THE EDUCATION UNIVERSITY OF HONG KONG

Course Outline

Part I

Programme Title : Undergraduate Programmes
Programme QF Level : 5
Course Title : Law and Society in the Hong Kong Context
Course Code : SSC2246
Department : Social Sciences
Credit Points : 3
Contact Hours : 39
Pre-requisite(s) : Nil
Medium of Instruction : English
Level : 2

Part II

The University’s 4Cs Learning Framework and seven Generic Intended Learning Outcomes (GILOs) represent the attributes of ideal EdUHK graduates and their expected qualities respectively. Learning outcomes work coherently at the University (GILOs), programme (Programme Intended Learning Outcomes) and course (Course Intended Learning Outcomes) levels to achieve the goal of nurturing students with important attributes embodied in the 4Cs.

The 4Cs are:
- Character and moral responsibility
- Competence and professional excellence
- Cultivation of wisdom and intellectual engagement
- Civic-mindedness & social responsibility

The seven GILOs are:
1. Problem Solving Skills
2. Critical Thinking Skills
3. Creative Thinking Skills
4a. Oral Communication Skills
4b. Written Communication Skills
5. Social Interaction Skills
6. Ethical Decision Making
7. Global Perspectives
1. Synopsis
As a field of study, “law and society” maintains that law is not an autonomous system standing outside the social world. Instead, law is socially and historically constructed, both reflecting as well as impacting the culture and values of a society. In this course, students will develop an understanding of the salient features of the discipline of “law and society”, and be acquainted with some of its major theoretical perspectives. Moreover, they will study the complex interactions between law and society through a number of topics with a particular Hong Kong focus. While the specific topics chosen may vary from year to year in light of the latest scholarship in the field and the instructors’ expertise, preference will be given to those that fall within four key areas, namely, legal history, law and social control, law and social change, and legal process and players.

2. Course Intended Learning Outcomes (CILOs)

Upon completion of this course, students will be able to:

- **CILO** 1 identify the rationale and theoretical assumptions of the study of law and society;
- **CILO** 2 describe prominent themes and arguments discussed in major socio-legal works;
- **CILO** 3 identify and recognize the interrelationship between law and different facets of the Hong Kong society;
- **CILO** 4 critically analyze the social, historical, economic and political aspects of the operation of law in Hong Kong;

3. Content, CILOs and Teaching & Learning Activities

<table>
<thead>
<tr>
<th>Course Content</th>
<th>CILOs</th>
<th>Suggested Teaching &amp; Learning Activities</th>
</tr>
</thead>
</table>
| *Law and Society: Definitional and Theoretical Issues* | **CILO** 1, 2 | • Lectures / guest lectures  
• Class discussion  
• Literature review |
| • Law and society, or the sociology of law? – the founding and evolution of the discipline  
• Theories of law and society  
• Legal traditions in the world – a brief comparison of the differences between common law and civil law. | | |
<table>
<thead>
<tr>
<th>Module</th>
<th>Example Topics</th>
<th>CILO</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal History of Hong Kong</strong></td>
<td>Colonization and the transplant of the common law system;</td>
<td>3,4</td>
<td>Lectures / guest lectures</td>
</tr>
<tr>
<td></td>
<td>The development of the criminal justice system in the 19th century;</td>
<td></td>
<td>Class discussion</td>
</tr>
<tr>
<td></td>
<td>The practice of the rule of law in colonial Hong Kong: myth or reality?</td>
<td></td>
<td>Literature review</td>
</tr>
<tr>
<td></td>
<td>Chinese customary law in Hong Kong.</td>
<td></td>
<td>Analyzing historical documents</td>
</tr>
<tr>
<td><strong>Law and Social Control</strong></td>
<td>The evolution of Hong Kong’s penal policy and programmes;</td>
<td>3,4</td>
<td>Lectures / guest lectures</td>
</tr>
<tr>
<td></td>
<td>ICAC and Hong Kong’s anti-corruption experience;</td>
<td></td>
<td>Class discussion</td>
</tr>
<tr>
<td></td>
<td>Financial regulation and compliance strategies;</td>
<td></td>
<td>Literature review</td>
</tr>
<tr>
<td></td>
<td>The civil disobedience movement in Hong Kong.</td>
<td></td>
<td>Case analysis</td>
</tr>
<tr>
<td><strong>Law and Social Change</strong></td>
<td>The debate of same-sex marriage in Hong Kong;</td>
<td>3,4</td>
<td>Video analysis</td>
</tr>
<tr>
<td></td>
<td>Equality and anti-discriminations: progress and limitations;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public interest litigation in Hong Kong.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Legal Process and Players</strong></td>
<td>Sentencing and plea bargaining;</td>
<td>3,4</td>
<td>Lectures / guest lectures</td>
</tr>
<tr>
<td></td>
<td>The jury system: lay participation in legal decision making;</td>
<td></td>
<td>Class discussion</td>
</tr>
<tr>
<td></td>
<td>Cause lawyering in Hong Kong;</td>
<td></td>
<td>Literature review</td>
</tr>
<tr>
<td></td>
<td>Legal education in Hong Kong.</td>
<td></td>
<td>Case analysis</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Video analysis</td>
</tr>
</tbody>
</table>
4. Assessment

<table>
<thead>
<tr>
<th>Assessment Tasks</th>
<th>Weighting (%)</th>
<th>CILO</th>
</tr>
</thead>
<tbody>
<tr>
<td>An essay of 1,000 words on a topic to be assigned by the lecturer.</td>
<td>40%</td>
<td>CILO\textsubscript{1,2,3,4}</td>
</tr>
<tr>
<td>A Group Research Project Paper (3,000 to 4,000 words) investigating a specific issue on law and society.</td>
<td>40%</td>
<td>CILO\textsubscript{1,2,3,4}</td>
</tr>
<tr>
<td>Oral Presentation of the Group Research Project Paper – students’ performance to be individually assessed.</td>
<td>20%</td>
<td>CILO\textsubscript{1,2,3,4}</td>
</tr>
</tbody>
</table>

5. Required Text(s)
Nil

6. Recommended Readings

**Law and Society: Definitional and Theoretical Issues**


**Legal History of Hong Kong**


陳弘毅 文基賢 吳海傑 (2016). “殖民地時代香港的法制與司法”，載於王賡武編《香港史新編(增訂版) (全二冊)》，第10章，445-482頁，三聯書店。

Law and Social Control


Law and Social Change

Legal Process and Players
• 戴耀廷（2010）《法治心:超越法律條文與制度的價值》香港：香港教育圖書公司
7. **Related Web Resources**
   Centre for Socio-Legal Studies, Oxford University  
   https://www.law.ox.ac.uk/centres-institutes/centre-socio-legal-studies

   Law and Society Association  
   http://www.lawandsociety.org/

   Law and Society Center, KoGuan Law School of Shanghai Jiao Tong University  
   http://www.socio-legal.sjtu.edu.cn/En/

   Socio-Legal Studies - The British Library  
   https://www.bl.uk/collection-guides/socio-legal-studies

   Socio-Legal Studies Association  
   https://www.slsa.ac.uk/

   Law and Society Association of Australia and New Zealand (LSAANZ)  
   http://www.lsaanz.org/

8. **Related Journals**
   *Asian Journal of Law and Society*
   *International Journal of Law in Context*
   *Journal of Empirical Legal Studies*
   *Journal of Law and Society*
   *Law, Culture and the Humanities*
   *Law & Social Inquiry*
   *Law & Society Review*

9. **Academic Honesty**
   The University adopts a zero tolerance policy to plagiarism. For the University’s policy on plagiarism, please refer to the *Policy on Academic Honesty, Responsibility and Integrity with Specific Reference to the Avoidance of Plagiarism by Students* (https://www.eduhk.hk/re/modules/content/item.php?catid=9&itemid=1161). Students should familiarize themselves with the Policy.
10. Others

Newspaper articles, policy papers and documentary-clips on relevant issues.

October 2017