

City University of Hong Kong

**Information on a Course
offered by School of Law
with effect from Semester B in 2014/2015**

Part I

Course Code: LW5606B

Course Title: Criminal Law II

Course Duration: One Semester

Credit Units: 3

Level: P5

Medium of Instruction: English

Prerequisites: For 2012 Cohort and before: LW5606A Criminal Law I

For 2013 Cohort and thereafter: LW5621 Legal Systems of Hong Kong and Mainland China, LW5622 Legal Methods, Research and Writing, LW5602 Law of Contract and LW5606A Criminal Law I

Precursors: Nil

Equivalent Courses: LW3606B Criminal Law II

Exclusive Courses: Nil

Part II

Course Aims

The course complements and supplements LW5606A and continues the examination of the notion of criminal liability and the factors affecting criminal liability in specific substantive offences. It develops the skills necessary for the solution of real-life criminal problems and an understanding of criminal liability for specific offences. Those specific criminal offences will be examined and students will discover how they operate and apply in Hong Kong. Also covered are inchoate offences as well as general defences such as necessity and insanity. Students will continue to equip themselves with the capacity to solve real-life criminal problems and to appreciate the strengths and weaknesses of substantive criminal law offences as they are applied in Hong Kong.

Course Intended Learning Outcomes (CILOs)

Upon successful completion of this course, students should be able to:

No.	CILOS	Weighting (if applicable)
1.	Analytically describe and explain: <ul style="list-style-type: none"> ❖ the basis of criminal liability for specified substantive offences; ❖ the defences to those substantive offences. 	
2.	Apply the specified substantive offences to real-life situations: <ul style="list-style-type: none"> ❖ ascertain the basis of criminal liability; ❖ identify and apply defences to those offences; ❖ identify and appreciate the practicality of the various defence to those offences; ❖ identify and discuss possible areas of reform or development; ❖ 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. 	
3.	Critically evaluate: <ul style="list-style-type: none"> ❖ 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. 	

Alignment of CILOs with PILOs (Please do the alignment between PILOs and CILOs.)

Programme Intended Learning Outcomes (PILOs)		CILOs
1	Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	1,2,3
2	Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.	1,2,3
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	1,2,3
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	1,2,3
5	Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law.	1,2,3

Teaching and Learning Activities (TLAs)

(Indicative of likely activities and tasks designed to facilitate students' achievement of the CILOs. Final details will be provided to students in their first week of attendance in this course)

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

Class discussions: These will engage students in debates, analysis, exploration and understanding of substantive criminal concepts and the practical application of that substantive criminal law.

Oral presentation: Students will work in groups to lead class discussions and question and answer sessions on relevant topics and problems

Research: Students will use relevant materials and authorities to write one or more papers as set by the instructor

There will be a reading week at week 7. During the reading week students are asked to develop their knowledge in the subject by doing further reading and research on the conceptual and theoretical sides of the subject.

Assessment Tasks/Activities (Are they to be converted into PG level?)**b**

(Indicative of likely activities and tasks designed to assess how well the students achieve the CILOs. Final details will be provided to students in their first week of attendance in this course)

Type of Assessment Tasks/Activities	Weighting	ILOs to be addressed	Remarks
Term paper (s)	30%	1, 2, 3	This paper(s) will assess students' ability to analyse issues in depth and to explore appropriate options for action.
Presentations and participation in class activities	20%	1, 2, 3	Each student will be assessed on his/her comments, questions and answers given during tutorials (apart from the tutorial designated for that student's Class Participation (Sub-Group) - see above), in terms of each student's display of his/her ability to discuss and explain the material for the particular tutorial. Marks for presentation, class discussions and contributions to class\discussions will encourage, reward and assess students' active contributions to analysis of issues and concepts and their active engagement with other students.

Examination (2 or 3 hours duration) (Open book)	50%	1, 2, 3	This will test in a controlled and supervised environment students' acquisition of knowledge and understanding and the ability to relate, discuss and criticise concepts and issues of criminal liability and to apply those concepts issues to practical fact patterns.
---	-----	---------	--

Grading of Student Achievement:

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

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% 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.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation. Assessment criteria for those activities, their nature and their timing will be advised and expanded upon by the course leader.

The duration of the examination may last for 2 or 3 hours and it will be at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course. Similarly the course leader will announce whether the examination will be closed book or open book.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary material to solve novel problems.

Part III

Syllabus:

The following topics are studied in detail:

1. Necessity, Duress and Duress of Circumstances;
2. Self Defence;
3. Mistake and its effect upon criminal liability;
4. Inchoate offences: Incite, Conspiracy and Attempts;
5. False Imprisonment, Kidnapping and Holding to Ransom;
6. Sexual offences: Rape and Indecent Assault;
7. Offences Against Property (1): Theft;
8. Offences Against Property (2): Robbery, Burglary, Going Equipped;

9. Offences Against Property (3): Deception and Deception Offences:
10. Offences Against Property (4): Handling;
11. Offences Against Property (5): Criminal Damage.
12. Blackmail and Criminal Intimidation
13. Infancy, Insanity and automatism.

Recommended Reading

Text(s)

- 1 There is a comprehensive book on Hong Kong Criminal Law. We will use that as our main text:
Michael Jackson (2003), *Criminal Law in Hong Kong*, Hong Kong University Press (ISBN 9622095585) (Paperback).
(Note that this book was published in 2003 and there have been changes in criminal law since that date)
- 2 A working knowledge of the main Hong Kong Criminal Law Ordinances will be required, especially:
The Crimes Ordinance Cap. 200.
The Theft Ordinance, Cap. 210.
- 3 Ordinances referred to in Semester A in LW3606A provide the foundation upon which to build during LW3606B and those Ordinances must not be overlooked.
- 4 Hong Kong's Criminal Law is based upon that of England and Wales. We can therefore use English texts to supplement and complement Hong Kong texts. Students may find Smith and Hogan, *Criminal Law*), and Smith and Hogan *Criminal Law Cases and Materials* useful though there are other texts.

Online Resources

The Hong Kong Judiciary: www.judiciary.gov.hk
Hong Kong Legal Information Institute: www.hklii.org
Department of Justice: www.doj.gov.hk
The Hong Kong Police: www.police.gov.hk
The Crown Prosecution Service (England and Wales): www.cps.gov.uk
British and Irish legal Information Institute: www.bailii.org
Judicial Studies Board (England and Wales): www.jsboard.co.uk