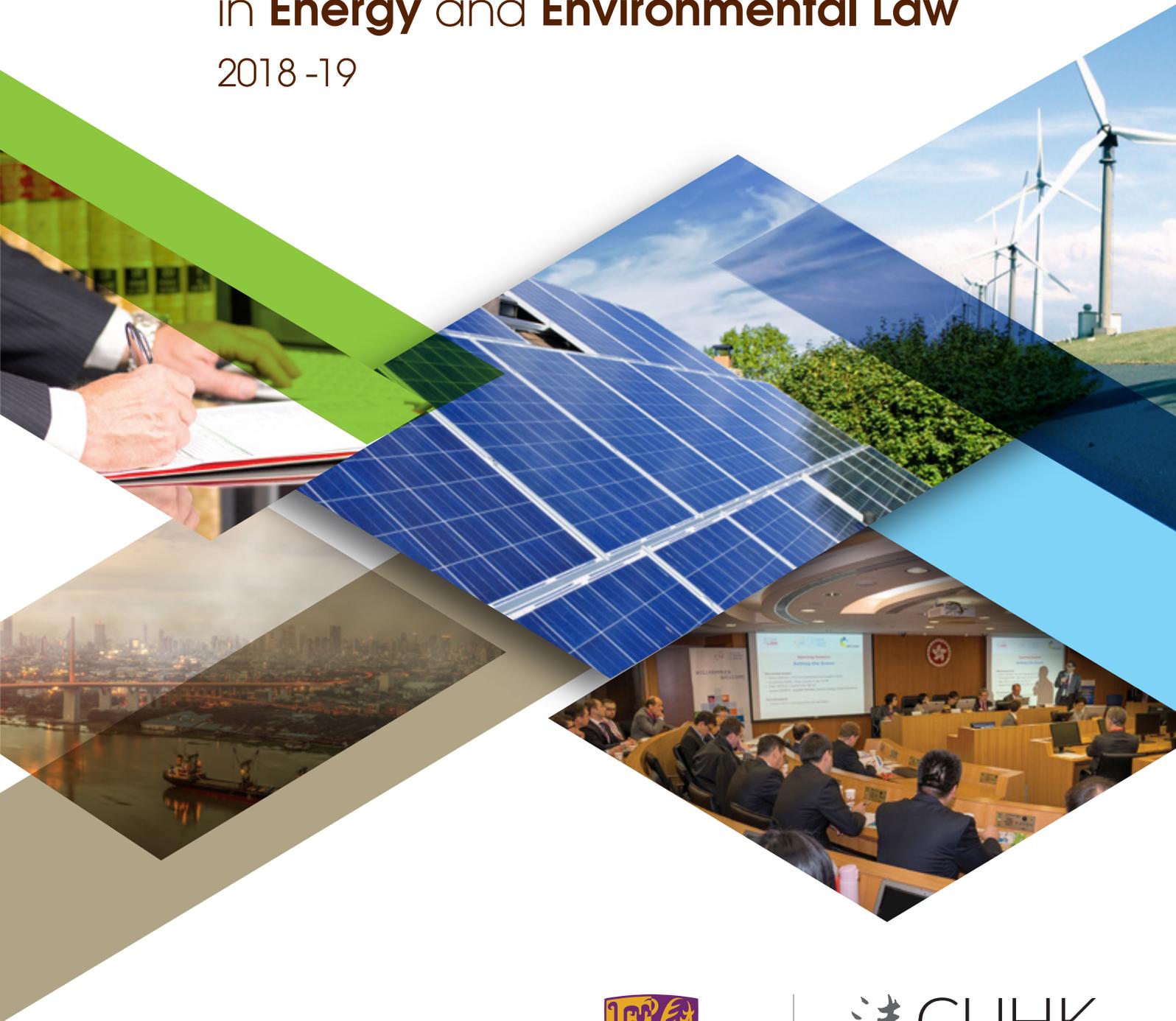


# FACULTY OF LAW

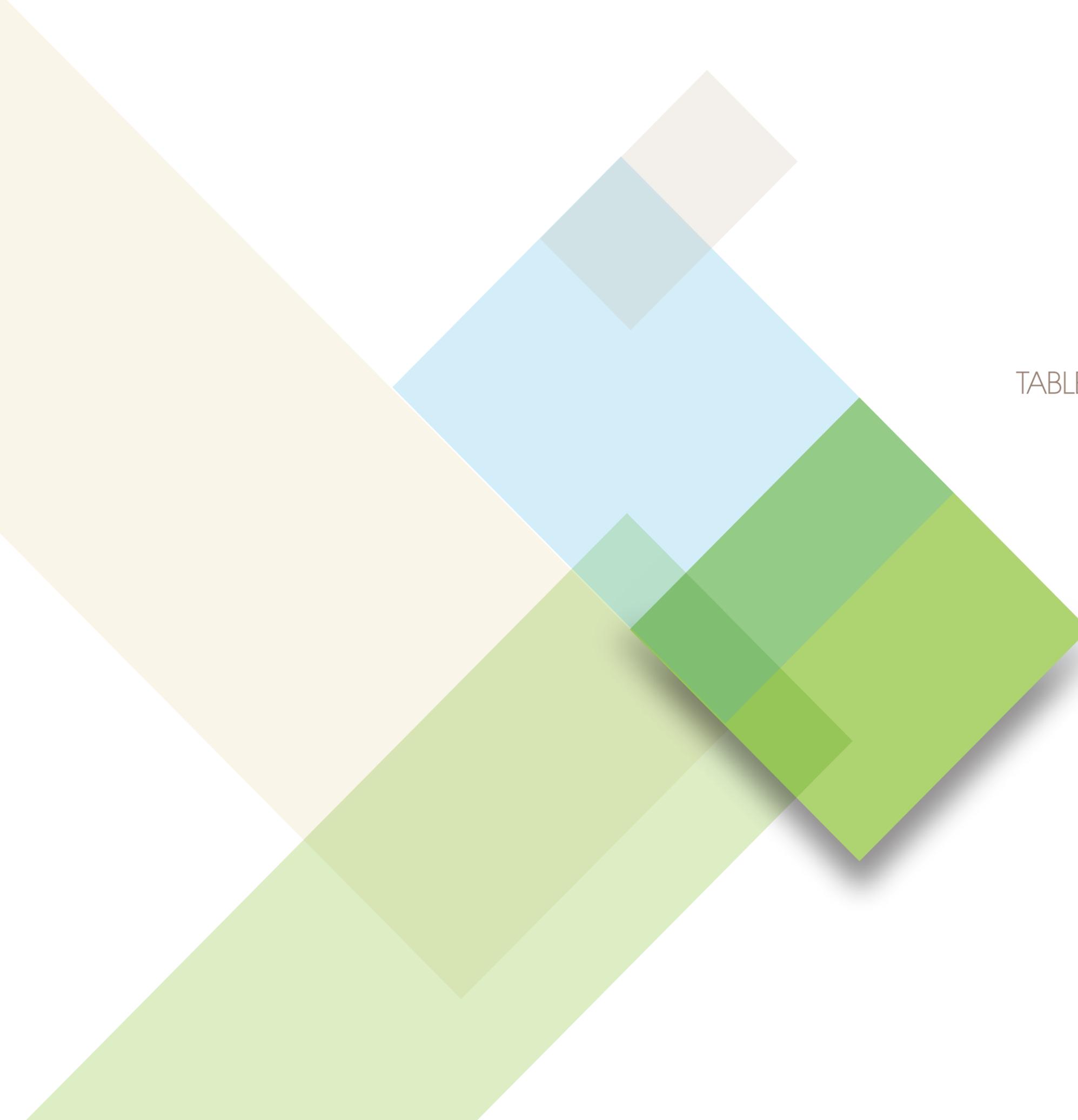
MASTER OF LAWS (LLM)  
in **Energy** and **Environmental Law**

2018 -19



法律 CUHK  
LAW

THE CHINESE UNIVERSITY OF HONG KONG  
香港中文大學



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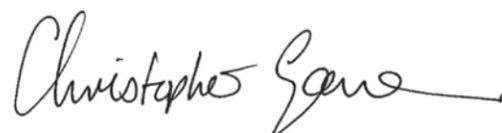
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## WELCOME MESSAGES

Energy is the “lifeblood” of the economy, but generates increasingly acute environmental challenges (such as climate change, local air pollution and water scarcity). Globally, “the currently observed changes to the Earth System are unprecedented in human history,” according to the United Nations Environmental Programme. Massive investment is needed to re-orient the global economy – and in particular energy systems – towards more secure and sustainable patterns. For instance, energy security is at the center of China’s Belt and Road interconnectivity initiative. The law plays an essential role in ensuring the reliable and secure functioning of the strategic energy industry in an environmentally friendly way. Energy law and environmental law are increasingly important legal disciplines because they directly concern the ability of society to deliver sustainable development. Countries around the world are establishing specific laws and regulations to achieve their energy security and environmental protection objectives.

The LLM in Energy and Environmental Law at The Chinese University of Hong Kong is the first programme specifically dedicated to the legal aspects of energy security and sustainability in the region. Hong Kong is a unique place to study the law applicable to energy investment, energy trade and the environment. China is a key player in the energy and environmental landscape of the 21<sup>st</sup> Century, and Hong Kong – as financial center – is central to the implementation of the region’s energy and green investment policy. In reaction to the demand of the private and public sector, an increasing number of lawyers and law firms specialise in the field of energy, environmental and infrastructure law.

The LLM in Energy and Environmental Law aims to meet the demand for lawyers with expertise in energy, environmental and infrastructure law by providing an intensive course focusing on energy projects, the promotion of clean energy investments, local air quality, global warming and more generally the law applicable to energy security and sustainable development. Besides purely legal subjects, students have the possibility to take courses on the policy and management aspects of energy and natural resources.



*Christopher Gane*  
*Simon F.S. Li Professor of Law and*  
*Dean, Faculty of Law*

Thank you for your interest in the LLM in Energy and Environmental Law Programme.

Energy and environmental law concerns sectors of vital importance for contemporary society. Specialised lawyers are needed to help governments, companies and civil society ensure energy security and address the challenges of climate change and environmental degradation. According to the Intergovernmental Panel on Climate Change, “annual investments in low carbon electricity supply and energy efficiency are projected to rise by several hundred billion dollars per year before 2030.” For young lawyers, the field of energy and environmental law offers great professional opportunities and the potential to make a difference.

With its focus on China, and more generally on East and South East Asia, the LLM in Energy and Environmental Law Programme provides a unique perspective to the study of energy and environmental law. China is the world’s largest energy consumer and producer. China is also the world’s top emitter of greenhouse gases that faces acute local environmental problems. In the region, many countries need to secure investments in energy production and transportation to ensure secure and sustainable energy supply. In China and the region, massive investments are made in clean energy production. According to the People’s Bank of China, “achieving national environmental goals during the 13<sup>th</sup> Five-Year Plan period will require an annual investment of at least 2 trillion Chinese yuan (US\$320 billion) into environmental protection, energy efficiency, clean energy, and clean transportation.”

The LLM in Energy and Environmental Law Programme offers specialised training in the legal aspects governing energy trade and investments, including the regulation of energy markets, the drafting of energy contracts and project finance agreements, and the resolution of cross-border energy trade and investment disputes. It gives you a deep understanding of the functioning of energy systems (electricity, natural gas, oil, coal, renewable energy) and the role of law in ensuring energy security and environmental protection at the local and global level.

We look forward to sharing with you our passion and expertise in these fields.



*Anatole Boute*  
*Associate Professor*  
*Admission Coordinator, Master of Laws in Energy and Environmental Law*  
*Faculty of Law*



## PROGRAMME AIMS

The LLM in Energy and Environmental Law aims to offer students an in-depth understanding of the legal aspects governing the key challenges of energy security and environmental protection. Students are trained for practice in the areas of energy investment and trade, project finance and infrastructure development, clean energy and climate change mitigation, with a focus on the specific energy and sustainability challenges of the Asia-Pacific region. The courses build on the expertise in energy and environmental law and investment and trade law at CUHK, and benefit from the participation of leading international practitioners in the field of energy and environmental law.

# PROGRAMME REQUIREMENTS

The Programme consists of 24 units. Most courses comprise 3 units with three teaching hours per week. Students are required to complete 12 units of Required Courses and 12 units of Elective Courses. Students may enroll in full-time or part-time mode of study. Full-time students can complete the Programme in 1 year. Part-time students can complete the Programme in 2 years. Students must meet the minimum cumulative GPA required by the University before they may graduate.

## REQUIRED COURSES

- International and Comparative Energy Law
- Principles of Environmental Law
- International and Comparative Environmental Law
- Project Finance and Infrastructure Law

## ELECTIVE COURSES

- Chinese Environmental Law
- Clean Energy and Climate Law
- Disaster Law
- Dispute Resolution in the Natural Resources and Energy Sector
- Financial Markets: Law and Operation
- Oil and Gas Law

## REQUIRED COURSES

### International and Comparative Energy Law

This course looks at the legal responses to the challenge of energy security at the global, regional and national level. Besides the regulation of energy investment and energy trade, the course examines the liberalisation of energy markets (i.e. the opening of energy markets to competition).

### International and Comparative Environmental Law

This course studies the policy instruments, legal principles and strategies to address the main regional and global environmental problems at present. Subjects of study include climate change, waste management, local air pollution, marine pollution and loss of biodiversity.

### Principles of Environmental Law

This course deals with the main principles underlying the regulation of the environment, with a focus on Hong Kong. The course critically studies the effectiveness of the Hong Kong legal system in the prevention of environmental harm and the enforcement of environmental law.

### Project Finance and Infrastructure Law

This course introduces the legal principles governing the realisation of infrastructure investments, with a focus on the energy sector. The course explores the legal aspects of project finance, including the structuring of public private partnerships, the interrelation between financial institutions and investors, the negotiation and conclusion of energy purchase agreements.



*The course International and Comparative Energy Law provides a comprehensive study of the many contemporary issues facing the energy industry. From international issues of cross-border energy trade and investment to domestic energy market reform, this course provides a useful foundation to students to engage in meaningful legal discourse with a range of energy industry participants.*

#### Jason LO

Juris Doctor Student



*The course International and Comparative Environmental Law covered a wide spectrum of global environmental issues and transnational environmental disputes, which were discussed thoroughly along with foundational international principles and practices. With respect to the issues of climate change and global awareness of issues of sustainability, the course gave me the relevant professional knowledge to develop my career.*

#### Esther YU

Juris Doctor Student



*Principles of Environmental Law has been well-structured to introduce students to the major areas of environmental regulations and policies, both in Hong Kong and at an international level. Students can expect a highly stimulating and interactive syllabus serving not only to teach, but also to inspire.*

#### Kelvin LEE

Juris Doctor Student

## ELECTIVE COURSES

### Chinese Environmental Law

This course introduces the basic environmental legal concepts, principles and mechanisms in Chinese law, considers the dynamic interaction between economic development and environmental protection in China, and investigates the development and operation of Chinese environmental law, with a focus on law-making, regulatory control and judicial remedies in both preventing and remedying the harm of air pollution, water pollution and solid waste contamination.

### Clean Energy and Climate Law

This course introduces the legal principles governing the international approach to climate change mitigation and adaptation, and introduces the main concepts relating to the regulation of investments in clean energy production and trade in clean energy products. Besides climate change law, topics covered by this course include the support of clean energy technologies, the access of clean energy producers to the network infrastructure, contracts governing the trade in clean energy.

### Disaster Law

This course concentrates on the links between environmental law, climate change and the regulation of domestic and cross-border energy undertakings from the perspective of disaster risk reduction. What can comparative and international environmental law contribute, at a time when: (i) climate change will almost certainly increase the risks posed by the natural environment; and (ii) the energy industries are operating in more remote and environmentally pristine (e.g. the Arctic) regions?

### Dispute Resolution in the Natural Resources and Energy Sector

This course studies the law applicable to the resolution of energy disputes, with a focus on investment arbitration and commercial dispute settlement. The rapid increase in the number of arbitral awards and trade-related decisions in the energy industry has highlighted the crucial importance of investment, trade and commercial law for the energy industry.

### Financial Markets: Law and Operation

This course examines the growth of securities markets in Hong Kong against the theoretical backdrop of market structure and quality, addressing recent important topics like high frequency trading, dark pools, distributed ledger technology ('blockchain') and the dramatic growth of available derivatives products and their trading on the markets. Special attention will be given to development of markets in fossil fuels and energy contracts.

### Oil and Gas Law

This course focuses on the means by which the state controls exploitation of its oil and gas reserves. Following a number of introductory lectures, students will participate in interactive seminars considering topics such as: energy security; licensing; upstream taxation; health, safety and environmental regulation; and international maritime boundaries and joint development.



*I strongly recommend the course Chinese Environment Law, as it helped me to reshape my understanding of the role and function of Chinese environmental law with respect to legal doctrine, practical litigation, and regulatory mechanisms. Moreover, it aroused in me a passion as a responsible citizen to participate in the protection of our environment, utilising the law and policy instruments.*

#### XIAO Shanyun

LLM in Chinese Business Law Student



*International and Comparative Energy Law aroused my interest in the energy sector. This course not only provided me with foundational theory but also provided me with the tools to engage in critical analysis of these issues. I will continue following the legal developments in this area and am certainly interested in further enhancing my knowledge in this cutting-edge and critically important area of law. I believe that the newly launched LLM in Energy and Environmental Law Programme will help people shape the new values and knowledge of sustainable development.*

#### ZHANG Zhijin

LLM in International Economic Law Student



*The course International and Comparative Energy Law introduced the students to important aspects of energy law, such as energy security, energy market reform and alternative modes of energy supply. As an M&A lawyer, it was especially important for me to learn about the different facets of investment in the field of energy law and the varied interests of investors and host states. I firmly believe that LLM in Energy and Environmental Law Programme presents a fantastic opportunity for students and legal practitioners to gain advanced knowledge in this field that will provide them with a greater competitive advantage in the crowded legal market.*

#### Dusan OBRADOVIC

LLM in International Economic Law Student

## OTHER ELECTIVE COURSES

In addition to the aforementioned Elective Courses, students may choose, subject to availability and enrolment priority, from a wide range of Elective Courses offered under the LLM Programmes and the JD Programme, including **International Investment Law, World Trade Law, International Commercial Dispute Resolution and International Taxation.**

Students who would like to undertake independent research project in an area of significant personal interest in the field of energy and/or environmental law may choose to take the **Independent Research (3 units) or Independent Research Dissertation (6 units).**

Students may also choose courses offered by respective CUHK departments of the Faculty of Social Science subject to place availability and approval. These courses are delivered at the Shatin Campus. For example, **Economics of the World Energy Markets, Environmental Policy Analysis and Global Resources Energy.**

## EXPERTISE IN ENERGY AND ENVIRONMENTAL LAW



### Professor Anatole BOUTE

Professor Anatole Boute is a member of the Brussels bar (2005-2009), specialising in the field of energy and environmental law, in particular energy market liberalisation, renewable energy and energy tariff regulation. He holds a PhD in law from the University of Groningen (2007-2010), was a Lecturer in Law at the University of Aberdeen Center for Energy Law (2011-2015), and a Legal Advisor to the World Bank Russia Renewable Energy Programme (2011-2016). He is the author of *Russian Electricity and Energy Investment Law* (Leiden/Boston: Brill Nijhoff, 2015).



### Professor David DONALD

Professor David Donald is an expert on the historical development and operational infrastructure of financial markets, and their interrelation with energy markets. He has written on the Hong Kong stock and futures exchanges and the operation of derivative products. He is currently studying "financialisation" - which is how the financial markets affect the real economy and the price of its commodities, including through energy commodity derivatives.



### Mr. Denis EDWARDS

Mr. Denis Edwards has practised and taught law for over 25 years. He represented clients in several leading energy and environmental cases in the UK and advised the UK government in 2012-2013 on the balance of competences between the EU and the Member States in the field of energy law. He has written on the role of judicial review in Environmental Impact Assessments and the protection of habitats. His current interests include the relationship between environmental law and disaster risk reduction.



### Professor Benoit MAYER

Professor Benoit Mayer is an expert in climate change law and international environmental law. His research has focused in particular on the international law on climate change, the concept of climate migration in international law, and the application of customary international law to environmental matters.



### Mr. Mitchell STOCKS

Mr. Mitchell Stocks is a former partner, Project Development and Finance at Latham & Watkins, Hong Kong. He has completed projects in Bangladesh, China, Hong Kong, Philippines, Taiwan and Thailand. His significant accomplishments include representing both Renminbi and US dollar lenders on the project financing of the US\$ 4.3 billion Nanhai Petrochemical complex in China and representing investors or lenders in connection with projects for power, waste-water treatment, telecommunications and aircraft maintenance facilities. He was listed as a leading lawyer in The Asia Pacific Legal 500, The World's Leading Lawyers (Chambers Global), AsiaLaw Leading Lawyers and International Who's Who of Project Finance Lawyers.



### Professor ZHAO Yuhong

Professor Zhao specialises in Chinese environmental law and climate change law and policy. Her research interest covers pollution regulation, environmental tort, public participation, and climate governance. She has published in international refereed law journals on climate change, environmental enforcement, public participation, environmental dispute resolution, environmental impact assessment, and cleanup of contaminated land etc.

## ENDORSEMENTS FROM THE PROFESSIONS

### Mr. Vincent CONNOR

Partner & Head of Hong Kong Office  
Pinsent Masons

In the context of increasing investment in energy in a range of jurisdictions and consequently the likelihood of disputes which will arise, the need for lawyers specialised in energy and infrastructure law has never been stronger. This LLM Programme provides a great opportunity for learning in these areas.

### Dr. Peter HEFELE

Director  
Konrad-Adenauer-Stiftung (KAS) Regional Energy Security and  
Climate Change (Asia Pacific) Project

Tackling the issues of energy security and climate change are crucial in Asia's next step of development. National and international law is indispensable in creating incentives for sustainable development, preventing regional and global conflicts and enhance transborder cooperation.

The new Master Programme strengthens Hongkong's role as an international hub of academic and professional exchange – and as a bridge between Asia and Europe.

### Professor Kaj HOBÉR

Professor, Uppsala University  
Chair, SCC Arbitration Institute  
Associate, 3 Verulam Buildings

Energy security and climate change are the key challenges of the 21<sup>st</sup> Century. By providing intensive training in the legal aspects of energy supply and environmental protection, the LLM in Energy and Environmental Law Programme contributes to addressing these challenges.

### Ms. May TAI

Partner  
Herbert Smith Freehills  
Hong Kong

With the growth of cross-border energy deals and disputes, and concerns over climate change driving growth in renewable energy, specialised practitioners and academicians in energy law are more in demand than ever. Our energy clients require the lawyers that advise them to have a solid understanding of their business and the particular legal challenges that they face.

### Mr. ZHANG Libin

Partner, Broad & Bright  
Deputy Director, Peking University Energy Law and  
Policy Research Institute

The LLM in Energy and Environmental Law is a unique programme for lawyers to gain expertise in fields of law of increasing importance. Specialised lawyers are urgently needed to contribute to addressing the energy, environmental, climate and infrastructure challenges of the 21<sup>st</sup> Century.

## INTERNATIONAL COOPERATION

In addition to the expertise within CUHK Law, the LLM in Energy and Environmental Law Programme benefits from the participation and support of international experts in the field of energy, environmental and infrastructure law. These experts include practising lawyers of leading law firms and scholars from renowned academic institutions in Hong Kong, Beijing, Sweden and the United Kingdom.



## LEARNING ENVIRONMENT

All LLM Programmes are taught at the CUHK Graduate Law Centre. The LLM students have this in common with other graduate students in the Faculty studying on the JD and PCLL courses, creating a mature and professionally oriented environment. The CUHK Graduate Law Centre is located at 2/F, Bank of America Tower, Central. Within only a few minutes' walk can be found the High Court and the appellate courts, the major business centres and many of the other attractions and amenities for which Hong Kong is famous. Facilities at the CUHK Graduate Law Centre include lecture theatres, seminar rooms, breakout rooms, the Warren Chan Moot Court, a computer laboratory, a student common area with additional computer work stations, and a Legal Resources Centre.

## APPLICATION FOR ADMISSION

Applications should be submitted online. For details, please visit the website of the University's Graduate School at <https://www.gs.cuhk.edu.hk>. Applicants should read the "Notes for online application" on the website of the Graduate School before submitting an application.

Applicants are required to provide copies of certificates as evidence that they have met the Admission Requirements. Applications will not be considered until all the required documents have been received.

While it is not a formal requirement, applicants may provide a personal statement not exceeding 500 words. The personal statement should address the applicant's reasons for wishing to join this LLM Programme.

There is a non-refundable application fee of HK\$300.

Applications will be processed on a rolling basis until all places have been filled, thus early applications are strongly encouraged. Applications received after 13 April 2018 may still be considered subject to the availability of places.

## ADMISSION REQUIREMENTS

Applicants must have:

1. a qualification to practise law in the jurisdiction of the student's residence; or
2. a Bachelor of Laws (LLB) degree or a degree of equivalent standing; or
3. a Bachelor's degree in a non-law subject with substantial law-related working experience.

As many areas of professional activity are related to law, we welcome applications from applicants who work in the areas of energy, environmental preservation, public administration, and similar relevant fields.

Applications can be made before completion of an undergraduate degree, provided that the applicant is in the final year of study. In this situation, any offer will be conditional upon successful completion of the undergraduate degree, and satisfaction of the other admission requirements, prior to enrolment in this LLM Programme.

Applicants whose undergraduate studies were not conducted and assessed in English are required to take an appropriate English language proficiency test and achieve a sufficient score, such as a score of 570 or above in TOEFL (Paper Based Test), 88 or above in TOEFL (Internet-Based Test); Band 6.5 or better in IELTS; or equivalent. The test results must be obtained not more than two years prior to the date of applying to join this LLM Programme.

For more information about the General Admission Requirements and the English Language Proficiency Requirement prescribed by the University's Graduate School, please visit their website at <http://www.gs.cuhk.edu.hk>.

## TUITION FEE \*

The tuition fee for 2017/18 is HK\$5,000 per unit for a total of 24 units within the normative study period. The tuition fee for 2018/19 is to be announced.

\*subject to annual review



## SCHOLARSHIP AND INTERNSHIP OPPORTUNITIES

The Regional Project Energy Security and Climate Change Asia-Pacific (RECAP) of the Konrad-Adenauer-Stiftung (KAS) is committed to support students who will shape the Asian energy and climate politics as future decision makers. In this sense, RECAP is very pleased to cooperate with CUHK Law and support the LLM in Energy and Environmental Law programme by providing individual scholarships and internship opportunities. KAS is aimed at mutual exchange of ideas and experiences. The goal of KAS is to establish long-term relationships with the alumni/ae, who will become part of the global network of KAS. KAS is a Political Foundation in Germany, funded by the German Parliament. KAS offers political education in Germany and in more than 80 countries to forward political and civil engagement, peace, freedom and justice. RECAP is based in Hong Kong SAR / PR China and supports the political dialogue in the Asia-Pacific region and with Europe concerning challenges of energy security and climate change. For further details of KAS and RECAP, please refer to [www.kas.de/recap/en/](http://www.kas.de/recap/en/) or email to [recap@kas.de](mailto:recap@kas.de) for more information.

For details of scholarship and internship opportunities, please contact the Faculty of Law.



## CONTACT US

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Shatin, New Territories, Hong Kong

Website: <http://www.law.cuhk.edu.hk>

Facebook: CUHK Law

LinkedIn: CUHK Faculty of Law

This brochure contains information as at August 2017. The University has the right to change its rules, regulations and procedures at any time.



香港中文大學  
The Chinese University of Hong Kong