

LW6191E: ADMIRALTY LAW AND PROCEDURE

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Admiralty Law and Procedure

Subject Code

LW - Law

Course Number

6191E

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

LW5583, LW6183E and LW6583E Maritime Claims and Practices in Admiralty, LW6591E Admiralty Law (old course title: Maritime Law I: Admiralty Procedure)

Part II Course Details

Abstract

Admiralty law is the core subject of shipping law. Admiralty law regulates the rights and duties of people whose object of trade is a ship. The course comprises areas of the law concerned with the conduct of seamen at sea while navigating or assisting other ships in need and the liability of their employers. Many other specialised areas of maritime law most of which are regulated through international conventions are also discussed together with the special enforcement of maritime claims arrangements available through ship arrest and the Admiralty jurisdiction of the Courts.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Demonstrate an understanding of the need for specialized maritime law supported by specialized Admiralty Jurisdiction and enforcement.		x		
2	Define and display knowledge of the liabilities arising from shipping incidents (collisions, groundings, marine pollution) and the way these are regulated through international treaties..		x		
3	Understand and critically assess the legal norms supporting the shipowner's limitation of liability		x	x	
4	Analyse the Hong Kong provisions for Admiralty jurisdiction, the action in rem and their links with The 1952 Arrest Convention.		x	x	
5	Classify the maritime claims according to their priority in the distribution of funds from the proceeds of sale of a ship and evaluate the suitability of the existing arrangements against the prevailing social norms.		x	x	x
6	Apply relevant international conventions, Hong Kong and English maritime law to resolve complex legal issues		x	x	x
7	Evaluate the applicability of maritime law and Admiralty Jurisdiction to technologically advanced autonomous or remotely controlled craft and propose adaptation of the existing rules for developing new categories of ships.		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	Discussion of maritime law issues linking policy considerations, international treaties and municipal law implementation	1, 2, 3, 4, 5, 6, 7	3 hours lecture / week or a total of 39 hours of block teaching 6 tutorials will be conducted within the seminar period. Formative work will be undertaken both in class and between classes.
2	Tutorials	Case-studies of incidents. The purpose is to promote students' analytical and critical thinking skills through problem solving and the application of case law and theoretical knowledge.	2, 4, 5, 6, 7	3 hours lecture / week or a total of 39 hours of block teaching 6 tutorials will be conducted within the seminar period. Formative work will be undertaken both in class and between classes.
3	Guided individual studying	Development of basic independent research and critical assessment skills.	1, 2, 3, 4, 5, 6, 7	3 hours lecture / week or a total of 39 hours of block teaching 6 tutorials will be conducted within the seminar period. Formative work will be undertaken both in class and between classes.
4	Formative work	Quizzes and formative assignments will be used to help students comprehend the substantive knowledge they are acquiring and explore the limits of its application. .	1, 2, 3, 4, 5, 6, 7	3 hours lecture / week or a total of 39 hours of block teaching 6 tutorials will be conducted within the seminar period. Formative work will be undertaken both in class and between classes.

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Presentation in class	1, 2, 3, 4, 5, 6, 7	5	
2	Coursework	1, 2, 3, 4, 5, 6, 7	20	2000 words assignment The use of Generative AI tools is not allowed.
3	Other Assignments (quizzes etc.)	1, 2, 3, 4, 5, 6, 7	20	4 Quizzes 5% each The use of Generative AI tools is not allowed.
4	Participation and completion of formative work	1, 2, 3, 4, 5, 6	5	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

3

Additional Information for ATs

Written Examination: The use of Generative AI tools is not allowed.

Coursework will be submitted in two stages. After stage 1 students will receive feedback and suggestions for improvement. Stage 2 will enable students to effect the suggested changes and improve their marks.

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.

Exams will follow the University arrangements. The normal mode of examination required students to have access to all relevant statutory and contract materials. However, students do not, normally have access to their notes, to the internet or to any books (except a dictionary). Students will be required to use computers to type the answers.

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.

Exams will follow the University arrangements. The normal mode of examination required students to have access to all relevant statutory and contract materials. However, students do not, normally have access to their notes, to the internet or to any books (except a dictionary). Students will be required to use computers to type the answers.

Assessment Rubrics (AR)

Assessment Task

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

Criterion

Demonstration of ability to identify issues raise relevant questions and contribute to identifying principles for alternative answers.

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

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

Criterion

Demonstration of an ability to a) summarise scholarly debates and gather them to formulate a logically structured and well-argued academic research paper or b) ability to write a legal report on a challenging factual situation in a logically structured and well-argued manner.

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.

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(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.

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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

Other Assignments (quizzes etc.) (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of comprehension of the legal issues involved in each part of the course and of ability to answer practical and academic questions on mini-problems and practical situations.

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.

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(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

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Assessment Task

Participation and completion of formative work (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Demonstration of engagement with the course and the required study through the timely completion of formative work and participation in the teaching activities.

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

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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 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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(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

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Assessment Task

Presentation in class (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

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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

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

Criterion

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Criterion

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

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(B+, B) Significant

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(B-, C+, C) Moderate

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Part III Other Information

Keyword Syllabus

Admiralty Jurisdiction; Actions in rem; Actions in personam; Maritime Liens; Statutory Actions in rem; Ship Arrest; Judicial Sale; Forum Non Conveniens; Anti-Suit Injunction; Mareva Injunction

Detailed Syllabus

- a. The need for specialised maritime law and the Admiralty Jurisdiction of the High Court.
- b. Liability for collisions at sea
- c. Salvage
- d. Towage and Wreck Removal.
- e. Liability for Marine Pollution.
- f. Limitation of Liability for maritime claims
- g. Legal norms for the development of unmanned and autonomous ships
- h. Arrest of ships and the action in rem
 - i. The Arrest Convention 1952 and the Arrest Convention 1999
 - j. Sister ship arrest and arrest procedure
- k. Maritime Liens
 - l. Revision

Reading List

Compulsory Readings

Title	
1	Nil

Additional Readings

Title	
1	Textbooks:
2	Aleka Mandaraka-Sheppard, Modern Maritime Law (Volumes 1- 2). (3rd ed, Routledge-Cavendish 2014)- available on i-law
3	Yvonne Baatz (ed) Maritime law (5th ed, Routledge, 2020) -4th edition available on i-law. 5th edition will also be available there.
4	Simon Baughen, Shipping Law (7th ed, Wildy 2018)
5	Practitioner books
6	Maritime Law and Practice in Hong Kong 2nd edition (Sweet & Maxwell 2019)
7	Halsbury's Laws of Hong Kong, source: Lexis Advance Hong Kong (via CityU Lib)
8	David C. Jackson, Enforcement of Maritime Claims (4th ed, LLP 2005)
9	James M. Turner and Sarah C. Derrington, The Law and Practice of Admiralty Matters (2nd ed, Oxford University Press 2016)
10	Nigel Meeson and John A. Kimbell, Admiralty Jurisdiction and Practice (5th ed, Informa 2017) Available on i-law.
11	Collection of essays
12	Myburgh P(editor), The Arrest Conventions, Hart, 2019.
13	Journals:

14	Lloyd's Maritime and Commercial Law Quarterly
15	The Journal of International Maritime Law