

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester B 2017/2018**

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**Part I Course Overview**

**Course Title:** Family Law Practice

**Course Code:** PLE5027

**Course Duration:** Semester B

**Credit Units:** 2

**Level:** P

**Medium of Instruction:** English

**Medium of Assessment:** English

**Prerequisites:**  
(Course Code and Title) Nil

**Precursors:**  
(Course Code and Title) PLE5018 Civil Litigation Practice  
PLE5050 Interlocutory Advocacy and Interviewing  
PLE5053 Litigation Writing and Drafting

**Equivalent Courses:**  
(Course Code and Title) Nil

**Exclusive Courses:**  
(Course Code and Title) Nil

## Part II Course Details

### 1. Abstract

This course aims to enable students to discover how Family Law operates in real-life situations. It prepares students to enter the legal profession as a trainee solicitor or a bar pupil undertaking family law work in Hong Kong. Students will apply family law principles, procedure, and practice in the following areas:

- Main suit including the jurisdiction issue
- Custody
- Children non-removal and relocation cases
- Child abduction
- Concept of parental responsibility
- Ancillary relief
- Domestic violence
- Enforcement proceedings
- Appeal against interlocutory or final orders
- Alternate dispute resolution including mediation and collaborative law practice and private financial adjudication
- Drafting skills

The structure of the course will be in the form of 8 large group lectures and 8 small group sessions. Guest lecturers will be invited on relevant topics (see detailed syllabus below). Students will get the chance to visit the HK Family Court. Small groups will provide students with the chance to engage in practical, hands-on activities as described below in the detailed syllabus.

### 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)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	<p><b>Provide advice to a client, after analytical and critical examination of the law and facts, in regard to:</b></p> <ul style="list-style-type: none"> <li>○ the marriage law in Hong Kong, including what constitutes an invalid marriage</li> <li>○ the legal recognition of cohabitation, transgendered, and same-sex relationships</li> <li>○ relief for domestic violence</li> <li>○ the relevant law and practice for getting divorced in Hong Kong</li> <li>○ alternative options to divorce</li> <li>○ relief for children during a marriage and upon divorce</li> <li>○ other applications relating to children obtaining ancillary relief</li> <li>○ the role of mediation and collaborative practice in family law disputes.</li> </ul>		✓	✓	✓

2.	Discover creative and solution-focussed outcomes for a client by applying appropriate case analysis skills and case management skills to of the relevant facts.		✓	✓	✓
3.	Prepare and draft pleadings, affidavits and other relevant documents for family law applications in the District Court in relation to the above topics.				✓
		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.*

**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	
1	Teaching and learning for this ILO will be based on a mixture of lecture and interactive discussion in the small groups.	✓			
2	Teaching and learning will primarily be based on discussions in small groups, problem solving activities, and there will be a particular focus on practical drafting exercises		✓	✓	

**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: 0%					
Examination: 100% (duration: 3 hours)					
One final practical-exercise	✓	✓	✓	100%	
				100%	

## 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)
Written examination at end of semester	To pass this course students must obtain an aggregate mark of 50%.	<p>The work meets the client's needs in all respects, evidenced by –</p> <ul style="list-style-type: none"> <li>• a superior grasp of the issues and subject matter</li> <li>• good organization</li> <li>• a capacity to analyze and synthesize</li> <li>• possession of an extensive knowledge base</li> <li>• a superior use of lawyer</li> </ul>	<p>The work meets the client's needs in most respects, evidenced by –</p> <ul style="list-style-type: none"> <li>• a strong grasp of the issues and subject matter</li> <li>• some critical and analytical ability</li> <li>• an understanding of the applicable law and procedures</li> <li>• a good use of lawyer skills.</li> </ul>	<p>The work meets the client's main needs, evidenced by –</p> <ul style="list-style-type: none"> <li>• an adequate grasp of the issues and subject matter</li> <li>• an ability to develop solutions to the client's problems</li> <li>• a basic use of lawyer skills.</li> </ul>		<p>The work does not meet the client's needs, evidenced by little or an insufficient –</p> <ul style="list-style-type: none"> <li>• grasp of the issues and subject matter</li> <li>• critical and analytical ability</li> <li>• understanding of the applicable law</li> </ul>

\* Note: The University's grades C- and D are not used in the PCLL.

### **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.)*

- Main Suit
- Custody, care and control and non-removal of children
- Relocation cases
- Children abduction
- Concept of Parental Responsibility
- Ancillary Relief
- Domestic Violence
- Alternate Dispute Resolution
- Appeal

#### **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.)*

- Philippa Hewitt, Family Law and Practice in Hong Kong, Sweet & Maxwell, 2011.
- Course Materials for this course

##### **2.2 Additional Readings**

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

##### **Ordinances**

- Marriage Reform Ordinance Cap. 178
- Marriage Ordinance Cap. 181
- Matrimonial Causes Ordinance Cap. 179 [and Rules]
- Matrimonial Proceedings and Property Ordinance Cap. 192
- Guardianship of Minors Ordinance Cap. 13
- Domestic and Cohabitation Relationships Violence Ordinance Cap. 189
- Child Abduction and Custody Ordinance Cap. 512
- Separation and Maintenance Orders Ordinance Cap. 16
- Children Proceedings (Parental Responsibility) Bill