

City University of Hong Kong

**Information on a Course
offered by School of Law
with effect from Summer Term in 2014**

Part I

Course Title: Aviation Law

Course Code: LW5665

Course Duration: 1 semester

Credit Units: 3

Level: P5

Medium of Instruction: English

Prerequisites: For 2013 Cohort and thereafter: LW5621 Legal Systems of Hong Kong and Mainland China, LW5622 Legal Methods, Research and Writing, and LW5602 Law of Contract

Precursors: Nil

Equivalent Courses: Nil

Exclusive Courses: Nil

Part II

Course Aims

This course aims to examine the legal regime governing carriage by air of passengers, baggage and cargo. In particular, the subject examines the *Chicago Convention*, the *Rome Convention*, the *Warsaw Convention* and the new *Montreal Convention*. It also provides students with opportunities to study a range of select topics related to air law. The areas covered by the subject will include the role of the International Civil Aviation Organization and the regulatory framework established under the Chicago Convention; the resolution of inter-governmental aviation disputes; air carriers' liability for passengers, baggage and cargo including instances of air rage and DVT litigation, aviation security; air carrier liability for surface damage; intercarrier agreements such as the Montreal Intercarrier Agreement and the IATA Intercarrier Agreements; other contemporary developments including the new replacement Convention for the Rome Convention, The Cape Town Convention on Assets in Mobile Equipment and the Montreal Convention to consolidate and modernize the Warsaw system.

Course Intended Learning Outcomes (CILOs)

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

No.	CILOs	Weighting (if applicable)
1.	Analyse a factual scenario involving an aviation accident and state the legal liabilities involved, including providing advice to clients.	
2.	Understand the major conventions, laws, legal rules and sources of information for the aviation sector within Hong Kong and China and internationally.	
3.	Possess sufficient skill to be able to effectively research and advise on aviation issues.	
4.	Appreciate the role played by international cooperation in the creation of, and further development of, air transport systems, including an examination of the legal status and role of the International Civil Aviation Organization (ICAO).	
5.	Demonstrate an awareness of the impact of aviation law in the years following the terrorist attacks of September 11, 2001.	
6.	Articulate the shortcomings of existing international arrangements and evaluate proposals for change.	

Alignment of CILOs with PILOs (Please do the alignment between PILOs and CILOs.)

Programme Intended Learning Outcomes (PILOs)		CILOs
1	Explain and assess specified areas of the law and legal system of Hong Kong, with particular emphasis on the law in action and the dynamic interplay between law and other social phenomena.	2,3,4
2	Assess the common law system and its values, and its interaction with the law of China, the East Asian region and the wider world.	2,4
3	Explain, interpret and apply main principles of ethics, civil duty, and social and professional responsibility.	2, 5, 6
4	Critically assess the strengths and weaknesses of law as a means of regulating society in the context of competing and conflicting interests.	2,4,5,6
5	Demonstrate and apply skills of legal analysis and reasoning, skills of legal research, and skills of oral and written expression appropriate to the practice of Hong Kong and Chinese law, to a level appropriate to a graduate-entry degree in law.	1,2, 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	Apply convention provisions to determine (i) if an accident occurred and (2) to determine liabilities associated with a problem scenario presented to students	1
CILO 2	Study the major conventions and agreements that make up the liability system	1
CILO 3	Understand and research relevant databases of organisations including online legal databases available through the library	.5
CILO 4	Study the key institutions and understand the critical role that they play by laying down standards that are adopted at national level	.5
CILO 5	Study legislative and regulatory initiatives taken and the incidence of hijacking and air rage	.5
CILO 6	Provide critiques of the liability regime for passengers and people and property on the ground, review new proposals, assess the effectiveness of measures taken in the wake of the 9/11 bombings, and devise new proposals for legislative and regulatory reform.	.5

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)

CILO No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	Remarks(exam duration , etc)
CILO 1	<i>Exam questions- hypothetical scenarios</i>		
CILO 2	<i>Problem based assignment</i>		
CILO 3	<i>Problem based assignment</i>		
CILO 4	<i>Problem based assignment</i>		
CILO 5	<i>Problem based assignment and exam questions</i>		
CILO 6	<i>Problem based assignment and exam questions</i>		

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

Assessment will be by coursework, which will comprise continuous performance evaluation, a problem based assignment and a written examination.

The apportionment of marks will be:

Performance in inter-active small group sessions	: 10%
Problem based assignment	: 30%
Examination	: 60%
Examination duration	: two hours
Grading pattern	: Standard (A+ A A- ... F)

To pass this course students must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

The portion of the overall mark allocated to performance/participation in inter-active in class activities will be assessed on the quality of the participation. Assessment criteria for those activities, their nature and their timing will be set out in the study guide/course manual and will be further expanded upon by the course leader.

The duration of the examination will be at the discretion of the course leader. The course leader will announce the duration of the examination in the first week of the course. Similarly the course leader will announce whether the examination will be closed book or open book.

To enable the full benefit to be obtained from this course, students should attend all of the classes and activities.

Assessment will be formative to enable students to demonstrate their capacity to understand, analyse and apply rules and principles and summative to assess ability to synthesise primary and secondary material to solve novel problems.

Part III

Keyword Syllabus

Sovereignty over air space; Chicago Convention; International Civil Aviation Organisation; damage to property and persons on the ground; air carriers' liability to passengers for accidents; liability for cargo and baggage; air rage; aviation security; bilateral air services agreements and intergovernmental aviation disputes; aviation insurance; Montreal Convention of 1999.

Detailed Syllabus

- A. Introduction to the unit and its major divisions, topics and assessment details
- B. The role of bilateral air services agreements
- C. Resolution of inter-governmental aviation disputes
- D. Introduction to air carrier's liability – Warsaw-Montreal system
- E. Liability of the air carrier to passengers
- F. *The Convention on International Interests in Mobile Equipment and Protocol Thereto On Matters Specific to Aircraft Equipment (The Cape Town Convention)*
- G. Proposals to reform the passenger liability system
- H. The *Montreal Convention* 1999 (Montreal 99)
- I. Aviation Insurance
- J. Aviation Security (including air rage)
- K. Hong Kong's international obligations in the regulation of air travel, introduction to the domestic regulators and the regulatory regime
- L. The Rome Convention 1953, Damage to Third Parties on the ground and the new, replacement convention

(You may incorporate the information from the course syllabus)

Recommended Reading

Text(s)

I.H.Ph. Diederiks-Verschoor, *An Introduction to Air Law*, (Kluwer Law International, 8th ed, 2006)

Reading List (Please use the latest edition)

I.H.Ph. Diederiks-Verschoor, *An Introduction to Air Law*, (Kluwer Law International, 8th ed, 2006)

Laurence Goldhirsch, *The Warsaw Convention Annotated: A Legal Handbook*, (Kluwer Law International, 2000)

Online Resources: Cases and Conventions to be placed on the website.