

City University of Hong Kong
Course Syllabus

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

Part I Course Overview

Course Title:	Intensive Seminar
Course Code:	LW566*
Course Duration:	From one week to the full duration of a given semester
Credit Units:	1 credit (total contact hours: 13) or 1.5 credits (total contact hours: 19.5) in Semester A, Semester B or Summer Term
Level:	P5
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: (Course Code and Title)	LW5602A Law of Contact I or equivalent. Some courses under this intensive seminar may have specific pre-requisite. Students should refer to the individual course information for details.
Precursors: (Course Code and Title)	Nil
Equivalent Courses: (Course Code and Title)	LW4662 * Intensive Seminar (* This being an umbrella course, the course codes of seminars offered under this course will be labelled as LW4662A, LW4662B and so on.) LW650E* Intensive Seminar (* This being an umbrella course, the course codes of seminars offered under this course will be labelled as LW650AE, LW650AB and so on.)
Exclusive Courses: (Course Code and Title)	Nil

* This being an umbrella course, the course codes of seminars offered under this course will be labelled as LW566A, LW566B and so on. The code numbers and the exact title of each seminar will be recorded in Appendix-A to this Form.

Part II Course Details

1. Abstract

This course aims to:

- a) provide students opportunities to study, on an intensive basis, an existing or emerging area of law so as to meet the challenges of working in a global environment;
- b) allow students to be exposed to leading foreign legal scholars who are willing to spend few weeks at our Law School to offer a course;
- c) offer more flexibility to students to plan and complete their studies; and.
- d) develop further the research and analytical abilities of students.

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	DEC related learning outcomes		
			A1	A2	A3
1.	Describe and explain the basic concepts and principles related to the given seminar	(dependent on course)		✓	
2.	Apply the concepts and principles to solve hypothetical or real situations	(dependent on course)		✓	✓
3.	Communicate ideas, arguments or advice clearly and coherently both orally and in writing	(dependent on course)	✓	✓	✓
4.	Critically analyse and evaluate concepts, principles and policy underpinning the area of law covered by the seminar	(dependent on course)	✓	✓	✓
		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.*

Alignment of CILOs with PILOs:

PILOs		CILOs
1	Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	1, 3
2	Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.	2, 4
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	4
5	Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law.	2, 4

3. Learning and Teaching Activities (LTAs)

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

TLA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
1	Lectures or interactive seminars – by listening and taking notes, students will acquire basic knowledge of the relevant concept and principles. Students, will also ask or respond to questions	✓				
2	Group discussions/exercises – students will apply law or legal principles to practical situations; Tutorials – students will apply their understanding of legal concepts and principles to solve hypothetical situations		✓			
3	Tutorials – students will make oral presentations and written submissions; Consultations enable students to ask appropriate questions of the course leader			✓		
4	Guided reflective pre/post-class reading enables students to situate the lecture content within the academic literature and to develop their own critical position vis-à-vis course material				✓	

A range of TLAs are likely to be employed to achieve CILOs prescribed for a seminar. The combination and duration of the TLAs will be determined as per the needs of a particular seminar, which might in a given case be taught – wholly or in part – through video-conferencing facilities. Nevertheless, below is an indicative list of TLAs.

4. Assessment Tasks/Activities (ATs)

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

Again, although precise assessment tasks will be determined the visiting faculty and/or the course leader so as to ensure a proper alignment with CILOs and TLAs, few potential assessment tasks are specified below. Taking into account the nature of the subject and the duration of the seminar, the visiting faculty and/or the course leader will decide if the assessment will be wholly by coursework or by a combination of coursework and examination. The nature of examination (whether closed book or open book) will also be determined by the visiting faculty and/or the course leader. The exact assessment tasks will be notified to students at the beginning of the seminar.

Assessment Tasks/Activities	CILO No.				Weighting	Remarks
	1	2	3	4		
Continuous Assessment: to be decided by the individual course leader						
Attendance and participation in tutorials	✓	✓	✓	✓	depends on course)	
Coursework Essay		✓	✓	✓	depends on course)	
					100%	

The courses are assessed on pass/ fail basis, students are required to write an essay of 2,000 (for 1 credit course) or 3,000 (for 1.5 credits course) words or other by the course lecturer of the individual course.

To pass the course, students should have an attendance of 75% or above.

5. Assessment Rubrics

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

Assessment Task	Criterion	Pass (P)				Failure (F)
		Excellent	Good	Fair	Marginal	
1. Attendance and participation in tutorials	Demonstration of concentration on tutorials and other exercises. Demonstration of ability and willingness to answer questions in tutorials and to participate in group discussion. Demonstration of oral presentation skills and willingness to voice opinions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; 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. Coursework Essay	Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; 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.

1 credit course: These courses are assessed on pass/fail basis, students are required to write an essay of 2,000 words.

1.5 credits course: These courses are assessed on pass/fail basis, students are required to write an essay of 3,000 words.

In view of the specific nature of the course, students must also have an attendance of 75% or above.

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.)

Nil

2. Reading List

2.1 Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

(up to the course leader)

2.2 Additional Readings

(Additional references for students to learn to expand their knowledge about the subject.)

(up to the course leader)

This is merely an umbrella course and it has no syllabus of its own. The syllabus and the reading list (if any) of each intensive seminar offered under this course will be decided by the visiting staff and/or the course leader and included in Appendices-B to this Form.

**Appendix A: Course Codes and Titles of
Intensive Seminars Offered under LW566**

<i>Course Code</i>	<i>Course Title</i>	<i>Credit Units</i>
LW566A	Comparative Constitutional Law: Rights	1
LW566B	Artificial Intelligence and Legal Disruption	1.5
LW566C	Tort Law and Legal Culture	1.5
LW566D	Artificial Intelligence in Law	1
LW566E	LawTech, Innovation and Entrepreneurship	1
LW566F	International Aviation Law	1.5
LW566G	Cross-border Insolvency	1.5
LW566H	Law and Technology	1.5
LW566I	Contemporary Issues in Trusts Law: Asia-Pacific	1.5
LW566J	Commercial Law in Asia	1.5
LW566K	Legal Tech: Legal Technology and the Law Profession	1.5
LW566L	Digital Trade: Navigating the New Frontiers of Trade and Technology	1.5
LW566M	Responsible Business Conduct	1.5
LW566N	Privacy and Data Protection	1.5
LW566O	Protection of Personal Data in Europe	1.5
LW566P	Environmental Regulation, Climate Law and Sustainable Finance	1.5
LW566Q	Elements of Private Equity Funds	1.5
LW566R	Healthcare Law & Practice amidst Technological Innovation	1.5
LW566S	Laws relating to Family Office Practice in Hong Kong	1.5
LW566T	Financial Statement Analysis	1.5
LW566U	Law Relating to the International Sale of Goods carried by sea	1.5
LW566V	Constitutionalism, Rights and Economic Development in Asia	1.5
LW566W	<u>Technology and the Legal Practice</u>	1.5
LW566X	The EU and the Digital Single Market: governance and implications for the EU-China relations	1.5

Appendices B: Syllabus of Intensive Seminars Offered under LW566

LW566A Comparative Constitutional Law: Rights

Most contemporary constitutions contain a bill of rights, consisting of two key components. First, they set out a list of entrenched rights, consisting both of negative rights (e.g. expression, assembly, association) and positive rights (e.g. socio-economic rights, such as the right to housing). Second, they expressly provide that these rights are not absolute; limitations of those rights are constitutionally permissible under restricted circumstances.

This intensive course introduces students to the modern structure of rights adjudication. It examines the following topics:

Session 1: Proportionality. In this session, we will explore the analytical structure of proportionality, and examine its application in leading decisions (e.g. from Canada, Germany, Israel). Proportionality is a methodology for assessing whether limitations on rights are justifiable, and is used by constitutional courts around the world. Proportionality is now being used by constitutional courts in Asia, and we will explore regional examples (e.g. India, Malaysia).

Session 2: Right to Freedom of Religion. In this session, we will explore leading cases on freedom of religion in culturally diverse societies, including religion in schools, public endorsement of religious practices, problems of religious liberty and cultural preservation, and debates over religious dress. We will draw on regional examples (e.g. India, Malaysia, Sri Lanka).

Session 3: Economic and Social Rights. In this session, we will explore the constitutional entrenchment of economic and social rights, such as the right to housing and health care. We will then explore leading examples of the adjudication of these rights from Africa, India, and Latin America.

Session 4: Horizontal application. In this session, we will explore the use of bills of rights in private litigation among non-state actors. Although bills of rights historically limited public power, they can also be used to regulate private relationships, either by applying directly to private actors (direct horizontal effect) or to private law (indirect horizontal effect).

LW566B Artificial Intelligence and Legal Disruption

Seminar Content

‘Artificial Intelligence’

Society stands on the cusp of unprecedented, even unfathomable, change as the maturation of decades of scientific research and technological development promises to unleash waves of brilliant technologies in the near future. Few fields hold the prospect of seismic societal disruption like artificial intelligence and robotic technologies: their impending shift from science fiction to daily reality holds the potential to inundate society with flood of fundamental challenges. It is important to emphasise that these projected disruptions to almost every sphere of human activity originate from a relatively tight cluster of emerging technologies. That this broad array of challenges emanate from a single-source origin provides unique opportunities and problems for engaging with and address AI and its attendant disruptions to society.

Converging with these conventional conceptions of artificial intelligences based upon silicon substrates and the computer sciences, are models of artificial intelligence arising from progress in neuroscience that are biologically-inspired or which integrate the biological with the artificial. Thus, an expanded conception of artificial intelligence encompasses the spectrum from produced (manufactured) to reproduced (replicated) versions, with hybrid intelligences occupying the space in between. This range creates further challenges for developing appropriate regulatory responses, but also greater opportunity for providing regulatory feedback by testing the consistency and coherence of legal and policy responses which have been framed by unspoken presumptions and implicit characteristics.

‘Legal Disruption’

As human beings have long been accustomed to being the dominant form of intelligence on earth, there has been little consideration for how to accommodate other intelligent entities into human (and therefore anthropocentric) societies. This sets the stage for artificial intelligences to disrupt forms of human-centred organisation, such as law. Such disruption can be particular areas, in varied and unforeseen ways, but can also be systemic. An important subset of anthropocentric modalities of organisation are those concerned with regulation and governance, and in particular the legal systems which are relied upon in these domains. Why might the prospect of artificial intelligence disrupt the law, regulation and governance? Why might particular manifestations and applications of artificial intelligence disrupt discrete legal areas? And why might legal disruptions be more subtle and pervasive than it might appear at first glance?

It is this potential for artificial intelligences to disrupt legal principles, processes and procedures that forms the focal point of evaluation and examination in this course. Legal disruption forms the filter through which the issues embraced in this course percolate through: only artificial intelligences, or their manifestations, which are capable of fundamentally displacing legal presumptions or which systemically distort the functioning of the regulatory system will be

considered. Thus, artificial intelligences and their manifestations must raise structural or systemic challenges to governance, to be included in this course. This is a necessarily high threshold, but in order to test whether an artificial intelligence or its impact passes muster, we will of course also discuss issues which might ultimately fall short of the mark.

Given the emphasis upon legal disruption, this course constantly aims at a dynamic target: as legal and policy responses to challenges posed by artificial intelligences are overcome or otherwise settled, these issues lose their disruptive effect and fall out of the ambit of this course. What loses controversy also loses interest for us. But the vantage point granted by legal disruption offers a mix of horizon-scanning for the next generation of challenges, and a measure of foresighting future issues which we will be able to prepare law and policy responses. As such, the perspective in this course celebrates the unknown and the incomplete, as a way of formulating more robust and resilient regulatory models as a response to these brilliant technologies.

Finally, the legal disruption approach allows us to deploy AI and robotic technologies as a mirror to the legal and regulatory system. It offers a rare chance to step outside of contemporary legal processes, principles and presumptions and to test their continuing efficacy, validity and tenability. As such, the promise of investigations at the intersection of AI and the law with such a conceptual framework, is that it might 'illuminate the whole law'. From a separate vantage point, it is also possible to see any flaws or inconsistencies more clearly. It also provides a rare opportunity to improve the law, by updating its doctrine to reflect the contemporary scientific paradigm.

Course Outline

2 November 2021

- 1.1: Course introduction: What is AI? And why does it matter to us?
- 1.2: Artificial Intelligence and the Law: mapping the problem-space

4 November 2021

- 2.1: The Cyber Law/Law of the Horse Debate: do we need new law?
- 2.2: Cyber Law and the Path of Robot Law

5 November 2021

- 3: Regulating for Technological Change

9 November 2021

- 4.1: Legal Innovation, Interruption, Disruption: Framing a Conceptual Approach
- 4.2: Levels of AI Governance: Solving for X

11 November 2021

- 5.1: The shape of things to come? Autonomous Weapons Systems and the Law of the War Horse
- 5.2: Beyond 'Autonomy' in Weapons Systems: Networks and Systems Approaches for Legal and Regulatory Responses

LW566C Tort Law and Legal Culture

This course explores, from a comparative perspective, the relation between tort law and legal culture. It examines how various common law systems deal with tort issues that are related to cultural norms and morality. Examples will be drawn mainly from tort cases in the US. Topics explored include the scope of strict liability, omission/positive duty, non-economic damages, punitive damages, among others.

Pre-requisite: Torts

LW566D Artificial Intelligence in Law

Course Overview and Objectives

Artificial Intelligence (AI) has been heralded as the next great phase of human advancement. The practical applications of AI are vast and touch almost every aspect of our lives and the law industry is no exception. This short course will give students an overview of AI technologies and use cases applicable in law. In addition to raising their awareness of AI, we will also address the fear that many may feel and dispel many myths associated with this topic. AI is currently forcing business model innovation and new Legal Tech and RegTech companies are springing up all over the world. We will examine these upcoming companies to boost students' awareness of both what is currently there and what the future holds for the intersection of AI and Law. Finally, the course is also intended to aid in personal development of students so that they themselves are better able to adapt to the future job market and become 'data-driven' law professionals of tomorrow.

Grading Scheme

- Pass/Fail Grade only
- Good Attendance – 75% plus
- One essay of 2,000 words

LW566E LawTech, Innovation and Entrepreneurship

1. Course Outline

Technology, business and law are often taught as distinct disciplines, but in the “real world” moving at 5G speed where “data is the new gold” and disruptive technologies and start-ups are making paradigm shift and testing the limit of existing laws and regulations, clients and employers are looking to hire and grow with future lawyers who can master these intertwined disciplines to deliver cost-effective and forward-looking creative legal solutions. This course should offer students with more practical insights as the course will be led by a well-recognised technology lawyer who is a Partner of an international law firm who covers Asia Pacific and has served inhouse at leading technology companies, and he will be explaining key concepts, walking through some relevant contracts, and be inviting technologists, entrepreneurs, business leaders and other lawyers to help students understand the interplay of these disciplines, and the practical application of technological innovations such as artificial intelligence, blockchain, cloud computing, big data and FinTech.

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)	DEC related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Appreciate the intertwined relationship between law, technology and business in various contexts		✓	✓	✓
2.	Develop the skills to apply technical knowledge in a practical way		✓	✓	✓
3.	Develop the skills to think in a cross-disciplinary way		✓	✓	✓
* If weighting is assigned to CILOs, they should add up to 100%.		100%			

3. Teaching and Learning Activities (TLAs) *(TLAs designed to facilitate students’ achievement of the CILOs.)*

TLA	Brief Description	CILO No.			Hours/week (if applicable)
		1	2	3	
Seminars	This course will be conducted by way of interactive seminars, with the use of practical and interesting case studies, exercises and panel discussions led by guest lecturers.	✓	✓	✓	
Case Studies & Group Discussions	Tutorials will be discussion-based. Students will be organized as groups to study various case studies or contracts of tech companies.	✓	✓	✓	

4. Other Information (more details can be provided separately in the teaching plan)

Keyword Syllabus (An indication of the key topics of the course.)

Technology, artificial intelligence, blockchain, cloud computing, big data, online dispute resolution, alternative dispute resolution, smart contracts, LawTech, arbitration, mediation, negotiation, FinTech, data breach, cybersecurity, data privacy

Detailed Syllabus

Introduction to legaltech (developments, opportunities and challenges); Real world applications of innovative techniques in legal system (contracts, risks, prevention, ethical and legal issues); Cybersecurity, data privacy and data breach; Online dispute resolution: the case study of eBRAM in HKSAR; Law x technology: legal issues and response from the legal community; Important skills of a tech lawyer - thinking in a cross-disciplinary way

5. Reading List

Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

1.	Cap. 486 Personal Data (Privacy) Ordinance
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Additional Readings

(Additional references for students to learn to expand their knowledge about the subject.)

1.	Artificial Intelligence Working Group of the IBA Alternative and New Law Business Structures (ANLBS) Committee, Guidelines and Regulations to Provide Insights on Public Policies to Ensure AI's Beneficial Use as a Professional Tool, https://www.ibanet.org/PPID/Constituent/Multi-disply_Pract/anlbs-ai-report.aspx
2.	Cap. 609 Arbitration Ordinance
3.	Cap. 533 Electronic Transactions Ordinance
4.	Cap. 620 Mediation Ordinance
5.	HKIAC Administered Arbitration Rules 2018
6.	HKIAC Procedures for the Administration of Arbitration under the UNCITRAL Arbitration Rules 2015
7.	UNCITRAL Arbitration Rules 2013

Course outlines

- **Introduction** (2h) - historical landmarks / international law framework / international law and comparative law / overview of international aviation transport market – current aviation environmental challenges.
- **SLOT 1 – International conventions and institutional organizations in the aviation sector** (3h) – main conventions and treaties (Chicago, Warsaw, Montreal...): provisions, scope, binding force, enforcement. ICAO and IATA.
- **SLOT 2 – Rights of traffic** (3h) – the nine freedoms of the air – provisions of air service agreement. Impact on competition. Situation in ASEAN / EU.
- **SLOT 3 – Aviation sustainability** (2h) – noise disturbance – carbon emissions – non CO2 effects (contrails) – Carbon neutrality objective – the CORSIA ICAO program – other initiatives (EU ETS / offsetting private initiatives).
- **SLOT 4 – Aircraft transaction** (4 h)– focus on sale and leasing contracts / sub-contracting – elements of drafting and negotiation – main provisions and clauses – performance – choice of law applicable. Insights into sale & lease back deals.
- **SLOT 5 – Aircraft financing and guarantees** (3h). Different financing instruments / role of export credit agencies. Introduction to Cape Town convention and aircraft equipment protocol.
- **SLOT 6 – Carrier’s liability** (3h) – Airlines, aircraft manufacturers, OEM civil and criminal liability / scope, main principles and implementation of Warsaw and Montreal international conventions.

LW566G Cross-border Insolvency

This module helps prepare students for insolvency practice in Hong Kong and Mainland China. It is also helpful for students in corporate and commercial practice, as knowledge of insolvency law is essential for controlling insolvency risks when advising clients in all kinds of corporate transactions. Mainland China and Hong Kong entered into a cross-border insolvency arrangement in Apr 2021. This is a milestone as the Mainland has virtually no cross-border insolvency law and this is the first time that the Mainland has entered into such an arrangement. The arrangement will improve Hong Kong's attraction as an international financial centre. The constraints facing the Mainland's high technology companies seeking a listing in the US will also drive them to list in Hong Kong or maybe Singapore, further strengthening Hong Kong's position as an international financial centre.

This module consists of three parts. The first part consists of an introduction to the basic theories in cross-border insolvency law and an overview of the UNCITRAL Model Law on Cross-Border Insolvency Law. The second part examines the law of winding up foreign companies and the common law of judicial assistance as developed by the Hong Kong courts. The third part examines the Mainland and Hong Kong arrangement on recognition of and assistance to insolvency proceedings in the Mainland and Hong Kong.

Grading Scheme

- Pass/Fail Grade only
- Good Attendance – 75% plus
- One essay of 3,000 words

LW566H Law and Technology

Technology, business and law are often taught as distinct disciplines, but in the “real world” moving at 5G speed where “data is the new gold” and disruptive technologies and start-ups are making paradigm shift and testing the limit of existing laws and regulations, clients and employers are looking to hire and grow with future lawyers who can master these intertwined disciplines to deliver cost-effective and forward-looking creative legal solutions. This course should offer students with more practical insights as the course will be led by a well-recognised technology lawyer who is a Partner of an international law firm covering Asia Pacific and has served inhouse at leading technology companies, and he will be explaining key concepts, and be inviting technologists, entrepreneurs, business leaders and other lawyers to help students understand the interplay of these disciplines, and the practical application of technological innovations such as artificial intelligence, blockchain, cloud computing, big data, Fintech, Smart City, Metaverse and Openverse.

This course aims to provide students opportunities to study, on an intensive basis, an existing or emerging area of law so as to meet the challenges of working in a global environment.

Grading Scheme

- Pass/Fail Grade only
- Good Attendance – 75% plus
- One essay of 3,000 words

LW566I Contemporary Issues in Trusts Law: Asia-Pacific

It is well-known that the trust is an incredibly versatile device which has immense potential to promote societal stability and economic prosperity. It is unsurprising, therefore, that trusts law is flourishing in the Asia-Pacific region: with a rich diversity of legal traditions, cultures, and history, the trust has been (and is being) used in an increasing variety of ways to meet a range of different needs. This subject explores the influence and potential of trusts law in the Asia-Pacific region. It begins by considering the history of trusts diffusion, how trusts law has been used to regulate customary and religious property-holding forms, and assesses the ways in which the trust has been (re)conceptualised in non-common law jurisdictions. It then examines the three main uses of the trust in the region: in the family context, the commercial context, and as a financial product.

Seminar 1 — Introduction: Trusts Law in the Asia-Pacific Region?

Seminar 2 — Trusts Diffusion in the Asia-Pacific Region

Seminar 3 — Customary/Religious Property-Holding Forms

Seminar 4 — Civil Law Traditions and Conceptions of the Trust

Seminar 5 — The Family Context

Seminar 6 — The Commercial Context

Seminar 7 — Offshore and Mid-Shore Jurisdictions

Grading Scheme

- Pass/Fail Grade only
- Good Attendance – 75% plus
- One essay of 3,000 words

LW566J Commercial Law in Asia

The emergence of Asia as an economic powerhouse is driving enormous interest in doing business in the region. This subject provides students with an opportunity to examine commercial law in an Asian context. Although parallels can be drawn between Asian jurisdictions in terms of their economic and legal development, their commercial law systems are too diverse to be treated uniformly. Instead, the principal objective of this course is to provide a focused analysis of selected legal and practical issues from comparative and economic perspectives.

In order to facilitate comparative analysis both across and within the common law and civil law traditions, this subject will focus on commercial law in the four jurisdictions of China, Hong Kong, Singapore and Taiwan. Basic economic principles will be introduced and utilized to evaluate the efficacy of the respective legal rules. Covered topics will include contract, business associations, corporate finance, and taxation. The subject will be of interest to those interested in doing business in Asia.

Pre-requisite: Contract Law; Business Associations or Company Law

Grading Scheme

- Pass/Fail Grade only
- Good Attendance – 75% plus
- One essay of 3,000 words

LW566K Legal Tech: Legal Technology and the Law Profession

The landscape of the legal profession is changing rapidly and the main drivers for this development are digitalization and increasingly the rise of artificial intelligence (AI) – the latter is often called a “disruptive technology” for the legal sector. The lawyer of the future will work differently from today’s lawyers, using digital tools and AI nearly daily. Other legal positions will probably disappear completely or at least to a large extent, such as e.g. paralegals. This course is designed to introduce law students to the impact of legal technology on the legal industry, but also outlines the legal implications of this development (is everything legal what is technically possible, like e.g. the robo-judge?). The course will explore various technological advancements (like e.g. smart contracts, smart dispute resolution or the robo-judge), their implications for the legal profession and for law, and how students can adapt and thrive in a rapidly evolving legal landscape. By the end of the course, students will have a comprehensive understanding of how technology is reshaping the legal profession, what are the legal implications of this development and will be better prepared to harness these advancements to thrive in the modern legal landscape.

Lecture 1: Introduction to Legal Tech: History, Definition, Use Cases, and Possible Future

Lecture 2: Blockchain-based Smart Contracts and Smart Dispute Resolution (part 1)

Lecture 3: Blockchain-based Smart Contracts and Smart Dispute Resolution (part 2)

Lecture 4: Legal Tech-Platforms and Contract Generators: Business Models, Access to Justice, Liability for Legal Tech-Applications

Lecture 5: The Use of AI in the Legal Profession

Lecture 6: Use of Legal Tech by the Judiciary: From Fax to Robo-Judge (part 1)

Lecture 7: Use of Legal Tech by the Judiciary: From Fax to Robo-Judge (part 2), Conclusion

Pre-requisite: Contract Law

Grading Scheme

- Pass/Fail Grade only
- Good Attendance – 75% plus
- One essay of 3,000 words

LW566L Digital Trade: Navigating the New Frontiers of Trade and Technology

This course offers an in-depth exploration of the rapidly evolving world of digital trade, examining its impact on public policy, legal frameworks, and global commerce. Through a series of lectures, we will delve into the intricate dynamics of digital trade, including the influence of data and digital technologies on global trading patterns, regulatory challenges, and the intersection with intellectual property and emerging technologies. The course aims to provide a comprehensive understanding of the legal and policy dimensions shaping digital trade and technology, equipping students to navigate and influence this critical and fast-moving area.

Lecture 1 – Introduction to Digital Trade: Concepts and Context

Lecture 2 – The Dynamics of Digital Trade and Public Policy Concerns and Regulatory Trade Barriers

Lecture 3 – Trade Laws and Digital Trade

Lecture 4 – Digital Trade Infrastructure

Lecture 5 – Digital Innovation and IP Issues

Lecture 6 – Digital Trade and Emerging Technologies & The Future of Digital Trade Governance and Data Regulation

Lecture 7 – Synthesis and Perspectives: Shaping the Digital Trade Agenda

Grading Scheme

- Pass/Fail Grade only
- Good attendance (normally 75% plus)
- One essay of 3,000 words to be submitted after completion of the course

LW566M Responsible Business Conduct

Course Outline

Companies, an integral part of a free market economy, are increasingly expected to respect human rights wherever they operate, instead of merely focusing on maximising profits for shareholders. They are also expected to contribute to realise the Sustainable Development Goals (SDGs) and play their part in dealing with various societal challenges – from conflicts to climate change, poverty, modern slavery, gender discrimination and artificial intelligence.

After the adoption of the UN Guiding Principles on Business and Human Rights (UNGPs) in 2011, human rights due diligence (HRDD) has emerged as a key tool to enable companies to respect human rights and protect the environment. The expectation to conduct HRDD is increasingly becoming legally binding, and companies are facing lawsuits as well as pressures from shareholders and investors for indulging in irresponsible behaviour. The evolution of responsible business conduct (RBC) standards at the national, regional and international levels also has significant implications for future lawyers and other professionals advising companies.

Against this background, this intensive course aims to expose law students to key RBC standards relevant for companies based in Hong Kong. After completing this course, students should be able to discover why RBC policies should be integrated into day-to-day business decisions and how corporate executives could handle human rights or environmental dilemmas that arise during business operations.

Readings

A list of digital resources will be made available for each seminar.

Assessment

The course will be assessed on a Pass / Fail basis. The assessment will comprise the following:

1. participation in class discussion and hypothetical exercises, including role play (40%); and
2. an essay (about 3,000 words) at the end of the course (60%) – the essay topic and further guidance will be provided during the course.

LW566N Privacy and Data Protection

The fast-paced technological advancements in recent years have changed our expectations on an individual's right to privacy and data protection. The fundamental question would be, how does one's right to privacy balance with the need for increased cybersecurity in the contemporary technology-centric landscape we live in? This course will principally be focused on three areas. First, there will be an in-depth discussion on the Hong Kong regulatory framework in this area, particularly The Personal Data (Privacy) Ordinance and relevant data protection principles. Alongside this, the work and the enforcement powers of the Office of the Privacy Commissioner will be discussed along with relevant legal authorities. Second, there will be some discussion into the international standards of privacy and data protection, such as but not limited to the EU General Data Protection Regulation, the UK General Data Protection Regulation Act and the Singapore Personal Data Protection Act. Lastly, the course will end with analysis on the need for more recognition for a common law tort of privacy in Hong Kong, along with an overview of torts related and ancillary to the privacy and data protection.

Pre-requisite: Contract Law

Grading Scheme

- Pass/Fail Grade only
- Good Attendance – 75% plus
- One essay of 3,000 words

LW566O Protection of Personal Data in Europe

The value of privacy and respect for private life is old and universal. The protection from arbitrary interference with privacy was included in the United Nations Universal Declaration of Human Rights from 1948 and has later found its way into a whole range of global and regional human rights conventions. Over the last couple of decades, and due to the ever-increasing importance of information economy in modern societies, the regulation of personal data processing has taken the center stage in the public discourse on protection of privacy and private life. Rapid technological developments have visualized how personal data can be used to the best of mankind, but also the potential for misuse.

The European Union is at the forefront when it comes to regulating the processing of personal data. The EU Charter of Fundamental Rights from 2000 contains, in addition to the general right to respect for private life in Article 7, an autonomous right to protection of personal data in Article 8. The General Data Protection Regulation (GDPR) which entered into force in May 2018 contains a comprehensive and detailed set of general principles and detailed rules for processing of personal data and represents an operationalization of the general principles in the EU Charter. The aims of the Regulation are two-fold: (1) to protect the privacy rights of natural persons within the European Union, and (2) to facilitate the free movement of data within the EU. The Regulation has a global outreach, as any organization outside the EU that provides services into the EU that involves processing of personal data must comply.

The protection of personal data within the Council of Europe system for human rights protection is based on another approach. The European Convention of Human Rights (ECHR), which entered into force in September 1953, does not contain an autonomous right to protection of personal data. Nevertheless, since the *Leander v. Sweden* judgment from 1987, in which the European Court of Human Rights (ECtHR) for the first time considered the storage by a public authority of an individual's personal data, the Court's case-law under ECHR Article 8, which protects the right to respect for private and family life, has seen a significant development. The Court has over the years elaborated on the limits for public authorities' own processing of personal data and has also developed positive duties on the Contracting states to prevent processing of such information by non-state actors and private individuals.

By the end of the course, the students will be able to describe the main features of the European legal and institutional architecture regulating the processing of personal data. The students will have a good understanding of the general processing principles, some of the data subject's rights, and the interplay between principles and rights. Based on this understanding, they will be able to explain and analyse judgments, and to apply statutory provisions and judge made criteria and guidelines on hypothetical and real sets of facts. The students will also be well prepared to take on more advanced studies in this area of law.

Topics for the lectures

Lecture 1 (3 hours):

The Legal Framework for Protection of Personal Data in Europe

Lecture 2: (4 hours):

Supervisory authorities at the European and the national level. What is “personal data”?

Lecture 3 (3 hours):

The principles for processing personal data. Legal basis for processing of personal data: General introduction

Lecture 4 (3 hours):

Consent as legal basis. Introduction to the rights of the data subject under GDPR and ECHR

Lecture 5 (3 hours):

Selected rights: The right to access, the right to rectification, and the right to be forgotten

Lecture 6 (4 hours):

GDPR enforcement: Legal remedies, compensation, and administrative sanctions. International data transfers

Recommended reading

IT GOVERNANCE PRIVACY TEAM, EU General Data Protection Regulation (GDPR): An Implementation and Compliance Guide, Fourth edition, IT Governance Publishing 2020. (ISBN13: 9781787782495)

Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)

Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950

Course Outline

The course consists of 3 parts. In the **first part** we will discuss the rationale of public regulation, then move to examine the basic principles of environmental regulation, including sustainability, circular economy, and the precautionary principles. We will explore their theoretical underpinnings and how they are realized in legal texts such as the UN *Sustainable Development Goals (SDGs)*. Next, we will consider the problem of instrument choice, and analyze the different regulatory instruments that governments use to intervene in the environmental domain (e.g., command and control regulation, economic instruments, tort liability). We will consider examples from the U.S., the EU, China and Hong Kong. The **second part** of the course will focus on climate law. We will start with a discussion of the basic science of climate change, continue with an analysis of the structure of the UN Climate Convention, and finally discuss the burgeoning field of climate litigation. In the **final part** of the course, we will examine the realm of corporate social responsibility and sustainable finance. We will start with an introduction to the concepts of corporate social responsibility (CSR) and environmental social and governance (ESG), then examine some of the key global CSR/ESG standards such as the Global Compact, Global Reporting Initiative and Equator Principles. We will examine the question of corporate liability in transnational value chains. We will then consider the field of sustainable finance and discuss some of the new instruments that are used by financial institutions and firms such as green bonds and sustainability linked loans. The field of green finance has grown extensively over the past few years attracting billions of dollars and has become a key pillar of the broader domain of corporate finance. The course will provide students with critical understanding of this emerging field.

20 contact hours. There will be 6 meetings of 3 hours and 1 meeting of 2 hours.

Part 1:

(1) The rationale for public regulation: public goods, externalities, and coordination

- Orbach, Barak, What Is Regulation? (September 7, 2012). 30 Yale Journal on Regulation Online 1 (2012), Available at SSRN: <https://ssrn.com/abstract=2143385>.
- Kaul, Inge, Isabelle Grunberg, and Marc A. Stern. 1999. Defining Global Public Goods. In *Global Public Goods*, edited by I. Kaul, I. Grunberg and M. A. Stern. Oxford: Oxford University Press

(2) The Principle of Sustainable Development

- The 17 Sustainable Development Goals (SDGs), <https://sdgs.un.org/goals>.
- Malekpour, Shirin, et al. "What scientists need to do to accelerate progress on the SDGs." *Nature* 621.7978 (2023): 250-254.
- *Circular Economy and Sustainable Development*: definition (Ellen Macarthur Foundation; EU)
- HK 2050: Waste (<https://www.hk2050isnow.org/waste/>)

- The Story of Aral Sea: The country that brought a sea back to life, Dene-Hern Chen, 23rd July 2018; Elena Gordillo, Is the Aral Sea a Lost Cause? 1 Feb, 2023;
- Israel's Dead Sea: The Dead Sea is dying. December 11, 2022 , Ofir Berman & Daniel Estrin, The Disappearing Dead sea

(3) Regulation Under Conditions of Uncertainty: the Precautionary Principle

- [Rio Declaration on Environment and Development](#), Principle 15
- Daniel A. Farber, Coping with Uncertainty: Cost-Benefit Analysis, the Precautionary, Principle, and Climate Change, 90 Wash. L. REV. 1659 (2015), 1660, read 1671-1678.
- Case Study - *Solar Geo-Engineering*:
- [Solar Geoengineering](#) (Harvard Belfer Center, June 2019); [Open Letter](#): Call for an International Non-Use Agreement on Solar Geoengineering

(4) Regulatory Instruments and Policy Design

- Taylor, Christopher, et al. "Selecting policy instruments for better environmental regulation: a critique and future research agenda." *Environmental policy and governance* 22.4 (2012): 268, read: 273-283.
 - [Clean Air Plan](#) for Hong Kong 2035 (www.gov.hk/en/residents/environment/air/airquality.htm)
 - Forbes, [China's Emissions Trading System Will Be The World's Biggest Climate Policy. Here's What Comes Next](#) 18 April 2022.
 - OECD: [Comparative data on environmental tax rates](#);
 - The [EU ETS](#);
 - EU [Carbon Border Adjustment](#) Mechanism;

Part 2: Climate Law and Climate Litigation

(5) Introduction to the Climate Change Convention

- read the following description of the essentials of the Paris Agreement and see the related videos: <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>
- [Paris Agreement text](#)
- UNEP Emissions Gap Report 2023, read the on-line interactive summary: https://www.unep.org/interactives/emissions-gap-report/2023/#section_0

(6) Climate Litigation: Government and Corporate Liability

- Urgenda (read the summary of the court decision pp. 1-6)
- Milieudefensie et al. v. Royal Dutch Shell plc. read: sections 3-5 (pp. 21-48)(Court-issued English translation of District Court Judgment)
- [Verein KlimaSeniorinnen Schweiz and Others v. Switzerland](#), App. No. 53600/20, Judgment, 2024 Eur. Ct. H.R. (Apr. 9), ECLI:CE:ECHR:2024:0409JUD005360020, (read the case summary available here: [Press release: Verein KlimaSeniorinnen Schweiz and Others v. Switzerland](#))
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Part 3: Environmental, social, and governance (ESG), sustainable finance and corporate ESG liability

(7) Introduction and Theory

- Milton Friedman 'The Social Responsibility of Business is to Increase its Profits' The New York Times Magazine, 13 September 1970 - <https://www.nytimes.com/1970/09/13/archives/a-friedman-doctrine-the-social-responsibility-of-business-is-to.html>

(8) Private ESG/CSR Standards

- Introduction to the world of ESG standards: key standards
 1. [OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#) (2023)
 2. [UN Global Compact](#)
 3. [Global Reporting Initiative](#)
 4. [Equator Principles](#) (EP4, 2020)
 5. [Fair Trade International](#)
 6. [Responsible Care](#)

(9) The Liability of Multinational Corporations

- Kaplan, Yotam, and Oren Perez. "Tort as meta-regulation: The liability of private transnational regulators." *U. Pa. J. Int'l L.* 43 (2021): 667.
- *Global value chain liability*:
 1. Das v. George Weston Limited, 2018 ONCA 1053 (2018) (COURT OF APPEAL FOR ONTARIO) (read: paras 1-23, the facts of the case) (<https://www.canlii.org/en/on/onca/doc/2018/2018onca1053/2018onca1053.html>)
- *ESG litigation*:
 1. Read: *Fossil Free Movement v. KLM* (20-3-24, Amsterdam Court)
 - a. <https://www.clientearth.org/media/cx4po41h/klm-judgment-20-march-2024.pdf>
 2. Discretionary readings:
 - a. *Australasian Centre for Corporate Responsibility v. Santos, Federal Court of Australia*, NSD858/2021, 25 August 2021 (Australia). (<https://www.accr.org.au/news/australasian-centre-for-corporate-responsibility-updates-case-against-santos-in-federal-court/>)
 - b. *Greenpeace France, v. TotalEnergies SE, TotalEnergies*, Court of Paris, 2 March 2022 (France). (<https://www.amisdela terre.org/communique-presse/environmental-groups-sue-totalenergies-for-misleading-the-public-over-net-zero/>)

(10) The New World of Sustainable Finance: green reporting

a) Double Materiality

- GRI, [The materiality madness](#): why definitions matter (22 Feb 2022)
- GRI, [Double materiality](#). The guiding principle for sustainability reporting

b) Climate reporting: scope 1,2 and 3 explained

The [GHG Protocol Corporate](#) Accounting and Reporting Standard (chapter 4: pp. 24-33)

c) 3 case studies

- Nestle [ESG report 2023](#)
- BP [Sustainability Report](#) 2023
- Bank of China HK, [ESG report](#) 2023

(11) Climate Pledges and sustainable finance

- Perez, Oren and Vandenberg, Michael P., Making Climate Pledges Stick: A Private Ordering Mechanism for Climate Commitments (February 2, 2023). Bar Ilan University Faculty of Law Research Paper No. 4346020, Ecology Law Quarterly, Forthcoming, Available at SSRN: <https://ssrn.com/abstract=4346020>
- Science Based Targets initiative (SBTi): [how it works?](#)
- [Green Bonds Principles](#) June 2021
- The [Climate Bonds Standard and Certification Scheme](#) V4.2
- IOB [Sustainable Finance Primer](#) 2023 and Green Finance Platform [Primer](#)

(12) EU new Climate, ESG and Sustainable Finance Regulation

- The [Corporate Sustainability Reporting Directive \(CSRD\)](#)
- GRI, [CSRD Essentials](#) (2024)
- [EU taxonomy for sustainable activities](#) - European Commission
- the EU Greenwashing Directive: 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices (Mar. 3, 2022).

LW566Q Elements of Private Equity Funds

Course Duration: 7 lectures

Course Description: Introduction to Private Equity and Alternative Investments

This course serves as an introduction for students to the field of private equity and alternative investments, with a specific focus on fund structuring and current developments in the private equity industry, with an Asian perspective. By the end of the course, students will have a solid understanding of the players in the private equity and alternative industry as well a foundational understanding of the legal and regulatory framework for private equity funds.

Course Objectives:

1. To introduce students to the basic concepts and principles of private equity and alternative investments.
2. To provide an understanding of the various fund structures used in private equity.
3. To provide an understanding of the fiduciary obligations of a general partner acting in accordance with the legal framework of the investment mandate of a private equity fund.
4. To explore the current developments and trends in the private equity industry, with a focus on Asia.
5. To encourage critical thinking and discussion on ethical considerations in private equity.

Course Outline:

Lecture 1: Introduction to Private Equity and Alternative Investments

- Definition and characteristics of private equity: Students will learn about the nature and scope of private equity investments and how they differ from traditional public market investments. The concept of alternative investments, including hedge funds, real estate, and commodities, will also be introduced.
- Historical development and growth of private equity industry: Students will explore the origins of private equity and its evolution into a prominent investment asset class (specifically on the early LBO days of the industry). They will gain insights into the factors that have contributed to the growth of the industry over time.
- Role of private equity in the global financial markets: This section will discuss the significance of private equity as a source of capital for companies and its impact on economic development. Students will examine the role of private equity in fostering innovation, job creation, and industry transformation.

Lecture 2: The Business of Private Equity and Legal Regulatory Framework for Raising Capital

- Introduction to different types of private equity funds: Students will be introduced to the business of private equity where a general partner (GP) raises capital from limited partners (LPs) on the basis of his investment track record and in accordance with an agreed investment mandate for deployment of capital.
- An introduction venture capital funds, growth equity funds, and buyout funds. The characteristics, investment strategies, and target sectors of each type of fund will be discussed in the context of investors willing to invest capital in accordance with their risk tolerance.
- There will be an analysis and comparison between raising private equity and raising public equity through an initial public offering process (IPO), as well as the continuing regulatory obligations associated with each type of capital raising.
- Fundraising process and investor relations: Students will learn about the process of raising capital for private equity funds as well as the need to observe the various safe harbors under each regulatory regime to raise capital from institutional and accredited investors (as opposed to raising money from an initial public offering).

Lecture 3: Foundations of Fund Formation

- Key terms and legal considerations in fund structuring: This section will cover essential legal and contractual terms in private equity fund agreements, such as management fees, water-fall structures (deal by deal or whole fund), carried interest calculation, as well as governance structures such as removal of GPs.
- A closed-end private equity limited partnership fund will be used as a framework for instruction on the standards terms for a fund. Other fund structures such as open-end, and hybrid funds will be introduced and analyzed.

Lecture 4: Foundations of Fund Formation – Governance and Select Issues

- The students will learn about legal framework and governance structure of the GP by the LPs through existing provisions in the Fund Documentation.
- The core principle of the GP by entrusted with limited partners funds, is subject to fiduciary obligations to act in the best interests of the limited partners in accordance with the investment mandate set out in partnership framework of the fund documentation.
- The prevalence of market standards and industry associations such as the ILPA and NVCA in

setting standards for fund documentation and investments.

- Regulatory considerations for private equity funds: Students will explore the regulatory framework governing private equity funds, including securities regulations, anti-money laundering laws, and compliance requirements. They will understand the importance of adhering to regulatory guidelines and the potential consequences of non-compliance.
- Ethical considerations in private equity investing: This section will foster discussions on ethical considerations in private equity, including conflicts of interest, transparency, and responsible investing. Students will critically evaluate the ethical implications of private equity practices and explore ways to promote ethical conduct in the industry.

Lecture 5: Current Developments in Fund Structures

- Analysis of recent trends and developments in the private equity industry: This section will focus on the latest trends, developments and challenges shaping the private equity landscape – specifically tougher capital markets and longer exit periods resulting in harder fund raises.
- New liquidity measures such as continuation fund vehicles, AIV being deployed to meet investor requirements.
- Other new developments include Environmental, Social, and Governance (ESG) and DEI considerations in private equity: Students will learn about the increasing importance of ESG factors in private equity investments and how LPs require such considerations to be incorporated into fund documentation.

Lecture 6: Select Industry Developments

- Overview of the private equity landscape in Asia: This section will provide an overview of the private equity industry in Asia, including its size, growth trajectory, and regional variations. Students will examine the factors driving private equity activity in Asia and the unique characteristics of the Asian market.
- Comparison of Asian private equity markets with global counterparts: Students will compare the Asian private equity markets with other major global markets, such as the United States and Europe. They will gain insights into the similarities, differences, and investment opportunities in these markets. Case studies of successful valuation creation by private equity in Asia such as McDonalds, Yum China and others.
- Discussion of the recent market turbulence and the rise of new trends in 2021-2023 period.

Lecture 7: Guest Speaker Session

- Guest speaker session where industry professionals from the private equity industry will be invited to share their insights, experiences, and perspectives with the students. They will provide real-world perspectives on fund structuring, investment strategies, and current developments in private equity, particularly in the Asian context.
- Q&A session with guest speakers: Students will have the opportunity to interact with the guest speakers, ask questions, and engage in discussions on various aspects of private equity and alternative investments.
- Recap and review of key concepts covered throughout the course: The final lecture will provide a recap and review of the key concepts, strategies, and practices covered throughout the course. Students will have the opportunity to consolidate their learning and ask any remaining questions.

Pre-requisite: Contract Law

Grading Scheme

- Pass/Fail Grade only
- Good Attendance – 75% plus
- One project/essay of 3,000 word

LW566R Healthcare Law & Practice amidst Technological Innovation

In this era marked by rapid technological advancements and longevity, the field of Healthcare Law is of critical importance. The convergence of healthcare and technology has introduced unprecedented benefits and challenges, necessitating an understanding of legal, ethical, and regulatory frameworks. With Hong Kong's strategic role in the Greater Bay Area, it is set to become a health & medical innovation hub in the Asia Pacific region, making it the ideal time and context to explore opportunities in healthcare law, business and technology.

Innovations such as Artificial Intelligence (AI) in diagnostics, robotic surgery, telemedicine, and remote patient monitoring have revolutionised healthcare delivery across jurisdictions on a global scale. These advancements, however, pose significant legal risks and ethical dilemmas, particularly concerning data privacy, patient consent, liabilities in tort and beyond. The evolving digital health landscape means a demand for professionals who can navigate the intersection of healthcare, technology and data governance and deliver solutions to legal and ethical challenges in today's modern healthcare settings.

Through a combination of interactive seminars, real-world case studies and expert insights, this course will equip students with the core foundational skills necessary to understand and integrate various areas of law, including Tort (law of negligence and product liability), data governance and healthcare regulations to address legal, ethical and business challenges with a multi-disciplinary mindset. The ability to apply legal principles in different contexts and the skillset developed on this course is essential in today's changing world. This course will prepare students to thrive in diverse professional, business and technology settings, as well as inspire healthcare lawyers of the future.

1. Introduction to Healthcare Law & Practice

- (a) Overview of Healthcare Law, regulations and policies
- (b) Healthcare settings and regulators
- (c) Key healthcare themes
 - (i) Patient autonomy, capacity and consent
 - (ii) Healthcare providers & patients: duty of care and tortious liabilities
 - (iii) Data privacy, security and governance
 - (iv) Legal risks, ethical challenges and liabilities

2. Healthcare innovations & the digital health landscape

- (a) Robotic surgery and prosthetics
- (b) Telemedicine, remote patient monitoring and electronic health records
- (c) AI-based diagnostic imaging (e.g. cancer markers/tumours) and predictive analytics
- (d) Virtual health assistants (chatbots)

3. Legal risks & management

- (a) Confidentiality of healthcare data, security and access
- (b) Healthcare, AI systems and Big Data challenges
- (c) Risks and consequences of telemedicine and remote monitoring for patients and healthcare providers
- (d) Tortious liabilities from complications in robotic surgery, healthcare devices and automations

4. **Latest regulatory trends in healthcare**

- (a) Examination of current and emerging regulatory frameworks
- (b) Comparative analysis of regulatory approaches in Hong Kong and beyond

5. **Risks of innovations & redress for patients**

- (a) Identifying and mitigating risks associated with healthcare innovations
- (b) Legal remedies and redress mechanisms for patients
- (c) Case studies, legal precedents and emerging issues

Seminar 1: Introduction to Healthcare Law and regulatory frameworks

Seminar 2: Patient autonomy, consent and decision-making in the age of innovation

Seminar 3: Data privacy, security and governance in the digital health landscape

Seminar 4: Legal and business challenges for healthcare providers with case studies/guest speaker(s)

Seminar 5: Liabilities and consequences for healthcare providers & beyond

Lecture 6: Comparative regulatory approaches in global healthcare

Lecture 7: Ethical principles, risk management and opportunities in healthcare

Grading Scheme:

- Pass/Fail Grade only
- Good attendance – 75% plus
- One essay of 3,000 words

Course Description:

This course is designed to equip law students with an understanding of the legal landscape surrounding family office practice in Hong Kong. Family offices are family-controlled corporations which play a crucial role in catering to the complex estate planning, succession planning, tax, legal, investment and philanthropic needs of high-net-worth individuals, family or families. Family Offices' operation forms an integral part of the private wealth management industry where lawyers play an important role.

After successfully completing the course, students should:

- (i) have a better understand the legal and practical issues related to family offices;
- (ii) be familiar with the use of family trusts to manage wealth in family offices;
- (iii) be able to identify the regulatory and compliance issues in family office management

Course Content:

Lecture 1 Introduction

- Introduction to Family Office and private wealth management
- History of Family Offices
- Single Family Office vs Multiple Family Offices
- Family Offices in Hong Kong
- Government's Policy on Developing Family Office Businesses (2023)
- Trust Professionals

Lecture 2 Understanding Family Offices

- Structure of a Family Office
- Services of a Family Office
- Family business and governance
- Family Constitution

Lecture 3 Family Trusts 1

- Use of common law trusts in the context of Family Offices
- Types of trusts
- Trusts established in different jurisdictions
- Application of trust in family inheritance, succession planning, estate planning
- Introduction to Discretionary Family Trust

- Trust Assets (movable vs immovable; private company stock vs listed company stock and their respective disclosure requirements)

Lecture 4 Family Trusts 2

- Trust instruments, Trust Deeds, Letters of Wishes, Trustees Memoranda
- Settlor/Grantor, class of eligible beneficiaries, Appointor/Guardian/Protector
- Trustees: different types, duties and liabilities
- Trust Administration
- Sham trusts
- Family Disputes

Lecture 5 Regulatory Regime

- Licensing regime for trusts in Hong Kong
- Trust or Company Service Provider Licence under the Anti-Money Laundering and Counter-Terrorist Financing Ordinance Cap 615
- Requirements and exemptions relating to family offices under the Securities and Futures Ordinance Cap 571
- Allowance under the Inland Revenue (Amendment) (Tax Concessions for Family-owned Investment Holding Vehicles) Ordinance 2023
- Limited partnership fund regime under the Limited Partnership Fund Ordinance Cap 637

Lecture 6 Compliance issues

- Anti-Money Laundering and Know-Your-Client requirements in Hong Kong
- The Financial Action Task Force Anti-Money Laundering and counter-terrorist financing standards
- Other similar international initiatives OCED, EU, USA
- Offshore Companies

Lecture 7 Family Philanthropy

- Use of Charities in the context of Family Offices
- Hong Kong Charities Law
- Section 88 exemption under
- Law Reform Commission report on Reform of Hong Kong Charities Law

Grading Scheme:

- Pass/Fail Grade only
- Good Attendance – 75% plus
- One essay of 3,000 words

LW566T Financial Statement Analysis

This course aims to:

1. develop students' ability to analyze and interpret financial reports for the purposes of assessing financial performance of firms to facilitate investment, lending, and other financial decisions;
2. provide students with hands-on experience in financial statement analysis;
3. develop students' analytical skills in reading financial statements and drawing economic conclusions in a variety of business contexts.

Course Intended Learning Outcomes (CILOs)

No.	CILOs [#]	Weighting* (if applicable)
1.	Explain a comprehensive framework for the preparation of financial statements and the utilization of financial statements in different situations such as for internal control process and IPO.	30%
2.	Identify and describe different tools of financial statement analysis.	30%
3.	Apply appropriate financial analysis tools to analyze and assess the financial performance and position of firms.	20%
4.	Generate financial decisions for investment, lending, and other purposes with the aid of financial analysis tools.	20%
<i>weighting is assigned to CILOs, they should add up to 100%.</i>		100%

Learning and Teaching Activities (LTAs)

TLA	Brief Description	CILO No.			
		1	2	3	4
Seminar class	Students will learn and interact with lecturer and other students on various knowledge, theories and practices	✓	✓	✓	✓
Live case studies	Students will be assigned live cases to study using given information and web data the financial performance of these cases	✓	✓	✓	✓
Project study [#]	Students will search through the web on identified live corporations and perform financial analysis		✓	✓	✓

[#]DEC TLA element

Assessment Tasks/Activities (ATs)

Assessment Tasks/Activities	CILO No.				Weighting*
	1	2	3	4	
Continuous Assessment: 100%					
Attendance and participation in tutorials and other exercise	✓	✓	✓	✓	10%
Project report [#]		✓	✓	✓	90%
<i>* The weightings should add up to 100%.</i>					100%

[#]DEC AT element

The courses are assessed on pass/ fail basis, students are required to write an essay of 3,000 (for 1.5 credits course) words or other by the course lecturer of the individual course.

In view of the specific nature of the course, students should have an attendance of 75% or above.

Assessment Rubrics

	Assessment Task	Pass (P)					Failure (F)
		Criterion	Excellent	Good	Adequate	Marginal	Failure
1.	Attendance and participation in tutorials and other exercises presentation)	Performance in class activities	Students have demonstrated excellent initiative and interactions in raising sensible questions and giving insightful discussion of issues and cases relating to the course topics in class	Students have demonstrated good initiative and interactions in raising reasonable questions and joining discussion of issues and cases relating to the course topics in class	Students have demonstrated reasonable interactions in raising questions and joining discussion of issues and cases relating to the course topics in class	Students have demonstrated occasional interactions in joining discussion of issues and cases relating to the course topics in class	Students randomly or rarely join discussion of issues and cases with little contribution to the course topics in class
2.	Project report	Performance in preparing and presenting a project report related to an identified live corporation	Students perform excellently in project analysis and provide a very good report of required competency	Students perform well in project analysis and provide a good report of required competency	Students perform reasonably well in project analysis and provide good discussion and analysis in certain parts of the report of required competency	Students fairly perform in project analysis and provide reasonable discussion in certain parts of the report of required competency	Students cannot perform satisfactorily in project analysis and only provide basic discussion in certain parts of the report of required competency

1.5 credits course: These courses are assessed on pass/fail basis, students are required to write an essay of 3,000 words.

In view of the specific nature of the course, students should also have an attendance of 75% or above.

Keyword Syllabus

Financial Reporting Functions; Business Analysis and Valuation; Financial Statements; Accounting Analysis; Financial Analysis; Prospective Analysis; Equity Security Analysis; Credit Analysis; Corporate Failure Analysis, Investment Analysis.

Reading List

Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

1.	Palepu, et al., Business Analysis and Valuation, latest edition, Thompson
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Additional Readings

(Additional references for students to learn to expand their knowledge about the subject.)

1.	Penman, S., Financial Statement Analysis and Security Valuation, latest edition, McGraw Hill
2.	Gibson, Charles H., Financial Statement Analysis using Financial Accounting Information, Latest edition, South-Western.

LW566U Law Relating to the International Sale of Goods carried by sea

COURSE SUMMARY

In this course, you will discover how the law and contracts regulate the international sale of goods.

Aims

The main aims of the module are:

- To provide you with a good working knowledge of the law relevant to the import and export of goods
- To introduce you to how the law regulating the carriage of goods by sea work
- To enable you to develop a detailed and critical understanding of the contract-based relationships between the parties to different types of international sale and payment arrangements.
- To enable you to develop some insight into how international businesses operate commercially, and of the effects of commercial law on their cross border commercial activities.
- To enable you to develop analytical and problem-solving skills needed for working out the various rights and liabilities of the parties to the international sale transactions.

Content outline

The course will examine how commercial legal concepts are described and applied in specific areas of cross-border commercial sale transactions. The core of the course will be on international sale of goods – with a strong emphasis on other aspects of cross border sale transactions, such as payment for international trade, and shipping documents used in international trade. You will also learn about how international sale contract terms are being harmonised both in law and practice.

Session 1	-	Introduction to International Sales; Introduction to INCOTERMS 2020
Session 2	-	FOB Contracts as a common flexible trade term
Session 3	-	Documentary Sales
Session 4	-	CIF Contracts
Session 5	-	Vienna Convention on Contracts for the International Sale of Goods
Session 6	-	Payment, Trade Finance and Documentary Credit
Session 7	-	Payment, Trade Finance and Documentary Credit

Reading

A useful introduction is:

McKendrick (ed) *Goode on Commercial Law* (Penguin, 5th edn., 2017)

Recommended textbook:

Chuah, Law of International Trade: Cross-Border Commercial Transactions (Sweet & Maxwell, 7th edn)

Further reading material will include journal articles, reference materials and classroom provided handouts.

Content outline

The course is assessed by means of:

- Good attendance defined as 75% plus
- One problem type essay of 3,000 words
- Pass/Fail Grade

LW566V Constitutionalism, Rights and Economic Development in Asia

Course Description

We live in a global, interconnected world, where what happens in one some remote part can also affect us, often in quite drastic ways. Therefore, understanding other cultures, including legal and constitutional cultures, is more vital than ever before.

This course seeks to provide an overview of the theory and practice of constitutionalism in four countries that are located in South and South East Asia: India, Indonesia, Singapore and Sri Lanka. Two of these are among the largest, most pluralistic nations in the world, while the remaining two are small island states. All four nations experienced long periods of colonial rule, which continues to have a decisive impact on their post-colonial legal and constitutional orders. Further, in each of these nations, discussions about constitutionalism have become enmeshed within larger societal debates about economic development and cultural values. All four nations have also been identified as playing vital roles in the ‘rise of Asia’ narrative that is currently on the ascendance. Discussions about constitutionalism invariably invoke questions about constitutional and human rights, which will be the focus of the second part of the course. Some of these nations were also at the forefront of the ‘Asian Values’ discourse in the early 1990s which sought to reframe debates around human rights.

By studying the constitutional orders in these nations together, this course aspires to have a rich, interdisciplinary conversation about constitutionalism, rights and economic development, within Asia and beyond. The emphasis will be on comparative constitutional insights, and students will be encouraged to draw upon the constitutional experience of their own home jurisdictions.

Learning Outcomes

Students taking this course will be able to

- add an exposure to the history of constitutionalism and a broad sense of debates within Asia about constitutionalism and rights to their existing corpus of knowledge;
- identify narrative and intellectual patterns, recognize hidden meanings, discriminate between facts and value judgments (statement of fact and opinion);
- realize that a legal / constitutional / human rights issue can be addressed from various disciplinary perspectives, and awareness of the wider context;
- demonstrate an understanding of the broader legal / constitutional context of human rights problems.

Assessment

The course will rely heavily upon discussions within class as a way of advancing the common learning experience of all within the class. To this end, the course will assess students through the following modes: class participation (20%), short response papers (10%) and a final, take-home exam (70%). The final exam will be a 24-hour exam with a choice of questions drawn from issues that have been tackled through the course.

Course Outline

This course focuses on the tech of law. It is a practical course seeking to explore the technologies and/or innovative ways to deliver legal services, related legal and practical issues, and is designed to equip law students with the necessary skillsets to adapt to this “new” world of legal practice.

The course will unpick what “legal technology” is, how different types of legaltech tools are deployed in legal work (e.g. document review, drafting, research), the technologies behind these tools (e.g. automation, artificial intelligence), and explore related issues around the use of such tools such as data security, confidentiality. The course will also explore the different technology-related roles in the modern legal profession.

In this course, students will be able to see some legal tech product demos and hear from practitioners, technologists etc on their “alternative” legal career (e.g. tech-savvy general counsels, legal project managers, legal operations, legal vendor)

Learning Objectives

Technology has impacted and continues to impact the legal profession and landscape – from changing the way how legal services are delivered, to affecting the legal job market. As such, the key objective of the course is to equip students with the necessary skillsets to adapt to this “new” world of legal practice.

By the end of this course, students should:

1. Have a good understanding of how technology is impacting legal practice and the legal profession;
2. Have a good grasp of the *whats* and *hows* of legal tech tools:
 - a. What legal tech tools are there in the market?
 - b. What do these legal tech tools do?
 - c. How do these legal tech tools work at the backend?
 - d. What are these tools’ capabilities and limitations?
 - e. How do we evaluate legal tech tools?
 - f. What are the considerations in the adoption of legal tech tools – e.g. data security, confidentiality, “people, process, technology”, change management, cost models.
3. Be able to analyze a particular legal matter / scenario and design the relevant process or data architecture. This will include being able to:
 - a. Break down a legal matter or process into stages
 - b. Identify the applicable tools or processes for each stage
 - c. Map out and articulate to end clients the end-to-end workflow and address related concerns
4. Have an overview understanding of the different career options.

LW566X The EU and the Digital Single Market: governance and implications for the EU-China relations

A Digital Single Market (DSM) is one in which the free movement of goods, persons, services and capital is ensured and where citizens, individuals and businesses can seamlessly access and exercise online activities under conditions of fair competition, and a high level of consumer data protection. EU consumers often face barriers when using online tools and services. This is even though EU countries have spent decades bringing down those barriers "offline". Fragmentation and barriers that do not exist in physical markets are holding the economies of EU Member States back. This module will study what legislation and policies are necessary to the creation of a Digital Single Market, their role in boosting jobs, growth, competition, investment and innovation in the EU and their implications for the EU trade relations with other countries such as the US and, particularly, China. For this purpose, the fundamental principles and models of governance of digital markets shall also be discussed. Selected topics in the area of cyber law (e.g. e-commerce, big data, AI, etc.) shall also be analysed to understand ongoing developments and challenges in the relevant subject matter.

Aims and Objectives

By the end of the course students will be able to:

- Describe and communicate the fundamental principles and models of governance of digital markets
- Describe and communicate the fundamental principles and sources of law related to the establishment of a Single Digital Market in the EU
- Critically evaluate ongoing developments in law and policies in the area of cyber law
- Apply the fundamental principles and sources of law to factual scenarios
- Critically appraise the possible evolution and challenges in the relevant subject area

Assessment of the course:

Final coursework: 3000 words