SUBJECT DESCRIPTION FORM

Subject title: Principles and Practices of Law

Subject code: BRE544

Credit value: 3

Responsible staff and department: Mr. Robert Morris (BRE)

Pre-requisite (Subject title and code no, if any): Nil

Recommended background knowledge:
A general awareness of legal events and concerns in Hong Kong and industry.

Mutual exclusions: Nil

Learning approach:
Students will participate in activities which may be summarized as follows:

• Learning by doing.
• Learning through sharing.
• Learning through feedback.
• Learning by reflection.

Relevant topics will be explored and discussed, and guidance on legal research will be provided. If appropriate, legal practitioners will be invited to attend the seminars to discuss matters of topical interest and relevance. Every student is required to participate actively in classroom dialogues.

Students will be divided into learning support groups to assist learning and to share viewpoints on the case studies. Students will be encouraged to integrate and professionalize themselves in the industry, especially as they participate in Work-Integrated Education (WIE), their own employment situation, or other similar practical applications.

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.

• Lectures and seminars
• Tutorials
• Workshops
• Independent study
  • Self-study material
  • Assignments
  • Library work

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 and outcome:
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 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


Rapinet, C & Leung A (2002), *Civil litigation*, 3rd Ed., Sweet & Maxwell Asia


