

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester B 2016/17**

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**Part I Course Overview**

<b>Course Title:</b>	<u>Employment Law in Hong Kong</u>
<b>Course Code:</b>	<u>LW5669</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> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Precursors:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	<u>Nil</u>
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	<u>Nil</u>

## Part II Course Details

### 1. 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.

### 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	Understand the major legal principles and rules governing work relations in Hong Kong.			✓	
2	Identify relevant law and apply it to a variety of different work-related problems; devise creative, equitable, and effective solutions to these problems.		✓	✓	✓
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.		✓	✓	✓
		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.	3
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	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.	2

**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	
Lectures	The course leader will introduce major regulations, theories, concepts, and cases through participatory lectures.	✓		✓	
Reading assignments	Students will read precedential legal opinions, new opinions of significance, provocative scholarship, and current news stories involving work relations.	✓		✓	
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.	✓	✓	✓	
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.	✓	✓	✓	

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

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

Assessment Tasks/Activities	CILO No.			Weighting	Remarks
	1	2	3		
Continuous Assessment: 70%					
Class participation	✓	✓	✓	40%	
Written assignment	✓	✓	✓	30%	
Examination: 30% (duration: 2 hours)					
Examination	✓	✓	✓	30%	
				100%	

**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 40% and a minimum of 40% 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.

## 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. Class participation (40%)	<p>1.1 Active participation. Students are expected to participate actively in lectures, 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.</p> <p>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.</p>	<p><b>Very active and constructive</b> participation. Student demonstrates <b>excellent understanding</b> of the relevant course material, <b>in-depth</b> critical engagement with the material, <b>original thinking</b>, and ability to generate insights or conclusions that go <b>beyond what was taught</b>. Student demonstrates ability to analyse fact situations and apply the law with <b>excellent accuracy and incisiveness</b>. Descriptions, analyses, and explanations are <b>concrete, logical, and expressed clearly</b>.</p>	<p><b>Active and constructive</b> participation. Student demonstrates a <b>generally thorough</b> understanding of the relevant course material, <b>high level</b> of critical engagement with the material, and <b>creative thinking</b>. Student demonstrates ability to analyse fact situations and apply the law with a <b>high degree of accuracy and incisiveness</b>. Descriptions, analyses, and explanations are <b>concrete, logical, and expressed clearly overall</b>.</p>	<p><b>Active participation</b>. Student demonstrates <b>average understanding</b> of relevant course material, <b>some</b> critical engagement with the material, and <b>some attempt</b> at deriving <b>original insights</b>. Student demonstrates ability to analyse fact situations and apply the law with <b>average accuracy</b>. Some descriptions, analyses, and explanations may be <b>partially illogical and vague, and/or expressed unclearly</b>.</p>	<p><b>Minimal</b> level of participation. Student demonstrates <b>inadequate understanding</b> of the relevant course material and makes <b>little or no effort</b> at critical engagement with the material. Descriptions, analyses, and explanations are <b>vague, illogical, and/or unclear</b>.</p>	<p><b>Barely any or no</b> participation. Student demonstrates <b>no meaningful understanding</b> of the material or participation involves <b>academic dishonesty</b>.</p>

<p>2. Written assignment (30%)</p>	<p>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.</p>	<p>The written product <b>responds</b> to the question(s). Writing demonstrates <b>excellent understanding</b> of the relevant material, <b>in-depth</b> critical engagement with the material, <b>original thinking</b>, and insights or conclusions that go <b>beyond what was taught</b>. The student analyzes and applies the law to fact situations with <b>excellent accuracy and incisiveness</b>. The writing is <b>well-organized and clear</b>, and descriptions, analyses, and explanations are <b>concrete and logical</b>.</p>	<p>The written product <b>responds</b> to the question(s). Writing demonstrates <b>high degree of understanding</b> of the relevant material, <b>high level</b> of critical engagement with the material, and <b>creative thinking</b>. The student analyzes and applies the law to fact situations with <b>high accuracy and incisiveness</b>. The writing is <b>well-organized and clear</b>, and descriptions, analyses, and explanations are <b>concrete and logical overall</b>.</p>	<p>The written product <b>responds</b> to the question(s) <b>overall</b>. Writing demonstrates <b>average understanding</b> of the relevant material, <b>some</b> critical engagement with the material, and <b>some attempt insights</b>. The student analyzes and applies the law to fact situations with <b>average accuracy</b>. The writing may be <b>disorganized and unclear in places</b>, and some explanations may be <b>partially illogical and vague</b>.</p>	<p>The written product <b>inadequately responds</b> to the question(s). Writing demonstrates <b>inadequate understanding</b> of the relevant material and makes <b>little or no effort</b> at critical engagement with the material or at generating <b>original insights</b>. The student analyzes and applies the law to fact situations with <b>little accuracy</b>. The writing is <b>mostly disorganized and unclear</b>, and descriptions, analyses, and explanations are <b>illogical and/or vague</b>.</p>	<p>Student <b>does not submit</b> the assignment, the written product <b>fails to respond</b> to the question(s), the writing demonstrates <b>no meaningful understanding</b> of the relevant material or ability to analyse and apply the law to fact situations, or the writing involves <b>academic dishonesty</b>.</p>
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<p>3. Examination (30%)</p>	<p>2.1 Understanding of course material. 2.2 Accuracy of legal analysis in evaluation of fact pattern. 2.3 Critical engagement with course material and original thinking in response to evaluative question (if assigned). 2.4 Good organisation and clear writing.</p>	<p>Exam answer is <b>responsive</b> to the question(s). Student demonstrates <b>excellent understanding</b> of the relevant material and applies the law with <b>excellent accuracy and incisiveness</b>. Writing is <b>well-organized, clear, and logical</b>. If evaluative question assigned, student demonstrates <b>in-depth</b> critical engagement with the material, <b>original thinking</b>, and insights or conclusions that go <b>beyond what was taught</b>.</p>	<p>Exam answer is <b>responsive</b> to the question(s). Student demonstrates <b>high degree of understanding</b> of the relevant material and applies the law with a <b>high degree of accuracy and incisiveness</b>. The writing is <b>well-organized, clear, and logical overall</b>. If evaluative question assigned, student demonstrates <b>high level</b> of critical engagement with the material and <b>creative thinking</b>.</p>	<p>Exam answer is <b>responsive overall</b> to the question(s). Student demonstrates <b>average degree of understanding</b> of the relevant material and applies the law with an <b>average degree of accuracy</b>. The writing may be <b>disorganized, unclear, and/or illogical in places</b>. If evaluative question assigned, student demonstrates <b>some</b> critical engagement with the material and <b>some attempt</b> to derive <b>original insights</b>.</p>	<p>Exam answer <b>inadequately</b> responds to the question(s). Student demonstrates <b>inadequate understanding</b> of the material and applies the law with <b>little accuracy</b>. The writing is <b>mostly disorganized, unclear, and illogical</b>. If evaluative question assigned, student demonstrates <b>little or no effort</b> at critical engagement with the material or at generating <b>original insights</b>.</p>	<p>Exam answer <b>fails to respond</b> to the question(s), the answer demonstrates <b>no meaningful understanding</b> of the material or ability to analyse and apply the law to fact situations, or the writing involves <b>academic dishonesty</b>.</p>
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**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.)*

- 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

**2. Reading List**

**2.1 Compulsory Readings**

*(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)*

1.	Legal decisions
2.	News articles

**2.2 Additional Readings**

*(Additional references for students to learn to expand their knowledge about the subject.)*

1.	EMPLOYMENT LAW AND PRACTICE IN HONG KONG (Rick Glofcheski, Farzana Aslam, & Duncan Abate eds., 2d ed. 2016)
2.	Scholarly articles and book excerpts