

# LW4632: INTERNATIONAL FINANCIAL LAW

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## Effective Term

Semester B 2023/24

## Part I Course Overview

### Course Title

International Financial Law

### Subject Code

LW - Law

### Course Number

4632

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

B1, B2, B3, B4 - Bachelor's Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

LW4132 International Financial Law (from the old curriculum)

LW5632 International Financial Law

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course provides a critical introduction to the law, practice and policy of international finance from both regulatory and transactional perspectives. Combining public law and private law, it examines three broad areas: (1) the international monetary system and exchange rate regimes; (2) regulation of international financial markets; and (3) legal basis of financial transactions and the related dispute settlement issues. Designed to be of both theoretical and academic value, this module aims to help students grasp the big picture of the global financial world as well as obtain practical knowledge and skills about financial regulation and transactions.

### Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Demonstrating a good understanding of the historical evolution, legal framework, and policy rationale of the international financial system;	30	x	x	x
2	Explaining the principles of national and international regulation of financial markets;	30	x	x	x
3	Understanding the legal basis of cross-border financial transactions and critically analysing the legal issues in such transactions.	30	x	x	x
4	Understanding the role of Hong Kong as an international financial centre and the global dimensions of China's financial system and markets	10	x	x	x

#### 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 real-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.

### Teaching and Learning Activities (TLAs)

TLAs	Brief Description	CILO No.	Hours/week (if applicable)	
1	Lectures	The lecturer presents the both the fundamentals and cutting-edge issues in international law which shall be well received, digested and understood by the students.	1, 2, 3	3 hours per week

2	Class Participation	The students engage in lively and dynamic class discussions with the lecturer and peer students to develop critical thinking ability, the skills to interpret and apply the laws and policies, as well as, the ability to understand the big picture of the international financial system in the broader context of international relations and international law.	1, 2, 3	
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**Assessment Tasks / Activities (ATs)**

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class participation	1, 2, 3, 4	30

**Continuous Assessment (%)**

30

**Examination (%)**

70

**Examination Duration (Hours)**

3

**Additional Information for ATs**

The use of Generative AI tools is not allowed.

Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

**Assessment Rubrics (AR)****Assessment Task**

Class Participation

**Criterion**

Demonstration of concentration on lectures and class discussions. Demonstration of ability and willingness to answer questions in class and to participate in class/group discussion. Demonstration of oral presentation skills and willingness. Demonstration of attention and patience to other students' speech or presentation. Demonstration of full respect for different opinions from others in the class.

**Excellent (A+, A, A-)**

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

**Good (B+, B, B-)**

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

**Fair (C+, C, C-)**

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

**Marginal (D)**

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

**Failure (F)**

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

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**Assessment Task**

Examination

**Criterion**

Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

**Excellent (A+, A, A-)**

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

**Good (B+, B, B-)**

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## Part III Other Information

**Keyword Syllabus**

Functions of money; currency and exchange; international financial markets; financial instruments; financial system and its functions; principles of financial regulations; foreign exchange markets; international monetary system; international monetary law; the IMF; exchange rate regimes; current accounts and capital accounts; cryptocurrencies, bitcoin and central bank digital currencies; global reserve currencies, US dollar dominance, and RMB internationalisation; Basel accords; international banking regulation; international loans; commercial lending and syndicated lending; key legal clauses in

international loans agreements; cross-border securities offering and listing; international bond issuance and trading; green finance; international project finance; international financial centres and the role of Hong Kong.

Topics:

- Introduction: Background, Concepts, Structure and Approaches
- Domestic and International Financial Markets: Structures, Players and Institutions
- International Monetary System and International Monetary Law
- WTO Regulation of Financial Services Trade
- Cryptocurrencies and (Central Bank) Digital Currencies
- Global Reserve Currencies, U.S. Dollar Dominance, Special Drawing Rights (SDR), and RMB Internationalization
- The Basel Accords and International Banking Regulation
- International Trade Finance and Payment Systems
- International Loan Agreements
- International Project Finance
- International Securities Regulation: Cross-border Offering and Listing of Shares (Equity Finance)
- International Securities Regulation: International Bond issuance, Green Bonds (Debt Finance)
- International Regulation of Sovereign Wealth Funds
- International Financial Centres: Hong Kong, Singapore, Shanghai, London and New York

## Reading List

### Compulsory Readings

Title	
1	Course pack prepared by the lecturer comprising journal articles, book chapters, reports of financial institutions and organizations, judicial decisions and other legal and political materials concerning international financial law and regulation.

### Additional Readings

Title	
1	Philip Wood, Law and Practice of International Finance (Sweet & Maxwell, 2008)
2	Emilios Avgouleas, Governance of Global Financial Markets: The Law, the Economics, the Politics (Cambridge University Press, 2012)
3	John H. Jackson, Thomas Cottier, Rosa M. Lastra, International Law in Financial Regulation and Monetary Affairs (Cambridge University Press, 2012)
4	John Armour et al., Principles of Financial Regulation (Oxford University Press, 2016)
5	Hal Scott and Anna Gelper, International Finance: Transactions, Policy, and Regulation (Foundation Press, 2018)
6	Rainer Grote and Thilo Marauhn, The Regulation of International Financial Markets: Perspectives for Reform (Cambridge University Press, 2006)
7	Ross P Buckley, The International Financial System: Policy and Regulation (Kluwer Law International, 2008)
8	Daniel K. Tarullo, Banking on Basel: The Future of International Financial Regulation (PIIE, 2008)
9	Kern Alexander, Rahul Dhumal, and John Eatwell, Global Governance of Financial Systems: The International Regulation of Systemic Risk (Oxford University Press, 2006)
10	Stephen Valdez & Philip Molyneux, An Introduction to Global Financial Markets. 8th Ed (Palgrave, 2016)
11	Frederic S. Mishkin, The Economics of Money, Banking, and Financial Markets (Pearson, 2019)
12	Howard Davies, Can Financial Markets be Controlled? (Polity, 2015)
13	Joseph P Joyce, The IMF and Global Financial Crises: Phoenix Rising? (Cambridge University Press, 2013)
14	Barry Eichengreen, Globalizing Capital: A History of the International Monetary System (Princeton University Press, 2008)

15	Dilip K Das (ed.), <i>An International Finance Reader</i> (Routledge, 2003)
16	Anthony Elson, <i>Governing Global Finance: The Evolution and Reform of the International Financial Architecture</i> (Palgrave Macmillan, 2011)
17	Chris Brummer, <i>Soft Law and the Global Financial System: Rule Making in the 21st Century</i> (Cambridge University Press, 2011)
18	Paul R. Krugman, Maurice Obstfeld and Marc J. Melitz, <i>International Finance: Theory and Practice</i> (Pearson, 2019)
19	Anthony M. Endres, <i>Great Architects of International Finance: The Bretton Woods Era</i> (Routledge, 2005)
20	Andrew T. Guzman and Alan O. Sykes, <i>Research Handbook in International Economic Law</i> (Edward Elgar, 2007)
21	Sang Man Kim, <i>Payment Methods and Finance for International Trade</i> (Springer 2021)
22	Lima Zhao and Arnd Huchzermeier, <i>Supply Chain Finance: Integrating Operations and Finance in Global Supply Chains</i> (Springer, 2018)
23	Henri Arslanian and Fabrice Fischer, <i>The Future of Finance: The Impact of Fintech, AI and Crypto on Financial Services</i> (Palgrave Macmillan, 2019)
24	Fikret Causevic, <i>Global Financial Centers, Economic Power, and (In)efficiency</i> (Springer and Palgrave, 2020)
25	Tao Yuan, <i>The Dual-Center Global Financial System: The Perspectives of China's Rise</i> (Springer, 2018)
26	Sandra Heep, <i>China in Global Finance</i> (Springer, 2014)
27	Anthony Elson, <i>The Global Financial Crisis in Retrospect: Evolution, Resolution, and Lessons for Prevention</i> (Palgrave Macmillan, 2017)
28	A.G. Malliaris, Leslie Shaw and Hersh Shefrin, <i>The Global Financial Crisis and its Aftermath: Hidden Factors in the Meltdown</i> (Oxford University Press, 2017)
29	Andreas Steiner, <i>Global Imbalances, Financial Crises, and Central Bank Policies</i> (Academic Press, 2016)
30	Sue Wright, <i>The Handbook of International Loan Documentation. 2nd Ed.</i> (Palgrave Macmillan, 2014)