

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester A 2020 / 2021**

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**Part I Course Overview**

**Course Title:** Legal Concepts

**Course Code:** LW5400

**Course Duration:** One Semester

**Credit Units:** 3

**Level:** P5

**Medium of Instruction:** English

**Medium of Assessment:** English

**Prerequisites:** Nil  
*(Course Code and Title)*

**Precursors:** Nil  
*(Course Code and Title)*

**Equivalent Courses:** Nil  
*(Course Code and Title)*

**Exclusive Courses:** Nil  
*(Course Code and Title)*

## Part II Course Details

### 1. Abstract

This course aims to provide an introduction to important legal concepts for students starting an LLMArbDR degree who do not have legal background. The course introduces the legal system of Hong Kong, the courts and procedures and the way statutory instruments and case law are interpreted and used. General introduction to contract and tort law is also provided. The identification of the law applicable to a dispute and the jurisdictional conflicts that may arise in commercial disputes involving international parties are also discussed. International law in general and the way international treaties interact with domestic laws by Hong Kong courts is outlined.

### 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 <sup>#</sup>	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Know, explain and critically assess the legal framework in Hong Kong	Nil	✓	✓	✓
2.	Demonstrate knowledge of the techniques used, and ability to apply such techniques for statutory interpretation and for case law	Nil	✓	✓	✓
3.	Understand, describe and apply the principles of contract and tort law including the selection of the applicable law and the allocation of jurisdiction on the merits	Nil	✓	✓	✓
4.	Be able to differentiate and critically assess the differences and the interaction between municipal and international law.	Nil	✓	✓	✓
		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	
Seminars	Introduction of the overall framework and in depth analysis of selected aspects.	√	√	√	√	3 hours seminar / tutorial week or a total of 39 hours of block teaching
Tutorials	Detailed examination of specific issues as these arise in simplified problems.					
Guided individual studying	Development of basic independent research and critical assessment skills.	√	√	√	√	
Formative work	Application of legal principles and legal knowledge to non-assessed work in the form of quizzes and assignments.		√	√	√	

## Course Structure:

1. What is law? What is it used for? What types of law exist?
2. Who sets the law? The Hong Kong SAR legal system and its courts.
3. Statutory interpretation and case law
4. Introduction to the law of tort
5. Remedies in tortious claims and the law applicable
6. Introduction to the law of contract
7. Reading week
8. Remedies for breach and the law applicable to a contract
9. The jurisdiction of courts in contractual and other disputes.
10. Conflict of laws and its application to commercial relationships and disputes
11. Introduction to International law and the law of treaties
12. How (private international law) treaties affect the implementation of national laws.
13. Revision.

#### 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		
Continuous Assessment: 40%						
3 Quizzes x 5% each	one of CILOs 1-4				15%	Quizzes will be 30 min long and will have to be done during the first 30 min of teaching during weeks 3,6 and 9
Successful Completion of the Canvas course Locating Common Law materials	CILOs 1 and 2				5%	
Coursework: 2,000 words on a challenging topic or case study.	CILO 1-3				20%	
Examination: 60% (duration: 2 hours)						
					100%	

#### Remarks:

- i) A student must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass a course.
- ii) There is one 2-hours examination that carries the remaining 60% of the final mark. It is an open book examination. Except City University library materials, students may bring into the examination hall such notes, texts, articles, legislation, or other materials as they may wish.

The HKSAR Government's Continuing Education Fund (CEF) recognizes the LLMArbDR programme both as a whole and as individual courses (i.e. LW5303, LW6401, LW6405,

LW6406, LW6407). The minimum attendance requirement for all CEF courses is **70%**. For the purpose of claiming reimbursement of CEF course fee or the professional recognition (i.e. CI Arb, CPD), please note that it is the students' own responsibility to attend every class and examination during the teaching and examination periods.

## 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. Coursework	Demonstration of ability to identify issues, current trends and practices.	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. Examination	Demonstration of ability to identify issues, current trends and practices.	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. Keyword Syllabus**

Legal system. Public and private law. Law of tort and law of contract. Conflict of laws. International law.

**1.1 Detailed Syllabus**

Definition of law, objectives and characteristics of law, general categorization of law, public and private law, civil and criminal law, international and municipal law.  
The characteristics of the HKSAR legal system. The courts and tribunals; the legal profession.  
Sources of national law: legislation; law reports; secondary materials.  
Statutory interpretation, case law process and the operation of the doctrine of precedent  
Introduction to the law of tort.  
Law of negligence and its application to commercial relationships and disputes – duty of care. Damages. The law applicable to tortious claims.  
Introduction to the law of contract. Construction and interpretation of contracts. Remedies for breach of contract. The law applicable to the contract.  
The jurisdiction of courts for commercial disputes.  
Conflict of laws and its application to commercial relationships and disputes,  
Introduction to international law and the law of treaties. The sources of international law,  
National implementation and effects of international treaties and other international law instruments to judicial decisions.

**2. Reading List**

**2.1 Compulsory Reading**

There is no single textbook that is comprehensive enough for the purpose of this course. A reading list will be provided for each seminar. The reading list will include chapters or sections in various books together with the required case law which must be read before the seminar. Students are expected to read widely from various sources. The following list of reading materials is indicative. Online sources available for CityU students have been included and they are adequate for following the course together with the materials provided in the reading list:

1.	Stefan H. C. Lo , Kevin Kwok-yin Cheng, Wing Hong Chui (2020) <i>The Hong Kong Legal System</i> , Cambridge University Press.
2.	Charu Sharma (2020). <i>The Law of Tort in Hong Kong</i> , 4th Edition (Student Edition)
3.	Bokhary, K., Sarony, N. & Srivastava, D. K. (2014) <i>Tort Law and Practice in Hong Kong</i> (Third ed.). Hong Kong : Sweet & Maxwell/Thomson Reuters. (URL: <a href="https://julac.hosted.exlibrisgroup.com/permalink/f/1m6et4p/CUH_IZ21386957910003408">https://julac.hosted.exlibrisgroup.com/permalink/f/1m6et4p/CUH_IZ21386957910003408</a> )
4.	Stephen D. Mau <i>Contract Law in Hong Kong : Introductory Guide</i> (online access through the library).
5.	Fisher M.J. and D.G Greenwood (2018) <i>Contract Law in Hong Kong</i> , 3 <sup>rd</sup> edition.
6.	Brown, L., & Liang, K. (2013). <i>Butterworths Hong Kong contract law handbook</i> (Third ed.). Hong Kong: LexisNexis Butterworths. (URL: <a href="https://julac.hosted.exlibrisgroup.com/permalink/f/iffgrl/CUH_IZ21408665560003408">https://julac.hosted.exlibrisgroup.com/permalink/f/iffgrl/CUH_IZ21408665560003408</a> )
7.	Mau, S., & Ebrary, Inc. (2010). <i>Contract law in Hong Kong : An introductory guide</i> . Hong Kong:

	Hong Kong University Press. (URL: <a href="https://julac.hosted.exlibrisgroup.com/permalink/f/1m6et4p/CUH_IZ21388705010003408">https://julac.hosted.exlibrisgroup.com/permalink/f/1m6et4p/CUH_IZ21388705010003408</a> ) (N.B. There is a 2 <sup>nd</sup> edition, but in print format only.)
8.	Johnstone G and J Harris (2017) <i>The Conflict of Laws in Hong Kong</i> , Third Edition, (available online through the library)
9.	Shaw M. (2017) <i>International Law</i> Malcolm N. Shaw QC. Eighth edition. Cambridge, United Kingdom : Cambridge University Press,

1.	<a href="http://www.gov.hk">http://www.gov.hk</a> (Hong Kong Government)
2.	<a href="http://www.basiclaw.gov.hk">http://www.basiclaw.gov.hk</a> (Basic Law Online)
3.	<a href="http://www.legco.gov.hk">http://www.legco.gov.hk</a> (Hong Kong Legislative Council)
4.	<a href="http://www.hkreform.gov.hk">http://www.hkreform.gov.hk</a> (Hong Kong Law Reform Commission)
5.	<a href="http://www.judiciary.gov.hk">http://www.judiciary.gov.hk</a> (Hong Kong Judiciary)
6.	<a href="http://legislation.gov.hk">http://legislation.gov.hk</a> (Bilingual Legal Information System)
7.	<a href="http://www.hklii.hk">http://www.hklii.hk</a> (Hong Kong Legal Information Institute)
8.	<a href="http://www.hkba.org/">http://www.hkba.org/</a> (Hong Kong Bar Association)
9.	<a href="http://www.hklawsoc.org.hk">http://www.hklawsoc.org.hk</a> (Hong Kong Law Society)