

City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester B 2020/21

Part I Course Overview

Course Title:	Law of Tort
Course Code:	LW6165E
Course Duration:	One semester
Credit Units:	3
Level:	P6
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: (Course Code and Title)	Nil
Precursors: (Course Code and Title)	Nil
Equivalent Courses: (Course Code and Title)	LW5603 (only applicable to students who completed LW5603 before Sem A 2019/20)
Exclusive Courses: (Course Code and Title)	LW5603A, LW5603B, LW2103, LW2103A, LW2603, LW2603A & LW2603B

Part II Course Details

1. Abstract

This course aims to –

- examine the nature, scope and objectives of tort law and its interception with other fields of law such as contract and criminal law
- encourage students to discover the meaning and purpose of tort law, its origins, development and limitations and some of its major issues
- equip students with a sound knowledge of the substantive rules of tort law
- develop students’:
 - research skills
 - analytical and problem-solving skills
 - effective written and oral communication skills
 - presentation skills and the abilities to express ideas in relation to issues in tort law
- develop an awareness of the social context in which the rules of tort law operate
- introduce basic practical skills and develop students’ ability to advise and present innovatively on issues of liability in tort.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Analytically and critically describe and explain the main substantive rules of tort law pertaining to the topics to be covered in the syllabus.	50%	√	√	
2.	Analyse and critically evaluate: <ul style="list-style-type: none"> ◇ issues and concerns in the field of tort law ◇ the operation of the substantive rules of tort law: <ul style="list-style-type: none"> ○ in terms of the objectives of tort law and the practical implications of the rules ○ their social contexts and real life situations ○ in relation to the law of contract. 	35%		√	
3.	Apply the principles of tort law to solve legal problems by: <ul style="list-style-type: none"> ◇ researching issues of tort law and developing research skills ◇ discover the issues and problems ◇ analysing and resolving problems concerning issues of tort law within the social context ◇ communicating their innovated solutions by writing clearly, coherently and accurately in their own words and in plain language. 	15%			√
	Develop a strong ability and innovate way to lead a discussion in tort law and an awareness to discover the skills in advising in terms of tort law.			√	√
		100%			

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.						Hours/week (if applicable)
		1	2	3	4			
Lectures/ Tutorials	<p><i>Reading of cases and other material, and development in the skill of research</i></p> <ul style="list-style-type: none"> Students will acquire knowledge of the substantive rules of tort law pertaining to the topics to be covered in the syllabus. Preparation outside the class <p><i>Lectures</i></p> <ul style="list-style-type: none"> Students will be given guidance on their reading and research for their lectures and tutorials. <p>Students will, by responding to questions and performing exercises, develop their analytical and critical capabilities and discover important issues of liability pertaining to topics covered in the syllabus.</p>	√						
	<p><i>Lectures</i></p> <ul style="list-style-type: none"> Students will be introduced to issues and concerns and aspects of the operation of the substantive rules of tort law. <p><i>Preparation for tutorials</i></p> <ul style="list-style-type: none"> Students will research issues of tort law. <p><i>Tutorials</i></p> <ul style="list-style-type: none"> Students will be given topics in which they will scrutinise, analyse and evaluate issues and concerns in the field of tort law and provide innovated written answers. 		√					
	<p><i>Lectures</i></p> <ul style="list-style-type: none"> Students will be shown how legal problems are solved in real life situations by applying tort law. <p><i>Preparation for tutorials</i></p> <ul style="list-style-type: none"> Students will discover by researching on issues of tort law. <p><i>Tutorials</i></p> <ul style="list-style-type: none"> Students will be given selected topics in which they will scrutinise, analyse and evaluate issues and concerns 			√				

	<p>in the field of tort law with written answers.</p> <ul style="list-style-type: none"> Students will develop a habit of research. 							
	<p><i>Reading of cases and other material and research</i></p> <ul style="list-style-type: none"> Students will acquire knowledge of the substantive rules of tort law pertaining to the topics to be covered in the syllabus. <p><i>Lectures</i></p> <ul style="list-style-type: none"> Students will be expected to understand the principle, and be able to explain to his/her peers substantive rules of tort law using his/her own examples. <p><i>Preparation for tutorials</i></p> <ul style="list-style-type: none"> Students will research issues of tort law and prepare the format of the tutorial. <p><i>Tutorials</i></p> <ul style="list-style-type: none"> Students will be given selected topics in which they will scrutinise, analyse and evaluate issues and concerns in the field of tort law. <p>Students will lead and be responsible for tutorial class and generate innovative discussions in the field of tort law.</p>				√			

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.					Weighting	Remarks
	1	2	3	4			
Continuous Assessment: 50%							
In class assessments	√	√	√	√		20%	
Assignments/coursework		√	√			30%	
Examination: 50% (duration: 2 or 3 hours)							
						100%	

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of semester examination. End of semester exam could be in the form of a traditional written exam or a take-home exam.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation. Assessment criteria for those activities, their nature and their timing will be set out in the student guide/course manual and will be further expanded upon by the course leader.

The duration of the examination may last for 2 or 3 hours and it will be at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course. Similarly, the course leader will announce whether the examination will be closed book or open book.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities including real-time interactive online format classes via Zoom.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary material to solve novel problems.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. In class assessments	Demonstration of ability to articulate argument in an effective and clear way. Ability to apply the law with effective communication skills. Ability to complete examination questions and show ability of team work.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. Assignments/ coursework	Require good articulation in written form of arguments and in depth opinions with proper research for evidences and authority.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
3. Examination	Ability to spot legal issues and to apply legal knowledge and legal principles to solve both problem and essay type questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Please note that the **criterion** relates to each specific assessment task, i.e. coursework, examination, etc. In other words, you may mention which aspects of students' performance in the task would be looked at. Examples include "Demonstration of ability to identify issues", "Application of knowledge to specific problems and discussion questions", etc.

Part III Other Information (more details can be provided separately in the teaching plan)

1. Syllabus

1.1 Keyword Syllabus

(An indication of the key topics of the course.)

The nature and scope of tort law, the range of interest protected by tort law, comparison with law of contract and criminal law, the general theory of liability in negligence: Duty of Care, Breach of Duty, Causation and Remoteness of Damages; Defences, Statutory Breach of Duty, Occupier's Liability, Nuisance, Rylands v Fletcher; Overview of intentional and negligent torts; Employer's liability under the common law and defences; Vicarious liability & Employers Liability; Intentional torts - trespass to the person- assault, battery and false imprisonment; intentional infliction of physical harm to the person; trespass to chattels: conversion & detinue; trespass to land; Defamation- libel and slander, Defamation Ordinance (Cap. 21) and its defences.

1.2 Detailed Syllabus

1. Introduction to the Law of Tort - tortious liability in General
2. Foundations of Negligence – Duty of Care AND Breach of Duty
3. Foundations of Negligence: Causation and Remoteness of Damage
4. General Defences to Negligence
5. Negligence : Pure Economic Loss AND Psychiatric Illness (Nervous Shock)
6. Negligence Product Liability AND Omissions and Acts of Third Parties (& Rescuers)
7. Negligence - Liability Relating to Premises – Occupier's Liability
8. Nuisance: Private and Public AND The Rylands v. Fletcher Rule
9. Employer's liability under the Common Law (Employer's liability for negligence AND Employers Vicarious liability) & Defences
10. Intentional torts:- Trespass to the person- assault, battery and false imprisonment; intentional infliction of physical harm to the person AND Sexual harassment under the Sex Discrimination Ordinance (Cap. 480)
11. Intentional torts: Wrongful interference with goods (Trespass to chattels, conversion & detinue) AND Trespass to land
12. Defamation- Libel & slander, Defamation Ordinance (Cap. 21) and its defences
13. Revision

2. Reading List

2.1 Recommended Readings

(Additional references for students to learn to expand their knowledge about the subject.)

No fixed textbooks are to be identified. The following are the appropriate reference books.

Essential reading

Lone, Fozia Nazir, *Hong Kong Tort Law: Texts, Cases and Ordinances* (Lexis Nexis Oct. 2014).

Supplementary Reading

Lone, Fozia Nazir, *Tort Law in Hong Kong* (Alphen aan den Rijn, the Netherlands: Kluwer Law International, Dec 2016).

Lone, Fozia Nazir, Kung Olivia, McCoy, Kim, (eds), *Hong Kong Tort Law Cases*, (Hong Kong: Wolters Kulwer) 2017.

R Glofcheski, Tort Law in Hong Kong (2nd edition) (Thomson: Sweet and Maxwell, 2012)

D K Srivastava and A D Tennekone: *The Law of Tort in Hong Kong*, 2nd edition by (Lexis Nexis: Butterworth, 2005 also 2014 ed).

V Bermingham & C. Brennan, *Tort Law Directions* (3rd edition) (Oxford University Press, 2012)

V Harpwood, *Modern Tort Law*, (7th ed, Routledge Cavendish) 2009

W. V. H. Rogers, *Winfield and Jolowicz on Tort* (18th Ed, Sweet and Maxwell/Thomson Reuters) 2010

Paula Giliker and Silas Beckwith, *Tort* (4th Ed, Sweet and Maxwell) 2011

P J Bokhary, N Sarony and D K Srivastava (eds), *Tort Law and Practice in Hong Kong*, (2nd edition) (Thomson: Sweet and Maxwell 2011). Also 2nd Ed 2011 Available

J Hodgson & J Lewthwaite, *Tort Law Textbook* (2nd edition) (Oxford University Press, 2007).

F A Trindade & P Cane, *The Law of Torts in Australia* (5th edition) (Oxford University Press, 2012).

M Lunney & K Oliphant, *Tort Law: Texts and Materials* (4th edition, Oxford University Press, 2010) Also 5th ed. 2013 1 law collection available

T Weir, *An Introduction to Tort Law* (2nd Ed., Oxford University Press, 2006).

T Weir, *A Casebook on Tort* (10thEd. Sweet and Maxwell, 2004).

J. Murphy, *Street on Torts* (13th edition Butterworths, 2012).

Ordinances

A working knowledge of, at least, the following Ordinances is fundamental to a successful study of the law of tort.

- Employees Compensation Ordinance (Cap 282)
- Employees' Compensation Ordinance (Cap. 282)
- Occupational Safety and Health Ordinance (Cap 509)
- Sex Discrimination Ordinance (Cap 480)
- Defamation Ordinance, Cap. 21.
- Misrepresentation Ordinance, Cap. 284.
- Limitation Ordinance, Cap. 347.
- The Factories and Industrial Undertaking Ordinance (Cap 59)
- Civil Liability (Construction) Ordinance, Cap. 377.
- Control of Exemption Clauses Ordinance, Cap. 71.
- Conveyancing and Property Ordinance, Cap 219
- Fatal Accidents Ordinance, Cap. 22.
- Law Amendment and Reform (Consolidation) Ordinance, Cap. 23.
- Occupiers Liability Ordinance, Cap. 314.
- Sale of Goods Ordinance, Cap. 26.

Other material

Reference should be made to law reports both in Hong Kong and in other jurisdictions.

For Hong Kong reference should be made to:

The Hong Kong Cases (HKC)

The Hong Kong Law Reports and Digest (HKLRD)

2.2 Online Resources

- In order to keep track of new developments on law of tort particularly in Hong Kong students are expected to use various library electronic resources on law including databases like LEXIS.com, HK Law Databases and Westlaw International. Please note this will improve student's research skills.
- Reference should also be made to web-sites, for example The Times (newspaper) for its law reports. Simply reading textbooks will not provide sufficient up- to-date knowledge of developments in tort law that is essential for achieving good marks in this subject.