

# LW3606B: CRIMINAL LAW II

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## Effective Term

Semester B 2023/24

## Part I Course Overview

### Course Title

Criminal Law II

### Subject Code

LW - Law

### Course Number

3606B

### 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

LW3606A Criminal Law I

### 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)

LW5606B Criminal Law II

### Exclusive Courses

Nil

## Part II Course Details

### 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.

### Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Analytically describe and explain: - 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: - 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		x	
3	Employ the criminal law to: - challenge in mock settings issues of liability for substantive criminal offences and defences to that liability.	25	x	x	
4	Critically evaluate: - 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	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	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.	1	2
2	Class discussions	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.	1, 2, 3, 4	0.5
3	Oral presentation	Students will discuss on relevant topics and legal problems. Students will also be assigned to make an individual presentation on a fact-based question as set by the course leader. Through presentations, students will develop self-confidence in application of legal principles, advocacy skills and public speaking. Presentations will foster students' growth through development of greater intellectual and interpersonal maturity.	1, 2, 3, 4	0.5
4	Research	Students will use relevant materials, authorities and their own research and discovery to write an essay as set by the instructor.	1, 4	Approx 2-3

### Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Tutorial Participation and Presentations	1, 2, 3, 4	35	Marks are given for presentation on a problem question answered individually (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: 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 30% 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.

**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 describe the law as it should be, rather than merely the law as it is.

**Excellent (A+, A, A-)**

High level of performance

**Good (B+, B, B-)**

Average performance

**Fair (C+, C, C-)**

Moderate performance

**Marginal (D)**

Basic performance

**Failure (F)**

Insufficient level of performance

**Assessment Task**

## 2. Tutorial Participation (20%)

### **Criterion**

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.

#### **Excellent (A+, A, A-)**

High level of performance

#### **Good (B+, B, B-)**

Average performance

#### **Fair (C+, C, C-)**

Moderate performance

#### **Marginal (D)**

Basic performance

#### **Failure (F)**

Insufficient level of performance

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### **Assessment Task**

## 3. Examination (50%)

### **Criterion**

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.

#### **Excellent (A+, A, A-)**

High level of performance

#### **Good (B+, B, B-)**

Average performance

#### **Fair (C+, C, C-)**

Moderate performance

#### **Marginal (D)**

Basic performance

#### **Failure (F)**

Insufficient level of performance

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## **Part III Other Information**

### **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

## Reading List

### Compulsory Readings

Title	
1	Students must purchase the course textbook and may choose to purchase the optional textbook, from which reading will be drawn throughout the semester.
2	Michael Jackson (2003), <i>Criminal Law in Hong Kong</i> , Hong Kong University Press (Course Textbook)

### Additional Readings

Title	
1	Victor Ho Wai-Kin (2011), <i>Criminal Law in Hong Kong</i> , Kluwer Law International (out of print, but available in the library reserve)
2	Bokhary, Young & Cross (eds), <i>Archbold Hong Kong: Criminal Law, Pleadings, Evidence and Practice</i> , 2019, Sweet & Maxwell (available in the library in hardcopy, also available electronically as per below)
3	Horder J (2019), <i>Ashworth's Principles of Criminal Law</i> , Oxford University Press
4	Baker DJ (2015), <i>Textbook of Criminal Law</i> , Sweet & Maxwell
5	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.
6	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.
7	Archbold Hong Kong (via Westlaw Asia): <a href="http://libweb.cityu.edu.hk/cgi-bin/er/db/wlasiadb.pl">http://libweb.cityu.edu.hk/cgi-bin/er/db/wlasiadb.pl</a>
8	British and Irish legal Information Institute: <a href="http://www.bailii.org/">http://www.bailii.org/</a>
9	Crown Prosecution Service (England and Wales): <a href="http://www.cps.gov.uk/">http://www.cps.gov.uk/</a>
10	Guides compiled by Library's Law Section (Students' Guides to Legal Materials of Hong Kong, Student Guides' to Legal Materials of the UK)
11	Hong Kong Department of Justice: <a href="http://www.doj.gov.hk/eng/index.html">http://www.doj.gov.hk/eng/index.html</a>
12	Hong Kong Judiciary: <a href="http://www.judiciary.gov.hk/en/index/">http://www.judiciary.gov.hk/en/index/</a>
13	Hong Kong Legal Information Institute: <a href="http://www.hklii.hk/eng/">http://www.hklii.hk/eng/</a>
14	Hong Kong Police: <a href="http://www.police.gov.hk/ppp_en/">http://www.police.gov.hk/ppp_en/</a>
15	Hong Kong Prosecution Code: <a href="http://www.doj.gov.hk/eng/public/pubsoppaptoc.html">http://www.doj.gov.hk/eng/public/pubsoppaptoc.html</a>
16	Lexis HK: <a href="http://www.cityu.edu.hk/lib/eres/database/info/lexis.htm">http://www.cityu.edu.hk/lib/eres/database/info/lexis.htm</a>
17	Library Research Guides for Law (includes Criminal Law & Criminal Procedure): <a href="http://libguides.library.cityu.edu.hk/cat.php?cid=32771">http://libguides.library.cityu.edu.hk/cat.php?cid=32771</a>
18	UK Courts and Tribunals <a href="http://www.judiciary.gov.uk">http://www.judiciary.gov.uk</a>
19	Westlaw Next: <a href="http://www.cityu.edu.hk/lib/eres/database/info/wlnext.htm">http://www.cityu.edu.hk/lib/eres/database/info/wlnext.htm</a>