

**City University of Hong Kong**  
**Course Syllabus**

**offered by School of Law**  
**with effect from Semester B 2018/19**

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**Part I Course Overview**

<b>Course Title:</b>	Intensive Seminar
<b>Course Code:</b>	LW5663*
<b>Course Duration:</b>	From one week to the full duration of a given semester
<b>Credit Units:</b>	1 credit (total contact hours: 13) or 2 credits (total contact hours: 26) in Semester A, Semester B or Summer semester
<b>Level:</b>	P5
<b>Medium of Instruction:</b>	English
<b>Medium of Assessment:</b>	English
<b>Prerequisites:</b> (Course Code and Title)	Nil
<b>Precursors:</b> (Course Code and Title)	Nil LW4662 * Intensive Seminar (* This being an umbrella course, the course codes of seminars offered under this course will be labeled as LW4662A, LW4662B and so on.)  LW650E* Intensive Seminar (* This being an umbrella course, the course codes of seminars offered under this course will be labeled as LW650AE, LW650AB and so on.)
<b>Equivalent Courses:</b> (Course Code and Title)	
<b>Exclusive Courses:</b> (Course Code and Title)	Nil

\* This being an umbrella course, the course codes of seminars offered under this course will be labeled as LW5663A, LW5663B and so on. The code numbers and the exact title of each seminar will be recorded in Appendix-A to this Form.

## Part II Course Details

### 1. Abstract

This course aims to:

- a) provide students opportunities to study, on an intensive basis, an existing or emerging area of law so as to meet the challenges of working in a global environment;
- b) allow students to get exposed to leading foreign legal scholars who might be willing to spend few weeks at our Law School to offer a course;
- c) offer more flexibility to students to plan and complete their studies; and.
- d) develop further the research and analytical abilities of students.

### 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	DEC related learning outcomes		
			A1	A2	A3
1.	<b>Describe and explain</b> the basic concepts and principles related to the given seminar			✓	
2.	<b>Apply</b> the concepts and principles to solve hypothetical or real situations			✓	✓
3.	<b>Communicate</b> ideas, arguments or advice clearly and coherently both orally and in writing		✓	✓	✓
4.	<b>Critically analyse and evaluate</b> concepts, principles and policy underpinning the area of law covered by the seminar		✓	✓	✓
		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:

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.	
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	
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	4	
1	<b>Lectures or interactive seminars</b> – students will acquire basic knowledge of the relevant concept and principles, including by asking or responding to questions	✓				
2	<b>Group discussions/exercises</b> – students will get an opportunity to apply law or legal principles to practical situations; <b>Tutorials</b> – students will apply their understanding of legal concepts and principles to solve hypothetical situations		✓			
3	<b>Tutorials</b> – oral presentations and written submissions; <b>Consultations</b>			✓		
4	<b>Lectures or interactive seminars</b> – students will develop critical analytical abilities by observing and participating in discussions; <b>Guided reflective pre/post-class reading</b>				✓	

A range of TLAs are likely to be employed to achieve CILOs prescribed for a seminar. The combination and duration of the TLAs will be determined as per the needs of a particular seminar, which might in a given case be taught – wholly or in part – through video-conferencing facilities. Nevertheless, below is an indicative list of TLAs.

### 4. Assessment Tasks/Activities (ATs)

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

Again, although precise assessment tasks will be determined the visiting faculty and/or the course leader so as to ensure a proper alignment with CILOs and TLAs, few potential assessment tasks are specified below. Taking into account the nature of the subject and the duration of the seminar, the visiting faculty and/or the course leader will decide if the assessment will be wholly by coursework or by a combination of coursework and examination. The nature of examination (whether closed book or open book) will also be determined by the visiting faculty and/or the course leader. The exact assessment tasks will be notified to students at the beginning of the seminar.

Assessment Tasks/Activities	CILO No.				Weighting	Remarks
	1	2	3	4		
Continuous Assessment: to be decided by the individual course leader						
<b>Attendance and participation in tutorials</b> and other exercises	✓	✓	✓	✓		
<b>Coursework and/or End-of-course examination:</b> to be decided by the individual course leader						
					100%	

Students' achievements will be graded on the basis of their performance in assessment tasks/activities. To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in each of the specified assessment tasks/activities.

## 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. <b>Attendance and participation in tutorials and other exercises presentation)</b>	Demonstration of concentration on tutorials and other exercises. Demonstration of ability and willingness to answer questions in tutorials and to participate in group discussion. Demonstration of oral presentation skills and willingness.	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. <b>End-of-course examination</b>	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.	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.

These courses are assessed on pass/fail basis, students are required to have good attendance (normally 75% plus) and to write an essay of 2,000 words.

**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.)*

**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.)*

1.	
2.	
3.	
...	

**2.2 Additional Readings**

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

1.	
2.	
3.	
...	

This is merely an umbrella course and it has no syllabus of its own. The syllabus and the reading list (if any) of each intensive seminar offered under this course will be decided by the visiting staff and/or the course leader and included in Appendices-B to this Form.

**Appendix A: Course Codes and Titles of  
Intensive Seminars Offered under LW5663**

<i>Course Code</i>	<i>Course Title</i>	<i>Credit Units</i>
<a href="#"><u>LW5663A</u></a>	CIF and FOB Contracts	1
<a href="#"><u>LW5663B</u></a>	Global Class actions and Collective redress	1
<a href="#"><u>LW5663C</u></a>	Governing International Contracts: Comparative Conflict of Laws and Uniform Law before Courts and Arbitral Tribunals	1
<a href="#"><u>LW5663D</u></a>	Dispute Resolution In A Global World	1
<a href="#"><u>LW5663E</u></a>	Comparative Contract Law	1
<a href="#"><u>LW5663F</u></a>	Introduction to Comparative Corporate Governance	1
<a href="#"><u>LW5663G</u></a>	Harmonization of Private Law: Legal and Cultural Challenges – The European Example To Be Avoided?	1
<a href="#"><u>LW5663H</u></a>	Online Platforms	1

## **Appendices B: Syllabus of Intensive Seminars Offered under LW5663**

### LW5663A CIF and FOB Contracts

1. International trade: a legal overview
2. Negotiations and the use of standard forms
3. CIF, C&F and FOB Contracts: carriage and insurance
4. Risk and property
5. The goods
6. The documentary performance
7. The duty to pay, banks and letters of credit
8. The bill of lading as a contract of carriage
9. The bill of lading as a document of title
10. The bill of lading as a receipt
11. Breaches and remedies
12. Force majeure/prohibitions

Pre-requisite: Law of Contract

## LW5663B Global Class actions and Collective redress

This is certainly a different type of law enforcement.

The course will deal with the special features of the unique procedure which enable one or few representatives to enforce legal rights in certain areas of law on behalf of large group of harmed class members.

The special features of the procedure and its developments in many jurisdictions around the globe will be discussed.

LW5663C Governing International Contracts: Comparative Conflict of Laws and Uniform Law before Courts and Arbitral Tribunals

- I) Private International Law and Conflict of Laws
  - a. Subject Matter
  - b. Sources
  - c. Scope
  - d. Objectives
  - e. Comparative Methodologies
  - f. National Courts and Arbitral Tribunals
  
- II) Comparative Conflict of Laws in Contract
  - a. Distinguishing domestic and international contracts
  - b. Interactions between Jurisdiction and Applicable Law
  - c. Governing International Contracts
    - i. Choice of Law
      - 1. Renvoi
      - 2. Freedom of Contract v. Party Autonomy
    - ii. Absence of Choice of Law
      - 1. General
      - 2. Specific Types
    - iii. Mandatory Rules and Public Policy
    - iv. Overriding Mandatory Rules
    - v. Protection of the Weaker Party
  
- III) Uniform Tools
  - a. Standard Contracts
  - b. Uniform Terminologies: Incoterms
  - c. Standard Guarantees and other tools
  
- IV) Uniform Law
  - a. Uniform Conflict of Laws
  - b. Uniform Substantive Law
    - i. Source, Nature, Scope, Objectives
    - ii. Interactions with Conflict of Laws
    - iii. The CISG: Theory and Practice
    - iv. International Transport
  
- V) Governing International Contracts: Selected Topics and Examples

## LW5663D Dispute Resolution In A Global World

For many decades there has been a global sense of crisis in the administration of justice. Most legal systems struggle with how best to adjust their adjudication system to meet the needs of its members. In this course, we will explore the universal principles and values underlying any legal system that seeks to afford effective access to justice and maintain the rule of law. We will also explore the challenges and problems that have preoccupied reformers for more than a century. You will acquire theoretical and practical knowledge of various modes of dispute resolution in a changing global world, and benefit from the experiences of many other jurisdictions. The interdisciplinary and comparative approaches employed in this course will deepen and enrich your understand of the civil justice process in your own jurisdiction.

The general themes that will be covered in this course include the following:

1. Universal Principles of Access to Justice and Fair Trial
2. Rule of Law and Law Enforcement
3. Adversarial, Inquisitorial and Mixed Dispute Resolution Systems
4. Cost Rules (including Costs Shifting)
5. Litigation Funding (and Third Party Funding)
6. Self-Representation, and Lay Representation
7. Settlements, Mediation, and Alternative Dispute Resolution
8. Arbitration
9. Digital Justice and Online Dispute Resolution

## LW5663E Comparative Contract Law

The course will look at a number of laws of contract (English/HK, French, German and some of the other contract laws of Asia) and international instruments (such as the Unidroit Principles of International Commercial Contracts, the Principles of European Contract law and, to a lesser extent, the Vienna Convention on the International Sale of Goods). The course starts with a general overview (e.g explaining the relevance of soft law principles, and covering some of the areas in which there is broad similarity between the various laws and instruments) and then, in the remaining classes, looks at a number of key areas in which there are substantial differences (such as breaking off negotiations; pre-contractual information and duties of disclosure; unfair terms; and adjustment for change of circumstances). It will concentrate on business-to-business contracts, though with some comparisons to consumer contract law.

Pre-requisite: Law of Contract

## LW5663F Introduction to Comparative Corporate Governance

This course on comparative corporate governance introduces the discipline that deals with social institutions - both legal and extra-legal - that purport to provide social regulation of relationships within the business corporation. The company is a complex mechanism for cooperation with a view to making money and doing other good deeds. Successful operation of the corporation requires overcoming a series of problems stemming from our human nature. While the basic structure of corporations in modern economies is relatively uniform, different countries address these issues in various ways, including through different legal systems, different market structures, and other social institutions such as social norms and culture. This situation presents a challenge to policy-makers, lawyers, and business people. This course provides an introduction to comparative analysis of corporate governance. We will first identify the fundamental problems that every corporate governance system must address. Next, we will point out some prominent examples of the different ways that countries implement for this task, review the reasons for this diversity and will try to get to its roots. The last part of the course deals with special challenges that face emerging markets and with the interaction between legal systems and other social institutions.

Pre-requisite: Company Law

## LW5663G Harmonization of Private Law: Legal and Cultural Challenges – The European Example To Be Avoided?

The course explores the tensions that arise between legal integration and cultural diversity in the making of European private law. In the last decades, many have claimed that the European Single Market could not exist without a unified law of obligations, at least. Very few however objected that such law would clash with legal, social, linguistic and cultural diversity across the member States. Today, the attempts to unify the law of obligations have failed, leaving most of the challenges unresolved. While the question of unified regulations will be discussed, the focus will be on the role that the European Court of Justice has played so far to eliminate legal divergences in various fields of private law, especially in the law of contract and tort. By looking at the cultural challenges faced in Europe, the course will also aim to establish comparisons with Asia.

## LW5663H Online Platforms

This seminar deals with the law relating to online platforms, in particular those which act as intermediaries between suppliers and customers. It brings together aspects of contract law, tort law, and unfair competition law. Students are also introduced to the Draft Model Rules on Online Intermediary Platforms proposed by the European Law Institute.

### Suggested Reading:

Discussion Draft of a Directive on Intermediate Online Platforms, proposed by the Research Group on the Law of Digital Services, 2016 Journal of European and Consumer Market Law 164-169

### Lesson 1

What are online platforms and online intermediary platforms

Overview of contract law, tort law, unfair commercial practices law relating to online intermediary platforms

Conflict of law aspects

Listings in online intermediary platforms

### Lesson 2

Reputation systems in online platforms

### Lesson 3

Duties of online intermediary platforms

### Lesson 4

Liability of online intermediary platforms

### Pre-requisite:

Knowledge of Law of Contract