

**THE HONG KONG POLYTECHNIC UNIVERSITY****DEPARTMENT OF MARITIME STUDIES**

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Course : Post experience Diploma in Ship Command  
Subject : Commerce and Law  
Class : PeDSC Part B  
Session : 1995/96  
Date : 10 June 1996  
Time allowed : 3 hours

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Instructions : Attempt Questions 1, 2 and 3 and any four of  
to Candidates the remainder.

This paper has nine questions.  
Minimum pass marks 50%.

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Available from :  
Invigilator

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A1. Under what circumstances would COGSA 1971 apply to deck cargo? (20 Marks)

A2. Please explain the essential differences between salvage award for marine property and the special compensation. (20 Marks)

A3. Please explain a carrier's main obligations at common law. (20 Marks)

- B4. Please give an example to show the relationships and differences between general average sacrifice, general average expenses and general average contributions. (10 Marks)
- B5. Please discuss the requirements for registering a ship in Hong Kong. (10 Marks)
- B6. Please discuss the effect of breach of warranty in marine insurance and its difference from that of breach of warranty in the general law of contract. (10 Marks)
- B7. Please explain the main difference between demurrage and damage for detention. (10 Marks)
- B8. Please explain the function of running down clause and give a brief example showing how it works. (10 Marks)
- B9. A tanker collided with a container ship. The container ship is 100% at fault. As a result, half of the oil cargo on the tanker leaked into the sea and caused substantial damage to the environment including the beach of the coastal state. Now, a tourist company of the coastal state, a pollution victim, proceeds to sue the Tanker owner for pollution damage. Please explain whether the Tanker owner could escape the liability totally under the C.L.C. (10 Marks)

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