

# LW4625: ENVIRONMENTAL LAW

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## Effective Term

Semester A 2022/23

## Part I Course Overview

### Course Title

Environmental Law

### Subject Code

LW - Law

### Course Number

4625

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

B1, B2, B3, B4 - Bachelor's Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

Nil

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

The course aims to teach students rules and principles of environmental law, which is the body of law incorporating common law doctrines and legislative enactments in pollution control and conservation of natural resources. Students are introduced to major environmental law issues with local, regional and international significance.

### Course Intended Learning Outcomes (CILOs)

	CILOs	Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Discuss analytically and critically the legal system of Hong Kong and its regulatory framework in environmental protection	40	x	x	x
2	Apply the law to propose solutions to legal problems, existing and emerging in the environmental area	30	x	x	x
3	Critically evaluate the law in action, the dynamic interplay between law and other social phenomena, real-life situations and international policies and their co-evolution	30	x	x	x

#### 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 real-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.

## Teaching and Learning Activities (TLAs)

	TLAs	Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures	<p>- 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.</p> <p>- 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.</p> <p>- The seminars are designed to explore difficult environmental law issues through advanced discussion in each weekly seminar. Seminars will be based on an interactive learning and exchange of ideas between the lecturer and the students.</p> <p>- Seminars will draw nexus of various aspects of environmental 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.</p>	1, 2, 3	3 hours/ week or a total of 39 hours of teaching

2	Compulsory Assignment/ Small group activities/ Class presentations	<p>- 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.</p> <p>- 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.</p> <p>- 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.</p> <p>- 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 feedback from the course leader on the content of their paper.</p>	1, 2, 3	
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**Assessment Tasks / Activities (ATs)**

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class participation	1, 2, 3	15	
2	Group Presentation	1, 2, 3	25	

**Continuous Assessment (%)**

**Examination (%)**

60

**Examination Duration (Hours)**

2

**Additional Information for ATs**

Students must obtain an aggregate mark of 40% and a minimum of 30% in each of the continuous assessment and the examination elements of the 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 class participation will be assessed. This will count as 15% of the assessment (5% attendance and 10% classroom interaction). The ability of the student to approach the problem, explain it to his team and discuss the legal challenges posed will be assessed. Students will also be divided into groups to make a presentation on an environmental law aspect. This will assess their ability to synthesise primary and secondary material into a coherent and persuasive argument, which will count as 25%.

The remaining 60% 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.

**Assessment Rubrics (AR)**

**Assessment Task**

1. Class Participation

**Criterion**

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.

**Excellent (A+, A, A-)**

High

**Good (B+, B, B-)**

Significant

**Fair (C+, C, C-)**

Moderate

**Marginal (D)**

Basic

**Failure (F)**

Not even reaching basic levels

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**Assessment Task**

2. Group Presentation

### **Criterion**

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.

#### **Excellent (A+, A, A-)**

High

#### **Good (B+, B, B-)**

Significant

#### **Fair (C+, C, C-)**

Moderate

#### **Marginal (D)**

Basic

#### **Failure (F)**

Not even reaching basic levels

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### **Assessment Task**

#### 3. Examination

### **Criterion**

The examination will test students' ability to apply legal principles to problem style questions on topics not covered in the assignment.

#### **Excellent (A+, A, A-)**

High

#### **Good (B+, B, B-)**

Significant

#### **Fair (C+, C, C-)**

Moderate

#### **Marginal (D)**

Basic

#### **Failure (F)**

Not even reaching basic levels

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## **Part III Other Information**

### **Keyword Syllabus**

- Common law doctrines dealing with environmental pollution;
- Nuisance, negligence and strict liability;
- Environmental law-making in pollution control;
- Environmental impact assessment;
- Local conservation laws;
- Regional environmental law;

- Cross-border environmental issues affecting Hong Kong and the Mainland China;
- International environmental law;
- Trade and environment

## Reading List

### Compulsory Readings

	Title
1	Yearbook of International Environmental Law
2	Yearbook of European Environmental Law
3	Journal of Environmental Law
4	Harvard Environmental Law Review
5	Transnational Environmental Law
6	Ecology Law Quarterly
7	American Journal of International Law
8	European Journal of International Law
9	International and Comparative Law Quarterly
10	Chinese Journal of International Law
11	Columbia Journal of Environmental Law
12	Columbia Journal of Environmental Law
13	Fordham Environmental Law Journal
14	Stanford Environmental Law Journal
15	Fordham Environmental Law Journal
16	Virginia Environmental Law Journal
17	Journal of World Energy Law & Business
18	Climate Law
19	Asia Pacific Journal of Environmental Law
20	World Resource Institute: <a href="https://www.wri.org/">https://www.wri.org/</a>
21	Sustainable Energy for All: <a href="https://www.seforall.org/">https://www.seforall.org/</a>
22	Natural Resources Defence Council: <a href="https://www.nrdc.org/">https://www.nrdc.org/</a>
23	Renewable Energy 21: <a href="https://www.ren21.net/">https://www.ren21.net/</a>
24	Bloomberg New Energy Finance: <a href="https://about.bnef.com/">https://about.bnef.com/</a>
25	United Nations Framework Convention on Climate Change: <a href="https://unfccc.int/">https://unfccc.int/</a>
26	European Parliament Environment Committee: <a href="http://www.eea.europa.eu/themes/policy/links/Link1094717137">http://www.eea.europa.eu/themes/policy/links/Link1094717137</a>
27	The Environment Directory: <a href="http://www.webdirectory.com/">http://www.webdirectory.com/</a>
28	Grantham Research Institute on Climate Change and the Environment: <a href="https://www.lse.ac.uk/granthaminstitute/">https://www.lse.ac.uk/granthaminstitute/</a>
29	Columbia Centre on Global Energy Policy: <a href="https://www.energypolicy.columbia.edu/">https://www.energypolicy.columbia.edu/</a>
30	Atlantic Council (Energy & Environment): <a href="https://www.atlanticcouncil.org/issue/energy-environment/page/2/">https://www.atlanticcouncil.org/issue/energy-environment/page/2/</a>
31	Centre for Strategic & International Studies (Energy Security & Climate Change): <a href="https://www.csis.org/programs/energy-security-and-climate-change-program">https://www.csis.org/programs/energy-security-and-climate-change-program</a>
32	Recommended Podcasts
33	Political Climate
34	Energy Gang

35	Energy Policy Now
36	The Interchange
37	Energy 360
38	Columbia Energy Exchange
39	DNVGL

**Additional Readings**

<b>Title</b>	
1	Nil