

**City University of Hong Kong  
Course Syllabus**

**offered by School of Law  
with effect from Semester A 2020 / 2021**

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**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 <sup>#</sup>	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Analytically describe and explain <ul style="list-style-type: none"> <li>➤ legal rules, doctrines and practices of international environmental law</li> <li>➤ the links between international environmental law, energy resources and economic development.</li> <li>➤ the links between the international environmental law principles and the applicable environmental laws at Hong Kong</li> </ul>	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"> <li>➤ To solve hypothetical problems affecting individuals, corporations and inter-state.</li> <li>➤ Identify and question adverse practices within regional and international context.</li> <li>➤ Offer possible alternative solutions in context of contemporary problems faced in Hong Kong.</li> <li>➤ Communicate both orally and in writing any advice or independent opinion for resolution of environmental claim.</li> </ul>	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%	√	√	√
		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	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>	√	√	√	√	3 hours/week or a total of 39 hours of teaching

<p>Compulsory Assignment/Small group activities/Class presentations</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>		√	√	√	
<p>Guided research</p>	<ul style="list-style-type: none"> <li>• Reading assignments will be given before and after each lecture.</li> <li>• The progress of individual research for the compulsory coursework assignment may be monitored by interim submissions of bibliographies, table of contents, drafts etc.</li> </ul>			√	√	<p>1 hour/week or a total of 13 hours of guided research</p>

#### 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 participation and individual presentation	√	√	√	√	20% (10% +10%)	
Coursework: Compulsory Assignment	√	√	√	√	30%	
Examination: 50% (duration: 2 hours)						
Examination (Typewritten, Legal materials will be provided.)	√	√	√	√	50%	
					100%	

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 10% of the assessment. 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 asked 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.

The compulsory coursework assignment will consist of a paper of 2500 words maximum including a title page, proper citations in footnotes and a bibliography. The word limit includes 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.

## 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. <u>Performance in interactive small group sessions</u>	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. <u>Assignment</u>	Students will be graded on their understanding and application of the law, as well as their ability to provide the reader with evidence of a persuasive legal argument. Logic, use, application and understanding of case law will also be graded.	High	Significant	Moderate	Basic	Not even reaching basic levels
3. <u>Examination</u>	The examination will test students' ability to apply legal principles to problem style questions on topics not covered in the assignment.	High	Significant	Moderate	Basic	Not even reaching basic levels

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

#### 2.2 Additional Readings

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

1.	Bernstein, Duff & Green, <i>A Globally Integrated Climate Policy for Canada</i> (Toronto: University of Toronto Press, 2007).
2.	Chayes & Handler Chayes, <i>The New Sovereignty: Compliance with International Regulatory Agreements</i> (Cambridge, MA: Harvard University Press, 1995).
3.	Louka, <i>International Environmental Law: Fairness, Effectiveness, and World Order</i> (Cambridge University Press, 2006)
4.	McGillivray, <i>Blackstone's environmental legislation</i> (6 <sup>th</sup> ed., Oxford University Press, 2006)
5.	Alder and Wilkinson, <i>Environmental Law &amp; Ethics</i> , (Macmillan Press Limited (1999).
6.	Kramer & Fusaro, <i>Energy and Environmental Trading: US Law and Taxation</i> (Cameron: 2008)
7.	Dixon, McCorquodale and Williams, <i>Cases and materials on international law</i> (5 <sup>th</sup> ed., Oxford University Press, 2011)
8.	JCrawford, SC, FBA., <i>Brownlie's principles of public international law</i> (8 <sup>th</sup> ed., Oxford University Press, [2012])
9.	Shaw, <i>International Law</i> (6 <sup>th</sup> 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
- 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 Environmental 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>>