

City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2021/22

Part I Course Overview

Course Title: Cyber Law

Course Code: LW5643

Course Duration: One semester

Credit Units: 3

Level: P5

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title)

LW5621 Legal Systems of Hong Kong and Mainland China or LW5601 Hong Kong Legal System,
LW5622 Legal Methods, Research and Writing, and
LW5602 Law of Contract or LW5602A Law of Contract I

Precursors:
(Course Code and Title)

Nil

Equivalent Courses:
(Course Code and Title)

LW4643 Cyber Law

Exclusive Courses:
(Course Code and Title)

Nil

Part II Course Details

1. Abstract

- To encourage students to discover the necessary legal knowledge to deal with issues arising from cyber commercial and industrial matters;
- To encourage students to critically think about the connection between the law and various issues arising from internet activities;
- To equip students with the ability to apply both common law principles and legislation in relation to activities that occur on the Internet
- To provide guidance and advice as legal consultants to cyber industrial and commercial undertakings and to be aware of the key issues relating to the future development of cyber law in Hong Kong;

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	Alignm ent with PILOs	DEC related learning outcomes		
				A1	A2	A3
1.	<p>➤ Discover the necessary legal knowledge by understanding the basic principles in cyber law and by applying those principles to problems with a view to develop a solution by:</p> <ul style="list-style-type: none"> ✧ reading and interpreting cases ✧ interpreting statutes ✧ dealing with facts ✧ conducting independent legal research ✧ solving problems ✧ constructing persuasive arguments by using legal authorities appropriately ✧ writing and communicating orally. 	55%	1-5	✓	✓	✓
2.	Appreciate the different types of laws that are related to the internet environment e.g. intellectual property laws, contract laws, etc.	35%	1-5	✓	✓	
3.	Develop the capacity to advise on cyber law in different circumstances.	10%	1-5	✓	✓	✓
		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.*

Alignment of CILOs with PILOs:

PILOs		CILOs
1	Explain and assess specified areas of the law and the legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	1,2,3
2	Assess the common law system and its values, and its interaction with the law and legal system of mainland China, the East Asian region and the wider world.	2
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	2,3
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	1,2
5	Demonstrate and apply skills of legal analysis and reasoning, of legal research, or problem solving, and of oral and written communication to a level appropriate to a graduate-entry degree in law.	1,2

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	
Lecture	Students will be introduced to the basic principles of cyber law through the lecturer as well as discussions during the lecture	✓	✓	✓	2
	Students will read the course manual/course notes containing cases to prepare for lectures to get a better understanding of the different types of laws that are applicable in the internet environment	✓	✓	✓	
	Students are frequently referred to updated legislation cases, and news during lectures. This will help them understand the practicalities of real-life situations which will enable them to give better advice in the future	✓	✓		
Tutorial	Students will be asked to prepare for their tutorial questions	✓	✓	✓	1
	Students will apply legal principles from cases to problem-based tutorial questions. This may be done in presentations or group discussions	✓	✓		
	Students will apply applicable legislation and cases when answering tutorial questions. The problem-based questions are based on real cases which will help develop their skills in advising clients.	✓		✓	

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		
Continuous Assessment: 50%					
<i>Coursework</i>				30%	
Students' ability to identify, apply and analyse the relevant principles and components of cyber law will be tested.	✓	✓			
<i>Participation in tutorial sessions</i>				20%	
Students' ability to understand rules and principles will be tested in forms such as presentations, debates and client counselling.	✓				

Students' ability to apply rules and principles will be tested in forms such as discussions, presentations or debates.	✓	✓	✓		
Students' ability to critically analyse and evaluate rules and principles will be tested in forms such as discussions, presentations or debate	✓	✓	✓		
Examination: 50% (duration: 2 or 3 hours, if applicable)					
Students' ability to identify and apply relevant principles and the components of the law of contract will be tested.	✓				
Students' ability to apply legal rules and principles to particular sets of hypothetical circumstances will be tested.	✓	✓			
students' ability to apply legal rules and principles to particular sets of hypothetical circumstances in order to critically analyse evaluate legal principles and doctrines will be tested.	✓	✓	✓		
					100%

Grading of Student Achievement:

Assessment will be by continuous assessment, by coursework and by examination

The apportionment of marks will be:-

Performance in inter-active small group sessions	: 20%
Assignment	: 30%
Examination	: 50%
Examination duration	: Three hours/two hours
Grading pattern	: Standard (A+ A A- ... F)

To pass this course, students must obtain a minimum of 40% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

The portion of the overall mark allocated to performance/participation in inter-active class activities will be assessed on the quality of the participation.

The duration of the examination 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.

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. Participation in tutorial sessions	-Demonstration of oral presentation skills and willingness / ability to answer questions in class.	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. Coursework assignment	-Demonstration of understanding of principles, theories and concepts. -Demonstration of ability to identify issues. -Application of knowledge to specific problems and discussion questions. -Ability to write and communicate ideas and arguments in a logical manner -Ability to engage in argument-based analysis. -Demonstration of ability to research.					
3. Examination	-Demonstration of understanding of principles, theories and concepts. -Demonstration of ability to identify issues. -Application of knowledge to specific problems and discussion questions. -Ability to engage in argument-based analysis. -Aptitude for formulating innovative solutions to designated fact-based questions.					

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

1. Keyword Syllabus

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

Information Security and Privacy; Computer Crime; Contractual and Non-Contractual Liability in Information Society; The Electronic Transactions Ordinance; Intellectual Property (copyright and trademarks); Defamation, Cybersquatting.

Week 1	Introduction
Week 2	Defamation and ISPs liability
Week 3	Defamation and ISPs liability
Week 4	Privacy
Week 5	Privacy
Week 6	Copyright on the Internet
Week 7	Copyright on the Internet
Week 8	Trademarks on the Internet
Week 9	Trademarks on the Internet
Week 10	Computer crime and obscenity
Week 11	E-commerce Law
Week 12	Defective software
Week 13	Revision

2. Reading List

a) Essential reading:

Paul Stephenson & Alisa Kwan, *Cyberlaw in Hong Kong* (LexisNexis, 2nd ed, 2007)

b) Recommended Reading:

Claire Wright, Will McAuliffe and Anna Gamvros, *Internet Law in Hong Kong* (Sweet and Maxwell, 2003)

Zhou Yun, *Cyber Law in Hong Kong* (Kluwer, 2011)

Graham Smith, *Internet Law and Regulation* (Sweet & Maxwell, 4th ed, 2007)

Chris Reed, *Internet Law: Text & Materials* (Cambridge University Press, 2nd ed, 2004)

Mark Berthold and Raymond Wacks, *Hong Kong Data Privacy Law Territorial Regulation in a Borderless World* (Sweet and Maxwell, 2nd ed, 2003)

Online Resources:

Bilingual Laws Information System – legislation reference

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

Find Law

<http://www.findlaw.com>

Internet Society

<http://www.internetsociety.org>

Hong Kong Computer Society

http://www.hkcs.org.hk/en_hk/home/home.asp

Hong Kong Domain Name Registration Company

<https://www.hkdnr.hk/>

Hong Kong Internet Service Providers Association

<http://www.hkispaspa.org.hk/>

Hong Kong Intellectual Property Department

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

The European Commission

http://www.europa.eu.int/comm/index_en.htm

ICANN

<http://www.icann.org/>

OECD

<http://www.oecd.org/>

WIPO

<http://www.wipo.org/>