

City University of Hong Kong

Course Syllabus

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

Part I Course Overview

Course Title:	Private International Law
Course Code:	LW6173E
Course Duration:	One semester
Credit Units:	3
Level:	P6
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: <i>(Course Code and Title)</i>	Nil
Precursors: <i>(Course Code and Title)</i>	Nil
Equivalent Courses: <i>(Course Code and Title)</i>	LW6173C
Exclusive Courses: <i>(Course Code and Title)</i>	Nil

Part II Course Details

1. Abstract

The course provides students a practical and legal background to the nature, scope and rules of English and Hong Kong private international law (for the purposes of this course private international law is understood as conflict of laws) to enable future graduates to apply these principles in cases involving foreign elements.

The course will cover issues of jurisdiction, choice of law, proof of foreign law, jurisdiction of arbitral tribunal, enforcement of arbitral awards and foreign judgements.

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)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Describe and demonstrate an understanding of basic concepts of private international law		√		
2.	Describe and evaluate the exercise of jurisdictions in different countries to cases involving foreign elements		√	√	
3.	Identify the law applicable to transnational contracts, extra-contractual liability cases, and in alternative dispute resolution		√	√	
4.	Apply conflict of law rules and relevant statutes to solve complex factual problems		√	√	√
5.	Display clarity and objectivity in written and oral interactions and communications		√	√	√
		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.

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	5	6	
Lectures	Lectures: The course leader will present the substantive law on Private International Law, its concepts and its application	√	√	√	√	√	√	2 hours/week or a total of 26 hours of block teaching
Interactive class discussion	Interactive class discussion: Students will learn how to apply the law to cases. Students will also be engaged to participate in debates to develop a critical view on the strengths and deficiencies of Private International Law approaches	√	√	√	√	√	√	1 hour/week or a total of 13 hours of block teaching

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	4	5	6		
Examination: (duration: 3 hours)	√	√	√	√	√	√	100%	
							100%	

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 examination in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programme and the Internet.

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)
Examination	Demonstration of a good understanding of relevant statutes, cases, doctrines and concepts, and an ability to use these to solve complex legal problems.	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.

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.)

Private international law, public policy, immunity, *renvoi*, jurisdiction, *forum non conveniens*, anti-suit injunction, choice of law in contract, choice of law in extra-contractual liability, choice of law in alternative dispute resolution, enforcement of arbitral awards and foreign judgements

1.2 Detailed Syllabus

Introduction

Importance, notion, Private International Law from the perspective of judges and attorneys

The General Part of Private International Law: Basic Concepts

Basic concepts of Private International Law: connecting factors, incidental questions

Jurisdiction and challenges

Jurisdiction in personam and in rem action, jurisdiction agreement, *forum non conveniens*, anti-suit injunction

Private International Law and Contracts

Choice of Law clause, determining applicable law to contract in the absence of choice of law agreement, capacity, illegality, public policy

Private International Law and Extra-Contractual Liability

Double actionability, exception, proper law of tort

Private International Law and International Alternative Dispute Resolution

Choice of Law, Recognition and Enforcement

2. Reading List

2.1 Recommended Readings

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

- Sir Lawrence Collins and the others (eds), *Dicey, Morris & Collins The Conflict of Laws Volumes 1 and 2* (15th edn, Sweet & Maxwell 2016)
- James Fawcett and Janeen M. Carruthers, *Cheshire, North & Fawcett Private International Law* (14th edn, Oxford University Press 2008)
- Graeme Johnston, *The Conflict of Laws in Hong Kong* (3rd edn, Sweet & Maxwell Asia 2017)
- David McClean and Kisch Beevers, *Morris Conflict of Laws* (9th edn, Sweet & Maxwell 2016)
- Trevor Hartley, *International Commercial Litigation* (2nd edn, Cambridge 2015)

Journals:

International and Comparative Law Quarterly

Journal of Private International Law

Lloyd's Maritime and Commercial Law Quarterly

2.2 Online Resources

Conflict of Laws.net (<http://conflictoflaws.net>)