

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2017/18

Part I Course Overview

Course Title: Law of Contract

Course Code: LW5602

Course Duration: One Semester

Credit Units: 3

Level: P5

**Medium of
Instruction:** English

**Medium of
Assessment:** English

Prerequisites:
(Course Code and Title) Nil

Precursors:
(Course Code and Title) Nil

Equivalent Courses:
(Course Code and Title) LW6164E Law of Contract
 LW6564E Law of Contract
 LW2602 Law of Contract (LLB)
 LW2602A Law of Contract I and LW2602B Law of Contract II (LLB)
 (must have completed both components)

Exclusive Courses:
(Course Code and Title) Nil

Part II Course Details

1. Abstract

This course aims to enable students to:

- acquire knowledge of the law of contract;
- apply that knowledge in the solution of typical problems;
- critically analyse and evaluate the legal principles and doctrines in the law of contract;
- work through the process of agreement and consider the nature of what is agreed;
- prepare and assess how obligations, whether arising in contract, tort or otherwise, affect our daily lives; and
- have the attitude of critical and reflective learning of the law of contract.

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.)

No.	CILOs	Weighting (if applicable)	DEC related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	➤ Identify and explain the principles of contract law and the different components of the law of contract	55%	✓	✓	
2.	➤ Apply the principles of contract law to solve legal problems by: ✧ reading and interpreting cases ✧ interpreting statutes ✧ dealing with facts ✧ conducting independent legal research ✧ solving problems ✧ constructing persuasive arguments by using legal authorities appropriately ✧ writing and communicating orally.	35%	✓	✓	✓
3.	➤ Analyse and critically evaluate legal principles and doctrines in the law of contract in the light of doctrinal coherence and the policy objectives of the law.	10%	✓	✓	
		100%			

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.

Alignment of CILOs with PILOs:

Programme Intended Learning Outcomes (PILOs)		CILOs
1	Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	1
2	Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.	2
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	2, 3
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	3
5	Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law.	2

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.			Hours/week (if applicable)
		1	2	3	
<i>Lectures</i>	Students will be introduced to the basic principles of contract through lectures and interactions with the lecturer and amongst themselves by way of discussions or debates in the course of the lectures.	✓			2
	Students will read cases to prepare for lectures, interpret statutes and develop persuasive arguments in class discussion.		✓		
	Students will explore relevant issues of law and address the theoretical underpinnings of various topics.			✓	
<i>Tutorials</i>	Students will be given the opportunity to clarify or raise further questions with regard to the basic principles of contract taught in the lectures and apply them to hypothetical situations to provide solutions through formation of legal strategy or negotiation and best alternatives for the parties in question.	✓			1
	Students will apply legal principles to the solution of problems. This may be done in the form of discussions, debate or presentations.		✓		
	Students will critically analyse and evaluate legal principles and doctrines.			✓	

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.			Weighting	Remarks
	1	2	3		
Continuous Assessment: 50%					
<i>Coursework</i>				30%	
Students' ability to identify, apply and analyse the relevant principles and components of the law of contract will be tested.	✓				
<i>Participation in tutorial sessions</i>				20%	
Students' ability to understand rules and principles will be tested in forms such as presentations, debates and client counselling.	✓				
Students' ability to apply rules and principles will be tested in forms such as discussions, presentations or debates.		✓			
Students' ability to critically analyse and evaluate rules and principles will be tested in forms such as discussions, presentations or debate			✓		
Examination: 50% (duration: 2 or 3 hours, if applicable)					
Students' ability to identify and apply relevant principles and the components of the law of contract will be tested.	✓				
Students' ability to apply legal rules and principles to particular sets of hypothetical circumstances will be tested.		✓			
students' ability to apply legal rules and principles to particular sets of hypothetical circumstances in order to critically analyse evaluate legal principles and doctrines will be tested.			✓		
				100%	

To pass this course student must obtain an aggregate mark of 40% and a minimum of 40% 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.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation. Assessment criteria for those activities, their nature and their timing will be set out in the study guide/course manual and will be further expanded upon by the course leader.

The duration of the examination may last for 2 or 3 hours and it will be at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course. Similarly the course leader will announce whether the examination will be closed book or open book.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary materials to solve novel problems.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Participation in tutorial sessions	- Demonstration of oral presentation skills and willingness / ability to answer questions in class.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. Coursework assignment	<ul style="list-style-type: none"> - Demonstration of understanding of principles, theories and concepts. - Demonstration of ability to identify issues. - Application of knowledge to specific problems and discussion questions. - Ability to write and communicate ideas and arguments in a logical manner - Ability to engage in argument-based analysis. - Demonstration of ability to research. 					
3. Examination	<ul style="list-style-type: none"> - Demonstration of understanding of principles, theories and concepts. - Demonstration of ability to identify issues. - Application of knowledge to specific problems and discussion questions. - Ability to engage in argument-based analysis. - Aptitude for formulating innovative solutions to designated fact-based questions. 					

Part III Other Information (more details can be provided separately in the teaching plan)

1. Keyword Syllabus

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

Nature of purpose of contract law; sources of contract law; offer; invitation to treat; acceptance; intention to create legal relations; consideration; estoppels; different types of terms such as conditions, warranties, and innominate terms; implied terms; exemption clauses, vitiating factors: misrepresentation, mistake, duress, undue influence; discharge of contract: performance, breach and frustration; remedies: damages and remoteness of damages.

Detailed Syllabus:

The following topics are studied in detail:

Formation

1. Offer and acceptance.
2. Intention to create legal relations and consideration

Contents of a contract

3. Contract terms: express and implied
4. Contract terms and breach: conditions, warranties and innominate terms
5. Exclusion clauses

Vitiating factors

6. Misrepresentation
7. Duress, undue influence and unconscionability
8. Mistake

Discharge of contract

9. Performance: defective performance, repudiatory and anticipatory breach
10. Frustration

Remedies

11. Damages: remoteness, mitigation and liquidated damages
12. Specific performance and injunction
13. Recap: formation, terms, vitiating factors, discharge and remedies

2. Reading List

2.1 Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

Essential reading

J.C. Smith, Smith & Thomas: A Casebook on Contract, Sweet & Maxwell, 13th ed, 2013

2.2 Additional Readings

(Additional references for students to learn to expand their knowledge about the subject.)

Supplementary reading

The following books and texts will be referred to in certain topics. Students are expected to download latest Hong Kong cases that are mentioned in the lectures.

Students are also advised to keep abreast of articles on contract law principles published in journals. Specific journal articles may be mentioned and referred to. It is expected that student research papers for assignment will include comparative positions (UK, Singapore, Australia i.e. common law jurisdictions) reflecting similarities, application or differences with Hong Kong law.

Texts:

J Poole, Textbook on Contract Law, 11th ed, 2012.

G.H. Treitel, *Law of Contract*, Sweet & Maxwell, 11th ed, 2003.

S. Hall, *Law of Contract in Hong Kong: Cases and Commentary*, 2nd ed, LexisNexis, 2008

Lee Mason, *Contract Law in Hong Kong*, Sweet & Maxwell, 2011.

P.S. Atiyah, *An Introduction to the Law of Contract*, OUP, 5th ed, 1995.

M.P. Furmstone, *Cheshire, Fifoot and Furmstone's Law of Contract*, Butterworths, 2001.

Ordinances

Sale of Goods Ordinance (Cap 26).

Supply of Services (Implied Terms) Ordinance (Cap 457).

Control of Exemption Clauses Ordinance (Cap 71).

Misrepresentation Ordinance (Cap 284).

Unconscionable Contracts Ordinance (Cap 87).

Law Amendment and Reform (Consolidation) Ordinance (Cap 23).

Online Resources:

Bilingual Laws Information System at www.legislation.gov.hk.