

# CA2311: CONSTRUCTION CONTRACTS I

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## Effective Term

Semester A 2022/23

## Part I Course Overview

### Course Title

Construction Contracts I

### Subject Code

CA - Civil and Architectural Engineering

### Course Number

2311

### Academic Unit

Architecture and Civil Engineering (CA)

### College/School

College of Engineering (EG)

### Course Duration

One Semester

### Credit Units

3

### Level

B1, B2, B3, B4 - Bachelor's Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

BC2311/BC2311F/BC2311P Construction Contracts I

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

The course aims to provide students with an understanding of the principles of the law of contract and tort as well as their applications in the construction industry. In this connection, the course introduces students the civil obligations arising from law of contract and tort.

### Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1 understand the structure and jurisdiction of the Hong Kong courts;		x		
2 apply the principles of the law of contract;			x	
3 apply the principles of law of tort;			x	
4 relate the laws of contract and tort in a construction context;		x		
5 explore the similarities and differences between Common Law and Civil Law.		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.

### Teaching and Learning Activities (TLAs)

TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1 Lecture	Explain the legal concepts underpinning substance contract and tort law	1, 2, 3, 4, 5	2
2 Tutorial	Apply of the legal concepts in real life situations	1, 2, 3, 4	1
3 Mid-Term	Evaluate the level of understanding of the legal concepts	2, 3, 4	
4 Assignment	Relate and apply legal concepts through exploring current issues	1, 4	

**Assessment Tasks / Activities (ATs)**

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Assignment	1, 4	30	
2	Mid-term test/quiz	2, 3, 4	20	

**Continuous Assessment (%)**

50

**Examination (%)**

50

**Examination Duration (Hours)**

3

**Additional Information for ATs**

To pass a course, a student must obtain minimum marks of 30% in both coursework and examination components, and an overall mark of at least 40%

**Assessment Rubrics (AR)****Assessment Task**

Assignment

**Criterion**

1. Ability to analyse construction contractual/tortious issues within the substantive contract law region

**Excellent (A+, A, A-)**

High

**Good (B+, B, B-)**

Significant

**Fair (C+, C, C-)**

Moderate

**Marginal (D)**

Basic

**Failure (F)**

Not even reaching marginal levels

**Assessment Task**

Mid-term test/quiz

**Criterion**

1. Ability to apply the law of contract/tort in a construction context

**Excellent (A+, A, A-)**

High

**Good (B+, B, B-)**

Significant

**Fair (C+, C, C-)**

Moderate

**Marginal (D)**

Basic

**Failure (F)**

Not even reaching marginal levels

**Assessment Task**

Examination

**Criterion**

1. Commanding the legal concepts underpinning substantive contract and tort law.
2. Ability to apply 1. to real life situations

**Excellent (A+, A, A-)**

High

**Good (B+, B, B-)**

Significant

**Fair (C+, C, C-)**

Moderate

**Marginal (D)**

Basic

**Failure (F)**

Not even reaching marginal levels

**Part III Other Information****Keyword Syllabus**

Introduction to the legal system in Hong Kong. The law of contract: offer & acceptance, consideration, intention, capacity, privity, mistakes, misrepresentations, duress, undue influence, exemption clauses, breach and remedies. The Law of Tort: negligence, vicarious liability, trespass and Nuisance. Professional liability arising from contract and tort.

**Reading List****Compulsory Readings**

Title	
1	Hall S. (2014) "Law of Contract in Hong Kong: Cases and Commentary", 3rd Edition, Nexis Nexis.
2	Bokhary J (edrs) (2014) "Tort Law and Practice in Hong Kong", Sweet and Maxwell.

**Additional Readings**

Title	
1	Cheng T and Soo G (2014) "Construction Law and Practice in Hong Kong", 3rd Edition, Sweet and Maxwell.
2	Mau S. (2011) "Contract Law in Hong Kong", Hong Kong University Press.
3	Glofcheski R. (2012) "Tort Law in Hong Kong", 3rd Edition, Sweet and Maxwell.

4	Ordinances: Companies Ordinance, Cap. 32; Control of Exemption Clauses Ordinance, Cap. 71; Misrepresentation Ordinance, Cap. 284; Sales of Goods Ordinance, Cap. 26; Supply of Services (Implied Terms) Ordinance. Cap. 457.
5	Powell J. & Stewart R. (2012) "Jackson & Powell on Professional Liability" , 4th Supplement, Sweet and Markwell.
6	Richard P. (2011) Law of Contract, 10th ed., London: Pearson Education Limited
7	Law reports in Hong Kong and in other jurisdictions.