

City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester A 2018/19

Part I Course Overview

Course Title: Chinese Maritime Law

Course Code: LW6188E

Course Duration: One semester

Credit Units: 3

Level: P6

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title) Nil

Precursors:
(Course Code and Title) Nil

Equivalent Courses:
(Course Code and Title) Nil

Exclusive Courses:
(Course Code and Title) LW6588E Chinese Maritime Law

Part II Course Details

1. Abstract

This course surveys both substantive and procedural provisions in the Chinese maritime legal system from both comparative and international perspectives. Based on the Maritime Code and the Special Maritime Procedure Law of the People’s Republic of China as well as pertinent administrative regulations, departmental rules, and judicial interpretations, it covers all of the main areas of the Chinese maritime legal system – i.e., history and development, ships and crews, ship ownership, ship mortgage, possessory lien, maritime lien, contracts for carriage of goods by sea, contracts for carriage of passengers by sea, charter parties, ship collisions, salvage, general average, limitation of liability for maritime claims, marine pollution, marine insurance, jurisdiction, arrest and auction of ships, etc. Wherever possible, each topic covered by this course is explored from a comparative perspective; pertinent international laws and conventions are addressed as well.

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 (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Master legal theories in the Chinese maritime law		√	√	√
2.	Analyse complex legal issues in the Chinese maritime law		√	√	√
3.	Apply legal theories to legal practice in the Chinese maritime law		√	√	√
4.	Compare distinct legal mechanisms between the Chinese legal system and other legal systems such as those of the USA and the UK		√	√	√
5.	Present critical evaluation of legal arguments in the Chinese maritime law		√	√	√
6.	Initiate independent legal research in the Chinese maritime law		√	√	√
		100%			

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	4	5	6	
Lectures	given by the instructor	√	√	√	√	√		3
Case studies	led by the instructor	√	√	√	√	√		
Legal research	guided by the instructor	√	√	√	√	√	√	
Guest lectures	One or two on maritime property law	√	√	√	√	√	√	If possible (per semester)

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	4	5	6		
Continuous Assessment: 50%								
Coursework	√	√	√	√	√	√	50%	
Examination: 50% (duration: 3 hours)								
							100%	

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

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. The examination will be in open-book.

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. Coursework	Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. Examination	Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information (more details can be provided separately in the teaching plan)

1. Syllabus

1.1 Keyword Syllabus

(An indication of the key topics of the course.)

Chinese Maritime Code; judicial interpretation; ship ownership and registration; ship mortgage; possessory lien; maritime lien; contracts for carriage of goods by sea; ship collision; limitation of liability; marine pollution; marine insurance;

1.2 Detailed Syllabus

Part I	Introduction to the Chinese Maritime Law: General Principles (Week 1)
Part II	Ship Ownership and Registration (Week 2)
Part III	Ship Mortgage, Possessory Lien, and Maritime Lien (Week 3)
Part IV	Carriage of Goods by Sea (Weeks 4-6)
Part V	Marine Insurance (Weeks 7-9)
Part VI	Ship Collision (Week 10)
Part VII	Marine Pollution (Week 11)
Part VIII	Limitation of Liability (Week 12)

2. Reading List

2.1 Recommended Readings

(Additional references for students to learn to expand their knowledge about the subject.)

Books

XING LIJUAN, THE ESSENTIALS OF CHINESE MARITIME LAW (2017).

SHARON LI & COLIN INGRAM, MARITIME LAW AND POLICY IN CHINA (2002)

BEN BEAUMONT & PHILIP YANG, CHINESE MARITIME LAW AND ARBITRATION (1994)

KEYUAN ZOU, A COMPARATIVE STUDY OF CHINESE BASIC MARITIME LAWS:
THE MAINLAND AND TAIWAN (1998)

KEYUAN ZOU, CHINA'S MARINE LEGAL SYSTEM AND THE LAW OF THE SEA (2005)

MICHAEL G. FAURE ET AL., MARITIME POLLUTION LIABILITY AND POLICY: CHINA, EUROPE, AND
THE US (2010)

SI YUZHOU, MARITIME LAW MONOGRAPH (Chinese) (2006)

Periodicals

Chinese Journal of Maritime Law (formerly, Annual of Chinese Maritime Law)

Gazette of the Supreme People's Court

Tulane Maritime Law Journal

Journal of Maritime Law and Commerce

Lloyd's Maritime and Commercial Law Quarterly

Journal of International Maritime Law

2.2 Online Resources

China Judgments Online, <http://wenshu.court.gov.cn/> (in Chinese).

China Foreign-Related commercial and Maritime Trial, http://www.ccmt.org.cn/index_en.php.

The Supreme People's Court of the People's Republic of China, <http://www.court.gov.cn/> (in Chinese).