

City University of Hong Kong

Course Syllabus

**offered by School of Law
with effect from Semester A 2022/23**

Part I Course Overview

Course Title: Chinese Foreign Trade and Investment Law

Course Code: LW6141E

Course Duration: One semester

Credit Units: 3

Level: P6

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title) Nil

Precursors:
(Course Code and Title) Nil

Equivalent Courses:
(Course Code and Title) LW6525 Chinese Foreign Economic Law (old course)
LW5541 Chinese Foreign Trade and Investment Law

Exclusive Courses:
(Course Code and Title) LW6541E Chinese Foreign Trade and Investment Law

Part II Course Details

1. Abstract

This course aims to offer an advanced examination and analysis of the legal framework of foreign trade and investment laws in China and related practical aspects.

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.	Identify, analyse and critically explain the legal framework governing China's foreign trade and investment system in its historical, political, economic and socio-cultural context.		√	√	
2.	Explain the practical and legal aspects of doing business in China.		√	√	
3.	Use the knowledge and skills for further independent research and/or professionally.		√	√	√
		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 self-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. 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	
Lecture/seminar	Students will be expected to actively participate in class discussions.	√	√	√	3

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: 50%					
Coursework	√	√	√	50%	
Examination: 50% (duration: 3 hours)					
				100%	

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

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course. Coursework for this purpose means those ways in which students are assessed other than by the final examination.

Applicable to students admitted before Semester A 2022/23

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course. Coursework for this purpose means those ways in which students are assessed other than by the final examination.

5. Assessment Rubrics

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

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

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
Coursework	70% of class attendance required. Coursework demonstrates good grasp of the issues related with both theoretical and practical touch.	High	Significant	Moderate	Inadequate
Examination	Shows decent grasp of the knowledge covered and able to apply it to both case questions and essay questions critically.	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Coursework	70% of class attendance required. Coursework demonstrates good grasp of the issues related with both theoretical and practical touch.	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	Shows decent grasp of the knowledge covered and able to apply it to both case questions and essay questions critically.	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.

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

1. Syllabus

1.1 Keyword Syllabus

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

Evolution; sources; international and national sources; special treatment; contract practice; representative offices; joint ventures; foreign investment enterprises ('FIEs'); labour law; social security; taxation

1.2 Detailed Syllabus

1. The evolution of China's foreign trade and investment law within the context of historical, political, economic and socio-cultural developments;
2. International and national sources of China's foreign trade law (including law of conflicts); forms of doing non-investment-related business in China;
3. Special treatment (restrictions/incentives) of foreign investors; PRC customs law and anti-dumping regulations;
4. Contract practice in China's foreign trade;
5. International and national sources of China's foreign direct investment law;
6. Representative offices and branches of foreign enterprises in China;
7. Equity Joint Ventures, Cooperative Joint Ventures and Wholly Foreign Owned Enterprises;
8. Restrictions of and incentives for foreign direct investors in China;
9. Special forms of foreign direct investment in China (BOT, M&A; trading JVs, commercial JVs; onshore/offshore holding companies etc.);
10. Re-structuring, liquidation and bankruptcy of foreign-invested enterprises;
11. Labour law and social security rules in foreign invested enterprises;
12. Taxation of foreign trade and investment activities in China;
13. Review

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.)

To be announced by the respective course leader.

2.2 Suggested Readings

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

China Law and Practice (Hong Kong: Asia Law & Practice) (monthly journal)

Deloitte Touche Tohmatsu (ed.), China Tax & Customs Law Guide: commentary to China laws for foreign business: taxation & customs, (N.S.W.: CCH Asia Pacific, since 1999) (loose-leaf)

Freshfields (ed.), Doing Business in China (People's Republic of China), (New York: Juris Publishing, 2000) (loose-leaf)

Lancaster (ed.), Taxation & investment in the People's Republic of China, Hong Kong and Macau, (Amsterdam: International Bureau of Fiscal Documentation, since 1991) (loose-leaf)

Wang Guiguo, Wang's Business Law of China, (Hong Kong: LexisNexis, 2003)

Wang Guiguo and John Mo (ed.), China Law, (1999)