

LW5665: AVIATION LAW

Effective Term

Semester A 2025/26

Part I Course Overview

Course Title

Aviation Law

Subject Code

LW - Law

Course Number

5665

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

LW5601 Hong Kong Legal System, LW5622 Legal Methods, Research and Writing, and LW5602A Law of Contract I

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

Aviation is experiencing an incredibly fast growth in a globalized and very competitive environment. Both private entities and public institutions take part to the main sector's challenges combining public policies, private interests and

international issues. Regional and international regulation authorities, airlines and alliances, airports operators, aircraft manufacturers, original equipment manufacturers are facing a growing number of complex problems and have to deal with more legal and regulatory issues. In this context, the demand for qualified legal expertise is increasing.

This course aims to examine the legal and regulatory regime, both international and regional, governing air transport through different stakeholder' s perspectives: states (Chicago convention, international organization such as ICAO, freedoms of the air, open sky agreement, aviation security), passengers (contract of carriage, Warsaw-Montreal liability regime), airlines (aircraft financing, liability, staff status, competition rules), aircraft manufacturers (contracts, liability, competition) and airports (management, ownership models). This course also addresses litigation and arbitration issues related to aviation sector.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Analyse a factual scenario involving an aviation accident and state the legal liabilities involved, including providing advice to clients.		x	x	x
2	Understand the major conventions, laws, legal rules and sources of information for the aviation sector within Hong Kong and China and internationally.		x	x	x
3	Possess sufficient skill to be able to effectively research and advise on aviation issues.		x	x	x
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).		x	x	x
5	Demonstrate an awareness of the impact of aviation law in the years following the terrorist attacks of September 11, 2001.		x	x	x
6	Articulate the shortcomings of existing international arrangements and evaluate proposals for change.		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	Lecture and tutorial	Apply convention provisions to determine (1) if an accident occurred and (2) to determine liabilities associated with a problem scenario presented to students	1	1
2		Study the major conventions and agreements that make up the liability system	2	1
3		Understand and research relevant databases of organisations including online legal databases available through the library	3	0.5
4		Study the key institutions and understand the critical role that they play by laying down standards that are adopted at national level	4	0.5
5		Study legislative and regulatory initiatives taken and the incidence of hijacking and air rage	5	0.5
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.	6	0.5

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks ("- for nil entry)	Allow Use of GenAI?
1	Performance in inter-active small group sessions	1, 2, 3, 4, 5, 6	10	-	No
2	Problem based assignment	2, 3, 4, 5, 6	30	-	No

Continuous Assessment (%)

Examination (%)

60

Examination Duration (Hours)

2

Minimum Continuous Assessment Passing Requirement (%)

40

Minimum Examination Passing Requirement (%)

40

Additional Information for ATs

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

Applicable to students admitted in Semester A 2022/23 and thereafter 2023/24

To pass this course students must obtain an aggregate mark of 50% and a minimum of 50% 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.

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

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.

Assessment Rubrics (AR)

Assessment Task

Performance in inter-active small group sessions

Assessment Task

Problem based assignment

Assessment Task

Examination

Part III Other Information

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

Reading List

Compulsory Readings

Title	
1	I.H.Ph. Diederiks-Verschoor, An Introduction to Air Law, (Kluwer Law International, 8th ed, 2006)
2	Laurence Goldhirsch, The Warsaw Convention Annotated: A Legal Handbook, (Kluwer Law International, 2000)