

Subject Description Form

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| Subject Code | BRE364 |
| Subject Title | Construction Contract Law and Administration |
| Credit Value | 3 |
| Level | 3 |
| Pre-requisite / Co-requisite/ Exclusion | Nil |
| Objectives | <p>This subject is intended to:</p> <ol style="list-style-type: none"> 1. Introduce aspects of law that have particular relevance to construction contracts. 2. Provide a practical knowledge of modern development in construction contract law and application of laws and procedures relating to construction contracts and their administration. |
| Intended Learning Outcomes | <p>Upon completion of the subject, students will be able to:</p> <ol style="list-style-type: none"> a. Relate and apply the legal principles and modern development of contract law to construction contract administration. b. Familiarize and review the features of some common local and international standard of forms of construction contracts. c. Analyze the contractual issues and evaluate the contractual position of different parties in various contractual situations. d. Communicate effectively with legitimate reasoning. e. Develop the ability to engage in life-long learning on construction contract law. |
| Subject Synopsis/ Indicative Syllabus | <ol style="list-style-type: none"> 1. <i>Construction contracts</i>: modern development of law in contract; legal interpretation and application in construction contract. 2. <i>Legal basis for Standard form of contract</i>: characteristics of various standard forms of local and international building contracts and sub-contract. 3. <i>Duties and responsibilities of the contract administrators and the parties to the contract</i>: implications of contract clauses; legal implication in the procedures for instructions, variations, payments and certification. 4. <i>Construction claims</i>: evaluation and presentation of claims; contractual and common law remedies. |
| Teaching/Learning Methodology | <p>Lectures and tutorials will be run throughout the semester period. The lectures and tutorials will not only disseminate the relevant knowledge but also provide guidance for students to search materials for self-study. Tutorial projects will also be set requiring the student to evaluate and apply the relevant law principles and deduce solution for the cases. The projects require students to analyze, critically appraise and resolve administrative, organizational and managerial problems in the practice of construction contract administration.</p> <p>Key topics will be set for groups of 4-5 students to carry out legal research and</p> |

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| | prepare for presentation and discussion in tutorial class. The tutorial classes encourage peer group learning and provide an interactive learning environment to develop critically thinking and legal reasoning. | | | | | | | |
| Assessment Methods in Alignment with Intended Learning Outcomes | Specific assessment methods/tasks | % weighting | Intended subject learning outcomes to be assessed | | | | | |
| | Coursework | 40% | a | b | c | d | e | |
| | Examination | 60% | √ | √ | √ | √ | √ | |
| | Total | 100% | | | | | | |
| | Students will be assessed by: (i) Examination: In the form of problem analysis and essay type question. (ii) Coursework: In the form of presentation of project assignment, short quiz and critical discussion in class. | | | | | | | |
| Student Study Effort Required | Class contact: | | | | | | | |
| | ▪ Lectures | | | | | | | 26 Hrs. |
| | ▪ Tutorials | | | | | | | 13 Hrs. |
| | Other student study effort: | | | | | | | |
| | ▪ Student effort hours | | | | | | | 81 Hrs. |
| | Total student study effort | | | | | | | 120 Hrs. |
| Reading List and References | Indicative Reading List: Recommended: Aqua Group, (1996) <i>Contract Administration for the Building Team, 8th Ed.</i> Oxford: Blackwell Science. Chappell, D. (2003), <i>Understanding JCT Standard Building Contracts, 7th Ed.</i> , E & FN Spon, London. Chee, Simon (2016), <i>Construction Dispute Prevention and Resolution in Hong Kong</i> , Sweet & Maxwell and Hong Kong Construction Arbitration Centre, Limited Chee, Simon (2013), (Thesis) <i>From right to Interest – Specialised Facilitative Mediation (Construction)</i> , City University of Hong Kong. David Chappell. (1998) Powell. <i>Smith & Sims' Building Contract Claims.</i> 3rd Ed. Malden, Mass.: Blackwell Science. <i>Hong Kong Arbitration Ordinance Cap. 609</i> <i>HKIA / HKIS / HKICM Standard Forms of Building Contracts</i> (2005, 2006 Editions) HKSAR Government Development Bureau. <i>Additional Conditions of Contract (ACC for NEC RSC 20 June 2017)</i> HKSAR Government Development Bureau. <i>Circular Letter : 510/83/03 dated 15 October 2014</i> | | | | | | | |

HKSAR Government Development Bureau. *General Conditions of Contract for Building Works*, (1999 Edition)

HKSAR Government Development Bureau. *Practice Notes for NEC – ECC for Public Works Projects in Hong Kong*, June 2017

HKSAR Government Development Bureau. *Proposed Security of Payment Legislation for the Construction Industry - Consultation Document*, 1 June 2015

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Murdoch, J. & Hughes, W. (2002) *Construction Contracts Law and Management*, 3rd Ed., Spon Press.

New Engineering Contract, 3rd Edition (2005), 4th Edition (2017)

Poon N.T. & Chan E.H. (1998) *Real Estate development in Hong Kong*, Pace Ltd. H.K.

Thomas, R. (2001), *Construction Contract Claims*, 2nd Ed., Macmillan, U.K.

Teresa, C. Wong, E and Soo, G., (2004) *Construction Law and Practice in Hong Kong*, Thomson, Sweet & Maxwell Asia.

Uff, J. (2002) *Construction Law: Law and Practice Relating to the Construction Industry*, 8th Ed. Sweet & Maxwell, UK.

Furst, S. (2001), *Keating on Building Contracts*, 7th Ed., Sweet & Maxwell, London.

Supplementary:

Powell-Smith, V. (2000) *Powell-Smith & Furmston's Building Contract Casebook*, Blackwell Science: Oxford.

Wallace, Ian Norman Duncan. (1995), *Hudson's Building & Engineering Contracts: including the Duties and Liabilities of Architects, Engineers and Surveyors*, 11th Ed, London : Sweet & Maxwell.

Ramus, J.W(1996) *Contract Practice for Quantity Surveyors*. 3rd ed., Oxford : Heinemann Newnes.

Latham, M. (1994), *Constructing the Team*, HMSO.

Ashworth, A., (2002) *Willis's Practice and Procedure for the Quantity Surveyor*, 11th Ed. Malden, M.A.: Blackwell Science.