

City University of Hong Kong

**Information on a Course
offered by Department of Linguistics and Translation
with effect from Semester A in 2014 / 2015**

Part I

Course Title: Bilingual Legal Drafting

Course Code: LT6504

Course Duration: 1 Semester

Credit Units: 3

Level: P6

Medium of Instruction & Assessment: English is the primary medium of instruction and assessment, but where necessary, Chinese is used for discussing bilingual issues relating to drafting.

Prerequisites: Nil

Precursors: Nil

Equivalent Courses: CTL6504 Bilingual Legal Drafting

Exclusive Courses: Nil

Part II

Course Aims

This course aims to help students understand and explore the principles of legal construction. It equips them with the basic drafting skills and techniques in preparing various types of bilingual legal texts and develops their analytical and critical ability in evaluating such texts.

Course Intended Learning Outcomes (CILOs)

Upon successful completion of this course, students should be able to:

No.	CILOs	Weighting (if applicable)
1.	Describe and explain the basic principles of legal construction in general and the principles of the construction of bilingual laws in particular	

2.	Describe and explain the process of drafting legal and legislative documents	
3.	Relate particular legal concepts to drafting under the constraints of the semantic and syntactic gaps between Chinese and English	
4.	Apply the basic techniques of drafting bilingual legal documents and simple legislation	
5.	Conduct a critical evaluation of bilingual legal texts	

Teaching and Learning Activities (TLAs)

(Indicative of likely activities and tasks designed to facilitate students' achievement of the CILOs. Final details will be provided to students in their first week of attendance in this course)

CILO No.	TLAs	Hours/week (if applicable)
CILO 1-3	Lecture; tutorial (class discussion)	2 hours lecture; 1 hour tutorial
CILO 4	Tutorial (class exercises)	3 hours tutorial
CILO 5	Tutorial (class exercises and presentation)	

Assessment Tasks/Activities

(Indicative of likely activities and tasks designed to assess how well the students achieve the CILOs. Final details will be provided to students in their first week of attendance in this course)

CILO No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	Remarks
CILOs 1-3	1 home assignment	10%	
CILO 4	1 home assignment	15%	
CILO 5	1 home assignment; 1 presentation	15%	
CILOs 1-5	Final examination (testing students' understanding of basic concepts of drafting and drafting skills) 3 hours	60%	

Grading of Student Achievement:

Refer to Grading of Courses in the Academic Regulations for Taught Postgraduate Degrees.

Grading pattern: Standard (A+, A, A-...F). Grading is based on student performance in assessment tasks/activities.

Excellent (A-, A, A+)	Good (B-, B, B+)	Adequate (C-, C, C+)	Marginal (D)
Strong evidence of original thinking in bilingual legal drafting and critique of bilingual legal texts; superior grasp of subject matter; strong evidence of extensive knowledge base; excellent capacity in analysing, synthesizing and bilingual legal drafting	Some evidence of original thinking in bilingual legal drafting and critique of bilingual legal texts; good grasp of subject matter; some evidence of extensive knowledge base; Good evidence of critical capacity, analytical ability and bilingual legal drafting skills	Some attempts in original thinking in bilingual legal drafting and critique of bilingual legal texts; reasonable understanding of issues in bilingual legal drafting; some evidence of familiarity with literature; some capacity to analyse and draft bilingual legal texts	Little evidence of original thinking in bilingual legal drafting and critique of bilingual legal texts; limited knowledge and understanding of issues in bilingual legal drafting; weakness in critical, analytical and bilingual drafting skills

Part III

Keyword Syllabus

Bilingual legislation and bilingual drafting; legal interpretation; the process and techniques of drafting; approaches to bilingual / multilingual drafting; current issues and development of bilingual drafting in Hong Kong

Recommended Reading

Text(s)

Adler, M., *Clarity for Lawyers*, Law Society, London, 1990.

Aitken, J.K. and Butt, P, *The Elements of Drafting*, 10th ed., Law Books Co., Sydney, 2004.

Asprey, M. M., *Plain Language for Lawyers*, 2nd ed., Federation Press, 1996.

Bennion, F. A. R., *Statutory Interpretation*, 4th ed., Butterworths, London, 2002.

Beaupre, M., *Interpreting Bilingual Legislation*, 2nd ed., Carswell, Toronto, 1986.

Butt, P., Castle, R., *Modern Legal Drafting, A Guide to Using Clearer Language*, Cambridge University Press, Cambridge, 2001.

- Carver, A. and Ng, S., *Letter Writing for Lawyers*, Sweet & Maxwell, Hong Kong, 2003.
- Crabbe, V. C. R. A. C., *Legislative Drafting*, Cavendish Publishing Limited, London, 1993.
- Dickerson, R., *The Fundamentals of Legal Drafting*, Little, Brown & Co., Boston, 1965.
- Eskridge, W. N. Jr., Frickey, P. P. and Garrett, E., *Legislation and Statutory Interpretation*, Foundation Press, New York, 2000.
- Goldsworthy, J. and Campbell, T., ed., *Legal Interpretation in Domestic States*, Dartmouth Publishing Co., Aldershot, 2002.
- Greenawalt, K., *Legislation and Statutory Interpretation, 20 Questions*, Turning Point Press, New York, 1999.
- Iosipescu, M. J., *Legal Writing and Research Manual*, Butterworths, Toronto, 2000.
- Liu, Nanping, *Judicial Interpretation in China*, Sweet & Maxwell, Hong Kong, 1997.
- Mellinkoff, D., *The Language of the Law*, Little, Brown & Co., Boston, 1963.
- Robinson, S., *Drafting, Its Application to Conveyancing and Commercial Documents*, Butterworths, London, 1980.
- Sullivan, R., *Driedger on the Construction of Statutes*, 3rd ed., Butterworths, Toronto, 1994.
- Tabory, M., *Multilingualism I International Law and Institutions*, Sijthoff & Noordhoff, Alphen aan den Rijn, 1980.
- Thornton, G. C., *Legislative Drafting*, 4th ed., Butterworths, London, 1996.
- Twining, W. and Miers, D., *How to Do Things with Rules*, 3rd ed., Butterworths, London, 1991.
- Wydick, R C., *Plain English for Lawyers*, 4th ed., California Academic Press, Durham, 1998.
- 周旺生, 《立法論》, 北京大學出版社, 北京, 1994.
- 唐文, 《司法文書實用修辭》, 人民法院出版社, 北京, 1996.
- 郭道暉, 周旺生, 王晨光主編, 《立法 – 原則, 制度, 技術》, 北京大學出版社, 北京, 1994.
- 強世功, 接潔, 李四龍主編, 《律師文書》, 中國法制出版社, 北京, 1996.