THE LEGAL CONTEXT FOR CONSTRUCTION AND REAL ESTATE

Subject Aim:

This subject is intended to:

1. Enable students to evaluate important legal concepts within the Hong Kong legal system and apply the same in the context of construction and real estate.
2. Examine the law of personal obligations.
3. Develop intellectual skills, with particular reference to analysis and reasoning skills.

Learning Outcomes:

Students will demonstrate their ability to:

1. Understand and evaluate sources of Hong Kong Law.
2. Apply the basic concepts, principles and remedies in the law of contract and tort to the context of construction and real estate.
3. Compare and contrast the law of personal obligations and the concept of property.
4. Use knowledge and reasoning skills to solve legal problems out of factual situations.
5. Reflect and review their legal knowledge in the societal context.
6. Communicate effectively.

Brief Syllabus Content:

The Hong Kong Legal System: sources of law; the court system; legal personnel; how legislation and case law is made; the Joint Declaration and the Basic Law.

Legal reasoning: the language of the law; reading legal materials; legal argument.

Contracts: general principles of contract law; nature of contractual liability; types of contract, (agency, sale of goods, standard form of building contract); remedies.

Torts: principles of tortious liability; negligence; nuisance; trespass; Rylands v Fletcher; occupiers liability; breach of statutory duty; remedies.

Introduction to property law: concept and classification of property; definition of land; the system of landholding in Hong Kong.

Methods and procedures for resolving legal disputes: litigation; arbitration; alternative dispute resolution.

An Introduction to the Law of the PRC.
Learning and Teaching Approach (tasks and activities designed to achieve learning outcomes):

The sequence of learning in this module is organized around topics with a pattern of active and interactive tasks which occur before, during and after class contact sessions. Each topic is structured as follows: preparation activity, learning activity, feedback, reflection and evaluation, action planning, and review activity, which serves as the next preparation activity.

The teaching strategy involves five phases through which students learn intellectual and academic skills necessary for legal study, in parallel with learning key concepts for later study:

Phase 1: Learning how to learn law – Topic focus: accessing the law
Phase 2: Learning how to use law to identify legal issues – Topic focus: understanding legal concepts and rules.
Phase 3: Learning how to apply legal knowledge – Topic focus: understanding legal argument.
Phase 4: Critical Judgment – Topic focus: justifying conclusions.

The programme is developed through learning support groups, specially designed heuristics, reflection and self-assessment tasks.

The learning support groups facilitate small group activities, promote effective learning, develop higher order intellectual abilities, give peer group support for learning, and promote active involvement of students in their own learning.

Reflection exercises are designed to turn experiences into learning. They help students assess strengths and weaknesses, and identify remedial action.

Self-assessment tasks are one type of reflection exercise through which students may test out knowledge and understanding of legal concepts and rules, and develop reasoning skills. Guidance on self-assessment will be distributed to each student. The primary objectives of formative self-assessment are self-learning; measurement of attainment of the learning outcomes; and efficient and effective preparation for summative assessments.

Assessment strategy (assessment of student performance resulting from learning tasks):

Assessment is designed to contribute to learning, and to determine the extent to which a student has achieved the learning objectives in the following ways:

1. In-class test/project work, comprising questions to test attainment of legal concepts.
2. A 2 hour examination comprising a combination of breadth and depth problems designed to assess knowledge, understanding, application and analysis of legal concepts, rules and principles.

Reading List:

Recommended:

Michael Fisher, *Contract Law in Hong Kong: Cases and Commentary*
Ian Dobinson & Derek Roebuck, *Introduction to Law in the Hong Kong SAR* (2nd Ed. Sweet & Maxwell 2001)
Jill Cottrell, *Legal research: a guide for Hong Kong students* (Hong Kong University Press 1999)
Butterworths Hong Kong Contract Law Handbook (Lexis Nexis 2006)
Roger Nissim, *Land Administration and Practice in Hong Kong*, 1998
P.P. Sherrington, *Civil Litigation, Vol. 1*
Albert Chan, *An Introduction to the Legal System of the PRC*
Peter Corne & Susan Finder, *A Guide to the Legal System of the PRC*
Legal database in PolyU’s library
Reading List: (Cont’d)

Supplementary:

*Authorized Hong Kong Law Reports and Digest*, Sweet & Maxwell

**Government Publications**

*Halsbury Laws of Hong Kong*, Butterworths

*Hong Kong Cases*, Butterworths