

City University of Hong Kong

**Information on a Course
offered by School of Law
with effect from Semester A in 2012/2013**

Part I

Course Title: Chinese and Comparative Environmental Law

Course Code: LW6129E

Course Duration: One semester

Credit Units: 3

Level: P6

Medium of Instruction: English

Prerequisites: Nil

Precursors: Nil

Equivalent Courses: LW6129C and LW6129E are equivalent courses.

Exclusive Courses: Nil

Part II

Course Aims

This course aims to introduce the developing area of international environmental law, in particular the concept of sustainable development. Students will learn about the basic principles of environmental law in the People's Republic of China, Hong Kong and other relevant jurisdictions.

Course Intended Learning Outcomes (CILOs)

Upon successful completion of this course, students should be able to:

No.	CILOs	Weighting (if applicable)	Alignment of CILOs with PILOs	
			Stream	PILO No. Contributed to
1.	Identify, analyse and critically explain global environmental problems and how the law may be used to control them.		CCL	1,2,3,4
2.	Analyse, compare and critically evaluate: general principles of public international law through the specific example of international environmental law.		CCL	3
3.	Analyse the main differences amongst the environmental legal systems of Hong Kong, the People's Republic of China and other relevant jurisdictions, and be able to use this knowledge in further research or professionally.		CCL	1,4

Teaching and Learning Activities (TLAs)

(Indicative of likely activities and tasks designed to facilitate students' achievement of the CILOs. Final details will be provided to students in their first week of attendance in this course)

CILO No.	TLAs	Hours/week (if applicable)
CILO 1-3	Lectures/seminars—Emphasis will be placed on students' participation in discussion of required readings.	3 hours/week or a total of 39 hours of block teaching

Assessment Tasks/Activities

(Indicative of likely activities and tasks designed to assess how well the students achieve the CILOs. Final details will be provided to students in their first week of attendance in this course)

AT No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	CILO Assessed	Remarks (exam duration, etc)
AT 1	Coursework	50%	1-3	
AT 2	Examination	50%	1-3	3 hours

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

Grading of Student Achievement: Standard (A+, A, A-...F). Grading is based on student performance in assessment tasks/activities.

Part III

Keyword Syllabus

Global warming; deforestation; ozone depletion; population; sustainable development; biodiversity; marine pollution; Agenda 21; nuisance; trespass; negligence; strict liability; pollution control; command and control; economic measures; regulatory theory; regulations; compliance; enforcement.

Detailed Syllabus

1. Review of major environmental problems and potential legal methods for resolving the problems; nature of international law with emphasis on Chinese perspectives.
 - 1.1 Global warming; deforestation; ozone depletion; population; sustainable development; biodiversity; marine pollution.
 - 1.2 Multilateral Treaties and other agreements: Declaration of the United Nations Conference on the Human Environment; World Charter for Nature; Agenda 21.
2. Review of the common law approach to environment and environmental protection.
 - 2.1 Nuisance, Trespass and Negligence.
 - 2.2 Strict Liability, Rylands v Fletcher and recent developments in the Cambridge Water Case.
3. Review of statutory and regulatory responses to environmental concerns.
 - 3.1 Hong Kong model: noise, water and air pollution control; environmental impact assessment; implications for commercial growth.
 - 3.2 People's Republic of China model: Environmental Protection Law; impact upon economic reform and development.
 - 3.3 Comparison with other relevant environmental legal systems.

4. Structure and Process of International Environmental Law (IEL) with emphasis on Chinese context.
 - 4.1 Basic Principles of IEL.
 - 4.1.1 Sovereignty and the Global Commons; Sustainable Development.
 - 4.1.2 Canada Smelter Cases; Australia- NZ - France Atomic Test Cases; Amoco Cadiz; Bhopal.
 - 4.2 Review of the Treaty Process and Introduction to Regional Agreements.
 - 4.2.1 Negotiation and Implementation of Multilateral Agreements.
 - 4.2.2 Regional Agreements.
 - 4.3 International Environmental Agreements.
 - 4.3.1 UN Conference on the Environment and Development, 1992.
 - 4.3.2 The problem of transboundary pollution and acid rain; Pollution of the Global Commons; Protection of the Ozone Layer; Conservation Issues.

Recommended Reading

Text(s)

As there is no definitive text book on this subject, this listing is intended to identify some of the relevant materials available. A reader with required reading will normally be prepared for the students. A number of books will be placed on reserve in the library.

Books

Gary N. Heilbronn, ed., Environmental Law in Hong Kong, (Hong Kong: Hong Kong University Faculty of Law, 1993)

Genevra Richardson/Anthony Ogus/Paul Burrows, Policing Pollution: A Study of Regulation and Enforcement, (Oxford: Oxford University Press, 1982)

Lester Ross, Environmental Policy in China, (Bloomington: Indiana University Press, 1988)

Lester Ross/Mitchell A. Silk, Environmental Law and Policy in the People's Republic of China, (New York: Quorum Books, 1987)

Michael R. Molitor, ed., International Environmental Law: Primary Materials, (Deventer/Boston: Kluwer Law and Taxation Publishers, 1991)

Luigi Campaglio, et al, The Environment After Rio: International Law and Economics, (London: Graham & Trotman/Martinus Nijhoff, 1994)

P. W. Burnie/A. E Boyle, International Law and the Environment, 2nd ed., (Oxford: Oxford University Press, 2002)

Philippe Sands/Paolo Galizzi, eds., Documents in International Environmental Law, 2nd ed., (Cambridge: Cambridge, 2004)

R.D. Manro/J.G. Lammers, Environmental Protection and Sustainable Development: Legal Principles and Recommendations, (London: Graham & Trotman/Martinus Nijhoff, 1986)

Vadclav Smil, China's Environmental Crisis: An Inquiry into the Limits of National Development, (New York: M.E. Sharpe, 1993)

Wang Xi, Chinese Environmental Law In Action, (China: China Today Press, 1992)

Documents

Antarctic Treaty, 1959

ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985

Convention for the Prevention of Pollution by Ships (MARPOL), 1973

Convention on Biodiversity, 1992

Convention on Climate Change, 1992

Convention on the Prevention of Marine Pollution by Dumping Waste and other Matter (London Dumping Convention) 1972

Convention to Regulate International Trade of Endangered Species of Flora and Fauna, 1973

Declaration of the United Nations Conference on the Human Environment (Stockholm Convention), 1972

OECD Principles Concerning Transfrontier Pollution, 1974

Rhine Chemicals Conventions, 1976

Rio Declaration of Environment and Development, 1992

The Manila Declaration on the ASEAN Environment, 1982

Montreal Protocol on Substances that Deplete the Ozone Layer, 1987

United Nations Convention on the Law of the Sea, 1982

Vienna Convention for the Protection of the Ozone Layer, 1985

WCED Experts Group on Environmental Law, General Principles Concerning
Natural Resources and Environmental Resources, 1987

World Charter for Nature, 1982 (UN General Assembly Res. No. 37/7)