Course Title: Introduction to Hong Kong Law and Legal Practice

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<td>QF Level:</td>
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<td>Contact Hours:</td>
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Aims and Objective

The course aims to
1. introduce students to the concept of law, with particular reference to the Hong Kong Legal System.
2. develop techniques for further legal study, with special emphasis on statutory interpretation and the development and application of case law.
3. lay the foundation for further study of legal practice.

Intended Learning Outcomes of the Course

On completion of the course, students should be able to

ILO1. explain classifications of law and legal systems, with particular reference to Civil Law and Hong Kong’s Common Law Legal System;
ILO2. locate and summarize examples of primary sources of law;
ILO3. distinguish between fundamental legal concepts such as legal personality, contract, tort, property, crime, criminal and civil liability;
ILO4. analyze judicial decisions in the light of the rules of binding precedent, approaches to statutory interpretation, and case law method;
ILO5. relate professional values and behaviour, with particular reference to the ethical standards of the legal profession in Hong Kong and the cost of resolving legal disputes.

Syllabus

1. Law and Legal Systems
   - What is law?
   - What is a legal system?
   - How does law differ from other rule systems?
   - The systems of law in Hong Kong

2. Classification of laws
   - Major divisions of Hong Kong Law including notions of public versus private law
   - The content of law – rights, powers and duties

3. Sources of Hong Kong Law
   - Formal legal sources
   - Interpretation of the Basic Law; Basic Law; Local legislation; Common Law Equity; Chinese Law & Custom
4. The Creation of Law
   - Primary and delegated (secondary) legislation
   - The development of case law

5. Finding the Law
   - Introduction to Legal Research
   - How to use legal authorities in answering academic questions
   - Guidance on effective writing

6. The Language of the Law
   - The distinction between fact-based and law-based statements
   - The form of law - concepts, principles, rules and standards

7. Interpretation of Legislation (Statutory Interpretation)
   - Authentic texts
   - Rules of interpretation and construction

8. The doctrine of precedent
   - Hierarchy of courts
   - The rules of binding precedent
   - Exceptions

9. Dispute resolution
   - How cases come to court
   - Distinction between criminal and civil procedure
   - Proof
   - Alternative dispute resolution

10. Access to Legal Services
    - The divided legal profession – Solicitors and Barristers
    - Ethics, etiquette and professional conduct
    - Legal Aid Schemes

Assessment

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<th>Type of Assessment (Weighting)</th>
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<tr>
<td>Continuous Assessment (60%)</td>
<td>Take-home Research Exercise (30%)</td>
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<td>Mid-term Quiz (20%)</td>
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<td>Class participation (10%)</td>
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<td>Examination (40%)</td>
<td>Written Examination (40%)</td>
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Pre-requisite(s)

Nil

Required and Recommended Reading

References:
1. HKU SPACE College of Humanities & Law (2016). *Hong Kong Legal System and Legal Method*. Hong Kong.

23.07.2019