

LW5684: TORTS AND TECHNOLOGY

New Syllabus Proposal

Effective Term

Semester A 2025/26

Part I Course Overview

Course Title

Torts and Technology

Subject Code

LW - Law

Course Number

5684

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

Equivalent Courses

LW4684 Torts and Technology

Part II Course Details

Abstract

In 2023, Epic Games, the software studio behind the enormously popular video game "Fortnite" was sued in several jurisdictions for making its game too addictive. Snapchat was sued in the United States after a traffic collision for allegedly encouraging its users to earn a "badge" by driving at excessive speeds. In response to new technologies, tort law developed means for dealing with invasions of privacy. The tort of defamation has had to adjust itself to the new reality of social media publishing, and more recently to the possibility that chatbots may be sued for defamation.

The course will start by considering the impact of technology on our lives; it will then turn to the question of the interrelationship between technological change and legal (especially tort) doctrine: how technological change influenced doctrine and whether doctrine can affect technological change. The main bulk of the course will be devoted to examining

issues in products liability, addiction, harassment, defamation, and invasion of privacy, to examine the possibilities, but also the limitations, of using tort law for dealing with them.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Get a deeper understanding of legal doctrine in various areas of law covered in Torts I and Torts II, with special emphasis on legal doctrine's response to technological change.	50	x	x	
2	Analyse cases to see how legal doctrine develops in different common-law jurisdictions.	25		x	
3	Understand the impact of technology on law, and the way we can think of law as a technology.	10	x	x	x
4	Examine the cross-border influence of legal doctrine among common-law jurisdictions.	10	x	x	
5	Get a better understanding of new technologies.	5	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)
1	Lectures	The students will attend lectures presented by the course instructor	1, 2, 3, 4, 5	3
2	Class discussion	Students will learn how to apply the law to cases. Students will participate in discussion on issues taught in class	1, 2, 3, 4, 5	

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks ("- for nil entry)	Allow Use of GenAI?
1	Active class participation	1, 2, 3, 4, 5	20	-	No

Continuous Assessment (%)

Examination (%)

80

Examination Duration (Hours)

2

Minimum Continuous Assessment Passing Requirement (%)

0

Minimum Examination Passing Requirement (%)

40

Additional Information for ATs

The use of Generative AI tools is not allowed.

Grading of Student Achievement: Standard (A+ A A- ... F)

Applicable to students admitted in Semester A 2022/23 and 2023/24

To pass this course students must obtain an aggregate mark of 50% and a minimum of 50% in each of the continuous assessment (CA) and final exam component.

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

To pass this course students must obtain an aggregate mark of 40% and a minimum of 40% in each of the continuous assessment (CA) and final exam component.

To ensure fair and comprehensive assessment of students' course performance, the pass mark requirement for the CA component will be waived for courses with a CA component equal to or less than 30%. This means students only need to achieve the pass marks for the final exam component AND the overall mark to pass the course. Continuous assessment for this purpose means those ways in which students are assessed otherwise than by the end of semester examination.

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 study guide/course manual and will be further expanded upon by the course leader.

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

Engagement in class discussion (Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of ability to identify issues, raise critical questions, and apply learned material to specific problems and questions.

Excellent

(A+, A, A-)

Excellent grasp of subject matter; evidence of extensive knowledge base; demonstrated ability to apply learned material to novel scenarios.

Demonstrated high level of diligence and critical thinking.

Good

(B+, B, B-)

Moderate to good grasp of subject matter; reasonable understanding of issues; good ability to apply learned material to novel factual scenarios.

Fair

(C+, C, C-)

Modest grasp of subject matter; some understanding of the subject; modest ability to apply learned material to novel factual scenarios.

Marginal

(D)

Basic familiarity with the subject matter to enable the student to progress without repeating the course. Rudimentary ability to apply learned material to novel factual scenarios.

Failure

(F)

Little or no evidence of familiarity with the subject matter; weakness in critical and analytic skills; inability to apply learned material to novel factual scenarios.

Assessment Task

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

Criterion

Application of the relevant law to fact scenarios; ability to consider the applicability of law to new factual situations

Excellent

(A+, A, A-)

Excellent grasp of subject matter; evidence of extensive knowledge base; demonstrated ability to apply learned material to novel scenarios.

Demonstrated high level of diligence and critical thinking.

Good

(B+, B, B-)

Moderate to good grasp of subject matter; reasonable understanding of issues; good ability to apply learned material to novel factual scenarios.

Fair

(C+, C, C-)

Modest grasp of subject matter; some understanding of the subject; modest ability to apply learned material to novel factual scenarios.

Marginal

(D)

Basic familiarity with the subject matter to enable the student to progress without repeating the course. Rudimentary ability to apply learned material to novel factual scenarios.

Failure

(F)

Little or no evidence of familiarity with the subject matter; weakness in critical and analytic skills; inability to apply learned material to novel factual scenarios.

Assessment Task

Engagement in class discussion (Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of ability to identify issues, raise critical questions, and apply learned material to specific problems and questions.

Excellent

(A+, A, A-)

High

Good

(B+, B)

Significant

Marginal

(B-, C+, C)

Moderate

Failure

(F)

Inadequate

Assessment Task

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

Criterion

Application of the relevant law to fact scenarios; ability to consider the applicability of law to new factual situations

Excellent

(A+, A, A-)

Hight

Good

(B+, B)

Significant

Marginal

(B-, C+, C)

Moderate

Failure

(F)

Inadequate

Part III Other Information

Keyword Syllabus

Tort law, defamation, privacy, products liability, harassment, law and technology, comparative law.

1.2 Detailed Syllabus

- Law as technology
- Tort law ability to deal with new technology
- Products liability
 - The development in US and EU law.
 - Strict liability versus negligence.
 - Design defect, manufacturing defect, failure to warn.
- Harassment and cyberbullying.

- Liability for pure mental injury: the development of the common law.
- Liability for harassment.
- Defamation.
 - The elements of the tort.
 - New problems arising from new technology.
 - Defences.
- Invasion of privacy
 - The four American torts: intrusion upon seclusion; disclosure of private information; appropriation of image; false light in the public eye.
 - English law's approach: breach of confidence.
 - Recent developments.

Reading List

Compulsory Readings

Title	
1	Simon Deakin and Zoe Ames, Markesinis and Deakin's Tort Law (Oxford University Press, 8th ed., 2019).
2	Rick Glofcheski, Tort Law in Hong Kong (Sweet & Maxwell, 5th ed., 2023).
3	Materials prepared by the course instructor.
4	Various book chapters, academic articles, newspaper and magazine articles shared on Canvas.

Additional Readings

Title	
1	Materials will be listed on a detailed syllabus provided to students.