

**URBAN PLANNING AND ENVIRONMENTAL LAW QUARTERLY**  
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Numerous marine species are endangered today due to over exploitation and habitat destruction, including most of the world’s 400 shark species. In this edition we return to an important topic covered in previous editions: Hong Kong’s pivotal role in pushing sharks to extinction.

*The Editors*

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**SHARKS FACE A PERILOUS FUTURE**

*Threats to sharks’ survival*

Several articles appearing in this edition of the UPELQ [see *Hong Kong Briefing and Regional and International*] remind us of the continuing vulnerability of sharks to human greed and ignorance. Regrettably, diners in Hong Kong, China and Taiwan, are the most culpable in this context, as we continue to indulge our desire for shark products, especially shark fin, all the while ignoring that this demand is the main driver of drastic over-fishing of a wide range of shark species.

Equally regrettably, Hong Kong’s main government agency with responsibility for conservation of fauna and flora – the Agricultural, Fisheries and Conservation Department (“AFCD”) – remains in the grip of its usual inertia in that it has not initiated a single measure or programme (as far as we are aware) to increase protection for sharks.

In recent years exploitation of shark species has reached staggering proportions. More than **100 million** sharks are cruelly mutilated and killed each year just for their fins, which are consumed in soup and medicines, mainly by Chinese!

Not only is this yearly shark fin catch directly harmful to the species’ future survival, the method used to harvest the fins is extremely cruel : the shark is caught, its fin is sliced off and then the live shark is thrown back into the sea where it suffocates or is killed by predators because it is unable to swim properly.

Sharks also face other dangers apart from the voracious shark fin fishers, the main ones being:

- commercial fishing : sharks are widely taken for their meat and cartilage
- by-catch destruction : a huge number of sharks are killed each year as a result of their unintentional capture in trawling or other fishing processes targeted at other fish species
- habitat degradation : as with all fauna, sharks require a healthy ecosystem to thrive, but they are experiencing wide spread degradation of their core ecosystems due to the effects of climate change, pollution and human destruction of mangrove forests and coral reefs.

The *International Union for Conservation of Nature* (IUCN) estimates that well over than 100 million sharks are killed every year. The IUCN notes that rising demand for shark meat, fins and cartilage has increased pressure on suppliers to supply product, which in turn is causing severe damage to shark populations in various parts of the world. It is estimated that during the last thirty years some species of shark have declined by over 90%, and it is common to see species’ populations down by as much as 70%.

Of the approximately 400 shark species, more than 100 species are commercially exploited. Many of these are today so over-exploited that their long term survival is very doubtful. This is a shocking state of affairs which the AFCD either does not appreciate or is unwilling to address, in the context of Hong Kong’s role in this shark genocide.

A particularly disturbing aspect of this marine environmental issue is that sharks take many years to reach sexual maturity and they produce very few off-spring compared to other fish species.

### Threatened shark species

The IUCN is the world's recognised central wild-life monitoring agency. It has three levels of "threatened status":

- vulnerable
- endangered
- critically endangered

Approximately one third of shark species are classified as threatened. The IUCN has also created a *Red List* for globally endangered flora and fauna species. Not surprisingly, many shark species feature on the *Red List* (64 species as at 2009). Examples of these are:

- Angelshark
- Australian spotted catshark
- Banded catshark
- Basking shark
- Bigfin catshark
- Blacktip reef shark
- Blue shark
- Bluntnose sixgill shark
- Eastern Angel shark
- Frilled shark
- Galapagos shark
- Gray reef shark
- Leopard shark
- New Guinea River shark
- Pigeye shark
- Pocket shark
- Tiger shark
- Whale shark
- Zebra shark
- Great White shark

So even to an uninformed observer it should be obvious that international indifference to the plight of the marine environment's king of the food chain, combined with our blind consumption of shark products, has caused these magnificent creatures to spiral towards extinction. And as is also clear, Hong Kong is substantially to blame for this tragic situation.

Adverse environmental consequences from the sharp decline in shark fisheries are not limited to the shark itself. Depletion of shark populations is a significant realignment of the natural marine order. The shark is at the apex of the food chain; it is the oceans' top predator. Reducing their populations leads to lower species, which are normally hunted by sharks, to increase their numbers dramatically, which in turn adversely affects other species.

For example, a 2007 report released by the *Scripps Institution of Oceanography* (USA) described how a bay scallops fishery in North Carolina – which had existed for more than a century – was closed down in 2004 because of an increase in the population of cownose rays, a predator of scallops, as a result of the reduction in the numbers of sharks (a predator of cownose rays) in the North Atlantic.

### Hong Kong's role

Despite the sophisticated state of our knowledge of the substantial threat to sharks

from consumption of shark products the government has not even banned serving shark fin soup at official functions, although its has indicated it is likely to do so in the future. It is difficult to understand why a ban could not immediately be implemented – as it should have been years ago.

In the UPELQ (August 2005) we commented as follows:

"More recently, it was suggested that the Secretary for the Environment should take the lead in helping to protect sharks by asking all government departments to ban shark's fin soup from government banquets. The Secretary's spokesperson responded with apparent incredulity that such a suggestion could be made. She said it was up to each department to make its own decision (which was stating the obvious), but that there was no need for such a ban because sharks "are not endangered". This official response is deplorable for at least two reasons.

Firstly, the statement that sharks are not endangered is simply wrong; a number of species are listed under *CITES* and our own inadequate endangered species legislation. Secondly, the position taken by the Secretary reflects the government's lack of knowledge of best environmental and conservation practices. Effective conservation requires that you do not wait for a species to become so depleted in numbers that it is declared endangered. Enlightened conservation measures should be taken well before that point is reached. As a species, sharks are vulnerable (to extinction), as is widely accepted by the world's leading conservation agencies. Vulnerable species need protection to assure their long-term viability just as much – if not as urgently – as do endangered species. If our environmental protection executives cannot recognise this, Hong Kong will continue its poor conservation record."

It is a pity, and sadly reflective of Hong Kong's general environmental record, that in 2013 the situation described above has changed very little.

In the October 2004 edition of the UPELQ the main article concerned this important issue of protecting the world's shark fisheries, which are already heavily depleted. In that article we considered the extent to which the government had implemented the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (*CITES*), which is the primary international agreement for limiting trade in wildlife. *CITES* applies to Hong Kong because the United Kingdom and China were signatories prior to 1997. We noted, in part, as follows:

"The listing of a species under *CITES* is usually given legal effect in Hong Kong by subsequent listing under one of the schedules to the *Animals and Plants (Protection of Endangered Species) Ordinance* (Cap.187), which is Hong Kong's main piece of legislation concerning conservation of endangered and vulnerable species.

The three species of sharks mentioned (Great White, Whale and Basking) were listed under *CITES* in 2003. By Executive Order,

taking effect on 1 June 2004, various additional marine and fresh water species were added to the scheduled species under the *Ordinance* including the three shark species. The Whale and Basking Sharks have been listed in Part 1 of Schedule 1. The Great White Shark – which is entirely protected in some countries, such as Australia – has been listed in Part 2 of Schedule 1.

Paragraph 10 of the *Animals and Plants (Protection of Endangered Species) (Exemption) Order* (Cap.187A) exempts from Section 4 of the *Ordinance* all scheduled animals listed under Part 2 of Schedule 1. Section 4 makes it an offence to import scheduled animals without a licence. The penalty is a fine of \$50,000 and imprisonment for 6 months for importing a Scheduled animal, and a fine of \$100,000 and imprisonment of one year for importing a highly endangered species of animal."

However, as pointed out in that article, the government illogically weakened protection for those animals listed in Schedule 1 of the *Ordinance* by issuing exemptions pursuant to the *Animals and Plants (Protection of Endangered Species) (Exemption) Order* (Cap.187A) in respect of some listed species, to the effect that the legislative protection was diluted (e.g. discretion given to the AFCD to issue licences to import the listed species) or frustrated entirely.

Schedule 6 of the *Ordinance* contained species listed as highly endangered. In 2004, no shark species was included in Schedule 6, and that remains the position today, but under different legislation.

The *Ordinance* was repealed in 2006 and replaced by the *Protection of Endangered Species of Animals and Plants Ordinance* (Cap.586). Under this new legislation only the same three (3) species of shark are listed in Appendix II as protected as were listed under the *Ordinance*, despite overwhelming scientific evidence that dozens of species are now in various stages of threatened existence.

The protection afforded by Appendix II (which is lower than Appendix III) is limited, as it was under the old legislation. Essentially, the listed species may not be : imported; exported; introduced from the sea; or be in the possession of a person unless a person is licensed to do so.

As with the old, the new legislation further dilutes restrictions on trading sharks or shark parts by exempting importation of shark products (other than live animals) if "the specimen was legally acquired" by the person (*inter alia*).

We conclude by repeating another part of our 2004 article, which regrettably applies equally today as then :

"An interesting insight into the government's approach to its responsibilities towards international conservation of our vulnerable species is provided by the answer to the following question by the Hon. Emily Lau to the then Acting Secretary for the Environment, Transport and Works, Mr. Stephen Lam, in Legco on 3 July 2002 :

It has been reported that Hong Kong is the major market for the world's shark's fin trade, and 50% of the trade is estimated to take place here. There are accusations that the trade is pushing shark species into extinction. In this connection, will the Executive Authorities inform this Council whether:

- (a) they are aware of the severity of the problem;
- (b) they have plans to tackle it; if so, what are the details of such plans?

Mr. Lam's answer was, in part:

- (a) According to information available to us, there is no comprehensive scientific data to ascertain the effect of shark's fin trade - related hunting activities on the number of sharks of different species or their life processes. We will continue to monitor the situation closely.
- (b) To protect endangered species, wild animals and plants, the (Government) 50% abides by the (CITES) through enacting and enforcing the Animals and Plants (Protection of Endangered Species) Ordinance.

Mr. Lam then described briefly the categories of listings under CITES. He concluded by saying:

*According to the Ordinance, the import, export or possession of endangered species of animals and possessing related products requires a licence that must be obtained in advance from the AFCD. Basking Sharks have already been included in the existing control regime. We will later amend the Ordinance to include Great White Sharks as well. If the control of trade under the Convention extended to cover other shark species in future, we will revise the Ordinance accordingly.*

No explanation of what the government might be doing (if anything at all) to obtain comprehensive scientific data concerning the shark's fin trade was provided by Mr. Lam, or by anyone else on behalf of the government since then, as far as we are aware. The assertion of lack of "comprehensive scientific data" is a common excuse from those uncomfortable with, or opposed to, implementation of realistic conservation measures, and it is a reaction of administrative agencies in many parts of the world, not just in Hong Kong."

Hong Kong clearly continues to be a major factor in pushing many species of shark to the brink of extinction. This is a situation of which we should all be collectively thoroughly ashamed, especially the AFCD.

## TOWN PLANNING

### Draft Central District Outline Zoning Plan approved

The Council has approved the draft Central District Outline Zoning Plan ("OZP"). The approved OZP provides a statutory land use planning framework to guide development and redevelopment within the Central District area. The Planning Scheme Area ("the Area") covers about 106 hectares and is bounded by Victoria Harbour to the north and adjoins Hong Kong Planning Area 24 along the Connaught Road Central/Harcourt

Road corridor. The Area is the centre of existing business activities and the heart of civic and government activities in Hong Kong.

One-third of the Area (approximately 37.2 hectares) is designated for road use. A majority of the remaining area is zoned "Commercial", covering about 28.5 hectares. About 1.9 hectares are zoned "Comprehensive Development Area", which covers three piers along the waterfront and the adjacent inland area. A number of sites are zoned "Government, Institution or Community" and "Open Space", each covering about 15.6 hectares, to serve local and district needs.

Several sites taking up a total of 5.34 hectares are zoned "Other Specified Uses", covering: the Central Market and Murray Building, which are designated for preservation and revitalisation; three piers (i.e. the Central Government Pier, Pier 2 and Pier 3); the Hong Kong-Macau Ferry Terminal; and sites for other specified uses.

Two relatively small sites north of Kennedy Road near the Peak Tramway and adjacent to the British Consulate are respectively zoned "Residential (Group A)" and "Residential (Group B)" and cover about 0.2 hectares and 0.8 hectares.

The hill slopes (around 1.3 hectares) behind the military quarters are zoned "Green Belt". This zone is intended for the conservation of the existing natural environment amid the built-up areas at the urban fringe and to provide additional outlets for passive recreational activities.

[TPB Press Release, 19/04/2013]

### Approved South Lantau Coast Outline Zoning Plan amended

The TPB announced amendments to the approved South Lantau Coast Outline Zoning Plan ("OZP"). The amendments involve the rezoning of an area of land in San Shek Wan from "Green Belt" ("GB") to "Residential (Group C)" ("R(C)") and two areas of land from "R(C)" to "GB", mainly to reflect the boundary of a building lot.

[TPB Press Release, 19/04/2013]

### Giants take new swing at eyesore boatyard

Several developers have applied to the TPB to turn a 256,775-square-foot industrial boatyard in Ap Lei Chau into a mixed-development facility that features a yacht centre. The site is located next to a luxury residential project to the east of Praya Road and is used as an industrial boatyard and for engineering workshops that serve the local fishing fleet.

If approved, the yacht centre will yield a gross floor area of 146,505 sq ft. It will include an exhibition and convention hall for the marine industry. Approximately 57,998 sq ft of the area will be allocated for recreational facilities. More than one third of the area will be reserved for boatyards, where boats can be built and repaired.

[The Standard, 15/05/2013]

### Draft Tai O Fringe Outline Zoning Plan gazetted

The TPB has announced publication of the draft Tai O Fringe Outline Zoning Plan. The

zone covers about 186.62 hectares and is bounded by the Lantau North Country Park in the east and south, and natural coastline in the north and west. A major part of Tai O Island is included in the area which is separated by Tai O River from Lantau Island.

A total of about 6.57 hectares are zoned "Village Type Development" to reflect existing recognised villages, and to provide land considered suitable for village expansion.

About 3.8 hectares are zoned "Government, Institution or Community" to provide government, institution or community facilities serving the needs of local residents. Examples of such facilities include: existing temples; toilets; water treatment works; service reservoir; sewage pumping station; drug addiction treatment centre; and automatic weather station.

About 0.75 hectares are zoned "Open Space" to provide outdoor open-air public space for recreational uses, such as sitting-out areas, children's playground and a public promenade.

About 3.25 hectares are zoned "Other Specified Uses", namely the Tai O Cemetery, Tai O Barracks and sewage treatment works.

About 1.16 hectares are zoned "Undetermined" to retain part of an area to the east of Sun Ki Street intended for the "Salt Panning Demonstration Area" to promote heritage education and other visitor attractions.

About 124.47 hectares are zoned "Green Belt" to preserve the existing topography and natural vegetation. Areas adjoining Lantau North Country Park and other areas covered with fallow agricultural land, hill slopes, natural vegetation and small streams are within this zone.

About 36.58 hectares are zoned "Conservation Area" to protect and retain existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environments, such as Country Park, from the adverse effects of development. Tai O Reedbed and the Tai O Mangrove Replanting Area are included within this zone.

About 6.71 hectares are zoned "Coastal Protection Area" to conserve, protect and retain the natural coastlines and the sensitive coastal environment, including the unique rocky feature known as Old Man Rock.

The general intention of the plan is to conserve the areas of high ecological significance, to protect the rural and natural character and to maintain the unique landscape character and cultural heritage of the area. Land is also reserved for Small House development by indigenous villagers in order to cater for existing villages.

[TPB Press Release, 24/05/2013]

### Approved Wan Chai North Outline Zoning Plan amended

The TPB announced amendments to the approved Wan Chai North Outline Zoning Plan. The amendments are:

1. rezoning of a site bounded by Road P2, Fleming Road, Tonnochy Road,



Great Eagle Centre and Harbour Centre from: "Government, Institution or Community"; "Other Specified Uses"; annotated "Railway Station Facilities", annotated "Railway Ventilation Building"; annotated "Amenity Area"; annotated "Landscape Elevated Walkway"; and areas shown as "Road", to "Comprehensive Development Area";

2. rezoning of the Atrium Link Extension site between the Hong Kong Convention and Exhibition Centre (HKCEC) and the HKCEC Extension from: annotated "Pedestrian Walkway with Ancillary Exhibition Facilities"; annotated "Amenity Area"; and areas shown as "Road", to annotated "Exhibition Centre";
3. rezoning of the site occupied by Harbour View International House at 4 Harbour Road from: "G/IC" to "G/IC(5)" with the inclusion of "Hotel (for 'G/IC(5)' only)" and "Residential Institution (for 'G/IC(5)' only)" under Column 2 of the Notes for "G/IC" zone; and
4. opportunity has also been taken to make minor boundary adjustment to rezone a strip of land from an area shown as "Road" to "G/IC(1)" according to the gazetted road alignment of Tonnochy Road.

[TPB Press Release, 24/05/2013]

#### Draft Mong Kok Outline Zoning Plan amended

The Town Planning Board ("TPB") has announced amendments to the draft Mong Kok Outline Zoning Plan ("OZP"). The amendments are:

1. rezoning of a site at the junction of Soy Street and Shanghai Street from "Government, Institution or Community" ("G/IC") to "Residential (Group A) 4" with the requirement to provide a community hall within the site;
2. rezoning of a site located at between Shanghai Street and Reclamation Street from "G/IC" to "Residential (Group A)" to facilitate residential developments.

[TPB Press Release, 31/05/2013]

## WEST KOWLOON CULTURAL DISTRICT (WKCD)

### Major solo exhibition by Lee Kit

M+ and the Hong Kong Arts Development Council (HKADC) announced that they will jointly launch a series of programmes to accompany a major solo exhibition by Lee Kit, a leading Hong Kong artist.

A series of talks will be hosted by M+ in order to encourage discourse around this exhibition. The talks will explore the history, importance and characteristics of the Venice Biennale to give background to the exhibition. There will also be a combined

talk and sharing session to explore the history of Hong Kong's participation in the Venice Biennale since 2001, as well as an analysis and report regarding the opening of the exhibition.

In addition, M+ and HKADC also launched internship programme in March for the 55<sup>th</sup> Venice Biennale, which will offer people unique insights into the world's oldest and most renowned international art exhibition.

[Press Release of the West Kowloon Cultural District Authority, 21/04/2013]

### Full size inflatable Stonehenge

*Sacrilege*, a full size inflatable replica of one of the world's most famous monuments, Stonehenge, was unveiled in Hong Kong as part of Mobile M+:Inflation! . *Sacrilege* was created by a British artist Jeremy Deller, and first appeared in Glasgow. It was placed alongside five other giant inflatable sculptures by local and international artists.

These giant inflatable sculptures (collectively called the "Mobile M+:Inflation!") will be placed around a 35m wide fake green grass base, offering a sharp contrast to the urbanised image of Hong Kong. Monumental artworks of this scale have never been seen in Hong Kong and therefore the Mobile M+:Inflation will be the largest contemporary art exhibition in Hong Kong to date. The exhibition of full-sized inflatables invites public interaction. The nature of the Mobile M+:Inflation! also poses questions about public art and the ways in which the public should be involved in it.

The Mobile M+:Inflation! is a prelude to the opening of the Park in the West Kowloon Cultural District in 2014. There will be open space and gardens in the Park, thus providing a place of relaxation in the urban area.

Lars Nittve, the Executive Director of Mobile M+ Inflation!, said that he was delighted about Hong Kong having secured the *Sacrilege* artwork, as the work was overwhelmingly popular in the UK last year. It is also unique in the sense of its inherent interactive nature as a public sculpture. *Sacrilege* challenges the ways in which art should be presented, and proves that art can actually be experienced by the public in a stimulating way.

[Press Release of the West Kowloon Cultural District Authority, 23/04/2013]

### The First Xiqu education programme

The West Kowloon Cultural District Authority (the "WKCD") will host a seminar series for the future Xiqu Centre, collaborating with the Chinese Artists Association of Hong Kong and the Hong Kong Academy for Performing Arts – two major Xiqu training institutes in Hong Kong.

The seminar series will be held from June 2013 to March 2014. Professional artists and experts will share their experience and knowledge of Xiqu with the audience. The WKCD is committed to making the Xiqu Centre a leading global venue for research and development of this traditional Chinese cultural art. The seminar series is only the first step towards promoting the Xiqu Centre as a venue for the preservation of the art of Xiqu.

One of the aims of the seminar series is to stimulate discussions and cultural exchange amongst veteran artists. Through this process

of cultural exchange and stimulation, the Xiqu practitioners in Hong Kong may be enlightened in the planning of the Xiqu Centre. Another goal of the seminar series would be to nurture a new generation of Xiqu lovers through public education and information dissemination.

[Press Release of the West Kowloon Cultural District Authority, 27/05/2013]

### Mobile M+: Inflation! ends in success

From 25 April to 9 June 2013, 6 giant inflatable sculptures were presented on the site of the Park of the West Kowloon Cultural District. This large scale exhibition of inflatable sculptures ended on 9 June 2013. It was a huge success, with 150,000 people having visited the Mobile M+:Inflation!.

Since its opening, the Mobile M+:Inflation! has generated social discussion as well as reports by the mass media. Responses were overwhelming. Dr. Lars Nittve, said that it was encouraging to see so many people enjoying the exhibition, and the degree of attention it attracted both from local and overseas media. Dr. Nittve also thanked every contributor for the success of Mobile M+:Inflation!. The next exhibition will also be an interactive one inviting participation from the public.

[Press Release of the West Kowloon Cultural District Authority, 09/06/2013]

## HONG KONG BRIEFING

### Clean Air Plan for Hong Kong

On 28 March 2013, the Environment Bureau unveiled "A Clean Air Plan for Hong Kong", outlining the challenges ahead of Hong Kong with respect to air quality, as well as stating the proposed policies and plans to tackle the problem. Cooperation amongst various government departments will be required to carry out the Clean Air Plan.

The government has set aside a sum of 10 billion Hong Kong dollars for this year to support the early retirement of old diesel commercial vehicles. Enthusiasm for the Plan has also been shown by the Transport and Housing Bureau, which has been cooperating with the Environment Bureau in implementing a number of initiatives regarding air quality. Some examples are – rationalising bus routes and proposals for improving traffic congestion in the several cross-harbour tunnels.

The Department of Health is also supportive of the Clean Air Plan. It will continue to monitor the health impact of air pollution, taking into account advice from the World Health Organisation in particular. Professional health advice regarding air quality would then be reported to the relevant government departments from time to time.

[Press Release of the Environmental Protection Department, 28/03/2013]

### Hong Kong and the Netherlands collaborate on waste management

On 6 May 2013 Hong Kong and the Netherlands signed a Statement of Intent (SOI) concerning waste management collaboration. The SOI lays down common

objectives of both parties and serves as a foundation for cooperation between the two parties on waste management issues. The areas of collaboration include: policy; management; resource recycling; law and enforcement; regulatory and economic instruments; and treatment and disposal technologies. Under the SOI, the major bodies or institutions through which interactions will be conducted are the governments, industrial sectors and educational and research institutions. The SOI also aims to facilitate information exchange, training and experience sharing on waste policy.

[Press Release of the Environmental Protection Department, 06/05/2013]

### The Food Wise Hong Kong Campaign

The *Food Wise Hong Kong Campaign* was launched on 18 May 2013. All sectors of the public are encouraged to reduce food waste production; this includes individuals, households, and commercial and industrial sectors.

The Chief Secretary for Administration, Mrs. Carrie Lam, gave three tips for the public to follow during the launching ceremony. They are: firstly, avoid leaving leftovers; secondly, make good use of food trimmings for the second dish; and thirdly, think before the purchase of any food to avoid wastage.

It was also said during the launching ceremony that about 40% of solid waste disposed at landfills everyday is food waste, of which 70% comes from the domestic sector. Therefore, changing habits to less wasteful consumption is of utmost importance in reduction of waste production. Food should be treasured, and any excessive food should be donated to the needy instead of simply being disposed of.

Thus far, tool kits and practice guides have been drafted for a number of sectors, including: the hotel sector; the food and beverage sector; the shopping mall sector and the residential sector. These practice guides aim to assist the relevant sectors in adopting more responsible food waste management producers in their daily operations. Another highlight of the Campaign is the promotion of food donations to charitable organisations.

[Press Release of the Environmental Protection Department, 18/05/2013]

### Blueprint for more responsible waste disposal

The Environment Bureau has released the "Hong Kong: Blueprint for Sustainable Use of Resources 2013-2022". It outlines the challenges for waste management in Hong Kong, and proposes ways to overcome these challenges by mapping out a comprehensive strategy, targets, policies and action plans for waste management for the next 10 years.

For the plan to be successful, joint efforts of the Hong Kong government and community are required. The ultimate aim is to reduce the per capita disposal rate of solid waste by 40% by 2022. To achieve this end, the blueprint highlighted three policy areas. Firstly, the government will drive behavioural change through multiple actions, such as legislation and implementing a solid waste charging and producer responsibility schemes. Secondly, territory-wide waste reduction campaigns will be launched.

Thirdly, the government will invest in enhancing certain infrastructure, such as waste-to-energy integrated waste management facilities and organic waste treatment facilities.

With the blueprint, the focus is on waste reduction and waste re-circulation. The public is encouraged to reduce and recycle waste. Some waste would be turned into energy. Land-filling the waste would be the last resort. Our current waste management structure, which relies heavily on landfills, will eventually be altered by the blueprint.

[Press Release of the Environmental Protection Department, 20/05/2013]

### Grouper face extinction

One in 10 species of grouper faces extinction and most are found on restaurant dinner tables in Hong Kong, a global study has found.

University of Hong Kong researchers, who led the study, urged the government to protect the threatened species through legislation and to tighten monitoring of the grouper trade, of which Hong Kong is a major centre.

"We as consumers don't really realise the problem because we see plenty of the fish in our restaurants and markets. But the situation is different in the sea," HKU biology Professor Yvonne Sadovy said.

The study collected data from different countries and assessed all 163 grouper species known in the world. Of these, 20 were identified as threatened, meaning their population will keep declining if nothing is done.

Of the threatened species, Hong Kong grouper and long-tooth grouper are found in Hong Kong waters. Professor Sadovy said they should be protected by law. These two, as well as the giant grouper, humpback grouper and two other threatened species are sold in Hong Kong. The study also identified 22 other near-threatened species, including the popular leopard coral trout, which is often served at banquets.

Almost all the live grouper sold were supplied to Chinese markets because of the Chinese tradition of buying live fish. One-fifth of these roughly 3.6 million grouper caught each year are consumed in Hong Kong.

A spokesman for the Agriculture, Fisheries and Conservation Department said it had been working with other regions in protecting endangered species.

[SCMP, 22/05/2013]

### Floating incinerator protest

Residents of South Lantau will join others in a protest in the waters off Pui O beach to protest against the building of a garbage incinerator nearby.

The organizers of the *Naked Islands Project* say they expect several hundred people to take part in the event. Protesters will don lifejackets, link hands and float in the water to demonstrate their displeasure. They want to educate people about the impact of a planned moving-grate incinerator on nearby Shek Kwu Chau.

"We're not against the idea of an incinerator, but we are against building it in a pristine, natural environment," said Lindsey Price, 4, a resident of Lantau South and mother of two. "Why use an outdated model when there is newer technology available that doesn't produce dioxins or toxic ash residue?" she asks. Price and others say another disposal method that uses plasma gasification is thought to be safer.

The government has not yet decided on one technology, said under-secretary for the environment Christine Loh Kung-wai, speaking at the *Plasticity Forum* earlier this month. But the newer technologies cannot handle the volume of waste Hong Kong produces each day. "We need technology that can handle big tonnage ... I can't go for something that can do 300 to 500 tonnes a day," Loh said. The city produces 13,500 tonnes of garbage a day, and any incinerator would need to burn around 3,000 tonnes a day, she said. According to current projections, existing landfills will be full by 2019.

The plan for the Shek Kwu Chau incinerator is currently locked up in court in a judicial review application. Plasma gasification technology has only been used on a small scale and that is too expensive to run. But experts who spoke at a 5 June forum at the stock exchange on managing waste are puzzled by the choice of Shek Kwu Wan. With no existing infrastructure or equipment, the labour and the waste would need to be shipped in and housing built for staff. "It's like operating an offshore oil platform," one expert said. Several experts argued that plants in existing landfill sites would be a better option.

Two experts advocated gasification technology. They both also agreed that any incinerator should be located at Tsang Tsui, near Tuen Mun, as it would mean lower building costs, faster construction, have less impact on the environment and be a more efficient use of land.

[SCMP, 22/06/2013]

### Attitudes to shark's fin changing

Most people come across shark's fin at wedding banquets, but would happily eat something else, a survey has found.

"We've banned shark's fin from our functions since 2007," said Deacon Wong, chairman of the *Save Sharks* project conducted by the Junior Chamber International. The training group polled 1,022 people for the survey between 10 May and 14 June this year. It was not a randomly generated sample, meaning a sampling bias could have been introduced.

The *Hong Kong Shark Foundation* plans to submit a petition to the Hong Kong government to ban the use of shark products at official functions. Beijing last year banned shark's fin at official events. And more companies are following suit at a time when the finning trade sees 100 million sharks pulled from the ocean every year, according to the United Nations Food and Agriculture Organisation.

Two South Korean airlines – Korean Air and Asiana – last week said they had asked the *International Air Transport Association* to ban the carriage of shark products.

The latest survey results and those from 2011 appear to show a shift in when shark's fin is consumed. The 2011 survey showed 30 per cent was at weddings, 19 per cent at birthday celebrations for grandparents, 12 per cent at new year and 10 per cent at work events. The latest survey showed 84 per cent at weddings, 5 per cent at celebrations for grandparents, 1 per cent at work events. And 93 per cent of those polled would consider replacing shark's fin with other dishes at a function. In 2011, it was 43 per cent.

[SCMP, 24/06/2013]

## CLIMATE CHANGE

### The North Pole and climate change

Climate change is affecting the world globally. The level of ocean ice has decreased rapidly in recent years. North Pole ice is constantly melting, with the melting rate in the frozen seawater off Greenland recently hitting a record melting rate. Sea ice is the foundation of ecosystems in the Arctic. Its reduction in volume and its thinning would materially affect the survival of residents and animals in the area.

Due to the decrease in the level of sea ice, a lot of animals in the polar regions will not survive. Many arctic species are facing serious risk of extinction. The residents in the North Pole region are also facing the lack of a reliable food supply. In addition, as the frozen seawater is melting, this causes sea levels to rise, resulting in the invasion of massive waves and storm surges in coastal regions, rendering them unsuitable for human habitation.

Polar bears, for instance, have always been reliant on sea ice for their survival. They mainly hunt and produce offspring on the sea ice. Researchers point out that more and more polar bears are drowning. The reason is the huge distances polar bears must now negotiate between sea ice packs. Polar bears need to spend a lot of time swimming in the melted sea ice, and sometimes even to wait for the end of summer before they could find any solid sea ice to occupy. Researchers also revealed that, due to the shortage of food supply, there can now be circumstances where polar bears kill each other for food.

Other than polar bears, there are also a variety of other animals, such as seals and walrus, in the Arctic which are adversely affected by the general warming of the Polar region. Apart from reproducing and nurturing their off-spring on sea ice, seals also rest and breast-feed beneath and around the edges of the sea ice. It is impossible for these Arctic animals to survive on ordinary non-ice land.

[Greenpeace Hong Kong, 20/03/2013]

### Worse heatwaves may affect Pakistan

Global warming was ringing another bell when Pakistan experienced nearly four weeks of extremely hot weather, causing hundreds of deaths and devastating crops. Meteorologists, however, warned that Pakistan may experience longer periods of heatwaves in the future, with even more intensity in the level of heat.

Meteorologists are of the view that the recent extreme summer temperatures followed by massive floods could largely be attributed to global warming. Mohenjo-daro, a city in the Sindh province, reached 53.5 degrees in May

2010. This is the 4<sup>th</sup> highest temperature record in the world so far. In 2013, the maximum record was approximately 51-52 degrees. The heatwaves produced devastating negative effects on human life in the affected regions.

Due to environmental factors and the effects of climate change, some diseases are common in Pakistan. For instance, there is a surge in cases of diarrhea because of contaminated drinking water. Heat strokes, dehydration and hepatitis are also not uncommon. The Indus River once provided an abundant supply of water. But, there is insufficient water in the Indus River now, and people are forced to use contaminated water in ponds and riverines in Sindh for drinking and cooking purposes.

Situations in the cities are no better than in the rural areas. Temperatures in cities are usually 5-8 degrees higher than the countryside because of the "heat island effect".

Heatwaves also interrupt the supply of electricity, which in turn prompts people to join street protests.

[The Guardian, 14/06/2013]

### Global warming first felt by the world's poorest

Even though residents from around the globe feel the increasing effect of global warming and rising temperature, the ones who are most likely to be affected are those in poor countries. Many of these countries may be pushed back into poverty because of climate change.

Food shortages could be the first consequence of climate change within just two decades from now. Within approximately 20 years, in sub-Saharan Africa maize and the staple crop will no longer occupy 40% of the harvest of current farmland due to the effects of increasing droughts and excessive heat. Heatwaves, which have frequently hit south-east Asian countries, may become more and more common. More intense cyclones would also disrupt crops farming and production.

Some banks are increasing their funding for poor countries to face the consequences of climate change. Rich countries are also called on to contribute by reducing their emissions of greenhouse gas. The World Bank, for instance, spent approximately USD 7 billion a year to help poor countries reduce their greenhouse gas emissions and to pursue environmentally sustainable economic development.

Jakarta is extremely vulnerable to flooding because of rising sea levels and decades of pumping water from underground sources. These major impacts of climate change are unavoidable. Rich countries must support the poor countries to adapt to the changing climate.

[The Guardian, 19/06/2013]

### Obama to take climate change action

President Barack Obama is running out of time to make good on his lofty vow to confront climate change head-on, and Congress is in no mood to help. Moving ahead on his own, Obama is to announce a set of actions that will take years to implement.

The centerpiece of the plan is a push to issue new regulations that would curb greenhouse-gas emissions from new and existing power plants, according to people briefed on the plan by the administration. Other components would include energy efficiency, renewable energy sources and help for communities preparing for the effects of climate change.

Yet environmental activists are frustrated that Obama, despite deeming climate change a priority as far back as his first presidential campaign, waited until his fifth year in office to issue a detailed plan. In his state of the union address in February, Obama gave lawmakers an ultimatum that if Congress wouldn't pass climate legislation, he'd take action himself. Four months later, Obama appears to have lost patience.

Days earlier, as word came of Obama's plans for existing power plants, the leader of the House of Representatives, Speaker John Boehner, called it "absolutely crazy", making it clear the obstacles Obama would face in trying to push anything through Congress.

In going it alone, Obama has somewhat limited his options. But environmental activists say taking action to reduce the heat-trapping gases that coal-fired power plants emit would have the most impact. Forty per cent of US carbon dioxide emissions, and one-third of greenhouse gases overall, come from power plants, according to the US Energy Information Administration.

The Environmental Protection Agency (EPA), using its authority under the *Clean Air Act*, has already proposed rules for new power plants, but those rules have been delayed. Although finalising the rules for new plants would likely compel the government to eventually take similar action on existing plants, the Obama administration has until now focused on new plants.

People briefed on Obama's plan for existing plants said that rather than issue a specific new standard, Obama would announce he's directing his administration to work with states and interested parties to develop a cost-effective, flexible system that can curb emissions without costing so much as to create negative economic impacts.

That's a process that is sure to drag on for years.

[SCMP, 26/06/2013]

## REGIONAL & INTERNATIONAL

### UK & AUSTRALIA

#### Redesigning urban environments for active transport

The mayors of Sydney and London share a common vision to create more vibrant and liveable cities through encouraging a change in travel habits. Both Clover Moore (mayoress of Sydney) and Boris Johnson (mayor of London) are part of the growing band of civic leaders who have embraced "active travel" as a way of re-engineering our urban environments and transforming transport and planning policies of the past.



In essence, active travel is about shifting emphasis. It means leaving the car at home more often and walking, cycling or taking public transport when you can. In order to motivate inactive people to reacquire themselves with their legs and use them for short journeys often taken by car, good town planning is essential. By creating and redesigning urban environments that prioritise walking, cycling and public transport, we make the healthy choices the easy choices, thus building physical activity back into our busy lives.

Generally speaking, far too many people have underestimated the immense damage done by physical inactivity. In Australia, it is estimated that lack of physical activity causes approximately 16,000 premature deaths annually. In fact, if more Australians were physically active for just 30 minutes a day, it would save the healthcare system approximately US\$1.5 billion a year.

Holland and Denmark, world leaders in active transport, have been investing in infrastructure, programmes and policies that give priority to walking, cycling and public transport. It is an encouraging sign that there is increasing interest by leaders like Moore and Johnson which is driving changes that will help us to lead longer, healthier, happier, safer and more productive lives.

[*The Guardian*, 22/03/2013]

## AUSTRALIA

### The negatives of palm oil's market saturation

It's everywhere – in your bathroom, your pantry – and if you use make-up, it's probably on your face as well. According to a report commissioned by the World Wildlife Fund and the Food and Grocery Council of Australia, Australians consume an average of about six kilograms of palm oil a year, in products as diverse as bread, shampoo and cosmetics.

Consumer group *Choice* says palm oil is ecologically damaging, very high in saturated fats and should be specifically labelled so shoppers can choose to avoid it. *Choice* said about 50 per cent of packaged products on supermarket shelves contain palm oil, yet Food Standards Australia and New Zealand allowed it to be labelled as vegetable oil. Palm oil is widespread and found in potato chips, shampoo, muesli bars and many other products, but shoppers cannot tell by looking at the labels.

*Choice* claims palm oil is the most-eaten oil in the world, accounting for 33 per cent of total oil production in 2009. It is cheap, versatile and keeps products on the shelf for longer. Australia imports 130,000 tonnes of palm oil a year.

Only 14 per cent of palm oil is produced in an environmentally sustainable way, *Choice* says. The palm oil industry causes widespread deforestation and catastrophic environmental damage. Palm oil production has also been linked to the destruction of orangutan habitats.

The saturated fat of palm oil is 51 per cent, which is much higher than other vegetable oils, such as canola, sunflower and olive oil. The report named Arnotts, Coca-Cola (SPC Ardmona), Goodman Fielder and Nestle, as all using palm oil but labelling it as vegetable oil.

In a statement, the Australian Food and Grocery Council said it supported sustainable sourcing of palm oil by 2015, but rejected calls for mandatory labelling. "Calls for mandatory labelling of palm oil in food and grocery products is an ad-hoc response, at best, to the significantly larger issue of deforestation and, will unlikely address these issues," it said.

On the issue of identifying palm oil as vegetable oil, the Council said it would be confusing to identify it when it made no nutritional difference.

The Council this month released a report with the World Wildlife Fund calling for companies to join the *Roundtable on Sustainable Palm Oil* which will formulate action plans for sustainable palm oil production. The report stated that palm oil is a competitively priced product that is flexible, has limited artificial processing, and has a higher yield per hectare than other vegetable oils. The report called for further research on palm oil's flow into Australia and to explore sustainable palm oil projects in the region.

[*The Age*, 21/05/2013]

### Gaol terms for illegal dumping of waste

Concerns have been raised about the lack of severity of penalties for environmental offences in April 2013 when a 37-year-old excavator was given a three-month suspended prison sentence for dumping 80 tonnes of asbestos-laced material near homes in southwest Sydney.

The decision was criticised at the time, and the NSW government has now announced that new legislation will be introduced which will include gaol terms for repeat offenders in relation to illegal dumping of waste.

The new legislation include a maximum two-year gaol term for offenders who commit a waste offence within five years of a prior waste conviction, and a maximum 18-month jail term for people who knowingly supply false or misleading information about waste-dumping. Under the new law, the *Environmental Protection Agency* will also be authorised to seize a motor vehicle it believes has been used in repeat waste offences.

The Environment Minister stated that the community rightly expects criminals and serial offenders who illegally dump waste to be heavily penalised, and that the new legislation will help to stamp out rogue waste operators and put those who flout the law behind bars.

[*Herald Sun*, 29/05/2013]

### Qantas bans shark fin

Qantas has announced a ban on carrying all shark fin, joining the growing number of airlines to impose a total ban on the controversial cargo following a campaign led by Hong Kong environmentalists. The Australian carrier took the step a day after telling the *South China Morning Post* it would carry shark products only from sustainable sources on its flights in future. Lisa Brock, executive manager for Qantas Freight Enterprises, said yesterday the airline had decided not to carry any shark fin from any source – including so-called sustainable sources – immediately. "This restriction has

been put in place to avoid participation in the supply chain of shark fin that has been sourced through the unacceptable process of finning," she said.

Air New Zealand, Korean Air and Seoul-based Asiana Airlines have announced blanket bans on the carriage of shark fin. Cathay Pacific and Fiji Airways say they will carry only sustainably sourced shark fin.

The bans follow a year-long campaign by some 60 environmental groups in Hong Kong to stop shark fin being flown into the city. More than 10,300 tonnes of shark fin were imported by Hong Kong last year.

Alex Hofford, executive director of *MyOcean* and instigator of the campaign to stop shark fin arriving by air, said he hoped other airlines would also ban carriage of the fins. "These airlines hold the new gold standard," he said. "The truth is that shark finning is not sustainable and most catches cannot be verified."

Hofford said *MyOcean* would now switch its attention to other airlines carrying shark fin to the city.

[*SCMP*, 27/06/2013]

## UNITED STATES

### Walmart pays \$82 million fine for dumping hazardous waste

The retail giant Walmart recently pleaded guilty to violating the *Clean Water Act* and will be liable to pay approximately \$81.6 million for its unlawful acts to settle the case.

The US Attorney's Office announced that Walmart admitted in San Francisco six misdemeanor counts of negligently violating the *Clean Water Act* by illegally handling and disposing of hazardous materials at its retail stores across the United States.

Evidence revealed that until January 2006 Walmart did not have a programme in place and failed to train its employees in proper hazardous waste management and disposal practices. As a result, hazardous wastes were either discarded improperly at the store level or they were improperly transported without proper safety documentation to one of the six product return centers in the country.

The US Justice Department's Environment and Natural Resources Division stated that by improperly handling hazardous waste, pesticides and other materials in violation of federal laws, Walmart put the public and the environment at risk and gained an unfair economic advantage over other companies. The fines paid by Walmart will go in part to fund environmental projects in the communities affected by the violations and to help prevent future harm to the environment.

In addition to civil penalties, Walmart is required to implement a comprehensive, nationwide environmental compliance agreement to manage hazardous wastes generated at its stores. The agreement includes requirements to ensure adequate environmental personnel and training at all levels of the company, proper identification and management of hazardous wastes, and the development and implementation of Environmental Management Systems at its stores and return centres.

[CNN News, 28/05/2013]

## CHINA

### China calls for stronger pollution law

Environmental experts are calling for a newly amended version of the nation's *Atmospheric Pollution Prevention Act* to have more teeth to combat serious atmospheric pollution. The proposed amendment to the legislation, with tougher punishments and detailed measures on air pollution emergencies to prevent and control atmospheric pollution, has gained wide support from experts.

The Act was initially formulated in 1987 and last revised in 2000. The upper limit for fines on polluters is currently capped at RMB500,000 (US\$81,600) under the Act. It was said that the current legislation is too lenient to lawbreakers and fail to deter polluting companies, as the companies and enterprises that cause atmospheric pollution face fines of less than 50 percent of the direct economic losses caused.

Environmentalists say that there should be no ceiling on fines for causing pollution in the new version of the legislation. In addition, the fines should be levied on a daily rather than case-by-case basis. There are also suggestions that serious lawbreakers should face criminal sanctions.

Even though Beijing has one of the strictest standards in the nation for controlling boiler emissions, the level of pollution remains a problem. One of the reasons that illegal behavior thrives is that it costs more to obey the laws than to break them. Earlier in May, the Ministry of Environmental Protection revealed that several State-owned enterprises had failed to reach their 2012 emission reduction requirements.

It is anticipated that the amended legislation will be implemented by the end of the year and that the stricter legislation will encounter strong opposition from industries.

[China Daily, 28/05/2013]

## UNITED KINGDOM

### Scottish emission targets missed

Scotland has failed to meet its climate change targets for the second consecutive year. A greenhouse gas report for 2011 showed that emissions narrowly exceeded the official target. Environmental campaigners described the figures as disappointing.

The Scottish government insisted the statistics showed Scotland was on track to meet its overall goal of reducing greenhouse gas emissions by 42% by the end of the decade. Emissions fell by 2.9% between 2010 and 2011, but fell just short of the 2011 target for adjusted figures, which take into account the EU Emissions Trading System.

The Scottish government by legislation is committed to a series of annual emission reduction targets from 2010 to 2027.

With increasingly tougher targets in the future, Scotland's government must lift its game if the country is to reap the rewards of the transition to a low carbon future.

[BBC News, 07/06/2013]

## CARRIBEAN

### Charcoal trade threatens Jamaican's protected forests

Jamaica is said to have the fifth highest concentration of endemic flora of all the world's islands and it is home to the endangered Jamaican rock iguana among other rare species. However, the 144-sq km island has been highly deforested over the years. Although approximately 30% of the island is covered by woodland, only 8% of that is virgin forest. The effects are so serious that environmentalists say Jamaica could become a new Haiti, an island suffering from severe deforestation and erosion.

Jamaica has a population of 2.7 million people; over 17% live below the poverty line. Increasing numbers of people are cutting down trees to make charcoal to earn a living. It can be a lucrative trade. However it is also highly destructive at the same time, as charcoal harvesters, or burners, often cut down a wide area of trees to get to the timber which makes the best coal.

The country does have laws to stop logging and charcoal burning, especially in protected areas like the John Crow and Blue Mountain ranges, but tree cutting is still rampant. Penalties for breaking the *Forest Act* and the *Wildlife Protection Act* are low - up to 12 months in prison or a fine of \$5,000. It can be more lucrative to break the law.

The *Jamaica Environment Trust* is receiving reports of coal waiting to be exported from the island, which is a worrying new trend. Last December, customs officials stopped a container of charcoal that they said was on its way to Lebanon. Environmentalists say this new export business could be the final nail in the coffin for Jamaica's endangered and endemic species. However, in a deeply indebted country, many do not seem to care.

[BBC News, 12/06/2013]



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**Convictions under environmental legislation:  
May to July 2013 (August 2013 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:

***May 2013***

Forty-three convictions were recorded in May for breaches of legislation enforced by the Environmental Protection Department.

Twenty-three of the convictions were under the Air Pollution Control Ordinance, 7 under the Noise Control Ordinance, 10 under the Waste Disposal Ordinance, and 3 under the Water Pollution Control Ordinance.

The heaviest fine in May was \$100,000, assessed against a company that used powered mechanical equipment without valid construction noise permit.

***June 2013***

Thirty-seven convictions were recorded in June for breaches of legislation enforced by the Environmental Protection Department.

Twelve of the convictions were under the Air Pollution Control Ordinance, 13 under the Noise Control Ordinance and 12 under the Waste Disposal Ordinance.

The heaviest fine in June was \$30,000, assessed against a company that carried out prescribed construction work in a designated area without a valid construction noise permit.

***July 2013***

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

Nine of the convictions were under the Air Pollution Control Ordinance, 7 under the Noise Control Ordinance, 1 under the Ozone Layer Protection Ordinance, 11 under the Waste Disposal Ordinance and one under the Water Pollution Control Ordinance.

The heaviest fine in July was \$30,000, assessed against a company that imported ozone depleting substances without a licence.

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