

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2019/20

Part I Course Overview

| | |
|---|--|
| Course Title: | Intensive Seminar |
| Course Code: | LW5662* |
| Course Duration: | From one week to the full duration of a given semester |
| Credit Units: | 1 credit (total contact hours: 13) or 2 credits (total contact hours: 26) in Semester A, Semester B or Summer semester |
| Level: | P5 |
| Medium of Instruction: | English |
| Medium of Assessment: | English |
| Prerequisites: (Course Code and Title) | |
| Precursors: (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.) |
| Equivalent Courses: (Course Code and Title) | |
| Exclusive Courses: (Course Code and Title) | Nil |

* This being an umbrella course, the course codes of seminars offered under this course will be labeled as LW5662A, LW5662B 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:

- 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;
- 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;
- offer more flexibility to students to plan and complete their studies; and.
- 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. | Describe and explain the basic concepts and principles related to the given seminar | | | ✓ | |
| 2. | Apply the concepts and principles to solve hypothetical or real situations | | | ✓ | ✓ |
| 3. | Communicate ideas, arguments or advice clearly and coherently both orally and in writing | | ✓ | ✓ | ✓ |
| 4. | Critically analyse and evaluate 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 | Lectures or interactive seminars – students will acquire basic knowledge of the relevant concept and principles, including by asking or responding to questions | ✓ | | | | |
| 2 | Group discussions/exercises – students will get an opportunity to apply law or legal principles to practical situations; Tutorials – students will apply their understanding of legal concepts and principles to solve hypothetical situations | | ✓ | | | |
| 3 | Tutorials – oral presentations and written submissions; Consultations | | | ✓ | | |
| 4 | Lectures or interactive seminars – students will develop critical analytical abilities by observing and participating in discussions; Guided reflective pre/post-class reading | | | | ✓ | |

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 | | | | | | |
| Attendance and participation in tutorials and other exercises | ✓ | ✓ | ✓ | ✓ | | |
| Coursework and/or End-of-course examination: 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. Attendance and participation in tutorials and other exercises presentation) | 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. End-of-course examination | 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. |

The above assessment rubrics are not applicable to LW5662O, which is a pass-fail course.

The above assessment rubrics are not applicable LW5662I, LW5662O to LW5662Z. 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 LW5662**

| <i>Course Code</i> | <i>Course Title</i> | <i>Credit Units</i> |
|--------------------------------|---|---------------------|
| <u>LW5662A</u> | Capital Punishment in International Perspective | 2 |
| <u>LW5662B</u> | Terrorism, Human Rights and International Law | 1 |
| <u>LW5662C</u> | International Commercial Arbitration | 1 |
| <u>LW5662D</u> | Labour Law and Post-Industrial Work Relations in HK, the U.K., and the U.S. | 1 |
| <u>LW5662E</u> | Patent Searching Activities, Strategic Use of Patent Information & Patent Information Search Drills | 1 |
| <u>LW5662F</u> | Techniques for Searching Patent Documents and Patent Searching – Practical Aspects | 1 |
| <u>LW5662G</u> | Globalization and Comparative Legal Systems | 1 |
| <u>LW5662H</u> | Selected Topics of Commercial Law | 1 |
| <u>LW5662I</u> | Comparative Constitutional Law: Rights Discourse in South and South East Asia | 1 |
| <u>LW5662J</u> | International Carriage of Passengers by Sea | 1 |
| <u>LW5662K</u> | The Common Law Today | 1 |
| <u>LW5662L</u> | International Criminal Law | 1 |
| <u>LW5662M</u> | Tort Litigation in United States | 1 |
| <u>LW5662N</u> | Aspects of Corporate Finance law: A Comparison of Debt and Equity Financing | 1 |
| <u>LW5662O</u> | Judgment-writing: Principles and Practice | 1 |
| <u>LW5662P</u> | Introduction to Comparative Administrative Law | 1 |
| <u>LW5662Q</u> | Law and Religion | 1 |
| <u>LW5662R</u> | Class Actions and Collective Redress | 1 |
| <u>LW5662S</u> | Advanced Remedies for Breach of Contract | 1 |
| <u>LW5662T</u> | The Theory and Practice of Copyright Law: Comparative and Doctrinal Dimensions | 1 |
| <u>LW5662U</u> | Contract Negotiation, Drafting and Construction | 1 |
| <u>LW5662V</u> | Cross-border acquisition of companies. The puzzle of liabilities | 1 |
| <u>LW5662W</u> | Climate Change in International Law | 1 |
| <u>LW5662X</u> | Contract Law - Recent Developments & Perspectives in Labour, Consumer Credit & Tenancy Law | 1 |
| <u>LW5662Y</u> | The “Sharing Economy” and Its Challenges | 1 |
| <u>LW5662Z</u> | Compliance with the Consumer Law – Future Challenges for Commercial Lawyers | 1 |

Appendices B: Syllabus of Intensive Seminars Offered under LW5662

LW5662A: Capital Punishment in International Perspective

This course will discuss the issue of capital punishment from an international perspective. The following aspects will be discussed:

1. The history of capital punishment and the movement to restrict its use and then to abolish it.
2. The politics of the abolitionist movement, including the arguments and forces that have been at work to achieve successful abolition and those that have been used to resist it. The influence of international law and the human rights movement on the question of capital punishment.
3. The current scope and use of the death penalty around the world, especially in Asia and the USA
4. The modes of enforcing capital punishment and the legal and moral issues involved in its application, including the problem of avoiding error.
5. The problem of arbitrariness and discrimination. Is it possible to eliminate it?
6. Is the death penalty essential as a general deterrent to murder?
7. How can abolition be achieved in those countries that still retain? The role of public opinion.
8. Alternatives to the death penalty: Is life imprisonment without parole the solution?

LW5662B: Terrorism, Human Rights and International Law

1. Overview of Terrorism and the Law
2. Understanding the Different Periods of Counter-Terrorism Activity
3. United Nations and Security Council Measures
4. Terrorism and the Criminal Law (Vertical and Horizontal Initiatives)
5. Public Emergencies and Human Rights
6. Defining Terrorism
 - a. Motive Elements: Political, Religious, Ideological Purposes?
 - b. Causal definitions vs. Pragmatic Definitions
7. Exceptions to Terrorism Definitions?
8. Terrorism and the Law of War
 - a. Prohibition on Terrorism in Armed Conflict
 - b. Status and Treatment of 'Terrorists' under Humanitarian Law
 - c. Targeted Killing – or Extrajudicial Assassination?
 - d. Israel's Security Barrier in the Occupied Territories
9. Terrorism and the Use of Force
10. Torture and Irregular Renditions
11. Human Rights Consequences of Terrorism and Counter-Terrorism
12. The War on Terrorism
13. Discussing Models of Counter-Terrorism

LW5662C International Commercial Arbitration

This course offers an introduction into International Commercial Arbitration (ICA) and highlights different aspects of ICA, such as:

Characteristics of ICA in Practice

The Arbitration Agreement and the applicable Law

Arbitrators and Arbitration Proceedings

The Arbitral Award – Effects and Limits

The students will be accustomed i.a. with the Brussels I Regulation, the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), the European Convention on Commercial Arbitration (1961) and other sources. Basic knowledge of Private International Law (including International Civil Procedure) is desirable.

LW5662D Labour Law and Post-Industrial Work Relations in HK, the U.K., and the U.S.

This is a course in comparative labour law. We will examine several policy challenges posed by the growth of “post-industrial” work relations in three advanced economies and common law jurisdictions: the United Kingdom, Hong Kong, and the United States. Over the past several decades, all three places have experienced a relative decline in what scholars and practitioners have referred to as “industrial,” or “standard,” employment: a full-time, long-term or secure, and direct relationship between a worker and large firm, where the worker carried out routinized tasks under a clear managerial hierarchy and often received benefits and sustainable pay. A mix of law, collective bargaining, and custom was responsible for institutionalizing and maintaining this relationship. Now, global competition, the growth of the service sector, the re-orientation of economic activity towards financial markets, new strategies of profit-making, and state policy have eroded the institutional footing of industrial employment. In its stead, irregular, low-wage, indirect, and insecure employment has burgeoned. Using case studies, the course will explore two principal questions: (1) How does post-industrial work challenge assumptions embedded within current labour law regimes? (2) How might we transform labour law in order to meet the challenges of governing post-industrial work and managing its social and economic consequences? Topics we will address in interrogating these questions include the following:

- Identifying who has rights or obligations under labour law, particularly in indirect employment involving subcontracting, labour intermediaries, and buyer-driven supply chains
- Job security and labor market security
- Working hours
- Benefits
- Health and safety
- Unionization and other modes of worker organization
- Implementing and enforcing labour law
- The benefits and limits of a comparative approach to labour law

LW5662E Patent Searching Activities, Strategic Use of Patent Information & Patent Information Search Drills

This advanced course on Patent Information Search aims to introduce and illustrate comprehensively the concepts of searching patent information. Practical activities have been incorporated throughout the course to complement theoretical principles that underpin patent information searching. Course participants are also furnished with in-depth information regarding sources, techniques and data used during patent searches.

LW5662F Techniques for Searching Patent Documents and Patent Searching – Practical Aspects

This advanced course on Patent Information Search aims to introduce and illustrate comprehensively the concepts of searching patent information. Practical activities have been incorporated throughout the course to complement theoretical principles that underpin patent information searching. Course participants are also furnished with in-depth information regarding sources, techniques and data used during patent searches.

LW5662G Globalization and Comparative Legal Systems

This course is designed to give the students a general understanding of the specificities and interactions of modern legal systems.

In an age of globalization, the comparative study of different legal orders and institutions presents a strong practical motivation: it intends to give a 21st century lawyer, the legal background and reasoning skills to approach law at a global level.

The legal practice of international business, international arbitration, international organizations or any domestic litigation involving foreign interests illustrate the need to consider the different approaches of the law in the world today.

The seminar will focus on the identity and changes of the major legal systems and traditions in civil law and common law countries as well as in other contemporary legal societies. Several points of comparative discussion will be emphasized: sources of law and codification, organization of courts and judicial processes, legal education and the legal profession, the role of law in society or the protection of fundamental rights.

We will address in particular specific topics through selected case studies, including the following:

- The development of a global rule of law
- Trans-judicial dialogue in a global world and judicial globalization
- The changing role of higher courts in a globalized context, the use of foreign law in judicial decision-making
- Business and Human Rights
- The continuing challenge of global intellectual property rights
- The Internet and the globalization of law

Furthermore, the analysis of the effects of globalization and harmonization trends may be related to the development of "mixed legal systems" (See the experiences of India and South Africa). Such considerations finally raise the issues of legal transplants, intercultural understanding or the importance of transnational evolutions, in order to better identify modern legal challenges.

Methodology: Lectures and seminar discussions, analysis of selected texts or cases in class.

No pre-requisite requirements in Comparative Law: that background will be provided through selected handouts, distributed to students before class.

Assessment:

There will be 30% for class participation and 70% for the essay (take-home examination)

LW5662H Selected Topics of Commercial Law

This course has three main components: unfair commercial practices, consumer sales and product liability. In those three domains recent developments in European legislation and case law will be examined in a comparative law perspective. Ever since 2005 the Directive on Unfair Commercial Practices has had a major impact on the European legal orders. The focus of the analysis will be on misleading commercial practices including topical issues like the correct and comprehensible labelling of foodstuffs and the regulation of B2B commercial practices. We will also focus on recent developments in case law regarding unfair contract terms and how it affects national legal orders.

The second part of the course focusses on consumer sales. The consumer sales directive introduced minimum standards for conformity of goods with the contract. In consequence of the Green paper on the review of the consumer acquis (2007) the Consumer Rights Directive was adopted. In parallel with these developments also the proposal for a regulation on the Common European Sales Law was published. The CESL created a comprehensive set of optional contract rules for cross-border contracts. However, the proposal was withdrawn in 2014 and recently the Commission replaced it by two proposals within the framework of its Digital Single Market Strategy: the proposal for a new directive on certain aspects concerning contracts for the online sales and other distance sales of goods and the proposal for a directive on certain aspects concerning contracts for the supply of digital content. We will study the level of consumer protection of the new proposals as well as their impact on businesses and test the outcome in the light of the Consumer Sales Directive, the Consumer Rights Directive, and also the CESL.

30 years after the adoption of the Product Liability directive the question arises whether the fundamental concepts of the directive are sufficiently flexible so as to cope with liability questions relating to new technological developments. In this third part of the course we will focus on the fundamental concepts of the directive: product, producer and liability and ask ourselves whether these concepts are capable of providing answers to new technological challenges. The analysis will also include the interrelationship between product liability and product safety rules.

The course offers the students a deeper insight in the selected commercial law topics and studies the harmonisation measures adopted in the EU and their divergent impacts on national legal orders. Wherever relevant the analysis will include comparative law excursions.

Assessment:

20% Class participation

80% Examination (open-book examination)

LW5662I Comparative Constitutional Law: Rights Discourse in South and South East Asia

This course on comparative constitutional law focuses on rights discourse in Asia. It emphasises the experience of post-colonial nations that were former British colonies, and have been influenced by the British approach to rights. Specifically, it looks to the varied experience of two Asian nations: Singapore and India. Students taking the course are expected to reflect on their understanding of rights in their home jurisdiction, and to articulate them in class discussions. There will thus be a discussion of constitutional rights discourse in Hong Kong where relevant.

We will begin with an overview of theoretical and historical perspectives on constitutional rights, before engaging with the debate on Asian values. Our focus in this initial part of the course will be on rights issues generally including the right to free speech, minority rights, etc. We will then zero in on a specific case study: the topical, contemporary issue of LGBT rights in Asia. Through two court decisions on the legality of anti-sodomy statutes in Singapore and India the course will focus on the institutional, interpretive, strategic and conceptual concerns that become salient in considering constitutional rights in Asia and beyond.

To emphasise the focus on dialogue and discussion, this module will have a 20% class participation component. The final exam for the remaining 80% component will also be based on the themes that arise in our discussion, rather than purely on the texts. For this reason, students are advised to ensure that they set aside sufficient time for going over the readings in advance, to enable a close and thorough study of them.

LW5662J International Carriage of Passengers by Sea

This module will give students a broad understanding of the law relating to the international carriage of passengers by sea. This module will be useful for those who are intending to: practice law in a broadly focussed shipping practice; work within the cruise and ferry industry; or otherwise are likely to deal with passengers and/or their claims.

This module aims to give you an overarching view of the law relating to carriage of passengers by sea; to consider the regulation of passenger vessels as ships first and foremost, and then as passenger ships second. There are many interesting aspects of the law relating to passengers on seagoing ships and I aim to give you an opportunity to explore these different aspects. We will be grounding our discussions in the main principles of contract law and international Conventions that underpin this area.

Topics to be covered include:

- regulation of cruise ships
- formation of contracts for the carriage of passengers by sea
- the Athens Convention 1974/2002
- passenger claims: injury, property damage, disappointment and defective performance:
place of suit/jurisdiction
- the shipowner's right to limit liability for maritime claims

Assessment:

20% Reflective journal

80% Take home test

LW5662K The Common Law Today

The common law is routinely celebrated as a triumph of judicial law making, development, and enforcement. It also has its detractors in an age of statutes and regulations. Using case studies (to be provided), the course will explore three principle questions:

- (1) what are the recognised common law methodologies for pursuing its ends?
- (2) What are the strengths and weaknesses of these methodologies?
- (3) Does the common law have legs today? That is, in an age of statutes, what room is appropriately left for the common law?

Assessment:

20% Class participation

80% essay question

Students will be required to do the assigned reading for each class.

LW5662L International Criminal Law

This course will direct students to examine the models and methods of international accountability for crimes involving massive human rights violations; it will review the nature, character and legal elements of the crimes of genocide, serious war crimes, crimes against humanity and the crime of aggression. Students will review the history of international sanctioning bodies and identify jurisdictional constraints and other historical innovations and impediments. Students in this course will analyze contemporary international criminal law initiatives in relation to principles of public international law and domestic state practice with regard to both theory and practical applications and review current situations and on-going prosecutions. Students will explore issues such as command responsibility, complementarity jurisdiction, the general principles of criminal law, and the interchange between political power and the judicial process in the international arena. Students will also explore the jurisprudential mix (common law, civil law, international law, domestic law) utilized by the international criminal tribunals and consider their relative contributions toward eradicating impunity.

On completing the course students should understand the nature of vertical international criminal law, the different mechanisms for the trial of international crimes and the constitutive documents that control them, the substantive offenses under international law and the rules and jurisprudence governing the international criminal law bodies. Moreover, students should be able to identify the political ramifications of the international criminal law legal framework and apply what they have learned to modern developments and practices in international relations today.

This course will examine the constitutive documents of the ad hoc Tribunals for former Yugoslavia and Rwanda as well as those documents creating the international hybrid tribunals of Sierra Leone, Cambodia, Lebanon, and East Timor. Students will undertake a detailed analysis of the Rome Statute of the International Criminal Court and its Rules of Procedure and Evidence. The course will also review some of the leading cases in the international tribunals and identify developing trends in international criminal law.

Assessment:

100% examination (semi-closed book)

LW5662M Tort Litigation in United States

- I. Introduction to American legal system
- II. Introduction to American Tort law
- III. Intentional Torts
- IV. Unintentional Torts– Negligence
- V. Products liability
- VI. Other Torts/Damages

Assessment:

Pass/Fail Grade only

1. Good attendance (normally 75% plus)
2. One essay of 2,000 words to be submitted after completion of the course

LW5662N Aspects of Corporate Finance law: A Comparison of Debt and Equity Financing

This is a course which will focus on a comparison of debt and equity corporate financing. The limited company is a hugely popular business vehicle, and the primary reason for this is its ability to act as a successful vehicle for raising business finance and diversifying financial risk. All companies need to raise money in order to function successfully. An understanding of the ways in which companies can raise money, and the manner in which their money-raising activities are regulated, is central to an understanding of how companies function. This course will investigate this issue, and will focus on the interaction of the use of debt and equity financing for companies. The practical examples will relate to the UK statutory and common law provisions, but this is a principles-based course that will address legal issues common to all jurisdictions. There is a strong emphasis on the policy issues underlying the legal rules. The topics that we will address include the following:

1. The nature of debt and equity financing, including the rights and obligations of shareholders and creditors, and the advantages and disadvantages of these forms of financing from the perspective of investors and companies;
2. The corporate governance roles of debt and equity financing in companies;
3. The protection of creditors from the consequences of limited liability, including that provided by the law (the legal capital rules) and that which creditors can bargain for themselves (contractual covenants); and
4. The role of disclosure in regulating debt and equity financing, including a consideration of new forms of funding, such as crowdfunding.

Assessment:

100% closed book written examination

Students will be required to do the assigned reading for each class. Discussion questions will be provided for students to consider and prepare as they do their reading.

LW5662O Judgment-writing: Principles and Practice

1. There will be four interactive seminars which will include the following topics:
 - (1) **Preparation:** planning the structure of the judgment in advance, isolating key issues of fact and law, drafting background and uncontentious sections of the judgment, first impressions and notes for judgment;
 - (2) **The Hearing of the Case:** Note-taking, contemporaneous comments, key documents, impression of witnesses, daily notes and provisional views;
 - (3) **Analysis:** Decide what you need to decide, decide key issues of fact, decide key issues of law, further or alternative findings;
 - (4) **Delivery of Judgment:** Immediate or reserved, oral or written delveiry, framing the language of the judgment, serious findings, dishonest and mistaken witnesses, how to treat the losing party, how to avoid unnecessary appeals.
2. Part of each seminar will be in lecture/presentation form with reference to worked examples. Students will be asked to give oral or written examples of the points made followed by general discussion. In the last seminar students will be asked to give a short judgment or part of judgment, in the their own words.
3. There are no assessments or examinations and limited preparatory work for each seminar. The main work is in the seminars themselves.
4. Students will be assessed on a pass/fail basis.

LW5662P Introduction to Comparative Administrative Law

Prerequisite: Administrative Law

Course Description: Comparative law was traditionally confined to private law both because the spread of democracy is a relatively new phenomenon and because it were the needs of trade and commerce that were behind most efforts to compare and streamline legal regimes across borders.

In recent decades there has been a significant growth in the field of comparative public law. At first, most interest was directed at comparative constitutionalism, focusing on the comparison of constitutions, the main branches of government, and the recognition and protection of human and civil rights.

In recent years, however, scholarly attention has finally reached administrative law, a field of vital importance, given the size of modern bureaucracy, and its extensive powers and budgets. I define administrative law quite broadly as including all legal mechanisms regulating and constraining the workings of public officials. In this course we examine each topic in the context of the specific jurisdiction where it arose and in a wider, comparative perspective.

The course is an introduction to comparative administrative law. We will discuss in class – student participation is most welcome – academic materials and case law from various jurisdictions.

The course will try to cover the following topics: (1) the history of administrative law in common and civil law traditions; (2) the contemporary debate over the role of government – its powers, and functions; privatization; private-public partnerships; (3) sketching and comparing the basic rules of administrative procedures, aimed at guaranteeing a fair process and protection on human rights across national, international and supra-national regimes; (4) oversight and control mechanisms: tribunal and court review; (5) we will look and compare several specific administrative regimes – specifically freedom of information and transparency and public procurement.

Assessment: a take home essay covering the materials of the course will account for 100% of the final grade.

LW5662Q Law and Religion

Within the widespread phenomenon of the (re)emergence of religion into issues of public debate, one of the most salient issues confronting contemporary societies is how religious considerations might, if at all, impact the formulation of legal norms and how the law may deal with issues of freedom of religion and especially freedom of religious expression. In contemporary short-hand these issues are referred to under the rubric of religion in the public sphere (or public square). Undoubtedly, the law acts as a critical regulator of these issues as well as being the site where many of these debates take place.

This course explores these issues by examining the ideas of some major thinkers in legal and political theory who have theorised about the relationship of law and religion. Our starting point for this will be the seminal contribution of John Rawls's work *Political Liberalism*. After looking at Rawls's theory we will turn to responses and reactions to Rawls from other prominent thinkers.

Second, we will examine 'religio-legal' cultures and traditions, particularly those prominent in Asia, to understand how they expressed and represented the relationship of law and religion.

Topics to be discussed will include:

- Theorising law and religion from a variety of perspectives (John Rawls and other thinkers)
- Understanding selected Asian religio-legal traditions: Chinese Law/Confucianism, Islamic law and Buddhism
- Addressing freedom of religion: its scope, definition and demands

Pre-requisite:

Basic course in Constitutional Law/ Public Law and Legal Theory/ Jurisprudence.

LW5662R Class Actions and Collective Redress

In this course you will acquire theoretical and practical knowledge of one of the most topical themes in current legal discourse. The question of how mass disputes should be addressed has long puzzled the legal world. Different countries have adopted different modes of adjudicating such disputes. The most prominent models are those adopted by the US (opt-out class actions) and the UK (opt-in group litigation). However, these traditional school of thoughts are now undergoing important changes. In this course we will discuss the topic of class actions and group litigation from various perspectives and in relation to different jurisdictions. The general themes that are likely to be covered in this course include the following:

1. Access to Justice and the Value of Law Enforcement
2. Modes of Adjudication: adversarial and non-adversarial proceedings
3. Cost models
4. Collective Redress: Basic Concepts (Goals and Challenges; Damages: Types, Identification, and Assessment; Public versus Private Enforcement: Opt-In / Opt-Out; Hazards; Follow On V, Stand Alone)
5. Representation
6. US Style Class Actions
7. Developments in Europe (UK, Sweden, Denmark, Germany, France, Portugal, Netherlands, EU, Israel)
8. Collective ADR

LW5662S Advanced Remedies for Breach of Contract

This course explores in detail a topic of fundamental importance to commercial law: the remedies available upon breach of contract. Reflecting the international nature of business, this course adopts a comparative approach to exploring remedies for breach of contract, with particular emphasis on common law systems. It will explore the interests which may be protected in an action for breach of contract (e.g. expectation interest, performance interest, reliance interest and restitution interest) as well as the means of achieving such aims (e.g. through various measures of damages). It will also consider contractual planning for breach of contract through, for example, liquidated damages clauses in the contract.

Pre-requisite:

Law of Contract or equivalent

LW5662T The Theory and Practice of Copyright Law: Comparative and Doctrinal Dimensions

This seminar provides an introduction to the theory and practice of copyright law from a comparative perspective. The seminar begins with a critical examination of different theoretical justifications for copyright protection while tracing their origins within different cultural traditions and jurisdictions. We commence with traditional justifications such as economic-utilitarian, justice & fairness and autonomy-based justifications for copyright protection and continue with contemporary critical approaches, including distributive, cultural and behavioral approaches to copyright law. The second part of the seminar draws on this background to provide a comparative analysis of central doctrines and principles in copyright law, including the originality threshold for copyright protection; exemptions from and limitations of copyright protection; authors' moral rights, third-party liability for copyright infringement and constitutional dimensions of copyright (v. free speech).

LW5662U Contract Negotiation, Drafting and Construction

This course will consider three closely related aspects of Contract law in practice.

One seminar will be devoted to each. The fourth seminar will be a practical exercise in which the class will be divided into teams to negotiate a problem and draft an answer.

LW5662V Cross-border acquisition of companies. The puzzle of liabilities

It is a common place that business has gone global. In respect of the acquisition of companies, the presence of international elements in transactions is frequent. However, the legal approach has not always followed the global trend. The advice that practitioners offer to their clients is recurrently influenced by a national perspective of the law. Standard models of contracts (of undeniable Anglo-Saxon origin) are common in the market – a tendency that poses further concerns when a contract involves Civil Law jurisdictions. This hinders both the service that clients receive and the application of the law as such. It causes tremendous problems when a case is to be decided in court or by an arbitral tribunal. The complexity of the matter sometimes leaves key issues unaddressed or hidden to a critical review.

In this scenario, Comparative Law seems to be an essential tool. The global market requires lawyers that are able to understand the similarities and differences of distinct legal systems and to think out of the box of established concepts. Internationalization of contracts is an issue that can no longer be ignored as it is also having a strong influence on the modernization of national Laws, in an often controversial and not always correctly appreciated process. The international elements of property law, in respect of movables and real estate, is also a topic of increased importance. This is especially relevant when acquiring multinational companies, with assets located throughout the world.

The course aims to tackle the most relevant issues that, following an acquisition of a company, frequently lead to controversy. It will focus on the contractual and proprietary aspects of M&A, rather than the process of acquiring a company itself. The course will use the functional methodology of Comparative Law, according to which, legal solutions will take facts as a starting point of comparison rather than set structures of national law. Therefore, students are expected to reason out of pre-established formulas and to be creative. The main legal traditions of the world will be addressed for the purposes of this comparative approach. However, once again, the aim of the seminar is to break pre-established barriers. Hence, the general international framework will be more important than peculiarities of a national legal system, yet these will be mentioned if relevant. Students are expected to get involved in the development of the course by preparing readings, solving cases and participating in class.

Pre-requisite:

Subjects of Law of Contract should have been passed

LW5662W Climate Change in International Law

This course will address the challenge of climate change under different legal regimes in international law. The first one is, of course, the UN Framework Convention on Climate Change (1992), as complemented by additional protocols and conventions, including the Kyoto Protocol (1997) and the Paris Agreement (2015). Mechanisms such as national commitments, emission trading, the clean development mechanism will be studied. But climate change involves also other international law regimes, such as the law of the World Trade Organization, and International Investment Law. The required evolution of States' policies in order to mitigate climate change has already given rise to a series of disputes between States and between States and foreign investors, concerning for instance renewable energies. Evolution may prove necessary in these fields as well, in order to achieve sustainable development and facilitate access to environmental goods and services.

Pre-requisite:

General Knowledge of Public International Law and/or International Economic Law

LW5662X Contract Law - Recent Developments & Perspectives in Labour, Consumer Credit & Tenancy Law

The European Union undertook a number of efforts to harmonise contract law. Parliament and Commission provided a draft law entitled Draft Common Frame of Reference (DCFR), as a harmonised body of law of obligations which although in principal highly controversial has stimulated discussion throughout the EU and beyond. While this reform is still pending on a national level the German BGB (2002) and the French Civil Code (2017) have been reformulated profoundly. The need for modernization of rules that date back more than 100 respectively 200 years remains unquestioned. In this context 10 years ago scholars from different continents have started a group (www.eusoco.eu) which has published a number of books and essays and held conferences latest in Luxembourg and Braga. This group has focussed on the relation between the emerging credit and service society and the dominating contractual model of the market societies. They have argued that besides the sales contract a second model is necessary derived from the historic rent model in Roman law. Since property as a form of exclusive use is increasingly replaced by all kinds of long term relations facilitating the use of things, rights and capital without owning it (i.e. (rent, leasing, credit, service, licencing, commercial papers) common principles for this law have not been formulated yet. A second loophole in general contract law is the lack of rules concerning the social dimension of long term relations as they have been formulated in in labour, consumer and housing law. In the lecture offered at the City University of Hongkong the two founders of this group, a labour and a commercial lawyer, want to inform about the reform efforts in Europe, discuss the shortcomings of the existing model and develop a picture how a future contract law could be structured across the different systems and nationalities.

Pre-requisite:

Studied the basics of Law of Contract either in Civil or in Common Law

LW5662Y The “Sharing Economy” and Its Challenges

Digitization has transformed the economy and the world of work in virtually every sector. From a technical point of view, this development is based on new information and communication technologies. This has enabled a “Sharing Economy”, also called a collaborative economy. This economic model works on such a large extent that it is also referred to as "Uberisation". Its rapid growth affects all sectors: transport, finance, tourism, learning, etc. There are some significant numbers to support this: BlablaCar (carpooling platform) brings together 25 million users and Uber has become the fastest growing start-up ever!

Collaborative economy offers new opportunities through innovative business models. These models, called "disruptive" models, force companies to perpetually innovate in a digital world that is constantly changing. Collaborative economy is therefore a new challenge for "traditional" companies. With opportunities but also grey areas - in terms of competition, responsibility and taxation - that can be called into question if the State demands more precision or coherence.

After having defined the framework for the "Sharing Economy", this course tries to identify the risks and difficulties of this new model and to reflect on how companies can benefit from them and to question the role of the State. European Union considerations will serve as a starting point.

LW5662Z Compliance with the Consumer Law – Future Challenges for Commercial Lawyers

This Course will examine the consumer law and policy in Hong Kong, but also regional and global tendencies in development of consumer law and policy. Compliance with the consumer law requirements represent an increasing challenge for all traders throughout the World. Therefore, this course is not only useful for the future in-house lawyers, but also for anyone willing to pursue their professional carrier in a law firm, as it will enable better understanding and knowledge of this area of law.