

# LW5680: PRINCIPLES OF MARITIME LAW AND GOVERNANCE FOR SUSTAINABLE SHIPPING

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## Effective Term

Semester A 2025/26

## Part I Course Overview

### Course Title

Principles of Maritime Law and Governance for Sustainable Shipping

### Subject Code

LW - Law

### Course Number

5680

### 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

LW5602A Law of Contract I

### Precursors

Nil

### Equivalent Courses

LW4680 Principles of Maritime Law and Governance for sustainable shipping,  
LW6146E Principles of Maritime Law and Governance for sustainable shipping

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course provides the background for understanding maritime law. It covers two interconnected areas: The first is how international shipping operates within a legal framework underpinned by the freedom of navigation, the flag state's rights and responsibilities with respect to ships flying its flag and the global requirements for safe ships and clean seas. The course considers the regulatory regime developed within the International Maritime Organisation, the codification of the legal rights of flag and coastal states under the Law of the Sea Convention 1982, the ways through which the quality of shipping is assured by flag states and the consequences for non-compliant ships. The efforts for the development of sustainable shipping and for decarbonisation are considered by looking at the various interests involved. The second part provides an overview of the major stakeholders in shipping, namely, shipowners, the banks funding them, the charterers and cargo owners, the Classification Societies, the hull and Protection and Indemnity Insurers (P&I Clubs), the port services and the salvors, the crew and the passengers. The legal arrangements between the various stakeholders are outlined. The purpose of the course is to provide a landscape for the embedment of the specialised courses dealing with the legal arrangements between specific stakeholders.

### Course Intended Learning Outcomes (CILOs)

|   | CILOs  | Weighting (if app.) | DEC-A1 | DEC-A2 | DEC-A3 |
|---|--|---------------------|--------|--------|--------|
| 1 | Identify the legal principles underpinning the governance of shipping.   |                     | x      | x      |        |
| 2 | Explore the role of the regulatory conventions in assuring safety of ships and environmental protection.   |                     | x      | x      |        |
| 3 | Identify and critically assess the powers a state has to prescribe, enforce and adjudicate issues related to shipping.   |                     | x      | x      | x      |
| 4 | Explore, by using Hong Kong as an example, the way ship registers operate and their reliance on Recognised Organisations, port state control and Memoranda of Undertaking. |                     | x      | x      | x      |
| 5 | Explore the legal relationships between the various shipping stakeholders and understand the underpinning legal principles.  |                     | 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    | Seminars                                   | Students will engage with the legal liabilities arising from the operation of ships, the policies and the legal principles underpinning them. | 1, 2, 3, 4, 5 |                            |
| 2    | Guided individual studying                 | Students will engage with basic independent research and critical assessment skills.  | 1, 2, 3, 4, 5 |                            |
| 3    | Formative work problem solving and quizzes | Students will engage with exam-like activities to develop the relevant legal and practical skills.  | 1, 2, 3, 4    |                            |

**Assessment Tasks / Activities (ATs)**

| ATs |  | CILO No. | Weighting (%) | Remarks ("-" for nil entry) | Allow Use of GenAI? |
|-----|--|----------|---------------|-----------------------------|---------------------|
| 1   | Online Quizzes (4 x 5%) or assignment (1500 words) (20%) | 1, 3, 5  | 20            | -                           | No                  |

**Continuous Assessment (%)**

20

**Examination (%)**

80

**Examination Duration (Hours)**

2

**Minimum Continuous Assessment Passing Requirement (%)**

0

**Minimum Examination Passing Requirement (%)**

40

**Additional Information for ATs**

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

Students should achieve 50% in both the Continuous Assessment and the exams to pass the course.

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

Students should achieve 40% in both the Continuous Assessment and the exams to pass the course.

**Assessment Rubrics (AR)****Assessment Task**

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

**Criterion**

Demonstration of an ability to answer accurately specific questions, select the correct answers from a group of mixed correct and wrong answers, solve problems quickly and identify case law and the legal principles it supports correctly.

**Excellent**

(A+, A, A-) Strong evidence of accurate knowledge; good organisation; capacity to identify correct and wrong answer quickly, superior grasp of subject matter; evidence of extensive knowledge base.

**Good**

(B+, B, B-) Evidence of grasp of subject; 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; limited, or irrelevant use of literature.

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**Assessment Task**

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 organisation; capacity to organise and synthesise; 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**

Quizzes /Assignment (for students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

Demonstration of an ability to answer accurately specific questions, select the correct answers from a group of mixed correct and wrong answers, solve problems quickly and identify case law and the legal principles it supports correctly.

**Excellent**

(A+, A, A-) High

**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

**Failure**

(F) Inadequate

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**Assessment Task**

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

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**Excellent**

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**Failure**

(F) Inadequate

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## Part III Other Information

**Keyword Syllabus**

Governance of shipping. Ship registration, Flag State, Coastal State's Powers, Port State control, Classification Societies, SOLAS, MARPOL, International Safety Management Code, Decarbonisation of Shipping, ESG requirements, The stakeholders of shipping. Shipping liabilities

Detailed Syllabus

- a. Introduction- the stakeholders of shipping
- b. Ship Registration in Hong Kong
- c. Ship Registration and flag state's responsibility, Ports, Jurisdictional zones and rights to inspect foreign ships
- d. Shipping standards – the IMO context Loadlines, SOLAS and MARPOL, Ship recycling
- e. The shipping company- owner, operator and manager- responsibility for statutory compliance- the ISM Code. Charterparties and responsibility for the condition of the vessel.
- f. Certification, Classification Societies as Recognised Organisations
- g. Developing sustainable shipping- decarbonisation and ESG
- h. Ship sale and purchase
  - i. Liability for the operation of the ship
  - j. Carriage of goods by sea
- k. Marine Insurance
- l. Revision

**Reading List****Compulsory Readings**

| Title |  |
|-------|--|
| 1     | Carballo Piñeiro L. and M. Q. Mejia Jr (editors) (2024) The Elgar Companion to the Law and Practice of the International Maritime Organization |
| 2     | Robin Churchill, Vaughan Lowe, Amy Sander (2022), The Law of the Sea, Manchester University Press, 2022 - Law - 968 pages                      |

**Additional Readings**

| Title |   |
|-------|---|
| 1     | E.J. Molenaar (2007) Port state Jurisdiction: toward comprehensive, Mandatory and Global coverage, Ocean Dev. Int. Law, 38 (1-2) (2007), pp. 225-257,   |
| 2     | Churchill R., (2016), Port state jurisdiction relating to the safety of shipping and pollution from ships—What degree of extra-territoriality? Int. J. Mar. Coast. Law, 31 (3) (2016), pp. 442-469, 10.1163/15718085-12341409 |
| 3     | C. Ryngaert, H. Ringbom, (2016), Introduction: port State Jurisdiction: challenges and Potential (379-374) Int. J. Mar. Coast. Law, 31 (3) (2016)   |
| 4     | Girvin S. and V. Ulfbeck (editors) (2024), Carbon-Free Shipping and Shipping Carbon Contracts in Context, Hart.   |
| 5     | Tsimplis M. (2021) Environmental Norms in Maritime Law. Edward Elgar.   |