

建築法及爭議解決學 理學碩士學位 / 深造文憑

Faculty of Construction and Environment ■ 建設及環境學院



THE HONG KONG
POLYTECHNIC UNIVERSITY
香港理工大學

教學語言

- 英語

修讀時間

- 一年 (全日制)
- 兩年半 (兼讀制)

所需修讀學分

- 理學碩士學位課程 (30 學分)
- 深造文憑課程 (21 學分)

課程主任

- 陳漢雲教授
- BA, MA, LLB, PgD (PRC Law), PhD (Lon. U.), MBEng, FHKI Arb, MRICS, RIBA, Arbitrator (HKIA/HKIS), Accredited Mediator (HKIAC), Barrister

電話

- (852) 2766-5800

電郵

- bsdchan@polyu.edu.hk

申請程序

申請人可透過 Study@PolyU 網站 www.polyu.edu.hk/study，索取申請文件並遞交申請。

查詢

電話：(852) 2766-5029

傳真：(852) 2362-2574

電郵：faculty.ce@polyu.edu.hk

建設及環境碩士組合課程網址：
<https://www.polyu.edu.hk/fce/study-at-fce/taught-postgraduate-programmes>

非本地申請人在接受取錄前，要確保有充裕時間取得有效簽證來港就讀。如查詢簽證事項，可瀏覽教務處網頁 <http://www.polyu.edu.hk/as/webpage/for-student/visa-matters-for-non-local-students#StudentVisa>

如中、英文之課程資料有所差異，一概以英文版為準。

此單張由香港理工大學建設及環境學院出版，資料截至2017年9月為準，當中的內容或會修訂及變更。香港理工大學保留更改或停辦任何有關課程之權利。

課程目標

- 綜合建築界專業人士所需的建築管理及建築法必要知識
- 透過綜合不同專業的技術和優點，跨越學科界限，為建築業作出專業貢獻
- 透過由認可培訓導師提供爭議解決重要技巧的訓練，將理論付諸實踐
- 吸引有志專門研究建築法及爭議解決學的建築學畢業生及律師就讀

課程架構

學生可從一系列科目 (核心科目、建議選修科目，以及由建築及房地產學系或建設及環境碩士組合課程提供的相關科目) 選擇為選修科目。

理學碩士學位課程

選擇撰寫專題論文的學生，必須完成7科，包括5科必修核心科目及建築及房地產學研究及諮詢技巧，加上一篇理學碩士專題論文 (相等於3科)。

選擇不撰寫專題論文的學生，必須完成10科，包括5科必修核心科目及核心科目：建築法研究 (3 學分) 及爭議解決研究 (3 學分) 或/及調解訓練 (3 學分)。

深造文憑課程

學生必須完成7科 (包括5科必修核心科目)。

獎學金

同學若於建築法科目取得最高分數，便可獲得由 ARCADIS 公司送出的獎學金。此外，香港建築法學會亦會送出獎學金給予優秀的畢業生。

課程的核心科目

- 房地產法
- 調解訓練+
- 消防安全管理的立法觀點
- 建築法*
- 國際建築項目的爭議管理與法律*
- 建築實務的法定架構*
- 仲裁法與實踐**
- 法律的原則與實踐~
- 項目管理的原則@
- 中國的建築實務@+
- 國際建築項目@
- 建築科技@
- 建築法研究**
- 爭議解決研究**
- 建築及房地產學研究及諮詢技巧#

* 必修核心科目

~ 必修核心科目 (只限於非律師報讀學生)

@ 為律師報讀學生而設，用以代替法律的原則與實踐一科

** 選擇不撰寫專題論文的理學碩士生的必修科目

選擇撰寫專題論文的理學碩士生的必修科目

+ 這些科目已列入持續進修基金的可獲發還款項課程名單中

專業認可資格

- 理學碩士學位 / 深造文憑課程已獲香港仲裁司學會正式認可為等同會員資格。理學碩士課程並獲皇家特許測量師學會 (RICS) 認可。
- 選修調解訓練的學生在申請海外及香港等有關專業團體的會員資格時，可獲豁免修讀認可的調解課程，但須接受專業評估考試。

入學資格

- 持有與建築有關之學士學位或同等學歷 (包括認可專業資格，例如香港建築師學會、香港測量師學會、香港工程師學會、香港規劃師學會、香港營造師學會、英國皇家特許建造學會等)，及相關工作經驗 (擁有兩年以上經驗者更佳)；或
- 合資格律師。

申請人需要對建築法有基本認識。申請報讀理學碩士課程會獲優先考慮。

申請人需符合香港理工大學之基本入學英語水平。

詳情請參閱網址 www.polyu.edu.hk/study

核心學習範圍

學生可參照下列建議進度模式修讀課程。標有星號 (*) 的核心科目為必修科目。除非個別科目於課程綱要中特別註明，否則不設先備或必備條件的規定。

一年級

- 法律的原則與實踐* (如學生為律師，將從核心科目列表中選取認可的建築科技/管理 (非法律) 科目代替)
- 建築實務的法定架構*
- 建築法*
- 從核心科目中，選修一科非必修科目

二年級

- 國際建築項目的爭議管理與法律*
- 仲裁法與實踐*
- 爭議解決
- 調解訓練或選修一科非必修科目

理學碩士生可於第二學期開始修讀三年級的部分課程 (見下述其他修讀方法)。調解訓練通常在第二學期進行。

三年級

理學碩士生可透過從下列兩項任擇其一獲取額外9個學分。

- 選擇 1
專題論文 (9 學分)
- 選擇 2
建築法研究 (3 學分) + 爭議解決研究 (3 學分) 或調解訓練 (3 學分) + 選修1科非必修核心科目 (3 學分)。

註：學生可選擇以調解訓練代替爭議解決研究。調解訓練由認可培訓導師提供 42 小時實踐訓練，學生須繳付額外費用。學生也可同時選修調解訓練及爭議解決研究。

MSc/PgD in Construction Law and Dispute Resolution

Faculty of Construction and Environment ■ 建設及環境學院



THE HONG KONG
POLYTECHNIC UNIVERSITY
香港理工大學

Medium of Instruction

- English

Normal Duration

- 1 year (Full-time)
- 2.5 years (Part-time)

Credits Required for Graduation

- 30 for MSc
- 21 for PgD

Programme Leader

- Prof. Edwin H.W. Chan
- BA, MA, LLB, PgD(PCR Law), PhD(Lon. U.), MBEng, FHKI Arb, MRICS, RIBA, Arbitrator (HKIA/HKIS), Accredited Mediator (HKIAC), Barrister

Tel

- (852) 2766-5800

Email

- bsdchan@polyu.edu.hk

Application Procedures

Prospective applicants can obtain application materials and submit applications via the Study@PolyU website at

www.polyu.edu.hk/study

Enquiries

Telephone: (852) 2766-5029

Fax: (852) 2362-2574

Email: faculty.ce@polyu.edu.hk

Website:

<https://www.polyu.edu.hk/fce/study-at-fce/taught-postgraduate-programmes>

Before accepting an offer of admission, non-local applicants should ensure they have sufficient time to obtain a valid visa to study in Hong Kong. For enquiries on visa matters, please visit the Academic Secretariat website at <http://www.polyu.edu.hk/as/webpage/for-student/visa-matters-for-non-local-students#StudentVisa>

In the event of discrepancies between the English and Chinese versions of this leaflet, the English version shall prevail.

Published by the Faculty of Construction and Environment of The Hong Kong Polytechnic University (PolyU), this leaflet contains information known as of September 2017. Contents of this publication are subject to review and change, and PolyU reserves the right to alter or withdraw programmes described herein.

Programme Aims

- To integrate the necessary knowledge in construction management and law for the needs of construction professionals.
- To cut through disciplinary barriers by integrating the various skills and strengths of different professions for a specialised contribution to the construction industry.
- To apply theory to practice by providing professional training on key dispute resolution skills.
- To attract construction graduates and lawyers who wish to specialise in construction law and alternative dispute resolution.

Programme Structure

Students can select elective subjects from core subjects, recommended electives, and other relevant subjects offered by the BRE department or other sister departments within the Faculty under the Taught Postgraduate Scheme in Construction and Environment.

For the MSc

Students who opt for the Dissertation must complete 7 subjects, including 5 Compulsory Core Subjects and the Core Subject, Research & Consultancy Techniques for Construction & Real Estate, plus an MSc Dissertation (equivalent to 3 subjects).

Students who opt not to do a Dissertation must complete 10 subjects, including 5 Compulsory Core Subjects and the core subjects: Construction Law Project (3 credits), and Dispute Resolution Project (3 credits) and/or mediation training (3 credits).

For the PgD

Students must complete 7 subjects (including 5 Compulsory Core Subjects).

Scholarship

A scholarship is provided by ARCADIS to recognize the student with the highest mark in the subject of Construction Law. In addition, there is a Prize donated by the Society of Construction Law Hong Kong for the most outstanding graduating student.

Core Subjects of the Programme

- Property Law
- Mediation Training+
- Legislative Aspects of Fire Safety Management
- Construction Law*
- Dispute Management & Law for International Project*
- Statutory Framework for Construction Practice*
- Arbitration Law & Practice*+
- Principles & Practices of Law^
- Principles of Project Management@
- Construction Practice in China@+
- International Construction Projects@
- Construction Technology@
- Construction Law Project**
- Dispute Resolution Project **
- Research & Consultancy Techniques for Construction & Real Estate#

* Compulsory Core Subject

^ Compulsory Core Subject (limited to and compulsory for non-lawyer candidates)

@ Available for lawyer candidates as a replacement for Principles and Practices of Law.

** Compulsory for MSc students who opt not to do a Dissertation.

Compulsory for MSc students who opt to do a Dissertation.

+ These subjects are included in the Continuing Education Fund (CEF) list of reimbursable courses.

Professional Recognition

- Students in the MSc/PgD programme are eligible for Associate Membership of the Hong Kong Institute of Arbitrators. The MSc programme is also recognised by the Royal Institution of Chartered Surveyors (RICS).
- Those students who opt to complete the Mediation Training will be recognised by various professional institutions overseas and in Hong Kong as completion of the accredited mediation course qualifies for membership, subject to professional assessment.

Entrance Requirements

A Bachelor's degree in a construction-related discipline or equivalent (including recognised professional qualifications such as HKIA, HKIS, HKIE, HKIP, HKICM, CIOB, etc.) and relevant work experience (preferably at least two years);
Or
Qualified lawyer.

Candidates are expected to have some background knowledge of construction law. Preference will be given to those applicants who intend to enrol in the MSc rather than the PgD programme.

Applicants must also meet the English language requirement of the University.

Please visit www.polyu.edu.hk/study for details.

Core Areas of Study

Students may follow the suggested progression pattern that is shown below. Core Subjects that are marked with an asterisk (*) are compulsory. There are no pre-requisite or co-requisite requirements unless specified in the syllabus of individual subjects.

Year One

- Principles & Practice of Law* (lawyer candidates are required to study an approved construction technology/management (non-legal) subject selected from the Core Subject list instead)
- Statutory Framework for Construction Practice*
- Construction Law*
- Select 1 non-compulsory subject from the core subject list

Year Two

- Dispute Management & Law for International Projects*
- Arbitration Law & Practice*
- Dispute Resolution Project
- Mediation Training or select 1 non-compulsory subject from the Core Subject list

MSc candidates may commence part of their Year Three study in Semester Two (see alternative approaches below). Mediation Training is normally held in Semester Two.

Year Three

The additional 9 credits that MSc students require for their award may be gained by following one of two approaches.

- Alternative 1
Dissertation (9 credits)
- Alternative 2
Construction Law Project (3 credits) + Dispute Resolution Project (3 credits) or Mediation Training (3 credits) + one non-compulsory Core Subject (3 credits)

Note: As an alternative to the Dispute Resolution Project, students can opt for Mediation Training, which involves 42 hours of mediation practice training run by approved trainers for which students are required to pay an extra fee. Students can also undertake both Mediation Training and the Dispute Resolution Project.