

**City University of Hong Kong
Information on a Course
offered by School of Law
with effect from Semester A in 2014/2015**

Part I

Course Title: Energy and Environmental Law

Course Code: LW6959

Course Duration: One Semester

Credit Units: 3

Level: P6

Medium of Instruction: English

Prerequisites: Nil

Precursors: Nil

Equivalent Courses: Nil

Exclusive Courses: Nil

Part II

Course Aims

This course aims to

- 1) Enable students to learn, comprehend, apply, evaluate and reflect upon the – the rules and principles of environmental law in Hong Kong and identify and critically analyse the basic principles of international environmental law and issues with respect to energy resources and their enforceability both locally and internationally;
- 2) Promote an attitude of critical and reflective learning of environmental law within common law context, Hong Kong public law and international environmental law to understand its theoretical underpinnings and its historical and political context;

- 3) Impart advanced skills to students to discover and assess in comparative context the rules of state responsibility & dispute settlement procedures for environmental law claims including environmental protection and right to development before courts/tribunals and develop their own independent thesis/advise/opinion;
- 4) Conduct advanced legal research in this area by identifying and using sources appropriate for high-level professional and/or post-graduate academic legal work.

Course Intended Learning Outcomes (CILOs)

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

No.	CILOs	Weighting (if applicable)
1.	Analytically describe and explain <ul style="list-style-type: none"> ➤ the fundamental principles of Hong Kong environmental law and aspects of energy use and threat; ➤ legal rules, doctrines and practices of international environmental law and energy issues and its enforceability both at international and domestic levels . 	30%
2.	Apply in comparative context the rules of state responsibility and dispute settlement procedures for international environmental law claims and discussion of energy utilization before international institutions, courts and tribunals <ul style="list-style-type: none"> ➤ To solve hypothetical problems affecting individuals, corporations and inter-state ➤ Identify and question adverse practices within regional and international context ➤ Offer possible alternative solutions in context of contemporary problems faced in Hong Kong ➤ Communicate both orally and in writing any advice or independent opinion for resolution of environmental claim. 	30%
3.	Critically assess and evaluate opinions by courts and international scholarship on various environmental principles and rules and develop their own independent thesis	20%
4.	Conduct advanced legal research in this area by identifying and using sources appropriate for high-level professional and/or post-graduate academic legal work.	20%

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 1-4	<p>Seminars</p> <ul style="list-style-type: none">• A weekly outline of the taught topics and recommended lists of reading will be distributed. Students must read the basic assigned preparatory literature and cases prior to and after each lecture.• For each week's topic, a general preparatory reading of chapters in a reputed textbook and journal articles will be assigned, which will provide a framework as well as introduce students to the detailed topics to be covered in that seminar.• The seminars are designed to explore difficult environmental law issues through advanced discussion, problem based group activities and student's presentations touching the theoretical topics covered in each weekly seminar. Seminars will be based on an interactive learning and exchange of ideas between the lecturer and the students.• Seminars will draw nexus of various aspects of international environmental law with domestic law. The lecturer/course leader will seek to identify students' prior knowledge and experience and fill gaps in their prior knowledge by raising critical questions which will enhance student's in-depth understanding of environmental law and its operation in practice.	3 hours/week or a total of 39 hours of teaching
CILO 2-4	<p>Compulsory Assignment/Small group activities/Class presentations</p> <ul style="list-style-type: none">• These activities will focus on analysis and application of concepts of environmental law to factual situations. Students are expected both to attend and to participate actively in such activities.• In order to train and develop advanced critical thinking and problem solving skills, problem based learning in class will be encouraged to allow students to identify, summarize and present relevant environmental law principles involved in particular problem based on cases or scholarly opinions.• Compulsory Assignment is aimed to develop student's skills: such as independent research skills in retrieving primary material; analytical skill in penetrating official documents; skills of synthesis in piecing together legal materials through coherent writing.	

	<ul style="list-style-type: none"> Each student will be asked to prepare a presentation on topic assigned (including case study) and present their arguments based on international or local environmental law/legal principles and cases. They are also expected to identify scope and limitations of their topic in the contemporary international arena. The presentations will provide students an opportunity to express their point of view in a coherent manner and develop their presentation skills. They will also get a feedback from the course leader on the content of their paper. 	
CILO 3-4	Guided research <ul style="list-style-type: none"> Reading assignments will be given before and after each lecture. The progress of individual research for the compulsory coursework assignment may be monitored by interim submissions of bibliographies, table of contents, drafts etc. 	1 hour/week or a total of 13 hours of guided research

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)

CILO No.	Type of Assessment Tasks/Activities	Weighting (if applicable)	Remarks (exam duration, etc)
AT 1	Performance in interactive small group sessions and problem based group activities and class presentations including an in-class test	20% (10% +10%)	
AT 2	Coursework: Compulsory Assignment	30%	
AT 3	Examination	50%	2 hours, OPEN BOOK

Students must obtain an aggregate mark of 40% and a minimum of 40% in each of the coursework and the examination elements of the assessment. Students are required to attend at least 70% of the classes (lectures/seminars, class presentations, group discussions). If a student does not meet this requirement, he/she may be disqualified for assessment.

Formative Assessment

Participation during the interactive small group sessions/class presentations will allow students to demonstrate their capacity to understand, analyse and apply rules and principles to the problem concerned. Some of the more difficult questions will require students to demonstrate their ability to synthesise international and local environmental law material and be able to advise clients or companies in novel situations. Responses in these sessions will enable students and teachers to assess the adequacy of learning and how to improve it where necessary. Students will also receive formative feedback which will allow them to fill gaps in their knowledge and improve content of their coursework assignment/research.

Summative Assessment

Students' performance during the interactive small group sessions/class presentations will be assessed. This will count as 20% of the assessment. Students will be required to undertake one problem-based assignment during the semester. This may take the form of an in-class activity or a take home assignment. This assignment will assess ability to synthesise primary and secondary material to solve novel problems. If the assignments take the form of an interactive in-class activity, such as case-presentations, students may be assigned a role in that activity or the role of an assessor. In that event students may also be asked to write a short reflective paper on the activity addressing what has been learnt from the activity and what might be done differently and more effectively if the activity was repeated.

The compulsory coursework assignment may consist of a seminar paper of 2500- 3000 words maximum, supplemented by a title page, proper citations in footnotes and a bibliography. The word limit does not include footnotes and citations. This represents 30% of the overall assessment. The respective topic(s) will be set by the course leader.

The remaining 50% of assessment is in the form of an examination. This will test knowledge and understanding of the rules and principles and ability to apply these rules and principles to particular sets of circumstances.

Core General Skills Assessment

The core general skills assessment will include developing student's ability to:

- select, evaluate, analyse, summarise and process relevant print and electronic data/resources;
- develop and express in a coherent and cogent manner relevant arguments;
- demonstrate critical, original and independent thinking;
- select, use and cite relevant sources appropriately, focusing on academic and legal works;
- select appropriate content and language to suit context and intended audience; and
- communicate ideas clearly, coherently and accurately in their own words and in plain English.

Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations for Taught Postgraduate Degrees. Students will be graded on standard (A+, A, A-...F). Grading is based on student performance in each assessment tasks/activities.

Part III

Keyword Syllabus

- Hong Kong environmental law and its relation with international environmental law: emerging themes and emerging relationships with other areas of law, including energy conservation, sustainable development, trade, and human rights;
- Energy, Economy, Trade and Environment – Areas of correspondence; Theoretical environmental issues: environmental ethics and the role of law and need for environmental regulation;
- History and sources of International and Hong Kong environmental law; environmental legislation in Hong Kong;
- Principles of environmental law and environmental justice
- Regulatory environmental law including
 - air pollution control in Hong Kong;
 - Water pollution control in Hong Kong and its enforcement;
 - Noise control in Hong Kong and its enforcement;
 - Waste disposal in Hong Kong and its enforcement;
 - Environmental impact Assessment and its enforcement; public participation and environmental policy making;
 - Smuggling of endangered species and wildlife and its effect on native biodiversity
- Regional environmental law; cross-border environmental issues affecting Hong Kong and the Mainland China; and the energy crisis.

Recommended Reading

Text(s)

Required Reading

- Karen E Makuch and Richard Pereira (eds) , *Environmental and Energy Law* (Wiley-Blackwell, 2012, UK), (Chapters 1, 2, 6, 9, 17 and 22)
- Susan Wolf and Neil Stanley, *Wolf and Stanley on Environmental Law* (6th ed., Routledge, 2014)
- P. Birnie, A. Boyle and C. Redgwell, *International Law and the Environment* (3rd ed., OUP: 2009)
- Stuart Bell, Donald McGillivray and Ole Pedersen, *Environmental Law* (8th edition. Oxford University Press, 2013)
- Mark Stallworthy, *Understanding Environmental Law*, (1st edition, Thomson, Sweet & Maxwell, 2008)
- D. Bodansky, J. Brunnée & E. Hey (eds) '*The Oxford Handbook of International Environmental Law*' (OUP: 2008)
- P. Sands and J. Peel, *Principles of International Environmental Law* (3rd ed. Cambridge University Press. 2012)

- B. Boer, R. Ramsay & D. R Rothwell, *International Environmental Law In The Asia Pacific*, (Kluwer Law International: 1998).
- D. Freestone & C. Streck, *Legal Aspects of Implementing the Kyoto Protocol Mechanisms* (Oxford 2005)

Supplementary Reading

- S. Bernstein, D. Duff & A. Green, *A Globally Integrated Climate Policy for Canada* (Toronto: University of Toronto Press, 2007).
- A. Chayes & A. Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, MA: Harvard University Press, 1995).
- E. Louka, *International Environmental Law: Fairness, Effectiveness, and World Order* (Cambridge University Press, 2006)
- Donald McGillivray, *Blackstone's environmental legislation* (6th ed., Oxford University Press, 2006)
- John Alder and David Wilkinson, *Environmental Law & Ethics*, (Macmillan Press Limited (1999).
- S. Kramer & P. C. Fusaro, *Energy and Environmental Trading: US Law and Taxation* (Cameron: 2008)
- Martin Dixon, Robert McCorquodale and Sarah Williams, *Cases and materials on international law* (5th ed., Oxford University Press, 2011)
- James Crawford, SC, FBA., *Brownlie's principles of public international law* (8th ed., Oxford University Press, [2012])
- Malcolm N. Shaw, *International Law* (6th ed., Cambridge University Press, 2008).

Journals

- Yearbook of International Environmental Law
- Yearbook of European Environmental Law
- Journal of Environmental Law
- Harvard Environmental Law Review
- International Environmental Law Review
- American Journal of International Law
- European Journal of International Law
- International and Comparative Law Quarterly
- Chinese Journal of International Law
- Albany Law School Environmental Outlook Journal
- Columbia University Journal of Environmental Law
- Drake University Journal of Agriculture Law
- Duke Environmental Law and Policy Forum
- Florida State University Journal of Land Use and Environmental Law
- Fordham University Environmental Law Journal

Online Resources

- World Legal Information Institute
- <http://www.worldlii.org/>
- United Nations Environmental Documentation
<http://www.un.org/Depts/dhl/resguide/specenv.htm>
- United Nations Environmental Programme (UNEP) <http://www.unep.org/>
- United Nations Statistics Division – Environmental Statistics
<http://unstats.un.org/unsd/environment/default.htm>
- European Parliament Environment Committee website
<http://www.eea.europa.eu/themes/policy/links/Link1094717137>
- The Environment Directory < <http://www.webdirectory.com/>>

Citation Manual

OSCOLA 2006, *"The Oxford Standard for Citation of Legal Authorities,"* Faculty of Law, University of Oxford: <<http://denning.law.ox.ac.uk/published/oscola.shtml>>