

REGULATIONS FOR THE DEGREE OF MASTER OF LAWS IN HUMAN RIGHTS [LLM(HR)]

These regulations apply to candidates admitted to the LLM(HR) curriculum in the academic year 2026-2027 and thereafter.

(See also [General Regulations](#) and [Regulations for Taught Postgraduate Curricula](#).)

LLMHR1. Admission Requirements

To be eligible for admission to the courses leading to the degree of Master of Laws in Human Rights, a candidate

- (a) shall comply with the General Regulations and the Regulations for the Taught Postgraduate Curricula;
 - (b)
 - (i) shall hold the degree of Bachelor of Laws with at least second class honours of this University; or a qualification of equivalent standard from this University or another comparable institution accepted for this purpose; or
 - (ii) shall hold a degree in a discipline other than law with at least second class honours of this University, or a qualification of equivalent standard from this University or another comparable institution accepted for this purpose; and have at least two years of relevant experience and professional qualifications; or
 - (iii) shall have obtained either the Common Professional Examination of England and Wales or the Common Professional Examination Certificate of this University provided that in either case the candidate has also obtained a degree with at least second class honours of this University, or a qualification of equivalent standard from this University, or another comparable institution accepted for this purpose; and
 - (c) for a candidate who is seeking admission on the basis of a qualification from a university or comparable institution outside Hong Kong of which the language of teaching and/or examination is not English, shall satisfy the University English language requirement applicable to higher degrees as prescribed under General Regulation G2(b).
-

LLMHR2. Advanced Standing

Advanced Standing may be granted to candidates in recognition of studies completed successfully no more than 5 years before admission to the curriculum. Candidates who are awarded Advanced Standing will not be granted any further credit transfer for those studies for which Advanced Standing has been granted. The amount of credits to be granted for Advanced Standing shall be determined by the Board of the Faculty of Law, in accordance with the following principles:

- (a) a candidate may be granted a total of not more than 9 credits (one course) for Advanced Standing unless otherwise approved by the Senate; and
 - (b) credits granted for Advanced Standing shall not normally be included in the calculation of the GPA unless permitted by the Board of the Faculty but will be recorded on the transcript of the candidate.
-

LLMHR3. Period of Study

- (a) The curriculum for the degree of Master of Laws in Human Rights shall normally require one academic year of full-time study or two academic years of part-time study, and shall include any assessment to be held during and/or at the end of each semester including summer semester.
 - (b) Candidates shall not in any case be permitted to extend their studies beyond the maximum period of registration of two academic years in the case of full-time candidates and three academic years in the case of part-time candidates, unless otherwise permitted or required by the Board of the Faculty of Law.
-

LLMHR4. Completion of Curriculum

To complete the curriculum for the degree of Master of Laws in Human Rights, a candidate shall

- (a) satisfy the requirements prescribed under TPG 6 of the Regulations for Taught Postgraduate Curricula; and
 - (b) satisfactorily complete 72 credits, in the case of a full-time study in one academic year, including a capstone experience, or 36 credits, in the case of a part-time study in each of the two years of study, including a capstone experience.
-

LLMHR5. Selection of Courses

- (a) Candidates shall select their courses in accordance with these regulations and the guidelines specified in the syllabus before the beginning of each semester. Changes to the selection of courses may be made only during the add/drop period of the semester in which the course begins, and such changes shall not be reflected in the transcript of the candidate. Requests for changes after the designated add/drop period of the semester shall not normally be considered.
 - (b) Withdrawal from courses beyond the designated add/drop period will not be permitted, except for medical reasons or with the approval of the Board of the Faculty of Law. Withdrawal without permission will result in a fail grade in the relevant course(s).
-

LLMHR6. Dissertation

- (a) Candidates must successfully complete LLAW6022 Advanced Research Methodology in order to be eligible to submit a dissertation.
 - (b) Candidates, whether full-time or part-time, who elect to submit a dissertation shall propose a title for the dissertation, secure a supervisor, and secure the approval of the Programme Director by November 30 of the academic year in which they intend to submit a dissertation. Candidates shall submit the dissertation no later than May 1 of that academic year.
 - (c) In exceptional circumstances a candidate may apply to the Board of the Faculty of Law for an extension of the period within which the dissertation must be submitted. Such application must be made at least one month before the prescribed date of submission. Late applications for extension will not be considered, except for medical reasons or with the approval of the Board of the Faculty of Law.
 - (d) The candidate shall submit a statement that the dissertation represents his or her own work undertaken after registration as a candidate for the degree. The examiners may require an oral examination on the subject of the dissertation.
-

LLMHR7. Progression in Curriculum

- (a) Candidates shall normally be required to undertake a combination of courses and study requirements as prescribed in these regulations and the syllabus, and in the manner as specified below, unless otherwise permitted or required by the Board of the Faculty of Law.
 - (i) Candidates who are on a one-year full-time mode of study shall normally be required to take not fewer than 27 credits nor more than 36 credits in any one semester (not including the summer semester).
 - (ii) Candidates who are on a two-year part-time mode of study shall normally be required to take not fewer than 9 credits nor more than 18 credits in any one semester (not including the summer semester).
 - (iii) Where candidates are required to make up for failed credits, the Board of the Faculty of Law may give permission for candidates to exceed the required curriculum study load of 72 credits.
 - (iv) In each case under (i) or (ii) above, the total number of credits taken shall not exceed the required curriculum study load of 72 credits for the normative period of study specified in LLMHR3(a).
 - (b) Candidates may, with the approval of the Board of the Faculty of Law, transfer credits for courses completed at other institutions during their candidature. The number of transferred credits may be recorded in the transcript of the candidate, but the results of courses completed at other institutions shall not be included in the calculation of the GPA. The combined total number of credits to be granted for Advanced Standing and credit transfer shall not exceed half of the total credits normally required under the curriculum of the candidates during their candidature at the University.
 - (c) Unless otherwise permitted by the Board of the Faculty, candidates shall be recommended for discontinuation of their studies if they have:
 - (i) failed to complete successfully 45 or more credits (under one-year full-time study) or 18 or more credits (under two-year part-time study) in two consecutive semesters (not including the summer semester), except where they are not required to take such a number of credits in the two given semesters; or
 - (ii) failed to achieve an average semester GPA of 1.5 or higher for two consecutive semesters (not including the summer semester); or
 - (iii) exceeded the maximum period of registration specified in LLMHR3(b).
-

LLMHR8. Exemption

Candidates may be exempted, with or without special conditions attached, up to 9 credits (one course) of the requirements prescribed in the regulations and the syllabus governing the curriculum with the approval of the Board of the Faculty of Law, except in the case of a capstone experience. Approval for exemption of a capstone experience may be granted only by the Senate with good reasons. Candidates who are so exempted must replace the number of exempted credits with courses of the same credit value.

LLMHR9. Assessment

- (a) Candidates shall be assessed for each of the courses for which they have registered, and assessment may be conducted in any combination of continuous assessment of coursework, written examinations and/or any other assessable activities. Only passed courses will earn credits.
 - (b) Candidates suspended under Statute XXXI shall not be allowed to take, present themselves for, and participate in any assessments during the period of suspension, unless otherwise permitted by the Senate.
 - (c) Candidates shall not be permitted to repeat a course for which they have received a passing grade for the purpose of upgrading.
 - (d) Candidates are required to make up for failed courses in the following manner:
 - (i) undergoing re-assessment/re-examination in the failed course to be held no later than the end of the following semester (not including the summer semester); or
 - (ii) re-submitting failed coursework, without having to repeat the same course of instruction; or
 - (iii) repeating the failed course by undergoing instruction and satisfying the assessments; or
 - (iv) for elective courses, taking another course in lieu and satisfying the assessment requirements.
 - (e) Where candidates are permitted or required to present themselves for re- assessment/ re-examination/ re-submission/ assessment in an alternative course under (d) above, the new grade obtained together with the previous F grade shall be recorded on the transcript and be included in the calculation of the semester GPA, year GPA and the cumulative GPA. Such candidates shall not be eligible for any mark of distinction.
 - (f) There shall be no appeal against the results of examinations and all other forms of assessment.
-

LLMHR10. Absence from Examination

Candidates who are unable through illness to be present at the written examination of any course may apply for permission to present themselves at a supplementary examination of the same course to be held before the beginning of the First Semester of the following academic year. Any such application shall be made on the form prescribed within seven calendar days of the first day of the candidate's absence from any examination. Any supplementary examination shall be part of that academic year's examinations, and the provisions made in the regulations for failure at the first attempt shall apply accordingly.

LLMHR11. Requirements for Graduation

To be eligible for the award of the degree of Master of Laws in Human Rights, candidates shall:

- (a) comply with the General Regulations and the Regulations for Taught Postgraduate Curricula;
 - (b) complete the curriculum requirements prescribed in the regulations and syllabuses within the maximum period of registration and satisfy the examiner in not few than 72 credits in accordance with the regulations governing examinations procedures, which shall include the successful completion of a capstone experience as specified in the syllabus; and
 - (c) have achieved a Cumulative GPA of 1.50 or above.
-

LLMHR12. Grading System

Individual courses shall be graded in accordance with TPG9 (a) or (c) of the Regulations for Taught Postgraduate Curricula as determined by the Board of Examiners.

LLMHR13. Classification of Awards

Upon successful completion of the curriculum, candidates who have shown exceptional merit may be awarded the degree with distinction, as determined by the Board of Examiners, and this mark shall be recorded in the candidates' degree diploma.

SYLLABUS FOR THE DEGREE OF MASTER OF LAWS IN HUMAN RIGHTS

COURSEWORK

The Board of Examiners shall decide what proportion of the final assessment for each course shall be determined by written or other work carried out during the course of study. Candidates will be informed at the beginning of the course of the relative proportions of the final assessment to be derived from coursework and from written examinations which will be held at the end of the teaching programme.

OBJECTIVES

The degree of Master of Laws in Human Rights is offered by the Faculty of Law as a response to the increasing interest in human rights in Asia and globally. It also responds to the growing need to provide training that addresses important international, regional and national developments in human rights and its implementation. The curriculum therefore provides a substantial grounding in international law as it relates to the study and practice of human rights, and where appropriate, draws from other disciplines to provide a balanced and contextual understanding of the major issues. The curriculum ensures that participants are exposed to universal human rights issues and the perspectives of other regional systems, but it is characterised by a strong Asia focus. It draws from the many human rights issues in Asia, and examines some of the perspectives and problems, which are of particular concern to the region.

DISSERTATION

An 18-credit dissertation shall comprise a paper with required length ranging from 16,000 to 20,000 words on a legal topic approved by the Programme Director.

A 9-credit dissertation shall comprise a paper with required length ranging from 8,000 to 10,000 words on a legal topic approved by the Programme Director.

The dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

STRUCTURE

Candidates are required to complete 72 credits, including two compulsory courses and a capstone experience in accordance with the regulations for this degree and the syllabus as set out below. Candidates must choose at least six courses from the Course List below, including two compulsory courses, one capstone course and at least three designated electives. Candidates may choose up to two other electives from courses not listed on the Course List below, but listed as Electives on the Course List for the General LLM programme.

COURSE LIST

(Each of the courses listed below carries 9 credits unless otherwise stated)

Compulsory Courses (18 credits)

(Candidates must complete two of the following courses)

LLAW6068 Human rights: history, theory and politics

LLAW6072 International and regional protection of human rights

Capstone Courses (9 credits) (or 18 credits if taking LLAW6014 18-credit Dissertation as a capstone)

(Candidates must complete one of the following courses)

LLAW6054 9-credit dissertation#

LLAW6014 18-credit dissertation# (18 credits)

LLAW6060 Current issues in human rights*

LLAW6063 Equality and non-discrimination*

LLAW6038 International humanitarian law*

LLAW6073 International protection of refugees and displaced persons*

LLAW6179 Multiculturalism and the law*

LLAW6242 Public interest clinic*

LLAW6339 Transitional justice*

Candidates can only enroll in either LLAW6014 or LLAW6054. Enrollment in these two courses requires prior approval by the Programme Director. Candidates must successfully complete LLAW6022 Advanced Research Methodology in order to be eligible to submit a dissertation. Part-time candidates can only enroll in either LLAW6014 or LLAW6054 in their second year of studies.

* Courses marked with an asterisk are designated as both capstone courses and designated electives. If more than one of these courses is selected, one of them will count towards fulfilling the capstone requirement. The remaining course(s) will count as designated electives.

Designated Electives (27-45 credits)

(Candidates must complete at least three of the following courses)

LLAW6022	Advanced research methodology
LLAW6183	Animal law
LLAW6271	Bioethics foundations
LLAW6153	Business and human rights
LLAW6156	Comparative constitutional law
LLAW6060	Current issues in human rights*
LLAW6062	Economic, social and cultural rights
LLAW6063	Equality and non-discrimination*
LLAW6348	Equality Rights in China (in Putonghua)
LLAW6307	Hong Kong National Security Law in comparative perspective
LLAW6070	Human rights in China
LLAW6034	Human rights in Hong Kong
LLAW6036	International criminal law
LLAW6037	International environmental law
LLAW6038	International humanitarian law*
LLAW6182	International organizations
LLAW6073	International protection of refugees and displaced persons*
LLAW6247	Medico-legal issues
LLAW6291	Mental disability and the law
LLAW6179	Multiculturalism and the law*
LLAW6075	National protection of human rights
LLAW6046	Privacy and data protection
LLAW6318	Public health ethics and law
LLAW6242	Public interest clinic*
LLAW6109	Public international law
LLAW6144	Rights and remedies in the criminal process
LLAW6215	Seminar on human rights and constitutionalism in Asia
LLAW6274	The beginning and end of life
LLAW6275	The legal foundations of global health and development
LLAW6339	Transitional justice*
LLAW6316	Transnational criminal law

Other Electives (0-18 credits) (or 0-9 credits if LLAW6014 18-credit Dissertation is selected as a capstone course)

Candidates should refer to the Electives listed under the Course List for the syllabus for the general degree of Master of Laws. No more than two courses may be taken from any single Cluster in the Electives.

NOTE: Not all courses will be offered in any given year. For actual courses available, please refer to annual course offerings.

COURSE DESCRIPTIONS FOR THE DEGREE OF MASTER OF LAWS IN HUMAN RIGHTS [LLM(HR)]

Compulsory courses

LLAW6068 Human rights: history, theory and politics

The field of human rights remains dynamic, with emerging social movements and competing conceptions of justice reshaping what is plausibly understood what people can plausibly demand as human rights. This course considers persistent and emerging debates in the field, building on traditional human rights frameworks to consider the utility and promise of human rights as a vehicle for transformation in the present day. The course investigates lasting questions of what it means for something to be understood as a human right, looking at philosophical, political, and cultural debates about the nature of human rights in legal and social systems. It also examines questions surrounding the institutionalization and mobilization of rights, their limitations, and the efficacy of mechanisms and strategies used to ensure that rights have meaning for the people who hold them.

Assessment: 15% class participation, 85% take home assessments

LLAW6072 International and regional protection of human rights

This course will examine the evolution of international standards of human rights within the United Nations system and the mechanisms established to promote their enjoyment. The topics to be covered will include the development and content of the International Bill of Rights, the major United Nations human rights treaties and the work of the United Nations treaty bodies. The Charter-based mechanisms of the United Nations will be examined, including the Commission on Human Rights and its thematic and country-specific procedures. Particular attention will be given to the relevance of these mechanisms to the Asian-Pacific region.

The European, Inter-American and African regional systems for the protection of human rights will also be considered, in particular the work of their supervisory organs. The possibilities for an Asian regional or sub-regional human rights machinery for the protection of human rights will also be examined.

Assessment: 15% class participation, 25% mid-term essay, 60% examination

LLAW6014 18-credit Dissertation

An individual research project on an approved topic carried out under the supervision of an assigned teacher, resulting in the submission of a research paper with required length ranging from 16,000 to 20,000 words (excluding tables of cases and statutes, notes, appendices and bibliographies). The dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

Prerequisite/co-requisite: LLAW6022

Mutually exclusive: LLAW6054 9-credit Dissertation

Assessment: 100% Research paper

LLAW6038 International humanitarian law

This course gives an introduction to the regulation of armed conflicts under international law. It begins with an overview of the historical evolution of the law regulating the waging of war (jus ad bellum) and conduct of war (jus in bello), and the classification of armed conflicts and other situations of violence. The bulk of the course focuses on the legal rules governing the conduct of armed conflicts and explores the relationship among the law regulating the use of force, international humanitarian law, international human rights law and international criminal law as well as the interplay between war, food security and environmental crises, before moving on to explore the significance of transitional justice in healing societies and building resilience to prevent future violence. The course also explores the roles (and limitations) of key international institutions including the UN Security Council and its sanctions regime, the International Criminal Court, the International Committee of the Red Cross and the UNHCR. The course invites participants to reflect critically on the morality and legal and social implications of using force/violence to resolve conflicts and to place the development of IHL and IHRL along the path of human progress.

Assessment: 20% class participation, 80% research paper

LLAW6054 9-credit Dissertation

An individual research project on an approved topic carried out under the supervision of an assigned teacher, resulting in the submission of a research paper with required range from 8,000 to 10,000 words (excluding tables of cases and statutes, notes, appendices and bibliographies). The dissertation must provide evidence of original research work and a capacity for critical legal analysis and argument.

Prerequisite: LLAW6022

Mutually exclusive: LLAW6014 18-credit Dissertation

Assessment: 100% research paper

LLAW6060 Current issues in human rights

This course begins with a general presentation of the Council of Europe, the European Court of Human Rights and the European Convention of Human Rights. It gives an overview of the on the values, structure and achievements of the Council of Europe; it presents the organisation, structure and procedure of the European Court of Human Rights; it outlines the rights and freedoms guaranteed by the Convention and key concepts essential to the understanding of the European Convention system.

The course will be then structured on seven topics which represent current issues in human rights:

- **The right to health**, presenting the historical development of the concept of the right to health, its guiding principles and related obligations; these are illustrated through case law concerning the right to medical treatment, medical malpractice and the liability of health professionals and forced medical treatment.
- **The right to a healthy environment** and its' development as a human right; the course presents case law from the European Court of Human Rights, as well as other regional courts such as the Inter-American and African systems.
- **Reproductive rights**, focusing on the principles of reproductive autonomy, respect for private and family life and the prohibition of discrimination; it covers the topics of abortion, contraception, home birth and forced sterilisations.
- **Bioethical issues**, focusing on the European approach on IVF treatment, surrogacy, the protection of genetic data, euthanasia and assisted suicide and organ donation.
- **Women's rights**, course which provides an overview of international human rights law concerning women, and presents case law of the European Court of Human Rights concerning violence against women, human trafficking and other forms of discrimination.
- **Sexual minorities**, a course which presents the rights of sexual minorities in international law and case law on a variety of issues such as the criminalisation of homosexual relationships in general, ill-treatment by police and state agents, marriage and civil unions, adoption.
- **Freedom of expression**, a course which presents the international guarantees, the key aspects, the scope and the limitations of this freedom, and gives examples of case law concerning press freedom, censorship, whistleblowing, the protection of journalistic sources and more.

Assessment: 50% oral presentation, 50% research paper

LLAW6063 Equality and non-discrimination

Equality and non-discrimination are universally regarded as fundamental human rights principles that underpin - and are necessary prerequisites to - the enjoyment of all human rights and freedoms. Indeed most of the major international human rights treaties as well as many national constitutions articulate rights to equality and non-discrimination either in general terms or with reference to a range of grounds such as race, gender, disability, religion, etc.

Despite its prominent position in human rights law, the precise scope and meaning of equality remain contested and enforcement bodies have sometimes provided contradictory or conflicting interpretations. In other words, equality can mean different things to different people. This course considers how the law reflects, and might support the realization of, particular concepts of equality. It also examines the potential and the limits of the law as a means of achieving social and political change.

Assessment: 25% class participation, 75% research paper

LLAW6073 International protection of refugees and displaced persons

Every single minute of 2018 as calculated and reported by UNHCR 25 new people fled their homes to escape persecution, human rights violations, war, or other violence.[1] Every minute of every day, for the entire year. This course will situate that statistic in its full context: viewing it from historical, legal, and practical perspectives. The course begins with an introduction to forced displacement in the 20th century, and presents refugee law as it relates more broadly to international human rights law and humanitarian law. This course examines in detail the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, the role of UNHCR, and who is included in and excluded from the international definition of “refugee”. It also scrutinizes key legal distinctions, compares and contrasts regional protection instruments, and explores the principle of non-refoulement. It reviews case studies to see how protection principles are applied in a variety of jurisdictions, and it looks at where, how, and why the system breaks down. This course will also delve into the current protection challenges faced by refugees, asylum seekers, internally displaced persons, refugee advocates, NGOs, host countries, and policy-makers. This course goes beyond the numbers and headlines to look at the ongoing global refugee crisis from the perspective of those who experience displacement and those who are striving to find solutions.

Assessment: 15% class participation, 35% writing exercise/presentation, 50% take home examination

LLAW6179 Multiculturalism and the law

Conquests and colonial projects have long been responsible for the instigation of large-scale ethnic and national mobility in order to further the ends of empire, for example, for the purposes of labour and industrial development or populating land considered to be terra nullius. In the aftermath of the First and Second World Wars, which led to a significant redrawing of national boundaries, people once again moved; some, voluntarily and in pursuit of their dreams whilst numerous others, became victims of exile due to economic, social or political circumstances. This pattern of migration has continued into the 21st Century, particularly in the aftermath of 9/11, the war in Iraq and Afghanistan, and resultant turmoil in neighbouring Middle-Eastern countries, with the immigrant and refugee exodus reaching crisis point in 2016.

This shift in the composition of inhabitants from homogenous populations into multi-ethnic groups within national borders beckons an overhaul of the nation-state framework. The very conception of monolithic nationhood that comprises the experiences of a singular nation, peoples or culture as definitive of their collective identity stands challenged. Governance

structures presuming shared political, social and secular ideals have also demonstrably failed in their ability to cope with the increasing diversity represented among ‘nationals’.

Despite the increasingly complex regime of international provisions that has emerged to safeguard the fundamental rights and interests of all people, particularly framework conventions that seek to recognise the risks faced by vulnerable minorities to protect them against violations of their religious, cultural, linguistic and political rights, even naturalised citizens often fail to have their voices heard due to discrimination, inequalities, marginalisation or exclusion of their voices. These circumstances have precipitated the most serious crises of identity in an increasingly globalised world, whose borders continue to shrink and shift as citizens become highly hybridized.

The course examines this conflict through comparative and interdisciplinary lenses, drawing on material from law, political theory, philosophy, and postcolonial studies to better understand the nature of identity, rights, citizenship and the discourse of oppression, violence and conflict. It uses a case study approach to examine contemporary global challenges in the management of pluralism and diversity. Students will develop skills to apply an enriched analytic framework through which to conceptualise these challenges and to critically examine governance structures, approaches and arguments to reconcile conflicting rights within the liberal constitutional framework in light of international human rights commitments.

Assessment: 55% research paper, 15% reaction papers, 15% symposium participation, 15% class participation and panel presentations

LLAW6242 Public interest clinic

Public Interest Clinic course is a clinical legal education subject which combines practical experience and academic learning.

Under the supervision of the course instructors and in collaboration with legal practitioners, students will provide legal assistance to non-governmental and non-profit organizations in addition to engaging directly with clients from underserved communities, including 1) individuals seeking asylum 2) those affected by human trafficking 3) mental health patients 4) persons facing discrimination, ensuring these clients receive critical legal support tailored to their unique circumstances.

Students will work with lawyers and other professionals to provide a diverse range of services. Working in small groups on allocated projects, students will gain practical legal skills by providing assistance and information to clients.

The precise nature of the practical experience will vary depending on the needs of the relevant organisations and clients requiring assistance during the academic semester.

During the course, students will conduct in-depth interviews with clients from underserved populations to establish the scope and goals of each case, identifying key deliverables that address their specific needs. While assisting these clients, students will leverage their foundational knowledge of doctrinal law and enhance their competencies through targeted legal research, particularly in areas less familiar to them. They will be encouraged to understand the broader context of their clients' legal situations, striving to provide comprehensive support that encompasses the full spectrum of their needs.

In addition to their direct client engagements, students will actively participate in a variety of research activities that support the broader work of the clinic. These efforts will include analyzing legal trends, evaluating procedural effectiveness, and developing educational materials that serve to inform both clients and the broader community. These projects, guided by experienced legal practitioners and utilizing advanced research tools, will enhance students' understanding of law in practice. Such activities not only complement the practical legal experience gained but also contribute to academic growth and professional readiness in addressing complex legal challenges.

Students will be assessed on a pass/fail basis.

Assessment: 10% class participation, 20% weekly reports, 50% ongoing clinic, 20% final work product

LLAW6339 Transitional justice

How might societies live together in the aftermath of violent conflict? Can international law, particularly human rights, and its institutions contribute to repairing the quality of state-society relations once violent conflict is over? To address these questions in the 1990s after the end of the Cold War, international lawyers, researchers and organizations developed a new approach. This new approach is now called 'Transitional Justice'. The novel contribution of Transitional Justice has been its specific focus on providing states with the legal and institution-building expertise to address the social, legal, political and moral/ethical consequences of violent conflict, and to prevent its return. Examples of Transitional Justice initiatives are Truth Commissions, human rights and rule-of-law programs, museums of memory, national remembrance days, recovery of sites of memorialization, reparation programs, artistic practices of collective memory, the reform or creation of laws and legal institutions. The increasing importance of Transitional Justice is such that it is now not only a key pillar to achieve Goal 16 on peaceful and inclusive societies of the United Nations Sustainable Development Goals, but it is also a core component in international rule-of-law and development programs.

This course will equip students with the knowledge and skills necessary to understand, analyze, and critique the role of international law, particularly human rights, in Transitional Justice. While Transitional Justice is an interdisciplinary field of research and practice, the course is designed specially for post-graduate law students who wish to engage with interdisciplinary questions. To achieve this, the course will train students to identify and examine the role that international law plays in the practice and research of Transitional Justice, focusing on how the field responds to the 'non-legal' challenges that post-conflict states face (eg, questions of post-conflict ethics, reconciliation and forgiveness, political community after atrocity, memorialization, socio-economic reparations, and truth-telling).

The course will bring traditional as well as emerging Transitional Justice themes into conversation with international law and human rights, covering four main areas:

- (1) historical and conceptual foundations of Transitional Justice, with a specific focus on its origins in parallel with the international prominence of human rights in the 1990s (especially in Argentina and Chile);
- (2) signature Transitional Justice initiatives, including the role of Truth Commissions and

amnesties in landmark case studies (eg, South Africa, Sri Lanka);
(3) contemporary debates on the contributions and limitations of Transitional Justice (eg, Iraq after the 2003 invasion);
(4) new legal challenges for Transitional Justice (eg, reparation claims for climate change or for the legacies of colonialism).

Assessment: 15% class participation, 40% mid-term assignment, 45% final assignment

Designated electives

LLAW6022 Advanced research methodology

The meetings in this introductory course explore the strategies and techniques available for research and writing in doctrinal and empirical legal studies, and the ways in which various research methodologies relate to the different theoretical approaches that inform research. Attention is also given to the manner in which differing research methods are often combined in practice, and to the skills involved in analyzing data and presenting findings. Students are encouraged to see their findings as potentially making contributions to both empirical knowledge and theoretical understanding.

The course teachers consider what research questions can be asked and which research methods might best help to provide answers to such questions. Because law students are generally more familiar with doctrinal research, so the course gives greater attention to empirical research. Course teachers look at the skills of questionnaire design, interviewing, participant observation, case studies, documentary research, surveys, sampling, ethical correctness and so on.

At the end of this course, students should have developed a strong understanding of how to identify and address research problems, a good awareness of the empirical and doctrinal research methodologies that they might use in their investigation and analysis, and an enhanced ability to design and implement a research project in the field of legal studies.

Assessment: 100% research proposal

LLAW6034 Human rights in Hong Kong

History of enactment, the Bill of Rights Regime, ICCPR, implementation of human rights treaties, Basic Law, interpretation, scope of application, inter-citizen rights, locus standi, permissible limitations, derogation and reservation, enforcement and remedy.

Study of selected rights, including civil and political rights, economic, social & cultural rights and people's rights. Topics covered include impact on civil and criminal process, right to a fair and public trial, arrest, search and seizure, torture and degrading treatment, liberty and security of person, freedom of association and assembly, freedom of expression, right to nationality, right to family, right to political participation, discrimination and equality, right to housing, social security, education and the environment. The exact topics to be covered will be determined at the beginning of the course and may change from year to year.

Assessment: 5% class participation, 25% short paper, 70% research paper

LLAW6036 International criminal law

International criminal law is an extremely topical, relevant and increasingly controversial area of international governance. This course explores the rationale, origins, normative development, institutional mechanisms and role of international criminal law. It analyses the current state of international criminal law and its place in the modern international legal system in light of important recent developments. It discusses why States should reform their national criminal laws to accord with international developments and focuses on both the substantive and procedural law. It examines relevant international legal concepts, general principles of international criminal law, and how international criminal tribunals function. It considers particular international crimes, participation in such crimes, defences, and important recent cases. To do this, we trace the roots of international criminal law in customary laws of war and early attempts to enforce rules prohibiting war crimes, before reviewing the operation of the Nuremberg and Tokyo International Military Tribunals that were established after the Second World War. We then take account of the Geneva Conventions, 1949, and the rise of international human rights law, focusing on the crimes of aggression, genocide, war crimes and crimes against humanity. We then delve into the law and practice of the ad hoc International Criminal Tribunals for the former Yugoslavia and Rwanda and relate their establishment and operation to the emerging system of international criminal law, and the process under way to establish the International Criminal Court.

Assessment: 80% research paper, 10% court or tribunal presentation, 10% class participation

LLAW6037 International environmental law

Air pollution, deforestation, climate change, biodiversity loss and the extinction, or near extinction, of some wildlife species are just some of the many environmental problems that the world faces today. Environmentalists, governments, courts, NGOs, and a variety of other interested parties or stakeholders, both at the top of the international and domestic levels, have contributed to solving environmental problems by the use of law. To what extent has it been successful, or unsuccessful? How do states solve environmental problems collectively, that is, by way of treaties and conventions, and individually, that is, by way of domestic law? How do some states balance economic development and resource exploitation against environmental protection?

This course aims to provide students with a contextual and elementary understanding of the key global and domestic environmental issues and the purported legal solutions. After a broad survey of the major international environmental laws, this course will look at some selected jurisdictions and see the way in which these jurisdictions deal with environmental problems legally. The jurisdictions that will be looked at include China, the UK and Hong Kong, as well as some major regional organizations such as the EU and ASEAN. Moreover, this course will delve into specific areas of environmental concerns such as the marine environment, climate change and the protection of wildlife. Prior knowledge of the subject matter is not required.

Assessment: 100% research paper

LLAW6046 Privacy and data protection

This course will explore privacy and data protection in an increasingly interconnected data economy. The Personal Data (Privacy) Ordinance and the data protection principles in

particular will be studied in depth, making reference to relevant court judgments and Administrative Appeal Board cases. Privacy protection under other ordinances and common law principles (such as breach of confidence, misuse of private information, nuisance, trespass, copyright infringement and defamation) will also be covered. Emphasis will be made to the balance between privacy on the one hand and other rights as well as public and social interests on the other. The challenges posed by technological innovations and applications such as the internet, social media, mobile applications, cloud computing and Big Data will be highlighted. Specific topics to be addressed will include: (a) the concept of privacy and the genesis and development of its political, philosophical and economic underpinnings; (b) global developments and international cooperation; (c) privacy and media intrusion; (d) regulation of direct marketing; (e) Privacy Commissioner for Personal Data: powers, functions and enforcement. The course will focus on the Hong Kong situation but reference will be made to relevant international human rights instruments and the global and regional trends and developments.

Assessment: 40% research assignment, 60% take home examination

LLAW6062 Economic, social and cultural rights

This course will begin with a discussion of the theoretical and historical development of economic, social and cultural rights (“ESC rights”) under the international human rights system. It will then examine the sources of ESC rights, the obligations of states and the implementation of ESC rights at both international and domestic levels. Among the substantive contents of ESC rights, the course will study the right to food, the right to water, the right to the highest attainable standard of health, the right to social welfare, and the right to housing. The course will also look at approaches to monitoring and advocacy strategies for the realization of ESC rights.

Assessment: 70% research paper, 20% case comment, 10% class participation

LLAW6070 Human rights in China

This course will examine the international and domestic dimensions of the protection of human rights in the People’s Republic of China. It will examine the applicability of international human rights standards to the PRC, the stance of the PRC in relation to international national mechanisms for the protection of human rights, and the place of international standards in domestic law. The course will consider the theoretical debates about the origin and contingency of human rights standards, questions of priorities in human rights, and the issue of rights in Chinese cultural contexts. It will also examine the extent of human rights protections available under the Chinese constitution and other laws, and will focus on selected issues, which may include the criminal justice system, freedom of expression, freedom of association, freedom of religion, labour rights, gender discrimination, and minorities/self-determination. The course will also examine the social and political forces that may contribute to the improvement of human rights in China.

Assessment: 100% research paper

LLAW6075 National protection of human rights

The Seminar on National Protection of Human Rights offers an opportunity to explore human rights in its national social and institutional contexts. Students will explore the important themes of national protection of human rights with an emphasis on Asia. Particular attention will be paid to domestic constitutional questions such as democracy, human rights and the rule of law. Asia is a region that houses nearly two-thirds of the world's population and includes a wide range of cultures and developmental contexts. We confront a common observation that human rights practice is ultimately local. While the human rights movement has made extraordinary efforts in the post-World War II era to develop global standards and institutions it has been plagued by weak implementation at the local level. Significant regional human rights treaties and institutions in Europe, Africa and the Americas have sought to address this deficiency on a regional level with mixed success. As the only region without a regional human rights regime, Asia has relied more completely on domestic constitutionalism and local institutional practices to articulate and implement human rights commitments. This has made the human rights debate more seriously a matter of local politics and legal culture. Asia has had a noteworthy engagement with some of the central themes in the human rights debate, relating human rights to culture, to the political economy of development, democratization, autonomy, and development of civil society. Asian discussions of these concerns have intimately connected issues of human rights and development. The seminar will explore these rich Asian themes and efforts.

Assessment: 20% presentation of research paper; 10% class participation (including two response papers and discussion), 70% research paper

LLAW6109 Public international law

Public international law governs inter-state relationships and entities such as individuals, international organizations and so on. The scope and importance of public international law has expanded dramatically in the last century due to increased awareness and studies towards globalisation, escalation of conflicts, environmental issues and human rights violations.

This *postgraduate* course explores the history, ideas and concepts that shape public international law and practice, and on the relationship between public international law and other ideas and phenomena. It aims to (i) provide a critical introduction to the subject matter and in-depth investigations into specific themes (such as war and peace, territorial disputes, state immunities, international dispute resolutions) and (ii) equip students with the skills and ability to advise on the basics of public international law and to analyze contemporary international legal problems.

Assessment: 50% mid-term examination, 50% research paper

LLAW6144 Rights and remedies in the criminal process

This course examines how courts in various common law countries have enforced the legal rights of suspects and accused persons at different stages in the criminal process. The following rights will be studied comparatively: right to be free from arbitrary detention, right to bail, right to legal representation, right of silence, right to trial without undue delay, right against

unreasonable search and seizure, and right to a fair trial. The remedies to be examined will include exclusion of evidence at trial, stay of proceedings, declaration, damages, adjournment, and bail.

Assessment: 15% class participation, 85% take home examination

LLAW6153 Business and human rights

This course investigates the relationship between business and human rights in the context of globalisation and as a distinct field within the broader corporate social responsibility (CSR) movement. The course will invite students to explore the relevance of human rights standards and norms to business operations and consider the extent to which corporations are or should be bound by human rights law and obligations. The legal, political, economic and social issues arising from the cross-border activities of multinational enterprises (MNEs), particularly in developing countries, will be examined against the backdrop of the growing public demand for greater transparency and accountability. The course will also analyse the role and methodologies of civil society seeking to influence corporate human rights practices, and the ways in which some MNEs have responded to growing pressure to address human rights issues through initiatives that seek to connect CSR, human rights and business strategy by managing reputational risk and promoting human rights as a source of competitive advantage in the marketplace.

Assessment: 70% research paper; 20% advocacy exercise; 10% class participation

LLAW6156 Comparative constitutional law

This interdisciplinary course will survey a combination of fundamental questions and cutting-edge scholarly debates concerning both constitutional drafting and constitutional adjudication. Readings will consist primarily of social science scholarship as opposed to judicial decisions and will have a primarily empirical as opposed to normative orientation.

Law school courses in comparative constitutional law have traditionally focused on constitutional adjudication to the exclusion of constitutional drafting. However, questions of constitutional drafting and constitutional design are of considerable and growing importance. Accordingly, this course will address not only how constitutions are interpreted and enforced, but also how they are created in the first place. The course will begin by considering foundational questions, such as: What is a constitution? What purpose(s) do constitutions serve? What practical effect, if any, do constitutions have? What topics should be addressed by a constitution?

Other topics to be addressed include the process by which constitutions are drafted; the extent to which the content of national constitutions has become standardized; the relationship between constitutional law and international law; the extent to which constitutional courts around the world employ common analytical techniques and the usage of foreign law by constitutional courts. The goal will be to develop an empirically informed understanding of recurring patterns and contemporary standards in constitutional drafting and constitutional adjudication. The course will be conducted in a seminar format, meaning that much of class time will be spent exploring the questions and arguments posed by the material

through group discussion rather than through lectures by the instructor.

Assessment: 20% class participation, 80% written assignment

LLAW6182 International organizations

Using the case method, this course explores the key court decisions that have helped establish the legal principles that empower and regulate international organizations. Analysis of these cases illuminates the relationship and tension between international law and politics in this area, as well as shows how courts help and hinder the development of international organizations, sometimes in the same case. Additional case studies will focus on contemporary problems facing a variety of international organizations. The debates and assessment exercises will strengthen students' critical reasoning skills, in addition to fostering a sophisticated understanding of the law created for and by international organizations.

Assessment: 50% mid-term examination, 50% research paper

LLAW6183 Animal law

This course examines the law relating to non-human animals. The course will introduce a range of theoretical perspectives on the way in which we think about animals, with a focus on moral/ethical theories of animal interests and animal rights. The welfare model of animal law, as expressed through relevant legislation and case law, will be critically analysed. While much of the consideration of this law will have an Asian orientation, attention will also be given to international developments in animal law. Finally, the course will explore practical ways in which lawyers may advance the interests of animals.

Assessment: 70% Written research assignment; 30% seminar presentation

LLAW6215 Seminar on human rights and constitutionalism in Asia

The Seminar on Constitutionalism and Human Rights in Asia offers an opportunity to explore human rights in its social and institutional contexts. Students will explore the important themes of constitutionalism and human rights in Asia, a region that houses nearly two-thirds of the world's population and includes a wide range of cultures and developmental contexts.

This course adopts an interdisciplinary and comparative approach to analyze the interaction between constitutional law and politics in Asia. We will examine communist regimes (China, Vietnam), dominant party democracies (HKSAR, Singapore), and liberal democracies (Taiwan, South Korea), and explore how the regime-type of the constitutional system impacts human rights enforcement by the courts.

Assessment: 25% class presentation, 75% research paper

LLAW6247 Medico-legal issues

Advances in medical knowledge and technologies have transformed the modern world, altering the very fabric of societies by greatly improving the quality of life and extending life expectancies in the developed world. But increasingly, advances in medical knowledge and technologies is seen as delivering ever-marginal returns, and as merely postponing inevitable mortality at considerable cost to the quality of life in many circumstances.

Life and Death. This course begins with an examination of some of the most fundamental human concepts: the meaning and definition of life, and of death. We start first with an inquiry into the meaning of life, and when it begins. This inquiry has profound consequences not only for the criminal law ('can one murder an unborn child? Is an unborn child alive and distinct from its mother to begin with?'), but also for modern clinical technologies such as artificial reproductive techniques such as *in vitro* fertilization, and also for cutting-edge research involving human stem cells derived from the destruction of human embryos. The definition of life, too, is central to the shape of the law in relation to issues such as abortion. The definition of life in the body of the law and of ethics is inextricably bound up with the definition of death: in this second line of inquiry, we explore the consequence of modern technologies that extend biological function in ways not historically within the experience of humankind. Is a person dead when the heart stops? When it does, is it ethical and legal to remove the heart for transplant into another person, with the intent of restarting it in the recipient? What is the social, ethical and legal approach to the status of patients who are not wholly brain-dead, but are in irreversible states of unconsciousness such as PVS (Persistent Vegetative State)? Is it ethical and lawful to let such people die by removing them from life support? What is the meaning of 'brain dead'?

The next inquiry is a logical extension of the inquiry into death: people don't have any choice about being born, or of the circumstances of their birth, but do or should people have a choice about how they die? Do patients have a right to refuse treatment? Do patients have a right to die? Do patients have a right to be helped to die if they cannot achieve this themselves (for example, if they are paralysed)? What kind of advance decisions may a dying person make regarding his treatment and care at the end of life? Are living wills or advance directives lawful in Hong Kong? Do they bind doctors and families? Who is entitled to make decisions for a patient at the end of life when the patient is no longer competent or conscious? We examine in this context the notion of medical futility and its place in the law.

The Human Body and the Law. In this section, we explore a series of related inquiries, beginning first with the question of what kind of property rights may be asserted in the human body and its parts. Is a human body (or any part thereof) property which a testator may lawfully devise and make a binding gift of in his will? Is a corpse, or a preserved organ or tissue samples capable of being 'owned' in the sense of personal property in the law? The legal answer to this question may be surprising to most people, and it has profound implications for current developments such as intellectual property claims to or derived from human tissue or genes or proteins, as well as to the rapidly developing field of human tissue banking, biobanking and genetic or genomic banking.

Closely tied to the question of property in the body is the concept of human organ transplantation. Is transplantation legal, and what are the ethical and legal rules governing it? Do rules differ for *inter vivos* transplants (where the donated organ is taken from a living person) and cadaveric transplants (where the donated organ is taken from a dead person – but when is a person 'dead' for the purposes of transplantation?). We examine in particular the ethical and legal difficulties involved when organs are harvested from donors declared dead on

cardiovascular death criteria instead of whole-brain death criteria. How should scarce resources such as human organs be allocated? To the sickest? To the best immunologically-compatible match? Should trade in organs be allowed, and if not, why?

The Physician-Patient Relationship. In this third part of the course we examine the standard duties imposed on physicians by the law, and consider especially the standard of care to be applied in the global duties of diagnosis, disclosure and treatment. Starting from the standard background of the *Bolam* rule, we consider the implications of the recent (March 2015) change in the common law relating to the standard of care for disclosure directed by the UK Supreme Court. Who decides how much information a patient should be given? Are there any circumstances in which a doctor may deliberately withhold information from the patient? What kinds of risks may a doctor take on behalf of the patient?

In this part, we also examine the obligation of confidence, starting first with an inquiry into the operation of the duty of confidence in the ‘traditional’ context or ‘traditional’ situations. But increasingly, the advent of modern technology and new applications for medical information is straining the traditional justifications for the confidence rule. We examine the modern formulation of the confidence rule in the context of new technologies such as genetic testing, genetic screening – and genetic research.

Human Biomedical Research. In this final part, we survey key developments in a rapidly-developing field which is becoming an increasingly important part of the work (and ambitions) of every healthcare institution in the developed world – biomedical research. The student is introduced to basic concepts in the field of human experimentation, research involving human subjects, clinical trials (drug or pharmaceutical trials), institutional ethical governance for biomedical research, human tissue banking, the use of medical information and biobanking.

Assessment: 30% class participation; 70% take home exam

LLAW6271 Bioethics foundations

This is a course in bioethics offering an introduction to the fundamentals of bioethics.

The course provides a firm grounding in traditional approaches to bioethics and relevant basics of legal and philosophical theory, while also introducing students to non-Western perspectives. By making connections to moral and legal philosophy as well as to bioethics, students will be able to locate current questions of policy and law within a broader academic context. The course will emphasize building student understanding of philosophical fundamentals, which are involved in and may provide a different perspective to more specific topics in bioethics such as the end of life and the physician-patient relationship.

The syllabus covers significant schools of thought essential to an understanding of bioethics and medical law, such as consequentialism, virtue ethics, and deontology. Students will also be introduced to non-Western perspectives, such as concepts in Confucian ethics. Throughout the class, students will examine legal, ethical, and economic and policy dimensions of questions in bioethics using the philosophical tools they develop. This will generally take the form of case studies, which students will be given to analyze and debate in class. Such case studies will cover topics such as rationing in modern health care systems, organ transplantation, the use of reproductive technology and human enhancement. Through the in-class debates, students will

develop the ability to identify the key issues of bioethics that arise in the case studies, as well as construct well-formed arguments in support of or against a position in these debates.

Assessment: 30% class participation, 70% take home examination

LLAW6272 Medical law and ethics

The course examines in depth the legal relationship between the physician and the patient, with a particular focus on the basic ethical and legal duties and responsibilities owed by registered medical practitioners to their patients. The aim is to equip students with a sound understanding of the basic legal principles and doctrines underlying the legal and ethical responsibilities and duties owed to patients.

In particular, the specific tort of medical negligence will be examined in detail, as well as claims in contract. The applicable standard of care for all three elements of the global duty of a physician will be covered, with particular attention being paid to recent law reform in the areas of informed consent, adequacy of disclosure and information, as well as causation.

Apart from medical negligence, the course will also deal with other important responsibilities of physicians such as the taking of consent from minors and incompetent patients; medical confidentiality and privacy of medical information and records; the refusal of treatment; an introduction to advance medical directives; the concept of medical futility and the withdrawal of treatment. Statutory obligations under the Medical Registration Ordinance will also be covered. Students will also be given an introduction to duties that are likely to arise with the advent and widespread adoption of new technologies in medical practice.

Assessment: 30% class participation, 70% take home examination

LLAW6274 The beginning and end of life

The course examines in depth some of the most compelling ethical, legal and social issues brought about by the advent of modern technology which has blurred the certainty traditionally taken for granted as regards the constructs of the beginning of life and of its end. Major components of the course include the following:

- (i) The foetus and the beginning of life, including when human life can be said to begin and abortion and the balance of rights between the interests of the unborn child and its mother.
- (ii) Assisted reproductive technologies, including *in vitro* fertilization, donated gametes, and surrogacy. What controls should there be, for example, on genetic screening and genetic selection procedures, including procedures such as preimplantation genetic diagnosis (PGD) which allow the selection of embryos (whether against severely disabling or likely fatal heritable conditions, or for gender or 'social' reasons) for implantation?
- (iii) Decisions at the end of life, including how death should be defined in light of rapid developments in medical technology. This section will examine different perspectives on patient autonomy and the right of self-determination, anticipatory decisions and advance directives, refusal of treatment, and emergency treatment of the incompetent or

unconscious. It will explore the right to refuse treatment and consider arguments for the right to die and euthanasia.

Assessment: 30% class participation, 30% coursework, 40% final examination

LLAW6275 The legal foundations of global health and development

This course will introduce students to global health law, international moves towards a right to global health, the fundamental human right of access to basic medical services, national and coordinated international responses to and the management of global health hazards (including responses to emergent infections, epidemics, antimicrobial resistance (AMR), addiction and substance abuse), the socio-legal management of and responses to risky behaviours (including STDs, addiction and substance abuse).

The course will also cover the role of international law, treaties and instruments touching on global health concerns, and how international law operates, and how it is different from national law.

The constitution, function, role and effectiveness of key international global health organizations such as the United Nations, World Health Organization, UNICEF and the FAO will also be studied. Selected examples on key pressing current issues such as national and international responses to SARS, MERS, Ebola, Zika and AMR, as well as an assessment of the state of national and international preparedness for highly-pathogenic future pandemics and the effectiveness of public health measures such as that for tobacco control will be examined through case studies.

Students will also be introduced to the International Health Regulations (IHR 2005), and will examine responses of the various IHR Emergency Committees on Ebola, MERS-CoV, Zika virus etc. The often-strained relationships between international health organisations such as the WHO and national agencies will be examined.

The argument for basic medical services as a fundamental human right will be examined, particularly in the context of the links between health access on the one hand and economic and social development and social stability of developing countries on the other. The use of denial of medical services as a weapon of war will also be discussed.

In a similar context, equitable access to drugs and fair pricing will also be considered, as well as the role of intellectual property claims in the context of access to pharmaceuticals.

Finally, the course will examine current moves both at the national and international levels for a coordinated public health response to noncommunicable diseases (including epidemic 'lifestyle' diseases such as diabetes and other NCDs which are metabolic disorders), and the role that national and international law can play in such responses.

Assessment: 30% class participation, 70% take home examination

LLAW6291 Mental disability and the law

This is a course that explores the relationship between mental disability and the law.

This course deals with the relationship between mental disability and the law, examining various aspects of how the law deals with those with mental disability (which includes individuals with various kinds of mental impairment and mental disorders) in both the civil and criminal context. The course addresses the key ethical principles underlying mental health law, as well as the international human rights instruments (such as the UN Convention on the Rights of Persons with Disabilities) that have had or should have an impact on the development of mental health law. The course will also have a significant focus on the user perspective, which will include interactive sessions with service users in Hong Kong.

The syllabus covers a range of topics in mental health law and ethics. Students will begin by learning about mental disability and legislative frameworks that govern mental health. The course will then cover various topics in criminal mental health law, including police powers and defences. This will then be followed by topics in civil mental health law, including compulsory detention and treatment in hospital and conditional discharge, and mental capacity law, including the assessment of capacity and how best interest determinations on behalf of individuals without capacity are and should be made.

Throughout the classes, students will apply the ethical concepts they have learned to the various areas of criminal and civil law which take a different approach to those with mental disability, and develop the skills to critically examine the strengths and weaknesses in these areas. In particular, students will consider whether the law should have a different approach towards those with mental disability, and why. Students will also consider the extent to which Hong Kong's mental health law regimes are compliant with Hong Kong's international commitments, and where they are not, whether reforms are necessary and the direction any such reforms should take. Students will examine ethical, legal and policy dimensions in their exploration of the possibilities for reform.

Assessment: 30% class participation, 70% take home examination

LLAW6307 Hong Kong National Security Law in comparative perspective

This course offers a comprehensive analysis of the Hong Kong National Security Law (NSL) and relevant cases. It covers a wide range of theoretical and legal issues including the constitutionality of the NSL, national security offences and penalties, police power, protection of ICCPR rights, national security institutions, courts, jurisdiction, cross-regional legal issues, and interpretation. The course introduces the NSL within the Basic Law framework and involves a variety of laws relevant to the implement of the NSL, including the Basic Law, Hong Kong laws, Chinese public law, and international human rights laws. The course explores controversies surrounding the NSL from a comparative perspective by referring to legal practices in other jurisdictions, particularly mainland China, countries such as South Korea and Spain with serious national integrity concerns, and common law jurisdictions such as the United States, the United Kingdom, Australia, Canada, and Singapore. The course also examines broader political and social dimensions implicated in the NSL and national security matters. The course aims to help students objectively appraise the NSL and reflect on legal approaches to balance the tension between national security and human rights.

Assessment: 10% participation in discussion, 90% research essay

LLAW6316 Transnational criminal law

Transnational criminal law is a broad subject encompassing (i) the international and domestic laws used to suppress transnational crimes and (ii) the cross-border criminal procedures applied in domestic cases. Transnational crimes are offences that occur in or affect more than one jurisdiction and include drug trafficking, money laundering, organized crime, human trafficking, people smuggling, terrorism, cybercrimes, bribery, trafficking in endangered species or cultural property, and violation of sanctions. Cross-border criminal procedures may be needed in domestic cases, whether the crime is transnational or local, if an essential aspect of the case (e.g. the defendant, a witness, or material evidence) lies outside the territory of the place handling the case. Such procedures include extradition, mutual legal assistance (e.g. in evidence gathering), asset freezing and recovery, and transfer of sentenced prisoners.

Students in this course will study these various aspects of transnational criminal law from reading both primary and secondary sources. The course approaches these topics from both theoretical and practical perspectives and with reference to the international and domestic laws/practices relevant to Hong Kong.

Some issues that may be discussed in the course include the tension between sovereignty interests and the domestic exercise of extraterritorial jurisdiction, the elements of transnational criminal offences, the implementation of treaty crimes into domestic law, reconciling cross-border criminal procedures with protections for human rights and the rule of law, practical difficulties in criminal cooperation between states and within the People's Republic of China, latest developments in cross-border digital data/evidence requests, and the role of international organizations such as the United Nations, INTERPOL, Financial Action Task Force, etc in addressing transnational criminal activity.

Assessment: 30% group presentation, 70% take home examination

LLAW6318 Public health ethics and law

This course will introduce students to public health law and ethics. With the understanding that ethics and law are two different domains of praxis and governance, and that ideally ethics should ground law, the first part of the course will focus on the ethics of public health. Through particular case studies such as the COVID-19 pandemic, this course will discuss emerging as well as recurrent themes in public health ethics discourse, including the tensions between private interest and the common good, and between the right to health and other human rights; as well as the practice of distributive justice and solidarity in the protection and promotion of population health. Specific topics will include the ethics of isolation/quarantine and the social determinants of health. The second part of the course, informed by ethical perspectives from the first part, will focus on Hong Kong public health law in global perspective. Topics include the conceptual and historical foundations of public health law; the legal infrastructure of the public health system and the constitutional duties of actors within this system; the legal control of communicable diseases; the law of public health emergencies; the legal regulation of tobacco and alcohol; and environmental health law. During the course students will be encouraged to think critically and independently about complex ethical and legal dilemmas. No formal training in philosophy or ethics or jurisprudence is necessary.

Assessment: 20% class participation, 30% coursework, 50% final examination

LLAW6348 Equality rights in China (in Putonghua)

Since the 1990s, Mainland China has progressively enacted a range of laws aimed at protecting the equal rights of particular groups, while anti-discrimination cases and related public debate have become increasingly visible. Public interest legal action has contributed to the development of equality rights law, but has also faced significant challenges. Using the principles of equality and non-discrimination in international human rights law as its analytical framework, this course offers a systematic examination of the development, application, and practical operation of equality rights law in Mainland China.

The course begins by introducing the basic concepts of equality and anti-discrimination, the relevant international norms, and the existing legal framework in Mainland China, while assessing the structural features and limitations of the current system. It then focuses on the protection of different groups, including women, sexual minorities, children, persons with disabilities, persons affected by health conditions, ethnic minorities, and persons disadvantaged by household registration or regional origin. Through close reading of legal texts, judicial decisions, and representative cases, the course analyses the progress and shortcomings of legal remedies for equality rights claims in Mainland China.

Building on this foundation, the course will further examine equality in a number of specific settings, including the workplace, digital spaces, and equality before the law. It will analyse the differential impact that the same legal framework may have on different groups, and explore the necessity and feasibility of comprehensive anti-discrimination legislation, as well as the broader framework of state responsibility. Finally, the course situates legal norms within the historical trajectory of civil society efforts to advance equality rights in China. It introduces different legal advocacy strategies and analyses the institutional constraints and social conditions under which such advocacy operates, thereby evaluating the potential and limits of law as an instrument of social change. The course will be taught in Putonghua, with readings in both Chinese and English.

Assessment: 10% class participation, 20% response paper, 30% group project, 40% final research paper

REGULATIONS GOVERNING THE FORMAT, BINDING, AND PRESENTATION OF DISSERTATIONS FOR HIGHER DEGREES BY COURSEWORK

1. Each copy of a dissertation shall be typewritten or printed on one side only of International size A4 paper¹ (except for drawings, maps, or tables on which no restriction is placed), with a margin of not less than 38mm on the left-hand edge of each page.
2. The appropriate Board of the Faculty shall decide whether any dissertation submitted successfully in part-fulfilment of a higher degree by coursework shall be an accession to the University Library.
3. If it is to be an accession to the Library the top copy of the dissertation shall be used, and bound in one or more volumes as determined by the Librarian and between boards faced with cloth in black for MA, MPA, MMedSc, in dark blue for MSW, MBA, and in green for all others. The title, name of author, degree, and date shall be lettered in gilt on the front cover and spine in accordance with the standard layout approved by the Librarian. The title of a dissertation written in Chinese shall be lettered on the cover in Chinese and English.

¹ 297 mm x 210 mm-

N.B. Candidates for higher degrees are reminded that any dissertation not typed or printed on the correct paper will not be accepted. Any candidate who has difficulty in obtaining the paper should consult his Faculty Office.