REGULATIONS FOR THE MASTER OF COMMON LAW (MCL)

These regulations apply to candidates admitted to the MCL curriculum in the academic year 2017-18 and thereafter.

(See also General Regulations and Regulations for Taught Postgraduate Curricula)

MCL1. Admission requirements

To be eligible for admission to the courses leading to the Master of Common Law, a candidate:

(a) shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula;

(b) shall hold the degree of Bachelor of Laws with at least second class honours or an equivalent qualification in a non-common law jurisdiction; and

(c) for a candidate who is seeking admission on the basis of a qualification from a university or comparable institution outside Hong Kong of which the language of teaching and/or examination is not English, shall satisfy the University English language requirement applicable to higher degrees as prescribed under General Regulation G2(b).

MCL2. Advanced Standing

Advanced Standing may be granted to candidates in recognition of studies completed successfully no more than 5 years before admission to the curriculum. Candidates who are awarded Advanced Standing will not be granted any further credit transfer for those studies for which Advanced Standing has been granted. The amount of credits to be granted for Advanced Standing shall be determined by the Board of the Faculty of Law, in accordance with the following principles:

(a) a candidate may be granted a total of not more than 9 credits (one course) for Advanced Standing unless otherwise approved by the Senate; and

(b) credits granted for Advanced Standing shall not normally be included in the calculation of the GPA unless permitted by the Board of the Faculty of Law but will be recorded on the transcript of the candidate.
MCL3. Period of study

(a) The curriculum for the Master of Common Law shall normally extend over one academic year of full-time study, and shall include any assessment to be held during and/or at the end of each semester including summer semester.

(b) Candidates shall not in any case be permitted to extend their study beyond the maximum period of registration of two academic years, unless otherwise permitted or required by the Board of the Faculty of Law.

MCL4. Completion of curriculum

To complete the curriculum for the degree of Master of Common Law, a candidate shall

(a) satisfy the requirements prescribed in TPG 6 of the Regulations for Taught Postgraduate Curricula; and

(b) satisfactorily complete a compulsory non-credit bearing course and not fewer than 72 credits as prescribed in these regulations and the syllabus, including a capstone experience.

MCL5. Selection of courses

(a) Candidates shall select their courses in accordance with these regulations and the guidelines specified in the syllabus before the beginning of each semester. Changes to the selection of courses may be made only during the add/drop period of the semester in which the course begins, and such changes shall not be reflected in the transcript of the candidate. Requests for changes after the designated add/drop period of the semester shall not normally be considered.

(b) Withdrawal from courses beyond the designated add/drop period will not be permitted, except for medical reasons or with the approval of the Board of the Faculty of Law. Withdrawal without permission will result in a fail grade in the relevant course(s).

MCL6. Dissertation

(a) Candidates, whether full-time or part-time, who elect to submit a dissertation shall submit the title not later than six months before presenting the dissertation for examination. The dissertation must be presented not later than August 31 of the year in which the candidate would like to graduate.

(b) In exceptional circumstances a candidate may apply to the Board of the Faculty of Law for an extension of the period within which the dissertation must be presented at least three months before the prescribed date of submission. Late
application for extension will not be considered, except for medical reasons or with the approval of the Board of the Faculty of Law.

(c) The candidate shall submit a statement that the dissertation represents his or her own work undertaken after registration as a candidate for the degree. The examiners may require an oral examination on the subject of the dissertation.

MCL7. Progression in curriculum

(a) Candidates shall normally be required to undertake a combination of courses and study requirement as prescribed in these regulations and the syllabus, and in the manner as specified below, unless otherwise permitted or required by the Board of the Faculty of Law.

(i) Candidates shall normally be required to take not fewer than 27 credits nor more than 36 credits in any one semester (except the summer semester).

(ii) Where candidates are required to make up for failed credits, the Board of the Faculty of Law may give permission for candidates to exceed the required curriculum study load as specified in MCL4(b).

(iii) In the case under (i) above, the total number of credits taken shall not be fewer than 72 credits nor more than 78 credits for the normative period of study specified in MCL3(a).

(b) Candidates may, with the approval of the Board of the Faculty of Law, transfer credits for courses completed at other institutions during their candidature. The number of transferred credits may be recorded in the transcript of the candidate, but the results of courses completed at other institutions shall not be included in the calculation of the GPA. The combined total number of credits to be granted for Advanced Standing and credit transfer shall not exceed half of the total credits normally required under the curriculum of the candidates during their candidature at the University.

(c) Unless otherwise permitted by the Board of the Faculty of Law, candidates shall be recommended for discontinuation of their studies if they have:

(i) failed to complete successfully 45 or more credits in two consecutive semesters (not including the summer semester), except where they are not required to take such a number of credits in the two given semesters; or

(ii) failed to achieve an average semester GPA of 1.5 or higher for two consecutive semesters (not including the summer semester); or

(iii) exceeded the maximum period of registration specified in MCL3(b).
MCL8. Exemption

Candidates may be exempted, with or without special conditions attached, up to 9 credits (one course) in the requirement prescribed in the regulations and the syllabus governing the curriculum with the approval of the Board of the Faculty of Law, except in the case of a capstone experience. Approval for exemption of a capstone experience may be granted only by the Senate with good reasons. Candidates who are so exempted must replace the number of exempted credits with courses of the same credit value.

MCL9. Assessment

(a) Candidates shall be assessed for each of the courses for which they have registered, and assessment may be conducted in any combination of continuous assessment of coursework, written examinations and/or any other assessable activities. Only passed courses will earn credits.

(b) Candidates suspended under Statute XXXI shall not be allowed to take, present themselves for, and participate in any assessments during the period of suspension, unless otherwise permitted by the Senate.

(c) Candidates shall not be permitted to repeat a course for which they have received a passing grade for the purpose of upgrading.

(d) Candidates are required to make up for failed courses in the following manner:

(i) undergoing re-assessment/re-examination in the failed course to be held no later than the end of the following semester (not including the summer semester); or

(ii) re-submitting failed coursework, without having to repeat the same course of instruction; or

(iii) repeating the failed course by undergoing instruction and satisfying the assessments; or

(iv) for elective courses, taking another course in lieu and satisfying the assessment requirements.

(e) Where candidates are permitted or required to present themselves for re-assessment/re-examination/assessment in an alternative course under (d) above, the new grade obtained together with the previous F grade shall be recorded on the transcript and be included in the calculation of the semester GPA, year GPA and the cumulative GPA. Such candidates shall not be eligible for any mark of distinction.
(f) There shall be no appeal against the results of examinations and all other forms of assessment.

MCL10. Absence from an examination

Candidates who are unable through illness to be present at the written examination of any course may apply for permission to present themselves at a supplementary examination of the same course to be held before the beginning of the First Semester of the following academic year. Any such application shall be made on the form prescribed within two weeks of the first day of the candidate’s absence from any examination. Any supplementary examination shall be part of that academic year’s examinations, and the provisions made in the regulations for failure at the first attempt shall apply accordingly.

MCL11. Requirements for graduation

To be eligible for the award of the degree of Master of Common Law, candidates shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula, and complete the curriculum and satisfy the examiners in the compulsory non-credit bearing course and courses not fewer than 72 credits in accordance with these regulations within the maximum period of registration, which shall include the successful completion of a capstone experience as specified in the syllabus of the curriculum.

MCL12. Grading system

Individual courses shall be graded in accordance with TPG9 (a) or (c) of the Regulations for Taught Postgraduate Curricula as determined by the Board of Examiners.

MCL13. Classification of awards

Upon successful completion of the curriculum, candidates who have shown exceptional merit may be awarded the degree with distinction as determined by the Board of Examiners, and this mark shall be recorded in the candidates’ degree diploma.
SYLLABUS FOR THE MASTER OF COMMON LAW (MCL)

COURSEWORK

The Board of Examiners shall decide what proportion of the final assessment for each course shall be determined by written work carried out during the course of study. Candidates will be informed at the beginning of the course of the relative proportions of the final assessment to be derived from coursework and from written examinations which will be held at the end of the teaching programme.

OBJECTIVES

The degree of Master of Common Law is specifically designed for graduates in law from non-Common law jurisdictions (notably Mainland China) who wish to acquire an expertise in Common Law as it is practised in Hong Kong and in other common law jurisdictions. Candidates will commence the curriculum with a course, Understanding Common Law, in transition into the methodology of common law. They then take 6-7 elective courses in common law as suit their interests and expertise. Finally they take one or two of the capstone course(s) in Public Law in Common Law Jurisdiction or/and Private Law in Common Law Jurisdiction respectively to allow greater synergy between students background expertise in civil law and the new training in common law that they have obtained from the Curriculum.

DISSERTATION

An 18-credit dissertation shall comprise a paper with required length ranging from 16,000 to 20,000 words on a legal topic approved by the Faculty Higher Degrees Committee. A 9-credit dissertation shall comprise a paper on a legal topic likewise approved with required range from 8,000 to 10,000 words. In both cases the dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

STRUCTURE*

Candidates are required to complete the compulsory non-credit bearing course and not fewer than 72 credits, including a capstone experience in accordance with the regulations for this degree and the syllabuses as set out below. Candidates may choose courses from the course outlines of individual areas of law below, and courses from any of the specialist programmes, but in any event no more than two courses from other LLM specialist programmes. Candidates who hold a law degree from a PRC university may not choose courses related to PRC law subjects, except with the approval from Programme Director and the Department Head.
COURSE OUTLINES
(Each of the courses listed below carries 9 credits unless otherwise stated.)

Capstone courses
(Candidates must choose one course from the following list.)
LLAW6258 Private law in common law jurisdictions
LLAW6204 Public law in common law jurisdictions

Compulsory course
LLAW6259 Understanding common law¹ (0 credit)

Electives
LLAW6183 Animal law
LLAW6138 Arbitration law
LLAW6157 Arbitration practice, procedure and drafting
LLAW6229 Arms control and disarmament law
LLAW6236 ASEAN law
LLAW6024 Banking law
LLAW6153 Business and human rights
LLAW6172 Carriage of goods by sea
LLAW6124 Communications law
LLAW6238 Comparative arbitration in Asia
LLAW6226 Comparative constitutional law theories
LLAW6248 Comparative contract law
LLAW6279 Comparative corporate law and theories
LLAW6209 Comparative family law
LLAW6150 Comparative law
LLAW6251 Comparative property law
LLAW6155 Competition law II
LLAW6101 Competition, mergers and acquisitions
LLAW6245 Compliance in the Hong Kong securities industry
LLAW6220 Constitutionalism in emerging states
LLAW6252 Construction of commercial contracts
LLAW6223 Copyright and creativity
LLAW6082 Corporate governance and shareholder remedies
LLAW6267 Courts
LLAW6002 Credit and security law
LLAW6233 Critical theory in legal scholarship
LLAW6206 Cross border corporate finance: issues and techniques
LLAW6114 Cross-border legal relations between the Mainland and Hong Kong
LLAW6127 Current issues in financial law
LLAW6060 Current issues in human rights
LLAW6087 Current issues in insolvency law
LLAW6117 Cybercrime
LLAW6088 Derivatives: law and regulation

¹ The course will be taught immediately after the term starts and lasts for only a month.
LLAW6054 9-credit Dissertation
LLAW6014 18-credit Dissertation (18 credits)
LLAW6111 E-business law
LLAW6126 e-Finance: law and regulation
LLAW6062 Economic, social and cultural rights
LLAW6210 Energy law
LLAW6249 Entertainment law: Popular iconography and the celebrity
LLAW6063 Equality and non-discrimination
LLAW6064 Ethnicity, human rights and democracy
LLAW6222 Financial dispute resolution: Hong Kong & international perspectives
LLAW6194 Global business law I
LLAW6195 Global business law II
LLAW6216 Graduate seminar
LLAW6005 Hong Kong intellectual property law
LLAW6119 Human rights and cyberspace
LLAW6034 Human rights in Hong Kong
LLAW6242 Human rights in practice
LLAW6107 Insurance law
LLAW6120 Intellectual property and information technology
LLAW6140 Intellectual property, innovation and development
LLAW6132 International and comparative intellectual property law
LLAW6237 International arbitration: practice, process and strategy
LLAW6099 International commercial arbitration
LLAW6036 International criminal law
LLAW6007 International dispute settlement
LLAW6133 International economic law
LLAW6182 International organisations
LLAW6073 International protection of refugees and displaced persons
LLAW6057 International securities law
LLAW6096 International tax and tax planning
LLAW6128 International trade law I
LLAW6280 Introduction to artificial intelligence and law
LLAW6170 Introduction to information technology law
LLAW6227 Introduction to private international law (conflict of laws)
LLAW6231 Justice
LLAW6199 Law and policy
LLAW6230 Law and practice of investment treaty arbitration
LLAW6239 Law and regulation of private banking and wealth management I
LLAW6246 Law and regulation of private banking and wealth management II
LLAW6197 Law and social theory
LLAW6178 Law, economics, regulation and development
LLAW6055 Law of international finance I
LLAW6094 Law of international finance 2
LLAW6253 Law of the cities
LLAW6181 Management and commercialization of intellectual property
LLAW6247 Medical-legal issues
LLAW6224 Mergers and acquisitions
LLAW6179 Multiculturalism and the law
LLAW6075 National protection of human rights
LLAW6176 Online dispute resolution
LLAW6219 Patent law
LLAW6097 Pension and investment funds in Hong Kong and the PRC
LLAW6196 Preventative law: approach to conflict prevention
LLAW6164 Principles of family law
LLAW6046 Privacy and data protection
LLAW6109 Public international law
LLAW6204 Public law in common law jurisdictions
LLAW6093 Regulation of financial markets
LLAW6281 Research seminar in ADR ethics and policy
LLAW6144 Rights and remedies in the criminal process
LLAW6049 Securities regulation I
LLAW6244 Securities regulation II
LLAW6240 Security and human rights
LLAW6221 Selected problems of the European convention on human rights
LLAW6076 Seminar in human rights research
LLAW6215 Seminar on human rights and constitutionalism in Asia
LLAW6250 The regulation of biomedical research
LLAW6200 Topics in trademark law
LLAW6211 World trade law, policy and business

(Candidates may choose up to two 6-credit courses from the following cross-listed undergraduate courses.*
LLAW3093 Administrative law (6 credits)
LLAW3010 Business Associations (6 credits)
LLAW3097 Civil Procedure (6 credits)
LLAW3015 Company Law (6 credits)
LLAW2001 Constitutional law (6 credits)
LLAW2003 Criminal Law I (6 credits)
LLAW2004 Criminal Law II (6 credits)
LLAW3099 Criminal Procedure (6 credits)
LLAW3066 Cross-border Legal Relations between the Mainland and Hong Kong (in Putonghua) (6 credits)
LLAW3102 Evidence I (6 credits)
LLAW3103 Evidence II (6 credits)
LLAW1001 Law of Contract I (6 credits)
LLAW1002 Law of Contract II (6 credits)
LLAW1005 Law of Tort I (6 credits)
LLAW1006 Law of Tort II (6 credits)
LLAW2013 Land Law I (6 credits)
LLAW2014 Land Law II (6 credits)
LLAW1008 Legal System of the Hong Kong SAR (6 credits)

* Candidates who choose one 6-credit or two 6-credit course(s) from the list of approved UG courses offered by the Department of Law are required to complete at least 78 credits or 75 credits respectively for satisfying the curriculum requirement.
NOTE: Not all courses will be offered in any given year. For actual courses available, please refer to annual course offerings.