

LW4615: PRINCIPLES OF INSURANCE LAW

Effective Term

Semester A 2023/24

Part I Course Overview

Course Title

Principles of Insurance Law

Subject Code

LW - Law

Course Number

4615

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

B1, B2, B3, B4 - Bachelor's Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

Hong Kong has a financially important insurance market. This course will introduce students to the concept of insurance and its significance in society. It will consider the regulation of the insurance market in Hong Kong before turning towards

the contract of insurance. Who can obtain insurance, for which risks and at what cost will be considered. What happens when the risk materialises and the entitlements of the assured will be discussed together with the situations under which the insurer can avoid making a payment. The students who successfully complete the course will have a clear understanding of the law of insurance.

Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Analyse relevant legal materials, including statutes, case laws, and standard form insurance contracts	x	x	
2	Explore insurance law principles and authorities to discover solutions to complex factual problems	x	x	x
3	Discover and critically evaluate existing debates on insurance law in the United Kingdom and Hong Kong	x	x	x
4	Discover and identify ambits of duties and liabilities of parties to insurance contracts	x	x	
5	Critically evaluate the law of insurance and the regulation of insurance companies in Hong Kong.	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.

Teaching and Learning Activities (TLAs)

TLAs	Brief Description	CILO No.	Hours/week (if applicable)	
1	Seminars	Interactive classes on the substantive issues of Insurance Law, its concepts and its application.	1, 2, 3, 4, 5	2 hours/week
2	Tutorials and practical problems.	Students will integrate their substantive knowledge and develop functional skills and deeper understanding by working on problem and case studies.	1, 2, 3, 4, 5	0.75 hour/week

3	Guided individual studying	Development of basic independent research and critical assessment skills.	1, 2, 3, 4, 5	
4	Formative work	Application of legal principles and knowledge to practical situations.	1, 2, 3, 4, 5	0.25 hour/week

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)	
1	Quizzes	1, 2, 3	20	4 x 5%
2	Group presentation	1, 2, 3, 4, 5	10	

Continuous Assessment (%)

30

Examination (%)

70

Examination Duration (Hours)

2

Additional Information for ATs

The use of AI in the examination is prohibited.

The course is assessed by a 2-hour computer-based examination. The exam is an open book exam. The students have access to all the course materials, their notes and their books during the exam as well as access to one language dictionary.

A student must obtain a minimum mark of 30% in examination and an overall mark of 40% in order to pass the course.

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

Assessment Rubrics (AR)**Assessment Task**

1. Coursework

Criterion

Demonstration of an ability to discover scholarly debates and gather them to formulate a logically structured and well-argued research paper to analyse a case law. Demonstration of an ability to write a well-researched and critical analysis academic essay with good use of the English language and the proper use of referencing styles and citations.

Excellent (A+, A, A-)

Strong evidence of original thinking; good organisation; capacity to organise and synthesise; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

2. Examination

Criterion

Demonstration of a good understanding of relevant statutes, cases, doctrines and concepts, and an ability to use these to solve complex legal problems

Excellent (A+, A, A-)

Strong evidence of original thinking; good organisation; capacity to organise and synthesise; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information

Keyword Syllabus

Insurance law; policy; assureds; brokers; insurers; duties of utmost good faith; fraudulent claims; insurance warranties; basis of the contract clause; causation

Seminar 1. Introduction to Insurance

Seminar 2 Regulation of insurers and intermediaries.

Seminar 3. Insurable interest

Seminar 4: Premium

Seminar 5: Risk

Seminar 6: The duty of utmost good faith I

Seminar 7: The duty of utmost good faith II

Seminar 8: Insurance warranties

Seminar 9: Insurance conditions

Seminar 10: Loss and measure of indemnity

Seminar 11: Subrogation and reinsurance

Seminar 12: Revision

Reading List**Compulsory Readings**

Title	
1	There is no appropriate contemporary textbook for the course. An extensive reading list is provided and the following books can be used as sources although some are out of date in some aspects and the only contemporary one is a detailed practitioners book with too much information for this course. The reading list will indicate which parts of each of the books will need to be studied.
2	Textbooks (s)
3	Robert Merkin (ed.), Insurance Law – An Introduction (Informa 2007)
4	Robert Merkin and the others (eds), Colinvaux’ s Law of Insurance in Hong Kong (Sweet &
5	Maxwell 4th edition 2021- earlier editions should be suitable for most purposes too)
6	John Lowry and the others, Insurance Law: Doctrines and Principles (3rd edn, Hart Publishing 2011) or subsequent edition
7	Journals
8	International and Comparative Law Quarterly
9	Lloyd’ s Maritime and Commercial Law Quarterly
10	Journal of Contract Law
11	Journal of Business Law

Additional Readings

Title	
1	Nil