

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester A 2018 / 2019**

Part I Course Overview

Course Title: Environment and Law

Course Code: LW3956

Course Duration: One semester

Credit Units: 3

Level: B3

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. Introduce to students the basic concepts and principles of environmental law as applicable in Hong Kong through the common law, judicial decisions, constitutional and administrative law, and policy and regulation.
2. Promote the critical and reflective learning of the legal concepts of environmental law and relate them to students' respective major disciplines.
3. Enable students to recognise and analyse legal problems and claims that may arise due to activities involving environmental protection and development in Hong Kong when governments, corporations, or individuals cause environmental harms or fail to conserve natural resources.

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, describe, and explain the fundamental principles of environmental protection in Hong Kong and their attendant legal issues | | | | √ |
| 2. | Solve hypothetical problems by applying the legal rules, doctrines, and regulations developed by the legislature, courts, and other regulatory bodies in Hong Kong in regard to environmental issues | | | √ | √ |
| 3. | Critically evaluate environmental laws and policies in Hong Kong, reflect upon creative solutions to environmental problems, and relate these insights to their disciplines | | √ | √ | √ |

* If weighting is assigned to CILOs, they should add up to 100%.

100%

[#] Please specify the alignment of CILOs to the Gateway Education Programme Intended Learning outcomes (PILOs) in Section A of Annex.

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.

Alignment of CILOs with PILOs:

| PILOs | | CILOs |
|-------|--|-------|
| 6 | Recognize and apply the legal, economic, and social aspects of environmental management in order to become versatile and effective environmental managers. | 1,2,3 |
| 7 | Comprehend ethical and social policy issues in environmental sciences, and their impacts upon society. | 3 |

3. Teaching and Learning Activities (TLAs)

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

This subject is taught through a **lecture and tutorial program** involving three class hours per week over the course of the semester.

| TLA | Brief Description | CILO No. | | | Hours/week (if applicable) |
|-----------------------------------|--|----------|---|---|----------------------------|
| | | 1 | 2 | 3 | |
| Lectures and in- class discussion | Lectures and in-class discussion will be used to outline the relevant principles of law and regulation applicable to environmental concerns, and to address the theoretical underpinnings of various topics. Discussion will be encouraged between the lecturer and students on the topic at hand. Students will also receive handouts with hypothetical problems relevant to the lecture, which they will be expected to discuss in small groups and then amongst the larger class. | √ | √ | √ | |
| Tutorials and presentations | Tutorials and student presentations will encourage group discussion of specific hypothetical problems and case studies on the application of law to environmental issues in Hong Kong. | √ | √ | √ | |
| Reading materials | Students will be expected to read materials identified in the week-by-week outline of each topic, which will be provided in the course materials. | √ | √ | √ | |

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: 100% | | | | | |
| In-class participation: participation in discussion, tutorial presentations, and potential in-class MCQ (multiple-choice-question) quiz | √ | √ | √ | 20% | |
| Writing assignment | √ | √ | √ | 40% | |
| Group research project and final presentation | √ | | √ | 40% | |
| | | | | 100% | |

* The weightings should add up to 100%.

A student must obtain a minimum mark of 30% in both the writing assignment and group research project and final presentation, and an overall mark of 40% in order to pass a course.

Coursework

Coursework encompasses three aspects: (i) student participation; (ii) submission of a written assignment (problem(s)-based and/or essay-type question); and a group research project and final presentation. These are described more fully below.

- (i) **Student participation** requires a student's active involvement in lectures and tutorials through participation in group discussion and problem-solving. Students should raise questions about areas of uncertainty, respond to questions by the lecturer/tutor, complete assigned hypothetical problems, and present assigned topics to the class in tutorials. Students may be asked to complete an in-class MCQ quiz.
- (ii) Students will complete either a **problem(s)-based assignment** and/or an **essay-type question** to demonstrate their understanding of environmental law, their ability to apply and analyse the law, and their ability to express in writing their assignment or essay as expected at the undergraduate level. A problem(s)-based assignment will normally require the students to provide advice to parties about hypothetical environmental problems. This will be an individual assignment to be submitted by week nine or ten. The marked assignment with comments will be returned in week thirteen. The due date of the assignment shall be announced by week four.
- (iii) Students will complete a group research project and deliver a final group presentation to the class. Each student group will choose a current environmental issue in Hong Kong related to one of the lecture subjects, research the legal implications of the issue, and consider potential solutions. At the end of the semester, the groups will present their findings to the class, answer questions about their findings by the instructor and classmates, and submit a report. The instructor will hold conferences during the semester with each group to provide background materials and guidance on the project.

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. Student participation | (i) Attend tutorial; (ii) demonstrate mastery of CILOs through participation in lecture and tutorial discussion, which includes asking questions about areas of uncertainty, responding to questions by the lecturer/tutor, and presenting on assigned topics in tutorials; and (iii) complete in-class MCQ quiz if given. | High | Significant | Moderate | Basic | Below basic |
| 2. Writing assignment | Demonstrate an understanding of environmental law and the ability to apply and/or analyse the law by writing an original, clear, and organized response to the assigned problem(s)/question(s). | High | Significant | Moderate | Basic | Below basic |
| 3. Group research project and presentation | Demonstrate mastery of CILOs by completing research project on an environmental law problem in Hong Kong and potential solutions to that problem, and by delivering an original, clear, and organized group presentation of the research findings to the class. | High | Significant | Moderate | Basic | Below basic |

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.)

- Defining “environment,” understanding the HK legal system, and clarifying the scope of environmental law in HK;
- Private law: Common law torts dealing with environmental problems—nuisance, trespass, negligence and strict liability—and their application to environmental issues in Hong Kong;
- Public Law: International law, judicial review, and administrative law; and their interrelation with environmental law and its principles of sustainable development, integration, precaution, participation, preservation, “user pays,” and “polluter pays”;
- The roles of the legislature, the court, other governmental bodies, states as international actors, EU, individuals, NGOs and the public in making and implementing environmental law and pursuing environmental justice;
- Environmental regulation in Hong Kong
 - Environmental Impact Assessment;
 - Air pollution and control: legislative framework, regulatory measures, and judicial interpretation;
 - Water pollution and control: legislative framework, regulatory measures, and judicial interpretation;
 - Noise pollution and control: legislative framework, regulatory measures, and judicial interpretation;
 - Waste management and control: legislative framework, regulatory measures, judicial interpretation, and cross-border waste movement;
 - Nature conservation, endangered species protection, and international smuggling of wildlife species.

2. Reading List

Recommended Reading

Text(s)

Stuart Bell, Donald McGillivray, Ole Pedersen, Emma Lees, and Elen Stokes, *Environmental Law* (Oxford: Oxford University Press, 9th ed. 2017)

Mark Stallworthy, *Understanding Environmental Law* (London: Thomson, Sweet & Maxwell, 1st ed. 2008)

Susan Wolf and Neil Stanley, *Wolf and Stanley on Environmental Law* (Abingdon, Oxon: Routledge, 6th ed. 2014)

Timo Koivurova, *Introduction to International Environmental Law* (Milton Park, Abingdon, Oxon: Routledge, 2014)

Ordinances & Cases

Ordinances

The following ordinances will be discussed to illustrate the scope and ambit of legal regulation in Hong Kong pertaining to the environment. Additionally, reference will be made to several related regulations and technical memoranda. Copies will be provided to the extent the materials are not readily available online. The six major ordinances are as follows:

Environmental Impact Assessment Ordinance (Cap. 499)

Air Pollution Control Ordinance (Cap. 311)

Water Pollution Control Ordinance (Cap. 358)

Waste Disposal Ordinance (Cap. 354)

Noise Control Ordinance (Cap. 400)

Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)

Product Eco-Responsibility Ordinance (Cap. 603)

Cases

There are various cases which will be referred to throughout the course, and these will normally be listed in the lecture outline, though some others may be only mentioned in lecture instead. Many of the cases will be available in the course material.

Other books of general environmental interest

Rachel Carson, *Silent Spring* (Penguin Books Ltd, 2000)

Online Resources

Hong Kong Legal Information Institute, <http://www.hklii.hk/eng/> (for legislation and case law).

EPD Hong Kong, www.epd.gov.hk, and AFCD, <http://www.afcd.gov.hk/eindex.html>.

'*A World of Possibilities*' was a public radio programme broadcast out of the United States until 2011. It covered a broad range of national and international issues, including environmental issues. The programmes interviewed persons affected by environmental issues and featured experts or other people who could speak to those issues. The programme archives are available [here](#).

The BBC has also produced interesting programmes covering environmental issues, including waste production and disposal, and noise pollution. Please visit the *Documentary Archive*: http://news.bbc.co.uk/2/hi/programmes/documentary_archive/

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.)

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| 1. | Compulsory readings will include excerpts from the books listed above under Recommended Reading, additional articles, and materials referenced above under Ordinances and Cases. |
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