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Solicitors & Notaries

URBAN PLANNING AND ENVIRONMENTAL LAW QUARTERLY

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簡家驄律師行 · 城規環保簡訊

The effectiveness of Hong Kong's "command and control" system of environmental protection depends almost entirely on the performance of those government agencies which hold relevant statutory monitoring and enforcement powers. Given the generally poor record of such agencies to date, Hong Kong's environmental and town planning integrity is increasingly reliant on the vigilance and unselfish work of a handful of NGOs, which is the subject of the main article in this edition.

The Editors

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H K OWES A DEBT TO GREEN NGOS

Non-governmental organisations (NGOs)

For many years we have repeatedly – and frequently – been faced with newspaper reports of apparent environmental or town planning breaches which are unchallenged by the responsible enforcement agency.

It is all too (depressingly) common to read of : rivers being raided for their natural rocks; construction waste being dumped in wetlands green-belts or fish ponds (and then, later, an application to build on the area affected being approved); roads constructed illegally in country parks; buildings encroaching on public land; natural habitat (even, of endangered species) being destroyed in the course of construction of a "development"; and so on.

Unfortunately, Hong Kong's various government departments which have jurisdiction over aspects of our natural (and built) environment generally suffer from the same culture of too readily deferring to developers and other land-users, rather than resolutely enforcing such limited environmental protection laws we have in Hong Kong.

To counter officials' inaction (to some extent) Hong Kong depends heavily on the work and commitment of a small number of dedicated members of several NGOs. Friends of the Earth and World Wildlife Fund are two high-profile NGOs whose work is probably well known to most people. However, Hong Kong has, also, a number of smaller, purely local NGOs, which perform a wonderful service in trying to strengthen environmental protection, but whose hard work is largely unknown and often unrecognised publicly.

Green Lantau Association

One such NGO is the *Green Lantau Association* (GLA). As the name implies, GLA primarily focuses on environmental and planning issues on Lantau Island, although it does also become involved in wider Hong Kong environmental concerns.

To provide an insight into GLA's activities, we produce below an abridged version of their Winter Newsletter.

Green Lantau Association – 2009-2010 Winter Newsletter

The GLA 2009-2010 Winter Executive Committee Meeting was held in Cheung Sha on Sunday 21.02.2010. The Association's work in the last quarter was reviewed and items discussed at the meeting are listed below under the Lantau geographical areas of Tai O, Tung Chung, Mui Wo and South Lantau for ease of reference. Non-Lantau items are mentioned at the end of the newsletter.

[Tai O](#)

[Hill fires](#)

Increasingly, the point is being taken that firebreaks are there to be defended so as to contain fires within cemeteries and obviate the need for helicopter intervention. The Islands District Office (DO) has agreed to extend the Pak Shan Cemetery fire break so as to completely enclose this large cemetery. The Government Flying Service is currently taking aerial photographs of major cemetery firebreaks on Lantau Island in order to identify weak points and for subsequent sharing of topographical details with other emergency services.

[Man Cheung Po telecom station](#)

Construction of a new private telecom station on land excised from the Lantau South Country Park in Man Cheung Po has been associated with littering and the formation of an unauthorised vehicular track across vegetated country parkland. GLA has raised this issue with the Agriculture, Fisheries and Conservation Department (AFCD), District Lands Office (DLO) and the Office of the Telecommunications Authority. It is understood that prosecution is being undertaken, although details of the charges have yet to emerge. This is the second time in three years that the construction of a telecom facility within country parkland has caused damage to the surrounding environment. GLA will critically consider all future telecom station proposals.

[Dumping and open burning of recyclable waste](#)

Dumping and open burning of recyclable waste taking place on the shore of Nan Chung Village, Tai O, was reported to the Environmental Protection Department (EPD). The material has since been removed or tidied up. GLA is not opposed to the temporary use of small areas of government land for the purpose of gathering and forwarding recyclables. However, such operations have to be tidy and compact so as to not unduly affect the environment.

Monastery occupies government land

Following complaints from Tai O green group Association for Tai O Environment and Development and GLA, AFCD and DLO have requested the Yan Hing Monastery to remove statues it had erected on government land along the access road to the monastery. In response to a further GLA request, AFCD excavated and removed the concrete pedestals that had been used to support the statues.

Tung Chung**Hong Kong – Zhuhai – Macau Bridge (HZMB)**

GLA has withdrawn its objection to the proposed coastal link road on engineering advice from Highways Department that it is not possible to save the natural coastline near Dragon House.

Separately, the SCMP reported that a Tung Chung woman is seeking judicial review of the decision by the Director of Environmental Protection to issue an Environment Permit for construction of the coastal road. Her grounds are that the Environmental Assessment did not properly consider residual air quality impacts.

Mui Wo**DSD's flood prevention works**

Land-use and engineering difficulties that were explained to GLA during two meetings with the Department of Sewage and Drainage (DSD) in Mui Wo earlier in the winter led to the withdrawal of our objection against the removal of the heavily wooded western bank of the Pak Ngan Heung River where DSD is constructing a flood bypass channel and a fish ladder.

However, DSD undertook to plant at least as many trees on the bank of the channel. As well, the new weir will be constructed downstream instead of upstream of the old weir and gabion walls along the river pool upstream of the weir have been eliminated from the design, as has an intrusive boulder trap. Discussions with DSD on the details of the river channel design are ongoing.

South Lantau**Proposed erection of houses in Green Belt**

The Town Planning Board has approved the redevelopment of 3 more houses in a green-belt zone at Ham Tin, subject to approval of sewerage and landscape plans. As well, at Mong Tung Wan there has been extensive clearing of private land inside green-belt zones; these actions are unfortunately without sanction under the outdated Outline Zoning Plan.

Concreting of boulders near Lai Chi Yuen – South Lantau Road

Both the Highways Department and the Civil Engineering and Development Department (CEDD) have admitted that their boulder stabilisation work was grossly and unnecessarily unsightly. They are now ameliorating this, following a joint site visit with GLA.

Infilling of agricultural land at Pui O

The EPD carried out a detailed follow-up investigation of matters in a GLA report concerning dumping of construction materials in the Pui O wetlands. It was found that while part of the land was privately owned and no enforcement could be taken, one part of the affected area was government land and the case was referred to DLO for removal arrangements. Asbestos pipe debris at the same location would be removed by Water Supplies Department. At another Pui O site it was found that DSD had been storing construction materials and site-waste on agricultural land. At GLA's request, DSD tidied up the site and fenced off the remaining materials.

Mountain bike trial study

We have written at length to AFCD, Home Affairs Bureau and CEDD expressing our:

- qualified support for the sport of mountain biking
- strong request that the government form a comprehensive policy for the sport
- request that government planners consider Hong Kong in totality and not focus simply on Lantau.

Peng Chau Island**CLP concrete mat on Tai Lei Chau shoreline**

There has been no progress on the issue of ameliorating the effects of the power cable landing concrete mats installed by China Light and Power (CLP) on Tai Lei Island. CLP has agreed to consider alternatives and to brief GLA at the next meeting.

Closed Frontier Area

We have submitted comments to the government on two planning studies concerning proposed re-zoning of parts of the Closed Frontier Areas. Our main grounds of objection to the government's proposals are:

- the proposal to zone Long Valley, a recognised conservation area, for "Comprehensive Development" is inappropriate, and
- the failure to propose conservation zones for extensive areas of privately owned land of high conversation importance inside the Frontier Closed Area is a serious weakness of the proposals.

Environmentally friendlier search engine

Ecosia is eco-friendly Internet search engine backed by Yahoo, Bing and the World Wide Fund for Nature (WWF). It works like any other search engine, but **Ecosia** gives at least 80% of its advertising revenue to a rainforest protection program run by the WWF. Because of this, **Ecosia** users can save about two square metres of rainforest with every search they do.

CASSE Information

In its continuing effort to spread awareness of the impossibility of pursuing infinite economic growth on our finite Planet, the Centre for the Advancement of the Steady State Economy (CASSE), has revamped its website and provided these three very informative links:

[Get The Daily News](#)

[Download Your New Edition of The Steady Stater](#)

[See the New CASSE Animation.](#)

Contacts of organisations with which GLA cooperates

GLA has been cooperating with these environmental protection groups which we would encourage our members to contact and support.

Islands District

Association for Tai O Environment and Development (ATOED)

[Green Peng Chau Association \(GPCA\)](#)

[Living Islands Movement \(LIM\)](#)

[Living Lamma \(LL\)](#)

Wider Hong Kong

[Friends of the Earth \(HK\) \(FoE\)](#)

[Green Power \(GP\)](#)

[Kadoorie Farm & Botanic Garden \(KFBG\)](#)

[The Conservancy Association \(CA\)](#)

[World Wide Fund For Nature Hong Kong \(WWF\)](#)

International

[Center for the Advancement of the Steady State Economy \(CASSE\)](#)

[Climate Change Campaign \(CCC\)](#)

[Ecological Internet \(EI\)](#)

Conclusion

Increasingly the community will depend on the work of NGOs such as GLA in the constant battle to protect our environment from rapacious developers and other exploiters who are not interested in taking responsibility for avoiding significant environmental impacts and are not compelled to do so by the authorities. We should be most grateful for the sacrifice and dedication of the members of these NGOs.

TOWN PLANNING**Draft South West Kowloon Outline Zoning Plan approved by the Government**

The government approved the draft South West Kowloon Outline Zoning Plan ("Plan").

The Plan provides a statutory land use planning framework to guide the development within the South West Kowloon area.

The Plan covers approximate 402 hectares, including 332 hectares of land and 70 hectares of typhoon shelter.

An area of about 4 hectares is zoned for commercial ("C") developments. This zoning covers two sites adjacent to the Olympic Station, namely the Hong Kong and Shanghai Banking Corporation Centre bounded by Sham Mong Road, Pok Man Street and Hoi King Street which is zoned "C(1)" and the Olympian City One and Bank of China Centre on Hoi Fan Road which is zoned "C(2)".

About 25 hectares of land is zoned "Comprehensive Development Area" ("CDA") for comprehensive development for residential and/or commercial uses. This zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking into account various constraints (e.g. environmental, traffic, infrastructure constraints etc.). This area covers the Kowloon Station site and three sites between Yen Chow Street West and Hing Wah Street West, including the Nam Cheong Station site, a site to its west along Sham Mong Road, and a site at the junction of Sham Mong Road and Fat Tseung Street West. In addition, a site of about 6 hectares, which is bounded by Lin Cheung Road, Jordan Road, Road D1 and Austin Road West is zoned "CDA(1)" to facilitate proposed development of the West Kowloon Terminus of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL").

The "Residential (Group A)" ("R(A)") zoning covers about 48 hectares for high density residential developments. This zone is further divided into 10 sub-zones, each with its own development restrictions as stipulated in the Plan. Most of the "R(A)" sites have been developed, with the exception of sites at Hoi Fai Road, junction of Cherry Street and Hoi Wang Road, junction of Hoi Wang Road and Yan Cheung Road, and to the east of Road D1 between Jordan Road and Austin Road West.

A site of about 2 hectares at Yen Chow Street West is zoned "Industrial" which has been allocated for godown and open storage uses.

The "Government, Institution or Community" zone, covering about 30 hectares of land, is planned to provide government, institution and community ("GIC") facilities to serve the local needs. Major GIC uses include government depots, markets, public carparks, clinics, police stations, social welfare facilities, schools, indoor recreation centres, a magistracy, electricity sub-stations, telephone exchanges, pumping stations, traction sub-station and a gas pigging station.

About 23 hectares of land is zoned "Open Space" ("O") to provide open spaces for recreational uses. Major open spaces include Nam Cheong Park and Cherry Street Park, as well as the planned open space to the north of Kowloon Station. In addition, a site (about 4 hectares) to the north-east of Kowloon Station across Jordan Road is zoned "O(1)" to facilitate an integrated development comprising public open space, a public transport interchange, vent shaft and public utility installation in relation to the XRL terminus.

About 79 hectares of land is zoned "Other Specified Uses" ("OU"). This zone covers a site of about 40 hectares for the development of West Kowloon Cultural District (WKCD). A development plan for the WKCD will be prepared by the WKCD Authority. The zoning also covers other "OU" sites such as Western Harbour Crossing Toll Plaza, Cheung Sha Wan Wholesale Market Complexes Phases I and II and Yau Ma Tei Public Cargo Working Area.

[Town Planning Board, 12/03/2010]

Murray building conversion tender

The tendering exercise for the conversion of Murray Building into a hotel will begin in 2011 when its offices relocate to the new Central Government Complex at Tamar. The government indicated that Murray Building will be vacated by the end of 2011.

The government also announced that statutory planning procedures will start in the mid 2010 and they involve amending the existing ‘Government, Institution or Community’ zone and ‘Road’ area to facilitate preservation of the building with architectural merits for hotel use. Local and overseas developers and hotel operators will be invited to submit tenders for this conversion project.

Design requirements

Technical submissions, including the Master Layout Plan, Landscape Master Plan, Pedestrian Connectivity Plan, Structural Feasibility Assessment for alternation or addition works and Architectural Design for Additional Structures are required under the conditions of sale after the tender is awarded.

The government will hold a publicity campaign in Hong Kong and overseas to allow potential developers and hotel operators to understand the details of the conversion project.

The development must comply with conservation requirements and the successful bidder should preserve the main building setting and exterior design, the elevated road link from Cotton Tree Drive and the trees in the land.

The government also proposed including a nearby government site in the project for the provision of public open space which will be designed, built, managed and maintained by the future building owner.

Development parameters

The proposed construction floor area of the main building, additional structures above rooftop and podium level will be 42,560m², 880m² and 400m² respectively. The minimum gross floor area for hotel rooms will be confirmed with reference to the construction floor area.

Additional structures above the rooftop can be used to accommodate food, beverage and other facilities.

Additional structures above the podium should be in the southeastern portion. All additional structures should follow a similar architectural design of the existing building while exposed utility plants should be screened effectively.

Public access

The development must fulfill transport requirements, turning the northern access road into one-way traffic from Garden Road to Cotton Tree Drive and maintaining the elevated road link. To ensure public access, all existing facilities open for public access should be retained and public open space should also be provided.

In addition, the project must comply with environmental building design criteria with a minimum of 20% green ratio and perimeter walls being planted.

[Business & Finance, 02/03/2010]

“Eco-cultural Park” could be built in Lau Fau Shan

The government is planning to develop Lau Fau Shan into an “Eco-cultural Park” with a direct access road connecting Lau Fau Shan and Wetland Park in Tin Shui Wan.

The government has drawn up four zones in 565 hectares of the northwestern New Territories, which covers the existing fish market, the wetland area in Tsim Bei Tsui, a green belt in the west of Tin Shui Wai, and a coastal area with mangrove and oyster shell deposits near the entrance of the Hong Kong-Shenzhen Western Corridor.

The blueprint is an outcome of a public consultation conducted in 2009. The existing fish market will be revamped, with a roundabout reconfigured as a gateway plaza.

At the waterfront, a large public square would be created as an extension of the market and provide space for new shops and restaurants. A former police station would become a restaurant and gallery to showcase the history of oyster farming in Lau Fau Shan.

Along the coastal mangrove groves near the western corridor, two boardwalks would be built so that visitors could see the area up close.

To connect tourist spots in the area, the government suggests widening a road between the Wetland Park and Lau Fau Shan and building a public car park. This new road would shorten the journey between Tin Shui Wai and Lau Fau Shan to eight minutes, saving five minutes and relieving traffic congestion on weekends.

Lau Fau Shan Chamber of Commerce vice-chairman expressed that businessmen in the area welcome this plan as the existing fish market is too small for the visitors on weekends.

However, a green group has reservations about the plan for the green belt in the west of Tin Shui Wai. The green belt, privately owned and planned for tourism and private

residential development, had seen illegal dumping over the past few years. Therefore, it is not appropriate for the government to initiate a change of land use for development in these areas, which would amount to encouraging the illegal activities. The green group also has reservations about adding walking trails in Tsim Bei Tsui which may disturb birdlife in the area.

[SCMP, 10/03/2010]

WEST KOWLOON CULTURAL DISTRICT (WKCD)

Report of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project (WKCD)

The Finance Committee of LegCo has approved the Administration’s proposal for the construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”) at its meetings in January 2010. The West Kowloon Terminus (“WKT”) of the XRL will be located at the north of the WKCD between the Airport Railway Kowloon Station and the West Rail Austin Station.

A summary of discussions in relation to the impact of the WKT on the development of WKCD

<i>Key concerns and issues raised by LegCo Members</i>	<i>The Administration’s Response</i>
<i>1. Impact of XRL-WKT on the development of WKCD</i>	
Members were concerned about the impact of constructing the WKT on the development of WKCD such as whether the project would affect the allocation of space for the arts and cultural facilities in WKCD, and the traffic problems generated by the WKT on the WKCD site.	Integrating the XRL into the WKCD will provide convenient access to WKCD for XRL passengers, which would enhance the prominence of the WKCD as Hong Kong’s cultural hub. The WKT platforms will be extended into the WKCD, taking up less than 10% of its area.
<i>2. Coordination between WKCD and XRL</i>	
Another area of concern is that the lack of coordination between the XRL and WKCD projects would result in planning blunders.	Based on the current construction programme, the excavation works of XRL would be substantially completed when construction of the WKCD commenced. Once details of WKCD’s development plan are finalised, the Administration would have more in-depth discussions with the respective contractors for the two projects and refine arrangements for the construction areas to ensure that the two projects proceed as scheduled.
<i>3. Enabling works for WKCD</i>	
The WKT would be located in part of the underground area of WKCD and users of the facilities might be affected by the noise of running XRL trains. Members were concerned about whether the administration would install additional noise barriers in the connecting underground area for the cultural facilities to be constructed on the relevant surface area in the future.	The MTR Corporation Ltd. has conducted an environmental impact assessment to assess ground-borne noise. The assessment revealed that the residual ground-borne noise due to vibration would comply with requirements stipulated under the Noise Control Ordinance, as the design of the XRL had adopted a vibration mitigation system (isolation track slab). Moreover, the installation of appropriate vibration and noise mitigation devices to the above-ground arts and cultural facilities should keep within an acceptable level the noise and vibration caused by railway operations.
<i>4. Traffic problems in the neighbouring districts</i>	
Given existing traffic problems in the West Kowloon District and anticipated increasing traffic demand arising from development of the WKCD, members were also concerned about how existing traffic pressure will be eased.	The Transport Department completed the “West Kowloon Reclamation Development Traffic Study” (the Study) in 2009. The purpose of the Study was to tackle the congestion in some of the junctions in the West Kowloon district. The Study aimed to segregate inter-district and local traffic by a three-layered road network (one at-grade layer, and two underground layers), with a view to ensuring smooth inter-district and local traffic flow. Examples of major road improvement works suggested in the Study included the construction of an underpass connecting Austin Road West and Lin Cheung Road.

Construction timetables of WKCD and the XRL

Time	Development of WKCD	Development of Hong Kong section of the XRL
End of 2009	Stage 1 of the Public Engagement Exercise to collect views from the public and stakeholders on the development of WKCD. The 3 Conceptual Plan Consultants will each prepare a conceptual plan option.	Construction of Hong Kong section of the XRL commences. The extended area of the WKT into the WKCD and other relevant works area will be required.
Summer 2010	Commencement of stage 2 of the Public Engagement Exercise to collect public views on the 3 conceptual design options.	
End of 2010	The West Kowloon Cultural District Authority will choose a preferable conceptual design option after the completion of stage 2 of the Public Engagement Exercise. The selected Project Consultant will formulate a detailed development plan and carry out detailed technical feasibility study.	Additional works areas for barging facilities are required during the peak of excavation works of the WKT.
2011	Stage 3 of the Public Engagement Exercise commences to collect public views on the detailed development plan.	
End of 2011	The Project Consultant will submit detailed development plan to Town Planning Board for consideration.	
Mid 2012	Construction of facilities commences once the development plan is approved.	Substantial completion of excavation works. Works areas for barging facilities to be returned.
Early 2013		Foundation of the WKT and neighbouring roads network complete. Construction will be mainly limited to the underground facilities and superstructure of WKT.
Early 2014		Return the remaining works areas of WKCD in phases starting from end 2013.
2015	Phase I of the WKCD completes in phases.	The HK section of the XRL completes.

[Legislative Council Secretariat, 20/01/2010]

High-speed link ‘no threat to arts hub’

With the HK\$66.9 billion railway approved, lawmakers questioned whether it would delay the WKCD opening in 2015 because one-third of the 42-hectare site would be occupied by construction of the terminus.

One Member was worried that the WKCD project will have to give way to the railway project. He noted that the underground rail terminus would be sited at the eastern end of the arts hub. He was also concerned because the construction schedule was very tight and asked whether it allowed for contingency plans if there was a delay in the railway work. He was also doubtful arts events could be held at the hub, given the dust from the construction work.

However, officials have pledged that the construction of the XRL will not delay the completion of the WKCD. Although the work areas overlap, the holding of arts events would be concentrated on the western end of the hub, buffered from the building works by a clear area in the middle. As for the underground rail terminus, the noise and vibrations from the foundation work would not affect the arts facilities to be built above it, they claimed.

[SCMP, 23/01/2010]

Hong Kong to be Asia’s cultural hub

At a reception held in New York yesterday, organised by the Hong Kong Economic & Trade Office and the Hong Kong Tourism Board, a government spokesman said that the WKCD project would transform Victoria Harbour into “Asia’s West End” with “a Broadway skyline”, making Hong Kong the cultural hub of Asia.

The government is determined to make Hong Kong Asia’s cultural hub, and the WKCD will have enormous potential to become the cultural focus for the Pearl River Delta. The spokesman said that people who have visited New York and Hong Kong often draw a number of comparisons, as they are both cities that have shimmering skyscrapers, great shopping, wonderful food and a spectacular harbour. They are also both international business and financial centres and melting pots of various cultures.

The cultural district is a 40-hectare site along the spectacular Victoria Harbour and it is about to undergo a dramatic transformation. Plans are well under way for no less than 15 arts facilities on the site, including concert halls, theatres, a contemporary arts museum and a mega performance venue. The government will select a number of iconic architectural designs and incorporate piazzas for people to relax and enjoy the atmosphere. The aim is to create a modern and high-quality venue to bring arts to the people and people to the arts. In parallel with planning, designing, and building the facilities, the government has also been working hard to strengthen the soft cultural infrastructure. For example, the government has been raising the profile of the arts in schools, as well as providing various training schemes and funding programmes to support those with ambitions for a career in the arts.

[International Business Times, 13/01/2010]

Research on arts, cultural sector criticised

Art critics believe that Hong Kong is lagging behind in carrying out research to find out the needs and aspirations of Hong Kong’s arts and cultural sector in order to develop policy to realise the city’s creative-hub dream in the development of the WKCD.

Following the recent release of the Hong Kong Arts Development Council’s (“ADC”) first annual arts survey, another study of the arts and cultural sector is due for release mid-year. The ADC survey collected data on the performing arts and visual arts sectors, comparing figures such as audience distribution, event types, ticket prices and government funding.

However, critics opined that research in Hong Kong has been inadequate. Studies carried out in Hong Kong have also been very basic and have been done only because the development of the WKCD is approaching. A quick Web search showed that only a few culture and arts studies had been commissioned since 1997. The ADC’s website revealed 10 surveys completed since 2000, including this year’s Annual Arts Survey Report. Before that, the last study the council conducted was in 2006.

In contrast, neighbouring countries appeared to have put a lot more effort into research at much earlier stages of their cultural development. Singapore’s National Arts Council has collected data on its arts and culture since 1997. The Council provides arts statistics from between 1997 and 2008, as well as cultural statistics, and information on the economic contributions of the arts and cultural sector from 2003 onwards.

In South Korea, where the government actively promotes cultural and creative industries, Arts Council Korea runs an arts library housing a substantial collection of documents and research related to arts and culture. The Korea Arts and Culture Education Services, jointly set up by the Ministry of Culture and Tourism and the Ministry of Education, has conducted more than 20 studies of arts and cultural education policies since 2005.

[SCMP, 22/02/2010]

A change of art

Hundreds of millions of dollars from the WKCD’s multibillion-dollar budget is set to be redirected to enhancing “software” as the government undergoes a dramatic change of heart. The government hopes to switch some funds from the HK\$21.6 billion, approved by LegCo last July, and use such funds for improving cultural software to train the performers and educate the audiences.

The source said the funding will be used for three purposes: i) to enhance arts education in schools and non-traditional training centres; ii) to subsidise art groups and sponsor performers to go overseas; and iii) to provide free art classes and tickets to performances.

Local groups, which are expected to benefit most from the revised approach, welcomed the idea. One of the arts group said that the government should not wait for construction of the venues before beginning to train talent. For example, drama classes could be added to liberal studies in schools.

Another arts group opined that what Hong Kong lacks most is art teachers. In order to provide enough talent when the cultural hub opens, it is vitally important to set a policy to train the teachers.

[The Standard, 22/02/2010]

HONG KONG BRIEFING

Tsoi Yuen Chuen villagers’ common interest with blue aliens

Tsoi Yuen Chuen villagers, who have been told they must leave their homes to make way for the Guangzhou-Shenzhen-Hong Kong Express Rail Link watched the film *Avatar* yesterday at the invitation of the Post 80s Anti-Express Railway Group. The group saw similarities between their plight and that of the Na’vi in *Avatar* who are forced from their homes on an imaginary planet because it sits atop valuable minerals.

The Tsoi Yuen Chuen villagers identified strongly with the line “this is our land”. Those words resonated with one elderly villager, who said she was touched by how the Na’vi protected their homeland.

[SCMP, 03/01/2010]

Opposing rail link is illogical

The parallel drawn between Pandora in the Hollywood film *Avatar* and Tsoi Yuen Chuen village in Yuen Long seems valid, but only on the surface.

Whilst it is true that 150 households will have to be relocated to make way for the development of the XRL, all indigenous residents (who make up more than 80 percent of Tsoi Yuen Chuen village's population) have agreed to move voluntarily to pave the way for the project. According to a government official, none of the remaining 20 percent are indigenous inhabitants, unlike the Na'vi in *Avatar*.

In addition, the compensation package is generous and even some of the affected villagers agree it is better than they had expected. The government said that the compensation is designed to make the move as fair as possible, without compromising public interest.

The XRL is also designed to be green in many aspects. There is increasing consensus globally that high-speed trains are the mode of mass transportation for the future, especially for medium-distance travel of up to 1,000 kilometres, as emissions are only about one-sixth to one-eighth that of jetliners.

[*The Standard*, 07/01/2010]

The XRL has strategic value

Lau Nai-keung, a member of the Commission on Strategic Development, attributed the rapid growth of the Tianjin economy to the Beijing-Tianjin route of the high-speed railway. The two cities are more than 100 kilometres apart, but the journey between them now only takes 28 minutes. Trains departing every eight minutes or so are invariably packed. The transformation after the construction of the high-speed railway between these two cities has been impressive. It seems true that supply will create its own demand. As property prices in Beijing are so high, some people now choose to live in Tianjin and commute daily to Beijing.

Lau believes that we face a similar problem here in Hong Kong. Our young people complain that they will never be able to afford to buy a flat in Hong Kong. However, in the future, they will be able to buy a much bigger flat at a much lower price in Shenzhen or Dongguan, along the high-speed railway network. In fact, the high-speed railway will completely alter the way we perceive distance, and change relations between Hong Kong and neighbouring cities.

As for the cost of construction, an acknowledged HK\$66.9 billion is a large sum, but, it is claimed, the project will result in unlimited benefits for the rest of society and it is not excessive for this type of railway project. Construction cost for the proposed high-speed railway is HK\$2.57 billion per kilometre, whereas the comparable figure for the Island West extension is HK\$2.67 billion, and for the Sha Tin-Central Line, HK\$2.2 billion. A few years ago, Kowloon-Canton Railway Corporation spent over HK\$4 billion to build the one-kilometre Hung Hom-Tsim Sha Tsui East extension.

[*SCMP*, 08/01/2010]

Law to require owners to register before land-filling

Under a proposed law amendment to crack down on illegal dumping, before land-filling can be carried out on private property, a development project will have to be registered with the Environmental Protection Department (EPD).

The proposed measure is a response to public outcry over a series of illegal dumping cases that government departments have failed to halt and whose perpetrators they have been unable or unwilling to prosecute.

According to the proposed new law, all landowners planning to have construction or demolition waste dumped on their property will have to tell the environment watchdog of the site and scale of the dumping. They will

also have to provide the names of the people, such as truck drivers, responsible for the dumping. Those dumping the waste will be required to produce written consent from the landowners. If they cannot, the EPD will be able to stop the dumping immediately and take legal action against them.

The Undersecretary for the Environment said that while the proposal did not require landowners to seek a dumping permit, the information gathered would help officials monitor the situation and issue warnings when necessary. The information will be shared among the planning, lands and conservation officials. Details of the proposal, such as whether exemptions should be allowed and how registration should be recorded, were still being studied. Consultation with the Heung Yee Kuk and the rural committees has begun, and further consultation with the city's 18 districts will commence in the near future.

Heung Yee Kuk agreed in principle with the proposal but was worried about the details. It said the proposal might confuse the public that the registration itself is an approval and that everything happening on the site is legal.

[*SCMP*, 20/01/2010]

Hong Kong rail link sparks protests

The LegCo Finance Committee approved the HK\$66.9 billion in funding for the controversial express rail link to Guangzhou on Saturday. The XRL will form part of China's national high-speed rail network and allow people to travel from Hong Kong to Guangzhou in 48 minutes, just under half the current journey time.

On Saturday, hundreds of angry protesters surrounded the legislature to show their opposition to the project, sparking violent scenes with riot police, and affecting traffic for several hours.

The government said that the high-speed railway was important for enhancing ties between Hong Kong and other major cities on the mainland. The government's view was supported by the Chinese Manufacturers' Association of Hong Kong, which released a statement in support of the XRL. The statement points out that the completion of the rail link will help Hong Kong tackle the economic crisis, allow large numbers of passengers to travel to Hong Kong and enhance ties between Hong Kong and other major cities on the mainland.

[*China Daily*, 21/01/2010]

Tung Chung woman files legal challenge to bridge

A Tung Chung resident has applied for judicial review of the decision to grant environmental permits for the Hong Kong-Zhuhai-Macau bridge, on the ground environmental impact assessments ignored pollution issues and used faulty methodology. The Environmental Protection Department said it would investigate the case in consultation with the Department of Justice.

Construction of the bridge is scheduled to be completed by 2016. The estimated cost of the entire project, including the bridge and connecting facilities, is 72.9 billion yuan (HK\$83 billion).

The judicial review application criticises reports drafted by consultants regarding the crossing facilities, North Lantau Highway connection, and the Tuen Mun-Chek Lap Kok link road - a highway connecting Tuen Mun with Hong Kong International Airport and Tung Chung. The application says the reports failed to consider the bridge's impact on public health. The application asserts that without the evidence of a quantitative risk assessment of the impact on public health, the director could not have lawfully granted an environmental permit under the *Environmental Impact Assessment Ordinance*.

Some of the applicant's criticisms are based on opinions from experts in the University of Hong Kong's department of community medicine to the effect the reports ignored pollution factors, such as fine suspended particles and sulphur dioxide, which the applicant describes as a major

health hazard.

The experts said an assumption in one of the reports - that the project would not generate ozone - was invalid and unscientific on the basis the assessors should have taken air quality readings from a roadside monitoring station, rather than a general station that was 21 metres above ground in Tung Chung.

Further, the reports were based on Hong Kong's 1987 air quality objectives, which the experts claimed were obsolete and overdue for revision. To show that the bridge would meet the objectives, the studies used 2015 as a baseline year to assess the project's impact. Authors of the reports argued that by 2015, government measures to reduce air pollution would have taken hold, meaning the project would have enough "headroom" to meet the objectives.

According to the applicant's experts, the use of a baseline year was wrong, because it involves pure speculation about future air quality.

In fact, the project is already under fire from community and green groups, mainly for the disturbance it would generate for about 30,000 Tung Chung residents and the danger it could pose to white dolphins in the adjoining sea.

[*SCMP*, 24/01/2010]

Legislators scathing on e-waste document

In January 2010, the Environment Bureau issued a consultation document on proposals to handle electronic waste. The government aims to regulate collection and recycling of more than 70,000 tonnes of e-waste generated each year, an amount expected to increase by 2 per cent a year. Much of the waste is now exported after preliminary treatment in recycling yards, but storage before shipment creates environmental hazards.

Products to be covered include TVs, fridges, washing machines, air conditioners and computer equipment. The proposal includes a ban on the disposal of such products in landfills, and an extra fee, possibly up to HK\$250 per product, to be paid by customers for waste treatment.

However, lawmakers are not impressed with the bureau's effort and expressed their disappointment at a meeting of the environmental affairs panel. According to them, the document failed to define adequately what constituted "electrical and electronic appliances" and to explain funding for the scheme. Further, it did not give the public enough information to make an informed decision on the way forward.

Bureau officials said the style of the consultation was aimed at soliciting different views and the government was open to alternatives. The bureau did not offer any cost estimates for the waste/appliances collection network or the proposed new treatment facilities.

A legislator pointed to the bureau's silence on fees, its failure to address how money raised would be spent to eliminate toxic components, and its failure to explain properly who would build and run the facilities. Another said the document lacked crucial details, such as what land resources were needed for recycling facilities, how many jobs would be created and how many laws would need to be amended.

Under the bureau's system, the fee could be collected at the point of import. Importers and distributors could recover the cost along the supply chain and from the buyer. How much consumers would pay will be subject to public debate, though it is possible the retailers might pass on all the extra cost to buyers.

The Undersecretary for Environment said that although the aim was to make the scheme self-sustaining it was too early to specify the extent of government participation. The bureau will consult industry over whether the recycling facility should be operated by the government.

[*SCMP*, 26/01/2010]

Landowners given 2 months to remove waste after losing appeal

An appeal by landowners in Ho Sheung Heung against orders to remove construction waste dumped on their property has been rejected by the government.

Six registered owners of part of the dumping site have been asked to comply with reinstatement orders issued by the Planning Department in July to remove waste and weeds on the land within two months. With their appeal rejected, the six will be given 60 days to complete restoration work to the satisfaction of the department, or face prosecution.

The department said the landowners would not be entitled to make further administrative appeals against the decision, but they could still seek a judicial review in court. Since the dumping came to light in July, none of the waste has been removed. At one stage it was covered over with soil and turf.

Most of the landowners denied giving consent to truck drivers to dump waste on their land and have lodged eight applications for review of the reinstatement orders. The Development Bureau has rejected two of them, while the rest are still being considered.

The Environmental Protection Department, Planning Department and police have issued 16 summonses against truck drivers and others responsible for the dumping.

The Undersecretary for Environment said a proposal to amend the Waste Disposal Ordinance so that all dumping plans must be registered with the government would be pushed forward.

[SCMP, 04/02/2010]

Bid to curb URA's role in redevelopment

Advisers say the Urban Renewal Authority should act as a facilitator and help owners of old buildings to restore them. If recommendations by government advisers are adopted, the days of the Authority compulsorily acquiring whole areas of old residential buildings and sending the occupants packing, whether or not they want to go, will end.

This major turnaround from current practice is contained in the report of a steering committee which has been studying views collected last year in public consultation conducted in respect to a new urban-renewal strategy.

According to the preliminary proposals, once owners agree to a redevelopment the Authority will help them find a developer. The Authority would set out guidelines for redevelopment, including development density, height limits and compensation options, to guide the redevelopment and ensure owners would be compensated.

The Secretary for Development said that the Authority's role as facilitator should not include assisting profit-oriented projects, in which most owners were investors looking for profits. However, "flat-for-flat" and "shop-for-shop" options, as used in some private redevelopments, would be difficult to implement, because it would be hard to identify a shop or a flat with the same value, same size and same orientation.

One legislator said the speed of redevelopment was too slow. Whilst the Authority and developers gained huge profits from selling luxury flats, affected owners were given little compensation. Public housing should be available in any redevelopment district to allow affected residents to be relocated within the same community.

Lawmakers also suggested narrowing the type of old buildings to be covered under a proposed redevelopment law. They argued that the law, which will enable developers to force the sale of remaining properties in an old block once they have acquired 80 per cent, will not necessarily help solve the building safety problem.

The proposal involves lowering the threshold for

developers to force compulsory acquisition, which is currently set at 90 per cent. It will cover residential buildings older than 50 years.

Another legislator, citing one of the 20 cases that went to the Lands Tribunal under the original law, said the court would issue a compulsory sale order even if a building had no structural dangers - as long as the court ruled that it would be "economically unworthy to repair", as the repair cost outweighed the enhancement value, say, by only HK\$2 million. The same rationale was used in three other cases.

Deputy Secretary for Development admitted the proposed law did not chiefly aim at maintaining building safety, which was a subject handled by other laws and subsidies. Other legislators suggested an amendment so that the new law would only include buildings in poor condition.

[SCMP, 24/02/2010]

How sincere is government on recycling?

As citizens of this planet who are aware of its problems; my boyfriend and I try to live in an eco-friendly way. Therefore, we have supported the government's recycling programme. Every week we separate our refuse and rinse all the items that can be recycled - plastic bottles and tin cans.

On Monday morning, as usual, we took the recyclable items to the collection point in the car park of the Hong Kong Housing Society in Tai Hang.

As my boyfriend was putting the bottles into the plastic recycling bin, a refuse collector came over, took them out and threw them into the regular bin. She said they would not be collected as they were not worth anything and she would need to get rid of them.

We were shocked by this.

Does that mean that all the government posters and TV adverts - urging us to do our bit any recycle - are a lie? If residents who are trying to recycle are wasting their time, then the government should come clean and tell us this is the case.

[Letter to Editor from Greta Lai, SCMP, 05/03/2010]

Green fund to nurture new technology

The Secretary for the Environment hopes the HK\$300 million pilot green transport fund will attract car manufacturers, universities, and science research and development institutions to work with Hong Kong's transportation providers to develop green technology.

According to the government, the green transport fund proposed in the Financial Secretary's 2010-11 Budget will not be used to directly subsidise bus companies to buy eco-friendly buses. The purpose of fund is to encourage manufacturers and institutions to work with transportation companies to test the green technologies which can be used widely in the community, benefiting both the industries and the general public.

[www.news.gov.hk, 06/03/2010]

Punitive licence fees for old vehicles?

Transport operators have been angered by the revival of a government proposal to raise the licence fees for commercial vehicles 15 years or older to encourage the switch to environment-friendly models.

Undersecretary for Environment, Kitty Poon Kit, has told a Legislative Council environmental affairs panel that an earlier grant scheme unveiled by the government had failed to convince transport operators to replace ageing vehicles. According to Poon, increasing the licence fees - currently ranging from HK\$1,300 to HK\$4,700 for goods vehicles - will compel transport operators to speed up the replacement of old models. She added the government will not extend the subsidy programme.

Transport groups, however, sought an extension of the application period for the scheme, as well as the granting of interest-free or low-interest loans to those buying new vehicles. They also pointed out several flaws in the grant scheme designed for the early replacement of pre-Euro and Euro I diesel vehicles. The Lok Ma Chau China-Hong Kong Freight Association urged the government to rectify the incentive scheme before implementing punitive measures.

The bureau had proposed increasing licence fees in November 2008 failed to gain the support of panel members to do so. However, a green group *Minispotters* backed the move to increase the licence fees, echoing the bureau's sentiments that the grant scheme was ineffective.

[The Standard, 11/03/2010]

ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

Summary of extracts from minutes of the 165th meeting of the Advisory Council on the Environment (9 November 2009)

Review of Air Quality Objectives (AQOs)

Estimated timeline for achieving the new AQOs

Implementation of new AQOs will depend on the timing of implementing selected control measures. For example, the proposed measure of increasing the ratio of natural gas in local electricity generation to 50% under Phase I will hinge on the completion of new gas-fired power generation units, which will take at least four to five years. Most importantly, implementation of control measures will depend on public support, particularly in respect of transport management measures.

It was suggested that setting a target time-frame for individual control measure was important to let the public visualise the way forward and make efforts to achieve the targets. Nonetheless, feedback from the community was essential in formulating the time frame for implementing the measures because a quicker pace of implementation could bring along a greater cost implication.

Actions to be taken if AQOs do not receive general public support

Doubts were raised as to the actions to be taken in case the general public did not support the implementation of the 19 proposed measures in one go and whether a staggered approach would be adopted. Mr W C Mok explained that the plan was to roll out individual measures once they were ready for implementation. For example, action had been taken to seek the approval of the Legislative Council (LegCo) in strengthening volatile organic compounds (VOC) control, which was one of the control measures. In addition, some energy efficiency enhancement measures under Phase I had been in progress, including introduction of the initial phase of the Mandatory Energy Efficiency Labeling Scheme in mid-2008, submission of the proposed mandatory implementation of Building Energy Codes to the LegCo and invitation of tenders for the district cooling system for Kai Tak Development.

Emission reduction

The emission reduction potential of using natural gas in electricity generation was significant and priority should be accorded to the implementation of this measure. Given the known time-line of the construction of a natural gas pipeline from Xinjiang to Guangdong and life expectancy of coal-fired plants, it should be possible to work out the timetable for increasing the ratio of natural gas in electricity generation.

The government had a standing policy to require new electricity generation units to be natural gas-fired. It was expected that construction of infrastructures for receiving natural gas from the Mainland will be completed by 2013. Power companies advised that construction of a gas-fired power generating unit would take about four to five years. Thus, the earliest possible time to raise the ratio of natural gas in electricity generation should be four to five years from then, subject to the acceptance of the public of the

consequential increase to the electricity tariff.

It was considered necessary to prioritise the measures in terms of its emission reduction potential in view of the resource constraints facing the government. Actions should be taken to reinforce the existing community support programmes which had proved to be cost-effective in reducing emissions. For example, the Cleaner Production Partnership Programme, which supports Hong Kong-owned factories in the Pearl River Delta region in reducing emissions, has proved to be very cost-effective. As an illustration, a printing company was able to reduce emission of some 170 tonnes of volatile organic compounds (VOC) by adopting low VOC generating machines with the support of the programme.

However, the impacts of putting in place a new set of AQOs on other aspects had to be seriously considered and planned for. With the tightening of AQOs, the number of days with Air Pollution Index (API) exceeding the new AQOs was expected to increase and thus would cause great concern to the general public and tourists. The assessment of air quality impacts under the EIA mechanism will be greatly affected. Frequent breaches of the standards are to be expected. Actions have to be taken to address the difficulty for infrastructure projects to comply with stricter standards under the EIA framework. Moreover, industries should be given sufficient time to adjust operating practices to meet the tightened standards.

Priority of control measures

Relative priority of various control measures was discussed in detail by the *Advisory Panel on the Review of the AQOs* which offered advice on the direction, approaches and methodologies of the study.

The view of the *Panel* was that a comprehensive approach should be adopted. Whilst the emissions reduction potential of increasing the ratio of natural gas in electricity generation was significant, vehicular emissions had greater impact on roadside air quality and the health of the general public. Equal priority should be accorded to measures with more significant emissions reduction potential as well as those with major health benefits to local communities, but lower emissions reduction potential.

This rationale was reflected in the comprehensive range of measures proposed under Phase I. Successful implementation of the measures would depend very much on the willingness of the public to pay the price, which includes not only higher electricity tariff or bus fares, but also adjustments in life style to changes brought about by the measures.

Encouragement of cycling and walking

Measures to encourage cycling and walking in a strategic approach especially in large-scale development projects such as Kai Tak Development. Electronic Road Pricing (ERP) is considered an important way of improving air quality in congested areas. However, it was disappointing that it was not included in the package of measures under Phase I.

ERP was included under Phase II, as its implementation will require the availability of alternative routes. The initial stage of ERP will also probably focus on private vehicles, and thus the anticipated emissions reduction potential would not be significant, as the major source of roadside pollution is commercial vehicles.

Social costs of not improving air quality

Findings of studies conducted in 2002 show that the estimated medical cost attributed to poor air quality is about \$1.7 billion per year; estimated premature deaths are 800; and hospital admissions are approximately 8,000 per year. If air quality control measures are implemented, it is estimated that some 4,200 hospital admissions will be avoided per year.

Summary of extracts from minutes of the 166th meeting of the Advisory Council on the Environment (14 December 2009)

Review and development of marine water quality objectives

The current set of marine water quality objectives (WQOs) was established according to the water conditions and scientific knowledge of the 1980s. The objective of the Review was to develop a revised set of WQOs that will provide an objective and scientific basis for planning environmental protection programmes and initiatives. This was the first stage of the two-stage public engagement exercise.

Declining fish stocks

The fisheries sector has long complained about declining fish stocks in Hong Kong waters. Reduction of stocks probably has a correlation with pollution of marine water. Priority should be given to re-establishing and enhancing the fisheries resource. Overseas experts indicated that water quality improvement would help enhance fisheries resources. Marine biological health, including fisheries resource, was a key area being monitored.

The EPD formed a study management group with representatives of the Agricultural, Fisheries and Conservation Department (AFCD) to advise on fisheries matters. AFCD commissioned a study of the fisheries resource survey in 1999 and the situation was closely monitored since then.

The advice of City University of Hong Kong scientists following a study from 2001 to 2003, EPD conducted marine biological monitoring. The Review will look into the possibility of including some biological indicators in the new set of WQOs, such as indicators to reflect the health of marine ecosystem and fisheries.

In respect of the quality of fish tank water for seafood, the Food and Health Bureau initiated a voluntary Quality Seawater Assurance Scheme in 2007 for seawater suppliers and seafood traders to encourage them to exercise better control of the quality of fish tank water for compliance with prescribed legal standards for protection of public health. The Hong Kong Productivity Council was appointed as an independent body to develop and implement the scheme.

In addition, protection of marine parks was one of the key areas of concern for the Review. The need to include tailor-made parameters for marine parks would be explored. The Marine Parks Committee of the Country and Marine Parks Board was also consulted as part of the Review.

Collaboration with Mainland China

As water bodies in Hong Kong, particularly the western waters, are subject to the discharge of PRD, there is close collaboration with the Mainland on water quality management. In early December 2009, Hong Kong and Guangdong agreed to conduct a joint study for a water quality management plan for the whole PRD by using an advanced water quality model developed jointly with the GDEPD.

The initial study, to be commissioned in 2010, will assess the water quality of the Pearl River Estuary and the environmental capacity of the estuary for meeting various WQOs.

Regarding the Deep Bay, an action plan was put in place in 2001 and the first review was completed in 2007. With the cooperation of Shenzhen, the pollution loading was reduced by 38% in the past nine years. The second round of the action plan aims to reduce pollution loading by a further 40% in the next 10 years. The plan was endorsed by the Hong Kong-Guangdong Joint Working Group on Sustainable Development and Environmental Protection.

The joint study with Guangdong to begin in January 2010 will include not only water quality modeling, but also joint water quality monitoring. The study areas will cover two special administrative regions and nine PRD municipalities. Completion of the study, a comprehensive set of water quality modeling as well as a joint water quality monitoring programme will be established.

Beneficial use of water bodies

Public consultation is necessary for determining the beneficial use of each water body. Particular attention has to be paid to the beneficial use of Victoria Harbour, which

is a unique resource for Hong Kong.

One of the objectives of the public engagement exercise is to gauge views on the beneficial use of different water bodies. Different stakeholders had been consulted and comments on the beneficial use of Victoria Harbour had been received. These included suggestion for reviving the Harbour's use for leisure; resumption of the cross-harbour swimming contest; and safety concerns arising from busy marine traffic.

Integrated Waste Management Facilities – Technology review and associated facilities

Location of incinerators

According to experience in the UK, waste incinerators are usually built in industrial areas. It is therefore difficult to assess their health impacts, in view of the siting of other facilities nearby, such as power stations and chemical plants. There was no evidence in the U.K. of adverse health impacts caused by emissions from incineration facilities.

Among the industrial facilities, incineration was the most highly regulated combustion process and the design allowed flue gas treatment to achieve extremely low levels of dioxin emission. For example, the incinerator in Köln of Germany operated with extremely low level of emissions because the flue gas treatment system is one of the best in the world.

Waste to energy conversion ratio of incineration

Modern technology could convert about 24% to 26% of energy from the thermal treatment process to electricity. For one tonne of waste with a calorific value (CV) of 10 megajoule/kg, 24% to 26% of the energy from the thermal treatment process could be converted to electricity. If steam generated from the incineration process could also be utilised in addition to electricity generation, the overall energy efficiency could be as high as 75% to 80%. It was a common practice for European countries, such as Sweden, to locate the incineration facility at the centre of the city and utilise the heat generated for household or commercial purposes.

The trend to thermal treatment

South Korea, EU and Germany managed the waste load while keeping a low percentage of waste disposal by incineration. These countries managed waste by maintaining a high level of recycling; e.g. about 60% in Germany. Other countries, such as the Netherlands, Singapore and Japan, were increasing efforts in recycling. Nonetheless, thermal treatment was still the backbone technology for treating residual waste in countries with a high recycling rate.

Eco-co-combustion system

Regarding the eco-co-combustion system proposed by a local cement production company, the committee considered whether the technology was technically feasible, environmentally friendly and cost-effective for treating municipal solid waste, whilst putting aside the issue of demand for cement. The eco-co-combustion system had to be designed to allow total waste management even when there were no cement production.

In the proposed eco-co-combustion model, some of the operation processes had to be bypassed when cement was not produced and this might result in readings exceeding of emission standards. More importantly, the proposed technology is different from the co-combustion process adopted worldwide and there had not been any similar operation at a commercial scale in Hong Kong or any other parts of the world.

A benefit of having thermal treatment to operate in association with cement production, such as eco-co-combustion, is that the cement production process uses limestone which could help remove acidic gases, like hydrogen chloride. As well, the system utilises the bottom ash as a raw material for cement production, which would reduce ash disposal to landfill.

Comparison of the emission level of eco-co-combustion system and moving grate incineration technology in a pilot plant trial run showed that emissions from the eco-

co-combustion system could meet emission standards. Nonetheless, a direct comparison could not be made as the eco-co-combustion system included a flue gas treatment process after the thermal treatment process. It was difficult to assess the data as it was based on a two-month trial run and no full scale eco-co-combustion plant was in operation in other countries.

The eco-cement plant in Japan is not similar to the proposed eco-co-combustion system; in fact, they are totally different. The eco-cement plant in Japan uses fly ash and bottom ash as raw materials and mixes them with other raw materials in the rotary kiln for cement production, which is similar to a normal cement production process.

Summary of extracts from minutes of the 167th meeting of the Advisory Council on the Environment (12 January 2010)

Implementation of Clinical Waste Control Scheme and Code of Practice

Clinical Waste Control Scheme

The proposed Clinical Waste Control Scheme (the Scheme) involves the process of migrating from the existing administrative management to statutory control on clinical waste, which involved the enactment of two sets of subsidiary legislation under the *Waste Disposal Ordinance* and promulgation of two sets of technical Code of Practice (CoP), one for major waste producers and waste collectors, and the other for small waste producers.

The Scheme was supported by members of ACE, as clinical waste poses a potential risk to public health and causes pollution of the environment. A trip ticket system will be used to keep track of the clinical waste from source to disposal facility. Licensed waste collectors will record and certify on a trip ticket the quantity of clinical waste they collected from waste producers and provide waste producers with a copy of the trip ticket as record of the waste consignment. The record that the waste producer required to keep is only a copy of the trip ticket.

It is opined that the Scheme be implemented as soon as possible. It is necessary to keep a track record of deliveries of clinical waste in case of any possible spillage or leakage incident. Doubts were expressed by members of ACE as to whether it will be necessary for waste producers to keep the record for a period of 12 months, as it might cause a burden on small private clinics with limited staffing resources. However, Dr Lawrence Wong explained that it was anticipated that small private clinics would require waste collection service only about once per month and only about 12 to 20 tickets would need to be kept per year. Keeping such a small quantity of tickets should not impose a burden on their operations.

The 12-month period is considered necessary as investigation, such as of malpractice of a waste collector, would require the tracing of records which would be important evidence to substantiate cases of breaches of statutory requirements.

24-hour requirement for disposal of clinical waste

The 24 hour disposal requirement applies to waste collectors rather than waste producers. Different waste producers generate different types of clinical waste, some of which require more timely collection, whilst some waste can be stored for a certain period of time. The Regulation requires the waste collector to deliver the waste collected from waste producers to the final disposal facility within 24 hours. As regards waste producers, they are required to follow the CoP as to the storage time for different types of clinical waste.

The fundamental principle of the CoP for storage of clinical waste is to ensure the waste stored will not impose health risks to people in the premises. Whilst there are recommended guidelines on the practice of storage in the CoP, it is acceptable for a private clinic to adopt its own storage practice so long as it fulfils the fundamental requirements of the CoP. Regular visits will be paid by EPD enforcement teams and the practice of

storing clinical waste will be assessed having regard to circumstances of the premises.

Can private clinics follow their own CoP?

A set of guidelines is laid down for medical professionals, including codes of practice. The CoP under the Scheme aims at providing more detailed guidelines and concrete information on the handling and management of clinical waste. The EPD enforcement teams will assess the storage practices at the subject premises with reference to the CoP.

Are the sets of Cop legally binding?

The CoP will be issued under section 35 of the Waste Disposal Ordinance to complement controls set out in the Regulation. Whilst failure to observe the CoP will not be a criminal offence, the court might rely upon such failure when establishing or negating any legal liability in any related civil or criminal proceedings. If the waste producers and collectors followed the CoP, they will be in compliance with the Scheme's legislative requirements.

Contingency plan for handling accidents

As to the contingency plan, including coordination among departments, for handling accidents that might happen between the collection points and disposal facility, it was suggested that reference will also be made to the contingency plan for chemical waste control. In the case of an accident, an emergency response system will be activated with concerted efforts of different government departments and relevant parties. All responsible departments, including the Police Force, Fire Services Department and EPD, would take immediate actions.

Utilisation of waste collection service

There was little information available on the utilisation rate of clinical waste collection services by private clinics as it was currently not a mandatory requirement. Information collected so far reflected that the utilisation rate was relatively low.

To consult the stakeholders and let them understand the Scheme, meetings had been held with different groups of stakeholders in the past few months. Workshops and other platforms of exchange with stakeholders were being arranged to disseminate detailed information of the Scheme.

Currently, there are 10 private waste collectors in Hong Kong providing clinical waste collection services for small waste producers. By mid-2010, waste collectors could apply for licences under the Scheme. EPD will then be able to circulate the information on licensed waste collectors to all private medical practitioners. As the cost involved for private clinics will be relatively low, it was anticipated that the usage rate of the service will be high.

REGIONAL & INTERNATIONAL

CHINA

Work starts on Tianjin eco-industrial park

A Sino-Singapore joint venture has begun development on a 130-ha eco-industrial park (EIP), which is positioned to be the premier eco-manufacturing base for eco-investment and to be built in compliance to a green building standard.

The building and construction of the EIP will adopt environmentally friendly strategies, such as: optimisation of building layouts; utilisation of renewable energy and suitable building materials; recycling of water and waste; provision of green spaces; and use of environmentally friendly construction methods.

[*The Business Times (Singapore)*, 01/01/2010]

Changxing wants to become model eco-friendly county

Changxing has established an environmentally-friendly community and enhanced its green credentials through a

number of products, such as purifying the water running into the Taihu Lake. Between 2005 and 2009, emissions of carbon dioxide and SO₂ decreased by 850 tonnes and 15,000 tonnes respectively in the region. Production of green and organic food has also increased from 6 per cent in 2004 to 44.5 per cent in 2008.

Changxing aims to establish a national-level ecologically-oriented county by 2011. The county has strived to improve its environment, cut down its energy consumption and apply long-term management strategies to protecting the environment.

The main tasks of the Strategic Plan for the Construction of China's Ecological Civilisation Demonstration County in Changxing County are:

1. Analysis of the essentials of regional and national environmentally responsible construction;
2. Analysis of the status of the county's regional material, spiritual, political and ecological elements, as well as the county's favorable and unfavorable conditions for the improving of the county's regional ecology;
3. Developing the county's overall strategic plan for erecting China's "ecological civilisation demonstration county" and the step-by-step system during the plan's implementation;
4. Setting up strategic focus areas and the implementation of the plan in a phased target system: short-term construction plan (2010-15), medium-term plan (2016-2020) and long-term plan (2021-2030); and
5. Investment and benefit analysis of the implementation of the strategic plan.

[*China Daily Hong Kong Edition*, 18/01/2010]

Patented design for urban rubbish

A company in Wuxi, Jiangsu province, recycles urban waste by dividing garbage into 10 categories including metal, plastic bottles and foam plastics. As a result, about 90 per cent of the rubbish can be reused. Water used in the processing can also be recycled. The design has been granted patents in more than 30 countries and regions. Every year the company pays hundreds of thousands yuan for patent maintenance fees.

[*China Daily*, 24/02/2010]

China to subsidise private green-car

The Chinese government will subsidise purchasers who buy electric cars and new energy vehicles to encourage the use of "greener" transport. The maximum subsidy is 60,000 yuan; the amount varies depending on the price of clean technology vehicles.

Last year, the government launched a pilot scheme which offered a one-off subsidy for buying hybrid, electric and fuel-cell vehicles in 13 cities. Under the programme, a hybrid car can cut fuel consumption by 40 per cent or more get a one-off subsidy of 50,000 yuan.

[*Shenzhen Daily*, 09/03/2010]

High-emission businesses face carbon taxation

The Chinese government is calling for imposition of a carbon tax on energy-intensive and high-emission businesses in order to combat global warming. Fossil fuels such as coal, oil and gas will be the target of the levy.

It is said that the levying of a carbon tax may reduce the risk of being hurt in international trade, as some developed countries are considering imposing such a tax on imported products from countries that do not have quotas for emission reductions.

[*Shanghai Daily*, 10/03/2010]

US urged to do more on climate change

Beijing told Washington to make stronger commitments

on climate change and provide environmental expertise and financing to developing countries. Whilst Mainland China is the world's largest emitter of greenhouse gases, China said its own efforts to reduce energy intensity have been affected by the economic recovery, which caused growth in heavy energy-consuming industries.

Beijing said it will cut its carbon intensity by 40 to 45 per cent by 2020. At the Copenhagen climate summit last year, many developed countries had hoped the Kyoto Protocol would be replaced with an accord that extended to developing countries. The United States, the European Union, Brazil, South Africa, India and China brokered a deal requiring poor nations to implement voluntary actions.

[Macau Post Daily, 11/03/2010]

New green indices for official's evaluation

Shenzhen City will introduce four indices to evaluate government official's performance in environmental protection, which include: ecological resources; GDP energy consumption; pollution control projects; and field inspections results. Other existing indices are: air quality; river pollution control; exhaust emission reduction; environmental protection budgeting; and public satisfaction with law enforcement.

Officials of state-owned enterprises are among those being evaluated. A government expert said that the mechanism has helped to improve the city's environment greatly in the past couples of years.

[Shenzhen Daily, 11/03/2010]

AUSTRALIA

Recycled sewage answer to water shortages

Australian governments should immediately begin integrating recycled sewage into their drinking water plans, even though the severe water shortages of recent years have eased in most capital cities. Believing that recycled sewage will play a big role in future drinking water supplies, the Australian Water Association says that governments are jeopardising Australia's future water supplies by refusing to consider "indirect potable re-use".

"Governments should be examining other alternatives now and that includes adding purified water to our drinking water supply," the chief executive of the Association said.

"Desalination and other initiatives have bought our cities some time, but these projects will be pushed to the limit as Australia's population grows from 21 million to an estimated 35 million by 2050."

"In 20 to 30 years many cities will be looking for the next solution to increasing water needs ... let's not wait until the next crisis before any further action is taken," he added.

What loomed as a national water crisis has eased over the past year, as improved rain in north-eastern Australia and new desalination plants have reduced the threat of capital cities running out of water. Melbourne's dams remain at only 34 per cent of capacity, which is higher than at the same time last year, and will be boosted by 75 days worth of water through the north-south pipe this year.

The Association has urged governments to start work now on the next water plan, which would allow the most affordable, appropriate and environmentally friendly options to be chosen. Two previous attempts to add recycled sewage to drinking supplies in Australia have failed; both campaigns fell victim to politicisation and a lack of calm public debate.

The Association believes that in many cases recycling sewage would require less energy and capital costs than alternatives like desalination. The Victorian government is opposed to the drinking of recycled sewage, despite a study in 2006 finding it could be done in Melbourne

at less financial and environmental cost than seawater desalination.

[The Age, 08/03/2010]

CANADA

Major victory for environmental law clinic

The University of Victoria's Environmental Law Clinic (ELC) has helped to win one of its most important victories ever, with the establishment of a new national park on Victoria's Wild Coast. The new park protects the world-famous surfing beach at Jordan River, as well as Sandcut Beach.

The 2300 hectare (5000 acre) park will protect more than 3.5 kilometres of wild coastline, as well as the wilderness canyon called Sooke Pot Holes. In addition to the new park, tens of thousands of hectares of land around the new park, which have previously been protected from development by rezoning of 300-acre minimum lots, in an ELC-advocated initiative legislated last fall.

One of the actions that contributed to this week's decision was the ELC's 2007 submission, on behalf of the *Sea to Sea Greenbelt Society*, to the Auditor General, arguing that the government had improperly released the forest lands in question for development. In one of the most scathing Auditor General Reports ever released, the Auditor General concluded :

- government made the decision without sufficient regard for the public interest
- government put greater weight on assisting the forest company's financial restructuring than on other public interests
- the government put corporate interest above the public interests
- the forest company and its parent company had made significant political contributions.

This Report by the independent officer of the Legislature triggered a political storm that drove public demand for protection of Victoria's Wild Coast. The uproar made the front pages of the national and provincial newspapers, and led to more than a dozen angry editorials, with headlines such as: "Stink of corruption sticking to BC government", and "Betrayal of the Public Trust".

The ELC has taken a number of other legal actions to advance this cause, including advocacy of protective zoning around the new parklands last fall.

[UVILC Environmental Law Clinic, 09/03/2010]

U.S.A.

Volume of computer waste increases

A United Nations study showed that waste from discarded electronics will rise considerably in the developing world within a decade. Each year the volume of E-waste increases by 40 million globally. The term "E-waste" includes phones, printers, televisions, refrigerators and other appliances.

Another report released by the United Nations Environment Programme has predicted that E-waste from computers alone would rise by up to 400 per cent by 2020 in China and South Africa. It was revealed in the report that the United States is the biggest producer of E-waste, creating approximately 3 million tonnes annually.

[China Daily Hong Kong Edition, 24/02/2010]

University creates an eco campus

Need to get to Seattle University? There's a green transit pass for that. Need to meet somebody when you're there? Try the new eco-friendly gathering space. Eating in the cafeteria? The disposable forks are biodegradable.

Seattle University's campus is typical of many universities in the U.S.A. which are trying to win the hearts and minds of students by becoming greener than their peers. The

move toward greener campuses is driven as much by the concerns of a new generation of students as it is by university leaders.

At the University of Washington, for instance, one of the few departments expanding during a time of budget cuts is the fledgling College of the Environment. It has been lauded for its sustainability efforts and the extensive detail contained in its 73-page *Climate Action Plan*, in which it sets ambitious targets : a 15 percent reduction in greenhouse-gas emission over the next decade and the elimination of all net emissions by 2050. The university expects technological improvements to account for some 60 percent of its energy-reduction goals.

The manager of waste management and composting for the campus' housing and food services says his goal is to enable the 30,000 daily customers to simply dump everything in a compost bin after eating a meal, by making every cup, plate, knife and fork compostable. That should become reality by the next week or so, he says, when compostable lids for coffee cups and soup bowls will have been introduced.

Seattle University has gone one step further by composting some of its food scraps on campus. The university's recycling coordinator says he composts about one cubic metre of kitchen leftovers each week, which becomes mulch for the campus flower beds.

Publications like *The Princeton Review*, which aims to help students choose a college, have recently added "green" ratings to their college guides, which indicates that students are increasingly weighing environmental policies when deciding what university to attend.

[The Standard, 09/03/2010]

UNITED KINGDOM

British Airways agrees deal for UK jet biofuel plant

Some 500,000 tonnes per year of waste will be used by the UK facility to produce 16 million gallons of fuel. Construction of the jet bio-fuel plant in east London will start in two years time, and is set to produce fuel by 2014. British Airways said the plant would produce twice the amount of fuel needed to power all its current flights from London City Airport. The plant will also cut the amount of waste that is sent to landfill.

[BBC News, 15/02/2010]

Marks & Spencer to go green

Marks & Spencer is to step up its plans to go "green" by opting for more sustainable ingredients and agreeing a living wage for suppliers in its bid to become the world's most sustainable retailer by 2015. M&S said its new plan would also make the company more efficient, develop new markets and build customer loyalty. "It's therefore not just the right thing to do morally but also makes strong commercial sense," the company's chairman said.

[SCMP, 02/03/2010]

All Green, All Technology event in Norfolk

Light rail, smart grids, reduced carbon footprint, LEED buildings, Maglev, and wind energy are some examples of topics for the second annual Engineering Unplugged conference, at which environmental leaders can share real-world applications.

The conference will provide expertise for engineering firms to :-

1. prepare for changes in environmental practices;
2. identify areas where energy loss and excessive consumption occur; and
3. learn about real cost-savers in alternative energy.

[PR Newswire US, 09/03/2010]

EUROPE

New targets to fight environmental threats to health

The World Health Organisation regional office has released two new studies concerning: firstly, a health and environment progress assessment in Europe, which reveals that mortality rates from diarrheal diseases among youngsters have been cut to 20 per cent; secondly, an inequality in environmental risk across Europe assessment, which points to significant variations within countries in the social distribution of environmental exposure and related death and disease.

Representatives from countries of the European Region will gather in Parma in March to review the impact of national and cross-border environmental policies on the health status of their populations. Governments are expected to adopt a declaration reinforcing their commitment to reducing emerging global threats, such as climate change.

The European Union has introduced new regulations for air quality and the safe use of chemicals.

[PR Newswire US, 10/03/2010]

Dramatic push for green products

Leading companies in green technologies industries, such as Philips, Osram and Zumtobel have been pioneers in demonstrating confidence in the future of green lighting. As large lighting companies continue to invest in R&D for green technologies, this has fundamentally changed the traditionally conservative market. It is said that use of green lighting will rapidly spread universally.

[PR Newswire US, 11/03/2010]

INDIA

Inter-ministerial climate change panel

The Indian Government plans to set up an inter-ministerial body to resolve contentious scientific issues involving global warming. The body will concentrate on sorting out different expert opinions on impacts of climate change on the country's forest and farming system.

India recently shifted its stance on climate change policy; it now accepts that caps on its emissions intensity are necessary. A government expert said that India would bring about emission cuts, as well as intensity reduction.

[Mint, New Delhi, 11/03/2010]

SINGAPORE

Green rebate for imported used hybrids

The Green Vehicle Rebate Scheme will be extended to imported second-hand green vehicles, so that second hand petrol-electric hybrids can enjoy the same lower registration taxes as new hybrids.

[The Business Times (Singapore), 23/02/2010]

Way forward to low-carbon economy

A recent report entitled *Appetite for Change* revealed that 95 per cent of the executives polled believed that tax and regulation would play a key role to halting global warming. The Report suggests that there is no single solution to the problem of sustainability and climate change.

Singapore is a signatory country to *The UN Framework Convention on Climate Change* whereby, although under no legal obligation to reduce emission, it has already offered incentives to the smart energy sector to do so. Singapore has also voluntarily announced its commitment to cut its greenhouse gas emissions by up to 11 per cent by 2020.

It is suggested in *The Economic Strategic Committee Report* that Singapore is likely to adopt a blend of various incentives to combat climate change, namely regulation

to increase energy efficiency, mandatory energy audits and carbon-pricing schemes.

[The Business Times (Singapore), 28/02/2010]

BANGLADESH

Bangladesh's adaptation to climate change

Bangladesh argued at the United Nations climate summit in Copenhagen that although it was not responsible for the worldwide climate change, as its greenhouse gas emissions are negligible, it is in the most vulnerable position regarding climate change risks. Twenty per cent of the country is likely to be submerged should sea-levels rise to the extent the United Nations experts predict.

Without action to reduce man-made emissions of greenhouse gases, the global average temperature is likely to increase by 2 to 5 degree Celsius this century. Global warming already subjects Bangladesh to increasingly frequent and erratic floods, cyclones, droughts, tidal surges and monsoon rainfalls causing landslides and heavy river erosions, whilst absence of seasonable rain in the north is causing desertification.

To combat the effects of global warming, the country is in the process of adopting a new legal regime under *The United Nations Framework Convention on Climate Change Protocol* to ensure overall rehabilitation of climate refugees; it has also established climate change trust funds and approved 134 climate adaptation and mitigation action plans.

As well the country is preparing a strategic energy plan for: low carbon development; social forestry; green belts for large carbon sink; clean coal technology; nuclear power; and renewable energy programme. Additionally, 600,000 solar power home systems have been installed; vehicles converted to using compressed natural gas as fuel; industries producing toxic waste relocated and equipped with effluent treatment facilities; and biodegradable material introduced as an alternative to synthetics.

[The Financial Express, 28/12/2009]

This Quarterly Report does not constitute legal advice given on any particular matter. Whilst all effort has been made to ensure completeness and accuracy at the time of publication, no responsibility is accepted for errors and omissions. Further information and enquiries in respect of this quarterly should be directed to Fred Kan & Co.

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Convictions under environmental legislation: December 2009 to February 2010

[Note: the EPD no longer classifies second (and subsequent) offences.]

The EPD's summary of convictions recorded and fines imposed during the above period is as follows:

December 2009

Thirty-nine convictions were recorded in December for breaches of anti-pollution legislation enforced by the Environmental Protection Department.

Twenty of the convictions were under the Air Pollution Control Ordinance, 11 under the Waste Disposal Ordinance. Among other cases, 7 were under the Noise Control Ordinance and 1 under the Water Pollution Control Ordinance.

The heaviest fine in December was \$40,000, assessed against a company that imported controlled waste without a permit.

January 2010

Twenty convictions were recorded in January for breaches of anti-pollution legislation enforced by the Environmental Protection Department.

Seven of the convictions were under the Waste Disposal Ordinance, 6 under the Air Pollution Control Ordinance. Among other cases, four of them were under the Noise Control Ordinance and 3 under the Water Pollution Control Ordinance.

The heaviest fine in January was \$50,000, assessed against a company that imported controlled waste without a permit.

February 2010

Thirty-three convictions were recorded in February for breaches of anti-pollution legislation enforced by the Environmental Protection Department.

Eighteen of the convictions were under the Waste Disposal Ordinance, 7 under the Air Pollution Control Ordinance, 2 under the Noise Control Ordinance. Among other cases, three of them were under the Environmental Impact Assessment Ordinance and 3 under the Water Pollution Control Ordinance.

The heaviest fine in February was \$38,000, assessed against a company that imported controlled waste without a permit.

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