

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester B 2015/16**

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**Part I     Course Overview**

<b>Course Title:</b>	<u>Criminal Procedure</u>
<b>Course Code:</b>	<u>LW5660</u>
<b>Course Duration:</b>	<u>One semester</u>
<b>Credit Units:</b>	<u>3</u>
<b>Level:</b>	<u>P5</u>
<b>Medium of Instruction:</b>	<u>English</u>
<b>Medium of Assessment:</b>	<u>English</u>
<b>Prerequisites:</b> (Course Code and Title)	<u>For 2013 Cohort and thereafter: LW5621 Legal Systems of Hong Kong and Mainland China, and LW5622 Legal Methods, Research and Writing, and LW5602 Law of Contract, and LW5606A&amp;B Criminal Law I &amp; II</u>
<b>Precursors:</b> (Course Code and Title)	<u>For 2012 Cohort and before: LW2601 or LW5601 Hong Kong Legal System, and LW3606 Criminal Law or LW3606A Criminal Law I and LW3606B Criminal Law II or LW5606A Criminal Law I and LW5606B Criminal Law II</u>
<b>Equivalent Courses:</b> (Course Code and Title)	<u>Nil</u>
<b>Exclusive Courses:</b> (Course Code and Title)	<u>Nil</u>

## Part II Course Details

### 1. Abstract

*This course aims to*

- examine the principles of law relevant to criminal procedure in the courts of Hong Kong
- provide practical appreciation and awareness of existing and possible mechanisms for the disposal of criminal cases and an opportunity to examine and appreciate conflicts of interests and values which can arise in criminal proceedings
- provide practical appreciation and awareness of the powers, duties and ethical responsibilities of those engaged in criminal litigation
- provide an opportunity to identify and analyse concepts of criminal procedure
- understand the rights and obligations of persons subject to allegations of criminality

### 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.)*

No.	CILOs	Weighting (if applicable)	DEC related learning outcomes		
			A1	A2	A3
1.	<b>Understand</b> the substantive rules of criminal procedural law	20%			
2.	<b>Analyze and critically evaluate</b> issues in the field of criminal procedure in terms of the objectives of and policies underpinning criminal procedural law, the criminal law and the law of evidence. Consider areas of possible reform and development.	40%	✓	✓	✓
3.	<b>Explain</b> the substantive rules of criminal procedure orally and in writing accurately, clearly, coherently and in plain English.	20%			
4.	<b>Apply</b> the principles of criminal procedural law to a range of basic situations relevant to criminal investigation, criminal trials, sentencing and appeals	20%	✓	✓	
		100%			

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.*

### Alignment of CILOs with PILOs

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, 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.	NOT APPLICABLE
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	1, 2, 3, 4
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	2
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.	2, 3, 4

### 3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
<i>Reading of Ordinances, cases and other material, and research</i>	* Students will acquire knowledge and appreciation of the substantive rules of criminal procedural law, their application, and the policies and principles underpinning those rules	✓	✓	✓		
<i>Lectures</i>	* Students will be introduced to the framework of the course, to key concepts and issues.	✓		✓		2
<i>Small group activities</i>	* Students will present and discuss selected topics, issues and problem based fact patterns to arrive at possible solutions. * Students will discuss issues of policy and law reform in criminal procedure * Students will analyse and evaluate issues and concerns in criminal procedural law and have a forum for discussion where doubts and uncertainties can be identified and addressed.	✓	✓	✓	✓	1

#### 4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.				Weigh ting	Remarks
	1	2	3	4		
Continuous Assessment: 50%						
Research Essay	✓	✓	✓		30%	A 2000 word research essay will ask students to critically analyse a particular aspect of Hong Kong’s criminal procedure laws. Students will have four weeks to complete the essay.
Tutorial Participation and Presentations	✓		✓	✓	20%	Marks are given for general participation (10%), a problem question presentation in groups (5%) and a court visit presentation in groups (5%).
Examination: 50% (duration: 3 hours)						
Examination	✓	✓	✓	✓	50%	A three hour open book examination will consist of a choice of four fact pattern questions and one essay question. Students must answer three of these questions.
					100%	

#### 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 continuous assessment and the examination components of the assessment. Continuous assessment for this purpose means all activities and assignments other than the end of semester examination.

## 5. Assessment Rubrics

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Adequate (C+, C, C-)	Marginal (D)	Failure (F)
1. Research Essay (30%)	Assignment will be assessed for analysis, research, reasoning, expression, citation and overall structure. Students should describe the law as it should be, rather than merely the law as it is.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance
2. Tutorial Participation (10%)	Students will be assessed on their attendance and contributions to class discussion, their preparation for problem and policy questions, and their interaction with formal student presentations and with the tutor.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance
3. Group Problem Question Presentation (5%)	Students will be assessed on their preparation for the problem question provided, the accuracy of their legal analysis, their written and oral presentation skills via a 1-page handout and ability to engage the class, their group dynamic and their ability to answer questions.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance
4. Group Court Visit Presentation (5%)	Students will be assessed by their selection and comprehension of criminal court proceedings, ability to relate observations to the course syllabus, their written and oral presentation skills via a 1-page handout and ability to engage the class, their group dynamic and their ability to answer questions.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance

### **Part III Other Information** (more details can be provided separately in the teaching plan)

#### **1. Keyword Syllabus**

*(An indication of the key topics of the course.)*

Admissions  
Adversarial system of justice  
Alibi evidence  
Appeals  
Bail  
Classification of offences  
Commencing criminal proceedings  
Costs in criminal proceedings  
Court structure in Hong Kong  
Criminal jurisdiction  
Criminal trials  
Identification evidence  
Indictments, charges, summonses  
Juries  
Juveniles in criminal proceedings  
Litigation funding  
Police powers  
Public prosecutions  
Rights of the accused  
Rules and directions on the questioning of suspects and the taking of statements  
Sentencing  
Vulnerable witnesses

#### **2. Reading List**

##### **Text(s)**

Primary textbook (students should purchase this text)

Whitfort A, *Criminal Procedure in Hong Kong* (2<sup>nd</sup> ed, Lexis Nexis, Hong Kong 2012)

Other helpful texts that we will refer to

Bokhary SKS (ed), *Archbold Hong Kong: Criminal Law, Pleadings, Evidence and Practice 2015* (Sweet & Maxwell/Thomson Reuters, Hong Kong 2014)

Chui WH and Lo TW (eds), *Understanding Criminal Justice in Hong Kong* (Routledge, Cullompton Devon 2008)

Cross GI, *Sentencing in Hong Kong* (6<sup>th</sup> ed, Lexis Nexis, Hong Kong 2011)

Gaylord MS et al (eds), *Introduction to Crime, Law and Justice in Hong Kong* (Hong Kong University Press, Hong Kong 2009)

Ho W-K, *Criminal Law in Hong Kong* (Wolters Kluwer, Alphen Aan Den Rijn 2011)

Jackson M, *Criminal Law in Hong Kong* (Hong Kong University Press, Hong Kong 2003)

Knight C and Upham A, *Criminal Litigation in Hong Kong* (3<sup>rd</sup> ed, Sweet & Maxwell/Thomson Reuters, Hong Kong 2011)

McConville M and Hubbard DMA, *Hong Kong Law of Evidence* (2<sup>nd</sup> ed, Blue Dragon, Hong Kong 2014)

### Online resources

Bar Council, Code of Conduct of the Bar of the Hong Kong Special Administrative Region:

<http://www.hkba.org/the-bar/code-of-conduct/code-of-conduct.html>

British and Irish legal Information Institute: <http://www.bailii.org/>

Crown Prosecution Service (England and Wales): <http://www.cps.gov.uk/>

Department of Justice: <http://www.doj.gov.hk/eng/index.html>

Guides compiled by Library's Law Section (Students' Guides to Legal Materials of Hong Kong, Student Guides' to Legal Materials of the UK)

Hong Kong Judiciary: <http://www.judiciary.gov.hk/en/index/>

Hong Kong Legal Information Institute: <http://www.hklii.hk/eng/>

Hong Kong Police: [http://www.police.gov.hk/ppp\\_en/](http://www.police.gov.hk/ppp_en/)

Independent Commission Against Corruption: <http://www.icac.org.hk/en/home/>

Law Society of Hong Kong, Hong Kong Solicitors Guide Professional Conduct (Volume 1)

[http://www.hklawsoc.org.hk/pub\\_e/professionalguide/volume1/default.asp](http://www.hklawsoc.org.hk/pub_e/professionalguide/volume1/default.asp)

Lexis HK (via CityU library website): <http://www.cityu.edu.hk/lib/eres/database/info/lexis.htm>

Library Research Guide for Law: <http://libguides.library.cityu.edu.hk/cat.php?cid=32771>

Prosecution Code: <http://www.doj.gov.hk/eng/public/pubsoppaptoc.html>

UK Courts and Tribunals <http://www.judiciary.gov.hk>

Westlaw International: <http://libweb.cityu.edu.hk/cgi-bin/er/db/westlwdw.pl>

### Ordinances

We will refer to the following Ordinances during the course (plus others from time to time):

Costs in Criminal Cases Ordinance, Cap. 429.

Crimes Ordinance, Cap. 200

Criminal Procedure Ordinance, Cap. 221.

District Court Ordinance, Cap.336.

Hong Kong Court of Final Appeal Ordinance, Cap. 484

Jury Ordinance, Cap. 3.

Juvenile Offenders Ordinance, Cap.226

Magistrates Ordinance, Cap. 227

Offences Against the Person Ordinance, Cap. 212

Police Force Ordinance, Cap. 232.

Theft Ordinance, Cap. 210