# FACULTY OF LAW

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







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## Welcome Messages

The Faculty of Law of The Chinese University of Hong Kong (CUHK LAW) was established in 2004. With an emphasis on very practice-oriented programmes delivered by first-class professors from over 20 different jurisdictions, the adoption of innovative teaching methods and last but not least the recruitment of a highly qualified student body, CUHK LAW has moved from strength to strength. The outstanding quality of our taught programmes is globally acknowledged and evidenced by collaborations with many leading law schools in the world. The research conducted by our professors and by our research students meets the highest standards and generates significant impact. We are proud that CUHK LAW is on a regular basis ranked amongst the top 50 law schools in the world. We are providing a truly global learning environment. In 2018 CUHK LAW was ranked by The Times Higher Education ranking exercise as the most international law school worldwide.

In the past decades issues regarding energy and the environment have gained global attention as they concern the future of nations and of the world as a whole. CUHK LAW is proud to have established the LLM in Energy and Environmental Law (LEL) programme which addresses these important themes from a legal point of view with the express goal for students to turn knowledge into legal practice. Taught by world-leading experts in their respective fields at the CUHK Graduate Law Centre in Hong Kong's Central business district, the LEL programme has gained international recognition within a very short period of time. Our LEL students are equipped with knowledge and skills which enable them to take up leadership positions in the areas of energy and environmental law for the benefit of the society as a whole.

We are CUHK LAW! If you recognize the importance of legal issues related to energy and the environment at domestic, regional and international levels and if you wish to gain special legal expertise in these important areas through an elite study scheme then join our LEL programme.

Professor Lutz-Christian Wolff Wei Lun Professor of Law 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
Professor
Programme Director
Master of Laws Programmes
Faculty of Law



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Hao Zhang Assistant Professor Deputy Programme Director Master of Laws in Energy and Environmental Law Faculty of Law

## **CUHK Faculty of Law**

CUHK Faculty of Law ranked 39<sup>th</sup> amongst 300 law schools worldwide in the "QS World University Rankings by Subject 2019: Law"

Enriched by the intellectual and cultural heritage of its University and at the heart of the legal system, the Faculty of Law brings together common law and Chinese law with other great legal traditions and values to promote justice and safeguard the rule of law.

An international family of research-led scholars creates a dynamic, flexible learning environment. Students are encouraged to develop a deep and critical understanding of legal theory and practice. Graduates will possess the intellectual skills and ethical values to enable them to become future leaders and better serve the needs of the community.

Supported by world class research, the Faculty of Law provides a flexible, learner-centred environment in which students are actively engaged and prepared for distinction in the legal profession and for leadership roles in Hong Kong, China, and internationally.

The Faculty is building strong and enduring links with alumni and friends so that law students are educated and fully equipped for successful careers in the legal profession, government, business, and industry.



## 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.



## **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 one year. Part-time students can complete the programme in two years. Students must meet the minimum cumulative GPA required by the University before they may graduate.

#### **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 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.

# Through this course, I have developed some good understanding about the energy market development in different countries, as well as the key issues surrounding energy security, cross-border energy transit, foreign energy investment and world energy trade. This course will help students improve their analytical skills and gain more knowledge regarding the concerns of investors and host states with respect to energy investment projects.

#### LIU Shan

LLB(Yanbian), LLM(CUHK)



The course International 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**

Dual BS(ISU), MSc(HKBU), JD(CUHK), LLM(HKU)



#### **Project Finance and Infrastructure Law**

This course introduces the legal principles governing the development and financing of infrastructure projects, 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, investors and other actors, and the negotiation and drafting of energy purchase agreements and other key project and finance documents.

This course gives students a very practical and on-hands opportunity to deal with the nitty-gritty details of legal agreements between various parties in energy infrastructure projects. During the course, students learn how to provide in-depth and accurate legal advice, as well as how to draft complex contract agreements between various parties. Whilst a challenging course, one can be assured that the course is led by very experienced members of the Faculty.

### Philip YUE

#### **Elective Courses**

#### **Chinese Energy Law**

This course will introduce energy law and regulation in China with a focus on the governance and regulatory systems that underlie each type of energy supply, such as electricity, coal, oil and gas. Attention will be devoted to the green economic transition and its associated legal and regulatory systems in China, including renewable energy law, energy efficiency regulation and energy conservation law. The regulatory issues surrounding China's outbound energy investment and some emerging regulatory issues in China's energy sector will also be addressed.

#### **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.

#### **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 **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, **Environmental Policy Analysis and Global Resources and Energy**.



I strongly recommend the course Chinese Environmental 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**

BEc & LLB (SCNU), LLM (CUHK), PhD candidate (CityUHK)



The course stimulated my interest in the field of energy law, especially with respect to legal solutions to the energy market reform. I would highly recommend this course not only to those who are interested in energy law, but also to those who want to gain a better understanding about the investment and trade law.

#### **WU Lan**

LLB (Jinan), LLM (CUHK)

## Site Visits

Taking into account the importance for energy and environmental lawyers to understand the basic principles of energy systems and environmental protection measures, the LLM in Energy and Environmental Law Programme organizes various visits to important energy and environmental sites. These site visits may include:

- China Light and Power (CLP) Castle Peak Power Station (4,108MW coal-fired power station);
- CLP Power Low Carbon Energy Education Centre;
- Guangdong Daya Bay Nuclear Power Plant;
- T-Park waste-to-energy facility; and
- Water treatment works.



Guangdong Daya Bay Nuclear Power Plant



GUAN Zecheng
LLB (Shenzhen), LLM (CUHK)

The energy and environmental law is a brand new program. As a first-year student, I highly recommend this program. The program not only focuses on external energy security issues, such as energy dispute settlement and energy investment, but also focuses on the reform of China's internal energy market, broadening students' horizon and laying a foundation for students who wish to pursue a career in this area. The lecturers are responsible and quickly answer student's questions in class and after class. In addition, this program is funded by the Sunshine Law Firm, which offers scholarships and iob opportunities.



ZHANG Wei

I was awarded a scholarship offered by Sunshine Law Firm that gave me the opportunity to join the LLM programme in Energy and Environmental Law at CUHK. It was a highly fruitful one-year learning experience. I would recommend this programme to anyone wanting an in-depth study in the legal theory and the practice of professional lawyering in the energy and environment field. Combined with various tours to major energy infrastructure sites in Hong Kong, the programme's courses help me to gain a better understanding of the world's energy outlook and the interaction between sustainable development and the path to clean energy transition. The programme also gave me a wonderful opportunity to network with people both in the academic field and the private sector.

## 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.



#### 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.



#### Professor ZHANG Hao

Professor Zhang holds a PhD from Melbourne Law School, the University of Melbourne in Australia. His research focuses on Chinese and comparative energy and climate law and has published widely on these topics. He serves as the associate editor for the refereed journal – Climate Law.



#### 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.



#### Professor Dr. Kaj HOBÉR, Visiting Professor (honorary)

Professor Dr Hobér is a Professor of International Investment and Trade Law at Uppsala University and the Honorary Visiting Professor at CUHK. He has been Chairperson of the board of the Arbitration Institute of the Stockholm Chamber of Commerce since 2016. He is also widely regarded as an arbitrator and has been appointed to panels of large scale arbitral disputes in more than 200 international arbitrations, commercial as well as treaty based, (including many chairmanships) across a variety of tribunals which include the SCC, ICC, ICISD and the LCIA, amongst others. He is an associate member of 3 Verulam Buildings, Gray's Inn, London with 35 years of experience in private practice in the area of international dispute settlement.



#### Professor John PATERSON, Visiting Professor (honorary)

Professor Paterson is one of the co-founders of the Centre for Energy Law at the University of Aberdeen. He has been involved in a range of international multidisciplinary projects in research, teaching, consultancy and training in the field of energy law. He co-edits UK Oil and Gas Law: Current Practice and Emerging Trends, now in its 3rd edition, and has published and presented widely in the field.

## **Endorsements from the Professions**

#### Ms. CHEN Zhen

Founding Partner, Sunshine Law Firm Vice Chairperson, Energy Law Academy of China Law Society

The CUHK LLM Programme is the first international master programme in China in Energy and Environmental Law. The rapid energy and economic development in China and elsewhere in the world amidst the growing global concern for climate change requires legal practitioners to be environmentally savvy as well as being proficient in their normal legal practice. Legal practitioners will need to develop skills to be able to identify and help address environmental issues whether they practise in the contentious or non-contentious areas. I believe the CUHK LLM Programme will make a great contribution in building a future talent pool to effectively handle clients' requirements to address environmental issues.

#### 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. Christian HÜBNER

#### Director

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

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-Pacific and Europe.

#### Professor Dr. Kaj HOBÉR

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

Energy security and climate change are the key challenges of the 21st 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

#### 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 21st 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.



## **Guest Lectures**

The LLM in Energy and Environmental Law Programme organises a series of guest lectures to enrich students' understanding about the topical issues and legal practices related to energy and environmental law. The guest lectures are delivered by prominent and experienced legal practitioners and experts from leading law firms, consultancy and prestige academic institutions to share ideas and practices that help students gain a broader perspective and develop practical insights into areas such as energy security and WTO law, and merger and acquisition transactions in the energy industry. The guest lectures also offer students opportunities to enhance their learning experience by exploring interdisciplinary perspectives and connecting with the dynamic and cutting-edge energy and environmental law community.



Mr. Paul Deemer (Vinson & Elkins RLLP) spoke on "Merger and Acquisition (M&A) Transactions in the Energy Industry".



Dr. Vitaliy Pogoretskyy (Advisory Centre on WTO Law) spoke on "Energy Security under the WTO: A Critical Analysis of the EU - Energy Package Decision".





Anjle GUPTA
BA, MA (Delhi), LLB (JGLS), LLM (C

I have been fortunate to be awarded the Konrad-Adenauer-Stiftung Scholarship from KAS RECAP for LLM in Energy and Environmental Law. The LLM program provides a micro and macro understanding of energy and the relationship between energy and the environment. The lectures are well-organized and well-structured and the faculty offers a large number of elective courses. The faculty hosts diverse and interactive lectures and seminars by visiting professionals which provide an opportunity to engage with various ideas and a invaluable chance to network. Being part of the vibrant culture of Hong Kong has been a culturally enriching experience.



Dixon LAI LLB (Exeter), LLM (CUHK)

The Environmental and Energy LLM provided me with remarkable opportunities to experience international knowledge sharing through participation in two international conferences, both in Environmental and Energy aspects. It has equipped me with the skills and knowledge to confidently pursue a career in the environmental and energy field or a possible Ph.D. in the future. This LLM challenges your understanding of not just law but also draws in aspects of economics and geopolitics that help you understand the complex nature of regulating these areas both locally and internationally.

## Scholarship and Internship Opportunities

### Konrad-Adenauer-Stiftung (KAS)

The Regional Programme 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-KAS 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. In Germany, 16 KAS regional offices offer a wide variety of civic education conferences and events. Our offices abroad are in charge of over 200 projects in more than 120 countries. As a think-tank and consulting agency, our soundly researched scientific fundamental concepts and current analyses are meant to offer a basis for possible political action. RECAP-KAS 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 please refer to www.kas.de/recap/en/ or email to recap@kas.de for more information.



#### Sunshine Law Firm

CUHK has established a close working relationship with Sunshine Law Firm. Sunshine Law Firm has been consistently recognized as a leading PRC law firm in energy and environmental law by Chambers, International Financial Law Review, Asian Legal Business, China Law and Practice, etc. The firm provides scholarships for two LLM students at CUHK in the 2018 academic year and offers these LLM students internship opportunities in the firm's general corporate or M&A practices or with the firm's Environment, Resources and Energy Center in the firm's offices in Beijing, Shanghai, Hangzhou or Guangzhou. For further details of Sunshine Law Firm, please refer to www.sunshinelawfirm.com.



Applicants for the LLM in Energy and Environmental Law Programme will be considered for the above scholarships based on their application materials and interviews with the Donor, if any. Applicants should also submit a personal statement and two reference letters.





# 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/admissions.

## Tuition Fee\*

The tuition fee for 2021/22 is HK\$5,880 per unit for a total of 24 units within the normative study period.

\* subject to annual review

# How to Apply

Applications should be submitted online. For details, please visit the website of the University's Graduate School at https://www.gs.cuhk.edu.hk/admissions/programme/law.

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.

Applicants may provide a personal statement which addresses the applicant's reasons to join this LLM Programme.

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

## **Application Deadlines**

Applications will be processed on a rolling basis until all places have been filled, thus early applications are strongly encouraged. Applications received after 9 April 2021 may still be considered subject to the availability of places.

APPLICATION DEADLINES

29 January 2021 (first round)

26 February 2021 (second round)

9 April 2021 (third round)

## Contact Us

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