

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester A in 2023 / 2024**

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**Part I. Course Overview**

<b>Course Title:</b>	Advanced Award Writing
<b>Course Code:</b>	LW6409B
<b>Course Duration:</b>	One semester
<b>Credit Units:</b>	6
<b>Level:</b>	P6
<b>Medium of Instruction:</b>	English
<b>Medium of Assessment:</b>	English
<b>Prerequisites:</b> <i>(Course Code and Title)</i>	Subject to the approval of the Programme Director/Associate Programme Director, students are required to pass the following core courses before taking LW6409B Advanced Award Writing: 1) LW5400 Legal Concepts (except for students who have been granted exemption) 2) LW6402 Procedure and Proof (except for students who have been granted credit transfer for this course) 3) LW6405 Arbitration Law 4) LW6407 Arbitration Practice and Award Writing 5) LW6408 International Arbitration
<b>Precursors:</b> <i>(Course Code and Title)</i>	Nil
<b>Equivalent Courses:</b> <i>(Course Code and Title)</i>	Nil
<b>Exclusive Courses:</b> <i>(Course Code and Title)</i>	LW6409A Dissertation (Students are required to take either LW6409A Dissertation or LW6409B Advanced Award Writing, subject to fulfillment of the respective prerequisites.)

## **Part II. Course Details**

### **1. Abstract**

This course aims to provide students with the requisite knowledge of and practice in formulating and drafting a final, reasoned and enforceable arbitration award in an international commercial dispute.

This course will focus on the following key elements to assist the student in drafting an enforceable arbitration award:

1. How to draft and communicate arbitral awards;
2. Types of awards;
3. Deliberations and decision making;
4. Form and context of arbitral awards;
5. Effect of the final award

This course enhances the student's ability to carry out independent research and acquire knowledge through self-study thus enabling students to demonstrate an ability to:

- analyse the facts and documents in arbitration proceedings and organise decisions on the facts and the law; and
- to write an enforceable, reasoned award which deals with matters in dispute in a clear and logical manner, using appropriate terminology, and taking into account the use of grammar, punctuation and spelling.

## 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.	separating issues from submissions and prioritising them for the purpose of drafting an arbitration award;	20	✓	✓	✓
2.	dealing with all the matters of claim and deciding all matters in dispute fairly;	20	✓	✓	✓
3.	allocating costs appropriately;	10	✓	✓	✓
4.	demonstrating an intelligent and intelligible use of language, grammatically correct and correctly spelt; and	20	✓	✓	✓
5.	completing all the legal and other requirements for enforceability.	30	✓	✓	✓
		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	
Self-study	See remarks	✓	✓	✓	✓	✓	See remarks
Face-to-face tutorials	Tutorials provide a forum for discussion and allow students to deepen their understanding of the concepts of drafting an enforceable arbitration award. (see remarks)	✓	✓	✓	✓	✓	See remarks

### 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		
Continuous Assessment: <u>20</u> %							
Written Assignment	✓	✓	✓	✓	✓	20%	The writing assignment is designed to test the students' ability to apply the basic concepts and rules into practice by analysing a sample arbitration award with the goal of improving its form and format.  The use of Generative AI tools is not allowed.
Examination: <u>80</u> % (duration: 4 hours)							
Examination	✓	✓	✓	✓	✓	80%	The examination is designed to test the students' abilities of applying the theories and law they have learned to realistic factual situations involving different commercial relationships and disputes with the ultimate goal of drafting an enforceable arbitration award.  The use of Generative AI tools is not allowed.
						100%	

## Remarks:

### For Continuous Assessment Weighting ≤ 30%

In order to assess students' course performance in a holistic and fair manner, for SLW courses, including Gateway Education course and servicing courses, with a Continuous Assessment (CA) component that is equal to or less than 30%, the pass mark requirement for the CA component would be waived, i.e. students will only need to reach the pass marks for the final exam AND the overall mark in order to pass the course, with effect from Semester B 2021/22, applicable to all intakes. For courses with a CA component that is above 30%, no change should be applied to the current practice.

#### \* Notes:

##### Applicable to students admitted in Semester A 2022/23 and thereafter

In order to pass this course, students must:

1. gain 100% attendance.
2. obtain a minimum mark of 50% in the examination.
3. Students should ensure that they have access in class to a laptop computer so that they can complete the various in-class exercises and assessments.

##### Applicable to students admitted before Semester A 2022/23

In order to pass this course, students must:

1. gain 100% attendance.
2. obtain a minimum mark of 40% in the examination.
3. Students should ensure that they have access in class to a laptop computer so that they can complete the various in-class exercises and assessments.

Students will be sent a reading list as well as a set of reading materials focusing on arbitration awards, their characteristics, functions and drafting. Students are required to write a reflective journal recording their learning experiences in the first eight weeks, and to submit a coursework assignment. Towards the end of the semester, there are face-to-face tutorials which help students develop their legal analysis and drafting skills.

At the face-to-face tutorial students will be given the first set of materials relating to an arbitration case; these will normally cover all information but the hearing. Students will be required to start working on the award by drafting summary of facts, summary of parties' positions, claims, etc. After the face-to-face tutorials students will sit in a four hour open book examination (the final examination). In the final examination, students will be given a second set of materials (typically the information relating to the hearing) and they will have four hours to complete their award. The award should be presented in a format that complies with the requirements stipulated within the Hong Kong Arbitration Ordinance (Cap.

609). Relevant instructions will be conveyed by the way of self-study, reading and face-to-face tutorial seminar.

Subject to the availability of University facilities and resources, students are required to take a computer-based examination within a computer laboratory. During the examination, students will not have access to the Internet to assist them in drafting the award.

**5. Assessment Rubrics**

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

Applicable to students admitted in Semester A 2022/23 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
1. Coursework	<p>Demonstration of ability to identify issues, current trends and practices.</p> <p>Demonstration of ability to identify legal issues.</p> <p>Application of legal writing and research skills.</p> <p>Demonstration of ability to engage in argument-based analysis based on critical and logical thinking.</p>	High	Significant	Moderate	Inadequate
2. Examination	<p>Application of knowledge learnt to specific problems and issues.</p> <p>Demonstration of ability to identify legal issues.</p> <p>Application of legal writing and research skills.</p> <p>Demonstration of ability to engage in argument-based</p>	High	Significant	Moderate	Inadequate

	analysis based on critical and logical thinking.				
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Applicable to students admitted before Semester A 2022/23

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Coursework	<p>Demonstration of ability to identify issues, current trends and practices.</p> <p>Demonstration of ability to identify legal issues.</p> <p>Application of legal writing and research skills.</p> <p>Demonstration of ability to engage in argument-based analysis based on critical and logical thinking.</p>	<p>Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.</p>	<p>Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.</p>	<p>Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.</p>	<p>Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.</p>	<p>Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.</p>
2. Examination	<p>Application of knowledge learnt to specific problems and issues.</p> <p>Demonstration of ability to identify legal issues.</p>	<p>Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of</p>	<p>Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of</p>	<p>Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems</p>	<p>Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.</p>	<p>Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.</p>



	<p>Application of legal writing and research skills.</p> <p>Demonstration of ability to engage in argument-based analysis based on critical and logical thinking.</p>	<p>extensive knowledge base.</p>	<p>familiarity with literature.</p>	<p>in the material.</p>		
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### Part III. Other Information (more details can be provided separately in the teaching plan)

#### 1. Keyword Syllabus

Award writing; Arbitration award

##### 1.1. Detailed Syllabus

The course aims to cover the following aspects:

1. Purpose of an award;
2. Differences between orders and awards and between awards and judgments;
3. Legal and substantive requirements (Form of Award, Seat of Arbitration)
4. Legal framework for the dispute (Arbitration Agreement, Law of the Contract, Law of the Arbitration);
5. Procedural and interrogatory matters;
6. Writing in plain English (in a clear and precise manner);
7. The reasoning process (Reasons, Telling the Story, Understanding Evidence, Deciding the dispute);
8. Structure and formalities of an award;
9. Writing an award (Particular Requirements, Applicable Laws, Procedural Compliance, Reasoning);
10. Costs;
11. Interest (Simple and Compound);
12. Notification of an Award; and
13. Enforcement (and setting aside and non enforcement).

#### 2. Reading List

##### 2.1. Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

1.	David St. John Sutton, Judith Gill, Matthew Gearing, <i>Russell on arbitration</i> Russell, Francis, Sweet & Maxwell.
2.	Justice Geoffrey Ma; general editor, Denis Brock and a team of expert contributors, <i>Arbitration in Hong Kong: a practical guide</i> , Hong Kong, Sweet & Maxwell.
3.	Choong and Weeramantry (eds), <i>The Hong Kong Arbitration Ordinance: commentary and annotations</i> , Hong Kong: Sweet & Maxwell/Thomson Reuters.
4.	Turner, Ray (W. Ray), <i>Arbitration awards: a practical approach</i> ; foreword by the Lord Bingham of Cornhill. Oxford, UK; Malden, MA: Blackwell Pub.
5.	Christopher To and Damon So; Butterworths Hong Kong Arbitration Law Handbook, Lexis Nexis.
6.	Born, <i>International Commercial Arbitration</i> .
7.	Redfern, Hunter, et al., <i>Redfern and Hunter on International Arbitration</i> .
8.	Lew, Mistelis, et al., <i>Comparative International Commercial Arbitration</i> .

## **2.2. Additional Readings**

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

Nil