SUBJECT DESCRIPTION FORM

Subject title: Construction Law

Subject code: BRE542

Credit value: 3

Responsible staff and department:
Prof. Edwin Chan (BRE)

Pre-requisite:
Nil

Recommended background knowledge:
Students are expected to possess good knowledge of the construction and real estate industries and of the legal framework that controls the industries. In particular, students should be familiar with the common standard forms of construction contracts.

Mutual exclusions:
This subject is mutually exclusive with Property and Construction Law (BRE523/BRE584).

Learning approach:
Topics related to construction law and management will be introduced by lectures. Students will be guided to various reference materials and carry out reading according to reading plans recommended by the lecturers.

Practitioners will be invited to give lectures on specialist areas and current legal issues. Seminars in small groups for case studies will be organized in which students will be required to select a topic of particular interest to them and carry out research into some aspect of that topic and share their views with their classmates through presentations and discussion. Constructive criticism and feedback will be provided by the lecturer/tutor.

Case study reports and assignments will be used in the continuous assessment. The final examination will be an open book examination.

Contact hours:
- Lectures/seminars: 21 hours
- Tutorial: 15 hours
- Workshop: 6 hours

Independent study:
- Self study material: 78 hours
- Assignments: 20 hours
- Total: 140 hours

Assessment:
- Continuous assessment: 50%
- Examination: 50%
Objectives:

On completion of this subject students should be able to:

1. describe the principles of construction contracts
2. explain key concepts and principles in construction law and management
3. analyze construction law and practice in major legal systems
4. apply knowledge of construction law to their practice areas in the construction industry

Keyword syllabus:

Context:
Overview of the legal issues in the context of the construction industry; Roles of key players; Development control laws in general; Review of general principles of law that have direct application to this subject area.

Principles of Construction Contracts:
Contracting systems and standard forms, Procurement and contract arrangement; Law related to tendering; Obligations of contracting parties

Procedures and Conditions
Certification; Payment and time; Remedies and damages for breach of contract, Sub-Contracts and nomination; Insurance and bonds; Law and practice in major legal systems

Key Issues in Substantial Disputes
Suspension and Determination of Contracts; Design Responsibility; Quality Control; Law of Tort for Defective Buildings and Subsequent Owners

Indicative reading list and references:


