

City University of Hong Kong

Course Syllabus

offered by School of Law  
with effect from Semester B 2017/18

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**Part I Course Overview**

**Course Title:** Chinese and Comparative Environmental Law

**Course Code:** LW6129E

**Course Duration:** One semester

**Credit Units:** 3

**Level:** P6

**Medium of Instruction:** English

**Medium of Assessment:** English

**Prerequisites:**  
(Course Code and Title) Nil

**Precursors:**  
(Course Code and Title) Nil

**Equivalent Courses:**  
(Course Code and Title) LW6129C and LW6129E are equivalent courses.

**Exclusive Courses:**  
(Course Code and Title) Nil

## Part II Course Details

### 1. Abstract

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.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Identify, analyse and critically explain global environmental problems and how the law may be used to control them.			√	√
2.	Analyse, compare and critically evaluate: general principles of public international law through the specific example of international environmental law.			√	√
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.		√	√	√
		100%			

A1: Attitude

*Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

A2: Ability

*Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.*

A3: Accomplishments

*Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

### 3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.			Hours/week (if applicable)
		1	2	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

#### 4. Assessment Tasks/Activities (ATs)

*(ATs are designed to assess how well the students achieve the CILOs.)*

Assessment Tasks/Activities	CILO No.			Weighting	Remarks
	1	2	3		
Continuous Assessment: 50%					
Coursework	√	√	√	50%	
Examination: 50% (duration: 3 hours)					
				100%	

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.

## 5. Assessment Rubrics

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Coursework	Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
Examination	Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

**Part III Other Information** (more details can be provided separately in the teaching plan)

**1. Syllabus**

**1.1 Keyword Syllabus**

*(An indication of the key topics of the course.)*

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.

**1.2 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.

## 2. Reading List

### 2.1 Recommended Readings

*(Additional references for students to learn to expand their knowledge about the subject.)*

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, 2<sup>nd</sup> ed., (Oxford: Oxford University Press, 2002)

Philippe Sands/Paolo Galizzi, eds., Documents in International Environmental Law, 2<sup>nd</sup> 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)