



MASTER OF LAWS

CROSS-BORDER BUSINESS AND FINANCE LAW IN ASIA

Course Code: LAW 636

Course Title: Chinese Contract and Business Law

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PRE-REQUISITE/CO-REQUISITE/MUTUALLY EXCLUSIVE COURSE(S)

N.A.

GRADING BASIS

Graded

COURSE UNIT

1 CU

FIRST OFFERING TERM

Academic Year: AY2017/2018

Academic Term: Term 1

COURSE DESCRIPTION

Contract law is of primary importance to business and commercial activities. It is one of the most established areas in China's civil and commercial law system. The course will provide students with a comparative perspective on selected issues in Chinese contract law and other related areas of business law. At the same time, it will introduce the main features of Chinese legal system and its practice of private law by incorporating the insights from recent studies on Chinese economy, politics and society. This course also serves as a gateway to understanding of other fields of Chinese business and commercial law. It will cover, among others, contract formation, contract policing, performance and nonperformance, interpretation of contracts, contractual remedies, and rights of third parties.

LEARNING OBJECTIVES

By the end of this course, students will be able to:

- Get familiar with the basic framework of Chinese contract law and related areas of business law
- Understand the overall judicial environment in China

RECOMMENDED TEXT AND READINGS

Author(s) Mo Zhang

Chinese Contract Law: Theory and Practice

Nartinus Nijhoff Publishers

ASSESSMENT METHOD

Pop Quizzes: 15%

Class Participation: 15%

Writing Assignment: 20%

Final Exam: 50%

There is a two-hour open-book final exam.

INSTRUCTIONAL METHODS AND EXPECTATIONS

(Class Participation (15%): Everyone is expected to read the given cases assigned for class room discussions.

Grading criteria is not solely based on the frequency of participation but quality of meaningful inputs in the discussions.)

Important: Academic Integrity

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student's own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

When in doubt, students should consult the instructors of the course. Details on the SMU Code of Academic Integrity may be accessed at <http://www.smuscd.org/resources.html>.

COURSE SCHEDULE

Class No.	Topic	Readings (tba)
1	Introduction to Chinese legal system	Intro 7
2	Overview of Contract Law and business law, formation of contract	Intro 3; Ch3 1; 2; 3 pp74-76; Intro 5; Ch1 1.4 pp34-36; 1.5; Ch3 6; Ch4 1-2; 4 (except <i>Lai Yunpeng</i> case)
3	Enforceability and contract policing	Ch3 4; Ch6 (except Swan Sports case)
4	Contract Performance I	Ch7 1-4
5	Contract Performance II	Ch7 5, 7
6	Nonperformance	Ch7 6; Ch9 1.2.1-1.2.2; Ch10 3, 6,
7	Termination	Ch9
8	Remedies	Ch10 2-5
9	Chinese Corporate Law	TBA
10	Chinese Securities Law	TBA