

LW6149E: ENERGY AND ENVIRONMENTAL LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Energy and Environmental Law

Subject Code

LW - Law

Course Number

6149E

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

LW6959 Energy and Environmental Law

Exclusive Courses

Nil

Part II Course Details

Abstract

This course aims to

- a. 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.
- b. 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;
- c. 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;
- d. Conduct advanced legal research in this area by identifying and using sources appropriate for high-level professional and/or post-graduate academic legal work.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 DEC-A2 DEC-A3 app.)			
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	x	x	
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 independent opinion for resolution of environmental claim.	30	x	x	x
3	Critically assess and evaluate opinions by courts and international scholarship on various environmental principles and rules and develop their own independent thesis.	20	x	x	
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	x	x	x

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 - 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 understanding of environmental law and its operation in practice.	1, 2, 3, 4	3 hours/week or a total of 39 hours of teaching

2	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.	1, 2, 3, 4	3 hours/week or a total of 39 hours of teaching
3	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.	1, 2, 3, 4	3 hours/week or a total of 39 hours of teaching

Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Class interaction (including: Q&A session)	1, 2, 3, 4	10	The use of Generative AI tools is not allowed.

2	Group Presentation	1, 2, 3, 4	20	The use of Generative AI tools is not allowed.
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Continuous Assessment (%)

30

Examination (%)

70

Examination Duration (Hours)

2

Additional Information for ATs

Examination (Typewritten): The use of Generative AI tools is not allowed.

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 examination and an overall mark of 40% in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to the Internet.

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

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

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to the Internet.

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 10% 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 20%. Students will receive comments from the course leader. Other students are also encouraged to provide the feedback to presenter(s).

The remaining 70% 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.

Assessment Rubrics (AR)**Assessment Task**

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

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-) Excellent student performance with respect to the achievement of the applicable CILOs.

Good

(B+, B, B-) Good student performance with respect to the achievement of the applicable CILOs.

Fair

(C+, C, C-) Fair student performance with respect to the achievement of the applicable CILOs.

Marginal

(D) Marginal student performance with respect to the achievement of the applicable CILOs.

Failure

(F) Student failed to achieve the applicable CILOs.

Assessment Task

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

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-) Excellent student performance with respect to the achievement of the applicable CILOs.

Good

(B+, B, B-) Good student performance with respect to the achievement of the applicable CILOs.

Fair

(C+, C, C-) Fair student performance with respect to the achievement of the applicable CILOs.

Marginal

(D) Marginal student performance with respect to the achievement of the applicable CILOs.

Failure

(F) Student failed to achieve the applicable CILOs.

Assessment Task

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

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-) Excellent student performance with respect to the achievement of the applicable CILOs.

Good

(B+, B, B-) Good student performance with respect to the achievement of the applicable CILOs.

Fair

(C+, C, C-) Fair student performance with respect to the achievement of the applicable CILOs.

Marginal

(D) Marginal student performance with respect to the achievement of the applicable CILOs.

Failure

(F) Student failed to achieve the applicable CILOs.

Assessment Task

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

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) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Not even reaching basic levels

Assessment Task

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

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) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Not even reaching basic levels

Assessment Task

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

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) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Not even reaching basic levels

Part III Other Information

Keyword Syllabus

- Environmental law
- International governance and the formulation of environmental law and policy
- Climate change law and policy
- Protection of the marine environment
- The evolution of energy law and regulation
- Renewable energy law and policy
- The nexus between environmental law and energy law
- Trade, energy and the environment
- Environmental protection and low-carbon energy transition in the 21st century

Reading List

Compulsory Readings

Title	
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)

Additional Readings

Title	
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).
10	Journals
11	Yearbook of International Environmental Law
12	Yearbook of European Environmental Law
13	Journal of Environmental Law
14	Harvard Environmental Law Review
15	Transnational Environmental Law
16	Ecology Law Quarterly
17	American Journal of International Law
18	European Journal of International Law
19	International and Comparative Law Quarterly
20	Chinese Journal of International Law
21	Columbia Journal of Environmental Law
22	Fordham Environmental Law Journal
23	Stanford Environmental Law Journal
24	Virginia Environmental Law Journal
25	Journal of World Energy Law & Business
26	Climate Law
27	Asia Pacific Journal of Environmental Law
28	Online Resources
29	World Legal Information Institute : http://www.worldlii.org/United Nations
30	Environnemental Documentation : http://www.un.org/Depts/dhl/resguide/specenv.htm
31	United Nations Environmental Programme: http://www.unep.org/
32	United Nations Statistics Division - Environmental Statistics: http://unstats.un.org/unsd/environment/default.htm
33	International Energy Agency: https://www.iea.org/
34	International Renewable Energy Agency https://www.irena.org/
35	World Resource Institute: https://www.wri.org/
36	Sustainable Energy for All: https://www.seforall.org/
37	Natural Resources Defence Council: https://www.nrdc.org/
38	Renewable Energy 21: https://www.ren21.net/
39	Bloomberg New Energy Finance: https://about.bnef.com/
40	United Nations Framework Convention on Climate Change: https://unfccc.int/
41	European Parliament Environment Committee: http://www.eea.europa.eu/themes/policy/links/Link1094717137
42	The Environment Directory: http://www.webdirectory.com/
43	Grantham Research Institute on Climate Change and the Environment: https://www.lse.ac.uk/granthaminstitute/
44	Columbia Centre on Global Energy Policy: https://www.energypolicy.columbia.edu/
45	Atlantic Council (Energy & Environment): https://www.atlanticcouncil.org/issue/energy-environment/page/2/

46	Centre for Strategic & International Studies (Energy Security & Climate Change): https://www.csis.org/programs/energy-security-and-climate-change-program
47	Relevant Podcasts
48	Political Climate
49	Energy Gang
50	Energy Policy Now
51	The Interchange
52	Energy 360
53	Columbia Energy Exchange
54	DNVGL
55	Citation Manual
56	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 >