

# City University of Hong Kong

## Information on a Course offered by School of Law with effect from Semester B in 2012/2013

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### Part I

**Course Title:** Admiralty Law

**Course Code:** LW4666

**Course Duration:** One semester

**Credit Units:** 3

**Level:** B4

**Medium of Instruction:** English

**Prerequisites:** LW2602 Law of Contract or LW2602A&B Law of Contract I&II and LW2603 Law of Tort or LW2603A&B Law of Tort I&II

**Precursors:** *(Course Code and Title)* Nil

**Equivalent Courses:** *(Course Code and Title)* Nil

**Exclusive Courses:** *(Course Code and Title)* Nil

### Part II

#### Course Aims

This course aims at introducing students to the 'wet' side of shipping law, i.e. aspects of shipping law focusing on marine casualties and legal consequences flowing from these and promoting attitude of critical and reflective learning. This is different from the 'dry' side which focuses more on maritime contractual relationship, a subject matter of which is covered in LW4636 Sea Carriage Law. The course consists of two parts: substantive part and procedural part. The substantive part deals with the carriage of passenger, the law of salvage, the law of towage, the law relating to marine pollution, and the law on limitation of liability. The procedural part deals mainly with the admiralty jurisdiction and practices, including maritime liens and arrest of ships.

## Course Intended Learning Outcomes (CILOs)

*Upon successful completion of this course, students should be able to:*

No.	CILOs	Weighting (if applicable)	Number(s) of PILOs contributed to
1.	Identify the law relating to the carriage of passenger and apply it to determine the liability of the ship-owner for loss of life or injuries of the passenger		1,3
2.	Analyse the law of salvage and explain how it is different from towage and demonstrate how and to what extent the law of salvage is applicable to wrecks		1
3.	Examine the law applicable in the event of pollution at sea		1,3,4
4.	Display knowledge of the right of the ship-owner to limit its liabilities		1,3
5.	Display knowledge of the Admiralty Jurisdiction as exercised by the Hong Kong High Court and explain when the ship can be arrested and how the process of judicial sale of a ship is done		1,3
6.	Apply relevant International Conventions to solve complex legal issues		1,3

## Teaching and Learning Activities (TLAs)

*(Indicative of likely activities and tasks designed to facilitate students' achievement of the CILOs. Final details will be provided to students in their first week of attendance in this course)*

CILO No.	TLAs	Hours/Week (if applicable)
CILO 1	<p><i>Lecture:</i> Explain basic legal principles governing the loss of life or injury to passengers at sea</p> <p><i>Tutorial:</i> Case-studies of scenario involving loss of life or injury to passengers at sea</p>	2 hours lecture / week and 1 hour tutorial / week or a total of 39 hours of block teaching
CILO2	<p><i>Lecture:</i> Explain basic rationale of the law of salvage and the law of towage and the concepts in the International Convention on Salvage 1989</p> <p><i>Tutorial:</i> Discussion of the law relating to salvage and the situation when towage activities may turn to salvage activities</p>	
CILO2	<p><i>Lecture:</i> Explanation of the law applicable to shipwrecks, including relevant international conventions</p>	
CILO3	<p><i>Lecture:</i> Broad explanation of legal regimes governing problems of pollution at sea</p> <p><i>Tutorial:</i></p>	

CILO4	<p>Discussion of problems involving marine pollution incidents</p> <p><i>Lecture:</i> Explain rationale and basic concepts of the shipowner's right to limit liabilities and also the applicability of the Convention for Limitation of Liability for Maritime Claims (LLMC)</p> <p><i>Tutorial:</i> Practical exercise and group work on complex scenarios involving questions of the shipowner's right to limit liabilities</p>	
CILO5	<p><i>Lecture:</i> Explain broad outline of the admiralty jurisdiction, the process of ship arrest, and the judicial sale of the ship</p> <p><i>Tutorial:</i> Discussion and case-studies on the exercise of the admiralty jurisdiction and the procedure for ship arrest</p>	

### Assessment Tasks/Activities

*(Indicative of likely activities and tasks designed to assess how well the students achieve the CILOs. Final details will be provided to students in their first week of attendance in this course)*

AT No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	CILO Assessed	Remarks (exam duration, etc)
AT 1	Coursework: A critical analysis of a case of students' own choice or a case selected from given choices, in which students analyse and critique the case.	50%	1-6	
AT 2	Examination – effective solution to hypothetical scenarios.	40%	1-6	2 hours
AT3	Attendance and Class Participation	10%		

Students must obtain an aggregate mark of 40% and a minimum of 30% in each of the coursework and the examination elements of the assessment.

**Grading of Student Achievement:** Standard (A+, A, A-...F). Grading is based on student performance in assessment tasks/activities.

## **Part III**

### **Keyword Syllabus**

Carriage of Passenger, Salvage, Towage, Wrecks, Marine Pollution, Limitation of Liabilities, Actions in *rem*, Actions in *personam*, Admiralty Jurisdiction, international conventions relating to Carriage of Passengers, Salvage, Wrecks, Maritime Pollution, and Limitation of Liabilities.

### **Detailed Syllabus**

The students are provided with an overview of the course and resources in support of the study of the subject. It is to be understood from the outset that this course will not cover legal issues relating to ship collisions. The reason is because most collision cases involve complex issues of navigation which are outside the scope of this course. Therefore, the course will deal with following issues:

1. Carriage of Passengers, General characteristics of salvage and towage contracts
2. Liability of salvors and the Salvage Convention 1989
3. Salvage and the protection of marine environment
4. Salvage and shipwrecks
5. Marine Pollution
6. Carriage of hazardous and noxious substances by sea
7. Limitation of Liability
8. Admiralty Jurisdiction – action in *rem* and action in *personam*
9. Classification of claims in *rem*
10. Arrest of ships in Hong Kong and Judicial sale
11. Problems concerning arrest of ships

### **Recommended Reading**

#### **Text(s)**

There is no required textbook for this course. A detailed reading list will be provided in the course manual to be distributed during the first lecture.

#### **Following textbooks may give overview of the subject:**

Institute of Maritime Law, *Southampton on Shipping Law* (Informa 2008)

Simon Baughen, *Shipping Law* (4<sup>th</sup> edn, Routledge-Cavendish 2009)

**More details of the subject matter may be found in the following books:**

Aleka Mandaraka-Sheppard, *Modern Maritime Law* (2<sup>nd</sup> edn, Routledge-Cavendish 2007)

James M. Turner and Sarah C. Derrington, *The Law and Practice of Admiralty Matters* (Oxford University Press 2007)

**Online Resources**

Halsbury's Laws of Hong Kong (LexisNexis)

Westlaw has Lloyd's cases online

BAILI for recent UK case law