

LW4680: PRINCIPLES OF MARITIME LAW

Effective Term

Semester B 2022/23

Part I Course Overview

Course Title

Principles of Maritime Law

Subject Code

LW - Law

Course Number

4680

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

LW2602A Law of Contract I

Precursors

Nil

Equivalent Courses

LW5680 Principles of Maritime Law

Exclusive Courses

Nil

Part II Course Details

Abstract

Hong Kong is an important international maritime hub with a large ship register, a busy port and extensive financial, legal and marine insurance services. The course will cover the legal framework applicable to shipping in Hong Kong and

internationally by studying five aspects of maritime law. The first aspect concerns the way ships are financed, acquired and disposed of. The second concerns the way ships are used for international trade. The third aspect concerns the operational risks faced by shipping businesses. The insurance of the commercial and operational risks and way creditors of the shipping industry are secured through the right to arrest the ship are the fourth and fifth aspects. The course will develop, in addition to a holistic understanding of the legal framework underpinning international trading competency with the specialised contracts routinely used in this field of law.

Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Develop an integrated understanding of the maritime legal framework which underpins the international trade by sea.	x	x	
2	Critically assess the relationship between financing, trading, insurance and enforcement in maritime law.	x	x	
3	Develop the ability to analyse maritime contracts in their international commercial context and by reference to the financial and policy interests involved.	x	x	x
4	Demonstrate an awareness and understanding of global issues in maritime law, evaluate the methods adopted by states in efforts to harmonise maritime law and assess the success of these methods.	x	x	x
5	Identify the legal conflicts which arise when shipping stakeholders fail to discharge their obligations and outline the potential solutions by using legal knowledge and by developing logical, analytical and critical arguments.	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)

TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Seminars	Discussion of the maritime law of Hong Kong and the international instruments which affect it.	1, 2, 3, 4, 5

2	Tutorials	Problem based work on the legal issues arising from the operation of ships.	1, 3, 4, 5	
3	Guided individual studying and research coursework.	Development of independent research and critical assessment skills on one of the five modules of the course.	1, 2, 3, 4, 5	
4	Formative work	Quizzes, development of writing, referencing and presentation skills.	1, 2, 3, 4	

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)	
1	Coursework (2000 words) and presentation	1, 2, 3, 4, 5	30	The coursework will give the opportunity to students to select one part of the course, read about it in depth, and write an assignment on an advanced topic related to the specific part. Students selecting the same topic will work in a group for the assignment and the presentation. Coursework will be submitted in two stages. After the first submission students will receive feedback and suggestions for improvement. Students who wish to improve on their marks will then be able to effect the suggested changes and increase their marks by up to 20%. Groups will be formed on a voluntary basis. Students wishing to work individually will be allowed to do so for the assignment.
2	Quizzes (one for each part)	1, 3, 5	20	4 x 5%

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2

Additional Information for ATs

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.

Assessment Rubrics (AR)

Assessment Task

Coursework

Criterion

Demonstration of an ability to discover scholarly debates and gather them to formulate a logically structured and well-argued academic paper. Demonstration of an ability to write a well-researched and critical analysis academic essay with good use of the English language and proper use of referencing styles and citations.

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. Strong evidence of self-learning skills and excellent research skills.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. Some evidence of self-learning skills and good research skills.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. Basic self-learning ability and rudimentary research skills.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Presentation

Criterion

Demonstration of an ability to outline the research question. Formulate a logically structured and well-presented outline structure of an answer in a timely manner. Demonstrate the ability to respond to questions and criticism in a constructive manner.

Excellent (A+, A, A-)

Strong evidence of good organization, excellent capacity to analyse the topic and identify the components of the answer, evidence of extensive knowledge base. Excellent time management. Responsive and appreciative to constructive comments.

Good (B+, B, B-)

Evidence of good organization, good capacity to analyse the topic and identify the components of the answer, evidence of familiarity with the main parts of the knowledge base. Good time management. Evidence of ability to respond to parts of the critical comments.

Fair (C+, C, C-)

Basic organization and understanding of the question. Ability to approach the problem in a superficial way. Small timing management issues. Ability to understand the criticism even if not able to respond adequately.

Marginal (D)

Sufficient structure and understanding to enable the student to progress without repeating the course. Inability to benefit from criticism,

Failure (F)

Little evidence of familiarity with the subject matter; no structure, no evidence of critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination

Criterion

Demonstration of ability to identify issues; Application of knowledge to specific problems and discussion questions.

Excellent (A+, A, A-)

Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good (B+, B, B-)

Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair (C+, C, C-)

Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal (D)

Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure (F)

Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information

Keyword Syllabus

Ship financing, Mortgages, Ship building and ship purchase contracts. Recycling of ships , Maritime Law, Ships, Carriage of Goods, by Sea, Marine Insurance, Ship Arrest, limitation of liability rights, Liability for the operation of the ships, Maritime Contracts, International maritime conventions.

Detailed Syllabus

- Introduction – Hong Kong as a Maritime Hub and its maritime legal services. The maritime stakeholders.
- Part 1 (seminars 2 and 3)
Operational liabilities of the ship: Collisions, pollution, wreck removal, assistance at sea,. Limitation of liability.
- Part 2 (seminars 4, 5 and 6)
Chartering the ship, using the ship for the carriage of goods. Transfer of contractual rights to third parties- avoiding the privity of contract. Internationally harmonised protection of third party buyers. Contractual and other claims for cargo damage.

- Part 3 (seminars 7 and 8)
Securing the claims of maritime creditors: Ship arrest and maritime liens.
- Part 4 (seminars 9 and 10)
Ship financing, Ship building, sale and purchase, Registering the ship. Overseeing the ship' s good operation. Recycling the ship.
- Part 5 (seminars 11 and 12 and revision)
Insurance of maritime risks. Contracts of marine insurance and statutory regulation of insurance contracts. Compulsory insurance for strict liability regimes and direct action against the insurer.

Reading List

Compulsory Readings

	Title
1	Part 1- Baatz Y. 5th edition, Chapter 7, . (available on i-law)
2	Part 1- Baughen S (2019) Shipping Law , Routledge, ISBN 9781138045378, Chapters 14,15,17
3	Part 2 - Baatz Y. (ed) Maritime Law (5th edition) Chapters 4 and 5. (available on i-law)
4	Part 2 - Baughen S Shipping Law , Chapters 1,9-12.
5	Part 3- (available on i-law) Baatz Y. 5th edition, Chapter 12
6	Part 3- (available on i-law) Aleka Mandaraka-Sheppard, Modern Maritime Law (Volume 1). (3rd ed, Routledge-Cavendish 2014): Chapters 1,2,4
7	Part 4- (available on i-law) Baatz Y. (ed), (2021), Maritime Law (5th edition), ISBN 9780367493844, Chapter 2
8	Part 4- (available on i-law) Aleka Mandaraka-Sheppard, Modern Maritime Law (Volume 2). (3rd ed, Routledge-Cavendish 2014): Chapters,6,7 and 8
9	Part 5- Baatz Y. 5th edition, Chapter 11,(available on i-law)
10	Part 5- Gurses O. (2017) , Marine Insurance Law, Routledge (2017), ISBN 9781138669239 Chapters 1,3,4,5

Additional Readings

	Title
1	Marsden and Gault : Collisions at Sea (15th ed. 2021), ISBN: 9780414070356
2	Kennedy and Rose on The Law of Salvage (9th ed. 2017)
3	Stephen Girvin, Carriage of Goods by Sea (2nd 2011), Oxford: Oxford University Press, ISBN-10: 0199589917
4	Aikens R., et al.. (2020), Bills of Lading (3rd ed.), London: Informa (Available on i-law), ISBN 9780367134372
5	Guenter Treitel and F.M.B. Reynolds, Carver on bills of lading (4th ed, 2017), London: Sweet & Maxwell, ISBN 9780414057425
6	Eder B, et al., (2019) Scrutton on Charterparties and Bills of Lading, (24th ed), London: Sweet & Maxwell, ISBN: 9780414070387
7	Turner J.M. and S. C. Derrington, The Law and Practice of Admiralty Matters (2nd ed, Oxford University Press 2016), ISBN: 9780198729556
8	Merkin et al. (2014) Marine Insurance Legislation, 9781315816678
9	Barma et al. (2019) Maritime Law and Practice in Hong Kong (Hong Kong Law Library Series, Sweet & Maxwell / Thomson Reuters Hong Kong Ltd. ISBN: 9789626614846