

LW6122E: CHINESE AND COMPARATIVE FINANCIAL LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Chinese and Comparative Financial Law

Subject Code

LW - Law

Course Number

6122E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW6522 "Chinese and Comparative Banking Law" (old course), LW6122C and LW6122E are equivalent courses.

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to introduce the study of banking and financial laws and regulations, and the regulatory framework within which the banking system operates in Hong Kong, China and the major industrialized countries and to study the rules governing the operation of multinational organizations and central banks at international levels. It also aims to allow students to develop advanced knowledge of the substantive rules in respect of banks and financial systems of the relevant countries and international organizations.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify, describe and synthesize principles of Chinese financial institutions.	35		x	
2	Apply, synthesize and critically analyze the legal principles to solve factual problems relating to banking, securities, or insurance issues in international and national disputes.	35		x	x
3	Do independent and comparative research on the topics of financial law.	30	x	x	x

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 real-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.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lecture / seminar	Students' presentations, guest lectures, class discussions in small groups.	1, 2, 3	3 hours/week or a total of 39 hours of block teaching

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework	2, 3	50	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

3

Additional Information for ATs

Exam: The use of Generative AI tools is not allowed.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both class participation and coursework and an overall mark of 50% in order to pass the course.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

Assessment Rubrics (AR)

Assessment Task

Coursework (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

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.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of understanding of concepts, principles, and theories.

Demonstration of ability to identify legal issues.

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Application of legal writing and research skills.

Demonstration of ability to engage in argument-based analysis based on critical thinking.

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Failure

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Assessment Task

Coursework (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

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Application of legal writing and research skills.

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Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of understanding of concepts, principles, and theories.

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Part III Other Information

Keyword Syllabus

Banking and Financial Laws and Regulations of Hong Kong, China, Britain, Japan and the United States; supervision, protection, note-issuing and classification of banks; confidentiality, repayment of deposits; syndicated loans; cheques and other negotiable instruments; guarantee methods; World Bank; International Monetary Fund; Asian Development Bank.

Detailed Syllabus

- a. The history of international financial system.
- b. The International Monetary Fund: organization, functions, operation, and effect on banking.
- c. Foreign Exchange.
- d. The World Bank: organization, functions, operation and related legal issues.
- e. The Asian Development Bank: organization, functions, operation and related legal issues.
- f. Regional financial arrangement.
- g. Functions and powers of the central bank.
- h. Bank and international trade: operation of letters of credit, role of banks, rights and obligations of the parties, standby credits, letters of comfort, performance bonds.
- i. Chinese financial systems.
- j. Commercial banking law.
- k. Chinese foreign financial institutions.
- l. Securities.
- m. Guarantees and insurance.
- n. Syndicated loans: structure of a syndicated loan transaction, rights and obligations of the parties, sovereign risks and applicable law.

Reading List**Compulsory Readings**

Title	
1	Nil

Additional Readings

Title	
1	Dalhuisen, J. H. (Jan Hendrik), Dalhuisen on transnational and comparative commercial, financial and trade law, (Oxford : Hart, 2007)
2	E.P. Ellinger, Eva Lomnicka, and Richard Hooley, Ellinger's modern banking law (Oxford ; New York : Oxford University Press, c2006)
3	Fong-Chung Hsu ... [et al.], Financial markets in Hong Kong : law and practice, (Oxford; New York : Oxford University Press, 2006)

4	Editor-in-chief, Priscilla Leung Mei-fun ; contributors, Rajesh Sharma, Jia Yan, Banking law of the People's Republic of China (Welwyn Garden City, Hertfordshire [England] : EMIS Professional, c2004)
5	王貴國，〈國際貨幣金融法〉，(第二版) 2002年，北京大學出版社
6	William Blair, ed., Butterworths Banking Law Handbook, 6th ed., (London: Butterworths, 2002)
7	James R. Barth ... [et al.], Financial restructuring and reform in post-WTO China, (Alphen aan den Rijn, The Netherlands : Kluwer Law International, 1997)
8	Mark Hapgood, Paget's Law of Banking, 12th ed., (London: Butterworths, 1996)
9	Eliahu Peter Ellinger/ Eva Lomnicka/Richard Hooley, Ellinger's Modern Banking Law, 4th ed., (Oxford; New York: Oxford University Press, 1994)
10	James Milnes Holden, Law & Practice of Banking, 2 Vols. (Pitman Vol 1: 1991; Vol 2: 1993)
11	Derek Roebuck, ed., The Law Relating to Banking in HK, 2nd ed., (Hong Kong: Hong Kong University Press, 1993)
12	James R. Barth/R. Dan Brumbaugh, Jr./Robert E. Litan, The Future of American Banking, (Armonk, N.Y.: M.E. Sharpe, 1992)
13	Ian F.G. Baxter, Law of Banking, 4th ed., (Carswell, 1992)
14	George G. Kaufman, ed., Banking Structures in Major Countries, (Boston: Kluwer Academic Publishers, 1992)
15	Derek Roebuck, Cheques, 2nd ed., (Hong Kong: Hong Kong University Press, 1991)
16	David Palfreman, Banking: The Legal Environment, 2nd ed., (London: Pitman, 1991)
17	Edward L. Symons, Jr./James J. White, Banking Law: Teaching Materials, 3rd ed., (St. Paul, Minn: West Pub. Co., 1991)
18	T.K. Ghose, The Banking System of China and the China-Hong Kong Nexus, (Perth, W.A.: Div. of Business & Administration, Curtin University of Technology, 1990)