

LW2603B: LAW OF TORT II

Effective Term

Semester A 2022/23

Part I Course Overview

Course Title

Law of Tort II

Subject Code

LW - Law

Course Number

2603B

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

B1, B2, B3, B4 - Bachelor's Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

LW2603A Law of Tort I

Precursors

Nil

Equivalent Courses

LW2103 Law of Tort (LLB) (from the old curriculum)
LW2103A Law of Tort (AMLLB) (from the old curriculum)
LW2603 (LLB) (The semester B part)
LW5603B Law of Tort II

Exclusive Courses

Nil

Part II Course Details

Abstract

This course is the second part of Law of Tort and it aims to encourage students to further discover the nature and purpose of tort law, its origins, development and limitations through studying legal principles of torts except tort of negligence. It will equip students with the following capabilities in relation to issues in tort law:

- analytical and problem-solving skills necessary to advise on issues of liability in tort;
- effective written and oral communication skills, which are of an international standard;
- research skills and ignite a passion and motivate to discover knowledge.

Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-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. This is to promote a culture of knowledge and innovation.		x	x	
2 Analyse and critically evaluate: - issues and concerns in the field of tort law - operation of the substantive rules of tort law: o in terms of its objectives and practical implications locally and globally, and o in social context		x	x	
3 Apply the principles of tort law to solve legal problems by: - researching issues of tort law - analysing and resolving problems concerning issues of tort law - Communicating solutions in their own words orally and in writing in a clear, coherent and accurately manner.		x	x	x

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 real-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.

Teaching and Learning Activities (TLAs)

	TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Reading cases, other material and research	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 and encourage innovative thinking	1	
2	Lectures	Students will be given guidance by the Course Leader on the major concepts of tort law and also provide guidance on their reading and research for their lectures and tutorials. Course leader will promote learning by raising questions and responding to questions and set small in class exercises to develop as well as encourage analytical and critical capabilities of students on the important issues of liability pertaining to topics covered in the syllabus.	1	2
3	Lectures	Students will be introduced to issues and concerns and aspects of the operation of the substantive rules of tort law.	2	
4	Lectures	Students will be shown how legal problems are solved applying tort law.	3	
5	Preparation for tutorials	Students will research issues of the tort law on weekly basis on the set tutorial problems.	2	
6	Preparation for tutorials	Students will research issues of tort law.	3	

7	Tutorials	Students will give presentations/moot on selected topics in which they will scrutinise, analyse and evaluate tort law issues and concerns in relation tutorials problem.	2	1
8	Tutorials	Students will give presentations and moot on selected topics and scrutinise, analyse and evaluate tort law issues and concerns.	3	

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
<p>1</p> <p>Class Participation Presentations/mooting will allow students to understand operation of law locally and globally in an innovative and critical manner</p> <p>Students will be required to argue his/her case based on a problem question assigned to them. Moot tutorials will be held on problems and students will be asked to present arguments on behalf of the plaintiffs and defendants. All students will be required to contribute to tutorial discussions whether they are making a presentation or not. In mooting, class will be divided into two teams (Plaintiffs and Defendants) and would be asked to submit their written submission. Tutor will provide the track change comments on each submission to assist students to correct their mistakes. Each team will be further divided into counsels and legal research teams, so that every student gets a change to discover knowledge whether in terms of interpretation of substantive law, evaluation of law or application of law.</p>	<p>2, 3</p>	<p>20</p>	
<p>2</p> <p>Assignment/s</p> <p>Students' ability to research, analyse and resolve problems, and communicate solutions in writing will be tested.</p>	<p>3</p>	<p>30</p>	

Continuous Assessment (%)

Examination (%)

50

Examination Duration (Hours)

2

Additional Information for ATs

Please note for this course assessment tasks are divided into final examination (50%), Assignment (30%) and class participation (20%). The motive of all the tasks used will be to motivate students to develop extensive knowledge base and sharpen their research and communication skills. These assessment tasks are formulated by the instructor to integrate learning as a part of teaching and initiate an informed and guided process to unravel knowledge from the collection of materials and information and own it as ‘knowledge through discovery’ and critical thinking.

Grading of Student Achievement: Standard (A+, A, A to F). Grading is based on student performance in assessment tasks / activities.

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 30% in written examination and coursework activities i.e. tutorials and compulsory assignment. Coursework for this purpose means those ways in which students will be assessed other than the end of session examination. Please note that end-of-course/semester examination would be an open book 2 hours written exam.

It must be noted that the final mark allocated to students will be based on the participation in interactive classroom activities during lectures and tutorials. It is therefore, strongly recommended that students must attend all of the lectures/ tutorials and participate in class/tutorial activities that will be a part of a final assessment.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles of tort law. This aim will be assess the instructional method of Problem-Based Learning (PBL) that will be used throughout the semester. It will also be essential to assess summative ability of students to synthesise primary and secondary material with a view to solve novel tort law problems.

Assessment Rubrics (AR)

Assessment Task

1. Class Participation (20%)

Criterion

Capacity to determine issues, analyse and critically evaluate them while applying relevant law. Confidence building and students’ maturity

Excellent (A+, A, A-)

High

Good (B+, B, B-)

Significant

Fair (C+, C, C-)

Moderate

Marginal (D)

Basic

Failure (F)

Not even reaching marginal levels

Assessment Task

2. Assignment (30%)

Criterion

Students' ability to research and critically analyse tort problems using relevant law; determine solutions and communicate then in clear English.

Excellent (A+, A, A-)

High

Good (B+, B, B-)

Significant

Fair (C+, C, C-)

Moderate

Marginal (D)

Basic

Failure (F)

Not even reaching marginal levels

Assessment Task

3. Final Exam (50%)

Criterion

Students' ability to research and critically analyse tort problems using relevant law; determine solutions and communicate then in clear English.

Excellent (A+, A, A-)

High

Good (B+, B, B-)

Significant

Fair (C+, C, C-)

Moderate

Marginal (D)

Basic

Failure (F)

Not even reaching marginal levels

Part III Other Information

Keyword Syllabus

Breach of Statutory Duty, Scienter Action, Trespass to Land, Nuisance, Ryland v Fletcher, Trespass to Goods, Conversion, Detinue, Trespass to Person, Sexual Harassment, Breach of Confidence, Misuse of Private Information, Defamation, Inducing Breach of Contract, Causing Loss by Unlawful Means, Intimidation, Conspiracy, Deceit, Passing off, Malicious Falsehood, Vicarious Liability

Detailed Syllabus

- Breach of Statutory Duty
- Vicarious Liability
- Nuisance
- The Rule in Ryland v Fletcher
- Trespass to Land
- Scienter Action
- Trespass to Goods, Conversion, Detinue
- Trespass to Person
- Intentional Infliction of Harm
- Sexual Harassment
- Confidence and Private Information
- Defamation: Elements and Defences

Reading List

Compulsory Readings

Title	
1	DK Srivastava, Charu Sharma, Anna Lui and Sara Tsui, <i>The Law of Tort in Hong Kong</i> (3rd d.) (LexisNexis, 2014)
2	Rick Glofcheski, <i>Tort Law in Hong Kong</i> (3rd ed.) (Sweet and Maxwell, 2012)
3	W. V. H. Rogers, Winfield and Jolowicz on Tort (19th ed.) (Sweet and Maxwell/Thomson Reuters, 2014)

Additional Readings

Title	
1	J. Murphy, <i>Street on Torts</i> (14th ed.) (Oxford University Press, 2015)
2	Anthony Dugdale, Mark Simpson and Michael A. Jones, <i>Clerk & Lindsell on Torts</i> , 21st ed. (Sweet & Maxwell, 2014)
3	Paula Giliker and Silas Beckwith, <i>Tort</i> (5th ed.) (Sweet and Maxwell, 2014)
4	P J Bokhary, N Sarony and D K Srivastava, <i>Tort Law and Practice in Hong Kong</i> (3rd ed.) (Sweet and Maxwell 2014)