

LW4681: COMPARATIVE CONTRACT LAW

Effective Term

Semester A 2022/23

Part I Course Overview

Course Title

Comparative Contract Law

Subject Code

LW - Law

Course Number

4681

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

Two Semesters

Credit Units

0-3

Level

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

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

LW2602A Law of Contract I & LW2602B Law of Contract II

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

This course, which is jointly taught with Bar-Ilan University (Israel), takes a comparative approach to the examination of contract law theory and doctrine in Hong Kong and Israel. Hong Kong contract law is firmly rooted in the common law,

while Israeli contract law may today be regarded within the civil law tradition. Even as Hong Kong law is strongly influenced by English law, its nuances and unique accents point to the need to examine the values and policies which underpin it. Israeli law, though strongly influenced by the continental jurisprudence, incorporates interesting elements of the common law tradition. By comparing Hong Kong law and Israeli law in selected areas of contract law, students obtain an appreciation of the different premises of a contract law regime located in different legal traditions, and new approaches to problem solving. Often, the differences in approach reveal a surprising similarity in outcomes. This prompts deeper inquiry into the values and policies which drive legal outcomes in any legal system.

Assessment components are as follows:

- Group Presentation (70%) and
- Knowledge building/class contribution (30%).

For the group work, each group will consist of HK students and Israeli students. Each group gets to choose its research question; students will write up their research results as a group and present it to the class. Other students will have the chance to question, critique and comment on the research findings.

Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1 Describe and explain principles of contract law of the relevant jurisdictions.		x		
2 Apply principles of contract law of the relevant jurisdictions to solve legal problems.		x	x	
3 Research, analyse and critically evaluate: - where the differences between doctrinal matter - the nature of the different in theoretical foundations - where different doctrinal frameworks may produce similar outcomes and how such outcomes were produced - how underlying values and policies inform the application of doctrine, and how they drive similar or different outcomes.		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.

Teaching and Learning Activities (TLAs)

TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Reading of cases, statutes and scholarly material	Students learn to appreciate different doctrinal frameworks created by judicial precedents and written law, as well as the scholarly critiques of the doctrinal constructs.	1, 2, 3
2	Identify an interesting research question	The research work requires discernment in formulating the research question which must involve a comparative dimension.	1, 2, 3
3	Research	Research, read and discern relevant material and arguments in answer of the research question.	1, 2, 3
4	Writing and Presentation	Cogently write-up the research findings and present the arguments in support of the answer to the research question	1, 2, 3
5	Critique and comment	To learn to critique and comment on another's work in a constructive manner, so as to add-value and collaboratively work toward an even better result.	1, 2, 3

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Written submission and Presentation	1, 2, 3	70
2	Critique and comment on others' work	1, 2, 3	30

Continuous Assessment (%)

100

Examination (%)

0

Additional Information for ATs

Grading of Student Achievement:

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

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 30% in each of the above assessment tasks/activities.

Assessment Rubrics (AR)

Assessment Task

1. Written submission and Presentation

Criterion

- 1.1 Judgment in identifying relevant material and argument
- 1.2 Systematic and clear analysis of issues
- 1.3 Depth of research and sophistication of analysis

Excellent (A+, A, A-)

High

Good (B+, B, B-)

Significant

Fair (C+, C, C-)

Moderate

Marginal (D)

Basic

Failure (F)

Inadequate

Assessment Task

2. Knowledge building/Class contribution

Criterion

- 2.1 Depth of knowledge demonstrated in the critique/comments.
- 2.2 Judgment and discernment in selecting the comment-worthy features.

Excellent (A+, A, A-)

High

Good (B+, B, B-)

Significant

Fair (C+, C, C-)

Moderate

Marginal (D)

Basic

Failure (F)

Inadequate

Part III Other Information

Keyword Syllabus

Comparative contract law: aims and methodology

Doctrine and theory of HK and Israel contract law in selected areas, including:

- good faith and fair dealing;
- unfairness and unconscionability;
- standard form contracts;
- change of circumstances, frustration and force majeure;
- performance and breach
- remedies for breach of contract

Reading List

Compulsory Readings

Title	
1	Material will be supplied by both the HK and Israeli professors.

Additional Readings

Title	
1	Nil