Recent Developments in Hong Kong Admiralty Jurisdiction

Xu Di

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On Monday, 23 November 2015, the Hong Kong Centre for Maritime and Transportation Law (HKCMT) was honored to have Mr. Edward Alder, barrister of Prince’s Chambers of Hong Kong to deliver a talk on the topic “Recent Developments in Hong Kong Admiralty Jurisdiction”.

The seminar was kicked off by welcoming remarks by Associate Director of HKCMT, Dr. Poomintr Sooksripaisarnkit. He also introduced Mr. Edward Alder to the audiences.
Acting in a wide range of litigation and arbitration, Mr. Edward Alder is routinely instructed in international trade and transport arbitrations as both counsel and arbitrator. His related High Court practice regularly involves injunctions, arbitration-related applications, jurisdictional disputes and ship arrests.

What is the meaning of ‘Admiralty jurisdiction’? “What is the difference between ‘maritime liens’ and ‘statutory liens’? Sketching explanations on the basics, Mr. Alder highlighted the elaborations of points coming out from the Courts’ decisions. For example, in the case of *The Decurion*, Mr. Alder explained that Hong Kong Court rules on the meaning of “control”. The plaintiff in the case issued Writ for price of bunkers supplied to 11 ships. Defendant owned the arrested ship. Other 10 chartered by related company of Defendant. Under the High Court Ordinance (Cap. 4), s.12B(4) “[t]he person who would be liable on the claim in an action in personam (“the relevant person”) was , when the cause of action arose, the owner or charter of, or in possession or in control of, the ship”. “The main dispute is on if the defendant was ‘in control or possession’ of other 10 ships”, Mr. Alder said. The case ended with the court’s decision of refusing to look beyond the charterers in determining who control the ships.

Referring to “Admiralty jurisdiction of Court of First Instance” (12A, Cap. 4) and “Mode of exercise of Admiralty jurisdiction” (12B, Cap. 4) of High Court Ordinance, the cases Mr. Alder examined also include “*The Bunga Melati 5 [2012]*”, “*King Coal [2013]*”, “*The Oriental Dragon [2013]*”, “*The Alas [2014]*”, “*The Ruby Star [2015]*”, “*The Bo Shi Ji 393 [2015]*”, “*The Almojil..."
61 [2015]”, and “The Sam Hawk [2015]”. Mr. Alder himself acted as a counsel in some of these cases.

The Seminar attracted postgraduate students, professors, and practitioners who actively interacted with the speaker during Q & A section. At last, Dean of the School of Law, Professor Geraint Howells presented the souvenir to the speaker in thanking him for insightful and inspiring talk.