

The Hong Kong Polytechnic University

Subject Description Form

Subject Code	LGT5170
Subject Title	Maritime Arbitration Law
Credit Value	3
Level	5
Normal Duration	1-semester
Pre-requisite / Co-requisite/ Exclusion	Nil
Role and Purposes	<p>The purpose of this course is to equip students with the knowledge and understanding of arbitration as a means of effective dispute resolution in the maritime business. The course concerns the contractual and procedural elements of maritime arbitration from both comparative and practical perspectives. It also addresses the international, regional and local aspect of maritime arbitration and involves extensive case law and reports.</p> <p>This course primarily focuses on two jurisdictions, which are London and Hong Kong. London is claimed as the largest international maritime arbitration forum due to its popularity of its specific contractual clauses in terms of maritime arbitration. Hong Kong, with the advantage of its intimate relation with China, is able to withstand the competition by providing supportive and efficient arbitration service with an international element. The course introduces the New Arbitration Ordinance (LHK Cap. 609), which is enacted in 2011, and analyzes how it is different to the Repealed Arbitration Ordinance (LHK Cap. 341). The course encourages analytical and evaluative discussions on the comparison between the Hong Kong and London regimes on maritime arbitration. On the other hand, this course explores Hong Kong's neighbour arbitral forum such as Shanghai in China on a general basis.</p>
Subject Learning Outcomes	<p>Upon completion of the course, students will be able to:</p> <ol style="list-style-type: none"> a. Understand the development, legal framework and theoretical dimension of maritime arbitration b. Lay the groundwork for further inquiry into the application of arbitration laws in relation to maritime disputes c. Develop the ability to identify and analyze legal issues arising from the maritime business sector
Subject Synopsis/ Indicative Syllabus	<p>Arbitration Ordinance (LHK Cap. 609), Repealed Arbitration Ordinance (LHK Cap.341), UNCITRAL Model law, Arbitration Act 1996 of the United Kingdom, Arbitration Law of the PRC, The Convention on the Recognition and Enforcement of Foreign Arbitral Awards (The New York Convention), Hong Kong International Arbitration Centre (HKIAC), HKIAC Administered Arbitration Rules 2013, London Maritime Arbitrators Association (LMAA), LMAA Terms 2012, Arbitrability, Arbitration Agreement, Commencement of Arbitration, Appointment of Arbitrators and Tribunals, Jurisdiction, Interim</p>

	Measures and Security of Costs, Small Claims Procedure, Documents-only Procedure, Third Parties' Rights, Enforcement of Arbitral Awards.																																												
Teaching/Learning Methodology	This course is separated into two parts, mainly lectures and tutorials. Different themes will be discussed according to the syllabus outline on a weekly basis. Tutorials will provide students the assistance in applying law to problems and further strengthen their knowledge on specific areas of maritime arbitration law through interactive discussions.																																												
Assessment Methods in Alignment with Intended Learning Outcomes	<table border="1" data-bbox="520 544 1474 958"> <thead> <tr> <th data-bbox="520 544 823 745" rowspan="2">Specific assessment methods/tasks</th> <th data-bbox="823 544 983 745" rowspan="2">% weighting</th> <th colspan="6" data-bbox="983 544 1474 678">Intended subject learning outcomes to be assessed (Please tick as appropriate)</th> </tr> <tr> <th data-bbox="983 678 1062 745">a</th> <th data-bbox="1062 678 1142 745">b</th> <th data-bbox="1142 678 1222 745">c</th> <th data-bbox="1222 678 1302 745"></th> <th data-bbox="1302 678 1382 745"></th> <th data-bbox="1382 678 1474 745"></th> </tr> </thead> <tbody> <tr> <td data-bbox="520 745 823 813">Assignment</td> <td data-bbox="823 745 983 813">40%</td> <td data-bbox="983 745 1062 813">✓</td> <td data-bbox="1062 745 1142 813">✓</td> <td data-bbox="1142 745 1222 813">✓</td> <td data-bbox="1222 745 1302 813"></td> <td data-bbox="1302 745 1382 813"></td> <td data-bbox="1382 745 1474 813"></td> </tr> <tr> <td data-bbox="520 813 823 880">Examination</td> <td data-bbox="823 813 983 880">60%</td> <td data-bbox="983 813 1062 880">✓</td> <td data-bbox="1062 813 1142 880">✓</td> <td data-bbox="1142 813 1222 880">✓</td> <td data-bbox="1222 813 1302 880"></td> <td data-bbox="1302 813 1382 880"></td> <td data-bbox="1382 813 1474 880"></td> </tr> <tr> <td data-bbox="520 880 823 958">Total</td> <td data-bbox="823 880 983 958">100%</td> <td colspan="6" data-bbox="983 880 1474 958"></td> </tr> </tbody> </table> <p data-bbox="520 1014 1474 1081">Explanation of the appropriateness of the assessment methods in assessing the intended learning outcomes:</p> <p data-bbox="520 1115 1474 1182">Students will be asked to apply legal method to provide solutions to problems which are practical and real.</p> <p data-bbox="520 1216 1474 1283"><i>To pass this subject, students are required to obtain Grade D or above in BOTH the Continuous Assessment and Exam components.</i></p>							Specific assessment methods/tasks	% weighting	Intended subject learning outcomes to be assessed (Please tick as appropriate)						a	b	c				Assignment	40%	✓	✓	✓				Examination	60%	✓	✓	✓				Total	100%						
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Student Study Effort Expected	Class contact:																																												
	▪ Lectures / Tutorials						39 Hrs.																																						
	Other student study effort:																																												
	▪ Assignment						30 Hrs.																																						
	▪ Self-study						57 Hrs.																																						
	Total student study effort						126 Hrs.																																						

**Reading List and
References**

Books

Clare Ambrose and Karen Maxwell (2009) *London Maritime Arbitration*, 3rd ed, United Kingdom: Informa Law from Routledge

Felix W. H. Chan, Jimmy J M Ng and Bobby K Y Wong (2002) *Shipping and Logistics Law: Principles and Practice in Hong Kong*, 1st ed, Hong Kong: Hong Kong University Press

John Choong, Freshfields Bruckhaus Deringer, Romesh Weeramantry, and Clifford Chance (ed.) (2015). *The Hong Kong Arbitration Ordinance: Commentary and Annotations*, 2nd. ed, Hong Kong: Sweet and Maxwell

Ma Geoffrey GBM QC SC (Editor-in-Chief) and Brock Denis (General Editor) (2014) *Arbitration in Hong Kong: A Practical Guide*, 3rd ed, Hong Kong: Sweet and Maxwell

Maritime Arbitration in Hong Kong: A Practical Guide, 2nd ed, Hong Kong: Hong Kong International Arbitration Centre and Hong Kong Maritime Arbitration Group

Michael J. Moser and Teresa Y. W. Cheng (2014) *Hong Kong Arbitration: A User's Guide*, 3rd ed (Bilingual English-Chinese), Hong Kong: Wolters& Kluwer

Felix Sparka (2009) *Jurisdiction and Arbitration Clauses in Maritime Transport Documents: A Comparative Analysis*, 1st ed, Germany: Springer

Christopher To and Damon So (2012) *Butterworths Hong Kong Arbitration Law Handbook*, 1st ed, Hong Kong: LexisNexis

Philip Yang, Danny Mok and Ernest Yang (2006) *Arbitration Law – from The Arbitration Act 1996 to international commercial arbitration*, China: Law Press.

Anselmo Reyes (2012) *How to be an Arbitrator: A Personal View*, 1st ed, Hong Kong: HKMLA

Georgios I. Zekos (2008) *International Commercial and Marine Arbitration*, 1st ed, United States and Canada: Routledge-Cavendish

Recommended periodicals, newspapers

Journal of Maritime Law and Commerce

Lloyd's Maritime and Commercial Law Quarterly

Lloyd's Maritime Law Newsletter

Journal of International Maritime Law

Tulane Maritime Law Journal

Asian International Arbitration Journal

Journal of International Arbitration

American Review of International Arbitration

International Arbitration Law Review

Online Resources

Department of Justice, the Government of HKSAR, 'Background of the New Arbitration Ordinance, Cap. 609' website at <http://www.doj.gov.hk/eng/public/arbitration.html>

Hong Kong International Arbitration Centre (HKIAC) website at <http://www.hkiac.org/en/>

Hong Kong Shipowners Association- Maritime Arbitration Group (MAG) at http://www.hksoa.org/links/maritime_arbitration.html

The Hong Kong Maritime Law Association (HKMLA) website at http://www.hkmla.org/sub_committees.php.

The London Maritime Arbitrators Association (LMMA) website at <http://www.lmaa.org.uk/>

The New York Arbitration Convention website at <http://www.newyorkconvention.org/>

The Repealed Arbitration Ordinance Cap. 341 website at <http://www.wipo.int/edocs/lexdocs/laws/en/hk/hk163en.pdf>

United Nations Commission on International Trade (UNCITRAL) website at http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration.html