

Subject Description Form

Subject Code	BRE206
Subject Title	The Legal Context of Construction and Real Estate
Credit Value	3
Level	2
Pre-requisite / Co-requisite/ Exclusion	Nil
Objectives	<p>Enable students to evaluate important legal concepts within the context of the Hong Kong legal system and apply the same in the context of construction and real estate.</p> <p>Develop intellectual skills, with particular reference to analysis, reasoning and communication skills.</p>
Intended Learning Outcomes	<p>Upon completion of the subject, students will be able to:</p> <ol style="list-style-type: none"> a. Understand and evaluate the basic concepts and principles of Hong Kong law. b. Apply the basic concepts, principles and remedies in the law of contract, law of property, and law of tort to the context of construction and real estate. c. Use the above knowledge and reasoning skills to solve legal problems out of factual situations. d. Reflect and review their legal knowledge in the societal context. e. Communicate effectively.
Subject Synopsis/ Indicative Syllabus	<p>Hong Kong legal system, including: court system; case law; Basic Law.</p> <p>Legal reasoning, including: application of legal principles, analysis, problem-solving, and communication skills.</p> <p>Contract Law, including: general principles of contract, types of contracts; remedies.</p> <p>Tort Law, including: principles of tortious liability, negligence, nuisance, trespass, occupier's liability, breach of statutory duties and remedies.</p> <p>Property Law, including: concept and classification of property and definition of land; estates.</p> <p>Dispute Resolution, including: mediation, arbitration and adjudication.</p> <p>PRC Law: introduction.</p>
Teaching/Learning Methodology	<p>The sequence of learning in this module is organized around topics with a pattern of active and interactive tasks which occur before, during and after class contact sessions. Each topic is structured as follows: preparation activity, learning activity, feedback, reflection and evaluation, action planning, and review activity, which serves as the next preparation activity.</p> <p>The teaching strategy involves phases through which students learn intellectual and academic skills necessary for legal study, in parallel with learning key concepts for later study:</p> <p>Phase 1: Learning to identify legal issues – Topic focus: understanding legal concepts and rules.</p>

Phase 2: Learning how to apply legal knowledge – Topic focus: understanding and applying legal principles.

Phase 3: Critical Judgment Analysis – Topic focus: justifying conclusions.

Phase 4: Problem-solving – Topic focus: integrating learning.

The programme is developed through learning support groups, specially designed heuristics, reflection and self-assessment tasks.

The learning support groups facilitate small group activities, promote effective learning, develop higher order intellectual abilities, give peer group support for learning, and promote active involvement of students in their own learning.

Reflection exercises are designed to turn experience into learning. They help students assess strengths and weaknesses, and identify remedial action.

Self-assessment tasks are one type of reflection exercise through which students may test out knowledge and understanding of legal concepts and rules, and the development of reasoning skills. Guidance on self – assessment will be distributed to each student. The primary objectives of formative self-assessment are self-learning; measurement of attainment of the learning outcome; and efficient and effective preparation for summative assessments.

Assessment Methods in Alignment with Intended Learning Outcomes

Specific assessment methods/tasks	% weighting	Intended subject learning outcomes to be assessed (Please tick as appropriate)					
		a	b	c	d	e	
1. Coursework	30%	√	√	√	√	√	
2. Examination	70%	√	√	√	√		
Total	100%						

Explanation of the appropriateness of the assessment methods in assessing the intended learning outcomes:

The Coursework project is to assess students' ability:

1. to organize themselves.
2. to organize fellow group members.
3. to coordinate selection of topics with others outside of your group.
4. to solve a problem or task that is given.
5. to be creative in discovering solutions to the problem or task [*i.e.*, “thinking outside the box”].
6. to use effectively the resources available to you in the library and on-line.

The presentations are expected to be substantial, in-depth and thorough review, integration and application of the legal materials taught over the course of the semester. The presentations are expected to be professional, well rehearsed, and completed within time, rather than haphazardly organized at the last minute.

Furthermore, consideration will be given to the following criteria in assessing performance: content, creativity, enthusiasm/team spirit, interaction [between the group members as well as the audience] and presentation.

The examination is intended to assess students' analytical and reasoning skills, *i.e.*, application of the learned legal material; simple memorization will not result in a

	<p>passing grade. In sum, the examination will assess the students' understanding of the subject as demonstrated by application rather than the student's ability to regurgitate notes. Students will be required to solve problems; to recognize potential problems in the development stage; to integrate, apply and justify the particular use of definitions and legal principles in evaluating a legal scenario/problem.</p>	
<p>Student Study Effort Expected</p>	<p>Class contact:</p>	
	<ul style="list-style-type: none"> ▪ Lecture 	<p>26 Hrs.</p>
	<ul style="list-style-type: none"> ▪ Tutorial 	<p>13 Hrs.</p>
	<p>Other student study effort:</p>	
	<ul style="list-style-type: none"> ▪ Preparation for lectures and tutorials sessions 	<p>39 Hrs.</p>
	<ul style="list-style-type: none"> ▪ Independent study and learning 	<p>70 Hrs.</p>
	<p>Total student study effort</p>	<p>148 Hrs.</p>
<p>Reading List and References</p>	<p>Albert Chen, <i>AN INTRODUCTION TO THE LEGAL SYSTEM OF THE PEOPLE'S REPUBLIC OF CHINA</i> (LexisNexis 2011).</p> <p>Allan Leung & Douglas Clark, <i>CIVIL LITIGATION IN HONG KONG</i> (Sweet & Maxwell 2012).</p> <p><i>BUTTERWORTHS HONG KONG CONTRACT LAW HANDBOOK</i> (LexisNexis 2013).</p> <p>Chee, Simon (2016), <i>Construction Dispute Prevention and Resolution in Hong Kong</i>, Sweet & Maxwell and Hong Kong Construction Arbitration Centre, Limited</p> <p>Chee, Simon (2013), (Thesis) <i>From right to Interest – Specialised Facilitative Mediation (Construction)</i>, City University of Hong Kong.</p> <p>Clement Shum, <i>GENERAL PRINCIPLES OF HONG KONG LAW</i> (3rd Ed. Longman 1998).</p> <p>Geoffrey Ma, et al, eds. <i>ARBITRATION IN HONG KONG: A PRACTICAL GUIDE</i> (3rd Ed. Sweet & Maxwell 2014).</p> <p><i>Hong Kong Arbitration Ordinance Cap. 609</i></p> <p><i>Hong Kong Mediation Ordinance Cap 620</i></p> <p><i>HKIA / HKIS / HKICM Standard Forms of Building Contracts</i> (2005, 2006 Editions)</p> <p>Ian Robinson & Derek Roebuck, <i>INTRODUCTION TO LAW IN THE HONG KONG SAR</i> (2nd Ed. Sweet & Maxwell 2001).</p> <p>J.A. McInnis, <i>HONG KONG CONSTRUCTION LAW</i> (Butterworths Asia 1997).</p> <p>Jill Cottrell, <i>Legal research: A GUIDE FOR HONG KONG STUDENTS</i> (Hong Kong University Press 1999).</p> <p>Krishnan Arjunan & Abdul Nabi Baksh, <i>BUSINESS LAW IN HONG KONG</i> (2nd Ed. LexisNexis 2009).</p> <p>Legal database in PolyU's library.</p> <p>Martyn Hills, <i>BUILDING CONTRACT PROCEDURES IN HONG KONG</i> (Longman Hong</p>	

Kong Education 2001).

Michael Fisher & Desmond Greenwood, *CONTRACT LAW IN HONG KONG* (2nd Ed. Hong Kong University Press 2011).

Michael Moser & Teresa Cheng, *HONG KONG ARBITRATION: A USER'S GUIDE* (3rd Ed. Wolters Kluwer Hong Kong Limited 2014).

Peter Corne & Susan Finder, *A GUIDE TO THE LEGAL SYSTEM OF THE PRC* (Asia Law & Practice 1997).

Rick Glofcheski, *TORT LAW IN HONG KONG* (3rd Ed. Sweet & Maxwell 2012).

Roger Nissim, *LAND ADMINISTRATION AND PRACTICE IN HONG KONG* (4th Ed. Hong Kong University Press, 2016).

Sarah Nield, *HONG KONG LAND LAW* (2nd Ed. Addison Wesley Longman 1997).

Stephen D. Mau, *HONG KONG LEGAL PRINCIPLES: IMPORTANT TOPICS FOR STUDENTS AND PROFESSIONALS* (2nd Ed. Hong Kong University Press 2013).

Stephen D. Mau, *CONTRACT LAW IN HONG KONG – AN INTRODUCTORY GUIDE* (2nd Ed. Hong Kong University Press 2016).

Stephen D. Mau, *TORT LAW IN HONG KONG – AN INTRODUCTORY GUIDE* (2nd Ed. Hong Kong University Press 2015).

Stephen D. Mau, *PROPERTY LAW IN HONG KONG – AN INTRODUCTORY GUIDE* (2nd Ed. Hong Kong University Press 2014).

Vanessa Stott, *AN INTRODUCTION TO HONG KONG BUSINESS LAW* (4th Ed. Pearson Education South Asia 2010).