City University of Hong Kong
Course Syllabus

offered by School of Law
with effect from Semester A 2021 / 2022

Part I Course Overview

Course Title:	Energy and Environmental Law
Course Code:	LW6959
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)*	Nil
Exclusive Courses: *(Course Code and Title)*	Nil

Part II Course Details

1. Abstract

This course aims to

1) Enable students to:
   (i) Learn, comprehend, apply, evaluate and reflect upon the rules and principles of international environmental law.
   (ii) Identify and critically analyse the links between international environmental law, energy resources and economic development.
   (iii) Understand and analyse the links between the international environmental law principles and the applicable environmental laws at Hong Kong.

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/advice/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.

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.	Analytically describe and explain ➢ legal rules, doctrines and practices of international environmental law ➢ the links between international environmental law, energy resources and economic development. ➢ the links between the international environmental law principles and the applicable environmental laws at Hong Kong	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 ➢ 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	30%	√	√	√

	independent opinion for resolution of environmental claim.				
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%	√	√	√
		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	4	
Lectures	• 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	√	√	√	√	3 hours/week or a total of 39 hours of teaching

	understanding of environmental law and its operation in practice.					
Classroom interaction	• The course leader will allocate around 45 minutes to one hour per class since the second class as Q&A interaction session. Students are expected to participate actively in these sessions to enhance the understanding of concepts of energy and environmental law; 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.		√	√	√	
Group presentation	• Students will be divided into groups to prepare a presentation on topic assigned. Students present their arguments based on international or local environmental law/legal principles and cases. They are expected to identify scope and limitations of their topic in the contemporary international arena. Students also will be encouraged to comment on their classmates' presentations. The presentations will provide students an opportunity to express their point of view in a coherent manner and develop their presentation skills.					

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	4		
Continuous Assessment: 50%						
Class interaction (including: Q&A session)	√	√	√	√	20%	
= Group Presentation	√	√	√	√	30%	
Examination: 50% (duration: 2 hours)						
Examination (Typewritten)	√	√	√	√	50%	
					100%	

Students must obtain an aggregate mark of 40% and a minimum of 40% in each of the continuous assessment and the examination elements of the assessment.

Assessment

Participation during the classroom interaction, such as Q&A session 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 comments which will allow them to fill gaps in their knowledge. Students' performance during the class interaction will be assessed. This will count as 20% of the assessment.

Students will also be divided into groups to make a presentation on an assigned topic relating to energy and environmental law. This will assess their ability to synthesise primary and secondary material into a coherent and persuasive argument, which will count as 30%. Students will receive comments from the course leader. Other students are also encouraged to provide the feedback to presenter(s).

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.

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)
1. Class Participation	Demonstrate mastery of CILOs through participation in lecture and/or tutorial discussion, which includes asking questions about areas of uncertainty, responding to questions by the lecturer/tutor. and presenting on assigned topics in class.	High	Significant	Moderate	Basic	Not even reaching basic levels
2. Group Presentation	Students will be divided into groups for presenting on assigned topics. Students will be graded on their understanding and application of the law, as well as their ability to provide the audience with evidence of a persuasive legal argument.	High	Significant	Moderate	Basic	Not even reaching basic levels
3. Examination	The examination will test students' ability to apply legal principles to problem style questions on topics not covered in	High	Significant	Moderate	Basic	Not even reaching basic levels

	the assignment.					

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

1. Keyword Syllabus

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

- Environmental law and policy
- International governance and the formulation of environmental law and policy
- Climate change law and policy
- The evolution of energy law (with the focus on the United States and China)
- Trade, energy and the environment
- Protection of the marine environment (with the focus on marine plastic pollution)
- History and sources of ; environmental law in Hong Kong, including air pollution control, water pollution control, noise control, waste disposal, environmental impact assessment, public participation and environmental policy making
- Environmental protection and low-carbon energy transition in the 21st century

2. Reading List

2.1 Compulsory Readings

(Compulsory readings can include books, book chapters, or journal/magazine articles. There are also collections of e-books, e-journals available from the CityU Library.)

1.	Makuch and Pereira (eds) *Environmental and Energy Law* (Wiley-Blackwell, 2012, UK), (Chapters 1, 2, 6, 9, 17 and 22)
2.	Birnie, Boyle and Redgwell, *International Law and the Environment* (3rd ed., OUP: 2009)
3.	Bell, McGillivray and Pedersen, *Environmental Law* (8th edition. Oxford University Press, 2013)
4.	Bodansky, Brunnée and Hey (eds) *'The Oxford Handbook of International Environmental Law'* (OUP: 2008)
5.	Sands and Peel, *Principles of International Environmental Law* (3rd ed. Cambridge University Press. 2012)
6.	Bodansky, Brunnee and Rajamani, *International Climate Change Law* (2017)

2.2 Additional Readings

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

1.	Bernstein, Duff & Green, *A Globally Integrated Climate Policy for Canada* (Toronto: University of Toronto Press, 2007).
2.	Chayes & Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, MA: Harvard University Press, 1995).
3.	Louka, *International Environmental Law: Fairness, Effectiveness, and World Order* (Cambridge University Press, 2006)
4.	McGillivray, *Blackstone's environmental legislation* (6th ed., Oxford University Press, 2006)
5.	Alder and Wilkinson, *Environmental Law & Ethics*, (Macmillan Press Limited (1999).
6.	Kramer & Fusaro, *Energy and Environmental Trading: US Law and Taxation* (Cameron: 2008)
7.	Dixon, McCorquodale and Williams, *Cases and materials on international law* (5th ed., Oxford University Press, 2011)
8.	J. Crawford, SC, FBA., *Brownlie's principles of public international law* (8th ed., Oxford University Press, [2012])
9.	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
- Transnational Environmental Law
- Ecology Law Quarterly
- American Journal of International Law
- European Journal of International Law
- International and Comparative Law Quarterly
- Chinese Journal of International Law
- Columbia Journal of Environmental Law
- Columbia Journal of Environmental Law
- Fordham Environmental Law Journal
- Stanford Environmental Law Journal
- Fordham Environmental Law Journal
- Virginia Environmental Law Journal
- Journal of World Energy Law & Business
- Climate Law
- Asia Pacific Journal of Environmental Law

Online Resources

- World Legal Information Institute : http://www.worldlii.org/United Nations Environnemental Documentation : http://www.un.org/Depts/dhl/resguide/specenv.htm
- United Nations Environmental Programme: http://www.unep.org/
- United Nations Statistics Division – Environmental Statistics: http://unstats.un.org/unsd/environment/default.htm
- International Energy Agency: https://www.iea.org/
- International Renewable Energy Agency https://www.irena.org/
- World Resource Institute: https://www.wri.org/
- Sustainable Energy for All: https://www.seforall.org/
- Natural Resources Defence Council: https://www.nrdc.org/
- Renewable Energy 21: https://www.ren21.net/
- Bloomberg New Energy Finance: https://about.bnef.com/
- United Nations Framework Convention on Climate Change: https://unfccc.int/
- European Parliament Environment Committee:http://www.eea.europa.eu/themes/policy/links/Link1094717137
- The Environment Directory: http://www.webdirectory.com/
- Grantham Research Institute on Climate Change and the Environment: https://www.lse.ac.uk/granthaminstitute/
- Columbia Centre on Global Energy Policy: https://www.energypolicy.columbia.edu/
- Atlantic Council (Energy & Environment): https://www.atlanticcouncil.org/issue/energy-environment/page/2/
- Centre for Strategic & International Studies (Energy Security & Climate Change): https://www.csis.org/programs/energy-security-and-climate-change-program

Relevant Podcasts

- Political Climate
- Energy Gang
- Energy Policy Now
- The Interchange
- Energy 360
- Columbia Energy Exchange
- DNVGL

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>