



CONTRACT LAW IN HONG KONG

**Michael J. Fisher and
Desmond G. Greenwood**

Expanded Second Edition

Contract Law In Hong Kong Hong Kong University Press Law Series

Cora Chan, Fiona de Londras



Contract Law In Hong Kong Hong Kong University Press Law Series:

Contract Law in Hong Kong Michael J. Fisher, Desmond G. Greenwood, 2007-01-01 The first comprehensive textbook on contract law for more than ten years 16 chapters cover all basic contract concepts with particular emphasis placed on what makes Hong Kong law different from other common law jurisdictions

Legal Translation and Bilingual Law Drafting in Hong Kong Clara Ho-yan Chan, 2020-05-11 Legal Translation and Bilingual Law Drafting in Hong Kong presents a systematic account from a cross disciplinary perspective of the activities of legal translation and bilingual law drafting in the bilingual international city of Hong Kong and its interaction with Mainland China and Taiwan in the use of legal terminology The study mainly examines the challenges posed to English Chinese translation in the past three decades by elaborate drafting and terminological equivalence and offers educational and research solutions Its primary goals are to create legal Chinese that naturally accommodates common law concepts and statutes from the English legal system and to reconcile Chinese legal terms from the different legal systems adopted by Hong Kong Mainland China and Taiwan The new directions in legal translation and bilingual law drafting in Hong Kong will have implications for other Chinese regions and for the world The book is intended for scholars researchers teachers and students of legal translation and legal linguistics legal translators lawyers and legal practitioners who are engaged in translation as well as all persons who are interested in legal language and legal translation

Contract Law in International Commercial Arbitration Peter Sester, 2022-11-22 The vast bulk of claims in international commercial arbitration are contractual in nature Viewed through that lens what comes to occupy centre stage in the arbitration of disputes is the choice of applicable contract law This book breaks new ground by for the first time focusing in depth on the contract law chosen by the parties to be applied to disputes The author uses a comparative inductive methodology to analyse why according to statistics of the International Chamber of Commerce English New York and Swiss contract law outperform transnational and other contract law regimes in the choice of law provision of business contracts He finds that these three bodies of law share a firm commitment to enforcing the contract as written thus prioritizing certainty stability and predictability and clearly recognizing the parties right to determine for themselves and have arbitrators and courts respect central issues such as risk allocation and price Starting from a detailed comparative examination of traditional and contemporary theories of contract the author develops a minimalist approach that is acceptable to lawyers with a civil or common law background and that facilitates dealmaking by providing a clear set of hard edged rules in four areas formation of contracts invalidity and public policy contract interpretation and damages for breach and showing how each of the three contract regimes that are dominant in practice manifests his approach With its emphasis on pragmatic adjudication grounded on facts and consequences rather than on conceptualisms and generalities the book greatly enhances the ability of arbitrators to make decisions based on legal arguments that fit the setting of international commercial arbitration It is sure to become established as a tool to achieve the defined objective of facilitating

cross border commercial transactions as well as providing arbitrators with a set of rules for the interpretation of contractual provisions and the quantification of damages Peter Sester confronts the reality that disputes in commercial arbitration are overwhelmingly contract based and properly directs our attention away from the contract by which the parties agreed to arbitrate to the contract by reference to which they intended their disputes to be adjudicated This is a most welcome move and one that cannot help stimulate those whose interests are similarly situated on the frontier between the law of arbitration and the law of international contracts Prof George A Bermann Columbia University New York City This is a book that is not only useful but also close to market expectations Summing up I would like to congratulate Peter Sester for giving us a free market society book He provides his readers with much food for thought and a remarkable admonition not to replace the parties work with public policy considerations Prof Dr Peter Nobel Emeritus Universities St Gallen and Zurich Switzerland

Contract Law in Hong Kong Stephen D. Mau, 2016-08-09 This is one in a series of introductory books providing readers with an overview of the most frequently encountered legal principles This book presents an introduction to contract principles that apply in Hong Kong The new edition has been updated to reflect the current state of the law and to include newer cases both local and overseas The organisational structure has been revised for easier comprehension while keeping to the sequence in which a legally binding agreement is usually encountered Contract Law in Hong Kong is an easy to understand reference book for students practitioners non law professionals and the general public Studies in the Contract Laws of Asia Mindy Chen-Wishart, Alexander Loke, Burton Ong, 2016 Studies in the Contract Laws of Asia provides an authoritative account of the contract law regimes of selected Asian jurisdictions including the major centres of commerce where until now limited critical commentaries have been available in the English language In this new six part series of scholarly essays from leading scholars and commentators each volume will offer an insider's perspective into specific areas of contract law including remedies formation parties contents vitiating factors change of circumstances illegality and public policy and will explore how these diverse jurisdictions address common problems encountered in contractual disputes Concluding each volume will be a closing discussion of the convergences and divergences throughout each across the jurisdictions and comparisons with European jurisdictions from which Asians well as an overview of the common themes found throughout each jurisdiction contract law derive Volume I of this series examines the remedies for breach of contract in the laws of China India Japan Korea Taiwan Singapore Malaysia Hong Kong Korea and Thailand Specifically it addresses the readiness of each legal system in their action to insist that parties perform their obligations the methods of enforcing the parties agreed remedies for breach and the ways in which monetary compensation are awarded Each jurisdiction is discussed over two chapters the first chapter will examine the performance remedies and agreed remedies while the second explores the monetary remedies A concluding chapter offers a comparative overview **Secured Credit in Europe** Teemu Juutilainen, 2018-03-22 Winner of the 2016 2018 KG Idman Prize This monograph seeks the optimal way to promote

compatibility between systems of proprietary security rights in Europe focusing on security rights over tangible movables and receivables Based on comparative research it proposes how best to tackle cross border problems impeding trade and finance notably uncertainty of enforceability and unexpected loss of security rights It offers an extensive analysis of the academic literature of more recent years that has appeared in English German the Scandinavian languages and Finnish The author organises the concrete means of promoting compatibility into a centralised substantive approach a centralised conflicts approach a local conflicts approach and a local substantive approach The centralised approaches develop EU law and the local approaches Member State laws The substantive approaches unify or harmonise substantive law while the conflicts approaches rely on private international law The author proposes determining the optimal way to promote compatibility by objective based division of labour between the four approaches The objectives developed for that purpose are derived from the economic functions of security rights the conditions for legal evolution and a transnational conception of justice This book is an important contribution to the future of secured transactions law in Europe and more widely It will be of interest to academics policymakers and legal practitioners involved in this field **Ritual and Economy in**

Metropolitan China Carsten Herrmann-Pillath, Guo Man, Feng Xingyuan, 2020-10-26 This book focuses on Shenzhen one of China's most globalized metropolises a leading centre of high tech industries and as a melting pot of migrants from all over China a place of vibrant cultural creativity While in the early stages of Shenzhen's development this vibrant cultural creativity was associated with the resilience of traditional social structures in Shenzhen's migrant urban villages today these structures undergird dynamic entrepreneurship and urban self organization throughout Shenzhen and have gradually merged with the formal structures of urban governance and politics This book examines these developments showing how important traditional social structures and traditional Chinese culture have been for China's economic modernization The book goes on to draw out the implications of this for the future of Chinese culture and Chinese economic engagement in a globalized world Law and Policy for China's Market Socialism John Garrick, 2012-05-04 This edited volume presents fresh

empirical research on the emerging outcomes of China's law reforms The chapters examine China's going out policy by addressing the ways in which the underpinning legal reforms enable China to pursue its core interests and broad international responsibilities as a rising power The contributors consider China's civil and commercial law reforms against the economic backdrop of an outflow of Chinese capital into strategic assets outside her own borders This movement of capital has become an intriguing phenomenon for both ongoing economic reform and its largely unheralded underpinning law reforms The contributors ask probing questions about doing business with China and highlight the astonishing escalation of China's outbound foreign direct investment OFDI Law and Policy for China's Market Socialism includes contributions from leading China law scholars and specialist practitioners from the People's Republic of China Hong Kong the United States the United Kingdom and other countries who all extend the examination of powerful influences on China's law reforms into new

areas Given the forecast for the growth of China's domestic market those wishing to gain a better understanding and seeking success in the world's most dynamic marketplace will benefit greatly from reading this book This book is essential reading for anyone interested in Chinese economics and business Chinese Law Chinese politics and commercial law **Fault, Responsibility, and Administrative Law in Late Babylonian Legal Texts** F. Rachel Magdalene, Cornelia Wunsch, Bruce Wells, 2020-01-10 This book presents a reassessment of the governmental systems of the Late Babylonian period specifically those of the Neo Babylonian and early Persian empires and provides evidence demonstrating that these are among the first to have developed an early form of administrative law The present study revolves around a particular expression that in its most common form reads *u a arri i addad* and can be translated as he will be guilty of an offense against the king The authors analyze ninety six documents thirty two of which have not been previously published discussing each text in detail including the syntax of this clause and its legal consequences which involve the delegation of responsibility in an administrative context Placing these documents in their historical and institutional contexts and drawing from the theories of Max Weber and S N Eisenstadt the authors aim to show that the administrative bureaucracy underlying these documents was a more complex systematized and rational system than has previously been recognized Accompanied by extensive indexes as well as transcriptions and translations of each text analyzed here this book breaks new ground in the study of ancient legal systems

Finance, Rule of Law and Development in Asia Jiaxing Hu, Matthias Vanhullebusch, Andrew Harding, 2016-04-26 The financial markets of Hong Kong and Singapore are leading examples in Asian financial development and regulation Shanghai which is developing its Free Trade Pilot Zone is equally aiming to incorporate a sophisticated service market in order to upgrade reform and reinvigorate the current economic model of development in China in the aftermath of the global financial and economic crisis Streamlining administrative regulation is a precondition for its financial market to find root and play a central role in Asia and beyond Finance Rule of Law and Development in Asia offers a contextualized approach to the economic and political realities within Asian financial markets especially in these three different jurisdictions The volume adopts a comparative and precise account on the prospects and challenges in further developing these financial centres

Fifty Years of the Law Commissions Matthew Dyson, James Lee, Shona Wilson Stark, 2016-11-03 This book brings together past and present law commissioners judges practitioners academics and law reformers to analyse the past present and future of the Law Commissions in the United Kingdom and beyond Its internationally recognised authors bring a wealth of experience and insight into how and why law reform does and should take place covering statutory and non statutory reform from national and international perspectives The chapters of the book developed from papers given at a conference to mark the fiftieth anniversary of the Law Commissions Act 1965 *Social Order through Contracts* Jian Qu, 2021-02-04 This book is the first Western language monograph on the study of the Qingshui River manuscripts By examining over 3 000 contracts and other manuscripts this book offers constructive insights into the long standing question of how and why a society in late

imperial China could maintain a well functioning social system with few laws but many contracts i.e. Hobbesian words without sword Three interrelated questions what contracts were how and why they worked are explained successively Thus this book presents a non stereotypical contract society in southwest China arguing that the social order which provides predictability and regularity for economic prosperity could be formed and maintained through contracts even under the condition of relatively weak influence of governmental and legal authorities This book benefits readers who are interested in law society and history While presenting the socio legal landscape of a frontier area in late imperial China for historians this book provides a novel and empirical interpretation of the supposedly well known contract device for legal researchers thereby proposing materials for an integrated theoretical explanatory framework of contracts in general By employing the innovative theory of blockchain in its key argumentation the book offers a creative interpretation of historical and social phenomena

Encyclopedia of Historians and Historical Writing Kelly Boyd, 2019-10-09 The Encyclopedia of Historians and Historical Writing contains over 800 entries ranging from Lord Acton and Anna Comnena to Howard Zinn and from Herodotus to Simon Schama Over 300 contributors from around the world have composed critical assessments of historians from the beginning of historical writing to the present day including individuals from related disciplines like Jürgen Habermas and Clifford Geertz whose theoretical contributions have informed historical debate Additionally the Encyclopedia includes some 200 essays treating the development of national regional and topical historiographies from the Ancient Near East to the history of sexuality In addition to the Western tradition it includes substantial assessments of African Asian and Latin American historians and debates on gender and subaltern studies

Policing in Hong Kong Kam C. Wong, 2016-04-22 This book is one of the first to document the challenges and opportunities facing the Hong Kong police force following the reversion of political authority from the UK to China in 1997 Thematically organized and oriented towards those issues of greatest concern to the public such as police accountability assaults on police police deployment surveillance powers and policing across borders it provides a detailed discussion of these and other contemporary issues The opening chapter sets the work within historical context while the final chapter provides a comparison of policing in Hong Kong with public security in the PRC The book will be of value to students and researchers working in the area of comparative policing and comparative criminal justice as well as police professionals and policy makers

Multimodal Transport Law Marian Hoeks, 2010-01-01 We only have to look around us on the road while we travel to work or home or to use our eyes at a railway station to know that the transport of goods takes up a lot of the room our modern day infrastructures provide Sometimes perhaps a little too much nowadays congestion seems to be the rule rather than the exception This is an uncomfortable side effect of the explosive growth freight transport has experienced the last few decades¹ Modern day transport offers a considerable array of possibilities possibilities that are for the most part taken for granted by the general public that enjoys their benefits The average European would not be surprised to learn that the fruit on offer in the local supermarket originates from another

continent for instance The idea that most of the things we use in our daily routine stem from a distant source such as a cell phone from Japan a trendy pair of designer jeans made in China or a glass of Australian wine seems completely natural to us Clearly the contemporary transport industry offers us a lot of benefits besides such discomforts as congestion and pollution In earlier times before machinery such as the steam engine had been invented it was hardly cost effective or even feasible when it came to perishables to carry goods halfway around the world if they were not at least valuable and extraordinary² The limitations set on trade by the transport structures available did more however than simply curtail the range of affordable products on offer for the public They also had a negative effect on the location of the industry limited transport possibilities and forced production to take place near or in heavily populated areas to secure the necessary workforce and market possibilities After all industrial decentralisation is only feasible if there is an infrastructure capable of supporting a cost effective movement of goods and employees³ Catalog of Copyright Entries. Third Series Library of Congress.

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International Libel and Privacy Handbook Charles J. Glasser, Jr.,2013-02-06 An indispensable survival guide for anyone in the media industry and the lawyers who serve them Especially now in an age of instant global access through digital media it is vitally important that journalists authors and publishers as well as the lawyers who serve them be fully up on the laws governing media worldwide The ultimate resource for all the media content providers and purveyors this fully updated and expanded Third Edition of the critically acclaimed handbook offers you instant access to relevant libel and privacy laws and important legal rulings in the Europe Asia the Middle East and the Americas It clearly and concisely explains risks publishers should know about prior to publication steps they can take in order to avoid legal conflicts and legal defences available to them in the event of a claim Offers nation by nation summaries of libel and privacy law written by local practitioners in an easy to use reference format Expanded to include coverage of important emerging territories Mexico Israel and Argentina et al as well as the latest libel and privacy rulings Features new chapters on emerging media markets including Israel Mexico Argentina Jordan and others as well as valuable updates to the Middle East section Provides updates on all major media markets and nations along with coverage of changes in libel laws in key jurisdictions including Australia the UK Hungary and Germany

Policing Global Regions Saskia Hufnagel,2021-01-26 This book provides a stocktake and comparative socio legal analysis of law enforcement cooperation strategies in four different regions of the world the European Union EU North America Greater China and Australasia The work analyses law enforcement cooperation mechanisms within the socio legal framework of global normmaking The strategies addressed range from legal frameworks facilitating cooperation to formal and informal police networks and cooperation practices The study also takes into account crime specific engagement for example campaigns focusing on drug crimes terrorism financial crime kidnappings and other offences It explores challenges in policing practice and human rights protection in each region that

could be countered by existing strategies in another As regions usually develop more advanced cooperation mechanisms than exist at a global scale strategies found in the former could help find solutions for the latter To map existing strategies and assess their impact on both human rights and policing practice this study relies on an assessment of the primary and secondary literature sources in each region as well as interviews with practitioners ranging from senior police officers to prosecutors government officials customs and military staff This book presents a valuable resource for academics and postgraduate students as well as policing and criminal justice practitioners government officials and policy makers

China's National Security Cora Chan, Fiona de Londras, 2020-03-05 All states are challenged by the need to protect national security while maintaining the rule of law but the issue is particularly complex in the China Hong Kong context This timely and important book explores how China conceives of its national security and the position of Hong Kong It considers the risks of introducing national security legislation in Hong Kong and Hong Kong's sources of resilience against encroachments on its rule of law that may come under the guise of national security It points to what may be needed to maintain Hong Kong's rule of law once China's 50 year commitment to its autonomy ends in 2047 The contributors to this book include world renowned scholars in comparative public law and national security law The collection covers a variety of disciplines and jurisdictions and both scholarly and practical perspectives to present a forward looking analysis on the rule of law in Hong Kong It illustrates how Hong Kong may succeed in resisting pressure to advance China's security interests through repressive law Given China's growing international stature the book's reflections on China's approach to security have much to tell us about its potential impact on the global political security and economic order *Implementation of Law in the People's Republic of China* Jianfu Chen, Yuwen Li, Jan Michiel Otto, 2021-08-04 China after some twenty years of reform is no longer a country without law Indeed one may legitimately complain that there are too many laws that are changing too rapidly However law acquires no life nor performs its intended social functions without proper implementation and enforcement Here few people Chinese or foreign are content with the general situation of implementation of law in China The problems and difficulties in implementing and enforcing laws and regulations are reported and discussed in the various forums of the Chinese media almost on a daily basis and often reported in Western media also Academics in China are filling the pages of various legal journals with their diagnoses and analyses of the causes of and solutions to the lack of proper implementation of law and legal regulations and policy measures are being issued to deal with these problems and to overcome the difficulties The future of the rule of law in China as we are so often reminded by scholars of Chinese politics and law largely depends on the proper implementation and enforcement of law This is a book about law in action in China that is it focuses on the administration of the law as a process through which law in the books is put into action and hence is made to perform its intended social functions It deals with the process the institutional settings the players and the political economic social and cultural settings the factors involved in the administration of law in China Throughout the book we will

see a variety of problems and difficulties involved in implementing and enforcing laws and regulations that are identified and analyzed by the contributors We will also see analyses on legal regulations and policy measures that have been issued to rectify the many identified problems to raise the standard of actual implementation of law and to improve the functioning of the various law implementing enforcing authorities Additionally the book provides various case studies on implementation of law in China The present book we believe is among the first collective efforts at a systematic and comprehensive study of the implementation of law in China and we hope that it will stimulate many more such studies studies on the actual operation and impact of law on society and on individuals

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