

**City University of Hong Kong**  
**Course Syllabus**

**offered by School of Law**  
**with effect from Semester A 2024/25**

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**Part I Course Overview**

<b>Course Title:</b>	<u>Principles of Insurance Law</u>
<b>Course Code:</b>	<u>LW5615</u>
<b>Course Duration:</b>	<u>One Semester</u>
<b>Credit Units:</b>	<u>3</u>
<b>Level:</b>	<u>P5</u>
<b>Medium of Instruction:</b>	<u>English</u>
<b>Medium of Assessment:</b>	<u>English</u>
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Precursors:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	<u>Nil</u>

## Part II Course Details

### 1. Abstract

Hong Kong has a financially important insurance market. This course will introduce students to the concept of insurance and its significance in society. It will consider the regulation of the insurance market in Hong Kong before turning towards the contract of insurance. Who can obtain insurance, for which risks and at what cost will be considered. What happens when the risk materialises and the entitlements of the assured will be discussed together with the situations under which the insurer can avoid making a payment. The students who successfully complete the course will have a clear understanding of the law of insurance.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Alignm ent with PILOs	DEC related learning outcome		
				A1	A2	A3
1.	Discuss and apply relevant legal materials, including statutes, case laws, and standard form insurance contracts		1,3,4,5	✓	✓	
2.	Describe insurance law principles and authorities to discover solutions to complex factual problems		1,4,5	✓	✓	✓
3.	Describe and critically evaluate existing debates on insurance law in the United Kingdom and Hong Kong		1,2,3,5	✓	✓	✓
4.	Discuss the ambits of duties and liabilities of parties to insurance contracts		1,3,5	✓	✓	
5.	Justify and evaluate the law of insurance and the regulation of insurance companies in Hong Kong.		1,3,4,5	✓	✓	✓
		100%				

**A1: Attitude**

*Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

**A2: Ability**

*Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.*

**A3: Accomplishments**

*Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

### 3. Learning and Teaching Activities (LTAs)

*(LTAs designed to facilitate students' achievement of the CILOs.)*

LTA	Brief Description	CILO No.					Hours/week (if applicable)
		1	2	3	4	5	
Seminars	Students will gain an overview of the substantive issues of Insurance Law, its concepts and its application.	✓	✓	✓	✓	✓	2 hours/week
Tutorials and practical problems.	Students will engage in group discussion for the purpose of resolving practical problems.	✓	✓	✓	✓	✓	0.75 hour/week
Guided individual studying	Students will develop an in depth understanding of the relevant legal principles.	✓	✓	✓	✓	✓	
Formative work	Students will develop and in depth understanding of the assessment process and improve	✓	✓	✓	✓	✓	0.25 hour/week

### 4. Assessment Tasks/Activities (ATs)

*(ATs are designed to assess how well the students achieve the CILOs.)*

Assessment Tasks/Activities	CILO No.					Weighting	Remarks
	1	2	3	4	5		
Continuous Assessment: 30%							
Quizzes	✓	✓	✓			20%	4 x 5%
Group presentation	✓	✓	✓	✓	✓	10 %	
Examination: 70%							
Examination	✓	✓	✓	✓	✓	70%	
						100%	

The use of Generative AI in the examination is prohibited.

The course is assessed by a 2-hour computer-based examination. The exam is an open book exam. The students have access to all the course materials, their notes and their books during the exam as well as access to one language dictionary.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

To pass this course, student must obtain an aggregate mark of 50% and a minimum of 50% in each of the continuous assessment (CA) and the examination elements of the assessment.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

To pass this course, student must obtain an aggregate mark of 40% and a minimum of 40% in each of the continuous assessment (CA) and the examination elements of the assessment.

To ensure fair and comprehensive assessment of students' course performance, the pass mark requirement for the CA component will be waived for courses with a CA component equal to or less than 30%. This means students only need to achieve the pass marks for the final exam component AND the overall mark to pass the course. Continuous assessment for this purpose means those ways in which students are assessed otherwise than by the end of semester examination.

**Grading of Student Achievement:** Standard (A+, A, A-...F). Grading is based on student

performance in assessment tasks / activities.

## 5. Assessment Rubrics

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
1. Coursework	Demonstration of an ability to discover scholarly debates and gather them to formulate a logically structured and well-argued research paper to analyse a case law. Demonstration of an ability to write a well-researched and critical analysis academic essay with good use of the English language and the proper use of referencing styles and citations.	High	Significant	Moderate	Inadequate
2. Examination	Demonstration of a good understanding of relevant statutes, cases, doctrines and concepts, and an ability to use these to solve complex legal problems	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Coursework	Demonstration of an ability to discover scholarly debates and gather them to formulate a logically structured and well-argued research paper to analyse a case law. Demonstration of an ability to write a well-researched and critical analysis academic essay with good use of the English language and the proper use of referencing styles and citations.	Strong evidence of original thinking; good organisation; capacity to organise and synthesise; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. Examination	Demonstration of a good understanding of relevant statutes, cases, doctrines and concepts, and an ability to use these to solve complex legal problems	Strong evidence of original thinking; good organisation; capacity to organise and synthesise; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

### **Part III Other Information** (more details can be provided separately in the teaching plan)

#### **1. Keyword Syllabus**

*(An indication of the key topics of the course.)*

Insurance law; policy; assureds; brokers; insurers; duties of utmost good faith; fraudulent claims; insurance warranties; basis of the contract clause; causation

Seminar 1. Introduction to Insurance

Seminar 2 Regulation of insurers and intermediaries.

Seminar 3. Insurable interest

Seminar 4: Premium

Seminar 5: Risk

Seminar 6: The duty of utmost good faith I

Seminar 7: The duty of utmost good faith II

Seminar 8: Insurance warranties

Seminar 9: Insurance conditions

Seminar 10: Loss and measure of indemnity

Seminar 11: Subrogation and reinsurance

Seminar 12: Revision

#### **2. Reading List**

There is no appropriate contemporary textbook for the course. An extensive reading list is provided and the following books can be used as sources although some are out of date in some aspects and the only contemporary one is a detailed practitioners book with too much information for this course. The reading list will indicate which parts of each of the books will need to be studied.

##### **Textbooks (s)**

Robert Merkin (ed.), *Insurance Law – An Introduction* (Informa 2007)

Robert Merkin and the others (eds), *Colinvaux's Law of Insurance in Hong Kong* (Sweet & Maxwell 4<sup>th</sup> edition 2021- earlier editions should be suitable for most purposes too)

John Lowry and the others, *Insurance Law: Doctrines and Principles* (3<sup>rd</sup> edn, Hart Publishing 2011) or subsequent edition

##### **Journals:**

*International and Comparative Law Quarterly*

*Lloyd's Maritime and Commercial Law Quarterly*

*Journal of Contract Law*

*Journal of Business Law*