

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2024/25

Part I Course Overview

Course Title:	<u>Criminal Law II</u>
Course Code:	<u>LW5606B</u>
Course Duration:	<u>One Semester</u>
Credit Units:	<u>3</u>
Level:	<u>P5</u>
Medium of Instruction:	<u>English</u>
Medium of Assessment:	<u>English</u>
Prerequisites: <i>(Course Code and Title)</i>	<u>LW5606A Criminal Law I</u>
Precursors: <i>(Course Code and Title)</i>	<u>Nil</u>
Equivalent Courses: <i>(Course Code and Title)</i>	<u>LW3606B Criminal Law II</u>
Exclusive Courses: <i>(Course Code and Title)</i>	<u>Nil</u>

Part II Course Details

1. Abstract

This course aims to encourage students to discover insights into the concepts of crime, criminal liability and substantive criminal offences and their application in Hong Kong. Additionally, the course aims to engage students in the analysis, explanation and application of the substantive law and to encourage and facilitate the development of the necessary analytical, reasoning and practical skills needed to apply the substantive law to factual scenarios. Attention will be given to the strengths and weakness of substantive criminal law as it operates in Hong Kong and students will be encouraged to consider the development of Hong Kong's substantive criminal law and to draw comparisons with the development of substantive criminal law in other jurisdictions. The course also aims to encourage students to think independently, and to discover for themselves relevant principles and ideas.

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 PILOs	DEC related learning outcomes		
				A1	A2	A3
1.	Analytically describe and explain: <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; ❖ defences to substantive criminal offences; 	20%	1,3,5			
2.	Apply substantive criminal law to a range of basic situations and fact patterns to: <ul style="list-style-type: none"> ❖ ascertain issues of criminal liability and defences to substantive criminal offences; ❖ offer possible solutions to problems that arise in relation to the operation of those offences; ❖ formulate and communicate, both orally and in writing and in plain English, advice on criminal liability for those offences. 	25%	1,4,5		✓	
3.	Employ the criminal law to: <ul style="list-style-type: none"> ❖ challenge in mock settings issues of liability for substantive criminal offences and defences to that liability. 	25%	5	✓	✓	
4	Critically evaluate: <ul style="list-style-type: none"> ❖ the operation and impact of substantive criminal law offences; ❖ the limitations of those offences; ❖ their place in the overall context of Hong Kong criminal law; ❖ areas of possible reform and improvement. 	30%	1,2,3	✓	✓	✓
		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 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.*

3. Learning and Teaching Activities (LTAs)

(LTAs designed to facilitate students' achievement of the CILOs.)

LTA	Brief Description	CILO No.				Hours/ week
		1	2	3	4	
Lectures	The course leader will present concepts, theories and case studies on criminal liability, capacity to commit crime, participation in crime, defences to crime and their limitations and on relevant developments and reforms in other common law jurisdictions	✓				2
Class discussions	Students are engaged in debate, analysis, exploration and comparison of substantive criminal concepts, the practical application of substantive criminal law which will encourage research and discovery.	✓	✓	✓	✓	0.5
Oral presentation	Students will discuss relevant topics and legal problems. Students will also be assigned to make a presentation on a fact-based question as set by the course leader. Through presentations, students will develop critical thinking in the application of legal principles, advocacy skills and public speaking.	✓	✓	✓	✓	0.5
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.	✓			✓	Approx 2-3

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: 30%						
Tutorial Participation and Presentations	✓	✓	✓	✓	30%	- Marks are given for presentation on a problem question answered – 20% - Marks are given for participation in tutorial discussion and debate – 10%
Examination: 70% (duration: 2 hours)						
Examination	✓	✓	✓		70%	A two-hour open book examination will test 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).
					100%	

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

Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations (Attachment) and to the Explanatory Notes.

Standard (A+ A A- ... F)

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

To pass this course, students must obtain an aggregate mark of 50% and a minimum of 50% in **each of** the examination and continuous assessment (CA) components.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 40% in **each of** the examination and continuous assessment (CA) components.

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.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
1. Tutorial Participation and Presentations (30%)	Students will be assessed on their attendance and contributions to class discussion, their preparation for problem questions, and their interaction with formal student presentations and with the tutor.	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.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. Examination (70%)	Students will be assessed on their acquisition of knowledge throughout the course and the ability to describe, discuss and criticise concepts and issues of criminal liability and to apply those issues to practical fact patterns, and to an essay question (JD students only).	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	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	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.	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

		to, empathise and engage with fellow students' responses.	students' responses.		demonstrates no engagement with the views of fellow students on the course material.
--	--	---	----------------------	--	--

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Tutorial Participation and Presentations (30%)	Students will be assessed on their attendance and contributions to class discussion, their preparation for problem questions, and their interaction with formal student presentations and with the tutor.	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. Examination (70%)	Students will be assessed on their acquisition of knowledge throughout the course and the ability to describe, discuss and criticise concepts and issues of criminal liability and to apply those issues to practical fact patterns, and to an essay question (for JD students only).	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	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,	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	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	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 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.	somewhat clear and persuasive communication by written or oral responses, and some ability to listen to and engage with fellow students' responses.	oral responses that do not entirely persuade, and only an occasional ability to listen to and engage with fellow students' responses.	selected legal issues, provides written or oral responses devoid of persuasion, and little interest in engaging with fellow students' responses.	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 (more details provided in the Lecture & Assessment Outline)

1. Keyword Syllabus

- Establishing criminal responsibility
- Defences to criminal responsibility
- Inchoate offences
- False imprisonment, kidnapping, ransom
- Sexual offences
- Property offences
- Theft, burglary, robbery
- Criminal damage
- Blackmail, criminal intimidation

2. Reading List

Students must purchase the course textbook and may choose to purchase the optional textbook, from which reading will be drawn throughout the semester.

- Simon So, *Criminal Law in Hong Kong*, LexisNexis (2020)

Useful sources for further reading are:

- Michael Jackson (2003), *Criminal Law in Hong Kong*, Hong Kong University Press (Course Textbook)
- Victor Ho Wai-Kin (2011), *Criminal Law in Hong Kong*, Kluwer Law International (out of print, but available in the library reserve)
- Bokhary, Young & Cross (eds), *Archbold Hong Kong: Criminal Law, Pleadings, Evidence and Practice, 2019*, Sweet & Maxwell (available in the library in hardcopy, also available electronically as per below)
- Horder J (2019), *Ashworth's Principles of Criminal Law*, Oxford University Press
- Baker DJ (2015), *Textbook of Criminal Law*, Sweet & Maxwell

Details of other texts and other reference materials will be circulated approximately one week before each class. Students are expected to have read the requisite material before class.

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

Online Resources

Archbold Hong Kong (via Westlaw Asia): <http://libweb.cityu.edu.hk/cgi-bin/er/db/wlasiadb.pl>

British and Irish legal Information Institute: <http://www.bailii.org/>
Crown Prosecution Service (England and Wales): <http://www.cps.gov.uk/>
Guides compiled by Library's Law Section (Students' Guides to Legal Materials of Hong Kong, Student Guides' to Legal Materials of the UK)
Hong Kong Department of Justice: <http://www.doj.gov.hk/eng/index.html>
Hong Kong Judiciary: <http://www.judiciary.gov.hk/en/index/>
Hong Kong Legal Information Institute: <http://www.hklii.hk/eng/>
Hong Kong Police: http://www.police.gov.hk/ppp_en/
Hong Kong Prosecution Code: <http://www.doj.gov.hk/eng/public/pubsoppaptoc.html>
Lexis HK: <http://www.cityu.edu.hk/lib/eres/database/info/lexis.htm>
Library Research Guides for Law (includes Criminal Law & Criminal Procedure):
<http://libguides.library.cityu.edu.hk/cat.php?cid=32771>
UK Courts and Tribunals <http://www.judiciary.gov.uk>
Westlaw Next: <http://www.cityu.edu.hk/lib/eres/database/info/wlnext.htm>