REGULATIONS FOR THE DEGREE OF JURIS DOCTOR (JD)

These regulations apply to candidates admitted to the JD curriculum in the academic year 2025-2026 and thereafter.

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

JD1. Eligibility for Admission

To be eligible for admission to the degree of Juris Doctor, a candidate shall:

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

(b) (i) hold a degree in a non-law subject with at least second class honours or equivalent awarded by a recognised university; or

(ii) hold a law degree from a non-common law jurisdiction with at least second class honours or equivalent awarded by a recognised university.

JD2. Language Requirement

Applicants who do not have a degree awarded by an institution with English as the medium of instruction shall be required to take either IELTS or TOEFL for admission to the curriculum:

(a) IELTS (Academic): a minimum overall band score of 7.5, with no individual score below 7.0; or

(b) TOEFL: a minimum score of 100 on the internet-based test, or a minimum score of 600 on the paper-based test.

JD3. Qualifying Examination

(a) A qualifying examination may be set to test the candidates' formal academic ability or their ability to follow the courses of study prescribed. It shall consist of one or more written papers or their equivalent.

(b) A candidate who is required to satisfy the examiners in a qualifying examination shall not be permitted to register until he or she has satisfied the examiners in the examination.

JD4. Period of Study

(a) The curriculum for the degree of Juris Doctor shall normally require two academic years of full-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 three academic years, unless otherwise permitted or required by the Board of the Faculty of Law.

JD5. Completion of the Curriculum

To complete the curriculum for the degree of Juris Doctor, a candidate shall:

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

(b) follow instruction and attend classes as required, and complete all coursework requirements; and

(c) subject to JD6, pass courses totalling at least 144 credits in value in the manner specified below:

- 84 credits of compulsory courses; and
- 6 credits of capstone course; and
- 54 credits of electives.

JD6. Advanced Standing

(a) The Board of the Faculty of Law may grant advanced standing to a candidate for up to 12 credits of courses in recognition of an equivalent course or equivalent courses completed successfully in another degree curriculum, where such a course is or such courses are completed no more than 5 years prior to the candidate's commencement of the JD curriculum. Advanced standing will not be granted for the capstone course.

(b) Where advanced standing credits are granted, the Board of the Faculty of Law shall specify from which course or courses the candidate is exempted in the curriculum. Advanced standing credits shall not be included in the calculation of the cumulative GPA, but the credits may be recorded on the transcript of the candidate.

JD7. Exemption

(a) The Board of the Faculty of Law may grant exemption to a candidate for up to 12 credits of courses in recognition of an equivalent course or equivalent courses completed successfully in another degree programme, where such a course is or such courses are completed no more than 5 years prior to the candidate's commencement of the JD curriculum.

(b) Where an exemption is granted, the Board of the Faculty of Law shall specify from which course or courses the candidate is exempted in the curriculum. Candidates who are so exempted must replace the number of exempted credits with courses of the same credit value.

JD8. Selection of Courses

(a) A candidate shall select his or her courses in accordance with the recommended sequence of the curriculum during the course selection period as specified by the University. Such selection shall be subject to approval by the Board of the Faculty of Law. Changes to the selection of courses may be made, with the approval of the Board of the Faculty of Law, during the add/drop period of respective semesters, and such changes shall not be reflected in the transcript of the candidate. Requests for changes after the respective add/drop period shall not normally be considered.

(b) Withdrawal from courses beyond the designated add/drop period will not be permitted, except for medical reasons and 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).

JD9. Dissertation

(a) A candidate shall submit the title of his or her dissertation by a date to be specified in the final year of study. The dissertation shall be presented for examination by a date to be specified by the Faculty of Law.

(b) Under exceptional circumstances a candidate may apply to the Board of the Faculty of Law for an extension of the deadline by which the dissertation must be presented for examination.

(c) The candidate shall submit a statement certifying 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.

JD10. Progression in Curriculum

(a) Candidates shall normally be required to undertake a combination of courses and study requirements 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 shall normally be required to take not fewer than 30 credits nor more than 42 credits in any one semester (except the summer semester), except in the last semester of study when candidates may be required to take fewer than 30 credits to satisfy the outstanding curriculum requirements.

(ii) 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 annual study load (66 credits in Year 1 and 78 credits in Year 2) provided that the total number of credits taken does not exceed the maximum curriculum study load of 216 credits for the maximum period of registration specified in JD4(b).

(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 42 or more credits 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 1.30 or higher for two consecutive semesters (not including the summer semester); or

(iii) exceeded the maximum period of registration specified in JD4(b).

JD11. Assessment

(a) Candidates shall be assessed for each of the courses for which they have registered, and the courses will be assessed with a wide variety of methods, including (but not exclusively) traditional examinations, research papers, class performance and take-home examinations. A candidate shall pass a course if the Board of

Examiners is satisfied by the candidate's performance in the assessment. 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/re-submission/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.

(f) Where a candidate has failed to present a satisfactory dissertation, the Board of Examiners may permit the candidate, subject to his or her performance in other examinations, to either revise the dissertation and re-present it, or present a new dissertation, for examination within a specified period determined by the Board of Examiners.

(g) The maximum number of attempts for a particular course or requirement, including retakes and re-examinations, is three.

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

JD12. Absence from an 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.

JD13. 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.

JD14. Requirements for Graduation

Subject to JD6, to be eligible for the award of the degree of Juris Doctor, candidates shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula, and pass courses not fewer than 144 credits in value within the maximum period of registration, which shall include the successful completion of a capstone course as specified in the syllabuses of the curriculum.

JD15. Award of Degrees

(a) The degree of Juris Doctor shall be awarded in five divisions in accordance with UG9 of the Regulations for First Degree Curricula:

First Class Honours
Second Class Honours Division One
Second Class Honours Division Two
Third Class Honours
Pass

(b) The classification of honours shall be determined by the Board of Examiners for the degree in accordance with the following Cumulative GPA scores, with all courses taken (including failed courses) carrying equal weighting:

Class of honours	**CGPA range**
First Class Honours	3.60 – 4.30
Second Class Honours	(2.40 – 3.59)
Division One	3.00 – 3.59
Division Two	2.40 – 2.99
Third Class Honours	1.70 – 2.39
Pass	1.00 – 1.69

(c) In exceptional cases honours classification may not be determined solely on the basis of a candidate's Cumulative GPA and the Board of Examiners for the degree may, at its absolute discretion and with justification, award a higher class of honours to a candidate deemed to have demonstrated meritorious academic achievement but whose Cumulative GPA falls below the range stipulated in (b) above of the higher classification by not more than 0.1 Grade Point.

(d) A pass list of successful candidates shall be posted on Faculty notice boards.

SYLLABUS FOR THE DEGREE OF JURIS DOCTOR

1. Candidates are required to complete a total of 144 credits, including a capstone course within two academic years[1]:

First year (66 credits)

Course code	*Course title*	*Credits*
JDOC1001	Law of contract I	6
JDOC1002	Law of contract II	6
JDOC1003	Criminal law I	6
JDOC1004	Criminal law II	6
JDOC1005	Law of tort I	6
JDOC1006	Law of tort II	6
JDOC1007	Legal system and legal research[2]	6
JDOC1009	Constitutional law	6
JDOC1010	Commercial law	6
JDOC3093	Administrative law	6
JDOCxxxx	Electives *(See also 2(a) and (b) below)*	6

Second year (78 credits)

Course code	*Course title*	*Credits*
JDOCxxxx	Capstone course *(See also 3 below)*	*6*
JDOC2001	Equity and trusts I	6
JDOC2002	Equity and trusts II	6
JDOC2003	Land law I	6
JDOC2004	Land law II	6
JDOCxxxx	Electives *(See also 2(a) and (b) below)*	48

2. There are 54 credits of electives in total.

(a) Candidates with no substantial background in Chinese Law must take one 6-credit elective course listed under "Chinese Law electives".

(b) To proceed to the PCLL, candidates will need to devote 12 elective credits to PCLL prerequisites. They are:

[1] An 'academic year' comprises two regular semesters, with dates as prescribed by the Senate each year. The Faculty of Law may organise 'January semester' and 'June (summer) semester' in addition to the two regular semesters.

[2] JDOC1007 Legal system and legal research shall be taught as an intensive course during the induction period in August. It shall be graded with pass/fail and shall not be counted in the calculation of the cumulative GPA (CGPA).

Course code	*Course title*	*Credits*
JDOC3015	Company law	6
JDOC3102	Evidence	6

3. Candidates must choose one capstone course from the list below (each carries 6 credits):

JDOC6205	Clinical legal education[3]
JDOC1011	Dissertation
JDOC3058	International mooting competition[3]
JDOC3059	Jessup international law moot court competition[3]
JDOC6242	Public interest clinic[3]

4. The "Chinese Law electives" and general elective courses listed in this syllabus will not necessarily be offered every year; from time to time, depending on the exigencies of staffing, additional courses may be offered. Candidates should always check the Faculty's website for the most up-to-date information when choosing their courses.

5. The "Chinese Law electives" (each carries 6 credits) are listed as follows:

JDOC6025	China company law
JDOC6343	China data protection law
JDOC6139	China information technology and electronic commerce law
JDOC6212	China intellectual property law
JDOC6185	China investment law
JDOC6186	China trade law
JDOC6003	Civil and commercial law in the People's Republic of China
JDOC6264	Competition law and policy in China
JDOC6335	Constitutional and administrative law in the PRC
JDOC6171	Corruption: China in comparative perspective
JDOC6114	Cross-border legal relations between the Mainland and Hong Kong (in Putonghua)
JDOC6307	Hong Kong National Security Law in comparative perspective
JDOC6070	Human rights in the People's Republic of China
JDOC6008	Introduction to Chinese law and legal system
JDOC6336	Law and corporate finance in China
JDOC6110	Law and regulation of banking and insurance in the People's Republic of China
JDOC6308	Law and society in China
JDOC6340	Legal pluralism in Hong Kong
JDOC6165	PRC economic law
JDOC6047	PRC property law
JDOC6048	PRC security and insolvency law
JDOC6225	PRC shipping law (in Putonghua)
JDOC6201	PRC taxation law and policy
JDOC6167	PRC tort law

[3] This course shall be graded with pass/fail and shall not be counted in the calculation of the cumulative GPA (CGPA).

6. General elective courses (each carries 6 credits) are listed as follows:

JDOC6329	Admiralty law and practice
JDOC6243	Advanced intellectual property law
JDOC6022	Advanced research methodology
JDOC6332	Advanced topics in maritime law
JDOC6304	AI and competition law
JDOC6333	AI and private law
JDOC6183	Animal law
JDOC6241	Arbitration award writing
JDOC6138	Arbitration law
JDOC6058	Armed conflict, humanitarian law and human rights
JDOC6334	Artificial intelligence and digital governance
JDOC6024	Banking law
JDOC6271	Bioethics foundations
JDOC6153	Business and human rights
JDOC6172	Carriage of goods by sea
JDOC3097	Civil procedure
JDOC6124	Communications law
JDOC6238	Comparative arbitration in Asia
JDOC6156	Comparative constitutional law
JDOC6279	Comparative corporate law and theories
JDOC6209	Comparative family law
JDOC6150	Comparative law
JDOC6251	Comparative property law
JDOC6187	Competition law and intellectual property
JDOC6154	Competition law I
JDOC6155	Competition law II
JDOC6194	Competition law in the digital economy
JDOC6101	Competition, mergers and acquisitions
JDOC6257	Compliance for listed companies
JDOC6245	Compliance in the Hong Kong securities industry
JDOC6141	Contemporary issues of comparative platform governance
JDOC6223	Copyright and creativity
JDOC6082	Corporate governance and shareholder remedies
JDOC6002	Credit and security law
JDOC3099	Criminal procedure
JDOC6084	Cross-border insolvency law
JDOC6127	Current issues in financial law
JDOC6060	Current issues in human rights
JDOC6087	Current issues in insolvency law
JDOC6117	Data protection, cyber security and crime
JDOC6088	Derivatives: law and regulation
JDOC6325	Digital transformation of legal services
JDOC6300	Digitalisation: health, law and policy
JDOC6090	Economic foundations of competition law
JDOC6062	Economic, social and cultural rights

JDOC6126	e-Finance: law, compliance and technology challenges
JDOC6210	Energy law
JDOC6249	Entertainment law
JDOC6063	Equality and non-discrimination
JDOC6303	EU financial regulation and technology
JDOC6174	Family mediation
JDOC6282	Financial crime: governance, risk and compliance
JDOC6222	Financial dispute resolution: Hong Kong and international perspectives
JDOC6287	FinTech finance
JDOC6149	Healthcare law
JDOC6005	Hong Kong intellectual property law
JDOC6034	Human rights in Hong Kong
JDOC6068	Human rights: history, theory and politics
JDOC6107	Insurance law
JDOC6195	Intellectual property and competition in the digital economy
JDOC6120	Intellectual property and information technology
JDOC6188	Intellectual property policy and practice
JDOC6140	Intellectual property, innovation and development
JDOC6132	International and comparative intellectual property law
JDOC6072	International and regional protection of human rights
JDOC6099	International commercial arbitration
JDOC6321	International commercial litigation
JDOC6206	International corporate finance
JDOC6036	International criminal law
JDOC6007	International dispute settlement
JDOC6133	International economic law
JDOC6037	International environmental law
JDOC6294	International investment: structuring, protecting, and resolving related disputes
JDOC6182	International organizations
JDOC6073	International protection of refugees and displaced persons
JDOC6057	International securities law
JDOC6096	International tax and tax planning
JDOC6170	Internet and social media law and policy
JDOC6280	Introduction to artificial intelligence and law
JDOC6288	Introduction to European Union law
JDOC6227	Introduction to private international law (conflict of laws)
JDOC6295	Issues in consumer law: theory and policy
JDOC6231	Justice
JDOC6230	Law and practice of investment treaty arbitration
JDOC6239	Law and regulation of private banking and wealth management
JDOC6197	Law and social theory
JDOC6299	Law and wealth management
JDOC6313	Law as data
JDOC6178	Law, economics, regulation and development
JDOC6301	Law, innovation, technology and entrepreneurship (LITE) – postgraduate internship

JDOC6256	Law of anti-money laundering and counter-terrorist financing and compliance issues
JDOC6283	Law of international civil aviation and aircraft finance
JDOC6055	Law of international finance
JDOC6327	Law of marine insurance
JDOC6260	Law of state immunity and sovereign debt
JDOC6342	Law of the sea
JDOC6265	Law, regulation and compliance for insurance industry in Hong Kong
JDOC6312	Legal and regulatory aspects of financial risk management
JDOC6323	Legal concepts and practical application in financial transactions
JDOC6285	Legal data science
JDOC6302	LITE lab: emerging technology and business models (postgraduate)
JDOC6181	Management and commercialization of intellectual property
JDOC6328	Maritime arbitration
JDOC6131	Media law
JDOC6324	Mediation advocacy
JDOC6272	Medical law and ethics
JDOC6337	Medical malpractice
JDOC6247	Medico-legal issues
JDOC6291	Mental disability and the law
JDOC6224	Mergers and acquisitions
JDOC6179	Multiculturalism and the law
JDOC6075	National protection of human rights
JDOC6163	Negotiation: settlement and advocacy
JDOC6219	Patent law
JDOC6196	Preventative law: approaches to conflict prevention and resolution
JDOC6164	Principles of family law
JDOC6046	Privacy and data protection
JDOC6298	Private equity and venture capital: law and practice
JDOC6098	Project finance
JDOC6318	Public health ethics and law
JDOC6109	Public international law
JDOC6093	Regulation of financial markets
JDOC6314	Regulatory aspects of ESG and sustainable finance
JDOC6338	Regulatory ecosystem of artificial intelligence and advanced technology
JDOC6144	Rights and remedies in the criminal process
JDOC6305	Sanctions: law and practice
JDOC6049	Securities regulation I
JDOC6244	Securities regulation II
JDOC6076	Seminar in human rights research
JDOC6215	Seminar on human rights and constitutionalism in Asia
JDOC6330	Shipping finance law
JDOC6331	Shipping management and law
JDOC6341	Sports law

JDOC6311	Sustainability and competition law
JDOC6274	The beginning and end of life
JDOC6306	The economic analysis of law
JDOC6275	The legal foundations of global health and development
JDOC6322	The private law of cooperative institutions
JDOC6250	The regulation of biomedical research
JDOC6315	Theories and methods on law and society
JDOC6326	Topics in technology law
JDOC6200	Trademark law
JDOC6339	Transitional justice
JDOC6316	Transnational criminal law
JDOC6270	Understanding health systems: ethical and legal dimensions
JDOC6102	White collar crime: law and practice
JDOC6211	World trade law, policy and business

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

Compulsory Courses:

JDOC1001 and JDOC1002 Law of contract I and II (12 credits)

Contract is a compulsory subject in the JD degree. A sound knowledge of the principles of the law of contract is an essential element of any legal education. The principles of contract law govern many important areas of daily life and of the national and international economy. They also constitute an essential building block for other branches of the law, especially commercial law.

This course is concerned with the principles relating to the law of contract generally, rather than to the rules dealing with contracts of a particular subject matter, such as those applicable to the sale of goods (whether domestic or international), to insurance contracts, to land contracts, to agency or to contracts of employment. The law applicable to these contracts is studied in other subjects, some of which (like sale of goods and agency in commercial law) are also compulsory. The study of contracts in specified contexts assumes knowledge of the general principles that we study in this course.

Along with tort and unjust enrichment (also known as restitution), the law of contract forms part of the law of obligations, the part of law that identifies the situations in which one person becomes liable in private law to another person. That liability is, generally, to pay damages. Unlike tort and unjust enrichment (where liability is commonly said to arise simply by operation of law), the liability that arises in contract originates in the parties' consent, which generally finds expression in an agreement between the parties. The consensual nature of the contractual obligation has a determining effect on the nature of the obligation between the parties and on the remedies that arise for its breach. It also stresses the need for care in the drafting of contracts.

In origin, the law of contract is the creation of the common law courts. Throughout its long historical development, the law of contract has been influenced by commercial practice, both national and international, and by the rules of other systems of law. This continues in today's globalised world, and not only in common law systems of law. A telling example is the adoption, in recent Chinese codifications of contract law, of principles developed either in other systems of law or in international legal instruments.

While the law of contract in Hong Kong (as in most countries that have adopted the common law) remains uncodified, statute now plays an important role in the development of contract law – for example, in protecting consumers. This course focuses on the most important principles and rules of contract law, as found in case law, statute and international legal instruments.

Assessment: 10% class participation, 40% mid-term examination, 50% final examination

JDOC1003 and JDOC1004 Criminal law I and II (12 credits)

Criminal Law I introduces students to the principles of Hong Kong criminal law and liability. Topics include the nature and classification of crime, elements of criminal procedure in Hong Kong, the burden of proof and the impact of constitutional human rights, and the general principles of criminal responsibility, including criminal defences and degrees of participation. Offences considered will include homicide and theft.

Criminal Law II examines further aspects of criminal law and liability in Hong Kong, including additional criminal defences and inchoate liability. It will examine the application of the general principles of criminal responsibility in selected criminal offence areas, including homicide, assaults, sexual offences, and theft and deception. Where possible, students will be encouraged to consider alternative approaches to the principles of liability, and to develop social policy analysis skills.

Assessment:
Semester 1: 30% mid-term exam; 10% magistrate's court report
Semester 2: 10% group presentation; 50% final examination

JDOC1005 and JDOC1006 Law of tort I and II (12 credits)

Tort is one of the first subjects undertaken in the JD degree. Along with contract and unjust enrichment (also sometimes referred to as restitution), it forms part of the law of obligations, which covers the situations in which one person may be liable to another person in private law. In tort, that liability is, generally, to pay damages as compensation for a wrong. The law of torts covers a vast array of circumstances in which an individual incurs responsibility for conduct that the law classifies as wrongful.

For the most part, the law of torts comprises a set of doctrines and principles that have been developed by the common law courts. It is, accordingly, for the most part a subject that demands familiarity with the rules enshrined in case law. But, as with most other areas of law today, statute law now also plays an important role. As such, students who study this course will need to master both a large number of cases and a limited number of statutes.

While the law of torts has been around in one form or another for centuries, the rules it contains are far from settled. Much of the law—including new developments—remains controversial. Mastery of the subject thus requires familiarity not just with the established principles that are clear and universally accepted, but also some appreciation of those parts that are unsettled and the subject of ongoing debates.

Assessment: 50% mid-term exam, 50% final exam

JDOC1007 Legal system and legal research

The legal system component of this course provides students with a comprehensive introduction to the legal system of Hong Kong, the only common law jurisdiction in East Asia. It encourages students to appreciate the underlying values of legal practice and the administration of justice in the context of wider global and regional developments. It explains the crucial role played by the rule of law in Hong Kong's historic transition from a cluster of marginal fishing settlements into a leading international financial centre over the course of nearly two centuries. And it enables students to reflect on the idiosyncratic challenges facing this internationalised jurisdiction, under Chinese sovereignty since 1 July 1997.

The legal research component of this course will focus on:

(1) Case reading: distinguishing law/fact; learning the structure and language of common law judgments; identifying relevant facts; identifying and defining legal issues, ratios, arguments, reasoning with precision; learning the ways in which judges in one case treat the judgments in earlier cases; precedent in action.

(2) Basic legal writing skills using short weekly marked up and graded writing assignments in the format of case briefs, letters to clients, closed internal memoranda. Emphasis will be placed upon correct use of general English and appropriate legal terminology, clarity of expression and logical, effective organisation of ideas and arguments.

(3) Learning skills: pre-class preparation; in class exercises, participation in class discussions using group and Socratic methods.

Assessment: Students will be assessed on a pass/fail basis by reference to the end-of-course assessment.

JDOC1009 Constitutional law

Constitutional law is a core component of a legal system. It also constitutes the foundation of a legal system, because it stipulates what are the sources of law in the legal system and how the law is made; it establishes, empowers and constrains the legislative, executive and judicial branches of government; and it regulates the relationship between these organs of government as well as the relationship between the government and the people. From the perspective of the people, constitutional law guarantees and protects their human rights and fundamental freedoms.

In Hong Kong, constitutional law also performs the important function of regulating the relationship between Hong Kong as a Special Administrative Region of the People's Republic of China (PRC) and the Central Government Authorities of the PRC. Constitutional law in Hong Kong is therefore the legal foundation of 'One Country, Two Systems'. It is also an area of the law which is often the focus of public and media attention. Constitutional law cases and controversies often appear in the Hong Kong press as frontpage news stories. The outcomes of constitutional litigation sometimes not only change the lives of the parties to the case, but also have wide and deep impact on the

Hong Kong community and its public and social policies, or the political relationship between Hong Kong and mainland China.

Constitutional law is closely related to politics, political philosophy and history, which some of you may have encountered in your previous studies. Some constitutional controversies in Hong Kong are covered in our course on Hong Kong's legal system. We hope that this course on constitutional law will provide for you the opportunity to study the subject more systematically and intensively. However, as it is only a one-semester course, it can do no more than opening the door for you, so that those of you who are interested in a broader and deeper understanding of the subject may acquire a solid foundation for your future studies in this interesting, exciting and challenging domain of public law.

Assessment: 100% open-book final examination

JDOC1010 Commercial law

This course introduces students to the fundamental legal concepts and principles relating to commercial law in Hong Kong and covers the following topics.

A: Personal Property

- Types of Personal Property
  - Chose in Possession
  - Chose in Action
- Types of Rights and Interests
  - Possession
  - Ownership
- Legal and Equitable Assignment

B: Sale of Goods

- Scope and Application of the Sale of Goods Ordinance (Cap. 26)
- Passing of Property
- Transfer of Risks
- Transfer of Title and the *Nemo Dat* Rule
- Implied Terms
- Duties and Remedies of Seller and Buyer

C: Agency

- Creation of Agency
- Types of Authority
- Undisclosed Agency
- Effects of Agency
- Duties of an Agent
- Termination of Agency

D: Credit and Security

- Types of Security

- Real Security - Pledges, Liens, Mortgages, Charges
- Personal Security – Guarantee, Indemnity

- Rules of Priority

Assessment: 100% final written assessment

JDOC2001 and JDOC2002 Equity and trusts I and II (12 credits)

History and nature of equity; equitable obligations (fiduciary obligations, breach of confidence other than trade secrets); equitable remedies (account, rescission, compensation, Lord Cairns' Act, injunction).

History and nature of trusts; creation of express trusts (the three certainties, formal requirements, constitution of trusts); administration of trusts; variation of trusts; the duties of trustees and rights of beneficiaries; liability for breach of trust, personal and proprietary; resulting and constructive trusts.

Assessment: 75% in-hall examination, 25% mid-term test

JDOC2003 and JDOC2004 Land law I and II (12 credits)

- Introduction: The concepts of tenures, estates, ownership and property of proprietary interests in land: creation; assignment; intervention of equity (e.g. *Walsh v Lonsdale*, part performance, estoppel, constructive and resulting trusts).
- Concurrent interests: joint tenancy and tenancy in common; severance; termination of co-ownership.
- Adverse possession: acquisition of possessory title.
- Priority: common law; statutory rules.
- Leases: nature an types of leases; relationship of landlord and tenant; termination; statutory intervention.
- Leasehold covenants: enforceability.
- Licences: revocability; enforceability.
- Easements: nature; creation; determination.
- Security interests: mortgages; charges; pledges; liens.

Assessment: 30% exploration (group work), 70% examinations (one exam at the end of each semester)

JDOC3093 Administrative law

The course will introduce Hong Kong's law on judicial review of administrative action. Topics that may be covered in any particular year include: theories of administrative decision-making, grounds of judicial review (errors of law and fact; procedural impropriety; errors in the exercise of discretion; legitimate expectations); public-private

divide; the practical aspects of bringing an action for judicial review; and non-curial means of control and scrutiny of administration action (Ombudsman, Administrative appeals, public enquiries). The course will guide students on how to apply the law in factual scenarios and encourage students to reflect upon various theoretical issues in Administrative law.

Assessment: 60% final examination; 40% research paper

Capstone Courses:

JDOC1011 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 not exceeding 8,000 words (excluding tables of cases and statutes, notes, appendices and bibliographies. Footnotes or endnotes should not exceed 1,000 words.). While comparative perspectives are permitted, the topic must be primarily on common law and/or HK legal issues.

Instructions will be given on the principles of legal writing and in legal research methodology.

Assessment: 90% dissertation, 10% classwork

JDOC3058 International mooting competition

Students who have been selected as members of the team to represent the University of Hong Kong in one of the designated competitions in the International Mooting Programme of the Faculty of Law are eligible to enrol in this course.

These competitions may involve the preparation as members of a team of substantial written memorials, as well as participation in oral rounds.

Assessment: Students will be assessed on a pass/fail basis on components for written work, oral advocacy, and a brief individual research paper.

JDOC3059 Jessup international law moot court competition

The Philip C. Jessup International Law Moot Court Competition is an international mooting competition in the field of public international law. Teams of up to five members prepare written memorials on a problem involving contemporary issues of international law, and participate in the Hong Kong regional mooting competition; the winner of the regional round is entitled to participate in the international rounds held in the United States. The deadline for the submission of the written briefs is normally early January; the oral rounds normally take place in February (Hong Kong) and late March/early April (international rounds).

Eligibility for enrolment in the course is limited to those students who have been selected as members of the team to represent the University of Hong Kong. Assessment for the course may include components for written work, oral advocacy, and a brief individual research paper.

Students will be assessed on a pass/fail basis.

Assessment: 100% continuous assessment

JDOC6205 Clinical legal education

In this course, through interviewing real clients and handling real cases under the supervision of the course coordinator and voluntary duty lawyers in the private sector, students will develop lawyering skills such as interviewing, negotiation, communication, facts investigation, legal research and analysis, applying the legal theories and principles to the real client's case or situation, legal writing and drafting, as well as professional ethics and responsibilities. The "course" will consist of the following elements – training sessions and legal clinic work (including attending interview and advice sessions and preparing case summary, legal research memos and summary of advice). The applicants for this course are required to submit an application in prescribed form to the course coordinator for consideration and approval.

Assessment: Students will be assessed on a pass/fail basis by reference to the contents of the portfolio and the course coordinator and the supervising lawyers' feedback on their professional attitudes and competence when they handle clients' cases.

JDOC6242 Public interest clinic

Public Interest Clinic course is a clinical legal education subject which combines practical experience and academic learning.

Under the supervision of the course instructors and in collaboration with legal practitioners, students will provide legal assistance to non-governmental and non-profit organizations in addition to engaging directly with clients from underserved communities, including 1) individuals seeking asylum 2) those affected by human trafficking 3) mental health patients 4) persons facing discrimination, ensuring these clients receive critical legal support tailored to their unique circumstances.
Students will work with lawyers and other professionals to provide a diverse range of services. Working in small groups on allocated projects, students will gain practical legal skills by providing assistance and information to clients.

The precise nature of the practical experience will vary depending on the needs of the relevant organisations and clients requiring assistance during the academic semester.

During the course, students will conduct in-depth interviews with clients from underserved populations to establish the scope and goals of each case, identifying key deliverables that address their specific needs. While assisting these clients, students will leverage their foundational knowledge of doctrinal law and enhance their competencies through targeted legal research, particularly in areas less familiar to them. They will be

encouraged to understand the broader context of their clients' legal situations, striving to provide comprehensive support that encompasses the full spectrum of their needs.

In addition to their direct client engagements, students will actively participate in a variety of research activities that support the broader work of the clinic. These efforts will include analyzing legal trends, evaluating procedural effectiveness, and developing educational materials that serve to inform both clients and the broader community. These projects, guided by experienced legal practitioners and utilizing advanced research tools, will enhance students' understanding of law in practice. Such activities not only complement the practical legal experience gained but also contribute to academic growth and professional readiness in addressing complex legal challenges.

PCLL Prerequisite Electives:

JDOC3015 Company law

Partnerships: general and limited partnerships; duties and liabilities of partners

Corporate entity and limited liability (limited by shares and limited by guarantee) and constitution of a company (articles of association)

Corporate organs and division of powers: powers of the board of directors and the members in general meeting; decision-making process at board meetings and general meetings

Corporate attribution and corporate contracting

Directors' duties: fiduciary duties and duty of care, skill and diligence

Members' remedies: majority rule and minority shareholders protection

Share capital: the nature and types of capital, the allotment transfer and transmission of shares

Capital maintenance rule: distributions, reduction of capital, redemption of shares, purchase by a company of own shares and financial assistance by a company for purchase of own shares

Loan capital, registration of company charges and receivership

Corporate insolvency and liquidation: winding-up, ranking of claims, and setting aside of transactions such as unfair preferences, undervalue transactions and invalid floating charges

Note: In dealing with the above topics, there will be a particular emphasis on Hong Kong case law and the Companies Ordinance (Cap.622) and the Companies (Winding-up and Miscellaneous Provisions) Ordinance (Cap.32).

Assessment: 10% classwork, 40% research assignment, 50% examination

JDOC3102 Evidence

- What may be proved: facts in issue; relevance; admissibility and weight.
- Functions of judge and jury: who decides; judicial discretion.
- Burden of proof: standard of proof; presumptions.

- Methods of proof: oral testimony; documentary evidence; real evidence, proof without evidence.
- Oral testimony: competence, compellability of witnesses; questioning of witnesses including rules *re* previous consistent statements, refreshment of memory and collateral issues; corroboration of witnesses; identification evidence.
- Hearsay: scope, rationale, problem areas.
- Common law exceptions to hearsay: informal admissions especially confessions; other common law exceptions.
- Statutory exceptions to hearsay.
- Evidence of character of parties.
- Exclusion of evidence; self-incrimination; confession; unlawfully obtained evidence and human rights violation.
- Privilege and public interest immunity.
- Similar fact evidence.
- Opinion and expert evidence.

Assessment: 75% examination, 25% take home mid-term test

Electives (including Chinese Law and General electives):

JDOC3097 Civil procedure

The conduct of civil litigation in the High Court and District Court:

- considerations prior to commencement of action;
- legal aid;
- jurisdiction of courts;
- parties and joinder;
- commencement of proceedings;
- service and acknowledgment of service;
- pleadings (Statement of Claim, Defences and Counter-Claims; Reply);
- summary disposal of actions (judgment on admissions; default judgment and summary judgment);
- interlocutory application (interlocutory injunctions, Mareva injunctions, Anton Piller Orders, prohibition orders, security for costs, interim payments);
- discovery, further and better particulars, interrogatories;
- compromises and settlements, ADR, sanctioned offer and sanctioned payment;
- aspects of the civil trial, preparation for trials and trail procedures, judgment and costs;
- enforcement of judgements; and
- appeals.

Assessment: 100% in-hall examination

JDOC3099 Criminal procedure

An introduction to Criminal Procedure in Hong Kong: The conduct of criminal cases in Magistracies, District Courts and the High Court. Police powers including arrest, detention, search and seizure; questioning; remedies for abuse of police powers; Bail: general principles; refusal of bail; conditions; bail applications; offences.

Identification parades and identification evidence: identifications parades; Tumbull identification guidelines and procedures for use at court; dock identification; photo and video identification.

Jurisdiction of criminal courts; territorial jurisdiction; classification of offences; jurisdiction of the criminal courts of Hong Kong. Formulation and amendment of charges. Commencement of criminal proceedings; transfers and committals; indictments; preparation for trial and discovery in criminal proceedings; pleas; plea bargaining; juries and aspects of criminal trials; costs; sentencing options; criminal appeals.

Assessment: 100% in-hall examination

JDOC6002 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

JDOC6003 Civil and commercial law in the People's Republic of China

This course will study the Chinese Civil and Commercial Law, mainly the Civil Code of the People's Republic of China, from theoretical and comparative perspectives. This is not a doctrine-centric course. The lectures and class materials will cover both studies *on* the Chinese Civil Code and research *related to* it.

The course will accommodate the diverse backgrounds of students who may have different levels of knowledge regarding Chinese laws. Each topic of the course will be roughly divided into two parts: the first part will consist of lectures on the general legal institutions, providing foundational knowledge for those new to Chinese civil law, while also helping those with a Chinese law background understand the laws in an English context. The second part will focus on theoretical and comparative studies, where the teacher will select legal theories, comparative exercises, and cases for discussion.

Assessment: 100% take home examination

JDOC6005 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

---

JDOC6007 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

JDOC6008 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

---

JDOC6022 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

JDOC6024 Banking law

This course aims to provide students with a general knowledge of banking business, international regulatory frameworks, and the common law and legal issues pertinent to the banking industry in Hong Kong. Students will be introduced to banking law from an historical and international perspective, the evolution of banking business, and the role of the Basel Committee on Banking Supervision and the Financial Stability Board in developing the current international banking standards. The course elucidates why banks are susceptible to failure and how regulators maintain financial stability when a bank is failing. A major emphasis of the course is substantive law – the ordinances, common law and equitable rules applicable to bankers, bank customers, bank accounts, secured lending,

and payment instruments and systems. Contemporary issues will cover how financial and regulatory technologies (FinTech and RegTech) are reshaping banks, banking business, banking laws and regulations. Moreover, the course examines the regulation of sustainable banking in Hong Kong with a focus on financial inclusion and the impact of climate change.

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

---

JDOC6025 China company law

This purpose of the course is to introduce to the students basic concepts of China's business entities and to analyze fundamental policy issues raised in China's corporatization process, in which the company has evolved to become the most important business institution since the inception of China's economic reform. Throughout the course, special emphasis is put on helping students to build a set of transferrable corporate legal skills which they can apply to solve legal problems in corporate business transactions.

The course starts with an overarching analytic framework to approach corporate law. The main topics include the formation of various types of companies in China, protection of creditors and minority shareholders, fiduciary duties of controlling shareholders, directors and senior managers, shareholder's derivative suit and corporate governance in Chinese companies etc. In addition, the study of this course will be put in broader contexts of China's economic and political system, its cultural background and its recent rise as a global superpower. In this connection, the course will also explore the role of Chinese state-owned enterprises and the emerging problems when Chinese companies go global.

Assessment: 30% in-class presentation, 70% take home examination

---

JDOC6034 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

JDOC6036 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

---

JDOC6037 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

JDOC6046 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

---

JDOC6047 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

JDOC6048 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

JDOC6049 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: 10% class participation, 25% in-class coursework, 65% take home examination

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

JDOC6055 Law of international finance

Law of international finance examines the fundamentals of financial transaction formation and its connection with national and transnational law, financial innovation and contemporary commercial practices and how law and regulation influence the decisions of banks and other intermediaries operating in organised markets.

The aims of the course cover legal aspects of international syndicate lending, structured finance, project financing, as well as corporate and sovereign bonds. Whilst the substantial law are contractual in nature, it is important to appreciate the finance dimensions of such instruments. Hence this course will explore both financial and legal aspects of international financial law

Assessment: 60% take home examination, 30% research essay, 10% participation

---

JDOC6057 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.

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

---

JDOC6058 Armed conflict, humanitarian law and human rights

This course gives an introduction to the regulation of armed conflicts under international law. It begins with an overview of the historical evolution of the law regulating the waging of war *(jus ad bellum)* and conduct of war *(jus in bello)*, and the classification of armed conflicts and other situations of violence. The bulk of the course focuses on the legal rules governing the conduct of armed conflicts and explores the relationship among the law regulating the use of force, international humanitarian law, international human rights law and international criminal law as well as the interplay between war, food security and environmental crises, before moving on to explore the significance of transitional justice in healing societies and building resilience to prevent future violence. The course also explores the roles (and limitations) of key international institutions including the UN Security Council and its sanctions regime, the International Criminal Court, the International Committee of the Red Cross and the UNHCR. The course invites participants to reflect critically on the morality and legal and social implications of using force/violence to resolve conflicts and to place the development of IHL and IHRL along the path of human progress.

Assessment: 20% class participation, 80% research paper

JDOC6060 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

JDOC6062 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

---

JDOC6063 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

JDOC6068 Human rights: history, theory and politics

The field of human rights remains dynamic, with emerging social movements and competing conceptions of justice reshaping what is plausibly understood what people can plausibly demand as human rights. This course considers persistent and emerging debates in the field, building on traditional human rights frameworks to consider the utility and promise of human rights as a vehicle for transformation in the present day. The course investigates lasting questions of what it means for something to be understood as a human right, looking at philosophical, political, and cultural debates about the nature of human rights in legal and social systems. It also examines questions surrounding the institutionalization and mobilization of rights, their limitations, and the efficacy of mechanisms and strategies used to ensure that rights have meaning for the people who hold them.

Assessment: 15% class participation, 85% take home assessments

---

JDOC6070 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

JDOC6072 International and regional protection of human rights

This course will examine the evolution of international standards of human rights within the United Nations system and the mechanisms established to promote their enjoyment. The topics to be covered will include the development and content of the International

Bill of Rights, the major United Nations human rights treaties and the work of the United Nations treaty bodies. The Charter-based mechanisms of the United Nations will be examined, including the Commission on Human Rights and its thematic and country-specific procedures. Particular attention will be given to the relevance of these mechanisms to the Asian-Pacific region.

The European, Inter-American and African regional systems for the protection of human rights will also be considered, in particular the work of their supervisory organs. The possibilities for an Asian regional or sub-regional human rights machinery for the protection of human rights will also be examined.

Assessment: 25% in-class presentation, 75% take home examination

---

JDOC6073 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

---

JDOC6075 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

---

JDOC6076 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

---

JDOC6082 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 directors' duties and 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

JDOC6084 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

JDOC6087 Current issues in insolvency law

Insolvency cases in 6094Hong 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

JDOC6088 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

JDOC6090 Economic foundations of competition law

Modern competition law is substantially an economic law; it governs economic behavior with a significant purpose of improving economic market outcomes. Economic thinking is a central part of the law: This module aims to provide the foundational knowledge that will help competition lawyers and other practitioners in their work and research.

The first four lectures will focus on the core microeconomic concepts used in modern competition economics. These lectures will cover: (1) the economics of markets, including supply and demand; (2) and (3) the theory of the firm, including perfect competition and monopoly; and (4) basic game theory. The next seven lectures will cover the following topics in applied competition economics: (5) oligopoly and tacit coordination; (6) the economics of cartels and principles of damages assessment; (7) market definition and market power; (8) mergers analysis, including simple empirical measures; (9) the economics of vertical restraints, including exclusive dealing and resale price maintenance; (10) the economics of price-based abuses of dominance; and (11) the

intersection of competition and intellectual property. Each applied topic will present both theoretical concepts and applied case examples. The final lecture (12) will consist of discussion of a current topic in competition economics, and opportunity for final pre-examination review.

The module assumes no prior knowledge of economics. Some knowledge of simple algebra may assist but is not required. The module focuses on building economic intuition and application to assist competition lawyers in their legal work and research, rather than on technical economic skills.

Assessment: 20% class participation, 30% short quizzes, 50% final examination

---

JDOC6093 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

---

JDOC6096 International tax and tax planning

This course:

1. is aimed at candidates interested in careers in corporate and commercial law, international trade and commerce, and / or wealth management.
2. analyses and explains major concepts of taxation and tax planning by focusing on the tax implications of cross-border business transactions and employment, and provides a firm grounding in strategies and methodologies utilized by multinational enterprises and high net worth individuals to implement such transactions in a tax efficient manner.
3. provides a solid introduction to Hong Kong and international taxation through an introduction both to domestic tax law and public international law in the context of taxation.
4. examines and contrasts the ways in which selected jurisdictions address 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 the interpretation and application of double taxation agreements (DTAs).

5. assesses the effect of 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.
6. compares in detail the taxation systems of several jurisdictions (specifically, Singapore, Hong Kong and the PRC (Mainland) and, for comparative purposes, Japan and the United Kingdom) 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.
7. studies contemporary developments international tax policy such as the issue of 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 EPS (base erosion and profit shifting) project.

Assessment: 100% take home examination

JDOC6098 Project finance

The course reviews the techniques and contract structures for international project finance including selection of project vehicles, risk assessment and management, concession agreements, project contracts such as purchase, supply and take or pay and forward agreements. The role of the project participants and the creation of legal obligations through performance bonds and guarantees, indemnities, counter-indemnities, and letters of credit as well as their common features and problems encountered in use are discussed. Financial agreements including syndication generally and direct and indirect participation are examined. The place of project security and insurance are introduced as is the topic of subordination. Final topics address current issues in privatisation, the provision of infrastructure in Asia and their relationships to development.

Assessment: 100% coursework

JDOC6099 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

JDOC6101 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

JDOC6102 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 disscusion 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

JDOC6107 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.

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

---

JDOC6109 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: 50% mid-term examination, 50% research paper

JDOC6110 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.

Assessment: 100% examination

JDOC6114 Cross-border legal relations between the Mainland and Hong Kong (in Putonghua)

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

The status of PRC constitution and the Basic Law and the issue of congressional supremacy,
Mutual recognition and enforcement of arbitral awards and civil judgments,
Procedures of cross-border services and evidence taking,
Cross-border insolvency and family law matters, and
Opportunities and challenges for legal community and legal education.

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

Assessment: 100% research paper

JDOC6117 Data protection, cyber security and crime

'Data protection', 'cyber security' and 'cybercrimes' impacts on individuals, communities, organizations, and countries. Data protection is about safeguarding data and restoring information if the data is corrupted, compromised or lost due to cyberattacks, shutdowns, intentional harm or human error. To achieve data protection, it begins complying with privacy and data protection laws. A key failure is when data is leaked or compromised by cyber-attacks. This is where cyber security is essential. Cyber security is about protecting the networks of governments, corporations and individual users by making it difficult for hackers to locate and exploit vulnerabilities. At times, cyber threats to critical infrastructure could even threaten national security. Whereas cybercrime tends to focus on protecting individuals and (private and public) organizations as they navigate through cyberspace. Cybercrimes are usually 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. Sitting between cyber security and cybercrimes is privacy and data protection and it is the first line of defense for both cyber security and cybercriminal threats. This course will also explore and discuss the links between data protection, cyber security, and cybercrimes in an interconnected data world. In addition, the course will explore the implications artificial intelligence and advanced

technologies have upon data protection, cyber security, and cybercrimes. This is an interdisciplinary course combining law, criminology, risk management, and regulatory studies.

Assessment: 50% take home examination, 30% research essay, 20% participation

---

JDOC6120 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

---

JDOC6124 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

---

JDOC6126 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

---

JDOC6127 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.

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

---

JDOC6131 Media law

The primary objective of the course is an appreciation of the extent that law is affecting media practice. A familiarity with principal areas, such as defamation, privacy, contempt of court and various regulatory regimes governing the media will be developed. The underlying themes throughout the course are the meaning of freedom of the press, the

responsibility of the media as a watchdog, and the balance between the two. Apart from a study of the local context, there will be frequent references to comparative materials, in particular the USA. The syllabus outline is as follows:

1. Introduction: the role of the press in democratic society, its relation and differences with freedom of expression, the history of, and the justification of the development.
2. Freedom of the press: freedom from what, and freedom to do what? No licensing; control by the Press Council.
3. The Law of Defamation and its defences.
4. News Gathering I: Intrusion into Privacy.
5. News Gathering II: access to information, official meetings and records, places and institutions.
6. Breach of Confidence.
7. Publication of Obscene and Indecent articles
8. Contempt of Court : Disclosure of news sources and prejudicial reporting of trial.
9. Access to the Media and the rights of reply.
10. Broadcasting regulation and the differences between broadcasting and printing media.
11. Regulated Media and Beyond: the Internet.

Assessment: 60% exam, 40% class participation, a research paper of about 15 pages and a presentation on the research paper

---

JDOC6132 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

---

JDOC6133 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

JDOC6138 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

---

JDOC6139 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

---

JDOC6140 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

---

JDOC6141 Contemporary issues of comparative platform governance

This course examines the legal backdrop of digital platforms and the way they are viewed by authorities and courts as distinct new regulatory objects that need to be addressed. The emergence of this new regulatory object is part of a global tendency that reflects a vital reassessment of tech power and state sovereignty. There are, however, considerable differences in the ways digital platforms are dealt with in different jurisdictions. The course compares the evolving legal regimes of the new digital age and covers principles that govern private and public relationships concerning digital platforms, deploying concrete examples – policy documents, technological developments, legal amendments – to make it obvious that this aspect of the economy is an important issue that lawyers need to be able to wrestle with.

The specific topics covered include: the distinctive legal features of digital platforms and their ecosystems; the layers of governance relationships structuring interactions between different parties, such as advertisers, consumers and users in today's platform economy; the goals and enforcement of competition law and its intersection with related areas of consumer, data protection and intellectual property laws; the limits of competition and the rise of new types of regulatory instruments in national and international contexts such as the EU Digital Markets Act/Digital Services Act/Data Act/Data Governance Act/AI Act; the complementarities between economic and political power; and new issues regarding the development of Web3 and artificial intelligence.

The course will enable students to engage critically with key debates in contemporary platform governance and provide relevant background for those interested in cross-border legal work.

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

---

JDOC6144 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: 15% class participation, 85% take home examination

---

JDOC6149 Healthcare law

Health care structure in Hong Kong: private health care and Hospital Authority; health insurance; complaint and investigation procedures; Hong Kong Medical Council and professional misconduct; other healthcare professionals e.g. psycho-therapist and radiologist.

Medical treatment: consent to medical treatment; assessment of competence; role of expert witness; consent by and on behalf of a MIP and MHO; voluntary patients; compulsory detention; mental health review tribunals; medical negligence.

Beginning life: family planning; contraception; sterilization; abortion; child destruction; infanticide, wrongful conception, and wrongful life.

Confidentiality: assess to medical records; personal data and privacy; reporting statutes; AIDs; protection of genetic information.

Use of body parts and bodily materials; human experimentation: embryo and fetal research; rules governing clinical trials; liability for injuries; the role of institutional ethics committee.

Complimentary medicine: Chinese medicine; Chinese Medical Council; integrating Chinese medicine.

Assessment: 100% continuous assessment

JDOC6150 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

---

JDOC6153 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

---

JDOC6154 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

---

JDOC6155 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: 50% take home examination, 50% coursework/continuous assessment

---

JDOC6156 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

JDOC6163 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

---

JDOC6164 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

---

JDOC6165 PRC economic law

This course examines the general framework of major economic legal institutions in China, broadly defined as the legal and regulatory structures governing business activity in both of the public and private sectors where the role of state oversight is prominent. Three issues will be discussed: (1) the making and implementation of laws and regulations on several critical aspects of doing business in China; (b) the process of institutionalizing legal governance for Chinese commerce as well as paving a level playing field for market participants; (c) the impact of globalization, particularly since China's entry into the World Trade Organization (WTO), on the development of the country's economic legal institutions.

Four areas of law are covered:

Enterprise law: how to start and operate a business?
Financial law: how to finance a business?
Competition law: how to curb anti-competitive business activity?
Consumer protection law: how to prevent businesses from harming consumers and to hold businesses accountable for product liability?

The primary objective of this course is to help students develop a general understanding of the legal and regulatory framework of major economic institutions in China, particularly those involving a significant role of the Chinese state in the economy. To achieve this objective, the course will examine key laws and regulations on important aspects of the Chinese economy and their reform during China's transition from a command economy to a market economy. Domestic debates over policy orientation and reform strategy will also be reviewed to show students how China's economic legal regime has evolved in the face of changing reform dynamics shaped by both domestic and global conditions.

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

---

JDOC6167 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

JDOC6170 Internet and social media law and policy

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 and Social Media" 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 – the regulatory architecture of cyber space and from Identity and Privacy to Copyright, and from Defamation and Liability in Online Environments like metaverse, online harm, privacy, copyright, defamation, to Cybercrime and Jurisdiction how social media is changing traditional media.

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: 10% participation, 30% research essay, 60% take home examination

---

JDOC6171 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

JDOC6172 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

JDOC6174 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

---

JDOC6178 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

---

JDOC6179 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

---

JDOC6181 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

JDOC6182 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% mid-term examination, 50% research paper

JDOC6183 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

---

JDOC6185 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

JDOC6186 China trade law

The course introduces China's legal regime on 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; Regulation of China's foreign trade: the legal framework of PRC Foreign Trade Law; PRC customs, licensing and quotas, inspection/standards systems, and trade remedies (anti-dumping, countervailing and safeguard measures); Trade transactions under the PRC Civil Code and CISG; Trade dispute resolution.

Assessment: 20% course participation, 80% research paper

JDOC6187 Competition law and intellectual property

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

JDOC6188 Intellectual property policy and practice

This course aims to add the theoretical aspects to the current IP courses and ask students to re-examine recent major cases in the US and commonwealth countries. The first part of the course would deal with the theories and policy analysis that justify IP protection and the rest deals with legal doctrines and practice with reference to the theories and policy analysis.

Assessment: 20% class participation, 80% weekly response papers or a research paper

---

JDOC6194 Competition law in the digital economy

With the rise of data-driven markets, competition around privacy has become a main concern for individuals and regulatory organizations. Of similar concern is the ability of dominant actors to favour their own content and to steer and redirect parts of the customer's journey on the internet. Meanwhile, decisions taken by consumers are increasingly made passively through implicit or explicit product matching and personalized recommendations rather than through active choice. New technologies recommend and purchase products based on spoken, written or inferred requests obtained from users of digital platforms or devices such as mobile phones, speakers and smart assistants.

This course focuses on distinct principles and case law (e.g., Facebook, Google, Apple, Amazon) pertaining to competition in data-driven markets. This includes: the elusive problem of how quality, rather than price, competition works; how consumers can navigate data-driven markets when conventional market mechanisms are no longer the main disciplining forces on the behaviour of dominant actors; and the conditions under which different regulatory instruments such as ex ante and/or ex post legal interventions – including market studies and market investigations – can effectively address the predicaments of data-driven markets.

Students will acquire an in-depth understanding of EU competition law relating to digital markets (social media, search, app stores, online marketplaces) and will be able to compare and assess these developments in light of emerging litigation in the US.

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

---

JDOC6195 Intellectual property and competition in the digital economy

Technological advances in the online world pose important challenges for legislators, authorities and courts to accomplish the promotion of innovation, efficiency and growth. This course provides an introduction to the most important legal regimes fostering innovation and their relationship to competition. Students will acquire basic knowledge of the evolving EU copyright law rules as well as selected aspects of design and trademark law in view of new technologies (streaming services, AI and metaverse technologies, digital platforms) and will connect these issues to a range of basic controversies relating to the manner in which markets operate and the implications of these regimes for different notions of innovation.

Some course readings and discussions will compare the way in which different markets (consumer goods markets, art markets, etc.) function and will explore topics such as the ongoing shift from the tangible towards an increasingly intangible economy. The problems discussed will be exemplified by cases from European legal practice. Some comparative analysis of the covered materials with US case law offers an opportunity to explore key dimensions of intellectual property law, its relationship to competition and its potential for re-adjustment of pertinent legal rules and their enforcement in a digitalized economy.

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

---

JDOC6196 Preventative law: approach to conflict prevention and resolution

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

JDOC6197 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

JDOC6200 Trademark law

This course provides a comprehensive study of the legal principles governing trademark law as a vital form of intellectual property. Students will explore the nature and scope of trademark rights, delving into how they are acquired, maintained, and enforced. The course will cover the various forms of trademark infringement, such as likelihood of confusion, dilution, and counterfeiting, as well as key defenses, including fair use, nominative fair use, and functionality. Remedies available to trademark owners, such as injunctive relief, monetary damages, and the seizure and destruction of infringing goods, will be examined, along with important procedural issues that arise in trademark litigation. While the course will briefly touch upon the process of prosecuting trademark applications and the benefits of registration, the primary focus will be on substantive trademark law. By the end of the course, students will have a strong foundation in trademark law principles and be well-equipped to analyze and apply them to real-world situations.

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

---

JDOC6201 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

JDOC6206 International corporate finance

Students of this course will gain knowledge of (a) the underlying concepts and principles that underpin corporate finance law and (b) the transactions, market practice and the latest developments in international corporate finance. The emphasis of this course will be on the intersection of the law and practice of corporate finance. Students will have the opportunity to practice and develop essential skills that are required in international finance and international finance law careers, including issue identification, negotiation, commercial reasoning, the application of relevant laws, risk assessment and risk mitigation.

The course will be led by a partner from a magic circle law firm and feature guest speakers. Seminars to introduce the topics will be augmented by realistic role-playing exercises which are designed to simulate real world transactions.

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% take home assignment

---

JDOC6209 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

JDOC6210 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

JDOC6211 World trade law, policy and business

"Public" or governmental regulation of international trade is separate from but complementary to "private" international business transactions. At the international level, the World Trade Organization (WTO) is the primary multilateral legal and institutional framework that governs trade relations and trade-related issues between States. This course will examine the rules, norms and policies that constitute the WTO and its substantive agreements, with a special perspective and focus on issues that are related to China's membership. The course will begin with a review of policies that affect international trade, and economic theories associated with such policies. The Agreement Establishing the WTO (WTO Agreement), the increasingly complex management of the activities of the WTO, and its decision-making processes, will be examined. Next, the substantive agreements and associated legal instruments included in the Annexes to the WTO Agreement will be analyzed. Significant attention will be focused on the core principles of the WTO Agreements: market access; non-discrimination; transparency and administration of justice; and, binding dispute settlement. In particular, the application of these principles under the GATT and GATS will be explored. The course will further

examine some WTO rules that allow derogations from these general principles and specific obligations. These derogations include rules pertaining to regional trading agreements, safeguards, general exceptions, anti-dumping measures, subsidies and countervailing duties. Finally, the course will conclude with an examination of WTO rules on trade-related investment measures (TRIMs), and environmental measures which affect international trade.

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

JDOC6212 China intellectual property law

This course provides a thorough introduction to Chinese intellectual property law. It will cover copyright law, patent law, and trademark law. China's modern intellectual property system began to take shape in the 1980s as one of the aspects of reform and opening up and market economy reform. This system has been constantly refined over the last forty years. In the last decade, the Chinese government has expanded the focus of its legislation from providing intellectual property rights to protect intellectual assets to other aspects, including the creation of intellectual assets, the implementation of intellectual assets and intellectual property rights, the management of these assets and rights, and the services associated with them. This course will introduce students to the rules and policies of China's intellectual property system for the protection of copyrights, trademarks, and patents, as well as the rules and policies governing other aspects. The course may also include discussions of the operation of intellectual property rights in some industries, such as pharmaceuticals, cyberculture, animation, fashion, and automobiles.

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

---

JDOC6215 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: 25% class presentation, 75% research paper

JDOC6219 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: 20% class performance, 20% quiz, 60% take home examination

---

JDOC6222 Financial dispute resolution: Hong Kong and 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

JDOC6223 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

---

JDOC6224 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, 35% coursework, 15% class participation

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

JDOC6225 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

---

JDOC6227 Introduction to private international law (conflict of laws)

The field of private international law, also known as 'the conflict of laws', is a body of principles applied by a court to cases that involve foreign elements. It generally considers three major questions. First, the question of jurisdiction: when can parties seise a court in connection with matters involving a foreign element, or conversely, what are the conditions under which a court will accept jurisdiction to deal with such matters? Second, the question of applicable law: what system or systems of law will be applied to resolve such matters? Third, the question of recognition and enforcement of foreign judgments: what are the requirements and circumstances in which they will be recognised and enforced? These questions are particularly important for Hong Kong as an international financial centre and a leading legal and dispute resolution services hub, in which a significant proportion of disputes have a connection outside of Hong Kong either with Mainland China, or with other jurisdictions.

This course equips students with a solid working knowledge of private international law. It also examines the connections between private international law and other areas of law, such as family law, international arbitration, and cross-border insolvency. Moreover, this course offers comparative perspectives with other jurisdictions when appropriate, including Mainland China, the United Kingdom, the European Union, Australia, and the United States. It also considers the question of harmonisation of private international law from interregional and international perspectives, and the work of various international

organisations in this respect.

Assessment: 35% mid-term assessment, 65% final assessment

JDOC6230 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

JDOC6231 Justice

This course is about justice. We will focus on the theme of how people learn to care about justice: why do people come to identify the plight with marginalized and oppressed people and what motivates them to do something about it? The course draws on both Chinese and Western sources. We will begin by discussing Xunzi's view of how we overcome a natural tendency to selfishness by means of rituals that make us care about those with less power. Then we look John Rawls' account of how people come to develop a sense of justice in part III of A Theory of Justice. Then we will discuss Anthony's Appiah's book The Honor Code and Martha Nussbaum's book Poetic Justice, works that shed further light on how people come to care about justice. The class will be seminar based, with student presentations and lots of time for discussion.

Assessment: 80% research paper, 20% class participation

JDOC6238 Comparative arbitration in Asia

The course will survey the arbitration laws in common and civil law jurisdictions in Asia, including but not limited to PRC, Hong Kong SAR, South Korea, Singapore, and Malaysia. For the sake of comparison and analysis, reference will be made to the UNCITRAL Model Law and the laws of major arbitration centers around the world. In addition, the course will compare and contrast the various approaches taken by arbitral institutions in these regions (such as HKIAC, SIAC, CIETAC, KCABC 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 addition, although the course will take a comparative approach to these laws and rules across common and civil law 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 during class.

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

---

JDOC6239 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 preparing 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 especially designed to introduce to students a tailored 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. 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.

Assessment: 10% class participation, 20% individual assignment, 20% group presentation, 50% take home examination

---

JDOC6241 Arbitration award writing

This course provides students with the knowledge required to understand and consider

evidence, weigh it up and analyse submissions, arrive at a conclusion, and write a final, reasoned and enforceable Arbitration Award in compliance with the UNCITRAL Model Law and Arbitration Rules.

This course focuses on the processes followed by an arbitrator in defining the issues that have to be decided by an award, dealing with the submissions made by the parties, analysing the appropriate law, evaluating the evidence, applying the law to that evidence, arriving at a conclusion and then writing a final, reasoned and enforceable award.

Assessment:

- A 100% written examination. The written examination requires students to write a reasoned and enforceable arbitration award, final as to the issues it determines.
- In order to be eligible for applying for the Fellow grade of the CIArb. students must achieve a minimum overall mark of 70% in the JDOC6241 examination.

JDOC6243 Advanced intellectual property law

This course is a comprehensive examination of the advanced topics and strategies surrounding intellectual property law in diverse industries. Building on foundational knowledge, the course dives into the intricacies of intellectual property (IP) laws, focusing on their creation, protection and advanced application in real-world scenarios. This encompasses, but is not limited to, industries such as information technology, biotechnology, pharmaceuticals, and music.

The course will scrutinize the technicalities of technology transfer and licensing, delving deeper into the legal constructs that regulate the exchange of technology and knowledge among different parties. It pays specific attention to the role of collaboration in not only the development but also the enhancement of IP utilization. Moreover, the course investigates how organizations can consolidate market dominance via proficient IP enforcement, discussing not only management but also advanced commercialization of IP. The course adopts an interactive approach through the case study method, encouraging students to analyze intricate situations, contemplate varying strategic alternatives, and comprehend the ramifications of assorted decisions.

Upon conclusion of the course, students will have a deepened understanding of the intricate aspects of intellectual property laws. They will be adept at applying their advanced knowledge to a variety of industrial contexts and prepared to influence effectively the strategic decisions of organizations with regards to IP. This course is designed to elevate students' intellectual property understanding to a level that will enhance their competitive standing in the marketplace.

Assessment: 20% class participation. 80% case study essay

JDOC6244 Securities regulation II

The course will build on and develop concepts and issues that were considered in

Securities Regulation I. The primary aspects of regulation the course is concerned with are (a) recent developments in issue, (b) capital markets and investment products, (c) enforcement and case law, and (d) Hong Kong in the context of global activities. These topics overlap and so are not mutually exclusive.

Hong Kong borders are relatively transparent when it comes to the extent of international participation in Hong Kong markets. Many of the activities and transactions undertaken here have an international nexus. In this light, Hong Kong regulations will be put in the context of the network of the international regulatory effort. The laws and regulations studied in the first part of this course will be recast in light of the common objectives, functions and principles that underlie the regulatory approach internationally despite the different regulatory architectures that may implement them. Appreciating the interconnectedness of international regulatory approaches will be relevant to a fuller consideration of subsequent topics in the course.

Recent issues and developments in Hong Kong regulatory system will be considered. A focus will be to develop a deeper understanding of the factors that have caused such developments including a consideration of the relevant international factors that must be taken in to account and why. Sample topics that may be covered include how the regulatory approach to takeovers, cryptoassets, and sustainable finance products and practices in Hong Kong and elsewhere are to be understood in the context of the proper functioning of a financial market place. A closer examination of certain parts of the Securities and Futures Ordinance will also be undertaken.

Prerequisite: Have taken and passed JDOC6049 Securities regulation I.

Assessment: 65% take home examination, 25% coursework, 10% class participation

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

JDOC6245 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 explore perspectives on topics such as the different roles of compliance in different types of organizations, and the compliance function in the context of an organization’s culture,

corporate governance practices, and ethics. The role of compliance in the organization's relationships with third parties (customers, clients, counterparties, and regulators) and its role a risk management function 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 JDOC6049 Securities regulation I.

Assessment: 50% take home examination, 35% individual coursework, 10% class participation

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

JDOC6247 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

JDOC6249 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

JDOC6250 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

---

JDOC6251 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

---

JDOC6256 Law of anti-money laundering and counter-terrorist financing and compliance issues

Money laundering and terrorist financing are examples of financial crimes that can, among other things, undermine the integrity and stability of financial institutions and the economic system at large, deter foreign investment, and distort international capital flows. Money launderers and terrorist financiers are now deploying increasingly sophisticated methods and schemes to disguise and achieve their illicit purposes, and are particularly attracted to exploit those jurisdictions with weak or ineffective anti-money laundering ("AML") and counter-terrorist financing ("CTF") controls. Thus, developing a solid and comprehensive understanding of the concepts of money laundering and terrorist financing as well as keeping abreast of the respective regulatory frameworks are crucial to appreciating and managing such risks and challenges in the context of a financial services business.

This course is designed to not only provide students with an overview of the legal and regulatory aspects of AML and CTF, but also to equip students with practical skills and best practices to detecting and managing these types of financial crime risks in a financial institution setting. To achieve these objectives, this course is made up of three main modules. The first module explores the concepts and typologies of money laundering and terrorist financing. These concepts will be contextualised against the international efforts that been deployed to combat these illicit activities. The Hong Kong AML and CTF framework, and the roles of the respective enforcement agencies, will also be discussed.

The second module examines the key components of a sound AML and CTF compliance programme in a financial institution. The way how this programme should be embedded within the broader internal control, risk management, and governance framework will also be considered. The third module focuses on some thematic issues of an AML and CTF compliance programme, including customer due diligence, escalation and exit strategies, suspicious activities, suspicious transaction reporting, and dealing with customers and regulators.

In this course, students will be learning through different activities. Besides the lecture component, students will be provided with an opportunity to deliver presentations and participate in in-class discussion on different case studies and court cases. Where appropriate, practitioners in the relevant field will be invited to share with students their experience and insights on how different AML and CTF issues come into play and handled in practice.

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

LLAW6257 Compliance for listed companies

The course will focus on the compliance issues relevant to companies listed on The Stock Exchange of Hong Kong Limited in view of the relevant legal and regulatory requirements. The approach taken in the course will be very interactive with an emphasis on the procedures and methodologies to ensure compliance with the extensive framework of rules that HKEX listed companies are subject to. Practical compliance exercises will be completed for the topic areas covered.

The course will give students an awareness and deeper understanding of the obligations and procedures applicable or relevant to a listed company. The course will be of particular relevance to those working in listed companies as well companies that provide services to listed companies.

The course is delivered via two complementary components: a Seminar/Lecture component and an Online component comprising (1) video presentations that students may watch in their own time, (2) online exercises that students will have to complete to confirm their understanding of the video materials - performance in these exercises will count towards the overall course mark, and (3) a forum for discussion of questions and topics related to the course - participation will be monitored by the course teacher and taken into account in assessing the course participation mark.

Assessment: 50% take home exam, 30% online assessments, 20% class participation

[Students are required to score not less than 50% in each component to be eligible to pass the course.]

JDOC6260 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.

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

---

JDOC6264 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

---

JDOC6265 Law, regulation and compliance for insurance industry in Hong Kong

Insurance is playing a more prominent role in the business portfolio of many financial institutions. Since the financial crisis in 2008, consumers have become more risk-averse in choosing financial solutions, those relatively complex investments like derivative products are less receptive by the market. People are looking for other long-term financial planning solutions to give themselves a better protection and security for future, while getting a decent return. Insurance becomes an obvious choice among various financial products. Further, some banks are offering lending facilities for insurance products, with the low-interest environment, this further boosts up the attractiveness.

Insurance is historically a less regulated industry when compared to the banking world. Laws and regulations in the whole financial industry is generally getting more stringent, there is quite a significant change in the regulatory landscape in the insurance industry. This course will cover the essential laws, regulations and compliance requirements for the insurance business in Hong Kong from a practical perspective.

This course is suitable for students who would like to understand the latest laws, regulations and compliance requirements for the insurance industry in Hong Kong and how they apply in the industry from a practical perspective.

Assessment: 80% research paper, 20% presentation

JDOC6270 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

---

JDOC6271 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

---

JDOC6272 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

---

JDOC6274 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:

(i) The foetus and the beginning of life, including when human life can be said to begin and abortion and the balance of rights between the interests of the unborn child and its mother.

(ii) Assisted reproductive technologies, including *in vitro* fertilization, donated gametes, and surrogacy. What controls should there be, for example, 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?

(iii) Decisions at the end of life, including how death should be defined in light of rapid developments in medical technology. This section will examine different 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 will explore the right to refuse treatment and consider arguments for the right to die and euthanasia.

Assessment: 30% class participation, 30% coursework, 40% final examination

---

JDOC6275 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

---

JDOC6279 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

---

JDOC6280 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 JDOC6285 / JDOC6285 Legal Data Science. And you should not register JDOC6285 / JDOC6285 and this course simultaneously.

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

---

JDOC6282 Financial crime: governance, risk and compliance

The overall aim of the course is to develop an understanding of the financial crime risks with a focus on Financial Institutions (FIs,) and how financial crimes compliance (FCC) has/is developing internationally including the law enforcement actions, expectation from the regulators, the response from FIs and the expectation from the stakeholders including shareholders and the general public.

Underlying themes of the course will be (a) the development of FCC related enforcement trends and regulatory expectations in the region and globally, and the development of FCC in FI (b) challenges in the areas of legal, regulatory and social expectations and conflicts, and governance, responsibility and operational challenges, (c) the future of FCC in FI and beyond. The focus of the course is on the compliance response to criminal liability under financial laws rather than a study of the laws in detail, in particular at a market practitioner level on how to achieve compliance based on current market best practices.

The course will begin with the landscape of financial crime, where we were and where we are now, the role of regulatory agencies, and an overview of the kind of laws and regulations the course will be concerned with. The approach taken by major regulators concerned with financial crime will be introduced and compared, including the HKMA, SFC, U.S. Department of Justice, OFAC, FinCen, FRB, NYDFS, U.K. FCA and others in the region. The objective and enforcement basis for each of these bodies and how it creates an impact in the FCC compliance space will be examined. The roles of international bodies such as FATF, APG, Wolfsberg group, Transparency Index, Egmont group will be reviewed.

The key elements of FCC will be examined including regulatory expectations, the sharing of intelligence locally and internationally, the public/private partnership, how sanctions programmes are developing, as well as the policies, systems and resources utilized by FI to comply with sanctions regulations. Case studies will be used to illustrate, for example, how financial crime was detected and how sanctions compliance is developed.

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. The course will also look into the likely future landscape of FCC and how technology could be utilized to increase

efficiencies and effectiveness.

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

[Students must pass the take home examination to be eligible to pass the course.]

JDOC6283 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.

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

---

JDOC6285 Legal data science

This course offers a hands-on introduction to legal data science and aims to improve students' understanding of:

1) legal issues that involve technology;
2) the technologies that underlie many legal–tech products; and
3) how technology can be used in empirical legal research.

This class also provides practice in the logical reasoning skills important to many areas of legal practice and improves students' abilities to communicate with clients in high-tech industries.

No computer programming experience is required. Class operates in a "flipped" manner with weekly homework and readings, and intensive classroom activities that are designed to help students overcome obstacles.

Assessment: 10% participation, 20% weekly homework assignments, 10% quiz, 60% final project

---

JDOC6287 FinTech finance

The course will appraise the impact of financial and information technologies on banking and other financial services providers, as it closely follows the legal and regulatory developments in equity and debt finances in Hong Kong and globally leading FinTech hubs.

The course will focus on financial technology (FinTech) and regulatory technology (RegTech), used increasingly by financial institutions and their regulators to enhance regulatory compliance in and supervision of a sophisticated and fast-changing financial sector. A major part of the course syllabus will involve the systematic analysis of the emerging opportunities brought about by open banking for both traditional and challenger banks, virtual banks and their business model(s) and the Hong Kong Monetary Authority's Open API Framework for the Hong Kong Banking Sector. To that end, the course will also highlight the challenges faced by banking institutions, including traditional banks and virtual banks, in complying with the Personal Data (Privacy) Ordinance, the key data protection law in Hong Kong. In this regard, the thematic focuses will be on (1) data protection law in the digital banking era, in general; and (2) data governance (including data security) in the implementation of open banking, in particular.

Other special focuses of the course include equity and debt-based crowdfunding, denoting a tripartite relationship among the crowdfunding platform (CFP) operator, the fundraiser (i.e. the company that raises funds through the CFP) and the investors (crowdfunders). Behavioural economics postulates that not all investors are rational, including both unsophisticated individual investors and sophisticated institutional investors (such as mutual funds, pension funds and insurance companies). Regulation may thus be used to impose on the issuer (i.e. the company that raises funds by issuing securities) a duty to disclose information about its business plan and finance forecast with a view to curbing the lemon problem. Likewise, investors must prove their financial eligibility to be allowed to invest in equity crowdfunding. In general, the securities sector is characterised by consumer protection and an investor-disclosure system.

The course will shed light on the legal and regulatory requirements, along with supervisory and policy measures, towards FinTech alternative finance at both local and international levels. Requirements, measures and standards set by international regulatory bodies such as the Global Partnership for Financial Inclusion, the G20, the OECD, the Financial Stability Board and the Bank for International Settlements will be closely examined. Combining supervisory approaches—for instance, the principle-based approach and the cost-benefit approach—with academic approaches, the course will promote and enable technical, theoretical, comparative, and interdisciplinary studies for

students who are interested in or preparing to enter a FinTech-related career. The course is also practical and industry focused, reflecting on and closely following industry reports such as KPMG's annual banking and anti-money laundering reports, along with Deloitte's RegTech and FinTech survey reports. Designed to enhance creativity, critical thinking and deep learning, the course will foster an intimate understanding of regulations and policies on FinTech, RegTech and SupTech. Topics and issues covered in this course are diverse and wide-ranging and will include financial inclusion and digital financial inclusion, the digital banking model (implemented by virtual banks, which are also known as digital banks), FinTech and RegTech (with subordinated themes such as Sandbox, Open Banking, Application Programming Interface and Wealth Management Technology), P2P Lending, Equity Crowdfunding, Payments and Payment Technology (including Central Bank Digital Currency and Stablecoins).

The course will first introduce FinTech innovations such as blockchain, artificial intelligence, robo adviser solution and big data, all of which are exemplary of information technology, followed by an exploration of the types of FinTech-enabled products and payment services such as crowdfunding and P2P lending, and ending with a forward-looking approach in tackling some critical and timely issues related to FinTech, including, but not limited to, financial democratisation, improving access to financial system, sharing economy, data governance and control and privacy protection for consumers.

Assessment: 20% class participation, 30% research paper, 50% take home exam

---

JDOC6288 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

---

JDOC6291 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 (which includes individuals with various kinds of mental impairment and mental disorders) in both the civil and criminal context. The course 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 course will also have a significant focus on the user perspective, which will include interactive sessions with service users in Hong Kong.

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 criminal mental health law, including police powers and defences. This will then be followed by topics in civil mental health law, including compulsory detention and treatment in hospital and conditional discharge, and mental capacity law, including the assessment of capacity and how best interest determinations on behalf of individuals without capacity are and should be made.

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

---

JDOC6294 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.

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

---

JDOC6295 Issues in consumer law: theory and policy

This course involves an in-depth study of consumer law issues, emphasising the theoretical underpinnings and policy implications of significant areas of consumer law, such as the regulation of unfair trade practices, the regulation of standard form contracts, and the regulation of consumer finance. The course will draw on cutting-edge developments in consumer law in different jurisdictions to provide a comparative and global perspective on the subject.

Assessment: 50% response paper, 50% coursework/continuous assessment

---

JDOC6298 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

JDOC6299 Law and wealth management

Wealth for families is often managed using trusts, and the fiduciary management of those trusts creates interesting—and evolving—legal issues.

This course begins with an introduction to trust law and then examines issues related to wealth management and gratuitous transfer of wealth. The students will read law review articles and other contemporary articles and be asked to explore and reflect on recent developments in a number of areas, including the use of sustainable investing strategies by fiduciaries, the creation and management of charitable foundations, the use of family offices and international trust services, the use of a trust to hold and run a business, strategies to protect family assets from creditors and from disgruntled family members, the use of a trust to limit taxes imposed on family wealth, and the use of trusts as part of incapacity and succession planning. The course provides an overview of such uses with examples from Hong Kong, England, and the United States.

Assessment: 40% class participation and written comments in online platforms, 60% response essays

---

JDOC6300 Digitalisation: health, law and policy

This course has 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 and regulatory standpoint. **Health** is referred to generally as the module for the study of 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 and medical research), health funding and 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 outlined in Objective (1) above). The module will focus on a number of computational models of legal reasoning (and related legal application that have been developed), and will examine how modern legal expert systems are likely to change in response to the digitalisation of healthcare; 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: 20% class participation, 30% coursework, 50% take home examination

---

JDOC6301 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 (JDOC3255), 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 (JDOC3255).

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

---

JDOC6302 LITE lab: emerging technology and business models (postgraduate)

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 (JDOC3255) 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

---

JDOC6303 EU financial regulation and technology

The course aims at introducing students to the European regulation of the financial sector including compliance dimensions with a particular focus on the role of technology.

Digital technology and finance have been inextricably linked for decades, but we are entering a new era. Technologies like machine learning, data analytics, biometrics or blockchain are creating new possibilities to address credit and risk management, identity management, information security, secure payments or portfolio management. The full impact on the financial sector is yet to be seen, but a new comprehensive EU regulation is arising slowly. According to this trend, the course will cover four main areas of EU financial regulation: (i) financial markets, (ii) banking and financial institutions (iii) corporate governance regulation and compliance (iv) fintech.

In the first part of the course students will be introduced to the most significant piece of UE financial legislation, such as MiFID 2, PSD2, Prospectus regulation Amended, BRRD, Antimoney Laundering Directive (AMLD 5), etc. as well as to some recent proposal such as those concerning AIFMD and UCITS Directive and DRSPs regulation and the consequences of Brexit.

The second part of the course will then be devoted to explore fintech regulation and policy in Europe, with particular reference to the new Regulation on Crowdfunding, the EBA Guidelines for Outsourcing Arrangements, as well as the Proposal of Market in Cryptoasset Regulation; Roboadvice, Cybersecurity and Data protection policies in the financial sector.

To have a better understanding of the effective application of the EU framework, also CJUE decisions will be analysed.

Prerequisite: Students should have at least some basic knowledge of company law and regulation

Assessment: 10% class participation, 20% in-class small groups course discussions, 20% coursework formal prepared presentation, 50% take home examination

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

JDOC6304 AI and competition law

Large Language Models, like ChatGPT, are a recent demonstration of the abilities of Artificial Intelligence (AI). AI is a rapidly developing field that challenges many areas of the law. Competition law is no exception.

As more and more firms employ AI to set prices, rebates, and manage sales more generally, new challenges emerge. For instance, AI algorithms might be used to automatically adjust prices in response to competitor actions. The more sophisticated AI becomes, the more complex the challenges for competition law. These challenges can arise across all traditional areas of competition law, including anticompetitive collusion, unilateral behaviour, and merger control, as AI increasingly influences market dynamics.

The course will be divided into four parts. The first part will explore the current state of

AI and its usage and potential usage in markets. The second part will examine the theory and feasibility of AI-facilitated collusion, as explored by scholars like Ezrachi and Stucke, along with potential antitrust responses. The third part will delve into an emerging area of research: how AI pricing and market actions affect the assessment of unilateral conduct, with a focus on AI-based predatory pricing and other exclusionary behaviour. Finally, the fourth part will explore how these insights and broader structural questions can inform competition policy in the area of mergers.

Assessment: 20% class participation, 30% an assigned case/paper presentation, 50% research paper

---

JDOC6305 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

---

JDOC6306 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

JDOC6307 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

---

JDOC6308 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 politics and development has affected social change and how social forces have influenced the functioning of law and the interaction among legal institutions in China. This course will discuss the operation of China's political-legal system, lawmaking, courts, legal professions, various forms of dispute resolution, legal consciousness and mobilization, criminal and civil justice, and how the Chinese case pushes the boundaries of socio-legal theories. It will also address the impact of law on people's behaviour, how law mediates the interaction between state and society, and the relationship between social change and legal change. The interface between law and economic, political, cultural, and social phenomena will be studied through critical debates, empirical research and from comparative perspectives.

Assessment: 30% reading responses, 70% research paper

JDOC6311 Sustainability and competition law

This course examines the interaction between sustainability and competition between market actors and its regulation via competition law. The course is not tied to one specific jurisdiction, although it will often reference European competition law and related systems as the debate has matured in that part of the world.

Sustainability goes beyond environmental protection. It marries social development and

economic development with environmental protection by ensuring that 'development […] meets the needs of the present without compromising the ability of future generations to meet their own needs' (Brundtland Commission, 1987). The UN's 2030 Agenda outlines 17 Sustainable Development Goals with 169 associated targets, one of which encourages especially large and transnational companies to integrate sustainability into their operations.

Business action can impact sustainability and competition. However, the interaction between competition and sustainability raises a number of challenging questions, such as whether competition law should take sustainability into account when considering business activities and their effect on competition. Even where this question is answered in the affirmative, numerous more technical questions as to implementation remain.

To address these questions the course is divided into four parts. The first part provides a basic introduction into sustainability and the normative questions of whether competition should take account of sustainability concerns. The second part covers the economics of competition and sustainability. In this part, the course explores in particular how the protection of competition, consumer welfare, and sustainability overlap. In its third part, the course addresses substantive competition law questions with a focus on two sub-questions: How competition authorities can foster sustainability by targeted enforcement (such as against cartels that prevent consumers from buying sustainable products)? How to treat business action that contributes to a more sustainable world, how and under what conditions can competition law allow such activities? The final part of the course explores procedural tools that enforcers have at their disposal in the context of sustainability questions.

Assessment: 20% class participation, 30% an assigned case/paper presentation, 50% research paper

---

JDOC6312 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.]

JDOC6313 Law as data

Law is created, transmitted, and performed through speech. By summarizing and extracting information from large amounts of text, we can better understand legal behaviour and institutions. This course has three objectives. First, to introduce some of the building blocks for treating legal text as data. Second, to gain some hands-on experience in analysing text data using the Python programming language. Third, to explore how quantitative methods for text analysis can yield social scientific insights. Motivated examples are provided throughout. No knowledge of Python is necessary although prior exposure to programming will be very helpful. Knowledge of calculus and linear algebra is highly recommended.

Assessment: 50% problem sets, 50% examination

JDOC6314 Regulatory aspects of ESG and sustainable finance

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

The World Economic Forum, securities regulators, central bankers, and insurance regulators have all sounded the alarm of climate change risks. It will change the way we live as well as how we do business including business models. However more fundamentally at the corporate level climate change and beyond begins with Environmental, Social and Governance (ESG) ESG reporting in Hong Kong's listed entities is mandatory. It includes climate change reporting from 2025.

The course will combine the knowledge, understanding and ability for students to apply key principles and core practice of ESG and sustainable finance. It will encompass two aspects: (i) analysis of ESG reporting obligations strategies in Hong Kong and develop compliance strategy; and (ii) green and sustainable finance including concerns of central bankers, securities regulators and insurance regulators. Furthermore cover topics like green and sustainable bonds as well as responsible and sustainable investment.

Assessment: 10% class participation, 30% research essay, 60% take home examination

---

JDOC6315 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

JDOC6316 Transnational criminal law

Transnational criminal law is a broad subject encompassing (i) the international and domestic laws used to suppress transnational crimes and (ii) 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% take home examination

---

JDOC6318 Public health ethics and law

This course will introduce students to public health law and ethics. With the understanding that ethics and law are two different domains of praxis and governance, and that ideally ethics should ground law, the first part of the course will focus on the ethics of public health. Through particular case studies such as the COVID-19 pandemic, this course will discuss emerging as well as recurrent themes in public health ethics discourse, including the tensions between private interest and the common good, and between the right to health and other human rights; as well as the practice of distributive justice and solidarity in the protection and promotion of population health. Specifics topics will include the ethics of isolation/quarantine and the social determinants of health. The second part of the course, informed by ethical perspectives from the first part, will focus on Hong Kong public health law in global perspective. Topics include the conceptual and historical foundations of public health law; the legal infrastructure of the public health system and the constitutional duties of actors within this system; the legal control of communicable diseases; the law of public health emergencies; the legal regulation of tobacco and alcohol; and environmental health law. During the course students will be encouraged to think critically and independently about complex ethical and legal dilemmas. No formal training in philosophy or ethics or jurisprudence is necessary.

Assessment: 20% class participation, 30% coursework, 50% final examination

---

JDOC6321 International commercial litigation

International commercial disputes dealt with by national courts involve various substantive, procedural and conflict-of-laws issues. This course aims to present a full picture of how international commercial disputes are resolved in the path of the courts' decision-making. The court seized with a commercial dispute will first decide whether the court has jurisdiction to hear the case. In cases where there is a parallel proceeding in a foreign country, the court may consider whether to issue an anti-suit injunction or stay the proceedings. Once the jurisdictional issues are cleared, the court will proceed to the merit of the case. The court will assess the parties' contractual claims and defences under the applicable law to the contract.

This course will tackle these issues arising from different and distinct types of international commercial contracts.

This course consists of two parts.

Part one covers common issues to different types of contractual disputes such as:
- Principle of party autonomy
- How to deal with jurisdictional conflicts: anti-suit injunctions and stay of the proceedings (including recent anti-anti-suit injunctions regarding patent infringement)
- General clauses in international commercial contracts (boilerplates)

Part two tackles more contract-specific issues in international sales contracts, shipping and insurance contracts, licence agreements, EPC contracts, shipbuilding contracts, franchise agreements, commercial agency contracts, financial contracts and shareholders

agreements such as:

- Grounds to establish/contest the court's jurisdiction
- Principles to determine the applicable law of the contract
- Typical claims and defences under specific contracts

In Part Two, the above-mentioned issues will be addressed under specific contractual contexts. For example, in the lecture covering international sales of goods will cover which court (habitual residence of the seller or buyer, or place of performance) shall have jurisdiction; how to determine appliable law in a sales contract; typical claims and defences under the CISG.

The topics will be taught with an extensive case law of the UK, Europe and the courts in the Asia Pacific region.

Assessment: 10% class participation, 30% team/self presentation, 60% research essay

---

JDOC6322 The private law of cooperative institutions

This course provides an introduction to the application of traditional core private law doctrines to cooperative institutions. Such cooperative institutions—notably including employee-owned corporations, land trusts, housing cooperatives, and credit unions—have long attracted interest as alternative forms of legal organization for those concerned with issues of equitable economic and social development. These institutions demonstrate the possibilities and challenges of private law innovations which deviate from the dominant modern legal form— implicating central issues in contract, property, trust, banking and corporate law.

As such, this course will examine historical and contemporary examples of such attempts and the regulatory difficulties they confront in relationship to both courts and other market actors. While initially emphasizing common law examples, the course will demonstrate the modern transnationalization of these forms across varied legal systems as part of continuing concern with developing sustainable legal forms based on cooperative economics.

The aim of the course is not to discuss the per se normative desirability of cooperative institutions, but to explore how such institutions demand sophisticated understandings of how private law doctrines and their role in the larger political economy of modern societies.

The core of the course will be readings covering the most common and pervasive cooperative forms, structured around student presentations and reactions. For final assessment, students will develop their own case studies on a chosen cooperative form to highlight past issues and advanced concrete legal design solutions to support their wider available within a specific national legal system.

Assessment: 25% weekly writing reactions, 25% group reading presentations, 50% research paper

JDOC6323 Legal concepts and practical application in financial transactions

The purpose of this course is to examine significant legal concepts and private law issues encountered in commercial finance and investment banking. A sound knowledge of these areas of law in the transactional context provides a firm foundation for legal practice in international law firms and at the Bar including skills in tackling the latest challenges thrown up by globalization and the digital economy.

This course builds on the knowledge students have acquired in the core courses of Contracts and Torts in the application in the financial markets and will provide a deeper understanding of the part that private law plays in such markets.

The course will begin with an introduction to transactional structures in the financial markets including loans, guarantees, bonds, derivatives and structured finance. The aim is to consider various concepts in contract, property and trusts which are used to allocate, manage and transfer risk in transactions. While the focus will be on English law and Hong Kong law, the course will consider civil law jurisdictions for criticism and comparison (and the practical impact on transactions). For example, taking security for bonds and loans and the enforcement of security would have different impact under different laws. The course will also consider developments in the financial markets including tokenisation of financial instruments.

Assessment: 40% class participation and written comments in online platforms, 60% essay

---

JDOC6324 Mediation advocacy

This course is designed to give students an opportunity to understand the mediation process, the impact of the process on the parties and an understanding of the skills needed to be an effective advocate in mediation. Classes will focus on ensuring that students have a strong grasp of the principles and theoretical basis for mediation. The class will explore the negotiation principles which underly mediation and how this informs mediation advocacy.

The active participation of students is necessary and will involve preparing for class through assigned reading or through reflection on how to incorporate skills into their own personal toolkit. In particular, the students will participate in inter-active mediation and negotiation role-plays. This provides an experiential learning as students can acquire skills and a deeper understanding of theories through practical application.

The roleplays will enable the students to appreciate the communication, cultural and emotional challenges experienced by clients and advocates. Building on this with an understanding of negotiation skills, the students will be able to consider the modes of advocacy which are available to advocates and how advocates in mediation can provide the most effective support to their clients. The professional and ethical responsibilities of

an advocate within mediation to support without prejudice negotiations within the context of potential litigation will be considered.

Prerequisite: Have taken and passed JDOC6161 Mediation.

Assessment: 25% participation and skills journal, 75% research paper

---

JDOC6325 Digital transformation of legal services

The legal profession and services are at a crossroad prompted by advances in technology and digital transformation. Historically the profession of lawyers were people with privileges and influence. Then industrialization propelled the profession to greater heights. Now digital transformation creates new opportunities as well as transforming the profession from the ground up. This course explores all these themes as well as innovative developments of the profession and services including the deployment of artificial intelligence. Furthermore, consider how different business models, change management, leadership and beyond is going to transform legal services. Therefore, the aim of this course is to explore and discuss the impact of digital transformation on the profession and the future of lawyering. To achieve this, the course takes an interdisciplinary approach combining business studies, digital transformation, and the development of legal services.

Assessment: 20% class participation, 30% research essay, 50% take home examination

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

JDOC6326 Topics in technology law

This course examines the cutting-edge technology law issues in the age of social media and artificial intelligence. It focuses on following three areas of technology law:

1. Legal protection of personal data;
2. Legal regulation of algorithms; and
3. Intellectual property and artificial intelligence systems

Each area of study will deal with the relevant legal and policy considerations. For example, we will discuss the extent to which personal data and intellectual property rights could impact the development of artificial intelligence systems, and will also explore whether and why intellectual property law should protect the creations generated by artificial intelligence systems.

Assessment: 20% class participation, 80% research essay

JDOC6327 Law of marine insurance

The course covers both Hong Kong and English marine insurance law (from where the

Hong Kong regime originates and remains closely aligned). The law of marine insurance concerns the insurance of property (eg, ships/cargoes), exposed to maritime perils.

It covers, amongst other things:

(i) the definition and requirements of a valid marine insurance contract, including the doctrine of insurable interest,
(ii) the conclusion of the contract and the duty of utmost good faith,
(iii) the categories of marine insurance contract,
(iv) the parties and their agents,
(vi) the principle of indemnity,
(vii) coverage focussing on marine and war risks,
(viii) the terms of the contract,
(ix) the measure of indemnity

The course involves a close reading of the HK Marine Insurance Ord/the UK Marine Insurance Act 1906 and also involves study of the extensive case law.

Assessment: 50% problem-style question, 50% essay

JDOC6328 Maritime arbitration law

In terms of numbers of cases, maritime arbitrations are predominant. Moreover, the number of international maritime arbitrations is expected to continue to increase.

This practical and theoretical course is designed to give law students (including those with no prior knowledge of maritme law) a good grasp of maritime arbitration and the legal roles available in the sector (including with law firms, in the insurance industry and with shipping companies). While maritime arbitration is a distinct practice, it rests upon the same framework (of conventions, laws and rules) as all other kinds of commercial arbitration. If anything maritime arbitration is more complex as a result of its inherently international nature. Furthermore, there is a considerable amount of black letter contract law (notably including arbitration case law) which relates to maritime arbitrations. As such the study of maritime arbitration is a useful enterprise regardless of whether a career in maritime arbitration is eventually pursued.

This course combines solid teaching of theory with practical application. The active participation of students is necessary and will involve preparing for class through assigned reading (including continuous assessment) and preparation for a simulated arbitration which the students will conduct/ enact one segment of (encluding securing the award and enforcement). In this manner students can acquire skills and a deeper understanding of the applicable conventions, laws, contracts, arbitration clauses and rules by themselves are experiencing how they are used.

The students will also have a chance to interact with and pose questions to virtual guest speakers with experience of maritime arbitration (including leading arbitrators, lawyers and users of maritime arbitration).

Assessment: 20% class participation, 30% simulated maritime arbitration, 50% final paper

---

JDOC6329 Admiralty law and practice

Topics encompass introduction to admiralty jurisdiction; Action in Rem; procedure leading up to arrest in an admiralty action provision of security; procedural matters arising after arrest; maritime liens and priorities; limitation periods in admiralty actions; limitation of liability; forum selection in maritime proceedings; and stay of proceedings in favour or arbitration.

Assessment: 100% coursework

JDOC6330 Shipping finance law

Ship finance is a form of project finance where the project is the building or purchase of the ship. The construction and sale of ships is dependent upon finance. Either the costs of construction or the price for purchase of ships require large sums to be raised from a financier, usually a major bank or groups of banks. The shipowners need to provide security to the financier(s) for the repayment of sums advanced.

This course examines the common loan and security structures employed in ship finance; as such it will draw upon foundational principles of contract and property and demonstrate how they are utilised within ship finance. This course focuses upon loan financing and leasing for the purchase of an existing ship and the construction of a new ship. The topics of this course include common issues in loan agreements to finance the purchase or construction of a ship; special issues affecting the financing of ship purchase and ship construction; financial issues in shipbuilding, purchase of a ship and ship registration; and securities issues in ship mortgage, secured lending and financial lease. Those contents will be taught in the context of English law and Hong Kong law. Relevant legislation and cases in other major jurisdictions will be closely examined.

Assessment: 10% class participation, 90% coursework

JDOC6331 Shipping management and law

Legal aspects of shipping management encompass vessel operations, navigation, and maintenance of vessels; timely and safe transportation of goods; cargo handling; logistics management involving shippers, consignees, freight forwarders, and other stakeholders to plan and execute the movement of goods efficiently; compliance with local and international maritime regulations, port procedures, customs requirements, and environmental standards; risk management in relation to identifying; assessing, and mitigating risks associated with maritime operations, including weather hazards, piracy, and cargo loss.

Assessment: 100% coursework

JDOC6332 Advanced topics in maritime law

Advanced topics in maritime law encompasses a wide range of legal issues, including shipping and navigation, piracy, international trade, marine pollution, use of artificial intelligence in maritime security, and the management of marine resources.

Assessment: 100% coursework

JDOC6333 AI and private law

This course explores the legal implications of emerging AI technologies within the private law landscape. We will examine how AI capabilities in autonomy, machine learning, and big data analytics challenge existing legal doctrines and rights protections. Students will assess AI impact across core domains of private law including contracts, torts, intellectual property, corporate law, and consumer protection. By evaluating AI's alignment with these principles, we can work to shape policies that foster AI innovation responsibly. Additionally, students will develop the skills needed to be effective modern-day lawyers, understanding how AI transforms legal practice and preparing them to navigate its impact on their future careers.

Assessment: 20% class participation, 20% presentation, 60% two essays

---

JDOC6334 Artificial intelligence and digital governance

Regulating artificial intelligence (AI) and digital platforms creates many new challenges for organizations. AI till date have not been rigorously regulated (with exception of the EU's AI Act), this means users are exposed to risks. This exposes organizations and decision makers to more ambiguity. As such, how AI is being governed by organizations does matter. Likewise digital platforms transform laws are evolving and adapt to changes in providing consumer protection. This course will explore two core technological developments: first is the human-AI nexus of governance and second is the interplay between consumer protection and digital platforms. Whilst much of the laws in these areas are evolving, it is important for organizations to have sufficiently robust responsible governance and risk management framework to minimize exposures to regulatory infringements, reputational damage, and harms upon individuals, organizations, and society at large. To achieve this, the course takes an interdisciplinary approach combining laws and regulations, business perspectives, and ethics.

Assessment: 10% class participation, 40% research essay, 50% take home exam

---

JDOC6335 Constitutional and administrative law in the PRC

This course offers an in-depth introduction to the constitutional and administrative law in the PRC, with a primary focus on constitutional law and politics. Furthermore, the course covers administrative laws related to constitutional practice, governance, and human rights. The central theme is to dissect China's unique socialist constitutional system by concentrating on the interface of law and politics. The course spans a broad range of theoretical, legal, and political topics, including socialist constitutional theories, the constitutional-making process, state and party institutions, citizens' rights and obligations, judicial review, and central-local relations. Specifically, the course scrutinizes the interaction and conflicts between the socialist Chinese public law and Hong Kong common law systems under the One Country Two System framework.

The course adopts a comparative approach to study PRC constitutional and administrative law, referencing public law theories and practices from various jurisdictions with different political systems, including liberal democracies, authoritarian regimes, and socialist countries. Through comparative studies, students are expected to understand the major differences between concepts in the Chinese public law and the features of western liberal constitutionalism, as well as the challenges and prospects for China's public law reform.

Additionally, this course incorporates pertinent content from the National Unified Legal Professional Qualification Examination to more effectively prepare students interested in practicing law in both Hong Kong and Mainland China in the future.

Assessment: 15% participation in class discussion, 85% course essay

---

JDOC6336 Law and corporate finance in China

In this course, students will study the laws governing corporate financial transactions, including the contribution of capital, distribution of dividends and the capital maintenance rule, stock redemption and repurchase, stock dividends and stock splits, stock option plans, mergers and acquisitions, corporate divisions, asset securitization, and the valuation of corporate stocks. While students will mainly learn about Chinese corporate law and regulatory rules on these transactions, this course will also take a comparative perspective and introduce similar rules in the United States, Europe, and Japan. Students will also explore how law affects the ownership structure of corporations, including dispersed ownership, concentrated ownership, corporate conglomerates, institutional ownership, and state ownership. Students will be introduced to the basic logics of finance, and study the valuation of financial assets, the capital structure irrelevance theory, the agency cost theory, and the transaction cost theory.

Assessment: 30% presentation, 70% take home assignment

JDOC6337 Medical malpractice

It is an ancient maxim of medical ethics, dating back at least to the Hippocratic Oath, that

doctors should 'first, do no harm.' Few doctors set out to breach this principle: their aim is to cure patients or improve their health. But how should the law respond when a doctor, unfortunately, fails to comply with this principle? This course examines this question and aims to equip students with a comprehensive understanding of the law of medical malpractice.

This course primarily focuses on the tort of negligence, examining how each element of this legal concept—duty of care, breach, and causation of actionable harm, remoteness—applies in the medical context and the unique challenges that arise in such cases. It will also consider specialised areas of clinical negligence such as the law relating to information non-disclosure ('informed consent'), harm resulting from negligence that occurs before birth (including claims for pre-natal injuries by children, 'wrongful life' actions and parental claims for 'wrongful pregnancy') and institutional liability for medical accidents. Alternatives to negligence, such as no fault systems, the criminal law and the use of apologies will also be analysed.

Throughout the course students will be debating the legal, ethical and policy implications of the law of medical malpractice and also consider the options of reform.

Assessment: 20% class preparation and participation, 20% mid-term coursework, 60% coursework

---

JDOC6338 Regulatory eco-system of artificial intelligence and advanced technology

With the rise of artificial intelligence (AI) and advanced technology (AT), the risks posed to society and individuals continue to grow ever so rapidly. Whilst the EU was one of the first to regulate AI and soon to come is cyber resilience regulations. Other areas of AT regulations include robotics and blockchain are on the rise. However, they are fragmented and reactive. This course will examine the regulatory eco-system of AI and AT that includes public policy debates, laws, regulations, and international/sectoral standards or voluntary codes of practice on the use of AI, cloud, robotics, internet of things, drones, blockchain (smart contract) and Regtech & Suptech. Furthermore, to gain insights in how AI and AT are being regulated requires a good grasp of the hard and soft laws as well as an appreciation of government policies and regulators' enforcement strategies are imperative. It covers both theoretical and applied knowledge in the regulation of AI and AT. The course takes an interdisciplinary approach combining law, regulatory studies and public policy.

Assessment: 10% class participation, 40% research essay, 50% take home exam

---

JDOC6339 Transitional justice

How might societies live together in the aftermath of violent conflict? Can international law, particularly human rights, and its institutions contribute to repairing the quality of

state-society relations once violent conflict is over? To address these questions in the 1990s after the end of the Cold War, international lawyers, researchers and organizations developed a new approach. This new approach is now called 'Transitional Justice'. The novel contribution of Transitional Justice has been its specific focus on providing states with the legal and institution-building expertise to address the social, legal, political and moral/ethical consequences of violent conflict, and to prevent its return. Examples of Transitional Justice initiatives are Truth Commissions, human rights and rule-of-law programs, museums of memory, national remembrance days, recovery of sites of memorialization, reparation programs, artistic practices of collective memory, the reform or creation of laws and legal institutions. The increasing importance of Transitional Justice is such that it is now not only a key pillar to achieve Goal 16 on peaceful and inclusive socieities of the United Nations Sustainable Development Goals, but it is also a core component in international rule-of-law and development programs.

This course will equip students with the knowledge and skills necessary to understand, analyze, and critique the role of international law, particularly human rights, in Transitional Justice. While Transitional Justice is an interdisciplinary field of research and practice, the course is designed specially for post-graduate law students who wish to engage with interdisciplinary questions. To achieve this, the course will train students to identify and examine the role that international law plays in the practice and research of Transitional Justice, focusing on how the field responds to the 'non-legal' challenges that post-conflict states face (eg, questions of post-conflict ethics, reconciliation and forgiveness, political community after atrocity, memorialization, socio-economic reparations, and truth-telling).

The course will bring traditional as well as emerging Transitional Justice themes into conversation with international law and human rights, covering four main areas:

(1) historical and conceptual foundations of Transitional Justice, with a specific focus on its origins in parallel with the international prominence of human rights in the 1990s (especially in Argentina and Chile);
(2) signature Transitional Justice initiatives, including the role of Truth Commissions and amnesties in landmark case studies (eg, South Africa, Sri Lanka);
(3) contemporary debates on the contributions and limitations of Transitional Justice (eg, Iraq after the 2003 invasion);
(4) new legal challenges for Transitional Justice (eg, reparation claims for climate change or for the legacies of colonialism).

Assessment: 15% class participation, 40% mid-term assignment, 45% final assignment

---

JDOC6340 Legal pluralism in Hong Kong

The object of the course is to study the foundations of Chinese Law and Custom as received and developed in the jurisdiction of the HKSAR in the context of legal pluralism. This course explores its nature, features, scope and to examine its interaction with the common law system, and to consider its position in modern society. An outline of the course:

Classical Chinese Thought and Institutions: Continuity and Change
Evolution of early Chinese law; jurisprudential debates surrounding these developments; features of Chinese legal system and culture during the Qing dynasty (1644-1911); developments during the late 19th and early 20th centuries; efforts at reform; recognition of Chinese law and custom in common law jurisdictions of east and southeast Asia, especially Hong Kong.

Customary Law within a Common Law System
Reception of customary law into Hong Kong: pre-cessional law, New Territories Ordinance, Marriage Reform Ordinance, and the Basic Law; tensions between Chinese customary law and custom in a common law system**:** limits upon customary law; living customary law; traditional rights and interests of indigenous inhabitants under BL Art 40.

Law, Society and Customary Norms
Legal Pluralism in colonial context, rural community in the New Territories the family: marriage, concubinage, adoption, protection of minors, wills, inheritance and succession; communal lands; ancestral estates: t'so and family t'ong; gender equality; access to justice; religious, educational and charitable endowments; community institutions; commercial bodies; customary landholding; small houses and the customary right to build.

Assessment: 10% class participation, 10% research essay proposal, 80% research essay

---

JDOC6341 Sports law

The course offers an exploration of the legal principles and issues that govern the sports industry, both locally and internationally. This course is designed to equip students with an understanding of the legal framework surrounding professional, amateur, and recreational sports, emphasizing the intersection of law, business, and governance in the sports context. It helps students understand how law works in sports, covering professional, amateur, and recreational activities.

The course covers topics such as the role of law in sports, governance of sports organizations (e.g. Sports Federation & Olympic Committee of Hong Kong and its Code of Governance, Governance Matters for National Sport Organizations in Hong Kong and elsewhere), and key legal areas like contracts, torts, employment, anti-bribery, intellectual property, and competition law as they apply to sports. Students will learn about the business side of sports, including how sports tournaments and properties are managed and regulated under local and international laws.

Students will explore special sports law concepts, including international sports law, the Olympic Charter, and important court cases that have shaped sports law. The course also teaches practical skills like contract drafting, managing risks, following governance rules, and solving sports-related legal disputes.

Through lectures, case studies, and group work, students will develop skills to analyze

legal problems in sports and suggest solutions. By the end of the course, students will understand how sports organizations are governed and how to apply legal thinking to real sports situations.

This course is ideal for students interested in sports law, sports management, or related careers. It will be taught in English, with assessments including written assignments to help students apply what they learn.

Assessment: 10% class participation, 45% mid-term assessment test, 45% final examination

---

JDOC6342 Law of the sea

The course is intended to give an overview of the law of the sea. Law of the sea is a branch of public international law which covers the rights and duties of States in each maritime zone, maritime delimitation, marine scientific research, the protection of the marine environment, and dispute settlement. All these topics will be covered in the proposed course.

Assessment: 100% coursework

JDOC6343 China data protection law

This course offers a comprehensive examination of China's rapidly evolving data protection legal framework, a critical area for businesses, legal professionals, and policymakers operating in or with connections to the Chinese market. China has established one of the world's most stringent data privacy regimes, characterized by its unique blend of national security, public interest, and individual rights considerations.

The course will delve into the foundational pillars of Chinese data protection law: the Personal Information Protection Law (PIPL), the Data Security Law (DSL), and the Cybersecurity Law (CSL). Students will gain an in-depth understanding of the scope, key principles, and practical implications of these interconnected laws, including their extraterritorial reach.

Assessment: 100% coursework