

Subject Description Form

Subject Code	BRE329
Subject Title	Construction Contract Law
Credit Value	3
Level	3
Pre-requisite / Co-requisite/ Exclusion	BRE206
Objectives	<p>This subject is intended to:</p> <ol style="list-style-type: none"> 1. Introduce aspects of law that have particular relevance to development and construction. 2. Provide a practical knowledge of modern development in construction contract law and application of laws and procedures relating to construction contracts and their administration.
Intended Learning Outcomes	<p>Upon completion of the subject, students will be able to:</p> <ol style="list-style-type: none"> 1. Evaluate the general principles of development control law and apply them in contract administration; 2. Analyse the legal issues in the modern development of law in contract and tort; 3. Apply the legal principles to conduct construction contract administration and to evaluate construction contract claims. 4. Communicate effectively. 5. Possess the ability to engage in life-long learning on Construction Contract Law.
Subject Synopsis/ Indicative Syllabus	<ol style="list-style-type: none"> 1. <i>Development control</i>: development process, statutory and non-statutory control. 2. <i>Construction contracts</i>: modern development of law in contract and tort; legal interpretation and application in construction contract; bankruptcy and insurance. 3. <i>Legal basis for Standard form of contract</i>: characteristics of various standard forms of local and international building contracts and sub-contract. 4. <i>Duties and responsibilities of the parties to the contract</i>: implications of contract clauses; legal implication in the procedures for instructions, variations, payments and certification. 5. <i>Construction claims</i>: evaluation and presentation of claims; contractual and common law remedies; dispute resolution methods.
Teaching/Learning Methodology	<p>Lectures and tutorials will be run throughout the semester period. The lectures and tutorials will not only disseminate the relevant knowledge but also provide guidance for students to search materials for self-study. Tutorial projects will also be set requiring the student to evaluate and apply the relevant law principles and deduce solution for the cases and also to analyze, critically appraise and resolve administrative, organizational and managerial problems.</p> <p>Key topics will be set for groups of 4-5 students to carry out some research and prepare for presentation and discussion in tutorial class in order to encourage peer group learning and to clarify any difficulties found in lecture and reading. The work</p>

	<p>also will be set on an individual basis and seek to enhance verbal and written communication skills.</p> <p>In order to encourage divergent and innovative thinking, the project work will be set as an interactive project based on changing circumstances. This encourages legal analysis and application and also efficient data management. The work will be based on the issues introduced by the teaching but will reward evidence of further reading and private study.</p> <p>Contact hours include individual or group project supervision. I.T. may be deployed to support teaching.</p>																																																							
<p>Assessment Methods in Alignment with Intended Learning Outcomes</p>	<table border="1" data-bbox="443 562 1469 936"> <thead> <tr> <th rowspan="2">Specific assessment methods/tasks</th> <th rowspan="2">% weighting</th> <th colspan="6">Intended subject learning outcomes to be assessed</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> <th></th> </tr> </thead> <tbody> <tr> <td>Coursework</td> <td>30%</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td></td> </tr> <tr> <td>Examination</td> <td>70%</td> <td>√</td> <td>√</td> <td>√</td> <td>√</td> <td></td> <td></td> </tr> <tr> <td>Total</td> <td>100 %</td> <td colspan="6"></td> </tr> </tbody> </table> <p>Students will be assessed by:</p> <p>(i) examination, including problem analysis and essay type question, accounting for 70% (one end of semester written paper) and</p> <p>(ii) through the medium of coursework, including presentation in class of project assignments, accounting for 30% (1 coursework assignment and 1 short written test)</p>								Specific assessment methods/tasks	% weighting	Intended subject learning outcomes to be assessed						1	2	3	4	5		Coursework	30%	√	√	√	√	√		Examination	70%	√	√	√	√			Total	100 %																
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<p>Reading List and References</p>	<p>Indicative Reading List:</p> <p>Recommended:</p> <p>Aqua Group, (1996) <i>Contract Administration for the Building Team, 8th Ed.</i> Oxford: Blackwell Science.</p> <p>Chappell, D. (2003), <i>Understanding JCT Standard Building Contracts, 7th Ed.</i>, E & FN Spon, London</p> <p>David Chappell. (1998) <i>Powell-Smith & Sims' building contract claims.</i> 3rd Ed. Malden, Mass.: Blackwell Science.</p> <p>Murdoch, J. & Hughes, W. (2002) <i>Construction Contracts Law and Management, 3rd Ed.</i>, Spon Press.</p>																																																							

Poon N.T. & Chan E.H. (1998) Real Estate development in Hong Kong, Pace Ltd. H.K.

Thomas, R. (2001), *Construction Contract Claims*, 2nd Ed., Macmillan, U.K.

Uff, J. (2002) Construction law: law and practice relating to the construction industry, 8th Ed. Sweet & Maxwell, UK.

Furst, S. (2001), "Keating on Building Contracts", 7th Ed., Sweet & Maxwell, London.

Supplementary:

Powell-Smith, V. (2000) *Powell-Smith & Furmston's Building Contract Casebook*, Blackwell Science: Oxford.

Wallace, Ian Norman Duncan. (1995), "Hudson's Building & Engineering Contracts: including the duties and liabilities of architects, engineers and surveyors", 11th Ed, London : Sweet & Maxwell.

Ramus, J.W(1996) *Contract Practice for Quantity Surveyors*. 3rd ed., Oxford : Heinemann Newnes,

Hong Kong Government, (1988) *Town Planning in Hong Kong*, H.K. Government Printer

Latham, M. (1994), "Constructing the Team", HMSO.

Ashworth, A., (2002) *Willis's Practice and Procedure for the Quantity Surveyor, 11th Ed.* Malden, M.A.: Blackwell Science.