

# LW3606B: CRIMINAL LAW II

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## Effective Term

Semester B 2024/25

## Part I Course Overview

### Course Title

Criminal Law II

### Subject Code

LW - Law

### Course Number

3606B

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

B1, B2, B3, B4 - Bachelor's Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

LW3606A Criminal Law I

### Equivalent Courses

LW3106 Criminal Law (LLB) (upon successful completion of LW3606A and LW3606B)

LW3106A Criminal Law (AMLLB) (upon successful completion of LW3606A and LW3606B)

LW3606 Criminal Law (upon successful completion of LW3606A and LW3606B)

LW5606B Criminal Law II

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course aims to encourage students to discover insights into the concepts of crime, criminal liability and substantive criminal offences and their application in Hong Kong. Additionally, the course aims to engage students in the analysis, explanation and application of the substantive law and to encourage and facilitate the development of the necessary analytical, reasoning and practical skills needed to apply the substantive law to factual scenarios. Attention will be given to the strengths and weakness of substantive criminal law as it operates in Hong Kong and students will be encouraged to consider the development of Hong Kong's substantive criminal law and to draw comparisons with the development of substantive criminal law in other jurisdictions. The course also aims to encourage students to think independently, and to discover for themselves relevant principles and ideas.

### Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Analytically describe and explain: - the concept of criminal liability and the factors that affect and determine criminal liability; - factors affecting liability for substantive criminal offences; - defences to substantive criminal offences;	20			
2	Apply substantive criminal law to a range of basic situations and fact patterns to: - ascertain issues of criminal liability and defences to substantive criminal offences; - offer possible solutions to problems that arise in relation to the operation of the those offences; - formulate and communicate, both orally and in writing and in plain English, advice on criminal liability for those offences.	25		x	
3	Employ the criminal law to: - challenge in mock settings issues of liability for substantive criminal offences and defences to that liability.	25	x	x	
4	Critically evaluate: - the operation and impact of substantive criminal law offences; - the limitations of those offences; - their place in the overall context of Hong Kong criminal law; - areas of possible reform and improvement.	30	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	Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures	The course leader will present concepts, theories and case studies on criminal liability, capacity to commit crime, participation in crime, defences to crime and their limitations and on relevant developments and reforms in other common law jurisdictions.	1, 2, 3, 4	2
2	Class discussions	Students are engaged in debate, analysis, exploration and comparison of substantive criminal concepts, the practical application of substantive criminal law which will encourage research and discovery.	1, 2, 3, 4	0.5
3	Assignment (Mid-semester research paper)	Students will complete a research assignment that focuses on the discussion of a relevant criminal law topic. Students will examine relevant statutory and common law and propose recommendations for law reform. Through research assignments, students will develop critical thinking, research and analytical skills to address criminal law issues and to provide practical solutions to the problems in question.	1, 2, 3, 4	0.5

4	Reading and Preparation for Classes	Students will develop their knowledge in the subject by doing suggested reading and research on the conceptual and theoretical sides of the subject. It is also used for students to catch up on earlier missed reading.	1, 4	Approx 2-3
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**Assessment Tasks / Activities (ATs)**

	<b>ATs</b>	<b>CILO No.</b>	<b>Weighting (%)</b>	<b>Remarks (e.g. Parameter for GenAI use)</b>
1	Tutorial Participation (10%)  and  Assignment (Research Paper): 30%	1, 2, 3, 4	40	- Tutorial participation will be assessed on the quality of the participation, not quantity. Generally, the tutorials allow students to demonstrate their capacity to understand, analyse, and apply relevant legal rules and principles through in-class discussions.  - Assignment will be assessed against these criteria: 1) Knowledge of the law and its context; 2) Quality and depth of critical analysis; 3) Clear and succinct writing style, a logical and coherent structure, and clarity of the central argument; 4) Sophistication of the research, including proper referencing of relevant legislation, cases and other authorities.

2	Examination	1, 2, 3	A two-hour open book examination will test students' ability to describe, explain and contrast the purpose and operation of substantive criminal offences, their constituent parts and components and the principles, objectives and purposes underpinning those substantive offences will be tested as will the ability to apply those principles to given situations and to resolve issues and problems relating to the operation of the criminal law.
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**Continuous Assessment (%)**

40

**Examination (%)**

60

**Examination Duration (Hours)**

2

**Additional Information for ATs**

The use of Generative AI tools for any course assessment is strictly prohibited.

Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations (Attachment) and to the Explanatory Notes.

Standard (A+ A A- ... F)

To pass each course, students need a total score of at least 40% and a minimum of 30% in both the Continuous Assessment (CA) component and final exam component.

**Assessment Rubrics (AR)****Assessment Task**

1. Tutorial Participation (10%)

**Criterion**

Students will be assessed on their attendance and contributions to class discussion, their preparation for problem questions, and their interaction with peer students and with the tutor.

**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-)**

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

**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.

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**Assessment Task**

2. Assignment (research paper) (30%)

**Criterion**

Students will be assessed on the demonstration of their understanding and knowledge of criminal law topics and the ability to critically analyse and examine issues in the criminal law regime.

**Excellent (A+, A, A-)**

- 1) Demonstrates a critical engagement with course materials, significant understanding of the criminal law's policy underpinnings, an exceptional ability to identify legal issues and to incorporate concepts into the writer's own insights.
- 2) Demonstrates a clearly structured essay with a thesis statement built upon in-depth discussion and elaboration across all sections of the paper.
- 3) Demonstrates a perfect logical flow in the paper and an understanding of the relationship among material obtained from all sources.
- 4) Demonstrates no spelling and grammar mistakes and sufficiently cited sources

**Good (B+, B, B-)**

- 1) Demonstrates some critical engagement with course material, a limited understanding of the criminal law's policy underpinnings, a reasonable ability to identify legal issues and to incorporate concepts into the writer's own insights.
- 2) Demonstrates an organised structure of the essay with a thesis statement built upon proper discussion and elaboration across most sections of the paper.
- 3) Demonstrates a reasonable flow in the paper and a certain degree of understanding of the relationship among material obtained from all sources
- 4) Demonstrates minimal spelling and grammar mistakes and properly cited sources

**Fair (C+, C, C-)**

- 1) Limited critical engagement with course material, little understanding of the criminal law's policy underpinnings, a basic ability to identify legal issues and to incorporate concepts into the writer's own insights.
- 2) An incoherent structure of the essay with the omission of pertinent content. Quotations from others outweigh the writer's own ideas excessively.
- 3) Paper does not flow properly with apparent disjointedness. An inadequate degree of understanding of the relationship among material obtained from all sources
- 4) Noticeable spelling and grammar mistakes with inadequate cited sources

**Marginal (D)**

- 1) No critical engagement with course material, no understanding of the criminal law's policy underpinnings, a poor ability to identify legal issues and to incorporate concepts into the writer's own insights.
- 2) A poorly structured essay with a thesis statement built upon cursory discussion in all the sections of the paper or brief discussion in only a few sections.
- 3) Paper does not flow and appears to be created by desperate issues. A limited degree of understanding of the relationship among material obtained from all sources
- 4) Unacceptable number of spelling and grammar mistakes with minimal sources

**Failure (F)**

The paper does not demonstrate that the student has made any effort to research and write

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### Assessment Task

#### 3. Examination (60%)

#### Criterion

Students will be assessed on their acquisition of knowledge throughout the course and the ability to describe, discuss and criticise concepts and issues of criminal liability and to apply those issues to practical fact patterns.

#### Excellent (A+, A, A-)

Strong evidence of original thinking; good organisation, capacity to analyse and synthesise; 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 analytical ability; reasonable understanding of issues; evidence of familiarity with the law.

#### Fair (C+, C, C-)

Student who is profiting from the university experience; basic understanding of the subject; weakness in critical and analytical skills; 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; incorrect understanding or application of the law. No critical insights towards the law of evidence.

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## Part III Other Information

### Keyword Syllabus

- Establishing criminal responsibility
- Defences to criminal responsibility
- Inchoate offences
- False imprisonment, kidnapping, ransom
- Sexual offences
- Property offences
- Theft, burglary, robbery
- Criminal damage
- Blackmail, criminal intimidation

### Reading List

#### Compulsory Readings

Title	
1	Students must purchase the course textbook and may choose to purchase the optional textbook, from which reading will be drawn throughout the semester.
2	· Simon So, Criminal Law in Hong Kong, LexisNexis (2020)

### Additional Readings

	Title
1	Useful sources for further reading are:
2	Michael Jackson (2003), <i>Criminal Law in Hong Kong</i> , Hong Kong University Press (Course Textbook)
3	Victor Ho Wai-Kin (2011), <i>Criminal Law in Hong Kong</i> , Kluwer Law International (out of print, but available in the library reserve)
4	Bokhary, Young & Cross (eds), <i>Archbold Hong Kong: Criminal Law, Pleadings, Evidence and Practice</i> , 2019, Sweet & Maxwell (available in the library in hardcopy, also available electronically as per below)
5	Horder J (2019), <i>Ashworth's Principles of Criminal Law</i> , Oxford University Press
6	Baker DJ (2015), <i>Textbook of Criminal Law</i> , Sweet & Maxwell
7	Details of other texts and other reference materials will be circulated approximately one week before each class. Students are expected to have read the requisite material before class.
8	Online Recources
9	Archbold Hong Kong (via Westlaw Asia): <a href="http://libweb.cityu.edu.hk/cgi-bin/er/db/wlasiadb.pl">http://libweb.cityu.edu.hk/cgi-bin/er/db/wlasiadb.pl</a>
10	British and Irish legal Information Institute: <a href="http://www.bailii.org/">http://www.bailii.org/</a>
11	Crown Prosecution Service (England and Wales): <a href="http://www.cps.gov.uk/">http://www.cps.gov.uk/</a>
12	Guides compiled by Library's Law Section (Students' Guides to Legal Materials of Hong Kong, Student Guides' to Legal Materials of the UK)
13	Hong Kong Department of Justice: <a href="http://www.doj.gov.hk/eng/index.html">http://www.doj.gov.hk/eng/index.html</a>
14	Hong Kong Judiciary: <a href="http://www.judiciary.gov.hk/en/index/">http://www.judiciary.gov.hk/en/index/</a>
15	Hong Kong Legal Information Institute: <a href="http://www.hklii.hk/eng/">http://www.hklii.hk/eng/</a>
16	Hong Kong Police: <a href="http://www.police.gov.hk/ppp_en/">http://www.police.gov.hk/ppp_en/</a>
17	Hong Kong Prosecution Code: <a href="http://www.doj.gov.hk/eng/public/pubsoppaptoc.html">http://www.doj.gov.hk/eng/public/pubsoppaptoc.html</a>
18	Lexis HK: <a href="http://www.cityu.edu.hk/lib/eres/database/info/lexis.htm">http://www.cityu.edu.hk/lib/eres/database/info/lexis.htm</a>
19	Library Research Guides for Law (includes Criminal Law & Criminal Procedure): <a href="http://libguides.library.cityu.edu.hk/cat.php?cid=32771">http://libguides.library.cityu.edu.hk/cat.php?cid=32771</a>
20	UK Courts and Tribunals <a href="http://www.judiciary.gov.uk">http://www.judiciary.gov.uk</a>
21	Westlaw Next: <a href="http://www.cityu.edu.hk/lib/eres/database/info/wlnext.htm">http://www.cityu.edu.hk/lib/eres/database/info/wlnext.htm</a>