

LW4679: EMPLOYMENT LAW IN HONG KONG

Effective Term

Semester A 2022/23

Part I Course Overview

Course Title

Employment Law in Hong Kong

Subject Code

LW - Law

Course Number

4679

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

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

The course introduces students to the law governing work relations in Hong Kong, covering major ordinances, regulations, common law doctrines, enforcement issues, and emerging policy concerns. Subject areas include identifying employment

relationships, the formation and termination of employment contracts, wages and benefits, discrimination, privacy rights, health and safety, restrictive covenants, and collective rights and unionization. The class also examines issues of current significance in Hong Kong, which may include migrant and cross-border work, employee investigations, the growing prevalence of casual and “gig” work, the use of data analytics to make employment-related decisions, and obligations surrounding company reorganizations. Students will learn to recognize and explain the legal consequences of a variety of work relationships and conflicts. The course also encourages students to assess critically the objectives, assumptions, and consequences of employment law; consider creative responses to current challenges in employment law; and understand how employment law shapes broader social outcomes.

Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Understand the major legal principles and rules governing work relations in Hong Kong.		x	
2	Identify relevant law and apply it to a variety of different work-related problems; devise creative, equitable, and effective solutions to these problems.	x	x	x
3	Assess the objectives, assumptions, and underlying values of employment law; evaluate the law’s economic, cultural, political, and other social implications; critically reflect upon current challenges to the legal governance of work relations; and make original contributions to the state of legal knowledge regarding emergent issues.	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.

Teaching and Learning Activities (TLAs)

TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Seminar	The course leader will introduce major regulations, theories, concepts, and cases through participatory seminars.	1, 3

2	Reading assignments	Students will read precedential legal opinions, new opinions of significance, provocative scholarship, and current news stories involving work relations.	1, 3	
3	Written assignment	Students will complete a written assignment in the form of a legal memorandum, an evaluative essay, an applied project, or a research paper.	1, 2, 3	
4	Class exercises and discussion	Students will engage in problem solving activities, simulations, discussion, and peer review during class. Students will examine news stories and hypothetical scenarios in small groups to identify and assess potential employment law issues. Students will engage in role playing exercises in which they provide client advice, negotiate contracts, debate, and resolve disputes. The course leader will facilitate class discussion regarding the problem-solving exercises and simulations.	1, 2, 3	

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class participation	1, 2, 3	30	
2	Written assignment	1, 2, 3	40	

Continuous Assessment (%)

70

Examination (%)

30

Examination Duration (Hours)

2

Additional Information for ATs

Grading of Student Achievement: Standard (A+, A, A-...F). Grading is based on student performance in the Assessment Tasks/Activities.

To pass this course, students must obtain an aggregate mark of 30% and a minimum of 30% in each of the examination and continuous assessment components. Continuous assessment for this purpose means those ways in which students are assessed otherwise than by the end-of-semester examination.

Assessment Rubrics (AR)

Assessment Task

1. Class participation (40%)

Criterion

1.1 Active participation. Students are expected to participate actively in seminar, including in group work and other in-class exercises, peer review, oral presentations, and class discussions. Students are expected to raise questions about areas of uncertainty and respond to questions by the course leader and other students.

1.2 Quality participation. Oral and written output should demonstrate careful preparation, understanding of the relevant course material, and the willingness and ability to cooperate with and learn from other students.

Excellent (A+, A, A-)

Very active and constructive participation. Student demonstrates excellent understanding of the relevant course material, in-depth critical engagement with the material, original thinking, and ability to generate insights or conclusions that go beyond what was taught. Student demonstrates ability to analyse fact situations and apply the law with excellent accuracy and incisiveness. Descriptions, analyses, and explanations are concrete, logical, and expressed clearly.

Good (B+, B, B-)

Active and constructive participation. Student demonstrates a generally thorough understanding of the relevant course material, high level of critical engagement with the material, and creative thinking. Student demonstrates ability to analyse fact situations and apply the law with a high degree of accuracy and incisiveness. Descriptions, analyses, and explanations are concrete, logical, and expressed clearly overall.

Fair (C+, C, C-)

Active participation. Student demonstrates average understanding of relevant course material, some critical engagement with the material, and some attempt at deriving original insights. Student demonstrates ability to analyse fact situations and apply the law with average accuracy. Some descriptions, analyses, and explanations may be partially illogical and vague, and/or expressed unclearly.

Marginal (D)

Minimal level of participation. Student demonstrates inadequate understanding of the relevant course material and makes little or no effort at critical engagement with the material. Descriptions, analyses, and explanations are vague, illogical, and/or unclear.

Failure (F)

Barely any or no participation. Student demonstrates no meaningful understanding of the material or participation involves academic dishonesty.

Assessment Task

2. Written assignment (30%)

Criterion

2.1 Understanding of relevant course material.

2.2 Accuracy of legal analysis.

2.3 Critical engagement with course material, original thinking, and independent research ability (the latter if applicable).

2.4 Good organisation and clear and logical writing.

Excellent (A+, A, A-)

The written product responds to the question(s). Writing demonstrates excellent understanding of the relevant material, in-depth critical engagement with the material, original thinking, and insights or conclusions that go beyond what was taught. The student analyzes and applies the law to fact situations with excellent accuracy and incisiveness. The writing is well-organized and clear, and descriptions, analyses, and explanations are concrete and logical.

Good (B+, B, B-)

The written product responds to the question(s). Writing demonstrates high degree of understanding of the relevant material, high level of critical engagement with the material, and creative thinking. The student analyzes and applies the law to fact situations with high accuracy and incisiveness. The writing is well-organized and clear, and descriptions, analyses, and explanations are concrete and logical overall.

Fair (C+, C, C-)

The written product responds to the question(s) overall. Writing demonstrates average understanding of the relevant material, some critical engagement with the material, and some attempt to derive original insights. The student analyzes and applies the law to fact situations with average accuracy. The writing may be disorganized and unclear in places, and some explanations may be partially illogical and vague.

Marginal (D)

The written product inadequately responds to the question(s). Writing demonstrates inadequate understanding of the relevant material and makes little or no effort at critical engagement with the material or at generating original insights. The student analyzes and applies the law to fact situations with little accuracy. The writing is mostly disorganized and unclear, and descriptions, analyses, and explanations are illogical and/or vague.

Failure (F)

Student does not submit the assignment, the written product fails to respond to the question(s), the writing demonstrates no meaningful understanding of the relevant material or ability to analyse and apply the law to fact situations, or the writing involves academic dishonesty.

Assessment Task

3. Examination (30%)

Criterion

3.1 Understanding of course material.

3.2 Accuracy of legal analysis in evaluation of fact pattern.

3.3 Critical engagement with course material and original thinking in response to evaluative question (if assigned).

3.4 Good organisation and clear writing.

Excellent (A+, A, A-)

Exam answer is responsive to the question(s). Student demonstrates excellent understanding of the relevant material and applies the law with excellent accuracy and incisiveness. Writing is well-organized, clear, and logical. If evaluative question assigned, student demonstrates in-depth critical engagement with the material, original thinking, and insights or conclusions that go beyond what was taught.

Good (B+, B, B-)

Exam answer is responsive to the question(s). Student demonstrates high degree of understanding of the relevant material and applies the law with a high degree of accuracy and incisiveness. The writing is well-organized, clear, and logical overall. If evaluative question assigned, student demonstrates high level of critical engagement with the material and creative thinking.

Fair (C+, C, C-)

Exam answer is responsive overall to the question(s). Student demonstrates average degree of understanding of the relevant material and applies the law with an average degree of accuracy. The writing may be disorganized, unclear, and/or illogical in places. If evaluative question assigned, student demonstrates some critical engagement with the material and some attempt to derive original insights.

Marginal (D)

Exam answer inadequately responds to the question(s). Student demonstrates inadequate understanding of the material and applies the law with little accuracy. The writing is mostly disorganized, unclear, and illogical. If evaluative question assigned, student demonstrates little or no effort at critical engagement with the material or at generating original insights.

Failure (F)

Exam answer fails to respond to the question(s), the answer demonstrates no meaningful understanding of the material or ability to analyse and apply the law to fact situations, or the writing involves academic dishonesty.

Part III Other Information

Keyword Syllabus

- Employment status and identifying employment relationships
- The contract of employment
- Remuneration and benefits
- Leave
- Terminating employment and employee discipline
- Termination protection, remedies, and entitlements, and post-employment restrictions
- Discrimination
- Worker health and safety
- Employee data privacy
- Cross-border employment
- Change of ownership of employer
- Trade unions and collective rights
- Dispute resolution

Reading List**Compulsory Readings**

Title	
1	Legal decisions
2	News articles

Additional Readings

Title	
1	Employment Law and Practice in Hong Kong (Rick Glofcheski, Farzana Aslam, & Duncan Abate eds., 2d ed. 2016)
2	Scholarly articles and book excerpts