

# LW6175E: MARITIME INSURANCE LAW

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## Effective Term

Semester B 2024/25

## Part I Course Overview

### Course Title

Maritime Insurance Law

### Subject Code

LW - Law

### Course Number

6175E

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

P5, P6 - Postgraduate Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

LW5575 Maritime Insurance Law

### Exclusive Courses

LW6575E Maritime Insurance Law

## Part II Course Details

### Abstract

This course aims to provide an analysis of the foundations and fundamental concepts relating to the insurance of ships, cargoes, and freight. The law considered is predominantly the English law as codified in the Marine Insurance Act 1906

where the Marine Insurance Ordinance (Cap. 329) is primarily based upon. Throughout the course, the respective positions of assureds, brokers, underwriters are analysed, as also are the special feature of a marine insurance contract, the risks covered, the excluded cover, the causation, and the types of loss.

### Course Intended Learning Outcomes (CILOs)

CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Analyse relevant legal materials, including statutes, case law and standard form marine insurance contracts.	x	x	
2	Identify and explain the main commercial and political policies and values underpinning the law relating to marine insurance.	x	x	
3	Apply insurance law principles and authorities to solve complex factual problems.	x	x	x
4	Draft legal advice based on complex factual problems	x	x	x
5	Appraise and critically evaluate existing debates on maritime law in UK and Hong Kong.	x	x	
6	Display clarity and objectivity in written and oral interactions and communications.	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.

### Learning and Teaching Activities (LTAs)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)	
1	Discussion	Discussion of marine insurance contracts and when they terminate including such issues as warranties, insurable interests, brokers duties, duties to act in good faith, held covered clauses and the characteristics of the different types of insurance.	1	3
2	Discussion	Discussion of key legal and policy issues in their particular context.	2	3

3	Case study	Case study of complex factual scenarios with reference to the relevant legal principles and authorities.	3	3
4	Demonstration	Demonstration of specific skills to provide legal advice to clients based upon analysis of factual scenarios.	4	3
5	Discussion	Discussion of existing areas of debate about what the law is and ought to be in England and Hong Kong.	5	3
6	Individual project / assignment	Individual project / assignment to demonstrate concisely written and accurate legal advice on projected changes in the law. Discussion of relevant bodies of law, jurisprudence and legal principles.	6	3

**Assessment Tasks / Activities (ATs)**

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)	
1	Coursework	1, 2, 3, 4, 5, 6	50	The use of Generative AI tools is not allowed.

**Continuous Assessment (%)**

50

**Examination (%)**

50

**Examination Duration (Hours)**

3

**Additional Information for ATs**

Take-home Examination: The use of Generative AI tools is not allowed.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course. The take-home examination will be in open-book and students are required to use computers to type the answers.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

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 take-home examination will be in open-book and students are required to use computers to type the answers.

**Assessment Rubrics (AR)**

### **Assessment Task**

Coursework (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

#### **Criterion**

Demonstration of an ability to discover scholarly debates and gather them to formulate a logically structured and well-argued academic research 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.

#### **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.

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### **Assessment Task**

Take-home Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

#### **Criterion**

Demonstration of a good understanding of relevant statutes, cases, doctrines and concepts, and an ability to use these to solve complex legal problems.

#### **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.

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#### **Excellent**

(A+, A, A-) High

#### **Good**

(B+, B) Significant

#### **Marginal**

(B-, C+, C) Moderate

#### **Failure**

(F) Inadequate

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## **Part III Other Information**

### **Keyword Syllabus**

Insurable interest, Good Faith, Fraudulent Claims, Warranties, Proximate Causation, Actual Total Loss, Constructive Total Loss, Abandonment

### **Detailed Syllabus**

- Lecture 1: Introduction
- Lecture 2: Policies
- Lecture 3: Insurable interest
- Lecture 4: Utmost good faith
- Lecture 5: Warranties
- Lecture 6: Premium

Lecture 7: Total loss  
 Lecture 8: Partial loss  
 Lecture 9: Claims under policy  
 Lecture 10: Institute clauses  
 Lecture 11: Subrogation  
 Lecture 12: Broker  
 Lecture 13: P&I covers  
 Lecture 14: Revision

## Reading List

### Compulsory Readings

Title	
1	Nil

### Additional Readings

Title	
1	A list of recommended reading will be given prior to each lecture. However, in general, students may wish to consult:
2	Books:
3	Justice Barma (eds) <i>Maritime Law and Practice in Hong Kong</i> (Hong Kong: Sweet & Maxwell 2015)
4	Ozlem Gurses, <i>Marine Insurance Law</i> , (2nd edn Routledge 2017)
5	Francis D. Rose, <i>Marine Insurance Law and Practice</i> (2nd edn Informa 2012)
6	Jonathan Gilman and the others (eds), <i>Arnould's Law of Marine Insurance and Average</i> (18th edn, Sweet & Maxwell 2013)
7	Robert Merkin and the others (eds), <i>Colinvaux's Law of Insurance in Hong Kong</i> (2nd edn Sweet & Maxwell 2012)
8	Journals:
9	Lloyd's Maritime & Commercial Law Quarterly
10	The Journal of Business Law
11	The Journal of International Maritime Law
12	Online Resources
13	Westlaw International provides access to both case law and Articles.