SUBJECT DESCRIPTION FORM

Subject title:  Dispute Management and Law for International Projects

Subject code:  BRE545

Credit value:  3

Responsible staff and department:
Prof. Edwin Chan, Mr. K.K. Chan and Mr. Anthony Wong (BRE)

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

Recommended background knowledge:
Students are expected to possess good knowledge of the construction and real estate industries and of the principles construction law.

Mutual exclusions: Nil

Learning approach:
Topics related to dispute management and law will be introduced by lectures in the context of international construction projects. Students will be guided to various reference materials and will carry out critical reviews as recommended by the lecturers. Practitioners in construction contracts and dispute resolution will be invited to give lectures on specialist areas and current issues.

Students are required to select a topic of particular interest to them and carry out in-depth research as cases studies. Seminars in small groups will be organized in which, with the guidance of tutors, students will share their views through presentations and discussions on their case studies. Constructive criticism and feedback will be provided by the lecturer/tutor. Students are expected to use their own initiative to gain real-life experience in dispute resolution processes, such as attending court hearings etc., and provide reflective journals.

Research reports/case studies will be used in the continuous assessment. The final examination will be an open book examination.

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

Assessment:
Continuous assessment (Research Project)  50%
Examination  50%

Objectives:
On completion of this subject the student should be able to:
1. identify the different factors that contribute to disputes in international construction projects
2. explain the principles of dispute management and law for international construction projects
3. Differentiate different dispute resolution practices in major legal systems.
4. Analyse the legal issues in the different dispute resolution methods in international construction.
5. Apply knowledge of dispute management and law to their practice areas in the construction industry.

Keyword syllabus:

Context:
Overview of the legal issues in the context of international construction project; Characteristic of International construction project; Contract strategies and international contract forms.

Dispute Theory:
Theory of causes and prevention of dispute; Cultural considerations; Contractual avoidance of dispute; Conflict management style; Negotiation skill and theory.

Dispute Resolution Methods:
Overall review of ADR; Law and practice for binding and non-binding Dispute Resolution Methods; Legal issues in multi-tiered dispute resolution mechanism; Current research on selection of dispute resolution methods; Enforceability of decisions: international comparative study.

Claims Management and Procedures
Management of contractual claims; Law and practice for Experts; Participating in legal proceedings.

Indicative reading list and references:


Vorster, M.C., Dispute Prevention And Resolution, (USA: Virginia Polytechnic Institute & State University, 1993)
