

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester B 2018/19**

Part I Course Overview

Course Title: Criminal Procedure

Course Code: LW5660

Course Duration: One semester

Credit Units: 3

Level: P5

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title) 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&B Criminal Law I & II

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

Equivalent Courses:
(Course Code and Title) Nil

Exclusive Courses:
(Course Code and Title) Nil

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	DEC related learning outcomes		
			A1	A2	A3
1.	Understand the substantive rules of criminal procedure law.	15%			
2.	Analyse and critically evaluate issues in the field of criminal procedure in terms of the objectives of and policies underpinning criminal procedure law, the criminal law and the law of evidence. Consider areas of possible reform and development.	30%	✓	✓	✓
3.	Explain the substantive rules of criminal procedure orally and in writing accurately, clearly, coherently and in plain English.	15%			
4.	Apply the principles of criminal procedural law to a range of basic situations relevant to criminal investigation, criminal trials, sentencing and appeals.	40%	✓	✓	
		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.	2
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 primary and second materials, plus legal research</i>	<ul style="list-style-type: none"> * Students will acquire knowledge and appreciation of the substantive rules of criminal procedural law, their application, and the policies and principles underpinning those rules. 	✓	✓	✓		Approx 5-6
<i>Lectures (2 hours)</i>	<ul style="list-style-type: none"> * Students will be introduced to the framework of the course, to key concepts and issues. * Students will discuss policy and law reform questions relating to the issues introduced in lectures. 	✓	✓	✓		2
<i>Tutorials (Weeks 1, 3, 5, 7, 9, 11, 13 for 2 hours each)</i>	<ul style="list-style-type: none"> * 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.				Weighting	Remarks
	1	2	3	4		
Continuous Assessment: 40%						
Group Research Essay	✓	✓	✓	✓	20%	A 3000 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, in randomly allocated groups of 3 to 4.
General Participation and Tutorial Presentations	✓	✓	✓	✓	20%	Marks are given for general participation in tutorials and lectures (10%), a tutorial problem question presentation in groups of 2 to 3 students (5%) and a tutorial court visit presentation in groups of 2 to 3 students (5%).
Examination: 60% (duration: 3 hours)						
Examination	✓	✓	✓	✓	60%	A three hour open book examination will consist of a choice of fact pattern questions and essay questions. Students must answer three of these questions. No question is compulsory.
					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-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Group Research Essay (20%)	Essay 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. Group members receive the same mark, absent exceptional circumstances.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance
2. General Participation (10%)	Students will be assessed on their attendance and contributions to class discussion in tutorials and lectures, 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. Tutorial 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. Tutorial 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
5. Examination (60%)	Students will be assessed on their acquisition of knowledge and understanding throughout the course and the ability to relate, discuss and criticise concepts and issues of criminal procedure and to apply those issues to practical fact patterns, and to an essay question. No exam question will be compulsory.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance

Part III Other Information (more details available in the Lecture and Assessment Outline)

1. Keyword Syllabus

(An indication of the key topics of the course)

Adversarial system of justice
Appeals
Bail
Classification of offences
Commencing criminal proceedings
Costs in criminal proceedings
Court structure in Hong Kong
Criminal jurisdiction
Criminal trials
Indictments, charges, summonses
Juries
Juveniles in criminal proceedings
Litigation funding
Police powers
Public prosecutions
Rights of the accused
Sentencing

2. Reading List

Primary textbook (students should purchase this text)

Liu C, *Criminal Procedure in Hong Kong* (Sweet & Maxwell 2018)

Other helpful texts that we will refer to occasionally

Bokhary, Harris & Cross (eds), *Archbold Hong Kong 2018* (Sweet & Maxwell 2018)
Chui WH and Lo TW (eds), *Understanding Criminal Justice in Hong Kong* (2nd ed, Routledge 2017)
Cross GI and Cheung PWS, *Sentencing in Hong Kong* (8th ed, Lexis Nexis 2018)
Gaylord MS et al (eds), *Introduction to Crime, Law and Justice in Hong Kong* (Hong Kong University Press 2009)
Ho W-K, *Criminal Law in Hong Kong* (Wolters Kluwer 2011)
Jackson M, *Criminal Law in Hong Kong* (Hong Kong University Press 2003)
Knight C and Upham A, *Criminal Litigation in Hong Kong* (3rd ed, Sweet & Maxwell/Thomson Reuters 2011)
McConville M, Hubbard DMA, McInnis A, *Hong Kong Law of Evidence* (2nd ed, Blue Dragon 2014)
Whitfort A, *Criminal Procedure in Hong Kong* (2nd ed, Lexis Nexis 2012)

Online resources

Archbold Hong Kong (via Westlaw Asia): <http://libweb.cityu.edu.hk/cgi-bin/er/db/wlasiadb.pl>
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/

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/westlwdb.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