

# LW2601: HONG KONG LEGAL SYSTEM

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## Effective Term

Semester A 2024/25

## Part I Course Overview

### Course Title

Hong Kong Legal System

### Subject Code

LW - Law

### Course Number

2601

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

B1, B2, B3, B4 - Bachelor's Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

LW5601 Hong Kong Legal System

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

- To encourage students to discover the functions of law in society, and its relationship between morality and justice;
- To guide students to developing a sound understanding and appreciation of the concept of the rule of law and its relevance in the context of Hong Kong;
- To familiarise students with the sources, classification and operation of Hong Kong law and other features of the legal system in Hong Kong;
- To introduce students to the legal and constitutional framework in which law is practised and administered in Hong Kong;
- To introduce students to basic features of civil and criminal justice as well as how institutions and procedures were developed to further civil and criminal justice, how the notion of access of justice remains key to evaluating the effectiveness of the civil and criminal justice system and thus how legal aid play a crucial role; and
- To encourage students to think critically about Hong Kong law and institutions and to communicate their views and their analysis effectively both orally and in writing.

### Course Intended Learning Outcomes (CILOs)

| CILOs |                                                                                                                                                                                  | Weighting (if DEC-A1 DEC-A2 DEC-A3 app.) |   |   |   |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|---|---|---|
| 1     | Discuss the key features of the common law system, and explain the principles of law governing Hong Kong's legal system.                                                         |                                          | x | x |   |
| 2     | Describe the skills of legal reasoning and discuss the doctrine of precedent, the approaches to statutory interpretation and the sources of law in Hong Kong.                    |                                          | x | x |   |
| 3     | Describe the branches of the executive, legislature and judiciary under the framework of Hong Kong's Basic Law and their roles in policy and law-making.                         |                                          | x | x |   |
| 4     | Discuss the judicial system and the legal profession, as well as their roles in upholding the rule of law in Hong Kong.                                                          |                                          | x | x | x |
| 5     | Explain important concepts relating to the legal system, including civil and criminal justice, as well as issues relating to the access to justice and the civil justice reform. |                                          | 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 formal lectures and lecture discussions to gain knowledge about the structure of the Hong Kong legal system.                                                      | 2, 3, 4, 5 | 2                          |
| 2    | Lecture  | Students will learn to locate and understand legal materials.                                                                                                                             | 2, 3, 4, 5 |                            |
| 3    | Lecture  | Students will read the course manual/course notes and other assigned readings for lectures.                                                                                               | 2, 3, 4, 5 |                            |
| 4    | Lecture  | Students will study current affairs that has implications on the development of Hong Kong's legal system and be invited to appreciate the contents of this course through these events.   | 2, 3, 4, 5 |                            |
| 5    | Tutorial | Students will prepare answers for their tutorial questions. This may be done in presentations or group discussion.                                                                        | 2, 3, 4, 5 | 1                          |
| 6    | Tutorial | Students will think critically about the tutorial questions and develop an in-depth understanding of the issues presented/ questions asked through the comments and feedback from tutors. | 2, 3, 4, 5 |                            |

**Assessment Tasks / Activities (ATs)**

| ATs |                                                                                                                                                                       | CILO No.   | Weighting (%) | Remarks (e.g. Parameter for GenAI use) |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---------------|----------------------------------------|
| 1   | Group Assignment:<br>Students are given a few weeks to attempt an assignment question. Students will be encouraged to conduct innovative research for the assignment. | 2, 3, 4, 5 | 30            |                                        |

|   |                                                                                                                                                                                                                                                                                                                                                              |            |    |  |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----|--|
| 2 | Presentations: Students are expected to give presentations in tutorials. During tutorials, students will be encouraged to participate in the discussion by expressing their views on the issues on the syllabus and also on how innovation can take place in the Hong Kong legal system. These presentations aim to boost students' confidence and maturity. | 2, 3, 4, 5 | 20 |  |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----|--|

**Continuous Assessment (%)**

50

**Examination (%)**

50

**Examination Duration (Hours)**

2

**Additional Information for ATs**

The use of Generative AI tools is not allowed.

The following criteria, among others, will be considered in assessing tutorial performance and lecture participation:

- Effort and presentation skills
- Expression of ideas
- Contribution to presentation and discussion

The following criteria, among others, will be considered in assessing assignments:

- Punctuality
- Accurate addressing/identification of the legal issues
- Level of research
- Logical analysis and clear expression
- Citation style and presentation

To pass this course

- Students must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework and the examination elements of the assessment. - Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.
- To enable the full benefit to be obtained from this course, students should attend all of the activities.

**Groupwork Assignment**

- Together with three other students, you are required to write an essay (four students in one group). The topic for the essay will be given to you around week 5. Students are expected to discuss the topic among themselves so as to identify and address any supporting AND opposing arguments.
- Please submit your essay onto Canvas before the submission deadline. Late submissions may attract a penalty. There is a maximum word limit of 3200 words.

**Assessment Rubrics (AR)****Assessment Task**

Presentations and participation in tutorial sessions

### **Criterion**

- Demonstration of oral presentation skills and willingness / ability to answer questions in class.
- The presentations aim to boost students' confidence and maturity.

### **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.

### **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.

### **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.

### **Marginal (D)**

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

### **Failure (F)**

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

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## **Assessment Task**

### **Assignment**

### **Criterion**

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and discussion questions.
- Ability to write and communicate ideas and arguments in a logical manner.
- Ability to engage in argument-based analysis.
- Demonstration of ability to research.

### **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.

### **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.

### **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.

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Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

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## Assessment Task

### Examination

#### Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and discussion questions.
- Ability to engage in argument-based analysis in a clear and logical manner.

#### 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.

#### 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.

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## Part III Other Information

### Keyword Syllabus

- Introduction to common law
- Introduction to common law (cont' d)
- Comparing different legal systems
- The development of the Hong Kong legal system, 1842-1997
- Sources of law
- The court system and the doctrine of precedent
- The process of legislation
- Statutory interpretation
- Reading week
- Introduction to criminal justice in Hong Kong II
- Introduction to civil justice in Hong Kong
  - Interface between Hong Kong and International and Chinese Law
- Review section

(\*Week 9 will be reading week, where there will be no lecture or tutorials. The submission deadline for the essay assignment will be the end of Week 9)

### Reading List

#### Compulsory Readings

| Title |                                                                                                       |
|-------|-------------------------------------------------------------------------------------------------------|
| 1     | S Lo, K Cheng and WH Chui, The Hong Kong Legal System (2nd edition) (Cambridge University Press 2019) |

**Additional Readings**

| Title |                                                                                       |
|-------|---------------------------------------------------------------------------------------|
| 1     | M J Fisher, Text, Cases and Commentary on the Hong Kong Legal System (HKU Press 2019) |
| 2     | E Ip, Law and Justice in Hong Kong (3rd edition) (Sweet & Maxwell 2019)               |