# LW6141E: CHINESE FOREIGN TRADE AND INVESTMENT LAW

#### **Effective Term**

Semester B 2024/25

## Part I Course Overview

#### **Course Title**

Chinese Foreign Trade and Investment Law

## **Subject Code**

LW - Law

#### **Course Number**

6141E

#### **Academic Unit**

School of Law (FL)

#### College/School

School of Law (FL)

## **Course Duration**

One Semester

#### **Credit Units**

3

#### Level

P5, P6 - Postgraduate Degree

## **Medium of Instruction**

English

#### **Medium of Assessment**

English

## Prerequisites

Nil

## **Precursors**

Nil

## **Equivalent Courses**

LW6525 Chinese Foreign Economic Law (old course), LW5541 Chinese Foreign Trade and Investment Law

## **Exclusive Courses**

LW6541E Chinese Foreign Trade and Investment Law

# Part II Course Details

#### **Abstract**

This course aims to offer an advanced examination and analysis of the legal framework of foreign trade and investment laws in China and related practical aspects.

## **Course Intended Learning Outcomes (CILOs)**

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify, analyse and critically explain the legal framework governing China's foreign trade and investment system in its historical, political, economic and socio-cultural context.		x	x	
2	Explain the practical and legal aspects of doing business in China.		X	X	
3	Use the knowledge and skills for further independent research and/or professionally.		X	X	X

#### A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

## A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

## A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

## Learning and Teaching Activities (LTAs)

	LTAs	<b>Brief Description</b>	CILO No.	Hours/week (if applicable)
1		Students will be expected to actively participate in class discussions.	1, 2, 3	3

## Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework	1, 2, 3	50	The use of Generative AI tools is not allowed.

#### Continuous Assessment (%)

50

## Examination (%)

50

#### **Examination Duration (Hours)**

3

## **Additional Information for ATs**

Examination: The use of Generative AI tools is not allowed.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course. Coursework for this purpose means those ways in which students are assessed other than by the final examination.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course. Coursework for this purpose means those ways in which students are assessed other than by the final examination.

#### Assessment Rubrics (AR)

#### **Assessment Task**

Coursework (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

#### Criterion

70% of class attendance required. Coursework demonstrates good grasp of the issues related with both theoretical and practical touch.

#### **Excellent**

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

#### Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

#### Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

## Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

#### **Failure**

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

## Assessment Task

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

#### Criterion

Shows decent grasp of the knowledge covered and able to apply it to both case questions and essay questions critically.

#### **Excellent**

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

## Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

#### Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

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## Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

## **Failure**

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

#### **Assessment Task**

Coursework (for students admitted from Semester A 2022/23 to Summer Term 2024)

#### Criterion

70% of class attendance required. Coursework demonstrates good grasp of the issues related with both theoretical and practical touch.

#### **Excellent**

(A+, A, A-) High

#### Good

(B+, B) Significant

## Marginal

(B-, C+, C) Moderate

#### **Failure**

(F) Inadequate

## **Assessment Task**

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

#### Criterion

Shows decent grasp of the knowledge covered and able to apply it to both case questions and essay questions critically.

#### **Excellent**

(A+, A, A-) High

#### Good

(B+, B) Significant

## Marginal

(B-, C+, C) Moderate

#### **Failure**

(F) Inadequate

# Part III Other Information

## **Keyword Syllabus**

Evolution; sources; international and national sources; special treatment; contract practice; representative offices; joint ventures; foreign investment enterprises ('FIEs"); labour law; social security; taxation

## **Detailed Syllabus**

- a. The evolution of China's foreign trade and investment law within the context of historical, political, economic and socio-cultural developments;
- b. International and national sources of China's foreign trade law (including law of conflicts); forms of doing non-investment-related business in China;
- c. Special treatment (restrictions/incentives) of foreign investors; PRC customs law and anti-dumping regulations;
- d. Contract practice in China's foreign trade;
- e. International and national sources of China's foreign direct investment law;
- f. Representative offices and branches of foreign enterprises in China;
- g. Equity Joint Ventures, Cooperative Joint Ventures and Wholly Foreign Owned Enterprises;
- h. Restrictions of and incentives for foreign direct investors in China;
- i. Special forms of foreign direct investment in China (BOT, M&A; trading JVs, commercial JVs; onshore/offshore holding companies etc.);
- j. Re-structuring, liquidation and bankruptcy of foreign-invested enterprises;
- k. Labour law and social security rules in foreign invested enterprises;
- 1. Taxation of foreign trade and investment activities in China;
- m. Review

## **Reading List**

## **Compulsory Readings**

	Title
1	To be announced by the respective course leader.

## **Additional Readings**

	Title
1	China Law and Practice (Hong Kong: Asia Law & Practice) (monthly journal)
2	Deloitte Touche Tohmatsu (ed.), China Tax & Customs Law Guide: commentary to China laws for foreign business: taxation & customs, (N.S.W.: CCH Asia Pacific, since 1999) (loose-leaf)
3	Freshfields (ed.), Doing Business in China (People's Republic of China), (New York: Juris Publishing, 2000) (loose-leaf)
4	Lancaster (ed.), Taxation & investment in the People's Republic of China, Hong Kong and Macau, (Amsterdam: International Bureau of Fiscal Documentation, since 1991) (loose-leaf)
5	Wang Guiguo, Wang's Business Law of China, (Hong Kong: LexisNexis, 2003)
6	Wang Guiguo and John Mo (ed.), China Law, (1999)