

LW6407: ARBITRATION PRACTICE AND AWARD WRITING

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Arbitration Practice and Award Writing

Subject Code

LW - Law

Course Number

6407

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

LW6405 Arbitration Law

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to provide intensive, simulation-based, practical instruction in the skills required for effective participation in the arbitration process. Upon completion of the Course, the student should be able to demonstrate a minimum standard of competence in a range of skills required in the arbitral process whether as advocate, expert witness, or arbitrator. The course will further innovate a student's ability to understand the fundamental concepts with the ultimate goal of discovering how to write an enforceable arbitral award.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	identify, analyse, evaluate and critically comment on the legal issues and procedural issues of arbitration as well as to discover the key aspects as applied into the context of actual scenarios		x	x	x
2	reflect on their knowledge and understanding to participate effectively in the arbitral process as advocate, expert witness, or arbitrator in different types of scenarios and where possible create/innovate workable solutions		x	x	x
3	creatively apply their knowledge and skills in further research and/or professional development in arbitration practice		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	Group tutorial	Students are divided into groups of around ten. They will be asked to provide ideas and solutions to various issues and problems in simulated arbitration cases to demonstrate their understanding of arbitration principles and procedures. The tutor will provide the assessment on the students based on their performance at the group tutorial.	1, 2, 3	2

2	Lectures, directions and recommendation of reading authoritative materials, like cases, textbooks etc.	Lectures explain the procedural issues of arbitration to students. Small group tutorials and role plays conducted by practitioners for students provide a forum for discussion and allow them to deepen their understanding of the arbitral procedures and develop their ability to identify, analyse, evaluate and critically comment on the legal issues and procedural issues of arbitration and thereby to creatively apply their knowledge and skills in further research and/or professional development in arbitration practice.	1, 2, 3	1
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Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework	1	30	See below (i) The use of Generative AI tools is not allowed.
2	Performance in individual tutorial sessions	2	30	See below (ii) The use of Generative AI tools is not allowed.

Continuous Assessment (%)

60

Examination (%)

40

Examination Duration (Hours)

3

Additional Information for ATs**Examination**

Open book examination. See below (i) The use of Generative AI tools is not allowed.

Remarks:

Applicable to students admitted before Semester A 2022/23 or in Semester A 2024/25 & thereafter

(i) A student must obtain a minimum mark of 40% in both coursework and open book examination and an overall mark of 40% in order to pass a course.

(ii) The individual tutorial sessions will be normally scheduled in Week 6 - Week 11. The performance in the individual session will be assessed by the tutors and will be counted towards 30% of continuous assessment. If the students skipped the class(es), they will be scored '0' for particular week(s).Applicable to students admitted in Semester A 2022/23 to Summer Term 2024

(i) A student must obtain a minimum mark of 50% in both coursework and open book examination and an overall mark of 50% in order to pass a course.

(ii) The individual tutorial sessions will be normally scheduled in Week 6 - Week 11. The performance in the individual session will be assessed by the tutors and will be counted towards 30% of continuous assessment. If the students skipped the class(es), they will be scored '0' for particular week(s).

The HKSAR Government's Continuing Education Fund (CEF) recognizes the LLMArbDR programme both as a whole and as individual courses (i.e. LW5303, LW6401, LW6405, LW6406, LW6407). The minimum attendance requirement for all CEF courses is 70%. For the purpose of claiming reimbursement of CEF course fee or the professional recognition, please note that it is the students' own responsibility to attend every class and examination during the teaching and examination periods.

Assessment Rubrics (AR)

Assessment Task

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

Criterion

Demonstration of understanding of various arbitration principles and procedures to simulated cases. Demonstration of ability to write an enforceable award in accordance with the Hong Kong Arbitration Ordinance CAP 609.

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

Application of knowledge learnt to specific problems with logical thinking and presentation.

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 from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of ability to identify issues, current trends and practices.

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

Application of knowledge learnt to specific problems with logical thinking and presentation.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Arbitral Process. Practical Instruction. Simulation-based. Range of Skills.

1.1. Detailed Syllabus

The tutorial sessions will invite practicing arbitrators, mainly in Hong Kong, to take part as tutors. Students will be divided into groups of around 10. In the tutorial, the students are encouraged or compelled to make oral submissions, applications and procedural decisions. It is intended to be practical and genuine, with students being guided by practicing arbitrators. It is believed that after this course, the students should be able to meet the intended learning outcomes set out in Module 3A and B of CIArb. The tutorial sessions (each of 3 hours) will cover areas like:

- The preliminary meeting.
- Discovery and inspection of documents.
- Interlocutory proceedings (1) & (2).
- Challenge to jurisdiction.
- Expert evidence.
- The hearing.
- Document-only arbitration.
- Decision-making.

Reading List

Compulsory Readings

Title	
1	Arbitration in Hong Kong - A Practical Guide (by Sweet & Maxwell)
2	Hong Kong Arbitration - A User's Guide (by Dr. Michael Moser & Teresa Cheng, SC)
3	The Arbitration Act 1996 - A Commentary (by Bruce Harris, Rowan Planterose & Jonathan Tecks, 3rd Edition)
4	Bernstein's Handbook of Arbitration and Dispute Resolution Practice (by John Tackaberry QC and Arthur Marriott QC, 4th Edition)

Additional Readings

Title	
1	Online Resources
2	www.hkiac.org
3	www.adr.org
4	www.cedr.co.uk
5	www.jamsadr.com
6	www.odr.info
7	www.arbitrators.org
8	www.hklawsoc.org.hk
9	www.hkba.org