REGULATIONS FOR THE DEGREE OF MASTER OF LAWS (LLM)

These regulations apply to candidates admitted to the LLM curriculum in the academic year 2022-23 and thereafter.

(See also General Regulations and Regulations for Taught Postgraduate Curricula.)

LLM1. Admission requirements

To be eligible for admission to the courses leading to the degree of Master of Laws, a candidate

(a) shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula;

(b) (i) shall hold the degree of Bachelor of Laws with at least second class honours of this University; or a qualification of equivalent standard from this University or another comparable institution accepted for this purpose; or

(ii) shall have obtained either the Common Professional Examination of England and Wales or the Common Professional Examination Certificate of this University provided that in either case the candidate has also obtained a degree with at least second class honours of this University; or a qualification of equivalent standard from this University; or another comparable institution accepted for this purpose; and

(c) for a candidate who is seeking admission on the basis of a qualification from a university or comparable institution outside Hong Kong of which the language of teaching and/or examination is not English, shall satisfy the University English language requirement applicable to higher degrees as prescribed under General Regulation G2(b).

LLM2. Advanced Standing

Advanced Standing may be granted to candidates in recognition of studies completed successfully no more than 5 years before admission to the curriculum. Candidates who are awarded Advanced Standing will not be granted any further credit transfer for those studies for which Advanced Standing has been granted. The amount of credits to be granted for Advanced Standing shall be determined by the Board of the Faculty of Law, in accordance with the following principles:

(a) a candidate may be granted a total of not more than 9 credits (one course) for Advanced Standing unless otherwise approved by the Senate;

(b) credits granted for Advanced Standing shall not normally be included in the calculation of the GPA unless permitted by the Board of the Faculty of Law but will be recorded on the transcript of the candidate.

LLM3. Period of study

(a) The curriculum for the degree of Master of Laws shall normally require one academic year of full-time study or two academic years of part-time study, and shall include any assessment to be held during and/or at the end of each semester including summer semester.

(b) Candidates shall not in any case be permitted to extend their studies beyond the maximum period of registration of two academic years in the case of full-time candidates and three academic years in the case of part-time candidates, unless otherwise permitted or required by the Board of the Faculty of Law.

LLM4. Completion of curriculum

To complete the curriculum for the degree of Master of Laws, a candidate shall

(a) satisfy the requirements prescribed under TPG 6 of the Regulations for Taught Postgraduate Curricula; and

(b) satisfactorily complete 72 credits in the case of a full-time study in one academic year, including a capstone experience, or 36 credits in the case of a part-time study in each of the two academic years of study, including a capstone experience.

LLM5. Selection of courses

(a) Candidates shall select their courses in accordance with these regulations and the guidelines specified in the syllabus before the beginning of each semester. Changes to the selection of courses may be made only during the add/drop period of the semester in which the course begins, and such changes shall not be reflected in the transcript of the candidate. Requests for changes after the designated add/drop period of the semester shall not normally be considered.

(b) Withdrawal from courses beyond the designated add/drop period will not be permitted, except for medical reasons or with the approval of the Board of the Faculty of Law. Withdrawal without permission will result in a fail grade in the relevant course(s).

LLM6. Dissertation

(a) Candidates, whether full-time or part-time, who elect to submit a dissertation shall submit the title within four weeks of the first day of the semester registered for. The dissertation must be presented not later than December 31 or May 31 of the year for a 9-credit or an 18-credit dissertation enrolled in the first semester respectively. The May 31 deadline shall also be applicable to candidates who enroll in a 9-credit dissertation in the second semester.

(b) In exceptional circumstances a candidate may apply to the Board of the Faculty of Law for an extension of the period within which the dissertation must be presented at least three months before the prescribed date of submission. Late applications for extension will not be considered, except for medical reasons or with the approval of the Board of the Faculty of Law.

(c) The candidate shall submit a statement that the dissertation represents his or her own work undertaken after registration as a candidate for the degree. The examiners may require an oral examination on the subject of the dissertation.

LLM7. Progress in curriculum

(a) Candidates shall normally be required to undertake a combination of courses and study requirement as prescribed in these regulations and the syllabus, and in the manner as specified below, unless otherwise permitted or required by the Board of the Faculty of Law:

(i) Candidates who are on a one-year full-time mode of study shall normally be required to take not fewer than 27 credits nor more than 36 credits in any one semester (except the summer semester).

(ii) Candidates who are on a two-year part-time mode of study shall normally be required to take not fewer than 9 credits nor more than 18 credits in any one semester (except the summer semester).

(iii) Where candidates are required to make up for failed credits, the Board of the Faculty of Law may give permission for candidates to exceed the required curriculum study load of 72 credits.

(iv) In each case under (i) or (ii) above, the total number of credits taken shall not exceed the required curriculum study load of 72 credits for the normative period of study specified in LLM3(a).

(b) Candidates may, with the approval of the Board of the Faculty of Law, transfer credits for courses completed at other institutions during their candidature. The number of transferred credits may be recorded in the transcript of the candidate, but the results of courses completed at other institutions shall not be included in the calculation of the GPA. The combined total number of credits to be granted for Advanced Standing and credit transfer shall not exceed half of the total credits normally required under the curriculum of the candidates during their candidature at the University.

(c) Unless otherwise permitted by the Board of the Faculty of Law, candidates shall be recommended for discontinuation of their studies if they have:

(i) failed to complete successfully 45 or more credits (under one-year full-time study) or 18 or more credits (under two-year part-time study) in two consecutive semesters (not

including the summer semester), except where they are not required to take such a number of credits in the two given semesters; or

(ii) failed to achieve an average semester GPA of 1.5 or higher for two consecutive semesters (not including the summer semester); or

(iii) exceeded the maximum period of registration specified in LLM3(b).

LLM8. Exemption

Candidates may be exempted, with or without special conditions attached, up to 9 credits (one course) in the requirement prescribed in the regulations and the syllabus governing the curriculum with the approval of the Board of the Faculty of Law, except in the case of a capstone experience. Approval for exemption of a capstone experience may be granted only by the Senate with good reasons. Candidates who are so exempted must replace the number of exempted credits with courses of the same credit value.

LLM9. Assessment

(a) Candidates shall be assessed for each of the courses for which they have registered, and assessment may be conducted in any combination of continuous assessment of coursework, written examinations and/or any other assessable activities. Only passed courses will earn credits.

(b) Candidates suspended under Statute XXXI shall not be allowed to take, present themselves for, and participate in any assessments during the period of suspension, unless otherwise permitted by the Senate.

(c) Candidates shall not be permitted to repeat a course for which they have received a passing grade for the purpose of upgrading.

(d) Candidates are required to make up for failed courses in the following manner:

(i) undergoing re-assessment/re-examination in the failed course to be held no later than the end of the following semester (not including the summer semester); or

(ii) re-submitting failed coursework, without having to repeat the same course of instruction; or

(iii) repeating the failed course by undergoing instruction and satisfying the assessments; or

(iv) for elective courses, taking another course in lieu and satisfying the assessment requirements.

(e) Where candidates are permitted or required to present themselves for re-assessment/ re-examination/ assessment in an alternative course under (d) above, the new grade obtained together with the previous F grade shall be recorded on the transcript and be included in the calculation of the semester GPA, year GPA and the cumulative GPA. Such candidates shall not be eligible for any mark of distinction.

(f) There shall be no appeal against the results of examinations and all other forms of assessment.

LLM10. Absence from examination

Candidates who are unable through illness to be present at the written examination of any course may apply for permission to present themselves at a supplementary examination of the same course to be held before the beginning of the First Semester of the following academic year. Any such application shall be made on the form prescribed within seven calendar days of the first day of the candidate's absence from any examination. Any supplementary examination shall be part of that academic year's examinations, and the provisions made in the regulations for failure at the first attempt shall apply accordingly.

LLM11. Requirements for graduation

To be eligible for the award of the degree of Master of Laws, candidates shall:

(a) comply with the General Regulations and the Regulations for Taught Postgraduate Curricula;

(b) complete the curriculum requirements prescribed in the regulations and syllabuses within the maximum period of registration and satisfy the examiner in not fewer than 72 credits in accordance with the regulations governing examinations procedures, which shall include the successful completion of a capstone experience as specified in the syllabus; and

(c) have achieved a Cumulative GPA of 1.50 or above.

LLM12. Grading system

Individual courses shall be graded in accordance with TPG9 (a) or (c) of the Regulations for Taught Postgraduate Curricula as determined by the Board of Examiners.

LLM13. Classification of awards

Upon successful completion of the curriculum, candidates who have shown exceptional merit may be awarded the degree with distinction as determined by the Board of Examiners, and this mark shall be recorded in the candidates' degree diploma.

SYLLABUS FOR THE DEGREE OF MASTER OF LAWS

COURSEWORK

The Board of Examiners shall decide what proportion of the final assessment for each course shall be determined by written work carried out during the course of study. Candidates will be informed at the beginning of the course of the relative proportions of the final assessment to be derived from coursework and from written examinations which will be held at the end of the teaching programme.

OBJECTIVES

The degree of Master of Laws is offered by the Faculty of Law to meet a need in various specialist areas of the law that are of importance to Hong Kong and its locality, and to offer modules which Hong Kong is perhaps uniquely placed to provide to students from both within and outside Hong Kong. The modules available at present focus upon international trade law, commercial law, Chinese law, information technology law, intellectual property law and public law (including human rights).

DISSERTATION

An 18-credit dissertation shall comprise a paper with required length ranging from 16,000 to 20,000 words on a legal topic approved by the Faculty Higher Degrees Committee. A 9-credit dissertation shall comprise a paper on a legal topic likewise approved with require range from 8,000 to 10,000 words. In both cases the dissertation must provide evidence of original work and a capacity for critical legal analysis and argument.

STRUCTURE

Candidates are required to complete 72 credits, including a capstone experience in accordance with the regulations for this degree and the syllabuses as set out below. Candidates may choose courses from the course outlines of individual areas of law below, and courses from any of the specialist programmes in any given academic year, in any case, no more than five courses from each of the specialist curricula.

COURSE OUTLINES
(Each of the courses listed below carries 9 credits unless otherwise stated.)

Capstone courses
(Candidates must choose one course from the list below.)
LLAW6054 9-credit Dissertation*
LLAW6014 18-credit Dissertation* (18 credits)
LLAW6022 Advanced research methodology

Electives

PRC law

LLAW6268 Administrative law and governance in China
LLAW6115 Advanced seminar on Chinese law
LLAW6139 China information technology and electronic commerce law
LLAW6185 China investment law
LLAW6186 China trade law
LLAW6278 Chinese judicial reform in comparative perspective
LLAW6003 Civil and commercial law in the People's Republic of China
LLAW6025 Company law and securities regulation in the People's Republic of China
LLAW6279 Comparative corporate law and theories
LLAW6251 Comparative property law
LLAW6264 Competition law and policy in China
LLAW6171 Corruption: China in comparative perspective
LLAW6286 Cross border corporate insolvency: issues and solutions
LLAW6114 Cross-border legal relations between the Mainland and Hong Kong (in Putonghua)
LLAW6214 Current issues in Chinese law
LLAW6311 Data and privacy regulation in China: law, economics and politics
LLAW6304 Governing online platforms: law, economics and politics
LLAW6307 Hong Kong National Security Law in comparative perspective
LLAW6070 Human rights in the People's Republic of China
LLAW6212 Intellectual property protection in China: law, politics and culture
LLAW6008 Introduction to Chinese law and legal system
LLAW6056 Law and economics of Chinese capitalism
LLAW6110 Law and regulation of banking and insurance in the People's Republic of China
LLAW6308 Law and society in China
LLAW6302 Law, innovation, technology and entrepreneurship (LITE) lab – tech startup law plus
LLAW6297 Macau and Hong Kong comparative constitutional law
LLAW6029 Managing commercial disputes in China: law, issues and techniques
LLAW6047 PRC property law
LLAW6048 PRC security and insolvency law
LLAW6225 PRC shipping law (in Putonghua)
LLAW6201 PRC taxation law and policy
LLAW6167 PRC tort law
LLAW6213 Property protection in China: law, politics and culture
LLAW6313 Quantitative methods for law
LLAW6277 The theory and history of the PRC constitution
LLAW6315 Theories and methods on law and society
LLAW6211 World trade law, policy and business

Human rights and public law

LLAW6228 Advanced legal theory
LLAW6183 Animal law
LLAW6058 Armed conflict, humanitarian law and human rights

LLAW6153 Business and human rights
LLAW6296 Climate and energy justice in practice
LLAW6232 Clinical legal education programme - refugee stream
LLAW6156 Comparative constitutional law
LLAW6226 Comparative constitutional law theories
LLAW6292 Comparative constitutional review: theory and practice
LLAW6262 Comparative law of elections
LLAW6220 Constitutionalism in emerging states
LLAW6267 Courts
LLAW6233 Critical theory in legal scholarship
LLAW6114 Cross-border legal relations between the Mainland and Hong Kong (in Putonghua)
LLAW6060 Current issues in human rights
LLAW6062 Economic, social and cultural rights
LLAW6063 Equality and non-discrimination
LLAW6064 Ethnicity, human rights and democracy
LLAW6066 Gender issues in human rights
LLAW6307 Hong Kong National Security Law in comparative perspective
LLAW6119 Human rights and cyberspace
LLAW6034 Human rights in Hong Kong
LLAW6242 Human rights in practice
LLAW6070 Human rights in the People's Republic of China
LLAW6036 International criminal law
LLAW6007 International dispute settlement
LLAW6294 International investment: structuring, protecting, and resolving related disputes
LLAW6182 International organizations
LLAW6073 International protection of refugees and displaced persons
LLAW6288 Introduction to European Union law
LLAW6231 Justice
LLAW6199 Law and policy
LLAW6308 Law and society in China
LLAW6290 Law and society in South East Asia
LLAW6297 Macau and Hong Kong comparative constitutional law
LLAW6179 Multiculturalism and the law
LLAW6075 National protection of human rights
LLAW6046 Privacy and data protection
LLAW6109 Public international law
LLAW6313 Quantitative methods for law
LLAW6144 Rights and remedies in the criminal process
LLAW6240 Security and human rights
LLAW6221 Selected problems of the European convention on human rights
LLAW6076 Seminar in human rights research
LLAW6215 Seminar on human rights and constitutionalism in Asia
LLAW6315 Theories and methods on law and society

Commercial, corporate and financial law
LLAW6024 Banking law

LLAW6284 Comparative company law
LLAW6279 Comparative corporate law and theories
LLAW6150 Comparative law
LLAW6027 Comparative law and practice of construction and projects
LLAW6251 Comparative property law
LLAW6154 Competition law I
LLAW6155 Competition law II
LLAW6101 Competition, mergers and acquisitions
LLAW6245 Compliance in the Hong Kong securities industry
LLAW6252 Construction of commercial contracts
LLAW6207 Corporate conflicts
LLAW6082 Corporate governance and shareholder remedies
LLAW6002 Credit and security law
LLAW6206 Cross border corporate finance: issues and techniques
LLAW6286 Cross border corporate insolvency: issues and solutions
LLAW6084 Cross-border insolvency law
LLAW6127 Current issues in financial law
LLAW6087 Current issues in insolvency law
LLAW6311 Data and privacy regulation in China: law, economics and politics
LLAW6088 Derivatives: law and regulation
LLAW6126 e-Finance: law, compliance and technology challenges
LLAW6090 Emerging markets: finance and investment
LLAW6210 Energy law
LLAW6222 Financial dispute resolution: Hong Kong and international perspectives
LLAW6194 Global business law I
LLAW6195 Global business law II
LLAW6304 Governing online platforms: law, economics and politics
LLAW6005 Hong Kong intellectual property law
LLAW6107 Insurance law
LLAW6099 International commercial arbitration
LLAW6293 International corporate governance
LLAW6007 International dispute settlement
LLAW6133 International economic law
LLAW6057 International securities law
LLAW6096 International tax and tax planning
LLAW6295 Issues in consumer law: theory and policy
LLAW6110 Law and regulation of banking and insurance in the People's Republic of China
LLAW6239 Law and regulation of private banking and wealth management
LLAW6246 Law and regulation of private banking and wealth management II
LLAW6308 Law and society in China
LLAW6301 Law, innovation, technology and entrepreneurship (LITE) – postgraduate internship
LLAW6302 Law, innovation, technology and entrepreneurship (LITE) lab – tech startup law plus
LLAW6283 Law of international civil aviation and aircraft finance
LLAW6055 Law of international finance 1
LLAW6094 Law of international finance 2

LLAW6260 Law of state immunity and sovereign debt
LLAW6178 Law, economics, regulation and development
LLAW6312 Legal and regulatory aspects of financial risk management
LLAW6224 Mergers and acquisitions
LLAW6097 Pension and investment funds in Hong Kong and the PRC
LLAW6298 Private equity and venture capital: law and practice
LLAW6313 Quantitative methods for law
LLAW6093 Regulation of financial markets
LLAW6314 Regulatory aspects of sustainable finance
LLAW6305 Sanctions: law and practice
LLAW6049 Securities regulation I
LLAW6244 Securities regulation II
LLAW6187 The interface between competition law and intellectual property law
LLAW6315 Theories and methods on law and society
LLAW6299 Trusts in commerce, finance, and wealth management
LLAW6102 White collar crime: law and practice

International and comparative law
LLAW6229 Arms control and disarmament law
LLAW6236 ASEAN law
LLAW6226 Comparative constitutional law theories
LLAW6292 Comparative constitutional review: theory and practice
LLAW6248 Comparative contract law
LLAW6279 Comparative corporate law and theories
LLAW6209 Comparative family law
LLAW6150 Comparative law
LLAW6027 Comparative law and practice of construction and projects
LLAW6262 Comparative law of elections
LLAW6251 Comparative property law
LLAW6154 Competition law I
LLAW6101 Competition, mergers and acquisitions
LLAW6267 Courts
LLAW6286 Cross border corporate insolvency: issues and solutions
LLAW6311 Data and privacy regulation in China: law, economics and politics
LLAW6126 e-Finance: law, compliance and technology challenges
LLAW6249 Entertainment law
LLAW6304 Governing online platforms: law, economics and politics
LLAW6307 Hong Kong National Security Law in comparative perspective
LLAW6293 International corporate governance
LLAW6036 International criminal law
LLAW6007 International dispute settlement
LLAW6133 International economic law
LLAW6037 International environmental law
LLAW6294 International investment: structuring, protecting, and resolving related disputes
LLAW6182 International organizations
LLAW6128 International trade law I
LLAW6288 Introduction to European Union law

LLAW6295 Issues in consumer law: theory and policy
LLAW6230 Law and practice of investment treaty arbitration
LLAW6308 Law and society in China
LLAW6290 Law and society in South East Asia
LLAW6289 Law, governance and development in Asia
LLAW6302 Law, innovation, technology and entrepreneurship (LITE) lab – tech startup law plus
LLAW6283 Law of international civil aviation and aircraft finance
LLAW6253 Law of the cities
LLAW6297 Macau and Hong Kong comparative constitutional law
LLAW6313 Quantitative methods for law
LLAW6306 The economic analysis of law
LLAW6187 The interface between competition law and intellectual property law
LLAW6315 Theories and methods on law and society
LLAW6316 Transnational criminal law
LLAW6299 Trusts in commerce, finance, and wealth management
LLAW6211 World trade law, policy and business

Admiralty and shipping
LLAW6172 Carriage of goods by sea
LLAW6128 International trade law I
LLAW6308 Law and society in China
LLAW6313 Quantitative methods for law
LLAW6315 Theories and methods on law and society

Information technology and intellectual property law
LLAW6243 Advanced intellectual property law
LLAW6261 Asian communications law and policy
LLAW6139 China information technology and electronic commerce law
LLAW6124 Communications law
LLAW6223 Copyright and creativity
LLAW6117 Cybercrime
LLAW6311 Data and privacy regulation in China: law, economics and politics
LLAW6300 Digitalisation: health, law and policy
LLAW6111 E-business law
LLAW6126 e-Finance: law, compliance and technology challenges
LLAW6106 Global information technology law and practice
LLAW6304 Governing online platforms: law, economics and politics
LLAW6005 Hong Kong intellectual property law
LLAW6119 Human rights and cyberspace
LLAW6120 Intellectual property and information technology
LLAW6140 Intellectual property, innovation and development
LLAW6212 Intellectual property protection in China: law, politics and culture
LLAW6132 International and comparative intellectual property law
LLAW6280 Introduction to artificial intelligence and law
LLAW6308 Law and society in China
LLAW6170 Law and the internet
LLAW6301 Law, innovation, technology and entrepreneurship (LITE) – postgraduate

internship
LLAW6302 Law, innovation, technology and entrepreneurship (LITE) lab – tech startup law plus
LLAW6285 Legal data science
LLAW6181 Management and commercialization of intellectual property
LLAW6176 Online dispute resolution
LLAW6219 Patent law
LLAW6313 Quantitative methods for law
LLAW6046 Privacy and data protection
LLAW6141 Regulation of cyberspace: theories of internet and normativity
LLAW6315 Theories and methods on law and society
LLAW6200 Topics in trademark law

Others
LLAW6138 Arbitration law
LLAW6271 Bioethics foundations
LLAW6238 Comparative arbitration in Asia
LLAW6209 Comparative family law
LLAW6300 Digitalisation: health, law and policy
LLAW6174 Family mediation
LLAW6222 Financial dispute resolution: Hong Kong & international perspectives
LLAW6216 Graduate seminar
LLAW6237 International arbitration: practice, process and strategy
LLAW6227 Introduction to private international law (conflict of laws)
LLAW6263 Introduction to U.S class action law
LLAW6197 Law and social theory
LLAW6308 Law and society in China
LLAW6272 Medical law and ethics
LLAW6247 Medico-legal issues
LLAW6291 Mental disability and the law
LLAW6163 Negotiation: settlement and advocacy
LLAW6273 Practicum project
LLAW6196 Preventative law: approaches to conflict prevention and resolution
LLAW6164 Principles of family law
LLAW6258 Private law in common law jurisdictions
LLAW6204 Public law in common law jurisdictions
LLAW6313 Quantitative methods for law
LLAW6281 Research seminar in ADR ethics and policy
LLAW6274 The beginning and end of life
LLAW6306 The economic analysis of law
LLAW6275 The legal foundations of global health and development
LLAW6250 The regulation of biomedical research
LLAW6315 Theories and methods on law and society
LLAW6270 Understanding health systems: ethical and legal dimensions

* LLAW6014 and LLAW6054 are mutually exclusive.

NOTE: Not all courses will be offered in any given year. For actual courses available, please refer to annual course offerings.

COURSE DESCRIPTIONS FOR THE DEGREE OF MASTER OF LAWS

Capstone courses

LLAW6014 18-credit Dissertation

An individual research project on an approved topic carried out under the supervision of an assigned teacher, resulting in the submission of a research paper with required length ranging from 16,000 to 20,000 words (excluding tables of cases and statutes, notes, appendices and bibliographies). The dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

Mutually exclusive: LLAW6054 9-credit Dissertation

Assessment: 100% Research paper

LLAW6022 Advanced research methodology

The meetings in this introductory course explore the strategies and techniques available for research and writing in doctrinal and empirical legal studies, and the ways in which various research methodologies relate to the different theoretical approaches that inform research. Attention is also given to the manner in which differing research methods are often combined in practice, and to the skills involved in analyzing data and presenting findings. Students are encouraged to see their findings as potentially making contributions to both empirical knowledge and theoretical understanding.

The course teachers consider what research questions can be asked and which research methods might best help to provide answers to such questions. Because law students are generally more familiar with doctrinal research, so the course gives greater attention to empirical research. Course teachers look at the skills of questionnaire design, interviewing, participant observation, case studies, documentary research, surveys, sampling, ethical correctness and so on.

At the end of this course, students should have developed a strong understanding of how to identify and address research problems, a good awareness of the empirical and doctrinal research methodologies that they might use in their investigation and analysis, and an enhanced ability to design and implement a research project in the field of legal studies.

Assessment: 100% research proposal

LLAW6054 9-credit Dissertation

An individual research project on an approved topic carried out under the supervision of an assigned teacher, resulting in the submission of a research paper with required range from 8,000 to 10,000 words (excluding tables of cases and statutes, notes, appendices and bibliographies. The dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

Mutually exclusive: LLAW6014 18-credit Dissertation

Assessment: 100% research paper

Elective courses

LLAW6002 Credit and security law

The legal aspects of supplying and securing credit in respect of consumers and companies; the legal means of taking security over different types of property.

The forms of credit and security are divided into the "real" securities and the "quasi-securities". The real securities are: charges, mortgages, pledges and common law liens. The quasi-securities include hire-purchase, bills of sale, assignments of the benefit of a chose in action, sales and re-sales, finance leases, retention of title transactions, and many other forms usually involving indirect money lending. All of these forms of security are available to consumers as well as corporate borrowers. A common corporate loan is a charge over book debts. A common consumer loan transaction is a mortgage over land.

Topics to be studied include:

- the concept of security,
- the role of equity in security transactions, real and personal securities,
- types of business finance,
- insolvency,
- drafting of documentation to achieve particular purposes,
- reviewing new or novel forms of property, e.g. carbon sequestration;
- reviewing overseas developments in codifying commercial law; and
- remedies.

Assessment: 20% class participation, 80% examination

LLAW6003 Civil and commercial law in the People's Republic of China

This course examines PRC civil and commercial law from a functional perspective. In the course students will be introduced to the fundamental legal concepts relating to civil and commercial relations and transactions in China as well as the principles underlying the areas of law, including contracts, secured transactions, and payment mechanisms. In addition to teaching the formal law in these areas, the course will examine the relationship between contract enforcement and economic development. In the teaching, both a descriptive account of law and interdisciplinary methods of studying some areas of law will be provided. Through the study of the above specific areas of law and their theoretical foundations, students will be provided with the necessary analytical skills and judgmental power essential for their future work.

Assessment: 100% research paper

LLAW6005 Hong Kong intellectual property law

A comparative study of the Hong Kong law relating to patents, copyright, registered designs, trade marks, trade secrets, trade descriptions, common law remedies including and akin to passing off and injurious falsehood, and associated rights in information. Previous study or practice in the area of intellectual property would be an advantage but is not essential provided some preliminary private study is undertaken.

Assessment: 0% or 25% optional assignment, 100% or 75% take home examination

---

LLAW6007 International dispute settlement

Disputes are bound to arise on the international level. UN Charter Articles 2(3) and 33 require states to resolve their disputes through peaceful means, which include "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." Inasmuch as these peaceful means of dispute settlement are governed by a body of rules and principles, lawyers play an important role in making sure that such means are used in a fair and effective manner. After explaining the history and development of international dispute settlement, as well as the general obligation on states to resolve their disputes peacefully, this course will explore each method in light of the relevant law and cases, with particular emphasis being placed on legal resolution through international courts and tribunals, including international arbitration and resolution through the International Court of Justice, the International Tribunal for the Law of the Sea, and the WTO Dispute Settlement Mechanism. The course concludes by looking at the future of international dispute settlement, including the need for conflict prevention and dialogue, the increasing juridification of dispute settlement, and the problems associated with the proliferation of dispute settlement mechanisms.

Assessment: 20% participation, 80% research paper

LLAW6008 Introduction to Chinese law and legal system

The objective of this course is to introduce students to China's developing legal system and selected areas of substantive law. The notion of law as contemporary lawyers understand it has been an important part of China's efforts at "modernization" since the second half of 19th century, even though for a pre-urban and preindustrial society imperial China had a relatively sophisticated legal culture. Since 1978, in order to promote economic reform (among other reasons), the Chinese party-state has refurbished its legal system and created an impressively broad corpus of legal rules. However, from a comparative perspective, the extent to which China has become a "rule of law" society remains unclear and this is one of the main concerns of the course. After examining briefly the system of governance before China embarked on its modernization programme, and bearing in mind the continuing influence of some of the enduring values of Chinese legal culture, this course goes on to explore the wide-ranging processes of legal

modernization, the constitutional foundations of the current party-state, key contemporary Chinese legal institutions, access to civil, criminal and administrative justice, administrative and civil law, family and population law (because the family remains central to Chinese society), and social protection law (because this throws light on the relevance of law for social justice). Assessment is primarily by means of a take-home examination, though students should also be prepared to participate in the class fully and, time constraints permitting, to make class presentations.

Assessment: 10% class participation, 90% take home examination

---

LLAW6024 Banking law

This course is intended to provide an introduction to the major issues in banking law in Hong Kong. It is concerned with:

- the law governing the nature of the contract (and its termination) of the banker-customer relationship;
- legal issues arising in relation to special types of accounts such as joint accounts, trust accounts, professionals and various types of business associations;
- banker's duties including confidentiality and the duty of care;
- fiduciary duties;
- lending and investment services, including securities and guarantees/indemnities;
- the role of the bank in documentary credits, and the growing stress on autonomy of these documents;
- banker's rights including appropriation of payment, the lien and set-off;
- bills of exchange; and
- newer developments including shadow banking, Islamic finance, charge-backs, non-performing loans and others.

In the financing area, there will be an introduction to the key issues relating to bank loans and banker's security, and an in-depth study of autonomous payment obligations including guarantees, standby letters of credit and performance bonds. There will be discussion on a new development in relation to proposals for "implied good faith" to operate contrary to the principle of autonomy.

Students who enrol in this course are expected to be familiar with the common law of contract and trust.

Assessment: 20% class participation, 80% examination

LLAW6025 Company law and securities regulation in the People's Republic of China

This course covers both company law and securities regulation in the People's Republic of China. The part on company law involves an examination of the legal framework

governing the structure and organization of business corporations and the responsibilities of and protection afforded various groups participating in a corporation's affairs, in particular, shareholders, creditors and management. The basic conceptual framework reflected in modern corporate legislation, and especially recent Chinese statutes, regulations, and administrative rules is emphasised, with particular attention to the concept of corporate entity, scope of business activities, shareholders' rights and responsibilities, directors' duties, the governance of joint stock companies, management and control of limited companies. The part on securities regulation involves an analysis of the scheme of securities regulation in the PRC. Topics covered will include efficient capital markets, types of securities and capital structure, agency theory, portfolio theory, regulation of primary market offerings, trading in secondary markets, inside trading, mergers and acquisitions, stock exchanges, and securities market professionals.

Assessment: 100% research paper

LLAW6027 Comparative law and practice of construction and projects

This course provides a detailed appraisal of construction law, projects and practice in five representative Asian jurisdictions: the People's Republic of China, Taiwan, Hong Kong, Singapore and South Korea. Through detailed explanation, analysis and case studies, students will gain an integrated and advanced understanding of the key features of each jurisdiction, both in isolation and in a comparative context. Students will develop their capacity to operate and advise in and across these jurisdictions as well as deriving lessons for application in Hong Kong or other jurisdictions.

The focus will be with:

- The size, importance, opportunities and trends in each construction sector.
- Key legal and regulatory frameworks, tender practices and project management norms.
- The principal standard forms of contract in use.
- Recent build-own-transfer, build-lease-transfer, and design-build-finance-operate projects and planned public private partnerships in economic and social infrastructure.
- Resource management, financing, innovation and competiveness on a comparative basis in the development of their construction sectors in the wider Asian building and projects market.
- Case studies on construction, including the Beijing Metro No. 4 Line and MTR international projects; planning, financing, construction and appraisal of the Anhwa school project in Korea; recent NEC procured pilot projects in Hong Kong; tendering, construction, operation and issues surrounding the Taiwan High Speed Rail project; and tendering, financing, construction and operation of the Singapore Sports Hub compared with the Kai Tak Sports Park.

Assessment: 100% take home examination

LLAW6029 Managing commercial disputes resolution in China: law, issues and techniques

This course takes students to the areas of significance in the field of dispute resolution in Mainland China, particularly with respect to resolving business and commercial disputes. All major methods of dispute resolution will be examined, including civil litigation, commercial arbitration, and mediation in Mainland China. Some topical issues such as corporate disputes, securities enforcement, private international law, civil justice reform, and cross-border judicial assistance on commercial matters with Hong Kong, Macau and Taiwan will be looked into as well.

Assessment: 30% mid-term response report, 70% research paper

LLAW6034 Human rights in Hong Kong

History of enactment, the Bill of Rights Regime, ICCPR, implementation of human rights treaties, Basic Law, interpretation, scope of application, inter-citizen rights, locus standi, permissible limitations, derogation and reservation, enforcement and remedy.

Study of selected rights, including civil and political rights, economic, social & cultural rights and people's rights. Topics covered include impact on civil and criminal process, right to a fair and public trial, arrest, search and seizure, torture and degrading treatment, liberty and security of person, freedom of association and assembly, freedom of expression, right to nationality, right to family, right to political participation, discrimination and equality, right to housing, social security, education and the environment. The exact topics to be covered will be determined at the beginning of the course and may change from year to year.

Assessment: 5% class participation, 25% short paper, 70% research paper

---

LLAW6036 International criminal law

International criminal law is an extremely topical, relevant and increasingly controversial area of international governance. This course explores the rationale, origins, normative development, institutional mechanisms and role of international criminal law. It analyses the current state of international criminal law and its place in the modern international legal system in light of important recent developments. It discusses why States should reform their national criminal laws to accord with international developments and focuses on both the substantive and procedural law. It examines relevant international legal concepts, general principles of international criminal law, and how international criminal tribunals function. It considers particular international crimes, participation in such crimes, defences, and important recent cases. To do this, we trace the roots of international criminal law in customary laws of war and early attempts to enforce rules prohibiting war crimes, before reviewing the operation of the Nuremberg and Tokyo International Military Tribunals that were established after the Second World War. We then take account of the Geneva Conventions, 1949, and the rise of international human

rights law, focusing on the crimes of aggression, genocide, war crimes and crimes against humanity. We then delve into the law and practice of the ad hoc International Criminal Tribunals for the former Yugoslavia and Rwanda and relate their establishment and operation to the emerging system of international criminal law, and the process under way to establish the International Criminal Court.

Assessment: 80% research paper, 10% court or tribunal presentation, 10% class participation

---

LLAW6037 International environmental law

Air pollution, deforestation, climate change, biodiversity loss and the extinction, or near extinction, of some wildlife species are just some of the many environmental problems that the world faces today. Environmentalists, governments, courts, NGOs, and a variety of other interested parties or stakeholders, both at the top of the international and domestic levels, have contributed to solving environmental problems by the use of law. To what extent has it been successful, or unsuccessful? How do states solve environmental problems collectively, that is, by way of treaties and conventions, and individually, that is, by way of domestic law? How do some states balance economic development and resource exploitation against environmental protection?

This course aims to provide students with a contextual and elementary understanding of the key global and domestic environmental issues and the purported legal solutions. After a broad survey of the major international environmental laws, this course will look at some selected jurisdictions and see the way in which these jurisdictions deal with environmental problems legally. The jurisdictions that will be looked at include China, the UK and Hong Kong, as well as some major regional organizations such as the EU and ASEAN. Moreover, this course will delve into specific areas of environmental concerns such as the marine environment, climate change and the protection of wildlife. Prior knowledge of the subject matter is not required.

Assessment: 100% research paper

LLAW6046 Privacy and data protection

This course will explore privacy and data protection in an increasingly interconnected data economy. The Personal Data (Privacy) Ordinance and the data protection principles in particular will be studied in depth, making reference to relevant court judgments and Administrative Appeal Board cases. Privacy protection under other ordinances and common law principles (such as breach of confidence, misuse of private information, nuisance, trespass, copyright infringement and defamation) will also be covered. Emphasis will be made to the balance between privacy on the one hand and other rights as well as public and social interests on the other. The challenges posed by technological innovations and applications such as the internet, social media, mobile applications, cloud computing and Big Data will be highlighted. Specific topics to be addressed will include: (a) the concept of privacy and the genesis and development of its political, philosophical

and economic underpinnings; (b) global developments and international cooperation; (c) privacy and media intrusion; (d) regulation of direct marketing; (e) Privacy Commissioner for Personal Data: powers, functions and enforcement. The course will focus on the Hong Kong situation but reference will be made to relevant international human rights instruments and the global and regional trends and developments.

Assessment: 40% research assignment, 60% take home examination

---

LLAW6047 PRC property law

It is generally believed that secure property rights are the key to economic growth. Yet it is said that China has been the world's fastest growing major economy for the past 40 years without a well-functioning property law. This seeming contradiction has compelled leading scholars of different disciplines to reflect on the role of property rights in economic, social and political development. Is the general belief valid? Is China really a counterexample? This course intends to answer both questions by investigating the evolution of the Chinese property system, including evolution of property rights in Chinese constitution, evolution of the Chinese land administration laws, evolution of property rights in Chinese civil laws (i.e., from the 1986 Principles of Civil Law to the new Civil Code) and the relationship between property rights in action and property law on the books.

This course endeavors to deepen students' understanding of the PRC property system, with a focus on how real world developments influence the property law, and vice versa. It will draw on cases and examples from the real world to help students understand the PRC property system. This course will not only enable students to understand the complex system of the PRC property system, but also the factors that have driven its development.

Assessment: 70% written assessment, 30% class participation

LLAW6048 PRC security and insolvency law

This course will focus on both security and insolvency issues in the People's Republic of China, with reference to both PRC foreign investment enterprises and state-owned enterprises and companies. The options available to creditors for protecting their interests under Chinese law will be a central feature of both parts of this course.

Aspects of security law to be covered include the five forms of security - guarantees, mortgages, pledges, liens and deposits, with an emphasis on mortgages and guarantees. Topics to be studied include: the concept of security, Chinese attitudes towards security, the selection of security providers and of security vehicles, real and personal security, types of business finance, creating security (investigation, negotiation and documentation), the approval process, the recording system, and remedies.

The insolvency portion of the course will focus on the insolvency of foreign investment

enterprises and state-owned enterprises and companies. The PRC Bankruptcy Law and related legislation at both the national and local levels will be considered. Topics to be studied include insolvency principles, the economic and political ramifications resulting from the insolvency of state-owned enterprises and companies, an overview of the insolvency process, commencement of insolvency cases, property available for distribution to creditors, representatives of the estate, and liquidation procedures generally. Cross-border insolvency issues, especially in relation to co-operation with the Hong Kong SAR, will also be considered. A reading knowledge of simplified Chinese characters would be desirable.

Assessment: 30% mid-term assignment, 70% research paper

LLAW6049 Securities regulation I

The overall aim of the course is to develop an understanding of the regulatory framework governing the securities markets in Hong Kong and how regulations affect securities activities and transactions undertaken by issuers, intermediaries and investors. An underlying theme of the course will be to understand why regulations put in place and to critically assess the effectiveness and appropriateness of the regulatory framework and specific regulations.

The course is structured in three conceptual parts. (1) Orientation: the nature of regulation and the products, actors and marketplaces with which the course will be concerned. (2) Framework: the core laws, regulations and regulators comprising the regulatory framework. (3) Application: how regulation interacts with the business of effecting transactions in the marketplace.

The course will examine key securities laws and regulations, in particular: the Securities and Futures Ordinance (SFO), the prospectus provisions of the Companies (Winding-up and Miscellaneous Provision) Ordinance, regulatory codes issued by the Securities and Futures Commission (SFC), and the Listing Rules. The objectives, principles and purposes of regulation will be introduced. The nature and functions of a stock market will be considered.

The function of key bodies undertaking regulatory functions, namely the SFC, the Hong Kong Monetary Authority, The Stock Exchange of Hong Kong Limited, the Market Misconduct Tribunal and the Securities and Futures Appeals Tribunal will be examined. The impact of regulation on corporate transactions and the general practices of the market and its intermediaries will be studied. A portion of the course will be given over to studying the impact of regulatory requirements on the conduct of initial public offerings.

The course will conclude by bringing together the knowledge gained over the duration of the course to consider the benefits and drawbacks of regulation for the market and critically assess the impact and effectiveness of regulation. What are the shortfalls of regulation, and where is regulation heading?

Assessment: 100% take home examination

LLAW6055 Law of international finance 1

Law of international finance 1 examines the fundamentals of financial transaction formation and its connection with national and transnational law, financial sector innovation and contemporary commercial practices – that is, "How deals work", and how law and regulation influence the decisions of banks and other intermediaries operating in organised markets.

The course aims to (i) create from first principles a usable understanding of four elemental capital market transactions; and (ii) provide a common scholarly platform for those new to financial law or to common law practices. This includes consideration of the institutional incentive that influences the commercial actions of transaction parties; contract formation; why transactions succeed or fail; important regulatory settings; and the forms of documentation used to structure transactions and allocate commercial and legal risks.

Four generic transactions will be examined using examples of recent real applications - international syndicated loans; major currency bond issues and debt issuance programmes; simple asset-backed securities; and interest rate and currency swaps. Standardised documentation and topical materials will be used throughout.

Prerequisite: Non LLM(CFL) students must demonstrate a workable understanding of contract and commercial law or a strong professional background in contemporary finance.

Assessment: 90% take home examination, 10% mid-term group assignment

---

LLAW6056 Law and economics of Chinese capitalism

China's transformation from a planned economy to the most capitalist country in the world, despite the absence of a well-functioning legal system, at least from the western perspective, raises numerous questions. This seminar endeavors to understand Chinese capitalism from the law and economics perspective. What is the constitutional and private legal foundation of Chinese capitalism? What is the role of law in Chinese society and business? What roles has law played in the different stages of China's market transition and different sectors of Chinese economy?

This course takes an integrative, evolutionary, and comparative approach. Firstly, it integrates studies of black-letter law with observations of Chinese society. In particular, it explores whether and how black-letter law is implemented in reality through a series of case studies in property, corporate governance, constitutional review, etc. Secondly, it investigates the evolution of Chinese law to deepen our understanding on Chinese law and also shed light on its future direction in a rapidly shifting environment. Thirdly, it takes China as a comparative case study to enhance our understanding of law and market institutions.

Assessment: 30% two response papers, 30% class participation (including group projects), 40% final essay

---

LLAW6057 International securities law

International securities law is an advanced course and LLM(CFL) capstone for students who have successfully completed Law of International Finance 1 and Securities Regulation I or whose professional background is considered appropriate by the instructors.

It deals with two related concerns — the law and regulation of organised markets and exchanges and the law and regulation of cross–border equity new issues. It is taught both from academic and practitioner perspectives.

The course aims to develop a usable understanding of the law, practice and regulation of international IPOs, and those contractual risks and governance issues associated with organised markets or exchanges and central counterparties. This includes considering the motives of users, contract formation, why new issues succeed or fail, the documentation involved in structuring and marketing equity new issues, and how regulation impacts transaction design and entrenched market practices.

Prerequisites: LLAW6049 and LLAW6055

Assessment: 25% group project presentation, 75% two take home examinations issued at intervals over the semester

---

LLAW6058 Armed conflicts, humanitarian law and human rights

This course is designed to provide candidates with a comprehensive introduction to the regulation of international and non-international armed conflicts within international law. It begins by exploring the philosophical debate on the morality of killing in war and its relationship with the law of armed conflicts. It then proceeds to study the key areas of the law of armed conflicts concerning the classification of conflicts, conduct of hostilities and restrictions on liberty, together with an assessment of the practical challenges that confront the application, implementation, and enforcement in complex situations including transnational conflict, military occupation and UN peacekeeping operations. Set within an interdisciplinary context of moral philosophy as well as military strategy, it encourages students to critically reflect on how the law of armed conflict has acquired the alternative nomenclature of international 'humanitarian' law, and how it relates to other areas of international law including *jus ad bellum*, international criminal law and international human rights law.

Assessment: 10% class participation, 15% simulated practice, 75% take home examination

LLAW6060 Current issues in human rights

This course begins with a general presentation of the Council of Europe, the European Court of Human Rights and the European Convention of Human Rights. It gives an overview of the on the values, structure and achievements of the Council of Europe; it presents the organisation, structure and procedure of the European Court of Human Rights; it outlines the rights and freedoms guaranteed by the Convention and key concepts essential to the understanding of the European Convention system.

The course will be then structured on seven topics which represent current issues in human rights:

- **The right to health,** presenting the historical development of the concept of the right to health, its guiding principles and related obligations; these are illustrated through case law concerning the right to medical treatment, medical malpractice and the liability of health professionals and forced medical treatment.
- **The right to a healthy environment** and its' development as a human right; the course presents case law from the European Court of Human Rights, as well as other regional courts such as the Inter-American and African systems.
- **Reproductive rights,** focusing on the principles of reproductive autonomy, respect for private and family life and the prohibition of discrimination; it covers the topics of abortion, contraception, home birth and forced sterilisations.
- **Bioethical issues,** focusing on the European approach on IVF treatment, surrogacy, the protection of genetic data, euthanasia and assisted suicide and organ donation.
- Women's rights, course which provides an overview of international human rights law concerning women, and presents case law of the European Court of Human Rights concerning violence against women, human trafficking and other forms of discrimination.
- **Sexual minorities,** a course which presents the rights of sexual minorities in international law and case law on a variety of issues such as the criminalisation of homosexual relationships in general, ill-treatment by police and state agents, marriage and civil unions, adoption.
- **Freedom of expression,** a course which presents the international guarantees, the key aspects, the scope and the limitations of this freedom, and gives examples of case law concerning press freedom, censorship, whistleblowing, the protection of journalistic sources and more.

Assessment: 50% oral presentation, 50% research paper

LLAW6062 Economic, social and cultural rights

This course will begin with a discussion of the theoretical and historical development of economic, social and cultural rights ("ESC rights") under the international human rights system. It will then examine the sources of ESC rights, the obligations of states and the implementation of ESC rights at both international and domestic levels. Among the substantive contents of ESC rights, the course will study the right to food, the right to

water, the right to the highest attainable standard of health, the right to social welfare, and the right to housing. The course will also look at approaches to monitoring and advocacy strategies for the realization of ESC rights.

Assessment: 70% research paper, 20% case comment, 10% class participation

---

LLAW6063 Equality and non-discrimination

Equality and non-discrimination are universally regarded as fundamental human rights principles that underpin - and are necessary prerequisites to - the enjoyment of all human rights and freedoms. Indeed most of the major international human rights treaties as well as many national constitutions articulate rights to equality and non-discrimination either in general terms or with reference to a range of grounds such as race, gender, disability, religion, etc. Despite its prominent position in human rights law, the precise scope and meaning of equality remain contested and enforcement bodies have sometimes provided contradictory or conflicting interpretations. In other words, equality can mean different things to different people. This course considers how the law reflects, and might support the realization of, particular concepts of equality. It also examines the potential and the limits of the law as a means of achieving social and political change.

Assessment: 25% class participation, 75% research paper

LLAW6064 Ethnicity, human rights and democracy

Most of the world's conflicts since the end of the Second World War involve ethnic groups against their own country's government, often claiming oppression or violation of their rights by these same authorities. The course examines the causes of this rise of ethnicity, and how majoritarian and liberal democracies – and other forms of government – at times seem to clash with international human rights standards in relation to these ethnic groups. It seems recent developments in the understanding and application of human rights and international law respond to this clash: the rise of rights of indigenous peoples, new modes of expression of self-determination, developments in the rights of minorities, various forms of autonomy to respond to collective claims, and the adaptation of human rights in order to better reflect and protect individuals belonging to ethnic groups facing a non-neutral state.

Assessment: 60% research paper, 30% test, 10% class participation

---

LLAW6066 Gender issues in human rights

This course will address the role that gender has played in the conceptualisation, interpretation and implementation of international human rights standards. The topics considered will include feminist critiques of the claimed and rocentrism of human rights guarantees, the guarantees against sex discrimination under international and regional systems, the Convention on the Elimination of All Forms of Discrimination against

Women, and the extent to which recent developments in human rights law and practice address the problem of discrimination against women. Specific topics addressed may include violence against women (e.g. issues such as female infanticide, sexual harassment, marital rape, and dowry deaths), the enjoyment by women of economic, social and cultural rights, and the relationships among culture, tradition, religion and women's equality.

Assessment: 100% final paper

LLAW6070 Human rights in the People's Republic of China

This course will examine the international and domestic dimensions of the protection of human rights in the People's Republic of China. It will examine the applicability of international human rights standards to the PRC, the stance of the PRC in relation to international national mechanisms for the protection of human rights, and the place of international standards in domestic law. The course will consider the theoretical debates about the origin and contingency of human rights standards, questions of priorities in human rights, and the issue of rights in Chinese cultural contexts. It will also examine the extent of human rights protections available under the Chinese constitution and other laws, and will focus on selected issues, which may include the criminal justice system, freedom of expression, freedom of association, freedom of religion, labour rights, gender discrimination, and minorities/self-determination. The course will also examine the social and political forces that may contribute to the improvement of human rights in China.

Assessment: 100% research paper

LLAW6073 International protection of refugees and displaced persons

Every single minute of 2018 as calculated and reported by UNHCR 25 new people fled their homes to escape persecution, human rights violations, war, or other violence.[1] Every minute of every day, for the entire year. This course will situate that statistic in its full context: viewing it from historical, legal, and practical perspectives. The course begins with an introduction to forced displacement in the 20th century, and presents refugee law as it relates more broadly to international human rights law and humanitarian law. This course examines in detail the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, the role of UNHCR, and who is included in and excluded from the international definition of "refugee". It also scrutinizes key legal distinctions, compares and contrasts regional protection instruments, and explores the principle of non-refoulement. It reviews case studies to see how protection principles are applied in a variety of jurisdictions, and it looks at where, how, and why the system breaks down. This course will also delve into the current protection challenges faced by refugees, asylum seekers, internally displaced persons, refugee advocates, NGOs, host countries, and policy-makers. This course goes beyond the numbers and headlines to look at the ongoing global refugee crisis from the perspective of those who experience displacement and those who are striving to find solutions.

Assessment: 15% class participation, 35% writing exercise/presentation, 50% take home examination

---

LLAW6075 National protection of human rights

The Seminar on National Protection of Human Rights offers an opportunity to explore human rights in its national social and institutional contexts. Students will explore the important themes of national protection of human rights with an emphasis on Asia. Particular attention will be paid to domestic constitutional questions such as democracy, human rights and the rule of law. Asia is a region that houses nearly two-thirds of the world's population and includes a wide range of cultures and developmental contexts. We confront a common observation that human rights practice is ultimately local. While the human rights movement has made extraordinary efforts in the post-World War II era to develop global standards and institutions it has been plagued by weak implementation at the local level. Significant regional human rights treaties and institutions in Europe, Africa and the Americas have sought to address this deficiency on a regional level with mixed success. As the only region without a regional human rights regime, Asia has relied more completely on domestic constitutionalism and local institutional practices to articulate and implement human rights commitments. This has made the human rights debate more seriously a matter of local politics and legal culture. Asia has had a noteworthy engagement with some of the central themes in the human rights debate, relating human rights to culture, to the political economy of development, democratization, autonomy, and development of civil society. Asian discussions of these concerns have intimately connected issues of human rights and development. The seminar will explore these rich Asian themes and efforts.

Assessment: 20% presentation of research paper; 10% class participation (including two response papers and discussion), 70% research paper

---

LLAW6076 Seminar in human rights research

The seminar provides students with the opportunity to develop their own critical thinking and legal research and writing skills through an examination of cutting edge scholarship in the field of international human rights, a series of short writing assignments, non-graded research and exercises and research paper.

The course does not aim to teach substantive law but rather to teach the skills of designing a human rights research project, developing research strategies and applying research results. The course seeks to provide an overview of approaches to research in the field of law – and human rights law in particular - and to develop students' skills in combining those approaches. The course will familiarise students with the major sources of international (including regional) human rights law as well as familiarise students with the documentation of the United Nations and regional human rights systems.

The course will provide students with preliminary assistance in writing research papers, in particular by working with students on the formalities of writing and citing sources,

avoiding plagiarism, formulating research questions and structuring research papers.

Assessment: 50% research paper, 30% short reaction paper, 10% in-class presentation, 10% class participation

---

LLAW6082 Corporate governance and shareholder remedies

This course aims to investigate competing approaches to the concept of corporate governance explored in comparative literature and to canvass major debates on corporate governance reform among academic, business, and policy circles in Hong Kong and selected jurisdictions, such as the United States, the United Kingdom and Australia. The course will examine important corporate governance norms, mechanisms and institutions, particularly the legal standards and arrangements for shareholder protection and remedies, as well as regulatory initiatives to promote good corporate governance practices and address corporate governance failures.

Assessment: 50% research assignment, 50% examination

LLAW6084 Cross-border insolvency law

The course is designed to provide students with a clear and basic understanding of the issues confronting financially distressed companies. To that end, the options available to insolvent companies, the intricacies of corporate restructuring and insolvency, and the various elemental aspects of the reorganisation and insolvency procedures will be explored and examined. Relevant and highly practical issues such as forensic accounting, cross-border and transnational insolvencies will also be introduced to students who are interested in choosing a professional career as private insolvency practitioners.

To keep students abreast with the latest legal and regulatory developments in the areas of insolvency and cross-border insolvency, the course will have two special focuses this year. The first focus concerns Hong Kong-China cross-border insolvencies, which are theoretically characterised as matters of regional conflicts of law. Hong Kong and China differ in both their legal systems and insolvency laws. On 14 May 2021, the Supreme People's Court (SPC) introduced "The Supreme People's Court's Opinion on Taking Forward a Pilot Measure in Relation to the Recognition and Assistance to Insolvency Proceedings in the Hong Kong Special Administrative Region" (hereinafter the "SPC Opinion"), in which three pilot areas—Shanghai, Xiamen and Shenzhen—were designated for the pilot measure. One of the key purposes of the SPC Opinion is to thoroughly implement Article 95 of the Hong Kong Basic Law, the legal basis for cross-border cooperation between Hong Kong and the Chinese courts.

The second focus is COVID-related insolvency issues. From a health emergency to an economic disaster, the impact of COVID-19 on the global economy is being closely monitored, given that the pandemic is likely to cause another financial crisis. The pandemic has also greatly impacted local small and medium-sized companies (SMEs), with many of them having become insolvent. Since the government's lending support is

by no means nor by design a long-term resolution for SMEs bearing the brunt of dwindling cash flow amid the COVID-19 crisis, new opportunity is emerging to learn about Hong Kong's insolvency law and practice. In this regard, the course will examine the proposed corporate rescue regime in Hong Kong. Taking a comparative law approach, the course will further delve into COVID-related insolvency issues in comparable jurisdictions such as the US, the UK and Singapore. Doing so will adequately equip students with the knowledge and skills required for careers in these specialised areas (i.e. insolvency and cross-border insolvency), as there are few talents and ample opportunity in the job market.

Assessment: 20% oral presentation, 80% research paper

LLAW6087 Current issues in insolvency law

Insolvency cases in Hong Kong are at an all-time high and the entire insolvency legal regime - including the bankruptcy of individuals and the liquidation and rescue of companies – is in transition. This course will cover both personal and corporate insolvency and will address the ongoing initiatives to reform Hong Kong law.

Detailed knowledge of insolvency law is not a prerequisite. The *Hong Kong Corporate and Personal Insolvency Manuals* will be assigned and will provide students with both an overview of insolvency law in Hong Kong and a detailed analysis of practical considerations. Discussions in class will consider the adequacy of existing insolvency laws and procedures in Hong Kong and evaluate the strengths and weaknesses of the law reform amendments and proposals. Comparisons will be made with insolvency law developments in other jurisdictions.

There will be four primary areas covered: (1) personal insolvency law (both bankruptcy and voluntary arrangements); (2) corporate liquidation; (3) corporate rescue (including out-of-court rescues and the proposed Provisional Supervision procedures); and (4) cross-border insolvency.

Assessment: 100% research paper

LLAW6088 Derivatives: law and regulation

Covers the historical and market developments of swaps and derivatives, market innovations as to financial, capital market and commodities based derivatives, use of derivatives in emerging economies, regulatory and supervisory concerns, and selective case studies of regulatory and litigation issues as to derivative arrangements.

Assessment: 100% continuous assessment

LLAW6090 Emerging markets: finance and investment

Consideration of the fundamental regulatory and contractual aspects of financing and investment in developing countries and transitioning economies, with a particular focus on the One-Belt One-Road (OBOR) Initiative. Specific subject matters to be studied will include the role of law in privatization and foreign direct investment in emerging economies and the basics of infrastructure project financing, particularly in OBOR countries. Challenges facing finance and investment in emerging markets including corporate social responsibility issues, corruption, local opposition and businesses operating in conflict zones will also be examined.

Assessment: 10% class participation, 30% two simulate practices, 60% research paper

---

LLAW6093 Regulation of financial markets

Designed for students considering or planning to work in the financial sector, this is an overview perspective course, for LLM (and JD) students without financial background. Specifically, the course will examine, from legal and policy perspectives, the fundamentals respecting regulation of the primary financial intermediaries and markets: i.e., money and banking, investment banking, and asset management and insurance. Emphasis will be on the on-going phenomenon of globalisation and interdependence/interconnection of financial markets and intermediaries, and the need for economies to develop viable and robust financial markets, with a particular focus on the current global financial crisis. Use of international, comparative (especially PRC, US and EU) and interdisciplinary materials will be made.

Assessment: 80% take home examination, 20% group research project and in-class group presentation

---

LLAW6094 Law of international finance 2

Law of international finance 2 is an advanced course for students who have completed Law of International Finance 1. Its theme is non-traditional 'shadow' finance, dealing in context with contract formation, regulatory reforms and market practice.

The course provides insights to complex financial transactions and structured finance. This includes consideration of the parties involved and their various objectives; why transactions succeed or fail; and the impact of regulation on transaction design and shifts in activity between the 'conventional' and shadow financial systems.

Topics include the uses and risks of special purpose vehicles; non-recourse finance for movable objects (ships and aircraft) and infrastructure; credit derivatives and synthetic transactions; mis-selling to retail and professionals; and conflicts in debt restructuring. The course will consider the roots and features of complex transactions; how they contributed to the 2007-09 financial crisis; and examine legal and commercial aspects of recent transactions, especially when one elemental instrument is combined or embedded with others.

Prerequisites: LLAW6055 or an academic equivalent; or substantive and demonstrable professional experience.

Assessment: 100% Three take-home examinations issued at intervals over the semester

---

LLAW6096 International tax and tax planning

This course:

1. highlights and explains the major concepts of international taxation and tax planning by focusing upon the taxation implications arising from cross-border business transactions (and, to a lesser extent, employment), as well as suggests appropriate structures for implementing those transactions.
2. examines and contrasts the ways in which selected jurisdictions deal with the problems of taxing cross-border activities, with a particular focus upon important concepts such as jurisdiction to tax, controlled foreign companies legislation, foreign tax credit (and exemption) regimes, transfer pricing, withholding taxes, taxation compliance and anti-avoidance rules, and particular attention to the role, application, and interpretation of double taxation agreements (DTAs).
3. examines, in particular, specific and general anti-avoidance rules in (a) domestic legislation and (b) DTAs and, generally, the role of the courts in this area, anti-avoidance doctrine and tax ethics in relation to tax planning.
4. with regard to 2. and 3. above, examines in detail the taxation systems of several jurisdictions (specifically, Singapore, Hong Kong and the PRC (Mainland) and, for comparative purposes, Japan and the United States) by considering the taxation implications of outbound and inbound investments and appropriate structuring for (a) residents of those jurisdictions and (b) non-residents who carry out business operations (or who perform employment-related services) in those jurisdictions.
5. studies topical issues of international tax policy such as jurisdiction to tax, taxation of internet transactions, transfer pricing, tax administration, recent changes to the OECD Model Tax Convention and the implications for tax policy and practice arising from the OECD's 'BEPS' (base erosion and profit shifting) project.

Assessment: 50% take home examination, 40% group presentation (including written-up report), 10% class participation

---

LLAW6097 Pension and investment funds in Hong Kong and the PRC

This course is a comparative study of (a) the private law rights and obligations in and (b) the regulatory regime of pension funds and investment funds in Hong Kong and in the PRC. In relation to (a), emphasis will be placed on the different legal structures used in the two jurisdictions to operate pension and investment funds, and the differences in the extent of the rights and duties of the parties arising thereunder. In relation to (b), emphasis will be placed on a few recent legislative developments in both jurisdictions, such as the new legislative framework on mandatory provident funds in Hong Kong, and the provisional regulation on investment funds in the PRC. Knowledge of PRC law is helpful,

but not a pre-requisite to this course.

Assessment: 100% continuous assessment

LLAW6099 International commercial arbitration

International commercial arbitration is well established as the preferred binding mechanism for resolving cross-border commercial disputes. It has seen particularly marked growth and acceptance in the last 20-30 years, including in the Asia Pacific region. The law and practice of international commercial arbitration, while scarcely regulated, has evolved into a highly specialised craft based on international best practices. This course will consider the international and domestic legal framework for international commercial arbitration, as well as the broader regime including international arbitration rules, international arbitration institutions and organizations and international arbitration practices. However, a key focus will be the inside workings of international arbitrations, revealing the sometimes obscure practices of the discipline. The main topics covered include the making and enforcement of arbitration agreements, establishment of and powers of arbitration tribunals, jurisdictional issues, applicable law (both procedural and substantive), arbitration procedure and evidence, interim and final remedies and rendering and enforcement of arbitration awards (including challenges and appeals). The course will be taught with case examples principally from the Asia Pacific region, and extensive examples from the practices of well known arbitral institutions, such as the ICC International Court of Arbitration, and of arbitrators sitting under the auspices of the ICC.

Students will be expected to have grasped an understanding of the core features of international commercial arbitration as a distinct discipline and to have developed a sense of how to approach technical legal problems that can arise in this field. They should also know their way around the UNCITRAL Model Law and 1958 New York Convention, and be able to apply that knowledge to relevant factual scenarios.

Assessment: 100% take home examination

LLAW6101 Competition, mergers and acquisitions

This course covers the merger review aspect of competition law from a global perspective. The course is divided into two sessions. The first session focuses on the merger review practices of the US, with a particular focus on the case law and agency practices regarding the review of mergers. The second session will introduce students to basic principles of merger review under EU law. Emphasis will be placed on both the institutional framework and substantive review of mergers under EU law.

Assessment: 100% two take home examinations

LLAW6102 White collar crime: law and practice

White collar crimes are often defined as non-violent offences that are committed for financial gain. They are characterised by, among other things, deceit, concealment, and violation of trust. Every organisation can be potentially exposed to different types of white collar crimes, though its level of exposure to such issues, be it in scale and complexity, may vary depending on its nature and size. White collar crimes not only reflect a social problem, but they can sometimes create an issue of such magnitude that can ultimately bring an organisation to its knees once they strike its very core.

While the focus of this course will predominantly be on the legal/regulatory aspects of white collar crimes, part of the discussion will include examining the ways to how an organisation can prevent this types of issues in practice and event of occurence.

Assessment: 15% research synopsis, 85% research paper

LLAW6106 Global information technology law and practice

This course examines the legal and policy issues relating to information technology (IT) from a comparative, global perspective. It covers wide range of issues involving how national governments regulate the technology of internet and how private citizens' rights relating to internet are protected. Issues to be canvassed include privacy and personal data, internet jurisdiction, regulation of internet marketing, issues in electronic transactions, internet governance, domain name business models and disputes intellectual property challenges for new business models, legal issues raised by cloud computing, as well as net neutrality and telecom regulation.

Assessment: 25% class presentation, 75% final paper

LLAW6107 Insurance law

The course covers the operation and regulation of the insurance market; the definition, importance and reform of the concepts of "Insurable Interest" and "Utmost Good Faith"; the specific terms of insurance contracts; how losses and claims under insurance contracts are dealt with; the rights of insurers, including subrogation and contribution; the rights and duties of insurance intermediaries; and the nature of property insurance, marine insurance, reinsurance and liability insurance.

Prerequisites: Law of contract

Assessment: 10% class participation, 90% take home examination

---

LLAW6109 Public international law

Public international law governs inter-state relationships and entities such as individuals, international organizations and so on. The scope and importance of public international law has expanded dramatically in the last century due to increased awareness and studies

towards globalisation, escalation of conflicts, environmental issues and human rights violations.

This *postgraduate* course explores the history, ideas and concepts that shape public international law and practice, and on the relationship between public international law and other ideas and phenomena. It aims to (i) provide a critical introduction to the subject matter and in-depth investigations into specific themes (such as war and peace, territorial disputes, state immunities, international dispute resolutions) and (ii) equip students with the skills and ability to advise on the basics of public international law and to analyze contemporary international legal problems.

Assessment: 10% class participation, 20% reflective journal, 30% mid-term examination, 40% research paper

---

LLAW6110 Law and regulation of banking and insurance in the People's Republic of China

This course involves an examination of the legal framework governing banking and insurance. The course begins with a discussion of the central bank, the People's Bank of China, regarding its role, activities, and regulatory power. The course will cover other main financial regulators such as CBRC, CSRC and CIRC. Entry into the business of banking and regulation of the activities of banking business are examined. In addition to the regulatory regime, the law of negotiable instruments and the international transaction aspects of banking business are also treated. The course will discuss such matters as the types of security interests, principal terms of most common forms of loan facilities, basic structure of syndicated loan and international bond issues. The course will also address the causes, systemic risks and potential regulatory instruments in relation to China's booming shadow banking sector.

The course then moves into the regulatory regime governing the insurance industry. Restrictions of entry and activities of insurance companies are examined. Prudential management and investment limitations are also dealt with. Regulatory supervision of insurance companies and regulation of insurance agents and brokers are analysed. Other topics of insurance law include: insurable interest, subrogation, the insurance contract, third party claimants, and bad faith claims.

Prerequisite: Basic knowledge of the Chinese legal system

Assessment: 100% examination

LLAW6111 E-business law

More and more companies and organisations are embracing information technology to add value to their business and to remain competitive. In the e-business environment, on one hand, existing law is being applied in a new setting. On the other hand, development of law is needed in order to address specific issues that online business creates.

The course looks at the main legal issues generated by the developments in e-business, their possible solutions and how to strategize and create value in the e-business context accordingly.

Topics to be covered include the international and national framework for e-business, branding and trade marks, contractual issues of online trading, online security issues, privacy and data protection, liabilities of online service providers, online tort issues and jurisdictional issues.

Prior knowledge of the subject matter is not required.

Assessment: 40% written assignment(s) and/or case preparation note(s), 60% research paper

---

LLAW6114 Cross-border legal relations between the Mainland and Hong Kong (in Putonghua)

The course will focus on the constitutional, criminal and civil aspects of cross-border legal relations, which will include:

- The status of PRC constitution and the Basic Law and the issue of congressional supremacy,
- Criminal jurisdictions,
- Repatriation of fugitives and sentenced persons and mutual legal assistance in other criminal matters,
- Mutual recognition and enforcement of arbitral awards and judgments,
- Procedures of cross-border services and evidence taking, and
- Cross-border insolvency and family law matters.

The course will be taught in both Putonghua and English. The medium of coursework and examination will be in Chinese.

Assessment: 100% research paper

LLAW6115 Advanced seminar on Chinese law

This seminar is designed for students who wish to write and to present a research paper written in English to a good standard on a significant topic in the field of Chinese legal studies. Students are encouraged to focus on topics in the current legal system, but may also select their research question from law and legal development issues in imperial and Republican China, and earlier stages of China's socialist legal system (including prior to 1949 in CCP Liberated Areas). Students are also encouraged to draw on the discourses of comparative (and, where relevant, international) law in order to place their understandings and findings in a wider context. This intellectual contextualization is not only valuable in its own right but should serve also, for example, as an encouragement to

students to reflect expansively on the broader 'value added' of their research conclusions. Chinese language proficiency is not required, as the course concentrates on western-language discourse, though of course Chinese-language sources may well be very useful for some areas of research.

Assessment: 20% class participation, 80% research essay

LLAW6117 Cybercrime

'Cybercrime' refers to computer-mediated activities which are either criminal or regarded as illicit and which can be conducted through global electronic networks. It encompasses cybercrimes against the person (e.g. cyber-stalking, cyber-pornography), cybercrimes against property (e.g. hacking, viruses, causing damage to data, cyber-fraud), and cyber-terrorism. The computer-age has also provided organised crime with more sophisticated and potentially secure techniques for supporting and developing networks for a range of criminal activities, including drugs trafficking, money laundering, illegal arms trafficking, and smuggling.

Cybercrime poses new challenges for criminal justice, criminal law, and law enforcement. This course will examine the nature of and problems created by cybercrime, along with some of the legal and policy challenges arising in relation to the development of national and international law enforcement and regulatory responses to cybercrime.

Assessment: 60% research paper, 40% assigned research, review and presentation

---

LLAW6119 Human rights and cyberspace

The exponential growth of digital communications technologies (DCT) great opportunities for and poses significant challenges to enjoyment of human rights in many areas. This course will examine a number of areas in which the digital revolution has provided new tools and opportunities for promoting the enjoyment of human rights such as privacy, equality, free expression and access to justice, as well as for facilitating violations of human rights. Topics to be covered may include:

- understanding privacy, free expression and equality as human rights;
- historic debates relating to DCTs' capacity to enhance human rights and freedoms;
- the global dimensions of digital networks and the parameters of the digital divide;
- implications of data profiling and sorting for privacy, equality and free expression;
- legal responses to "cyberbullying" and cyberviolence;
- the rights and needs of young people in a digitally networked world;
- technologically facilitated violence against women and girls;
- technology as a potential facilitator of access to justice; and
- the use of DCT to promote human rights.

Assessment: 20% participation, 20% paper presentation, 20% presentation on examples

where technology has been used to facilitate human rights, 40% research paper

---

LLAW6120 Intellectual property and information technology

Given the ubiquity of information technology (IT) today, intellectual property (IP) issues related to IT have never been more challenging. With the predominance of frequent headlines about IT-related IP matters, IP and IT is, indisputably, one of the topics that has aroused great interest and attention today.

The course looks at the main IP issues related to IT, how IP can be used to protect, manage and create value from IT innovations, products and creations, and how the dynamic nature of IT would never leave IP law remain static.

Assessment: 10% presentation and class participation, 10% quiz, 30% examination, 50% research paper

---

LLAW6124 Communications law

This course examines how the telecommunication and broadcasting industries are regulated in Hong Kong, and introduces the main features and problems of the relating legislation and regulation.

Topics may include:

- TV and radio licensing
- Foreign ownership control
- Cross media ownership control
- Content regulation
- Competition regulation in broadcasting sector
- Telecommunications licensing
- Interconnection
- Competition regulation and consumer protection in telecommunications sector
- Convergence
- Interception and surveillance

Assessment: 20% group project, 70% research paper, 10% class participation

---

LLAW6126 e-Finance: law, compliance and technology challenges

The overall aim of this is to help students understand how regulatory compliance and enforcement processes are being transformed by increased global competition and accelerating technological innovation in financial markets.

Topics covered will include how the role of information technology in the delivery of modern financial services has evolved over time as well as how recent developments in information technology are transforming compliance processes inside firms and enforcement efforts of regulators.

The impact of digital transformation of compliance in financial services on law firms, legal departments in companies, government attorneys, compliance managers, internal and external auditors, and system administrators will be considered.

A case study examining the impact of global competition and technology innovation on data protection/information privacy compliance efforts under Hong Kong, European Union and US law will be used to integrate theoretical and practical perspectives on the delivery of e-finance services.

Assessment: 10% class participation, 40% coursework, 50% take home examination

---

LLAW6127 Current issues in financial law

Current issues in financial law is an advanced 'capstone' course for postgraduate students nearing the completion of their degree programmes, who will have completed Law of international finance 1, and at least one of Banking law, Credit and security law, International securities law, Law of international finance 2, Securities regulation 1 or 2.

The course covers current and contentious topics in financial, banking and securities law, and post-crisis reforms in regulation dealing with financial stability, malpractice and codes of business or product conduct. It will examine these and other issues according to events and developments at the time of the course, both locally and at international level.

The course uses a seminar format to stimulate interaction and make the discussions relevant to participants' academic and professional interests. Issues to be examined include judicial shocks and risks for commercial parties; recent OTC derivatives cases and the choice of arbitration in contract disputes; Hong Kong's prospects as an international financial centre; recent cases and current concerns in insolvency law; benchmark reform and financial misconduct; and aspects of gender diversity in financial law.

Prerequisites: LLAW6049 or LLAW6055 or LLAW6057 or LLAW6094 or LLAW6244

Assessment: 70% take home examination; 30% class presentation

---

LLAW6128 International trade law I

This course will provide students with a practical insight into a number of areas of international trade law and the practices of the Admiralty and Commercial Courts. It will use shipping scenarios to illustrate the various contracts and issues that arise in private international trade.

The course is designed to make students research and use case law, ordinances and international conventions. It is taught in a practical way and requires students to think of commercial solutions to problems.

The course covers the following areas:

- International sale of goods – the contracts and terms found in sale contracts involving an international element
- Marine Insurance – what is covered by insurance and the duties on an insured
- Letters of Credit – the method of financing the sale contract and the obligations on the banks and parties
- Carriage of goods by sea – who has a right to sue the sea carrier of the goods, the obligations on the sea carrier of the goods and whether the sea carrier can sue anyone for their losses
- Jurisdiction and choice of law – in which country a claim can be brought and which law will be applied to the claim
- Litigation – the most useful procedures used in commercial litigation such as security for costs, freezing injunctions, orders for inspection, arrest of ships
- Arbitration – the procedures that apply to an arbitration of a claim

Prerequisites: Law of contract and law of tort

Assessment: 100% Take home assessment

LLAW6132 International and comparative intellectual property law

This course introduces the international framework within which intellectual property law operates, including copyright, patents, trademarks, industrial designs, unfair competition, trade secrets, geographic indications, and other forms of intellectual property (IP). The course examines how multilateral conventions and agreements such as Berne Convention, Paris Convention and TRIPS Agreement shape national IP laws, the role of international bodies such as WIPO and WTO, the effect of bilateral agreements, and other international influences on the development of IP law. The course also introduces the enforcement provisions and WTO dispute settlement mechanism concerning international IP disputes. While devoting special attention to IPRs protection for cutting edge technologies such as biotechnology and information technology, the course also discusses the protection for traditional knowledge and folklore, and the overall implications of international IP protection for global competition between developed and developing countries in an integrated world market.

Assessment: 10% class participation, 90% take-home examination

---

LLAW6133 International economic law

The recent dramatic transformation of the international economic legal order is generally

attributed to “globalization”, on the one hand, and liberalization, harmonization and unification of national policies and laws that affect trade, investment, and financial and commercial transactions across national borders, on the other hand. Concerns arise as to the coherence and compatibility of these processes and efforts with respect to national and global economic development, and overall welfare. This is the domain of international economic law; the law and policy of relations between national governments concerning the regulation of economic transactions that have cross-border effects. The course will broadly introduce those areas of international law and institutions that have shaped, or are the resultant of, the recent transformation of the international economic legal order, under three general themes: international trade, investment and competition law; international financial and monetary law; international commercial transactions. It will cover the relevant activities of international organizations such as the WTO, ASEAN, APEC, NAFTA, EU and ICSID. In addition to trade, investment and competition, the subject matter will include topics dealing with banking, insurance and securities. The role of institutions such as central banks through the BIS and the Basle Committee in the development of regulatory frameworks will be examined. The activities of two Bretton Woods international institutions, the World Bank and IMF, as well as the IOSCO will be studied. Efforts to unify or harmonise laws that affect international commercial transactions by international institutions such as the ICC, UNCITRAL, UNIDROIT, Hague Conference in Private International Law and OECD will also be examined.

Assessment: 100% take home examination

LLAW6138 Arbitration law

The aim of the Arbitration Law course is to provide students with sufficient knowledge and understanding of the law of arbitration.

During the course, the students will focus on the dispute resolution process, as set out in more detail in the syllabus, including the following ADR methods:

- Negotiation;
- Mediation;
- Early Neutral Evaluation
- Expert determination;
- Adjudication
- Dispute Boards
- Arbitration
- State Court Litigation

Further in the course, the students will learn about the history of arbitration and about the major international arbitration legal instruments (NY Convention, UNCITRAL Arbitration Rules, UNCITRAL Model Law, the Washington Convention, and others). Further, the students will explore the differing statutory approaches to arbitration in the globalized world (common and civil law), the choices available to the parties in dispute resolution, the concepts of arbitration agreements, the arbitral procedure (commencement,

tribunal appointment. Evidence, document production, written submissions, hearings, and others).

The students will learn about the duties and obligations of an arbitral tribunal, the notion of independence and impartiality, jurisdiction and powers, costs, and awards.

At the end of the course, the students will learn about the roe of the state courts in arbitration, and about their supervisory powers.

The specific educational learning outcomes of this course are as follows:

A. Knowledge and Understanding

- To enhance understanding of arbitration as a private consent-based method of resolving disputes.
- To introduce the fundamental principles of arbitration law set out in detail in the syllabus below.
- To introduce the importance of the Hong Kong Arbitration Ordinance when deciding disputes.
- To introduce the essential elements of a binding arbitration agreement and an enforceable arbitration award.
- To introduce the important role of reading and analyzing the sources of arbitration law, including both statutes (particularly domestic arbitration statutes such as the Arbitration Ordinance) and judicial decisions (case law).

B. Intellectual and Practice Skills

This course seeks to help students develop the following intellectual skills:
- Ability to analyse and solve complex factual legal problems by selecting and applying relevant arbitration law principles;
- Ability to apply rules of law to hypothetical factual situations;
- Ability to isolate crucial issues in hypothetical factual scenarios; and
- Ability to support oral and written arguments using relevant judicial decisions and statutory provisions.

This course also seeks to help students develop the following practical skills:
- Ability to undertake the reading and research of the sources of arbitration law;
- Ability to express ideas both orally and in writing in a clear and coherent manner; and
- Ability to translate technical legal terms into language appropriate for users of arbitration and dispute resolution generally.

Students will consider a range of theoretical issues and substantive topics in this course, including:
- General Introduction to Arbitration and ADR
- Agreement to Arbitrate
- Appointment of Arbitrator

- Rights, Duties and Powers of an Arbitrator
- Commencement of Arbitration and Interlocutory Proceedings
- Arbitration Hearings
- Evidence in International Arbitration
- Costs & Interest in Awards
- Appeals
- Enforcement and Execution of Awards

Assessment: 30% research paper, 70% written final examination

---

LLAW6139 China Information technology and electronic commerce law

This course examines the key law and regulations concerning the Internet, information technology and related business in Mainland China. It intends to provide a wide-angle view of the regulatory regime for the Internet and IT industry in Mainland China, in particular as to how such regulatory regime may be helping or damaging the development of the IT industry in Mainland China. The course also intends to compare the regulatory regime in Mainland China with that of other jurisdictions, and examine the impact of the Chinese Internet and IT Regulations on cross-border transactions of IT products and services.

Topics may include:

- Principles of IT and Internet Regulatory System
- Administration and Licensing of Websites
- Electronic Signature
- Online Advertising, Publishing and Media
- Online Intellectual Property Issues
- Big Data and Cloud Computing Issues
- Online Finance, Virtual Monies and Credit Profiling Regulatory Issues
- Domain Name System and Cybersquatting in Mainland China
- Privacy Protection, Real-Name Registration, Encryption and Internet Censorship
- National Security and Anti-Terrorism Measures relating to Online Businesses
- Anti-Monopoly and Anti-Unfair Competition Issues relating to Online Businesses
- Liabilities of Network Service Providers
- Cross-Border Transfer of Electronic Data and Use of Electronic Evidence
- Jurisdiction and Conflict of Law in the Cyberspace
- Online Dispute Resolution

Assessment: 30% presentation and class participation, 70% research paper

---

LLAW6140 Intellectual property, innovation and development

This course examines the interplay between intellectual property law, innovation social and economic development. While it covers copyright and trademark laws and examines

how these two areas are affected by digital and Internet innovations, the focus of this course will be on patent law. Particularly this course will explore how cutting-edge technologies such as information technology, biotechnology and green technology have changed the landscape of patent law on the one hand, and how patent law has affected the development of these technologies on the other hand. It uses judicial cases and empirical examples to illustrate how patents for biotech and pharmaceutical inventions have affected the access to technology and essential medicines, and how patent regime has been employed to protect genetic resources/traditional knowledge and green technologies, and whether such protection promotes or impedes innovation and technology transfer in these industries, and how IP protection has affected social and economic development of developing countries and least-developed countries. Last but not least, the course investigates IP-related antitrust issues, and discusses how to strike a balance between IP and competition for the benefit of technology innovation and economic development.

Assessment: 80% take home examination, 20% class participation

---

LLAW6141 Regulation of cyberspace: theories of internet and normativity

The course takes a closer look at the legal and political challenges brought about by the internet and related technologies. The goal is to provide participants with an in-depth understanding of the conflicts involved in the governance of the information environment and equip them with the tools to analyze and assess these conflicts from a normative perspective. This involves two analytical steps: (a) understanding the challenges and limitations of conventional legal institutions on the Internet, especially those administered by the State, and (b) reinterpreting and reinventing these institutions in the context of the Internet.

In order to achieve this goal, the course combines foundational readings with contextual analyses of legal institutions on the Internet. This approach enables participants to make connections between some timeless questions of law and politics implicated in regulation and revisit them in the broader context of networked information technologies. To complement this framework, class discussions will pick up contemporary cases and events to which the concepts and theories will be applied.

The course is not necessarily targeted at students with prior knowledge of the interplay between law and technology, in general, and law and the Internet, in particular. While not focused on any particular jurisdiction, it takes major common law systems as its starting point.

Assessment: 80% final research paper; 20% four notes and queries

---

LLAW6144 Rights and remedies in the criminal process

This course examines how courts in various common law countries have enforced the legal rights of suspects and accused persons at different stages in the criminal process. The following rights will be studied comparatively: right to be free from arbitrary

detention, right to bail, right to legal representation, right of silence, right to trial without undue delay, right against unreasonable search and seizure, and right to a fair trial. The remedies to be examined will include exclusion of evidence at trial, stay of proceedings, declaration, damages, adjournment, and bail.

Assessment: 100% take home examination or research paper

LLAW6150 Comparative law

The common law system provides principles and methods for responding to society's needs and values. Some of those principles and methods will be compared with the legal and extra-legal equivalents in non-common law nations. The influence of special social and economic characteristics will be noted. Appropriate jurisprudential theory will be discussed.

Assessment: 10% presentation, 10% class participation, 80% research paper

---

LLAW6153 Business and human rights

This course investigates the relationship between business and human rights in the context of globalisation and as a distinct field within the broader corporate social responsibility (CSR) movement. The course will invite students to explore the relevance of human rights standards and norms to business operations and consider the extent to which corporations are or should be bound by human rights law and obligations. The legal, political, economic and social issues arising from the cross-border activities of multinational enterprises (MNEs), particularly in developing countries, will be examined against the backdrop of the growing public demand for greater transparency and accountability. The course will also analyse the role and methodologies of civil society seeking to influence corporate human rights practices, and the ways in which some MNEs have responded to growing pressure to address human rights issues through initiatives that seek to connect CSR, human rights and business strategy by managing reputational risk and promoting human rights as a source of competitive advantage in the marketplace.

Assessment: 70% research paper; 20% advocacy exercise; 10% class participation

---

LLAW6154 Competition law I

This course introduces students to basic concepts of competition law (known as antitrust law in the U.S.). Despite being relatively new to the region, competition law has become highly pertinent in East Asia in recent years. In Hong Kong, the Legislative Council finally adopted a cross-sector competition law for the city in June 2012. In China, the Anti-Monopoly Law came into effect on August 1, 2008 and has attracted much attention around the world ever since. With its aggressive enforcement stance, South Korea has become a favorite jurisdiction for multinational corporations to lodge complaints against

competitors. With increasing cross-border enforcement across the globe, competition law will surely take on yet greater importance in the future.

This course will focus on two of the three main areas of competition law: cartels and restrictive agreements and monopolization. It will focus on U.S. law with some attention paid at the end of the course to the new Hong Kong Competition Ordinance.

Assessment: 50% take home examination, 30% case commentary, 20% class participation

---

LLAW6155 Competition law II

Despite being relatively new to Hong Kong, competition law has become highly pertinent in East Asia in recent years. In Hong Kong, the Legislative Council finally adopted a cross-sector competition law for the city in June 2012, and the Competition Ordinance has been in full operation since December 2015.

This course takes a comparative look at the connections and differences between Hong Kong and European Union (EU) competition law. Given the Conduct Rules of the Competition Ordinance in Hong Kong are substantially modelled after Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU), the EU law (including "soft" law such as guidelines) on Articles 101 and 102 TFEU will provide useful guidance to the interpretation and application of the Hong Kong Conduct Rules. This course will examine in detail the First Conduct Rule and Article 101 TFEU; and the Second Conduct Rule and Article 102 TFEU. We will also consider competition law enforcement, Hong Kong specific issues and past paper questions (to illustrate the workings of competition law). This course excludes merger review, which forms the subject of a separate course.

Assessment: 55% take home examination, 25% commentary, 20% class presentation and participation

---

LLAW6156 Comparative constitutional law

This interdisciplinary course will survey a combination of fundamental questions and cutting-edge scholarly debates concerning both constitutional drafting and constitutional adjudication. Readings will consist primarily of social science scholarship as opposed to judicial decisions and will have a primarily empirical as opposed to normative orientation.

Law school courses in comparative constitutional law have traditionally focused on constitutional adjudication to the exclusion of constitutional drafting. However, questions of constitutional drafting and constitutional design are of considerable and growing importance. Accordingly, this course will address not only how constitutions are interpreted and enforced, but also how they are created in the first place. The course will begin by considering foundational questions, such as: What is a constitution? What

purpose(s) do constitutions serve? What practical effect, if any, do constitutions have? What topics should be addressed by a constitution?

Other topics to be addressed include the process by which constitutions are drafted; the extent to which the content of national constitutions has become standardized; the relationship between constitutional law and international law; the extent to which constitutional courts around the world employ common analytical techniques and the usage of foreign law by constitutional courts. The goal will be to develop an empirically informed understanding of recurring patterns and contemporary standards in constitutional drafting and constitutional adjudication. The course will be conducted in a seminar format, meaning that much of class time will be spent exploring the questions and arguments posed by the material through group discussion rather than through lectures by the instructor.

Assessment: 20% class participation, 80% written assignment

LLAW6163 Negotiation: settlement and advocacy

This course is designed to give students an intensive opportunity to develop negotiation skills which can be used in the global arena to create and repair relationships and to manage and resolve conflict. Classes will consist primarily of inter-active negotiation role play simulations and inter-personal communication exercises, together with some lectures and class discussions. Initially, we will explore personal characteristics, cultural matters and communication skills. Then, we will focus on the acquisition of negotiation skills through inter-active negotiation problems. Throughout the course, we will emphasise critical reflection on the negotiation process.

This Negotiation module will involve an interactive mix of class discussions, small group sessions, student exercise and negotiation role playing simulations. Each seminar has a specific topic and students are provided with assigned readings. The teaching programme is designed to encourage maximum participation of students in the teaching process.

Students must be aware of the following expectations upon by the teacher in this course – all students in the Negotiation course must:

1. Attend all classes, on time and all the time. Each student depends on full and active participation by every other student. This cannot be over emphasised.
2. Be prepared to participate.
3. Prepare written outlines for all Negotiation Problems.
4. Complete all Negotiation Problems in class.
5. Complete and submit a descriptive, analytical journal of the student's progress in acquiring negotiation skills during the course.

Assessment: 50% research paper, 25% outlines and participation, 25% skills journal

---

LLAW6164 Principles of family law

Family law is about people in a domestic setting; how domestic relationships are created, dissolved (which involves status alteration), reconstituted (remarriage, adoption), how relationships are regulated and disputes resolved. Hong Kong Family law is both common law and statute-based. However, the rules and principles are not ends in themselves, but they serve certain purposes or goals.

In this course, we examine the basic principles governing the creation of family relationship, termination and its consequences, how does the law deal with the evolving notion of domestic relationships, abuse occurring within such relationships, the protection it offers to the weaker party and the reconstitution of family relationships.

Families are undergoing changes constantly, as is society. Debates on transsexual marriage, same-sex marriage reflect this. Families are the microcosm of society bearing all the pressure which society exerts on its members. The challenge of the course is to understand the problems facing families today, to what extent the law is in tune with these problems, how best these problems could be alleviated, minimised or resolved by law reform or other means.

The objectives of the course is to enable you to learn the basic family law rules, understand how these rules are applied to a particular legal problem (which you need to utilise as a lawyer). As rules are not ends in themselves and they promote certain underlying values – you are required to critically analyses and assess what outcomes/values these rules promote; whether these values are consistent with prevailing societal values along certain theme, such as: (i) effective dispute resolution, (ii) protective (physical/economic) function of family law and (iii) upholding fundamental societal values concerning family, personal relationships and human rights.

Assessment: 45% written examination, 45% assignments and presentation, 10% class participation

---

LLAW6167 PRC tort law

This course introduces the history of PRC tort law, the PRC Tort Law (2010), relevant principles of PRC General Principles of Civil Law on which tort law is based, other tort-related laws, and regulations, and judicial interpretations. The course analyzes the tort cases which have been adjudicated by Chinese courts to see how cases are decided under the existing tort laws. The discussion of the laws and cases will aim to solve the substantive issues including liabilities based on fault such as personal and property injury, tort injury to personality rights and family/business relations; liabilities without fault such as product liability, environmental pollution, ultrahazardous activities and injuries caused by domestic animal; fault-presumed liabilities such as medical malpractice, motor-vehicle traffic accident and work-related accidents. These issues and various concepts such as intentional torts, negligence, vicarious liabilities, and joint and several liabilities will be discussed in comparison with the common law counterparts.

Assessment: 100% examination

LLAW6170 Law and the internet

Information and communication technologies are part of the very fabric of contemporary societies. Their understanding and mastery are a required form of literacy in the 21st century. Social dynamics everywhere have changed because of these technologies, and in their image a new social paradigm has been formed. As a social science, law is not immune to these transformations but is rather profoundly influenced by them and perhaps no technological development has shaped the face of law more profoundly than the Internet.

This course will empirically assess some core transformations which, in different areas, the Internet has brought to the law. While other courses in our programme (for instance, "Regulation of Cyberspace") question at a higher level of abstraction the normative foundations of such transformations, in "Law and the Internet" our aim is to give you an introductory overview of the concrete, practical shifts that the institutions of law have been experiencing in a number of different areas because of the Internet – from Identity and Privacy to Copyright, and from Defamation and Liability in Online Environments to Cybercrime and Jurisdiction.

Main topics will vary slightly from year to year. The focus of our course is on major common law jurisdictions, taking the law in the Hong Kong and United Kingdom as a starting point. Nonetheless, occasional – and in some areas extensive – references to the law in the European Union will be made.

Assessment: 35% mid-term essay, 65% take home examination

LLAW6171 Corruption: China in comparative perspective

This course examines the pervasive problem of corruption in the People's Republic of China in comparative perspective. The course aims to combine theoretical understanding of corruption with the best practice in prevention, investigation and punishment of corruption. Subject matters to be covered in the course include perception of corruption, definition of corruption, theoretical observations, case studies on corruption, anti-corruption system, legal framework, education and whistle blowing, and international cooperation.

Assessment: 100% research paper

LLAW6172 Carriage of goods by sea

Bills of lading and other sea transport documents (e.g. waybills, delivery orders); express and implied terms in contracts of affreightment (concerning seaworthiness, deviation, dangerous cargo etc); the Hague and Hague-Visby Rules; voyage charterparties and time

charterparties; maritime arbitration; electronic data interchange (EDI) and electronic bills of lading.

Assessment: 100% examination

LLAW6174 Family mediation

Using a combination of lecture, discussion, demonstration, and simulation, Family Mediation will present students with the theory and practice of family mediation, including: a basic grounding in the practice and theories of mediation, an understanding of the many variations of how mediation is actually conducted in family law cases, critical judgment as to when family law mediation might or might not be appropriate in individual cases, a familiarity with legislation involving family law mediation and critical inquiry as to the efficacy of different legislative initiatives, special issues facing mediators in family law mediation, and ethical consideration both as a family law mediator and as an attorney in family law mediation.

Assessment: 20% participation, 30% presentation, 50% written assessment

---

LLAW6176 Online dispute resolution

This course will introduce students to the use of information technology as a means of facilitating the resolution of disputes between parties. Despite the prevalent impression that online dispute resolution (ODR) is simply the online equivalent of alternative dispute resolution (ADR), the course will demonstrate to the students that ODR can augment the traditional means of resolving disputes by applying innovative techniques and online technologies to the process. Although the course will focus on the technological application in out-of-court alternative dispute resolutions, it by no means ignores the potential that these technologies have for direct application in the litigation system. The course will examine online negotiation, mediation, arbitration, their combinations or other alternatives. The course has both theoretical and practical value to practitioners and academics.

Assessment: 60% research paper, 40% in-class Moot Court practice

---

LLAW6178 Law, economics, regulation and development

This course is premised on a conviction that the law does not exist in a vacuum, and the study of the law should therefore not be confined to a narrow focus on legal doctrine and case law. The aim of this course is to provide a broad survey of inter-disciplinary approaches to the law, which will provide students with the basic toolkit to question and analyze legal theories and institutions from alternative perspectives. The belief is that students will gain a richer and more nuanced understanding of the law and legal methods as a result.

The course comprises of three broad components: (1) Law and Regulation, (2) Law and Economics, and (3) Law and Development.

The law and regulation component of the course seeks to examine the role of law as an instrument of regulating economic and social activity. The course will explore theories of regulation, regulatory techniques and instruments, and issues of efficiency, accountability and legitimacy in relation to regulation. It will also explore the application of economic concepts to the law, focusing on areas such as torts, contracts, and property rights. For instance, the course will examine how economic concepts have been applied to provide a benchmark for determining negligence in torts.

Finally, the law and development component will examine the relationship between law and economic, social, and political development. It will survey theories concerning the meaning of development and the potential role of law and legal institutions in the development process.

Assessment: 30% class participation, 30% homework, 40% final essay

---

LLAW6179 Multiculturalism and the law

Conquests and colonial projects have long been responsible for the instigation of large-scale ethnic and national mobility in order to further the ends of empire, for example, for the purposes of labour and industrial development or populating land considered to be terra nullius. In the aftermath of the First and Second World Wars, which led to a significant redrawing of national boundaries, people once again moved; some, voluntarily and in pursuit of their dreams whilst numerous others, became victims of exile due to economic, social or political circumstances. This pattern of migration has continued into the 21st Century, particularly in the aftermath of 9/11, the war in Iraq and Afghanistan, and resultant turmoil in neighbouring Middle-Eastern countries, with the immigrant and refugee exodus reaching crisis point in 2016.

This shift in the composition of inhabitants from homogenous populations into multi-ethnic groups within national borders beckons an overhaul of the nation-state framework. The very conception of monolithic nationhood that comprises the experiences of a singular nation, peoples or culture as definitive of their collective identity stands challenged. Governance structures presuming shared political, social and secular ideals have also demonstrably failed in their ability to cope with the increasing diversity represented among ‘nationals’.

Despite the increasingly complex regime of international provisions that has emerged to safeguard the fundamental rights and interests of all people, particularly framework conventions that seek to recognise the risks faced by vulnerable minorities to protect them against violations of their religious, cultural, linguistic and political rights, even naturalised citizens often fail to have their voices heard due to discrimination, inequalities, marginalisation or exclusion of their voices. These circumstances have precipitated the most serious crises of identity in an increasingly globalised world, whose borders continue to shrink and shift as citizens become highly hybridized.

The course examines this conflict through comparative and interdisciplinary lenses, drawing on material from law, political theory, philosophy, and postcolonial studies to better understand the nature of identity, rights, citizenship and the discourse of oppression, violence and conflict. It uses a case study approach to examine contemporary global challenges in the management of pluralism and diversity. Students will develop skills to apply an enriched analytic framework through which to conceptualise these challenges and to critically examine governance structures, approaches and arguments to reconcile conflicting rights within the liberal constitutional framework in light of international human rights commitments.

Assessment: 70% research paper, 15% symposium presentation, 15% class participation

---

LLAW6181 Management and commercialization of intellectual property

Topics include:

- Technology transfer and licensing
- Commercialization of innovations
- IP portfolio management
- IP issues in merger and acquisition
- IP issues in franchising and outsourcing
- IP and standard setting
- IP and competition
- IP litigation strategies
- IP issues in innovation industries such as ISP's liability and safe harbor, keyword advertising and digital music licensing.

Assessment: 100% in-hall examination

LLAW6182 International organizations

Using the case method, this course explores the key court decisions that have helped establish the legal principles that empower and regulate international organizations. Analysis of these cases illuminates the relationship and tension between international law and politics in this area, as well as shows how courts help and hinder the development of international organizations, sometimes in the same case. Additional case studies will focus on contemporary problems facing a variety of international organizations. The debates and assessment exercises will strengthen students' critical reasoning skills, in addition to fostering a sophisticated understanding of the law created for and by international organizations.

Assessment: 50% case comments, 50% research paper

LLAW6183 Animal law

This course examines the law relating to non-human animals. The course will introduce a range of theoretical perspectives on the way in which we think about animals, with a focus on moral/ethical theories of animal interests and animal rights. The welfare model of animal law, as expressed through relevant legislation and case law, will be critically analysed. While much of the consideration of this law will have an Asian orientation, attention will also be given to international developments in animal law. Finally, the course will explore practical ways in which lawyers may advance the interests of animals.

Assessment: 70% Written research assignment; 30% seminar presentation

---

LLAW6185 China investment law

This course provides a comprehensive, informed treatment and analysis of the legal, policy and business aspects of foreign direct investment in China. Areas covered include: current PRC foreign investment policies and priorities, including "encouraged industries"; investment incentives and investment protection; PRC regulatory authorities and government approval process; offshore structures; PRC foreign-related business and investment organizations: representative offices, branch offices, holding companies, foreign investment enterprises (FIEs): Sino-foreign cooperative and equity joint ventures, wholly foreign-owned enterprises (WFOEs), listed and unlisted Sino-foreign joint stock limited companies (JSLCs); practical joint venture contract drafting and operational issues; trading and distribution; technology transfer; conversions; mergers and acquisitions; selected regulatory issues: corporate income taxation, foreign exchange control; FIE debt and equity financing; out-bound China investment.

Assessment: 100% research paper

LLAW6186 China Trade law

This course provides a focused, legal and policy treatment of China's conduct and regulation of international trade at both the macro- and micro-economic levels. Areas covered include: China's participation in the WTO, and in other multilateral, regional and bilateral trade-related arrangements, including ASEAN+ and China-ASEAN FTAs; Regulation of China's foreign trade: PRC regulatory authorities, PRC Foreign Trade Law, foreign trade operators (FTOs), foreign trade agency: commissioning and entrustment arrangements; PRC customs, licensing and inspection/standards systems, and trade remedies: particularly, China's anti-dumping regime; WTO, US and EU anti-dumping and subsidies/countervailing codes and related non-market economy (NME) treatment of China's export enterprises and industries; Trade transactions: standard-form contracts, import-export sales contract issues arising under the PRC Contract Law and CISG.

Assessment: 100% research paper

LLAW6187 The interface between competition law and intellectual property law

This course focuses on the interface between intellectual property laws and competition law. The interface between these two bodies of law is one of the most complex and controversial, and yet theoretically interesting, areas of competition law. This interface juxtaposes the public policy rationale behind intellectual property laws and competition policy, and requires the enforcement agencies and the courts to strike delicate balances between these two policies. With respect to patent law, for example, the treatment of patent rights under competition law requires the courts to calibrate the provision of innovation incentives without incurring an excessive loss in consumer welfare. Similar tradeoffs are also found in the interface between copyright law and competition law, and to a lesser extent, between trademark law and competition law.

This course will focus on the interface between competition law and patent law, which presents the most acute policy conflict with competition law among all the main areas of competition law, with some attention paid to copyright and trademarks. The course presumes no background on either competition law and patent law. It will begin with a brief overview of these two areas of law so that students will be equipped with the basic knowledge necessary for the course. Topics covered in the course include: price fixing, market allocation, group boycotts, vertical price restraints, royalty issues, fraudulent intellectual property enforcement, tying, unilateral refusal to deal, deceptive conduct in standard-setting organizations, predatory product design, reverse payments, and no challenge clauses, among others.

Assessment: 30% class presentation, 70% research paper

LLAW6194 Global business law I

Global business law I deals with the growth of a business from being a mere domestic seller all the way through to its decision to become a foreign investor operating half-way across the world. In the course of that growth it will face international litigation, arbitration, choices about business from abroad, lawsuits abroad, investment treaties, its own lawsuits against foreign “host” states, and questions about how it plans to finance its foreign ventures.

Assessment: 100% take home examination

LLAW6195 Global Business Law II

The course employs a problem-oriented approach, and focuses on the law in action; namely, strategic choices which a business engaged in international trade would face.

The course starts off by introducing the global trading system (GATT, WTO, etc.). The first few weeks will introduce you to a problem faced by a firm which is either trying to sell or buy from abroad but faces a host of regulatory barriers. Some of these barriers are in the form of tariffs, others are not. While some firms are manufacturers seeking new

markets abroad, others are domestic retailers or manufacturers trying to source internationally for cheaper goods or manufacturing inputs.

We will then address the case where the firm is not selling abroad, but wishes its own government to purchase its products to the exclusion of foreign products.

The course then turns to a different kind of business problem. What happens when a domestic firm finds itself facing such stiff competition from foreign imports that its very survival may be at stake? What tools are available to it to fend off such competition? When can such a firm claim that competition from abroad is "unfair", and does the law recognises such claims? Should it? In other cases, competition may not be unfair, but can the firm claim that it should be protected by its government nonetheless? What can other firms do in response to such action?

All these problems involve public/governmental regulation. To that extent we are dealing with public law. However, the issues we will address matter to whether a business will fail or succeed, depending on the available rules and how such rules may be used by these firms.

While we will be using a US casebook, many of the issues you will encounter are universal. The more minute details of the US regime may be peculiar in places, but there is in fact a high degree of world-wide convergence in the sorts of trade rules we will encounter due to widespread membership of the WTO. By using a US casebook, we also benefit by learning from a body of trade rules which has had a genuine, historical impact on the evolution of the global trading system. For many participants in the course (excepting exchange and other students from US law schools), there will be an opportunity to explore the rules of a major export market and to learn some US law. Most importantly, the casebook we will use is probably the best of its kind in introducing the subject from a business viewpoint.

Assessment: 100% take home examination

LLAW6196 Preventative law: approach to conflict prevention

Lawyers can play a key role not just in the resolution of disputes, but also in the prevention and management of conflicts within organizations and societies. This course will explore key processes through which a system is consciously created to address conflicts among individual and entities, as well as legally defined disputes. Similar to the public health model, which aims to promote positive individual and collective habits that stem the occurrence of disease, this course seeks to examine those mechanisms, principles and processes oriented toward the prevention of conflict. The approach of the course will be both theoretical and participatory in nature.

Assessment: 75% research paper, 25% class participation

LLAW6197 Law and social theory

Amongst the most powerful of contemporary analyses of law and legal institutions are those which draw on the tradition of social theory. These trends now constitute a discrete area of academic enquiry that is of growing importance and relevance. This course offers a series of readings which draw on that tradition and think them through in relation to contemporary legal problems.

The course will develop students' knowledge of the basic paradigms of social theory as it relates to law and place the development of law in social theoretical and historical context. By developing a critical understanding of the relationship between law and social theory students will assess the differences between diverse theoretical approaches and be able to develop and articulate their own understanding of the appropriate paradigms for analysis in legal and social theory. The aim is therefore to enhance students' understanding of contemporary law and legal institutions.

Topics to be covered may include: competing theories of law and modernity; analyses of alternative approaches to power and security; the role and consequences of processes of juridification; and theories of globalisation.

Assessment: 20% presentation, 80% research essay

LLAW6199 Law and policy

This course explores and contrasts the different methodologies inherent in the disciplinary approaches of legal and policy analysis. It examines how each approach is relevant to the other in different practical situations e.g. in court and in government policy formulation. Each student will present a seminar paper that applies both legal and policy analysis to a practical issue of their choice.

Assessment: 100% research assignment

LLAW6200 Topics in trademark law

Trademarks play a crucial role in merchandizing all varieties of goods and services and protecting consumers' interests. The course will explore the cutting-edge issues and landmark cases in trademark law. It will cover issues and cases concerning trademark registration, anti-confusion protection, anti-dilution protection, trademark fair use, and e-commerce. Landmark cases will be drawn from the United States, the European Union, China and Hong Kong. Moreover, the course will discuss the social, cultural, and political dimensions of trademarks. It will critically consider the public interest and social concerns arising from the legal protection.

Assessment: 20% class participation, 80% two essays

LLAW6201 PRC taxation law and policy

The course first examines legal, economic and political considerations relevant to the formulation and implementation of tax law and policy in the PRC. It then introduces the legal framework of tax law in the PRC from the legislative, administrative and judiciary perspectives and illustrates how tax law is developed, implemented, interpreted and enforced. The major components of China's tax system will be reviewed, including VAT, business tax, enterprise income tax and individual income tax. Other types of taxes which are experiencing rapid developments in the regulatory framework, e.g., real estate related taxes and environmental related taxes, will be explored and discussed. Given the increasing significance of the PRC in international trade and investment, tax implications arising from cross-border transactions involving PRC parties and the application of tax treaties will be analyzed.

Assessment: 20% participation, 80% research paper

LLAW6204 Public law in common law jurisdiction

This course aims to provide a strong grounding in and understanding of the principles governing the development and the operation of the Common Law.

Part A of the course, introduces students, first, to the nature and philosophical underpinnings of the Common Law. Next it looks, in a series of Seminars at: the sources and general historical development of the Common Law; the importance of precedent; and of modes of statutory interpretation.

Part B of the course first examines the divergent impact of the Common Law approach on the development of Public Law in the UK and the USA. Next it considers the way in which the Chinese (Mainland) political-legal structure has been shaped by historical events both during the Imperial period and post-1912 and post-1949. It moves on to look at the way the Public Law aspect of the Common Law has developed within British Hong Kong and in the HKSAR. Finally this part of the course considers aspects of the inter-action between the HKSAR Common Law system and the PRC legal system.

Assessment: 25% presentation, 75% minor dissertation

LLAW6206 Cross border corporate finance: issues and techniques

The course will provide an understanding of the underlying principles and policies of corporate finance law, and will familiarise students with the actual practices of the markets and techniques of key transactions. It will focus on the consideration and treatment of issues that arise when financing transactions. Seminars to introduce the topics will be augmented by exercises which will be designed to simulate real transactions. Students will be divided into teams, which will be pitched against other teams, role-playing, lawyers, financiers, borrowers/ fund-raisers and investment bankers.

The course will be useful to those who intend to work in the corporate and corporate finance sectors, in law firms or investment or commercial banks.

Assessment: 30% participation in team exercises, 70% research paper

---

LLAW6207 Corporate conflicts

With increasing globalisation many corporations today operate beyond their domestic borders. Many businesses operate transnationally by means of a multinational group structure or through the medium of a joint venture. This course seeks to introduce students to the issues that arise in dealings with corporations that have a presence in more than one jurisdiction.

Some of the issues which we will be looking at are: What laws regulate companies that are incorporated in one jurisdiction but operate in another? How are mergers and amalgamations of corporations done when corporations operate in a number of jurisdictions? What are the issues that arise in the transnational collapse of corporations such as those we have witnessed in recent years? How are they dealt with?

The financial and securities markets are grappling today with issues arising from dealings in securities from multiple jurisdictions. We will also consider these issues.

The course will be useful to those who intend to have a corporate practice, or to work in the corporate, securities or banking sectors.

Assessment: 20% presentation and defense of paper, 80% research paper

---

LLAW6209 Comparative family law

The course focuses on family law issues in a comparative and international context and *prior knowledge of family law or comparative law is not required*.

Topics include: property and maintenance on divorce; the grounds for divorce; the legal status of cohabitants; legal regulation of adult relationships and changing family constructs; marital agreements (i.e. pre-nuptial, post-nuptial and separation agreement), the relevance of gender in family law and changing one's legal gender; parenthood and parental responsibility.

All topics are covered from a comparative perspective.

This course will be of interest to students and practitioners wanting to acquire an up-to-date understanding of current policy and issues in family law around the world and anyone with an interest in family law, comparative law and social policy.

Assessment: 25% class participation, 75% research paper

LLAW6210 Energy law

Energy law became recognised as a distinct subject following the energy crisis that resulted from the 1973 Arab-Israeli War. This course will introduce Energy law which concerns the laws and regulations that relate to the process and technology of production, distribution, conservation and development of carbon-based energy sources such as coal, oil and natural gas; non-carbon-based sources such as nuclear power; and renewable clean sources such as hydroelectricity, solar and wind power. More specifically, this course will introduce the law concerning the title, usage, development and control of those natural resources and technology which are used to manufacture energy. This specialisation is important because the energy industry remains to be a non-static, technologically developing, but heavily regulated and strategic, sector of the economy.

Areas covered in this course will include: the history of energy law; basic principles of energy law; theoretical perspectives on regulations as part of the modern legal system; regulatory issues for different types of energy; the common law rules of ownership; statutory ownership of sources; the law relating to the development of sources and technology; international energy investment law; soft regulatory laws in developing countries; alternative regulatory instruments; market mechanics; the role of law and the development of renewable energy technologies; national and supranational regulatory changes; regulatory developments in China; environmental regulations of energy and natural resources; territorial disputes over energy sources; nuclear power and the law; regulations of company structures and/or performance; regulating the largest (energy) companies in the world.

Assessment: 100% essay

LLAW6211 World trade law, policy and business

This course may only be taken by graduate students. While there are no pre-requisites and no prior knowledge is required, the course is designed to be especially attractive to students who have taken Global Business Law I, or International Economic Law. It is not, however, open to graduate students who have previously taken Global Business Law II.

The course is tailor-made for graduate students who, in past years, would likely have taken Global Business Law II instead. Unlike Global Business Law II, the current course provides students with the opportunities to write a paper of no more than 6,000 words comprising 50% of the examination, and incorporates materials on the policy and business aspects of trade in East Asia (China, Korea and Japan). The course will also address specific policy and business challenges in other Asian countries and sub-regions (e.g. Vietnam, Southeast Asia more generally, and India).

Assessment: 50% take home examination, 50% research paper

LLAW6212 Intellectual property protection in China: law, politics and culture

This course will examine all major areas of Chinese intellectual property, including trademarks, patents, copyright, competition and related trade and technology transfer issues, with a brief introduction to background, policies and administrative procedures. Reading knowledge of Chinese may be helpful but not a must. Prior knowledge of the subject matter is not required.

Topics to be covered: the IP challenge and common ground; overview of IP administration and ARR/ALL procedures; trade and service marks; patents and technology transfer; copyright and software protection; and competition (trade secrets, advertising etc).

Assessment: 10% class participation, 90% four short essays

LLAW6213 Property protection in China: law, politics and culture

Due to China's unique economic structure and political culture, property protection has loomed large for many multinational companies to operate business in China. The vast growth of their investment in the Chinese property market makes it increasingly important for them to understand and use the complex legal system to protect their property interests. Moreover, a host of problems caused by the rapidly developing economic reform in China have made property protection a core issue at the forefront of human rights debate. Since the passage of the Property Law in 2007, there has been a more heated debate over the ways in which property system should be further reformed to address the problems such as social inequality and political change in China.

Situated in the watershed moment of institutional transition in China, this course aims to examine the legal protection of property rights under the Chinese law and its related economic, cultural and political issues. All the topics of this course will be discussed through case studies. With a focus on the newly adopted Property Law, the first part of the course deals in detail with the basic principles and rules that protect property rights. For example, we will discuss the civil law principles of property protection, acquisition of property, exclusive rights conferred on property owners, and the limitations on exclusive rights. The second part of the course considers the economic, social and political issues of protecting property rights in China. To do so, we will discuss issues such as the development of the real estate market, the protection of cultural property, and takings of property and land reforms.

Assessment: 30% participation, 70% two short essays or a research paper

---

LLAW6214 Current issues in Chinese law

This course will highlight one or more areas of contemporary Chinese commercial law and practice of importance to foreign trade, investment or finance in the People's Republic of China. The subject matter to be covered in the course is not fixed and will vary from

year to year. Students will be apprised in advance of the subject of the course to be offered. A reading knowledge of simplified Chinese characters would be desirable.

Assessment: 100% research paper

LLAW6215 Seminar on human rights and constitutionalism in Asia

The Seminar on Constitutionalism and Human Rights in Asia offers an opportunity to explore human rights in its social and institutional contexts. Students will explore the important themes of constitutionalism and human rights in Asia, a region that houses nearly two-thirds of the world's population and includes a wide range of cultures and developmental contexts.

This course adopts an interdisciplinary and comparative approach to analyze the interaction between constitutional law and politics in Asia. We will examine communist regimes (China, Vietnam), dominant party democracies (HKSAR, Singapore), and liberal democracies (Taiwan, South Korea), and explore how the regime-type of the constitutional system impacts human rights enforcement by the courts.

Assessment: 30% class presentation, 70% research paper

LLAW6216 Graduate seminar

The principal goal of the Graduate Seminar is to examine issues and questions regarding to comparative Chinese legal research which has been carried out in the English language. This is an interactive course which examines Chinese law scholarship and the underlining methodological questions.

Assessment: 100% continuous assessment

LLAW6219 Patent law

Intellectual Property Rights (IPRs) are among the most important catalysts for growth and innovation in the modern economy. IPRs – in particular patents - are worth billions if not trillions of dollars. What are patents and why are they so valuable? This course will look at patents, first in the context of all IPRs, then will examine rights under a patent, criteria for patentability, and the process of getting and challenging a patent. The class will also cover issues related to patent claims and will look at some current patent issues including:

- Commercial dealings: ownership, licensing, assignments, employees' inventions
  - Protection of discoveries
  - The process of getting a patent
- Patent infringement: Literal infringement and a comparison of UK and US treatment of non-literal patent infringement

- Protection of information technology products and the controversy surrounding software patents
- Design patents
- The value of patents

Prior technical knowledge of the subject matter is not required.

Assessment: 10% class performance, 10% quiz, 30% patent drafting exercise, 50% take home examination

---

LLAW6220 Constitutionalism in emerging states

This seminar will examine comparative constitutional law in emerging states. The international debate over human rights and development often takes a top-down perspective (especially in human rights courses), asking what international institutions can do to better address issues of development, government power, human rights and human dignity. This course reverses this perspective, looking at these central issues of our time through a bottom-up constitutional lens. Unlike traditional comparative constitutional law courses that focus on established constitutional systems, this seminar will give greater emphasis to the development context and emerging states. With democratization in Latin America and East Asia, the collapse of the former Soviet Union, the economic and developmental crisis in Africa and South Asia and the Arab Spring, the debate over constitutionalism and its mission has taken on global dimensions. This debate addresses a range of questions. For example, will the rule of law and democracy better promote economic development? Can constitutional institutions such as judicial review, freedom of expression and democracy be successfully established in all societies? What are the cultural dimensions of this problem? Has liberal democracy failed the poor? Does constitutionalism travel well? What institutional emphases might better serve a post-communist society, a very poor underdeveloped country, or a rapidly developing society? Does liberal constitutionalism better respond to crises? Will "illiberal democracy" work better? Addressing these questions has become an interdisciplinary project with law, political science and other disciplines.

Assessment: 70% research paper, 20% oral presentation of research paper, 10% class participation (includes two think papers worth 5% each)

LLAW6221 Selected problems of the European convention on human rights

This course offers an introduction to the international human rights law as developed in Europe under the 1950 European Convention on Human Rights and under the case-law of the European Court of Human Rights. It is meant to be taken in conjunction with, or as a sequel to, the course on "International and Regional Protection of Human Rights". The European Convention represents the most developed mechanism of protection of human rights on a regional level and information on its practical operation may be relevant also for other regional and national systems.

After a general presentation of the European Convention, i.e. the system of human rights enshrined therein, as well as the organization, jurisdiction and procedure of the European Court of Human Rights, examples and cases taken from three substantive areas will be discussed:

1. the right to life, focused, in the first place on the use of lethal force by State agents, but also addressing positive obligations of the State to protect human life and questions like euthanasia (mercy killing) and abortion;
2. the prohibition of ill-treatment and its current extensions in the Court's case-law, particularly in respect to deportations and prison conditions and also in respect to the modern interpretation of the prohibition of forced labour;
3. the right to personal autonomy, including rights to personal identity and decisions on individual and family matters.

All students are invited to consult those written materials and, in particular, judgments of the European Court of Human Rights that are mentioned in the Syllabus.

Assessment: 70% take-home examination, 30% class participation

---

LLAW6222 Financial dispute resolution: Hong Kong & international perspectives

In the wake of the Global Financial Crisis various dispute resolution responses occurred. In respect of consumer/institution disputes, the course will focus on the new financial dispute resolution regime in Hong Kong and the establishment of the Financial Dispute Resolution Centre (FDRC) and what these developments may signify for the future of resolving financial disputes in Hong Kong. In addition, the course will provide a comparative overview of financial dispute resolution from some selected markets globally. In response to increasing investor participation in financial markets, regulators and governments have sought different ways of responding to investor-broker disputes. This course will analyze these different approaches and discuss the impact of legal systems, markets and cultural preferences. The course will consider what choices have been made by Hong Kong in order to adapt to local circumstances and will challenge students to assess these choices in the light of global experience.

In respect of institutional disputes, the course also considers how institutional clients are beginning to turn to ADR to solve their disputes e.g. PRIME Finance. The design of dispute resolution systems can be key to their success. Students will be expected to understand who the stakeholders are in financial disputes, what their specific needs are and how systems can be designed to address these concerns.

The class will be assigned reading in advance of class. Students will be expected to participate in discussions and role-plays during class. Students will work on a specific case study and work to resolve the dispute through negotiation, mediation and arbitration.

Assessment: 20% class participation, 20% individual presentation, 60% research paper

---

LLAW6223 Copyright and creativity

The course investigates the relationship between copyright protection and creativity by targeting creative sectors such as film, music, publishing, and software. Through in-depth analysis of the cases and empirical data involving copyright protection or infringement in these industries, the course aims to assess to what extent these sectors have benefited from or are impeded by copyright protection, how "fair use" systems can be employed to achieve a better balance between copyright industries and users/consumers of copyrighted works, whether alternative regimes such as public or free licenses including creative commons and open source initiatives are helpful in promoting creativity, and finally, how to capitalise on or commercialise the copyrights so that the works can generate financial gain for start-up creative companies or individuals. These issues will be discussed in the context of both traditional and internet-related creative sectors and activities such as parody, file-sharing, snippets and thumbnails, streaming, and copying for non-transformative personal use on internet, iPad or iPhone, and online games. The countries or regions of which the copyright laws and creative sectors are examined include but are not limited to Hong Kong, the mainland China, the United States and the European Union.

Assessment: 80% final take home examination, 20% class participation

---

LLAW6224 Mergers and acquisitions

The course will consider the specific circumstances of mergers and acquisitions in Hong Kong. Both private and public/listed M&A situations will be considered.

The course will commence with an examination of the reasons for M&A transactions occurring and a consideration of how M&A transactions are to be assessed, for example, in terms of their value creation. Although the course is focused on practices in the Hong Kong market, the course will also explore M&A transactions internationally, particularly with a view to gaining an understanding of the art and science of conducting an M&A transaction.

The different ways M&A can be conducted will be examined. The process of negotiating and executing transactions will be considered as well as the typical documents involved. This will cover standard terms in contracts, such as purchase price payment mechanisms, warranties and undertakings. Other aspects of the transaction process will be considered, in particular, the role of due diligence will be examined closely including as to how due diligence interacts with contractual documentation and the negotiation process. Problems arising in the cross-border context will also be considered.

A focus of the course will be the application and relevance of the Code on Takeovers and Mergers and the relevant Listing Rules of The Stock Exchange of Hong Kong Limited. These regulations will be considered in the context of both commercial practices as well as regulatory objectives such as investor protection and the promotion of good corporate governance.

There will be an emphasis on coursework comprised of actual and hypothetical M&A transactions that require legal analysis and solution via class presentations and discussion.

Assessment: 50% take home examination, 40% coursework, 10% class participation

[Students are required to pass the exam to be eligible to pass the course.]

LLAW6225 PRC shipping law (in Putonghua)

The course aims at promoting students' understanding of the legal framework governing shipping and maritime trade in mainland China.

Topics include: ships and crew; contracts of sea carriage; bills of lading and charterparties; multimodal transport; sea towage contracts; collision of ships; salvage at sea; general average; marine insurance; limitation of time and liability for maritime claims; maritime dispute resolution. The PRC Maritime Code and relevant legislation will be covered.

The course will be taught in Putonghua and examined in Chinese. The examination answers can be written in either English or Chinese as selected by the student. Problem-solving approach with case studies will be adopted.

Assessment: 80% take home examination, 20% class participation

---

LLAW6226 Comparative constitutional law theories

This course is designed to examine constitutional law from a comparative and interdisciplinary perspective. It will cover a series of topics arising in the comparative study of constitutional structure and law in countries including the USA, Germany, and China. In addition, the course will deal with questions of constitutional purpose, function, design, and rules. In case studies, the course will examine underlying values, the interpretation of constitutional law as well as the role of the judiciary. Readings will be drawn from legal and social science literature, including works from economics and political science. This course is theory-based and has a significant research component.

Assessment: 70% research paper, 20% presentation, 10% participation

---

LLAW6227 Introduction to private international law (conflict of laws)

The field of private international law, otherwise known as "the conflict of laws", is a body of principles by which Hong Kong courts deal with cases involving a mainland or overseas element. It is particularly important in this jurisdiction. Hong Kong's economy is an intersection of many different people and places, including the mainland and elsewhere in Asia, as well as Europe and the Americas. Therefore, a significant proportion of disputes here have a connection outside of Hong Kong. An understanding of the

conflict of laws will be useful to you as members of Hong Kong's legal profession and if you are involved in international business.
In private international law, there are three questions that a judge must ask himself or herself. The answers to those questions form the backbone of this course:

- Is it appropriate for me to exercise jurisdiction in this dispute, even though it is connected in some way with a place outside Hong Kong?
- If I decide that I will exercise jurisdiction, is it right for me to apply only the law of Hong Kong to the dispute? Or does its "foreign element" mean I should, to some extent, apply the law of some other jurisdiction?
- Has the dispute already been the subject of a decision by a court outside Hong Kong? Should I somehow give effect to that decision within Hong Kong?

The aim of this course is to giving you a working knowledge of private international law so that you can competently advise your clients on such issues.

Assessment: 100% take home assignment

LLAW6228 Advanced legal theory

This course will provide a sustained and in-depth analysis of a central overarching theme in legal theory. The theme may vary from year to year. The inaugural theme is 'Law and the common good'.

The theme will be explored through a range of material and disciplinary approaches. These will include conventional scholarly texts in law, politics and philosophy, but will also draw on non-standard resources including art, poetry, film, and literature.

The purpose of the thematic approach is to provide a coherence to the study of several perennial problems in legal theory. By working in a sustained way through a range of questions and perspectives associated with the overarching theme, students will gain a deeper knowledge of legal theoretical issues.

The theme 'Law and the common good' has been chosen to allow students to engage with certain key claims that are made on behalf of contemporary law and legal institutions, namely that they strive to or do in fact embody a common good or set of goods. Whether and how that embodiment operates, according to what conditions and under what limitations are questions to be explored through a series of engagements with texts, contexts, representations and contestations.

Topics to be covered under the theme may include: historical lineages of law and the common good: Aristotle and Aquinas; measuring the common good: rights v utility; how can law reflect the common good?; pluralism, democracy and the common good; contesting commonality: whose commons, which goods?; identity and voice: protest and political trials; overcoming social division: memory and the politics of reconciliation; authority, obligation and allegiance; the 'new commons' and the global public good. This list is not exhaustive.

As this is an advanced level course it is expected that students will normally have already studied some aspect of legal theory or a cognate subject. However, this is not a prerequisite.

Assessment: 80% research essay, 20% oral presentation

LLAW6229 Arms control and disarmament law

This course will explore all aspects of arms control and disarmament law, including international law-making, supervision, interpretation, dispute settlement and enforcement efforts. By "arms control law," it is meant the rules and principles that regulate weapons and weapon-related material, which does not necessarily include the actual reduction or removal of those weapons or materials. By "disarmament," it is meant the rules and principles for the reduction and eventual removal of weapons and weapon-related material. Particular emphasis will be put on weapons of mass destruction (WMD), which include nuclear, chemical, and biological agents and the means to deliver them, inasmuch as the UN Security Council repeatedly has noted that WMD proliferation is a serious threat to international peace and security. International and regional efforts to respond to these threats will be evaluated from a critical perspective. This course also will focus on the international law relating to conventional weapons, including arms trade generally, weapons with non-detectable fragments, landmines, incendiary weapons, laser weapons, riot-control agents, cluster munitions, exploding bullets, expanding bullets and other questionable methods and means of warfare, all of which will be evaluated from a critical perspective. The interaction between this branch of public international law and others will be explored, including the interaction with international humanitarian law, international human rights law, international trade law, air and space law, collective security law, the law of international organizations, the law of state responsibility and the law of the sea, among others. All of this and more will be analyzed through various case studies and with a critical eye in assessing whether the current legal regime is adequate in meeting the needs of the international community. Potential reforms to the system will be explored through discussion and debate.

Assessment: 80% research paper, 20% general participation in in-class debate and discussion

---

LLAW6230 Law and practice of investment treaty arbitration

This course is about a form of arbitration which is specific to disputes arising between international investors and host states – i.e. investor-state disputes – involving public, treaty rights. In contrast, international commercial arbitration typically deals with the resolution of disputes over private law rights between what are usually private parties.

It will be of interest to those interested in arbitration, or the law of foreign investment.

The course will be taught from the viewpoint of a commercial law practitioner, and international lawyer and former treaty negotiator who has drafted such treaties.

Assessment: 50% take home examination, 50% research paper

LLAW6231 Justice

This course is about justice. It begins with a treatment of John Rawls' justice as fairness and the related debates. Implications of justice as fairness to constitutional regimes will be analyzed. The course also involves a discussion of distributive justice and corrective justice and their implications to selected branches of law such as tax law, tort law, contract law, and property law.

Assessment: 70% research paper, 20% presentation, 10% class participation

---

LLAW6232 Clinical legal education programme – refugee stream

The Clinical Legal Education Programme – Refugee Stream ("the Clinic") is offered to undergraduate and post-graduate students in the Faculty of Law at the University of Hong Kong (HKU) in partnership with with the Centre for Comparative and Public Law (CCPL) and Justice Centre Hong Kong. Justice Centre provides information and individual assistance to claimants seeking *non-refoulement* protection in Hong Kong (known as "protection claimants") and advocates for their rights in policy spheres and through campaigns to raise public awareness and change perceptions.

The Clinic allows students to learn both the theory and practice of *non-refoulement* law in Hong Kong. Students will learn the legal Hong Kong for assessing protection needs and develop their legal skills in a real practice setting. Specific skills include: interviewing protection claimants, working with an interpreter, fact investigation, legal research and analysis, and legal writing and drafting.

Students will also have opportunities to develop professional judgment through encounters with real legal and ethical dilemmas. Students will learn to take a human rights-based approach to legal work, to recognise challenges, to creatively identify options, and to diligently and ethically assist protection claimants.

Students work under the direct supervision of Justice Centre's Legal Officer and/or other Justice Centre staff.

Assessment: 100% clinical work: Pass/Fail in two components, namely 1) preparation and participation in group seminars and clinical sessions; 2) written work

---

LLAW6233 Critical theory in legal scholarship

This course will review the most important developments in critical theory as it relates to law and jurisprudence. We will critically engage with the works of the thinkers connected with the critical tradition in Western philosophy including those by Friedrich Nietzsche, Soren Kierkegaard, Sigmund Freud and Michel Foucault. We will then look at the influence of this critical tradition in Western legal theory including the American legal realists, Critical Legal Studies and the emergence of identity based critical movements. Some of the central questions which we will analyse include: What is critique and why do it? What is the role of critique in social movements lawyering? How to apply critical approaches to the understanding of contemporary legal issues?

Assessment: 65% research paper, 25% class presentation, 10% class participation

---

LLAW6236 ASEAN law

The Association of Southeast Asian Nations (ASEAN) is a regional community established in 1967 by Indonesia, Malaysia, the Philippines, Singapore, and Thailand to promote political and economic cooperation, and regional stability. By 1999, it has expanded to ten members to include Brunei, Vietnam, Laos, Burma and Cambodia. The ASEAN Declaration in 1967, the association's founding document, formalised the principles of peace and cooperation to which ASEAN is dedicated. With the ASEAN Charter entering into force on 15 December 2008, ASEAN established its legal identity as an international organization and took a leap into a community-building process with the aim of moving closer to 'an EU-style community'. The Charter is an important step towards creating a single free-trade area (FTA) for the region encompassing 500 million people. The ASEAN region has a total area of 4.5 million square kilometers, a combined gross domestic product of almost US$700 billion. China together with Japan and South Korea participate in the forum ASEAN Plus Three (APT) that functions as a coordinator between the ASEAN and these three East Asian nations.

2017 marks the 50th anniversary of ASEAN. Fifty years on, has ASEAN achieved what it aspired to achieve? As a major regional organization, what arrangements has it made with China, with other countries, and with other international organizations, in order to promote trade and other areas of cooperation? Underpinning these arrangements, what is the role of law? How do the ten ASEAN States reconcile their cultural, economic, legal and juridical differences in order to foster cooperation and function as a single entity?

This course begins with an overview of ASEAN's establishment, its goals and aspirations, before looking at how law is used to govern and regulate relationships between the ASEAN States. This course critically analyzes ASEAN's existence, whether as a legal entity or otherwise, and the way in which it interacts with other major players in international fora. Throughout the course, students are encouraged to engage with the literature, as well as the relevant debates, on important issues relating to ASEAN's development, and how this may impact on trade, stability etc. within the region.

Assessment: 100% essay

LLAW6237 International arbitration: practice, process and strategy

The course will introduce students to the practice of international arbitration with a focus on administered arbitration (utilizing the HKIAC Administered Arbitration Rules) and investment arbitration. Utilizing a case study as the basis for the course, students will apply the theory of arbitration to a mock case. The course will provide students with the opportunity to manage a case from the beginning to the end. From negotiating and drafting an arbitration clause to drafting pleadings, students will have the opportunity to enhance their legal writing skills in the context of an arbitration. Students will also learn how to strategise and learn the various options available during the course of an arbitration (mediation, negotiation, settlement, etc). An investment arbitration component will be incorporated into the case study whereby students will learn how to navigate the investment arbitration process and options. Mock hearings will also take place before eminent arbitrators in the industry. The class will be assigned reading in advance of class. Students will be expected to participate in role-plays and teamwork during class.

Assessment: 20% completion of a final research paper, 80% class participation, written assignment and oral presentation in class

---

LLAW6238 Comparative arbitration in Asia

The course will survey the arbitration laws in major jurisdictions in Asia, including but not limited to Hong Kong, Singapore, China, India, Korea and Malaysia. For the sake of comparison and analysis, reference will be made to the UNCITRAL Model Law and the laws of major European arbitration centers. In addition, the course will survey compare and contrast the various approaches taken by arbitral institutions in these regions (such as HKIAC, SIAC, CIETAC, etc.) with respect to procedural and other matters. Again, reference to the UNCITRAL Model Rules and the rules of other major arbitral institutions (such as the ICC and the LCIA) will be useful for comparison and analysis.

Notwithstanding reference to UNCITRAL and other materials, the course will focus on the laws and procedural rules in use in the Asia-Pacific region, in particular Hong Kong, Singapore, China and India. In addition, although the course will take a comparative approach to these laws and rules across jurisdictions in the region, the interaction of state law and institutional rules within a particular jurisdiction will also be the subject of analysis and discussion. Finally, cultural and other issues which may impact the practice of arbitration in a given jurisdiction will be explored.

Students will be assigned reading in advance of class, and will be expected to participate in discussions and role-plays during class.

Assessment: 80% take home examination or research paper, 20% class participation (a set of assessment rubrics will be developed to assess class participation)

LLAW6239 Law and regulation of private banking and wealth management

The eruption of the global financial crisis in 2008 has led various organizations such as the G20, Financial Stability Board, Basel Committee on Banking Supervision and the IMF, to implement new regulatory and economic policies. This has also been reflected locally through the changes in various regulatory regimes implemented by our local regulators.

A proper risk and crisis management process and procedures meeting regulatory challenges become mandatory for banks and financial intermediaries. Also, the instillation of corporate governance culture and process is important and key to balancing investor protection and market development.

For practitioners (risk and compliance professionals, bankers, financial advisors and lawyers) and those prepare to enter into the private banking and wealth management industry, to stay advanced in the game, a good understanding of the business, compliance, law and regulations would be highly advantageous.

This course is specially designed to give students a better understanding of the private banking and wealth management business, compliance, operations, laws and regulations, with a focus on understanding the Code of Conduct for Persons Licensed by or Registered with the Securities and Futures Commission ("Code of Conduct"). In addition to the academic requirement, the course emphasizes real-life experience and sharing from practitioners' perspectives. Case laws and SFC Disciplinary Actions on compliance and regulatory areas (i.e. Know Your Client, product due diligence, suitability and selling process, etc) will be discussed. Important legal and regulatory components and Ordinances on clients on-boarding process, compliance requirement, sales process, end-to-end client relationship management, corporate governance, sales ethics, clients suitability and sustainability & risk profiling, data privacy, etc. will be discussed in details. In addition, SFC's disciplinary power on regulated persons will also be discussed.

Assessment: 30% mid-term essay, 70% take home examination

LLAW6240 Security and human rights

A central feature in the discourse on public policy around the globe has been the question of whether, and to what extent, it was (and is) necessary to curtail human rights in order to maintain and promote "security" in times of perceived crisis. Whether it is the threat of terrorism, organised crime or the risk of re-offending sex-offenders and child-molesters, governments are quick to respond with security legislation that often has significant implications for internationally protected rights and liberties. This course focusses on the alleged balance of "security" and "liberty". It examines the theoretical underpinnings of the concepts of "security" and "liberty" and analyses how human rights protections apply in times of crisis. It discusses several contemporary case studies that highlight the tension between "liberty" and "security", including derogation from human rights treaties, preventive detention of sex offenders, extradition/expulsion and non-refoulement, and the blacklisting of terrorists. What these case studies have in common is that they originate in a long-standing predicament of the liberal democratic state: how far are we prepared

to go to create a "secure" environment for ourselves without getting caught in our own security net?

The specific aims of this course are:

- to examine and analyse some of the theoretical underpinnings of the concepts of "security and "liberty";
- to provide students with an understanding of the historical development of the operation of human rights in times of crisis and emergency;
- to develop students' knowledge and understanding of contemporary challenges in relation to human rights and security;
- to assist students to develop advanced research skills in the area of human rights law and policy, in particular in the context of security;
- and to assist students to recognise international human rights law in their subsequent careers;

The course will be cover nine substantive areas and is structured as follows:

I. Introduction
II. The Concept of Liberty
III. The Concept of Security
IV. Balancing Liberty and Security?
V. How Human Rights Work
VI. Derogation From Human Rights Treaties in Times of Emergency
VII. 'Ticking Bombs' and Torture
VIII. Extradition and Expulsion and the Principle of Non-Refoulement
IX. Blacklisting of Persons and Entities Suspected of Terrorism
X. Preventive Detention

Assessment: 15% class participation, 15% presentation of short paper (based on research essay), 70% research essay

---

LLAW6242 Human rights in practice

Human Rights in Practice aims to empower and equip HKU students with the skills and knowledge necessary to excel in the changing global legal environment by providing students with the opportunity to learn by doing and by providing service to the community.

The course aims to meet the increasing demand for practical and theoretical knowledge about human rights throughout the Asian region by providing HKU students an opportunity to experience human rights in practice domestically, regionally and internationally. The clinic will collaborate with select international and domestic NGOs as well as foreign law schools on human rights projects, including advocacy campaigns, legal and policy analysis, litigation, legal aid clinics, fact finding and report writing, submissions to human rights bodies, and human rights trainings and capacity building.

Specific skills taught include interviewing; working with an interpreter; "client" relationships when working with an NGO; oral advocacy; collaborative and community-based lawyering; design and implementation of interactive legal trainings; negotiation;

fact investigation; needs assessment; domestic and international legal research and analysis, including comparative legal research; human rights research; and legal writing and drafting.

Students will be assessed on a pass/fail basis.

Assessment: 5% proactive and independent leadership in weekly small group meetings, 5% demonstration teaching session, 10% participation in seminar and Street Law Training, 20% reflective essays/reading responses, 30% community legal education teaching, 30% final written work product for partner organisation

---

LLAW6243 Advanced intellectual property law

This course is intended for students who are already familiar with the main contours of intellectual property law and would like to explore the subject further. The course teacher will examine in depth a series of topics that, in recent years, have proven especially controversial or troublesome in many countries:

1. the fair use/fair dealing defense in copyright law;
2. possible solutions to the crisis in the entertainment industry;
3. intellectual property protection for fashion;
4. the treatment of standard-essential patents;
5. reverse-payment settlement agreements in the pharmaceutical industry;
6. extralegal intellectual property norms;
7. traditional knowledge;
8. how legal reform might help address the health crisis in the developing world;
9. the relationship between intellectual property and business strategy.

Assessment: 25% class participation. 75% take home exam

LLAW6244 Securities regulation II

The course will build on and develop concepts and issues that were considered in Securities Regulation I as well as introducing new topics.

The development and marketing of investment products and complex products are subject to developed regulatory requirements that will be examined in detail. A preliminary overview of derivatives and traded futures will be undertaken for the purposes of providing a basis for understanding structured investment products. This will also provide a basis for appreciating the role of OTC derivatives in the marketplace, their role in the global financial credit crisis and the development of regulatory oversight of this market.

A focus of the course will be on the rapidly developing body of case law in the Hong Kong courts arising out of the increased activity of the Securities and Futures Commission in bringing misconduct matters under the Securities and Futures Ordinance (SFO) to trial.

Regulatory enforcement cases will also be examined. This will require a closer examination of the relevant provisions of the SFO.

The course will also review the Code on Takeovers and Mergers, which regulates takeovers activity. The ways in which the Code affects the commercial execution of takeover and acquisition activity will be considered.

How the regulatory system is responding to relatively new phenomena, such as dark pools and high-frequency trading, as well as developing new approaches to existing issues, such as the position of the fiduciary concept and the treatment of information in the regulated marketplace, will also be considered. The development of behavioural or smart regulation will also be considered. A focus will be to develop a deeper understanding of the factors that influence such developments.

This Part II course will require a higher level of class interaction and will include a workshop component.

Prerequisite: Have taken and passed LLAW6049 , or demonstrated knowledge of the securities industry consistent with the scope of LLAW6049.

Assessment: 65% take home examination, 25% group course work, 10% class participation

[Students are required to pass the exam to be eligible to pass the course.]

LLAW6245 Compliance in the Hong Kong securities industry

The course will provide students with an understanding of the core roles, tasks, challenges and issues that a regulated intermediary must deal with when seeking to comply with applicable laws and regulations. While 'compliance' can readily be understood as an objective, much of the course will be concerned with the hurdles and issues that face compliance as a function when implemented in the complex matrix of regulatory requirements, business needs, management styles, and cultural and behavioural factors.

The course will commence with a brief recap of the regulatory framework for Hong Kong's securities industry, including the overarching objectives of regulation, and an ad hoc review of some important failures that serve to highlight the relationship between compliance, regulations and the proper operation of markets.

With a view to giving a 360-degree review of the compliance function, the course will examine (a) the different roles of compliance in different types of organizations, (b) positioning the compliance function in the context of an organization's culture, corporate governance practices, and ethics, (c) the proper role of compliance in the organization's relationships with third parties (including customers, clients, counterparties, and regulators) and (d) compliance as a risk management function.

While the focus of the course will be on regulated intermediaries such as securities dealers, corporate finance advisers and asset managers, the course will also consider the position of issuers, particularly the challenges facing newly listed issuers.

The development, purpose and important aspects of the in-house compliance manual will be examined. How policies and procedures should be tailored, applied to an organization's operations, and reviewed and assessed will be considered.

With a view to giving students closer contact with the realities of the compliance task, the course will make extensive use of speakers from the industry and the regulators. The format of each lecture will in general be comprised of two halves, the first being in a lecture format, the second being discussion-based and driven by small group work and question and answer discussions. Accordingly, student participation is expected and required to contribute to the learning context.

Prerequisite: Have taken and passed LLAW6049, or demonstrated knowledge of the securities industry consistent with the scope of LLAW6049.

Assessment: 60% take home examination, 15% individual course work, 15% group course work, 10% class participation

[Students are required to pass the exam to be eligible to pass the course.]

LLAW6246 Law and regulation of private banking and wealth management II

This course covers the design and compliance requirements of products offered by banks and other financial institutions in the context of private banking, wealth management and family office operations. In addition to the legal, regulatory and compliance components, a significant portion of the course covers the technical aspects of design of products and services including investments, insurance, tax planning, succession planning, philanthropy, etc, so as to provide a full spectrum of cover for the participants. Throughout the course, emphasis will be made on ethical issues and risks. In addition to the theoretical framework of issues, the course emphasises practical dimensions and involves experience sharing by seasoned industry practitioners.

This course gives practitioners (lawyers, risk and compliance professionals and bankers) a good refreshment of knowledge. And for those who prepare to enter into the private banking and wealth management industry, this module gives a good understanding of the Financial Products compliance and regulatory requirement.

This module is a good complementary to LLAW6239 and with the two modules together, will give an end-to-end view of the services/business provided by Private Banking and Wealth Management industry.

Assessment: 20% individual presentation and 80% research paper

---

LLAW6247 Medico-legal issues

Advances in medical knowledge and technologies have transformed the modern world, altering the very fabric of societies by greatly improving the quality of life and extending life expectancies in the developed world. But increasingly, advances in medical knowledge and technologies is seen as delivering ever-marginal returns, and as merely postponing inevitable mortality at considerable cost to the quality of life in many circumstances.

Life and Death. This course begins with an examination of some of the most fundamental human concepts: the meaning and definition of life, and of death. We start first with an inquiry into the meaning of life, and when it begins. This inquiry has profound consequences not only for the criminal law ('can one murder an unborn child? Is an unborn child alive and distinct from its mother to begin with?'), but also for modern clinical technologies such as artificial reproductive techniques such as *in vitro* fertilization, and also for cutting-edge research involving human stem cells derived from the destruction of human embryos. The definition of life, too, is central to the shape of the law in relation to issues such as abortion. The definition of life in the body of the law and of ethics is inextricably bound up with the definition of death: in this second line of inquiry, we explore the consequence of modern technologies that extend biological function in ways not historically within the experience of humankind. Is a person dead when the heart stops? When it does, is it ethical and legal to remove the heart for transplant into another person, with the intent of restarting it in the recipient? What is the social, ethical and legal approach to the status of patients who are not wholly brain-dead, but are in irreversible states of unconsciousness such as PVS (Persistent Vegetative State)? Is it ethical and lawful to let such people die by removing them from life support? What is the meaning of 'brain dead'?

The next inquiry is a logical extension of the inquiry into death: people don't have any choice about being born, or of the circumstances of their birth, but do or should people have a choice about how they die? Do patients have a right to refuse treatment? Do patients have a right to die? Do patients have a right to helped to die if they cannot achieve this themselves (for example, if they are paralysed)? What kind of advance decisions may a dying person make regarding his treatment and care at the end of life? Are living wills or advance directives lawful in Hong Kong? Do they bind doctors and families? Who is entitled to make decisions for a patient at the end of life when the patient is no longer competent or conscious? We examine in this context the notion of medical futility and its place in the law.

The Human Body and the Law. In this section, we explore a series of related inquiries, beginning first with the question of what kind of property rights may be asserted in the human body and its parts. Is a human body (or any part thereof) property which a testator may lawfully devise and make a binding gift of in his will? Is a corpse, or a preserved organ or tissue samples capable of being 'owned' in the sense of personal property in the law? The legal answer to this question may be surprising to most people, and it has profound implications for current developments such as intellectual property claims to or derived from human tissue or genes or proteins, as well as to the rapidly developing field of human tissue banking, biobanking and genetic or genomic banking.

Closely tied to the question of property in the body is the concept of human organ transplantation. Is transplantation legal, and what are the ethical and legal rules governing it? Do rules differ for *inter vivos* transplants (where the donated organ is taken from a living person) and cadaveric transplants (where the donated organ is taken from a dead person – but when is a person 'dead' for the purposes of transplantation?). We examine in particular the ethical and legal difficulties involved when organs are harvested from donors declared dead on cardiovascular death criteria instead of whole-brain death criteria. How should scarce resources such as human organs be allocated? To the sickest? To the best immunologically-compatible match? Should trade in organs be allowed, and if not, why?

The Physician-Patient Relationship. In this third part of the course we examine the standard duties imposed on physicians by the law, and consider especially the standard of care to be applied in the global duties of diagnosis, disclosure and treatment. Starting from the standard background of the *Bolam* rule, we consider the implications of the recent (March 2015) change in the common law relating to the standard of care for disclosure directed by the UK Supreme Court. Who decides how much information a patient should be given? Are there any circumstances in which a doctor may deliberately withhold information from the patient? What kinds of risks may a doctor take on behalf of the patient?

In this part, we also examine the obligation of confidence, starting first with an inquiry into the operation of the duty of confidence in the 'traditional' context or 'traditional' situations. But increasingly, the advent of modern technology and new applications for medical information is straining the traditional justifications for the confidence rule. We examine the modern formulation of the confidence rule in the context of new technologies such as genetic testing, genetic screening – and genetic research.

Human Biomedical Research. In this final part, we survey key developments in a rapidly-developing field which is becoming an increasingly important part of the work (and ambitions) of every healthcare institution in the developed world – biomedical research. The student is introduced to basic concepts in the field of human experimentation, research involving human subjects, clinical trials (drug or pharmaceutical trials), institutional ethical governance for biomedical research, human tissue banking, the use of medical information and biobanking.

Assessment: 30% class participation; 70% take home exam

LLAW6248 Comparative contract law

This course is designed to provide students with an understanding of contract law from a comparative perspective. Regulation of the same contractual issues differs in different legal systems. Through the introduction of basic definitions, concepts and relevant contractual issues, this course shall assess different regulations and discuss the most efficient ways to regulate contractual issues.

The course covers the following issues: the boundaries of contract (contract and tort), contract law theory, formation of contract, pre-contractual duties, incapacity, contents of contracts; interpretation of contracts, and remedies.

Assessment: 90% research paper, 10% class participation

LLAW6249 Entertainment law

This course provides practical knowledge about the legal, regulatory and business aspects of the entertainment industry in Hong Kong. The lecture room will turn into the legal office of a mass media and entertainment conglomerate. Students, positioned as recruits of the legal office, will learn how to deal with the common legal issues in the daily operations of the conglomerate. The conglomerate has broad-based business ranging from production, acquisition and distribution of TV programmes of different genres (drama, non-drama, news etc.), production and distribution of theatrical films, music publishing and recording to artiste management. Thus, the legal issues to be dealt with may include:-

- Copyright in entertainment industry
- Passing off
- Defamation
- Contempt of Court
- Privacy issues of celebrities
- Recruitment and management of artistes
- Advertising regulation
- Legal/ regulatory traps in producing a TV programme/ theatrical film or organizing a public entertainment event

Assessment: 50% research paper, 50% group project

LLAW6250 The regulation of biomedical research

The course is aimed at students seeking an understanding of the framework of legal and ethical regulation (both locally and internationally) of biomedical research in all its common aspects, and the legal and regulatory requirements that must be met before new drugs, vaccines, biologics or medical devices may become accessible to the public.

Topics that will be covered in the course include international standards for clinical trials (involving pharmaceutical and biopharmaceutical product); direct human experimental and biomedical research involving human subjects; 'non-invasive' epidemiological and other studies involving only the use of data; human tissue banking and biobanking; cohort studies; genomic research; the research use of 'legacy' diagnostic tissue or data collections; the sharing of personal, medical and genomic information; public 'diseases registries' and the use of medical information for public health research purposes; the legal and ethical regulation of multi-centre and multi-jurisdictional collaborative

biomedical research; EMR (electronic medical records) databases; data-mining and the implications of migration to large-scale national health records systems; human embryonic stem cell and induced pluripotent stem cell research; genome editing and gene therapy; medical device trials (including devices based on artificial intelligence or machine learning); and ethical and regulatory standards for governance of biomedical research at the institutional level (through IRBs, ECs, HRECs).

Fundamental concepts such as the informed consent of subjects (at common law and under international clinical trial good practices) with particular emphasis on the consent given by or on behalf of minors, incompetent subjects and vulnerable populations, social value of the research, right to science, return of benefits to research subjects or affected populations, risk-benefit assessment, clinical trial designs and clinical equipoise will be considered, as along with the impact and requirements of national laws and regulations international guidelines.

The course seeks to help students understand and keep abreast of developments (and to enable them to advise the medical and biomedical research sectors) in the rapidly developing field of biomedical research, and to equip them with the basic language and vocabulary necessary to appreciate the legal and ethical implications. To this end, students will be introduced to basic technical (i.e. medical or scientific) information that relates to the research proposals or endeavours (e.g. human genome editing) considered in this course.

Assessment: 70% take home examination, 30% class participation

---

LLAW6251 Comparative Property Law

In 1766, Blackstone wrote that "there is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property." In 1848, Karl Marx and Friedrich Engels wrote that property in land should be abolished in the most advanced countries. Property rights have been at the very heart of human development in the past centuries. On one hand, property has been viewed as the basis for liberty and economic development. On the other hand, as Proudhon said, property is just another word for theft. In China, land-related social conflicts occur every day and everywhere. From ordinary farmers to university scholars, each person has his own idea of property rights. However, in the fierce debates around property rights, there is lack of consensus on such basic questions: What is property? What things should we keep for ourselves? And what should we share with others? Why should a piece of land belong to you rather than me? How is property rights structured and defined? What is the relationship between property and development? On the other hand, property rights are behind many challenges facing human beings: can a market of pollution permits save us from air pollution? How to govern the common resources in the oceans? Have intellectual property rights deterred or encouraged technological innovation? Are property rights the key to economic prosperity in the U.S.? How about China? Why have land reform programs sponsored by the World Bank failed in many developing countries? Are indigenous residents in the New Territories of Hong Kong entitled to the development

value of their land? This seminar will provide students with the theoretical and comparative perspectives to investigate such questions.

This seminar will begin with an inquiry into how members of a society allocate, and should allocate, formal and informal entitlements to scarce resources such as wild animals, labor, water, ideas, and land. It will explore various forms of private property and also alternative regimes such as communal and state property. It will give students an overview of the contemporary debates on property rights, in particular the debate between law and economics and critical legal studies regarding efficiency and fairness of property regimes. It will draw cases from different jurisdictions of the world, in particular the U.S., China, African and South American countries, and different fields of law, including environmental law.

Through this course, I hope to improve students' understanding of property rights from both theoretical and comparative perspectives. It is more suitable to students who are interested in exploration and proactive learning rather than passive learning of black-letter laws.

Assessment: 30% response papers, 30% class participation and presentations, 40% final essay

---

LLAW6252 Construction of commercial contracts

This LLM elective is designed to provide students with an understanding of the principles of construction of commercial contracts. Unlike the substantive law of contract, construction of contractual terms is essentially intuitive in nature, with no rules but, rather, with fundamental guiding principles which have evolved from a large body of case law and, indeed, continue to evolve. It is, therefore, essential that any commercial lawyer has a solid grasp of such principles so as to enable them to anticipate how contractual terms are likely to be interpreted by the court for the purposes of giving advice and drafting contractual documents.

Other than examining the guiding principles of contractual construction, the course will also consider related concepts, such as implied terms, rectification and estoppel by convention, which are also highly relevant to the overall construction issue. To this end, the course will draw on, develop and deepen the knowledge acquired from their undergraduate study of the Law of Contract.

Prerequisite: Have taken and passed the law of contract

Assessment: 80% take home assignment, 20% group project

LLAW6253 Law of the cities

This course explores legal institutions of cities in the world, including two parts: the political law of cities and the economic law of cities. The first part explores the

constitution of city governments (e.g., whether it is authoritative or democratic, and in the latter situation whether it is dominated by the legislative council or the executive branch; its relationship with upper level governments; etc.) and its influence on city development. The second part focuses on laws and regulations that govern various economic issues, in particular land use regulations, immigration policies, affordable housing, environmental and other social issues. We will investigate cases from different cities around the world, including but not limited to Chinese cities such as Beijing and Shanghai, and American cities such as New York and Los Angeles. Chinese and American cities are facing similar problems today, such as the ongoing pandemic, conflicts in land use, sky-rocketing housing prices, and tension between property protection and economic development. This course endeavors to provide a universal framework for students to understand urban governance in different contexts. We hope students in this course will learn how to address various challenges to urban governance. This course takes an interdisciplinary approach by building on frontier research in law, politics, sociology and economics. Through this course, we endeavor to answer the question why cities fail or succeed, and hope to improve students' understanding of city governance from both theoretical and comparative perspectives.

Assessment: 30% class participation, 70% final essay

LLAW6258 Private law in common law jurisdictions

This course will provide an introduction to understanding common law reasoning and legal sources, with a primary emphasis on the nature of case precedents in the context of modern lawmaking. The aim will be to familiarize students with how common law decisions are generated and interpreted, with a focus on private law. The class will involve many of the same classic cases used to train common law students, pairing broad overviews of private law divergences between civil/Chinese and common law approaches with the US tradition of Socratic instruction using cases drawn from multiple common law jurisdictions. There will be emphasis on both oral and written presentation to develop student's capacity to situate case analysis within multiple sources of legal authority and facilitate their ability to communicate arguments using precedential reasoning.

Assessment: 20% presentations, 40% class participation, 40% written assignments

---

LLAW6260 Law of state immunity and sovereign debt

SISD is a highly topical course intended principally for full–time LLM(CFL) candidates, and deals with conflicts arising between public international and private intentional law in cases of distressed foreign currency sovereign debt. The course will also be of interest to JD, MCL and LLM(CR) candidates with appropriate interests in private and public international law.

The course will address the results of two contemporary developments, the widespread adoption of the doctrine of restricted sovereign immunity in the engagement of states with

commercial actors; second, a long–term transition in foreign currency borrowing by central governments from being evidenced by inter–state treaties to private law contracts.

These changes have contributed to increasing conflicts between official interests and diffuse creditor groups in cases involving delinquent or distressed debt; by protracted creditor litigation, for example involving Argentina, Greece, Ukraine and Venezuela; an erosion of engagement among previously–cooperative commercial creditors; and a lack of international consensus in dealing with the odious debts of impoverished states in political flux.

The course will examine all aspects of these issues, in a seminar setting with a high–degree of class participation through weekly discussions of specific course topics, supported by guided readings and issues introduced each week by class members.

Prerequisites: Demonstrable competence in the common law of contract or civilian law of obligations and LLAW6055

Assessment: 40% coursework and class participation, 60% take home examination

---

LLAW6261 Asian communications law and policy

This course aims to compare and evaluate the communications law and policy developments in the Greater China and Asian Regions in the age of convergence, focusing on China, Taiwan, Hong Kong, Singapore and Malaysia. In the past, there were three major sectors in the communications industries, i.e. broadcasting, telecommunications, and information technology, with different sectors having their own different legal and policy frameworks. However, the convergence of these three sectors has led to technological and content integration, as well as organizational and 'cross-sectoral' convergence. Such integration and convergence has posed legal and policy challenges to the regulatory paradigms of all countries around the world. With the onset of the convergence phenomenon, regulation of the communications sectors with old regulatory frameworks has become difficult for all jurisdictions in the Greater China and Asian Regions.

This course will cover the global development of the convergence phenomenon in the past two decades and its impact on the local developments of communications law and policies in selected jurisdictions in the Greater China and Asian Regions. It will explore the legal, political and business environments that shape the development of communications law and policy in the convergence era both at international and local levels. It will consider the important legal and policy issues arising from the convergence phenomenon. In particular, the course will evaluate the legal and policy challenges faced by countries and jurisdictions in the Greater China and Asian Regions. It will study how the governments in these Asian jurisdictions respond to the convergence phenomenon and provide a comparative analysis of the similarities and differences in communications law and policy adopted in these Asian jurisdictions.

In addition, the course will consider the development of communications technologies giving rise to technological convergence and the global challenges to the national regulatory paradigm for the communications sector. It will also discuss the relationship between communications technologies and communications law and policy, as well as technological innovations and changes in communications policy.

The course will also examine the international development of communications law and policy in the age of convergence, focusing on the developments in the United States, European Union, the United Kingdom and Australia. These international developments have impacted on the local developments of communications law and policies in the Greater China and Asian Regions, as the latter monitor the development at the international level closely in reforming their communications laws and policies.

Finally, the course will examine and compare the local development of communications law and policy in the Greater China and Asian Regions. In particular, the course will examine the evolution of the origin and progress of the Three Network Convergence policy in Mainland China, and the divergence in national and local developments of the policy in the country. It will also examine the legal and regulatory framework, as well as the implementation experience and problems of selected Asian jurisdictions, including Taiwan, Hong Kong, Singapore and Malaysia.

Assessment: 20% group project and presentation, 80% research paper

---

LLAW6262 Comparative law of elections

This course will focus on how Asian courts have responded to deficiencies in the electoral processes and the concomitant problem of partisan self-dealing. Specifically, partisan self-dealing occurs when the political actors devise electoral rules that govern voting, political parties, electoral boundaries, apportionment, the administration of elections, and campaign finance that are designed to entrench themselves in power.

This course will only examine Asian jurisdictions, with a specific focus on Hong Kong, but also examine Western countries as a comparative foil. Western jurisdictions to be examined include Australia, Canada, and the United States of America.

This course will examine the landmark election cases in the common law jurisdictions of Hong Kong, Bangladesh, India, Malaysia, Pakistan, and Singapore, and also the civil law jurisdictions of South Korea, Taiwan, and Thailand. The course will examine how courts operate when key election results and electoral restrictions are challenged in dominant party democracies, dynamic democracies, and fragile democracies in Asia. We will also explore how courts address election disputes in Australia, Canada, and the United States of America.

Prerequisite: Have taken and passed a course on constitutional law in Hong Kong or overseas.

Assessment: 70% take home paper, 20% two response papers, 10% class presentation

LLAW6263 Introduction to U.S. class action law

This course will cover all of the major topics of U.S. class action law. Actual class action cases will be examined, including some of the largest and most highly publicized cases in U.S. history. The following topics will be addressed:

1. The history of the U.S. class action rule (Fed. R. Civ. P. 23);
2. Overview of the current Rule 23;
3. Threshold requirements for class certification, including class definition;
4. Rule 23 mandatory requirements: numerosity, commonality, typicality, and adequacy of representation;
5. Various types of class actions (money damages, injunctive relief, etc.);
6. Class action settlements;
7. Multi-district litigation;
8. Attorneys' fees;
9. Case study: British Petroleum oil spill class action;
10. Case study: National Football League Concussion Injury class action;
11. Comparative analysis: How U.S. class action law differs from that in other major countries.

Assessment: 10% class participation, 90% in-class exam

LLAW6264 Competition law and policy in China

The unveiling of the Anti-Monopoly Law (the "AML") on August 30, 2007 marked a symbolic commencement of a new era of competition for China. Long heralded as the economic constitution, the AML is the first modern competition law adopted in China. Although China only began to enforce the law in 2008, Chinese administrative antitrust agencies have not shied away from bringing high-profile cases with lasting impact on both the domestic and global markets. For instance, in 2015, China's National Development and Reform Commission (NDRC) imposed a record-high fine against Qualcomm for charging excessive licensing fees in China, fueling speculation that China is using its competition policy to protect domestic industries from foreign competition. However, the AML has not only been applied to foreign firms. Chinese domestic firms, including state-owned firms, are also frequent targets under the law.

This course aims to provide students with a comprehensive and in-depth understanding of the AML and its enforcement practice by situating the discussion in the broader institutional context of the Chinese political economy. It covers all the substantive aspects of the AML, including horizontal agreements, vertical agreements, abuse of dominance, concentrations, and abuse of administrative monopoly. It also covers the procedural aspects of the AML, including the enforcement structure, the administrative agencies, the courts, the merger review process, remedies, leniency and fines, and the newly introduced fair competition review system. More specifically, this course will introduce students to the major investigations brought by the administrative agencies and the leading cases

decided by the Chinese courts in civil litigations. It will conduct a critical evaluation of the enforcement record by Chinese administrative agencies and will compare enforcement practices in China and those in other major jurisdictions, such as the EU and the United States. To help students understand the pattern of enforcement, this course will also examine the forces that have propelled the active enforcement of the AML in recent years.

This course encourages active class participation. When appropriate, experienced practitioners and enforcers will be invited to share with students their experience and insights with Chinese antitrust practice. The course aims to develop skills that will be of benefit to those students who seek to enter professional practice after their degree, and those who would prefer a career in business. A range of practical skills will be developed including the ability to think broadly beyond just solving legal problems to considering how global businesses can adapt to the new regulatory environment in China.

Assessment: 10% class participation, 90% take home examination

---

LLAW6267 Courts

This course takes an interdisciplinary, comparative, and empirical perspective on politically relevant questions concerning the design and operation of courts. Potential topics include the manner in which social scientists study courts; the nature and basis of judicial power; the practical effects of judicial review; the different ways in which a system of judicial review can be designed; the role of courts in nondemocratic environments; the challenges of defining and achieving judicial independence; and the dynamics by which courts expand into the domain of politics. Students should be prepared for copious reading assignments commensurate with a graduate-level course in the social sciences and consisting primarily of academic scholarship rather than cases. The readings are intended to introduce participants to the major debates and empirical arguments found in the scholarly literature on courts. The course will be conducted as a true graduate seminar, meaning that class time will consist primarily of collective critical discussion of the readings rather than passive absorption of the instructor's views. Each week, students will be required not only to demonstrate knowledge of what is in the readings, but also to offer their own evaluation and critique of the empirical arguments found in the readings and to articulate arguments of their own. The expectation is that students will engage in critical and original thinking and become active participants in the scholarly debate rather than passive consumers of scholarship produced by others.

Assessment: 30% research paper, 50% reaction papers, 10% oral presentation, 10% participation

---

LLAW6268 Administrative law and governance in China

This course introduces the administrative law in China and discusses its role in enhancing the governance. It provides perspectives of both comparative law and legal realism on the scope and growth of PRC administrative law, analysing this law's doctrinal foundations

and exploring its interaction with China's political and societal transformation during the past three decades. The course focuses on legal control of the public authorities' decision-making process, and highlights the dynamic domains where legal transplantation interacts with indigenous system-building. Specifically, topics that are covered include:

1) Historical background (both political and intellectual) for the institutional development of administrative law in contemporary China;
2) Governance structure in China, and its impacts on the scope of the PRC administrative law (particularly in relation to the nature of administrative power and the basis for judicial intervention);
3) Fundamental concepts, principles and general doctrines of PRC administrative law, and their inspirations from and comparison with administrative law in western countries;
4) Grounds of judicial review of administrative decisions (excess of competence, legal errors, insufficient evidence, procedural impropriety, and abuse of (discretionary) power);
5) Judicial control of the rule-making power of public authorities, and sources of administrative law;
6) Scope of judicial review and conditions for the access to court;
7) Non-curial scrutiny of public authorities' decision-making (administrative review, letters and visits, administrative supervision);
8) Procedural control of decision-making (hearing, freedom of information);
9) Theories for assessing PRC administrative law, and salient factors that influence its function related to individual rights protection and governance accountability.

Pre-requisites: Subject to special approval by the course coordinator, students taking this course must demonstrate that he or she has basic knowledge on PRC law. Have taken and passed one course on PRC law (e.g. LLAW6008 Introduction to Chinese law and legal system, or its equivalent).

Assessment: 70% research paper, 30% group project presentation

---

LLAW6270 Understanding health systems: ethical and legal dimensions

This course is designed to give law students a better understanding of the ethical and legal aspects of a healthcare system (but with focus on Hong Kong), and key systemic features including the allocation of financial and manpower resources, healthcare financing, medical training in Hong Kong, the arrangement and organization of healthcare services in both the public and the private sectors, an overview of the likely impact of new technologies in clinical practice and in the field of biomedical research, an overview of the regulatory framework governing the healthcare professions and their work, and an introduction to specific public health issues.

Students will be given a perspective on practical problems, issues and constraints faced by medical practitioners so that their perspective of and approach to issues and problems in the field of medical ethics and law will not be confined solely to legal considerations. The class covers essential topics in health care practice with an emphasis on applied

learning through practitioner narratives and case studies. In order to practice in the dynamic, technologically and ethically complex health care arena, it is important to understand the practical and cultural realities faced by medical professionals. This course aims to provide an introduction to both the experience of medical practice, and to important topics in health care management and service delivery.

There are two key components to this module. One component will focus on the ethical and legal aspects of Health Care Delivery and will address key topics in management and administration of health care organisations such as financing, resource allocation, provider payment and service delivery. The other component of the class will include Medical Case Studies, and will serve as an introduction to the experience of care from the perspective of a healthcare provider. Students will be familiarized with the elements of a patient encounter in different types of health care settings.

Assessment: 30% class participation, 70% take home examination

---

LLAW6271 Bioethics foundations

This is a course in bioethics offering an introduction to the fundamentals of bioethics.

The course provides a firm grounding in traditional approaches to bioethics and relevant basics of legal and philosophical theory, while also introducing students to non-Western perspectives. By making connections to moral and legal philosophy as well as to bioethics, students will be able to locate current questions of policy and law within a broader academic context. The course will emphasize building student understanding of philosophical fundamentals, which are involved in and may provide a different perspective to more specific topics in bioethics such as the end of life and the physician-patient relationship.

The syllabus covers significant schools of thought essential to an understanding of bioethics and medical law, such as consequentialism, virtue ethics, and deontology. Students will also be introduced to non-Western perspectives, such as concepts in Confucian ethics. Throughout the class, students will examine legal, ethical, and economic and policy dimensions of questions in bioethics using the philosophical tools they develop. This will generally take the form of case studies, which students will be given to analyze and debate in class. Such case studies will cover topics such as rationing in modern health care systems, organ transplantation, the use of reproductive technology and human enhancement. Through the in-class debates, students will develop the ability to identify the key issues of bioethics that arise in the case studies, as well as construct well-formed arguments in support of or against a position in these debates.

Assessment: 30% class participation, 70% take home examination

---

LLAW6272 Medical law and ethics

The course examines in depth the legal relationship between the physician and the patient, with a particular focus on the basic ethical and legal duties and responsibilities owed by registered medical practitioners to their patients. The aim is to equip students with a sound understanding of the basic legal principles and doctrines underlying the legal and ethical responsibilities and duties owed to patients.

In particular, the specific tort of medical negligence will be examined in detail, as well as claims in contract. The applicable standard of care for all three elements of the global duty of a physician will be covered, with particular attention being paid to recent law reform in the areas of informed consent, adequacy of disclosure and information, as well as causation.

Apart from medical negligence, the course will also deal with other important responsibilities of physicians such as the taking of consent from minors and incompetent patients; medical confidentiality and privacy of medical information and records; the refusal of treatment; an introduction to advance medical directives; the concept of medical futility and the withdrawal of treatment. Statutory obligations under the Medical Registration Ordinance will also be covered. Students will also be given an introduction to duties that are likely to arise with the advent and widespread adoption of new technologies in medical practice.

Assessment: 30% class participation, 70% take home examination

---

LLAW6273 Practicum project

The Practicum shall comprise a 5,000 word writing project based on (i) one or more short clinical attachment programme(s) as the Programme Director may approve in a hospital, any other appropriate healthcare or biomedical institution, or any other appropriate medico-legal setting and/or (ii) an academic attachment programme as the Programme Director may approve. The duration and the number of hours of such attachment programme(s) shall be as approved by the Programme Director. Each student will be required to declare that he or she has no interest or relationship with his or her supervisor in the clinical or academic attachment programme(s), as the case may be. If any institution to which the student is attached in the clinical and/or academic attachment programme(s) is not on the list of pre-approved institutions as updated from time to time, the student will be required to justify his or her choice.

Students will be paired with an academic or practitioner mentor, who will assist in preparing for the practicum project. Students will be provided with guidance in improving their research and writing skills over the course of the writing process. Each student will meet regularly with his/ her assigned mentor to develop his/ her ideas for his/ her writing project and assess his/ her progress in preparation for the presentation.

Students will be placed with a partner organization after consultation with their assigned academic or practitioner mentors. They must receive a satisfactory written report from the supervisor at the placement organization reflecting that the student has demonstrated a serious approach to the work assigned, as well as shown satisfactory attendance at and

completion of tasks assigned. Satisfactory maintenance of an Electronic Journal documenting weekly objectives, work output and achievement of goals is also required. Finally, students must submit a research paper on a topic related to the work of the placement organisation (to be agreed in consultation with the Programme Director and the supervisor).

As for the presentation, students will be scheduled to give a class presentation of their practicum project experience. Nontraditional formats may be explored subject to the Programme Director's approval.

Assessment: 50% practicum experience, 50% writing project

LLAW6274 The beginning and end of life

The course examines in depth some of the most compelling ethical, legal and social issues brought about by the advent of modern technology which has blurred the certainty traditionally taken for granted as regards the constructs of the beginning of life and of its end.

Major components of the course include the following sections:

The Foetus and the Beginning of Life. When does human life begin from the perspective of the law? What kind of protections does the law provide for the foetus or the unborn child? Starting with an examination of the common law doctrines bearing on the beginning of human life, we move onto a consideration of the relevant provisions of the Offences Against the Person Ordinance governing abortion, child destruction and infanticide, and then to a wider consideration of abortion laws and policies around the world. We will also examine current legal perspectives on the balance of rights between the interests of the unborn child and its mother, and how such perspectives affect the structure of legal regimes governing the right to abortion, and/or to the limits placed on such procedures. Enforced sterilization will also be covered.

Assisted Reproductive Technologies. This section deals with the impact of artificial or assisted reproductive technologies, including *in vitro* fertilization, donated gametes, and surrogacy. What controls should there be on genetic screening and genetic selection procedures, including procedures such as preimplantation genetic diagnosis (PGD) which allow the selection of embryos (whether against severely disabling or likely fatal heritable conditions, or for gender or 'social' reasons) for implantation? How should supernumerary or 'spare' embryos be dealt with?

Decisions at the End of Life. How is death currently defined in the law, and is it a moving target because of rapid developments in medical technology? On what basis is the shift from the traditional cardiovascular death standard to that of 'whole-brain death' to be justified? In this section, the course examines at length ethical, legal and social perspectives on patient autonomy and the right of self-determination, anticipatory decisions and advance directives, refusal of treatment, and emergency treatment of the incompetent or unconscious. It explores the concept of medical futility, and the right to

refuse treatment (and conversely, the right to demand treatment), before going on to consider arguments for the right to die and euthanasia.

Assessment: 30% class participation, 70% take home examination

---

LLAW6275 The legal foundations of global health and development

This course will introduce students to global health law, international moves towards a right to global health, the fundamental human right of access to basic medical services, national and coordinated international responses to and the management of global health hazards (including responses to emergent infections, epidemics, antimicrobial resistance (AMR), addiction and substance abuse), the socio-legal management of and responses to risky behaviours (including STDs, addiction and substance abuse).

The course will also cover the role of international law, treaties and instruments touching on global health concerns, and how international law operates, and how it is different from national law.

The constitution, function, role and effectiveness of key international global health organizations such as the United Nations, World Health Organization, UNICEF and the FAO will also be studied. Selected examples on key pressing current issues such as national and international responses to SARS, MERS, Ebola, Zika and AMR, as well as an assessment of the state of national and international preparedness for highly-pathogenic future pandemics and the effectiveness of public health measures such as that for tobacco control will be examined through case studies.

Students will also be introduced to the International Health Regulations (IHR 2005), and will examine responses of the various IHR Emergency Committees on Ebola, MERS-CoV, Zika virus etc. The often-strained relationships between international health organisations such as the WHO and national agencies will be examined.

The argument for basic medical services as a fundamental human right will be examined, particularly in the context of the links between health access on the one hand and economic and social development and social stability of developing countries on the other. The use of denial of medical services as a weapon of war will also be discussed.

In a similar context, equitable access to drugs and fair pricing will also be considered, as well as the role of intellectual property claims in the context of access to pharmaceutics.

Finally, the course will examine current moves both at the national and international levels for a coordinated public health response to noncommunicable diseases (including epidemic ‘lifestyle’ diseases such as diabetes and other NCDs which are metabolic disorders), and the role that national and international law can play in such responses.

Assessment: 30% class participation, 70% take home examination

---

LLAW6277 The theory and history of the PRC constitution

This course takes a historico-theoretical approach to explain the nature and purpose of the PRC Constitution and introduces the complex constitutional context in which the Basic Law of the Hong Kong SAR is grounded. The origin of the present-day Constitution of the People's Republic of China is neither 'Western", nor "Far Eastern" or "East Asian". It is entirely based on the "Eastern" or essentially Russian 1936 Constitution of the Soviet Union. This course will illuminate these conceptions and clarify common misconceptions by discussing the history and theories since the 19th century which forms the often neglected bedrock of the present day Chinese Constitution.

Rationale: Legal minds in the English-speaking Common Law world routinely attempt to understand the Chinese Constitution by employing a Western Anglo-American intellectual framework. This is uncritical. In the West, it is far too convenient to attempt an understanding of the Chinese Constitution by simple application of British and American constitutional concepts. Their comparatively minor difference in approach is not useful to fully comprehend the Chinese Constitution because its textual structure is based on a traditional Russian/Continental European model. It is also common for students of constitutional law to casually apply the textbook Western concept of "separation of powers" in such analyses. Hence, common law students taking this course will acquire a fresh approach to the law and constitution of China.

Assessment: 40% two short essays, 60% research essay

LLAW6278 Chinese judicial reform in comparative perspective

This course examines the current judicial reforms in the People's Republic of China in comparative perspective. This course will consider Chinese judicial reforms in the wider context of the judiciary and judicial reforms in advanced and developing economies (considering practice as well as theory) as well as the context of China's history, political system, and society. It will give students an overview of the issues involved a chance to learn more about the judicial reforms from a variety of viewpoints, including if possible, from participants themselves. Some of the topics to be covered include the judicial profession, role of the judiciary, judicial autonomy/independence, relationship among the judicial organs, role of the circuit courts, and splitting jurisdiction from administrative areas. Why has the Communist Party decided that judicial reform is necessary? What are the goals? To what extent are issues unique to China or found/controversial in other jurisdictions?

Assessment: 10% class participation, 30% oral presentation, 60% coursework

---

LLAW6279 Comparative corporate law and theories

This course examines corporate law from comparative and interdisciplinary perspectives. In the course students will be introduced to the fundamental legal principles concerning limited liability, corporate contract, voluntary and/or mandatory nature of corporate law,

directors' duties, shareholder protection and external finance, disclosure, insider trading, takeover, shareholder value maximization or stakeholder theories, convergence and divergence of corporate law, and corporate social responsibility.

Through the examination of the above convent/topics, several fundamental issues will be dealt with. They include freedom of contract and its limits, externalities and collective action, transaction costs, goals of corporate law, legal rules and finance, methods of enforcement, interaction of corporate law and market means, and globalization.

The comparative aspects will deal with materials from the US, UK, Germany, Japan and China. Teaching is interdisciplinary. Readings will be drawn from legal and social science literature, including works from economics and finance. This course is theory-based and has a significant research component.

Assessment: 10% class participation, 20% presentation, 70% research paper

---

LLAW6280 Introduction to artificial intelligence and law

Big data and artificial intelligence are poised to become the fourth industrial revolution, fundamentally changing the way we live, work, and learn. This course introduces how data analytics and artificial intelligence are currently applied into legal studies, legal practice, and policy making.

To get a flavor of this course, consider the following questions that we will cover: 1. Recent machine learning algorithms outperform judges in making parole decisions in the United States, that is, algorithms are now better at predicting risks associated with the release of criminal suspects. How do the algorithms accomplish this? 2. Data analysis enables scholars and policy makers to precisely calculate incarceration's influence on criminals' income after release, for example, X years of incarceration will decrease income by $Y. How do they accomplish this? 3. Data analytics help scholar and business to study when and why individuals obey contracts. What are the exact methods that they use?

This course can be seen as an introduction to data-driven and empirical methods in legal studies. The focus is to use real world examples to give students a basic idea of the underlying logics of applying different methods. Students are expected to achieve critical appreciation for empirical methods and data analytics thinking in law, but are not required to implement empirical research by themselves. In other words, the content covered in this course will be introductory in nature. No computer programming or statistical analysis experience is required. Students who have programming or statistical analysis experience and want to study how to implement an empirical project in law should register LLAW6285 / JDOC6285 Legal Data Science. And you should not register LLAW6285 / JDOC6285 and this course simultaneously.

Assessment: 20% designing an empirical research, 40% reading reports, 40% essay

---

LLAW6281 Research seminars in ADR ethics and policy

The aim of this course is to help students gain familiarity with the law, ethics and policy of alternatives to court adjudication – including arbitration, mediation, and direct negotiations, and to help counsel clients to select appropriate mechanisms. Recent scholarship examining efforts toward enhancing efficiency, fairness, and access to justice will be examined. In addition, students will be assisted to develop greater awareness of the underlying ethical dimensions in the practice of ADR, including professionalism, adherence to best practices, and understanding of underlying ethical issues such as confidentiality, implicit bias and fairness. The aim is that through such understanding, students will be assisted to gain relevant tools to resolve ethical dilemmas that may arise in practice. The course will be based on class participation, discussion and a research essay examining a particular area of ADR policy reform.

Assessment: 20% class presentation/participation, 80% research essay

---

LLAW6283 Law of international civil aviation and aircraft finance

The course will cover (i) the core elements of international civil aviation law and (ii) legal, commercial and practical aspects of commercial aircraft leasing and aviation object finance.

First, the course will give candidates a practical understanding of the civil aviation industry and its legal environment, including sources of aviation law, and the international and domestic legal framework, and regulatory environment faced by an airline operator in Hong Kong. The latter will include access issues, bilateral air service agreements, airline licensing, aviation safety and security, and carriage by air and aviation liability law. While international in outlook, issues arising from the legal and political environment of the Hong Kong civil aviation industry will be specifically addressed. Topics will be illustrated with detailed case studies in relation to local aviation licensing, carriage by air, and aviation security, as well as examining standardised industry documentation.

Second, on aircraft leasing and finance, the course will provide an in-depth insight into common legal structures, documentation packages and the relevant regulatory environment facilitating and guiding such transactions. This will include the adoption and application of the Cape Town Convention and Aircraft Protocol and its interaction with local law, aircraft ownership and trading, operating and finance leasing, aircraft credit documents, aircraft assets as collateral, and other legal issues including operational and legal liability, aircraft insurance, tax, insolvency, the EU Emissions Trading Scheme, cross–border sanctions, embargos and other conduct risks.

Prerequisite: Have taken and passed LLAW6055

Assessment: 20% class participation, 80% take home examination

---

LLAW6284 Comparative company law

This course examines critical and controversial topics in company law in a comparative context, in particular the laws of the UK, France, Germany and the United States. Each class will introduce students to definitions and concepts to be considered in detail, followed by presentations of relevant national laws to allow a comparison of how different legal systems deal with similar needs and problems. Against this background, the final part of each class will be consider the comparative advantages and effectiveness of the solutions analyzed in this way.

The principal topics to be examined are:

- The corporation as a legal person and the limits of limited liability, including piercing or lifting the corporate veil.
- Types of business organisations.
- Company formation.
- Governing the corporation: management, board of directors, shareholders meetings and shareholder resolutions.
- Shareholder rights (including those of minorities) and their protection.
- Closely–held public companies.
- The company's share capital.
- The nature of equity claims and classes of shares.
- Mergers, acquisitions and changes in corporate control.
- Corporate groups.

Assessment: 20% class performance, 80% take home examination

LLAW6285 Legal data science

This course will introduce students to using data analytics and computational methods in legal studies (or, broadly speaking, empirical studies of law). The course will cover a range of empirical methods that are widely used in sciences and social sciences, including regression analysis, machine learning, and causal inference, and it will use real-world examples to introduce how these methods can be applied into the study and the practice of law. The course will guide students in a hands-on way, focusing on substantive projects that are relevant to legal research and practice.

Designed to serve as an introduction to the field, students can expect to leave the class with an experience of conducting empirical legal study, that is, finding a research question, designing an empirical research, collecting and analyzing data, and presenting the results. Students who aspire to develop a career in law and new technologies, or who plan to pursue a graduate degree (e.g., Ph.D. or JSD), are encouraged to take the course.

Computer programming or statistical analysis experience would help, but is not required. Students without such experience can take LLAW6280 / JDOC6280 Introduction to Artificial Intelligence and Law. But you should not register LLAW6280 / JDOC6280 and this course simultaneously.

Topics covered will include:

- Decision tree and some other Machine learning techniques
- Regression analysis
- Causal inference
- The application of these methods in a range of legal areas, including criminal law, judicial behavior, property& intellectual property, corporate and financial regulation

Assessment: 10% oral presentation, 20% data analysis task, 30% designing an empirical research, 40% reading reports

---

LLAW6286 Cross border corporate insolvency: issues and solutions

Today many corporations operate and have assets and creditors beyond their domestic borders. When these corporations collapse the legal uncertainties that follow their insolvency are a major obstacle to the advancement of international trade and finance.

The course covers:

- The issues that arise in transnational corporate collapses, with particular focus on the conflicts issues of jurisdiction, applicable law, recognition and enforcement; and
- The various approaches that have been suggested or implemented for their resolution

As the title suggests, this is a course about cross border issues in corporate insolvency and their resolution. It is NOT a course on the domestic insolvency laws of any particular jurisdiction.

The conflicts consideration of cross border corporate insolvencies has become critical with globalisation and the increasing transnational nature of corporate insolvencies today. The course seeks to provide students with an awareness and understanding of the issues that may arise so that they will be able to identify them, and deal with them sensibly and appropriately in practice.

Attempts at regional and international harmonisation have not to-date found completely viable solutions. Each of the approaches for the treatment of the issues has its shortcomings. Students will be encouraged to consider these approaches critically, and to formulate their own views as to how the issues ought to be dealt with.
The conflicts considerations and treatment are as necessary before as upon a transnational corporate collapse. Lawyers and investment bankers advising on financing transactions should anticipate and address these issues in the terms of the contracts or in the structuring the financing so that their financier clients are protected in the insolvency of the borrower. The course should be useful to those who intend to have an international practice, or to work in the corporate, insolvency or financial sectors.

Prerequisite: Have taken and passed JDOC3015/ JDOC6048/ JDOC6084/ JDOC6087/

JDOC6206/ JDOC6207/ JDOC6227; or significant practical experience in insolvency or conflict of laws.

Assessment: 70% research paper, 30% oral presentation and defence

---

LLAW6288 Introduction to European Union law

This course is intended to introduce students to law and institutions of the European Union. The EU law constitutes an autonomous and developed legal system which is directly binding on all member states. It is based on international treaties (TEU, TFEU, CFR), but it is also composed of thousands of regulations and directives enacted by the EU bodies, as well as of the case law of the EU Court of Justice. An important portion of both legal regulations and judicial case-law addresses matters of fundamental rights.

The course is structured as a general introduction and, by definition, must be very selective. It is focused on EU "constitutional law" and does not enter into any of the specialized branches of EU law.

It explores, first, historical development of the European integration (topic 1) and the institutional scheme of the EU (the Union: competences, accession and withdrawal – topics 2-3; the three branches of government – topic 4).

Secondly, the course moves to matters of the EU legal order: system of sources (topic 5), primacy and direct effect of EU law (topics 6-7), liability and enforcement (topic 8).

Finally, the remaining three topics deal with EU fundamental rights: their development and present scope (9), prohibition of discrimination and relation to the ECHR (10), protection of personal liberty (European Arrest Warrant and blacklisting – topic 11).

Assessment: 20% class participation, 80% take home examination

---

LLAW6289 Law, governance and development in Asia

In the wake of Asia's striking economic progress issues of law and governance are now seen as critical for the developing, developed and post-conflict states of Asia. Legal reforms are embracing constitutional, representative government, good governance and accountability, and human rights, based on the rule of law. How and on what principles should Asian states build these new legal orders? Is there such a thing as an 'Asian approach' to development? Can Asia sustain economic progress and satisfy the demands for the control of corruption and abuse of powers, and the creation of new forms of accountability? This course examines on a broad comparative canvas the nature, fate and prospects for law and governance in developing democracies in Asia. Coverage of the issues will be both theoretical, as we ask questions about the evolving nature of 'law and development'; and practical, as we ask questions about the implementation of law and development projects across Asia. The emphasis is on governance reform and the legal system as a tool for development.

Assessment: 20% presentation, 80% research paper

LLAW6290 Law and society in South East Asia

Law and society courses deal with law in context, but are not concerned with discovering rules as such or with what the rules ought to be. This module aims to increase students' breadth of contextual understanding of law, and thereby their theoretical understanding of the subject from societal perspectives. These perspectives include historical, sociological, political, and economic/ development perspectives. SE Asia is defined as the ASEAN countries, but comparison with Hong Kong will be drawn where helpful. There will be an emphasis on ethnic and religious diversity, and therefore on legal pluralism as a perennial issue in this region. The course will explore issues that have bearing on diversity/ pluralism, especially on how ethnic and religious diversity are handled and how justice is conceived. Examples will be chosen from different areas of law, ranging from family law to jurisdictional issues to constitutional rights. These issues will cover pre-colonial, colonial, post-colonial and contemporary law.

Assessment: 20% presentation, 80% research paper

LLAW6291 Mental disability and the law

This is a course that explores the relationship between mental disability and the law.

This course deals with the relationship between mental disability and the law, examining various aspects of how the law deals with those with mental disability in both the civil and criminal context. The course also addresses the key ethical principles underlying mental health law, as well as the international human rights instruments (such as the UN Convention on the Rights of Persons with Disabilities) that have had or should have an impact on the development of mental health law.

The syllabus covers a range of topics in mental health law and ethics. Students will begin by learning about mental disability and legislative frameworks that govern mental health. The course will then cover various topics in civil mental health law, including compulsory treatment (both in hospital and in the community) and mental capacity law (with a specific focus on available legal mechanisms in preparation for mental disability). This will be followed by various topics in criminal mental health law, including police powers and criminal defences.

Throughout the classes, students will apply the ethical concepts they have learned to the various areas of criminal and civil law which take a different approach to those with mental disability, and develop the skills to critically examine the strengths and weaknesses in these areas. In particular, students will consider whether the law should have a different approach towards those with mental disability, and why. Students will also consider the extent to which Hong Kong's mental health law regimes are compliant with Hong Kong's international commitments, and where they are not, whether reforms

are necessary and the direction any such reforms should take. Students will examine ethical, legal and policy dimensions in their exploration of the possibilities for reform.

Assessment: 30% class participation, 70% take home examination

---

LLAW6292 Comparative constitutional review: theory and practice

This course introduces students to the major features of constitutional review (or judicial review of constitutionality) as an institution, and its decisions from a comparative law perspective, while focusing on the practice of the Constitutional Court in Taiwan. The experience of constitutional adjudication in Taiwan provides fertile soil for comparative constitutional law: Taiwan's constitutional court (established in Mainland China in September 1948) is the oldest constitutional court in East Asia; it has rendered over 700 decisions, officially known as constitutional "interpretations"; and its jurisprudence has been primarily influenced by German and American jurisprudence.

Assessment: 20% class participation, 80% research paper

LLAW6293 International corporate governance

The course will begin with an introduction to corporate governance in general and comparative corporate governance in particular as a new discipline of legal scholarship in the United States and in other countries. Students will study the current state of comparative corporate governance research by examining law review articles and other academic materials, as well as documents drawn from the actual practice of corporate governance and finance. The convergence in corporate governance discussions will be the focus of this part of the course, and the divergent approaches of the contemporary corporate governance theories will be reviewed.

Then, the class will study theory and practice of cross-listing and cross-border mergers and acquisitions to understand the two major forces of global convergence of corporate governance and finance. The class will cover the issues of international regulatory competition and arbitrage, cross-listing and bonding hypothesis, and international implications of the US Sarbanes-Oxley Act and Dodd-Frank Act. The role of the global investment banking institutions and investment professionals in corporate governance and finance will also be discussed with some illustrative cases on cross-border mergers and acquisitions and reincorporation, including Gucci, Vodafone, ArcelorMittal, News Corporation, and DaimlerChrysler.

After that, the instructor will draw introductory studies on corporate governance from Germany, Switzerland, Sweden, Russia, China, Japan and Korea, and explore with the students how and why the respective corporate and securities laws of these countries are converging with those of the United States. The class will also look into corporate governance of some representative international companies in those jurisdictions, including Volkswagen, Porsche, Gazprom, Wallenberg Group, Novartis, Hyundai Motor and Samsung Group.

Assessment: 40% case study, 60% take home examination

LLAW6294 International investment: structuring, protecting, and resolving related disputes

Since the early days of the colony, when Hong Kong's first trading houses were established with Jardine & Matheson leading the way, and until contemporary Hong Kong with major listed Chinese conglomerates such as China Merchants investing in major infrastructure projects around the world, Hong Kong has been known for its market-oriented approach and for its outlook to international investment and trade.

The course is a unique offering at a post-graduate level that is tailor-made for Hong Kong's international investment and trade community, whether in-house counsel, practising lawyers, managing directors, or project managers in charge of international transactions. The course is thus designed for students with a legal background (preferably a law degree) and for those students who have a background in international business transactions, international project management, and in transboundary infrastructure and banking projects.

The course is an interdisciplinary programme that unites several key legal disciplines under the general dispute resolution umbrella: public international law, investment and trade, investment structuring, investment protection, political risk insurance, WTO dispute resolution mechanism, and resolution of investment disputes.

Pre-requisite: Legal background (a degree in law or a certificate in dispute resolution), background and/or interest in other related industries (international banking, infrastructure, insurance, international business)

Assessment: 10% class participation, 30% mid-term examination, 60% in-hall examination

---

LLAW6295 Issues in consumer law: theory and policy

This course involves an in-depth study of consumer law issues at the postgraduate level, emphasising the theoretical underpinnings and policy implications of Hong Kong and global developments in various areas of consumer law, such as the regulation of unfair trade practices, the regulation of standard form contracts and unfair contract terms, the regulation of product quality, the regulation of product safety, and the regulation of consumer finance. The coverage of this course goes beyond Hong Kong legal issues: it will draw on latest, cutting-edge developments in consumer law in foreign jurisdictions (such as the UK, the EU, Australia, and the US) to provide a comparative and global perspective on the subject.

Pre-requisite: Students should have a basic understanding of contract law, and preferably also tort law

Assessment: 40% coursework, 60% final examination

LLAW6296 Climate and energy justice in practice

Climate change is dramatically impacting on the future of the planet and the survival of the human race. Legal regimes are emerging slowly as the political process lags behind the science. This course examines the international law regime addressing climate change and how countries are incorporating this into national law. However, we cannot discuss climate change solutions in an idealistic bubble. The human demand for energy and consumption is a key driver and therefore this class will also examine the related topic of energy law and how law enables innovation to provide solutions.

This course is part of the HKU experiential learning program, and addresses the increasing market demand to combine theoretical knowledge with knowledge of the law in practice. Students will contribute to on-going cases and climate litigation throughout the Asia-Pacific region, with the option to explore cases in other international jurisdictions. This provides HKU students with the opportunity to experience climate justice in practice domestically, regionally and internationally. This practice-based learning will be done with select NGOs as well as foreign Universities. Students will have the opportunity of engaging in a wide range of skills based legal work, including drafting submissions, conducting legal research for lawyers, contributing to advocacy campaigns, policy analysis, fact finding, report writing, submissions to human rights bodies, trainings and capacity building.

Assessment: 50% research paper, 50% take home exam

LLAW6297 Macau and Hong Kong comparative constitutional law

This comparative constitutional law course provides a panoramic and in-depth overview of key features of the legal system of the Macau Special Administrative Region of the People's Republic of China and of the Hong Kong Special Administrative Region of the People's Republic of China, most especially at the constitutional order level and with an emphasis on a comparative law methodology approach.

Macau and Hong Kong both enjoy a similar constitutional order but also similar problems worthy of further discussion, academic and research cooperation, efforts on identifying commonalities and understanding differences.

The course covers aspects of political-legal history, fundamental rights, autonomy and subnational constitutionalism, juridical nature of the Basic Law, the 'One Country, Two Systems' framework, the multi-composed constitutional order, and specific aspects of international law particularly relevant to Macau and Hong Kong. Again, with a particular attention paid to the comparison of the systems.

Assessment: 50% paper presentation and class participation, 50% research paper

LLAW6298 Private equity and venture capital: law and practice

This course is designed to provide students with an understanding of the legal issues that arise in private equity and venture capital from both theoretical and practical perspectives. The topics that will be covered explore the laws and practices relating to the whole cycle of the venture capital and private equity, including fundraising, investments, exits, foreign investments and regulation.

The course will also discuss emerging methods of SME financing including crowdfunding and ICOs. Certain topics of this course will provide relevant comparisons with private equity and venture capital in the US, the UK, EU, China and Singapore. It will be of interest to legal professionals in the private equity and venture capital sectors.

A basic knowledge of company law but it is not a prerequisite for the course.

Assessment: 20% class participation, 80% research essay

LLAW6299 Trusts in commerce, finance, and wealth management

The course examines cutting edge problems arising from the modern application of the trust and equitable doctrines in modern family succession planning, commerce, and finance.

The 21st century has presented a series of challenges to trust and equitable doctrines. First, transformation in the form of wealth held by individuals, from real estate to corporate and most recently digital assets, raises interesting issues such as whether data, digital assets and cryptocurrencies may be held upon trust, and how trust law may be used to protect people's rights in these new forms of wealth. Second, the aging of the population and inequality in wealth distribution means that inter-generational transfers of wealth are more complicated than in the past. There is increasing sophistication in the use (or abuse) of trust by high net worth individuals to preserve wealth in the family. This development gives rise to questions such as when is a trust a sham or an illusory trust, how far may settlors protect themselves from creditors, estranged spouses and the tax authorities while maintaining control over the trust property, and what is the minimum core of a trustee's duties. Third, the globalised economy has provided a strong impetus to civil law countries to adopt the trust to enhance their capabilities in international finance. As civil law trust laws interact with common law jurisdictions, there are theoretical and practical uncertainties as to the nature of the rights and proprietary remedies in trust law. The course will consider these modern challenges to trust law and equitable principles.

Assessment: 20% class participation, 80% research essay

LLAW6300 Digitalisation: health, law and policy

This course have three key objectives:

(1) Introduce students to the ethical and legal implications of digitalisation of health and related aspects of law, primarily from a policy (or regulatory) standpoint. **Health** is referred to generally as the module will study digitalisation in a variety of health-related contexts, including healthcare (e.g. electronic health records and use of sensors to monitor medical adherence), biomedical research (e.g. use of artificial intelligence (AI) in drug development), health insurance (e.g. use of Big Data analytics in claim and loss predictions) and public / global health (e.g. use of digital technologies to support realisation of the Sustainable Development Goals);

(2) Introduce students to Computational **Law** as applicable to digitalisation of health (as depicted in Objective (1) above). The module will focus on a number of computational models of legal reasoning (and related legal apps that have been developed), and will examine how modern legal expert systems are likely to change in response to the digitalisation of health; and

(3) Introduce students to data visualisation (in both health and law) and means of thinking critically about an increasingly data-driven world (with focus on potential sources of misinformation and disinformation).

Digitalisation refers to the added value of applying digital technologies (such as Big Data analytics, AI and robotics) to interventions directed at meeting needs or goals that relate to health, administration of justice and regulatory compliance. The course adopts a **Policy** approach in that different epistemic systems of ethical, legal/regulatory and governance principles (e.g. human-centricity) that guide decisions to achieve health and legal outcomes will be examined. The ethical and legal implications of digitalisation policies in both subjective and objective decision-making will be considered.

The jurisprudential basis of right to information, freedom of expression (as pertinent to health), privacy, as well as concerns with misinformation and disinformation will be studied. The course will also cover the role of national laws, international law, and instruments touching on digitalisation concerns in health and related aspects of legal practice and regulation. Of these laws and normative instruments, this course will focus on those that pertain to data security, collection, sharing and use, control (e.g. through intellectual property) as well as those that apply to data custodians and intermediaries (including cloud platforms). Additionally, the normative impact of social organisations (including business entities) on digitalisation and regulatory trends will be considered.

Assessment: 30% class participation, 70% take home examination

---

LLAW6301 Law, innovation, technology and entrepreneurship (LITE) - postgraduate internship

The Law, Innovation, Technology and Entrepreneurship (LITE) programme is an interdisciplinary and experiential programme for students of all backgrounds. In LITE – Postgraduate Internship, postgraduate students will have the opportunity and commit to

be onsite to work with Hong Kong tech companies at least the equivalence of one day in the week during the semester ("host companies").

Host companies are initially expected to come from Cyberport, Hong Kong Science and Technology Park (HKSTP), and the FinTech Association of Hong Kong (FTAHK). Sectors and business areas may include fintech, digital entertainment, artificial intelligence, big data, blockchain, and cybersecurity, among others.

As compared to the structured project-based LITE Lab - Tech Startup Law (LLAW3255), LITE - Undergraduate Internship is more fluid to reflect the operations of innovation firms, startups, and social entrepreneurs, with tasks assigned supervised by relevant officers of such fast-moving and evolving companies. Supervision is primarily by the host company and may include multiple shorter-term projects and deliverables that evolve during the term of the internship. Priority will be provided to tasks and officers which are legally-related, and accordingly, host companies will tend to be later stage as compared to the companies involved in LITE Lab - Tech Startup Law (LLAW3255).

Student-company pairings will be made based on each student's previous work experience, academic focus, areas of particular interest, and relevant skillsets. In addition to class time, expected time commitment will be 9-10 hours per week devoted to the internship, comprised primarily of time committed to be spent on-site with the host company, reporting and communicating with the LITE instructors about progress.

Students will be assessed on a pass/fail basis.

Assessment: 10% learning reflections, 10% class contribution, 40% internship final project/tool/explainer, 40% internship participation and delivery

---

LLAW6302 Law, innovation, technology and entrepreneurship (LITE) lab - tech startup law plus

Law, Innovation, Technology and Entrepreneurship (LITE) Lab@HKU is an interdisciplinary and experiential programme for students from all backgrounds.

Postgraduate students gain practical experience working with Hong Kong tech startup entrepreneurs through curated legal-related research projects determined between the startup and students that relate to real-world needs of such tech startups that are often at the cutting-edge of legal and technological innovation. For this project-based experiential course, students will regularly interact with tech startups at LITE Lab@HKU on campus, at HKU-Cyberport Fintech Nucleus, at the startup's premises and/or electronically under the supervision of instructors.

Projects will include interviews and consultations with and research to benefit emerging technologies and business models as well as contributing to LITE Lab@HKU's online resource and tools to enable access to justice and democratization of legal information to empower entrepreneurship and self-sufficiency for Hong Kong tech startups. For example, the inaugural undergraduate cohort for LITE Lab - Tech Startup Law (LLAW3255)

worked with and conducted legal research for Hong Kong startups on topics including metadata, webscraping, data privacy, online platform liability and blockchain, and created legal primers for licensing agreements and cross-border distribution and sale agreements.

Students will be part of the growing LITE Lab@HKU community and conduct regular peer sharings amongst their cohort, including engaging in case rounds and project management, contributing towards internal knowledge management resources, and using design-thinking principles to create user-friendly deliverables that are comprehensible and helpful to laypersons. These are the skills and professionalism expected for those providing legal services in the future.

To create expand upon the impact, selected student deliverable are expected to be published on the LITE Lab@HKU website to foster the broader Hong Kong tech startup ecosystem.

Students will be assessed on a pass/fail basis.

Assessment: 10% class contribution, 10% learning reflections, 40% project service/product delivery, 40% research/case study

---

LLAW6304 Governing online platforms: law, economics and politics

In the past two decades, we have witnessed extraordinary growth in the number of online platforms in China and the rest of the world. Governing these platforms, however, poses a daunting task for both the platform operators and state regulators. This course simultaneously explores three dimensions of the governance of online platforms. The first dimension is public governance, as state regulators are applying stricter scrutiny over various aspects of the platform businesses. We will survey the major Chinese laws and regulations that have been applied to platform businesses, such as financial regulation, consumer protection law, antitrust law and data protection law. We then compare the legal developments in China and other major jurisdictions such as the EU and the United States. The second dimension is private governance. We will survey the internal mechanisms developed by Chinese online platforms to govern users. We will also examine the intriguing phenomenon of platform decentralization, where Chinese online platforms engage their own users to participate in rulemaking and dispute resolution. The third dimension is foreign governance. Given the escalating geopolitical tensions between China and the West, Chinese online platforms are facing increasing scrutiny from foreign regulators over national security and competition issues (e.g., TikTok and WeChat). We will explore the legal challenges posed to Chinese online platforms and examine how they are navigating these challenges. In addition to introducing students to the legal issues surrounding platform governance, this course will also guide students to analyze the potential overlaps and conflicts between each of the above governance models, the underlying political and economic institutions that have driven the development of these governance models, as well as the associated economic and financial consequences.

Assessment: 30% class participation, 70% research paper

LLAW6305 Sanctions: law and practice

This course will provide students with a comprehensive introduction to the concept and practice of sanctions from the corporate perspective. It will be divided into two main parts. The first part will consider sanctions regimes on both international and domestic levels. The interactions between the different regimes will be discussed, together with highlighting areas of potential inconsistencies and evaluating their implications to sanctions compliance in practice. The second part will focus on managing sanctions issues in practice. This will include the key components of the sanctions compliance governance framework as well as decision making amidst competing legal, commercial, and policy demands relevant to corporate actors. Throughout this course, various legal and practical issues will be presented for analysis and discussion.

Assessment: 20% group presentation, 80% take home examination

---

LLAW6306 The economic analysis of law

Judges make policy through their decisions in individual cases. This observation is especially true of jurisdictions that recognize opinions as authoritative sources of law. To distill precedents and extract from them a rule to govern future cases, skillful lawyers imbue doctrine with spirit and purpose. Are case outcomes best explained by the economic notion of efficiency? How should legal regimes be designed to maximize welfare? Finally, should social efficiency and welfare—as defined by the economist—be the normative goal of law and its institutions?

This lecture-based seminar will introduce students to the economic analysis of the common law, including property, contracts, and torts. It will also cover public law themes such as voting and delegation. Finally, challenges to the neo-classical law and economics tradition will be considered. Students should come to each meeting prepared to discuss the assigned readings.

This course is self-contained, and no prior knowledge of law or economics is assumed or required.

Assessment: 50% mid-year examination, 50% research paper

LLAW6307 Hong Kong National Security Law in comparative perspective

This course offers a comprehensive analysis of the Hong Kong National Security Law (NSL) and relevant cases. It covers a wide range of theoretical and legal issues including the constitutionality of the NSL, national security offences and penalties, police power, protection of ICCPR rights, national security institutions, courts, jurisdiction, cross-regional legal issues, and interpretation. The course introduces the NSL within the Basic Law framework and involves a variety of laws relevant to the implement of the NSL, including the Basic Law, Hong Kong laws, Chinese public law, and international human

rights laws. The course explores controversies surrounding the NSL from a comparative perspective by referring to legal practices in other jurisdictions, particularly mainland China, countries such as South Korea and Spain with serious national integrity concerns, and common law jurisdictions such as the United States, the United Kingdom, Australia, Canada, and Singapore. The course also examines broader political and social dimensions implicated in the NSL and national security matters. The course aims to help students objectively appraise the NSL and reflect on legal approaches to balance the tension between national security and human rights.

Assessment: 10% participation in discussion, 90% research essay

---

LLAW6308 Law and society in China

This course aims to explore the theoretical and practical issues relating to law and society in China, the extent to which law as a tool for social engineering has affected social development and how far social forces have influenced the functioning of law and the interaction among legal institutions in China. This course will discuss the operation of law and legal systems, various dispute resolutions, and how the China's case pushes the boundaries of law and society theories. It will also address the impact of law on people's behavior, the interaction between state and society via the median of law, and the impact of society on legal change in an era of globalization. The interface between legal and economic, political, cultural, and social phenomena will be studied through critical debates, empirical research and from comparative perspectives.

Assessment: 10% class participation, 90% research paper

LLAW6311 Data and privacy regulation in China: law, economics and politics

On November 1, 2021, China's Personal Information Protection Law came into force. This new law, coupled with the Data Security Law that became effective on September 1, 2021 and the 2017 Cybersecurity Law form a broad regulatory framework for data and privacy regulation in China. This course provides an in-depth study into this increasingly important area of regulatory governance, with a particular focus on three areas: data sovereignty, consumer privacy protection, and the intersection between data protection and competition regulation. We will first survey the relevant economic literature to understand the theoretical underpinnings of data and privacy regulation. As many of Chinese data regulations were inspired and closely modelled after the EU's General Data Protection Regulation, we will also study the relevant rules and regulations in the EU and compare them with the Chinese laws. In addition to introducing students to the legal issues surrounding data and privacy protection, we will examine the legal institutions responsible for data regulation in China, the challenges during law enforcement, how businesses and individuals have adapted to these new data laws, and the associated economic impact. To help students gain a global perspective of data governance, we will also discuss the fluid legal developments in other major jurisdictions. We will further guide students to analyse the underlying political and economic institutions that have driven the distinct regulatory approaches adopted by the EU, the United States and China.

Assessment: 30% class participation and presentation, 70% research paper

---

LLAW6312 Legal and regulatory aspects of financial risk management

The course introduces students to the legal and regulatory aspects of risk management in financial institutions focusing on the compliance dimensions. An important element of the course is understanding derivatives and how they are used as risk management tools.

Financial institutions play a crucial role in the economy by providing liquidity and services which allow a higher level of economic activity than would otherwise be possible by taking or transforming risk. Consequently, risk management lies at the heart of financial institutions' business model. Uncontrolled risks may transcend and affect other institutions and the economy at large. New legal, regulatory and operational requirements introduced following the 2007/7 financial crisis allow different stakeholders to monitor, assess and prevent excessive or concentrated risk or its transmission to other institutions potentially leading to default or insolvency. The course will cover four main areas: (i) introduction to derivatives, (ii) use of derivatives and other techniques to mitigate credit risk; (iii) risk disclosures and legal data management; and (iv) regulatory initiatives related to the foregoing.

The use of financial derivatives will be examined from two perspectives: (i) internal, which concerns the considerations and steps taken by financial institutions when entering into financial derivatives and subsequently managing the trade; and (ii) external, which concerns how counterparties and regulators can assess, monitor and prevent excessive risk leading to a potential default. The course will review the changes to the Hong Kong landscape as a result of the introduction of OTC derivatives regulation in view of international regulatory standards and notable national approaches.

Assessment: 10% class participation, 10% in-class small groups coursework discussions, 10% coursework formal prepared presentation, 70% take home examination

[Students are required to pass the exam to be eligible to pass the course.]

LLAW6313 Quantitative methods for law

The ability to reason quantitatively is important to both legal practitioners and scholars. This course provides a basic introduction to probability and statistics and how they can be applied in legal contexts. Topics to be covered include causality, measurement, prediction and discovery. Concepts and techniques are demonstrated using the R programming language. While methods such as regression, matching, classification and clustering are treated in some depth, the course emphasizes critical thinking and research design over technical details. No background in mathematics beyond elementary algebra and simple calculus is required. No background in programming is expected. Students

who successfully complete this course will be able to evaluate the credibility of quantitative arguments and start to undertake their own empirical research.

Assessment: 50% problem sets, 50% examination

LLAW6314 Regulatory aspects of sustainable finance

The course introduces students to the legal, regulatory and accounting aspects of sustainable finance.

Climate change is one of the most pressing issues faced by this and future generations and bears significant risks for the economy. Sustainable finance plays a crucial role in financing the transition to a sustainable economy and managing climate-related risks. The transition to sustainable finance is increasingly a high-priority business issue for firms, with global bodies and local policymakers rapidly developing initiatives to support and incentivise investment in low-carbon businesses and activities, as well as enable corporates, institutional investors and banks to take account of climate-related risks.

At the same time, Environmental, Social and Governance (ESG) issues are increasingly taking centre stage as institutional investors exert their influence and channel funds towards investments that seek to deliver measurable non-financial benefits along with improved long-term financial returns.

The course will encompass three aspects: (i) governance and strategy, which includes the UN Principles for Responsible Banking, and other major public and private international initiatives focusing on sustainability within the financial sector; (ii) sustainable finance and markets, including approaches to a ESG taxonomy, financing and investing, and the different standards, certifications and principles on financial products (bonds, financial derivatives and loans etc.) as well as approaches to emissions trading; and (iii) sustainable finance and systemic risk, including regulatory approaches (in China, the EU, HK, USA and the Asia Pacific region).

Assessment: 10% class participation, 10% in-class small groups coursework discussions, 10% coursework formal prepared presentation, 70% take home examination

[Students are required to pass the exam to be eligible to pass the course.]

LLAW6315 Theories and methods on law and society

This course will introduce the major topics in the fields of law & society, including legal pluralism, dispute transformation, judicial decision making, legal profession, legal consciousness, discourse analysis, law and regulation, law and social movements, law and psychology, and law and politics. It will cover how empirical data are used to make a theoretical point.

Assessment: 30% coursework, 70% final paper

LLAW6316 Transnational criminal law

Transnational criminal law is a broad term encompassing the international and domestic laws used to suppress transnational crimes and the cross-border criminal procedures applied in domestic cases. Transnational crimes are offences that occur in or affect more than one jurisdiction and include drug trafficking, money laundering, organized crime, human trafficking, people smuggling, terrorism, cybercrimes, bribery, trafficking in endangered species or cultural property, and violation of sanctions. Cross-border criminal procedures may be needed in domestic cases, whether the crime is transnational or local, if an essential aspect of the case (e.g. the defendant, a witness, or material evidence) lies outside the territory of the place handling the case. Such procedures include extradition, mutual legal assistance (e.g. in evidence gathering), asset freezing and recovery, and transfer of sentenced prisoners.

Students in this course will study these various aspects of transnational criminal law from reading both primary and secondary sources. The course approaches these topics from both theoretical and practical perspectives and with reference to the international and domestic laws/practices relevant to Hong Kong. Some issues that may be discussed in the course include the tension between sovereignty interests and the domestic exercise of extraterritorial jurisdiction, the elements of transnational criminal offences, the implementation of treaty crimes into domestic law, reconciling cross-border criminal procedures with protections for human rights and the rule of law, practical difficulties in criminal cooperation between states and within the People's Republic of China, latest developments in cross-border digital data/evidence requests, and the role of international organizations such as the United Nations, INTERPOL, Financial Action Task Force, etc in addressing transnational criminal activity.

Assessment: 30% group presentation, 70% research paper

REGULATIONS GOVERNING THE FORMAT, BINDING, AND PRESENTATION OF DISSERTATIONS FOR HIGHER DEGREES BY COURSEWORK

1. Each copy of a dissertation shall be typewritten or printed on one side only of International size A4 paper[1] (except for drawings, maps, or tables on which no restriction is placed), with a margin of not less than 38mm on the left-hand edge of each page.

2. The appropriate Board of the Faculty shall decide whether any dissertation submitted successfully in part-fulfilment of a higher degree by coursework shall be an accession to the University Library.

3. If it is to be an accession to the Library the top copy of the dissertation shall be used, and bound in one or more volumes as determined by the Librarian and between boards faced with cloth in black for MA, MPA, MMedSc, in dark blue for MSW, MBA, and in green for all others. The title, name of author, degree, and date shall be lettered in gilt on the front cover and spine in accordance with the standard layout approved by the Librarian. The title of a dissertation written in Chinese shall be lettered on the cover in Chinese and English.

[1] 297 mm x 210 mm

N.B. Candidates for higher degrees are reminded that any dissertation not typed or printed on the correct paper will not be accepted. Any candidate who has difficulty in obtaining the paper should consult his Faculty Office.