

LW3606A: CRIMINAL LAW I

Effective Term

Semester A 2024/25

Part I Course Overview

Course Title

Criminal Law I

Subject Code

LW - Law

Course Number

3606A

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

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)

LW5606A Criminal Law I

Exclusive Courses

Nil

Part II Course Details

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.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Describe and Explain: - 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			
2	Apply the substantive criminal law to a range of factual situations in order to: - 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	x	x	
3	Employ the criminal law to: - challenge in mock settings determinations of liability for substantive criminal offences and defences to that liability.	15	x	x	
4	Critically evaluate and debate: - 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	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 substantive criminal offences, their constituent parts and to key concepts and issues.	1, 2, 3, 4	2
2	Tutorials	Tutorials provide an opportunity for student led activity and discussions of issues. In tutorials, students will analyse and evaluate issues and concerns in substantive criminal law offences and make individual presentations as a forum where those issues and concerns can be identified, discussed and evaluated. By reading Ordinances, cases and other material and by researching material students will describe, discuss and explain the substantive content of the criminal justice system.	1, 2, 3, 4	1
3	Reading and Preparation for Classes	Students will develop their knowledge in the subject by doing suggested reading and research on the conceptual and theoretical sides of the subject. It is also used for students to catch up on earlier missed reading.	1, 2, 3, 4	Approx 2-3

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Continuous Assessment: Tutorial activities and overall participation Each student will be assessed on his/her comments, questions and answers given during tutorials, 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. There are two components of tutorial activities: 1) a problem-solving question presentation (20%); 2) general participation (10%).	1, 2, 3, 4	30
2	Examination: Students' ability to describe, explain and contrast 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. The examination also contains a compulsory essay dealing with policy questions with a critical focus (for JD students only). 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.	1, 2, 3, 4	

Continuous Assessment (%)

30

Examination (%)

70

Examination Duration (Hours)

2

Additional Information for ATs

The use of Generative AI tools for any course assessment is strictly prohibited.

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 each course, students need a total score of at least 40% and a minimum of 30% in both the continuous assessment (CA) component and final exam component.

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.

Assessment Rubrics (AR)

Assessment Task

1. Participation in tutorial sessions (problem-solving presentation 20%, general participation 10%)

Criterion

- Identify and explain relevant legislation, cases, policy documents, and scholarly literature

- Critically and independently analyse relevant laws, judicial decisions, policy documents, and academic writing in the field of criminal law

- Make informed contributions orally to in-class discussions and exercises

- Articulate applications and critical analyses of criminal law and criminal cases orally and in writing (in the form of a written handout detailing key arguments and findings)

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.

Assessment Task

2. Examination

Criterion

- Application of law in factual scenarios
- Theoretical and critical thinking in essay questions (for JD students)

Excellent (A+, A, A-)

Demonstrates a strong interest in and critical engagement with all course material, significant understanding of the criminal law's policy underpinnings, an exceptional ability to identify legal issues and accurately apply the law to determine criminal liability, clearly and persuasively communicated written or oral responses, and a clear ability to listen to, empathise and engage with fellow students' responses.

Good (B+, B, B-)

Demonstrates some critical engagement with course material, a more limited understanding of the criminal law's policy underpinnings, a reasonable ability to identify legal issues and apply the law to determine criminal liability, somewhat clear and persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses.

Fair (C+, C, C-)

Demonstrates limited critical engagement with course material, little understanding of the criminal law's policy underpinnings, a basic ability to spot legal issues and apply the law to determine criminal liability, unclear written or oral responses that do not entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses.

Marginal (D)

Despite otherwise participating in the teaching and learning activities, the student demonstrates no critical engagement with course material, no understanding of the criminal law's policy underpinnings, infrequent ability to apply the law to selected legal issues, provides written or oral responses devoid of persuasion, and little interest in engaging with fellow students' responses.

Failure (F)

Almost no participation in teaching and learning activities. The student cannot demonstrate that he or she has read or understands the course material, or that he or she understands the criminal law's policy underpinnings. The student does not apply the criminal law correctly to legal issues, does not contribute written or oral responses when prompted, and demonstrates no engagement with the views of fellow students on the course material.

Part III Other Information

Keyword Syllabus

The following topics are studied in detail:

- Actus Reus and causation
- Mens Rea, intention and recklessness
- Coincidence of actus reus and mens rea and transferred malice
- Strict and absolute liability, vicarious and corporate liability
- Participation, joint enterprise, principal and secondary parties
- Murder

- Manslaughter
- Assaults, woundings and other non – fatal offences against the person.

Reading List

Compulsory Readings

	Title
1	Michael Jackson (2003), Criminal Law in Hong Kong, Hong Kong University Press (ISBN 9622095585) (Paperback).
2	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 Ormerod and Laird ‘Smith and Hogan's Text, Cases, and Materials on Criminal Law’ useful though there are other texts.

Additional Readings

	Title
1	Simon So, Criminal Law in Hong Kong, LexisNexis (2020)
2	Online Resources
3	The Hong Kong Judiciary: www.judiciary.gov.hk
4	Hong Kong Legal Information Institute: www.hklii.org
5	Department of Justice: www.doj.gov.hk
6	The Hong Kong Police: www.police.gov.hk
7	The Crown Prosecution Service (England and Wales): www.cps.gov.uk
8	British and Irish legal Information Institute: www.bailii.org
9	Judicial Studies Board (England and Wales): www.jsboard.co.uk