<table>
<thead>
<tr>
<th>Part I</th>
<th>Course Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Course Title:</strong></td>
<td>Property Rights in China: Legal, Economic, and Policy Analysis</td>
</tr>
<tr>
<td><strong>Course Code:</strong></td>
<td>LW6136C</td>
</tr>
<tr>
<td><strong>Course Duration:</strong></td>
<td>One semester</td>
</tr>
<tr>
<td><strong>Credit Units:</strong></td>
<td>3</td>
</tr>
<tr>
<td><strong>Level:</strong></td>
<td>P6</td>
</tr>
<tr>
<td><strong>Medium of Instruction:</strong></td>
<td>predominantly Chinese (Putonghua)</td>
</tr>
<tr>
<td><strong>Medium of Assessment:</strong></td>
<td>Chinese</td>
</tr>
<tr>
<td><strong>Prerequisites:</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Precursors:</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Equivalent Courses:</strong></td>
<td>LW6136C and LW6136E are equivalent courses.</td>
</tr>
<tr>
<td><strong>Exclusive Courses:</strong></td>
<td>Nil</td>
</tr>
</tbody>
</table>
Part II  Course Details

1. Abstract

The past two decades have witnessed increased levels of private homeownership and domestic protest in China, despite a growing economy and rising living standards. This course aims to introduce contemporary and modern perceptions of private property from legislative, economic and sociological perspectives. Content-wise, it depicts land tenure system, housing reform, real estate development, rural land transfer, property management and land grabs etc. It also analyses the legislative framework concerning real property in China, including relevant legislation at national and local levels. In a nutshell, the course will equip the students with a good knowledge of legal issues underlying the public and private properties in China.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

<table>
<thead>
<tr>
<th>No.</th>
<th>CILOs</th>
<th>Weighting (if applicable)</th>
<th>Discovery-enriched curriculum related learning outcomes (please tick where appropriate)</th>
<th>A1</th>
<th>A2</th>
<th>A3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Identify and describe the structure of the current real property legal system in China.</td>
<td></td>
<td>√</td>
<td></td>
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<tr>
<td>2</td>
<td>Analyze the principles relating to sources of real property law in China.</td>
<td></td>
<td>√</td>
<td></td>
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<tr>
<td>3</td>
<td>Compare the differences between the real property legal system of Common law and the Civil law system adopted by China.</td>
<td></td>
<td>√ √</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>4</td>
<td>Identify and describe the operation of the administrative institutions regarding real property in China.</td>
<td></td>
<td>√ √</td>
<td></td>
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</tr>
<tr>
<td>5</td>
<td>Apply the knowledge of real property transaction and related business in China to actual situations.</td>
<td>100%</td>
<td>√ √ √</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

A1: Attitude
Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability
Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.

A3: Accomplishments
Demonstrate accomplishment of discovery/innovation/creativity through producing/constructing creative works/new artefacts, effective solutions to real-life problems or new processes.
3. **Teaching and Learning Activities (TLAs)**  
*(TLAs designed to facilitate students' achievement of the CILOs.)*

<table>
<thead>
<tr>
<th>TLA</th>
<th>Brief Description</th>
<th>CILO No.</th>
<th>Hours/week (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lectures/seminars</td>
<td>A three-hour seminar will be conducted in order to facilitate interactive learning with a relatively small group of students. Both principles and cases from a comparative perspective will be used.</td>
<td>√</td>
<td>√</td>
</tr>
</tbody>
</table>

4. **Assessment Tasks/Activities (ATs)**  
*(ATs are designed to assess how well the students achieve the CILOs.)*

<table>
<thead>
<tr>
<th>Assessment Tasks/Activities</th>
<th>CILO No.</th>
<th>Weighting</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous Assessment: 50%</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Coursework</td>
<td>√</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Final Examination: 50% (duration: 3 hours)</td>
<td>100%</td>
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</tbody>
</table>

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.
5. **Assessment Rubrics**  
*Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.*

<table>
<thead>
<tr>
<th>Assessment Task</th>
<th>Criterion</th>
<th>Excellent (A+, A, A-)</th>
<th>Good (B+, B, B-)</th>
<th>Fair (C+, C, C-)</th>
<th>Marginal (D)</th>
<th>Failure (F)</th>
</tr>
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<tbody>
<tr>
<td>1. Coursework</td>
<td>Demonstration of understanding of concepts, principles, and theories.</td>
<td>Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.</td>
<td>Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.</td>
<td>Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.</td>
<td>Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.</td>
<td>Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.</td>
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<td></td>
<td>Demonstration of ability to identify legal issues.</td>
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<td></td>
<td>Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon.</td>
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<tr>
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<td>Application of legal writing and research skills.</td>
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<td>Demonstration of ability to engage in argument-based analysis based on critical thinking.</td>
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<tr>
<td></td>
<td>Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.</td>
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<td>2. Examination</td>
<td>Demonstration of understanding of concepts, principles, and theories.</td>
<td>Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.</td>
<td>Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.</td>
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Part III  Other Information (more details can be provided separately in the teaching plan)

1.  Syllabus
1.1  Keyword Syllabus

(An indication of the key topics of the course.)

  Socialist perception of property; a bifurcation of urban land and rural land; housing privatization or housing reform; real estate development and market (government’s controls); public property; Land expropriation; rural land transfers; land registration condominium management, dispute resolution mechanism.

1.2  Detailed Syllabus

  1. Socialistic perception of property and legislative evolution relating to property in China: law and development theory
  2. How to develop a real estate project in urban China: Land Use Rights system and housing policies
  3. Real property Mortgage and Sale
  4. Is rural farmland property? Ongoing experiments on rural land transfer: law and policy
  5. Land registration system: theory and practice
  6. Condominium Laws (1) nature and features
  7. Condominium Laws (2): Property management and property relations
  8. The emergence of Homeowner Associations: Rise of grassroots democracy?
  9. Land expropriation
  10 A political Economy of property rights in China:
  11. Judicial system regarding real property

   The administrative decisions arising from cases violating land law; court and arbitration procedure and decisions arising from real estate cases.

2.  Reading List
2.1  Recommended Readings


Chen Lei and Van Rhee C.H. (eds), Towards a Chinese Civil Code: Historical and Comparative Perspectives, Martinus Nijhoff Publishers (Brill) Leiden, 2012 (562 pp)

Chen Lei, The Making of Chinese Condominium Law, Intersentia (Cambridge), 2010


----"The Developer’s Role in the Surging Chinese Condominium Housing: Through the Comparative Lens of the US System", Asia Pacific Law Review, 18(2), 21 2010, pp 223-242


Yash Ghai and Jill Cottrell (eds), Marginalized Communities and Access to Justice (Routledge-Cavendish 2009)

Donald Clarke, “What kind of legal system is necessary for economic development?- The China Puzzle”, in Tim Lindsey (ed) Law Reform in Developing and Transitional States 2007, Routledge,


Dang Guoying, Rural Land Sharholding is not the Direction of Rural Land Reform, http://news.163.com/07/0704/08/3IHVS64G000121EP.html;


Xiaoming Guo, Major Developments and Future Trends in Rural Land Reform, People’s Daily, July 02, 2010.


Peter Ho, Institutions in Transition: Land Ownership, Property Rights, and Social Conflict in China (OUP 2005).


Jean Oi, Two Decades of Rural Reform in China: An Overview and Assessment, The China Quarterly, 1999 Sep. No. 159

HWO Okoth-Ogendo, ‘Legislative Approaches to Customary Tenure and Tenure Reform in East Africa’ in Camilla Toulmin and Julian Quam (eds), Evolving land rights, poverty and tenure in Africa. (DFID, IIED, NRI, London 2000) at 128;


Jean-Philippe Platteau, Land Reform and Structural Adjustment in Sub-Saharan Africa: Controversies and Guidelines (Food & Agriculture Organization 1992)

Roy L Prosterman, Robert Mitchell, and Timothy Hanstad (eds), One Billion Rising: Law, land and the Alleviation of Global Poverty (Leiden University Press 2009);


Hui Wang, Juer Tong, Fubing Su, Guoxue Wei, Ran Tao, “To reallocate or not: Reconsidering the dilemma in China’s agricultural land tenure policy”, Land Use Policy, 28 (2011) 805-814.


Statutory instruments:

Chengdu Municipal Government, the Action Plan concerning the Establishment of Chengdu Agricultural Land Transaction Centre (Cheng ban fa [2009] No. 75).

National Development and Reform Commission (NDRC), The Circular approving Chongqing and Chengdu as the Special Experimental Zones for Coordinated Rural and Urban Development areas (Fa Gai Jing Ti [2007] No. 1248). This Notice was dated 7 June 2007. The Chinese version of this Notice: http://www.sdpc.gov.cn/zcfb/zcfbtz/2007tongzhi/t20100511_346231.htm


Rural Land Contract Law of 2002