

LW4622: LAW OF HUMAN RIGHTS AND CIVIL LIBERTIES OF HONG KONG

Effective Term

Semester B 2022/23

Part I Course Overview

Course Title

Law of Human Rights and Civil Liberties of Hong Kong

Subject Code

LW - Law

Course Number

4622

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

LW4122 Law of Human Rights and Civil Liberties (LLB) (from the old curriculum)

LW4122A Law of Human Rights and Civil Liberties (AMLLB) (from the old curriculum)

LW5624 Law of Human Rights and Civil Liberties of Hong Kong

Exclusive Courses

Nil

Part II Course Details

Abstract

This course prepares students to evaluate the legitimacy of government power and actions and their impact upon fundamental human rights and civil liberties; and to discover the doctrine of separation of powers, the relationship between state and individual and the role of the courts and the legislature in defining and controlling the power of the administration.

The course is expected to have students examine and explore the national protection of human rights as given under the Basic Law (BL) and the Bill of Rights Ordinance (BORO) in the HKSAR, and the international protection of human rights as provided under the Universal Declaration of Human Rights (UDHR), the International Convention on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural Rights (ICESCR).

On completing the course students should be able to:

- Understand the constitutional and legal framework of the HKSAR in relation to the individual;
- Understand fundamental human rights and civil liberties; and
- Identify violations of such right and liberties and the remedies available for such violations.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Describe and analyse the international human rights norms and law and the constitutional and legal background of human rights protection and the constitutional and legal framework of the state in relation to the individual	30	x	x	x
2	Analyse fundamental human rights and civil liberties of all persons including Hong Kong residents and identify current issues and tensions in the human rights framework	30	x	x	x
3	Be able to identify violations of such right and liberties and the remedies available for such violations	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	Presentation of the substantive law and legal issues on the topics listed in the course syllabus.	1, 2, 3	1

2	Interactive class discussion	Students learn how to identify the norms and law of (international) human rights and how to apply them to relevant cases. Students will also be engaged in discussions and debates to develop a critical view on the issues to be discussed.	1, 2, 3	1
3	Student presentations	Students present a case study or an analysis of a legal problem in class. Develop self-confidence in application of legal principles, advocacy skills and public speaking. Foster students' growth through development of greater intellectual and interpersonal maturity.	1, 2, 3	1

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1 Continuous Assessment: Inter-active in-class exercises and presentations Confidence building and students' maturity	1, 2	35	

Continuous Assessment (%)

35

Examination (%)

65

Examination Duration (Hours)

3

Additional Information for ATs

Grading of Student Achievement

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

Grading is based on student performance in assessment tasks / activities.

Assessment will be by continuous assessment, by inter-active in-class exercises and by examination.

The apportionment of marks will be:-

Inter-active in-class exercises and presentations: 35%

Examination: 65%

Examination duration: Three hours

Grading pattern: Standard (A+ A A- ... F)

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 30% of the in-class exercises and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

The course leader will announce whether the examination will be closed book or open book.

Assessment Rubrics (AR)

Assessment Task

Class participation/presentations

Criterion

Identifying issues and resolving such issues by applying the relevant legal principles and provisions. Confidence building and students' maturity

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination

Criterion

Identifying issues and resolving such issues by applying the relevant legal principles and provisions.

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

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Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

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Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information**Keyword Syllabus**

The following subjects shall be studied in detail:

- Introduction to the Major Instruments in the Context of this Course, and the Global Human Rights System
- Fundamental Principles of Human Rights: Equality and Non-discrimination
- Universality and Cultural Relativism in Human Rights
- Asian Values, “Bangkok Declaration” and Hong Kong Context
- Nature and Sources of Human Rights: Ethics, Law and Politics
- R. v Sin Yau-ming and Entrenching Human Rights by HK Bill of Rights Ordinance
- In focus: Political and Democratic Rights in Hong Kong
- In focus: The Right to Freedom of Expression in Hong Kong
- In focus: Human Dignity and LGBT
- In focus: Persona Data and Right to Privacy
- In focus: Right to Minority and Groups Rights
- In focus: The Right to Social Protection and Labour Rights
- In focus: Right to Housing
- In focus: National Security Law and Common Law Protection of Human Rights
- Chinese Human Rights

Reading List**Compulsory Readings**

	Title
1	Sino-British Joint Declaration (1984)
2	The Basic Law of the HKSAR (1990) – Chapters 1-3
3	The Constitution of the PRC (1982) – Chapters 1 – 2, 3(7)
4	Charter of the United Nations (1945)
5	Universal Declaration of Human Rights (UDHR, 1948)
6	European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
7	International Covenant on Civil and Political Rights (ICCPR, 1966)
8	International Covenant on Economic, Social and Cultural Rights (ICESER, 1966)
9	The Bill of Rights Ordinance (1991)

Additional Readings

	Title
1	Guobin Zhu, Mark Kielsingard & Surya Deva (eds.), Constitutional Law and Human Rights in Hong Kong - A Sourcebook, Hong Kong: City University of Hong Kong Press, 2021
2	Raymond Wacks (ed.), Civil Liberties in Hong Kong, Hong Kong: Oxford U Press, 1988

3	Johannes Chan & Yash Ghai (eds.), <i>The Hong Kong Bill of Rights: A Comparative Approach</i> , Hong Kong: Butterworths Asia, 1993
4	Michael C. Davis, <i>Human Rights and Chinese Values: Legal, Philosophical and Political Perspectives</i> , Hong Kong: Oxford University Press, 1995
5	Patrick Hayden, <i>The Philosophy of Human Rights</i> , St Paul: Paragon House, 2001
6	Henry Steiner, Philip Alston & Ryan Goodman, <i>International Human Rights in Context: Law, Politics and Morals</i> , 3rd ed., Oxford University Press, 2008
7	William A. Schabas, <i>U.N. International Covenant on Civil and Political Rights: Nowak's CCPR Commentary</i> , 3rd revised ed., Germany: N.P. Engel Publisher, 2019
8	Paul M Taylor, <i>A Commentary on the International Covenant on Civil and Political Rights</i> , Cambridge University Press, 2020
9	William A Schabas, <i>The European Convention on Human Rights: A Commentary</i> , Oxford University Press, 2015
10	Richard Stone, <i>Textbook on Civil Liberties and Human Rights</i> , 10th ed., Oxford U Press, 2014
11	Rebecca M M Wallace, <i>International Human Rights: Text and Materials</i> , London: Sweet & Maxwell, 2001
12	S H Bailey, D J Harris & D C Ormerod, <i>Civil Liberties and Human Rights: Cases and Materials</i> , 5th ed., Butterworths LexisNexis, 2001
13	Olivier De Schutter, <i>International Human Rights Law: Cases, Materials, Commentary</i> , 3rd ed., Cambridge University Press, 2019
14	UN Human Rights Council: http://www2.ohchr.org/english/bodies/hrcouncil/
15	UN Commission on Human Rights: http://www.unhchr.ch/html/menu2/2/chr.htm
16	UN Office of the United Nations High Commissioner for Human Rights (OHCHR): http://www.ohchr.org/EN/Pages/WelcomePage.aspx
17	UN Human Rights Committee: http://www.unhchr.ch/html/menu2/6/hrc.htm
18	Amnesty International – Hong Kong: http://www.amnesty.org/en/region/hong-kong
19	Univ. of Minnesota Human Rights Library: http://www1.umn.edu/humanrts/
20	Asian Human Rights Commission: http://www.ahrchk.net/index.php
21	Hong Kong Human Rights Commission: http://www.hkhrc.org.hk/homepage/index_e.htm
22	Hong Kong Human Rights Monitor: http://www.hkhrm.org.hk/
23	Human Rights in China: http://www.hrichina.org/public/contents/category?cid=937
24	China's Human Rights - China Society for Human Rights Studies (CSHRS): http://www.chinahumanrights.org/AboutUs/t20070813_282234.htm