

**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>Comparative Contract Law</u>
<b>Course Code:</b>	<u>LW5681</u>
<b>Course Duration:</b>	<u>3h x 12 sessions (over Semesters A &amp; B due to the different academic calendar of our partner, Bar-Ilan University Faculty of Law.)</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>LW5602A Law of Contract I &amp; LW5602B Law of Contract II</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

This course, which is jointly taught with Bar-Ilan University (Israel), takes a comparative approach to the examination of contract law theory and doctrine in Hong Kong and Israel. Hong Kong contract law is firmly rooted in the common law, while Israeli contract law may today be regarded within the civil law tradition. Even as Hong Kong law is strongly influenced by English law, its nuances and unique accents point to the need to examine the values and policies which underpin it. Israeli law, though strongly influenced by the continental jurisprudence, incorporates interesting elements of the common law tradition. By comparing Hong Kong law and Israeli law in selected areas of contract law, students obtain an appreciation of the different premises of a contract law regime located in different legal traditions, and new approaches to problem solving. Often, the differences in approach reveal a surprising similarity in outcomes. This prompts deeper inquiry into the values and policies which drive legal outcomes in any legal system.

Assessment components are as follows:

- Group Presentation (70%) and
- Knowledge building/class contribution (30%).

For the group work, each group will consist of HK students and Israeli students. Each group gets to choose its research question; students will write up their research results as a group and present it to the class. Other students will have the chance to question, critique and comment on the research findings.

### 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)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Describe and explain principles of contract law of the relevant jurisdictions.	20%	✓		
2.	Apply principles of contract law of the relevant jurisdictions to solve legal problems.	30%	✓	✓	
3.	Research, analyse and critically evaluate: <ul style="list-style-type: none"> <li>• where the differences between doctrinal matter</li> <li>• the nature of the different in theoretical foundations</li> <li>• where different doctrinal frameworks may produce similar outcomes and how such outcomes were produced</li> <li>• how underlying values and policies inform the application of doctrine, and how they drive similar or different outcomes.</li> </ul>	50%	✓	✓	✓
		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	
Reading of cases, statutes and scholarly material	Students learn to appreciate different doctrinal frameworks created by judicial precedents and written law, as well as the scholarly critiques of the doctrinal constructs.	✓	✓	✓	
Identify an interesting research question	The research work requires discernment in formulating the research question which must involve a comparative dimension.	✓	✓	✓	
Research	Research, read and discern relevant material and arguments in answer of the research question.	✓	✓	✓	
Writing and Presentation	Cogently write-up the research findings and present the arguments in support of the answer to the research question.	✓	✓	✓	
Critique and comment	To learn to critique and comment on another's work in a constructive manner, so as to add-value and collaboratively work toward an even better result.	✓	✓	✓	

### 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		
Continuous Assessment: <u>100</u> %					
Written submission and Presentation	✓	✓	✓	70%	
Critique and comment on others' work	✓	✓	✓	30%	
Examination: <u>0</u> % (duration: _____, if applicable)					
				100%	

#### Grading of Student Achievement:

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

Standard (A+, A, A-...F). Grading is based on student performance in assessment tasks / activities. To pass this course, students must obtain an aggregate mark of 50% and a minimum of 50% in each of the above assessment tasks/activities.

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

Standard (A+, A, A-...F). Grading is based on student performance in assessment tasks / activities. To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in each of the above 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. Written submission and Presentation	1.1 Judgment in identifying relevant material and argument	High	Significant	Moderate	Inadequate
	1.2 Systematic and clear analysis of issues	High	Significant	Moderate	Inadequate
	1.3 Depth of research and sophistication of analysis	High	Significant	Moderate	Inadequate
2. Knowledge building/Class contribution	2.1 Depth of knowledge demonstrated in the critique/comments.	High	Significant	Moderate	Inadequate
	2.2 Judgment and discernment in selecting the comment-worthy features.	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. Written submission and Presentation	1.1 Judgment in identifying relevant material and argument	High	Significant	Moderate	Basic	Inadequate
	1.2 Systematic and clear analysis of issues	High	Significant	Moderate	Basic	Inadequate
	1.3 Depth of research and sophistication of analysis	High	Significant	Moderate	Basic	Inadequate
2. Knowledge building/Class contribution	2.1 Depth of knowledge demonstrated in the critique/comments.	High	Significant	Moderate	Basic	Inadequate
	2.2 Judgment and discernment in selecting the comment-worthy features.	High	Significant	Moderate	Basic	Inadequate

**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.)*

Comparative contract law: aims and methodology

Doctrine and theory of HK and Israel contract law in selected areas, including:

- (a) good faith and fair dealing;
- (b) unfairness and unconscionability;
- (c) standard form contracts;
- (d) change of circumstances, frustration and force majeure;
- (e) performance and breach
- (f) remedies for breach of contract

**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.)*

1.	Material will be supplied by both the HK and Israeli professors.
2.	
3.	
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**2.2 Additional Readings**

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

1.	
2.	
3.	
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