

# LW2603A: LAW OF TORT I

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## Effective Term

Semester A 2023/24

## Part I Course Overview

### Course Title

Law of Tort I

### Subject Code

LW - Law

### Course Number

2603A

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

B1, B2, B3, B4 - Bachelor's Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

LW2103 Law of Tort (LLB) (from the old curriculum)  
LW2103A Law of Tort (AMLLB) (from the old curriculum)  
LW2603 Law of Tort (LLB) (Semester A)  
LW5603A Law of Tort I

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course aims to encourage students to discover the nature and purpose of tort law, its origins, development and limitations and legal principles of major tort law issues. 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.

### Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-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		x	x	
2 Analyse and critically evaluate: - issues and concerns in the field of tort law - operation of the substantive rules of tort law: o in terms of its objectives and practical implications locally and globally o in social context and o in relation to the law of contract.		x	x	
3 Apply the principles of tort law to solve legal problems by: - 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.		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.

### Teaching and Learning Activities (TLAs)

	<b>TLAs</b>	<b>Brief Description</b>	<b>CILO No.</b>	<b>Hours/week (if applicable)</b>
1	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	1	
2	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.	1	2
3	Lectures	Students will be introduced to issues and concerns and aspects of the operation of the substantive rules of tort law.	2	
4	Lectures	Students will be shown how legal problems are solved applying tort law.	3	
5	Preparation for tutorials	Students will research issues of the tort law on weekly basis on the set tutorial problems.	2	
6	Preparation for tutorials	Students will research issues of tort law.	3	

7	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.	2	1
8	Tutorials	Students will give presentations and moot on selected topics and scrutinise, analyse and evaluate tort law issues and concerns.	3	
9	Tutorials	Develop self-confidence in application of legal principles, advocacy skills and public speaking.	3	
10	Tutorials	Foster students' growth through development of greater intellectual and interpersonal maturity.	3	

**Assessment Tasks / Activities (ATs)**

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	<p>Presentation</p> <p>Presentations/mooting will allow students to understand operation of law locally and globally in an innovative and critical manner</p> <p>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. Confidence building and students' maturity.</p>	2, 3	20
2	<p>Assignment</p> <p>Students' ability to research, analyse and resolve problems, and communicate solutions in writing will be tested.</p>	3	30

**Continuous Assessment (%)**

**Examination (%)**

50

**Examination Duration (Hours)**

2

**Additional Information for ATs**

The use of Generative AI tools is not allowed.

Please note for this course assessment tasks are divided into examination (50%), Assignment (30%) and Presentation (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 in 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.

**Assessment Rubrics (AR)**

**Assessment Task**

1. Presentation (20%)

**Criterion**

Capacity to determine issues, analyse and critically evaluate them while applying relevant law. Confidence building and students’ maturity

**Excellent (A+, A, A-)**

High

**Good (B+, B, B-)**

Significant

**Fair (C+, C, C-)**

Moderate

**Marginal (D)**

Basic

**Failure (F)**

Not even reaching marginal levels

### Assessment Task

#### 2. Assignment (30%)

##### Criterion

Students' ability to research and critically analyse tort problems using relevant law; determine solutions and communicate them in clear English.

##### Excellent (A+, A, A-)

High

##### Good (B+, B, B-)

Significant

##### Fair (C+, C, C-)

Moderate

##### Marginal (D)

Basic

##### Failure (F)

Not even reaching marginal levels

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### Assessment Task

#### 3. Examination (50%)

##### Criterion

Students' ability to identify and critically analyse tort problems using relevant law; determine solutions and communicate them in clear English.

##### Excellent (A+, A, A-)

High

##### Good (B+, B, B-)

Significant

##### Fair (C+, C, C-)

Moderate

##### Marginal (D)

Basic

##### Failure (F)

Not even reaching marginal levels

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## Part III Other Information

### Keyword Syllabus

The nature, scope and features of tort law, the range of interest protected by tort law, the general theory of liability in negligence: Duty of Care, Breach of Duty, Causation and Remoteness of Damages; Defences, Occupier's Liability, Employer's Liability.

## Detailed Syllabus

- Introduction to the Law of Tort
- Duty of Care in General
- Duty of Care: Psychiatric Illness
- Duty of Care: Pure Economic Loss
- Duty of Care: Omissions and Duty to Third Parties
- Breach of Duty
- Causation
- Remoteness
- Defences to Negligence
- Occupier' s Liability
- Employer' s Liability

## Reading List

## Compulsory Readings

Title	
1	Rick Glofcheski, Tort Law in Hong Kong (4th ed.) (Sweet and Maxwell, 2018)

## Additional Readings

Title	
1	W. V. H. Rogers, Winfield and Jolowicz on Tort (19th ed.) (Sweet and Maxwell/Thomson Reuters, 2014)
2	C. Witting, Street on Torts (15th ed.) (Oxford University Press, 2018)
3	M. Lunney & K. Oliphant, Tort Law: text and materials (6th ed.) (Oxford University Press, 2017)
4	P. Giliker, Tort (6th ed.) (Sweet and Maxwell, 2017)
5	P J Bokhary, N Sarony and D K Srivastava, Tort Law and Practice in Hong Kong (3rd ed.) (Sweet and Maxwell 2014)