

LW8706D: HONG KONG LEGAL SYSTEM

Effective Term

Semester A 2025/26

Part I Course Overview

Course Title

Hong Kong Legal System

Subject Code

LW - Law

Course Number

8706D

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

D8 - Professional Doctorate

Medium of Instruction

Other Languages

Other Languages for Medium of Instruction

Chinese (Putonghua) supplemented by English

Medium of Assessment

Chinese

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to examine the legal system of Hong Kong, in the context of it being a common law system that is preserved by the Basic Law, and its relationship with the legal system of the People's Republic of China under the principle of One Country Two Systems. Students will also be taught the common law principles and skills in case analysis and statutory interpretation.

Upon successful completion of this course, students should be able to:

- become familiar with the legal system in Hong Kong;
- understand and analyse critically judgments and legislation generally; and
- apply the knowledge and skills learned in their research work that may involve common law legal materials.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Apply common law principles, methods and those relevance to the Hong Kong legal system in the context of the Basic Law.		x	x	x
2	Explain different sources of law, and distinguish facts, reasons, and ratios in judicial decisions.		x	x	x
3	Apply general principles of statutory interpretation to legislation.		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	Lecture	Students will engage in lectures in an interactive manner in that students are required to respond to questions on the topic(s) based on knowledge acquired through reading assigned materials and research.	1, 2, 3	The course will be taught intensively with an equivalent of 3 hrs per week over 13 weeks.

2	Presentation	Students will be divided into small groups for doing group presentations on topics assigned at the beginning of the course.	1, 2, 3	The course will be taught intensively with an equivalent of 3 hrs per week over 13 weeks.
3	Written assignment	Students will be required to hand in a written assignment on an essay type question.	1, 2, 3	

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks ("- for nil entry)	Allow Use of GenAI?
1	Class Participation	1, 2, 3	10	The use of Generative AI tools is not allowed.	No
2	Presentation	1, 2, 3	40	The use of Generative AI tools is not allowed.	No
3	Written assignment	1, 2, 3	50	The use of Generative AI tools is not allowed.	No

Continuous Assessment (%)

100

Examination (%)

0

Minimum Continuous Assessment Passing Requirement (%)

0

Minimum Examination Passing Requirement (%)

0

Additional Information for ATs

NOTE: To pass this course, students must pass all components of this course. Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment. No more than three guest lectures/learning activities off campus may be arranged during the semester.

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 explain and present in detail a chosen topic on Hong Kong Legal System.

Excellent

(A+, A, A-) High

Good

(B+, B, B-) Significant

Fair

(C+, C, C-) Moderate

Marginal

(D) Basic

Failure

(F) Marginal levels

Assessment Task

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

Criterion

Demonstrate their ability to answer essay type questions.

Excellent

(A+, A, A-) High

Good

(B+, B, B-) Significant

Fair

(C+, C, C-) Moderate

Marginal

(D) Basic

Failure

(F) Marginal levels

Assessment Task

Group Presentation (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Ability to explain and present in detail a chosen topic on Hong Kong Legal System.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Marginal levels

Assessment Task

Written assignment (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstrate their ability to answer essay type questions.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Marginal levels

Part III Other Information

Keyword Syllabus

The Basic Law, One Country Two Systems, Common Law, sources of law, case law, statutes, legislation, judicial reasoning, custom, conventions, legal reasoning, statutory interpretation, binding precedent, case analysis, law reports, hierarchy of the courts, ratio decidendi, abstraction of judicial reasoning, obiter dicta, stare decisis.

Reading List**Compulsory Readings**

Title	
1	《香港的法律制度》，香港特別行政區律政司，2008 年
2	戴耀廷, 羅敏威著, 《香港特區的法律制度》，中華書局，2011 年
3	朱國斌, 黃輝等著, 《香港司法制度》，中華書局，2024 年
4	王叔文主編, 《香港特別行政區基本法導論》(第三版), 中國民主法制出版社與中共中央黨校出版社, 2006 年。
5	彼得·威斯萊·史密斯著; 馬清文譯, 《香港法律制度》，三聯書店，1990 年

Additional Readings

Title	
1	H.C.S. Lo and W.H. Chui, The Hong Kong Legal System (McGraw-Hill 2012)
2	Yash Ghai, Hong Kong's New Constitutional Order: The Resumption of Chinese Sovereignty and the Basic Law, Hong Kong University Press, Hong Kong, 1999.
3	鄒平學主編, 《香港基本法實踐問題研究》，社會科學文獻出版社，2014 年
4	Eric C Ip, Law and Justice in Hong Kong, 4th ed. (Sweet & Maxwell, 2022)
5	Michael J Fisher, Text, Cases and Commentary on the Hong Kong Legal System (HKU Press, 2019)