

# SS3282: SOCIAL WORK AND THE LAW

---

## Effective Term

Semester A 2022/23

## Part I Course Overview

### Course Title

Social Work and the Law

### Subject Code

SS - Social and Behavioural Sciences

### Course Number

3282

### Academic Unit

Social and Behavioural Sciences (SS)

### College/School

College of Liberal Arts and Social Sciences (CH)

### 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

Nil

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course aims to:

- analyse how law can be used as a framework of protection and oppression for both service users and social workers
- examine the legal principles, institutions and processes that underpin the Hong Kong legal system
- understand the impact of laws on social work practice in various settings such as child welfare, criminal justice, domestic violence, guardianship, mental health, and anti-discrimination
- examine social workers' legal duties, ethics and obligations such as negligence, duty of care, confidentiality and informed consent
- develop students' competence in handling legal issues in social work practice

### Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Describe the relationship between social work and law	10		x	
2	Describe the operation of the legal system, and the functions of different agencies and persons in it	20	x	x	
3	Evaluate the role of social workers in various legal settings, and to effectively perform in those settings	60	x	x	
4	Examine the professional liability, discipline and ethics as practicing social workers	10		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 lectures include didactic presentation with aid of instructor's PowerPoint presentation and classroom discussions.	1, 2, 3, 4

2	Group Discussions	Students are encouraged to play an active role in participating in group exercises and discussions during lectures. Co-operative peer learning enhances academic achievement by having students work together to clarify concepts, discuss ideas, and solve problems. Knowledge acquired through their weekly required / suggested readings would help students to better present their arguments in group exercises and discussions.	1, 3, 4	
3	Courtroom Visit	Students are expected to observe court proceedings for at least 2 hours in order to understand the operation of a criminal or civil proceeding in Hong Kong.	2, 4	
4	Guest Lectures from Practising Lawyers or Judges	Practising lawyers or judges will be invited to give lectures on specific topic of their expertise whenever appropriate. They will talk about the procedural as well as substantive law, and how social workers are able to advise their service users in order to obtain legal consultation and advice.	2, 3, 4	

**Assessment Tasks / Activities (ATs)**

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Group Presentation	2, 3, 4	30	
2	Group Court Visit Report	1, 2	20	

**Continuous Assessment (%)**

50

**Examination (%)**

50

**Examination Duration (Hours)**

2

## Assessment Rubrics (AR)

### Assessment Task

#### 1. Group Presentation

##### Criterion

Addressing the legal issue(s) involved in specific social work setting(s)  
Understanding, Analysis, Synthesis, and Application of Knowledge Argumentation  
Structure / Organization

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

Identifies and addresses clearly the main question(s) and the subsidiary or embedded aspects, addressing their relationships to each other. Consistent stance and excellent critical engagement with issues and themes based on comprehensive understanding of relevant concepts and theories. Excellent consideration of important perspectives and counter-positions well addressed. Strong use of evidence to substantiate the argument, along with clear and coherent presentation.

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

Identifies and addresses the main question(s). Consistent stance and good engagement with issues and themes based on good understanding of relevant concepts and theories. Good consideration of important perspectives and counter-positions addressed. Good use of evidence to substantiate the argument, along with clear and coherent presentation.

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

Identifies and addresses the main question(s). Consistent stance and adequate engagement with issues and themes based on acceptable understanding of relevant concepts and theories. Some consideration of important perspectives and counter-positions. Acceptable use of evidence to substantiate the argument, along with acceptable presentation.

##### Marginal (D)

Limited identification of main question(s). Inconsistent or unclear stance and limited engagement with issues and themes. Limited understanding of relevant concepts and theories. Marginal consideration of important perspectives and counter-positions. Limited use of evidence to substantiate the argument, or incoherent presentation.

##### Failure (F)

Little to no identification of main question(s). Inconsistent or unclear stance and no engagement with issues and themes. No understanding of relevant concepts and theories displayed. No consideration of important perspectives and counter-positions. Evidence does not substantiate the argument, or presentation is poor.

---

### Assessment Task

#### 2. Group Court Visit Report

##### Criterion

Ability to analyse the role of actors in the courtroom  
Suggest where and how the social worker can play a role in the court proceeding  
Appropriate citation and referencing to substantiate arguments

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

Excellent knowledge and understanding of various actors in the courtroom; Valid and realistic suggestions pertaining to the possible contribution of social work in the court proceedings; Excellent and comprehensive use of references and highly coherent presentation

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

Good knowledge and understanding of the judicial system. Good suggestions pertaining to the possible contribution of social work in the proceedings. Good use of references and coherent presentation.

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

Adequate knowledge and understanding of various actors in the courtroom; Acceptable suggestions as to the possible contribution of social work in the court proceedings; Adequate use of references and acceptable presentation

**Marginal (D)**

Marginal knowledge and understanding of the judicial system displayed. Unrealistic or underdeveloped suggestions pertaining to the possible contribution of social work in the proceedings. Use of references is limited and presentation is incoherent.

**Failure (F)**

Little knowledge and understanding of the judicial system displayed. Minimal suggestions offered pertaining to the possible contribution of social work in the proceedings. No use of references and poor presentation.

---

**Assessment Task**

3. Examination

**Criterion**

Identifying the legal issue (s), Application of relevant laws, Critical Analysis

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

All legal issues well identified, along with its significance. Comprehensive application of the relevant laws. Excellent selection of a case, with sound critical analysis, making considerations from important perspectives and thoroughly discussing any conflicts or tensions.

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

Legal issues well identified. Good application of the relevant laws. Good selection of a case, with sound critical analysis, making considerations from important perspectives and discussing any conflicts or tensions.

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

Legal issues identified appropriately, along with its significance. Acceptable application of the relevant laws. Adequate selection of a case, with some demonstration of critical analysis, making some considerations from important perspectives.

**Marginal (D)**

Limited identification of relevant legal issues. Limited application of the relevant laws. Selection of a case with limited relevance, with little demonstration of critical analysis. Limited considerations from important perspectives.

**Failure (F)**

Poor identification of the legal issues with its significance. Inadequate application of the relevant laws. Inappropriate selection of a case, with no critical analysis.

---

**Part III Other Information**

**Keyword Syllabus**

1.1 Legal system of Hong Kong

Topics to be covered may include: social work practice within the legal framework, classification of law, sources of law, legal research; Law making process- the legislature and courts; and the common law and various areas relevant to social work practice

1.2 Child abuse and protection

Topics to be covered may include: the meaning of “child” and “child abuse” , the Protection of Children and Juveniles Ordinance (Cap. 213), and special court procedure for children and juveniles.

1.3 Family law

Topics to be covered may include: the meaning of “marriage” , the Matrimonial Causes Ordinance (Cap. 179), separation and divorce, guardianship, custody of children, property relationships after termination of marriage, and the Matrimonial Proceedings and Property Ordinance (Cap. 192).

#### 1.4 Domestic violence

Topics to be covered may include: the meaning of “domestic violence” ; the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189), application for an injunction and the relevance of the criminal law.

#### 1.5 Juvenile offenders

Topics to be covered may include: the Juvenile Offenders Ordinance (Cap 226), an overview of the juvenile justice system in Hong Kong, and criminal record and the Rehabilitation of Offenders Ordinance (Cap. 297).

#### 1.6 Human rights

Topics to be covered may include: the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and their implementation in Hong Kong, The Hong Kong Bill of Rights, safeguarding of rights - judicial review of administrative decisions.

#### 1.7 Public Order law

Topics to be covered may include: the control of organizations, the control of meetings, processions and gatherings, vessels and aircraft, unlawful assemblies and riots, the police powers and the Public Order Ordinance (Cap. 245).

#### 1.8 Mental health care

Topics to be covered may include: statutory provisions relating to mentally incapacitated persons, the Guardianship Board under the Mental Health Ordinance (Cap. 136), and the involvement of social workers in the Mental Health Ordinance.

#### 1.9 Professional conduct of Registered Social Workers

Topics to be covered may include: the Social Workers Registration Board Ordinance (Cap 505), Privacy and confidentiality, the Personal Data (Privacy) Ordinance (Cap 486), informed consent, delivery of services and boundary violations, and Disciplinary proceedings.

#### 1.10 Privacy

Topics to be covered include: the meaning of “privacy” , The Personal Data (Privacy) Ordinance (Cap. 486) and its enforcement, data protection principles, and exemptions.

### Reading List

#### Compulsory Readings

Title	
1	Lo, S.H.C. and Chui, W.H. (2012) <i>The Hong Kong Legal System</i> , Singapore: McGraw-Hill.
2	Social Workers Registration Board (2009) <i>Rethinking on Professional Conduct of Social Workers – Casebook of Disciplinary Inquiries</i> , Hong Kong: Social Workers Registration Board.

#### Additional Readings

Title	
1	Abate, D. et al. (Eds.) (2011) <i>Discrimination Law and Practice in Hong Kong</i> , Hong Kong : Sweet & Maxwell/Thomson Reuters.
2	Brayne, H. and Carr, H. (2010) <i>Law for Social Workers</i> (11th ed.), Oxford: Oxford University Press.
3	Chui, W.H. and Lo, T.W. (Eds.) (2008) <i>Understanding Criminal Justice in Hong Kong</i> , London: Routledge.
4	Cottrell, J. (2007) <i>Legal Research - A Guide for Hong Kong Students</i> , Hong Kong: Hong Kong University Press.
5	Hewitt, P. (Ed.) (2014) <i>Family Law and Practice in Hong Kong</i> (2nd ed.), Hong Kong: Sweet & Maxwell.
6	Jackson, M. (2003) <i>Criminal Law in Hong Kong</i> , Hong Kong: Hong Kong University Press.
7	Liu, A. (1999) <i>Family Law for the Hong Kong SAR</i> , Hong Kong: Hong Kong University Press.
8	Mau, S.D. (2013) <i>Hong Kong Legal Principles – Important Topics for Students and Professionals</i> (2nd ed.), Hong Kong: Hong Kong University Press.
9	Rice, S. and Day, A. (Eds.) (2014) <i>Social Work in the Shadow of the Law</i> (4th ed.), Annandale, NSW: The Federation Press.
10	Wesley-Smith, P. (1998) <i>An Introduction to Hong Kong Legal System</i> (3rd ed.), Hong Kong: Oxford University Press.

11	Bilingual Laws Information System, Department of Justice ( <a href="http://www.legislation.gov.hk/eng/home.htm">http://www.legislation.gov.hk/eng/home.htm</a> )
12	Treaties in Force and Applicable to the Hong Kong Special Administrative Region, Department of Justice ( <a href="http://www.legislation.gov.hk/interlaw.htm">http://www.legislation.gov.hk/interlaw.htm</a> )
13	Department of Justice, HKSAR ( <a href="https://www.doj.gov.hk/eng/laws/treaties.html">https://www.doj.gov.hk/eng/laws/treaties.html</a> )
14	The Judiciary, HKSAR ( <a href="https://www.judiciary.hk/en/index/index.htm">https://www.judiciary.hk/en/index/index.htm</a> )
15	Social Welfare Department, HKSAR ( <a href="https://www.swd.gov.hk/en/index/site_dswwelcome/">https://www.swd.gov.hk/en/index/site_dswwelcome/</a> )
16	The Duty Lawyer Service ( <a href="http://www.dutylawyer.org.hk/index.asp">http://www.dutylawyer.org.hk/index.asp</a> ) 0
17	Legal Aid Department ( <a href="https://www.lad.gov.hk/eng/home/home.html">https://www.lad.gov.hk/eng/home/home.html</a> )