

LW6409B: ADVANCED AWARD WRITING

Effective Term

Semester A 2025/26

Part I Course Overview

Course Title

Advanced Award Writing

Subject Code

LW - Law

Course Number

6409B

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

6

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Subject to the approval of the Programme Director/Associate Programme Director students are required to pass the following core courses before taking LW6409B Advanced Award Writing:

- 1) LW5400 Legal Concepts (except for students who have been granted exemption),
- 2) LW6402 Procedure and Proof (except for students who have been granted credit transfer for this course),
- 3) LW6405 Arbitration Law,
- 4) LW6407 Arbitration Practice and Award Writing,
- 5) LW6408 International Arbitration

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

LW6409A Dissertation (Students are required to take either LW6409A Dissertation or LW6409B Advanced Award Writing, subject to fulfillment of the respective prerequisites.)

Part II Course Details

Abstract

This course aims to provide students with the requisite knowledge of and practice in formulating and drafting a final, reasoned and enforceable arbitration award in an international commercial dispute.

This course will focus on the following key elements to assist the student in drafting an enforceable arbitration award:

1. How to draft and communicate arbitral awards;
2. Types of awards;
3. Deliberations and decision making;
4. Form and context of arbitral awards;
5. Effect of the final award

This course enhances the student's ability to carry out independent research and acquire knowledge through self-study thus enabling students to demonstrate an ability to:

- analyse the facts and documents in arbitration proceedings and organise decisions on the facts and the law; and
- to write an enforceable, reasoned award which deals with matters in dispute in a clear and logical manner, using appropriate terminology, and taking into account the use of grammar, punctuation and spelling.

Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	separating issues from submissions and prioritising them for the purpose of drafting an arbitration award;	20	x	x	x
2	dealing with all the matters of claim and deciding all matters in dispute fairly;	20	x	x	x
3	allocating costs appropriately;	10	x	x	x
4	demonstrating an intelligent and intelligible use of language, grammatically correct and correctly spelt; and	20	x	x	x
5	completing all the legal and other requirements for enforceability.	30	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	Self-study	See remarks	1, 2, 3, 4, 5	See remarks
2	Face-to-face tutorials	Tutorials provide a forum for discussion and allow students to deepen their understanding of the concepts of drafting an enforceable arbitration award. (see remarks)	1, 2, 3, 4, 5	See remarks

Assessment Tasks / Activities (ATs)

ATs	CILO No.	Weighting (%)	Remarks ("- " for nil entry)	Allow Use of GenAI?	
1	Written Assignment	1, 2, 3, 4, 5	20	The writing assignment is designed to test the students' ability to apply the basic concepts and rules into practice by analysing a sample arbitration award with the goal of improving its form and format. The use of Generative AI tools is not allowed.	No

Continuous Assessment (%)

20

Examination (%)

80

Examination Duration (Hours)

4

Minimum Continuous Assessment Passing Requirement (%)

0

Minimum Examination Passing Requirement (%)

40

Additional Information for ATs**Examination**

The examination is designed to test the students' abilities of applying the theories and law they have learned to realistic factual situations involving different commercial relationships and disputes with the ultimate goal of drafting an enforceable arbitration award. The use of Generative AI tools is not allowed.

Remarks:

For Continuous Assessment Weighting <= 30%

In order to assess students' course performance in a holistic and fair manner, for SLW courses, including Gateway Education course and servicing courses, with a Continuous Assessment (CA) component that is equal to or less than 30%,

the pass mark requirement for the CA component would be waived, i.e. students will only need to reach the pass marks for the final exam AND the overall mark in order to pass the course, with effect from Semester B 2021/22, applicable to all intakes. For courses with a CA component that is above 30%, no change should be applied to the current practice.

* Notes:

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

In order to pass this course, students must:

1. gain 100% attendance.
2. obtain a minimum mark of 40% in the examination.
3. Students should ensure that they have access in class to a laptop computer so that they can complete the various in-class exercises and assessments.

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

In order to pass this course, students must:

1. gain 100% attendance.
2. obtain a minimum mark of 50% in the examination.
3. Students should ensure that they have access in class to a laptop computer so that they can complete the various in-class exercises and assessments.

Students will be sent a reading list as well as a set of reading materials focusing on arbitration awards, their characteristics, functions and drafting. Students are required to write a reflective journal recording their learning experiences in the first eight weeks, and to submit a coursework assignment. Towards the end of the semester, there are face-to-face tutorials which help students develop their legal analysis and drafting skills.

At the face-to-face tutorial students will be given the first set of materials relating to an arbitration case; these will normally cover all information but the hearing. Students will be required to start working on the award by drafting summary of facts, summary of parties' positions, claims, etc. After the face-to-face tutorials students will sit in a four hour open book examination (the final examination). In the final examination, students will be given a second set of materials (typically the information relating to the hearing) and they will have four hours to complete their award. The award should be presented in a format that complies with the requirements stipulated within the Hong Kong Arbitration Ordinance (Cap. 609). Relevant instructions will be conveyed by the way of self-study, reading and face-to-face tutorial seminar.

Subject to the availability of University facilities and resources, students are required to take a computer-based examination within a computer laboratory. During the examination, students will not have access to the Internet to assist them in drafting the award. Students could bring a USB with course materials.

Assessment Rubrics (AR)

Assessment Task

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

Criterion

- Demonstration of ability to identify issues, current trends and practices.
- Demonstration of ability to identify legal issues.
- Application of legal writing and research skills.
- Demonstration of ability to engage in argument-based analysis based on critical and logical thinking.

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.

Assessment Task

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

Criterion

- Application of knowledge learnt to specific problems and issues.
- Demonstration of ability to identify legal issues.
- Application of legal writing and research skills.
- Demonstration of ability to engage in argument-based analysis based on critical and logical thinking.

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.

Assessment Task

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

Criterion

- Demonstration of ability to identify issues, current trends and practices.
- Demonstration of ability to identify legal issues.
- Application of legal writing and research skills.
- Demonstration of ability to engage in argument-based analysis based on critical and logical thinking.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

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

Criterion

- Application of knowledge learnt to specific problems and issues.
- Demonstration of ability to identify legal issues.
- Application of legal writing and research skills.
- Demonstration of ability to engage in argument-based analysis based on critical and logical thinking.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information**Keyword Syllabus**

Award writing; Arbitration award

1.1. Detailed Syllabus

The course aims to cover the following aspects:

1. Purpose of an award;
2. Differences between orders and awards and between awards and judgments;
3. Legal and substantive requirements (Form of Award, Seat of Arbitration)
4. Legal framework for the dispute (Arbitration Agreement, Law of the Contract, Law of the Arbitration);
5. Procedural and interrogatory matters;
6. Writing in plain English (in a clear and precise manner);
7. The reasoning process (Reasons, Telling the Story, Understanding Evidence, Deciding the dispute);
8. Structure and formalities of an award;
9. Writing an award (Particular Requirements, Applicable Laws, Procedural Compliance, Reasoning);
10. Costs;
11. Interest (Simple and Compound);
12. Notification of an Award; and
13. Enforcement (and setting aside and non enforcement).

Reading List**Compulsory Readings**

	Title
1	David St. John Sutton, Judith Gill, Matthew Gearing, Russell on arbitration Russell, Francis, Sweet & Maxwell.
2	Justice Geoffrey Ma; general editor, Denis Brock and a team of expert contributors Arbitration in Hong Kong: a practical guide Hong Kong Sweet & Maxwell.

3	Choong and Weeramantry (eds), The Hong Kong Arbitration Ordinance: commentary and annotations Hong Kong: Sweet & Maxwell/Thomson Reuters.
4	Turner, Ray (W. Ray), Arbitration awards: a practical approach; foreword by the Lord Bingham of Cornhill. Oxford, UK; Malden, MA: Blackwell Pub.
5	Christopher To and Damon So; Butterworths Hong Kong Arbitration Law Handbook Lexis Nexis.
6	Born, International Commercial Arbitration.
7	Redfern, Hunter, et al., Redfern and Hunter on International Arbitration.
8	Lew, Mistelis, et al., Comparative International Commercial Arbitration.

Additional Readings

	Title
1	Nil