

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2020/2021

Part I Course Overview

Course Title:	Criminal Law I
Course Code:	LW5606A
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>	LW3606A Criminal Law I
Exclusive Courses: <i>(Course Code and Title)</i>	Nil

Part II Course Details

1. Abstract

This course aims to provide students with an insight into the factors affecting criminalisation of behaviour, criminal liability, capacity to commit crime and participation in crime. Specific offences the course deals with include homicide, non-fatal offences against the person, dangerous drugs, regulatory offences and road traffic offences.

The course also aims to train students in the practical application of the principles of criminal liability and to encourage the development of the necessary analytical, reasoning and strategic skills needed to argue real-life criminal cases as either prosecutors or defence lawyers. Furthermore, after completing the course, students will appreciate the way that the criminal law is enforced in Hong Kong, how offenders are punished, and the strengths and weaknesses of the criminal law as it operates in contemporary society.

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	Alignment with PILOs	DEC related learning outcomes		
				A1	A2	A3
1.	<p>Understand and describe:</p> <ul style="list-style-type: none"> the concept of criminal liability and the factors that affect and determine criminal liability; factors affecting liability for substantive criminal offences; relevant defences to criminal liability; the features of criminal law enforcement and punishment in Hong Kong. 	15%	1			
2.	<p>Apply the substantive criminal law to a range of factual situations in order to:</p> <ul style="list-style-type: none"> ascertain the criminal liability of individuals and corporations and any potential defences to liability; offer possible solutions to problems that arise in relation to the operation of those offences; formulate and confidently communicate, both orally and in writing and in plain legal English, advice on criminal liability. 	30%	1,5	✓	✓	
3.	<p>Employ the criminal law to:</p> <ul style="list-style-type: none"> challenge in mock settings determinations of liability for substantive criminal offences and defences to that liability. 	15%	1,5	✓	✓	

4	<p>Critically evaluate and debate:</p> <ul style="list-style-type: none"> the criminalisation of particular behaviour; the way the criminal law is enforced; the sanctions for contravening the criminal law; the operation and impact of substantive criminal law offences; the limitations of those offences; their place in the overall context of Hong Kong criminal law; areas of possible reform and improvement. 	40%	1,2,4,5	✓	✓	✓
		100%	1,2,4,5			

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 p.w
		1	2	3	4	
<i>Lectures (1-12)</i>	The course leader will didactically introduce legal doctrine, theory, case studies and critique relating to the various course topics. Students will have the opportunity to clarify their knowledge by asking questions at the end of the lecture.	✓			✓	2
<i>Tutorials (2 hours, every 2nd week)</i>	Live tutorial discussions between students and the tutor will debate legal doctrine and its application to particular fact-pattern questions. Such discussions will also critique the existing law and practices of criminalisation, enforcement and punishment.	✓	✓	✓	✓	0.5
<i>Oral Presentation</i>	Students will work in small groups to present and to lead tutorial discussions on fact pattern questions set by the course leader. Through oral presentations in groups, students will develop teamwork skills, self-confidence in the application of legal principles, advocacy skills and public speaking.	✓	✓	✓		0.5
<i>Online Discussion Board</i>	Students will continue the tutorial discussions online on Canvas, and will address policy questions set by the course leader. Here, students will receive a written, asynchronous opportunity to debate and engage with the arguments made by their colleagues and the course leader and tutor, relating to fact pattern, courtroom observation and policy questions.	✓	✓	✓	✓	Approx 1.5

<i>Reading, Observation, Research and Writing</i>	Students will prepare for each class and for assessment tasks through their own reading, thinking and note-taking. In groups, students will use course materials and their own research and discovery to write an essay as set by the course leader. Students will also be asked to create a report based on their observation of a criminal case at court, either live or else by reporting from an online judgement.	✓	✓	✓	✓	Approx 4
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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		
Courework: 50%						
Mid Semester Group Essay	✓			✓	25%	A 3000-word mid-semester essay, focusing on a law reform topic, will ask students to analyse how a particular aspect of Hong Kong's criminal law framework could be improved. Students will have approximately four weeks to complete the essay, in randomly-allocated groups of 3 to 4.
Class Participation	✓	✓	✓	✓	10%	Each student will be assessed on his/her comments, questions and answers given during tutorials, plus his/her contribution to the online discussion boards on Canvas. Marks are allocated equally for participation in tutorials (5%) and contributions to the online discussion board (5%).
Group Problem Question Presentation	✓	✓	✓		10%	Students will make one live tutorial presentation, in randomly-allocated groups of 2 to 3, on a series of problem questions allocated by the course leader. The live presentation is accompanied by a 1-page summary posted online. Students will also address questions posed by other students and the tutor both live during tutorials and on the Canvas discussion boards afterwards.
Group Court Visit Report	✓			✓	5%	Students will report on a court case, in randomly-allocated groups of 2 to 3. Groups will complete a 1-page report on the case, following a prescribed template, after observing proceedings in the courtroom, or if that is not possible, by reading a recent judgement from the Judiciary website.
Examination: 50% (3 hours)						
Examination	✓	✓	✓	✓	50%	An open book examination, held live or remotely, will consist of a choice of fact pattern questions and essay questions. JD students must answer one more question than LLB students over the same timeframe.
					100%	

Grading of Student Achievement: Standard (A+, A, A-...F).

Further details of the assessment scheme will be provided during the first lecture and first tutorial.

Students will need to pay careful attention to their time management skills, and to the university's Academic Honesty policy:

http://www.cityu.edu.hk/provost/academic_honesty/rules_on_academic_honesty.htm

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

School Policy on Late Submission of Assessment Tasks

Unless there are valid extenuating circumstances under Academic Regulations, late submission of coursework shall attract the following penalty: deduction of 5 marks (out of 100) for every single day (including public holidays) of delay up to maximum 7 days. Papers received later than 7 days of the submission deadline shall not be marked.

No penalty for late submission will be imposed in cases where a student can submit only a hard or soft copy of the coursework assignment by the specified deadline and provides an explanation to the course leader

5. Assessment Rubrics

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Mid Semester Group Essay (25%)	Assignment 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. Absent exceptional circumstances, all group members receive the same mark.	Student demonstrates a strong interest in and critical engagement with all course material, significant understanding of the criminal law's policy underpinnings, an exceptional ability to identify legal issues and accurately apply the law to determine criminal liability, clearly and persuasively communicated written or oral responses, and an clear ability to listen to, empathise and engage with fellow students' responses.	Student demonstrates some critical engagement with course material, a more limited understanding of the criminal law's policy underpinnings, a reasonable ability to identify legal issues and apply the law to determine criminal liability, somewhat clear and persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses.	Student demonstrates limited critical engagement with course material, little understanding of the criminal law's policy underpinnings, a basic ability to spot legal issues and apply the law to determine criminal liability, unclear written or oral responses that do not entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses.	Despite otherwise participating in the teaching and learning activities, the student demonstrates no critical engagement with course material, no understanding of the criminal law's policy underpinnings, infrequent ability to apply the law to selected legal issues, provides written or oral responses devoid of persuasion, and little interest in engaging with fellow students' responses.	Almost no participation in teaching and learning activities. The student cannot demonstrate that he or she has read or understands the course material, or that he or she understands the criminal law's policy underpinnings. The student does not apply the criminal law correctly to legal issues, does not contribute written or oral responses when prompted, and demonstrates no engagement with the views of fellow students on the course material.
2. Class Participation (10%)	Students will be assessed based on their contributions to tutorial and online discussions, their preparation for problem and policy questions, and their interaction with formal student presentations, other points of discussion raised by students, and with the tutor/course leader.	As above	As above	As above	As above	As above

<p>3. Group Problem Question Presentation (10%)</p>	<p>Students will be assessed based on their preparation for the problem questions provided, the accuracy of their legal analysis, their written and oral presentation skills, their ability to engage the class with confidence, their group dynamic and their ability to answer questions and to think on the spot. Absent exceptional circumstances, all group members receive the same mark.</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>
<p>4. Group Court Visit Report (5%)</p>	<p>Students will be assessed by their selection and comprehension of criminal court proceedings, their ability to relate the observations to the course syllabus, their written presentation skills via a 1-page handout and their ability to engage with student and tutor questions posted on Canvas. Absent exceptional circumstances, all group members receive the same mark.</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>	<p>As above</p>

5. Examination (50%)	At the end of semester, students will be assessed individually on their acquisition of knowledge and understanding throughout the course and the ability to relate, discuss and criticise concepts and issues of criminal liability and to apply those issues to practical fact patterns, short answer questions and to an essay question.	As above	As above	As above	As above	As above
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Part III Other Information (more details are provided separately in the lecture and assessment outline)

1. Keyword Syllabus

The following topics are studied in detail:

Criminalisation
Policing
Prosecution
Sentencing
Parole
Pardon
Actus Reus
Causation
Mens Rea
Homicide
Strict and Absolute Liability
Vicarious Liability
Corporate Liability
Participation in Crime
Non-Fatal Offences Against the Person
Road Traffic Offences
Regulatory Crimes
Dangerous Drugs

2. Reading List

Students may purchase each of the course textbooks, but wherever possible, readings will be posted electronically:

- Michael Jackson (2003), *Criminal Law in Hong Kong*, Hong Kong University Press (available electronically via https://julac.hosted.exlibrisgroup.com/permalink/f/iffgrl/CUH_IZ21421533230003408)
- Bokhary, Young & Cross (eds), *Archbold Hong Kong: Criminal Law, Pleadings, Evidence and Practice*, 2020, Sweet & Maxwell (available electronically via https://julac.hosted.exlibrisgroup.com/permalink/f/1pqrkl/CUH_IZ51568687570003408)
- David Ormerod and Karl Laird (2018, 15th ed), *Smith, Hogan, & Ormerod's Criminal Law*, Oxford University Press (link to library catalogue for hardcopy: https://julac.hosted.exlibrisgroup.com/permalink/f/1pqrkl/CUH_IZ51568687570003408)

Useful sources for further reading are the following, available in hardcopy in the library:

- Ho W-K (2011, 2016), *Criminal Law in Hong Kong*, Kluwer Law International
- Horder J (2013, 2019), *Ashworth's Principles of Criminal Law*, Oxford University Press
- Baker DJ (2015), *Textbook of Criminal Law*, Sweet & Maxwell
- Herring J (2012), *Great Debates in Criminal Law*, Palgrave Macmillan

Details of other texts and other reference materials will be circulated approximately one week before each class. Students are expected to have read the requisite material before class.

Nutshells, SWOT and similar books are NOT suitable replacements for textbooks or for reports of cases in the Law Reports. They do not provide the in-depth knowledge and understanding of the subject that will be needed to successfully negotiate open book examinations.

Further Online Resources

British and Irish legal Information Institute: <http://www.bailii.org/>

Crown Prosecution Service (England and Wales): <http://www.cps.gov.uk/>

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 Department of Justice: <http://www.doj.gov.hk/eng/index.html>

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/

Hong Kong Prosecution Code: <http://www.doj.gov.hk/eng/public/pubsoppaptoc.html>

Lexis HK: <http://www.cityu.edu.hk/lib/eres/database/info/lexis.htm>

Library Research Guides for Law (includes Criminal Law & Criminal Procedure):

<http://libguides.library.cityu.edu.hk/cat.php?cid=32771>

UK Courts and Tribunals <http://www.judiciary.gov.uk>

Westlaw Next: <http://www.cityu.edu.hk/lib/eres/database/info/wlnext.htm>