

URBAN PLANNING AND ENVIRONMENTAL LAW QUARTERLY
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In the aftermath of the 2015 Paris Climate Change Summit, governments are implementing laws and joining regional programmes aimed at reducing the world’s emissions of greenhouse gases which could lead to related inter-personal and inter-state disputes. In this edition we consider the role arbitration might play in resolving climate change and natural resources disputes. .

The Editors

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ARBITRATION CAN PLAY A ROLE IN RESOLVING CLIMATE CHANGE DISDISPUTES

Permanent Court of Arbitration

The Permanent Court of Arbitration (PCA) was established in 1898 for the purpose of facilitating arbitration and other alternative dispute resolution processes between nations. The PCA claims that it “has developed into a modern, multi-faceted arbitral institution that is now perfectly situated at the juncture between public and private international law to meet the rapidly evolving dispute resolution needs of the international community”

The PCA was established by the Convention for the Pacific Settlement of International Disputes, concluded during the first Hague Peace Conference. The PCA comments:

“The delegates at the Conference were mindful that, during the previous 100 years, there had been a number of successful international arbitrations, starting with the “Jay Treaty” Mixed Commissions at the end of the 18th century, and reaching a pinnacle with the Alabama arbitration in 1871-1872. In addition, the Insitut de Driot International had adopted a code of procedure for arbitration in 1875.

This movement toward favoring arbitration as a means of international dispute resolution was continued in 1899, and the most concrete achievement of the 1899 Conference was the establishment of the PCA as the first global mechanism for the settlement of disputes between states. Article 16 of the 1899 Convention recognised that “in questions of a legal nature, and especially in the interpretation or application of International Conventions” arbitration is the “most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle”.

Accordingly, Article 20 of the 1899 Convention formally established the PCA, stating:
with the object of facilitating an immediate recourse to arbitration for international differences which it has been possible to settle by diplomacy, the signatory Powers undertake to organize a Permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present Convention.”

The Convention was revised at the second Hague Peace Conference in 1907.

Based in The Hague, The Netherlands, the PCA comprises a permanent framework for individual arbitral tribunals which are convened to resolve specific disputes. As such, it is not a court in the traditional sense.

To date 121 states have acceded to one or both of the 1899 and 1907 Conventions.

Arbitration and Climate Change

At an international forum on 7 December 2015 in Paris, held as part of the United Nations Conference on Climate Change (COP21), the President of the International Bar Association (IBA) agreed that arbitration has a greater role to play in settling disputes between states which have resulted from, or are related to, the efforts of climate change. The pre-forum press release summarised the argument as follows:

“Today, David W Rivkin, President International Bar Association (IBA), will assert that arbitration and alternative dispute resolution (ADR) mechanisms will play a critical role in encouraging business and government commitments on climate change and sustainability by providing an effective mechanism to resolve disputes.

At a forum being convened during COP 21 – the United Nations Conference on Climate Change where some world leaders are working to achieve a legally binding and universal agreement to keep global warming below 2°C – Mr. Rivkin will tell delegates that: ‘international arbitration should play a critical role in developing the legal framework of the post COP 21 world.’

Being held by the IBA, in association with the ICC International Court of Arbitration, the Permanent Court of Arbitration and the Arbitration Institute of the Stockholm Chamber of Commerce, the forum is bringing together a diverse group of stakeholders – including, international arbitrators, environment and climate change experts, in-house counsel, government officials, and environmental compliance officers in corporations – to explore the role for arbitration and ADR in enforcing commitments made by the state parties to the United Nations Framework Convention on Climate Change negotiations.

In his keynote address, Mr. Rivkin will emphasise the importance of accessible and enforceable dispute resolution mechanism frameworks in the context of the ground-breaking report Achieving Justice and Human Rights in an Era of Climate Disruption issued last year by the IBA Task Force on Climate Change Justice and Human Rights. The report has advanced the debate on corporations’ responsibilities to mitigate and adapt to climate change, spotlighted linkages between human rights and climate change, and made more than 50 separate recommendations for business, governments and civil society. Mr. Rivkin has encouraged the IBA’s committees to work on implementing these recommendations.

Mr. Rivkin will conclude that: there is huge potential to consider how the existing use of international arbitration and ADR mechanisms in resolving climate change related disputes may be advanced and expanded, both in the context of contractual obligations and treaty mechanisms.”

There can be little doubt that natural resources disputes, including those attributable to global warming and climate change, will occur with increased frequency in the future. Already we have several existing or likely major international disagreements in relation to the allocation of fresh water resources, such as the dispute between China and down-stream nations as to allocation of water from the Mekong River. The nature of such environmental disputes, and the fact they involve sovereign states, renders them most suitable to arbitration or conciliation, using the long-established framework and rules of the PCA.

The PCA itself describes its role in relation to natural resources and environmental disputes in the following terms:

“The PCA has been regularly included as the forum for dispute resolution under bilateral and multilateral treaties, contracts, and other instruments concerning natural resources and the environment, and offers specialized rules for arbitration and conciliation of these disputes.

Interstate environmental disputes administered by the PCA have arisen under a variety of legal instruments, including multilateral treaties such as the 1992 OSPAR Convention, the 1982UN Convention on the Law of the Sea, the 1960 Indus Waters Treaty, and the 1976 Rhine Chlorides Convention. PCA-administered interstate environmental disputes have also arisen under bilateral treaties and ad hoc arbitration agreements. Additionally, the PCA has been included as the appointing authority and/or the forum for the arbitration of disputes arising out of a number of multilateral environmental treaties (listed below). The PCA is also among the dispute settlement options recommended in the Draft International Covenant on Environment and Development, a model agreement developed by non-governmental organizations with the aim of facilitating treaty negotiations in the environmental sector.”

PCA’s rules for environmental disputes

The PCA has promulgated several sets of procedural rules for different kinds of arbitrations, such as arbitrations between sovereign state and between a state and a private individual or corporation. There are also specific rules for “environmental arbitrations”.

Two sets of procedural rules have been adopted by the PCA for disputes involving natural resources and the environment: one for arbitration, and the other for conciliation. We shall not attempt to outline all the rules, but provide a brief overview below.

Arbitration rules

The *Introduction to PCA’s Optional Arbitration Rules* describes their scope and purpose:

These Rules are based on the UNCITRAL Arbitration Rules with changes in order to:

- (i) reflect the particular characteristics of disputes having a natural resources, conservation, or environmental protection component;*
- (ii) reflect the public international law element which pertains to disputes which may involve States and utilization of natural resources and environmental protection issues, and international practice appropriate to such disputes;*
- (iii) indicate the role of the Secretary-General and the International Bureau of the Permanent Court of Arbitration (PCA) at The Hague;*
- (iv) provide freedom for the parties to choose to have an arbitral tribunal of one, three or five persons;*
- (v) provide for establishment of a specialized list of arbitrators mentioned in article 8(3) and a list of scientific and technical experts mentioned in article 27(5) of these Rules;*
- (vi) provide suggestions for establishing procedures aimed at ensuring confidentiality.*

The Rules are optional and emphasize flexibility and party autonomy. For example:

- (i) The Rules, and the services of the Secretary-General and the International Bureau of the PCA, are available to States, international organizations, and private parties;*
- (ii) The Rules may be used, inter alia, in relation to disputes between two or more States parties to a multilateral agreement relating to access to and utilization of natural resources concerning the interpretation or application of that agreement;*

- (iii) *The parties have complete freedom to agree upon any individual or institution to act as appointing authority. In order to provide a fail-safe mechanism to prevent frustration or delay of the arbitration, the Rules provide that the Secretary-General will act as the appointing authority if the parties do not agree upon the authority, or if the authority chosen does not act.*

The Rules also provide that:

*The framers of existing and future agreements may need to determine the relationship between these Rules and those agreements, and may modify them as necessary. Modifications to these Rules or such agreements as to jurisdiction *ratione personae* may be especially necessary to allow for the participation of non-State actors.*

Article 1 sets out the scope of application of the rules:

1. *Where all parties have agreed in writing that a dispute that may arise or that has arisen between them shall be referred to arbitration under the Permanent Court of Arbitration Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment, such disputes shall be settled in accordance with these Rules subject to such modification as the parties may expressly agree upon in writing. The expression 'agreed upon in writing' includes provisions in agreements, contracts, conventions, treaties, the constituent instrument of an international organization or agency or reference upon consent of the parties by a court. The characterization of the dispute as relating to natural resources and/or the environment is not necessary for jurisdiction where all the parties have agreed to settle a specific dispute under these Rules.*
2. *Agreement by a party to arbitration under these Rules constitutes a waiver of any right of sovereign immunity from jurisdiction, in respect of the dispute in question, to which such party might otherwise be entitled. A waiver of immunity relating to the execution of an arbitral award must be explicitly expressed.*
3. *The International Bureau of the Permanent Court of Arbitration (the 'International Bureau') shall take charge of the archives of the arbitration proceeding. In addition, upon written request of all the parties or of the arbitral tribunal, the International Bureau shall act as a channel of communication between the parties and the arbitral tribunal, provide secretariat services and/or serve as registry.*

Other rules cover the arbitration process, under the headings:-

- Composition of the Arbitral Tribunal
- Arbitral Proceedings
- The Award

Some of the rules are reviewed below.

An arbitral tribunal comprises one, three or five arbitrators, depending on the parties' agreement: Articles 3 and 5. An "appointing authority" appoints the panel if the parties cannot agree on the composition of the tribunal.

A Statement of Claim (Article 18) and Statement of Defence (Article 19) are filed. There are rules governing amendment, additional written statements, expert evidence and so on.

Article 30 provides: "A party who knows that any provision of, or requirement under, these Rules has not been complied with and nevertheless proceeds with the arbitration without promptly stating its objection to such non-compliance, shall be deemed to have waived its right to object".

Under Article 31, decisions are by majority (three or five arbitrators), but the presiding arbitrator may decide procedural questions.

The form and effect of an award is covered by Article 32:

1. *In addition to making a final award, the arbitral tribunal shall be entitled to make interim, interlocutory, or partial awards.*
2. *The award shall be made in writing and shall be final and binding on the parties. The parties undertake to carry out the award without delay.*
3. *The arbitral tribunal shall state the reasons upon which the award is based, unless the parties have agreed that no reasons are to be given.*
4. *An award shall be signed by the arbitrators and it shall contain the date on which and the place where the award was made. Where there are three or five arbitrators and any one of them fails to sign, the award shall state the reason the absence of the signature(s).*
5. *Separate or dissenting opinions (if any) shall be in writing and signed by the dissenting arbitrator or arbitrators.*
6. *The award may be made public only with the consent of all the parties.*
7. *Copies of the award signed by the arbitrators shall be communicated to the parties by the International Bureau.*

The tribunal applies the law or rules of law designated by the parties: Article 33. The parties are entitled to be professionally represented in the arbitration: Article 4.

Optional conciliation rules – natural resources and environment

The introduction to the *Conciliation Rules* states (in part):

"The Rules are based primarily on the PCA Conciliation Rules and UNCITRAL Conciliation Rules with changes in order to:

- (i) *reflect the public international law element which pertains to disputes which may involve States, utilization of natural resources and environmental protection issues, and international practice appropriate to such disputes;*
- (ii) *reflect the particular characteristics of disputes having a natural resources conservation or environmental protection component;*
- (iii) *indicate the role of the Secretary General and the International Bureau of the Permanent Court of Arbitration (PCA) at The Hague; and*
- (iv) *provide freedom for the parties to choose to have a conciliation commission of one, three, or five persons.*

The parties may appoint conciliators and/or experts from the PCA's lists of appropriately qualified persons, or from outside those lists. The Rules emphasise the parties' freedom to make such arrangements as to personnel, location of conciliation meetings etc. as best suits them. It is stated in the introduction:

*"Mindful of the possibility of multiparty involvement in disputes having a conservation or environmental component, these Rules provide specifically for multiparty choice of conciliators and sharing of costs. In the case of multiparty conciliation, all other articles should be interpreted in an analogous fashion. The framers of existing and future agreements may need to determine the relationship between these Rules and such agreements, and may modify them as necessary. Modifications to these Rules or such agreements as to jurisdiction *ratione personae* may be especially necessary to allow for the participation of non-state actors."*

The conciliation process is commenced by a party sending the other party a formal invitation to conciliate pursuant to the Rules, and that other party accepts the invitation: Article 2.

Generally, one conciliator is appointed, but the parties can agree to appoint a panel of three or five conciliators: Article 3. The parties submit statements of position to the conciliators: Article 5. They are allowed to engage professional representation: Article 6. Article 10 requires the parties to "in good faith cooperate with the conciliator", including complying with requests to submit written materials or provide certain information. Under Article 11, each party may submit to the conciliator "suggestions for the settlement of the dispute".

Article 12 is the centre-piece of PCA's conciliation process. Essentially, it directs the conciliator(s) to formulate possible terms of settlement and submit these to the parties once the conciliator considers "that elements of a settlement exist which would be acceptable to the parties". Following receipt of the parties' comments regarding the draft settlement terms, the conciliator may "reformulate the terms of a possible settlement in the light of" such comments. By signing the settlement agreement, the parties "put an end to the dispute and are bound by the agreement": Article 12(3).

An "implementation committee" may be proposed by the conciliator and, with the parties' consent, appointed to assist the parties in implementing the settlement agreement: Article 12(4).

Conclusion

The PCA is the world's oldest international dispute forum and clearly has an ongoing important role in helping to prevent and resolve disputes involving environmental and natural resources issues. The PCA's rules for arbitration and conciliation are, in general, concise and effective in laying out a framework for parties to attempt to arbitrate or negotiate settlement of such disputes. It is likely that states and private parties will increasingly seek the services of the PCA to resolve environmental disputes. Such disputes will undoubtedly increase in number in the future, partly due to the effects of climate change.

TOWN PLANNING

New towns and islands to be created

Hong Kong will need to find – or reclaim – at least 1,200 hectares of extra land to house its increasing population and stimulate the economy after 2030, according to the government's latest long-term planning blueprint.

The 2030 Plus planning strategy, released for public consultation, recommended building two major new towns in the northern New Territories and on reclaimed land east of Lantau Island, which would provide 1,720 hectares, in order to reach that target.

The blueprint, drafted with advice from a panel of 15 experts in different fields, envisioned the city after 2030 as a more livable place with larger flats, more public space for relaxing, a cycling-and pedestrian-friendly transport system, and scenic country parks protected from development. The plan is also said to address a need to relocate people affected by renovation or replacement of ageing buildings. It highlighted that by 2046, there would be 326,000 flats 70 years old or over.

The latest official projection estimates the city's population will peak in 2043 at 8.22 million, then drop to 7.81 million by 2064. To accommodate population growth and stimulate the economy, the city will need at least 4,800 hectares of new land, including about 1,700 hectares for housing, the document said.

In addition to the 3,600 hectares already identified by the government, including 1,400 for housing, the city requires an extra 1,200 hectares of land, the report said. Of that, approximately 200 hectares would be proposed for housing, 300 hectares for business and industry, and 700 hectares for leisure and transport.

With two brownfield studies set to finish by 2018, a Development Bureau spokesman said the government would not only look at providing alternative sites with higher land use efficiency to accommodate the affected operations, but also a system to compensate their owners.

Although the recommended east Lantau and north New Territories developments could provide more land than required, the Director of Planning said a larger land bank could prepare the city for uncertainties. Developing country parks was out of the question, the Secretary for Development said.

[SCMP, 28/10/2016]

Draft Tung Chung Valley Area Outline Zoning Plan approved

The Chief Executive in Council approved the draft Tung Chung Valley Area Outline Zoning Plan ("OZP") on 17 February 2017.

The planning scheme area of the OZP covering approximately 216.67 hectares is located on the north shore of Lantau Island to the southeast of the Hong Kong International Airport at Chek Lap Kok. The area is planned as an extension area of the Tung Chung New Town.

Specific Zones are:

- 1.18 hectares are zoned "Commercial" for commercial developments functioning mainly as the local shopping centre serving the immediate neighbourhood;
- 19.31 hectares are zoned "Residential (Group C)" for low-rise and low-density residential developments;
- 14.59 hectares are zoned "Village Type Development";
- 2.39 hectares are zoned "Government, Institution or Community";
- 3 hectares are zoned "Open Space";
- 8.45 hectares are zoned "Other Specified Uses", including "River Park", "Stormwater Attenuation and Treatment Ponds" and "Polder";
- 51.93 hectares are zoned "Green Belt" covering the natural vegetated areas and some fragmented woodlands in the vicinity of the villages;

- 54.63 hectares are zoned “Conservation Area” covering the riparian area along and the upper catchment of Tung Chung Stream and the mature woodlands near Ngau Au and Shek Mun Kap; and
- 6.49 hectares are zoned “Coastal Protection Area” covering the estuary of Tung Chung Bay in order to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, allowing only a minimum of built development.

[Town Planning Board Press Release, 17/02/2017]

Draft Tung Chung Extension Area Outline Zoning Plan approved

The Chief Executive in Council approved the draft Tung Chung Extension Area Outline Zoning Plan (“OZP”) on 17 February 2017.

The planning scheme area of the OZP covering approximately 216.67 hectares is located on the north shore of Lantau Island to the southeast of the Hong Kong International Airport at Chek Lap Kok. The area is planned as an extension area of the Tung Chung New Town.

Specific Zones are:

- 7.38 hectares are zoned “Commercial” covering five sites for commercial developments functioning as a territorial business/financial centre and a regional or district commercial/shopping centre;
- 42.03 hectares are zoned “Residential (Group A)” for high-density residential developments;
- 17 hectares are zoned “Residential (Group B)” for medium-density residential developments;
- 21.47 hectares are zoned “Government, Institution or Community”;
- 27.12 hectares are zoned “Open Space”;
- 10.81 hectares are zoned “Other Specified Uses”, such as “Commercial and Residential Development cum Public Transport Interchange” and “Marina Club, Boat Repairing and Commercial Facilities associated with Marina Development”;
- 20.32 hectares are zoned “Green Belt” covering the foothills of Por Kai Shan adjoining Lantau North (Extension) Country Park.

[Town Planning Board Press Release, 17/02/2017]

Draft Tung Chung Centre Area Outline Zoning Plan approved

The Chief Executive in Council approved the draft Tung Chung Town Centre Area Outline Zoning Plan (“OZP”) on 17 February 2017.

The planning scheme area of OZP covering approximately about 341.66 hectares is located on the north shore of Lantau Island to the southeast of the Hong Kong International Airport at Chek Lap Kok.

Specific Zones are:

- 4.99 hectares are zoned “Commercial” for commercial developments functioning as the commercial centre in the town centre;
- 54.47 hectares are zoned “Residential (Group A)” for high-density residential developments;
- 3.57 hectares are zoned “Residential (Group B)” for which is intended primarily for medium-density residential developments;
- 16.9 hectares are zoned “Village Type Development”;
- 36.64 hectares are zoned “Government, Institution or Community”;
- 40.97 hectares are zoned “Open Space”;
- 3.62 hectares are zoned “Other Specified Uses”, which include “Breakwater”, “Petrol Filling Station”, “Pier”, “Railway Station”, “Railway Ventilation and Other Associated Plants”, “Sewage Pumping Station”, “Stormwater Attenuation and Treatment Ponds”, “Traction Substation cum Portal” and “Cable Car Terminal and related Commercial Development”;
- 103.6 hectares are zoned “Green Belt” covering the foothills of Pok To Yan and Por Kai Shan, the Fong Yuen area and the natural vegetated areas; and
- 9.49 hectares are zoned “Conservation Area” covering Wong Lung Hang, and its riparian areas, and the mature woodland located to the south of Sheung Ling Pei Village.

[Town Planning Board Press Release, 17/02/2017]

Draft Tsing Yi Outline Zoning Plan approved

The Chief Executive in Council approved the draft Tsing Yi Outline Zoning Plan (“OZP”) on 17 February 2017.

The planning scheme area of the OZP covering approximately 1,067 hectares includes the entire Tsing Yi Island.

Specific Zones are:

- 2.5 hectares are zoned “Commercial” for commercial developments, which may include hotel, office, shop, services, places of entertainment and eating places;
- 101.17 hectares are zoned “Residential (Group A)” for high-density residential development;
- 2.89 hectares are zoned “Residential (Group B)” covering the medium-density residential development at Liu To;
- 17.25 hectares are zoned “Village Type Development”;
- 147.87 hectares are zoned “Industrial”;
- 43.59 hectares are zoned “Government, Institution or Community” for the provision of various facilities to cater the needs of Tsing Yi residents;
- 45.48 hectares are zoned “Open Space”;
- 179.97 hectares are zoned “Other Specified Uses”, which include mainly the Container Terminal No. 9 development and back-up areas, and land reserved for container-related uses, marine-related uses, boatyards and marine-oriented industrial uses, recreation and tourism related development and a viewing platform for the Lantau Link;
- 422.78 hectares are zoned “Green Belt” mainly covering steep hillsides not suitable for urban development; and
- 1.05 hectares are zoned “Site of Special Scientific Interest” which covers the South Tsing Yi.

[Town Planning Board Press Release, 17/02/2017]

Draft Fanling/ Sheung Shui Outline Zoning Plan approved

The Chief Executive in Council approved the draft Fanling/Sheung Shui Outline Zoning Plan (“OZP”) on 13 January 2017.

The planning scheme area of the OZP, which covers approximately 667 hectares, is located in the river plains associated with the Ng Tung (Indus), Shek Sheung (Sutlej), Sheung Yue (Beas) and Ma Wat rivers.

Specific Zones are:

- 114.7 hectares are zoned “Residential (Group A)”;
- about 8.18 hectares are zoned “Residential (Group B)”;
- about 22.92 hectares are zoned “Residential (Group C)”;
- about 83.3 hectares are zoned “Village Type Development”;
- 22.07 hectares of the existing market towns of Shek Wu Hui and Luen Wo Hui are zoned “Commercial/Residential” to cater for mixed commercial and residential uses;
- 51.57 hectares are zoned “Industrial for general industrial uses”;
- 103.81 hectares are zoned “Government, Institution or Community”;
- 44.23 hectares are zoned “Open Space”;
- 35.82 hectares are zoned “Other Specified Uses”, including abattoir, sewage treatment works, bus depot, flood balancing reservoir, railway stations and petrol filling stations;
- 68.78 hectares are zoned “Green Belt”; and
- 0.9 hectares are zoned “Undetermined”.

[Town Planning Board Press Release, 13/01/2017]

Draft Kuk Po, Fung Hang and Yung Shue Au Zoning Plan approved

The Chief Executive in Council approved the draft Kuk Po, Fung Hang and Yung Shue Au Outline Zoning Plan (“OZP”) on 17 January 2017

The planning scheme area of the OZP covers approximately 90.27 hectares, comprising three sub-areas, namely Fung Hang (about 9.32 hectares), Kuk Po (about 62.82 hectares) and Yung Shue Au (about 18.13 hectares).

Specific Zones are:

- 5.88 hectares are zoned “Village Type Development”;
- 0.06 hectares are zoned “Government, Institution or Community”;
- 94 hectares are zoned “Agriculture” to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes;
- 57.38 hectares comprising mainly woodlands, shrublands, streams and rocky/sandy shores, are zoned “Green Belt”; and
- 23.01 hectares are zoned “Conservation Area” to protect and retain the existing natural landscape, ecological or topographical features.

[Town Planning Board Press Release, 13/01/2017]

Draft Aberdeen and Ap Lei Chau Outline Zoning Plan approved

The Chief Executive in Council approved the draft Aberdeen and Ap Lei Chau Outline Zoning Plan (“OZP”) on 13 January 2017.

The planning scheme area of the OZP covers approximately 784 hectares, including Tin Wan in the west and part of Aberdeen Country Park in the north. To the east, it is bounded by the approach road to Aberdeen Tunnel, Wong Chuk Hang Road and Island Road. To the southwest, the area covers the islands of Ap Lei Chau and Ap Lei Pai.

Specific Zones are:

- 1.49 hectares are zoned “Commercial”, which may include supermarkets, shops and services, and eating places;
- 7.17 hectares are zoned “Comprehensive Development Area” for comprehensive development/redevelopment of the site for residential and commercial uses;
- 60.06 hectares are zoned “Residential (Group A)” or its sub-areas for high-density residential developments, while about 0.4 hectare is zoned “Residential (Group C)” for low-rise, low-density residential developments. About 3.48 hectares are zoned “Residential (Group E)” or its sub-area for phasing out of the existing industrial uses in Tin Wan, Aberdeen and Ap Lei Chau areas through redevelopment or conversion for residential use;
- 15.54 hectares are zoned “Open Space”;
- 102.59 hectares are zoned “Government, Institution or Community”;
- 106.19 hectares are zoned “Other Specified Uses” to provide/reserve sites for specified purposes and uses;
- 213.83 hectares are zoned “Green Belt”;
- 28.35 hectares are zoned “Coastal Protection Area”;
- 1.98 hectares are zoned “Site of Special Scientific Interest” (SSSI); and
- 101.73 hectares are zoned “Country Park”

[Town Planning Board Press Release, 13/01/2017]

WEST KOWLOON CULTURAL DISTRICT

The 57th Board Meeting of West Kowloon Cultural District Authority

The Board of the West Kowloon Cultural District Authority (“WKCA”) held its 57th meeting on 10 January 2017.

It was reported to the meeting that the Board anticipates accelerated progress in the development of various core arts and cultural facilities. The Xiqu Centre project is expected to obtain the Occupation Permit in 2017. The first phase of the Art Park will be completed at the end of 2017, with the completion of Freespace in 2018 and the opening of the final phase of the Park in 2019 together with the completion of M+.

Members noted that, in respect of the development of the Hong Kong Palace Museum, a public consultation exercise will be carried out.

It was noted that the Board recently received recognition in different areas, including: the Platinum rating in the BEAM Plus Neighbourhood (Pilot version) assessment scheme administered by the Hong Kong Green Building Council, acknowledging the sustainability elements of the project; the Gold Award for Excellence in Use of Apps at the Marketing Magazine's Marketing Excellence Awards; and the Silver Award in the Best App category at the International Design and Communications Award.

[WKCD Press Release, 10/01/2017]

West Kowloon new M+ director wary of political interference

The new head of M+, Hong Kong's future museum of visual culture, has vowed to defend the gallery against political interference amid renewed concern over the governance of the long-delayed West Kowloon Cultural District.

Suhanya Raffel, former deputy director of the Art Gallery of New South Wales in Australia, said she would fight off any challenge to the museum's global outlook or the independence of its curators. Raffel started her job on 1 November 2016 and was soon confronted with the fallout from the government's secret planning for a local version of Beijing's Palace Museum to be built close to M+ on the waterfront.

The plan drew heavy criticism because of the government's failure to consult the public. It was presented as a *fait accompli* by Carrie Lam Cheng Yuet-ngor, former chairwoman of the West Kowloon Cultural District Authority, just before she entered the chief executive race.

Raffel said that she supported building the satellite Palace Museum. However, she acknowledged it was unclear if or how M+ would be involved in the development of the other museum. She was not aware of any political interference in M+ so far, but stressed that the freedom of her curators was not negotiable. She said that M+ would have a "global programme" with strong Hong Kong roots.

[SCMP, 09/02/2017]

The 58th Board Meeting of West Kowloon Cultural District Authority

The Board of the West Kowloon Cultural District Authority ("WKCA") held its 58th meeting on 14 February 2017.

Members were briefed on progress of the construction of various Core Arts and Cultural Facilities. Construction of the external building envelope of Xiqu Centre underway with the aim of completing the work in the next few months. Internal fit-out and the installation of specialist theatre equipment have commenced. The Board hopes to open M+ by late 2019. Regarding the Lyric Theatre Complex and Extended Basement, Members noted that the tender for the first main construction contract will be issued in February.

It was also reported to the meeting that the public consultation exercise concerning the Hong Kong Palace Museum project is currently being undertaken.

[WKCD Press Release, 14/02/2017]

HONG KONG BRIEFING

Households are willing to pay to go green

Hongkongers are willing to pay about HK\$100 extra per month on average to upgrade their appliances to eco-friendly ones in order to reduce household carbon emissions, a study has found. City University recently announced the results of its study, based on questionnaires randomly sent to 655 households. Researchers said the extra amount of HK\$100.40 that local households were willing to spend was "reasonably high" in comparison with findings from similar studies in other countries.

Separate studies earlier found that families on the mainland were only willing to spend an extra HK\$19 monthly to reduce household carbon emissions while American households were willing to incur an extra HK\$57.50 per month. The number was much higher – HK\$167.40 and HK\$262.50 – for Australian and British households respectively.

The research revealed that participants were the most generous when it came to upgrading to energy-efficient lighting for which they were willing to increase their monthly budgets by 8.8 per cent. Transitioning to new energy vehicles brought the most reluctance, as those polled were only willing to increase monthly spending by 4.7 per cent. The study also found that men were willing to pay HK\$46.45 more on average than women to adopt green appliances.

[SCMP, 27/10/2016]

Call for accreditation scheme to improve impact assessment quality

The Institute of Qualified Environmental Professionals (HKIQEP) has called for the creation of a government-recognised scheme to accredit qualified environmental impact assessors, in order to raise industry standards. The need for such a scheme is partly due to increasingly complex development projects being undertaken in Hong Kong. More than 200 environmental impact assessment studies have been approved since the *Environmental Impact Assessment Ordinance* (Cap. 499) came into effect in 1998.

It was proposed by the HKIQEP that the scheme will be similar to those operated by professional institutes for local surveyors, architects or engineers, with the purpose to upgrade the professional recognition of environmental professionals.

[South China Morning Post, 01/01/2017]

Hong Kong lacks recreation spaces

A study by Civic Exchange reveals that more than half of Hong Kong's population does not in fact have access to the minimum amount of recreational space specified in the government's latest development blueprint. According to government guidelines, the standard provision of open space in urban areas shall be at least 2 square metres for each person. However, Civic Exchange found those living in Mong Kok, for example, are restricted to just a fifth of the standard.

The report noted that although official statistics revealed that Hong Kong currently meets the proposed standard with 2.7 metres of open space per person, the actual situation was more complicated. The study reveals an uneven distribution of open space. The authors found that 20 out of the 57 urban outline zoning plan areas which they had studied had less than 2 square metres of open space.

[*South China Morning Post*, 24/02/2017]

Public consultation for Hong Kong Palace Museum concluded

The West Kowloon Cultural District Authority reported that more than 48,000 people had been engaged in the proposed Palace Museum project, in the form of an exhibition and web page visits, questionnaires and opinion polls. The public consultation was initiated in January after a surprise announcement in December by the then board chairwoman of the authority, Carrie Lam Cheng Yuet-ngor.

The consultation exhibition at City Gallery in Central drew 22,244 visitors, while the web page attracted 22,640 page views. A total of 1,575 questionnaires were completed. The Authority also polled 1,805 people randomly on the streets between 28 February and 7 March 2017. In the same period, 5 consultation sessions were held to seek views from relevant stakeholders, such as architects and other professionals.

However, a group of cultural workers complained that the consultation had a 'pre-determined position' and lacked transparency. They demanded a fresh round of talks.

[*South China Morning Post*, 10/03/2017]

Illegal construction work at night

A construction contractor and its sub-contractor were each fined \$4,000 by Eastern Magistrate Court on 13 March 2017 for illegally carrying out construction work at night, in contravention of the *Noise Control Ordinance* (Cap. 400) ("NCO").

A spokesman for the Environmental Protection Department (EPD) said that the department had earlier received complaints from the public concerning the noise nuisance caused by the construction work in Kennedy Town New Praya at approximately 9 pm. Investigation revealed that the works were carried out during restricted hours without a valid construction noise permit.

[*Press Release, Environmental Protection Department*, 13/03/2017]

First conviction for failure to meet emission standard

On 14 March 2017 an import and export company was fined \$2,500 by Fanling Magistrates' Court on conviction for contravening the *Air Pollution Control (Non-road Mobile Machinery) (Emission) Regulation* (Cap. 311Z). The company was found to have used a forklift which did not meet emission standards to handle goods at an industrial building in Kwai Chung in August last year.

According to a spokesman for the Environmental Protection Department (EPD), this is the first conviction for such an offence since the Regulation was fully implemented in December 2015.

[*Press Release, Environmental Protection Department*, 14/03/2017]

ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

Summary of Minutes of the 219th Meeting of the ACE held on 12 December 2016 at 2:30 pm

There were two main items for consideration, namely: (i) to review the proposal to control volatile organic compounds (VOC) in fountain solutions and printing machine cleansing agents and (ii) to review the "Hong Kong 2030+: Towards a Planning vision and Strategy transcending 2030"

(i) Proposal to Control Volatile Organic Compounds (VOC) in Fountain Solutions and Printing Machine Cleansing Agents

Mr. W C Mok of EPD briefed members on the background of the *Air Pollution Control (Volatile Organic Compounds) Regulation* (CAP. 311w) ("VOC Regulation") and the proposal to amend the VOC Regulation.

In relation to the penalties, Mr. W C Mok said that the proposed enhanced VOC control would be implemented under the existing legal framework of the VOC Regulation. Current provisions for penalties in relation to exceeding the relevant prescribed limits of VOC content are a maximum fine of \$200,000 and imprisonment for 6 months, whilst the level of fine for failure to display product information for regulated products containing VOC imported into or manufactured in Hong Kong for local sale or use is \$50,000.

Mr. W C Mok also advised the Commission that the EPD had regularly collected and tested samples of regulated products. In 2015, over 400 samples were collected and tested. Of the 25 prosecutions instituted, there were 23 convictions. Mr. W C Mok also suggested that more samples would be collected for compliance checks with the introduction of the proposed control.

In responding to the question of whether VOC species or total VOC ("TVOC") will be regulated, Mr. W C Mok said that TVOC will be regulated in accordance with the proposed prescribed VOC content limits with reference to the limits prescribed in the South Coast Air Quality Management District (SCAQMD), California, USA. Accordingly, non-reactive compounds will be excluded in determining the content of the VOC.

A member proposed that the authorities should further raise public awareness and promote the importance of using products with low VOC content. That member suggested that a publicity campaign shall be held to inform the public the benefits of this proposal. Mr. W C Mok undertook to consider the suggestion.

(ii) Hong Kong 2030+: Towards a Planning Vision and Strategy 2030

Miss Winnie Lau of the Planning Department briefed the Committee on the background, vision and overarching planning goal of the Hong Kong 2030+: Towards a Planning Vision and Strategy 2030 ("Hong Kong 2030+").

A member expressed concerns over the sustainability of resources in Hong Kong and suggested that the government should review its immigration policy with the Mainland authorities with regards to the one-way permit system. Ms Amy Cheung of the Planning Department replied that the number of one-way permit holders will gradually decline to approximately 100 per day, based on recent trends, and that room for further shrinking the one-way permit holders quota was relatively small, given the need to foster family reunions.

Another member was concerned that the planning of the Core Business Districts (CBDs) in Hong Kong 2030+ will intensify the concentration of employment in urban areas and add further pressure to the overloaded transportation system. He suggested establishing another CBD near the Hung Shui Kiu and Kam Tin

new towns, as well as relocating government offices. Ms Cheung agreed with the member that the location of Hung Shui Kiu has good potential for commercial developments. She further agreed that relocating government offices could help drive the economy.

Ms Cheung, in responding to an enquiry by a member, confirmed that proactive measures are proposed in Hong Kong 2030+ to conserve and enhance the biodiversity of Hong Kong.

In relation to the need to enhance our living environment, Ms. Cheung said that a multi-pronged approach would be adopted to release land for better use, such as relocating existing facilities. Accordingly, the standard of open space per capita will increase from 2 square metres per person to 2.5 square metres per person. She also agreed that the quality of public space was equally or even more important than the quantity.

Ms. Cheung also advised the Committee the “smart, green and resilient concept” focuses on problems like climate change through several approaches. However, a member, while expressing his support, proposed that further studies should be conducted with regard to how the concept of a smart, green and resilient city could be applied in Hong Kong.

CLIMATE CHANGE

Greenhouse gases reach historic high

Greenhouse gases rose to a symbolic milestone level in 2015, taking climate change into a new phase which could last generations, even if governments act to curb global warming, the UN World Meteorological Organisation (WMO) said. Globally averaged concentrations of carbon dioxide, the main man-made greenhouse gas, reached 400 parts per million (ppm) in the atmosphere for the first time since levels were recorded and are 44 per cent above levels before the Industrial Revolution, it said.

The rise comes despite accords by almost 200 governments to start reducing emissions, led by the Paris Agreement last year to phase out fossil fuels in favour of renewable energy in the second half of the century. “The year 2015 ushered in a new era of optimism and climate action with the Paris climate change agreement. But it will also make history as marking a new era of climate change reality with record high greenhouse gas concentrations,” WMO Secretary-General Petteri Taalas said.

An observatory at Mauna Loa in Hawaii, the main measuring station which has records dating back to 1958, “predicts that carbon dioxide concentrations will stay above 400 ppm for the whole of 2016 and not dip below that level for many generations”, the WMO said.

Carbon dioxide levels will continue rising unless the world stops burning fossil fuels and starts planting trees, insisted WMO atmospheric environment research chief Oksana Tarasova: “The technology is there. It’s just human will (that is needed).”

[SCMP, 25/10/2016]

Earth suffers its hottest temperatures for third year in a row

US scientists reported that the Earth suffered the highest temperatures in modern times for the third year in a row.

According to the report of the US National Oceanic and Atmospheric Administration, temperatures peaked national heights in parts of India, Kuwait and Iran. Accordingly, the global average of the land and sea surface temperatures for 2016 has also hit the highest recorded level, being 0.94 Celsius higher than the 20th century average and 0.04 Celsius warmer than that for 2015.

[South China Morning Post, 19/01/2017]

Antarctica’s vanishing ice

Sea ice off Antarctica and in the Arctic is at record lows for this time of year after declining by twice the size of Alaska in a sign of rising global temperatures, climate scientists say.

Against a trend of global warming and a steady retreat of ice at earth’s northern tip, ice floating on the Southern Ocean off Antarctica has tended to expand in recent years. But now it is shrinking at both ends of the planet, a development alarming scientists and to which a build-up of man-made greenhouse gases, an El Nino weather event that this year unlocked heat from the Pacific Ocean and freak natural swings may all be contributing.

“There are some really crazy things going on,” said Mark Serreze, director of the U.S. National Snow and Ice Data Center (NSIDC) in Boulder, Colorado, saying temperatures in parts of the Arctic were 20 C above normal some days in November. Worldwide, this year is on track to be the warmest on record.

Combined, the extent of polar sea ice on 4 December 2016 was about 3.84 million square kilometres below the 1981-2010 average, according to NSIDC satellite measurements. That is roughly the size of India, or two Alaskas. Antarctica’s expanding sea ice in many recent years has been a big theme for those who doubt global warming is man-made.

John Turner of the British Antarctic Survey said chilly westerly winds that sweep around the continent, perhaps insulating it from the effects of global warming, were the weakest for November in two decades, which may have let more heat seep south. But Turner said it was hard to pinpoint exactly what was happening. “When we began getting satellite data from 1979 the sea ice started to decrease. Everyone said it was global warming, but then it started to increase again,” he said.

Accepting mainstream scientific findings and responding to increases in floods and heat waves and rising sea levels, almost 200 governments last year agreed to phase out fossil fuels this century and limit the global temperature rise above pre-industrial levels to less than two degrees celsius.

The polar regions are radically different from each other because the Arctic is an ocean ringed by land and Antarctica is a vast land mass surrounded by water. Ice around Antarctica, retreating with a summer thaw, is the smallest for early December at 11.22 million square kilometres, beating a record from 1982, NSIDC data show.

Arctic sea ice, expanding in winter, is at a record low of 10.25 million square kilometres, below a 2006 record. Anders Levermann, a professor at the Potsdam Institute for Climate Impact Research, said the low polar sea ice pointed to man-made warming. “It’s an extraordinary departure from the norm,” he said. Serreze at the NSIDC said the twin record lows might be “blind dumb chance.” But the worry was that “Antarctica is the sleeping elephant that is beginning to stir.”

Scientists say Antarctica's glaciers could slip more quickly into the ocean, speeding up the pace of sea level rise, if there is less ice floating on the sea to pin them back.

[*National Post*, 6/02/2017]

A crack in an Antarctic ice shelf grows

A giant crack in Larsen C, Antarctica's fourth-largest ice shelf, is now over 100 miles long, with some parts of it being as wide as 2 miles. Accordingly, the crack has grown by the length of about 5 football fields each day since December.

As well, research teams expected the crack to break soon, given the amount of stress the crack is placing on the remaining 20 miles of the ice shelf. They also expect the break to create one of the largest icebergs ever recorded.

[*The New York Times*, 07/02/2017]

Antarctica's ice recedes to record low

Sea ice around Antarctica has shrunk to the smallest annual extent on record after years of resisting a trend of man-made global warming, preliminary US satellite data showed. This year, sea ice extent contracted to 2,287 million square kilometres on 13 February, according to daily data from the US National Snow and Ice Data Centre (NSIDC). That extent is smaller than a previous low of 2.290 million square kilometres recorded on 27 February 1997, in satellite records dating back to 1979.

In many recent years the average extent of sea ice around Antarctica has tended to expand despite the overall trend of global warming, blamed on a build-up of greenhouse gases in the atmosphere, mainly from burning fossil fuels.

[*SCMP*, 16/02/2017]

Arctic sea ice could disappear

The Arctic sea ice could vanish in summers this century, even if governments achieve their 2 degrees Celsius increased average global temperature target for limiting global warming.

Governments of almost 200 countries have set a goal of limiting the increase in average world temperatures to below 2 degrees Celsius above pre-industrial times, with an aspiration of just 1.5 degree Celsius increase. However, scientists estimate that although ice would survive with global temperatures increase limited to 1.5 degree Celsius, there will be a 39% probability that ice would disappear in the Arctic Ocean, if there is a 2 degrees Celsius rise. They also estimated that temperatures will in fact increase by 3 degrees Celsius, based on current trends.

[*The Guardian*, 06/03/2017]

NASA expands its Arctic reach

NASA announced its plan to expand the scope of Operation Ice-Bridge and explore the Arctic's Eurasian Basin for the first time.

Operation Ice-Bridge has conducted aerial surveys of polar ice for the past 8 years and has produced unprecedented 3D views of Arctic and Antarctic ice sheets. Accordingly, the NASA will explore the Arctic's Eurasian Basin through two research flights based out of Svalbard, a Norwegian archipelago in the northern Atlantic Ocean. The research is expected to continue until 12 May 2017.

[*NASA*, 10/03/2017]

Great Barrier Reef bleached for second consecutive year

The Queensland government confirmed that a mass bleaching event is happening in the Great Barrier Reef Marine Park for an unprecedented second year in a row, due to another underwater heat wave recorded by aerial surveys between Cairns and Townsville on 9 March 2017. The scale of bleaching will be confirmed through further surveys by reef scientists.

Approximately 22% of the world's largest coral reef was destroyed in a similar mass bleaching event last year.

[*The Guardian*, 10/03/2017]

Madrid to ban old cars by 2025

Madrid's municipal government plans to ban the oldest and most polluting vehicles from the city center by 2025 in order to counter worsening air pollution. The government will prohibit the use of gasoline vehicles registered before 2000 and diesel-powered vehicles registered before 2006 within the city. These categories account for 20% of all registered vehicles.

It is estimated that the prohibition would lower nitrogen dioxide levels in the city by about 15%. Other European cities, such as Paris and Berlin, have already put similar measures in place.

The ban will lower nitrogen dioxide (a gas which causes respiratory problems) levels in the city by an estimated 15 percent, according to Madrid's local government.

[*Reuters*, 13/03/2017]

REGIONAL & INTERNATIONAL

CHINA

Lack of funds slows air clean-up

China tops the world in almost all kinds of air pollution, including sulphur dioxide and nitrogen oxides emissions as well as carbon emissions, top mainland officials admitted. The officials also told a Guangdong forum that the Beijing-Tianjin-Hebei region's huge industrial output meant it was one of most polluted areas in the world.

Wang Jinnan, chief engineer of the Chinese Academy for Environmental Planning, said 1.75 trillion yuan (HK\$1.97 trillion) was needed to meet the country's pollution-reduction targets by next year, but an investment gap posed a huge obstacle to such efforts, *Legal Daily* reported yesterday. "China's emissions of all types of air pollutants and carbon dioxide are the largest in the world, which creates unprecedented pressure on air quality," Wang said.

Soaring levels of PM2.5 pollutants had reduced average visibility in the atmosphere over the Beijing-Tianjin-Hebei area by about 50km in recent decades as the region had become one of the world's most polluted. Lei Wen, an official at the Ministry of Industry and Information Technology, said that while the country had invested heavily in energy conservation and environmental protection, it had yet to fully transform its investment-intensive and high-polluting growth model into a cleaner one.

The country's total industrial output surpassed that of the United States to become the world's largest in 2011, but poor compliance with environmental standards at industrial plants has become a major reason for the pollution.

Most of the mainland's coal-fired power plants were equipped with sophisticated filters, but coal-burning in industrial plants was not very well regulated, Lei said.

Wang also said there was a lack of investment in green sectors. He said the central government had pledged to spend about 1.5 per cent of gross domestic product on environmental protection, but had spent only about 1 per cent in recent years.

[SCMP, 06/12/2016]

Green goods tariff impasse

Forty-six countries including the US, China and European Union nations have failed to agree on a list of "environmental goods", like solar-powered air conditioners and LED light bulbs, to which lower tariffs could apply.

The two-day weekend meeting at the World Trade Organisation involved a bid to agree to reducing tariffs on more than 200 environmentally friendly goods worth about US\$1 trillion in trade annually, part of a process that EU trade commissioner Cecilia Malmstrom called important "to show that trade and the environment can go hand in hand". She and other officials said China's late presentation of an additional list of goods to include threw a wrench into the negotiations.

The Europe trade negotiator blamed China for scuppering the global environmental trade deal. "China came in with their list, brining in totally new elements of perspective, which was very late in the process," Malmstrom said. Another negotiator, speaking on condition of anonymity, said China's list – lopsided in favour of its own priorities – came in at 11 am on Sunday, when others had already agreed on many points.

The lists included products for clean and renewable energy, energy efficiency and controlling air pollution, the WTO said.

[SCMP, 06/12/2016]

Pollution tax revamped

As the world's largest emitter of greenhouse gases, China has collected a "pollutant discharge fee" since 1979. In 2015 alone, it collected 17.3 billion yuan from some 280,000 businesses. However, some local governments exploit loopholes and grant exemptions to enterprises which are otherwise big taxpayers. For years, regulators have suggested replacing the fee system.

Following a nearly week-long red alert, due to heavy smog over Beijing and 23 other cities, leading to imposition of odd-even number system to regulate vehicles and closure of schools, China has passed a new law to levy an environment tax on polluters, especially heavy industries. The new law, to enter into force on 1 January 2018, will be key to fighting pollution. The director of the Ministry of Finance Tax Policy Department believes the new law will reduce interference from local governments and force companies to upgrade technology and shift to cleaner production, although carbon dioxide, one of the major contributors to global warming, is not included in the list of targeted pollutants.

Under the new law, companies will pay taxes ranging from 350 yuan to 11,200 yuan per month for noise, according to their decibel level. It also set rates of 1.2 yuan on stipulated quantities of air pollutants, 1.4 yuan on water pollutants and a range of 5 to 1,000 yuan for each tonne of solid waste. The provincial-level governments may raise the rates for air and water pollution by up to 10 times after approval by the National People's Congresses. Lower rates may also be applicable if emissions are less than national standards.

Punishments for evasion or fraud are not specified, but offenders will be held liable in line with the law on administration of taxation and the environmental law.

[*The Hindu*, 26/12/2016]

Provinces establish conservation zones

Beijing has ordered all provinces and regions to establish "ecological red lines" that will put large parts of the country off-limits to development, state media has said, part of its efforts to conserve resources and improve the environment. All regions must decide on their "red lines" before 2020.

The heavily industrialised region of Beijing-Tianjin-Hebei in the north, as well as the Yangtze River delta manufacturing hub near Shanghai, have been ordered to demarcate their protected zones by the end of next year. Breakneck rates of industrialisation and urbanisation have left the mainland with profound land and water shortages, as well as rising rates of desertification and serious pollution problems. Plans to draw up "ecological red lines" were first announced in 2011, when it was said that decades of "irrational development" had put the environment under severe strain.

Sichuan province announced last October it would implement a red line system to restrict development on 197,000 sq. km. of land, 40.6 per cent of its total territory and an area bigger than the whole of Syria.

Shaanxi province has also promised to protect grasslands, natural forests and wetlands amounting to 38.6 per cent of its total area, while Hubei province has announced plans to protect 33.4 per cent of its territory.

Beijing has also promised to increase total forest coverage from 21.66 per cent in 2015 to 23.04 per cent by the end of 2020.

China has built a remote-sensing network combining satellite readings and ground-based laser radar which a Beijing-based environmental scientist says could improve the accuracy of pollution readings around the capital.

Speaking at a recent air pollution conference, Dr. Li Qian, from Beijing's Environmental Monitoring Centre, said the city now had remote-sensing devices connected to most of the mainland's environmental satellites. Li said the network could monitor atmospheric conditions including smog, particulate matter and pollution from space, while a ground-based laser radar could detect how pollution was distributed and spread. Li added that the network, which currently covered seven neighbouring provinces and cities in and around the Beijing-Tianjin-Hebei region, would be improved in the coming years.

Some local governments have been caught falsifying their environmental monitoring data in order to impress the central leadership now that efforts to protect the environment are included in official's performance assessments.

The mainland pledged 10 billion yuan (HK\$11.2 billion) to a smog-fighting fund in 2014. The money was to be distributed to nine provincial-level governments in the Beijing-Tianjin-Hebei region and the Yangtze and Pearl River deltas. But following an inspection in May last year, the Ministry of Finance published a report in December that named and shamed Anhui, Tianjin, Henan and Shanxi for embezzlement and misappropriation of funds ranging from several million yuan to hundreds of millions.

[SCMP, 09/02/2017]

Beijing tackles 'smog highways'

Mainland cities that sit on three pollution "highways" have been told to coordinate efforts to reduce emissions, as Beijing and the mainland's northeast regions brace for another bout of heavy smog this week, state media reported yesterday. There are 20 cities situated on three western, central and eastern routes on which airborne pollutants travel north due to geological and meteorological conditions, *China Daily* reported, citing the Ministry of Environmental Protection.

Tackling emissions in cities such as Anyang and Tangshan would reduce the severity of air pollution in neighbouring areas and help Beijing reach its ambitious target this year to cut the daily concentration of PM2.5 harmful breathable particles to 60 micrograms per cubic metre from 73 in 2016, it said.

The mainland is in the third year of a "war on pollution", which is a sensitive topic that has spurred public protests every year about environmental degradation, particularly from factories. Xinhua reported late on Sunday that a new round of air pollution was expected to affect the Beijing-Tianjin-Hebei urban cluster this week, which will also filter to other parts of the north-eastern and eastern mainland.

The Ministry also said the pollutants discharged from chimneys taller than 45 metres in cities along the routes could reach the capital within hours, and that the Ministry sent inspection teams to more than 1,000 factories last year to try to tackle this issue.

[SCMP, 14/02/2017]

AUSTRALIA

First sighting of parrot in 100 years

For the first time in nearly 100 years, a night parrot fledgling has been sighted and photographed. The fledgling was observed in the Pullen Pullen Reserve in western Queensland, a sanctuary established by conservation charity Bush Heritage Australia to protect one of the only known populations of night parrots in the world.

The young bird appeared from behind a hummock of spinifex grass in the late afternoon and was observed and photographed by researchers from the University of Queensland. This is the first observed breeding success in nearly 100 years and the discovery has confirmed that the nature reserve is helping to protect the population and encourage breeding.

From 1912 up until very recently, only a handful of dead night parrot specimens had ever been found and the bird was presumed to be extinct. In 2013, the night parrot was rediscovered and the first ever photographs and video footage of the elusive species were recorded by ornithologist John Young, who discovered the Pullen Pullen night parrot population.

Since then, the population has been fiercely protected, and the site of the rediscovery has been converted into protected land dedicated to the conservation of this endangered species. Recently, several active nests were found in the Diamantina National Park in central-west Queensland, indicating a second population of night parrots. Despite this, the night parrot has remained extremely secretive and only a handful of people have ever actually seen a specimen alive. The sighted fledgling was the first to be spotted in over a century.

Over three years researchers have spent more than 250 days in the field at Pullen Pullen, tracking the nocturnal birds with GPS, installing sound recorders in the landscape and collecting recordings that contain more than 5,000 night parrot calls. The next steps for night parrot research include determining whether there are any more birds in the wider region (other than the Pullen Pullen and Diamantina populations) and capturing and GPS-tagging more night parrots.

The sighting of the fledgling has meant hope for one of the world's rarest and most mysterious birds, which now has a chance of being recovered from the brink of extinction.

[*Australian Geographic*, November 2016]

UNITED KINGDOM

Beaches littered with plastic pellets

Six hundred volunteers took part in the Great Winter Nurdle Hunt organised by Fidra, the Scottish environmental charity, in collaboration with the Environmental Investigation Agency, Greenpeace, the Marine Conservation Society and others. Inspection of hundreds of beaches across the UK has found almost 75% of them are littered with tiny plastic pellets, also known as "nurdles", which are used as raw material by industry to make new plastic products.

The lightweight nurdles can escape into the environment at various points during their manufacture, transport or use, spilling into rivers and oceans or getting into drains where they are washed out to sea. It is thought that billions are lost in the UK each year. Experts say they soak up chemical pollutants from their surroundings and then release the toxins into animals, such as birds and fish that ingest them.

Madeleine Berg, projects officer at Fidra, said she was delighted so many nurdle hunters braved the winter weather to take part. “The information we’ve gathered will be vital to show the government that pellets are found on beaches all around the UK and, importantly, that so many people care about the issue.”

[*The Guardian*, 17/02/2017]

JAPAN

Radiation level spiked at Fukushima

In March 2011, multiple reactors at the Fukushima Daiichi power plant spiralled out of control after a 42-foot tsunami overwhelmed the plant. Ultimately, fuel meltdowns occurred at 3 reactors, releasing vast amounts of radioactive matter and resulting in the world’s worst nuclear disaster since Chernobyl. Yesterday, the operator of the Fukushima reactors, Tokyo Electric Power Company, reported that it recently detected a radiation level of 530 sieverts per hour in the containment vessel. The highest level of radiation detected previously at the Fukushima reactor was 73 sieverts per hour.

“Sievert” is a measurement of the health effect of ionizing radiation on the human body. To put things in context, exposure to 1 sievert of radiation is enough to result in infertility, loss of hair and cataracts. Exposure to 4 sieverts of radiation would typically be lethal for 1 out of every 2 persons. Even a brief exposure to 530 sieverts of radiation would instantly kill any person.

According to the Japan Times, the reading was taken near the entrance to the space just below the pressure vessel, which contains the reactor core. The extremely high radiation levels suggest that some of the melted fuel that escaped the pressure vessel is nearby. In response, the Company had planned to deploy a robot to assess conditions inside the containment vessel. Although the robot is designed to withstand exposure of up to 1,000 sieverts, considering the extreme radiation levels, it would be rendered inoperable in less than 2 hours.

[*Forbes*, 03/02/2017]

FRANCE

World’s first solar road

The world’s first solar panel road is here, in the small village of Tourouvre-au-Perche in Normandy, France. The 1 kilometre road was opened yesterday by French Ecology Minister, Ségolène Royal, and could generate enough electricity to power the street lights. However, given its \$5.2 million price tag, that might not seem very impressive.

Nonetheless, Royal is determined to see solar panels installed across 1,000 kilometres of French highway if this first solar road performs as expected, although there are numerous unresolved issues. For one, flat solar panels are less effective than the angled panels that are installed on roofs, and they are also more expensive than traditional panels for they are designed to withstand the weight of large trucks.

Colas, the company which installed the road, hopes to reduce a solar road’s cost. Currently it has approximately 100 solar panel road projects in progress around the world.

[*The Verge*, 22/12/2016]

GERMANY

No meat at official functions

Barbara Hendricks, Germany’s Environment Minister, announced that her ministry would no longer be serving meat, fish or meat-derived products at official functions as animal agriculture is a leading cause of climate change and environmental degradation. Hendricks said her ministry must be a “role model” on environmental and sustainability issues.

The ministry mandate also states that meals served at other official functions should be organically sourced, with a preference for seasonal, local and fair-trade products. Ingredients should only be transported a short distance.

In a land known for schnitzel and currywurst, it perhaps comes as little surprising that the meat ban has been met with beefy backlash. Some members of the German government have accused Hendricks, a member of the Social Democratic Party, of overreaching. “I’m not having this Veggie Day through the backdoor. Instead of nanny-stateism and ideology, I believe in diversity and freedom of choice,” said the Minister for Food and Agriculture.

Research is divided on the issue of vegetarianism’s environmental benefits. Some studies suggest the climate impact of certain fruits and vegetables may be as great as some meat products. Still, the evidence in favour of a reduced-meat diet — specifically with less beef — remains compelling.

According to the United Nations Food and Agriculture Organisation, animal agriculture has been linked to climate change, fisheries depletion, species extinction, deforestation, soil degradation and other negative environmental impacts. Livestock production alone accounts for almost 20% of global greenhouse gas emissions, more than the emissions from the entire transportation sector. Further, a 2015 study suggested that meat eaters may be the top cause of worldwide species extinction, due to livestock production’s detrimental land impacts. Animal agriculture is also the world’s leading consumer of freshwater, requiring an average of 55 trillion gallons annually.

Some types of seafood are also environmentally problematic. According to the United Nations, about 75% of the world’s fisheries are either exploited or depleted from overfishing. Greenhouse gas emissions associated with fresh and frozen shellfish production are the highest per calorie, compared with other common seafood.

[*Huffington Post*, 22/02/ 2017]

INDIA

Deaths not “exclusively” associated with pollution

Greenpeace released a report in January citing Global Burden of Disease (“GBD”) research that estimated nearly 1.2 million Indians die each year due to high concentrations of airborne pollutants such as dust, mould spores, arsenic, lead, nickel and the carcinogen chromium. Researchers have argued that the frequent inhalation of tiny pollutants may increase the likelihood of blood clots, damage the body’s ability to oxygenate blood and inflame tissue in the nervous system. According to the report, no cities in northern India, and only a handful of regions in the rest of the country, met international air quality standards.

While acknowledging the problem, Indian government bodies have been “sensitive”, to say the least, about accepting international findings on the issue. Environment minister, Anil Madhav Dave, has been accused of playing down the health risks of the country’s extremely polluted air. In India’s upper house, contrary to research, he claims that there is no conclusive data available linking “death exclusively with air pollution”. He said the health effects of air pollution were a “synergistic manifestation of factors which include food habits, occupational habits, socio-economic status, medical history, immunity, heredity etc of the individuals”.

A campaigner with Greenpeace India, said the remarks were contrary to the findings of the GBD survey, a comprehensive global research programme that monitors the causes of illness and death in every country in the world. The campaigner said the air pollution estimate took into account all imaginable risk factors, from obesity, to smoking and insufficient consumption of fresh fruit. Therefore “the number of deaths attributed to air pollution in the study is only due to air pollution”.

[*The Guardian*, 08/02/2017]

UKRAINE

Legislative reform

Environmental Lawyers Alliance Worldwide’s (ELAW) partners at Environment-People-Law (EPL) have worked for years to advance democratic reform in post-Soviet Ukraine. Earlier this month, EPL celebrated an enormous victory for democracy and the rule of law: the Ukraine Parliament adopted two new laws that eliminate the outdated Soviet system of state environmental expertise and bring European standards of environmental impact assessment (EIA) into national legislation.

“The old system was severely flawed, leaving industry unregulated and the environment contaminated,” says Olena Krvavchenko, EPL Executive Director. “There was limited opportunity for public participation and we were out of compliance with international conventions and important European Union directives.”

EPL reached out to ELAW for model EIA laws from around the world and included key provisions in proposals to Parliament. ELAW sent information showing that a good EIA process allows citizens to obtain information and participate in decisions about projects that might harm the environment. “There is hard work ahead to ensure practical implementation of the new laws, but we are optimistic,” says Olena.

[*ELAW Press Release*, 25/10/2016]

U.S.A.

Ban on sunscreens urged

Oxybenzone is an ultraviolet-light absorbing chemical used as primary ingredient in many sunscreen lotions and spray. Hawaiian Senator Will Espero is leading in effort to ban sunscreens containing oxybenzone, or similar agents, because research has shown it can kill coral reefs. He aims not only to ban oxybenzone in Hawaii, but also to promote similar legislation internationally.

Some scientists and policymakers at the International Union for Conservation World Conservation Congress in September called on all tropical island nations to ban these sunscreen products. In 2015, a study published by an international team of scientist, found that high concentrations of oxybenzone around popular coral reefs in Hawaii and the Caribbean not only kills the coral, but also causes DNA damage deforming coral in the larval stage. The study was published in the journal *Archives of Environmental Contamination and Toxicology*.

Coral reefs are important to marine ecosystems, and thus also to fisheries as well as tourism. They are facing many problems, aside from sunscreen water pollution, including damage from other contaminants in the water. But an oxybenzone ban would be one solution to one problem at least, argue advocates for the ban.

[*Epoch Times*, 20-26/10/2016]

Trump targets the environment

President Trump's administration has instituted a media blackout at the Environmental Protection Agency (“EPA”) and barred staff from releasing press statements, blog updates and social media posts, according to the Associated Press news agency. The Trump administration also ordered a "temporary suspension" of all new business activities at the EPA, including issuing task orders or work assignments to EPA contractors.

During a meeting with executives from the car industry, Trump described himself as a “big environmentalist”. Meanwhile, he signed executive orders to advance the Keystone XL and the Dakota Access pipelines, drawing outrage from activists who have serious concerns over the potential environmental damage that these oil-carrying pipelines could cause. An activist accused Trump of pledging "his allegiance to the oil companies and Wall Street banks that stand to profit from the destruction of public health and the environment".

[*Al Jazeera*, 25/01/2017]

Wasteful wall

Trump’s proposed Mexican border wall does not make financial sense; it could cost as much as \$40 billion to build. Unsurprisingly, it is also a disaster for the environment. To put things in context, the 1,000 miles long wall, which is to be 50 feet high (with 15 feet underground) and 1 foot thick, would require 9.7 million tonnes of concrete and 2.3 billion kilograms of steel.

According to the Institute for Sustainable Energy and the Environment at the University of Bath, the wall’s concrete could produce up to 3.7 million tonnes of CO₂. Then, depending on the quantity of recycled metal within it, the steel would contribute a further 4.1 million tonnes of CO₂. The wall could tally up to 7.8 million tonnes of CO₂. That is the equivalent of 823,654 households’ emissions per annum. Ongoing maintenance, re-routing of traffic, and other unforeseen consequences could all push the figure far higher.

Additionally, the wall also poses a distinct ecological threat. A report released last year, based on U.S. Fish and Wildlife Service data, explained that its construction could have a negative impact on "111 endangered species, 108 species of migratory birds, 4 wildlife refuges and fish hatcheries, and an unknown number of protected wetlands."

Given the damage it could cause, building the wall would be unquestionably wasteful. The director for the Arts Council of New Orleans, sums up the situation: "The embodied energy in thousands and thousands of miles of wall is insane and useless in so many ways."

[MIT Technology Review, 27/01/2017]

Environmental regulations deemed redundant

New EPA chief Scott Pruitt in his first agency speech sought to reassure leery staff of his vision for federal environmental protection under President Trump — one that involved the agency becoming both "pro-energy and jobs and pro-environment."

During his speech, Pruitt made it clear that he wished to cede responsibility for environmental protection back to the states and limit the role of the EPA strictly to what Congress has instructed it to do to "avoid the uncertainty of litigation." Pruitt knows about litigation against the EPA. As Oklahoma's attorney general, he led more than a dozen lawsuits against the EPA on that state's behalf.

The Trump administration does not want to wait for Congress to act. This week, the White House is readying executive actions seeking to undo Obama-era rules meant to curtail water pollution and the release of greenhouse gases. Pruitt told the Wall Street Journal in his first interview as EPA chief that he expects to quickly withdraw the US from the Clean Power Plan, Obama's landmark proposal for curbing greenhouse gas emissions from power plants.

Pruitt delivered his remarks in the agency's ornate Rachel L. Carson Great Hall, named after the scientist who authored the book *Silent Spring* in 1962, which kick-started the US environmental movement and ultimately led to the creation of the EPA eight years later.

At the end of his speech, Pruitt quoted another famous environmentalist – John Muir, the 19th century activist and founder of the Sierra Club : "Everybody needs beauty as well as bread". However, the current head of the Sierra Club objected to the name-drop, saying : "John Muir is rolling over in his grave at the notion of someone as toxic to the environment as Scott Pruitt taking over the EPA."

[BuzzFeed News, 22/02/2017]

ATLANTIC OCEAN

Whaling nations defeat sanctuary plan

Whaling nations have defeated a renewed bid by southern hemisphere states to create an Atlantic sanctuary for the marine mammals hunted to near extinction in the 20th century. A proposal by Argentina, Brazil, Gabon, South Africa and Uruguay, which needed a 75 per cent majority, mustered only 38 yes votes out of 64 cast at an International Whaling Commission (IWC) meeting, an outcome lamented by conservationists. Its main detractors were whaling nations Japan, Norway and Iceland, with backing from a number of African, Asian and small island states.

"With all the problems currently facing whale populations that have previously been devastated by commercial whaling, it is clear they need a protected zone where they will be able not just to survive, but to rebuild and thrive," said Greenpeace whale expert John Frizell. "What is the most disappointing is that all these efforts are ultimately being undermined by IWC member countries who are thousands of miles away, not even in the southern hemisphere and some even on the other side of the world."

The proposal, backed by countries which depend on whale-watching tourist dollars, has been shot down at every IWC meeting since it was first introduced in 2001. The scheme is to create a whale sanctuary of 20 million sq km in the South Atlantic ocean. Backers say about 71 per cent of an estimated three million whales killed around the world between 1900 and 1999 were taken in southern hemisphere waters.

The most targeted species are fin, sperm, blue, humpback, sei and minke whales – which are still recovering under a 30-year old moratorium on all but aboriginal whale hunting.

[SCMP, 27/10/2016]

ANTARCTICA

World's largest marine park created in Ross Sea

A landmark international agreement to create the world's largest marine park in the Southern Ocean has been brokered in Australia, following five years of compromises and failed negotiations. More than 1.5m sq km of the Ross Sea around Antarctica will be protected under the deal brokered between 24 countries and the European Union. It means 1.1m sq km of it – an area about the size of France and Spain combined – will be set aside as a no-take "general protection zone", where no fishing will be allowed. Significantly, the protections are set to expire in 35 years.

The agreement came on Friday at the conclusion of two weeks of discussions between delegates from 24 countries and the EU in Hobart, at the annual meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). It is the first marine park created in international waters and will set a precedent for further moves to help the world achieve the International Union for the Conservation of Nature's recommendation that 30% of the world's oceans be protected.

The Antarctic protections had been urgently sought because of the importance of the Southern Ocean to the world's natural resources. For example, scientists have estimated that the Southern Ocean produces about three-quarters of the nutrients that sustain life in the rest of the world's oceans. The region is also home to most of the world's penguins and whales.

The Ross Sea is a deep bay in the Southern Ocean that many scientists consider to be the last intact marine ecosystem on Earth – a living laboratory ideally suited for investigating life in the Antarctic and how climate change is affecting the planet.

"This landmark decision represents the first time that nations have agreed to protect a huge area of the ocean that lies beyond the jurisdiction of any individual country and shows that CCAMLR takes its role as protector of Antarctic waters seriously," the Pew Charitable Trust said.

The protections will not decrease the total amount of fish that are allowed to be caught in the Ross Sea, but will move the industry away from the most crucial habitats close to the continent itself.

Russia has a fishing industry which relies on catching Antarctica toothfish in the Ross Sea. The changes will push the fleet into waters where they will catch fewer immature fish, and where they will not compete with as many orcas, who also rely on toothfish for food.

The agreement also establishes a large 322,000 sq km “krill research zone” that will allow for research catching of krill, but prohibit toothfish catching. Additionally, a 110,000 sq km “special research zone” will be established on the outside of the no-take zone, allowing catching of krill and toothfish only for research purposes.

But the expiry of the protections in 35 years was a significant compromise. It came following five years of failed negotiations, due to opposition from China and Russia which have large fishing fleets in the region. The World Conservation Union’s definition of a marine protected area requires it to be permanent. WWF has concerns that the Ross Sea agreement does not meet this standard.

The campaign group Avaaz had, with Leonardo DiCaprio, launched a petition calling for CCAMLR to establish “the world’s largest network of marine protected areas in the Southern Ocean, starting with the Ross Sea and East Antarctica”. It received more than 2m signatures, Avaaz said.

“There’s massive momentum in the world right now to protect our oceans,” said Luis Morago, campaign director at Avaaz. “Governments have just set the landmark target of protecting 30% of our oceans, and millions of people all over the world are pushing for more protected areas to achieve that goal. The Ross Sea is just the start.”

[*The Guardian*, 28/10/2016]

ECUADOR

Acción Ecológica fights against closure

Members of one of Latin America’s most well-known environmental organisations, Acción Ecológica, are fighting for their survival against the latest controversial attempt by Ecuador’s government to shut them down. The move by the government came just two days after the NGO called for a Truth Commission to be set up to investigate violence between soldiers, police and indigenous Shuar people opposed to a Chinese-run copper development, Panantza-San Carlos, in the Cordillera del Condor region.

On 20 December 2016, the Vice-Minister for Internal Security, Diego Torres Saldaña, requested the “immediate dissolution” of the organisation. According to the Vice-Minister, the organisation has been using social media to express support for violence against soldiers and police, to claim that extractive operations will negatively affect the environment, to allege “supposed human rights violations”, and to mobilise the public and organising demonstrations. Torres Saldaña’s conclusion was that, by allegedly promoting and committing violence, the organisation has strayed from its legally-constituted objectives and poses a threat to “national security”.

The NGO denied it has ever supported any kind of violence and described claims that it represents a serious threat to Ecuadorian society as “disproportionate.” It accepted it has denounced extractive operations on environmental and human rights grounds, as is permitted under its statutes, and carried out “different types of social mobilisations”, which is in accordance with the right to freedom of expression, freedom of association guaranteed under Ecuador’s Constitution. It also accepted it has made allegations of human rights violations in Shuar territory, pointing out that other Ecuadorian and international organisations have done likewise, if not more.

On 3 January 2017, Torres Saldaña elaborated on the government’s allegations and provided 11 pieces of evidence for why the NGO should be shutdown. These included three of the NGO’s Facebook links, four of its website links, and two police reports. The NGO said the claim they were promoting violence was “false”, and the fact they have been making statements about human rights violations and the negative impacts of extractive operations means they are “fully complying” with their objectives.

In support of Acción Ecológica, five UN human rights experts observed : “It seems Ecuador’s government is systematically dissolving organisations when they become too vocal or challenge official orthodoxy”. In reply, Ecuador’s Foreign Ministry accused the experts of “flagrantly violating” norms and a UN Code of Conduct. It argues that the UN statement lacks objectivity, and makes “tendentious statements that misrepresent” events in Shuar territory.

[*The Guardian*, 07/01/2017]

Protecting Ecuador from polluting palm oil

ELAW (Environmental Lawyers’ Alliance Worldwide) partners at ECOLEX have worked for more than 10 years to help the Afro-Ecuadorian community of La Chiquita and the indigenous peoples of Guadualito protect the Chocó rainforests and rivers from polluting palm oil operations. During this time, Meche Lu, ELAW Staff Scientist, traveled often to the Chocó to provide scientific support to the lawyers defending communities’ rights to clean water.

Last month, the Provincial Justice Court of Esmeraldas ordered national authorities to provide safe drinking water, a sewage treatment plant, a school, and a health centre to local communities. In addition, the court ordered the Ministry of the Environment to perform annual audits to enforce environmental laws, and the government is prohibited from granting licences for new or expanded palm oil plantations in San Lorenzo.

This order will bring great benefits to the community, but the victory is bittersweet, says ECOLEX attorney Manolo Morales: “The communities wanted the polluting companies fined and wanted compensation for environmental damages, but the court only directed the companies to create buffer zones along waterways and to stop using chemicals that pollute waterways.”

The communities will appeal.

[*ELAW press release*, 14/02/2017]

WORLD

Half of primate species could go extinct

They are mankind’s closest relatives, but more than 60% of the world’s apes and monkeys are threatened with extinction. Researchers said that for most of the world’s 504 primate species it is now “the 11th hour on earth” - with nearly two-thirds facing extinction and 75% of populations in decline.

The future for non-human primates – apes, monkeys, tarsiers, lemurs and lorises – is looking bleak, as their forest homes are increasingly being chopped down. With many species living in rainforests, the cutting down of millions of acres of forest to supply the increasing demand for timber or to clear land for agriculture is destroying their habitat and making populations more fragmented.

Behind the collapse in numbers is an increase in industrial agriculture, large-scale cattle ranching, logging, oil and gas drilling, mining, dam building and road construction. The illegal trade in bushmeat – killing apes and monkeys for their flesh – is also decimating the animals, as is changing climates and diseases spread from humans to apes.

To prevent the loss of primate habitats, industrialised nations will have to reduce their demands for tropical hardwoods, beef, palm oil, rubber, minerals and fossil fuels, and encourage sustainable use of resources.

[*The Daily Mail*, 18/01/2017]

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Australia
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Fax: (612) 8281-4567

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Level 21, 400 George Street
Brisbane
QLD 4000
Australia
Tel: (61) 7-3231-2444
Fax: (61) 7-3221-4356

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140 St Georges Terrace
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Fax: (618) 9321-3465

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140 William Street, Melbourne
Victoria 3000, Australia
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Fax: (613) 9288-0666

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Level 15, 45 Pirie Street, Adelaide 5000
South Australia
Tel: (618) 8210-1200
Fax: (618) 8210-1234

Phnom Penh, Cambodia

BNG LEGAL

No.64, Street 111
Sangkat Boeung Prolit
Khan 7 Makara
Phnom Penh
Tel: (855-23) 212 414
Fax: (855-23) 212 840

Macau

**ANTÓNIO RIBEIRO BAGUINHO - LAWYERS
AND PRIVATE NOTARIES**

Av. da Amizade
555, Edif. Landmark
ICBC Tower, 13 Floor, Room 1308
Macau
Tel: (853) 28788128
Fax: (853) 28705351

Hong Kong, China

FRED KAN & CO.

Suite 3104-07, Central Plaza
18 Harbour Road
Hong Kong
Tel: (852) 2598-1318
Fax: (852) 2588-1318

Baotou City, China

JIANZHONG LAW FIRM

The Middle Part of Jianshe Road
Baotou, Inner Mongolia
P.R.China
Tel: (86) 472-7155473
Fax: (86) 472-7155474

Beijing, China

JINCHENG TONGDA & NEAL LAW FIRM

10th Floor, China World Tower
No. 1 Jianguo Menwai Avenue
Beijing 100004
China
Tel: (86) 10 5706 8585
Fax: (86) 10 8515 0267

Qindao, China

QINDAO LAW FIRM

22/F, Northern Tower, Golden Square
20 Hong Kong Road(M),
Qingdao, P.R.China
Postal Code 266071
Tel: 86-532-85023100
Fax: 86-532-85023080

Shanghai, China

SHANGHAI UNITED LAW FIRM

14/F, China Insurance Building
166 East Lujiazui Road
Shanghai, P.R. China
Postal Code 200120
Tel: (86) 21-68419377
Fax: (86) 21-68419499

Guangzhou, Dongguan, China

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35F, Shun Tak Business Centre
246 Zhongshan Road 4
Guangzhou
P.R.China 510030
Tel: (86) 20-83635488
Fax: (86) 20-83635444

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Defence Colony, New Delhi-110 024
India
Tel: (91) 11-4650-1000
Fax: (91) 11-2433-7958

Jakarta, Indonesia

LEGISPERITUS LAWYERS

Mega Plaza 12th Floor
Jl. HR. Rasuna Said Kav. C-3
Jakarta 12920, Indonesia
Tel: (62) 2-1527-9109

Tel Aviv, Israel

RNC

5th Kineret St.
BSR Tower No. 3
Bene-Beraq 5126237
Tel: +972 (0)3-617-4000
Fax: +972 (0)3-617-4022

Tokyo, Japan

SOGA LAW OFFICE

2F, Yotsuya Y's Bldg.
7-6 Honshiocho Shinjuku-ku
Tokyo 160-0003
Japan
Tel: (81) 3-5919-3022
Fax: (81) 3-5919-3350

Incheon, Republic of Korea

K&L LAW FIRM

#201, Myong-in
28 Soseung-ro, 185 Beon-gil
Nam-gu
Incheon
South Korea (402-876)
Tel: +82 32 864 8300
Fax: +82 32 864 8301

Kuala Lumpur, Malaysia

CHEANG & ARIFF

39 Court @ Loke Mansion
No. 273A, Jalan Medan Tuanku
50300 Kuala Lumpur, Malaysia
Tel: (603) 2691-0803
Fax: (603) 2693- 4475

Yangon, Myanmar

JTJB MYANMAR CO LTD

Suit No. 01-04, Union Business Centre,
Nat Mauk Road, Bo Cho Quarter, Bahan Township,
Yangon
Myanmar
Tel: +95 1860 3455

Auckland, New Zealand

HESKETH HENRY

Private Bag 92093
Auckland
1142, New Zealand
Tel: (64) 9-375-8700
Fax: (64) 9-309-4494

Manila, Philippines

**HERRERA TEEHANKEE &
CABRERA LAW OFFICES**

5th Floor, SGV II Building
6758 Ayala Avenue
Makati City 1200, Philippines
Tel: (63) 2-813-7111
Fax: (63) 2-840-5555

Singapore

JOSEPH TAN JUDE BENNY LLP (JTJB)

No. 6 Shenton Way,
#23-08,
DBS Building Tower Two
Singapore 068809
Tel: (65) 6220-9388
Fax: (65) 6225 7827

Colombo, Sri Lanka

D.N. THURAIRAJAH & CO.

No. 16/3, Sulaiman Terrace
Colombo 00050
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Fax: (94) 1- 1250-3313

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Pathumwan
Bangkok 10330
Thailand
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Fax: (66) 2655-2265

Dubai, United Arab Emirates

LUTFI & CO.

901 Al Attar Business Tower
Sheikh Zayed Road
Dubai, United Arab Emirates
Tel: (97) 14-3798-298
Fax: (97) 14-3798-689

Ho Chi Minh City, Vietnam

LUATVIET ADVOCATES AND SOLICITORS

19th Floor Vincom Center
72 Le Thanh Ton Street
Ben Nghe Ward
Dist 1, Ho Chi Minh City
Vietnam
Tel: (84) 8-3824-8440
Fax: (84) 8-3824-8441

**Convictions under environmental
legislation: January and February 2017
(March data not available)**

**[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:

January 2017

Fifty-two convictions were recorded in January 2017 for breaches of legislation enforced by the Environmental Protection Department (EPD).

Five of the convictions were under the Air Pollution Control Ordinance, 13 were under the Noise Control Ordinance, 32 were under the Waste Disposal Ordinance, and 2 were under the Water Pollution Control Ordinance.

The heaviest fine in January was \$60,000, assessed against a company that imported controlled waste without a permit.

February 2017

Sixty-six convictions were recorded in February 2017 for breaches of legislation enforced by the Environmental Protection Department (EPD).

Five of the convictions were under the Air Pollution Control Ordinance, 5 were under the Noise Control Ordinance, and 56 were under the Waste Disposal Ordinance.

The heaviest fine in February was \$20,000, assessed against a company that deposited waste unlawfully.