

# FB6889P: RISK ASSESSMENT AND COMMERCIAL DISPUTE RESOLUTION

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## Effective Term

Semester B 2024/25

## Part I Course Overview

### Course Title

Risk Assessment and Commercial Dispute Resolution

### Subject Code

FB - College of Business (FB)

### Course Number

6889P

### Academic Unit

College of Business (CB)

### College/School

College of Business (CB)

### Course Duration

Non-standard Duration

### Other Course Duration

2 Days

### Credit Units

1

### Level

P5, P6 - Postgraduate Degree

### Medium of Instruction

Chinese (Putonghua)

### Medium of Assessment

Chinese

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

Nil

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course offers an in-depth examination of the legal risks inherent in business operations and equips students with the skills to strategically manage and resolve commercial disputes. Students will explore the identification and assessment of various legal risks, including those related to contracts, regulatory compliance, intellectual property, and cross-border transactions. The course emphasizes the development of risk management frameworks and the application of legal principles to mitigate potential threats to business continuity. In addition, the course covers dispute resolution mechanisms such as negotiation, mediation, arbitration, and litigation, providing practical insights into selecting and executing the most effective strategies. By the end of the course, students will be prepared to proactively address legal risks and craft comprehensive dispute resolution plans that safeguard business interests in a complex and evolving legal landscape.

### Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Describe and explain fundamental rules or concepts of Legal risks in business operations	50	x	x	x
2	Design, critically evaluate: - dispute resolution strategy pre-emptively; - dispute resolution ex post given the specific circumstances.	30	x	x	x
3	Apply the rules or methods to enhance a risk-averse awareness/strategy in decision-making.	20	x	x	x

#### 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.

### Learning and Teaching Activities (LTAs)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	To ensure that students are well-prepared before their lectures	<p>Provide students with a list of essential readings, including case studies, articles, and relevant legal texts, that directly relate to the lecture topics and learning outcomes.</p> <p>Assign questions that require students to think critically about the topic, encouraging them to connect theoretical knowledge with practical applications. For example, "What are the potential legal risks in cross-border contracts, and how can they be mitigated through careful contract drafting?"</p>	1, 2, 3
2	Create Structured Pre-Lecture Assignments:	<p>Have students prepare an annotated bibliography of the sources they plan to use in their lecture, summarizing key points and their relevance to the learning outcomes.</p> <p>Require students to submit a detailed outline or draft of their lecture note in writing or verbally. This allows to give feedback early, ensuring they are on track to meet the learning outcomes.</p>	1, 2, 3

3	Facilitate Group Discussions and Peer Review	Encourage students to form study groups where they can discuss their topics, share resources, and challenge each other's understanding. This collaborative approach helps deepen their grasp of the material.  Organize peer review sessions where students can present their preliminary findings or lecture drafts and receive constructive feedback from classmates, focusing on how well they are addressing the learning outcomes.	1, 2, 3	
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**Assessment Tasks / Activities (ATs)**

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class discussion	1, 2, 3	50
2	Group coursework	1, 2, 3	50

**Continuous Assessment (%)**

100

**Assessment Rubrics (AR)****Assessment Task**

1. Class discussion (50%) (for students admitted before Semester A 2022/23 and in Semester A 2024/25 &amp; thereafter)

**Criterion**

Active class attendance and engagement in discussions.

**Excellent**

(A+, A, A-) Strong evidence of ability to present engagingly, think creatively, and summarize succinctly.

**Good**

(B+, B, B-) Adequate evidence of ability to present engagingly, think creatively, and summarize succinctly.

**Fair**

(C+, C, C-) Some evidence of ability to present engagingly, think creatively, and summarize succinctly.

**Marginal**

(D) Marginal evidence of ability to present engagingly, think creatively, and summarize succinctly.

**Failure**

(F) Little or no evidence of ability to present engagingly, think creatively, and summarize succinctly.

**Assessment Task**

2. Group coursework (50%) (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

**Criterion**

Demonstrates a deep understanding of the subject matter through collaborative analysis and clear presentation.

**Excellent**

(A+, A, A-) Strong evidence of an adequate command of specific legal concepts, using

- appropriate materials and methods;
- a critical evaluation of current legal framework; and
- good writing style and structure

**Good**

(B+, B, B-) Adequate evidence of an adequate command of specific legal concepts, using

- appropriate materials and methods;
- a critical evaluation of current legal framework; and
- good writing style and structure

**Fair**

(C+, C, C-) Some evidence of an adequate command of specific legal concepts, using

- appropriate materials and methods;
- a critical evaluation of current legal framework; and
- good writing style and structure

**Marginal**

(D) Some evidence of command of specific legal concepts or strategies.

**Failure**

(F) Little or no evidence of command of specific legal concepts or strategies.

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**Assessment Task**

1. Class discussion (50%) (for students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

Active class attendance and engagement in discussions.

**Excellent**

(A+, A, A-) Strong evidence of ability to present engagingly, think creatively, and summarize succinctly.

**Good**

(B+, B) Adequate evidence of ability to present engagingly, think creatively, and summarize succinctly.

**Marginal**

(B-, C+, C) Marginal evidence of ability to present engagingly, think creatively, and summarize succinctly.

**Failure**

(F) Little or no evidence of ability to present engagingly, think creatively, and summarize succinctly.

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**Assessment Task**

2. Group coursework (50%) (for students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

Demonstrates a deep understanding of the subject matter through collaborative analysis and clear presentation.

### **Excellent**

(A+, A, A-) Strong evidence of an adequate command of specific legal concepts, using

- appropriate materials and methods;
- a critical evaluation of current legal framework; and good writing style and structure

### **Good**

(B+, B) Adequate evidence of an adequate command of specific legal concepts, using

- appropriate materials and methods;
- a critical evaluation of current legal framework; and
- good writing style and structure

### **Marginal**

(B-, C+, C) Some evidence of command of specific legal concepts or strategies.

### **Failure**

(F) Little or no evidence of command of specific legal concepts or strategies.

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## **Part III Other Information**

### **Keyword Syllabus**

1. Introduction to Legal Risk in Business  
Understanding Legal Risk: Definitions and Concepts  
The Role of Legal Risk in Business Strategy  
Identifying Common Legal Risks in Business Operations
2. Contractual Risk Management  
Key Elements of Contract Law  
Risk Allocation in Contracts  
Drafting and Negotiating Contracts to Minimize Risk  
Case Studies on Contractual Disputes
3. Regulatory Compliance and Risk  
Overview of Regulatory Frameworks (Domestic and International)  
Risk Assessment in Regulatory Compliance  
Managing Compliance Risks in Highly Regulated Industries  
Consequences of Non-Compliance: Legal and Financial Implications
4. Risk in Cross-Border Transactions  
Legal Risks in International Trade and Investment  
Cross-Border Contracting and Jurisdictional Challenges  
Managing Currency, Political, and Economic Risks  
International Dispute Resolution Mechanisms
5. Risk Management in Corporate Governance  
Corporate Governance Frameworks and Legal Risks  
Directors' Duties and Liabilities  
Risk Management in Mergers and Acquisitions  
Shareholder Disputes and Resolution Strategies
6. Commercial arbitration Techniques  
Overview of ADR Methods: Mediation, Arbitration, and Negotiation  
When and How to Use ADR in Commercial Disputes  
Drafting Effective ADR Clauses in Contracts  
Case Studies in Successful ADR Applications
7. Litigation Risk Management  
Understanding Litigation as a Dispute Resolution Mechanism

Assessing the Risks and Costs of Litigation  
 Strategic Litigation Planning and Management  
 Managing Litigation Risks through Settlements

8. Financial Risks and Dispute Resolution  
 Legal Risk in Corporate Finance and Securities  
 Managing Risks in Banking and Financial Services  
 Dispute Resolution in Financial Transactions  
 Regulatory Risks in Fintech and Digital Assets

9. Emerging Trends in Risk and Dispute Resolution  
 The Impact of Globalization on Legal Risk  
 Future Trends in Commercial Dispute Resolution  
 The Role of ESG (Environmental, Social, Governance) in Risk Management  
 Preparing for Legal Risks in an Uncertain World.

This list covers a wide range of topics that are essential for understanding and managing legal risks in business and effectively resolving commercial disputes.

**Reading List**

**Compulsory Readings**

Title	
1	There is no one book that student must have in order to study this course but information will be supplied regarding recommended reading for each topic, the reading will be available from CityU library.

**Additional Readings**

Title	
1	An up-to-date reading list containing book chapters and recent journal articles on each specific topic will be distributed in class.