

Subject Description Form

Subject Code	BRE2061
Subject Title	Legal Context for Building and Construction Professionals in Society
Credit Value	2
Level	2
Pre-requisite / Co-requisite/ Exclusion	Nil
Objectives	<p>Enable students to understand the social responsibility of construction professionals in the context of important legal concepts within the framework of the Hong Kong legal system and apply the same in the context of building construction and real estate.</p> <p>Develop an appreciation of professional ethics in the construction and real estate industry.</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"> Understand the social responsibility as a construction or a real estate professional in the context of the basic concepts and principles of Hong Kong law. Evaluate the basic concepts and principle of Hong Kong law in particular related to the construction and real estate industry. 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. Use the above knowledge and reasoning skills to solve legal problems out of factual situations. Understand professional ethics of building construction professionals. Reflect and review their legal knowledge in the societal context. 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>Roles and responsibility, professional liabilities, codes of ethics and conduct of building construction professionals in society.</p>

	<p>5. to be creative in discovering solutions to the problem or task [<i>i.e.</i>, “thinking outside the box”].</p> <p>6. to use effectively the resources available to you in the library and on-line.</p> <p>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.</p> <p>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.</p> <p>The examination is intended to assess students’ analytical and reasoning skills, <i>i.e.</i>, application of the learned legal material; simple memorization will not result in a 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>	
Student Study Effort Expected	Class contact:	
	▪ Lecture	18 Hrs.
	▪ Tutorial	8 Hrs.
	Other student study effort:	
	▪ Preparation for lectures and tutorials sessions	18 Hrs.
	▪ Independent study and learning	36 Hrs.
	Total student study effort	80 Hrs.
Reading List and References	<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><i>ARB Code of Professional Conduct</i></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>	

HKIA / HKIS / HKICM Standard Forms of Building Contracts (2005, 2006 Editions)

HKIA Code of Professional Conduct

HKIS Rules of Conduct

HKIE Rules of Conduct

Ian Robinson & Derek Roebuck, *INTRODUCTION TO LAW IN THE HONG KONG SAR* (2nd Ed. Sweet & Maxwell 2001).

R. Jackson, J. Powell and R. Steward, *Jackson & Powell on Professional Liability*, Chapter 9 and 10, Sweet & Maxwell, 8th Edition, 2017.

J.A. McInnis, *HONG KONG CONSTRUCTION LAW* (Butterworths Asia 1997).

Jill Cottrell, *Legal research: A GUIDE FOR HONG KONG STUDENTS* (Hong Kong University Press 1999).

Krishnan Arjunan & Abdul Nabi Baksh, *BUSINESS LAW IN HONG KONG* (2nd Ed. LexisNexis 2009).

Legal database in PolyU's library.

Martyn Hills, *BUILDING CONTRACT PROCEDURES IN HONG KONG* (Longman Hong 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).