

## Course Outline

### Part I

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

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### Part II

The University's Graduate Attributes 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 graduate attributes.

In gist, the Graduate Attributes for Sub-degree, Undergraduate, Taught Postgraduate, Professional Doctorate and Research Postgraduate students consist of the following three domains (i.e. in short "PEER & I"):

- Professional Excellence;
- Ethical Responsibility; &
- Innovation.

The descriptors under these three domains are different for the three groups of students in order to reflect the respective level of Graduate Attributes.

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

### 3. Content, CILOs and Teaching & Learning Activities

Course Content	CILOs	Suggested Teaching & Learning Activities
<p><i>Law and Society: Definitional and Theoretical Issues</i></p> <ul style="list-style-type: none"> <li>• Law and society, or the sociology of law? – the founding and evolution of the discipline</li> <li>• Theories of law and society</li> </ul>	<p>CILO<sub>1, 2</sub></p>	<ul style="list-style-type: none"> <li>• Lectures / guest lectures</li> <li>• Class discussion</li> <li>• Literature review</li> </ul>

<ul style="list-style-type: none"> <li>• Legal traditions in the world – a brief comparison of the differences between common law and civil law.</li> <li>• “Law on the books” vs. “law in action”</li> </ul>		
<p><i>Legal History of Hong Kong – examples of topics to be included:</i></p> <ul style="list-style-type: none"> <li>• Colonization and the transplant of the common law system;</li> <li>• The development of the criminal justice system in the 19<sup>th</sup> century;</li> <li>• The practice of the rule of law in colonial Hong Kong: myth or reality?</li> <li>• Chinese customary law in Hong Kong.</li> </ul>	<p><i>CILO</i> 3,4</p>	<ul style="list-style-type: none"> <li>• Lectures / guest lectures</li> <li>• Class discussion</li> <li>• Literature review</li> <li>• Analyzing historical documents</li> </ul>
<p><i>Law and Social Control – examples of topics to be included:</i></p> <ul style="list-style-type: none"> <li>• The evolution of Hong Kong’s penal policy and programmes;</li> <li>• ICAC and Hong Kong’s anti-corruption experience;</li> <li>• Financial regulation and compliance strategies;</li> <li>• The civil disobedience movement in Hong Kong.</li> </ul>	<p><i>CILO</i> 3,4</p>	<ul style="list-style-type: none"> <li>• Lectures / guest lectures</li> <li>• Class discussion</li> <li>• Literature review</li> <li>• Case analysis</li> <li>• Video analysis</li> </ul>
<p><i>Law and Social Change – examples of topics to be included:</i></p> <ul style="list-style-type: none"> <li>• The debate of same-sex marriage in Hong Kong;</li> <li>• Equality and anti-discriminations: progress and limitations;</li> <li>• Public interest litigation in Hong Kong.</li> </ul>	<p><i>CILO</i> 3,4</p>	<ul style="list-style-type: none"> <li>• Lectures / guest lectures</li> <li>• Class discussion</li> <li>• Literature review</li> <li>• Case analysis</li> <li>• Video analysis</li> </ul>
<p><i>Legal Process and Players – examples of topics to be included:</i></p> <ul style="list-style-type: none"> <li>• Sentencing and plea bargaining;</li> <li>• The jury system: lay participation in legal decision making;</li> <li>• Cause lawyering in Hong Kong;</li> </ul>	<p><i>CILO</i> 3,4</p>	<ul style="list-style-type: none"> <li>• Lectures / guest lectures</li> <li>• Class discussion</li> <li>• Literature review</li> <li>• Case analysis</li> <li>• Video analysis</li> </ul>

• Legal education in Hong Kong.		
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#### 4. Assessment

Assessment Tasks	Weighting (%)	CILO
An Individual essay of 1,500 words.	50%	CILO <sub>1,2,3,4</sub>
Class Participation which consists of the following two items: <ul style="list-style-type: none"> <li>• Class presentation: students are required to present (in groups or individually) a selected topic on the subject.</li> <li>• Continuous assessment</li> </ul>	40%	CILO <sub>1,2,3,4</sub>
Online learning tasks (which may take different forms such as online lesson, online discussion, or online quiz).	10%	CILO <sub>1,2,3,4</sub>

#### 5. Required Text(s)

Nil

#### 6. Recommended Readings

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

- Calavita, K. (2016). *Invitation to Law & Society*. 2<sup>nd</sup> edition. The University of Chicago Press.
- Sin, W.M. & Chu, Y.W. (1998). “Whose Rule of Law? Rethinking (Post-) Colonial Legal Culture in Hong Kong”. *Social And Legal Studies* 7(2): 147-169.
- Travers, M. (2010). *Understanding Law and Society*. Routledge.
- Vago, S. (2021). *Law and Society*. 12<sup>th</sup> edition. Routledge.
- Watts, J.H. and Roberson, C. (2013). *Law and Society: An Introduction*. CRC Press.

##### ***Legal History of Hong Kong***

- Klein, R. (1997). “The Empire Strikes Back: Britain’s Use of the Law to Suppress Political Dissent in Hong Kong.” *Boston University International Law Journal*, 15: 1-70.
- Kwok, D. (2015). “Bifurcation of Justice Systems in 19th Century Hong Kong”. *Journal of the Oxford Centre for Socio-Legal Studies*, available at

<https://joxcsls.com/2015/10/28/bifurcation-of-justice-systems-in-19th-century-hong-kong/>

- Munn, C. (2001). “The Rule of Law and Criminal Justice in the Nineteenth Century”, in Tsang, S. (ed.), *Judicial Independence and the Rule of Law in Hong Kong*, 19-47. Hong Kong University Press.
- Munn, C. (2017). “Margins of justice in colonial Hong Kong: extrajudicial power, solicitors’ clerks, and the case of Li Hong Mi, 1917–1920”. *Law and Humanities* 11(1): 102-120.
- Ng, M. (2017). “When Silence Speaks: Press Censorship and Rule of Law in British Hong Kong, 1850s–1940s”. *Law & Literature* 29(3): 425-456.
- Ng, M. (2016). “Rule of Law in Hong Kong History Demythologised: Student Umbrella Movement of 1919”. *Hong Kong Law Journal* 46(3): 829-848.
- 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***

- Chan, G. (2014). “Understanding the Enforcement Strategy for Regulating the Listing Market of Hong Kong.” *Journal of Corporate Law Studies* 14(1): 79-110.
- Chan, H.C.O. (2015). “Crime and punishment in Hong Kong”, in Jennings, W.G. (ed.), *The Encyclopedia of Crime and Punishment*. Wiley-Blackwell.
- Chui W.H. and Lo T. W. (2016). *Understanding Criminal Justice in Hong Kong*, 2<sup>nd</sup> edition. Routledge.
- Donald, D. and Cheuk, P. (2017). “Hong Kong’s Public Enforcement Model of Investor Protection”. *Asian Journal of Law and Society* 4(2): 349-385.
- Scott, I. (2017). “The challenge of preserving Hong Kong’s successful anti-corruption system”. *Asian Education and Development Studies* 6(3): 227-237.
- De Speville, B. (2010) “Anticorruption Commissions: The ‘Hong Kong Model’ Revisited”. *Asia-Pacific Review* 17(1): 47-71.
- Zou, X. and Xiao, L. (2011). *Custody and correction: developments of Hong Kong’s penal system, 1921-2011*. Correctional Services Department.

### ***Law and Social Change***

- Abeyratne, R. (2022). “Judicial Review in Hong Kong” in Bui, N.S., Hargreaves, S. and Mitchell, R. (Eds). *Routledge Handbook of Constitutional Law in Greater China*. Routledge.
- Department of Justice. (2022). *The Judge Over Your Shoulder: A Guide To Judicial Review For Administrators* (4<sup>th</sup> Ed.).  
[https://www.doj.gov.hk/en/publications/pdf/JOYS\\_4th\\_e.pdf](https://www.doj.gov.hk/en/publications/pdf/JOYS_4th_e.pdf)

- Kong, K. (2009). “Public Interest Litigation in Hong Kong: A New Hope for Social Transformation?” *Civil Justice Quarterly* 28: 327-343.
- Lee, K. (2016). “From Sex Discrimination to the Ideas of Equality and Equal Opportunities”, in Yu, K. P. and Yung, B. (eds.), *Ethical Dilemmas in Public Policy*, 111-127. Springer.
- Petersen, C. J. (2005). “A Progressive Law with Weak Enforcement? An Empirical Study of Hong Kong’s Disability Law”. *Disability Studies Quarterly* 25(4).
- Ramsden, M. and Marsh, L. (2015). “Same Sex Marriage in Hong Kong: The Case for a Constitutional Right”. *The International Journal of Human Rights* 19(1): 90-103.
- Yap, P. J. (2008). “Understanding Public Interest Litigation in Hong Kong”. *Common Law World Review* 37(3): 257–276.

### ***Legal Process and Players***

- Cheng, K. K. (2016). “Public approval of plea bargaining in Hong Kong: The effects of offender characteristics”. *International Criminal Justice Review* 26(1): 31-48.
- Hui, C. and Lo, W. (2016). “The Feasibility of Expanding the Jury Pool in Hong Kong: A Comparison of Legal Decision Making Between Youth and Adult Mock Jurors”. *Journal of Contemporary Criminal Justice* 32(3): 225 –242.
- Lee, K. (2017). “Beyond the ‘professional project’: The political positioning of Hong Kong lawyers”. *International Journal of Law, Crime and Justice* 50: 1-11.
- Marsh, L. and Ramsden, M. (2015). “Pathways to Social Transformation through Clinic: Developing a ‘Social Justice’ Culture in Hong Kong”, in Sarker, S. P. (ed.) *Clinical Legal Education in Asia*. Palgrave Macmillan.
- Ng, E. (2016). “Do They Understand? English Trials Heard by Chinese Jurors in the Hong Kong Courtroom”. *Language and Law / Linguagem e Direito* 3 (2): 172-191.
- Tam, W. (2010). “Political Transition and the Rise of Cause Lawyering: The Case of Hong Kong”. *Law & Social Inquiry* 35(3): 663–687.

## **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 upholds the principles of honesty in all areas of academic work. We expect our students to carry out all academic activities honestly and in good faith. Please refer to the *Policy on Academic Honesty, Responsibility and Integrity* (<https://www.eduhk.hk/re/uploads/docs/000000000016336798924548BbN5>). Students should familiarize themselves with the Policy.

## **10. Others**

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

*August 2024*