

City University of Hong Kong

Course Syllabus

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

Part I Course Overview

Course Title:	Law of Tort II
Course Code:	LW2603B
Course Duration:	One Semester
Credit Units:	3
Level:	B2
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: (Course Code and Title)	LW2603A Law of Tort I
Precursors: (Course Code and Title)	Nil
Equivalent Courses: (Course Code and Title)	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: (Course Code and Title)	Nil

Part II Course Details

1. 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.

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*	Alignment with MILOs	DEC related learning outcomes		
				A1	A2	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.		1	✓	✓	
2.	➤ Analyse and critically evaluate: <ul style="list-style-type: none"> ✧ issues and concerns in the field of tort law ✧ operation of the substantive rules of tort law: <ul style="list-style-type: none"> ○ in terms of its objectives and practical implications locally and globally, and ○ in social context 		2,5	✓	✓	
3.	➤ Apply the principles of tort law to solve legal problems by: <ul style="list-style-type: none"> ✧ 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. 		2,4,7	✓	✓	✓
* If weighting is assigned to CILOs, they should add up to 100%.		100%				

[#] Please specify the alignment of CILOs to the Gateway Education Programme Intended Learning outcomes (PILOs) in Section A of Annex.

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.

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	
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	✓			
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.	✓			2
	Students will be introduced to issues and concerns and aspects of the operation of the substantive rules of tort law.		✓		
	Students will be shown how legal problems are solved applying tort law.			✓	
Preparation for tutorials	Students will research issues of the tort law on weekly basis on the set tutorial problems.		✓		
	Students will research issues of tort law.			✓	
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.		✓		1
	Students will give presentations and moot on selected topics and scrutinise, analyse and evaluate tort law issues and concerns.			✓	

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:					All these assessments will assess students' ability to describe and explain the main substantive rules of tort law on topics covered in the syllabus. Students will be tested by all three assessment tasks/activities on all the three CILOs. Students' ability to analyse and critically evaluate will be tested by all three assessment tasks/activities to determine their ability to analyse and critically evaluate applicable law and issues raised.
1. Class Participation				20%	
Presentations/mooting will allow students to understand operation of law locally and globally in an innovative and critical manner		✓			
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.			✓		
2. Assignment/s				30%	
Students' ability to research, analyse and resolve problems, and communicate solutions in writing will be tested.			✓		
Examination: (duration: 2 hours)				50%	
Students' ability to apply the principles of tort law to given situations and resolve problems will be tested.			✓		
				100%	

* The weightings should add up to 100%.

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.

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. Class Participation (20%)	Capacity to determine issues, analyse and critically evaluate them while applying relevant law. Confidence building and students' maturity	High	Significant	Moderate	Basic	Not even reaching marginal levels
2. Assignment (30%)	Students' ability to research and critically analyse tort problems using relevant law; determine solutions and communicate then in clear English.	High	Significant	Moderate	Basic	Not even reaching marginal levels
3. Final Exam (50%)	Students' ability to research and critically analyse tort problems using relevant law; determine solutions and communicate then in clear English.	High	Significant	Moderate	Basic	Not even reaching marginal levels

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.)

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

1. Breach of Statutory Duty
2. Vicarious Liability
3. Nuisance
4. The Rule in Ryland v Fletcher
5. Trespass to Land
6. *Scienter* Action
7. Trespass to Goods, Conversion, Detinue
8. Trespass to Person
9. Intentional Infliction of Harm
10. Sexual Harassment
11. Confidence and Private Information
12. Defamation: Elements and Defences

13. Economic

2. Reading List

Recommended Reading

Textbook

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

Supplementary Reading

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

Please note that for student's convenience and easy accessibility the Course Leader has arranged to put some copies of the recommended textbooks in the *Semi-closed Reserve* in the library. Students can locate these

books/item(s) through our Library Catalogue under "*Course Reserves*" either by "Instructor" or by "Course". Course Leader has already provided the call numbers of all the books to be used.

Other Materials

Reference should be made to legislation and law reports both in Hong Kong and in other jurisdictions. For Hong Kong reference should be made to:

- The Hong Kong Cases (HKC)
- The Hong Kong Law Reports and Digest (HKLRD)

Online Resources

In order to keep track of new developments on law of tort particularly in Hong Kong students are expected to use various library electronic resources on law including databases like LEXIS.com, HK Law Databases and Westlaw International. Please note this will improve student's research skills.

Reference should also be made to web-sites, for example The Times (newspaper) for its law reports. Simply reading textbooks will not provide sufficient up- to-date knowledge of developments in tort law that is essential for achieving good marks in this subject.