**SUBJECT DESCRIPTION FORM**

<table>
<thead>
<tr>
<th>Subject title:</th>
<th>Principles and Practices of Law</th>
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<tr>
<td>Subject code:</td>
<td>BRE544</td>
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<tr>
<td>Credit value:</td>
<td>3</td>
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<td>Responsible staff and department:</td>
<td>Mr. Anthony Wong (BRE)</td>
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<tr>
<td>Pre-requisite:</td>
<td>Nil</td>
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<tr>
<td>Recommended background knowledge:</td>
<td>Nil</td>
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<td>Mutual exclusions:</td>
<td>Nil</td>
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**Learning approach:**
The philosophy underpinning this subject is experiential learning. Students will follow a sequence of activities which may be summarized as follows:
- Learning by doing.
- Learning through sharing.
- Learning through feedback.
- Learning by reflection.

Class contact time is organised into seminars in which relevant topics will be explored and discussed. Guidance on legal research will be provided. Tutor and peer assessment will occur throughout. Where appropriate legal practitioners will be invited to attend the seminars to discuss matters of topical interest and relevance.

Students will divide into learning support groups to assist learning and to share viewpoints on the case studies.

For the graded coursework component of summative assessment, students will select a topic of particular interest to them and carry out research into that topic.

**Contact hours:**
- Lectures/seminars/tutorials/workshops: 42 hours
- Self study material: 78 hours
- Assignments: 20 hours
  - Total: 140 hours

**Assessment:**
- Continuous assessment (research project) designed to assess legal research skills, legal analysis and application of law to real-life problems: 50%
- Examination: 50%
Objectives:
On completion of this subject students should be able to:

1. Consolidate their knowledge of the general principles of law in Hong Kong, in particular in the context of construction industry.
2. Identify legal problems in the construction industry by application of the principles of liability in contract and tort.
3. Use legal knowledge, reasoning and research skills to respond appropriately to construction-related issues.
4. Build up a firm foundation for advancing further legal studies in the construction-related areas.

Keyword syllabus:

General principles of Hong Kong law - a consolidation
The Hong Kong legal system - including sources of law; the court system.
Contracts - including general principles of contract law; nature of contractual liability; standard forms of building contract; remedies
Torts – including nature of tortuous liability; negligence; nuisance; trespass; Rylands v Fletcher; occupier’s liability; breach of statutory duty; remedies
Property law – concept and classification of property; introduction to land law
Legal personality
Individuals, proprietorship, partnerships and corporations. The forms of business undertakings in the Hong Kong construction industry and their implications.
Dispute resolution
An introduction of the methods and procedures for resolving legal disputes: litigation; arbitration; alternative dispute resolution.
Law of civil evidence
An introduction of the law of civil evidence: classification of evidence; functions of judge and jury; burden and standard of proof; facts that need not be proved by evidence; testimony; hearsay and opinion; admissibility of evidence; expert witness.
The PRC legal system
An introduction to the law of the PRC.
Legal reasoning and analysis
This is an important component of this subject which helps the students grasp the basic skills in legal research and reasoning including retrieval of the useful data from legal references, like on-line databases. Real-life cases will be analysed by the students in form of a continuous assessment or research project.

Indicative reading list and references:

Bachner, B S (1996) Hong Kong Tort Law, Longman
Course, L (2000), Butterworths Hong Kong evidence law handbook: Evidence Ordinance (Cap.8) (with annotations), Butterworths
Ho, B M (1994) Hong Kong Contract Law, Butterworths
Kent, P, Merry M, & Walters M (2002) Building Management in Hong Kong, LexisNexis, Hong Kong, Singapore and Malaysia
Nield, S (1997) Hong Kong Land Law, Longman
Rapinet, C & Leung A (2002), Civil litigation, 3rd Ed., Sweet & Maxwell Asia
Shum C (1998) General Principles of Hong Kong Law, Longman
Srivastava D K (2002) Business Law in Hong Kong, Sweet & Maxwell