

THE EDUCATION UNIVERSITY OF HONG KONG

Course Outline

Part I

Programme Title	: 4-yr & 5-year FT Undergraduate programmes
Programme QF Level	: 5
Course Title	: The Rule of Law and Hong Kong Legal System 法治與香港法制
Course Code	: GEG1021
Department	: Education Policy and Leadership
Credit Points	: 3
Contact Hours	: 39 hrs
Pre-requisite(s)	: Nil (<i>if applicable</i>)
Medium of Instruction	: CMI/EMI
Course Level	: 1

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 Undergraduate, Taught Postgraduate and Research Postgraduate students consist of the following three domains (i.e. in short "PEER & I"):

1. Professional Excellence;
2. Ethical Responsibility; &
3. 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

This course provides a platform through which students can explore conceptions of the rule of law as an universal value and its relationship with human rights. Basic knowledge of Hong Kong legal system, its relationship with the mainland system, and how the rule of law can be maintained in the legal system may also be studied. Legal issues on education will be discussed on the rule of law. Students may be required to explore the rule of law issues relating to education. Since some students will become a teacher, more emphasis on the rule of law and education enables them to apply the knowledge into their daily lives, in particular in school settings.

2. Course Intended Learning Outcomes (CILOs)

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

- CILO₁ Acquire critical understanding of conceptions of the rule of law;
- CILO₂ Acquire basic knowledge of and rethink underlying principles of the Hong Kong legal system;
- CILO₃ Become sensitized to legal aspects of their roles as education practitioners;
- CILO₄ Strengthen the respect of the rule of law.
- CILO₅ Apply basic knowledge and principles in daily lives to solve practical problems and to protect the rule of law and human rights.

3. Content, CILOs and Teaching & Learning Activities

Course Content	CILOs	Suggested Teaching & Learning Activities
<ul style="list-style-type: none">• Basic knowledge of rule of law and its relationship with human rights. Introduction of basic conceptual framework and theories of the rule of law	CILO _{1,2}	Lecture, field trip, class discussion
<ul style="list-style-type: none">• Basic knowledge of the Hong Kong legal system and its relationship with the mainland system	CILO ₂	Lecture, court visit, field trip, class discussion
<ul style="list-style-type: none">• Debates and analysis of current affairs on legal issues on the rule of law	CILO _{1,5}	Lecture, guest lecture, debate, movie appreciation, class discussion
<ul style="list-style-type: none">• Understanding of some important judgments relating to the rule of law and education	CILO _{1,2,3,4,5}	Lecture, guest lecture, court visit, class discussion
<ul style="list-style-type: none">• Understanding of some important ordinances relating to the rule of law and education, such as the Hong Kong Bill of Rights Ordinance, the Education Ordinance, the Employment Ordinance	CILO _{2,3}	Lecture, class discussion

and family laws		
<ul style="list-style-type: none"> Some comparative studies of different jurisdictions in respect of the rule of law, in particular in the education field 	CILO _{1,2,3,4}	Lecture, class discussion

4. Assessment

Assessment Tasks	Weighting (%)	CILOs
<p>Individual Paper</p> <p>Students are required to write an essay on a topic in respect of the rule of law agreed with the course lecturer. It is an academic paper and should show that students are able to achieve some of the above CILOs. (about 1,900 English words / 3,000 Chinese characters).</p>	65	CILO _{1,2,3,4,5}
<p>Group Presentation</p> <p>Suggested topics are listed out in the course outline but students may propose their desired topics subject to course instructor's approval. Presentation should not be a reading of written scripts. Interaction with other students during the presentation is encouraged. At least one fourth of the time allowed for each group is allocated for questions raising by floor. Students are encouraged to use all kinds of presentation techniques such as power-point, chalk-and-talk, small group discussion, audio-visual presentation, games, role play, drama, quiz, work sheet, and any other computer aided instruction.</p>	35	CILO _{1,2,3,4,5}

5. Required Text(s)

Cullen, R. (2005). *The rule of law in Hong Kong*. Hong Kong: Civic Exchange.

陳弘毅等編 (2009): 《香港法概論》，香港：三聯書店(香港) 有限公司。

6. Recommended Readings

Bingham, T. (2011). *The rule of law*. London: Penguin.

Chen, H., & Cheung, A. S. Y. (2002). *Debates about the rule of law in the Hong Kong Special Administrative Region, 1997-2002*. Hong Kong: Faculty of Law, University of Hong Kong.

Cheung, A. B. L., & Wong, M. W. L. (2006). Judicial review and policy making in Hong Kong: Changing interface between the legal and political. *The Asia Pacific Journal of Public Administration*, 28(2), 117-141.

Cullen, R. (2005). *Protecting and advancing the rule of law in Hong Kong*. Hong Kong: Civic Exchange.

Cullen, R. (2005). *The rule of law in Hong Kong*. Hong Kong: Civic Exchange.

Department of Justice (2001). *Policy objective for Department of Justice: Upholding the rule of law*. Hong Kong: Zheng fu yin wu ju.

Tai, B. Y. T. (2005). *Social development index: Rule of law sub-index 2005(final report)*. Hong Kong: The Hong Kong Council of Social Service.

Tsang, S. Y. S. (2001). *Judicial independence and the rule of law in Hong Kong*. Hong Kong: Hong Kong University Press.

Weng, B. S. J. (2001). Judicial independence under the Basic Law. In S. Tsang (Ed.) (2001), *Judicial independence and the rule of law in Hong Kong* (pp.48-69). Hong Kong: Hong Kong University Press.

Young, S. N. M., & Ghai, Y. P. (2014). *Hong Kong's Court of Final Appeal: The Development of the Law in China's Hong Kong*. London: Cambridge University Press.

本地檢察官協會 (1997)：《法治在香港》，香港，本地檢察官協會。

陳弘毅 (2009)：《香港法概論》，香港，三聯書店(香港)有限公司。

陳弘毅 (2013)：《西方文明中的法治和人權》，香港，商務印書館。

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。

戴耀廷 (2012)：《司法覆核與良好管治》，香港，中華書局。

張炳良 (1992)：法治的重要性與爭議性，《學校教育資訊》，5，頁 12-14。

趙文宗、洪雪蓮和莊耀洸 (2011)：《社會福利與法律應用:溝通與充權(增訂再版)》，香港：紅投資有限公司。

中國國務院新聞辦公室 (2008)：《中國的法治建設》白皮書，檢自 http://big5.gov.cn/gate/big5/www.gov.cn/zhengce/2008-02/28/content_2615764.htm

中國教育部和中國法務部(1998)：《國中法治與人權教育補充教材，法律故事篇》，臺北市，教育部。

中國維權律師關注組 (2014)：《富中國特色的司法制度》，香港，中國權律師關注組。

周陳文琬 (2007)：《青年法律常識手冊(2007 修訂版)》，香港，中文大學出版社。

莊耀洸 (2009)：學校的法律責任與疏忽，輯於吳迅榮、黃炳文主編，《廿一世紀的學校領導：持續與創新》，(頁 229-249)，香港，學術專業圖書中心。

莊耀洸 (2011)：論教科書之謬誤：教科書中的法治，輯於基本法教育計劃小組編《〈基本法〉教育計劃教與學分享：人權教育和法治教育的教與學》，(頁 26-36)，香港，香港教育學院管治與公民研究中心及優質教育基金。

莊耀洸 (2011)：教科書之謬誤(一)：政治發展及司法制度，輯於基本法教育計劃小組編輯《〈基本法〉教育計劃教與學分享：人權教育和法治教育的教與學》，(頁 38-45)，香港，香港教育學院管治與公民研究中心及優質教育基金。

莊耀洸 (2015)：通識教科書(法治、人權)的謬誤，輯於賴得鐘、張銳輝和鄺皓凝編《通識教育研討會 2014 文集》，(頁 21-25)，香港，香港教育學院，香港教育專業人員協會，香港通識教育教師聯會。

莊耀洸 (2016)：法庭上的好戰長毛，輯於陳玉峰、陳璟茵、郭稼縈、黃浩銘和譚榮禧編《我反抗故我在：梁國雄司法抗爭二十年》，(頁 43-47)，香港，上書局。

莊耀洸 (2016)：通識教科書(法治、人權)的謬誤，輯於《通識教育研討會 2015 文集》，(頁 16-20)，香港，香港教育學院，香港教育專業人員協會，香港通識教育教師聯會。

莊耀洸和徐嘉穎 (2016.8.5)，確認書做法打擊法治，《明報》，頁 31。

莊耀洸和徐嘉穎 (2017)：捍衛人權法治的價值：機制與空間的日益敗壞，輯於羅金義編著《回歸 20 年：香港精神的變易》，(頁 229-262)，香港，香港城市大學出版社。

References: Reported cases and Journal

HKC: Hong Kong Cases

HKCFAC: Hong Kong Court of Final Appeal Report 香港終審法院案例彙報

HKLRD: Hong Kong Law Reports and Digest 香港法律匯報與摘錄

Other Core Documents

Department of Justice. (1998). *Legal system in Hong Kong* (3rd ed). Hong Kong: Department of Justice.

Hong Kong Bill of Rights Ordinance, Cap. 383

International Covenant on Civil and Political Rights 1966 ICCPR

International Covenant on Economic, Social and Cultural Rights 1966 ICESCR

The Basic Law of the HKSAR of the PRC

Universal Declaration of Human Rights 1948

7. Related Web Resources

Community Legal Information Centre

<http://www.clic.org.hk/en/>

Legislative Council

<http://www.legco.gov.hk/english/index.htm>

Legislation Database

<http://www.legislation.gov.hk/eng/home.htm>

Legal System in Hong Kong

<http://www.doj.gov.hk/eng/legal/index.htm>

Judiciary

<http://www.judiciary.gov.hk/>

Rule of Law Index 2011

<http://www.worldjusticeproject.org/download-index-2011>

8. Related Journals

Hague Journal on the Rule of Law

Hong Kong lawyer 香港律師

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/downloads/visit.php?cid=9&lid=89>). Students should familiarize themselves with the Policy.

10. Others

Nil