

# The Hong Kong Polytechnic University

## Subject Description Form

<b>Subject Code</b>	LGT5170
<b>Subject Title</b>	Maritime Arbitration Law
<b>Credit Value</b>	3
<b>Level</b>	5
<b>Normal Duration</b>	1-semester
<b>Pre-requisite / Co-requisite/ Exclusion</b>	Nil
<b>Role and Purposes</b>	<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the New Arbitration Ordinance (LHK Cap. 609), which is enacted in 2011, and analyzes how it is different to the Repealed Arbitration Ordinance (LHK Cap. 341).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>
<b>Subject Learning Outcomes</b>	<p>Upon completion of the course, students will be able to:</p> <ol style="list-style-type: none"> <li>a. Understand the development, legal framework and theoretical dimension of maritime arbitration</li> <li>b. Lay the groundwork for further inquiry into the application of arbitration laws in relation to maritime disputes</li> <li>c. Develop the ability to identify and analyze legal issues arising from the maritime business sector</li> </ol>
<b>Subject Synopsis/ Indicative Syllabus</b>	<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Arbitration Ordinance (LHK Cap. 609), Repealed Arbitration Ordinance (LHK Cap.341), UNCITRAL Model law, Arbitration Act 1996 of the United Kingdom, Arbitration Law of the PRC, The Convention on the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 Measures and Security of Costs, Small Claims Procedure, Documents-only Procedure, Third Parties' Rights, Enforcement of Arbitral Awards.</p>

<b>Teaching/Learning Methodology</b>	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.																																										
<b>Assessment Methods in Alignment with Intended Learning Outcomes</b>	<table border="1" data-bbox="536 416 1477 819"> <thead> <tr> <th data-bbox="536 416 839 613" rowspan="2">Specific assessment methods/tasks</th> <th data-bbox="839 416 995 613" rowspan="2">% weighting</th> <th colspan="5" data-bbox="995 416 1477 546">Intended subject learning outcomes to be assessed (Please tick as appropriate)</th> </tr> <tr> <th data-bbox="995 546 1075 613">a</th> <th data-bbox="1075 546 1155 613">b</th> <th data-bbox="1155 546 1235 613">c</th> <th data-bbox="1235 546 1315 613"></th> <th data-bbox="1315 546 1394 613"></th> <th data-bbox="1394 546 1477 613"></th> </tr> </thead> <tbody> <tr> <td data-bbox="536 613 839 680">Assignment</td> <td data-bbox="839 613 995 680">40%</td> <td data-bbox="995 613 1075 680">✓</td> <td data-bbox="1075 613 1155 680">✓</td> <td data-bbox="1155 613 1235 680">✓</td> <td data-bbox="1235 613 1315 680"></td> <td data-bbox="1315 613 1394 680"></td> <td data-bbox="1394 613 1477 680"></td> </tr> <tr> <td data-bbox="536 680 839 748">Examination</td> <td data-bbox="839 680 995 748">60%</td> <td data-bbox="995 680 1075 748">✓</td> <td data-bbox="1075 680 1155 748">✓</td> <td data-bbox="1155 680 1235 748">✓</td> <td data-bbox="1235 680 1315 748"></td> <td data-bbox="1315 680 1394 748"></td> <td data-bbox="1394 680 1477 748"></td> </tr> <tr> <td data-bbox="536 748 839 819">Total</td> <td data-bbox="839 748 995 819">100%</td> <td colspan="5" data-bbox="995 748 1477 819"></td> </tr> </tbody> </table> <p data-bbox="536 869 1485 936">Explanation of the appropriateness of the assessment methods in assessing the intended learning outcomes:</p> <p data-bbox="536 967 1485 1034">Students will be asked to apply legal method to provide solutions to problems which are practical and real.</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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Examination	60%	✓	✓	✓																																							
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<b>Student Study Effort Expected</b>	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*, 3<sup>rd</sup> 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*, 1<sup>st</sup> 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*, 3<sup>rd</sup> 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*, 3<sup>rd</sup> ed (Bilingual English-Chinese), Hong Kong: Wolters& Kluwer

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

Christopher To and Damon So (2012) *Butterworths Hong Kong Arbitration Law Handbook*, 1<sup>st</sup> 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*, 1<sup>st</sup> ed, Hong Kong: HKMLA

Georgios I. Zekos (2008) *International Commercial and Marine Arbitration*, 1<sup>st</sup> 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

<p>Journal of International Arbitration</p> <p>American Review of International Arbitration</p> <p>International Arbitration Law Review</p> <p>Online Resources</p> <p>Department of Justice, the Government of HKSAR, ‘Background of the New Arbitration Ordinance, Cap. 609’ website at <a href="http://www.doj.gov.hk/eng/public/arbitration.html">http://www.doj.gov.hk/eng/public/arbitration.html</a></p> <p>Hong Kong International Arbitration Centre (HKIAC) website at <a href="http://www.hkiac.org/en/">http://www.hkiac.org/en/</a></p> <p>Hong Kong Shipowners Association- Maritime Arbitration Group (MAG) at <a href="http://www.hksoa.org/links/maritime_arbitration.html">http://www.hksoa.org/links/maritime_arbitration.html</a></p> <p>The Hong Kong Maritime Law Association (HKMLA) website at <a href="http://www.hkmla.org/sub_committees.php">http://www.hkmla.org/sub_committees.php</a>.</p> <p>The London Maritime Arbitrators Association (LMMA) website at <a href="http://www.lmaa.org.uk/">http://www.lmaa.org.uk/</a></p> <p>The New York Arbitration Convention website at <a href="http://www.newyorkconvention.org/">http://www.newyorkconvention.org/</a></p> <p>The Repealed Arbitration Ordinance Cap. 341 website at <a href="http://www.wipo.int/edocs/lexdocs/laws/en/hk/hk163en.pdf">http://www.wipo.int/edocs/lexdocs/laws/en/hk/hk163en.pdf</a></p> <p>United Nations Commission on International Trade (UNCITRAL) website at <a href="http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration.html">http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration.html</a></p>
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