

LW6189E: BILLS OF LADING LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Bills of Lading Law

Subject Code

LW - Law

Course Number

6189E

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

Nil

Exclusive Courses

LW5582, LW6182E and LW6582E

Part II Course Details

Abstract

This is a course of commercial contract law. The course examines the usage of Bills of Lading and other shipping documents in the international carriage of goods by sea. Shipping documents are normally issued on loading of goods

onboard the ship. When such a document is a Bill of Lading it functions at three legally distinct but interconnected levels. First, it is a receipt of the goods shipped. Second, it is a document of title for the goods. This means that whoever holds the Bills of Lading can demand delivery of the goods from the ship. The third function is that of a Bill of Lading is that it is evidence of the contract of Carriage. Consequently, if the goods have been damaged onboard the ship the legal rights of cargo interests are prescribed by the bills of lading. The cargo interests obtain contractual rights with respect to bills of lading through statutory provisions and enjoy protection from exemptions and limitation of liability clauses through the operation of international conventions, such as the Hague Rules, the Hague Visby Rules, the Hamburg Rules, the Rotterdam Rules. The course deals with the operation of Bills of Lading under the Hong Kong Legal system but also discusses the international aspects of the implementation of the international Conventions.

1. Identify the various types of shipping documents, understand their functions and evaluate their usage within the context of carriage of goods by sea;
2. demonstrate thorough understanding and comprehension of the legal functions bills of lading and other shipping documents offer;
3. critically analyse the statutory regimes transferring rights to holders of shipping documents and to regimes establishing minimum standards for contracts of carriage of goods by sea evidence through bills of lading;
4. evaluate, analyse standard forms of shipping documents and provide legal advice on the design of bills of lading and shipping documents as well as on their application to practical problems.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 app.)		DEC-A2	DEC-A3
1	Identify the various types of shipping documents, understand their functions and evaluate their usage within the context of carriage of goods by sea		x	x	
2	demonstrate thorough understanding and comprehension of the legal functions bills of lading and other shipping documents offer		x	x	x
3	critically analyse the statutory regimes transferring rights to holders of shipping documents and to regimes establishing minimum standards for contracts of carriage of goods by sea evidence through bills of lading		x	x	x
4	evaluate, analyse standard forms of shipping documents and provide legal advice on the design of bills of lading and shipping documents as well as on their application to practical problems.		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	Study of shipping documents and bill of lading forms	1, 2	3
2	Seminars	Lectures on international conventions, legislation and legal cases of sea carriage law	1, 2	3
3	Seminars	Tutorials on study of sea carriage cases	3	3
4	Seminars	Assignment to resolve legal problems of bills of lading law	3, 4	3
5	Assignment	Develop practical skills of analysis and synthesis in the usage of shipping documents and the legal functions they offer.	1, 2, 3, 4	3

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Assignment	1, 2, 3, 4	20	The use of Generative AI tools is not allowed.
2	Class performance: Online Quizzes (4 x 5%)	1, 2, 3, 4	20	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

40

Examination (%)

60

Examination Duration (Hours)

3

Additional Information for ATs

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. Students are required to use computers to type their answers. During the examination students will have access to statutory materials and international conventions.

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. Students are required to use computers to type their answers. During the examination students will have access to statutory materials and international conventions.

Assessment Rubrics (AR)**Assessment Task**

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

Criterion

Demonstration of ability to identify issues;
Application of knowledge to specific problems and discussion questions.

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

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

Criterion

Demonstration of ability to identify issues;
Application of knowledge to specific problems and discussion questions.

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

Demonstration of ability to identify issues;
Application of knowledge to specific problems and discussion questions.

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

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

Criterion

Demonstration of ability to identify issues;
Application of knowledge to specific problems and discussion questions.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

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

Criterion

Demonstration of ability to identify issues;
Application of knowledge to specific problems and discussion questions.

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

Demonstration of ability to identify issues;

Application of knowledge to specific problems and discussion questions.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Carriage of Goods by Sea. Shipping Documents, Bill of lading, Incorporation of Charter Party forms, Hague Rules, Hague Visby Rules, Hamburg Rules, Rotterdam Rules, Carriage of Goods by Sea Ordinance, Bills of Lading and Analogous Shipping Documents Ordinance.

Detailed Syllabus

Seminar 1 - Introduction to the Course

Seminar 2 - The Bill of Lading as a receipt

Seminar 3 - The Bill of Lading as a document of title

Seminar 4 - The Bill of Lading and the Contract of Carriage

Seminar 5 - Incorporation of Charterparty Clauses in the Bill of Lading.

Seminar 6 - Restricting the Freedom of Contract: The application of the Hague-Visby Rules.

Seminar 7 - The Carrier's liability- Ship and voyage.

Seminar 8 - The Carrier's liability- Care of the cargo, immunities and limitations.

Seminar 9 - Title to sue under the contract of carriage.

Seminar 10 - Cargo claims outside the contract of carriage

Seminar 11 - Are the Hague Visby Rules fit for purpose? Reform in the Carriage of Goods by Sea context.

Seminar 12 - Revision

Reading List

Compulsory Readings

Title	
1	Nil

Additional Readings

Title	
1	I. Introductory Student textbooks
2	Maritime Law 2020 (5th edition). Should become available online (i-law) in September. Only the part related to contracts of Carriage by Sea.
3	Baughen, S. (2019). Shipping law (Seventh ed.). Milton Park, Abingdon, Oxon; New York, NY: Routledge.
4	John J Wilson, Carriage of Goods by Sea (7th ed, 2010), England: Person/Longman
5	Stephen Girvin, Carriage of Goods by Sea (2nd 2011), Oxford: Oxford University Press
6	II. Practitioner' s Books
7	Richard Aikens, Richard Lord, and Michael Bools, Bills of Lading (2nd 2016), London: Informa (Available on i-law, http://www.cityu.edu.hk/lib/eres/database/info/ilaw.htm .)
8	Michael Ashcroft, John Kimball, Julian Cooke, Andrew Taylor, Tim Young, Michael Sturley, David Martowski. (2014). Voyage Charters (Lloyd's Shipping Law Library). Taylor and Francis. Available on i-law, http://www.cityu.edu.hk/lib/eres/database/info/ilaw.htm (Only the chapter on Bills of Lading).
9	Baatz et al, The Rotterdam Rules: A Practical Annotation London: Informa Law 2009. Available on i-law, http://www.cityu.edu.hk/lib/eres/database/info/ilaw.htm .
10	Guenter Treitel and F.M.B. Reynolds, Carver on bills of lading (4th ed 2017), London: Sweet & Maxwell
11	Bernard Eder [et al.], Scrutton on Charterparties and Bills of Lading, (23rd ed 2015), London: Sweet & Maxwell
12	Journals
13	Journal of Maritime Law and Commerce
14	Lloyd's Maritime and Commercial Law Quarterly
15	The Journal of International Maritime Law