

LW5643: CYBER LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Cyber Law

Subject Code

LW - Law

Course Number

5643

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

LW5601 Hong Kong Legal System and LW5622 Legal Methods, Research and Writing, and LW5602A Law of Contract I

Precursors

Nil

Equivalent Courses

LW4643 Cyber Law

Exclusive Courses

Nil

Part II Course Details

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

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Discover and identify 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: - 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	x	x	x
2	Appreciate, recite and explain the different types of laws that are related to the internet environment e.g. intellectual property laws, contract laws, etc.	35	x	x	
3	Develop the capacity to advise on cyber law in different circumstances.	10	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.

Learning and Teaching Activities (LTAs)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)
Lecture	Students will be introduced to the basic principles of cyber law through the lecturer as well as discussions during the lecture	1, 2, 3	2

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	1, 2, 3	
3		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	1, 2	
4	Tutorial/ structured discussions	Students will be asked to prepare for their tutorial and discussion questions	1, 2, 3	1
5		Students will apply legal principles from cases to problem-based tutorial questions through presentations or group discussions	1, 2	
6		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.	1, 3	

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework	1, 2	40	Students' ability to identify, explain, apply and analyse the relevant principles and components of cyber law will be tested.

2	Participation in tutorial sessions	1, 2, 3	10	<p>- Students' ability to discuss and apply rules and principles will be tested in forms such as discussions, presentations or debates.</p> <p>- Students' ability to critically analyse and evaluate rules and principles will be tested in forms such as discussions, presentations or debate</p>
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Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2

Additional Information for ATs**Examination**

Students' ability to identify and 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 and to critically analyse and evaluate legal principles and doctrines will be tested.

The use of Generative AI tools is not allowed.

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 : 10%

Assignment : 40%

Examination : 50%

Examination duration : Three hours/two hours

Grading pattern : Standard (A+ A A- ... F)

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

To pass this course, students must obtain a minimum of 50% 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.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 and thereafter

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.

Assessment Rubrics (AR)

Assessment Task

Participation in tutorial sessions (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

-Demonstration of oral presentation skills and willingness / ability to answer questions in class.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Coursework assignment (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

- 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.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

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(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

- 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.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

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Assessment Task

Participation in tutorial sessions (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- Demonstration of oral presentation skills and willingness / ability to answer questions in class.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Coursework assignment (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- 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.
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Assessment Task

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

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Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

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

Reading List

Compulsory Readings

Title	
1	Essential reading:
2	Paul Stephenson & Alisa Kwan, Cyberlaw in Hong Kong (LexisNexis, 2nd ed, 2007)

Additional Readings

Title	
1	Recommended Reading:
2	Claire Wright, Will McAuliffe and Anna Gamvros, Internet Law in Hong Kong (Sweet and Maxwell, 2003)
3	Zhou Yun, Cyber Law in Hong Kong (Kluwer. 2011)
4	Graham Smith, Internet Law and Regulation (Sweet & Maxwell, 4th ed, 2007)
5	Chris Reed, Internet Law: Text & Materials (Cambridge University Press, 2nd ed, 2004)
6	Mark Berthold and Raymond Wacks, Hong Kong Data Privacy Law Territorial Regulation in a Borderless World (Sweet and Maxwell, 2nd ed, 2003)
7	Online Resources:
8	Bilingual Laws Information System – legislation reference http://www.legislation.gov.hk/eng/home.htm
9	Find Law: http://www.findlaw.com
10	Internet Society: http://www.internetsociety.org
11	Hong Kong Computer Society: http://www.hkcs.org.hk/en_hk/home/home.asp
12	Hong Kong Domain Name Registration Company: https://www.hkdnr.hk/
13	Hong Kong Internet Service Providers Association: http://www.hkispa.org.hk/
14	Hong Kong Intellectual Property Department: http://www.ipd.gov.hk/eng/home.htm
15	The European Commission: http://www.europa.eu.int/comm/index_en.htm
16	ICANN: http://www.icann.org/
17	OECD: http://www.oecd.org/
18	WIPO: http://www.wipo.org/