

Chinese Maritime Cases Series

Series Editors-in-Chief: Martin Davies · Jiang Lin

Martin Davies

Jiang Lin *Editors*

Chinese Maritime Cases

Selection for Year of 2016

 Springer

Chinese Maritime Cases Series

Series Editors

Martin Davies, Tulane University Law School, New Orleans, LA, USA

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The primary aim of this series is to, for the first time, provide the academics, practitioners and businessmen worldwide with a crucial source to perceive how the specially designed Chinese maritime courts apply, interpretate and develop the shipping law in practice to strike a balance of interest among the domestic and international market players. Each year, China trades with other states in trillions of USD, and more than 90% of the cargoes are carried by ocean-going ships. In view of the enormous trade volume and maritime activities, foreign trading houses, shipping companies and marine underwriters, as well as their legal advisors, are keen to track down the developments of Chinese maritime law and court practice so as to predicate and avoid the potential problems or resolve the emerging disputes properly. Cases and judgments are regarded as a crucial source of learning. However, so far, no serial Chinese casebooks, which contain full English translation of selected judgments, have been published. The authors try to make an audacious break-through in this field. This series has a secondary aim: to establish a core part of the database, which can be further developed to be an innovative tool for the foreign students, professors and lawyers to have a systematic study of Chinese maritime law.

More information about this series at <https://link.springer.com/bookseries/16710>

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Foreword

As the legal professionals worldwide may agree, the vitality of law rests on implementation. The theme and essentials of implementation are embodied in the course of adjudication in particular the ultimate outcome—judgment. The judgment not only demonstrates the crucial elements of legislation and justification but also the specific rules in substance and procedure.

In the practice of Chinese maritime trial, the judgment elaborates the maritime law in details and exerts an important function to enhance the materialization and remedy the imperfection of the written statutes. It proffers the legal professionals as well as general public with valuable reference in respect of judicial practice and offers significant materials for theoretic study of the science in application of law.

The series of Chinese Maritime Cases is the first audacious project to publish on yearly basis the selected Chinese maritime judgments with literal English translation. This book of 2016, as well as each other book in the series, collects dozens of excellent judgments made in a particular year, which have a great extent of representativeness. The full translation of judgments reveals the whole proceedings of coherent and cogent discussion and deliberation carried out by judges in Chinese maritime trial, on the basis of which the readers can obtain a real picture of the underlying cases and the judges' decisions on the argued disputes. For convenience of the readers, the editors take efforts to write a brief summary for each judgment, which will help the readers to identify the fundamental issues and comprehend the reasoning for judgment and spirit of justice in relatively effectual way.

The birth of Chinese Maritime Cases will benefit the legal professionals worldwide, especially the foreign people who are practicing, studying or researching on maritime law in relation to China. By reading through the serial books, they will grasp a deeper understanding of Chinese maritime law and practice and acquire the ability to conduct a wider scope of business with their Chinese counterparts. These books are also good study materials to improve the legal language capacity of domestic students.

I wish that more talents will work together with the editors, Prof. Martin Davies and Associate Prof. Jiang Lin, to promote the Chinese maritime justice and cross-border cooperation in relation thereto.

May 2021

Tong Wang
Chief Judge of Shanghai Maritime Court
Shanghai, China

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Professor Martin Davies is Admiralty Law Institute Professor of Maritime Law at Tulane University Law School in New Orleans and Director of the Tulane Maritime Law Center.

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He is the author (or co-author) of books on maritime law, international trade law, conflict of laws and the law of torts. He has also published many journal articles on these topics. He has extensive practical experience as a consultant for over 30 years on maritime matters and general international litigation and arbitration, in Australia, Hong Kong, Singapore and the USA.

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After graduation with a B.Sc. degree from Shanghai Maritime University in 1996 and an LL.M. degree from Southampton University in 1999, he commenced his legal career at Sinclair Roche & Temperley (SRT) and later joined Ince & Co. He was dually qualified as English solicitor and Chinese lawyer. In 2008, he came back to his mother college to be a lecturer and researcher. Meanwhile, he keeps practicing English and Chinese laws at Sinopar Law Firm. He is also an arbitrator with China Maritime Arbitration Association, Shanghai Arbitration Commission and Shanghai International Arbitration Center and a supporting member of London Maritime Arbitrators' Association.

He is the author and chief editor of two serial books: *Shanghai Shipping Policy and Law Development White Book* and *Shipping Finance Law Review*. He also writes books and articles on cruise commerce, off-shore trade and insurance.

John Lin is a member of Jiusan Society, one of the eight democratic parties in China.

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