

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester A 2020/21**

Part I Course Overview

Course Title:	<u>LW5606B</u>
Course Code:	<u>Criminal Law II</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>LW3605B 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, understanding 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	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%			
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 the those offences; ❖ formulate and communicate, both orally and in writing and in plain English, advice on criminal liability for those offences. 	25%		✓	
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%	✓	✓	
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%	✓	✓	✓
		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
		1	2	3	4	
<i>Lectures</i>	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
<i>Class discussions</i>	These will engage students in debate, analysis, exploration and understanding of substantive criminal concepts the practical application of that substantive criminal law and will encourage research and discovery.	✓	✓	✓	✓	0.5
<i>Oral presentation</i>	Students will work in groups to lead class discussions and question and answer sessions on relevant topics and problems. Students will also be asked to make a group presentation after conducting a court visit to view legal argument in a criminal case.	✓	✓	✓	✓	0.5
<i>Research</i>	Students will use relevant materials, authorities and their own research and discovery to write an essay as set by the course leader.	✓			✓	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: 40%						
Mid Semester Group Essay	✓			✓	20%	A 3000-word mid-semester essay, focusing on law reform, will ask students to analyse how a particular aspect of Hong Kong's criminal law could be improved. Students will have approximately four weeks to complete the essay and in randomly-allocated groups of 3 to 4.
Tutorial Participation and Presentations	✓	✓	✓	✓	20%	Marks are given for general participation (10%), a problem question presentation in groups (5%) and a court visit presentation in groups (5%).
Examination: 60% (duration: 3 hours)						
Examination	✓	✓	✓		60%	A three-hour open book examination will consist of a choice of fact pattern questions and essay questions. LLB students must answer three of these questions. JD students must answer four of these questions.
					100%	

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

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

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 components. 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.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Mid Semester Group Essay (20%)	Assignment will be assessed for analysis, research, reasoning, expression, citation and overall structure. Students should describe the law as it should be, rather than merely the law as it is.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance
2. Tutorial Participation (10%)	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.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance
3. Group Problem Question Presentation (5%)	Students will be assessed on their preparation for the problem question provided, the accuracy of their legal analysis, their written and oral presentation skills via a 1-page handout and ability to engage the class, their group dynamic and their ability to answer questions.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance
4. Group Court Visit Presentation (5%)	Students will be assessed by their selection and comprehension of criminal court proceedings, ability to relate observations to the course syllabus, their written and oral presentation skills via a 1-page handout and ability to engage the class, their group dynamic and their ability to answer questions.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance
5. Examination (60%)	Students will be assessed on their acquisition of knowledge and understanding throughout the course and the ability to relate, discuss and criticise concepts and issues of criminal liability and to apply those issues to practical fact patterns, and to an essay question.	High level of performance	Average performance	Moderate performance	Basic performance	Insufficient level of performance

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.

- Michael Jackson (2003), *Criminal Law in Hong Kong*, Hong Kong University Press (Course Textbook)
- David Ormerod and Karl Laird (2018, 15th ed), *Smith, Hogan, & Ormerod's Criminal Law*, Oxford University Press (Optional Textbook, note new edition)

Useful sources for further reading are:

- 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>