

LW5617: FAMILY LAW IN HONG KONG

Effective Term

Semester A 2026/27

Part I Course Overview

Course Title

Family Law in Hong Kong

Subject Code

LW - Law

Course Number

5617

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

LW5601 Hong Kong Legal System; and LW5622 Legal Methods, Research and Writing; and LW5602A Law of Contract I

Precursors

Nil

Equivalent Courses

LW4617 Family Law in Hong Kong

Exclusive Courses

Nil

Part II Course Details

Abstract

When families are intact and functioning, Family Law is slow to intervene or intrude into the family. What happens when cracks begin to show in familial relationships? Should the law intervene, and if so, how?

This course aims to equip students with a strong foundation of substantive family law in Hong Kong alongside some useful comparative perspectives (because of globalisation). It explores how Family Law seeks to resolve issues in this space, and what happens when relationships break down. The core issues which will be discussed during this course include the formation of valid marriages, separation and divorce (including nullity and judicial separation), domestic violence, issues in relation to the child, and financial provision on divorce (including financial provision for ex-spouses and children, property adjustment, and marital agreements).

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify and explain issues and principles found in family law, including the relationship between the development of family law and society, and policies adopted.	70	x	x	x
2	Analytically and critically evaluate: · legal principles in family law; · the extent to which the law regulates marriages and divorces; · the extent to which the law protects and provides for the child's best interests; · the extent to which the law provides financial relief for parties to the marriage during the marriage and upon divorce; and · the extent to which the law provides financial relief for children during a marriage and upon divorce.	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	· Students will be introduced to the framework of the course, the key concepts, and issues through interactive discussions in lectures and tutorials. · Students are expected to have done the assigned readings before each class. · Students will explore relevant issues of law and understand the theoretical underpinnings of various topics. · The relevant law (both statutory and case law) will be identified and explained.	1, 2 2 hours
2	Tutorials (Structured Discussions)	· Students are given a forum to discuss and clarify matters covered in the lectures with hypothetical problems and essay questions in their tutorials. · In doing so, students will critically analyse, apply, and evaluate the applicable legal principles and doctrines.	1, 2 2 hours (every fortnight)

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks	Allow Use of GenAI?
1	Group presentation	1, 2	20	· Students' understanding of the key concepts, and their ability to identify legal issues, as well as analyse, apply, and evaluate the applicable legal principles and doctrines are examined. · Students' ability to articulate their arguments in a cohesive, concise, clear, and reasoned manner are examined. · Students are expected to present their answers to the assigned question(s) in tutorials within their groups. This is intended to boost students' confidence and maturity, and practise articulating their answers within a safe space. · Prior to the tutorial, students are required to submit a more complete version of their answers for their presentations. Amongst other factors and in addition to the above, punctuality, division of work, and citation style will be considered in assessing this component.	No

2	Class participation and discussion	1, 2	10	· Students' understanding of the key concepts, and their ability to identify legal issues, as well as analyse, apply, and evaluate the applicable legal principles and doctrines are examined. · Students' ability to communicate effectively and persuasively orally are examined. · Students are expected to participate during class discussions by expressing their thoughts and / or questions on the topics discussed during the class, including the week' s tutorial questions, lecture topics, and / or any other related issues in the syllabus. This is intended to encourage students to speak up and demonstrate their ability to think deeper about the issues and engage with different arguments from their classmates.	No
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Continuous Assessment (%)

30

Examination (%)

70

Examination Duration (Hours)

2

Minimum Continuous Assessment Passing Requirement (%)

0

Minimum Examination Passing Requirement (%)

40

Additional Information for ATs

In-person examination

- Students' understanding of the key concepts, as well as their ability to identify legal issues, apply the relevant legal principles and rules to hypothetical scenarios are tested.
- Students' ability to critically analyse and evaluate legal principles, doctrines, and social policy are tested.
- Students' ability to write clearly, concisely, and effectively are tested.

Grading of Student Achievement:

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 continuous and the examination elements of the assessment. Continuous assessment for the purpose of this course refers to the ways in which students are assessed which are separate from the in-person examination at the end of the course.

Applicable to students admitted 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 continuous and the examination elements of the assessment. Continuous assessment for the purpose of this course refers to the ways in which students are assessed which are separate from the in-person examination at the end of the course.

To ensure fair and comprehensive assessment of students' course performance, the pass mark requirement for the CA component will be waived for courses with a CA component equal to or less than 30%. This means students only need to achieve the pass marks for the final exam component AND the overall mark to pass the course. Continuous assessment for this purpose means those ways in which students are assessed otherwise than by the end of semester examination.

During the first two weeks of the course, the course leader will announce whether the examination will be closed book or open book. Further information about continuous assessment tasks, including the submission schedule, will also be provided by the course leader.

To achieve all ILOs of this course, students are strongly encouraged to attend and participate actively in all lectures and tutorials.

Assessment Rubrics (AR)

Assessment Task

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

Criterion

Ability to analyse facts, identify relevant issues, develop persuasive arguments, communicate one's arguments orally in a cohesive manner, and demonstrate an aptitude for critical thinking.

Excellent

(A+, A, A-) Excellent identification of issues, analysis of facts, explanation and application of legal principles, good organisation of ideas, and communication of critical thinking / reasoned arguments.

Arguments are supported well with excellent and relevant authorities.

Good

(B+, B, B-) Good identification of issues, analysis of facts, explanation and application of legal principles, good organisation of ideas, and communication of critical thinking / reasoned arguments.

Arguments are supported with some good authorities.

Fair

(C+, C, C-) Fair identification of issues, analysis of facts, explanation and application of legal principles, good organisation of ideas, and communication of critical thinking / reasoned arguments.

Arguments are seldom supported with fair authorities.

Marginal

(D) Barely adequate identification of issues, analysis of facts, explanation and application of legal principles, good organisation of ideas, and communication of critical thinking / reasoned arguments.

Arguments are supported barely with authorities.

Failure

(F) Poor identification of issues, analysis of facts, explanation and application of legal principles, good organisation of ideas, and communication of critical thinking / reasoned arguments.

Arguments are unsupported by authorities.

Assessment Task

Class participation and discussion (Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter)

Criterion

Ability to engage with others' arguments and demonstration of in-depth consideration of the issues.

Excellent

(A+, A, A-) Excellent identification of issues, analysis of facts, explanation and application of legal principles, good organisation of ideas, and communication of critical thinking / reasoned arguments.

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Assessment Task

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

Criterion

Ability to analyse facts, identify relevant issues, explain and apply legal principles, and communicate one's reasoned views in writing.

Excellent

(A+, A, A-) Excellent identification of issues, analysis of facts, explanation and application of legal principles, good organisation of ideas, and communication of critical thinking / reasoned arguments.

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Assessment Task

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Criterion

Ability to analyse facts, identify relevant issues, develop persuasive arguments, communicate one's arguments orally in a cohesive manner, and demonstrate an aptitude for critical thinking.

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Part III Other Information

Keyword Syllabus

Family; marriage; divorce; separation; nullity; validity; cohabitation; domestic violence; children; parents; ancillary relief; financial orders; custody; care and control; access; maintenance; mediation.

Detailed Syllabus**Concluding Remarks**

All of us are part of a family, in one way or another. This is a subject that would help you to appreciate an important aspect of the law that is very much a part of, and relevant to daily life. It will equip you with relevant knowledge that will last you a lifetime.

I look forward to welcoming you to the course.

Reading List**Compulsory Readings**

Title	
1	1. Keith Hotten and Dennis Ho, Hotten & Ho: Family Law Practice and Procedure in Hong Kong (Student) (LexisNexis 2021) (4th edition)
2	2. Philippa Hewitt (editor), Family Law & Practice in Hong Kong (Sweet & Maxwell 2025) (4th edition)
3	3. Rob George, Sharon Thompson, and Joanna Miles, Family Law: Text, Cases, and Materials (Oxford University Press 2023) (5th edition)

Additional Readings

Title	
1	Ordinances
2	Marriage Reform Ordinance Cap 178
3	Marriage Ordinance Cap 181
4	Matrimonial Causes Ordinance Cap 179
5	Matrimonial Causes Rules Cap 179A
6	Matrimonial Proceedings and Property Ordinance Cap 192
7	Guardianship of Minors Ordinance Cap 13
8	Domestic and Cohabitation Relationships Violence Ordinance Cap 189
9	Separation and Maintenance Orders Ordinance Cap 16
10	Child Abduction and Custody Ordinance Cap 512
11	Students may be referred to further ordinances on the student handouts as appropriate.
12	Additional Readings
13	1. Keith Hotten and Mathilda Kwong, Hong Kong Family Court Practice (LexisNexis 2025) (5th edition)
14	2. Nigel Lowe et al, Bromley' s Family Law (Oxford 2021) (12th edition)
15	Online Resources
16	LexisNexis HK
17	Westlaw HK
18	www.judiciary.gov.hk
19	www.familylawweek.co.uk