

URBAN PLANNING AND ENVIRONMENTAL LAW
QUARTERLY

(Published since May 1992)

簡家驄律師行 · 城規環保季刊

We are delighted that the feature article in this edition has been provided by Hong Kong's former Director of Planning, K S Pun. Mr. Pun draws on his vast experience and knowledge of Hong Kong's urban planning regime to describe the crucial role that planners and imaginative town planning have in shaping our future.

The Editors

CONTENTS

FEATURE:	Page
URBAN PLANNING FOR HONG KONG'S FUTURE	1
LEGISLATION DIGEST.....	5
TOWN PLANNING.....	5
WEST KOWLOON CULTURAL DISTRICT (WKCD).....	6
HONG KONG BRIEFING.....	7
ADVISORY COUNCIL ON THE ENVIRONMENT (ACE).....	8
CLIMATE CHANGE.....	9
REGIONAL & INTERNATIONAL.....	11
PROSECUTION STATISTICS.....	17

URBAN PLANNING FOR HONG KONG'S FUTURE

What is "future"?

Urban planning by nature looks forward. Prediction of the future is obviously necessary. The future of any city is always an uncertainty to the planners of the present. This is particularly so for Hong Kong, although it is no longer a "borrowed place" with "borrowed time".

Urban planning must forecast about 30 years ahead for its proposals to be useful. More so than other cities, in this exercise Hong Kong has to tackle many unknowns. One of these unknowns is the situation as "2047" coming near.

Relationship with Mainland

Hong Kong is part of China. Despite the principle of "two systems", this territory will be increasingly integrated with the other parts of the "one country". How far, how soon and how will this happen? What effect should it be assumed that this integration will have on Hong Kong's future? When will the integration be more influential than the "two systems"? Will the boundary between Hong Kong and the Mainland become more "porous"?

Integration may, perhaps, go to the extent that Hong Kong can function more or less like other cities in other countries. For instance, its citizens may choose to live permanently in the Mainland so that it can adopt very different population and housing policies. Our approaches to other aspects of life, such as provision of housing for the elderly, infrastructure and community facilities, will be similarly affected.

Sustainable development

Hong Kong has adopted "sustainable development" as its planning and development principle. It has to plan to achieve the best for the present generation without sacrificing the opportunity of the future generations to strive for their welfare. Urban planning today has to take full account of the demand of the future generations. To ascertain what the present generation prefers is difficult enough; to predict what future generations will desire is almost impossible, especially given the situation explained above. Nevertheless, no matter how problematic it is to establish, we must have a vision of the future as a basis of urban planning.

Population ceiling

In planning for the future, a first deciding factor is the size of the population. Another important factor is the amount of land available for accommodating the increasing population and its many activities.

Unlike other cities, Hong Kong has an almost totally fixed area of land. When more land is needed in other cities, the solution is often simply outward expansion. Hong Kong cannot do this as it is surrounded by land and marine territories which belong to others. It therefore can only solve its problems within its own territory.

Although about 6,000 ha have so far been reclaimed from the sea, Hong Kong's land size remains very small - only about 1,100 km² in total. Much of this total is rather steep – 40% being less than 20°, 40% less than 20°–30° and 20% less than 30°–45°. Moreover, approximately 70% of our land is dedicated to different types of non-urban uses, such as country parks, agriculture, and nature conservation. Hence, land which can readily be urbanized is extremely limited.

Even simply from the land availability point of view, therefore, this territory is unable to continue forever to accommodate unrestrained population growth. A population ceiling must be set.

Admittedly, a ceiling is very difficult to derive. Many significantly different figures can result, depending on the basis of the calculation, taking into account land-use pattern, intensity of development, environment objectives, limitations of the transport system, or the capacities of other infrastructure and community facilities. The lowest ceiling should be adopted if the community wishes to enjoy high quality of living conditions.

Once a ceiling is officially adopted and assuming positive integration with the Mainland, the portion of the population Hong Kong cannot accommodate can overspill to other development areas in the country. This city then will not be “overwhelmed”.

Manufacturing industry

Up to the 2014-15 Budget, the government has indicated beyond doubt that this city can rely almost totally on the four pillar industries. Manufacturing industry is not even really mentioned. Indeed, the government spares no effort to encourage the conversion of existing factory buildings in “old” industrial areas to other uses, such as offices and hotels. Apparently, the government is discouraging the continuation of manufacturing industry in Hong Kong.

Is this an appropriate planning policy for the future of Hong Kong? It is hard to believe that, with a forecast population of about 9 million and, accordingly, a working population of several million by around 2040, Hong Kong can rely solely on the four pillar industries for its economic growth, for supplying all the preferred employment opportunities and for meeting its daily needs. Why should it depend on economic sectors most of which, when required under unforeseeable circumstances, can leave this city electronically? On what ground can it be assumed that everyone in the working population is able and willing to be employed in these pillar industries? Can a city of this size function properly without any manufacturing industry? It must be noted that the business of some parts of the pillar industries depends on the manufactory industry.

There is, recently, news that for various reasons some of the Hong Kong factories previously moved into Pearl River Delta areas are thinking of returning. A decision for future planning is whether Hong Kong should facilitate their return, or simply watch them moving to other countries in South-east Asia.

The question, then, is not whether Hong Kong should have a manufacturing industry. The question is what types can function profitably here. The traditional types obviously cannot survive under the present and foreseeable future conditions, especially the high land and labour costs. Looking forward, Hong Kong must establish a new policy toward manufacturing industry. Perhaps the idea of “high-value-added industries” is right. A realistic policy on manufacturing industry can only be formulated through a thorough study and with advice of industrialists. Without such a policy, it is not possible to plan to meet future land and other requirements of this economic sector.

Competing demands for scarce land resources

Given Hong Kong's almost finite amount of available land, now and in the future, and our population growth, urban planning for the future of Hong Kong must handle satisfactorily the many strongly competing demands for land. Demand for urban development land comes from housing, commerce, services, manufacturing industries, infrastructure, utilities, transport links, logistics, preservation, recreation and community facilities – just to name the major ones. Equally significant are the demands from non-urban uses such as tourism, farming, country parks, wetlands, geo-parks, nature conservation and water catchments. More so in future, urban planners must apply skills to utilise the minimum in order to achieve the maximum.

At present, about 24% of Hong Kong's total land area is built on; the other 76% is mainly under non-urban uses. How far should we retain this land-use pattern in future? How much of the land now dedicated to non-urban uses should be sacrificed for urban development?

A number of principles can be applied to deal with this hodgepodge. To attain the optimum use of land is one – every piece of land should be so used that it can take the greatest advantage of its attributions to contribute the most benefit to the community. The benefit is often neither financial income nor the meeting of the greatest current demand. The optimum use of a natural area with beautiful scenery and flora and fauna worthy of conserving, for instance, is country park or nature conservation. It should never be allocated for urban development – no matter how great or urgent is the demand for urban land at that point in time. Similarly, a site occupied by a very important historical building or a piece of open space should not be allowed to be built on for office or housing purpose although it is located in the middle of a commercial or residential district and the financial returns from these other uses would be very substantial.

In future, as it is now, urban planners and others must make difficult decisions on the optimum use of agricultural land. In view of the strong competition for the very limited supply of urban land and the need to conserve much of the rural areas, land for new urban development land will have to be found from farmland. Urban planning alone cannot decide what amount and which piece of farmland should or could be transformed into urban land. Many will continue to argue that farmland should be preserved on the grounds that some citizens prefer this economic activity (despite its low financial return) and that no city should be totally devoid of agriculture. Some others think that Hong Kong must be at least partly self-sufficient in food supply. Therefore, a policy must be formulated quickly in the near future to guide future planning for the use of present-day farmland.

Intermixed use of land

This city cannot hope to accommodate each and every use in its own purpose-built building on its own land. The approach of designating urban sites for single uses must be abandoned. Methods have to be developed to pile compatible uses on the same sites – domestic flats together with community, recreation or even utilities facilities; housing with government and community uses; facilities and offices of different government departments; private offices with government offices; homes for young families with housing for the elderly. To some extent, such intermixed use of buildings exists now; but, in future such approach has to be applied much more widely. Admittedly, in addition to the compatibility between these uses, many problems have to be resolved, but if there is a will there is a way.

Development density

Hong Kong is a very compact city. If the non-urban areas are excluded, its development density is unquestionably one of the highest in the world. The urbanised part will certainly have to be even more compact in future. We must face this reality.

But, despite the many advantages of compact development, many citizens still argue for the lowering of its development density. Due to its shortage of developable land and its population size, Hong Kong in fact has no alternative other than continuing with the present development style. It is not only that we cannot lower the density; in future, we should prepare ourselves psychologically to tolerate even higher densities.

The experience we have gained from the planning and development of Hong Kong's nine existing new towns is a valuable lesson for the future. When the idea of constructing these towns was first conceived, lower plot ratios were adopted as a tool to provide a better physical environment. Later, the plot ratios in their yet undeveloped parts had to be raised in order to increase the accommodation capacity of the land so as to meet the housing targets at the time.

In future, the shortcomings of compact development must be avoided. To this end, urban planners should formulate comprehensively designed high-density development sample schemes which can achieve the best possible quality of living while making maximum use of scarce land.

Urban design/landscaping

A compact development, if not properly done, tends to generate psychological pressure on the users. To reduce the effects of such pressure we rely on skilful urban design, attractive landscaping and the provision of adequate external facilities. More than now, future urban planning must allow urban design to play an effective role and, equally important, sufficient opportunity should be offered to landscape architects to apply their knowledge to beautify our surroundings.

Care must be exercised, however, to prevent these professions from going too far in imposing their requirements. If all their proposals are always followed, the accommodation capacities of sites can sometimes be significantly reduced. Just as an example, restrictions on building heights for various townscape reasons is often cited as an unnecessary limitation on development volumes. Compromises have to be found.

Land bank

Since land is so difficult to be made available, to avoid the deficiency of urban sites for various uses, future urban planning and land policy should ensure that land supply will not be an obstructing factor in the effort to provide adequate living-quarters and buildings for requirements like commerce, office and recreational/community facilities. To this end, in principle a land bank should be kept, always with a sufficient stock of suitable sites for various purposes.

This is not easy to achieve. Given the general land shortage, how does one find the extra land to be kept in the bank? Will the keeping of a land bank decrease the supply in the market to the extent that property price will increase beyond people's affordability? How does the government decide how much land should be stored in the bank?

Very careful consideration is needed before the idea can be implemented.

The government is at the moment attempting very hard to identify more urban land. New Development Areas in NENT and NWNT have been suggested. It is also considering creating a man-made island south of Tsing Yi Island, although part of the area is the port.

New urban land can perhaps be provided on Lantau. This island can be planned to develop in a pattern similar to that on Hong Kong Island – high-density on the northern coastal areas and reclamations; lower density areas in the south. The parts between the country parks and NEF25 can be formed and set aside for high-density housing with ancillary community and recreational facilities. Pockets in the south can be designated for medium-density enclaves like Discovery Bay.

Another opportunity lies in the hitherto border closed area. A large portion of it has been released for other uses. Due to the prohibition of development over a long period, it has grown into very scenic countryside, most of which should be conserved. Nevertheless, a careful study would certainly be able to identify some suitable urban development areas.

Housing bank

Similarly, consideration should also be given to the establishment of a housing bank. It seems that in Hong Kong housing supply always falls below demand and the supply-demand balance is often out of control.

This problem affects mainly middle-income groups. Low-income earners are taken care of by subsidised housing; high-income earners have the financial ability to deal with the situation on their own. Those earning middle-incomes have the desire to own their living-quarters, but usually do not possess sufficient financial capability to tackle the fluctuations in the market. If the government has adequate means to influence the supply-demand situation and if it can maintain a housing bank with affordable living-quarters, such as housing units in Home Ownership Schemes, middle-income households will not have to make possibly rash decisions about buying a home. The supply in the housing bank can then act as a measure to affect housing price.

The problems with this approach are: first, the difficulty to predict years ahead how many living-quarters should be kept in the housing bank; and, second, the difficulty in deciding when and how many of the reserved housing units should be put on the market. Private developers may object strongly to this interference with the private real estate market and, thus, with their profits.

Planning standards

A very important urban planning document is the "Hong Kong Planning Standards and Guidelines". It sets out standards, guidelines and locational requirements for all required facilities in Hong Kong. Urban planning at all levels and development schemes of various scales must adhere to these.

Since its first approval by the Executive Council in 1971, this document has been revised where and when necessary. For its application in the future planning of Hong Kong, nevertheless, it has one defect: the standards and guidelines have been derived to serve only Hong Kong's own residents. However, this territory is now, and will be in future, an international city with many outsiders working here, and therefore living within its boundaries, and with very large volumes of tourists. The standards and guidelines must be modified to take care of the needs of these people because, although many of them are only transient residents, they have to use the same facilities as we do while they are here. Hong Kong prides itself for being an international city and a hub of a number of services and activities, but has not provided sufficient facilities to play its roles effectively.

Immediate action on this is needed. Some will surely argue that it is almost impossible to establish these standards and guidelines since, among other reasons, it is difficult to ascertain the number of transient persons at any point in time and their needs. This is true, but we must try.

Transport planning

Traffic is generated by development; urban planning at present and in future should be fully aware of how planning will impact traffic conditions.

Many, if not most, major cities suffer from very severe traffic congestion everyday. Rapid growth in car-ownership and inadequate public mass transport facilities are the causes. Compared to other cities, the private car-ownership in Hong Kong is still relatively low – now approximately 500,000 for a population of over 7 million; its public transport systems are most efficient, with stations at convenient locations. Consequently, about 90% of the daily volume of commuter traffic is by public transport; traffic congestion, though existing, is still tolerable. This situation is due partly to the large number of side-streets into

which some traffic can be diverted away from the main roads and partly to comparatively small street blocks, resulting in shorter distances between stations and destinations.

To what extent and for how long can we maintain this traffic situation in future? Policies must be adopted to keep private car ownership at a low level. In principle, urban planning should prepare development patterns which do not generate much vehicular traffic and which can be efficiently served by mass transit, for example by locating places of work near to residential areas. This is becoming very difficult to achieve because most of the new housing areas will be located in northern parts of the territory, whilst many of the future employment opportunities (in financing and services, for instance) are and will be in the old urban districts (unless the government substantially changes its policy toward manufacturing industries: for example, by encouraging manufacturing industries and locating them on sites away from the main urban areas so as to provide other types of employment near new housing areas).

Hong Kong's mass public transport network consists of a variety of transport modes. At present, however, the government seems to be planning to rely in future on rail as the main mode, with buses playing a secondary and supporting role, mainly as a feeder service to the train. Although transport planning is not directly an urban planning matter, in planning for the future of this city, urban planners must ask whether this emphasis on rail transport is the right approach. Rail transport is no doubt an efficient way of carrying large volumes of passengers. But, being confined to fixed railway lines and restricted by the lengths of the platforms at the stations, it is not flexible and cannot reach out directly to many whose places of origin and destination are scattered far apart. A dense network of bus routes, on the other hand, can provide convenient links to and from many points, filling the huge gaps left by the railway network.

Tourism

Tourism is one of the four pillar industries. The measures adopted to promote this important economic activity to date have been conservative. One principal means of encouraging more visitors is to improve the shopping establishments to attract more tourists from the Mainland, who come mainly to shop. One must wonder whether all Mainland tourists will continue to be interested only in this activity. Even only for this group of tourists, we should prepare early for a possible change in the purpose of their visits when their education level increases and when similar commodities are available from equally trustworthy shops on the Mainland.

Most tourists from other places do not come to purchase those commodities. They come to see the culture here and to experience Hong Kong as a city. What does this city have to show them?

Urban planning in future will have to help to identify interesting places and aspects of life in Hong Kong to be developed into tourist attractions. More tourist guides should be fully trained to enable them to explain correctly to tourists Hong Kong's: new towns (which are very successful compared to most of those in other cities); country parks with their many species of flora and fauna; geoparks; wetlands (natural and man-made); nature conservation areas; historical features; economic activities; relationship with the Mainland; and so on.

In future, consideration should be given to taking advantage of our most scenic spots for tourism. A very outstanding example is the eastern part of the New Territories. Other than the land areas with the most attractive natural beauty, the sea here is suitable for many surface and under-water activities. Rocky Harbour is the most remarkable and can be developed for water-sports and water-tours; its many islands can be used for resort hotels with Chinese architecture in resonance with their topography.

Public engagement in urban planning

In principle and to meet legal requirements, our urban planning system offers members of the public many opportunities to participate at various stages of planning and development. For many years, various methods have been used to engage participation of the public in the different types and levels of urban planning. The *Town Planning Ordinance*, enacted in 2005, has further enhanced the practice by giving even more opportunities in the statutory planning system for the public to voice their views.

However, it is disappointing that, due to the present dominating "political" situation, these chances are nowadays sometimes misused to various extents. Many opinions are raised solely for political purposes, although claimed to represent general community interest. Some people obviously express only self-interest or comments with hidden commercial purposes. Not infrequently, points raised are on matters outside the ambit of urban planning and therefore cannot be handled by the urban planning system. Moreover, some think that the more letters of objection they submit, the better the chance of their views being accepted. Guided by such misunderstanding, in some recent incidents they send to the authorities tens of thousands of letters in each case although the contents of the letters are almost the same. The law requires that each representation must be heard and dealt with – a most time-consuming process.

The decision-making process in urban planning has hence been tremendously slowed down. For a city which relies heavily on efficiency, this situation cannot be allowed to continue. Something must be done to change this to achieve speedy and smooth proposal-formulation and project-implementation in urban planning in future. How can this be achieved without sacrificing equality for the benefit of efficiency? This is a great challenge. A thorough study is needed to find a solution.

An equally thorough study is required with respect to the processing of applications for planning permission or for amendment to a statutory town plan. Many time-consuming and expensive detailed technical assessments and drawings are required to be carried out. They may not be really related to the matters under application, as the proposals in the applications are often schematic and just for illustration, to be replaced by real schemes afterwards. Is it possible to shorten this process by reducing these requirements and the rounds of government departmental consultation? If this process is speeded up, more development schemes can be implemented more quickly.

Territorial development strategy

The points discussed above have not been thoroughly examined and have not been proposed within the framework of an overall development strategy for the whole territory of Hong Kong. Similarly, to meet the urgent target of supplying adequate housing to overcome the current grave shortage, the government today has been making proposals on an ad hoc basis.

Urban planning in the past generally did not proceed in this way. Since the 1970s, the comprehensive holistic long-term *Territorial Development Strategy* has provided an overall framework for the formulation of lower-level plans and planning/development proposals. Urban planning has been effectively coordinated. The strategy has been updated or totally revised whenever required. The current strategy is *Hong Kong 2030*.

Some years have passed since *Hong Kong 2030* was prepared and approved. New ideas and new circumstances have since arisen. For urban planning for the future of Hong Kong, this strategy should now be updated or even totally revised.

LEGISLATION DIGEST

Product Eco-Responsibility (Amendment) Ordinance 2014

Plastic shopping bags (“PSBs”) are mainly made of materials that are not easily degradable. The excessive use and subsequent disposal of PSBs is creating pressure on already stretched landfill resources. The PSB Levy Scheme was launched on 7 July 2009 under the *Product Eco-Responsibility Ordinance*, Cap 603. Notwithstanding its initial success, the existing coverage of the PSB Levy Scheme is limited. As many other retail outlets are still distributing PSBs, excessive use of PSBs remains a serious problem in Hong Kong.

After three readings at Legislative Council meeting on March 19, the decision to expand the 50 HK cents plastic bag levy, under the *Product Eco-Responsibility (Amendment) Bill 2014*, was passed. *Product Eco-Responsibility (Amendment) Ordinance 2014* will come into operation on 1 April 2015.

Important provisions in the *Amendment Ordinance* include:

- (1) Adding sections 18A to 18C to extend the PSB charges to cover all sectors which sell goods by retail in the course of their business, including small and medium enterprises. The seller shall charge at least 50 cents for each PSB provided to the customer at the time of or in connection with the sale, or for promoting the goods. Moreover, if a PSB is provided as a single item of goods or ten or more PSBs are prepackaged as a pack, each PSB or pack should also be charged at no less than 50 cents.
- (2) Repealing sections 1(a) and (b) of Schedule 2 which specify that a PSB sold at \$5 or more each, or to 2 or more PSBs that are sold as a pre-packaged pack at a price of \$5 or more per pack are excluded from the charge.
- (3) Amending section 1(1) of Schedule 1 so that PSB charges shall be applicable to any bag which is made wholly or partly of plastic, regardless of whether or not there is a handle or carrying device on or attached to the bag.
- (4) Adding sections 1(d)(i) and (ii) of Schedule 2 to exclude PSB charges to any PSB that only contains an item of food, drink or medicine for human consumption provided that the item is in a frozen or chilled state or the item is not contained in airtight packaging.
- (5) Adding section 1(e) of Schedule 2 to exclude PSB charges to any PSB which forms part of the goods concerned. A bag is to be regarded as forming part of the goods if it is specifically designed for containing the goods or information on how to consume or use the goods in the PSB is found on the bag.
- (6) Repealing Part 3 Division 3 to abolish retailer’s obligations of registration, record keeping, submission of quarterly report to the Director of Environment Protection and payment of levy income to the government.
- (7) Adding Division 4A in Part 3 to introduce a fixed penalty system. Under the system, if the Director of Environment Protection has reason to believe that a person is committing or has committed an offence of failing to charge for PSB provided at the time of the sale or offering any rebate or discount to a customer with the effect of directly offsetting the charge payable, the director may offer the person an opportunity to discharge the person’s liability for the offence by imposing a fixed penalty notice. The penalty is fixed at \$2,000. If the person pays the penalty within 21 days after the date on which the notice is given, the person will not be liable to be prosecuted for the offence concerned.

TOWN PLANNING

Plan for Yuen Long new town submitted

The Planning Department has proposed to turn Kam Tin South and Pat Heung in Yuen Long into a new town in order to supply 33,701 residential units. As use of the relevant unzoned land has not yet been decided, the Planning Department submitted the planning proposal to the Town Planning Board for reviewing the proposed land use in Yuen Long District.

According to the plan, approximately 16,900 units will be public housing. This is part of the short-to-medium measures the government is taking in relation to boost the housing supply as outlined in the 2013 Policy Address.

The Planning Department has identified fourteen sites, with a total area, of approximately 152 hectares, at West Rail’s Kam Sheung Road Station, Pat Heung Maintenance Centre and the surrounding areas. Of these sites, nine sites, including the two above West Rail’s Kam Sheung Road Station and Pat Heung Maintenance Centre, are reserved for private housing. A total of 16,800 flats would be available in the primary property market. The remaining five sites around West Rail’s Kam Sheung Road Station are proposed for public housing which could provide 16,900 units for about 51,700 people.

The plan has to be approved by the Town Planning Board. Then, the Yuen Long District will be consulted, in the second quarter of 2014, followed by rural committees and local concern groups. Due to the fragmented land ownership in the area, except the two plots above West Rail’s Kam Sheung Road Station and Pat Heung Maintenance Centre, it is expected that the full realisation of the Planning Department’s proposal will take some time.

[*The Standard*, 11/04/2014]

Eco-tourism resort urged for Lamma

Conservationists opposed to the government’s development plans for Lamma are proposing that an eco-tourism theme park be built instead of a residential compound that will almost double the population of the island.

The green-themed proposal would be modeled on the Eden Project in Cornwall, England. It could house exhibitions on Lamma wildlife and the history of Hong Kong’s mining industry, community and art projects and even small guest houses.

The government plan, a mix of housing and leisure developments, would eventually encompass a 34-hectare area – destroying a restored wilderness area and taking the population from about 5,900 people to 11,000.

Environmentalists say the government’s plan may open the floodgates to demands for expanded facilities and it could threaten the area’s ecology.

The Eco-education and Resources Centre and the South Lamma Concern Group say they have collected 6,000 signatures from hikers on the island in favour of the eco-tourism theme park proposal.

The government's plan is to build 1,200 private flats and 700 Home Ownership Scheme subsidised flats on a 20 hectare site at Sok Kwu Wan. A shopping arcade, a resort hotel and centres for water sports and outdoor recreation are also in the blueprint.

Opponents say the resulting light pollution would threaten wildlife, including Romer's tree frogs – a species found only in Hong Kong – and endangered green turtles, which nest in the south of the island.

[SCMP, 13/04/2014]

Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan amended

The Town Planning Board has announced amendments to the Tsz Wan Shan, Diamond Hill and San Po Kong Outline Zoning Plan (OZP). The amendments involve the following:-

- (1) the rezoning of a site at King Fuk Street from "Open Space" to "Government, Institution or Community(2)" with a stipulation of building height restriction, and designation of a strip of land as non-building area along the western boundary of a site at Sze Mei Street zoned "Government, Institution or Community"; and
- (2) amending the building height restriction for the remaining part of the site.

[Town Planning Board Press Release, 30/05/2014]

Sha Tau Kok Outline Zoning Plan approved

The Chief Executive in Council has approved the draft Sha Tau Kok OZP. The approved OZP indicates the broad land use zonings for the Sha Tau Kok area so that development and redevelopment within the area will come under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which are the basis for public works planning and site reservation for various purposes.

The Planning Scheme Area (PSA) is bounded by the Sha Tau Kok River in the north, the Sha Tau Kok Boundary Control Point in the east, Sha Tau Kok Hoi in the southeast and Robin's Nest in the southwest and west and comprises approximately 557 hectares.

The PSA aims to promote cultural conservation and recreational tourism, and to conserve the rural character, natural habitats, including the undisturbed woodland and lowland river habitats, and the unique landscape as well as the ecologically important areas and the upland scenery.

A total of 39.94 hectares of land is zoned "Village Type Development" to demarcate existing recognised villages and areas suitable for village expansion. An area of about 1.46 hectares of land is zoned "Government, Institution or Community" to serve the needs of the local and district populations.

A site south of Tong To extending to the bank of Sha Tau Kok Hoi with an area of 11.26 hectares is designated as "Recreation" to encourage the development of active and passive recreation and tourism or eco-tourism.

A site in the coastal strip of land south of Sha Tau Kok Road with an area of 5.14 hectares is zoned "Recreation (1)" for low-intensity recreational developments to promote agri-tourism and eco-tourism.

A site of about 32.81 hectares of land is zoned "Agriculture" to retain and safeguard good quality agricultural land, farms and fish ponds for agricultural purposes.

A total of 461.39 hectares of land is zoned "Green Belt", occupying the eastern fringe of Robin's Nest. As this zone covers permitted burial grounds for indigenous villagers, there is a general presumption against development within the zone. The fung shui woods, which are the backdrop of Muk Min Tau with an area of about 2.77 hectares, are zoned "Conservation Area" in order to protect and retain the existing natural character.

[Town Planning Board Press Release, 13/06/2014]

WEST KOWLOON CULTURAL DISTRICT

Culture hub takes another step forward

The West Kowloon Cultural District Authority (WKCD) has announced that UNStudio from Netherlands and AD+RG from Hong Kong will work together with it in the development of the design, construction, management and budget of the Lyric Theatre. This demonstrates how global vision can mingle with local expertise. The design of the Lyric Theatre will be released this autumn.

UNStudio and AD+RG team designed the Mercedes-Benz Museum in Stuttgart, using a geometric design to celebrate the legendary German carmaker. This team also contributed to the on-campus expansion of the Hong Kong Academy for Performing Arts.

After Freespace and the Xiqu Centre, the Lyric Theatre is the third venue to be dedicated to the performing arts. The other main venues are the Arts Pavilion and M+ museum. The 1,200-seat Lyric Theatre will be Hong Kong's first world-class facility for dance performances, including ballet, contemporary and Chinese dance forms. It is expected that the Lyric Theatre will dramatically change the local performing arts scene and become one of the most exciting new venues for international programming in Hong Kong.

[The Standard, 13/05/2014]

Arts hub operational plan for venues revealed

In view of the planned opening of the first arts venue in 2016, the WKCD has implemented a scheme for direction of the venues and an operation plan which will engage arts bodies, either as resident partners or associate partners. The plan is a result of the long-term engagement between the WKCD and the arts community.

Under the plan, resident partners are local selected groups. They will contribute to the venues' artistic direction and collaborate on programming. They will also have priority access to the venues. Associate partners status will be open to local and overseas groups and individual artists. They will have priority access to the venues as well.

Freespace, the Xiqu Centre and the Lyric Theatre will be among the performing arts venues ready for use by 2019. It is anticipated that Freespace and the Xiqu Centre will seek associate partners, whilst the Lyric Theatre will involve both associate and resident partners.

Freespace will be the first venue ready in 2016. Its role will be as a cultural incubator for more experimental works aimed at younger audiences. The theatre will comprise a 450-seat black box for all art forms and an outdoor stage, mainly for music performances, which will have a capacity of more than 10,000 people.

The Xiqu Centre will be ready in 2016 or 2017. It will feature a 1,100-seat theatre and a 200-seat tea house plus educational facilities and retail and dining area. At this venue, Chinese opera and other traditional Chinese musical performances are expected to be staged.

The Lyric Theatre, to be located next to the M+ museum, is due to be completed by 2019. This venue will focus on dance.

[*South China Morning Post*, 28/05/2014]

HONG KONG BRIEFING

Enclaves threaten our country park system

Hong Kong has a globally-significant biological diversity. Our incredible Country Park system, covering 40 per cent of Hong Kong's land area, contributes greatly to this biodiversity. Our Country Parks also provide 20 to 30 per cent of our drinking water and serve as an invaluable recreational and educational resource for everyone. However, when the Country Park system was created it was imperfect, in that a number of areas containing villages or agricultural land were left out of the parks. These omitted areas became the Country Park enclaves.

Altogether, there are 77 enclaves, many of which contain villages and sizeable areas of private land. For many years, these enclaves have remained untouched because of their remoteness. Due to rises in population, urbanization and land prices, the situation has recently changed. To date, twelve of these enclaves have been deliberately damaged or destroyed to prevent conservation and to "prepare the land" for development.

The Tai Long Sai Wan incident – in which a developer bought and partially destroyed a large piece of land in an area of high scenic value – was a turning point. Public outcry over the desecration of this beautiful site caused the government to give consideration to better protecting the enclaves. The result was the revision of the criteria for Country Parks designation in 2011, allowing the incorporation of enclaves containing villages and private land into Country Parks.

Since then, the government has back-tracked. Enclaves that are of high conservation value and under the greatest threat from private developers, i.e. those containing private land, have now been deemed "too difficult to manage" as part of Country Parks. Instead, planning controls are being used. However, the vast majority of the draft Outline Zoning Plans (OZPs) produced for Country Park enclaves have a large "Village Type Development" or "V" zone, which effectively gives a green light to large scale housing development within the enclaves.

The most recent case of enclave destruction was in Lo Shue Tin, an enclave already covered by an OZP. Between 2010 and 2013, Kantex Development Limited bought 29 of 43 lots for a total of \$104 million. Following this purchase, land clearance was carried out in 2013. Mature secondary forest that was contiguous with forested areas in the surrounding Ma On Shan Country Park was bulldozed, freshwater marshes were flattened or drained, and a section of a stream was transformed into a channel. Many threatened species including the Globally Endangered Chinese pangolin and the Short-legged toad, as well as the locally rare Grey scrub hopper butterfly have been affected.

Property developers continue to buy up private land in Country Park enclaves, seeking permission to develop, which will bring them huge profits. The main hurdle they face is the high conservation value of the Country Park enclaves, which creates a perverse incentive to destroy nature and make the land "worthless for conservation".

There have already been 10 cases of willful destruction that can be linked to private developers. Meanwhile, the government appears to be rewarding this kind of eco-vandalism by zoning private land bought by developers as "Village Type Development". Often, this land has a recent history of destruction.

To demonstrate that the government cares about the integrity of our world-class Country Park system, values our precious natural heritage and is truly the defender of the public interest, it needs to follow through on its commitment to look carefully at each and every enclave and protect areas of high conservation value by incorporating them into Country Parks as soon as possible.

[*WWF Report*, 29/04/2014]

Destruction of confiscated ivory

Over the years, Hong Kong has confiscated a substantial quantity of ivory during enforcement actions. Since the Agricultural, Fisheries and Conservation Department (AFCD) became the Management Authority of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Hong Kong, it has adhered strictly to CITES principles regulating disposition and use of forfeited ivory.

A portion of ivory stockpile has been donated to schools, museums and overseas institutes for conservation, scientific, education and training purposes. On the other hand, it is important to tell the world that Hong Kong is also making an effort to contribute to the elimination of illegal poaching of elephants. Therefore, apart from a very small amount of ivory to be retained for potential uses permitted under CITES, all of the forfeited ivory stockpile, about 28 tonnes, will be disposed of by incineration in phases.

The phased disposal of confiscated ivory began with the incineration of one tonne of ivory of the government stockpile at a ceremony held at the Chemical Waste Treatment Centre in Tsing Yi on 15 May 2014. The phased disposal is expected to be completed by mid-2015s. In future, forfeited ivory that comes into the custody of the AFCD will be disposed of by incineration on a regular basis.

In Hong Kong, trading of ivory is controlled by the *Protection of Endangered Species of Animals and Plants Ordinance* (Cap. 586). Any person who violates the law faces a maximum penalty of imprisonment for two years and a fine of HK\$5,000,000.

The AFCD will continue working closely with local law enforcement agencies and the CITES in combating illegal trade in ivory. It will also focus on education and publicity campaigns to enhance public awareness of conservation of endangered species and public knowledge of the relevant legislation.

[*Press Release, AFCD*, 15/05/2014]

Tenders invited for operation of first Community Green Station

On 23 May 2014 the Environmental Protection Department (EPD) published a notice in the Gazette inviting non-profit-making organisations with relevant experience in operating Community Green Stations (CGSs) to submit tenders for the contract to operate the first CGS in Hong Kong.

The EPD will establish a CGS in each of the eighteen districts in Hong Kong to improve the recovery of resources on a local basis, as announced in the 2014 Policy Address. The CGSs complement existing services provided by private recyclers and will support the local community in the collection of low-value recyclables, such as computers, electrical appliances, compact fluorescent lamps, fluorescent tubes, glass bottles, plastics and rechargeable batteries.

In order to strengthen waste reduction efforts, the operator of the CGSs will also carry out environmental education to promote the concept of “Recycle Clean” and the message of “Use Less, Waste Less”.

The first CGS will be located at the junction of On Ping Street and On Sum Street in Sha Tin. Construction of the CGS has commenced and is expected to be completed by the end of 2014.

In early 2014, the EPD held a briefing on CGSs to provide details of the new environmental initiative to non-profit-making organisations, relevant stakeholders and local people. It aims to award a 3-year contract to the operator of the first CGS in the third quarter of 2014 and then the operator could commence operation in the fourth quarter of 2014.

Planning for CGSs in other districts is progressing. Construction of the Eastern CGS has begun and is expected to be completed in early 2015. Tendering for the service contract will soon commence. As well, the EPD has consulted the Yuen Long District Council on the site location for the Yuen Long CGS and will soon proceed with the detailed design and planning. Consultation with the Southern, Kwun Tong and Tsuen Wan District Councils on site selection occurred in May 2014.

[Press Release, EPD, 23/05/2014]

More shark species protected

Five more species will be added to the list of protected sharks by September, as Hong Kong seeks to widen the ban on popular shark fin dishes.

“We are going to add another five species of sharks because of the international law CITES,” Undersecretary for the Environment Christine Loh Kung-wai told a press briefing. “We hope this can be done later on this year.”

CITES is the US-based Convention on International Trade in Endangered Species of Wild Fauna and Flora. WWF (Hong Kong) senior program officer Tracy Tsang Chui-chi said the revised CITES will be effective in September. “The SAR will have to follow the international law by revising the ordinance,” she said.

The ordinance, which gives limited protection to endangered animals and plants, covers three shark species – basking shark, great white shark and whale shark.

The additional species are the: oceanic whitetip; scalloped hammerhead; great hammerhead; smooth hammerhead; and porbeagle.

Meanwhile, Hilton Worldwide president for Asia Pacific Martin Rinck said 96 of the hotel chain’s properties across the region have banned shark fin dishes since April.

“We are happy to make a decisive commitment to influence consumer demand and ensure operational compliance across our portfolio of hotels,” Rinck said.

Currently, 116 Hong Kong restaurants and hotels have pledged not to serve shark fin.

Hong Kong, which is trying to shed its image as being the world’s “shark fin capital,” imported 5,412 tonnes of shark products, including fins, last year – a 34.7 percent drop from 2012.

[The Standard, 19/06/2014]

ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

Summary of the paper discussed in the 198th Meeting of the Advisory Council on the Environment held on 12 May 2014:

1. In order to replace local generating units and to meet future electricity demand, there is an imminent need for the government to review and plan for the future fuel mix for electricity generation.
2. The government’s energy policy is to ensure that the energy demands of the community are fulfilled safely, reliably, efficiently and at reasonable prices, while minimising the environmental impact of electricity generation. Therefore, the government needs to strike a balance among these competing policy objectives.
3. The fuel mix ratio used in 2012 is: coal (53 per cent); nuclear generated electricity imported from the Daya Bay Nuclear Power Station (DBNPS) (23 per cent); natural gas (22 per cent); and oil and renewable energy (RE) (2 per cent).
4. The government has suggested two fuel mix options for public consultation:
 - (a) Option 1: Importing more electricity from the Mainland power grid
A possible fuel mix ratio is that Hong Kong would import electricity to fulfill approximately 50 per cent of our demand, with about 20 per cent being nuclear electricity currently imported from DBNPS and about 30 per cent being new purchases from the Mainland power grid (e.g. China Southern Power Grid Co. Limited (CSG)); Natural gas for local generation would account for about 40 per cent, and coal and RE the remaining 10 per cent;
 - (b) Option 2: Using more natural gas for local generation
A possible fuel mix ratio is to increase the ratio of natural gas generated power to about 60 per cent, and to maintain to coal and RE generated electricity within about 20 per cent, while continuing nuclear electricity from DBNPS to make up 20 per cent of the overall fuel mix.

5. The consultation document provides an analysis of the two fuel mix options against the energy policy objectives of safety, reliability, affordability and environmental protection and other considerations including diversification, flexibility in scaling up future supply and their effects on the post-2018 electricity market.
6. Comparing the two options, there is no major difference regarding the issue of safety.
7. On reliability, while local gas generation has a record of strong and stable performance, imported electricity has not been tested in Hong Kong. The reliability of an imported electricity supply will be secured by technical solutions, commercial contracts between the supplier and purchaser of electricity and commitments at government level. Hong Kong will be supported by the CSG's entire power grid with multiple sources of supply. We can also maintain local back-up generating capacity in emergency.
8. On affordability, since the government aims to reduce its usage of less costly but more polluting coal, the estimated expenses of both options will certainly higher than the current expense. Both options require substantial capital investment in new transmission or generation facilities to replace the retiring generation units, to switch to a more environmental friendly method of electricity generation and to prepare for the expiry of current natural gas contracts of lower price. It is estimated that the unit import or generation costs under both options will be twice the unit generation cost for the five years from 2008 to 2012. The costs of the two options are comparable. Yet, heavy reliance on natural gas under Option 2 will increase the susceptibility of tariffs to price volatility of natural gas.
9. On environmental performance, both options will be measured to achieve the pledged environmental targets of air pollutant emission and carbon intensity reduction for 2020. Option 1 will have a better local environmental performance as it is expected to allow us to reach the upper limit of air pollutant emission reduction targets and to decrease carbon intensity by about 60 per cent. Under Option 2, it is expected that the improvement in environmental performance brought by the new generation facilities will be limited over their expected lifespan of about 30 years after commissioning.
10. On diversification, while Option 1 will provide us with various kinds of cleaner fuels which are not now available in Hong Kong, Option 2 will increase the risk of heavy reliance on a particular fuel type.
11. On the flexibility in scaling up future supply, Option 1 will be a more viable and sustainable option in meeting electricity demand in the long term because it will not occupy any new land sites to accommodate new generation facilities.
12. The future fuel mix for electricity generation will affect the mode of Hong Kong electricity supply and the regulatory framework for the electricity market when the current SCAs expire in 2018. Option 1 may involve construction of a new cross-boundary transmission network.
13. Option 2 requires land sites to build new gas generating units. The extent to which new suppliers may participate in local generation will be affected by the availability of land, the opportunity cost foregone and social acceptability. Constructing new generating units by existing power companies may add to potential costs to consumers.
14. Each of the two suggested options has its pros and cons and both could meet our energy policy objectives. The government has an open mind on the two fuel mix options.

CLIMATE CHANGE

White House wakes up to global warming

The White House has called for urgent action to combat climate change, as it released a study on the impact of global warming across the United States and key sectors of the nation's economy. The four-year survey warned of serious threats to homes, infrastructure and industry in the face of extreme weather events.

"Climate change, once considered an issue for a distant future, has moved firmly into the present," the report says. "Corn producers in Iowa, oyster growers in Washington state and maple syrup producers in Vermont are all observing climate-related changes that are outside of recent experience."

The researchers warned of drought in the state of California, prairie fires in Oklahoma and rising ocean levels on the East Coast, particularly in Florida, most of them caused by human activity. Sea level rise is also eating away at low-lying areas in places like Mississippi.

The report cited a locally sponsored study as saying that coastal areas in Alabama, Louisiana, Mississippi and Texas could face annual losses of US\$23 billion by 2030, about half of that related to climate change.

The impact of global warming is unevenly distributed across US territory. For example, there are spectacular effects in Alaska, which researchers said warmed twice as fast as the rest of the country. "Arctic summer sea ice is receding faster than previously projected and is expected to virtually disappear before mid-century," the report said. It warned that increasing permafrost temperatures would cause drier landscapes, more wildfire, changes to wildlife habitat and greater infrastructure maintenance costs.

Facilities and roads that are vital to the US economy are also under the threat of higher water levels or an increase in already reported tropical storms hitting coastal areas, the report says.

[SCMP, 07/05/2014]

E.U. proposes accelerated carbon market in China

A senior European Union climate official has urged China to establish a nationwide carbon market before 2020.

Jos Delbeke, director general of the European Commission's Climate Action initiative, said the wider the market scope, the more efficient the cap-and-trade system would be in reducing carbon emissions. Delbeke said senior Chinese officials need not worry, adding that the EU's own emission trading scheme only covered a part of its total carbon emissions.

The EU has embarked on a €5 million (HK\$53 million) initiative to help China widen its existing regional pilot carbon trading schemes. The earlier the scheme is implemented, the cheaper it would be "as it would prevent investment in the wrong type of technology". China has launched six carbon markets in the past year. Local governments impose emissions caps on carbon-intensive companies through the issuing of carbon credits.

If a company's emissions go over the limit, they are required to buy more carbon credits to cover the excess discharge. At the same time, a company that becomes more energy-efficient and reduces its carbon footprint can sell carbon credits to help finance investment.

Senior officials have previously said a nationwide roll-out of the carbon market would take place in 2020, when a new global climate treaty is due to take effect as part of the United Nations framework to address climate change. China, as the world's biggest carbon emitter, is under pressure to take on an absolute cap.

Beijing bases its carbon intensity targets on emissions per unit of economic growth, a formula to reduce carbon intensity by 40-45 per cent by 2020 from 2005 levels, under an existing treaty which exempts developing countries from absolute reductions.

Establishing a nationwide carbon market would entail China setting a carbon cap so that the emission credits could be traded. Beijing has been cautious about such a move amid fears it could put China under greater pressure in climate talks, according to observers.

Su Wei, director of the climate change department at the National Development and Reform Commission, the state economic planner, has said a focus of this year's work would be further testing of regional exchanges.

Delbeke said setting the carbon cap at the right level, and maintaining accurate carbon emission statistics, were two pillars for the success of carbon markets.

The pilot platforms are to be reviewed in 2015, and will help Beijing decide whether to establish a national exchange.

[SCMP, 29/05/2014]

West Antarctic ice sheet melt “unstoppable”

The collapse of large parts of the ice sheet in West Antarctica appears to have begun and is almost certainly unstoppable, with global warming accelerating the pace of the melting, two groups of scientists reported Monday.

The finding, which had been feared by some scientists for decades, means that a rise in global sea level of at least 3 metres (10 feet) may now be inevitable. The rise may continue to be relatively slow for at least the next century or so, the scientists said, but sometime after that it will probably speed up so sharply as to become a crisis.

“This is really happening,” said Thomas P. Wagner, who runs NASA's programs on polar ice and helped oversee some of the research. “There's nothing to stop it now. But you are still limited by the physics of how fast the ice can flow.”

Two papers scheduled for publication this week, in the journals *Science* and *Geophysical Research Letters*, attempt to make sense of an accelerated flow of glaciers seen in parts of West Antarctica in recent decades. Both papers conclude that warm water upwelling from the ocean depths has most likely triggered an inherent instability that makes the West Antarctic ice sheet vulnerable to a slow-motion collapse. And one paper concludes that factors some scientists had hoped might counteract such a collapse will not do so.

The new finding appears to be the fulfilment of a prediction made in 1978 by an eminent glaciologist, John H. Mercer of the Ohio State University. He outlined the uniquely vulnerable nature of the West Antarctic ice sheet and warned that the rapid human release of greenhouse gases posed “a threat of disaster.” He was assailed at the time, but in recent years scientists have been watching with increasing concern as events have unfolded in much the way Mercer predicted. (He died in 1987.)

Scientists said the ice sheet was not melting because of warmer air temperatures but rather because of the relatively warm water, which is naturally occurring, from the ocean depths. That water is being pulled upward and toward the ice sheet by intensification of the winds around Antarctica.

Most scientists in the field see a connection between the stronger winds and human-caused global warming, but they say other factors are likely at work, too. Natural variability of climate may be one of them. Another may be the ozone hole over Antarctica, caused by an entirely different environmental problem: the human release of ozone-destroying gases.

Whatever the mix of causes, they appear to have triggered a retreat of the ice sheet that can no longer be stopped, even if the factors drawing in the warmer water were to reverse suddenly, the scientists said.

The basic problem is that much of the West Antarctic ice sheet sits below sea level in a kind of bowl-shaped depression. As Mercer outlined in 1978, once the part of the ice sheet sitting on the rim of the bowl melts and the ice retreats into deeper water, it becomes unstable and highly vulnerable to further melting.

Richard B. Alley, a climate scientist at Pennsylvania State University commented that while a large rise of the sea may now be inevitable from West Antarctica, continued release of greenhouse gases will almost certainly make the situation worse. The heat-trapping gases could destabilise other parts of Antarctica as well as the Greenland ice sheet, causing such a sea-level rise that many of the world's coastal cities would eventually have to be abandoned.

[New York Times, 13/05/2014]

Global economic gain from climate action

Global economic output could rise by as much as an additional US\$2.6 trillion a year, or 2.2 per cent, by 2030 if government policies improve energy efficiency, waste management and public transport, a World Bank report said.

The report, produced with philanthropic group Climate-Works Foundation, analysed the benefits of ambitious policies to cut emissions from transport, industrial and building sectors as well as from waste and cooking fuels in Brazil, China, India, Mexico, the United States and the European Union.

It found a shift to low-carbon transport and improved energy efficiency in factories, buildings and appliances could increase global growth in gross domestic product by an extra US\$1.8 trillion, or 1.5 per cent, a year by 2030.

If financing and technology investment increased, global GDP could increase by an additional US\$2.6 trillion, or 2.2 per cent, a year by 2030, the report said.

Climate policies could also avert at least 94,000 premature deaths a year from pollution-related diseases by 2030, improve crop productivity and prevent about 8.5 billion tonnes of greenhouse gases being emitted – the same as taking about two billion cars off the road. For example, if Chinese authorities deployed 70 million low-carbon cooking stoves across the country, it could avoid about one million premature deaths from pollution and reap almost US\$11 billion in economic benefits, the report showed.

“These interventions should seem like no-brainers to governments around the world,” World Bank Group president Jim Yong Kim told reporters on a conference call. “The report removes another false barrier, another false argument not to take action against climate change.”

To speed up action on climate change, United Nations secretary general Ban Ki-moon has invited heads of state, governments, businesses and civil society to a climate summit on 23 September in New York. The summit is aiming to spur progress towards getting a deal by the end of 2015 that binds all nations to cut greenhouse gas emissions.

Talks on deal are making slow progress. An interim UN meeting in Bonn, Germany, earlier this month only managed to take tentative steps towards an agreement. In March, a report by a UN panel of scientists projected that the effects of global warming could cut global economic output by between 0.2 and 2 per cent a year by damaging people's health, disrupting water supplies and raising sea levels.

However, many countries believe this is an underestimate because it excludes risks of catastrophic changes, such as a Greenland ice melt or the collapse of coral reefs that could cause massive economic losses.

[SCMP, 25/06/2014]

REGIONAL & INTERNATIONAL

CHINA

Plans to build new hi-tech power network

China plans to build the world's largest high-power electricity transmission network which will help the government to reduce smog and air pollution. According to the website of the State Grid Corporation of China, the central government will soon approve projects for building 12 power lines connecting the energy-rich interior with heavily industrialised coastal areas.

The 12 projects include eight ultra-high-voltage (UHV) lines which can transmit electricity over considerably longer distances with far greater efficiency accompanying conventional power lines. It is estimated that energy losses from UHV power lines are five to six times lower than occurs on conventional lines.

State Grid states that UHV power lines could decrease the density of PM2.5 smog particles by 4 to 5 per cent in central and eastern regions and reduce coal consumption by 200 million tonnes a year. Once construction is completed, State Grid could relocate many power plants from populated areas near Beijing, Shanghai and Guangzhou to remote inland areas.

According to the State Grid report, the central government decided to approve the expensive projects after they were endorsed in the National Action Plan for Air Pollution Prevention and Control released last year amid a series of smog crises.

The UHV lines will stretch from Inner Mongolia, Shanxi, Shaanxi and Yunnan to Beijing, Tianjin, Hebei and the Yangtze and Pearl River deltas. Once completed, the UHV grid will lead to many coal-fired power plants, major contributors to China's air pollution, closing down.

[SCMP, 14/05/2014]

China's polluted rivers

Mrs. Chen, a resident of Huaian City, was distinctly out of place on the "Government Hotline" television programme broadcast from Jiangsu Province late last month. Her thick local accent, sunburnt face, and desperate grasping for the microphone identified her immediately as a peasant from the countryside.

But she had been invited onto the programme to demonstrate something crucial to viewers and local officials, who were also present: The water in the Chami River that flowed by her house ran black. Not dark brown – but as black as black ink.

She was called onto the stage and produced a small spring-water bottle filled with the black liquid. The host gingerly opened it, took one whiff and recoiled. He passed it around to others who had the same reaction.

Local Communist Party dignitaries were summoned to respond. "This is a deep lesson," said Shi Weidong, a plump, bespectacled official who stood up in the front row of the audience. Shi is the director of the Environmental Protection Bureau in the district of Qingpu. His job is to keep the Chami River clean. "I truly wasn't aware of it. ... I'm so shocked," he said. "Those companies that spread the pollution must be punished." (In fact, local residents say they have complained repeatedly, according to the Legal Evening News.)

Chinese Communist Party officials – even those who merely head local environmental bureaus – do not typically appear before the public to receive criticism and make apologies, however faint.

Polluted rivers

The episode was a direct demonstration of the graveness of the pollution of China's waterways. Over 1700 incidents of water pollution are reported every year, according to data compiled by the well-known Chinese publication, *21 Century Business Herald*. The rate of such incidents has risen rapidly over the last decade, the report said. Just last month, two large-scale incidents raised public anxiety about water quality.

On 23 April, the Government of Wuhan, a populous city in central China's Hubei Province, announced that it would stop the water supply to the city due to excessive ammonia nitrogen, a toxic pollutant. Over 300,000 residents and hundreds of food companies were impacted.

Lanzhou, in north-western China's Gansu Province, also reported excess levels of benzene, a toxic chemical, in the river that the drinking water supply draws from. Panicked residents rushed stores for bottled water. It turned out that the benzene may have been present for months, undetected.

New drinking water standards rolled out in 2006 by China's National Health and Family Planning Commission broadly match those recommended by the World Health Organisation, but inspection and enforcement in China is much more lax.

Experts said that light punishment of polluters and a general culture of lawlessness, contribute to the severity of the problem.

Underground pollution

A new report by China's Ministry of Land and Resources said that nearly 60 per cent of 4778 underground water monitor points show "poor quality" and "extremely poor quality" water.

Experts at China Geological Survey, a state-led research institute, said at a conference in 2010 that 90 per cent of China's underground water sources are polluted to one degree or another, while 60 per cent are seriously polluted, according to state-run Xinhua.

Underground water constitutes a third of the total water sources of China, and supplies the drinking water for nearly 70 per cent of the population. Such rapid, destructive pollution of the underground water supply has deeply worried Chinese.

"Following this speed of pollution, it won't take too long for China's underground water to be entirely and severely polluted," wrote Li Shangyong, a Chinese economic professor, in a recent article *China's Environmental Situation is Extremely Grim*, published in the China Reform magazine.

Li said that underground water pollution stems from the use of chemical fertilisers, toxic metals, including cadmium, nickel, copper, arsenic, mercury lead, DDT and more. Rice and vegetables grown in those conditions are also polluted. This fundamental pollution is difficult to reverse, Li said, and it could take decades or a century to do so.

[EPOCH Times, 8-14 May 2014]

AUSTRALIA

Melbourne city centre plans to be smoke-free by 2016

Melbourne plans to become one of the world's first cities to be completely smoke-free. Under the plan, smoking will be prohibited within the central business district unless in designated shelter. Any policy change will be incremental in the build-up to being completely smoke-free by 2016.

Australia already has some of the toughest tobacco laws in the world. For example, cigarettes must be sold in packets with large graphic health warnings. Also, smoking is prohibited in restaurants, bars and most other indoor spaces in the country.

The government believes that the plan will not only attract travelers to Melbourne, but will also reduce the number of smokers in the country. The percentage of smokers in Australia has dropped from about 50 per cent in the 1950s to 15 per cent in 2014. The federal government aims to further push down the percentage of smokers to 10 per cent by 2018.

[SCMP, 15/05/2014]

FRANCE

Plan to save endangered hamster

Authorities in the French region of Alsace have launched an action plan to save a hamster facing extinction, more than two years after Europe's top court rapped Paris for neglecting the rodent.

The five-year project will see farmers in the eastern region implement measures to try to encourage the reproduction of the Great Hamster of Alsace, which can grow to 25 centimetres long, has a brown and white face, a black belly, white paws and little round ears. The project aims to raise the population to around 1,500 from 500 to 1,000 currently.

As part of the €3 million (HK\$32 million) project announced by Alsace's regional council, farmers have pledged to grow plants or grains that the rodent likes – such as wheat or alfalfa – in parts of their fields. An action plan for the hamster had been put in place in 2007, but the European Court of Justice ruled in 2011 that France was still not doing enough to protect the hamster, which hibernates for six months and spends the vast majority of its life alone.

The hamster has been protected legally since 1993 but its numbers fell from 1,167 in 2001 to as few as 161 in 2007, although they have since gone up slightly. The preferred crops on which have largely been replaced by the more profitable maize, which it does not like. Farmers will therefore try planting a mix of maize and alfalfa, or leaving strips of plants in between each line of maize.

[SCMP, 07/05/2014]

GERMANY

Radio waves affect migrating robins

Radio waves disrupt the magnetic "compass" in robins, according to a study that is likely to fuel debate about the safety of electronic devices.

In a long and careful experiment, German scientists found that migrating robins became disorientated when exposed to electromagnetic fields at levels far lower than the safety threshold for humans. The frequencies were in the medium-wave band used by AM radio – not the bands used by mobile phones, whose safety has been contested. The tests show "a reproducible effect of anthropogenic (man-made) electromagnetic noise on the behaviour of an intact vertebrate".

Birds have long been thought to navigate using light and the earth's magnetic field. Where their magnetic "compass" is and how it works remain unclear; research involving homing pigeons suggests it may derive from an iron-rich crystal in their beaks, called magnetite.

Scientists prepared a wooden hut with aluminum sheeting on its walls and "earthed" by a cable to the ground. This virtually eliminated electromagnetic radiation in the range from 50 kilohertz to 20 Megahertz range but had no effect on the earth's magnetic field.

Over seven years, experiments showed that when the screening was in place, birds in the hut adopted their normal position for migration. But when the screening was removed or the birds exposed once more to a gadget emitting background electromagnetic noise, they were disoriented.

[SCMP, 09/05/2014]

USA

Water extraction for human use encourages earthquakes

A recent study indicates that the heavy depletion of ground water for irrigation is causing mountains to lift and valleys to subside. Scientists discovered that this could lead to increased seismic activity along the San Andreas fault and might hasten the occurrence of large quakes in the long run.

The San Andreas fault runs for approximately 1,300km through the western part of California and marks part of the boundary between the Pacific and North American tectonic plates. It is believed that the movements of the plates are the critical factor in the build-up of stress which causes large earthquakes, such as the San Francisco earthquake of 1906.

Researchers have used a GPS system to analyse small lifts and dips in the topography of the San Joaquin valley which is one of the most productive farm regions in the US. Its productivity is due to access to ground water, extracted and pumped to irrigate crops. It is estimated that water consumption is double the rate of replenishment through rain and snow. Scientists found that the heavy water extraction is significantly impacting the shape of the Earth. The floors of valleys are subsiding and the surrounding mountains are rising. These small stress changes will cause more small and large earthquakes on the San Andreas fault in the future.

The study aims to educate the public that human activities are changing things that we had not appreciated before. Researchers make the point that we need to think more broadly about the impact of our actions in relation to nature.

[BBC News, 14/05/2014]

INDIA

Extensive pollution of the Ganges

India's *National Green Tribunal* (NGT) has ordered the inspection of 956 factories that release effluents into the India's most sacred waterway, the Ganges River.

Environmental Law Alliance Worldwide (ELAW) helped NGO partners in India show that a sugar mill and distillery were illegally discharging heavily-polluted wastes into the Ganges River in Uttar Pradesh, contrary to court documents.

The Indian NGOs convinced members of the NGT to conduct an onsite inspection of the facility, which remains closed, and expand the scope of the case to include nearly 1,000 factories that discharge wastewater into the Ganges.

The industries on the inspection list are tanneries, paper mills, pesticide manufacturers, sugar mills, distilleries, and others. Inspections will be conducted by the central Pollution Control Board, the Uttar Pradesh Pollution Control Board, and the National Ganga River Basin Authority.

[ELAW press release, 16/05/2014]

Coke plant closed over water misuse

Authorities in northern India have ordered the closure of a Coca-Cola bottling plant at the centre of protests that it is extracting too much groundwater, an official said. An anti-pollution official said the Mehdiganj plant in Varanasi in the state of Uttar Pradesh had breached the conditions of its operating licence, prompting the closure order earlier this month.

The Company was also directed to take suitable measures to recharge the depleted ground-water level by twice the amount extracted. Officials said also that effluents released by the plant contain pollutants beyond the permissible volume limits.

The company has appealed against the closure order to India's environment court, the National Green Tribunal, saying the allegations are false. Hindustan Coca-Cola Beverages, a unit of Coca-Cola, said the plant had been "complying with all regulatory approvals and applicable laws" for 15 years.

The unit said in a statement that it was confident the courts would find that it had acted in the "best interests of the communities we serve".

The company hit a hurdle earlier this year when local authorities said they would demolish the Varanasi plant, claiming it was built on village council land and was "illegal". The authorities also imposed a 126,000 rupee (HK\$16,380) fine on the company over the issue.

Protests have been held against Coke's bottling plants in other parts of the country, alleging depletion and pollution of groundwater.

Activists welcomed the Varanasi plant's closure, claiming the company had a dismal environmental record.

"Coca-Cola's thirst for profits in India has placed its business interests over the well-being of communities and the environment and this is not acceptable," said Amit Srivastava of activist ground India Resource Centre.

[SCMP, 20/06/2014]

Airport rejected

The Chennai Bench of the National Green Tribunal has rejected plans for a private developer's airport in Kerala that threatened key wetlands.

ELAW partner T. Mohan represented community members in a David and Goliath battle that included a 100-day strike by local community groups opposed to the airport. ELAW's staff scientist provided critical input on the Environmental Impact Assessment. His comments proved to be the death knell for the development proposal.

Conversion of rice paddy fields to make way for the airport threatened wetlands and fisheries in the Pamba River basin. The developer says it will appeal.

[ELAW report, 25/06/2014]

WORLD

Plastic a plague on oceans

The UN has warned that the dumping of plastic waste in oceans is causing extensive damage, threatening marine life, tourism and fisheries, estimated to be at a cost of more than US\$13 billion per year.

“Plastics have come to play a crucial role in modern life, but the environmental impacts of the way we use them cannot be ignored,” UN Environment Programme chief Achim Steiner said in Nairobi, Kenya.

Scientists have found tiny plastic fragments trapped in sea ice in polar regions, while plastic waste has killed marine life, whether it be eaten by sea creatures such as turtles tangled up dolphins and whales, or caused “damage to critical habitats such as coral reefs”, the report said.

Whilst much of the plastic waste ends up in vast mid-ocean rubbish patches where marine currents converge, micro-plastics – tiny fragments less than five millimeters in diameter – have an increasing impact which is particularly worrying.

“Their ingestion has been widely reported in marine organisms, including seabirds, fish, mussels, worms and zooplankton,” the report added.

[*The Australian*, 22/06/2014]

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Convictions under environmental legislation: March to June 2014 (July 2014 data not available)

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

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

March 2014

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

Six of the convictions were under the Air Pollution Control Ordinance, 7 under the Noise Control Ordinance and 12 under the Waste Disposal Ordinance.

The heaviest fine in March was \$80,000, assessed against a company that used powered mechanical equipment otherwise than in accordance with permit conditions.

April 2014

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

Four of the convictions were under the Air Pollution Control Ordinance, 6 under the Noise Control Ordinance, 10 under the Waste Disposal Ordinance and one under the Water Pollution Control Ordinance.

The heaviest fine in April was \$50,000, assessed against a company that used powered mechanical equipment without a valid construction noise permit.

May 2014

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

Seven of the convictions were under the Air Pollution Control Ordinance, 12 under the Noise Control Ordinance, 14 under the Waste Disposal Ordinance and 4 under the Water Pollution Control Ordinance.

The heaviest fine in May was \$60,000, assessed against a company that used powered mechanical equipment without a valid construction noise permit.

June 2014

Nineteen convictions were recorded in June breaches of legislation enforced by the Environmental Protection Department.

Eight of the convictions were under the Air Pollution Control Ordinance, 4 under the Noise Control Ordinance and 7 under the Waste Disposal Ordinance.

The heaviest fine in June was \$50,000, assessed against a company that used powered mechanical equipment without a valid construction noise permit.

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