

LW6129E: CHINESE AND COMPARATIVE ENVIRONMENTAL LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Chinese and Comparative Environmental Law

Subject Code

LW - Law

Course Number

6129E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW6129C and LW6129E are equivalent courses.

Exclusive Courses

Nil

Part II Course Details

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.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 app.)		DEC-A2	DEC-A3
1	Identify, analyse and critically explain global environmental problems and how the law may be used to control them.			x	x
2	Analyse, compare and critically evaluate: general principles of public international law through the specific example of international environmental law.			x	x
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.		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.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures / seminars	Emphasis will be placed on students' participation in discussion of required readings.	1, 2, 3	3 hours/week or a total of 39 hours of block teaching

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Coursework	1, 2, 3	50	The use of Generative AI tools is not allowed.

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

3

Additional Information for ATs

Exam: The use of Generative AI tools is not allowed.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

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.

Assessment Rubrics (AR)

Assessment Task

Coursework (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

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.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

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.

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Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Coursework (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

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.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Demonstration of understanding of concepts, principles, and theories.

Demonstration of ability to identify legal issues.

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(F) Inadequate

Part III Other Information

Keyword Syllabus

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.

Detailed Syllabus

- a. Review of major environmental problems and potential legal methods for resolving the problems; nature of international law with emphasis on Chinese perspectives.
 - i. Global warming; deforestation; ozone depletion; population; sustainable development; biodiversity; marine pollution.
 - ii. Multilateral Treaties and other agreements: Declaration of the United Nations Conference on the Human Environment; World Charter for Nature; Agenda 21.
- b. Review of the common law approach to environment and environmental protection.
 - i. Nuisance, Trespass and Negligence.
 - ii. Strict Liability, Rylands v Fletcher and recent developments in the Cambridge Water Case.
- c. Review of statutory and regulatory responses to environmental concerns.
 - i. Hong Kong model: noise, water and air pollution control; environmental impact assessment; implications for commercial growth.
 - ii. People's Republic of China model: Environmental Protection Law; impact upon economic reform and development.
 - iii. Comparison with other relevant environmental legal systems.
- d. Structure and Process of International Environmental Law (IEL) with emphasis on Chinese context.
 - i. Basic Principles of IEL.
 1. Sovereignty and the Global Commons; Sustainable Development.
 2. Canada Smelter Cases; Australia- NZ - France Atomic Test Cases; Amoco Cadiz; Bhopal.
 - ii. Review of the Treaty Process and Introduction to Regional Agreements.
 1. Negotiation and Implementation of Multilateral Agreements.
 2. Regional Agreements.
 - iii. International Environmental Agreements.
 1. UN Conference on the Environment and Development, 1992.
 2. The problem of transboundary pollution and acid rain; Pollution of the Global Commons; Protection of the Ozone Layer; Conservation Issues.

Reading List**Compulsory Readings**

Title	
1	Nil

Additional Readings

Title	
1	Books
2	Gary N. Heilbronn, ed., <i>Environmental Law in Hong Kong</i> , (Hong Kong: Hong Kong University Faculty of Law, 1993)
3	Genevra Richardson/Anthony Ogus/Paul Burrows, <i>Policing Pollution: A Study of Regulation and Enforcement</i> , (Oxford: Oxford University Press, 1982)
4	Lester Ross, <i>Environmental Policy in China</i> , (Bloomington: Indiana University Press, 1988)
5	Lester Ross/Mitchell A. Silk, <i>Environmental Law and Policy in the People's Republic of China</i> , (New York: Quorum Books, 1987)
6	Michael R. Molitor, ed., <i>International Environmental Law: Primary Materials</i> , (Deventer/Boston: Kluwer Law and Taxation Publishers, 1991)
7	Luigi Campaglio, et al, <i>The Environment After Rio: International Law and Economics</i> , (London: Graham & Trotman/Martinus Nijhoff, 1994)
8	P. W. Burnie/A. E Boyle, <i>International Law and the Environment</i> , 2nd ed., (Oxford: Oxford University Press, 2002)
9	Philippe Sands/Paolo Galizzi, eds., <i>Documents in International Environmental Law</i> , 2nd ed., (Cambridge: Cambridge, 2004)
10	R.D. Manro/J.G. Lammers, <i>Environmental Protection and Sustainable Development: Legal Principles and Recommendations</i> , (London: Graham & Trotman/Martinus Nijhoff, 1986)
11	Vadclav Smil, <i>China's Environmental Crisis: An Inquiry into the Limits of National Development</i> , (New York: M.E. Sharpe, 1993)
12	Wang Xi, <i>Chinese Environmental Law In Action</i> , (China: China Today Press, 1992)
13	Documents
14	Antarctic Treaty, 1959
15	ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985
16	Convention for the Prevention of Pollution by Ships (MARPOL), 1973
17	Convention on Biodiversity, 1992
18	Convention on Climate Change, 1992
19	Convention on the Prevention of Marine Pollution by Dumping Waste and other Matter (London Dumping Convention) 1972
20	Convention to Regulate International Trade of Endangered Species of Flora and Fauna, 1973
21	Declaration of the United Nations Conference on the Human Environment (Stockholm Convention), 1972
22	OECD Principles Concerning Transfrontier Pollution, 1974
23	Rhine Chemicals Conventions, 1976
24	Rio Declaration of Environment and Development, 1992
25	The Manila Declaration on the ASEAN Environment, 1982
26	Montreal Protocol on Substances that Deplete the Ozone Layer, 1987
27	United Nations Convention on the Law of the Sea, 1982
28	Vienna Convention for the Protection of the Ozone Layer, 1985
29	WCED Experts Group on Environmental Law, General Principles Concerning Natural Resources and Environmental Resources, 1987
30	World Charter for Nature, 1982 (UN General Assembly Res. No. 37/7)