

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester A 2020/21**

Part I Course Overview

Course Title:	LW5601
Course Code:	Hong Kong Legal System
Course Duration:	One Semester
Credit Units:	3
Level:	P5
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: <i>(Course Code and Title)</i>	Nil
Precursors: <i>(Course Code and Title)</i>	Nil
Equivalent Courses: <i>(Course Code and Title)</i>	LW2601 Hong Kong Legal System LW5621 Legal Systems of Hong Kong and Mainland China
Exclusive Courses: <i>(Course Code and Title)</i>	Nil

Part II Course Details

1. Abstract

1. To encourage students to discover the functions of law in society, and its relationship between morality and justice;
2. To guide students to developing a sound understanding and appreciation of the concept of the rule of law and its relevance in the context of Hong Kong;
3. To familiarise students with the sources, classification and operation of Hong Kong law and other features of the legal system in Hong Kong;
4. To introduce students to the legal and constitutional framework in which law is practised and administered in Hong Kong;
5. To introduce students to basic features of civil and criminal justice as well as how institutions and procedures were developed to further civil and criminal justice, how the notion of access of justice remains key to evaluating the effectiveness of the civil and criminal justice system and thus how legal aid and alternative dispute resolution (ADR) play a crucial role; and
6. To encourage students to think critically about Hong Kong law and institutions and to communicate their views and their analysis effectively both orally and in writing.

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.	Demonstrate a sound knowledge and conceptual understanding of the legal system, including civil and criminal justice, as well as issues relating to the access to justice and the civil justice reform.		✓	✓	
2.	Demonstrate the skills of legal reasoning and possess an understanding of the doctrine of precedent, the approaches to statutory interpretation and the sources of law in Hong Kong.		✓	✓	
3.	Critically analyse the concept and functions of law, including the relationship between morality, justice and the law as well as the role of law in society.		✓	✓	
4.	Critically evaluate the branches of the executive, legislature and the judiciary in the context of the separation of powers and their roles in policy and law making.		✓	✓	
5.	Critically evaluate the judicial system and the legal profession, as well as their roles in upholding the rule of law in Hong Kong.		✓	✓	
6.	Demonstrate a conceptual understanding of the PRC legal system and the international legal system, and the interactions between Hong Kong with these two systems.		✓	✓	✓
		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
		1	2	3	4	5	6	
Lecture	Students will be introduced to the structure of the Hong Kong legal system through the lecturer as well as discussions during the lecture.	✓				✓		2
	Students will read the course manual/course notes and other assigned readings for lectures to better understand the traditional principles of a common law system.		✓					
	Students will be taught to locate and understand legal materials.		✓					
	Students will read the course manual/course notes and other assigned readings for lectures.	✓	✓	✓	✓	✓	✓	
	Students will be introduced to current affairs that has implications on the development of Hong Kong's legal system and be invited to appreciate the contents of this course through these events.	✓	✓	✓	✓	✓	✓	
Tutorial	Students will prepare answers for their tutorial questions. This may be done in presentations or group discussion.	✓	✓	✓	✓	✓	✓	1 (Note: students will attend bi-weekly tutorials)
	Through the comments and interactive feedback from tutors, students will be invited to think critically about the tutorial questions and encouraged to develop an in-depth understanding of the issues presented/questions asked.	✓	✓	✓	✓	✓	✓	

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	5	6		
Continuous Assessment: 60%								
<i>Group Assignment</i> Students are given two months to attempt an assignment question. Students will be encouraged to conduct innovative research for the assignment	✓	✓	✓	✓	✓	✓	40%	
<i>Presentations</i> Students are expected to give presentations every week. During tutorials, students will be encouraged to participate in the discussion by expressing their views on the issues on the syllabus and also on how innovation can take place in the Hong Kong legal system.	✓	✓	✓	✓	✓	✓	20%	
Examination: 40% (duration: 3 hours)								
Students will need to show their ability to answer essay type questions. Students are also expected to demonstrate a sound	✓	✓	✓	✓	✓	✓	40%	

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. Presentations and participation in tutorial sessions	-Demonstration of oral presentation skills and willingness / ability to answer questions in class.	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.
2. Assignment	-Demonstration of understanding of principles, theories and concepts. -Demonstration of ability to identify issues. -Application of knowledge to specific problems and discussion questions. -Ability to write and communicate ideas and arguments in a logical manner -Ability to engage in argument-based analysis. -Demonstration of ability to research.	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.
3. Examination	-Demonstration of understanding of principles, theories and concepts. -Demonstration of ability to identify issues. -Application of knowledge to specific problems and discussion questions. -Ability to engage in argument-based analysis in a clear and logical manner.	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.)

law, law and society, law and morality, justice, discretion, legal history, sources of law, common law and equity, the rule of law, separation of powers, legal systems, constitutions and constitutional law, government, policies and policy-making, the law making process, the executive and the legislature, the judiciary and the judicial method, doctrine of precedent, statutory interpretation, judicial review, courts and tribunals, legal profession, fundamental rights and freedoms, civil and criminal justice, civil justice reforms, access to justice and legal aid, alternative dispute resolution, police powers, discrimination, international law

Detailed Syllabus

1. The law and the legal system
2. The rule of law and the separation of powers
3. From colony to special administrative region: the sources of law in Hong Kong
4. Hong Kong's constitutional framework
5. The judiciary and the rule of law
6. The executive and the legislature
7. Understanding the Hong Kong legal system: situating the present #1
8. Understanding the Hong Kong legal system: situating the present #2
9. Introduction to criminal justice in Hong Kong
10. Introduction to civil justice in Hong Kong
11. Hong Kong and international law
(*Week 9 will be reading week, there will be no lecture and no tutorials. The submission deadline for the essay assignment will be the end of Week 9)

2. Reading List

2.1 Recommended Textbook(s)

E Ip, *Law and Justice in Hong Kong* (3rd edition) (Sweet & Maxwell 2019)

2.2 Other Essential Reading

S Lo, K Cheng and WH Chui, *The Hong Kong Legal System* (2nd edition) (Cambridge University Press 2019)

M J Fisher, *Text, Cases and Commentary on the Hong Kong Legal System* (HKU Press 2019)

2.3 Extra Reading

Other readings will be assigned to you on a weekly basis, please refer to the Reading Guides for each week.