LW3606A: CRIMINAL LAW I

Effective Term
Semester A 2023/24

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	Understand and describe: - 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.

Teaching and Learning Activities (TLAs)

	TLAs	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, 4	2
2	Tutorials	Tutorials provide an opportunity for student led activity and discussions of issues. The format of these activities will be discussed in the class in the first week of the course. By reading Ordinances, cases and other material and by research material students will acquire knowledge of the substantive content of the criminal justice system. Tutorial activities will enable students to anlayse and evaluate issues and concerns in substantive criminal law offences and provide a forum where those issues and concerns can be identified, discussed and evaluated.	1, 2, 3, 4	1
3	Reading Week	During the Reading Week students are asked to develop their knowledge in the subject by doing further reading and research on the conceptual and theoretical sides of the subject.		

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 (apart from the tutorial designated for that student's Class Participation (Sub-Group) - see above), 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.		35	

Continuous Assessment (%)

35

Examination (%)

65

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 the course, LLB students must achieve an overall total mark of 40% or above, plus a minimum of 30% in each of the coursework and the examination components of the assessment.

School Policy on Late Submission of Assessment Tasks

Unless there are valid extenuating circumstances under Academic Regulations, late submission of coursework shall attract the following penalty: deduction of 5 marks (out of 100) for every single day (including public holidays) of delay up to maximum 7 days. Papers received later than 7 days of the submission deadline shall not be marked.

No penalty for late submission will be imposed in cases where a student can submit only a hard or soft copy of the coursework assignment by the specified deadline and provides an explanation to the course leader.

Assessment Rubrics (AR)

Assessment Task

1. Mid Semester Group Essay (30%)

Criterion

Assignment will be assessed for analysis, research, reasoning, expression, citation and overall structure. Students should argue for the law as it should be, rather than merely describe the law as it is. Absent exceptional circumstances, all group members receive the same mark.

Excellent (A+, A, A-)

Student 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 an clear ability to listen to, empathise and engage with fellow students' responses.

Good (B+, B, B-)

Student 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-)

Student 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.

Assessment Task

2. Class Participation (10%)

Criterion

Students will be assessed based on their contributions to tutorial and lecture discussions, their preparation for problem and weekly policy questions, and their interaction with formal student presentations, other points of discussion raised by students, and with the tutor/lecturer.

Excellent (A+, A, A-)

Student 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 an clear ability to listen to, empathise and engage with fellow students' responses.

Good (B+, B, B-)

Student 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-)

Student 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.

Assessment Task

3. Group Problem Question Presentation (10%)

Criterion

Students will be assessed based on their preparation for the problem questions provided, the accuracy of their legal analysis, their written and oral presentation skills, their ability to engage the class with confidence, their group dynamic and their ability to answer questions and to think on the spot. Absent exceptional circumstances, all group members receive the same mark.

Excellent (A+, A, A-)

Student 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 an clear ability to listen to, empathise and engage with fellow students' responses.

Good (B+, B, B-)

Student 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-)

Student 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.

Assessment Task

4. Examination (50%)

Criterion

At the end of semester, students will be assessed individually on their acquisition of knowledge and understanding throughout the course and the ability to relate, discuss and critique concepts and issues of criminal liability and to apply those issues to two fact patterns. JD students will have to answer one further essay question, with a doctrinal or critical focus.

Excellent (A+, A, A-)

Student 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 an clear ability to listen to, empathise and engage with fellow students' responses.

Good (B+, B, B-)

Student 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-)

Student 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).

Additional Readings

	Title
1	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 Smith and Hogan, Criminal Law (Butterworths), and Smith and Hogan Criminal Law Cases and Materials (Butterworths) useful though there are other texts.
2	Nutshells, SWOT and similar books are NOT suitable replacements for textbooks or for reports of cases in 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.
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