

City University of Hong Kong

Course Syllabus

**offered by School of Law
with effect from Semester B 2019/20**

Part I Course Overview

Course Title: Law of Human Rights and Civil Liberties of Hong Kong

Course Code: LW5624

Course Duration: One Semester

Credit Units: 3

Level: P5

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title) Nil

Precursors:
(Course Code and Title) Nil

Equivalent Courses:
(Course Code and Title) Nil

Exclusive Courses:
(Course Code and Title) Nil

Part II Course Details

1. Abstract

Course Aims

This course prepares students to evaluate the legitimacy of government power and actions and their impact upon fundamental human rights and civil liberties; and to discover the doctrine of separation of powers, the relationship between state and individual and the role of the courts and the legislature in defining and controlling the power of the administration.

The course is expected to have students examine and explore the national protection of human rights as given under the Basic Law (BL) and the Bill of Rights Ordinance (BORO) in the HKSAR, and the international protection of human rights as provided under the Universal Declaration of Human Rights (UDHR), the International Convention on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights (ICESCR).

On completing the course students should be able to:

- Understand the constitutional and legal framework of the HKSAR in relation to the individual;
- Understand fundamental human rights and civil liberties; and
- Identify violations of such right and liberties and the remedies available for such violations.

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. | Describe and analyse the international human rights norms and law and the constitutional and legal background of human rights protection and the constitutional and legal framework of the state in relation to the individual | 30% | ✓ | ✓ | ✓ |
| 2. | Analyse fundamental human rights and civil liberties of all persons including Hong Kong residents and identify current issues and tensions in the human rights framework | 30% | ✓ | ✓ | ✓ |
| 3. | be able to identify violations of such right and liberties and the remedies available for such violations | 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.*

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 | Presentation of the substantive law and legal issues on the topics listed in the course syllabus. | ✓ | ✓ | ✓ | 1 |
| Interactive class discussion | Students learn how to identify the norms and law of (international) human rights and how to apply them to relevant cases. Students will also be engaged in discussions and debates to develop a critical view on the issues to be discussed. | ✓ | ✓ | ✓ | 1 |
| Student presentations: | Students present a case study or an analysis of a legal problem in class. | ✓ | ✓ | ✓ | 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 | | |
| Continuous Assessment: | | | | 35% | |
| Inter-active in-class exercises and presentations | ✓ | ✓ | | | |
| Examination: (duration: 2 hours , if applicable) | | | | 65% | |
| Examination: | | | ✓ | | |
| | | | | 100% | |

Grading of Student Achievement

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

Grading is based on student performance in assessment tasks / activities.

Assessment will be by continuous assessment, by coursework, inter-active in-class exercises and by examination.

The apportionment of marks will be:-

| | |
|---------------------------------------------------|----------------------------|
| Inter-active in-class exercises and presentations | : 35% |
| Examination | : 65% |
| Examination duration | : Two hours |
| Grading pattern | : Standard (A+ A A- ... F) |

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% of the in-class exercises 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.

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

The course leader will announce whether the examination will be closed book or open book.

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) |
|---------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Class participation/ presentations | Identifying issues and resolving such issues by applying the relevant legal principles and provisions. | Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. | Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. | Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. | Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. | Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. |
| Examination | Identifying issues and resolving such issues by applying the relevant legal principles and provisions. | Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. | Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. | Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. | Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. | Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. |

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.)

Human Rights: Concepts and Legal Regime; Citizenship and Civil liberties, Freedom of Person and Property, Freedom of Expression, Press Freedom, Freedom of Association, Emergency Powers, National Security, Public Order, Political Rights and Universal Suffrage, Freedom of Religious Belief, Right to Equality, Human Dignity, Right to Privacy, The Bill of Rights Ordinance, UDHR, ICCPR, ICESCR,.

Detailed Syllabus

(You may incorporate the information from the course syllabus)

The following subjects shall be studied in detail:

- Introduction to the Major Instruments in the Context of this Course
- Nature and Sources of Human Rights: Ethics, Law and Politics
- Universality and Cultural Relativism in Human Rights
- The Global Human Rights System
- Civil and Political Rights
- Economic, Social and Cultural Rights
- Human Rights in Hong Kong and the Relationship with the PRC
- In focus: Democratic Rights in Hong Kong
- In focus: The Right to Freedom of Expression in Hong Kong
- In focus: The Right to Housing in Hong Kong
- In focus: The Right to Social Protection and Labour Rights in Hong Kong
- Business and Human Rights in Hong Kong
- The Legal and Social Practice of Human Rights in Hong Kong

2. Reading List

Recommended Reading

A. Text(s)

Sino-British Joint Declaration (1984)

The Basic Law of the HKSAR (1990) – Chapters 1-3

The Constitution of the PRC (1982) – Chapters 1 – 2, 3(7)

Charter of the United Nations (1945)

Universal Declaration of Human Rights (UDHR, 1948)

European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

International Covenant on Civil and Political Rights (ICCPR, 1966)

International Covenant on Economic, Social and Cultural Rights (ICESER, 1966)

The Bill of Rights Ordinance (1991)

B. Reading List (reference books only)

- Michael Arnhem, *The Handbook of Human Rights Law*, London: Kogan Page, 2004
- Patrick Hayden, *The Philosophy of Human Rights*, St Paul: Paragon House, 2001
- Henry Steiner, Philip Alston & Ryan Goodman, *International Human Rights in Context: Law, Politics and Morals*, 3rd ed., Oxford U Press, 2008
- Rebecca M M Wallace, *International Human Rights: Text and Materials*, London: Sweet & Maxwell, 2001
- P R Gandhi, *Blackstone's International Human Rights Documents*, London: Blackstone Press Limited, 1995
- Helen Fenwick, *Civil Liberties and Human Rights*, 3rd ed., London: Cavendish Publishing Limited, 2002
- Richard Stone, *Civil Liberties and Human Rights*, 7th ed., Oxford U Press, 2008
- S H Bailey, D J Harris & D C Ormerod, *Civil Liberties and Human Rights: Cases and Materials*, 5th ed., Butterworths LexisNexis, 2001
- Raymond Wacks (ed.), *Civil Liberties in Hong Kong*, Hong Kong: Oxford U Press, 1988
- Johannes Chan & Yash Ghai (eds.), *The Hong Kong Bill of Rights: A Comparative Approach*, Hong Kong: Butterworths Asia, 1993
- Andrew Byrnes & Johannes Chan (eds.), *Public Law and Human Rights – A Hong Kong Sourcebook*, Hong Kong: Butterworths Asia, 1993

C. Online Resources

- UN Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/>
- UN Commission on Human Rights: <http://www.unhchr.ch/html/menu2/2/chr.htm>
- UN Office of the United Nations High Commissioner for Human Rights (OHCHR): <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
- UN Human Rights Committee: <http://www.unhchr.ch/html/menu2/6/hrc.htm>
- Amnesty International – Hong Kong: <http://www.amnesty.org/en/region/hong-kong>
- Univ. of Minnesota Human Rights Library: <http://www1.umn.edu/humanrts/>
- Asian Human Rights Commission: <http://www.ahrchk.net/index.php>
- Hong Kong Human Rights Commission: http://www.hkhrc.org.hk/homepage/index_e.htm
- Hong Kong Human Rights Monitor: <http://www.hkhrm.org.hk/>
- Human Rights in China: <http://www.hrichina.org/public/contents/category?cid=937>
- China's Human Rights - China Society for Human Rights Studies (CSHRS): http://www.chinahumanrights.org/AboutUs/t20070813_282234.htm