

SS5829: ETHICS AND LEGAL ISSUES OF FAMILY CONFLICT RESOLUTION AND MEDIATION

New Syllabus Proposal

Effective Term

Semester A 2025/26

Part I Course Overview

Course Title

Ethics and Legal Issues of Family Conflict Resolution and Mediation

Subject Code

SS - Social and Behavioural Sciences

Course Number

5829

Academic Unit

Social and Behavioural Sciences (SS)

College/School

College of Liberal Arts and Social Sciences (CH)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to equip students with fundamental legal knowledge in family dispute resolution and review key concepts of family law and mediation ordinance in Hong Kong. It introduces family law and family court system in Hong Kong, mediation ordinance, alternative family dispute resolution methods and process, mediator's role in handling matrimonial matters, children matter and children dispute in family court, financial matters and matrimonial home. In addition, it discusses the code of ethics and practice of family mediators. Their roles at the pre-mediation and mediation process, and ancillary matters such as responsibilities of different parties and the mediator, fair mediation, duties regarding information release, disclosure, advice, impartiality, neutrality, confidentiality, mediation settlement or termination. It is hoped that the course can equip students as legally knowledgeable and ethically competent to play the role as family mediators.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Understand family law and family court system in Hong Kong	10		x	
2	Describe mediation ordinance and family dispute resolution process in Hong Kong	10		x	
3	Evaluate the role of family mediators in family dispute resolution cases involving matrimonial matters, child matters, financial matters, property division matters, etc.	60	x	x	x
4	Examine family mediators' responsibilities and liability, ethical concerns and code of practice	20	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 and Class Discussion Lectures are delivered to help students understand and gain indepth knowledge about specific topics related to mediation of family dispute cases, such as alternative resolution methods, matrimonial matters, child dispute matters, financial and property division matters, code of practice, etc. The lecturer will introduce the topics with PowerPoint slides available in the Canvas before the lecture. Required readings and supplementary articles will be assigned. To have the best learning outcomes, students are strongly encouraged to read the PPTs (and readings, if applicable) in advance and play an active role in class discussion in lectures.	1, 2, 3, 4	
2	Guest Lectures Practicing family mediators, lawyers, judges or related professionals will be invited to give lectures on specific topic of their expertise whenever appropriate. They will talk about the procedural as well as substantive law, and introduce the aims, objectives, principles and working procedures of mediation and the differences and similarities between mediation and other procedures (e.g. therapy, counselling, etc.) for dispute resolution.	1, 2, 3, 4	

3	Case Study / Analysis	Students will be given case scenarios (or previous court cases) describing family dispute situations and asked to have intensive analysis on the conflicts and the appropriate interventions of the mediator. Co-operative peer learning enhances academic achievement by having students work together to clarify concepts, discuss ideas, and solve problems. In this situation, students will be divided into small groups and discuss together to present their arguments and analyses of the case scenarios / previous court cases in the lectures.	2, 3, 4	
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Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class participation	1, 2, 3, 4	10	
2	Class small group discussion	2, 3, 4	10	
3	In-class test (2 hours)	1, 2, 3, 4	50	
4	Case analysis report (family mediation)	3, 4	30	

Continuous Assessment (%)

100

Assessment Rubrics (AR)**Assessment Task**

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

Criterion

1.1. Actively engage in class discussion

1.2. Ability to offer opinions and comments on discussions rationally and logically

1.3. Contributes to the learning of the whole class

Excellent

(A+, A, A-) Strong evidence of achievement of the criteria

Good

(B+, B, B-) Good evidence of achievement of the criteria

Fair

(C+, C, C-) Fair evidence of achievement of the criteria

Marginal

(D) Limited evidence of achievement of the criteria

Failure

(F) Insufficient/poor evidence of achievement of the criteria

Assessment Task

2. Class small group discussion (Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

- 2.1. Actively engage in the small group discussion
- 2.2. Ability to understand and use legal knowledge to present their arguments
- 2.3. Ability to analyse and make suggestions to the family dispute case scenarios or court cases.

Excellent

(A+, A, A-) Strong evidence of achievement of the criteria

Good

(B+, B, B-) Good evidence of achievement of the criteria

Fair

(C+, C, C-) Fair evidence of achievement of the criteria

Marginal

(D) Limited evidence of achievement of the criteria

Failure

(F) Insufficient/poor evidence of achievement of the criteria

Assessment Task

3. In-class test (Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Ability to demonstrate critical understanding of the course materials including (a) family law and mediation in Hong Kong, (b) family dispute resolution process and methods, and (c) ethics and code of practice of family mediation.

Excellent

(A+, A, A-) Strong evidence of achievement of the criteria

Good

(B+, B, B-) Good evidence of achievement of the criteria

Fair

(C+, C, C-) Fair evidence of achievement of the criteria

Marginal

(D) Limited evidence of achievement of the criteria

Failure

(F) Insufficient/poor evidence of achievement of the criteria

Assessment Task

4. Case analysis report (Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

- 4.1. Ability to analyse the family dispute case critically and intensively.
- 4.2. Ability to suggest the role of the family mediator in the family dispute case.
- 4.3. Appropriate citation and referencing to substantiate arguments.

Excellent

(A+, A, A-) Strong evidence of achievement of the criteria

Good

(B+, B, B-) Good evidence of achievement of the criteria

Fair

(C+, C, C-) Fair to limited evidence of achievement of the criteria

Marginal

(D) Limited evidence of achievement of the criteria

Failure

(F) Insufficient/poor evidence of achievement of the criteria

Assessment Task

1. Class participation (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- 1.1 Actively engage in class discussion
- 1.2 Ability to offer opinions and comments on discussions rationally and logically
- 1.3 Contributes to the learning of the whole class

Excellent

(A+, A, A-) Strong evidence of achievement of the criteria

Good

(B+, B) Good evidence of achievement of the criteria

Marginal

(B-, C+, C) Fair to limited evidence of achievement of the criteria

Failure

(F) Insufficient/poor evidence of achievement of the criteria

Assessment Task

2. Class small group discussion (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- 2.1 Actively engage in the small group discussion
- 2.2 Ability to understand and use legal knowledge to present their arguments
- 2.3 Ability to analyse and make suggestions to the family dispute case scenarios or court cases.

Excellent

(A+, A, A-) Strong evidence of achievement of the criteria

Good

(B+, B) Good evidence of achievement of the criteria

Marginal

(B-, C+, C) Fair to limited evidence of achievement of the criteria

Failure

(F) Insufficient/poor evidence of achievement of the criteria

Assessment Task

3. In-class test (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Ability to demonstrate critical understanding of the course materials including (a) family law and mediation in Hong Kong, (b) family dispute resolution process and methods, and (c) ethics and code of practice of family mediation.

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(A+, A, A-) Strong evidence of achievement of the criteria

Good

(B+, B) Good evidence of achievement of the criteria

Marginal

(B-, C+, C) Fair to limited evidence of achievement of the criteria

Failure

(F) Insufficient/poor evidence of achievement of the criteria

Assessment Task

4. Case analysis report (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- 4.1 Ability to analyse the family dispute case critically and intensively.
- 4.2 Ability to suggest the role of the family mediator in the family dispute case.
- 4.3 Appropriate citation and referencing to substantiate arguments.

Excellent

(A+, A, A-) Strong evidence of achievement of the criteria

Good

(B+, B) Good evidence of achievement of the criteria

Marginal

(B-, C+, C) Fair to limited evidence of achievement of the criteria

Failure

(F) Insufficient/poor evidence of achievement of the criteria

Part III Other Information**Keyword Syllabus**Key concepts of family law and mediation in Hong Kong

- Family law and family court system in Hong Kong
- Mediation Ordinance in Hong Kong
- Alternative family dispute resolution in District Court
- Case settlement conference / mediator-assisted case settlement conference

Family dispute resolution process and methods

- Family dispute resolution process and alternative resolution methods
- Matrimonial matters
- Children matter and children dispute in family court
- Financial matters
- Property division matters

Ethics and code of practice of family mediation

- Code of ethics and practice of family mediation
- Family mediator's role at the pre-mediation and mediation process and ancillary matters
- Responsibilities of different parties and the mediator
- Fair mediation, duties regarding information release, disclosure, advice, impartiality, neutrality, confidentiality, mediation settlement or termination

Reading List**Compulsory Readings**

Title	
1	To, C., Sihombing, S., & Chiu, J. S. P. (2022). Mediation in Hong Kong: law and practice (Second edition.). Wolters Kluwer Hong Kong Limited.

Additional Readings

Title	
1	Chan, Y. C., Chun, R. P. K., Lam, G. L. T. & Lam, S. K. S. (2007). The development of family mediation services in Hong Kong: Review of an Evaluation Study. Journal of Social Welfare & Family Law, 29(1), 3 – 16. DOI: 10.1080/09649060701423149.
2	Irving, H. H. (2002). Family mediation: Theory and Practice with Chinese Families. Hong Kong: Hong Kong University Press.
3	Law, S. W. (2021). Upholding parental responsibility by family mediation: revisiting the role of the law for children in divorce in Hong Kong. Public Administration and Policy, 24(3), 241 – 252. DOI 10.1108/PAP-08-2021-0045.
4	Leung, R. H. M. et al. (2014 Eds.). Hong Kong Mediation Handbook (2nd Edition). Hong Kong: Sweet & Maxwell.
5	Murphy, J. C. & Singer, J. B. (2015). Divorced from reality: Rethinking family dispute resolution. NYU Press. https://www.jstor.org/stable/j.ctt14jxtcs
6	The Hong Kong Polytechnic University (2004). Final Report – Evaluation Study on the Pilot Scheme on Family Mediation. https://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0223cb2-1381-01-e.pdf
7	The Law Reform Commission of Hong Kong (2003). Report on the Family Dispute Resolution Process. https://www.hkreform.gov.hk/en/docs/rdispute-e.pdf

8	Hong Kong International Arbitration Centre – Family Mediation https://www.hkiac.org/mediation/what-is-mediation/family-mediation
9	Hong Kong Mediation Accreditation Association Limited http://www.hkmaal.org.hk/en/FamilyMediation.php
10	Hong Kong Mediation and Arbitration Centre https://www.hkmaac.org/family-mediation/
11	Community Legal Information Centre https://www.clc.org.hk/en/topics
12	Department of Justice, HKSAR Government – Mediate First Pledge https://www.doj.gov.hk/mediatefirst/en/home/cbfms.html