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The integrity of our Country Parks, a shining beacon in Hong Kong's otherwise overall poor record of meaningful environmental protection, is constantly threatened by development pressures. Strict planning controls of unprotected enclaves within Country Parks is therefore vital to protect the Parks from ever-present and increasing development pressures.

The Editors

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PROHIBITING ENCLAVE DEVELOPMENT VITAL TO COUNTRY PARKS' INTEGRITY

Although Hong Kong's tourism promotions rather stupidly advertise Hong Kong only as "a World City", in fact we live in a surprisingly extensive and rich natural environment with diverse fauna and flora, especially within the Country Parks.

The land area of Hong Kong is 1,104 square kilometres, of which approximately 40% (44,004 ha) comprises designated Country Parks under the *Country Parks Ordinance* (Cap.208). [On the other hand, there are only 4 Marine Parks of a shamefully small 2,430 ha total area.]

In 1976 the colonial government enacted the CPO as a statutory framework for the designation, management and protection of the Country Parks system. Until then, Hong Kong's mountainous topography was a key reason for the *de facto* reservation of a proportionally vast area of land in its natural state. But the government deserves credit for taking steps to legalise that situation so as to give significant, if not absolute, statutory protection to the environment within designated parks.

The CPO established what is now the Country and Marine Parks Authority, which has responsibility for the control and management of the Parks. The Authority's statutory duties include the duty "to protect the vegetation and wild life inside Country Parks and special areas": section 4.

The Authority also has power to refer any inappropriate use of privately occupied sites

within Country Parks (i.e. enclaves of privately held land at the time the Park was designated) to the relevant Land Authority, which may issue a notice to occupier to discontinue or modify the use, regardless of the provisions of the occupier's lease or of any other ordinance : section 16. The Authority appears not to have relied on the power to any extent, if at all.

The CPO clearly has an objective of conserving the Parks' ecosystems, although community access to and use of the Parks are also encouraged.

There are 24 Country Parks, plus the Tai Po Kau Special Area and Geological Park, under the Authority's jurisdiction. Each year more than 13 million people visit Country Parks for recreational purposes. More than 2100 native plant species and approximately 500 bird species are found within Country Parks, as well as various other fauna species, including a rich array of insects, such as dragon-flies and butterflies.

Despite the statutory protection afforded Country Parks, and the monitoring/management roles and powers of the Authority and the Agriculture, Fisheries and Conservation Department, Country Parks are constantly undermined and threatened by various forms of exploitation, especially housing and other construction. The vast Parkview development is a prime example. In this context, it is important, therefore, that the government takes urgent steps to control development in "enclaves".

"Enclaves" are sites which are physically within (or adjacent to) a Country Park, but which are excluded from the Park's designated area. These sites mostly

comprise a mix of private and government land. As an enclave is outside its statutory jurisdiction, the Authority has no direct control of land uses occurring in the enclave. Unless an enclave is within a declared Zoning Plan (which then gives the Town Planning Board (TPB) jurisdiction over developments in the enclave) any development could be undertaken on private land in an enclave unless it conflicted with the terms of the government lease, or other statutory constraints.

In late 2010, the owner of land in an enclave at Tai Long Sai Wan – a spectacularly beautiful section of the coastline – commenced inappropriate development. No official permission was needed because the site was not subject to a Zoning Plan and the development apparently did not contravene the lease.

However, when the developer's plans were reported in the press, there was, understandably, a huge public outcry against the proposed development. Consequently, as an urgent interim measure, the TPB placed the enclave under an draft Development Permission Area (DPA), the effect of which was to require the developer to obtain TPB approval of his plans. Such approval has not been given.

In the meantime, the Tai Long Wan controversy caused such public alarm concerning developments in enclaves that the issue was referred to by the Chief Executive in his 2010/2011 Policy Address, in which the Chief Executive promised prompt action to regulate land use in all Country Park enclaves.

Considerable political pressure was brought to bear on the government to move quickly to protect Parks and the enclaves themselves from unfettered, inappropriate development. For example, at its meeting on 24 February 2011, a subcommittee of LEGCO's Panel on Environmental Affairs discussed the problem, and resolved that enclaves with "high conservation value" should be covered by statutory plans as soon as possible.

In late 2010, there were 77 enclaves of which covering a total of approximately 2067 ha.; of these, 23 enclaves were covered by Outline Zoning Plans. The enclaves are :

No.	Name of site	Area in ha (About)
Lion Rock Country Park		
1.	Shap Yi Wat	3
Ma On Shan Country Park		
2.	Ngau Liu and Kwun Yam Shan	72
3.	Wong Chuk Yeung	37
Pat Sin Leng Country Park		
4.	Sha Lo Tung	56
Plover Cove Country Park		
5.	Kai Kuk Shue Ha, Ho Lek Pui and Ham Hang Mei	8
6.	Ho Pui, Tin Sam, Sam Ka Tsuen, San Uk Tsuen, San	98

	Uk Ha, Lo Wai, Leng Pui and Kau Tam Tso	
Sai Kung East and West Country Parks		
7.	Wong Yi Chau and Hei Tsz Wan	9
8.	Pak Tam Chung	2
9.	Tsak Yue Wu	15
10.	Tai Long, Lam Uk Wai, Lung Mei Tau, Tai Wan and Ham Tin	46
11.	Pak Tam	5
12.	Shek Hang	3
13.	Tai Mong Tsai, She Tau, Ping Tun, Tit Kim Hang, Tam Wat, Tai Po Tsai, San Tin Hang, Tso Wo Hang, Wong Chuk Wan and Wong Mo Ying	126
14.	Wong Keng Tei and Tsam Chuk Wan	36
15.	Sham Chung	32
Lantau South, North and North (Extension) Country Parks		
16.	Fan Lau Tsuen	24
17.	Pak Fu Tin	3
18.	Lung Mei and Tai Long	28
19.	Ngong Ping	103
20.	Lai Chi Yuen	5
21.	Shui Tseng Wan	2
22.	Yi Long	7
23.	Shui Hau Wan	1
Ma On Shan Country Park		
24.	Mau Ping, Mau Ping Lo Uk, Mau Ping San Uk, and Wong Chuk Shan	45
Kam Shan Country Park		
25.	Kam Shan	1
Tai Mo Shan Country Park		
26.	Site near Chuen Lung	10
27.	Site near Tso Kung Tam	9
Tai Lam Country Park		
28.	Tin Fu Tsai	53
29.	Tsing Fai Tong	26
30.	Sheung Tong	10
31.	Sheung Fa Shan	26
32.	Yuen Tun	19
Pat Sin Leng Country Park		
33.	Ping Shan Chai	15
Plover Cove Country Park		
34.	Hung Shek Mun Tsuen	10
35.	Lai Tau Shek	10
36.	Sam A Tsuen	23
37.	Sai Lau Kong	2
38.	Siu Tan	20
39.	Kop Tong, Mui Tsz Lam and Lai Chi Wo	91
40.	So Lo Pun	29
41.	Kuk Po San Uk Ha, Kuk Po Lo Wai, Yi To, Sam To, Sze To and Ng To	64
42.	Fung Hang	9
43.	Yung Shue Au	18
44.	Fan Kei Tok	5
45.	Chau Mei, Tai Tong, Chau Tau and Sha Tau	26
Sai Kung East and West Country Park		
46.	Pak A	11
47.	Tung A	10
48.	Pak Lap	6
49.	Pak Tam Au	14
50.	To Kwa Peng	9
51.	Chek Keng	31
52.	Tai Tan, Uk Tau, Ko Tong, Ko Tong Ha Yeung	67
53.	Tung Sam Kei	4
54.	Ko Lau Wan, Mo Uk, Lam Uk, Lau Uk and Tse Uk	33
55.	Sai Wan*	17
56.	Hoi Ha	8
57.	Pak Sha O, Pak Sha O Ha Yeung	29

58.	Nam Sham Tung	5
59.	Lai Chi Chong	16
60.	Yung Shue O	32
61.	Cheung Sheung	16
62.	Tai Hom	5
63.	Wong Chuk Long	4
64.	Site near Wong Mau Kok	3
Lantau South, North and North (Extension) Country Parks		
65.	Luk Wu, Upper Keung Shan, Lower Keung Shan, Cheung Ting and Hang Pui	155
66.	Tsin Yue Wan	4
67.	Ngau Kwo Tin	7
68.	Tei Tong Tsai	15
69.	Yi Tung Shan	7
70.	Man Cheung Po	2
71.	Site near Nam Shan	6
72.	Site near Peaked Hill	6
73.	Tai Ho and Site near Wong Kung Tin	277
74.	Yi O	23
Tai Po Kau Special Area		
75.	Site near Ngau Wu Tok	5
76.	Site near Tai Po Mei	6
Ma Shi Chau Special Area		
77.	Shui Mong Tin	2

* The Town Planning Board announced the publication of the Draft Tai Long Sai Wan Development Permission Area Plan on 6 Aug 2010.

By early 2011 the TPB had initiated procedures to place a further 7 enclaves under DPAs or Outline Zoning Plans. For example, the TPB recently concluded the public consultation process to create a planning zone to cover two more enclaves : *The To Kwa Peng and Pak Tam Au Development Permission Area*. The DPA broadly designates the enclaves as "Unspecified Use Zones", meaning any proposed use land will require planning approval from the TPB.

Nearly 300 people made representations concerning this draft DPA during the two months public consultation period. Supporters of the plan focused on the priority of conserving the high ecological value of the area, and the need to introduce planning controls to (hopefully) safeguard the area from environmental damage caused by inappropriate land use, such as large scale vegetation clearance.

Opponents emphasised, for example, the need to protect villagers' rights to use their land (such as for constructing houses under the "small house policy"), and that environmental protection was "too expensive" (which, sadly, reflects all too well a common misunderstanding in Hong Kong of the reason for, and social value of, effective environmental conservation).

On 5 August 2011 the TPB informed representers by letter that the draft DPA was approved (but without the more stringent protections proposed by the pro-environment representers) and would be sent to the Chief Executive for approval.

Importantly, the TPB also advised that "the remaining Country Park enclaves (not already covered by Zoning Plans) would either be included into Country Parks or would be covered by DPA Plans", as had been proposed by the pro-environment representers.

This was, overall, encouraging news. However, it remains to be seen whether the TPB (and the government) will have

sufficient resolve to resist ever-present and increasing pressures from developers to use enclaves inappropriately. Given the enormous influence institutional developers traditionally have had in the administration of Hong Kong, it is difficult to be optimistic that such resolve will be shown. But the bottom line is this : the overriding responsibility of the government is to ensure that the environmental integrity of our magnificent Country Parks, and the enclaves, is not eroded by human activities.

LEGISLATION DIGEST

Motor Vehicle Idling (Fixed Penalty) Regulation [Gazette published on 26 August 2011, No. 34 Vol. 15, Legal Supplement No. 2]

Pollution has raised health concerns in many cities around the world and Hong Kong is no exception. Idling vehicles not only cause air pollution, but also heat and noise nuisance to nearby pedestrians and shops. The *Motor Vehicle Idling (Fixed Penalty) Bill* ("Ordinance") was passed in the Legislative Council on 5 March 2011. The *Motor Vehicle Idling (Fixed Penalty) Regulation* ("the Regulation") was gazetted pursuant to *Section 31 of Ordinance* and will be tabled at the Legislative Council in October 2011. The Regulation is subsidiary legislation under the Ordinance for the implementation of a statutory ban on idling vehicle engines.

The Regulations are necessary for implementing the Ordinance. The purposes of this Regulation are to: (a) prescribe the forms of penalty notice and demand notice for payment of the fixed penalty; (b) prescribe the form of a certificate of posting a demand notice; (c) specify the manner of payment of fixed penalties; and (d) prescribe the form of an evidentiary certificate.

The Regulation contains 6 sections and 1 schedule:-

- (a) Commencement [**Section 1**]
This Regulation comes into operation on the same day which the Ordinance comes into effect.
- (b) Penalty notice [**Section 2**]
A penalty notice must be in the prescribed form, i.e. Form 1 in the Schedule.
- (c) Demand notice [**Section 3**]
A demand notice must be in the prescribed form, i.e. Form 2 in the Schedule. Such notice must be signed by a public officer acting on behalf of the Authority.
- (d) Certificate of posting demand notice [**Section 4**]
A certificate of posting a demand notice must be in the prescribed form, i.e. Form 3 in the Schedule.
- (e) Payment of fixed penalty [**Section 5**]
Payment of a fixed penalty could be made in any of the following ways:-
 - (i) by post addressed to the Treasury;
 - (ii) at the counter of a post office;
 - (iii) through an ATM machine;
 - (iv) by PPS;
 - (v) through the internet; or
 - (vi) through a phone banking service.

The payer must pay the correct amount of payment and without including any

other amount regarding a matter other than the one specified in the notice. In respect of (i) and (ii), the payer must deliver the notice together with the payment in accordance with the instructions as set out in the notice. If payment of penalty is made otherwise than in accordance with this Regulation, the penalty shall be treated as unpaid and the relevant authority may return the amount of payment to the payer.

- (f) Evidentiary certificate [**Section 6**]
A certificate must be in the prescribed form, i.e. Form 4 in the Schedule.

TOWN PLANNING

Town Planning Board to deter "destroy first, build later" activities

In recent years, there has been an increasing number of unauthorised developments in rural sites located in the New Territories. It is not uncommon to see ponds illegally filled up and vegetation removed, prior to obtaining planning approval. Such actions are carried out deliberately to destroy the natural environment in the hope that The Town Planning Board will grant sympathetic consideration to subsequent development on the site concerned, unconstrained by environmental considerations.

The Board, determined to stop this kind of behaviour, has announced several new approaches when it is considering a rezoning application that involves an unauthorised development:-

1. the Board will make a decision only after a full investigation is conducted on whether the unauthorised development constitutes an abuse; and
2. when the application site is subject to enforcement action, the Board will take into account the reinstated condition of the site as required in the reinstated notice issued by the Planning Authority.

In order to conserve the rural and natural environment, the Planning Authority will also join hands with the Board to carry out enforcement and reinstatement action against unauthorised developments. In addition, the Planning Authority will step up public education programmes to encourage wider understanding of Hong Kong's statutory planning controls.

[*Town Planning Board Press Releases*, 04/07/2011]

Planning changes draw developers' ire

A series of rezonings has been launched by the Town Planning Board in the Causeway Bay District, including a proposal to cap the building height at 200 metres, which will apply to some redevelopment projects that are already in place. The Board will also require developers to keep a certain distance between buildings, in order to improve air flow in the area. The environmental NGO *Green Sense* has expressed its support for this initiative.

The new measures will greatly reduce developers' flexibility in planning renewal projects. Previously, developers could fully utilise land plots to the maximum. Under the new rules, the value of property is likely to decline as the usable gross floor area is reduced significantly.

The Board's controversial decision to introduce stricter planning rules for redevelopment projects in Causeway Bay has generated the highest number of appeals and amendment requests during any planning consultation process conducted last year. Among appellants are the major developer in the area, Hysan Development, and the hotel operator, Mandarin Oriental, who are now seeking judicial review of the Board's decision.

The Board held a meeting that lasted 15 hours in March with Hysan after the developer expressed its strong opposition to the new measures, especially the new restriction on building heights. The Board, however, remained firm on its position and insisted that it is essential for the developer to alter its development plans to meet the new requirements.

Some developers, such as Henderson Land and Wing Tai Properties, have dodged the bullets and managed to have their project blueprints in approved before the new measures were introduced, hence allowing them to construct buildings which will be taller than the restricted limit in the district.

[*The Standard*, 14/07/2011]

Firm seeks review to store urns in 'shrine'

A judicial review was launched by a company, Hong Kong Life Group, seeking the right to store burial urns in a building located in Yuen Long. The judge, in ruling whether to allow the legal challenge, has reserved judgment as to the classification of the building as a shrine or a columbarium.

The government maintained that it is a columbarium that is used to house funeral urns, and is operated as a business which attracts hundreds of visitors congregating at the facility, therefore is not permitted in the village development zone. The government insisted that the planning intention behind the village development zone was to preserve the village setting, develop village houses and control large scale development; hence, the applicant's proposal should not be allowed at the nominated site.

Whilst the company argued that there is no clear definition as to how a shrine should be operated, in addition it maintained that the operator does not need to seek approval from the Town Planning Board. Under the outlining zoning plan for the site, the proposed facility was a "shrine" that served the needs of villagers.

The Planning Department said that a shrine is a place or structure other than a building for worship, but a columbarium is any place or vault with niches for urns containing the ashes of cremated bodies. In October 2010, the Planning Department issued an enforcement notice against the company to prevent it from running the business, on the ground it was an unauthorised development. The company accused the Town Planners of wrongly concluding that the building was used as a columbarium.

[*The Standard*, 27/07/2011]

Non-residential sites common in residential areas

A study conducted by a property consultancy concluded that nearly 40% of the plots in Kowloon Tong - primarily a residential zone - have been used for educational or

commercial purposes. The government was therefore urged to take prompt action to stop approving applications for non-residential purposes in areas where the zoning objective has changed.

The area of nearly 1.6 million square feet, in which it was estimated more than 300 homes could be built, has in fact been home to a substantial number of non-residential buildings, such as schools, hotels and commercial facilities. Since 2000, the Town Planning Board has approved 24 kindergartens and child care centres, and currently there are a total of 44 kindergartens and schools in the district.

As the roads in this low-density residential area cannot cope with any more vehicles, the Board recently objected to the relocation and expansion plan of a kindergarten in Kowloon Tong.

The Institute of Surveyors is of the view that although the area is zoned primarily for residential purposes, it could still be used for other facilities. The Planning Department says that a broad land use framework was provided for the area, hence existing uses that do not conform with the statutory zoning requirements have been tolerated by the Department.

[SCMP, 25/08/2011]

HK rules out harbourfront cycleway

The Hong Kong Cycling Alliance has tabled for discussion by the Harbourfront Commission a proposal for a cycle route extending 16-kilometres along the Hong Kong Island harbourfront.

The Alliance considers that the cycle route is feasible if the Transport Department is willing to overcome various bureaucratic obstacles to build a track that is different from the standard type, and to implement various road improvements.

The proposed cycleway, which pinpoints spots that need improvement, would run from Kennedy Town to Heng Fa Chuen, a residential estate located at the northeast of Hong Kong Island. The Alliance stated that whilst it might not be plausible to build a two-way segregated cycle track according to the Transport Department's standard, they are prepared to make adjustments to the design of the route in order to overcome the space limitation along the harbourfront, where the pavements and roads are narrow.

However the government has ruled out this proposal on the basis it is not the government's policy to encourage cycling in urban areas.

[SCMP, 07/09/2011]

Angry Kuk members quit land talks

A closed-door meeting that was held between the Development Bureau and Heung Yee Kuk ended in a stalemate as no consensus could be reached on unauthorised structures and other related issues.

The government is firm on its stance that there is no difference between village houses built on old schedule agricultural lots, and other village house, and that the demolition order applicable to illegal additional structures must be enforced. The Kuk members accused the government of lack of planning for villagers affected by the

demolition order. To express their anger and disappointment towards the government's "insincerity", some Kuk members left the meeting midway.

In response to the government's plan to include 54 sites in the New Territories in adjacent country parks as conservation and scientific zones, the Kuk members said that more than 10,000 people would be affected by the inclusion, as the stream that is part of the subject area is important for farming and irrigating crops.

The villagers believe that the government does not have the power to take away their property, and Kuk members demanded compensation and other pieces of land in exchange from the government. However, a government spokesman said that in respect to land that is marked as conservation area, there is no requirement to offer compensation under existing policies.

[The Standard, 09/09/2011]

Residents threaten to block walkways in response to Jockey Club's new building plan

The Jockey Club has unveiled a multi-billion dollar plan to revamp its two racecourses. The measures include upgrading facilities over the coming 5 years and to build a 50 metre high communications and technology centre.

The proposed centre is in addition to the HK\$700-million the Jockey Club has already spent on improving the two tracks. The club said the investment would create jobs for thousands of workers.

A group of residents living in the Shatin area opposes the plan because they say the new office building will block their view of the racecourse. Some reportedly threatened to block walkways in the area and plan to stage a protest at the start of the new racing season at Shatin.

The Jockey Club says it hopes residents who oppose the building of a new communications and technology centre at Shatin racecourse will not resort to drastic action, and it urged residents to discuss the issue in a rational way.

[Mingpao, 09/09/2011]

WEST KOWLOON CULTURAL DISTRICT (WKCD)

Interim programmes and activities in the West Kowloon Cultural District

Following the selection of Foster+Partners' conceptual plan for West Kowloon Cultural District (WKCD), the West Kowloon Cultural District Authority (WKCDA) and its Project Consultant are now in the process of formulating the Development Plan. Potential sites for interim programmes and activities will be assessed with respect to the area requirements of both interim uses and subsequent permanent developments.

WKCDA will submit the Development Plan for WKCD to the Town Planning Board following Stage 3 of public consultation. Construction of the arts and cultural facilities in WKCD will commence when the WKCDA has approval of the Development Plan and has satisfied other relevant statutory requirements. The facilities in WKCD are

expected to be completed in phases from 2015. Before the commissioning of Phase 1 facilities, WKCDA intends to organise interim programmes and activities in part of the vacant portion of the WKCD site.

Objectives

The overall objectives of organising interim programmes and activities include:

- (a) utilising the WKCD site before commissioning the Phase 1 facilities, and providing opportunities for outdoor and/or indoor events;
- (b) raising public awareness of future uses of the site;
- (c) bringing people to the site so that they will be familiar with access to the site, and reinforcing the message that WKCD is for all the people of Hong Kong, with their different backgrounds and interests;
- (d) acting as incubators for developing and nurturing talents in performing arts and visual culture, as well as associated venue management and other ancillary professional/technical skills;
- (e) piloting integration of software innovation with hardware development in response to public expectation; and
- (f) providing the Authority with a foretaste of managing a site with mixed cultural and commercial activities, and balancing the two to achieve a financially sustainable and viable operation for WKCD.

The proposal for organising interim programmes and activities at the WKCD site was presented to a Task Force of the *Harbourfront Commission* on 31 May 2011, and was generally well received.

Interim programmes and activities suitable in WKCD

Interim programmes and activities being explored include:

1. Arts exhibitions, performances and display of WKCD information at the Arts Pavilion

It is proposed that a pavilion could be built in the WKCD for arts exhibitions and performances well before completion of permanent venues. The pavilion will become the communication platform for artists, performers, students and general public of visual and performing arts backgrounds. A landscaped open area for outdoor performances and a WKCD information centre could also be incorporated.

2. Large scale activities open site(s)

In order to attract visitors of different backgrounds and interests to WKCD, it is proposed that opportunities should also be created to accommodate a wide variety of outdoor and large scale activities. WKCDA is exploring arts and cultural activities, including : public art installations and exhibitions; outdoor music festivals; music, dance and drama performances; rehearsals and educational programmes; and school activities involving large groups of students. WKCDA is also exploring the feasibility of organising an outdoor Cantonese Opera performance during Chinese New Year 2012 on the Canton Road side of the WKCD site.

It is also envisaged that part of the site could be used for commercial activities to generate sufficient revenue for WKCD to manage and run the site, and to fund arts and cultural programmes on the site for the next few years before permanent facilities come on stream in WKCD. Examples of commercial activities include : wine and dine festivals; commercial branding events; selected advertisements; ancillary food and beverage facilities; fun fairs; and other large scale seasonal events.

Site availability for interim programmes and activities

For the planned interim programmes and activities, potential sites in WKCD will be identified, taking into account other existing temporary uses, various site constraints, and possible conflicts with the construction of Phase 1 facilities, infrastructure and landscape works. Preliminary investigation shows that the headland area (about 7.5 ha) around the existing WKCD promenade would be suitable and available for interim programmes and activities. WKCD will explore the possibility of also using adjoining land currently under the management of other government departments.

WKCD will also instruct its Project Consultant and other advisors and agencies as appropriate to review the adequacy of supporting public infrastructure; improving pedestrian and vehicular access; environmental impacts; as well as inter-facing issues concerning the proposed interim uses and Phase 1 construction activities.

WKCD aims to commence interim programmes and activities in WKCD by the end of 2011.

[West Kowloon Cultural District Authority press release, 11/07/2011]

Water taxis to arts hub shows

The harbourfront site of WKCD has so far been largely unused, pending commencement of construction of the HK\$21 billion project.

The West Kowloon Cultural District Authority has decided to try to make better use of the large site during the several years it will take to complete construction of all facilities. Recently, WKCD announced that the annual Hong Kong International Jazz Festival on October 1 and 2, will be held on part of the vacant site.

WKCD also announced that the Tourism Board will hold the 3rd Hong Kong Wine and Dine Festival on the West Kowloon waterfront promenade from October 27 to 30, 2011. The Authority also intends to build a traditional bamboo theatre for Cantonese opera to be staged during the Lunar New Year.

The Authority is optimistic about promoting the cultural hub to a worldwide audience, despite the remoteness of the location. However, town planner Pong Yuen-ye warned that interim cultural programmes planned for the arts hub will not succeed without improved access to the venue.

Pong suggested that the government consider supporting a water taxi service to the site, instead of relying only on the remote MTR station. An additional service could also be

introduced by the Star Ferry whenever there are special events at the hub.

[South China Morning Post, 26/07/2011]

Arts Authority considers building literary centre

The building of a literary arts centre is being considered by the WKCD. The Authority wants to establish a platform to showcase Hong Kong's literary achievements, through exchanges and exhibitions. The plan is in response to repeated petitions from literary circles for a literary museum, which was not included in the West Kowloon arts hub's original design. Literary arts include fiction, poetry, novellas, short stories and plays.

It is understood the centre will be approximately 6,458 square feet in area. It will be dedicated to the promotion and exhibition of Hong Kong's literary arts, rather than serve as a museum or an archival centre.

The arts hub's management has been discussing the plan with the city's literary sector and local universities. Planning for the establishment of the literary centre, however, does not fall under the purview of the performing arts or the museum teams of the arts hub. A spokeswoman for a working group that has been pushing for the establishment of a literary museum said the arts hub's management had been in contact with the working group.

Following repeated petitions in the first two public engagement exercises, the Authority acknowledged the demand for the presence of literary elements, and that the literary sector had been calling on the arts hub to promote literary arts.

Although the Authority is only planning for a literary arts centre, it is believed that, as the archive of the city's literary history is currently spread across various universities, an archival centre would be next to be created.

[South China Morning Post, 08/08/2011]

The art of architecture exhibition

The public was given a chance to learn about the WKCD projects before Norman Foster's final design is unveiled next month. An exhibition titled "The Art of Architecture" displays Foster's most recent plans for the WKCD, together with models of 37 other previous projects his firm has designed, has been staged to give the public an insight in to Foster's style and history of design.

The exhibition was structured around four themes: (1) sustainability (2) infrastructure (3) urban planning and (4) history and culture. Models include the earliest design for the HSBC Building, which included a public lawn running from the bank to the waterfront, and futuristic ones, such as that of the world's first "spaceport", in New Mexico, in the United States. Visitors could also learn about the evolution of elements of the West Kowloon arts hub, including underground facilities and the spacing of buildings.

The head of design at Foster+Partners said that the exhibition, apart from being an exhibition of their work under the four main themes, is also meant to address issues relevant to West Kowloon and to show how

their approach to design is inseparable from the arts district.

[South China Morning Post, 04/09/2011]

Key to success for the WKCD is small and local

Hong Kong is said to be a perfect setting for a creative economy. We have a vibrant design, film, arts and music culture and innovative technological industries, such as game design. This is in part due to Hong Kong's role as an international city, a communications hub, and a place with a rich cultural make-up and history.

However, a recent seminar heard that a designated space – such as the WKCD – is not enough for creativity and innovation to thrive. Essential "software" is also needed – that is, local talent and innovators. The aim should be to make the West Kowloon area affordable in terms of rent to allow those in creative trades to gather, ultimately creating a vibrant cultural scene not just for tourists, but also for locals.

John Howkins, author of *The Creative Economy*, said the emphasis so far on development of the West Kowloon facility had been on roofs, buildings and budgeting. The real question is what happens to the project in the long run – the people involved and the events. It is important to think about what kind of destination place it will be and what will be the day-to-day benefit for locals. It is also important to appoint the right people for the right jobs, and to have a long-term master plan and curatorship system to keep a steady flow of interesting and relevant exhibitions and shows flowing in.

In a city where finance and business lead the economy, there needs to be a change in mindset, so that decision-makers recognise that there is more than one measure for success. The economy and society will benefit from other, cultural activities, too. Howkins hopes that the WKCD will not be too glossy, too bright, too clean or too restrictive, but that it will be open and flexible. The arts, cultural activity and cultural expression have to be valued just as much as economic factors.

[South China Morning Post, 05/09/2011]

HONG KONG BRIEFING

The plastic bag levy is counterproductive

The implementation of the plastic bag levy created a substantial drop of 68% in the number of T-shirt bags distributed to customers. However, we should be slow to conclude that this green campaign is a success.

According to a survey of 100 members, Hong Kong Plastic Bags Manufacturers' Association reported a 96% rise in sales of non-woven bags and a 63% increase in garbage bags since the levy was introduced in June 2009. As well, a non-woven bag used 30 times more plastic than needed for a T-shirt bag. In the past year, plastic disposed of at landfills increased by 9% compared to 2009, revealing that the levy had no effect in easing the pressure on landfill waste disposal sites.

The Association further stated that places like Australia and Taiwan had a similar plastic bag levy, but no substantial

improvement to the environment has been observed. The levy may in turn worsen the situation created by the overuse of plastic.

The Association called for a cancellation of the levy, and suggested public education in classification of plastics, and the establishment of recycling systems for reusable plastic in promoting environmental awareness.

Greener's Action agreed that public education is necessary, and that overuse of environment-friendly plastic bags exerted pressure on landfill sites. However, the group suggested extension of the levy to all types of plastic bags to prevent misuse of bags

[*China Review News*, 18/07/2011]

Airport Authority concealed the harmful effects of the new runway

Under pressure from various parties, the Airport Authority Hong Kong released 8 specialist reports regarding the proposed new runway, which reveal that the Airport Authority tried to dilute public sentiment and concealed environmental impacts of constructing the third runway at Chek Lap Kok.

According to the consultation documents released with the *HKIA Master Plan 2030*, only a small area around the Airport would be adversely affected, whereas the consultation reports revealed that annual carbon monoxide emissions would be increased by 100% to 5,422 tonnes by the time the new runway was constructed; the accumulated nitrogen dioxide emissions would be excessive; and the level of air pollutants in Tung Chung and Sha Luo Wan will be increased by 1% to 20%.

Friends of the Earth considers that despite the re-formulation of the air pollution index at the end of 2011, the Airport Authority mentioned only that the runway conforms with current air pollution guidelines.

As well, a preliminary environmental assessment report concluded that there would be a permanent loss of 800 hectares of feeding/breeding grounds for the Chinese White Dolphin, affecting at least 118 dolphins estimated to inhabit the affected area. This is in direct contradiction to earlier consultation documents which stated that White Dolphins seldom appeared in waters north of the Airport (i.e. where the third runway would be constructed).

The preliminary environmental assessment report also states that at least 1,000 to 3,000 households will be affected by the noise generated by the additional runway, including residential areas in Tuen Mun and Tai Nam Chung; but the consultation documents merely stated that there will be no effect on noise levels.

Legislators urged the government to extend the consultation period, because it takes time for the public to digest the reports, and encouraged the government to be more transparent and open in the consultation. The *Professional Commons* urged the Airport Authority to list proposed mitigation measures, as otherwise it will be difficult for the government to pass the statutory environmental assessment requirements.

[*Apple Daily News*, 09/08/2011]

Elimination of tungsten filament bulbs by stages

The government plans to eliminate tungsten filament bulb by stages through legislative means, and there will be a three-month public consultation period starting from 13 August 2011.

According to the government, the first stage will entail imposing sale restrictions on non-reflective tungsten filament bulbs above 25 Watts, but tungsten halogen bulbs will be exempted. There will also be a grace period of 1 year. Selling, leasing or gifting of unqualified tungsten filament bulbs will be prohibited and subject to penalties, but such penalties will not apply to end-consumers using those bulbs.

The Electrical and Mechanical Services Department carried out an investigation throughout Hong Kong, by which it was ascertained that there are approximately 11 million lighting devices using tungsten filament bulb, and 6.8 million lighting devices using non-reflective tungsten filament bulbs. It is estimated that 900 million units of electricity are consumed by artificial lighting, which is more than 2% of all Hong Kong's electricity consumption.

The sale restriction on traditional tungsten filament bulb over 25 Watts will eliminate 270,000 tonnes of carbon dioxide emissions each year, which is equivalent to the carbon emissions off-set of 2 million trees.

The government and the lighting industry will set up a specialist team to set minimum energy efficiency standards for globes, and will establish a registration system for qualified tungsten filament bulb suppliers, which will be updated every 5 years and published on the webpage of the Electrical and Mechanical Services Department.

Green Peace welcomed regulation of sales of tungsten filament bulb, but also expressed concerns that such restrictions did not really go to the core of climate change, the lack of a detailed schedule, and the fact that the policy aimed only at household tungsten filament bulbs but not commercial halogen lamps, which will reduce the intended beneficial effect of the restrictions. *Green Peace* urged the government to eliminate sales and use of all types of tungsten filament bulbs.

[*Sing Tao Daily*, 13/08/2011]

Household waste charging scheme for consultation

The government is planning to issue public consultation documents at the end of 2011 concerning the intended municipal solid waste levy scheme. The Environmental Protection Department explained that the scheme was part of a wider waste management strategy, and could provide economic incentives for waste reduction at source.

Greeners' Action lamented that although Hong Kong and Taiwan introduced waste reduction policies at about the same time--in 1990--Taiwan has actually reduced its waste volume by 70%, but in Hong Kong the household waste levy is still under discussion.

Ho Hon-wai of *Greeners' Action* visited Taiwan on 15 August 2011 to investigate Taiwan's implementation of its waste

reduction programmes. He discovered that Taiwan solved the problem of public resistance to the levy, which Hong Kong is now facing. At a housing estate Mr. Ho visited, a karaoke lounge had been modified for use as a garbage collection room monitored by closed circuit television, and residents had to bring their garbage to the centralised collection point and there classify the waste themselves. Failure to do so properly would be reported and announced by public notice. Waste disposal charges were levied together with management fees. As well, residents could only buy plastic bags with anti-forgery features from convenience stores.

[*Ming Pao*, 24/08/2011]

Recycling fees charged when buying electronics

The government launched the Producer Liability Scheme for Waste Electrical and Electronic Equipment early last year; details of its operation to date will be published soon. The initial proposal was for consumers to pay recycling fees when buying electrical and electronics equipment. Environmental groups lobbied the government: to set up a fund to hold revenues received from recycling activities; to support the operation of recycling industries; and to establish a commission to update the level of disposal charges according to market price.

The scheme covers equipment such as: television sets, washing machines; refrigerators; and computer products (PCs, laptops, printers, scanners and monitors); but does not include mobile phones, digital cameras and video games.

The industry is generally supportive, and the scheme could raise public awareness of environmentally responsible disposal of electronic waste, which is generally very toxic. s But producers also have responsibility to use environmental-friendly materials, so in some countries, the fees will be paid by producers and collected back from the customers.

Environmental groups' main concern is how the fee collection will be implemented and managed. Nonetheless, the groups are generally supportive of the scheme, especially the proposed fund.

[*Sing Tao Daily*, 04/09/2011]

Kuk chiefs may take fight to Europe

Negotiations between Heung Yee Kuk and the government as to the government's demand for removal of illegal structures within village (small) houses, and the conservation of private land in or abutting country parks have broken down.

No consensus was reached in relation to houses standing on so-called "old leases" that were drafted before current building codes took effect. Earlier, governmental officials insisted that any village house higher than the three-storey standard format will have to be demolished, whereas Heung Yee Kuk insisted that such structures (on old leases) should be exempted.

On the conservation issue, Heung Yee Kuk members plan to tour European countries where many of the owners of affected properties now live, to talk to the landlords and complain to the Chinese embassies in those countries. Lau Wong Fat of Heung Yee

Kuk suggested a land exchange should be made by the government as compensation for freezing villagers' lots as country park land.

[SCMP, 09/09/2011]

CLIMATE CHANGE

Is black carbon affecting the Asian monsoon?

Although a normal monsoon has been forecast for South Asia this year, and rains have begun normally in many parts of the region, people are still anxious about the rainy season, which usually lasts for four months. Their anxiety has to do with the uncertainties surrounding the timing of the monsoon in recent years.

While the debate continues over the role of climate change, scientists have also been looking at the possible role of soot and urban smog pollution in disrupting the weather system. The uncertainties surrounding the monsoon have mainly affected agriculture, resulting in a rise in food prices.

In the past decade, there was lower than average rainfall in a number of monsoon seasons in some places. Various areas suffered severe droughts, and other regions were flooded as a result of unusually heavy and torrential rainfall in a short span of time. An erratic weather pattern has begun to emerge in parts of Asia this year.

Soot includes particles of so-called black carbon from the incomplete combustion of fossil fuels, wood and biomass burning. Smog consists of air pollutants in the lower atmosphere, which includes troposphere ozone, a powerful greenhouse gas.

Over the years several scientists have said that increased concentrations of black carbon and troposphere ozone could be disturbing monsoon patterns.

A recent report by the *United Nations Environment Programme* (UNEP) and *World Meteorological Organisation* (WMO) has further stressed that both black carbon and ground level ozone could be factors disrupting monsoon rains.

According to the report, carbon and ozone disturb tropical rainfall and regional circulation patterns, such as the Asian monsoon, affecting the livelihoods of millions of people. They can change wind patterns by affecting regional temperature contrasts that drive the winds, which in turn influencing where rain and snow fall. There have been several reports on both troposphere ozone and black carbon in the past, but it is the latter that has at times generated some controversy.

The *Indian Network for Climate Change Assessment*, a government-launched network of several scientific bodies, pointed out that there were conflicting scientific statements on the impact of black carbon on monsoons.

According to the findings of NASA (the U.S. Space Agency), absorption of solar radiation and consequent warming by aerosols over the Tibetan plateau act like an elevated heat pump, drawing in warm and moist air over the Indian sub-continent which advances and intensifies the Indian summer monsoon.

However, not everyone subscribes to this theory. Several atmospheric scientists have

suggested that significant reduction of solar radiation at the Earth's surface, simultaneous with the warming of the lower atmosphere, increases atmospheric stability, slows down the hydrological cycle, and reduces rainfall during the monsoon.

NASA's *Goddard Institute for Space Studies'* research team, which prepared the UNEP/WMO report, said they are not determining details, like whether a monsoon comes early or late, or direction changes, but what has been confirmed is that there is disruption in the rainfall.

Other scientists in India agree that monsoon patterns are changing. A director of the *National Atmospheric Research Laboratory*, under the Indian government's department of space, suggested that a clean atmosphere without black carbon and a dirty atmosphere with black carbon are certainly going to behave differently; quantifying that difference is what remains to be done and that is where we are stuck, at present. While scientists take time to figure out how black carbon actually affects monsoon rains, South Asia's major players, India and China, continue to see a steep rise in energy consumption.

According to the *International Energy Agency*, by 2035, China will account for 22% of the world energy demand, up from 17% today. India will be the second-largest contributor to the increase in global demand to 2035, accounting for 18% of the rise. Both countries derive energy mainly from fossil fuels, which is one of the main sources of atmospheric black carbon.

[BBC, 08/07/2011]

Parts of Bangkok could be underwater in 2030

Day after day Bangkok sinks. The most pessimistic experts are afraid part of Thailand's capital will be submerged by 2030. Specialists complain about the absence of any policy in place to prevent a disaster that seems bound to occur.

This natural disaster risk will be a central challenge for Thailand's new government. Climate change, rising sea levels, coastal erosion: these are among a variety of converging factors which could lead to the end of the biggest city of the Chao Praya river delta.

Bangkok was originally established following a commitment made on 21 April 1782 by the first sovereign of the Chakri dynasty. The city continues to multiply demographically. Some 10 million people now live in the centre or in the suburbs of this megalopolis. Even the weight of the skyscrapers contributes to the progressive engulfing of Bangkok. The city's underlying soils fall from 1.5 to 5.3 cm each year. A significant part of the megalopolis is already lower than under sea level.

Sooner or later, rising sea levels will threaten more than 1 million buildings, 90% of which are residential. In Samunt Prakan harbour, about 15 kilometres from Bangkok, suburban houses along the river are already flooded during part of the year. In a report published by the *World Bank*, the *Asian Development Bank* and the *Japan International Cooperation Agency*, Bangkok appears on

the list of the cities critically threatened by climate change.

A *World Bank* expert in Bangkok suggested that one of the reasons Bangkok is sinking is the excessive extraction of underground water, but experts differ on the causes. Scientists from the *National Centre for the Prevention of Natural Disasters* predict that by 2100, Bangkok will have become a new "Atlantis". They claim that the government has taken no decision yet to address the danger, and if nothing is done, Bangkok could be entirely flooded by 2030. One solution scientists have proposed is the construction of a series of huge sea walls along the Siam gulf, which would cost about 2 billion Euros.

Another oceanographer, specialising in the impact of climate change in Southeast Asia, is more cautious. He believes that no one can predict how long it will take for Bangkok to be flooded, and how the process will evolve.

In his opinion, construction of sea walls would be useless. There is no point trying to prevent coastal erosion from happening. The shore diminishes 3 to 4 cm each year. On the other hand, there are many other ways to fight the floods, such as better management of urban buildings.

A professor in the architecture department of the University of Chulalongkorn believes that floods have always been a natural danger for Bangkok, considering that the city is built on muddy soils and is only 1.5 metres above sea level.

However, in the past, "khlongs" (irrigation canals), vegetable gardens and fields absorbed the floods; but during recent urbanisation, many buildings have been built on lands that once allowed the water to drain.

[Time Magazine, 21/07/2011]

Climate change brings tea and apricots to Britain

British farmers are experimenting with crops such as olives and nectarines which have traditionally been imported from southern Europe, and the first British tea plantation has opened. A changing climate is set to transform the nation's countryside. Flowers will bloom early and crops will be harvested sooner, as Britain marches toward what the government describes as a "wetter and warmer" United Kingdom.

Britain's first tea plantation has opened in Cornwall in southwest England, the country's warmest region and the centre of much of the current crop experimentation. A director at Tregothnan Estate said that they had an opportunity when temperatures in Cornwall turned warmer and they established a tea plantation in 1999. Their first harvest was in 2005, and their yield has improved every year since.

Tregothnan Estate now grows 22 varieties of tea and is expecting a record harvest in excess of 10 tonnes this year. The estate has also been experimenting with cultivating edible flowers.

A farmer in neighbouring Devon has been trying to grow a wide array of crops, including olives, pecans, and apricots. The farmer made a list of all the foods he liked, and then deleted the crops others grow perfectly well locally, or are cheaply

available. His research indicated that some crops that had not been grown in England before might now be viable, given new varieties and climate change.

A professor at the *Royal Agricultural College* suggested that the potential for new crops in Britain will depend not only on the degree of global warming but also on the extent to which plant breeders are able to develop new varieties able to withstand lower temperatures. For example, maize was not traditionally grown in Britain but is now, mainly because of plant breeders' achievements in breeding earlier maturing varieties, rather than due to global warming. This may be achievable for other crops, so climate change is not the only factor affecting cropping patterns.

A government scientist said that his department was closely monitoring the impact climate change was having on crops. The scientist believes that there is no question that climate change will have a significant effect on crops. Climate change might well be beneficial for Britain because farmers will have a longer growing period, with shorter winters and earlier springs.

However, he cautioned that climate change does also raise serious concerns for a country such as Britain that relies heavily on food imports.

[Reuters, 28/07/2011]

How climate change is turning plants and animals into refugees

Climate change is happening. The questions now for the 98% of climate researchers who constitute the scientific consensus on man-made global warming is how fast the climate is changing, and what impact it will have on humanity and the planet.

One major effect of warming that scientists are already seeing is the migration of plants and animals to cooler climates to escape rising temperatures. In a study published in the August edition of *Science*, researchers in Britain and Taiwan record that species are moving in response to global warming up to three times faster than previously believed. Studies covering more than 2,000 plants and animals established that species have moved to higher elevations to escape warmer temperatures at the rate of 40 ft per decade, and moved to higher latitudes at the rate of 11 miles per decade.

A biologist at *York University* claimed that climate change is putting plants and animals on the run. These changes are equivalent to animals and plants shifting away from the Equator at approximately 20 cm per hour, for every hour of the day, for every day of the year. According to his research, this has been going on for the last 40 years and will continue for at least the rest of this century.

Scientists have seen evidence of species moving to escape higher temperatures before, but the *Science* analysis goes further, showing that species have moved the most in areas where temperatures have risen dramatically. For example, the *comma butterfly* has shifted 137 miles north in only two decades.

The bigger question is: what will this mean for animals and plants forced to migrate? An influential 2004 paper in *Nature* estimated that up to one third of the world's plants and animals could be extinct by 2050 due to

climate change. However, those conclusions have been disputed, and in any case, predicting extinction and finding the cause is extremely difficult. Being forced to move does not automatically equal extinction, as animals often shift their habitat ranges in response to predators, changing food patterns, even diseases.

Nevertheless, there is little doubt that wildlife is at serious risk from a number of different threats. Simply losing habitat due to man-made deforestation or development is the most direct threat to the survival of wildlife, followed by the spread of invasive species, diseases and hunting.

[Time Magazine, 19/08/2011]

China might stop UN CO2 credit supply in 2015

China, the biggest supplier of carbon credits, might withdraw from the United Nations overseen *Clean Development Mechanism* by 2015, boosting offset prices in the five years to 2020.

According to Barclays Capital analysts, post-2012 letters of approval from China's *National Development and Reform Commission*, the nation's regulator, specify volume limits that suggest a halt in supply in 2015. The implication is that China might stop selling credits then, thereby slashing global supply.

China might be expecting to keep its emission reductions for itself to meet its own greenhouse gas targets, rather than export them, the analysts said. The 1997 *Kyoto Protocol* places 2012 targets only on some developed nations. The U.S. has argued that fast-developing nations, including China, need targets too. UN data suggests that China is the biggest seller of credits under the UN's *Clean Development Mechanism*.

According to a UN *Framework Convention on Climate Change technical paper*, some nations want to make sure a global climate protection system would not allow double counting of emission reductions in both emerging and rich nations.

While countries are establishing carbon trading programmes and developing other policies to cut greenhouse gases, there is a possibility, depending on accounting rules that are yet to be developed, that the same emission reductions are double-counted as reductions of emissions in developed and developing parties, according to a report published on UNFCCC's website.

[Bloomberg, 25/08/2011]

World's largest companies 'acting on climate change'

A majority of the world's largest companies are taking action on climate change as part of their business strategy, a survey has found.

The 10th annual *Carbon Disclosure Project*, which analysed responses from 396 of the 500 largest companies in the world, found more than two-thirds (68%) now say they put climate change issues central to their business, compared with 48% last year.

Almost half (45%) are now reporting that they have cut their greenhouse gas emissions as a result of steps they took to tackle carbon, up from less than a fifth (19%) in 2010.

The *Carbon Disclosure Project Report*, prepared by PricewaterhouseCoopers, also said there was a link between higher stock market performance and action on climate change, with those that have a strong focus on the issue providing investors with approximately double the average return over the period between 2005 and 2011.

Tesco was the only big player from the United Kingdom which made it into the top 10 for both disclosing information and taking action on climate change, joining the likes of Bank of America, BMW, Sony and Philips Electronics.

But British companies British American Tobacco, natural gas business BG Group and GlaxoSmithKline also made it into the list of major corporations which performed well on addressing climate change; they were included in the *2011 Carbon Performance Leadership Index* which includes only 29 top businesses.

Major companies which are still not disclosing climate change information include Amazon.com, Apple, Bank of China and Russian government-owned oil giant Rosneft.

The *Carbon Disclosure Project Report* indicates that rising oil prices, risky energy supplies and increasing recognition of the returns on investment in cutting emissions have made climate change a more important issue in the boardroom. Over 50% of companies reported that the cost of schemes to reduce emissions—such as energy-saving projects in buildings, installing low-carbon power and changing the behaviour of staff,—were recouped within three years.

Seventy four per cent of companies which responded to the survey now have emissions-reductions targets, up from two-thirds (65%) in 2010. Utilities companies have the best average climate change performance. Energy companies lag behind other sectors; fewer are setting targets, taking action or disclosing information.

The *Carbon Disclosure Project*, an independent organisation which tracks corporate information on climate change, believes that the improved financial performance of companies with high carbon performance is a clear indicator that it makes good sense to manage and reduce carbon emissions.

Tesco, the global climate change champion, said that they have been cutting emissions for years, and as a result have also reduced their energy costs by more than £200 million annually.

The report found that the vast majority (93%) of companies which responded have senior executives or board members responsible for climate change, and almost two-thirds (65%) offer financial rewards to staff for taking action on climate change.

[The Guardian, 14/09/2011]

ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

180th ACE Meeting on 19 September 2011

Public Consultation on Initial Proposals for the Regional Cooperation Plan on

Building a Quality Living Area (ACE Paper 11/2011)

On 1 September 2011 the government commenced a three-month public consultation on the initial proposals for the Regional Cooperation Plan on Building a Quality Living Area.

During the 11th Plenary of the Hong Kong-Guangdong Co-operation Joint Conference in August 2008, the Chief Executive of Hong Kong SAR and the Governor of Guangdong agreed that joint strategies should be devised to transform the Greater Pearl River Delta (“PRD”) region into a low-carbon, high-technology and low-pollution city cluster of quality living.

The consultation document sets out a list of cooperation proposals covering the following areas:

- improving environmental and ecological quality;
- promoting low-carbon development;
- cooperation in culture and livelihood issues;
- coordinated spatial development; and
- facilitating green transportation development and convenient boundary crossing arrangements

a. Improving environmental and ecological quality

Strengthening and improving ecosystems

Key proposals include:

- coordinating ecological protection for Robin’s Nest reserve in Hong Kong and Shenzhen Wutong Shan National Forest Park;
- jointly conducting ecological baseline studies to investigate regional biodiversity, community characteristics and spatial distribution in order to collect information and data for formulating management initiatives in the future;
- conducting monitoring and research programmes concerning the ecology of the wetland systems in Mai Po Inner Deep Bay Ramsar Site in Hong Kong and Futian National Nature Reserve in Shenzhen; and
- devising a joint management plan for the protection and conservation of Chinese white dolphin habitat at Lingding Bay

Improving water quality of the Pearl River basin and estuary

Key cooperation proposals include:

- improving water quality management and water pollution control;
- strengthening cooperation in regional water pollution control; and
- strengthening cooperation in improving the quality of adjoining waters; e.g. jointly determining a set of more stringent targets for protecting water environment, jointly setting up a water quality monitoring network and improving the information sharing mechanisms.

Improving air quality

Key cooperation proposals include:

- Guangdong and Hong Kong should complete a joint study of mechanisms for reducing air pollutant emissions in Hong Kong and the PRD region for 2011-2020,

with a view to reducing levels of emissions of major air pollutants in Hong Kong and the PRD region to below levels in 2010;

- conducting a joint study of ways to control air pollution from vessels in the Greater PRD waters;
- devising cooperation plans to reduce air pollutant emissions from vessels through the use of cleaner energy;
- enhancing regional air quality monitoring networks; and
- conducting scientific research and studies of regional air pollution control.

b. Promoting low-carbon development

Key cooperation proposals include:

- low-carbon development cooperation mechanism:** enhancing buildings’ energy efficiency by: formulating green building standards; encouraging existing buildings to carry out energy improvement works; and requiring public sector development projects to take the initiative in implementing energy efficiency measures;
- enhancing cleaner production in the region:** giving recognition to enterprises which actively pursue cleaner production as “Hong Kong-Guangdong Cleaner Production Partners”; promulgating practical guidelines on cleaner production; and opening up the PRD market for cleaner production technologies and consultation services to Hong Kong and Macao service providers;
- development of environmental industries:** developing the market for environmental technologies and services in the Greater PRD region, and enhancing cross-boundary cooperation in recycling reusable materials;
- development of new energy and renewable energy:** conducting assessment of the potential of new energy industries; formulating measures which are beneficial to the development of new energy and renewable energy industries; promoting the use of renewable energy products; and
- development of clean energy supply and the related infrastructure:** ensuring a stable supply of clean energy; conducting a study of the development potential of clean energy in the region; and formulating design and construction standards for clean energy infrastructure in the region

c. Cooperation in culture and livelihood issues

Key cooperation proposals include:

- transforming Hong Kong into an international cultural hub;
- strengthening transport support services for cross-border students;
- facilitating social service providers of Hong Kong and Macao to operate elderly homes and welfare institutions for persons with disabilities in the PRD region; and
- raising overall standards of food safety in the PRD region by making reference to the safety management arrangements adopted for food supply in Hong Kong and Macao

d. Coordinated spatial development

Key cooperation proposals include:

- continuing planning and development of the priority cross-boundary cooperation areas (e.g. the Lok Ma Chau Loop Area, Qianhai in Shenzhen, Nansha New district in Guangzhou);
- conducting a joint study of coordinated spatial development in corridors along cross-boundary express railways; and
- exploring an expansion in the scope of the cross-boundary spatial cooperation.

e. Facilitating development of green transportation and convenient boundary crossing

Key cooperation proposals include-

- enhancing transportation systems of the region (promoting railways as the backbone of transportation systems in the Greater PRD region; strengthening marine and river transport developments; and facilitating development of non-motorized transport);
- promoting energy efficiency and emissions reduction in transportation systems: raising fuel and emission standards; formulating measures for the control of pollution from vessels to protect coastal environment; and reducing emissions from motor vehicles; and
- promoting sustainable development of transportation systems by strengthening collaboration in the planning and development of transportation systems.

Public Consultation on the Restriction of Sale of Energy-inefficient Incandescent Light Bulbs (ACE Paper 12/2011)

A three-month public consultation on the restriction of sale of energy-inefficient incandescent light bulbs (“ILB”) began on 12 August 2011.

Background

Incandescent light bulbs work by heating the tungsten filament; 90% of the electricity consumed is lost as heat while only 10% is used for lighting. They are therefore not energy-efficient. Lighting on average accounted for approximately 15% of total electricity consumption in Hong Kong in the past decade. Thus, replacement of incandescent light bulbs by energy-efficient lighting products will lead to substantial reduction in power consumption.

Government’s proposal

The government proposes restricting by legislation the supply of energy-inefficient non-reflector type ILB by phases. This is considered by the government to be in line with international practice on the restriction of ILB supply. The government proposes that the initial phase of the mandatory scheme should cover non-reflector type ILB of 25 watts or above, which operates on single phase electricity supply of nominal voltage of 220 volts. These include general lighting service lamps, candle shape, fancy round and other decorative lamps, but exclude tungsten halogen lamps. Concerning the aforesaid lamps, the government proposes that:

- the supply of those lamps which fail to meet the minimum energy performance standards (“MEPS”) should be

- prohibited; and
- (b) the supply of those lamps which can meet the MEPS should be governed by a registration system.

The proposals refer to overseas mandatory schemes in determining appropriate MEPS to be adopted in Hong Kong.

Concerning the registration system, the government proposes that any person or company who supplies those lamps (which can meet the MEPS) for local use should ensure that such lamp models have been duly registered with the Electrical and Mechanical Services Department and the person or company should also be a registered supplier for supplying such lamp models.

Potential benefits

Most 25W or above non-reflector type ILBs supplied in Hong Kong fail to meet the prevailing MEPS adopted overseas. Therefore, the government is of the view that the adoption of MEPS under a mandatory scheme will reduce the supply of such lamps in the local market, leading to reduction in energy consumption and carbon dioxide emissions.

The government estimates that the implementation of the mandatory scheme will achieve a reduction in electricity consumption of up to 390 GWh per annum, which would yield potential annual savings of about \$390 million in electricity bills and a reduction of 273,000 tonnes of carbon dioxide emissions.

Report of the Waste Management Subcommittee - Views on the Extension of the Environmental Levy Scheme on Plastic Shopping Bags (ACE Paper 13/2011)

The Waste Management Subcommittee (the "Subcommittee") discussed the proposal for an extension of the *Environmental Levy Scheme on Plastic Shopping Bags* ("Scheme") at its meeting in June 2011. The Subcommittee expressed the following views:

- (a) The Scheme has achieved remarkable results. It is estimated that the number of plastic shopping bags distributed by registered retailers has decreased by about 90%. More people now practise a "Bring Your Own Bags" in their daily lives.
- (b) There was an increase in disposal of plastic shopping bags by those retail categories outside the scope of the current scheme. The Subcommittee agreed that the Scheme should be fully extended to cover all retailers so as to curb the indiscriminate use of plastic shopping bags.
- (c) Exemption should be granted for use of plastic shopping bags on food hygiene grounds. The current compliance system could create an excessive burden for small and medium-sized enterprises. Retailers should be allowed to retain the plastic shopping bag levy in order to alleviate the Scheme's administrative burden.
- (d) Public education is the key to the extension of the Scheme to all retailers. The Subcommittee suggested that the Government should conduct surveys or researches of citizens' use of plastic shopping bags, as provided by the retailer, or by following the BYOB

policy.

REGIONAL & INTERNATIONAL

CHINA

China commits to landmark agreement with dual ozone and climate benefits

China is the largest producer and consumer of hydrochlorofluorocarbons (HCFCs). HCFCs not only harm the ozone layer but also the climate, due to their high global-warming potential. In order to support China's commitment to making a real change to the global environment, as well as a contribution to the "green economy", the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol established a fund of US\$265million for China to cut its use of these gases by 2015.

In the first stage of China's HCFC phase-out management plan, China and the Multilateral Fund's Executive Committee agreed to implement various measures, including adopting new technologies in China's industrial sectors. Once implemented, the technologies are estimated to eliminate 3,320 tonnes of HCFC consumption in China. Compared to the technologies currently in use in China, the new technologies adopted will significantly contribute to global efforts to combat climate change by reducing the emission of greenhouse gases.

China's industrial sectors will face the challenge of converting assembly lines in order to freeze the country's consumption of HCFCs in 2013, and reduce its consumption from this level by 10% by 2015, in line with the Montreal Protocol's control measures for HCFCs.

China has also promised to entirely eliminate its HCFCs by 2030 with assistance from the Multilateral Fund.

[*United Nations Environmental Programme, Press Release, 02/08/2011*]

US oil firm makes final clean-up of spills off Shandong

Oil spills at the Penglai 19-3 oilfield caused one of the worst marine contaminations in decades. The Penglai 19-3 oilfield, China's biggest offshore oilfield, is jointly owned by the China National Offshore Oil Corporation (CNOOC), one of China's big three oil companies, and ConocoPhillips, a US oil company which is operator of the drilling operation.

China's marine authorities set an 31 August 2011 deadline for ConocoPhillips to seal leaks on the sea floor and remove traces of oil from the ocean surface. The government, which plans to sue the company over the series of oil spills, has threatened further action if it fails to meet the deadline.

ConocoPhillips claimed it had completed the clean-up and sealed off the leaks before the deadline. CNOOC said that it had helped in the clean-up, but denied any responsibility for the spills.

The state Oceanic Administration said that all victims of the oil spills should gather under its wing to sue ConocoPhillips for compensation. It started organising victims, including fishermen, aquaculture farms,

beach resorts and other parties across 16 provinces, to form a group of plaintiffs.

A lawyer in Beijing, Jia Fangyi, wanted to sue the administration for withholding news of the spills from the public for almost a month. However, Jia failed in getting a court to accept the case. Jia said a judge from the Beijing Intermediate People's Court asked him to postpone the lawsuit because the oceanic administration was too busy to deal with the case.

[*SCMP, 01/09/2011*]

U.S. firm reopens wells in Bohai Bay

The Oceanic Administration suspended ConocoPhillips' oil production in Bohai Bay on 2 September 2011 after it had failed to meet a 31 August deadline to seal sea-floor oil leaks and to remove traces of oil from the ocean surface. ConocoPhillips reopened wells to ease reservoir pressure in the Penglai 19-3 oilfield in mid September.

CNOOC said it would tightly monitor the operation of the Penglai 19-3 oilfield, and the operation would comply with the authorities' production suspension order. CNOOC also said reopening the wells should protect the environment and safeguard the oil deposit by easing reservoir pressure. But environmentalists said the operation-- which will discharge oil, gas and water-- might worsen the marine pollution caused by the faulty oil-well.

[*SCMP, 13/09/2011*]

Conoco should face criminal charges

Mainland Legal experts suggested criminal charges should be levied against ConocoPhillips, the operator of the two leaking platforms in Northeast China's Bohai Bay.

According to China's Criminal Law, a company may face charges over severe environmental pollution if it causes financial loss of more than 300,000 yuan in public or private assets. The crime of severe environmental pollution may result in a maximum sentence of seven years in prison and an unlimited fine.

Yang Jizhen, chairman of Laoting Fisheries Association in Hebei province, said that fishermen in his county face total losses of at least 330 million yuan due to marine contamination caused by the oil spills.

Some law experts say that if the authority files the suit, it will ring alarm bells for foreign companies in China to obey China's environmental laws, and would raise environmental awareness among commercial enterprises.

[*China Daily, 07/09/2011*]

ASIA

Sand mines boom in Asia — at a cost to nature

Singapore is a wealthy city-state which is expanding its territory by reclaiming land from the sea. Land reclamation has enlarged Singapore by more than a fifth. Additional reclamation of more than 100 square kilometers is to occur by 2030. Sand from nearby poor countries is used for landfill and building Singapore's spectacular skyline. Mountains of sand are needed; this forms

part of a global harvest of sand from beaches, rivers and sea-beds. U.N. statistics show Singapore imported 14.6 million tons last year, ranking it among the world's top customers.

Cambodia, a poor country where corruption is rife, is now the No. 1 sand supplier. The U.N. figures show that Cambodia supplied 25 percent of Singapore's imports in 2010, followed by Vietnam, Malaysia, Myanmar and the Philippines.

More countries have banned sand exports to curb environmental damage caused by sand extraction. Malaysia imposed a ban in 1997, though the media there frequently report on massive smuggling into Singapore. Cambodia banned the export of sand from rivers in 2009 but allows it from some sea-beds. Recently, some government officials said that rivers where seawater flowed into fresh water, replenishing sand naturally, were exempt.

Global Witness said the trade in Cambodia revealed a "mismatch between Singapore's reliance on questionably sourced sand and its position as a leader for sustainable development."

[*The Associated Press*, 22/08/2011]

JAPAN

Japan aims to halve radiation in affected areas

Japan aims to halve radiation over the next two years in places contaminated by the Fukushima nuclear crisis. The cleanup, which includes removing soil, plants and trees as well as cleaning roofs of buildings in an area spanning thousands of square kilometres, could cost tens of billions of U.S. dollars. Thousands of evacuees may not be able to return home for years.

It is estimated that radiation in a contaminated area will fall naturally by about 40% over two years. The government wants to speed up the process by another 10% through human efforts, according to guidelines for the cleanup unveiled on 26 August 2011. The guideline also calls for thorough cleanups in places frequented by children, such as schools and parks, eventually pushing radiation levels in those places below 1 millisievert annually. The government also aimed to bring radiation below 20 millisieverts per year, the threshold level for evacuation, in areas where that level is currently exceeded.

Experts say the total area in need of cleanup could be 1,000-4,000 square km (386-1,544 square miles), about 0.3 to 1 percent of Japan's total land area, and could cost more than 10 trillion yen (US\$130 billion).

The government said it would take full responsibility for disposal of soil and debris removed in the cleanup. However, it does not have a permanent solution for storing the radioactive material yet; the material would have to be kept within local communities for the time being.

[*Reuter*, 26/08/2011]

AFRICA

Environment Ministers to gather in Bamako

The experts' segment of the Fourth Special Session of the African Ministerial Conference on the Environment (AMCEN) on climate change opened on 13 September 2011 at the International Conference Center in Bamako. The AMCEN meeting was attended by 200 delegates representing countries, international organisations, research institutes and civil society organisations.

The AMCEN meeting focused on the need to stabilise global average temperatures at levels that are safe for developing countries, particularly Africa which is vulnerable to climate change. According to the Inter-governmental Panel on Climate Change, Africa will warm by approximately 150% of the global level, due to its geographic and physical characteristics.

In addition to other potentially significant adverse impacts for Africa and her development, more recent studies show that warming of as little as 1°C could reduce agricultural production by 20% in certain crops and areas. Other pending issues include finding a way forward under the Kyoto Protocol, how to raise and secure funds needed for the long-term climate financing and the legal form of a new climate agreement.

UNEP Regional Director for Africa expected the AMCEN meeting to develop a coherent strategy and messages for the UN's seventeenth Conference on Climate Change from 28 November to 9 December 2011 in Durban, with the aim of securing balanced and ambitious outcomes that serve Africa's needs and interests.

[*United Nations Environmental Programme, Press Release*, 14/09/2011]

UNITED KINGDOM

Government deletes 'sell-by' dates to reduce food waste

The UK government issued new guidance asking supermarkets and food shops to avoid using 'sell-by' dates on packaging in order to deter shoppers from throwing away good food.

According to the new governmental guidance, packaging should only carry "use by" or "best before" dates. "Use by" labels should only be used if food could be unsafe to eat after that date, while "best before" dates should show the product is no longer at its best but is still safe to consume.

According to the *Waste and Resources Action Programme*, 5.3m tonnes of still-edible food is thrown away each year, costing the average family £680 a year. Research shows confusing food labeling is a significant factor. The removal of "sell-by" dates on food packaging will the volume of food needlessly binned every year.

[*The Guardian*, 15/09/2011]

UNITED STATES

U.S. probe lays gulf spill blame

According to the final report of the main U.S. government probe into last year's

massive Gulf oil spill, the largest offshore oil spill in U.S. history was caused by poor management and critical mistakes by BP and its contractors. Investigators from the U.S. Coast Guard and Bureau of Ocean Energy Management (BOEM) also said stronger regulations could have helped prevent the catastrophe.

The Justice Department has already sued the well's owners, BP, Anadarko Petroleum Corp and Mitsui Co Ltd, as well as Transocean. The findings from federal investigators could provide fodder for lawsuits that BP and its contractors have filed blaming each other for the catastrophic oil spill. The latest federal report echoes other official investigations of the spill, which have blamed the catastrophe on a series of mistakes made by BP and its partners.

Following the Gulf spill, the government imposed new rules aimed at preventing another disaster, and began a complete reorganisation of the scandal-prone offshore drilling agency, which was then known as the Minerals Management Service.

The report said regulations could be strengthened in areas involving cementing procedures and safety inspections of offshore drilling operations, but observed that many recommended changes have now been implemented by the BOEM.

[*Scientific American*, 14/09/2011]

EUROPE

Tighter restrictions on industrial creosote use

Following a tightening of rules by the European Commission, tough restrictions on the industrial uses of creosote, a toxic chemical used as a preservative on wooden railway sleepers, electricity poles and in fencing, will come into force on 1 May 2013. Creosote, a carcinogenic substance, may no longer be sold in the EU unless a company has a permit to do so.

The Commission's decision stems from a risk assessment of the effects of creosote on human health and the environment. Creosote is a complex mixture of hundreds of distinct compounds that are very harmful for the environment and pose unacceptable risks for the health of future generations. There are significant environmental risks when wood treated with creosote comes into direct contact with soil or water.

Creosote has been used as an industrial preservative wood treatment for more than a hundred years. Creosote-treated wooden sleepers are still widely used by railway companies. Agricultural and industrial fencing is also a big market for creosoted timber.

In certain cases, there are no appropriate alternatives. Hence, Member States may authorise its placing on the market for clearly defined uses, where no alternatives less damaging to the environment are available.

[*European Commission, Press Release*, 26/07/2011]

WORLD

Shipping's new rules 'to clear the air'

The International Maritime Organisation (IMO) adopted new rules which could save

the shipping industry US\$5 billion in fuel costs and cut carbon dioxide emissions by 20 million tonnes a year on new ships by 2020.

The IMO approved regulations to implement efficiency ratings for ships over 400 gross tonnes, which are expected to enter into force on 1 January 2013. Under the new IMO regulations, ship-owners will have to meet the new efficiency ratings for each type of vessel they order. Dry cargo bulk carriers will have a different rating than tankers or container ships.

The measure was approved overwhelmingly by 48 countries at the IMO's marine environment protection committee in July. China was one of only five countries that voted against the measure. Hence, there will be no pressure on those mainland shipyards to comply when building ships to be registered in China for mainland owners, notwithstanding those shipyards are likely to build more energy-efficient ships for foreign owners.

The IMO's new rules allow countries to delay implementation for up to four to six years after the commencement date of the rules. As a result, there is some uncertainty over how quickly the energy-efficiency design index and the associated energy efficiency management plan will be implemented.

[SCMP, 25/07/2011]

PAPUA NEW GUINEA

A court in Papua New Guinea has awarded substantial damages against Concord Pacific Ltd., a Malaysian logging company, for illegal logging.

National Court Justice Davani, sitting in Port Moresby, based her judgment on statements from 1800 members of the four tribes living in the affected area, and expert evidence of three environmental scientists who conducted audits and presented evidence to the court. She said the logging operations conducted under TA (Timber Authority) 24 from 1995 and thereafter resulted in widespread destruction to the natural vegetation and forests, the effects of which were still felt today.

"The devastating effects referred to above, among others, are the constant heavy erosion, constant flooding, and destruction of food gardens and lack of game for consumption and commercial purposes. The tribes are left with only a dirt road that is impossible and not fit to be travelled on, either by walking or by vehicles," Justice Davani's judgment read.

Members of the Kuni, Pare, Zimakana, Yonhom tribes living in the Kiunga Aiambak logging and road project area claimed damages for : loss of trees K15.5 million, trespass K60 million and breach of Constitutional rights K9million totaling K226,550,000 (approximately US\$100 million).

The court accepted the evidence supporting the plaintiffs' claim and awarded damages of US\$97.2 million against Concord Pacific.

[PNG Post-Courier, 23/06/2011]

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**Convictions under environmental legislation:
July to September 2011**

[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:

July 2011

Twenty-four convictions were recorded in July for breaches of legislation enforced by the Environmental Protection Department.

Sixteen of the convictions were under the Air Pollution Control Ordinance and 8 under the Waste Disposal Ordinance.

The heaviest fine in July was \$26,000, assessed against a company that imported controlled waste without a permit.

August 2011

Twenty-five convictions were recorded in August for breaches of legislation enforced by the Environmental Protection Department.

Six of the convictions were under the Air Pollution Control Ordinance, 2 under the Noise Control Ordinance, 1 under the Ozone Layer Protection Ordinance, and 16 under the Waste Disposal Ordinance.

The heaviest fine in August was \$35,000, assessed against a company that imported controlled waste without a permit.

September 2011

Twenty-nine convictions were recorded in September for breaches of legislation enforced by the Environmental Protection Department.

Ten of the convictions were under the Air Pollution Control Ordinance, 1 under the Environmental Impact Assessment Ordinance, 6 under the Noise Control Ordinance, and 12 under the Waste Disposal Ordinance.

The heaviest fine in September was \$20,000, assessed against a company that imported controlled waste without a permit.

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