform of all legal regimes. Differences in specific jurisdictions remain. With a view to exploring these differences, attention will be directed to selected jurisdictions including the

Commonwealth, the United States, and China. Students will gain a critical understanding of the law in an increasingly globalised society. Students will also develop their problem-solving, legal research, writing, and presentation skills to an appropriate postgraduate level.

LAWS6319 International and Comparative Environmental Law

This course studies the principles, policies, and strategies of the legal response to common environmental problems from an international and comparative perspective. Students will gain an understanding of the trans-border nature of environmental problems and the need for internationally co-ordinated response. The course will examine the concept of sustainable development and the political and socio-economic issues underlying environmental protection regimes in international and various domestic legal systems. It will identify a selected number of areas of environmental concerns such as air, water, sea, climatic change, and biodiversity, and examine international and domestic regulations addressing those problems. The legal regimes in Mainland China, Hong Kong, and other countries in the Asia-Pacific region will be addressed together with the legal systems of leading industrialised countries in the West.

LAWS6320 Comparative Contract Law

This course is designed to teach students substantive contract law in major legal traditions from a comparative perspective. It will explore the political, socio-economic, and historical environment in which modern contract law has evolved in countries of different legal tradition. The basic principles and doctrines of contract law will be explored from a comparative perspective by examining divergent legal concepts, techniques, and institutions.

LAWS6321 Comparative Corporate Governance

In a narrow sense 'corporate governance' can be defined as providing the rules and incentives to establish structure and control over the set of relationships in company law between management, the board, the shareholders, and stakeholders. In the broader sense, it can also be defined as the rules that create the necessary conditions for market confidence, the creation of wealth, and investor protection at the national and international level. In addition, there are different systems of corporate governance functioning today with different solutions to the problems of maximisation of shareholder wealth, accountability, and investor protection. Models of good corporate governance can therefore be examined from the perspective of 'bank-centred' or 'insider' regimes such as the traditional German or French-models and the 'stock-market centred' or 'outsider' regimes of the Anglo-American type of governance. This course analyses the different models of corporate governance and the key characteristics of these different systems with a focus on their significance for the Greater China region.

LAWS6322 Comparative Company Law

Company law systems in the world today are said to be converging into a single American model exemplified by the so-called 'Washington Consensus' in international finance and trade relationships. This course explores the different models of company law operating at national, regional, and global levels and compares their differences in form and substance. Students will analyse the strengths and weaknesses of the different models and identify those characteristics that find equivalence in today's global regulatory, financial, and accounting systems. Students are expected to build upon their own knowledge of company law and regulatory regimes in their own jurisdiction to bring a comparative law approach to this course.

LAWS6323 Business and the Law in Hong Kong

This course examines the rules and regulations governing the different forms of doing business in Hong Kong in their social, economic, and political contexts. Students will acquire an advanced understanding of the law governing commercial activities in Hong Kong and how the players in the market respond to related rules in practice. In order to point out the practical significance of specific aspects, integrated skills training modules such as problem-solving, drafting, and presentation exercises will serve as the main teaching devices. Topics covered include: commercial contracts (sales and distribution, agency, leasing, franchising, banking and finance, licensing, insurance); business organisations (sole proprietorships, partnerships, companies and other business vehicles); insolvency and bankruptcy; consumer protection; and professional liability.

LAWS6324 European Union Law

With 27 member states, the European Union ('EU') is one of Hong Kong's and Mainland China's largest trading partners. In terms of GDP, it also possesses the second largest internal market in the world. Since its establishment in 1957 as the 'European Economic Community' or the 'Common Market', it has developed a sophisticated body of law and an elaborate set of institutions concerning mainly economic and trade matters. This course acquaints students with the EU's institutional (executive, legislative, and judicial) system and the law establishing and regulating its internal market, with particular reference to the four economic freedoms of movement (goods, persons, services, and capital).

LAWS6325 International Relations

This course examines the actors, dynamics, strategies, and rules of the changing international political system and the patterns of interaction among the powers. It examines the essential concepts and theories in international relations in order to enhance students' understanding of international affairs, especially those in relation to law, and to develop relevant analytical skills. Students are encouraged to think critically about international issues by applying international relations theories and social science research skills that are taught in the course.

LAWS6326 International Finance and Accounting

This course seeks to introduce different aspects of the international financial and accounting systems from an economist's point of view. It is divided into two parts. Part one focuses on the historical development and the current status of the International Monetary System. Students will acquire an understanding of the emergence of international monetary systems and their development into the Bretton Woods Conference. Goals, organisational structure, and the functioning of the IMF and the World Bank will be studied in detail. Students will also learn about the financing of international business transactions with an emphasis on practical aspects from the viewpoint of private business entities. The second part of the course explains basic accounting concepts and principles with a focus on their significance for cross-border business transactions. It analyses the significance of the enactment of proper accounting systems and their implementation on the national and supra-national level. Students will acquire skills that are necessary to assess the financial viability of different forms of international business transactions. Students will also improve their problem-solving, research, writing, and presentation skills through in-class and take-home exercises. The course may be combined with an equivalent course offered in other departments at CUHK.

LAWS6327 International Economics

This course introduces the main concepts and ideas of international business activities from the viewpoint of an economist. It discusses the functioning of the world's economy/economies in light of internationalisation and globalisation of the markets. Students will learn how internationalisation and

globalisation impact on national economies and societies as well as on specific industries, business entities, and individuals and how the different players in the international markets respond or may respond to related challenges. Upon completion of the course students will be in a position to identify issues of concern as well as to collect and evaluate data related to macro- and micro economic issues. Specific topics covered by the course are: (1) definition, development, and critical analysis of major concepts of international economics; (2) economic research methods; (3) internationalisation and globalisation of the world's economies; (4) international and regional economic and monetary organisations (with a focus on the Greater China area); (5) international trade; (6) international investment/MNEs; (7) international banking, finance, and payment methods; (8) international/cross-cultural management; (9) international marketing and price management; (10) international division of labour and personnel management; and (11) international controlling and accounting.

LAWS6328 International Economic Law Skills

This course focuses on core legal skills to be applied by lawyers involved in cross-border business transactions. The focus of the teaching will be on the creation of an active teaching and learning environment with a view on the practical significance of different skill to be explained and demonstrated by lecturers with substantive practical background. The course will consist of three different parts, namely legal writing skills, public speaking/presentation skill and reading financial statements.

LAWS6329 International Investment Law Principles and Practice

The recent development of international investment protection law is remarkable and international investment law is emerging as a distinct and important field of international law. There has been a dramatic increase in the number of bilateral investment treaties and other agreements with investment related provisions. There has also been a sharp increase in the number of disputes between foreign investors and host governments.

This course aims to introduce the students to the public international law standards for the treatment of foreign investments and the resolution of investment related disputes. Students will gain a thorough understanding of the theory and practice of international investment law and dispute settlement principles and practice, through lectures, case study, in-class discussions and group presentations. This course will examine the substantive law governing international investment, the resolution of investment disputes and the growing role of investment law in the international legal system.

LAWS6330 Preferential Trade Agreements: Theory and Practice

The learning aim of the course is to enable the student to develop a deep and achieving learning approach that is rich in critical thought and in applied knowledge to the study of Preferential Trade Agreements (PTAs) in the context of the World Trade Organization (WTO). In this course, students will have an opportunity to examine:

(1) Customs Unions and Free Trade Areas
(1A) Terminology of PTAs
(1B) Typology of PTAs

(2) Criteria of PTAs
(2A) Economic Criteria
(2B) Political Criteria
(2C) Political Economy Criteria
(2D) National Security Criteria
(2E) Cultural Criteria
(2F) Imperialist Criteria

(3) General Agreement on Tariffs and Trade 1994 (GATT) and General Agreement on Trade in Services (GATS)

(3A) Article XXIV GATT

(3B) Article V GATS

(4) Preferential Rules of Origin in PTAs

(4A) Theory

(4B) Practice

(5) Typical PTA Provisions

(5A) Market Access

(5B) Government Procurement

(5C) Intellectual Property

(5D) Foreign Direct Investment

(5E) Competition Policy

(5F) Labour

(5G) Environment

(5H) Transparency

(5I) Dispute Resolution

LAWS6901 Independent Research

This activity allows a student to undertake a programme of independent research in an area of significant personal interest to the student. On the basis of a research plan, the student must obtain approval from the Faculty of Law for the proposed programme of research, which should result in an original research paper of between 5,000 to 7,500 words. The Faculty will give approval to the student's research plan only if satisfied that: the student is capable of completing the planned programme; and that there is a member of Faculty qualified to assess the results of the research. The programme of research may include an element of 'study abroad' activities.

LAWS6902 Independent Research Dissertation

This activity gives students an opportunity to undertake an extended programme of independent research in an area of significant personal interest to the student. On the basis of a research plan, the student must obtain approval from the Faculty of Law for the proposed programme of research, which should result in an original research paper of around 10,000 to 15,000 words. The Faculty will give approval to the student's research plan only if the student is capable of completing the planned programme; and that there is a member of Faculty qualified to assess the results of the research. The programme of research may include an element of 'study abroad' activities.

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