

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester A 2021/22**

Part I Course Overview

Course Title: Law of Contract I

Course Code: LW5602A

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

LW2602 Law of Contract (LLB)
LW2602A Law of Contract I
LW5602 Law of Contract (JD)

Equivalent Courses:
(Course Code and Title) LW6164E Law of Contract (only applicable to students who completed LW6164E before Sem A 2019/20)

Exclusive Courses:
(Course Code and Title) LW6564E Law of Contract

Part II Course Details

1. Abstract

This course aims to –

- provide student a strong foundation in the principles and doctrines of contract law;
- critically analyse the doctrinal and policy tensions which shape contract law;
- marshal the law to solve practical problems;
- examine the linkages between contract law, tort law and the law of unjust enrichment; and
- lay the foundation for study of subject areas grounded in contract law e.g. banking law, corporate law, insurance law.

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	Alignment with PILOs	DEC related learning outcomes (please tick where appropriate)		
				A1	A2	A3
1.	➤ Describe and explain the basic principles of contract and the different components of the law of contract.	20%	1	✓		
2.	➤ Apply the principles of contract law to solve legal problems by: ✧ reading and interpreting cases ✧ interpreting statutes ✧ dealing with facts ✧ conducting legal research ✧ solving problems ✧ developing persuasive arguments ✧ using legal authorities ✧ writing and communicating orally.	40%	4, 5	✓	✓	
3.	➤ Critically analyse and evaluate legal principles and doctrines in the law of contract in the light of doctrinal coherence and the policy objectives of the law.	40%	2, 3, 4, 5	✓	✓	✓
		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	
<i>Lectures</i>	Students will be introduced to the basic principles of contract law, including through interactions (in the form of discussions, debates or student presentations) with the lecturer and amongst themselves 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.	✓			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 In discussions of tutorial questions, whether problem-based or essay-based.			✓	

4. Assessment Tasks/Activities (ATs)

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

Assessment Tasks/Activities	CILO No.			Weigh ting	Remar ks
	1	2	3		
Continuous Assessment: 50%					
<i>Assignment</i>				30%	
Students' ability to describe and explain the basic principles and the basic components of the law of contract will be tested.	✓	✓	✓		
<i>Participation in tutorials</i>				20%	
Students' depth of understanding of the rules and principles.	✓				
Students' ability to apply rules and principles discerningly and to defend the precise contours of the law.		✓			
Students' ability to critique and evaluate the rules and principles			✓		
Examination: (duration: 2 hours , tentatively) 50%					
Students' understanding and mastery of the foundational principles and their interaction <i>inter se</i> .	✓				
Students' ability to muster her legal knowledge to address hypothetical problems.		✓			
Students' ability to critique and evaluate the rules and principles.			✓		
				100%	

Grading of Student Achievement: Standard (A+, A, A-...F).

To pass this course, student must obtain an aggregate mark of 40% and a minimum of 40% in each of the continuous assessment and the examination elements of the assessment.

To do well in the course, students need to go beyond knowing the legal propositions; a mastery of the subject matter requires an understanding of the potential for further shaping the legal rules and principles and how this can be accomplished. This involves knowing the theoretical underpinnings as well as the policy rationale for the diverse legal rules and principles. As such, the “knowing about” law that comes from reading the textbook is insufficient for scoring good grades; to do well, students need to read the primary material analytically and to develop a deep understanding of the material; it is by reflecting on the material that one appreciates the theoretical and policy dimensions and thereby develop an appreciation for how the law evolves. As the topics which constitute contract law are inter-related, students need to look out for the many linkages between them.

Good preparation involves first, reading the material, second, appreciating how and why the law is shaped the way it is, and third, considering how one may meaningfully apply the law and argue for the adjustment of its contours. Quality class participation and written work should demonstrate deep understanding and thoughtful assessment of the law.

The current plan is for the final examination to be 2 hours (open book format).

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. Examination	1.1 Perspicacity in identifying the nature of the legal issue/s implicated	High	Significant	Moderate	Basic	Inadequate
	1.2 Sophistication in analysis	High	Significant	Moderate	Basic	Inadequate
2. Assignment	2.1 Depth of research	High	Significant	Moderate	Basic	Inadequate
	2.2 Synthesis and argument	High	Significant	Moderate	Basic	Inadequate
3. Contribution to Knowledge Building	3.1 Depth of Understanding	High	Significant	Moderate	Basic	Inadequate
	3.2 Discerning application	High	Significant	Moderate	Basic	Inadequate
	3.3 Critical and evaluative capacity	High	Significant	Moderate	Basic	Inadequate

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 and purpose of contract law; sources of contract law; offer; invitation to treat; acceptance; intention to create legal relations; consideration; estoppels; certainty and finality; privity; different types of terms such as conditions, warranties, and innominate terms; implied terms.

Detailed Syllabus:

The following topics are studied in detail:

1. Formation of contract; distinction between an offer and an invitation to treat; acceptance; unilateral and bilateral contracts.
2. Consideration; executed and executory consideration; past consideration; distinction between consideration and motive; distinction between sufficiency and adequacy of consideration.
3. Intentional to create legal relations; presumptions in social and commercial contexts.
4. Completeness of terms and uncertainty in contract
5. Terms of a contract; ; difference between a condition, warranty and an innominate term; implied terms; distinction between a representation and a term; policing unfair or onerous terms.
6. Frustration of contract
7. Breach and its consequences
8. Remedies for breach of contract; damages; action for a fixed sum; specific performance; injunctions.

2. Reading List

Texts:

McKendrick, *Contract Law*, 14th ed (Basingstoke : Palgrave Macmillan. 2021)

Casebook:

McKendrick, *Contract Law: Text: Cases and Materials*, 9th ed (Oxford University Press. 2020)

Additional readings

Edwin Peel, *Treitel, The Law of Contract*, 15th ed (London: Sweet & Maxwell. 2020)

Ordinances/Bills

Sale of Goods Ordinance (Cap 26).

Electronic Transactions Ordinance (Cap 553).

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).

Contracts (Rights of Third Parties) Ordinance (Cap 623).

The written law may be downloaded from <https://www.elegislation.gov.hk/>