# Course Syllabus

City University of Hong Kong  
Course Syllabus  
offered by School of Law  
with effect from Semester A 2018/19  

---

## Part I  Course Overview

<table>
<thead>
<tr>
<th><strong>Course Title:</strong></th>
<th>LW2601</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Course Code:</strong></td>
<td>Hong Kong Legal System</td>
</tr>
<tr>
<td><strong>Course Duration:</strong></td>
<td>One Semester</td>
</tr>
<tr>
<td><strong>Credit Units:</strong></td>
<td>3</td>
</tr>
<tr>
<td><strong>Level:</strong></td>
<td>B2</td>
</tr>
<tr>
<td><strong>Medium of Instruction:</strong></td>
<td>English</td>
</tr>
<tr>
<td><strong>Medium of Assessment:</strong></td>
<td>English</td>
</tr>
<tr>
<td><strong>Prerequisites:</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Precursors:</strong></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Equivalent Courses:</strong></td>
<td>LW5601 Hong Kong Legal System</td>
</tr>
<tr>
<td><strong>Exclusive Courses:</strong></td>
<td>Nil</td>
</tr>
</tbody>
</table>
Part II  
Course Details

1. Abstract

1. To encourage students to discover the functions of law in society, and its relationship between morality and justice;
2. To guide students to developing a sound understanding and appreciation of the concept of the rule of law and its relevance in the context of Hong Kong;
3. To familiarise students with the sources, classification and operation of Hong Kong law and other features of the legal system in Hong Kong;
4. To introduce students to the legal and constitutional framework in which law is practised and administered in Hong Kong;
5. To introduce students to basic features of civil and criminal justice as well as how institutions and procedures were developed to further civil and criminal justice, how the notion of access to justice remains key to evaluating the effectiveness of the civil and criminal justice system and thus how legal aid and alternative dispute resolution (ADR) play a crucial role; and
6. To encourage students to think critically about Hong Kong law and institutions and to communicate their views and their analysis effectively both orally and in writing.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

<table>
<thead>
<tr>
<th>No.</th>
<th>CILOs(^8)</th>
<th>Weighting(^9) (if applicable)</th>
<th>Alignment with MILOs</th>
<th>DEC related learning outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>A1</td>
<td>A2</td>
</tr>
<tr>
<td>1.</td>
<td>Demonstrate a sound knowledge and conceptual understanding of the legal system, including civil and criminal justice, as well as issues relating to the access to justice and the civil justice reform.</td>
<td>1,4,5,6</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>2.</td>
<td>Demonstrate the skills of legal reasoning and possess an understanding of the doctrine of precedent, the approaches to statutory interpretation and the sources of law in Hong Kong.</td>
<td>1,2,3,5</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>3.</td>
<td>Explain the concept and functions of law, including the relationship between morality, justice and the law as well as the role of law in society.</td>
<td>1,4,5,7</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>4.</td>
<td>Critically evaluate the branches of the executive, legislature and the judiciary in the context of the separation of powers and their roles in policy and law making.</td>
<td>1,4,6,7,8</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>5.</td>
<td>Understand the judicial system and the profession, as well as their roles in upholding the rule of law in Hong Kong.</td>
<td>1,4,6,8</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>6.</td>
<td>Demonstrate a conceptual understanding of the PRC legal system and the international legal</td>
<td>1,2,3,7</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
system, and the interactions between Hong Kong with these two systems.

* If weighting is assigned to CILOs, they should add up to 100%.

Please specify the alignment of CILOs to the Gateway Education Programme Intended Learning outcomes (PILOs) in Section A of Annex.

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 self-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.

3. Teaching and Learning Activities (TLAs)
(TLAs designed to facilitate students' achievement of the CILOs.)

<table>
<thead>
<tr>
<th>TLA</th>
<th>Brief Description</th>
<th>CILO No.</th>
<th>Hours/week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lecture</td>
<td>Students will be introduced to the structure of the Hong Kong legal system through the lecturer as well as discussions during the lecture.</td>
<td>✓ ✓ ✓ ✓ ✓ ✓</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Students will read the course manual/course notes and other assigned readings for lectures to better understand the traditional principles of a common law system.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Students will be taught to locate and understand legal materials.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Students will read the course manual/course notes and other assigned readings for lectures.</td>
<td>✓ ✓ ✓ ✓ ✓ ✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Students will be introduced to current affairs that has implications on the development of Hong Kong’s legal system and be invited to appreciate the contents of this course through these events.</td>
<td>✓ ✓ ✓ ✓ ✓ ✓</td>
<td></td>
</tr>
<tr>
<td>Tutorial</td>
<td>Students will prepare answers for their tutorial questions. This may be done in presentations or group discussion.</td>
<td>✓ ✓ ✓ ✓ ✓ ✓</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Through the comments and interactive feedback from tutors, students will be invited to think critically about the tutorial questions and encouraged to develop an in-depth understanding of the issues presented/questions asked.</td>
<td>✓ ✓ ✓ ✓ ✓ ✓</td>
<td></td>
</tr>
</tbody>
</table>

4. Assessment Tasks/Activities (ATs)
(ATs are designed to assess how well the students achieve the CILOs.)

<table>
<thead>
<tr>
<th>Assessment Tasks/Activities</th>
<th>CILO No.</th>
<th>Weighting*</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous Assessment: 50%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assignment</td>
<td>✓ ✓ ✓ ✓ ✓ ✓ 30%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students are given a month to attempt an assignment question. Students will be encouraged to conduct innovative research for the assignment.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participation in tutorials and in lectures</td>
<td>✓ ✓ ✓ ✓ ✓ ✓ 20%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Students are expected to discuss and present their answers during tutorials. Students’ performance during tutorials will be assessed. During lectures, student will be encouraged to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>participate in the class discussion by expressing their views on the issues on the syllabus and also on how innovation can take place in the Hong Kong legal system.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Examination: 50% (duration: 2 hours)**

| Students will need to show their ability to answer essay type questions. Students are also expected to demonstrate a sound knowledge of legal rules and principles by giving legal arguments and theories in essay type questions. These questions are all to be answered with a limited time. Students will be trained to present logical arguments | ✓ | ✓ | ✓ | ✓ | 50% |

*The weightings should add up to 100%.*

The following criteria, among others, will be considered in assessing tutorial performance and lecture participation:
- Punctuality and attendance
- Effort and presentation skills
- Expression of ideas
- Contribution to presentation and discussion

The following criteria, among others, will be considered in assessing assignments:
- Punctuality
- Accurate addressing/identification of the legal issues
- Level of research
- Logical analysis and clear expression
- Citation style and presentation

To pass this course
- Students must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework and the examination elements of the assessment.
Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.
To enable the full benefit to be obtained from this course, students should attend all of the activities.

**Assignment/Homework**
- You are required to write an essay. The topic for the essay will be given to you in week 2 or 3. Please submit your essay to the General Office of the School of Law by the submission date. Late submissions may not be accepted without a sufficient explanation and may also be marked down. There is a maximum word limit of 1500 words.
5. **Assessment Rubrics**  
*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Participation in tutorial sessions</td>
<td>-Demonstration of oral presentation skills and willingness / ability to answer questions in class.</td>
<td>Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.</td>
<td>Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.</td>
<td>Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.</td>
<td>Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.</td>
<td>Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.</td>
</tr>
</tbody>
</table>
| 2. Assignment | -Demonstration of understanding of principles, theories and concepts.  
-Demonstration of ability to identify issues.  
-Application of knowledge to specific problems and discussion questions.  
-Ability to write and communicate ideas and arguments in a logical manner  
-Demonstration of ability to research. | Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. | Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. | Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. | Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. | Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. |
| 3. Examination | -Demonstration of understanding of principles, theories and concepts.  
-Demonstration of ability to identify issues.  
-Application of knowledge to specific problems and discussion questions.  
-Ability to engage in argument-based analysis in a clear and logical manner. | Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. | Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. | Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. | Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. | Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. |
Part III  Other Information (more details can be provided separately in the teaching plan)

1.  Keyword Syllabus

   law, law and society, law and morality, justice, discretion, legal history, sources of law, common law and equity, the rule of law, separation of powers, legal systems, constitutions and constitutional law, government, policies and policy-making, the law making process, the executive and the legislature, the judiciary and the judicial method, doctrine of precedent, statutory interpretation, judicial review, courts and tribunals, legal profession, fundamental rights and freedoms, civil and criminal justice, civil justice reforms, access to justice and legal aid, alternative dispute resolution, police powers, discrimination, PRC legal system, international law

Detailed Syllabus

1. The law and the legal system
2. The rule of law and the separation of powers
3. From colony to special administrative region: the sources of law in Hong Kong
4. Hong Kong’s constitutional framework
5. The judiciary and the rule of law
6. The executive and the legislature
7. Understanding the Hong Kong legal system: situating the present
8. Civil justice and criminal justice
9. Current legal issues
10. Introduction to the PRC legal system
11. Introduction to international law and the international legal system

2. Reading List

2.1 Recommended Textbooks

   M.J. Fisher, *The Legal System of Hong Kong* (Blue Dragon 2010)

2.2 Other Essential Reading

   D Gittings, *Introduction to the Hong Kong Basic Law* (HKU Press 2016)
   P. Wesley-Smith, *An Introduction to the Hong Kong Legal System* (3rd edition) (Oxford University Press, 1998)

2.3 Extra Reading:

   Waikeung Tam, *Legal Mobilization under Authoritarianism: The Case of Post-Colonial Hong Kong* (Cambridge University Press 2013)
   G Yu, *Hong Kong’s Legislature under China’s Sovereignty 1998-2013* (Brill, 2013)

Other readings will be assigned to you on a weekly basis, please refer to the Reading Guides for each week.