

# LW6156E: BUSINESS TORTS

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## Effective Term

Semester B 2024/25

## Part I Course Overview

### Course Title

Business Torts

### Subject Code

LW - Law

### Course Number

6156E

### 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

Nil

### Precursors

LW6165E or LW5603

### Equivalent Courses

Nil

### Exclusive Courses

LW6556C and LW6556E

## Part II Course Details

### Abstract

This course aims to provide students with an opportunity to explore in depth the tort claims most frequently asserted in business litigation, especially various torts causing pure economic loss. It also aims to enhance students' problem-solving

skills in dealing with business torts and promote their abilities in critical analysis of advanced legal issues in the field of business torts, thus preparing them for practical and scholarly inquiry into such issues.

### Course Intended Learning Outcomes (CILOs)

| CILOs |                                                                                                                                                                                               | Weighting (if app.) | DEC-A1 | DEC-A2 | DEC-A3 |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------|--------|--------|
| 1     | Demonstrate knowledge of legal issues of business torts.                                                                                                                                      | 40                  | x      | x      |        |
| 2     | Demonstrate ability to apply knowledge of advanced issues and recent developments in the law of business torts in their legal practice and/or academic research.                              | 40                  | x      | x      | x      |
| 3     | Have further discovered, developed their skills of critical thinking, legal research and academic writing, through evaluating business torts law problems in a sustained and rigorous manner. | 20                  | 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) |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------|
| 1    | Lectures/seminars                                                                                                                                                                                      | 1        | 3                          |
| 2    | Students are expected to participate actively in discussions and express their creative views                                                                                                          | 2        | 3                          |
| 3    | Each student is instructed to choose a research topic within the field of business torts and carry out the research independently. A research paper should be submitted to their teacher in due course | 3        | 3                          |

### Assessment Tasks / Activities (ATs)

| ATs |            | CILO No. | Weighting (%) | Remarks (e.g. Parameter for GenAI use)         |
|-----|------------|----------|---------------|------------------------------------------------|
| 1   | Coursework | 1, 2, 3  | 50            | The use of Generative AI tools is not allowed. |

**Continuous Assessment (%)**

50

**Examination (%)**

50

**Examination Duration (Hours)**

3

**Additional Information for ATs**

Examination: The use of Generative AI tools is not allowed.

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

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course.

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

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.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programs and the Internet.

**Assessment Rubrics (AR)****Assessment Task**

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

**Criterion**

Familiarity with the subject matter; understanding of the subject; extensive knowledge base; critical capacity and analytic ability; original thinking; good organization.

**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

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

#### Criterion

Familiarity with the subject matter; understanding of the subject; ability to solve problems; analytic capacity, good organization.

#### 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.

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### Assessment Task

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

#### Criterion

Familiarity with the subject matter; understanding of the subject; extensive knowledge base; critical capacity and analytic ability; original thinking; good organization.

#### Excellent

(A+, A, A-) High

#### Good

(B+, B) Significant

#### Marginal

(B-, C+, C) Moderate

#### Failure

(F) Inadequate

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### Assessment Task

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

#### Criterion

Familiarity with the subject matter; understanding of the subject; ability to solve problems; analytic capacity, good organization.

**Excellent**

(A+, A, A-) High

**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

**Failure**

(F) Inadequate

## Part III Other Information

**Keyword Syllabus**

Economic torts, Negligent misrepresentation, Inducing breach of contract, Causing loss by unlawful means, Lawful conspiracy, Unlawful conspiracy, Fraud/Deceit, Passing off, Malicious falsehood, Breach of confidence, Trade secrets, Misuse of private information

**Detailed Syllabus**

- a. Introduction
- b. Professional Negligence
- c. Negligent Misrepresentation Causing Pure Economic Loss
- d. Inducing Breach of Contract
- e. Causing Loss by Unlawful Means (and Intimidation)
- f. Lawful and Unlawful Conspiracy
- g. Fraud/Deceit
- h. Passing off
- i. Malicious Falsehood
- j. Breach of Confidence and Trade Secrets
- k. Misuse of Private Information

**Reading List****Compulsory Readings**

| Title |     |
|-------|-----|
| 1     | Nil |

**Additional Readings**

| Title |                                                                                                                                                                                                                            |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | Anthony Dugdale, Mark Simpson and Michael A. Jones, Clerk & Lindsell on Torts, 21st ed. (London: Sweet & Maxwell, 2014)                                                                                                    |
| 2     | Hazel Carty, An Analysis of the Economic Torts, 2nd ed. (Oxford, New York: Oxford University Press, 2010)                                                                                                                  |
| 3     | Mark Lunney and Ken Oliphant, Tort Law: Text and Materials, 5th ed. (Oxford: Oxford University Press, 2013)                                                                                                                |
| 4     | Online Resources                                                                                                                                                                                                           |
| 5     | In order to keep track of new developments on Tort Law worldwide, students are expected to use various library electronic resources on law including databases like LEXIS.com, Westlaw International and HK Law Databases. |