

FRED KAN & CO.

Solicitors & Notaries

URBAN PLANNING AND ENVIRONMENTAL LAW QUARTERLY

(Published since May 1992)

簡家驄律師行 · 城規環保簡訊

Whilst the government has gradually been shamed into taking air pollution more seriously, the same cannot be said for most other aspects of its responsibilities to protect our environment, including natural ecosystems. The rapid decline of our marine ecosystems—watched with apathy by the agency with prime responsibility to protect those ecosystems—is a stark reminder of the authorities’ third world attitude to natural-systems conservation, which is the topic addressed in this edition’s main article.

The Editors

CONTENTS

FEATURE:	Page
EFFECTIVE MARINE CONSERVATION REQUIRES MPAs.....	1
TOWN PLANNING.....	2
WEST KOWLOON CULTURAL DISTRICT (WKCD).....	4
HONG KONG BRIEFING	5
ADVISORY COUNCIL ON THE ENVIRONMENT (ACE).....	6
REGIONAL & INTERNATIONAL	8
PROSECUTION STATISTICS.....	12

EFFECTIVE MARINE CONSERVATION REQUIRES MPAs

Marine conservation and the AFCD

Hong Kong’s territory includes approximately 1800 square kilometres of sea. We have relatively extensive coastal marine zones surrounding Hong Kong’s peninsular and 265 islands of land area. The marine waters of Hong Kong once were home to a rich variety of marine life and coral gardens, a substantial proportion of which has now been destroyed, principally by over-exploitation and destructive fishing methods, such as bottom-trawling (which is still allowed and unregulated).

There is no doubt that the government agency charged with responsibility for keeping our marine waters healthy, the Agriculture, Fisheries and Conservation Department (AFCD) has failed hopelessly to do so.

Indeed, the low priority of nature conservation in the government’s eyes is clearly illustrated by the fact the AFCD has conservation regulatory responsibility, while also being responsible for two of the chief culprits in the gradual destruction of our environment, the agriculture and fishing industries.

The AFCD’s appalling track record in promoting, monitoring and enforcing realistic conservation measures reflects the deference given to the industry side of its statutory responsibilities. As such, the situation unfortunately is representative of the government’s past and continuing unbalanced approach to balancing economic (read: explorative/ profit-making) and environmental interests.

When have we seen an environmental conservation project proposed and brought to fruition by the AFCD? Rarely, if ever.

Writing in the *South China Post* recently, Markus Shaw, chairman of WWF Hong Kong, lamented the AFCD’s weak voice and record on conservation issues. Under the title *Where conservation exists in name only*, Mr. Shaw wrote (in part):

The AFCD is an anachronism. Agriculture hardly exists in Hong Kong any longer. Fisheries have collapsed for lack of any effective management by the department responsible for it. As for conservation, one is often left wondering why it continues to keep such strange bedfellows.

The supposed champion of conservation in the government is a mere section within a department, sharing space and a budget with an activity that is effectively redundant (agriculture) and an industry (fisheries) with which it is often in conflict.

The department, responsible for both fisheries and the conservation of the marine environment has, over the decades, subsidised the increasing productivity of the fishing fleet with little thought for the health of the fish stocks. It has taken no action to introduce effective fisheries management in the 10 years since an independent report – which it commissioned – spoke of our fisheries being “in a state of crisis”.

The APCD has not introduced a fisheries licensing system (in contrast to all our neighbours) and continues to allow unfettered bottom trawling in Hong Kong waters, despite the huge environmental destruction this causes. It is responsible for the management of marine parks yet issues fishing licences in those parks, with the result that there has been no discernible increase in fish biomass in them since they were created.

The AFCD had no opinion in the recent debate on the treatment of harbour area sewage, and views the establishment of an LNG terminal on the Soko Islands as compatible with a marine park earmarked for the surrounding waters. It’s a dismal record. It is difficult to avoid the impression that the department does not see itself as particularly influential. This, in turn, is a reflection of the scant attention that is given by the government as a whole to the areas for which the department is responsible. Its timidity is reinforced by the habit of rotating its director every couple of years. As a result of recent changes, we now have a bureau dedicated exclusively to the environment. This is a step in the right direction and reflects the increasing environmental concerns of the community.

The secretary for the environment, Edward Yau Tang-wah, is highly regarded. One hopes that he will be kept in his post long enough to become a champion of conservation and the environment.

Our government has been in large part responsible for the development model of the past 40 years, which is the foundation of the city's success. But the community now has concerns about the model's sustainability.

Chief Executive Donald Tsang Yam-kuen has attempted to recognise this – for example, in his election “manifesto” – but his actions belie his words. He seems instinctively and temperamentally wedded to the old development model on which his career, and the success of Hong Kong was founded.

This is entirely natural. But, in these circumstances, it is more important than ever that conservation and the environment have a strong and effective champion within government – someone who can put a case forcefully and convincingly, and who will be respected for doing so by the chief executive and his senior ministers and advisers.

A recent glaring failure of AFCD was its back-down from implementing strict no-take (i.e. a zone where all extractive activities—including fishing—are banned) marine zones or Marine Protected Areas (“MPAs”). The fishing industry, displaying startling ignorance and greed, vociferously opposed the mooted proposal. And that was, of course, enough for the proposal to be stopped in its tracks.

It is common knowledge that over-fishing, and the use of destructive fishing methods, have virtually wiped out commercially viable fish species in Hong Kong waters. In other parts of the world, the only effective remedy for this sad situation has been the creation of significant areas comprising MPAs.

Almost without exception, such MPAs have, in a relatively short time-frame, dramatically increased the numbers and diversity of fish within their boundaries and their wider geographic area of influence.

Recently in Australia, state and federal governments formally committed to be bound by national and international agreements to promote and protect marine biodiversity through the declaration of a national representative system of MPAs.

Existing MPAs in New Zealand and Australia – where extensive monitoring and research by marine biologists has been carried out and reported – provide irrefutable evidence of the enormous benefits to the environment and commercial fishing from the creation of strict no-take sanctuaries. For example, in Tasmania and Western Australia, MPAs resulted in significantly increased number and size of lobsters. In New Zealand, Sanctuary Zones benefited the fishing industry by bringing about re-colonisation of the local waters by snapper, a commercially valuable species.

The *Australian Marine Scientists Association* and the *Australian Local Reef Society* have published a joint statement declaring as “incorrect” the argument often made by commercial fishing interests and other anti-conservation groups, that is: that MPAs are of no real conservation benefit and are an economic threat to coastal communities and the fishing industry. Their statement notes that the vast majority of the world's ecologists and marine scientists agree on the value of MPAs in fostering marine biodiversity and a sustainable fishing industry. These eminent organisations go further, stating that MPAs are an “essential management tool for maintaining marine biodiversity and healthy coastal ecosystems”.

Since July 1996 Hong Kong's government has gazetted three marine parks and one marine reserve covering a mere 1.46% of Hong Kong's marine waters; (c.f. country parks occupy 40% of our land area). These are: Hoi Ha Wan (the first, established, on 5 July 1996); Yang Chau Tong; and Sha Chau; and Lung Kwu Chau. The marine reserve, is at Cape d'Aguilar. Only one of these semi-protected areas, the Cape d'Aguilar Marine Reserve occupying just 0.016 per cent of our sea area, is a no-take zone. In the other areas certain activities, such as fishing by permit holders, are permitted. Consequently, these marine parks and reserve have had very little beneficial effect on the biodiversity and general health of Hong Kong's marine environment.

In September 2007, a world renowned marine biologist, warned the government that in order to restore our marine ecosystem, fishing should be totally banned in at least half of Hong Kong's marine waters. It is worth repeating his published comments (SCMP, 20/09/07) in full:

Fishing should be banned entirely in half of Hong Kong waters to restore the city's marine ecosystem, which a renowned marine biologist has described as the “worst in the world”

Allowing fishing in marine parks was “not just wrong but pathetically silly”, said Bill Ballantine, who has spent more than 40 years working in marine protection.

“You [the government] don't kill the fish, but you let somebody kill them,” said Dr Ballantine, 70, referring to a government policy of allowing commercial fishermen to use hook and line, fish traps and other so-called “non-destructive” methods.

The Agriculture, Fisheries and Conservation Department insists it issues permits to bona fide fishermen to conduct non-destructive fishing in marine parks. About 30 fishermen have non-transferable licences to operate in Hoi Ha Wan and Tung Ping Chau parks.

Dr Ballantine, who set up New Zealand's first marine reserve in Leigh town, will speak at City University today and at the University of Hong Kong on Saturday.

“The degree of damage is more or less proportional to the population density and its activities. It isn't really surprising that yours [Hong Kong's] is just about the worst.”

He said at least 10 per cent of the area of all marine habitats needed full protection for science and education. To ensure conservation, it needed at least 20 per cent, and to maximise benefits to fisheries, this should go up to 30 per cent.

“In regions of very intensive use like Hong Kong, I would suggest aiming for at least 50 per cent. There is no fishing industry anymore in Hong Kong. There are still 10,000 people involved, but they are fishing outside Hong Kong waters so don't count.”

Given that ecological interactions were complex and mostly unknown, Dr Ballantine said, “allowing any fishing jeopardizes goals for maintaining ecological structure and function, and confounds the scientific ability to achieve understanding”.

He added that protection should be permanent because reversion to more natural conditions had to be continued over many years and the benefits accumulated over time.

“Long-term changes cannot be effectively measured if highly protected areas are temporary.”

Currently, the only no-fishing zone in Hong Kong is at Cape d'Aguilar Marine Reserve, which makes up just 0.016 per cent of the city's waters. Licensed fishing is allowed in the other marine parks.

The results of a 10-year monitoring programme by conservation group WWF found marine parks in Hong Kong had failed to boost the numbers and species of fish because commercial fishing was still allowed.

Sadly for our environment and so-called reputation as a “world-city”, Dr. Ballantine's stark warning is unlikely to be heeded by the authorities, least of all the AFCD.

TOWN PLANNING

Plan to upgrade “Venice of the Orient” splits Tai O

Villagers living in Tai O on Lantau Island are divided over a proposed HK\$620 million facelift for the village, dubbed the “Venice of the Orient” for its unique still houses and waterways. Some expressed concern that redevelopment will destroy Tao O's culture and nearby mangrove swamps, while others see it as an excellent business opportunity.

Villagers want more consultations on the plan, which includes fountains, sculptures, a helipad, riverside promenade, plaza and a heritage museum. Some villagers

say they have not heard of the scheme and did not attend a public forum in September. Some who did attend hope it will bring in much needed tourist dollars, but others are worried the village's unique flavour will vanish. However, both sides would like to preserve Tai O's distinct features.

A feasibility study on the facelift will be finished by mid-2008, and the project is expected to be completed by mid-2016.

[The Standard, 08/10/07]

Alternative hybrid plan to save Wedding Card Street

In a last-ditch attempt to save Wan Chai's “Wedding Card Street” from the wrecker's ball, residents and shop owners are now trying to play by the Urban Renewal Authority's rules and are proposing an alternative hybrid redevelopment plan. They hope this time around they can persuade the Authority to abandon its plan to turn Lee Tung Street, the original home of Hong Kong's wedding –card printing industry, into yet another luxury residential and commercial area.

The alternative proposal by the H15 Concern Group is a hybrid of the Authority's HK\$3.58 billion plan and its initial 2005 plan. In 2004 the Authority first announced plans to redevelop the street, which for 30 years has been the most popular source of wedding -cards and Chinese calendars, into a residential and retail area.

One planner said the key to the alternative plan was to take the 10,000-square-metre Lee Tung Street area out of the plan. Lee Tung Street was supposed to be a pedestrian-only street and should not be counted as part of the development plot ratio. All four residential towers proposed by the Authority remain, of which two at the eastern end of Lee Tung Street will be lowered by five stories to 27 and 38 stories, respectively.

The group proposed turning buildings into residences, with the lower two stories as shops, instead of demolishing all 30 buildings in the middle section and building new four-story buildings with a nostalgic theme. The group said dropping the 200-car, two-story

“Almost without exception, such MPAs have, in a relatively short time-frame, dramatically increased the numbers and diversity of fish within their boundaries and their wider geographic area of influence.”

underground parking plan could save HK \$100 million.

Retaining the towers that have already passed ventilation and view assessments based on the Authority's plan, should tremendously improve the plan's chances of meeting the approval of the Town Planning Board.

The plan came about after the group met the Authority's chief on November 1. More than 30 property owners are said to support the plan.

[*The Standard*, 09/11/07]

Planners propose height limit for Soho tower

The Planning Department has proposed new limits on redevelopment of a site in Soho. Under the proposal, the Urban Renewal Authority project in Staunton Street would be permitted to be no more than 150 metres high. The Authority also would have to study the project's impact on air flow to avoid creating a canyon effect, and the resulting look of the area to ensure it was not an eyesore.

The Authority also have to provide a memorial to Sun Yat-sen on the site on the corner of Wing Lee Street -- which formerly housed the American Congregational Mission Preaching House, where the founder of modern China was baptised in 1883 -- and the Bridges Street Market. The Authority has already said it plans to build a Sun Yat-sen memorial square there.

The Town Planning Board will discuss the department's proposed planning brief for the site. The brief needs amending because the Court of Appeal overturned the Board's decision to refuse Henderson Land's application to exclude from the redevelopment area land owned by the developer.

The developer had spent several years and HK\$260 million acquiring 19 per cent of the site covered by the Authority's project, which its predecessor, the Land Development Corporation, announced in 1998.

Henderson has approval to build a 27-storey block of flats-- Centre Point-- on the land it owns. The site houses dozens of dilapidated buildings up to 40 years old, which the Authority intends to demolish.

Before the Henderson-owned land was stripped from the site, the Authority had planned to build 520 flats and 30,140 sq ft of shops there. It has not announced its development proposals for the reduced site.

The brief proposes the total floor area of the residential development the Authority may build be no more than eight times the site area - a plot ratio of eight - and that no bonus plot area be awarded in return for creating public space on the site to avoid increasing the density of development in Soho. Under regulations now, developers may receive a bonus plot ratio if they set aside areas for the public.

Limiting the building's height to 150 metres would prevent it intruding into a building-free zone designated to protect views of the ridgeline on Hong Kong Island, and ensure it did not breach the stepped height profile for development in Mid-Levels.

As a result of the exclusion of Henderson's plots from the redevelopment, open space will be reduced by 27 per cent to 625 square metres.

[*SCMP*, 23/11/07]

Creative housing policy would head off conflict

Whether deserved or not, Hong Kong is known as an urban jungle packed with shoebox-like high-rises. In some districts such as Mid-Levels, this is undeniably true. But in recent years green groups and residents in many areas have made it clear they will no longer tolerate unchecked property development. They demand a better quality of life in their living environments, with open air flow, unobstructed vistas, quality playgrounds and public

spaces, and lower-density housing.

Rightly, government planners increasingly take these factors into account when they examine rezoning and development applications. However, developers are in the business of maximising profits and will not easily give up their legitimate building rights. Such clashes are likely to increase the frequency of court cases pitting developers against planners. The court, however, is not the best place to resolve these planning conflicts; we need a more creative, long-term planning policy to address legitimate public and private interests and to encourage locating developments in thinly developed areas in the New Territories.

The latest legal fight concerns a single site in Mid-Levels owned by a subsidiary of Swire Properties. The Town Planning Board has announced it would appeal against a judicial review ruling, which overturned a 12-storey height restriction on a part of the site, thus allowing the developer to build a 54-storey luxury tower in Seymour Road. Many Mid-Levels residents are understandably alarmed the giant residential tower will block air flow and sunlight as well as overload traffic on the narrow roads. But a judicial review ruling last week concluded these concerns were not part of the original zoning plan.

It is right and proper for the Board to appeal the ruling. Besides working to satisfy zoning laws and development rights, it must also uphold the public interest. Without an appeal, the developer's victory last week is likely to embolden more developers to challenge the Board whenever its decisions turn against them. However, going to court is a zero-sum game; the outcome can satisfy only one side.

Public interest and private profit need not always be in conflict, provided there is a better planning and development strategy. Districts facing intense development pressure are currently being studied by planning officials with a view to imposing curbs, such as height restrictions. However, this is only part of the solution, because increased planning restrictions might infringe flat-owners' and developers' rights, and undermine property values. This negative impact should be compensated.

Our city is a land of contrast. Some districts are densely populated, while many parts of the New Territories are underdeveloped. Sprawling, wasteful and ugly villages have been erected, mostly because of the government's outdated small-house policy that entitles all male descendants of indigenous villagers to build a "small house". Where the public interest is served by a developer not exercising its rights to fully develop a certain site, a development transfer arrangement should be considered, such as transferring some development rights to sites in the New Territories.

Overhauling the small-house policy is long overdue, but there must be a viable buy-out plan for qualified villagers to relinquish their land claims. Allowing villagers and developers to buy and sell their rights may be a viable and creative way forward, without imposing undue cost on taxpayers.

[*SCMP*, 26/11/07]

Board challenges approval for tower; Mid-Levels residents hail planners' move

The Town Planning Board will appeal against a judicial review ruling, which permits a 54-storey building to be constructed on Seymour Road and Castle Steps, in Mid-Levels.

The decision came after two hours of closed-door discussions. The Board's chairman said it had been backed by the majority of Board members, adding that the Court's controversial ruling would have a significant impact on the Board's work in future.

"We hope to clarify some directional issues in the appeal, such as what would be taken into consideration [by the Court]," said the Chairman. But he did not spell out how the ruling would affect the Board.

The Board's decision was welcomed by about 3,000 people - including residents, who signed a petition in favour of the appeal.

A Swire Properties spokesman said the company acknowledged the right of the Board to appeal but hoped the matter could be settled soon as the town planning process had dragged on for four years.

The High Court judgment ordered the Board to reverse its decision blocking the relaxation of height and plot ratio restrictions on a block of land abutting Castle Steps for the development by a subsidiary of Swire Properties, International Trader Limited (ITL). The judge said the Town Planning Appeal Board had wrongly taken traffic and visual considerations into account.

The ruling sparked public outcry from Mid-Levels residents, district councillors and green groups, who maintain that the high-rise would create a wall effect and put pressure on traffic in the area.

The Board had dismissed ITL's applications for relaxation twice. It maintained that a maximum of 12 storeys with a plot ratio of no more than 5 should be built. Another 57-storey high-rise was proposed by the same developer for an adjoining site. After the court ruling, a much-wider 54-storey high-rise can be built across the two sites.

A source close to the Board said the move was to bring the case to the consideration of three Appeal Court judges, instead of just one judge. The source also said it was necessary to clarify the circumstances under which a relaxation should be allowed during the town planning process.

One assistant law professor at the University of Hong Kong said the traffic factor had not been a legal issue for planners. The emphasis placed on the factor, as upheld by the Board in its two rejections, might have been the result of a change of public sentiment. He dismissed worries that developers would increasingly abuse the legal system by seeking judicial reviews, saying that the court was fulfilling its obligation instead of taking over the town planning decision. He also urged the government to expedite its review of the outline zoning plan to clarify the planning intention.

More than half of Hong Kong's 108 outline zoning plans do not have planning parameters specifying heights, plot ratio and maximum gross floor areas.

[*SCMP*, 26/11/07]

Planning push on population

Lawmakers recently called on the government to set definite development parameters when planning to accommodate a population totaling 8.4 million by 2030.

The Development bureau released its final version of *Hong Kong 2030: Planning Vision and Strategy* in mid October this year as a planning framework to guide the territory's development over the next two to three decades.

The report estimated Hong Kong's population will hit 8.4 million by 2030, up 1.4 million on the 7 million estimate made in July.

Development projects being planned for Kai Tak and Kwun Tong and the developing new towns in Tseung Kwan O and Tung Chung will absorb much of the extra population. New development areas in the New Territories north, such as Kwu Tung North, Fan Ling North and Ta Kwu Ling, with low-density buildings in a sustainable living environment, will cater for most of the remaining increase.

These new towns, with 10,000 to 20,000 residents, will be connected to the existing railway system. There will also be a new approach to planning in the new towns, with more emphasis on breezeways, lower building densities and open space.

However, lawmakers consider the report to be vague,

and they called for a comprehensive policy and definite planning suggestions aimed at improving the quality of life for people living in all 18 districts of the territory.

[*The Standard*, 28/11/07]

Hotel developers object to bypass -tunnel proposal

A company in partnership with Cheung Kong (Holdings) in developing a North Point hotel has complained that the tunnel proposed for the Central-Wan Chai bypass would adversely affect the project.

Fook Lee Holdings said the tunnel would end outside the site in King Wah Road in North Point, where Fook Lee and Cheung Kong have proposed since 2005 to build a hotel.

In their submission to the Town Planning Board, the company said a flyover, which would require less reclamation and have less impact on its site, would be a better option. The tunnel option favoured by the government would require 15 hectares of reclamation whilst the flyover would need only 11.5 hectares.

From this week, the Board is hearing objections to the outline zoning plans for North Point and Wan Chai North. Both plans were amended because of the construction of the Central-Wan Chai bypass, which runs from Central to the Island Eastern Corridor at North Point.

Fook Lee Holdings is among 10 objectors to the North Point plan; there have been 700 objections to the Wan Chai North plan. In its submission, Fook Lee said the flyover option would require only 11.5 hectares of reclamation if the "flyover structure over water" were not treated as reclamation. It also said that under the tunnel plan the bypass could encroach on its site, which faces the Island Eastern Corridor next to Harbour Heights.

Government consultants and harbour activists have said the flyover would have more visual impact, despite requiring less reclamation.

Chairman of the Harbourfront Enhancement Committee said the public apparently preferred the tunnel to the flyover during public consultation, stressing that legal advice was that a "flyover structure over water" did not fulfil the objective of protecting the harbour. However, it was true that the bypass portal might encroach on the hotel site, which would require compensation from the government.

A spokesman for the Transport and Housing Bureau said an environment impact assessment was conducted on the bypass and the report was submitted to the Environmental Protection Department in October. He said the tunnel option was examined by the Harbourfront Enhancement Committee and was considered to involve the minimum extent of reclamation.

Objectors to the Wan Chai North plan include Wharf Estate Development, which is trying to stop the government from moving a Tin Hau temple affected by the works to its dockyard in Causeway Bay.

MTR Corporation also objected to the requirement of sports facilities at its station for the Sha Tin-Central Link on Convention Avenue in Wan Chai. It said the site should be reserved for commercial development associated with the station.

[*SCMP*, 06/12/07]

WEST KOWLOON CULTURAL DISTRICT (WKCD)

ADC welcomes the new WKCD proposal

The Hong Kong Arts Development Council (HKADC)

welcomed the new proposal on the future development of the West Kowloon Cultural District, in particular the inclusion of Xiqu centre, a concert hall and the black box theatre in the core arts and cultural facilities which have largely addressed the needs of the arts community. Last year, the HKADC had made a formal appeal to the advisory body on this issue.

In line with the pace of "hardware" development, the HKADC urges the government to put more resources on developing the "software" to meet the future needs, such as providing greater support and training opportunities to local arts and cultural groups, nurturing talents, promoting arts education and expanding the arts market.

[*HKADC Website*, 14/9/07: http://www.hkadc.org.hk/en/infocentre/press/press_20070914]

Height limits in cultural district 'should be eased'

Plot ratio and building height restrictions applying in the West Kowloon Cultural District should be relaxed to improve the project's integration with adjacent high-rise buildings, several Town Planning Board members suggested.

They also proposed that more space be devoted to commercial activities and exhibition venues to keep up with demand. In an open meeting, the government submitted its revised proposal for the cultural district to the Board for comment.

One Board member said it would be difficult for "clusters" in the district to create a harmonious mix with the towering residential developments nearby if the suggested plot ratio of 1.81 was retained. He said with such a plot ratio, it would be hard to create the desired descending effect in areas adjacent to the harbour front.

The Board vice-chairman said the government should make full use of the 40-hectare site to allow more commercial activities because the proposed plot ratio was too low. He said more exhibition venues and office developments should be permitted.

But the government said the revised plot ratio was arrived at as a result of public consultation.

[*SCMP*, 06/10/2007]

Hong Kong to woo Malaysian investors for 10 infrastructure projects

Hong Kong is inviting Malaysian investors, particularly those involved in the construction sector, to participate in the territory's 10 major infrastructure projects.

The Director of Hong Kong Economic and Trade Office in Singapore said the overall cost of the projects is estimated to be HK\$250 billion over ten years, which will come from both the private and public sectors. He said the Hong Kong government would invite Malaysian contractors to put in their bids for these projects.

According to the Director, the project will have three main components: transportation, cross-boundary and new urban development.

He said the transportation project comprised the construction of the South Island Line and the Shatin to Central Link, which will connect the Northeast New Territories and Hong Kong Island via East Kowloon, as well as the Tuen Mun Western Bypass, and the Tuen Mun-Chek Lap Kok Link, which will link up Deep Bay in Shenzhen, northwest New Territories and Hong Kong International Airport.

For the cross-boundary project, Malaysian investors can participate in the construction of high-speed rail link between West Kowloon and Guangzhou, Hong Kong-Zhuhai-Macao Bridge, Hong Kong-Shenzhen Joint Development of the Lok Ma Chau Loop, he said.

He said under the new urban development, projects comprised the establishment of West Kowloon Cultural District, a cruise terminal berth and new development areas in the northern New Territories. He commented that related infrastructure development can bring about huge economic benefits and the value added would be more than billion dollars annually with the creation of some 250,000 additional jobs.

[*Bernama The Malaysian National News Agency*, 19/10/07]

Cannes festival for cultural district?

The Chief Secretary Henry Tang Ying-yen said he hoped that Hong Kong could host a Cannes Film Festival style event with a mega cinema in the West Kowloon Cultural District.

Mr. Tang said the cultural district will include a 1,000-capacity cinema and other venues for traditional Chinese arts. He opined that a mega cinema, like the one in Cannes, could help develop Hong Kong's film industry and also host big film festivals. He also said the government will invest in "software" such as developing cultural talents in line with the building of "hardware" in the cultural district.

[*The Standard*, 24/10/07]

Hub Authority bill on track

Secretary for Home Affairs Tsang Tak-shing said he was confident that a bill on setting up a West Kowloon Cultural District authority would be passed before the current legislature concludes in July 2008. He said the government hoped to start drafting the bill after consultations ended in mid-December 2007, and to present it to the legislature by early 2008.

[*SCMP*, 06/11/07]

HK in talks with Pompidou Centre over WKCD

High-level talks have been held between the Pompidou Centre and the government about the French cultural centre taking part in revamped plans for the West Kowloon Cultural District.

Alain Seban - president of the centre, which houses a vast public library, the National Museum of Modern Art and a centre for music and acoustics research - met Chief Secretary Henry Tang Ying-yen and Victor Lo Chung-wing, chairman of the West Kowloon museum advisory group, during a tour of the region.

The Pompidou Centre was a partner in the Dynamic Star consortium, a joint venture between Sun Hung Kai Properties and Cheung Kong (Holdings) and one of the developers that was bidding to run the cultural district, until the Executive Council scrapped the "single-developer model" in 2005.

Mr. Seban said the Pompidou had been watching planning for the development of the West Kowloon Cultural District with great interest, and that he favours the M+ proposal, which is the single mega-museum of design, the moving image, popular culture and visual art put forward in the revised plans in place of four separate museums. The Pompidou Centre's involvement could extend to exchanges of knowledge, expertise and exhibitions, loans of art works and mounting joint exhibitions.

[*SCMP*, 07/11/07]

Group proposes 'creativity village'

Reducing residential development by one-third would allow more green space and the use of bicycles and moving walkways as the main modes of transport in the West Kowloon Cultural District, according to submissions made to the government by a group known as the Professional Commons. A study released by the group states that all

the government has to do to make the scheme financially feasible is to calculate projected land sales a little less conservatively.

The group, describing its vision of an ideal arts hub as “West Kowloon for the people”, proposed scaling back the 80,000-square-metre private residential development by a third by scrapping cottage-style houses, and moving the fire service complex outside the site. The resulting savings in gross floor area could be turned into a 25,000 sq. m. “creativity village” with more green space.

Professional Commons described as “too conservative” the government’s calculation of HK\$18.9 billion revenue from land sales for residential buildings, office towers and hotels. This revenue is expected to complement an initial HK\$19.2 billion endowment from the Legislative Council. The group’s chairman said his group’s estimate allows an additional HK\$1.5 billion revenue surplus to set up a district cultural development trust.

The trust could support long-term funding for district-based performing troupes or artists in areas lacking arts and cultural facilities and connecting them with artists stationed in the West Kowloon hub.

The group criticised the government’s plan to balance the books for projected deficits from the arts and cultural facilities, leaving residential development untouched whilst scaling down core arts facilities and office space for arts groups.

The group also proposed a low-carbon development strategy that features moving walkways and trails connecting the eastern and western ends of the site. Pedestrians can stroll through the complex and stop at seven open locations for cultural performances.

An architect, who worked out the group’s alternative plan, said walkways were a better solution to enable people to enjoy the greenery and performances inside the park setting, rather than the light rail proposed by the government, which will only take passengers from one stop to the next.

The proposal calls for the 15 proposed arts and cultural facilities to be opened in three phases, with four all-purpose theatres, public squares and street performance space to come into use in 2012, with the remainder to be finished by 2016.

The group also suggested copying the “Velo Libre” model of low-cost bicycle rentals in Paris. Designated daytime pedestrian zones, district cooling systems and energy-efficient buildings are some of the modern planning suggestions made by the group.

The study has been handed to the Home Affairs Bureau for consideration.

[*The Standard*, 12/12/07]

Civic groups angry about arts hub consultation

As the three-month West Kowloon Cultural District public consultation closed on 12 December 2007, artists and concern groups vowed to continue to make their voices heard in shaping the arts hub.

The Home Affairs Bureau received 3,300 written submissions during the exercise. Activists, however, criticised the way the consultation was conducted through a dedicated HAB “public engagement exercise” on the internet where respondents were invited to complete online “wish cards” that sought comments on seven aspects of the project. Critics said the exercise failed to give the public adequate information to make intelligent judgments on the arts hub’s future.

Mirana May Szeto, assistant professor of the University of Hong Kong’s department of comparative literature, called the website wish cards a “mere public relations gesture” because the seven items on the cards did not reflect the complexity of the project and the government’s report

released in June. She said a concrete mapping of cultural development was necessary not only for the arts hub but for the whole of Hong Kong, adding that the current plan is more focused on hardware issues.

The temporary West Kowloon Authority, which will be set up in 2008, should start with fundamental research of the local arts scene and the artists’ needs, she said.

[*The Standard*, 13/12/07]

Sino Land will buy out real estate partners

Sino Land Co., one of Hong Kong’s largest builders, will buy out the other shareholders in two developments adjoining a subway station in the city’s West Kowloon district for HK\$2.34 billion. Sino Land said in a Hong Kong stock exchange filing on 12 December 2007 that it will buy out three joint venture companies that own and run residential and commercial buildings near the Olympic Station on MTR Corporation’s Tung Chung Line. Property prices in West Kowloon may rise after investment banks and financial services companies, including Morgan Stanley and Credit Suisse Group, said they will rent space in the district, and the government revised plans for a HK\$19 billion West Kowloon Cultural District project nearby.

[*Turkish Daily News*, 14/12/07]

Approval sought for cultural hub funding

The government will seek Legco approval for a HK\$21.6 billion one-off grant to finance the initial stage of the West Kowloon cultural hub. The request is HK\$2.6 billion higher than that previously sought, due to inflation.

The Deputy Secretary for Home Affairs said that at least one legislator and five people from the arts and culture field would be appointed to the 15-member board of the authority to oversee the development. The proposals were revealed at a meeting of the Legislative Council’s subcommittee on the cultural hub’s development.

The deputy secretary said the public would be consulted before the authority tabled its master design - such as where to locate residential and arts and cultural facilities - before seeking the Town Planning Board’s approval. Some lawmakers have expressed concern that the authority will have too much power.

Legislator Raymond Ho Chung-tai suggested experienced civil servants be appointed to supervise the works projects to overcome problems such as those experienced by the Airport Authority, which was forced to pay huge sums in compensation to tendering companies. But the deputy secretary said the government intended to give the West Kowloon Authority more flexibility in managing the development.

[*SCMP*, 16/12/07]

HONG KONG BRIEFING

Careless grave sweepers spark 83 blazes during red alert

A 2000 metres long “fire dragon” appeared in the hills of Fung Kat Heung. It was one of the 83 hill fires recorded during the Chung Yeung Festival when citizens in Hong Kong pay homage to their ancestors. Many of the fires are believed to have been caused by joss sticks and burned paper offerings carelessly left behind by grave sweepers.

Fires burnt more than 24 hectares of woodland, which is equivalent in size to about 570 basketball courts. The Government Flying Service had all its helicopters on duty and dropped more than 140 water-bombs to assist firefighters.

Environmental protection group Conservancy Association joined forces with the Fire Department and the Scout Association of Hong Kong to patrol more than 20 blackspots to promote hill-fire awareness. A similar

campaign was carried out by the Conservancy Association during the Ching Ming Festival in April, and no fires were reported then.

Chief Executive of the group, Lister Cheung Lai-ping, said grave sweepers should know that it is their responsibility to prevent hill fires. Many of them forget that it is a criminal offence to cause fires.

Friends of the Earth encourages the public to burn fewer joss sticks and paper offerings where possible. They have talked to some Taoists and Buddhists who say that sincerity is more important than physical offerings when it comes to paying respects to the ancestors. Burning paper is more of a cultural tradition than a religious observance.

[*The Standard*, 20-21/10/2007]

Weather blamed as delta air quality worsens

Pollution fell below national air quality standards at all monitoring stations throughout Guangdong and Hong Kong in the first half of the year.

According to data from a study by the Environmental Protection Department and Guangdong’s Environmental Protection Monitoring Centre, high levels of pollutants were recorded at 13 stations in Guangdong, Tsuen Wan, Tung Chung and Tap Mun. Foshan, home to plastics and electronic manufacturers, was found to be the most polluted area in the Pearl River Delta. Pollution exceeded the standard in more than one third of the readings, and air quality was within standards for only less than 1 percent of the recording time.

Conditions in Hong Kong were no better than in Guangdong. On more than 80 percent of the days monitored in Tsuen Wan, pollutants exceeded or nearly exceeded the national air quality standard; for Tung Chung and Tap Mun it was 60 percent.

Environmental agencies in Hong Kong attributed the pollution in Hong Kong to meteorological conditions which were unfavourable to pollutant dispersion, and to emissions, particularly from factories and power plants.

A professor at the Chinese University of Hong Kong agreed that the level of air pollution was dependent on weather conditions. Despite this, he considered that we cannot depend on the weather to combat the problem. Instead, cutting emissions was the real solution. He maintained the view that large-scale development in the northwest had adversely affected air quality. For example, in the northeast in Huizhou, the Shell plant pumped out volatile chemicals which had an impact on the air quality in Hong Kong.

An EPD spokesman commented that air-control measures being implemented by both governments would have a positive effect on our air quality in the long run.

[*The Standard*, 26/10/2007]

School ban on plastic lunch boxes sought

Green Action revealed yesterday that at least 40 percent of Hong Kong schools still use plastic lunch boxes and at least 3 million of them end up in landfills each year.

The group is urging the Education Bureau to implement a rule for the next school year requiring all primary schools not to use disposable plastic boxes. The group’s project officer said that they were disappointed with the Education Bureau as the Bureau had for the last five years failed to respond to their repeated request for such a measure. They considered that guidelines for schools were not sufficient. It was not enough for the Bureau just to “encourage” schools to use green lunch boxes.

Lawmaker Choy So-yuk will raise the issue of green lunch-boxes in the Legislative Council next month. The group will also send letters from primary pupils to the education chief next month expressing their desire for green lunch boxes. In the latest survey conducted by the group, 90 percent of 1177 primary pupils interviewed

supported the use of reusable lunch boxes and utensils and 95 percent were willing to use lunch boxes that could be cleaned and reused.

To maximise protection of the environment, the group called on schools to deal only with meal suppliers that provide lunches based on individual needs and use reusable lunch boxes.

A representative of the School Meal Suppliers Association, which represents 20 suppliers in the territory, said that they were willing to support environmentally friendly standards.

[*The Standard*, 29/10/2007]

Heroes of the environment

[*Time* has selected a number of people as environmental heroes. Hong Kong's Christine Loh was one of them.]

Christine Loh works from the environmentally friendly offices of Civic Exchange, a non-profit, Hong Kong-based think tank she founded in 2000 and now heads. Expressionist originals adorn the walls. Lighting levels are conservative and the air-conditioning is set at an environmentally optimal level. Carbon emission is low. Half a dozen people work in silence, except for keystrokes and subdued phone calls. This is the industrious work-scene in which Ms. Loh works, with no executive chair or partition to distinguish her from her colleagues.

Ms. Loh is the most high-profile environmental activist in Hong Kong. She has just attended a meeting of the C40 Cities Climate Leadership Group. It is an organisation set up to promote best-practice environmental management in the world's largest urban centres.

The Hong Kong born environmentalist was already constantly crisscrossing the skies, pursuing deals as the regional managing director of a U.S. commodities trading firm in her twenties. In 1992, she jettisoned her commercial career to enter politics for several years. She has become a forceful liberal voice in Hong Kong's oligarchic legislature and was instrumental in securing a major environmental victory against the government in a landmark court case which led to the enactment of laws to protect Hong Kong's harbour from rampant reclamation.

Today, Ms. Loh is an international adviser to the G8+5 Climate Change Dialogue and a director of the Association for Sustainable and Responsible Investment in Asia. Her office produces papers, books and articles and speeches on environmental issues. There is no one like her in southern China. She has succeeded in pushing the environment to the forefront of public debate by overcoming a traditionally bureaucratic and cultural ethos.

[*Time Magazine*, 29/10/2007]

Script decision cancelled harbour jump

Members of a film production team were reported as saying that a scene where Batman jumps into Victoria Harbour had to be cancelled after "scary bugs" were found in a water sample.

Batman was scheduled to jump out of a Hercules C130 and into Victoria Harbour before climbing up some bamboo and on to the pier. But the scene was cancelled after the production team had checked a water sample. They found all sorts of things, such as salmonella and tuberculosis related bacteria, in the sample. The crew now plan to film the scene using a land-based site.

However, at a subsequent press conference, director Christopher Nolan said he was responsible for changing the location of the scene, and the change was simply a script decision and had nothing to do with pollution.

Two sources said the scene was changed because putting someone in the water could end up with either star Christian Bale or a stuntman being sent to hospital.

[*South China Morning Post*, 10/11/2007]

Insurance products target ills of pollution

American International Underwriters launched the first pollution protection and pollution-related health protection policies yesterday in Hong Kong. Those aged 18 to 65 holding a Hong Kong ID Card who worried about Hong Kong's worsening air pollution can now buy insurance protection.

The policies cover 12 critical illnesses and payouts range from HK\$500 a day for hospital cover to HK\$200,000 lump-sum payments. Monthly premiums vary from HK\$48 per person to HK\$128. The president and managing director of AIU Hong Kong said that the policy was intended to address rising public concerns about pollution hazards.

Medical practitioners refused to comment on the policy before reading the details. Some of them were concerned about how claims could be proven as being pollution-related.

The vice-president for accident and health, AIU Hong Kong, said that the policy covered various designated illnesses, including: cancers of the lung; liver, kidney and skin; liver failure; lymphoma; Parkinson's disease; and leukaemia. She said clients would be covered for benefits if none of the diseases was pre-existing when the policy was bought and was first diagnosed after the policy was purchased.

The plan also has a global coverage of other health hazards caused by accidents, including food poisoning and gradual pollution-critical illnesses, like lung cancer. The coverage includes critical illness benefits, surgery expenses benefits and daily hospital income benefits.

The company expects strong growth in demand for the policies.

[*South China Morning Post*, 13/11/2007]

Park'n Shop stop handing out plastic bags

Park'n Shop will stop automatically handing out plastic bags to customers. They will only provide green biodegradable bags for those in need but shoppers who want a plastic bag will be asked to pay 20 cents for each. Money collected will be transferred to a fund established by the company for environmental protection causes.

The company expects its policy to cut the number of plastic bags used by customers to 160 million in 2009. A spokesman stated that the 20 cent levy would not be compulsory because citizens in Hong Kong should have a choice, and he believed that most of them would be willing to make the donation. The aim of the policy is to educate and raise the awareness of the public on environmental protection issues.

The levy of 20 cent was set after a customer survey and Park'n Shop will evaluate the effectiveness and the amount of levy later. The company is working on introducing a policy of recycling plastic bags brought back by its customers.

Besides this policy, Park'n Shop will also provide a wide range of environmentally friendly shopping bags of different sizes for customers to purchase. In the coming Christmas and New Year periods the company will try to recycle gift-wrapping materials.

Other supermarkets in Hong Kong, including Wellcome and Citysuper, have no intention at present of following the policy of Park'n Shop. But they will continue their implementation of "no plastic bag days" once per week. A spokesman for Wellcome confirmed that the company would consider increasing the number of "no plastic bag" days. They stated that "no plastic bag days" had helped reduce bag usage by an estimated 95 million bags over the past two years.

[*Singtao Daily*, 21/11/2007]

Park'n Shop calls off its no plastic bags scheme

Due to strong criticism from the public concerning the use of funds collected, Park'n Shop terminated its short-lived policy of charging a 20 cent levy on each plastic bag distributed and has resumed free distribution of plastic bags to customers.

A spokesman for Park'n Shop said the company regretted the cancellation of the policy. The company originally planned to help save the environment by imposing a levy on each bag distributed. But due to the wide criticism by the public, it considered it had no choice but to abandon this scheme.

Even though the scheme has been terminated, some members of the public have already become accustomed to taking and using their own shopping bags. Some customers have expressed surprise that Park'n Shop has called off the scheme suddenly and after it had been in place for only a few days.

Certain members of district councils questioned whether the donations were really used for the purpose of environmental protection.

According to the press publication released by Park'n Shop, the scheme raised approximately HK\$ 28,860, all of which was donated to the Community Chest.

[*Singtao Daily*, 26/11/2007]

ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

River and Marine Water Quality in Hong Kong in 2006

(ACE Paper 18/2007)

Background

The Environmental Protection Department (EPD) conducts long-term monitoring of river and marine water quality and publishes the results in annual reports in the following year. The 2006 river and marine water quality reports are now available and this paper summarises the state of river and marine waters in Hong Kong in 2006.

River Water Quality

Due to the implementation of pollution abatement legislation and schemes including the Water Pollution Control Ordinance, Livestock Waste Control Scheme and Sewerage Master Plans, overall compliance with the statutory Water Quality Objectives (WQOs) reached a record level of 86%, up from 85% in 2005 and 75% in 1997.

In the Water Quality Index (WQI) grading, which reflects organic pollution and the general health of the rivers, 81% of the river monitoring stations were in the 'Excellent' or 'Good' grade as compared to 68% in 1997. Both of these results show that the water quality of Hong Kong rivers continued to improve in 2006.

On the other hand, as a result of impacts from discharges from livestock farms and unsewered villages, mostly occurring in the Northwestern New Territories, 14% of river stations remained 'Bad' or 'Very Bad'. The problem should be alleviated with reducing livestock pollution and increasing sewerage provision in the next few years.

Marine Water Quality

Generally, marine water quality in Hong Kong was good and stable in 2006. Overall compliance with the marine WQOs reached 87%, up from 85% in 2005, and returned to the peak level of 2002-2004. The Port Shelter and Mirs Bay Water Control Zones (WCZs) continued their excellent water quality performance at 100% compliance rate with

the WQOs. The average WQO compliance for the Eastern Buffer, Junk Bay and Victoria Harbour WCZs increased to 97% in 2006, up from 83% in 2001. The eastern part of Victoria Harbour has experienced a reduction in bacterial levels while the central and western parts saw an increase in bacterial levels, which persisted in 2006.

WQO compliance in Tolo Harbour WCZ reached 86% in 2006, up from 64% in 1997. Water quality was largely stable, with compliance rates ranging between 73% and 93% in the Southern, Western Buffer and North Western WCZs. The lowest WQO compliance rate was recorded at 40% in the Deep Bay WCZ. Whilst pollution in the inner Deep Bay area remained serious, there were signs of recovery in the area, with only 12 red tides in 2006, a decrease from 41 reported cases in 2005.

Proposed Amendment to the Waste Disposal (Permits and Licences) (Forms and Fees) Regulation (Cap.354D)
(ACE Paper 19/2007)

Purpose

This paper seeks Members' views on the proposed introduction of a new fee under the Waste Disposal (Permits and Licences) (Forms and Fees) Regulation (Cap.354D) to deter the disposal of imported non-hazardous waste in Hong Kong.

Background

To strengthen control of the disposal of imported non-hazardous waste, the Waste Disposal (Amendment) Ordinance 2006 was enacted in April 2006. Any person who wishes to dispose of imported non-hazardous waste at local designated waste disposal facilities will be required to obtain a permit from the Director of Environmental Protection Department (EPD) under a new section 20DA, which will be introduced under the Waste Disposal Ordinance (Cap. 354) (WDO). A permit will not normally be granted unless the applicant can prove that he has exhausted all possible recycling outlets and all means to return the waste to the place of origin. The applicant will have to pay an application fee and bear the full cost of disposing of the waste.

Proposed application for permit

Members of the Legislative Council (LegCo) suggested that the permit application fee should be sufficiently high to deter the disposal of the waste in Hong Kong, in addition to requiring an applicant to bear the full cost of waste disposal. EPD has undertaken to impose a permit application fee sufficient at least to recover the full administrative cost incurred in processing the application. The fee will be \$11,250.

The EPD plans to bring the new section 20DA of the WDO into operation on 1 April 2008. To support the operation of this new provision, it will be necessary to amend the Waste Disposal (Permits and Licences) (Forms and Fees) Regulation to prescribe the application for a disposal permit.

Consultation

The proposed fee level has incorporated the suggestion of the LegCo, and the EPD informed the affected industry members of the new statutory requirement and associated administrative arrangements for the disposal of imported non-hazardous waste in April 2007.

Report on the 98th Environmental Impact Assessment Subcommittee Meeting
(ACE Paper 20/2007)

Background

On 17 September 2007, the Environmental Impact Assessment (EIA) Subcommittee considered the EIA report on Harbour Area Treatment Scheme (HATS) – Proposal for the Provision of Disinfection Facilities at Stonecutters Island Sewage Treatment Works.

Advice Sought

Having regard to the views of the Subcommittee, ACE members were requested to advise whether the EIA report should be endorsed with the proposed conditions.

VIEWES OF THE SUBCOMMITTEE

Purpose of the project

To bring early water quality improvement to the western harbour and the Tsuen Wan beaches by disinfecting the Stonecutters Island Sewage Treatment Works (SCISTW) effluent to reduce E. coli to a level that would restore beach water quality to pre-HATS Stage 1 conditions.

Commissioned in 2001, HATS Stage 1 has brought about water quality improvements to Victoria Harbour according to the EIA report. However, both the HATS Stage 1 effluent discharge and local pollution sources are contributing to poor water quality at the seven closed Tsuen Wan beaches. To improve the water quality and facilitate the re-opening of these beaches, it is proposed to establish the Advance Disinfection Facilities (ADF), which will be constructed within the existing sewage treatment works (STW) on Stonecutters Island, together with planned reductions of localised un-treated wastewater discharges, which will be implemented under the regional sewerage improvement schemes.

Description of the project

The project is to construct and operate ADF within the existing SCISTW, which is providing Chemically Enhanced Primary Treatment (CEPT). Key elements of the project include: (a) six sodium hypochlorite storage tanks; (b) one day tank for sodium hypochlorite storage; (c) two sodium bisulphate storage tanks; (d) pipes in pipe trenches; and (e) other associated facilities, including bund walls and switch rooms.

Members' views

Some Council Members raised questions with the Project Proponent Team (the "Team")-- the Drainage Services Department-- and requested the Team to provide notes of the public consultation sessions conducted as part of the EIA study. Members agreed the discussion should focus on the following topics.

Justifications for the project

Having regard to the substantial financial resources required, some Members expressed concern about the need for and likely beneficial gain from the project. The Team explained that water quality at Tsuen Wan beaches cannot be restored, even with the completion of regional sewerage improvement schemes (which will only arrest and hold steady local pollution problems), without the disinfection project. The Team further explained that water quality level of the western harbour would be even worse than that under Stage 1 if disinfection facilities were not put in place. On some Members' concern about parameters other than E. coli which would affect water quality and the re-opening of Tsuen Wan beaches, the Team explained that the water quality in Victoria Harbour had improved. In the Tsuen Wan beach area, levels of other parameters, such as biochemical oxygen demand and suspended solids, has also improved, and thus they were not of concern in considering the re-opening of the beaches.

Some Members expressed concern about the modeling of water quality parameters other than E. coli. The Team explained that the current EIA report focused on the impacts of disinfection; modeling was thus conducted on E. coli and related parameters.

Members noted that the completion of the ADF would not only bring about improvement to the water quality of the Tsuen Wan beach area, but also the quality of western harbour waters.

Impacts on water quality

On the assessment of over-dosage of sodium bisulphite, the Team explained that assessment had been conducted and the results showed that there was no toxicity effect.

Impacts on marine and fisheries

For the impacts of the disinfection process on marine animals, the Team explained that risk assessments had been conducted showing the hazard index for marine mammals was about 0.1 which was well below the hazard risk criterion of 1 to 10.

Moreover, based on the Whole Effluent Toxicity Test (WETT) results relating to five marine species, the Team found that there would be no adverse impacts on fish eggs and larvae.

Environmental monitoring

On some Members' concern about the monitoring process needed to ensure that the disinfection process would not have adverse impacts on the marine ecology, the Team explained that the EIA assessments results showed a large safety margin and the modeling were based on the worst-case scenarios.

On the storage of sodium hypochlorite, the Team explained the six storage tanks plus one-day dosing tank were recommended for facilitating the control of dosage levels at the dosing point and reduce the operating problems and costs of continuous pumping directly from the main storage tanks to the dosing point, which will be more than 300 metres apart.

Conclusion

Members agreed to recommend to the Council that the EIA report be endorsed with the following proposed conditions:-

- (a) a suitable control mechanism and close to real time on-line monitoring should be put in place to avoid over-dosage of sodium hypochlorite and sodium bisulphate;
- (b) the quality of the effluent discharge into the inlet of the submarine outfall should be able to meet discharge limits to be set by the EPD;
- (c) the monitoring programme during the operation phase should be enhanced by increasing the frequency of tests on marine water quality;
- (d) the results of the monitoring should be reported to the EIA subcommittee of ACE on a quarterly basis; and
- (e) a suitable emergency response plan should be put in place to deal with deviation of monitoring results in respect of water quality and marine ecological risk.

Minutes of the 144th Meeting of the Advisory Council on the Environment

Agenda Item 3: Public consultation report on the proposal on an environmental levy on plastic shopping bags (ACE Paper 17/2007)

Summaries of Members' views and suggestions:-

1. the Council was pleased to note broad-based public support and consensus concerning the proposal, as reflected in the public consultation exercise on the proposed environmental levy (tax) on plastic shopping bags;
2. the Council was supportive of the proposal and considered that the scheme should be implemented as soon as possible with a view to reducing the indiscriminate use of plastic shopping bags through a direct economic disincentive;
3. the Council agreed that the scheme was not a means to raise public revenue and the opportunity should be taken to increase public education, with a view to changing habits and behaviour concerning waste

disposal;

4. some Members considered that the amount of levy collected should be made public and the funds put to good use in a transparent way;
5. the Council suggested that the review to be conducted should include both qualitative and quantitative assessment, not only to evaluate the effectiveness of the scheme, but also to provide solid data and information on the way forward in extending the scheme to other retail outlets; and
6. the Council suggested that the promotion of the scheme should be incorporated into the broader picture of the Policy Framework for a common goal of waste reduction.

Minutes of the 145th Meeting of the Advisory Council on the Environment

Agenda Item 3: Proposed amendments to the Waste Disposal (Permits and Licences) (Forms and Fees) Regulation (Cap.354D) (ACE Paper 19/2007)

Summaries of Members' views and suggestions:-

1. some Members considered the proposed level of application fee (i.e. \$11,250) should be much higher than the full cost to achieve the deterrent effect and penalty element should be added to the fee level. Nevertheless, an Assistant Director of the EPD explained that the stringent conditions already represented a significant disincentive against the import of waste into Hong Kong for disposal purposes. The permit application fee was intended to serve as an additional deterrent against such disposal, and by setting a very high benchmark for considering and approving the applications, not many applications were expected;
2. a Member was concerned about the practicability of enforcement at landfill sites in distinguishing imported waste from locally generated waste;
3. a Member considered that severe penalties should be imposed on illegal dumping of imported waste detected at landfill sites in order to achieve effective deterrent effects;
4. a Member considered that it was important to convey a clear message that the Administration's intention was to control and discourage the import of waste and to avoid sending a misleading message that a fee schedule for the disposal of imported waste was made available to encourage waste importers;
5. some Members agreed that while setting the benchmark for accepting applications was important, it was also necessary to ensure that a system would be put in place to monitor the quantity of waste imported, re-exported and returned to the places of origin in order to guard against illegal dumping;
6. a Member considered that it would be useful to understand the nature of the waste import and export business in Hong Kong; and
7. the Chairman suggested and Members agreed that the Council supported the introduction of the new fee item to deter the disposal of imported non-hazardous waste in Hong Kong. Members agreed that a review should be conducted after two years of implementation to assess the effectiveness of the proposal and appropriateness of the fee level in achieving the deterrent effect.

Agenda Item 4: Report on the 98th Environmental Impact Assessment Subcommittee Meeting (ACE Paper 20/2007).

Agenda Item 5: Other Business:-

1. Informal meeting with the Legislative Council Panel on Environmental Affairs:

- a. The Chairman suggested an informal meeting with the Panel be arranged, taking the opportunity of the start of the current legislative session.
 - b. On the key issues to be discussed, the Chairman suggested that waste management be discussed, whilst some Members suggested air quality and environmental initiatives in the Policy Agenda should also be discussed.
2. Environment and Conservation Fund (ECF):
 - a. The Chairman welcomed the government's proposed injection of \$1 billion into the ECF which could provide resources for long-term environmental education and improvement projects;
 - b. a Member commented that he learnt from both the business and academic sectors that they were interested to know how the ECF would be used. The Member considered that it was important to formulate good plans in using the fund effectively;
 - c. some Members shared the view that it was not easy for green groups to get ECF funding from ECF and it would be necessary to review the mechanism on funding policy;
 - d. a Member expressed that she observed most of the funds were allocated to research projects and only a small portion was allocated to green groups and institutions for small-scale environmental activities;
 - e. a Member considered that a more innovative approach should be adopted to achieve the objective of public education, whilst another Member agreed the funds should be used to support more applied-oriented research projects; and
 - f. the Chairman suggested that an agenda item on the enhancement of the ECF be discussed by the Council to allow Members to make suggestions and exchange views with relevant parties.

Besides air pollution, Jakarta is also facing a worsening groundwater crisis, which has led to saltwater intrusion and ground subsidence. According to groundwater studies conducted by the government's mining agency between 2002 and 2005, groundwater levels had fallen to between 2 and 5 metres from the surface.

The groundwater crisis was due to the fact that water supply companies have been unable to meet the city's clean water needs from sustainable sources. Forty-four percent of potable water is obtained from wells. To deal with the problem, the mining agency is currently building ponds and dams to catch run-off and replenish the groundwater supply. It is also monitoring groundwater use by industry.

[The Jakarta Post, 03/12/07]

South East Asia

Proposal stresses regional co-operation to conserve forests

Beijing and members of the Association of Southeast Asian Nations (Asean) issued a joint proposal recently on conserving forest resources, a move which they say could help maintain sustainable forestry development.

The proposal, reached at the end of the China-Asean Forestry Co-operation Forum in Nanning, Guangxi, follows heavy criticism by environmental groups of the mainland's increasing appetite for timber imports and the consequential adverse effects on the world's forest resources.

Although Beijing has repeatedly asserted that it has gradually decreased imports over the past few years and put in place effective measures against the importation of smuggled tropical timbers, various green groups have pointed out the continued existence of illegal logging practices, especially from Indonesia. The mainland imports timber to process into furniture, paper pulp and other products for export and domestic use.

Both sides agreed to enhance high-level communication between forestry authorities, strengthen exchange and co-operation in forestry legislation, law enforcement and governance and standardise timber and wood product trade procedures. They also agreed to explore mechanisms for preventing forest fires on national borders and raise the awareness of those living in such areas of the need to protect forests.

The deputy director of China's State Forestry Administration told the forum that China is working to increase its forest cover from the current 18 per cent to 23 per cent by the year 2020. The forest cover in China and Asean members accounts for 68 per cent of Asia's total and 10 per cent of the world's total.

[SCMP, 31/10/07]

Japan

Japanese mission to kill 950 whales decried

The Japanese whaling fleet is sailing south to kill about 950 whales in Antarctic waters, despite appeals from the United States, the European Union, Australia and New Zealand to call off the hunt.

What has particularly alarmed anti-whaling countries and environmental groups is Japan's plan, in the name of "research", to kill as many as 50 humpback whales. It would be the first such hunt since 1966, when a worldwide moratorium was imposed to protect humpbacks. Humpbacks have since bounced back to about a third of their pre-whaling population, although they remain listed as endangered under U.S. law and are considered vulnerable by the World Conservation Union.

Japan's Fisheries Agency says it needs to kill the humpbacks (along with 850 minke and 50 fin whales) to make a thorough scientific study of their sustainability, as well as to assess their overall health, diet and the degree to which their internal organs have accumulated heavy

REGIONAL & INTERNATIONAL

Indonesia

Governor targets less air pollution

Jakarta Governor, Fauzi Bowo, is targeting a decrease in air pollution of 30 percent during his five-year term. To achieve that, the government is preparing strategic measures for the use of alternative fuels in order to reduce carbon dioxide emissions.

The city administration says that the cause of 70 percent of air pollution in Jakarta is car emissions, while the remaining 30 percent comes from secondary industry. The first sector to be affected by the new policy would be public transportation. All public transportation vehicles will soon be required to use environmentally friendly compressed natural gas (CNG), or biogas.

Environmentalists say an increase in the number of private vehicles in the capital is the main cause of the air pollution problem. At least 2.5 million private cars and 3.8 million motorcycles traverse the city's roads on weekdays. The increase in private cars has also added to the already severe traffic congestion on Jakarta's streets.

The compulsory use of natural gas by public transportation vehicles is already required under the 2005 Air Pollution Ordinance, which also introduced compulsory emissions tests for private cars, a prohibition on the burning of garbage in open areas and the banning of smoking in most public places. CNG use, however, has yet to be enforced, due to a lack of CNG supply outlets in Jakarta.

metals and other pollutants.

The commission's 1986 global ban on commercial whaling grants an exception for scientific hunts. When scientists finish their research, whaling commission regulations require that leftover whale meat be sold. Proceeds from the sales defray about 90 percent of the cost of mounting the hunt, according to the Fisheries Agency.

Japanese officials note that their country has the support of about half the 78 nations that are members of the whaling commission, including Russia, China, Norway and Iceland. Japan tried to persuade the whaling commission in May to approve resumption of coastal whaling for larger whales. When the request was turned down, Japanese officials threatened to quit the organisation.

[*The Washington Post*, 22/11/07]

Korea

10 million used mobile phones discarded

In Korea, about 10 million mobile phones are thrown away without proper disposal procedures being followed every year, reportedly causing serious environmental problems.

According to a report, 15.6 million phone units are manufactured every year and most of them replace broken or outdated ones. But only 5 million phones go through proper disposal and recycling channels. Environmentalists and experts expressed concern that dumped mobile phones could damage the environment severely as they contain heavy metals, such as lead and cadmium.

Since 1999, there have been more than 125 million units produced but only 40 million units have been collected. The remaining 85 million phones out there could be causing harm to the environment.

To tackle the issue, the main opposition Grand National Party in Korea called for a new system that increases the responsibility of manufacturers to collect old phones, and rewards users who return their old phones to mobile service providers.

It is known that one mobile phone contains 0.26 grams of lead, 2.5 parts per million of cadmium and 274 parts per million of cobalt on average. One unit has a trivial amount of heavy metals but experts warn that the accumulation of such hazardous elements could have dreadful consequences, citing that 85 million phones contain 22.1 tons of lead, which could severely contaminate water and the earth.

Environmentalists have launched various campaigns, including calling for environmental-friendly policies that encourage people to use second-hand phones, as well as returning their old phones to manufacturers.

[*Korea Times*, 18/10/07]

China

Plan for cleaner air during Olympics extends to Shandong

Beijing has adopted another drastic step to reverse its losing battle against the capital's notorious air pollution amid growing concern over the government's ability to honour its green Olympics commitments.

Shandong, an industrial powerhouse south of the capital that shares no border with Beijing, has been included in a newly approved regional plan to help Beijing reduce pollution before and during the Games.

It was the first time a non-neighbouring province had been drawn into the comprehensive air-quality improvement plan, which includes Tianjin, Hebei, Shanxi and Inner Mongolia.

The move came amid warnings from International Olympic Committee president Jacques Rogge that pollution might force the rescheduling of events, and rising concerns

about the ineffective campaign to clean the air. Despite a multibillion-yuan campaign in the last decade, the capital is often shrouded in smog and its air quality - especially the density of air-borne particles - is still far below World Health Organisation standards. Shandong's rapid economic growth, based on expansion of heavy industry, has been cited as a contributor to the capital's sometimes choking air.

The Beijing Municipal Environmental Protection Bureau said that an abridged version of the plan would be made public by the end of the year. Whether polluting factories in Shanxi, Inner Mongolia and Shandong should be closed will depend largely on the capital's air quality. However, restrictions on vehicles, which looked set to be applied in the capital during the Olympics following a four-day trial in August, are not likely to be implemented in other places.

[*SCMP*, 02/11/07]

China wins praise for taking lead in global warming battle

China, a booming economy known for its air pollution and rising greenhouse gas emissions, is winning praise at a United Nations climate conference in Bali for its efforts to clean up and to support anti-global warming measures.

Some believe China has surpassed the United States as the top emitter of greenhouse gases, yet China has made strides in enhancing energy efficiency and promoting renewable energy, environmentalists and officials said. Even hard-to-please environmental groups, which relish lambasting industrialised countries for pollution, are praising Beijing, though it is clear China - which relies heavily on dirty, outdated coal-burning techniques - has a lot more to do.

The group said China's ranking on Germanwatch's 40th annual index, which ranks 56 industrialised and emerging countries, was an improvement of four places over last year. The United States and Saudi Arabia were the worst on the list, at 55th and 56th places, respectively.

Environmental watchdog Germanwatch noted the Chinese government has enacted policies promoting renewable energy, including mandates that solar, wind, hydroelectric and other forms of renewable energy provide 10 percent of the nation's power by 2010. It also has ordered key industries to reduce energy consumption by 20 percent.

Beijing has also taken the lead among developing countries in calling for wealthier nations to speed up the transfer of cleaner technologies to emerging economies to help them shift away from their dependence on fossil fuels.

[*The Standard*, 08/12/07]

Tibet to build observatories to monitor urban heat-island effect

Tibet will build 10 observatories in Lhasa next year to monitor the urban heat-island effect as the number of residents and vehicles in the capital city rises. The heat-island effect has resulted in more scorching summer days and worsening pollution in urban areas.

The observatories will be constructed near the railway station, the Potala Palace and in other locations. They will monitor air pressure, temperature, humidity, wind direction and speed, precipitation and others. Lhasa Meteorological Bureau scientists will analyse the collected data to try understanding how the heat-island effect comes into being in the high-altitude city.

The plan was announced by the Lhasa Meteorological Bureau days after experts expressed concern that global warming was threatening the ecology of the Himalayan region. The director of the Tibet Regional Meteorological Bureau warned that the warming climate has caused more meteorological disasters than ever in Tibet. Problems such as: receding snow lines; shrinking glaciers; drying grasslands and desert expansion, are increasingly threatening the natural eco-system. In addition, natural disasters, such as: droughts; landslides; snowstorms and

fires, are more frequent and calamitous now.

A Tibet Regional Bureau study revealed that the temperature in Tibet has risen by 0.3 degrees Celsius each decade, about 10 times the speed of the national average of 0.4 degrees each century.

[*Xinhua News Agency*, 06/12/07]

Shanghai plans to build island eco-city

Shanghai Industrial Investment (Holdings), an investment arm of the Shanghai municipal government, is developing an "eco-city" on Chongming Island, in the city's north that will be constructed entirely on clean and green principles. Covering 860 hectares in Chongming's Dongtan area, the proposed project, when completed, is expected to be the largest sustainable urban development in the world.

Plans are to make the city energy self-sufficient, with power delivered from a combination of renewable energy sources. Electric and hydrogen-fuelled cars will be the main form of transport. Shanghai Industrial has been appointed the sole developer of the project, which is aimed at creating a carbon-free living environment on the island.

Under the preliminary plan, inhabitants or visitors will have to use environmentally friendly vehicles or use public transportation in the city. Food will come from an organic farm on the island, which will ensure its quality and safety.

To minimise carbon dioxide emissions, about 40 per cent of the energy used by the island will be produced by wind energy, 20 per cent will come from solar energy, with the remainder from the produce of the fields.

The first phase of the development has a site area of 740 hectares and will provide a total gross floor area of 4.22 million square metres. About 54 per cent of the area is earmarked for residential use, with the remaining 46 per cent to be allocated to community uses, such as schools and hotels.

To improve transport links, the government is spending US\$1.6 billion to build a 9km tunnel and a 13km bridge linking the island to the mainland; these are scheduled for completion in 2009. Whilst presently it takes over an hour to commute from the island to the urban area of Shanghai, it will take only 45 minutes once the bridge and tunnel are completed.

[*SCMP*, 05/12/07]

World

Agreement on U.N. anti-desertification budget increase

Parties to the U.N. Convention to Combat Desertification (UNCCD) have approved by consensus an agreement on a budget increase. At the beginning of the process, Japan was opposed to any budget increase, while other groups of countries, such as the Group of 77 plus China, were pushing for a 5 percent increase in euros.

After hours of hard negotiations and multiple text revisions, a core budget of 14,896,000 euros was finally approved, amounting to a near 4 percent increase.

As the world becomes more attuned to the adverse affects of climate change caused by rising greenhouse gas emissions, the issue of desertification is increasingly coming to the forefront. According to data provided by UNCCD there are more than 250 million people directly impacted by desertification, which is defined as the degradation of land in arid, semi-arid and dry sub-humid areas.

There are also concerns about another 1 billion people, who are considered "at risk" in more than 100 countries and face greater threats as temperatures are expected to rise.

Whilst Africa is considered a priority because

desertification is the most severe there, Asia, Latin America and the Caribbean, the Northern Mediterranean, and Central and Eastern Europe, are also badly affected.

[*Japan Economic Newswire, 28/11/07*]

The sail makes a comeback

The global shipping industry will be watching closely as MV Beluga SkySails becomes the first modern cargo ship to set sail on journey across the Atlantic Ocean.

The return of wind power to the shipping industry, albeit a hi-tech 21st-century version, was due, largely, to the near-doubling of the oil price to almost \$US100 a barrel over the past year, eating into the profits of many shipping companies.

But there is also increasing pressure on the industry to reduce the pollution it pumps into the atmosphere.

The first long voyage test of the system, called SkySail, began today, when the 10,000-tonne Beluga loaded its cargo of heavy manufacturing equipment in Bremen, Germany, and set out on a 14-day voyage to Venezuela. It was also planning to deploy SkySail on its return trip to Europe.

A spokeswoman for German cargo-shipper Beluga Group, said she expected savings of between 10 and 20 per cent in fuel consumption, worth about \$US2000 (\$2280) per sailing day at current prices.

The sail system, which costs about £500,000 (\$832,000), should pay for itself within three to five years, she said.

The sail resembles the canopy of a paraglider and flies high above a ship at the end of a long cable. Where the pilot of a paraglider would normally sit is a hi-tech control pod connected to a computerised autopilot that can perform sophisticated manoeuvres to maximise the sails ability to capture wind energy. SkySail's automatic launch system deploys the sail in less than 20 minutes.

The great merchant clippers of the 19th century would have taken 40 crew members to unfurl and tend sails during a voyage, but SkySail requires no additional personnel and only a few days training for an existing crew.

SkySail flies at between 100 and 300 metres above the surface, where winds are stronger and more stable, and so is more effective at capturing wind energy than a traditional sail. A single 800 sq m SkySail could achieve the same propulsion as a traditional four-masted ship with 3000 sq m of sail.

These factors should enable the SkySail, which operates in tandem with the ship's engines, to produce about 50 per cent of the thrust a ship requires. Even allowing for less-than-perfect wind conditions annual fuel and emissions savings of between 10 per cent and 35 per cent should be achievable.

The SkySail system is not suitable for the biggest container ships or tankers, because they travel too fast, but about 60,000 ships world-wide are suitable.

[*The Australian, 22/01/08*]

World is heading for greenhouse grief

The world's leading scientists have urged nations to take immediate action on climate change to avoid the "catastrophic" fallout from a warming planet.

The fourth report from the UN's Intergovernmental Panel on Climate Change says there is now "unequivocal" evidence of global warming, and warned of "abrupt and irreversible" effects.

The report warns that, if unchecked, global warming will spread hunger and disease, put further stress on water resources, cause fiercer storms and more frequent droughts, and could drive up to 70 per cent of plant and animal species to extinction.

It warns that by 2020 the Great Barrier Reef and Queensland wet tropics could lose significant biodiversity, and by 2030 water security problems would intensify in the southeast of Australia.

The report is the culmination of the efforts of hundreds of scientists over the past four years, and brings together the findings of three reports released by the IPCC earlier this year. Releasing the report in Spain over the weekend, UN Secretary-General Ban Ki-moon said climate change was more terrifying than any science fiction movie because it was real.

Key points from the IPCC report

Evidence of the planet's warming is now "unequivocal" and the effects on the climate system could be "abrupt or irreversible"

Retreating glaciers and loss of alpine snow, thinning Arctic summer sea ice and thawing permafrost show that climate change is already on the march

By 2100, global average surface temperatures could rise by between 1.1C and 6.4C compared with 1980-99 levels

Sea levels will rise by at least 18cm. An earlier estimate of an upper limit of 59cm did not take into account "uncertainties" about the impact of disrupted carbon cycles and melting icesheets in Greenland and the Antarctic.

Heatwaves, rainstorms, tropical cyclones and surges in sea level are among the events expected to become more frequent, more widespread or more intense this century

"All countries" will be affected by climate change, but those in the forefront are poor nations, especially small island states and developing economies where hundreds of millions of people live in low-lying deltas

Reducing emissions can be met at moderate cost relative to global GDP, but the window of opportunity for quickly reaching a safer, stable level is closing fast. In 2050, the cost to the world economy of stabilising CO2 levels in the target range of 710-445 parts per million is estimated at between a gain of 1 per cent of GDP to a decrease of 5.5 per cent, slowing annual growth by less than 0.22 percentage points

Some projected regional impacts include :

Africa: By 2020, up to 250 million people will be exposed to increased water stress and, in some countries, yields from rain-fed agriculture could be reduced by up to 50 per cent

Asia: By the 2050s, the availability of fresh water in Central, South, East and Southeast Asia – particularly in large river basins – is projected to decrease, while in coastal areas there will be a greater risk of flooding

Australia and New Zealand: By 2020, a significant loss of biodiversity is projected to occur in some ecologically rich sites, including the Great Barrier Reef and Queensland Wet Tropics.

Europe: Mountainous areas will face glacier retreat, reduced snow cover and winter tourism, and extensive species losses

Latin America: By mid-century, increases in temperature and associated decreases in soil water are projected to lead to gradual replacement of tropical forest by savanna in Eastern Amazonia, while changes in precipitation patterns and the disappearance of glaciers are projected to significantly affect water availability

North America: Warming in western mountains is projected to cause decreased snowfalls, more winter

flooding and reduced summer flows, exacerbating competition for over allocated water resources

Small islands: Sea-level rise is expected to exacerbate inundation, storm surge erosion and other coastal hazards, thus threatening vital infrastructure, settlements and facilities that support the livelihood of island communities.

[*The Australian, 19/11/07*]

Australia

Great Barrier Reef in grave danger

In an article appearing in the latest edition of the prestigious journal *Science*, scientists conclude that it is already too late to save the Great Barrier Reef in Queensland from severe degradation due to impacts of climate change. Even if world governments can eventually agree on meaningful cuts in greenhouse gas emissions, such steps will not prevent the annihilation of the Reef and other coral reefs around the world.

In any event, authors of the study believe that it is not possible now to stabilise current conditions. If average temperatures increase by 2c by 2050—which is the most optimistic outcome according to the recently released, authoritative study by Nicholas Stern—reefs will suffer "vastly reduced habitat complexity and loss of biodiversity". If greenhouse gases rise to above 500 parts per million—which the UN's Intergovernmental Panel on Climate Change predicts will occur by 2050—coral reefs will become "rapidly eroding rubble banks".

[*The Australian, 14/12/07*]

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

Members of ADVOCASIA



An Association of Asian Commercial Law Firms

Adelaide, Australia

NORMAN WATERHOUSE

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

Beijing, China

JINCHENG & TONGDA LAW FIRM

11th Floor, 22 JianGuoMenNei Avenue
Huaxia Bank Building
Beijing 100005, P.R. China
Tel: (86) 10-8523-7766
Fax: (86) 10-6526-3519

Brisbane, Australia

BIGGS & BIGGS

Level 16, Commonwealth Bank Building
240 Queen Street, Brisbane
Queensland, Australia 4000
Tel: (617) 3331-1950
Fax: (617) 3221-0329

Colombo, Sri Lanka

D.N. THURAIRAJAH & CO.

2nd Floor, Don Carolis Building
Post Box.1464, No. 64, Keyzer Street Colombo-11,
Sri Lanka
Tel: (94)(1) 439-798
Fax: (94)(1) 448-002

Dubai, United Arab Emirates

LUTFI AL BAHAR & CO.

Suite 804 A City Tower 2
PO Box 8812, Dubai, United Arab Emirates
Tel: (97) 14-321117
Fax: (97) 14-311455

Hong Kong, China

FRED KAN & CO.

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

Jakarta, Indonesia

MAKES & PARTNERS

Menara Batavia, 7th Floor, Jl K.H.
Mas Mansyur, Kav. 126, Jakarta 10220, Indonesia
Tel: (6221) 574-7181
Fax: (6221) 574-7180

Kuala Lumpur, Malaysia

CHEANG & ARIFF

39 Court, 39 Jalan Yap Kwan Seng
50450 Kuala Lumpur, Malaysia
Tel: (603) 2161-0803
Fax: (603) 2161- 4475

Macau

THE LAW OFFICE OF DR ANTONIO

RIBEIRO BAGUINHO

Suite 1308, 13th Floor, Landmark Building, No
555 Avenida da Amizade, Macau
Tel: (853) 705352
Fax: (853) 705351

Manila, Philippines

HERRERA TEEHANKEE & FAYLONA

5/F., SGV II Building, 6758 Ayala Avenue
Makati Metro Manila 1200, Philippines
Tel: (632) 815-8846
Fax: (632) 815-8828

Melbourne, Australia

MADDOCKS

140 William Street, Melbourne
Victoria 3000, Australia
Tel: (613) 9288-0555
Fax: (613) 9288-0666

Mumbai - India

DHRUVE LILADHAR & CO.

13-A/B Ismail Building, 381 Dr
D..N..Road, Flora Fountain,
Mumbai – 400001, India
Tel: (9122) 22852362/3
Fax: (9122) 22855787

New Delhi, India

O.P. KHAITAN & CO.

Khaitan House B-1,
Defence Colony, New Delhi-110 024, India
Tel: (9111) 2433 7516
Fax: (9111) 2433 7958

Perth, Australia

KOTT GUNNING

Level 8, AMP Building
140 St Georges Terrace
WA 6000, Australia
Tel: (618) 9321-3755
Fax: (618) 9321-3465

Shandong, China

SHANDONG QINDAO LAW FIRM

22/F, Northern Tower, Golden Square,
20 Hong Kong Road(M),
Qingdao P.R.China P.C. 266071
Tel: 86-532-85023128
Fax: 86-532-85023080

Singapore

MADHAVAN PARTNERSHIP

80 Robinson Road #08-01/02
Singapore
Tel: (65) 6225-5111
Fax: (65) 6224 3594

Sydney, Australia

COLIN BIGGERS & PAISLEY

Level 42, 2 Park Street
Sydney, NSW 2000
Australia
Tel: (612) 8281-4555
Fax: (612) 8281-4567

Convictions under environmental legislation: November to December 2007

[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:

November 2007

Fifty-one pollution convictions in November 2007

Twenty-four of the convictions were under the Air Pollution Control Ordinance, seventeen under the Waste Disposal Ordinance, and ten under the Noise Control Ordinance.

The heaviest fine in November was \$20,000. A person who exported controlled waste without a permit and failed to engage services of waste collector was sentenced to two months' imprisonment.

December 2007

Twenty-seven pollution convictions in December

Eighteen of the convictions were under the Waste Disposal Ordinance, five under the Air Pollution Control Ordinance, and four under the Noise Control Ordinance.

The heaviest fine in December was \$100,000, assessed against a company which used powered mechanical equipment other than in accordance with permit conditions.

Printed Matter

Fred Kan & Co.
Solicitors Suite 3104-07 Central Plaza
18 Harbour Road Wanchai, Hong Kong



Printed on environmentally friendly paper.