

City University of Hong Kong

**Information on a Course
offered by School of Law
with effect from Semester A in 2012/2013**

Part I

Course Title: Introduction to the Legal System of the PRC

Course Code: LW5910

Course Duration: 1 Semester

No. of Credit Units: 3

Level: P5

Prerequisites: Nil

Precursors: Nil

Equivalent Courses: Nil

Exclusive Courses: Nil

Part II

1. Course Aims:

This course aims to provide an introduction to the historical, political and constitutional background of the present PRC legal system, and to give the student a basic understanding of the fundamental functions of PRC legal institutions and the legal process in the PRC, as well as an overview of procedural law of the PRC.

2. Course Intended Learning Outcomes (CILOs)

Upon successful completion of this course, students should be able to:

No.	CILOs	Weighting (if applicable)
1.	Demonstrate a basic knowledge of the influence of traditional legal culture and Chinese history on the contemporary legal system, as well as the future development of legal reform in China.	
2.	Demonstrate a basic knowledge of the constitutional framework in China and its cultural foundation.	
3.	Describe and explain the basic function of Chinese legal institutions, including the law-making process, justice administration, and the judicial system.	
4.	Describe and apply the fundamental principles of procedural law in China.	
5.	Describe and explain the role of various civil dispute resolution institutions and processes in the PRC.	

Alignment of CILOs with PILOs:

PILOs (Postgraduate Certificate / Postgraduate Diploma / Master of Arts in Language Studies (with specialization in Language and Law, Linguistics, or Translation and Interpretation))		CILOs
PILO1	Upon the completion of the MALS programme, students should have obtained a critical and up-to-date understanding of the nature of language and the impacts it can have on society and culture in the context of Hong Kong.	CILO1 CILO2
PILO3	Upon the completion of the MALS programme, students should have obtained training vital for the transformation of Hong Kong from a unilingual to a bilingual legal system, and have acquired the linguistic and conceptual tools required for legal writing, legal translation, and bilingual legal drafting.	CILO3 CILO4 CILO5

3. Teaching and learning Activities (TLAs)

(Indicative of likely activities and tasks designed to facilitate students' achievement of the CILOs. Final details will be provided to students in their first week of attendance in this course)

CILO No.	TLA1	TLA2	TLA3	Hours / course (if applicable)
CILO 1	√		√	
CILO 2	√		√	
CILO 3	√		√	
CILO 4		√	√	
CILO 5		√	√	

TLA1: Lecture

The course leader will lead the class through the suggested readings and laws, and identify the key topics of the class listed below in the course syllabus.

TLA2: Interactive class discussions

Students will learn how to apply the law to hypothetical situations to achieve a better understanding of the functions of China's legal system. Students will also be engaged in interactive discussions and debates about the cultural implications of law and society, with a focus on law and language in social transformation. Students will gain abilities in communicating and expressing analytical opinions and engaging in interactive debates in a legal context.

TLA3: Research

Students will conduct guided basic legal research. Students will write two short reading reports (or one long essay) within suggested areas, using relevant materials and authorities. Students will gain analytical abilities in framing an argument, locating and resolving an issue in a legal context, and analytical as well as logical writing skills.

4. Assessment Tasks/Activities

(Indicative of likely activities and tasks designed to assess how well the students achieve the CILOs. Final details will be provided to students in their first week of attendance in this course)

CILO No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	Remarks
CILOs 4, 5	AT1: 3-hour examination	50%	
CILOs 1, 2, 3	AT2: Coursework assignment (including class presentation and participation)	Written Assignment-30% of total marks Class Presentation and participation -20% of total marks	

AT1: 3-Hour Examination

This will test in a controlled and supervised environment students' acquisition of knowledge and understanding and the ability to apply the various areas of substantive law to practical fact patterns.

AT2: Coursework Assignment

Students will write two 1000-word reading reports or one 2000-word essay to demonstrate their appreciation of the cultural implications of law and society in social transition. A focus on law and language is highly encouraged. Meanwhile, students are required to do presentation and discussion in class after the lecture.

5. Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations for Taught Postgraduate Degrees.

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 components of the assessment. Coursework for this purpose means all activities and assignments other than the end of semester examination.

The portion of the overall mark allocated to “class participation” (whether group or general) will be assessed on the quality of the participation, in terms of each student’s display of his/her understanding of the main principles and issues, ability to apply the main principles and issues to given factual situations, and ability to explain and communicate basic rules and principles of PRC legal system clearly, coherently and in plain language.

Part III

Keyword Syllabus:

- Introduction to Chinese Law: a millennium old tradition in transition
- Legal Development of traditional China
- Legal development of modern China
- The Constitution of PRC
- State structure, party system and human rights
- The Legislative – Sources of Law and Law-making
- Judicial organs-the courts
- Judicial organs-the procuratorates and others
- Legal profession and education
- Procedure law of PRC
- Mediation, arbitration and dispute resolution
- Legal reform and new developments of PRC legal system

Recommended Reading:

Main texts

Albert HY Chen, *An Introduction to the Legal System of the People’s Republic of China* Fourth edition, (Singapore: Butterworths Asia, 2011).

Hyung I. Kim, *Fundamental Legal Concepts of China and the West: a comparative study*, (New York: Kennikat Press, 1981).

Jianfu Chen, *Chinese Law: towards an understanding of Chinese Law, its nature and development*, (the Netherlands: Kluwer Law International, 1999).

Reference texts

PRC Organic Law of the People’s Courts/Procuratorates
PRC Judges/Procuratorates Law

PRC Criminal Law
PRC Criminal Procedure Law
PRC General Principles of Civil Law
PRC Administrative Procedure Law
PRC Arbitration Law
PRC Civil Procedure Law

Other materials

Thomas E. Kellogg, Constitutionalism with Chinese Characteristics? Constitutional Development and Civil Litigation in China, 7 *International Journal of Constitutional Law*, 2009, pp.215-246.

Zhu Suli, Political Parties in China's Judiciary,17 *Duke Journal of Comparative & International Law*,2007. pp. 533-560.

Fu Hualing, Re-education through Labour in Historical Perspective, *The China Quarterly*, 2005, pp. 811-830.

Matthew Bruckner, The Paradox of Social Instability in China and the Role of the XINFANG System, *Cambridge Student Law Review*, 2008, pp. 92-116.

Pitman B. Potter, *The Chinese Legal System: globalization and local legal culture*, (London: Routledge, 2001).

Randall P. Peerenboom, *China's Long March toward Rule of Law*, (UK: Cambridge University Press, 2002).