

# LW5606B: CRIMINAL LAW II

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## Effective Term

Semester B 2025/26

## Part I Course Overview

### Course Title

Criminal Law II

### Subject Code

LW - Law

### Course Number

5606B

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

P5, P6 - Postgraduate Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

LW5606A Criminal Law I

### Precursors

Nil

### Equivalent Courses

LW3606B Criminal Law II

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course aims to encourage students to discover insights into the concepts of crime, criminal liability and substantive criminal offences and their application in Hong Kong. Additionally, the course aims to engage students in the analysis,

explanation and application of the substantive law and to encourage and facilitate the development of the necessary analytical, reasoning and practical skills needed to apply the substantive law to factual scenarios. Attention will be given to the strengths and weakness of substantive criminal law as it operates in Hong Kong and students will be encouraged to consider the development of Hong Kong's substantive criminal law and to draw comparisons with the development of substantive criminal law in other jurisdictions. The course also aims to encourage students to think independently, and to discover for themselves relevant principles and ideas.

### Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1 Analytically describe and explain: - the concept of criminal liability and the factors that affect and determine criminal liability - factors affecting liability for substantive criminal offences - defences to substantive criminal offences;	20			
2 Apply substantive criminal law to a range of basic situations and fact patterns to: - ascertain issues of criminal liability and defences to substantive criminal offences; - offer possible solutions to problems that arise in relation to the operation of those offences; - formulate and communicate, both orally and in writing and in plain English, advice on criminal liability for those offences.	25		x	
3 Employ the criminal law to: - challenge in mock settings issues of liability for substantive criminal offences and defences to that liability.	25	x	x	
4 Critically evaluate: - 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.	30	x	x	x

#### 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 real-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.

### Learning and Teaching Activities (LTAs)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures	The course leader will present concepts, theories and case studies on criminal liability, capacity to commit crime, participation in crime, defences to crime and their limitations and on relevant developments and reforms in other common law jurisdictions	2
2	Tutorial Participation/ Participation	Students are engaged in debate, analysis, exploration and comparison of substantive criminal concepts, the practical application of substantive criminal law which will encourage research and discovery.	0.5
3	Reading and Preparation for Classes	Students will develop their knowledge in the subject by doing suggested reading and research on the conceptual and theoretical sides of the subject. It is also used for students to catch up on earlier missed reading.	Approx 2-3

**Assessment Tasks / Activities (ATs)**

ATs	CILO No.	Weighting (%)	Remarks ("-" for nil entry)	Allow Use of GenAI?
<p>1</p> <p>Tutorial Participation: 10%</p> <p>and</p> <p>Tutorial Presentation: 30%</p>	1, 2, 3, 4	40	<p>- Tutorial participation is assessed based on the quality, not the frequency, of participation. Each student will be assessed on their comments, questions and answers given during tutorials. The sessions are designed to evaluate students' ability to understand, analyse, and apply relevant legal rules and principles during in-class discussions.</p> <p>- The tutorial presentation follows an adversarial format. Student presenters will adopt the roles of prosecution and defense to present opposing arguments. The remaining students will act as the jury, evaluating the arguments and rendering a verdict based on the presentations.</p> <p>- Presentations are evaluated based on how clearly students explain and discuss the tutorial problems and how effectively they engage with audience questions.</p>	No

Continuous Assessment (%)

40

**Examination (%)**

60

**Examination Duration (Hours)**

2

**Minimum Continuous Assessment Passing Requirement (%)**

40

**Minimum Examination Passing Requirement (%)**

40

**Additional Information for ATs**

Examination: A two-hour open book examination will test students' ability to describe, explain and contrast the purpose and operation of substantive criminal offences, their constituent parts and components and the principles, objectives and purposes underpinning those substantive offences will be tested as will the ability to apply those principles to given situations and to resolve issues and problems relating to the operation of the criminal law.

The use of Generative AI tools for any course assessment is strictly prohibited.

**Grading of Student Achievement:** Refer to Grading of Courses in the Academic Regulations (Attachment) and to the Explanatory Notes.

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

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

To pass this course, students must obtain an aggregate mark of 50% and a minimum of 50% in **each of** the examination and continuous assessment (CA) components.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in **each of** the examination and continuous assessment (CA) components.

**Assessment Rubrics (AR)**

**Assessment Task**

Presentation (30%), general participation (10%)

(for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

**Criterion**

- Identify and explain relevant legislation, cases, policy documents, and scholarly literature

- Critically and independently analyse relevant laws, judicial decisions, policy documents, and academic writing in the field of criminal law

- Make informed contributions orally to in-class discussions and exercises

- Articulate applications and critical analyses of criminal law and criminal cases orally and in writing (in the form of a written handout detailing key arguments and findings)

**Excellent**

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. Strong evidence to clearly and persuasively communicate written or oral responses, and a clear ability to listen to, empathise and engage with fellow students' responses.

**Good**

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. Somewhat clear and persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses.

**Fair**

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. Unclear written or oral responses that do not entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses.

**Marginal**

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. Provides written or oral responses devoid of persuasion, and little interest in engaging with fellow students' responses.

**Failure**

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. The student does not contribute written or oral responses when prompted, and demonstrates no engagement with the views of fellow students on the course material.

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**Assessment Task**

Examination (60%) (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

**Criterion**

- Application of law in factual scenarios

**Excellent**

(A+, A, A-) 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.

**Good**

(B+, B, B-) 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.

**Fair**

(C+, C, C-) 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.

**Marginal**

(D) 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.

**Failure**

(F) 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.

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**Assessment Task**

Presentation (30%), general participation (10%)  
(for students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

- Identify and explain relevant legislation, cases, policy documents, and scholarly literature
- Critically and independently analyse relevant laws, judicial decisions, policy documents, and academic writing in the field of criminal law
- Make informed contributions orally to in-class discussions and exercises
- Articulate applications and critical analyses of criminal law and criminal cases orally and in writing (in the form of a written handout detailing key arguments and findings)

### **Excellent**

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. Strong evidence to clearly and persuasively communicate written or oral responses, and a clear ability to listen to, empathise and engage with fellow students' responses.

### **Good**

(B+, B) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. Somewhat clear and persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses.

### **Marginal**

(B-, C+, C) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. Unclear written or oral responses that do not entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses.

### **Failure**

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. The student does not contribute written or oral responses when prompted, and demonstrates no engagement with the views of fellow students on the course material.

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## **Assessment Task**

Examination (60%) (for students admitted from Semester A 2022/23 to Summer Term 2024)

### **Criterion**

- Application of law in factual scenarios

### **Excellent**

(A+, A, A-) 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.

### **Good**

(B+, B) 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.

### **Marginal**

(B-, C+, C) 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.

### **Failure**

(F) 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.

## Part III Other Information

### Keyword Syllabus

- Defences to criminal responsibility
- Inchoate offences
- False imprisonment, kidnapping, ransom
- Property offences
- Theft, burglary, robbery
- Criminal damage
- Blackmail, criminal intimidation
- National security offences

### Reading List

#### Compulsory Readings

Title	
1	The Course textbook
2	Simon So, Criminal Law in Hong Kong, LexisNexis (2020)

#### Additional Readings

Title	
1	Useful sources for further reading are:
2	Michael Jackson (2003), Criminal Law in Hong Kong, Hong Kong University Press
3	Victor Ho Wai-Kin (2011), Criminal Law in Hong Kong, Kluwer Law International (out of print, but available in the library reserve)
4	Bokhary, Young & Cross (eds), Archbold Hong Kong: Criminal Law, Pleadings, Evidence and Practice, 2019, Sweet & Maxwell (available in the library in hardcopy, also available electronically as per below)
5	Horder J (2019), Ashworth's Principles of Criminal Law, Oxford University Press
6	Baker DJ (2015), Textbook of Criminal Law, Sweet & Maxwell
7	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.
8	Online Resources
9	Archbold Hong Kong (via Westlaw Asia): <a href="http://libweb.cityu.edu.hk/cgi-bin/er/db/wlasiadb.pl">http://libweb.cityu.edu.hk/cgi-bin/er/db/wlasiadb.pl</a>
10	British and Irish legal Information Institute: <a href="http://www.bailii.org/">http://www.bailii.org/</a>
11	Crown Prosecution Service (England and Wales): <a href="http://www.cps.gov.uk/">http://www.cps.gov.uk/</a>
12	Guides compiled by Library's Law Section (Students' Guides to Legal Materials of Hong Kong, Student Guides' to Legal Materials of the UK)
13	Hong Kong Department of Justice: <a href="http://www.doj.gov.hk/eng/index.html">http://www.doj.gov.hk/eng/index.html</a>
14	Hong Kong Judiciary: <a href="http://www.judiciary.gov.hk/en/index/">http://www.judiciary.gov.hk/en/index/</a>
15	Hong Kong Legal Information Institute: <a href="http://www.hklii.hk/eng/">http://www.hklii.hk/eng/</a>
16	Hong Kong Police: <a href="http://www.police.gov.hk/ppp_en/">http://www.police.gov.hk/ppp_en/</a>
17	Hong Kong Prosecution Code: <a href="http://www.doj.gov.hk/eng/public/pubsoppaptoc.html">http://www.doj.gov.hk/eng/public/pubsoppaptoc.html</a>
18	Lexis HK: <a href="http://www.cityu.edu.hk/lib/eres/database/info/lexis.htm">http://www.cityu.edu.hk/lib/eres/database/info/lexis.htm</a>
19	Library Research Guides for Law (includes Criminal Law & Criminal Procedure): <a href="http://libguides.library.cityu.edu.hk/cat.php?cid=32771">http://libguides.library.cityu.edu.hk/cat.php?cid=32771</a>

20	UK Courts and Tribunals <a href="http://www.judiciary.gov.uk">http://www.judiciary.gov.uk</a>
21	Westlaw Next: <a href="http://www.cityu.edu.hk/lib/eres/database/info/wlnext.htm">http://www.cityu.edu.hk/lib/eres/database/info/wlnext.htm</a>