

City University of Hong Kong

Course Syllabus

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

Part I Course Overview

Course Title:	Banking and Finance Law
Course Code:	LW6109E
Course Duration:	One semester
Credit Units:	3
Level:	P6
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: <i>(Course Code and Title)</i>	Nil
Precursors: <i>(Course Code and Title)</i>	Nil
Equivalent Courses: <i>(Course Code and Title)</i>	LW5631 Banking Law
Exclusive Courses: <i>(Course Code and Title)</i>	Nil

Part II Course Details

1. Abstract

This course aims to equip students with a sound general knowledge and conceptual understanding of aspects of Banking and Finance Law and aims to develop in students associated practical legal skills in the application of those principles to banking transactions.

The modern economy is driven by credit and debt. The amount of new debt determines the amount of money that is released into the economy. This in turn stimulates various sectors of the economy, such as construction, communication, manufacturing, etc. Banking and Finance Law is central to this dynamic. In order to facilitate new debt, every modern economy requires a robust legal framework to give investors certainty of credit protection. Without proper legal framework, the whole global financial system would collapse.

In a market downturn, knowledge of Banking and Finance Law is even more valuable for lawyers and other market participants.

The course will cover both the theoretical and practice aspects of Banking and Finance Law, develop a good understanding of different types of financial instruments and structures in the market, insolvency and debt restructuring techniques, and how the legal concepts apply in each case.

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.	Analytically and evaluatively describe and explain the basic principles of different areas of law which impinge on Banking and Finance Law		✓	✓	✓
2.	Apply the principles of Banking and Finance Law to solve legal problems by: <ul style="list-style-type: none"> ● Analysing cases ● Interpreting statutes ● Conducting independent research on the law ● Marshalling arguments clearly, logically, coherently and effectively, both orally and in writing. 		✓	✓	✓
3.	Research, analyse and critically evaluate: <ul style="list-style-type: none"> ● Legal principles and doctrines in Banking and Finance Law in light of both doctrinal coherence and in relation to the policy objective of the law. ● The framework and the applicability of Banking and Finance Law in Hong Kong 		✓	✓	✓
		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	
Lectures	<ul style="list-style-type: none"> Students will be introduced to issues and concerns and different aspects of the operation of the substantive rules of Banking and Finance Law through multimedia or other presentation. Students will receive guidance on their readings through multimedia or other presentations to enhance their understanding of the substantive rules of Banking and Finance Law. Students will be encouraged to challenge policies and to engage in discussion with the teacher. 	✓	✓	✓	
Presentation	<ul style="list-style-type: none"> 30% of the course will be assessed by a class presentation at the end of the course.. 	✓	✓	✓	

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		
Class Presentation	✓	✓	✓	30%	For this course, the use of GenAI tools to assist you in finishing your presentation is permitted, only if the benefit and support you get from the GenAI tools are clearly indicated and acknowledged. Please remember that, this permission is intended

					to allow access to benefits of new technological development that will assist and facilitate the improvement of your academic research quality, rather than a green light for dishonest free riding. The onus of clearly indicating and acknowledging the use of GenAI tools is on you, and failure to do so will be treated as academic dishonesty.
<p>Examination (duration: 3 hours)</p> <ul style="list-style-type: none"> ● An open-book examination held at the end of the semester during the normal examination period will be part of the assessment. ● The examination will assess the student's ability to analyse and critically evaluate, and to communicate arguments in writing with knowledge and understanding of the rules and principles learnt from reading primary and secondary resources and also in class. 	✓	✓	✓	70%	The use of Generative AI tools is not allowed.
100%					

Grading of Student Achievement: Standard (A+ A A- ... F)

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

Students must obtain a minimum mark of 40% in examination and an overall mark of 40% or above in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programme and the Internet.

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

Students must obtain a minimum mark of 50% in examination and an overall mark of 50% or above in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programme and the Internet.

5. Assessment Rubrics

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

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

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Class Presentation	Ability to identify and present recent legal issues and to apply analytical thinking.	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.
Examination	Ability to spot legal issues and to apply legal knowledge and legal principles to solve both problem and essay type 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.

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)
Class Presentation	Ability to identify and present recent legal issues and to apply analytical thinking.	High	Significant	Moderate	Inadequate

Examination	Ability to spot legal issues and to apply legal knowledge and legal principles to solve both problem and essay type questions.	High	Significant	Moderate	Inadequate
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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.)

Banking System of Hong Kong; Bank Lending; Security and Guarantees; Specialised types of Financial Instruments; Insolvency Law.

Detailed Syllabus

1. The Hong Kong Banking System and Banking Regulation.
2. Bank lending.
3. Security & Guarantees: types of security under common law, enforcement of security.
4. Specialised types of Financial Instruments: Project Finance, Asset Finance, Securitisation, Derivatives, Repos.
5. Insolvency Law: the function of modern insolvency law, challenges with cross border recognition, centre of main interest, UNCITRAL model law on cross border insolvency.

2. Reading List

Main Text(s):

- Hong Kong Institute of Bankers, *Banking law and practice* (Singapore: Wiley, 2012) (e-book)

Other Text(s)

- Kingsley Ong & Simon Barrell, "Halsbury's Laws of Hong Kong (Vol. 3): Banking & Finance Law", Lexis Nexis (2nd Edition, 2022).
- Kingsley Ong et. al., "The Hong Kong Encyclopaedia of Forms and Precedents, Vol 7(1): Financing and Taking Security" (2nd Edition, 2021).
- Philip Wood, "Law and Practice of International Finance," Sweet & Maxwell.
- Roy Goode, "Credit and Security", Sweet & Maxwell.
- Hsiao, "International Banking & Finance Law" Sweet & Maxwell

Online Resources (copies will be made available in Canvas).