

LW6139E: ADVANCED ISSUES ON CHINESE CIVIL LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Advanced Issues on Chinese Civil Law

Subject Code

LW - Law

Course Number

6139E

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

LW6138C/E "Chinese Civil Law and Procedure"

Equivalent Courses

LW6528 "Chinese Civil Law" (old course), LW6139C and LW6139E are equivalent courses

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to introduce the advanced concepts and principles of selected areas of civil law and civil procedure of the PRC as well as the analytical skills required for civil law practice in those areas. It lays the academic foundation for the study of advanced research and practice in the areas of civil and commercial laws of China.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 app.)		DEC-A2	DEC-A3
1	Acquire an advanced knowledge in selected areas of Chinese civil law and procedure.			x	
2	Identify, analyse and critically explain the role and function of civil law in Chinese society.			x	x
3	Be proficient in the fundamental doctrines and skills in Chinese civil law and be able to conduct advanced research and practice in civil and commercial laws of China.		x	x	x
4	Identify, analyze and critically evaluate the development of Chinese and Hong Kong laws in selected areas on a comparative basis.		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	Lectures / seminars	Each student is required to prepare a research paper on a topic approved by the course leader. The course will include lectures, presentations and discussion of student papers. The course leader may choose to use the internet as a means of distributing materials and organising topical discussions. Students are expected to be proficient in the use of internet for such purposes.	1, 2, 3, 4	3

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework	1, 2, 3, 4	50	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

3

Additional Information for ATs

Final Examination: 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 coursework and examination 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.

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

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

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-) 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.

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-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Civil law, civil juristic act, agency, change of rights, obligations, contract, delicts, unjustified enrichment, service without cause, property, trust, possession, usufruct, family, civil procedure, private international law.

Detailed Syllabus

The course leader will select the area(s) to be covered in the course. The areas to be selected may include, but are not limited to, one or several of the topics listed below.

- a. Civil codification in China;
- b. Civil law, market economy and the Chinese culture;
- c. Fundamental principles of civil law;
- d. The theory and practice of juristic person;
- e. The theory and practice of juristic act;
- f. The law of agency;
- g. General principles of the law of obligations;
- h. General rules of contract law;
 - i. Law of particular contracts;
 - j. Law of delicts;
- k. Law of unjustified enrichment;
 - l. Remedies in civil law;
- m. Law of property;
- n. Trust law;
- o. Family law;
- p. Law of succession;
- q. Civil procedure;
- r. Private international law.

Reading List**Compulsory Readings**

Title	
1	Nil

Additional Readings

Title	
1	王利明，《民法學》(法律出版社 2008)
2	Arthur Taylor Von Mehren, The Civil Law System: An Introduction to the Comparative Study of Law (1977)