

## **REGULATIONS FOR THE DEGREE OF MASTER OF LAWS IN MEDICAL ETHICS AND LAW (LLM(MEL))**

*(These regulations apply to candidates admitted to the LLM(MEL) curriculum in the academic year 2020-21 and thereafter.)*

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

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### **LLMMEL1. Admission requirements**

To be eligible for admission to the courses leading to the degree of Master of Laws in Medical Ethics and Law, a candidate

- (a) shall comply with the General Regulations and the Regulations for 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 the degrees of Bachelor of Medicine and Bachelor of Surgery from this University, or a qualification of equivalent standard from this University or another comparable institution accepted for this purpose; or
    - (iii) shall hold the degree in a discipline other than law or medicine 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 or professional qualifications; or
    - (iv) 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 English language requirements as prescribed by the University (under General Regulation G2(b)) and the Faculty of Law.
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## **LLMMEL2. 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 of Law but will be recorded on the transcript of the candidate.
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## **LLMMEL3. Period of study**

- (a) The curriculum for the degree of Master of Laws in Medical Ethics and Law 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.
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## **LLMMEL4. Completion of curriculum**

To complete the curriculum for the degree of Master of Laws in Medical Ethics and Law, a candidate shall

- (a) satisfy the requirements prescribed under TPG 6 of the Regulations for Taught Postgraduate Curricula; and
  - (b) satisfactorily complete not fewer than 72 credits nor more than 78 credits in the case of a full-time study in one academic year, including a capstone experience, or not fewer than 36 credits nor more than 42 credits in the case of a part-time study in each of the two academic years of study, including a capstone experience (as long as the total study load does not exceed 78 credits).
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**LLMMEL5. Selection of courses**

- (a) Candidates shall select their courses in accordance with these regulations and the guidelines specified in the syllabuses 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).
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**LLMMEL6. Dissertation**

- (a) Candidates, whether full-time or part-time, who elect to submit a dissertation shall submit the title not later than six months before presenting the dissertation for examination. The dissertation must be presented not later than August 31 of the year in which the candidate would like to graduate.
  - (b) 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 presented at least three months 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.
  - (c) 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.
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**LLMMEL7. Progression in curriculum**

- (a) Candidates shall normally be required to undertake a combination of courses and study requirement 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 42 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 24 credits in any one semester (not including the summer semester), as long as the total study load does not exceed 78 credits.

- (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 or maximum curriculum study load of 78 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 78 credits for the normative period of study specified in LLMMEL3(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 of Law, 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 LLMMEL3(b).

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**LLMMEL8. Exemption**

Candidates may be exempted, with or without special conditions attached, up to 18 credits (two courses) in the requirement prescribed in the regulations and the syllabus governing the curriculum with the approval of the Board of the Faculty, 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.

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**LLMMEL9. 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/ 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.

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**LLMMEL10. Absence from an 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 two weeks 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.

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**LLMMEL11. Requirements for graduation**

To be eligible for the award of the degree of Master of Laws in Medical Ethics and Law candidates shall comply with the General Regulations and the Regulations for Taught Postgraduate Curricula, and complete the curriculum and satisfy the examiners in not fewer than 72 credits nor more than 78 credits in accordance with these regulations within the maximum period of registration, which shall include the successful completion of a capstone experience as specified in the syllabus of the curriculum.

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**LLMMEL12. Grading system**

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

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**LLMMEL13. 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.

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# **SYLLABUS FOR THE DEGREE OF MASTER OF LAWS IN MEDICAL ETHICS AND LAW**

## **COURSEWORK**

The Board of Examiners shall decide what proportion of the final assessment for each course shall be determined by written 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.

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## **OBJECTIVES**

The delivery of healthcare and healthcare research are being transformed by rapidly advancing technologies. Healthcare and healthcare research are dynamic fields attracting constant law reform and policy innovation with the promise of these transformations raising ethical, legal and social issues in relation to the boundaries of medicine. In addition, healthcare and healthcare research operate in a globalized world, which means that a nuanced and regionally contextualized view of ethics, law and policy is increasingly essential. In recent decades, both the body of law and the body of ethics have recognized the ascendancy of the principle of patient autonomy. But how should we navigate conflicts between this principle and other imperatives, such as patient welfare, within the limits of the healthcare system? How should the increasingly complex and specialized healthcare professions (including medicine, nursing and dentistry) be regulated? With more physicians engaging in the sphere of biomedical research involving humans (or their personal or clinical information), what conflicts and confusion might arise, and how may such interactions be best managed? The increasing prominence of such questions and the growth of the health care and biotechnology sectors demand professionals educated for new complexities in the organization and delivery of research and healthcare.

In light of the above, this curriculum confronts basic topics in medical law and ethics, encompassing concerns of growing importance in the health professions, law and business—ranging from consent to confidentiality, from research best practices to ethics at the end of life and from best practice standards to the nuances of medical negligence. In an ever-evolving global community, this curriculum offers lawyers, social scientists, policymakers and healthcare professionals a guide to the fundamental ethical, legal and social issues influencing the delivery of healthcare.

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## **DISSERTATION/PRACTICUM**

The Capstone Experience shall comprise (a) a 9-credit dissertation on a legal topic approved by the Faculty Higher Degrees Committee with required range from 8,000 to 10,000 words or such other limit as approved by the Programme Director or (b) with the approval of the Programme Director, a practicum comprising a 5,000 word writing project based on (i) one or more short clinical attachment programme(s) as the Programme Director may approve in a hospital, any other appropriate healthcare or biomedical

institution, or any other appropriate medico-legal setting and/or (ii) an academic attachment programme as the Programme Director may approve. The duration and the number of hours of such attachment programme(s) shall be as approved by the Programme Director. The dissertation or the writing project for the practicum must be a health-related ethics or law topic, and approved by the Programme Director, and, as the case may be, must provide evidence of original research work and a capacity for critical legal analysis and argument. Each student will be required to give a presentation on his or her dissertation or writing project, as the case may be.

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## STRUCTURE

Candidates are required to complete not fewer than 72 credits nor more than 78 credits, including five 9-credit compulsory courses and a capstone experience in accordance with the regulations for this degree and the syllabus as set out below.

A selection of law and non-law electives are offered. Candidates enrolling in non-law electives should be aware that the electives offered by the School of Public Health are 3-credit in value and that the electives offered by the Faculty of Social Sciences are 6-credit in value. Candidates are required to choose at least one law elective and one non-law elective, with a maximum of 78 credits in total for the programme.

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## COURSE OUTLINES

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

### **Compulsory introductory courses**

- LLAW6269 Introduction to medical law
- LLAW6270 Introduction to medical practice

### **Compulsory courses**

- LLAW6271 Bioethics foundations
- LLAW6274 The beginning and end of life
- LLAW6272 The physician-patient relationship
- LLAW6250 The regulation of biomedical research

### **Capstone courses**

*(Candidates must choose one of the following courses.)*

- LLAW6054 9-credit Dissertation<sup>1</sup>
- LLAW6273 Practicum project<sup>2</sup>

### **Law Electives**

- LLAW6209 Comparative family law
- LLAW6106 Global information technology law and practice
- LLAW6005 Hong Kong intellectual property law

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<sup>1</sup> Each student shall give a presentation on his or her dissertation.

<sup>2</sup> Each student shall give a presentation on his or her writing project.



LLAW6120	Intellectual property and information technology
LLAW6212	Intellectual property protection in China: law, politics and culture
LLAW6140	Intellectual property, innovation and development
LLAW6132	International and comparative intellectual property law
LLAW6302	Law, innovation, technology and entrepreneurship (LITE) lab – tech startup law plus
LLAW6291	Mental disability and the law
LLAW6219	Patent law
LLAW6164	Principles of family law
LLAW6046	Privacy and data protection
LLAW6275	The legal foundations of global health and development

### **Non-Law Electives**

CMED6909	Comparing systems of elder care (3 credits)
CMED6104	Emerging infectious diseases and "one health" (3 credits)
CMED6902	Health economics (3 credits)
CMED6204	Health and society (3 credits)
CMED6900	Health policy and politics (3 credits)
CMED6218	Human health: futures in a globalized world (3 credits)
CMED6216	Personalised public health (3 credits)
CMED6201	Principles of public health (3 credits)
SOWK6292	Ageing and health (6 credits)
SOWK6214	Children and youth mental health (6 credits)
SOWK6084	Intervention in health care settings (6 credits)
SOWK6201	Mental health problems in old age (6 credits)
SOWK6310	Psychosocial approaches in mental health care (6 credits)
SOWK6283	Social work with persons with mental illness (6 credits)

***NOTE: Not all courses will be offered in any given year. For actual courses available, please refer to annual course offerings. Whether a student will be able to enroll in a particular course depends on (1) whether the particular course is offered in the relevant academic year, (2) any quota applicable and (3) the decision of the offering department and/ or the Programme Director.***

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## **COURSE DESCRIPTIONS FOR THE DEGREE OF MASTER OF LAWS IN MEDICAL ETHICS AND LAW [LLM(MEL)]**

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### ***Compulsory introductory courses***

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#### **LLAW6269 Introduction to medical law**

This course will be compulsory for those LLM in Medical Ethics and Law students without a foundational LLB, JD or other equivalent common law system qualification and which aims at introducing students without a common law background to the legal system, legal methods and the law of tort. LLM in Medical Ethics and Law students with a foundational LLB, JD or other equivalent common law system qualification will be required to take the Introduction to Medical Practice Core Course instead. Where a LLM in Medical Ethics and Law student has both a foundational LLB, JD or other equivalent common law system qualification and a degree in medicine, the Programme Director will exercise his or her discretion to decide whether to (1) require the student to take Introduction to Medical Law or (2) require the student to take Introduction to Medical Practice or (3) grant an exemption.

The introductory portion of the course will consist of Legal System and Methods: an overview of the nature of legal method and precedent and of sources of law, as well as the framework of the Basic Law and general legal system in Hong Kong. In particular, the workings and methodology of the English common law system (on which Hong Kong medical law is largely based) will be examined. Students will be equipped with the necessary academic tools for legal analysis, research and writing. The course will familiarize students without legal backgrounds with distinctions between civil and common law systems as well as the role of international law. Within the common law framework, students will build understanding of the role of precedent, sources of law and governmental authority and distinctions between procedural and substantive law. The course will also cover the topic of health as a human right and its relation to national and international law.

The second portion of the course will cover Introduction to Medical Law. In this section, students will be given an introduction to the law of tort, with an emphasis on the torts of trespass and negligence. Case studies drawn from medico-legal claims will be used. The concept of causation and damages will also be covered briefly. A short introduction to the differences between the various kinds of actions that may be faced by healthcare professionals (coroners' inquiries, professional disciplinary proceedings, criminal proceedings, and civil claims in trespass, negligence or in contract) will also be given. Consideration will also be given to the legal responsibilities of healthcare professionals other than physicians, including nurses, allied healthcare professionals, medical social workers and counsellors.

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

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## **LLAW6270 Introduction to medical practice**

This course is primarily intended for LLM in Medical Ethics and Law students who have a foundational LLB, JD or other equivalent common law system qualification. LLM in Medical Ethics and Law students without such a qualification will be required to take the Introduction to Medical Law Core Course instead, which aims at introducing students without a legal background to the legal system, legal methods and the law of tort. Where a LLM in Medical Ethics and Law student has both a foundational LLB, JD or other equivalent common law system qualification and a degree in medicine, the Programme Director will exercise his or her discretion to decide whether to (1) require the student to take Introduction to Medical Law or (2) require the student to take Introduction to Medical Practice or (3) grant an exemption.

This course is designed to give students with a legal background a better understanding of the healthcare system in Hong Kong, the allocation of financial and manpower resources in the healthcare sector, healthcare financing in Hong Kong, medical education and training in Hong Kong, the arrangement and organization of healthcare services in both the public and the private sectors, an overview of the likely impact of new technologies in clinical practice and in the field of biomedical research, an overview of the regulatory framework governing the healthcare professions and their work, and an introduction to specific public health issues.

Students will be given a perspective on practical problems, issues and constraints faced by medical practitioners so that their perspective of and approach to issues and problems in the field of medical ethics and law will not be confined solely to legal considerations. The class covers essential topics in health care practice with an emphasis on applied learning through practitioner narratives, case studies and site visits.

In order to practice in the dynamic, technologically and ethically complex health care arena, lawyers must understand the practical and cultural realities faced by medical professionals. This course aims to provide an introduction to both the experience of medical practice, and to important topics in health care management and service delivery.

The first portion of the class will focus on Health Care Delivery and will address key topics in management and administration of health care organisations such as financing, resource allocation, provider payment and service delivery.

The second portion of the class will consist of Medical Case Studies, and will serve as an introduction to the experience of care from both a patient and physician perspective. Students will be familiarized with the elements of a patient encounter in different types of health care settings using an interactive case-study based model taught by practitioners.

The class will be supervised by teachers from both the Faculty of Law and the Li Ka Shing Faculty of Medicine.

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

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### *Compulsory courses*

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#### **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 final examination

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#### **LLAW6272 The physician-patient relationship**

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 and other healthcare professionals (including dentists, pharmacists, nurses, medical social workers, counsellors, medical diagnostic professionals, clinical trials administrators and biomedical researchers) 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 their patients.

In particular, the specific tort of medical negligence will be examined in detail, as well as claims in contract, particularly in relation to non-therapeutic or purely elective procedures. 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. The

responsibilities and duties owed by entities such as hospitals, health insurance companies, employers will also be examined in the context of organizational and institutional liability and non-delegable duties in the provision of healthcare. The ethical and legal obligations of professionals in allied healthcare professions such as nursing, pharmacy and supporting medical therapies will also be covered.

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 and other relevant statutory instruments will also be covered, as well as an introduction to professional disciplinary proceedings. The course will cover disciplinary processes and fitness to practice, professional ethics, professional licensing and codes of conduct, and statutory and common law rules and concepts applicable to disciplinary proceedings.

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 – for example, likely future developments in the standard of care in the context of genomic medicine, precision medicine, genetic testing and screening, gene editing and germ-line gene therapy.

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

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### **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 sections:

The Foetus and the Beginning of Life. When does human life begin from the perspective of the law? What kind of protections does the law provide for the foetus or the unborn child? Starting with an examination of the common law doctrines bearing on the beginning of human life, we move onto a consideration of the relevant provisions of the Offences Against the Person Ordinance governing abortion, child destruction and infanticide, and then to a wider consideration of abortion laws and policies around the world. We will also examine current legal perspectives on the balance of rights between the interests of the unborn child and its mother, and how such perspectives affect the structure of legal regimes governing the right to abortion, and/or to the limits placed on such procedures. Enforced sterilization will also be covered.

Assisted Reproductive Technologies. This section deals with the impact of artificial or assisted reproductive technologies, including *in vitro* fertilization, donated gametes, and surrogacy. What controls should there be 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? How should supernumerary or 'spare' embryos be dealt with?

Decisions at the End of Life. How is death currently defined in the law, and is it a moving target because of rapid developments in medical technology? On what basis is the shift from the traditional cardiovascular death standard to that of 'whole-brain death' to be justified? In this section, the course examines at length ethical, legal and social 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 explores the concept of medical futility, and the right to refuse treatment (and conversely, the right to demand treatment), before going on to consider arguments for the right to die and euthanasia.

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

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## **LLAW6250 The regulation of biomedical research**

The course is aimed at students seeking a understanding of the framework of legal and ethical regulation (both locally and internationally) of biomedical research in all its common aspects, particularly in the context of international standards for clinical trials (pharmaceutical trials); direct human experimental and biomedical research involving human subjects; 'non-invasive' epidemiological and other studies involving only the use of data; human tissue banking; cohort studies; biobanking; genetic testing and screening, genomic research; the use of 'legacy' diagnostic tissue or data collections; the sharing of personal, medical and genomic information; public 'diseases registries' and the use of medical information for public health purposes; the legal and ethical regulation of multi-centre and multi-jurisdictional collaborative biomedical research; international standards for ethical governance of biomedical research at the institutional level (through IRBs, ECs, HRECs); EMR (electronic medical records) databases; data-mining and the implications of migration to large-scale national health records systems.

Fundamental concepts such as the informed consent of subjects (at common law and under ICH rules) with particular emphasis on the consent given by or on behalf of minors, incompetent subjects and vulnerable populations, return of benefits to research subjects or research subject populations, assessment of risks, randomized controlled trial (RCT) and clinical equipoise will be considered in the context of clinical trials, as well as the impact and requirements of international guidelines.

The course seeks to help legal practitioners understand and keep abreast of developments (and to enable them to advise the medical and biomedical research sector) in the rapidly developing field of biomedical research, and to equip them with the basic language and vocabulary necessary to follow and keep abreast of legal and ethical developments in the field. The particular focus of the course is biomedical research carried out by biomedical researchers who are also registered physicians, on research subjects (or personal or medical data relating to such subjects) who are also the patients of the physicians.

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

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### *Capstone courses*

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#### **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.

Assessment: 100% research paper.

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#### **LLAW6273 Practicum project**

The Practicum shall comprise a 5,000 word writing project based on (i) one or more short clinical attachment programme(s) as the Programme Director may approve in a hospital, any other appropriate healthcare or biomedical institution, or any other appropriate medico-legal setting and/or (ii) an academic attachment programme as the Programme Director may approve. The duration and the number of hours of such attachment programme(s) shall be as approved by the Programme Director. Each student will be required to declare that he or she has no interest or relationship with his or her supervisor in the clinical or academic attachment programme(s), as the case may be. If any institution to which the student is attached in the clinical and/or academic attachment programme(s) is not on the list of pre-approved institutions as updated from time to time, the student will be required to justify his or her choice.

Students will be paired with an academic or practitioner mentor, who will assist in preparing for the practicum project. Students will be provided with guidance in improving their research and writing skills over the course of the writing process. Each student will meet regularly with his/ her assigned mentor to develop his/ her ideas for his/ her writing project and assess his/ her progress in preparation for the presentation.

Students will be placed with a partner organization after consultation with their assigned academic or practitioner mentors. They must receive a satisfactory written report from the supervisor at the placement organization reflecting that the student has demonstrated a serious approach to the work assigned, as well as shown satisfactory attendance at and completion of tasks assigned. Satisfactory maintenance of an Electronic Journal documenting weekly objectives, work output and achievement of goals is also required. Finally, students must submit a research paper on a topic related to the work of the placement organisation (to be agreed in consultation with the Programme Director and the supervisor).

As for the presentation, students will be scheduled to give a class presentation of their practicum project experience. Nontraditional formats may be explored subject to the Programme Director's approval.

Assessment: 50% practicum experience, 50% writing project

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*Law Electives*

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**LLAW6005 Hong Kong intellectual property law**

A comparative study of the Hong Kong law relating to patents, copyright, registered designs, trade marks, trade secrets, trade descriptions, common law remedies including and akin to passing off and injurious falsehood, and associated rights in information. Previous study or practice in the area of intellectual property would be an advantage but is not essential provided some preliminary private study is undertaken.

Assessment: 0% or 25% optional assignment, 100% or 75% take home examination

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**LLAW6046 Privacy and data protection**

This course will explore privacy and data protection in an increasingly interconnected data economy. Reference 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) existing common law and statutory protection: the equitable remedy for breach of confidence, defamation, copyright, the intentional infliction of emotional distress, the public interest, remedies; (c) the protection of 'personal information': Personal Data (Privacy) Ordinance, data protection principles, data access and correction rights, regulation of direct marketing, transborder data flow, Interception of Communications and Surveillance Ordinance, Electronic Health Record Sharing System Ordinance; (d) Privacy Commissioner for Personal Data: powers, functions, enforcement, exemptions, from data protection principles. 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

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**LLAW6106 Global information technology law and practice**

This course examines the legal and policy issues relating to information technology (IT) from a comparative, global perspective. It covers wide range of issues involving how national governments regulate the technology of internet and how private citizens' rights relating to internet are protected. Issues to be canvassed include privacy and personal data, internet jurisdiction, regulation of internet marketing, issues in electronic transactions, internet governance, domain name business models and disputes intellectual property

challenges for new business models, legal issues raised by cloud computing, as well as net neutrality and telecom regulation.

Assessment: 25% class presentation, 75% final paper

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### **LLAW6120 Intellectual property and information technology**

Given the ubiquity of information technology (IT) today, intellectual property (IP) issues related to IT have never been more challenging. With the predominance of frequent headlines about IT-related IP matters, IP and IT is, indisputably, one of the topics that has aroused great interest and attention today.

The course looks at the main IP issues related to IT, how IP can be used to protect, manage and create value from IT innovations, products and creations, and how the dynamic nature of IT would never leave IP law remain static.

Assessment: 10% presentation and class participation, 10% quiz, 30% exam, 50% research paper

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### **LLAW6132 International and comparative intellectual property law**

This course introduces the international framework within which intellectual property law operates, including copyright, patents, trademarks, industrial designs, unfair competition, trade secrets, geographic indications, and other forms of intellectual property (IP). The course examines how multilateral conventions and agreements such as Berne Convention, Paris Convention and TRIPS Agreement shape national IP laws, the role of international bodies such as WIPO and WTO, the effect of bilateral agreements, and other international influences on the development of IP law. The course also introduces the enforcement provisions and WTO dispute settlement mechanism concerning international IP disputes. While devoting special attention to IPRs protection for cutting edge technologies such as biotechnology and information technology, the course also discusses the protection for traditional knowledge and folklore, and the overall implications of international IP protection for global competition between developed and developing countries in an integrated world market.

Assessment: 60% take-home examination, 40% mid-term take home assignment

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### **LLAW6140 Intellectual property, innovation and development**

This course examines the interplay between intellectual property law, innovation social and economic development. While it covers copyright and trademark laws and examines how these two areas are affected by digital and Internet innovations, the focus of this course will be on patent law. Particularly this course will explore how cutting-edge technologies such as information technology, biotechnology and green technology have changed the landscape of patent law on the one hand, and how patent law has affected the

development of these technologies on the other hand. It uses judicial cases and empirical examples to illustrate how patents for biotech and pharmaceutical inventions have affected the access to technology and essential medicines, and how patent regime has been employed to protect genetic resources/traditional knowledge and green technologies, and whether such protection promotes or impedes innovation and technology transfer in these industries, and how IP protection has affected social and economic development of developing countries and least-developed countries. Last but not least, the course investigates IP-related antitrust issues, and discusses how to strike a balance between IP and competition for the benefit of technology innovation and economic development.

Assessment: 80% take home examination, 20% class participation

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### **LLAW6164 Principles of family law**

Family law is about people in a domestic setting; how domestic relationships are created, dissolved (which involves status alteration), reconstituted (remarriage, adoption), how relationships are regulated and disputes resolved. Hong Kong Family law is both common law and statute-based. However, the rules and principles are not ends in themselves, but they serve certain purposes or goals.

In this course, we examine the basic principles governing the creation of family relationship, termination and its consequences, how does the law deal with the evolving notion of domestic relationships, abuse occurring within such relationships, the protection it offers to the weaker party and the reconstitution of family relationships.

Families are undergoing changes constantly, as is society. Debates on transsexual marriage, same-sex marriage reflect this. Families are the microcosm of society bearing all the pressure which society exerts on its members. The challenge of the course is to understand the problems facing families today, to what extent the law is in tune with these problems, how best these problems could be alleviated, minimised or resolved by law reform or other means.

The objectives of the course is to enable you to learn the basic family law rules, understand how these rules are applied to a particular legal problem (which you need to utilise as a lawyer). As rules are not ends in themselves and they promote certain underlying values – you are required to critically analyses and assess what outcomes/values these rules promote; whether these values are consistent with prevailing societal values along certain theme, such as: (i) effective dispute resolution, (ii) protective (physical/economic) function of family law and (iii) upholding fundamental societal values concerning family, personal relationships and human rights.

Assessment: 45% written examination, 45% assignments and presentation, 10% class participation

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## **LLAW6209 Comparative family law**

The course focuses on family law issues in a comparative and international context and prior knowledge of family law or comparative law is not required.

Topics include: property and maintenance on divorce; the grounds for divorce; the legal status of cohabitants; legal regulation of adult relationships and changing family constructs; marital agreements (i.e. pre-nuptial, post-nuptial and separation agreement), the relevance of gender in family law and changing one's legal gender; parenthood and parental responsibility.

All topics are covered from a comparative perspective.

This course will be of interest to students and practitioners wanting to acquire an up-to-date understanding of current policy and issues in family law around the world and anyone with an interest in family law, comparative law and social policy.

Assessment: 25% class participation, 75% research paper

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## **LLAW6212 Intellectual property protection in China: law, politics and culture**

This course will examine all major areas of Chinese intellectual property, including trademarks, patents, copyright, competition and related trade and technology transfer issues, with a brief introduction to background, policies and administrative procedures. Reading knowledge of Chinese helpful but not required. No prerequisite.

Topics to be covered: the IP challenge and common ground; overview of IP administration and ARR/ALL procedures; trade and service marks; patents and technology transfer; copyright and software protection; and competition (trade secrets, advertising etc).

Assessment: 10% class participation, 90% four short essays

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## **LLAW6219 Patent law**

Intellectual Property Rights (IPRs) are among the most important catalysts for growth and innovation in the modern economy. IPRs – in particular patents - are worth billions if not trillions of dollars. What are patents and why are they so valuable? This course will look at patents, first in the context of all IPRs, then will examine rights under a patent, criteria for patentability, and the process of getting and challenging a patent. The class will also cover issues related to patent claims and will look at some current patent issues including:

- Commercial dealings: ownership, licensing, assignments, employees' inventions
  - Protection of discoveries
  - The process of getting a patent
- Patent infringement: Literal infringement and a comparison of UK and US

- treatment of non-literal patent infringement
- Protection of information technology products and the controversy surrounding software patents
- Design patents
- The value of patents

No prior technical knowledge is required for this class.

Assessment: 10% class performance, 10% quiz, 30% patent drafting exercise, 50% take home examination

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### **LLAW6275 The legal foundations of global health and development**

This is an Elective designed primarily for the LLM in Medical Ethics and Law programme, and 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

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### **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 in both the civil and criminal context. The course also 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 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 civil mental health law, including compulsory treatment (both in hospital and in the community) and mental capacity law (with a specific focus on available legal mechanisms in preparation for mental disability). This will be followed by various topics in criminal mental health law, including police powers and criminal defences.

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

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### **LLAW6302 Law, innovation, technology and entrepreneurship (LITE) lab - tech startup law plus**

Law, Innovation, Technology and Entrepreneurship (LITE) Lab@HKU is an interdisciplinary and experiential programme for students from all backgrounds.

Postgraduate students gain practical experience working with Hong Kong tech startup entrepreneurs through curated legal-related research projects determined between the

startup and students that relate to real-world needs of such tech startups that are often at the cutting-edge of legal and technological innovation. For this project-based experiential course, students will regularly interact with tech startups at LITE Lab@HKU on campus, at HKU-Cyberport Fintech Nucleus, at the startup's premises and/or electronically under the supervision of instructors.

Projects will include interviews and consultations with and research to benefit emerging technologies and business models as well as contributing to LITE Lab@HKU's online resource and tools to enable access to justice and democratization of legal information to empower entrepreneurship and self-sufficiency for Hong Kong tech startups. For example, the inaugural undergraduate cohort for LITE Lab - Tech Startup Law (LLAW3255) worked with and conducted legal research for Hong Kong startups on topics including metadata, webscraping, data privacy, online platform liability and blockchain, and created legal primers for licensing agreements and cross-border distribution and sale agreements.

Students will be part of the growing LITE Lab@HKU community and conduct regular peer sharings amongst their cohort, including engaging in case rounds and project management, contributing towards internal knowledge management resources, and using design-thinking principles to create user-friendly deliverables that are comprehensible and helpful to laypersons. These are the skills and professionalism expected for those providing legal services in the future.

To create expand upon the impact, selected student deliverable are expected to be published on the LITE Lab@HKU website to foster the broader Hong Kong tech startup ecosystem.

Assessment: 10% class contribution, 10% learning reflections, 40% project service/product delivery, 40% research/case study

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Note: Candidates may choose any other electives listed under the LLM syllabus that is offered by the Faculty of Law from time to time subject to the approval of the programme directors.

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*Non-Law Electives*

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**CMED6104 Emerging infectious diseases and "one health" (3 credits)**

Most human communicable diseases originally arose from inter-species transmission from animals. There is an emerging consensus that a “One Health” approach that unifies animal and human health is needed to address future emerging infectious disease threats. The factors that contribute to emergence of such diseases and of other zoonotic diseases include environmental, ecological, societal, microbial and host factors. This course also addresses factors that contribute to infectious disease emergence, prevention, and control.

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**CMED6201 Principles of public health (3 credits)**

This is the fundamental survey course which encompasses the full spectrum of contemporary public health issues locally and globally.

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**CMED6204 Health and society (3 credits)**

This course provides an overview of the field of the social determinants of health, and will focus on the theories, measurement tools, and analytical methods for investigating the causal influence of social contexts and social variables on population health. By the end of the course, student will be familiar with basic concepts in the field, including the prevention paradox and the two strategies of prevention; the measurement of socio-economic status (SES) and the mechanisms of its association with health outcomes; absolute vs. relative concepts of poverty; compositional vs. contextual influences of neighbourhood environments on health; the measurement of social networks, social support, and social capital, and how each concept is related to health; the demands/control model of job stress; and policies to tackle social inequalities in health.

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**CMED6216 Personalised public health (3 credits)**

Genetics is the study of variation in the genome, its inheritance, and its contribution to health and disease. Public health genetics focuses on the public health implications of advances in genetic and molecular science for preventing disease and for protecting and improving the health of the population. The curriculum will be centred on an understanding how genetic and environmental factors work together in determining disease susceptibility in individuals and populations. The course addresses the implications of these developments for health services, and the ethical, legal, cultural, economic and policy issues involved in applying genomics to public health.

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### **CMED6218 Human health: futures in a globalized world (3 credits)**

This “big picture” course has as its focus the implications of environmental degradation and global warming for the next 25 years. Globalization, economics, resource depletion, food and agricultural issues, population change and societal reactions, and climatological impacts from current patterns of human population behaviour within an ecological systems-based perspective to infer likely futures and their health implications are explored. In particular, students examine current trends and models to attempt to estimate emerging public health issues and hazards linked to these.

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### **CMED6900 Health policy and politics (3 credits)**

This course begins by introducing the core macroeconomic and political theories needed to understand and assess national or regional health systems. Based on these philosophical theoretical considerations and empirical observations from the field, students are led through a survey of system typologies from around the world. The concept of "control knobs" is then deployed to translate theoretical appreciation into real world application. Finally students are given the opportunity to undertake a self-directed simulation exercise on a prevailing policy topic in the Hong Kong or mainland Chinese setting.

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### **CMED6902 Health economics (3 credits)**

This course introduces basic concepts of health economic evaluation. The course emphasizes the uses and limitations of the economic approach in health care, with applications in medicine, nursing, other clinical areas and health promotion.

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### **CMED6909 Comparing systems of elder care (3 credits)**

This course provides a comparative view of aging, public health, and allopathic, traditional and complementary treatment in Hong Kong and The United States within the perspectives of nursing, medicine, and interdisciplinary collaboration. Students will compare the demographics of aging; health, disease, and illness; and health care treatment from prevention through rehabilitation and palliation in Hong Kong, China, the United States and elsewhere. The role of interdisciplinary collaboration (between nurses, physicians and other health care professionals) in the care of the elderly is emphasized.

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### **SOWK6084 Intervention in health care settings (6 credits)**

This course introduces students to a variety of current intervention approaches that are effective for working with people with health and mental health problems. These may include narrative therapy, solution focused therapy, art and music therapies, mindfulness-based intervention, body-mind-spirit approach, Satir family therapy and etc. Candidates

will be provided with experiential training on skills/techniques in working with patients in hospitals and in the community.

Assessment: 100% coursework

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### **SOWK6201 Mental health problems in old age (6 credits)**

This course explores the types of mental illnesses among the elderly in Hong Kong. Attention will be put towards the understanding of the causes and treatments of mental illness in the elderly population. A critical review of medical, psychological and social services for the elderly with mental illness will be conducted.

Assessment: 100% coursework

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### **SOWK6214 Children and youth mental health (6 credits)**

This course focuses on an understanding of the mental health issues found among children and youth in Hong Kong. While it will introduce the developmental perspectives on child and adolescent development, it will also provide an overview of the prevalence and general features of different childhood and adolescent mental health problems. The course will also bear a practice focus and introduce to students the assessment, treatment and skills in engaging children and youth suffering from various mental health problems.

Assessment: 100% coursework

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### **SOWK6283 Social work with persons with mental illness (6 credits)**

The course covers different theoretical orientations towards mental illness in relation to its definition, classification, etiology, treatment, management and rehabilitation; the relationships between mental illness and individual and environmental factors; the relevance of cultural factors in mental health practice; prevailing models of service provision for persons with mental illness; multidisciplinary teamwork approach in mental health service; and the professional roles and core competences of mental health social workers.

Assessment: 100% coursework

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### **SOWK6292 Ageing and health (6 credits)**

According to the WHO, health is a “complete state of physical, mental, and social well-being, and not merely the absence of disease or infirmity.” As people age, they are increasingly facing challenges in their physical and mental health and in their social wellbeing. A better integrated health and social care system will help older people to better adjust to their aging processes and to minimize the negative impacts of aging to

their wellbeing. This course is designed to help students from diverse academic backgrounds to understand the core values, conceptual models, intervention strategies, and service delivery systems of the integrated health and social care model. Building on the foundation values and knowledge of their own disciplines, students will learn how to effectively develop and implement a multi-disciplinary team in geriatric care settings.

Assessment: 100% coursework

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**SOWK6310 Psychosocial approaches in mental health care (6 credits)**

This course critically examines current models of prevention, rehabilitation and treatments for people with mental illness. Topics such as prevention and rehabilitation, hospital and community care, models of social and vocational rehabilitation, models of psychological intervention, culture and mental health, multidisciplinary teamwork in mental health service, core competences of mental health workers/social workers and etc. By comparing these to overseas models of psychosocial approaches in mental health care, students can appreciate the strengths and weaknesses of the models that are at work in Hong Kong.

Assessment: 100% coursework

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## **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 paper<sup>3</sup> (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.

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<sup>3</sup> 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.