

The Hong Kong Polytechnic University

Subject Description Form

Subject Code	LGT4016
Subject Title	Maritime Law
Credit Value	3
Level	4
Normal Duration	One semester
Pre-requisite / Co-requisite/ Exclusion	Nil
Role and Purposes	<p>The role / purpose of this subject is to enable students to:</p> <ol style="list-style-type: none"> a. Analyze the legal structure and processes through which international shipping is organized and regulated (Outcome 9). b. Identify and respond appropriately to legal and ethical issues in maritime / international business setting (Outcome 4). c. Evaluate the legal options available (Outcome 3) while dealing with business problems that need recourse to the relevant principles of maritime law. d. Develop a global outlook (Outcome 2) as maritime law is inherently global in nature.
Subject Learning Outcomes	<p>After completion of the subject, students will be able to understand the:</p> <ol style="list-style-type: none"> a. Basic legal principles of maritime law and their application in a business setting from the perspectives of cargo interests and of ship owners. b. Liability issues that arise during common maritime events such as cargo losses, collisions, marine pollution and other accidents. c. Application of maritime law in the protection of marine environment and regulating the exploitation of ocean resources. d. Use of appropriate dispute resolution processes such as arbitration, mediation and litigation.
Subject Synopsis/ Indicative Syllabus	<p>Introduction to Maritime Law Principles of International Law, taxonomy of maritime law (difference between the Law of the Seas and Admiralty, Maritime, Shipping, Carriage of Goods laws), treaties and conventions, Maritime law, jurisdiction and application, forums.</p> <p>Law of the Seas UNCLOS, Maritime zones, Freedom of Navigation.</p> <p>Ownership, Jurisdiction and Regulation of Vessels Acquiring ownership of vessels, Sale and purchase of vessels, Ship Building Contract. Flag, Ship registration, types of registers, Flags of Convenience, HK Shipping Register, Flag and Port State Control, Role of HKSAR Marine Department.</p>

	<p>Collisions and Salvage Collisions: liability, apportionment of loss; Pilotage: criminal and civil liability of a pilot; Salvage (Salvage convention 1989), Lloyd’s Open Form, SCOPIC.</p> <p>Shipping Contracts and Documentation Types of Charter-parties and their use, owners’ obligations, Bills of Lading, Principles of marine insurance.</p> <p>Marine Cargo Recovery and Limitations General Average: nature and characteristics (York Antwerp Rules)</p> <p>Limitation of ship owners’ liability by tonnage, package and weight (Conventions related to limitation of liability, Prevention of pollution from ships, Civil liability and Compensation)</p> <p>Maritime Litigation Jurisdiction of maritime courts, filing a maritime law suit , Choice of forums , Ship arrest and release, Admiralty Jurisdiction of the High Court of the HKSAR</p> <p>Maritime lien and mortgages; priority of claims during bankruptcy (International conventions related to registration of maritime liens and mortgage)</p> <p>Legal reasoning peculiar to maritime cases, Maritime arbitration</p>																																						
<p>Teaching/Learning Methodology</p>	<p>Lectures introduce and explain key legal principles and appropriate case law.</p> <p>Tutorials give students an opportunity to enhance their understanding of concepts taught in lectures. Tutorials are highly interactive and include discussions of current / past legal cases and may include student presentations.</p>																																						
<p>Assessment Methods in Alignment with Intended Learning Outcomes</p>	<table border="1" data-bbox="534 1344 1484 1758"> <thead> <tr> <th rowspan="2">Specific assessment methods/tasks</th> <th rowspan="2">% weighting</th> <th colspan="6">Intended subject learning outcomes to be assessed (Please tick as appropriate)</th> </tr> <tr> <th>a</th> <th>b</th> <th>c</th> <th>d</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>Coursework</td> <td>50%</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> <td></td> <td></td> </tr> <tr> <td>Examination</td> <td>50%</td> <td>✓</td> <td>✓</td> <td>✓</td> <td>✓</td> <td></td> <td></td> </tr> <tr> <td>Total</td> <td>100 %</td> <td colspan="6"></td> </tr> </tbody> </table> <p>Explanation of the appropriateness of the assessment methods in assessing the intended learning outcomes:</p> <p>The coursework includes - Individual Project 40%; Participation in class discussions/attendance 10%. Students would be given regular feedback on their performance, by email or as comments on assignments submitted.</p> <p><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	d			Coursework	50%	✓	✓	✓	✓			Examination	50%	✓	✓	✓	✓			Total	100 %						
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Student Study Effort Expected	Class contact:	
	▪ Lectures	26 Hrs.
	▪ Tutorials	13 Hrs.
	Other student study effort:	
	▪ Self-study	31 Hrs.
	▪ Group project	60 Hrs.
	Total student study effort	130 Hrs.
Reading List and References	<p><u>Compulsory</u></p> <p>Baughen, Simon. (2015). <i>Shipping Law</i> (6th Edition). New York, NY: Routledge (PolyU library call no: KD1819. B38 2015eb. Available as eBook.)</p> <p><u>Supplementary</u></p> <p>Hill, Christopher JS. (2003) <i>Maritime Law</i> (6th edition). London: Lloyd's of London Press.</p> <p>Tanaka, Yoshifumi. (2012). <i>The International law of the sea</i>. New York: Cambridge University Press.</p> <p><u>Indicative</u></p> <p>Wilson, John F. (2010) <i>Carriage of Goods by Sea</i> (7th edition), London: Longman.</p> <p><i>Law of the Sea</i> (2013), Rothwell, Donald R (ed). Cheltenham: Elgar.</p> <p><i>Halsbury's Laws of Hong Kong</i>, Vol. 18(1), Maritime Law</p> <p><u>Legislation</u></p> <p>Bills of Lading and Analogous Shipping Documents Ordinance(Cap.440)</p> <p>Carriage of Goods by Sea Ordinance (Cap.462)</p> <p>The Merchant Shipping Ordinances</p> <p>The High Court Ordinance (Cap.4)</p> <p>The Rules of the High Court (Cap.4A)</p> <p><u>International Conventions</u></p> <p>Collision Regulations, 1972.</p> <p>Convention on Limitation of Liability of Owners of Sea-going Ships, 1957</p> <p>Convention on Limitation of Liability for Maritime Claims,1976.</p> <p>Protocol to the 1976 Limitation Convention, 1996.</p> <p>The Hague Rules, Hague-Visby Rules, Hamburg Rules and Rotterdam Rules</p> <p>Salvage Convention, 1989.</p> <p><u>Recommended Journals / periodicals</u></p> <p><i>Journal of International Maritime Law</i> <i>Journal of Maritime Law and Commerce</i> <i>Lloyd's List</i></p>	

