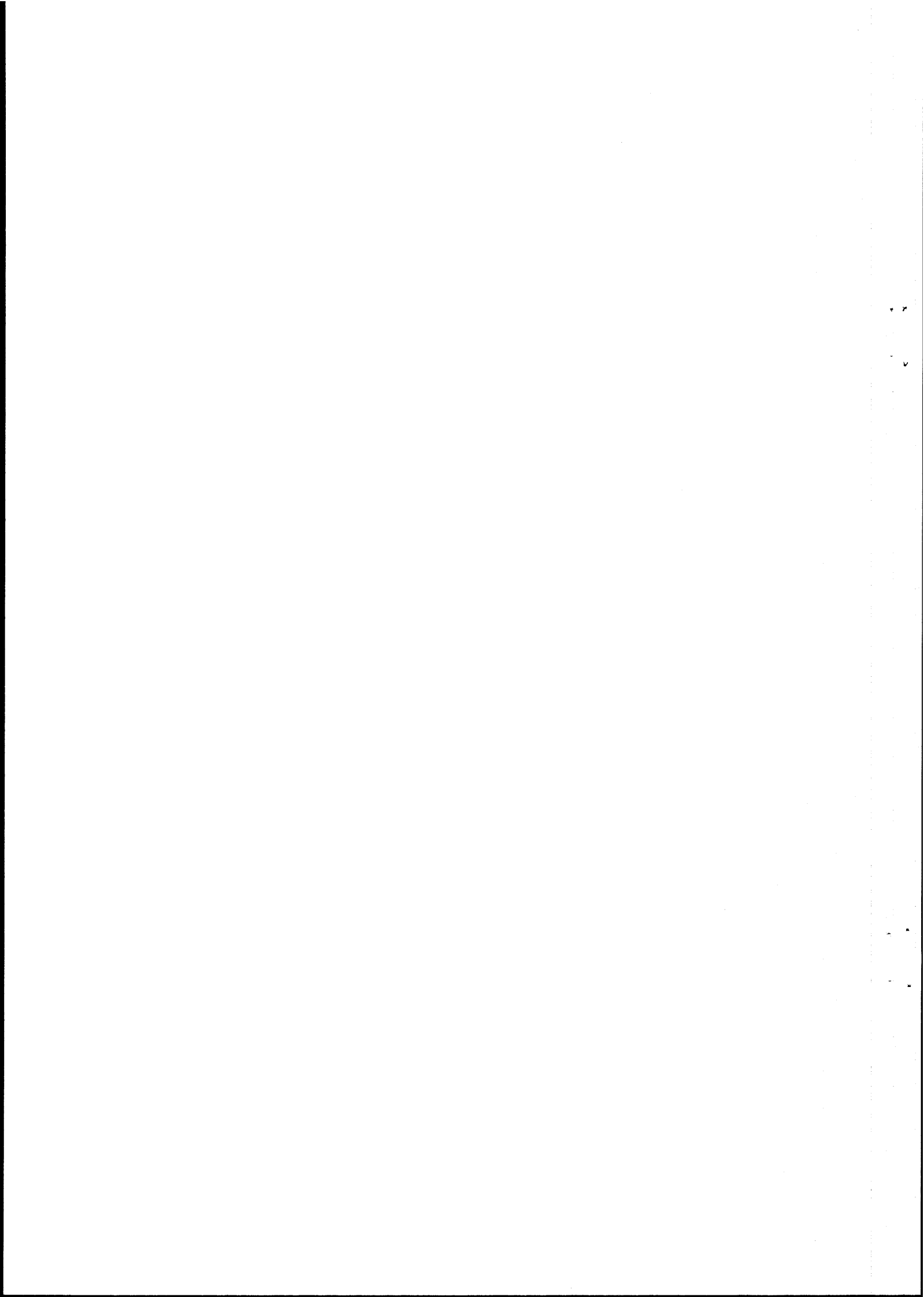


**THE UNIVERSITY OF HONG KONG**

Regulations and Syllabuses for  
**LLM**  
plus  
Regulations Governing the Format  
etc of Dissertations for  
Higher Degrees by Coursework

**2009-2010**



REGULATIONS FOR THE DEGREES OF MASTER OF LAWS (LLM), MASTER OF LAWS IN CHINESE LAW (LLM[Chinese Law]), MASTER OF LAWS IN CORPORATE & FINANCIAL LAW (LLM[CFL]), MASTER OF LAWS IN HUMAN RIGHTS (LLM[HR]) AND MASTER OF LAWS IN INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY LAW (LLM[IT&IPL])

*(See also General Regulations)*

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### **Admission requirements**

LL 14. To be eligible for admission to the courses leading to the degree of Master of Laws (in the general stream or a specialist stream) a candidate shall

- (a) comply with the General Regulations; and
- (b)
  - (i) hold the degree of Bachelor of Laws with at least second class honours of this University; or
  - (ii) hold a degree in law with at least second class honours from another university or comparable institution accepted for this purpose; or
  - (iii) have been admitted to the professional practice of law in Hong Kong or in a territory or country other than Hong Kong; or
  - (iv) have obtained either the Common Professional Examination of England and Wales or the Common Professional Examination Certificate of this University provided that in either case the candidate has also obtained a second class honours degree of this University or from another university or comparable institution accepted for this purpose; or
  - (v) in the case of admission to the Master of Laws in Human Rights programme or the Master of Laws in Corporate and Financial Law only, hold another degree in a discipline other than law with at least second class honours or a qualification of equivalent standard from this University or from another university or comparable institution accepted for this purpose and provided that the Faculty Higher Degrees Committee is satisfied that by reason of candidate's background, experience and professional qualifications, if any, the candidate is fit to follow the programme.

LL 15. A candidate for admission under Regulation (b)(ii), (b)(iii), (b)(iv) or (b)(v) above shall produce evidence of sufficient academic attainment and shall satisfy the examiners in a qualifying examination if such an examination is required. A candidate who fails to meet the requirements of (b)(i), (b)(ii), (b)(iii), (b)(iv) or (b)(v) above by reason only of the fact that his or her degree is not of at least second class honours standard may, nevertheless, be admitted provided that the Faculty Higher Degrees Committee is satisfied that by reason of his or her background, experience and professional qualifications, if any, the candidate is fit to follow the courses.

LL 16. A candidate who has already completed a Postgraduate Diploma programme offered by this Faculty may apply for conversion to the Master's programme in the corresponding

specialty with advanced standing. Such candidate is required to achieve an average grade as determined by the Faculty Higher Degrees Committee from time to time in his or her Postgraduate Diploma.

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### **Qualifying examination**

LL 17.

- (a) A qualifying examination may be set to test the candidate's formal academic ability or his or her 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.
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### **Award of degree**

LL 18. To be eligible for the award of the degree of Master of Laws (in the general stream or a specialist stream) a candidate shall

- (a) comply with the General Regulations; and
  - (b) complete the curriculum and satisfy the examiners in accordance with the regulations set out below.
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### **Length of Curriculum**

LL 19. The curriculum shall comprise approximately 300 hours of prescribed work. It shall extend over a minimum of two academic years and a maximum of four academic years of part-time study, or a minimum of one academic year and a maximum of two academic years of full-time study, except the Master of Laws in Human Rights which shall extend over one academic year of full-time study or two academic years of part-time study.

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### **Completion of the curriculum**

LL 20. To complete the curriculum except for the degree of Master of Laws in Human Rights, a candidate shall

- (i) follow the equivalent of eight modules as prescribed by the syllabus; and
- (ii) satisfactorily complete all prescribed written and other work in each module;

LL 20.(A) To complete the curriculum for the degree of Master of Laws in Human Rights a candidate shall

- (i) in the case of a full-time candidate satisfactorily complete modules equivalent to 8 modules;
- (ii) in the case of a part-time candidate satisfactorily complete modules equivalent to 4 modules in each of the two years of study;

LL 20.(B) A candidate completing the curriculum under LL 20 and LL 20(A) shall also

- (i) satisfy attendance requirements, if any;
- (ii) satisfy the examiners in each module by either assessed written work carried out during the module or a written examination at the end of the module or both; and
- (iii) satisfy the examiners in an oral examination if such an examination is required.

### **Dissertation**

LL 21. A candidate, whether full-time or part-time, who elects to submit a dissertation equivalent to either one module or two shall submit the title not later than six months before presenting the dissertation for examination. The dissertation must be presented not later than August 31 of the year in which the candidate would like to graduate.

LL 22. In exceptional circumstances a candidate may apply to the Faculty Board for an extension of the period within which the dissertation must be presented.

LL 23. The candidate shall submit a statement that the dissertation represents his or her own work undertaken after registration as a candidate for the degree. The examiners may require an oral examination on the subject of the dissertation.

### **Failure to satisfy the examiners**

LL 24. A candidate who has failed to satisfy the examiners in not more than two modules/credit units in any academic year may be permitted

- (a) to attend a supplementary examination; or
- (b) to repeat the module(s)/course(s) at the next available opportunity and to re-take the prescribed examination or examinations; or
- (c) to re-take the prescribed examination or examinations at the next available opportunity without repeating the module(s)/ course(s); or
- (d) to undertake the study of an alternative module(s)/ course(s)/modules at the next available opportunity and to take the prescribed examination or examinations.

LL 25. A candidate who has failed to present a satisfactory dissertation may be permitted, subject to his performance in other examinations, to revise the dissertation and to re-present it within a specified period as determined by the Board of Examiners after receiving a notice that it is unsatisfactory.

LL 26. A candidate who is not permitted to present himself or herself for re-examination in any module(s)/ courses(s) in which he or she has failed to satisfy the examiners or to revise and re-present the dissertation shall be recommended for discontinuation of studies under General Regulation G 12.

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#### **Absence from examination**

LL 27. A candidate who is unable because of illness or other acceptable reason to attend for examination may apply for permission to attend for examination at some other time.

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#### **Examination results**

LL 28. At the conclusion of the examination a pass list shall be published. A candidate who has shown exceptional merit at the whole examination may be awarded a mark of distinction and this mark shall be recorded in the candidate's degree diploma.

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#### **Advanced standing**

LL 29. For the degree of Master of Laws, Master of Laws in Chinese Law, Master of Laws in Corporate and Financial Law, or the degree of Master of Laws in Information Technology and Intellectual Property Law, a candidate may be given advanced standing for up to 2 modules on the ground that equivalent modules or courses have been passed at another university or comparable institution accepted by the Senate for this purpose: provided that no candidate shall be eligible for the award of any of the degrees set out in these regulations without having earned at least 6 modules in this programme. A holder of the corresponding Postgraduate Diploma (see LL16 above and regulations for the Postgraduate Diplomas) offered by this Faculty may be eligible to apply for advanced standing for up to 2 modules, but he or she may not enrol in any course which he or she has satisfactorily completed in the relevant Postgraduate Diploma.

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#### **Conversion**

LL 30. A candidate who has been admitted to a Postgraduate Diploma programme and who has satisfied the examiners in all examinations, may be considered for admission to the Master of Laws or the corresponding Master's programme provided that his or her application for conversion has been submitted on or before the prescribed deadline (see regulations for the Postgraduate Diplomas). Candidates who satisfy the examiners in the Master's programme examinations shall qualify for the award of the Master's degree, but shall not qualify for the award of the relevant Postgraduate Diploma (see regulations for the Postgraduate Diplomas). A candidate under these circumstances who, for whatever reasons, does not have sufficient modules for the award of the Master's degree shall qualify for the award of the relevant

### Postgraduate Diploma.

LL 30.(A) A candidate with a degree of Master of Laws from Hong Kong or another jurisdiction may apply for advanced standing status. Such candidate shall be eligible for the award of the degree of Master of Laws upon successful completion of not less than 6 modules in this programme.

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### **Exit qualification**

LL 31. A candidate who has enrolled in the degree of Master of Laws in Chinese Law, or the degree of Master of Laws in Corporate and Financial Law, or the degree of Master of Laws in Information Technology and Intellectual Property Law and has completed satisfactorily 4 modules may qualify for the award of the corresponding Postgraduate Diploma (see regulations for the Postgraduate Diplomas for details). Such candidate is required to inform the Faculty Higher Degrees Committee as soon as possible after his or her completion of 4 modules, or in any case, not later than the commencement of the fourth academic year of study which is the last year of the maximum period of study allowed (exact date to be confirmed by the Faculty), whether he or she would like to opt for the above exit qualifications.

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### **Publication**

LL 32. Any publication based on work approved for this degree should contain a reference to the effect that the work was submitted to the University of Hong Kong for the award of the degree.

## **SYLLABUSES FOR THE DEGREE OF MASTER OF LAWS**

### **COURSEWORK**

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

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### **PROGRAMMES**

The following programmes in the Master's programme are available :-

LL.M.

LL.M. in Chinese Law

LL.M. in Human Rights

LL.M. in Corporate & Financial Law

LL.M. in Information Technology & Intellectual Property Law

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### **MASTER OF LAWS (LLM)**

#### **OBJECTIVES**

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

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#### **STRUCTURE**

Candidates are required to complete 8 modules. Candidates may choose modules from the module outlines below and modules from any of the specialist programmes, in any case, not more than 5 modules from each of the specialist programmes. Candidates may apply to substitute for not more than 2 modules by taking courses or modules offered by any other Department in the University. Such application shall be approved by the Faculty Higher Degrees Committee who has to be satisfied that such course(s)/ modules from any other Department or Departments in the University are of equivalent standard to that or those listed in this syllabus. Permission will normally be granted only to take postgraduate course(s) or module(s), and only for those courses or modules which can be shown to have relevance to that candidate's overall course of study. Permission shall not be granted to substitute any other course or module for a compulsory module in the programme. Candidates are also required to

obtain the approval of the Head(s) of the Department(s) which offer(s) the substitute course(s) or module(s).

Candidates, on accepting a place, shall notify the Faculty Higher Degrees Committee of the modules which they wish to follow. The selection of modules shall, however, be subject to approval by the Faculty Higher Degrees Committee in the light of the availability of resources. In any academic year only some of the modules listed will be available.

## DISSERTATION

To be regarded as two modules a dissertation shall comprise a paper not exceeding 20,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies) on a legal topic approved by the Faculty Higher Degrees Committee. A one-module dissertation shall comprise a paper on a legal topic likewise approved not exceeding 10,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies). In both cases the dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

## MODULE OUTLINES

### PRC law

#### *Two modules*

- . Civil and commercial law in the People's Republic of China (LLAW6003)

#### *One module*

- . Advanced seminar on Chinese law (LLAW6115)
- . China Investment Law (LLAW6185)
- . China Trade Law (LLAW6186)
- . Company law and securities regulation in the People's Republic of China (LLAW6025)
- . Constitutional and administrative law in the People's Republic of China (LLAW6113)
- . Corruption: China in comparative perspective (LLAW6171)
- . Criminal law and procedure in the People's Republic of China (LLAW6112)
- . Cross-border legal relations between the Mainland and Hong Kong (LLAW6114)
- . Current issues in PRC commercial law (LLAW6028)
- . Dispute resolution in the People's Republic of China (LLAW6029)
- . Human rights in the People's Republic of China (LLAW6070)
- . Introduction to Chinese law and legal system (LLAW6008)
- . Law and regulation of banking and insurance in the People's Republic of China (LLAW6110)
- . Legal Chinese in commercial transactions (LLAW6041)
- . Law and development in the People's Republic of China (LLAW6056)
- . PRC intellectual property law (LLAW6044)
- . PRC information technology law (LLAW6139)
- . PRC security and insolvency law (LLAW6048)

- . PRC property law (LLAW6047)
- . Selected Issues on WTO and China (LLAW6134)
- . Taxation in the People's Republic of China (LLAW6050)
- . The law of electronic commerce: international trade and logistics (LLAW6111)
- . World Trade Organization : Law and Policy (LLAW6039)

#### Human rights and public law

##### *One module*

- . Advanced administrative law (LLAW6021)
- . Armed conflict, humanitarian law and human rights (LLAW6058)
- . Constitutional and administrative law in the People's Republic of China (LLAW6113)
- . Criminal justice and human rights (LLAW6059)
- . Criminal law and procedure in the People's Republic of China (LLAW6112)
- . Cross-border legal relations between the Mainland and Hong Kong (LLAW6114)
- . Current issues in human rights (LLAW6060)
- . Development and human rights (LLAW6061)
- . Economic, social and cultural rights (LLAW6062)
- . Equality and non-discrimination (LLAW6063)
- . Equality and the law (LLAW6030)
- . Ethnicity, human rights and democracy (LLAW6064)
- . Freedom of speech and the press (LLAW6065)
- . Gender issues in human rights (LLAW6066)
- . Globalisation and human rights (LLAW6067)
- . Hong Kong basic law (LLAW6032)
- . Hong Kong environmental law (LLAW6033)
- . Human rights : history, theory and politics (LLAW6068)
- . Human rights and governance (LLAW6069)
- . Human rights in the People's Republic of China (LLAW6070)
- . Human rights in Hong Kong (LLAW6034)
- . Indigenous peoples and human rights (LLAW6071)
- . International and regional protection of human rights (LLAW6072)
- . International criminal law (LLAW6036)
- . International protection of refugees and displaced persons (LLAW6073)
- . Labour rights and human rights (LLAW6074)
- . Law, the individual and the community : a cross-cultural dialogue (LLAW6123)
- . Multiculturalism and the law (LLAW6179)
- . National protection of human rights (LLAW6075)
- . Privacy and data protection (LLAW6046)
- . Public international law (LLAW6109)
- . Rights and Remedies in the Criminal Process (LLAW6144)
- . Seminar in human rights research, sources and methodology (LLAW6076)
- . The child and the law (LLAW6108)
- . The rights of the child in international and domestic law (LLAW6077)

#### Commercial, corporate and financial law

*Two modules*

- . Credit and security law (LLAW6002)
- . Remedies (LLAW6010)

*One module*

- . Advanced topics in competition law : merger review (LLAW6187)
- . Arbitration law workshop (LLAW6023)
- . Banking law (LLAW6024)
- . Comparative company law (LLAW6080)
- . Comparative law (LLAW6150).
- . Comparative financial and law regulation (LLAW6089)
- . Competition law (LLAW6154)
- . Competition, mergers and acquisitions (LLAW6101)
- . Construction law (LLAW6027)
- . Corporate governance and shareholder remedies (LLAW6082)
- . Corporate reconstruction (LLAW6083)
- . Cross-border insolvency law (LLAW6084)
- . Current issues in corporate law : Mergers and Acquisitions(LLAW6086)
- . Current issues in financial law (LLAW6127)
- . Current issues in insolvency law (LLAW6087)
- . Derivatives : law and regulation (LLAW6088)
- . Electronic banking and finance law (LLAW6118)
- . Emerging markets : finance and investment (LLAW6090)
- . Equity in commercial law (LLAW6092)
- . European economic regulation
- . Global business law I (LLAW6194)
- . Global business law II (LLAW6195)
- . Law and regulation of banking and insurance in the People's Republic of China (LLAW6110)
- . Law, economics, regulation and development (LLAW6178)
- . Law of international finance I – debt (LLAW6055)
- . Law of international finance II – equity and structured finance (LLAW6094)
- . Legal aspects of white collar crime (LLAW6102)
- . Insurance law (LLAW6107)
- . Intellectual property law (LLAW6005)
- . International commercial arbitration (LLAW6099)
- . International securities law (LLAW6057)
- . Selected Issues on WTO and China (LLAW6134)
- . International economic law (LLAW6133)
- . Regulation of financial markets (LLAW6093)
- . International commercial transactions (LLAW6006)
- . International investment law with East Asia focus (LLAW6095)
- . International tax and tax planning (LLAW6096)
- . Pension and investment funds (LLAW6097)
- . Project finance (LLAW6098)
- . Securities regulation (LLAW6049)
- . The law of restitution (LLAW6051)

International and comparative law

*Two modules*

- . Introduction to law in East Asia (LLAW6009)

*One module*

- . Comparative Law (LLAW6150)
- . Comparative environmental law (LLAW6177)
- . Hong Kong and international law (LLAW6031)
- . International air law : structure and organisation (LLAW6035)
- . International commercial transactions (LLAW6006)
- . International criminal law (LLAW6036)
- . International environmental law (LLAW6037)
- . International humanitarian law (LLAW6038)
- . International organisations (LLAW6182)
- . International trade law I (LLAW6128)
- . International trade law II (LLAW6129)
- . International economic law (LLAW6133)
- . Liabilities in international aviation (LLAW6043)
- . Selected Issues on WTO and China (LLAW6134)
- . World Trade Organization : Law and policy (LLAW6039)

Admiralty and shipping

*One module*

- . The law of the sea (LLAW6052)
- . Carriage of goods by sea (LLAW6172)

Information technology and intellectual property law

*One module*

- . Cybercrime (LLAW6117)
- . Human rights and cyberspace (LLAW6119)
- . Hong Kong intellectual property law (LLAW6005)
- . Intellectual property and information technology (LLAW6120)
- . Law, technology and ethics (LLAW6140)
- . International and comparative intellectual property law (LLAW6132)
- . Issues in information technology law (LLAW6106)
- . Introduction to information technology law (LLAW6170)
- . Management and commercialization of intellectual property (LLAW6181)
- . Privacy and data protection (LLAW6046)
- . PRC intellectual property law (LLAW6044)

- . PRC information technology law (LLAW6139)
- . Telecommunications law (LLAW6124)
- . The law of E-commerce: International trade and logistics (LLAW6111)

#### Others

##### *One / Two module(s)*

- . Dissertation (LLAW6054)/ (LLAW6014)

##### *One module*

- . Advanced research methodology for law (LLAW6022)
- . Current issues in international arbitration and dispute settlement (LLAW6137)
- . Dispute settlement in the WTO : Practice and procedure (LLAW6136)
- . Healthcare law (LLAW6149)
- . Arbitration law (LLAW6138)
- . Law and literature (LLAW6175)
- . Law, justice & ideology (LLAW6130)
- . Legal Chinese in commercial transactions (LLAW6041)
- . Legal fictions : representations of the law in literature, philosophy and cinema (LLAW6042)
- . Media law (LLAW6131)
- . Postmodern legal theory (LLAW6045)
- . Space law and policy (LLAW6180)

## MASTER OF LAWS IN CHINESE LAW (LLM[CHINESE LAW])

### OBJECTIVES

The degree of Master of Laws in Chinese Law is offered by the Faculty of Law to address an increasing need in Hong Kong and internationally for a more comprehensive understanding of the laws and regulations of the People's Republic of China. Hong Kong is uniquely placed to provide to students from Hong Kong and elsewhere courses on contemporary Chinese law developments from a comparative perspective which are conducted primarily in English.

### STRUCTURE

Candidates are required to complete 8 modules. A dissertation can be equivalent to one module or two depending on its length (see below). A candidate may apply to choose up to 2 modules from courses or modules offered under the other specialist programmes or by any other Departments in the University or by any other approved Universities offering joint LLM programmes with the Faculty. Such application shall be approved by the Faculty Higher Degrees Committee which has to be satisfied that such course(s)/ module(s) from any other Department or Departments are of equivalent standard to those listed in this syllabus. Candidates are also required to obtain the approval of the Head(s) of the Department(s) which

offer(s) the substitute course(s) or module(s).

Candidates, on accepting a place, shall notify the Faculty Higher Degrees Committee of the modules which they wish to follow. The selection of modules shall, however, be subject to approval by the Faculty Higher Degrees Committee in the light of the availability of resources. In any academic year only some of the modules listed will be available.

## DISSERTATION

To be regarded as equivalent to two modules, a dissertation shall comprise a paper not exceeding 20,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies) on a legal topic approved by the Faculty Higher Degrees Committee. A one-module dissertation shall comprise a paper on a legal topic likewise approved not exceeding 10,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies). In both cases the dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

## MODULE OUTLINES

### *Two modules*

- . Civil and Commercial Law in the People's Republic of China (LLAW6003)

### *One/Two module(s)*

- . Dissertation (LLAW6054)/ (LLAW6014)

### *One module*

- . Advanced research methodology for law (LLAW6022)
- . Advanced seminar on Chinese law (LLAW6115)
- . China Investment Law (LLAW6185)
- . China Trade Law (LLAW6186)
- . Company law and securities regulation in the People's Republic of China (LLAW6025)
- . Constitutional and administrative law in the People's Republic of China (LLAW6113)
- . Criminal law and procedure in the People's Republic of China (LLAW6112)
- . Cross-border legal relations between the Mainland and Hong Kong (LLAW6114)
- . Current issues in PRC commercial law (LLAW6028)
- . Dispute resolution in the People's Republic of China (LLAW6029)
- . Human rights in the People's Republic of China (LLAW6070)
- . Introduction to Chinese law and legal system (LLAW6008)
- . Law and regulation of banking and insurance in the People's Republic of China (LLAW6110)
- . Legal Chinese in commercial transactions (LLAW6041)
- . Law and development of the People's Republic of China (LLAW6056)
- . PRC intellectual property law (LLAW6044)
- . PRC economic law (LLAW6165)

- . PRC information technology law (LLAW6139)
  - . PRC security and insolvency law (LLAW6048)
  - . PRC tort law (LLAW6167)
  - . PRC property law (LLAW6047)
  - . Selected Issues on WTO and China (LLAW6134)
  - . Taxation in the People's Republic of China (LLAW6050)
  - . The law of electronic commerce: international trade and logistics (LLAW6111)
  - . World Trade Organization : Law and Policy (LLAW6039)
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## MASTER OF LAWS IN HUMAN RIGHTS (LLM[HR])

### OBJECTIVES

The degree of Master of Laws in Human Rights is offered by the Faculty of Law as a response to the increasing interest in human rights in Asia, from Asia and elsewhere around the world. It also responds to the growing need to provide substantial training that addresses important international, regional and national developments in human rights and its implementation. The programme therefore provides a substantial grounding in international law as it relates to the study and practice of human rights, and where appropriate, draws from other disciplines to provide a balanced and contextual understanding of the major issues. The programme ensures that participants are exposed to universal human rights issues and the perspectives of other regional systems, but it is characterised by a strong Asia focus. It draws from the many human rights issues in Asia, and examines some of the perspectives and problems which are of particular concern to the region.

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### STRUCTURE

Candidates are required to complete 8 modules. Four modules are compulsory. A candidate may apply to choose the remaining four modules from among the optional modules developed by the Faculty of Law for the Master of Laws in Human Rights programme or, with the approval of the Faculty Higher Degrees Committee, up to 2 modules from modules/ courses offered under the other specialist programmes or by any other Department in the University or by any other approved Universities offering LLM programmes. Such application shall be with the support of the Director of the Master of Laws in Human Rights programme and approved by the Faculty Higher Degrees Committee. Both must be satisfied that such course(s)/module(s) from any other Department or Departments are of equivalent standard to that or those listed in this syllabus and are relevant to the study of human rights. Candidates are also required to obtain the approval of the Head(s) of the Department(s) which offer(s) the substitute course(s)/module(s).

Candidates, on accepting a place, are required to notify the Faculty Higher Degrees Committee of the modules which they are interested in following. The selection of modules shall, however, be subject to approval by the Faculty Higher Degrees Committee in the light of the availability of resources. In any academic year only some of the modules listed will be available.

## DISSERTATION

Candidates for the Master of Laws in Human Rights may choose to satisfy an independent writing requirement which is the equivalent of one module. This requirement may be satisfied by the submission of a one-module dissertation on a legal topic approved by the Director of LL.M in Human Rights and the Faculty Higher Degrees Committee. A one-module dissertation shall not exceed 10,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies).

Candidates may also apply to take a two modules dissertation. To be regarded as two modules, a dissertation shall comprise a paper not exceeding 20,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies) on a legal topic approved by the Director of LL.M in Human Rights and the Faculty Higher Degrees Committee.

In both cases the dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument. (Unless otherwise approved by the Faculty Higher Degrees Committee, the dissertation must be submitted not later than May 31 in the same academic year.)

## COURSE OUTLINES

### *Compulsory Modules (One module)*

- . Human rights: history, theory and politics (LLAW6068)
- . International and regional protection of human rights (LLAW6072)
- . National protection of human rights (LLAW6075)
- . Public international law (LLAW6109)\*

\*Candidates who have taken and passed this course at university level (evidence required) shall be exempted from taking the course and are required to take a replacement by enrolling in another elective module.

### *Optional Modules*

#### *One/ Two module(s)*

- . Dissertation (LLAW6054)/ (LLAW6014)

#### *One module*

- . Armed conflict, humanitarian law and human rights (LLAW6058)
- . Business and human rights (LLAW6153)
- . Criminal justice and human rights (LLAW6059)
- . Criminal law and procedure in the People's Republic of China (LLAW6112)
- . Dealing with legacies of human rights violations (LLAW6152)

- . Development and human rights (LLAW6061)
- . Economic, social and cultural rights (LLAW6062)
- . Equality and non-discrimination (LLAW6063)
- . Ethnicity, human rights and democracy (LLAW6064)
- . Freedom of speech and the press (LLAW6065)
- . Gender issues in human rights (LLAW6066)
- . Globalisation and human rights (LLAW6067)
- . Human rights and governance (LLAW6069)
- . Human rights in Asia (LLAW6151)
- . Human rights in the People's Republic of China (LLAW6070)
- . Human rights in Hong Kong (LLAW6034)
- . Indigenous peoples and human rights (LLAW6071)
- . International criminal law (LLAW6036)
- . International environmental law (LLAW6037)
- . International law and modernity for a multipolar world (LLAW6189)
- . International law in a world of crises (LLAW6190)
- . International protection of refugees and displaced persons (LLAW6073)
- . Labour rights and human rights (LLAW6074)
- . Law, the individual and the community : a cross-cultural dialogue (LLAW6123)
- . Law and religion (LLAW6146)
- . Multiculturalism and the law (LLAW6179)
- . Privacy and data protection (LLAW6046)
- . Rights and remedies in the criminal process (LLAW6144)
- . Seminar in human rights research, sources and methodology (LLAW6076)
- . The rights of the child in international and domestic law (LLAW6077)
- . The child and the law (LLAW6108)

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## MASTER OF LAWS IN CORPORATE AND FINANCIAL LAW (LLM [CFL])

### OBJECTIVES

As a major international business and financial centre, Hong Kong is a logical centre for advanced study in areas of commercial, corporate and financial law. Designed as a coherent programme specially geared towards the needs of those working or desiring to work in commercial, corporate and/or financial business, this programme focuses on issues relating to corporate and financial activities and the role of law and regulation in finance and business. On completion of the programme, students should have a broad and reliable knowledge and understanding of corporate and financial law in Hong Kong, other major jurisdictions internationally and in the Asian region

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### STRUCTURE

Candidates are required to complete 8 modules, of which 6, including the two compulsory modules, must be from commercial / corporate and financial sub-streams. A candidate may choose up to 2 modules / courses from modules / courses offered under the specialist postgraduate programmes offered by the Faculty of Law or, with permission, by any other

Department in the University or by any other approved Universities offering joint LLM programmes with the Faculty. Such application shall be approved by the Faculty Higher Degrees Committee which has to be satisfied that such course(s) / module(s) from any other Department or Departments are of equivalent standard to that or those listed in this syllabus. Candidates are required to obtain the approval of the Head(s) of the Department(s) which offer(s) the substitute course(s). A dissertation can be equivalent to one module or two depending on its length (see below).

Candidates, on accepting a place, shall notify the Faculty Higher Degrees Committee of the optional courses which they wish to follow. The selection of courses shall, however, be subject to approval by the Faculty Higher Degrees Committee in the light of the availability of resources. In any academic year only some of the courses listed will be available

## DISSERTATION

To be regarded as equivalent to two modules, a dissertation shall comprise a paper not exceeding 20,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies) on a legal topic approved by the Faculty Higher Degrees Committee. A one-module dissertation shall comprise a paper on a legal topic likewise approved not exceeding 10,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies). In both cases the dissertation must provide evidence of original work and a capacity for critical legal analysis and argument.

The Faculty Higher Degrees Committee may, with the agreement of the student's supervisor, permit a student to undertake a writing project other than a dissertation to the value of one or two module(s). In appropriate circumstances, the Faculty Higher Degrees Committee may permit this written project to be completed in conjunction with an internship with a relevant organisation.

## MODULE OUTLINES

### *Compulsory modules (one module)*

- . Corporate governance and shareholder remedies (LLAW6082) [Commercial / corporate stream]
- . Law of International Finance I – Debt (LLAW6055) [Financial stream]

### *Optional Modules*

#### *Two modules*

- . Credit and security law (LLAW6002)

#### *One / Two module(s)*

- . Dissertation (LLAW6054)/ (LLAW6014)

*One module*

## Commercial / corporate stream

- . Advanced topics in competition law : merger review (LLAW6187)
- . China Investment Law (LLAW6185)
- . China Trade Law (LLAW6186)
- . Company law and securities regulation in the People's Republic of China (LLAW6025)
- . Comparative company law (LLAW6080)
- . Competition law (LLAW6154)
- . Competition, mergers and acquisitions (LLAW6101)
- . Corporate reconstruction (LLAW6083)
- . Cross-border insolvency law (LLAW6084)
- . Current issues in corporate law : Mergers and Acquisitions(LLAW6086)
- . Current issues in insolvency law (LLAW6087)
- . Current issues in PRC commercial law (LLAW6028)
- . Equity in commercial law (LLAW6092)
- . Global business law (LLAW6169)
- . Legal aspects of white collar crime (LLAW6102)]
- . International commercial arbitration (LLAW6099)
- . International commercial transactions (LLAW6006)
- . International tax and tax planning (LLAW6096)
- . PRC economic law (LLAW6165)
- . PRC security and insolvency law (LLAW6048)
- . PRC property law (LLAW6047).
- . Selected Issues on WTO and China (LLAW6134)
- . Taxation in the People's Republic of China (LLAW6050)
- . Telecommunications Law (LLAW6124)
- . The law of electronic commerce: international trade and logistics (LLAW6111)
- . World Trade Organization : Law and Policy (LLAW6039)

## Financial stream

- . Banking law (LLAW6024)
- . Current issues in financial law (LLAW6127)
- . Comparative financial law and regulation (LLAW6089)
- . Derivatives : Law and regulation (LLAW6088)
- . Electronic banking and finance law (LLAW6118)
- . Emerging markets : Finance and investment (LLAW6090)
- . Global business law I (LLAW6194)
- . Global business law II (LLAW6195)
- . International economic law (LLAW6133)
- . Insurance law (LLAW6107)
- . International investment law with East Asia focus (LLAW6095)
- . International securities law (LLAW6057)
- . International trade law I (LLAW6128)
- . International trade law II (LLAW6129)
- . Selected Issues on WTO and China (LLAW6134)

- . Law and regulation of banking and insurance in the People's Republic of China (LLAW6110)
  - . Law of international finance II – equity and structured finance (LLAW6094)
  - . Pension and investment funds (LLAW6097)
  - . Project finance (LLAW6098)
  - . Regulation of financial markets (LLAW6093)
  - . Securities regulation (LLAW6049)
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## MASTER OF LAWS IN INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY LAW (LLM [IT&IPL])

### OBJECTIVES

The principal objective of the degree of Master of Laws in Information Technology and Intellectual Property Law is to offer a range of modules that provide a sound legal understanding of various aspects of the rapidly developing field of information technology which involve components of intellectual property whether they be the patentability of computer software, internet business methods and other technologies, hyperlink, deeplink, cache and framing as copyright infringement; technology licensing; copyright in computer programs; circumvention of technological protection measures; criminality of pirating copyright works online; semi-conductor chip; and decompilation of computer code. Subject areas will be regularly expanded and updated to ensure that students are able to understand and analyze contemporary legal issues in this area.

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### STRUCTURE

Candidates are required to complete 8 modules, including at least two modules from each sub-stream. A candidate is required to take not less than two or up to four additional modules from the modules offered within these two sub-streams or the additional optional modules listed under this programme, which may or may not include the completion of either a two-module or one-module dissertation. A candidate may apply to choose up to 2 modules either from among the modules developed under the other specialist programmes or, with the approval of the Faculty Higher Degrees Committee, from module(s)/ course(s) offered within or outside the Faculty. Such application shall be approved by the Faculty Higher Degrees Committee who has to be satisfied that such course(s)/ module(s) from any other Department or Departments are of equivalent standard to that or those listed in this syllabus. Candidates are required to obtain the approval of the Head(s) of the Department(s) which offer(s) the substitute course(s).

Candidates, on accepting a place, shall notify the Faculty Higher Degrees Committee of the optional modules which they wish to follow. The selection of modules shall, however, be subject to approval by the Faculty Higher Degrees Committee in the light of the availability of resources. In any academic year only some of the courses listed will be available.

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## DISSERTATION

To be regarded as equivalent to two modules, a dissertation shall comprise a paper not exceeding 20,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies) on a legal topic approved by the Faculty Higher Degrees Committee. A one-module dissertation shall comprise a paper on a legal topic likewise approved not exceeding 10,000 words (exclusive of tables of cases and statutes, notes, appendices and bibliographies). In both cases the dissertation must provide evidence of original work and a capacity for critical legal analysis and argument.

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## COURSE OUTLINES

### Intellectual property law sub-stream

(Candidates must choose at least two modules from this sub-stream)

#### *One module*

- . Hong Kong intellectual property law (LLAW6005)
- . PRC Intellectual Property Law (LLAW6044)
- . International and comparative intellectual property law (LLAW6132)
- . Intellectual property and information technology (LLAW6120)
- . Law, technology and ethics (LLAW6140)
- . Management and commercialization of intellectual property (LLAW6181)

### Information technology law sub-stream

(Candidates must choose at least two modules from this sub-stream)

#### *One module*

- . Cybercrime (LLAW6117)
- . Introduction to information technology law (LLAW 6170)
- . PRC information technology law (LLAW6139)
- . Privacy and data protection (LLAW6046)
- . Telecommunications law (LLAW6124)
- . The law of E-commerce: International trade and logistics (LLAW6111)

#### *Optional modules*

#### *One/ Two module(s)*

- . Dissertation (LLAW6054)/ (LLAW6014)

#### *One module*

- . Advanced topics in competition law : merger review (LLAW6187)
- . Human rights and cyberspace (LLAW6119)
- . Issues in information technology law (LLAW6106)

- . Regulations of cyberspace: technology and internet governance (LLAW6141)
  - . Regulation of cyberspace: internet content (LLAW6142)
  - . Advanced Topics in Intellectual Property Law (LLAW6188)
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## COURSE DESCRIPTIONS

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### LLAW6002 Credit and security law

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

Aspects of law that are particularly relevant to non-corporate credit and security are: charges, mortgages, hire-purchase, bills of sale, pledges and liens, and assignments of choses in action.

The areas of law that are particularly relevant to corporate credit and security include floating and fixed charges, conditional sales, trusts, and hire-purchase.

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, and remedies.

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

Topics to be covered include: the law of person, agency, property, obligations (contracts, torts etc), family and succession, with an introduction to traditions, reforms, civil procedure and modes of alternative dispute resolution. Each topic is discussed in light of recent developments in China, such as corporatization of Chinese enterprises, experiments in bankruptcy, contract employment and regulating the new urban real estate market. Reading knowledge of Chinese helpful but not required. No prerequisite.

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### LLAW6005 Hong Kong intellectual property law

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

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### LLAW6006 International commercial transactions

The topic of International Commercial Transactions touches on a number of legal frameworks that govern international business. The various frameworks consist of a patchwork of national and international, governmental and private-sector laws, agreements and mandatory or voluntary codes of conduct. This course will be presented in four parts, and in each part, relevant laws and decisions of tribunals in various jurisdictions in Asia are comparatively

considered to present a range of issues arising in contemporary practice. It will begin with an introduction and examination of commercial and legal implications of terms-of-art frequently used in international sales agreements, shipping contracts, insurance and financing arrangements, and customs documentation. International efforts to unify or harmonize definitions and their legal implications, as well as rules that govern the interpretation of contractual terms, such as the 2000 Inco-terms, ICC Uniform Customs and Practice for Documentary Credits, 1980 Vienna Convention on the International Sale of Goods, and UNIDROIT principles, will be discussed. Agency, distribution, technology and intellectual property transfers, and e-commerce, as widespread and emerging modes of conducting international business, the legal issues inherent in each form, and associated regulation will be considered. Issues related to international investment agreements involving governments will be examined. Special problems related to corruption and money-laundering will be discussed. Significant attention will be paid to the settlement of international commercial and investment disputes, which will include an examination of special problems associated with the recognition and enforcement of awards and judgments.

#### LLAW6008 Introduction to Chinese law and legal system

A broad introduction to traditional Chinese law, twentieth-century legal reform and the current legal system of the People's Republic of China. The first part of the course will consider the traditional Chinese legal system, particularly during the eighteenth and nineteenth centuries, and will conclude with an analysis of late Qing and early Republican law reform. The second part of the course will cover legal developments from the establishment of the People's Republic through the Cultural Revolution. The third and main part of the course will consist of a detailed consideration of the legal system and the role of law in the P.R.C. since 1978. Specific areas of study will include constitutional reform and the legal structure, the enactment of a civil code, the introduction of economic reforms, family and inheritance law, criminal law and criminal procedure, nationality law and human rights issues. A reading knowledge of simplified Chinese characters is desirable.

#### LLAW6009 Introduction to law in East Asia

The purpose of this course is to examine the legal institutions, methods, principles and values of East Asian legal systems with a civil law tradition. Introduction to law in East Asia will focus on the legal systems of Japan, South Korea and Taiwan.

Like Hong Kong and Singapore, these three East Asian countries have enjoyed enormous economic growth in the post-war period. They also have common cultural traditions with Hong Kong and Singapore but for historical reasons their legal systems are rooted in the civil law tradition of Western Europe rather than in the common law.

The syllabus includes an introduction to the historical foundations of the modern legal systems of Japan, South Korea and Taiwan; legal institutions: structure of state, courts, legal professions; codification of law, especially the institutions of private law; civil and commercial law and legal structures for foreign trade and investment; civil process and mediation. These topics will be examined from a comparative perspective. The law will be analysed in the context of its history as well as its economic, political and cultural foundations.

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**LLAW6010 Remedies**

The purpose of the course is to study the range of remedies available in commercial transactions. It will look at the tactic of re-classifying the transaction to achieve the relief sought, and the various types of judicial relief, especially those available before trial.

Common law damages: developments in assessing remoteness, the imposition of pre-agreed amounts, debts, the avoidance of penalties, and the question of whether loss must be proved.

Equity: the nature and relevant factors for discretionary relief, the prevention of equitable fraud through estoppel, constructive trusts and the imposition of the fiduciary obligation, and restitution.

Statutory remedies: the pre-emptive strikes, especially the Mareva injunction and the Anton Piller order, and the declaration.

Particular remedies: including the vendor/purchaser summons, promissory and proprietary estoppels, and relief against forfeiture.

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**LLAW6185 China Investment Law**

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

**LLAW6186 China Trade Law**

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

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### LLAW6021 Advanced administrative law

This is an advanced course in administrative law which focuses on the decision-making process of administrative bodies. Topics covered include theories of administrative decision making, the procedure and content of administrative decision making, judicial (*ultra vires*, procedural fairness, estoppel and other limits on the exercise of discretionary power) and extra-judicial (ombudsman and other non-curial bodies) control of administrative action, the practical and procedural aspects of bringing an application for judicial review under Order 53 of the Supreme Court Ordinance, access to information (including the right to be given reasons and use of discovery proceedings), *habeas corpus* and remedies (including restitution). Emphasis will also be placed on subordinate legislation and the operation of some administrative tribunals.

### LLAW6022 Advanced research methodology for law

#### Course Content :

- Different types of research in law: an introduction to different types of legal and inter-disciplinary research drawing on current examples from, particularly, the periodical literature
- Reading research material
- Issues in research on law : a discussion of issues such as objectivity, honesty and other theoretical and philosophical issues that arise in doing research
- Advanced library research techniques - using paper sources
- Archival material
- Use of electronic resources
- Empirical research techniques - how to read empirical research, and statistical material. An elementary introduction to empirical techniques for law students : observation studies, interviews. The secondary use of primary statistical material.
- Formulating research topics - generating ideas, developing a 'thesis', research strategies
- Writing a proposal
- Planning the writing; dealing with writer's block, organisation of material - different ways of structuring a substantial piece of writing
- The formalities of presentation - citing, acknowledging, plagiarism and how to avoid it, issues of appropriate language.

### LLAW6023 Arbitration law workshop

The arbitration law workshop is intended to introduce students to the practice of arbitration. The workshop adopts a different approach than traditional arbitration courses which tend to focus in the abstract upon institutional rules. The workshop emphasizes a problem solving approach to learning about arbitration instead. The change is accomplished by running the workshop around a single model case study. The case study is entitled the *Sanctuary House Case*. It has been developed by Mark Cato, an experienced arbitrator and author. The case study unfolds in story form from the introduction of individuals through interlocutories to hearing and award to illustrate all the principal elements of arbitration law, practice and

procedure in both a readable and entertaining way. In this manner the workshop highlights arbitration problems and teaches about practical solutions. The workshop's objective is thus to close the gap between the theory of arbitration and knowledge of the rules with actual management of an arbitration case in practice.

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#### LLAW6024 Banking law

Regulation of financial institutions in Hong Kong: regulatory framework; role of the Hong Kong Monetary Authority; money laundering, recovery of proceeds of crime and anti-terrorist measures.

Banker-customer relationship: nature of the relationship and its development; meaning of "customer" and types of accounts; banker's rights as against customer including appropriation of payment, lien and set-off; duties of banker including confidentiality and payment of customer's cheques; money paid by mistake; forgery; banker's liability as constructive trustee; implied duties of the customer; contractual attempts to modify such duties; supply of banker's references; banker as adviser; termination of the relationship.

Lending and securities: the role of banks in trade and other financing; lending criteria; forms of securities; financing of international trade and bills of exchange; guarantees and sureties; fixed and floating charges; credit cards and other types of consumer credit; enforcement and realization of securities; general discussion of loan and security documentation.

Taking effective securities: undue influence; mistake; misrepresentation.

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

This course covers both company law and securities regulation in the People's Republic of China. The part on company law involves an examination of the legal framework governing the structure and organization of business corporations and the responsibilities of and protection afforded various groups participating in a corporation's affairs, in particular, shareholders, creditors and management. The basic conceptual framework reflected in modern corporate legislation, and especially recent Chinese statutes is emphasized, with particular attention to the concept of corporate entity, scope of business activities, shareholders' rights and responsibilities, directors' duties, the governance of joint stock companies, management and control of limited companies. Limited companies and joint stock companies as vehicles for direct foreign investment will also be briefly discussed. The part on securities regulation involves an analysis of the scheme of securities regulation in the PRC. Topics covered will include efficient capital markets, types of securities and capital structure, agency theory, portfolio theory, regulation of primary market offerings, trading in secondary markets, inside trading, mergers and acquisitions, stock exchanges, and securities market professionals. Implications on portfolio investment by foreign investors in Chinese companies through the purchase of B-shares, H-shares and N-shares will also be covered. A reading knowledge of simplified Chinese characters would be desirable.

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#### LLAW6027 Construction law

The purpose of this course is to provide an introduction to the subject of construction law in Hong Kong. It will consist of three main areas: (a) an introduction to the topic and the importance of the sector to the local economy; the professionals engaged in construction and their regulation; the forms of contract and standard forms of agreement in use locally; (b) the legal framework for construction activities in Hong Kong including the relevant legislation e.g. Buildings Ordinance, Town Planning Ordinance etc; contract law and procedures; substantive law issues, and dispute resolution; and (c) construction practice for solicitors with attention to drafting, project structures and general advice for construction clients.

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#### LLAW6028 Current issues in PRC commercial law

This course will highlight one or more areas of contemporary Chinese commercial law and practice of importance to foreign trade, investment or finance in the People's Republic of China. The subject matter to be covered in the course is not fixed and will vary from year to year. Students will be apprised in advance of the subject of the course to be offered. A reading knowledge of simplified Chinese characters would be desirable.

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#### LLAW6029 Dispute resolution in the People's Republic of China

This course examines the major features of commercial dispute resolution in the People's Republic of China. Chinese approaches to disputes and dispute settlement, including cultural and political influences, will be considered at the outset. The four principal Chinese institutions for commercial dispute resolution - amicable negotiations, conciliation, arbitration and litigation - will be the focus of the course, with an emphasis on commercial arbitration. Administrative channels for resolving disputes will also be discussed.

Both PRC foreign-related and domestic commercial arbitration will be treated at length. Arbitration before the China International Economic and Trade Arbitration Commission (CIETAC) will be a prominent feature of this part of the course, including an examination of the jurisdiction, procedures and practices of CIETAC. The emergence of reorganized domestic arbitration commissions will be discussed, including arbitral procedures and practices. Issues of enforcement of both Chinese and foreign arbitral awards in the PRC will also be covered.

Other topics include : institutional conciliation before the Beijing Conciliation Centre and in the People's Courts; joint conciliation; enforceability of conciliation agreements; foreign-related litigation in the People's Courts, including court organization, jurisdiction and venue, service of process, preservation measures, pre-trial and trial procedures, appellate procedures and enforcement of judgements; and bilateral judicial assistance agreements. A reading knowledge of simplified Chinese characters would be desirable.

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#### LLAW6030 Equality and the law

Significant protection against discrimination under the law of Hong Kong has been available

only since the enactment of the Hong Kong Bill of Rights Ordinance in 1991 and the passage of sex and disability discrimination legislation in 1995. These focused considerable attention on the existence of patterns of discrimination in Hong Kong.

The purpose of this course is to explore the theoretical foundations and practical efficacy of the models of equality and non-discrimination underlying Hong Kong's anti-discrimination laws. The course will examine from a historical perspective the existence of institutionalised discrimination in Hong Kong and the reasons for its persistence, as well as the failure of the common law to address these issues. The background to the enactment of anti-discrimination and equal opportunities laws in Hong Kong will also be examined. Aspects of the substantive law of non-discrimination -- including comparative and international material will also be considered. Finally, the efficacy of law (and of the Hong Kong law and institutions in particular) as an instrument for addressing inequality will be discussed. The course will focus on different aspects of the problem of inequality and the role of law from year to year.

#### LLAW6031 Hong Kong and international law

The course is divided into two parts: (a) international law -- a conceptual review and (b) application of international legal norms in the Hong Kong context. The topics covered in the first part include the nature, origin and basis of international law; sources of international law; international legal personality; jurisdiction; international responsibility; international intercourse (treaties); and international disputes (peaceful and forcible means of dispute settlement). The issues to be studied under the second part of the course are: the place of international law in the Hong Kong legal system; Hong Kong as an 'international legal person' (including 'autonomy' and 'internal self determination'); jurisdiction in a 'highly autonomous region' -- the case of Hong Kong; Hong Kong's international obligations (e.g. treatment of aliens, environmental protection); international treaty law as applied in Hong Kong; and 'one country, two systems' as a model of peaceful settlement of disputes.

#### LLAW6032 Hong Kong basic law

Topics to be covered include: the background to the Basic Law: the Sino-British negotiations, the Joint Declaration, the process of drafting and agreeing on the Basic Law; basic Chinese and British constitutional concepts relevant to an understanding of the structure and orientation of the Basic Law; the relationship of the Basic Law to the Constitution; the relationship of the Hong Kong Special Administrative Region and the Chinese central government; the institutional structure of the Hong Kong SAR, especially the relationship between the executive and the legislature, and the concept of 'executive-led government'; the concept and special aspects of 'one country, two systems' - especially the preservation of the Hong Kong economic system in the Basic Law; the legal system under the Basic Law; human rights, judicial review and constitutional litigation; the Bill of Rights and the Basic Law; nationality issues under the Basic Law; interpretation of the Basic Law; transitional issues (at least the first time the course is taught - the relationship between the Provisional Legislature and the Basic Law etc.).

#### LLAW6033 Hong Kong environmental law

Introduction: the Hong Kong environment; contextual factors affecting the environment and environmental law in Hong Kong. Overview of Hong Kong's environmental law, strategy and techniques. Techniques of environmental protection I: traditional approaches including the common law, nuisance, *Rylands v Fletcher*. Techniques of environmental protection II: the criminal law, interpretation of legislation, penalties. Techniques of environmental protection III: licensing and permits. Techniques of environmental protection IV: standards, objectives, technical memoranda, codes of practice, how they are used, what is their legal force, how they compare with international standards. Techniques of environmental protection V: Planning - territorial planning, town planning. Techniques of environmental protection VI: Environmental Impact Assessment. Techniques of environmental protection VII: Preventing pollution, energy conservation. Expanding liability: the liability of Directors, the liability of lenders. Conservation and the law. Rounding up.

On the whole the emphasis will not be on medium (water, air, waste etc.), but rather on techniques, since many of the same techniques, and similar issues of statutory interpretation, enforcement etc., occur across media. But examples and issues will be drawn from a variety of contexts. It would be possible to look at one problem (water or air or chemical waste for example) in detail.

#### LLAW6034 Human rights in Hong Kong

This course begins with an introduction to the historical, social, cultural and political dimensions of human rights discourse generally and in Hong Kong, covering different theories of human rights (including the contemporary debate on universality and cultural relativism) and the extent to which these theories are reflected in law and policy in Hong Kong. We will then study the sources of legal protection of human rights in Hong Kong (including international human rights treaties, the Basic Law, and the Bill of Rights Ordinance). This portion of the course will include a brief discussion of international monitoring system and an examination of the mechanisms of protecting human rights under the common law system, the Bill of Rights, and the Basic Law.

The course will then move on to selected rights and current controversies in Hong Kong. The topics selected will likely include: freedom of expression and association; the implementation of Article 23 of the Basic Law; the right to fair trial and the presumption of innocence; the development of a right to equality; the right to political participation, and the provision of social and economic rights. Additional topics will depend upon the time available and the interest of students.

#### LLAW6035 International air law : Structure and organisation

This course deals comprehensively with the treaty structure in international air law. As such, it stands alone as a basic introduction to international air law.

More specifically, the course encompasses a study of the basic organization of international air law : Chicago convention and ICAO; the 'crime' treaties governing offences on board and against aircraft as well as hijacking; the liabilities regime of treaties; international controls/treaties concerning commercial operations, IATA and bilateral air services