

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2022/2023

Part I Course Overview

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|--|---|
| Course Title: | Criminal Law I |
| Course Code: | LW3606A |
| Course Duration: | One semester |
| Credit Units: | 3 |
| Level: | B3 |
| Medium of Instruction: | English |
| Medium of Assessment: | English |
| Prerequisites: <i>(Course Code and Title)</i> | Nil |
| Precursors: <i>(Course Code and Title)</i> | Nil LW3106 Criminal Law (LLB) (upon successful completion of LW3606A and LW3606B) LW3106A Criminal Law (AMLLB) (upon successful completion of LW3606A and LW3606B) LW3606 Criminal Law (upon successful completion of LW3606A and LW3606B) |
| Equivalent Courses: <i>(Course Code and Title)</i> | LW5606A 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 crimes covered by the course include homicide (murder and manslaughter), non-fatal offences against the person, dangerous drugs offences and road traffic offences.

The course 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 MILOs | 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; the differences between criminal law, criminal procedure and the law of evidence; 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% | 1,3,4,5,6 | ✓ | ✓ | |
| 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% | 1,3,4,5,6 | ✓ | ✓ | |

| | | | | | | |
|---|---|------|-------------|---|---|---|
| 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; • the place of those offences in the overall context of Hong Kong's criminal law; • areas of possible reform and improvement. | 40% | 1,3,4,5,7,8 | ✓ | ✓ | ✓ |
| | | 100% | | | | |

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/week (if applicable) |
|------------------------------|---|----------|---|---|---|-------------------------------|
| | | 1 | 2 | 3 | 4 | |
| Lectures | students will be introduced to substantive criminal offences, their constituent parts and to key concepts and issues. | ✓ | | | ✓ | 2 |
| Tutorial | Tutorials provide an opportunity for student led activity and discussions of issues. The format of these activities will be discussed in the class in the first week of the course. By reading Ordinances, cases and other material and by research material students will acquire knowledge of the substantive content of the criminal justice system. Tutorial activities will enable students to analyse and evaluate issues and concerns in substantive criminal law offences and provide a forum where those issues and concerns can be identified, discussed and evaluated. | ✓ | ✓ | ✓ | ✓ | 1 |
| Reading Week (Week 7) | During the Reading Week students are asked to develop their knowledge in the subject by doing further reading and research on the conceptual and theoretical sides of the subject. | | | | | |

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 | | |
| Continuous Assessment: 50% | | | | | | |
| Written assignment(s) | | | | | 30% | |
| Students' skills of legal research, critical analysis, organisation and written communication will be tested. Students will be expected to divide into a group of four to do a written group assignment / project, to show a good understanding and appreciation of English and of the use of English, and to learn team work skill. | | | | | | |
| Tutorial activities and overall participation | | | | | 20% | |
| Each student will be assessed on his/her comments, questions and answers given during tutorials (apart from the tutorial designated for that student's Class Participation (Sub-Group) - see above), in terms of each student's display of his/her ability to discuss and explain the material for the particular tutorial as well as the ability to question and challenge oral presentations by other members of their group. | | | | | | |
| Examination: 50% (duration: 2 or 3 hours, if applicable) | | | | | | |
| Students' ability to describe and explain 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. As with the written assignment(s) students will be expected to show a good standard of written English and to express themselves clearly, accurately and concisely. | | | | | 50% | |
| | | | | | 100% | |

* The weightings should add up to 100%.

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

Further details of the assessment scheme will be provided during the 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 the course, LLB students must achieve an overall total mark of 40% or above, plus a minimum of 30% in each of the coursework and the examination components of the assessment.

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. Coursework | Original thinking Rational analysis Justified conclusion | Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. | Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. | Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. | Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. | Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. |
| 2. Participation in tutorial sessions | Presentation structure Understanding additivity to think on the spot | | | | | |
| 3. Examination | Application of Law in factual scenarios theoretical and critical thinking in essay questions | | | | | |

Part III Other Information (more details may be provided separately in a lecture and assessment outline)

1. Keyword Syllabus

The following topics are studied in detail:

1. Actus Reus and causation
2. Mens Rea, intention and recklessness
3. Coincidence of actus reus and mens rea and transferred malice
4. Strict and absolute liability, vicarious and corporate liability
5. Participation, joint enterprise, principal and secondary parties
6. Murder
7. Manslaughter
8. Assaults, woundings and other non – fatal offences against the person.

2. Reading List

2.1 Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

Michael Jackson (2003), *Criminal Law in Hong Kong*, Hong Kong University Press (ISBN 9622095585) (Paperback).

Details of other texts and other reference material will be circulated during the course.

As Hong Kong's Criminal Law is based upon that of England and Wales, English texts on criminal law may be used to supplement and complement Hong Kong texts. Students may find the latest editions of Smith and Hogan, *Criminal Law* (Butterworths), and Smith and Hogan *Criminal Law Cases and Materials* (Butterworths) useful though there are other texts.

Nutshells, SWOT and similar books are NOT suitable replacements for textbooks or for reports of cases in 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.

2.2 Additional Readings

(Additional references for students to learn to expand their knowledge about the subject.)

Online Resources

The Hong Kong Judiciary: www.judiciary.gov.hk

Hong Kong Legal Information Institute: www.hklii.org

Department of Justice: www.doj.gov.hk

The Hong Kong Police: www.police.gov.hk

The Crown Prosecution Service (England and Wales): www.cps.gov.uk

British and Irish legal Information Institute: www.bailii.org

Judicial Studies Board (England and Wales): www.jsboard.co.uk