

URBAN PLANNING AND ENVIRONMENTAL LAW
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Recent amendments to the Fisheries Protection Ordinance (Cap. 171), including a long overdue ban on bottom-trawling, lead us to revisit in this edition the rather depressing topic of marine conservation in Hong Kong.

The Editors

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WHAT HOPE FOR HONG KONG'S MARINE ECOSYSTEMS?

In June 2012 the Legco finally passed the *Fisheries Protection Amendment Bill* which amends quite substantially the *Fisheries Protection Ordinance* (Cap.171) (the Ordinance). The amendments include a complete ban on trawling for fish as from 31 December 2012, as well as introducing several other measures designed to significantly improve protection of Hong Kong's devastated fisheries.

Under section 21 of the Ordinance, a fishing vessel will not be licensed unless the Director is satisfied the vessel will not be used for trawling. As well, trawling equipment is banned under the *Fisheries Protection (Specification of Apparatus) (Amendment) Notice 2011* (L.N. 45/2011).

For many people, who for years have been deeply concerned by the wide destruction of our marine ecosystems caused by trawling and have agitated for the practice to be banned, the long-overdue ban is most welcome. The government is to be commended for having the courage to ban trawling, notwithstanding the usual opposition from the powerful fishing industry (which opposes any measure that threatens the status quo, no matter what the science shows us). The ban represents a rare example of meaningful action by the government to protect our environment, even if it was many years late in coming.

However, trawling is only one of a number of destructive fishing practices traditionally employed in Hong Kong. Hong Kong's marine ecosystems have also been significantly damaged by other destructive fishing practices. It remains to be seen if the Ordinance will now be enforced sufficiently robustly as to reduce the incidence of such environmentally irresponsible conduct by local fishermen.

Destructive fishing practices

The Coral Reef Alliance describes destructive, or exploitive, fishing practices as: "practices that produce short-term economic benefits for fishermen at the expense of destruction to marine habitats. Although employed primarily by impoverished fishermen in developing countries, particularly in Southeast Asia, destructive fishing has also been observed in wealthy nations around the world. The most common methods of destructive fishing include: bottom trawling, explosive fishing, cyanide fishing, and muro-ami. These practices contribute to overfishing and the depletion of fish stocks by significantly increasing catches while also inadvertently killing species not targeted by fishermen, known as by-catch. They not only adversely impact fish populations, but they also disrupt entire marine ecosystems, degrading coral reef structures which provide habitats where many animals live and reproduce."

Bottom-trawling

Trawling is an especially destructive method of harvesting targeted fish species because everything else is also caught and, inevitably, destroyed in the process. Trawlers' nets scoop up everything in their path, leaving barren wastelands which take many years to recover. In November 2007, leading marine scientists predicted that if current worldwide trawling continued, there would be no fish left within 50 years: *South Pacific to Stop Bottom Trawling*, 5/5/07. It makes you wonder why it has taken the government so long to eliminate trawling, and why the ban does not begin operating until 31 December 2012.

There are other destructive fishing techniques commonly employed in the Asia-Pacific region, although it is difficult to assess the extent of use of such destructive fishing practices in Hong Kong waters. The problem is more acute and widespread in countries such as the Philippines, Papua New Guinea and Indonesia; but, there can be no doubt Hong Kong also has to monitor for,

and stamp out, the use of destructive fishing methods adopted by some irresponsible and greedy persons.

Apart from trawling, the most common destructive fishing practices (so far identified) are as follows.

Cyanide fishing

Cyanide fishing generally involves the use of the sodium cyanide to stun and capture live fish for the aquarium or ornamental fish trade. First documented in the Philippines in 1962, this fishing method is most prevalent in Southeast Asia. Despite restrictions making it illegal, incidences of cyanide fishing have increased in the region since 2000, because it provides a noiseless alternative. Fishermen fill squirt bottles with a concentrated solution of cyanide created by mixing pellets of sodium cyanide with salt water. They then dive into the water – often with no breathing apparatus or ill-equipped, such as using the hookah technique which involves breathing through a long, thin tube filled with compressed air – and dispense the cyanide solution between layers of coral.

Cyanide prevents oxygen from reaching the cells. A small enough dose of cyanide will stun the fish, which the divers then collect and store in containers of seawater on the ship to preserve them for transport to aquariums and restaurants. The cyanide spreads throughout the reefs and causes what some scientists refer to as “collateral environmental damage” which harms fish and algae within its path, resulting in coral bleaching and potentially death.

For every fish caught using cyanide, about one square metre of reef is destroyed. Recent studies have shown that the combination of cyanide and the stress of post-capture handling results in mortality of up to 75% of the organisms within less than 48 hours. With such a high mortality figure, a greater number of fish must be caught in order to supplement the ones that do not survive, thus adding to the likelihood of irreversible destruction of the subject fishery and ecosystem. In short, cyanide fishing dramatically upsets the delicate balance of marine ecosystems.

Blast fishing

Blast fishing, also called explosive fishing or dynamite fishing, involves using dynamite or homemade bombs constructed from inexpensive and readily available materials, in order to efficiently catch large quantities of fish at a minimal cost. In developing countries, where this practice primarily takes place, fishermen often fill bottles with fertilizer and kerosene to create explosive power. On average, one blast device costs between US\$1-2 to construct and is capable of catching between US\$15-40 worth of fish.

The shock waves from an explosion rupture the swim-bladders of nearby fish, causing some to float to the surface, where they are collected in nets, while causing others to sink to the ocean floor, where divers retrieve them.

A one-kilogram beer bottle bomb has the potential to generate a crater approximately one to two metres in diameter and destroy 50 to 80 percent of the coral in that area. A single blast can ruin hundreds of years of coral growth, shattering the calcium carbonate structure to rubble and generally destroying any chance of recovery.

Although illegal, blast fishing remains widespread in 30 countries within Southeast Asia and Oceania as well as parts of Eastern Africa.

Muro-ami

Muro-ami is an illegal fishing method of “drive-in net fishing” in which coral is covered in fine-mesh nets and then pounded with stones to scare fish into the net. Okinawan fishermen began this highly destructive practice in the early 20th century, and it has become widespread throughout Southeast Asia, particularly, in the Philippines. Sometimes cranes are attached to the fishing boats to drop huge cement blocks onto the coral below, crushing it into small fragments that scatter across the sea floor, which eliminates the possibility of re-growth.

[Source : *Destructive Fishing Practices, Lipscomb-Confluence*, 04/12/09]

To illustrate the catastrophic consequences of destructive fishing, we need consider just one example, the Philippines. Cyanide fishing was first introduced to the Philippines in the 1960s for the purpose of catching colourful and exotic fish as part of the aquarium or ornamental fish trade. Approximately 80-90% of aquarium fish from the Philippines are caught using cyanide. Since then, over one million kilograms of cyanide have been released into Philippine reefs, that is, approximately 150,000 kg annually.

Cyanide fishing has been hugely detrimental to numerous fishing and diving areas which were known for having the highest levels of biodiversity on earth. The Philippines and Indonesia account for about 77% of the coral reefs in Southeast Asia and roughly 26% of the world total. The Philippine’s reefs provide an estimated \$1.6 billion annually to the country’s economy. According to the *Reefs at Risk* project conducted by the World Resources Institute during the 1990s, approximately 56% of the reefs in the region are threatened by destructive fishing methods and 64% by overfishing.

The practice of explosive fishing in the Philippines traces back to the World War I era, but it became widespread after World War II with the use of left-over explosives. According to an estimate provided in a 1999 report, 70,000 fishermen, about 12% of all fishermen, participated in this form of destructive fishing.

In the worst affected areas, fish stocks have been reduced to 5-10% of their levels 50 years ago.

Situation in Hong Kong

Traditional problem

Way back in 1996 a conference focused on marine conservation, *Challenges in a Crowded World*, was organised by the Hong Kong Marine Conservation Society at the University of Hong Kong. Several presenters spoke of the then already well known environmental damage inflicted by destructive fish practices. In view of the government’s belated move to ban trawling, it is instructive to consider some of the points made at that conference sixteen years ago.

Senior Superintendent D.W.F. O’Brien of the Marine Police summarised the problem of “fish-bombing” as follows.

“The Marine Police have been aware of the problem of fish-bombing in Hong Kong waters for a number of years, and have acted to contain and prevent the problem. In this respect they have identified the area around Double Haven as being a “black spot”. In order to combat the practice, regular shore patrols and searches of fishing vessels are conducted and have had a high degree of success in respect of seizures of explosives. In 1995, 1,508 sticks of dynamite weighing 269 kg, and so far this year 988 sticks weighing 367 kg, have been seized. The explosives consist mainly of amatol, identified as being of Chinese origin. Fish-bombing is “traditional” in Hong Kong waters, and it is obvious that police efforts alone cannot eradicate the practice. It is believed that a publicity and education programme is also necessary to deter local fishermen from engaging in this dangerous and destructive practice.”

Superintendent O’Brien said that “the problem of dynamite fishing has existed in Hong Kong for a number of years”, and that the worst affected area was Hong Kong’s north-east waters.

An experienced Fisheries Officer from the Agriculture, Fisheries and Conservation Department (as it is now known) (AFCD) made the following comments.

“Fishing with explosives and toxic substances are the two most common forms of destructive fishing practices in Hong Kong. Fishing with explosives has a devastating effect on the marine environment and ecology as the shock wave produced by an underwater explosion can kill or damage many forms of marine life. Dynamite fishing is usually conducted in areas where fishes tend to aggregate, such as spawning and feeding grounds. As a result, juvenile fish with little commercial value, but which are important as fisheries resources, could be greatly affected. In the long run, the fishing industry is adversely affected by dynamite fishing.”

The use of toxic substances for fishing is prohibiting in most jurisdictions because it has a deleterious effect on the marine ecosystem, in particular when used around coral reefs. Catching fish by stunning them with cyanide solution is a common method. It has been documented that the use of cyanide for fishing is lethal to most organisms, including small fishes, reef invertebrates and the corals. Through the complex interrelationships of all affected organisms in the food chain, cyanide has a long-term impact on the environment. It may also pose a threat to the health of the fishermen and consumers.

There are other fishing practices that are equally destructive. The use of vacuum suction and dredging devices to harvest clams causes serious disturbance to the seabed. Electric fishing kills or harms most fish, including larvae and juveniles, be they commercial species or not. Such fishing methods have long-term damaging effects on fisheries resources and the marine ecosystem.”

Legislation and enforcement

The Fisheries Protection Regulations (Cap.171A) prohibit fishing by means of the use of explosives, toxic substances (such as cyanide) or prohibited apparatus : regulations 2-4A. The Director has power to specify prohibited apparatus in a Notice published in

the Gazette. The *Specification of Apparatus Notice* (Schedule, Cap.171B) : lists specified (i.e. prohibited) fishing apparatus as :

- (1) Any apparatus that produces or transmits electricity and that –
 - (a) operates in water either alone or in conjunction with a net; and
 - (b) is capable of capturing or stunning fish.
- (2) Any suction device that –
 - (a) operates on the seabed; and
 - (b) is capable of capturing fish.
- (3) Any dredging device that –
 - (a) operates with a net or receptacle;
 - (b) is towed on the seabed; and
 - (c) is capable of capturing fish.

The trawling ban has been effected by the introduction of part (3) of the Schedule.

It is also an offence to possess on board a vessel “any explosive or toxic substance for the purpose of fishing” : regulation 4.

The penalties for contravention of any of the regulations are a maximum fine of HK\$200,000 and imprisonment for 6 months.

Between 1982 and 1996 there were 28 prosecutions under the anti-destructive fishing practices laws. We do not have statistics for the period 1996-2003. Since 2003, successful prosecutions (according to the yearly AFCD *Environmental Reports*) were :

2003-2004 (2 years)	–	19 prosecutions
2005-2006	–	4
2006-2007	–	2
2007-2008	–	1
2008-2009	–	3
2009-2010	–	9
2010-2011	–	7

The reports do not say what penalties were imposed.

Given that in 2010-2011 the AFCD conducted 1,475 patrols “to combat destructive fishing activities”, and that there has been a traditional use of destructive fishing practices in Hong Kong, the number of successful prosecutions seems to be very low. However, that would be in keeping with the AFCD’s appalling record in enforcing environmental legislation for which it is the supervising agency. Frankly, we have learnt to be pessimistic regarding the effectiveness of any conservation programme or powers entrusted to the AFCD.

Another worrying – but, sadly, familiar – sign for the future of Hong Kong’s marine ecosystems is a press release report by the AFCD dated 14 September 2012 which refers to the first successful prosecution under the amended Ordinance. Two Mainlanders were convicted of fishing in Hong Kong waters using an unregistered vessel, contrary to section 11. Each was fined HK\$500 and sent back to the Mainland, with their vessel; their nets were confiscated.

Even allowing for the fact the offenders were probably poor, and were not locals, a HK\$500 fine is farcical and is unlikely to deter future offenders. The fine was 0.5% of the maximum, HK\$100,000 (plus imprisonment for 6 months). We know from the history of other environmental prosecutions in the magistracies, that this

first fine under the amended legislation is likely to set the tone for other magistrates when they are handing down penalties under the Ordinance.

The penalty is yet another example of the magistracies’ ignorance of, or indifference to, the importance of effective enforcement of Hong Kong’s framework of environmental protection laws, which is a point made in past editions of the *UPELQ* : e.g. *Weak Penalties Undermine Enforcement of Environmental Laws*, April 2009 and *The Frustration of Adequate Laws Combined with Inadequate Enforcement*, June 2012. This continuing “curse of judicial disinterest” (*UPELQ*, June 2012) is another reason to be less than optimistic that the changes to the *Fisheries Protection Ordinance* will bring significant improvement to the health of Hong Kong’s marine ecosystems.

A brief mention should be made of another welcome initiative introduced by the amendments to the Ordinance. Under section 4A the Secretary for Food and Health may designate any area of Hong Kong waters as a fisheries protection area (“FPA”) “to promote the conservation and management of marine and fisheries resources” and may appoint a person as the Authority for the purposes of the Ordinance. Under section 4B, the Authority may make rules for the management and control of fishing in FPAs, including “prohibition of any fishing”. The penalty for breaching such rules is HK\$200,000 and 6 months imprisonment. This is the kind of conservation power so desperately needed in Hong Kong, which has only five very small marine parks covering a mere 1.46% of our marine waters. And only one of the marine parks is a full “no-sake” sanctuary.

The lack of marine sanctuaries, in which at least all forms of commercial fishing are prohibited, has been a major defect of the government’s approach to environmental protection, as the *UPELQ* has previously pointed out : *Effective Marine Conservation Requires Marine Protection Areas*, February 2008.

No FPAs have been established yet. It is early days, but given the government’s glacial movement to date in creating our minimalist marine parks system, we doubt that any will be declared within the near future. And if an FPA is established, no doubt the Director of the AFCD will be the declared Authority, which would inevitably mean very weak conservation rules being applied.

Conclusion

Whilst the strengthening of the Ordinance is to be applauded, until we see the AFCD actually robustly using its power to enforce the “control” mechanisms in the Ordinance, and the government implementing meaningful FPAs, the response to the question in the title to this article is probably: *not much!*

TOWN PLANNING

Draft Ho Man Tin Outline Zoning Plan approved

The Chief Executive in Council has approved the draft *Ho Man Tin Outline Zoning Plan*. The Planning Scheme Area covers about 210 hectares and will be zoned

for: commercial use (0.21 hectares); residential area (80.56 hectares); government, institution or community area (70.29 hectares); open space area (13.08 hectares); green belt area (7.54 hectares) and other specified uses (0.39 hectares). The largest zone, the residential area, will be for high, medium and low density public and private housing developments, 0.43 hectare of which will be used as a site for the campus of the Open University of Hong Kong.

[Government Press Release, 13/07/2012]

Draft Wan Chai Outline Zoning Plan amended

The Town Planning Board has announced amendments to the draft Wan Chai Outline Zoning Plan.

The amendments include:

1. Revision of building height restrictions for three Government, Institution or Community sites;
2. Rezoning of two sites and revision of the stipulated maximum building height;
3. Rezoning of the terraces and the stepped-streets in four areas;
4. Revision of the planning intention in the Notes for the Residential (Group C) zone;
5. Replacement of the relaxation clause for plot ratio and building height restrictions in the Remarks of the Notes for the Residential (Group C) zone;
6. Incorporation of a set of Notes for the Residential (Group E) zone; and
7. Incorporation of requirements for a covered open space and minimum setback for two sites.

[Government Press Release, 03/08/2012]

Draft Ko Lau Wan Development Permission Area Plan approved

The Chief Executive in Council has approved the draft Ko Lau Wan Development Permission Area Plan which covers 36 hectares. The general planning intention of the area is to protect its high landscape value and rural settings and to reflect the character of the existing villages of Ko Lau Wan and Tan Ka Wan.

According to a spokesman for the Town Planning Board, the Plan provides guidance for planning and to facilitate interim development control within the Ko Lau Wan area during the period required for examination of the land use pattern, infrastructural provisions and development options for the formulation of the plan.

The area is mainly designated for unspecified use (33.29 hectares), pending the completion of detailed studies to establish the appropriate land uses. About 2.61 hectares is zoned Village Type Developments, which reflects the presence of the existing traditional villages.

[Government Press Release, 13/07/2012]

Approved Sai Kung Town Outline Zoning Plan amended

The Town Planning Board has approved amendments to the Sai Kung Town Outline Zoning Plan which will provide more housing sites to meet the development needs of Hong Kong. Two sites in the Tui Min Hoi area will be rezoned from “Government, Institution or Community(4)” to “Residential (Group B)4” and from “Government,

Institution or Community” to “Residential (Group B)5” respectively.

[Government Press Release, 24/08/2012]

Draft Tuen Mun Outline Zoning Plan amended

The Town Planning Board has announced amendments to the draft Tuen Mun Outline Zoning Plan.

The amendments include designation of a site in the Northern Landfall Reclamation Area of Tuen Mun-Chek Lap Kok Link (“TM-CLKL”) at the seafront of Tuen Mun Area 40 as “Other Specified Uses” (“OU”) annotated “Container and Cargo Handling and Storage Area”, and rezoning two sites embraced by the toll plaza of TM-CLKL in Tuen Mun Area 46 from “OU” annotated “Crematorium, Columbarium, Funeral Services Centre and Open Space”, “Green Belt” and “Government, Institution or Community” to areas shown as “Road”.

[Government Press Release, 07/09/2012]

Land sale programme for October to December 2012

Mr. Paul Chan Mo-po, the Secretary for Development, announced that the government will sell by tender six residential sites and one business site during October to December 2012, which will produce about 1,760 flats and 31,000 square metres of commercial floor area respectively. Together with one West Rail property development project to be tendered in the same quarter, the seven residential sites could provide about 2,650 flats in total.

Among the six residential sites, two are located in Tseung Kwan O, and one each in Sha Tin Kau To, Jordan, Tuen Mun and Sai Kung respectively. The developers will be required to provide a certain minimum number of flats at the four sites in Tseung Kwan O, Tuen Mun and Sai Kung.

In addition to the six residential sites, MTR Corporation Limited will also tender the West Rail Tsuen Wan West Station TW6 project in the period October to December 2012. The project could provide a minimum of 894 flats, 520 of which will be small and medium-sized flats of a saleable area not more than 50 square metres.

The business site is located in Kowloon Bay and will help tie in with the development of the very prominent office cluster in the neighbourhood, which is conducive to the implementation of the Energizing Kowloon East plan.

[Government Press Release, 31/08/2012]

Industrial buildings to become homes

Mrs. Carrie Lam Cheng Yuet-ngor, the Chief Secretary, announced that the government will revise the Building (Planning) Regulations so that industrial buildings can house small “transitional flats” and owners of the industrial buildings can maintain the same floor area for residential use. This will increase the housing, which will help to prevent the property market from spinning out of control.

The Planning Department will propose adding “transitional accommodation” to the Outline Zoning Plan. The government will

launch a public consultation and brief the Town Planning Board on the matter.

Owners do not have to pay any premium under the prevailing regulations for such conversion, and this will be an incentive for owners to convert their industrial buildings. However, the units cannot be sold and should be leased to people who are in need.

To begin with, a Chai Wan building will be converted into a public rental block of 180 units in 2013.

[The Standard, 06/09/2012; News.gov.hk from HK’s Information Service Department, 07/09/2012]

“Hong Kong Land for Hong Kong People” policy

The Chief Executive announced that 1,100 flats on two plots totalling 1.6 hectares on the old Kai Tak airport site in Kowloon City will be sold. The policy aims to rein in exuberant mainland buyers who have helped drive up property prices, and to fulfil the housing needs of Hong Kong permanent residents.

The two sites will be on sale in an open tender in the first quarter of 2013. The resale of flats under the policy will be restricted to permanent residents for 30 years and cannot be resold to companies. If the buyers are a married couple, both must be permanent residents. There will be no other restrictions and it will be up to the developers to decide when the flats will be sold.

The Secretary for Development, said that more land for residential purpose will continue to be made available by the government.

[The Standard, 07/09/2012]

Controversial New Towns Plan

A controversial plan to develop three new towns in the north-eastern New Territories highlights distrust between the people and the new government, as well as public resistance against greater integration with the Mainland.

In order to ensure the residential and industrial developments in the new towns were compatible with the environment, planning officials at the initial stage of consultation cut the housing density by 36 per cent. But two years later, officials came under pressure to raise the density again to meet housing demand.

However, various opposition voices and public discontent erupted towards the end of the last of the three-stage consultation. Activists question the government’s thinking behind the plan to promote social and economic integration with Shenzhen, claiming the proposed plan is not for Hongkongers but for mainland visitors and investors.

Years before he became chief executive, C.Y. Leung – as convenor of the Executive Council and chairman of the board of directors of the One Country Two Systems Research Institute – proposed turning part of the border area into a special economic district with visa-free arrangements for mainlanders who wanted to shop, invest, study and receive medical services.

With intensifying conflicts, such as mainland parents giving birth in Hong Kong and the influx of individual mainland visitors, Leung’s concept has annoyed those who value Hong Kong’s independence. They fear a similar philosophy is at work in the new town developments.

Ng Mee-kam, professor of urban planning at the Chinese University, said the city needed a bottom-up consultation approach starting with community planning: “You just can’t consult people living in the 21st century with a 20th-century approach.”

Big land owners, such as Henderson Land, Sun Hung Kei Properties and New World Development, want to share profits by co-developing the land with the government instead of seeing the sites acquired by the government at a cheap rate, but villagers want more compensation and resettlement in the area.

Activists complaining about the loss of agricultural land and lifestyle have demanded fresh consultations. The immediate challenge to the administration is to seek a balanced way forward that will satisfy all the vested interests in the project.

[SCMP, 22/09/2012]

WEST KOWLOON CULTURAL DISTRICT (WKCD)

Programmes galore for WKCD site this autumn

The West Kowloon Cultural District Authority (“WKCDA”) recently announced that various programmes and cultural activities will be held in the western headland of the WKCD this autumn. The programmes and events are diverse and designed to meet the different tastes of people in Hong Kong.

The Hong Kong Wine and Dine Festival, for instance, will take place in early November 2012, whilst the Clockenflap Music and Arts Festival will be held in early December 2012.

A major highlight of the WKCD parade of programmes is the “Freespace Fest” – a two-day arts and music performance show to be held in the middle of December this year. This event aims to prepare the public for the “Freespace” to be established by 2015. The “Freespace” will be a venue which will be used for live music and other cross-boundary performances.

Another major event is the “Mobile M+: INFLATION!”, which will be held early next year. The “Mobile M+: INFLATION!” event features an exhibition of huge sculptures. As the WKCD is located on the waterfront, this event will virtually transform the WKCD into a pleasant park for the public to appreciate contemporary visual culture, thus carrying with it a strong educational component.

[West Kowloon Cultural District Authority Press Release, 27/08/2012]

M+ receives the world’s best collection of Chinese contemporary art

Recently, the WKCDA’s visual culture museum, M+, received a donation of a

substantial number of contemporary artworks from Dr. Uli Sigg, one of the world's major collectors of Chinese contemporary art.

The M+ executive director was thrilled by the donation, which consists of 1,463 Chinese contemporary artworks from 350 artists, worth at least HK\$1.3 billion. The donor, Dr. Uli Sigg, said that he was grateful that his art works collection will be returned back to China after all these years. Dr. Uli Sigg's collection of artworks spans the period of modernisation in China. He started to collect contemporary art when he came to China in 1979, at which time he noted that no institution or individual was collecting Chinese contemporary art either in China or abroad. Upon realising this, Dr. Uli Sigg began to collect Chinese contemporary art, with the idea of giving his collection away to an institution in China in the future. Dr. Uli was impressed by M+, in that it will be an international world-class art institution. He therefore has entrusted his valuable collection to M+, believing it to be the best platform to make Chinese contemporary art visible to the public at large.

Some critics have raised doubts about the artistic value of the Sigg collection. A few also expressed concerns as to whether the Sigg collection accurately reflects contemporary Chinese art history.

Claire Roberts, the curator of the other artworks known museum "Go Figure! Contemporary Chinese Portraiture" in Sydney, said that the Sigg collection will be assessed and reassessed as it finds its place and value in the art's historical record. The Sigg collection spans the whole period of modernisation in China, covering works of approximately 350 artists.

[West Kowloon Cultural District Authority e-Newsletter, July Issue; Financial Times, 01/09/2012]

M+ museum curator appointed

Aric Chen, a leading design critic and curator, has been appointed to the post of curator of design and architecture for the M+ museum in the WKCD. His post will commence on 1 November 2012. He will oversee and supervise the M+ museum's visual culture opening in 2017.

The area of the M+ museum, at approximately 6,000 square metres, will be the equivalent of the Museum of Modern Art in New York. M+ museum will include exhibition and storage spaces, an education centre, an archive library, a screening facility, studios and some outdoor spaces. M+ aspires to be a ground-breaking museum for visual culture in Hong Kong, presenting artwork mainly from a Hong Kong perspective, but at the same time expanding to other regions of China, Asia and the rest of the world. Through the presentation of visual art work in a variety of forms and mediums, M+ museum will reflect the social, economic, cultural and technological shifts that have taken place in the region. A design competition for the M+ museum will be conducted in due course.

[Artlyst, 29/08/2012]

Museums have low patronage in Hong Kong

The WKCD completed a marketing survey concerning museums in 2010. The survey report revealed that the local people

generally expressed a sense of indifference to museums. Concurrently, the proportion of mainland or overseas tourists visiting Hong Kong museums, or joining other cultural activities, is extremely low. There is considerable room for expanding the number of museum visits.

The survey target subjects were between the age of 18 and 49. The results show that the frequency of museum visits is comparatively low. For some subject groups, museums are only visited once or twice a year. Most interviewees expressed the opinion that Hong Kong museums lack diversity in the contents displayed. In addition, there is little or no interaction between the displayed objects and the museum visitors. Most museums in Hong Kong are also not spacious enough for visitors to walk comfortably.

[Sing Tao Daily, 20/08/2012]

"Freespace" eases the problem of inadequate performing space

The West Kowloon Bamboo Theatre is expected to be completed by the end of 2015. The next major performing forum to commence operation will be the "Freespace". This will be a venue for live performances to be located in the central park of the West Kowloon Cultural District, surrounded by the stunning scenery of the Victoria Harbour.

The artistic performance facilities managed by the Leisure and Cultural Services Department which are for general public use, are usually heavily utilised. Hong Kong Cultural Centre located in Tsim Sha Tsui, for instance, achieved a utility rate of 100% over the last 3 years. City Hall in Central, and Ko Shan Theatre in To Kwa Wan likewise achieved a utility rate of almost 100%. Even venues which do not belong to the Leisure and Cultural Services Department are usually fully booked by the public for performance purposes.

The WKCD has preliminarily decided that "Freespace" will be directly managed and operated by the Authority. The Authority hopes that "Freespace" can nurture and protect the local vanguard culture in Hong Kong. It is also hoped that "Freespace" will ease the problem of inadequate performing spaces in Hong Kong.

"Freespace" will contain an indoor performing venue, as well as an outdoor one, each accommodating approximately 900 people. Freespace will be suitable for holding small-size concerts for local bands. It will also cope with other forms of performances, such as dancing shows and acrobatics. One of the features of "Freespace" is its elasticity and ability to cater for various kinds of performances.

The artistic performing sector has expressed views that there should be a clear classification of venues to accommodate different kinds of cultural and leisure activities. The sector has maintained that overseas performing venues cater for different performances. However, existing cultural facilities in Hong Kong mostly cater for all kinds of performances, without any specialization. The sector recommends that classification (i.e. specialization) of venues would benefit the cultural and artistic development of Hong Kong in the long run. It is high time that Hong Kong reviewed its current system of leisure and cultural venues.

[Sing Tao Daily, 13/08/2012]

Xiqu Centre design competition shortlist

The WKCD recently announced that 5 design teams have been selected and shortlisted from approximately 50 design entries in the design competition to design for the Xiqu Centre, a venue within the WKCD. They are BTA & RLP Company Limited; Foster + Partners O Studio Architects; Mecanoo architecten / Leigh & Orange; Safdie Architects LLC and Wong & Ouyang (HK) Ltd. (in collaboration with Diamond and Schmitt).

These 5 shortlisted companies will submit detailed proposals for the design of Xiqu Centre to an independent committee of the WKCD for assessment in October. Subject to the approval of the committee, the design team which finally wins the competition will be awarded the contract to carry out design consultancy services for the Xiqu Centre. It is expected that the winning team will be selected by the end of this year.

The WKCD will not carry out a public consultation process for the design competition of the Xiqu Centre. The assessment of design proposals will be done by an independent internal assessment committee composed of professional architects.

[Ming Pao, 18/07/2012; Sing Tao Daily, 18/07/2012]

HONG KONG BRIEFING

Joint government efforts to tackle pollution

Hong Kong, Guangdong and Macau governments have announced plans to reduce pollutants emissions in the region by 2020. A regional co-operation plan was published on 25 June 2012 by the three governments which focuses on building a quality living area in the delta area. This plan covers long-term co-operation in five major areas, namely: environment and ecology; low carbon development; culture and social activities; spatial planning; and green transportation systems.

This was the first regional plan compiled by the three governments to try to improve air quality in the Greater Pearl River Delta region. The plan envisions transforming the Greater Pearl River Delta region into a low-carbon, high-technology and low-pollution cities cluster of quality living, with a view to enhancing its overall competitiveness and attractiveness.

The grand plan proposes joint promotion of low-carbon development by cooperating on a regional basis to combat climate change and reduce air pollutants emissions. The measures include encouraging vessels calling at ports in the delta to use cleaner fuels.

Although Hong Kong has already met 2010 emission reduction targets, Hong Kong's air quality was far from achieving a standard that protected public health. Should the 2011-2020 emissions reduction targets be based on the lax 2010 emission levels, the targets will have little efficacy in improving Hong Kong's current air quality situation.

[Press Release, Environmental Protection Department, 25/06/2012]

Air and water quality improvement has been slow

Hong Kong's air and water quality have improved since the handover 15 years ago, but the pace has been slow in recent years, green groups say.

Friends of the Earth has urged the government to set out both long-term and short-term measures to further clamp down on air and water pollution in the territory. Short-term measures include pollution control policies e.g. encourage the use of vehicles that emit less pollutants, whilst long-term measures include cooperating with neighbouring mainland cities in tackling borderless air and water pollution.

According to the World Health Organisation's air quality guidelines, the annual concentration of fine suspended particulates should be 10 micrograms per cubic metre. A study by the University of Science and Technology reveals the annual average concentration of fine suspended particulates in Central in 1999 was 53 micrograms per cubic metre. The number dropped to 36 in 2009 but rose to 40 last year.

Friends of the Earth say that the improvement of air quality from year 1999 onwards was largely due to the then-Secretary for the Environment, Sarah Liao Sau-tung, who made the decision to encourage diesel vehicle drivers to switch to liquefied petroleum gas vehicles. Whilst the incumbent Secretary for the Environment Edward Yau Tang-wah introduced the idling engines legislation, the effectiveness of this measure is not very apparent in curbing air pollution. The then-Chief Executive Donald Tsang Yam-kuen was said to have been concerned that pushing for green measures would harm the city's development.

Whilst it is true that air pollution during Yau Tang-wah's term as the secretary has not worsened, the impact of his very limited initiatives is not obvious. More has to be done by the government, for example by creating low emission zones for transportation, encouraging use of cleaner fuels, and establishing air quality targets for fine suspended particulates.

[*The Standard*, 29/06/2012]

Push for garbage disposal charges

Hong Kong faces an imminent disaster in the form of our ever increasing mountains of waste. Reliance on landfills alone is not sustainable. Hong Kong must apply modern technology to waste-food processing. The government is now considering encouraging reduction of waste at source, by introducing economic incentives by charging households to dispose of their garbage.

A survey conducted by the government found that 60% of the population supports a solid-waste charging scheme based on the *polluter-pays principle*. It is believed that the time is ripe to introduce a levy for household garbage.

However, even though people are more aware of environmental issues these days, the authorities should not underestimate the possible resistance to a new charge. Wong Kam-sing, Secretary for the Environment, said that the government will pledge to take into account how much the average citizen

can afford to pay, when setting the waste disposal levies.

The government said adequate time will be spent on public consultation to accommodate more views and voices on the issue. It is expected that further details of the solid-waste charging scheme will be announced later this year.

[*Mingpao News*, 08/07/2012]

Food waste high on recycling menu

It is predicted that the three landfills in Hong Kong will reach saturation in 2018. Several Hong Kong environmental groups, such as the Economic Synergy, are calling for a sharp increase in the recycling rate, with food waste and plastic bottles high on the list.

According to a study cited by Friends of the Earth, 3,000 tonnes of food waste are being dumped at landfills on a daily basis in Hong Kong. One cause of this is that, on average, 40 per cent of food served in restaurants is left uneaten. When compared to other Asian cities, Hong Kong produces 20 to 30 per cent more food waste than counterparts in South Korea and Taiwan.

In March last year, Greeners Action held a food waste recycling programme with various restaurants and supermarkets. As a result, food waste levels have been reduced by at least 15 per cent. It is anticipated the programme will be extended to more participants in Hong Kong.

Households should cooperate with their estate management to seek assistance from the government's Environment and Conservation Fund, which has reserved HK\$50 million for placing food waste processors in housing estates. At the same time, the government is also planning to set up district-oriented food-waste recycling facilities throughout the city, with a view to increasing the recycling rate.

[*The Standard*, 18/07/2012]

Environmental impact assessment for third runway underway

The Environmental Protection Department (EPD) issued the Environmental Impact Assessment (EIA) study brief yesterday in relation to the expansion of a three-runway operation at the Hong Kong International Airport (HKG). The study brief outlines the scope of environmental issues to be addressed and requirements to be fulfilled by the Airport Authority (AA).

The action taken by the EPD was in response to concerns raised by the green groups about absent data on air quality, noise pollution and marine ecology, concerning especially the Chinese White Dolphin, in the project profile submitted by the AA earlier this year.

The AA, together with its consultants, will undertake a series of studies to assess potential environmental impacts of the potential third runway. The EIA is expected to take about two years to complete.

The CEO of the AA, said the Authority places "great value on the feedback we collect as we explore all possible ways to avoid, minimise, mitigate and compensate for potential environmental impacts." He said the expansion of HKG would "enhance

Hong Kong's long-term development and overall competitiveness.

[*Singtao Daily*, 12/08/2012]

Sinopec sets up HK\$10m pollution fund

The mainland petroleum giant Sinopec says it will establish a HK\$10 million fund to assist in cleaning up the thousands of tonnes of plastic pellets that washed ashore on local beaches and fish farms following a spillage at sea.

Sinopec officials told reporters that their top priority is to find the missing container and halt further pollution. A spokesman for Sinopec Chemical Commercial Holdings, said the pellets themselves are chemically stable and non-toxic and should not be regarded as dangerous goods.

During Typhoon Vicente earlier in July 2012, a container ship lost seven 40-foot containers in the waters south of Hong Kong. Six containers held sacks of plastic pellets (150 tonnes in total) and one had plastic bottles.

Plastic pellets may continue to be washed up on Hong Kong's beaches and fish farms. The Secretary for the Environment has admitted that it may take months to clear away all the plastic pellets from local waters. The government will work closely with volunteers to help collect the pellets and then send them for recycling.

A risk assessment conducted by the Centre for Food Safety (CFS) found that there is no cause for undue concern over food safety. The CFS said that although environmental contaminants, such as persistent organic pollutants, can be absorbed by the scattered plastic pellets over time, the increased food safety risk is unlikely to be significant, as wild fish locally caught constitutes only a very small part of our diet.

[*Mingpao Daily*, 25/08/2011]

Incentive scheme for cleaner ships' fuel

The government recently introduced an incentive scheme to encourage the use of lower sulphur fuel by ocean going vessels (OGVs). From 26 September 2012, any OGV that switches to cleaner fuel while berthed in Hong Kong waters will enjoy a 50 per cent reduction in port facility and ancillary charges. This scheme will continue for at least three years. The owner, operator or his agent of the OGVs joining the scheme is required to make a one-off registration of their vessels with the Environmental Protection Department (EPD).

The government has been implementing a package of 22 measures that target various major polluting sources, aiming to improve air quality in Hong Kong. It is hoped that the OGV scheme will help reduce vessel emissions and improve air quality in the port areas.

[*Press Release, Environmental Protection Department*, 14/09/2012]

Conviction under amended Fisheries Protection Ordinance

The Agriculture, Fisheries and Conservation Department (AFCD) has successfully prosecuted two Mainland fishermen for fishing with the use of a non-local fishing vessel in Hong Kong waters. This is the first

prosecution taken after the *Fisheries Protection (Amendment) Ordinance 2012* (Cap.171) came into effect on 15 June 2012.

Under section 11 of Cap 171, no person may engage in fishing with the use or aid of a vessel in Hong Kong waters, unless (i) the vessel is a registered vessel; (ii) the person is so engaged under and in accordance with a valid research fishing permit; or (iii) the fishing falls under the list of permitted fishing with the use or aid of non-fishing vessels or local vessels. Any offender on conviction is liable to a maximum penalty of a fine of \$100,000 and imprisonment for six months.

A non-local vessel was found gill netting in the waters off the east of the Soko Islands on 12 September. Two Mainland fishermen were arrested by AFCD enforcement staff with assistance from the Marine Police. The two defendants were each fined \$500 at the Eastern Magistrates' Courts on 13 September. Their nets were confiscated and the vessel and the defendants were to be repatriated to the Mainland.

An AFCD spokesman said that the AFCD and Marine Police will strengthen enforcement of relevant legislation to prevent unauthorised entry of fishing vessels from outside the territory for purposes of illegal fishing, and will continue to carry out joint operations to tackle illegal fishing activities where necessary.

[AFCD Press Release, 14/09/2012]

HK suffers most ship pollution deaths

Hong Kong has suffered the most from ship emissions in the Pearl River Delta. Locals account for 75 per cent of deaths related to sulphur dioxide released from vessels.

The air quality at Kwai Chung and Tsim Sha Tsui could be the most affected by ship-related pollutants, re-researchers behind a five-year study by Civic Exchange suggest.

The think tank, founded by Christine Loh Kung-wai, now environment undersecretary, urged the city's administration to be more proactive in tightening restrictions and to seek support from its mainland counterparts.

The city's popular ship routes were partly to blame, because some vessels passed through Hong Kong waters on the way to twin ports in Shenzhen, the group said in its report.

According to the Civic Exchange report, jointly issued with the University of Science and Technology and the University of Hong Kong, the city had 385 of the 519 deaths directly related to sulphur dioxide from ship emissions in the region. There were 93 deaths in the inner Pearl River Delta region and 42 in the outer region.

A HKU research assistant professor who contributed to the report, said the figures were probably an under-estimate, as the researchers had not taken long-term health effects of sulphur dioxide into account. The chemical can cause cancer and diseases in heart and blood vessels.

Emissions from ships, mainly container ships, are harmful, although they account for only 18 per cent of sulphur dioxide in the city's air.

The think-tank suggested the government seek support from the central government and apply to the International Maritime Organisation to set up an emissions control

area, in which ships would be required to switch to 0.1 per cent sulphur fuel when they are within 100 nautical miles of Hong Kong. Such a move could reduce deaths related to sulphur dioxide by 91 per cent.

The government should make it compulsory that ships switch their fuel to 0.5 per cent sulphur at berth. This suggestion follows the *Fair Winds Charter* by which 18 shipping lines agreed to do so two years ago. The pact will end in December 2012.

[SCMP, 20/09/2012]

Recycling discarded hotel soap

Washing hands with soap can halt the spread of diseases such as diarrhoea and pneumonia, which kill 3.5 million children a year, yet Hong Kong hotels throw away two to three million barely used bars of soap annually.

Students at the University of Hong Kong aim to change that, after devising a way to turn surplus hotel soap bars into a lifesaving source of soap for poverty-stricken families.

The students have established Soap Cycling which will collect two to three tonnes a month of surplus soap from 15 hotels, including the Grand Hyatt and Island Shangri-La. More hotels are signing up, and Soap Cycling hopes to have 60 partner hotels by next year.

In less than 12 months, Soap Cycling is already one of the three largest soap recycling and distribution organisations in the world, and is the first to operate in Asia.

The soap is sanitised and reprocessed by hand to create new bars. These are given to non-governmental organisations and charities, such as Unicef, which distribute them to underprivileged families and schools across Asia.

David Bishop, a law lecturer at HKU who founded the programme, said that the lives of between one million and 1.5 million children could be saved each year by providing the tools for proper hygiene. Mr. Bishop chairs Soap Cycling. The other managerial positions are held by students in the five-year joint business and law (BBA) programme.

Recently Chow tai Fook presented a HK\$500,000 donation to Soap Cycling. This will enable the purchase of industrial soap-making equipment, increasing output from 5,000 to 20,000 bars a week.

Hong Kong Hotels Association chairman Victor Chan said: "I urge our industry counterparts – not just in Hong Kong but around the world – to support this remarkable programme."

[SCMP, 26/09/2012]

CLIMATE CHANGE

Extreme weather: get ready to see more of it, scientists say

Extreme weather is coming; hellish heat, ferocious fires and severe storms will leave people injured, homeless and even dead. The warning in a respected scientific US report follows a warm winter and early season droughts in the USA and elsewhere.

The real challenge before us is whether a particular storm or flood was due to climate

change or natural variables in weather conditions. The *National Oceanic and Atmospheric Administration* report noted that some events were exacerbated by other factors; but climate change increases the global risks due to weather extremes.

[CNN News, 10/07/2012]

Climate change may boost frog disease

Global warming may lead to temperatures varying unpredictably. The more changeable the temperatures, the easier it will be to resolve a doubt associated with a lethal fungal disease suffered by frogs. Scientists have found that when temperatures vary unpredictably, frogs succumb faster to the deadly disease chytridiomycosis, which is killing amphibians around the world. It was also found that frogs' immune systems appear to lose potency during unpredictable temperature shifts.

A research on chytridiomycosis has been published in the journal *Nature Climate Change*. Chytridiomycosis, which is an infectious disease caused by the parasitic fungus *Batrachochytrium dendrobatidis* (Bd), was identified only in 1998. It does not only affect frogs but also their amphibian relatives, e.g. salamanders and the worm-like caecilians. The disease is thought to have caused the extinction of a number of species.

Over the years, scientists have conducted a lot of experiments to find out if Bd is more active in warm or cold temperatures. New research attempted to look at what happens in a more real-life situation - when chytrid fungus is actually on a vulnerable frog. The key variable the scientists considered this time was the variability of temperature instead of temperature itself.

Frogs infected with Bd were kept under various conditions: In the first set, the temperature was kept constant at either the bottom or top of their natural range (15C and 25C); in the second set, the temperature was switched predictably between the two values; and in a third set, the temperature was switched between 15C and 25C unpredictably.

It was found that the fungus fared better when the temperature changes were regular, and in cooler conditions. The pattern was reversed when it was already on the frogs; it was found that the fungus grew faster under unpredictable temperature change. The explanation is that being a simpler organism, the fungus is able to adapt faster than a frog's immune system.

There is evidence that climate change leads to an increase in variability and unpredictability of change in temperature and precipitation.

[BBC News, 12/08/2012]

US carbon dioxide level at 20-year low

The amount of carbon dioxide being released into the atmosphere from the United States has fallen dramatically to its lowest level in 20 years. Government officials say the biggest reason is that cheap and plentiful natural gas has led many power plant operators to switch from dirtier-burning coal.

Many of the world's leading climate scientists did not see the reduction coming, in large part because it happened as a result of market forces rather than direct

government action against carbon dioxide emissions.

Michael Mann, director of the Earth System Science Centre at Penn State University, said the shift away from coal was a reason for "cautious optimism" about potential ways to deal with climate change. He said it showed that "ultimately people follow their wallets" on global warming.

In a little-noticed technical report, the US Energy Information Agency said this month that energy related US carbon dioxide emissions for the first four months of this year fell to about 1992 levels. Energy emissions make up about 98 per cent of total greenhouse gas emissions.

Although conservation efforts, the lagging economy and increased use of renewable energy were factors, the decline in greenhouse gas emissions was due mainly to low-priced natural gas, the Energy Information Agency said.

A frenzy of shale gas drilling in the Northeast's Marcellus Shale and in Texas, Arkansas and Louisiana has caused the wholesale price of natural gas to dive from US\$7 or US\$8 per unit to about US\$3 over the past four years, making it cheaper to burn than coal for a given amount of energy produced.

[SCMP, 18/08/2012]

Storms and drought overshadow new UN climate talks

World climate change negotiators are facing warnings from a string of extreme weather events which show that there is an urgent need for emission cuts.

The week-long meeting took place in Bangkok to prepare the ground for a meeting of ministers under the UN Framework Convention on Climate Change in Doha in November. The extreme weather serves as a reminder of the urgent need to reduce greenhouse gas emissions. Recent storms and flooding from torrential rains killed at least 170 people in the Philippines, and the US Midwest breadbasket is reeling from its worst drought in more than 50 years.

Experts believe the target set by the United Nations for limiting the rise in global average temperatures to two degrees Celsius is not attainable.

[SCMP, 30/08/2012]

Saving the melting Arctic

To see the Arctic melt this quickly is unprecedented in human history. The ice-melt this year has broken all previous records. Statistics show that the Arctic had more than 7,000,000 sq km of ice in September 1979, whereas it is likely to have less than 3,500,000 sq km this September.

The total disappearance of the Arctic ice sheet, perhaps within the decade, will have the most profound implications. It would indicate the definitive end of the Holocene and entry into what scientists call the Anthropocene – Age of man, where human beings can radically change what the Earth looks like.

No one can deny that fossil fuels, such as coal oil and gas, are all-pervasive, because they have been incredibly useful in giving us

heat, light and transport. They also serve as a major source of energy.

However, fossil fuels have one very major downside. They are the major source of carbon dioxide driving climate change and the acidification of oceans, and they destroy the ozone layer. Without the ozone layer, the incidence of skin cancer caused by the sun's harmful rays would be much higher.

To save the planet it will be necessary to change our major source of energy and to think about any new energy technologies that rely on natural fuels, such as wind or wave. The fossil-fuel industry, and this industry alone, holds the power to change the physics and chemistry of our planet. Until the late 1980s, almost no one knew the danger that carbon dioxide was causing. But now that we understand that carbon is heating our planet, pollution caused by human beings has become the most important global issue. We cannot afford to keep pouring unlimited waste into the air every day.

If there is no limit as to how much fossil fuel we burn, we will head towards 6C of warming inevitably. As a result, billions of people and environment, wildlife, agriculture, infrastructure, property and insurance sectors will all be adversely affected.

[The Independent, 08/09/2012]

Sun to power green monorail

In the global world, transport systems are efficient but increasingly being held responsible for degrading the environment in urban areas. Petroleum meets 95 percent of energy needs but environmental reports show that this industry contributes about 20 to 25 percent of energy consumption and carbon dioxide emissions of the world.

Another study of effects of greenhouse gases also indicates that emissions from the transport sector in the past few years have been much higher than those from other industries, with road transport being a major contributor to local air pollution. It is argued that the reason for this is that there has been a rapid and huge expansion in the transport sector and therefore the pollution index has risen.

Furthermore, there is still the serious issue of carbon emissions from power plants, if renewable energy is not used for power generation. Air pollution, such as carbon emissions, and global warming will continue unless the energy sector more widely and quickly adopts renewable energy sources.

A research group led by scientists of the department of mechanical engineering at the University of Hong Kong has demonstrated an innovative design for a solar powered light monorail system. A prototype was designed, manufactured and tested using electricity generated by a solar photovoltaic panel. Research findings also indicate that the concept is feasible and that the government should consider it when designing the new monorail system proposed for the Kai Tak project. Compared with traditional systems, the new design is also lighter, safer, more space-saving, has T-shaped tracks, and causes much less wheel noise.

[Hong Kong Standard, 11/09/2012]

Companies believe climate change is threat to business

Some prominent companies are increasingly concerned that their businesses are at risk from climate change, in view of recent extreme weather events, such as drought and floods.

According to the latest *Carbon Disclosure Project (CDP) Global 500* report, about 37% of the respondents see the physical risks of a changing climate as a real and present danger, up from just 10% two years ago. About 81% of respondents pointed out that climate change is a risk to their business operations, supply chains and plans, up from 71% last year. Of 500 companies who responded to the CDP, 78% say that they are now integrating climate change into their business strategy, up from 68% last year.

According to past records, enterprises have been adversely affected by extreme weather events during the past decade, such as heat wave, drought and flooding. Extreme weather events are causing significant financial damage to markets and therefore investors expect companies to do something to create "climate resilience".

The report also suggests that the recent 14% reduction in emissions is due mainly to the global economic downturn. This reduction is equivalent to the closing of 227 gas-fired power stations. Some enterprises point to cost-cutting, such as staff redundancies, as a factor in lowering emissions. Unfortunately, the average target to reduce emissions among top companies is only 1%.

Professional services firm PwC warned that businesses need regulatory certainty from governments; but the U.K. government, for example, has neither enacted any ambitious legislation on climate change, nor set out any national emissions targets for enterprises to adhere to. Therefore, even with progress year on year, the reality is that the level of corporate and national ambition on emission reductions is still far from what is required.

[The Guardian, 12/09/2012]

Arctic sea ice at lowest recorded level

Arctic sea ice has shrunk to its smallest surface area since record-keeping began, taking the world into "uncharted territory" as climate change intensifies, US scientists warned.

Satellite images show the ice cap has melted to 3.4 million square kilometres as of Sunday, the predicted lowest point for the year. That's the smallest Arctic ice cover since record-keeping began in 1979, according to the National Snow and Ice Data Centre.

"We are now in uncharted territory." The centre's director Dr. Mark Serreze said. "While we've long known that as the planet warms up, changes would be seen first and be most pronounced in the Arctic, few of us were prepared for how rapidly the changes would actually occur."

Arctic sea ice expands and contracts seasonally, with the lowest extent usually occurring in September. This year's minimum followed a season already full of records for shrinking ice. In the last two weeks, the ice cover melted by more than 518,000 sq km, a large margin for summer's end.

Scientists use Arctic sea ice extent as a gauge of the overall climate. Despite year to year fluctuations from natural weather variations, the ice cap has shown a clear trend towards shrinking over the past 30 years, according to the Centre. "This year's minimum will be nearly 50 per cent lower than the 1979 to 2000 average," it said.

Environmental group Greenpeace lamented the announcement, expressing hope it would trigger a sense of urgency for action to slow the trend.

[SCMP, 21/09/2012]

ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

Summary of minutes of the 186th Meeting of the Advisory Council on the Environment held on 19 March 2012

Update on Air Quality Objectives (AQOS)

Members were briefed on ACE Paper 5/2012 concerning the proposed new AQOs and the package of air quality improvement measures for achieving the new objectives, which the government announced on 17 January 2012. Some points arising from the meeting are:-

- (1) Implementation of the new AQOs and the transitional arrangements requires amendment of the *Air Pollution Control Ordinance (APCO)* (Cap. 311). The government will table the Amendment Bill in the Legislative Council in the 2012-2013 legislative session and the new objectives are targeted for implementation in 2014. There will be a review every five years of the feasibility of tightening AQOs and the corresponding air quality management plans.
- (2) A member enquired as to the time frame for implementing the three Interim Targets (ITs) suggested by the World Health Organisation (WHO), possible impact on the electricity tariff particularly on domestic households arising from changing fuel mix to reduce emissions and whether there would be any complementary measures to assist low income groups in the community.
- (3) The government replied that the time frame for achieving the proposed new AQOs was dependent on such factors as progress in accomplishing the package of air quality improvement measures (e.g. vehicle replacement programme), and joint efforts with the Mainland in reducing emissions in Pearl River Delta (PRD). It was estimated in the AQOs Review that the proposal for increasing the share of natural gas to 50% of our domestic electricity generation would raise the electricity tariff by at least 20%. So far the measures to tighten control on emissions from electricity generation did not involve paying subsidies to any specified sector of the consumers.
- (4) A Member enquired about the feasibility of requiring ocean-going vessels (OGVs) to switch to cleaner fuels when they were approaching Hong Kong waters. He also asked if the government had any long-term time table for

implementing the new Air Quality Guidelines (AQGs) and whether administrative procedures could be adopted to expedite the process of implementing the new AQGs.

- (5) The government explained that it had given OGVs a higher priority to switch to lower sulphur at berth rather than when entering Hong Kong waters, as the latter would involve setting up an Emission Control Area (ECA) which was subject to approval by the International Maritime Organisation (IMO). The process of setting up an ECA would be lengthy, including completion of a number of studies. Moreover, Hong Kong will have to liaise with Guangdong, because of the small area of Hong Kong waters. Consent of Beijing is also necessary, as Hong Kong is not an official member of IMO.
- (6) As regards the time frame for achieving the WHO AQGs, the government said that it was not feasible to specify a timeline because attainment would also be contingent on joint efforts in improving the regional air quality. Regarding the question of using administrative means to effect the updated AQOs, the government explained that although the *Air Pollution Control Ordinance* requires the government to promulgate the new AQOs by issuing a Technical Memorandum, the promulgation itself was a legal process.
- (7) The question was asked that if there were wide gaps between Hong Kong's new AQOs and those of Mainland counterparts, which would apply to our efforts in combating air pollution and cleaning up the air in Hong Kong and across the whole PRD region. The government replied that the Mainland had recently revised national air quality standards for implementation in 2016. Several pilot provinces/cities, including Guangdong, would plan to advance the implementation time frame. The revised air quality standards of the Mainland were comparable to Hong Kong's standards, although a few standards were slightly more lenient than those proposed in Hong Kong, such as the Respirable Suspended Particulates, or PM10. The government assured Members that the Mainland had a firm commitment to working with Hong Kong to improve the air quality of the PRD region. In this regard, both sides were working on the post-2010 emission reduction arrangement for the whole PRD region.
- (8) Legislation implementing the new AQOS will also set a grace period of 36 months during which a project proponent may apply for variation of the EP without having to comply with the new AQOs. The government said that the 36 months grace period (following commencement of the Legislation) was a balance between applying the new AQOs to all projects and giving certainty to those projects that had already commenced. In response to the Chairman's call for government's commitment to adopt the new AQOs for those government projects that had not yet started their EIA studies before the corresponding legislative amendments became effective, the government explained that it would endeavour to do

so. The Transport and Housing Bureau and Hong Kong Airport Authority had already announced that they would adopt the new AQOs when planning the third runway for the Chek Lap Kok International Airport.

- (9) Concerning the alleged health risks associated with the current AQOs, the government said that the outcome of a health risk assessment depended heavily on its assumptions. However, the underlying factor should be the air pollutant trends. In this regard, there had been a consistent drop in the level of air pollutants in Hong Kong except for roadside Nitrogen Oxides. The reduction in air pollutant levels should reduce the health risk to the public.
- (10) It was concluded that ACE was supportive of the proposed new AQOs and would like to see the government demonstrating its commitment to improving air quality by adopting the new AQOs as soon as practicable. ACE also supported the government's plan to work closely with the Mainland for further regional emissions reduction.

Summary of ACE Paper 7/2012 on North East New Territories New Development Areas Planning and Engineering Study Stage Three Public Engagement

The Recommended Outline Development Plans (RODPs) was formulated for the Kwu Tung North (KTN), Fanling North (FLN) and Ping Che/Ta Kwu Ling (PC/TKL) New Development Areas (NDAs) under the North East New Territories New Development Areas Planning and Engineering Study (the Study).

After consulting with the public on the Preliminary Outline Development Plans (PODPs) of the NDAs in early 2009 and early 2010, the RODPs have been amended, including the following changes:

(1) Designating Long Valley as Nature Park

Some 37 hectares of land in the core area of Long Valley, which is of high ecological value, are designated as a Nature Park to be created by the government as part and parcel of the NDAs project. The park will become a "green lung" contributing to a quality living environment for the KTN and FLN NDAs. It will conserve and enhance the ecologically important environment which supports a diverse bird community, and compensate to some extent for the wetland's loss caused by the NDAs. A visitor centre will be provided in the southern end of the park to demonstrate the ecological importance of Long Valley. As the ecological value of this area is closely related to existing farming practices, part of the Nature Park may allow such use based on guidelines and requirements to be prescribed by the government. The Nature Park will showcase the harmonious blending of farming activities with nature conservation. The "Agriculture" zoning of the land in the north and south of the Nature Park will be retained to allow continuation of the current use.

(2) Pursuing greener living environment

(a) Rail/Public transport based development

Under the rail-based development approach, more than 80% of the population in the KTN NDA will reside within 500 m of the proposed railway station. Similarly, for the FLN NDA, populations will concentrate mainly around the public transport nodes to reduce road traffic. This concept will be supplemented by a comprehensive pedestrian and cycling network with supporting facilities, such as cycle parking areas, to promote walking and cycling.

(b) Reuse of treated sewage effluent (TSE) for non-potable purposes

Reuse of TSE will have a positive contribution to conserving water and reducing water pollution. Preliminary assessment has demonstrated the cost-effectiveness of using TSE for non-potable purposes, such as toilet flushing and landscape irrigation.

(c) Better urban design and more greenery

Breezeways along major prevailing wind directions will be provided to allow effective air movement in the NDAs. View corridors are also planned to protect long-range views towards the green backdrop and other natural scenery. A comprehensive open space system is planned to provide greenery and reduce the heat island effect.

(3) Improving transport network to minimize noise and air pollution

(a) The planned Kwu Tung Station on the Lok Ma Chau Spur Line will enhance the accessibility of the Kwu Tung area, serving new residents in the NDA and also residents in nearby areas.

(b) In the KTN NDA, an outer ring road is proposed to connect Fanling Highway at the east and west sections to create a car-free environment in the town centre. Land is also reserved for a proposed road connecting to the Lok Ma Chau Loop development.

(c) In the FLN NDA, the proposed Fanling Bypass running along the northern bank of Ng Tung River at some distance from the residential clusters of the NDA (between Fanling Highway near Wo Hop Shek Interchange and Man Kam To Road) will help to improve traffic conditions in the Fanling and Sheung Shui areas.

(d) In the PC/TKL NDA, a new road will be constructed to link to the future Liantang/Heung Yuen Wai BCP connecting road to provide convenient and direct connection to Shenzhen and other parts of Hong Kong.

(4) Increase in development intensity to better meet long-term housing needs

In response to some respondents' suggestion in PE2 to increase the supply of flats to satisfy housing needs, plot ratios in the "Residential Zone 2" ("R2") and "Residential Zone 3" ("R3")

sites in the KTN and FLN NDAs have been increased from 3 to 3.5 and from 1 to 2 respectively in the RODPs. This will result in an estimated increase of about 8,000 flats, thus bringing the total number of flats from 45,800 to 53,800, as per the RODPs.

(5) More robust zonings to promote economic development

Taking advantage of their proximity to a number of existing and new boundary control points (BCPs) and Shenzhen, the NDAs will serve to meet different strategic land use requirements. A cluster of "Commercial, Research and Development" sites (about 14 hectares) along Fanling Highway in the KTN NDA has potential to be developed into various types of office and research uses. In the northwestern part of the KTN NDA, about 10 hectares will be reserved for research and development uses. The Special Industries Area in the PC/TKL NDA (about 36 hectares) will provide development space for high value-added, non-polluting special industries, logistic uses, as well as the Six Industries in which Hong Kong enjoys clear advantages.

(6) Mixture of different housing types

A balanced housing mix will help create a socially integrated community. With this in mind, some 43% of the new residential units will be public rental housing and the remaining 57% will allow for various types of private housing. Higher density public and private housing developments will be concentrated near the railway station in the KTN NDA and the public transport interchanges in the two centres of FLN NDA, which can easily be connected to the existing Fanling and Sheung Shui railway stations. Medium to low density private housing will be developed in the fringe areas of the KTN NDA, along Ng Tung River in FLN and in the southern part of the PC/TKL NDA. Land has also been reserved in the RODPs for a comprehensive range of commercial, retail, open space and government, institution and community uses.

REGIONAL & INTERNATIONAL

CHINA

Urbanisation in Guangzhou

A seminar among experts on the Guangzhou city functional layout was held recently in Guangzhou. The secretary of the CPC Guangzhou Municipal Committee said that city authorities should implement a new urbanisation plan in accordance with the decisions of the 10th Municipal Congress of Communist Party of China. Research of new urbanisation methods employed elsewhere are under way, and experts were invited to comment on the development. All municipal delegates and the municipal government will then formulate policies and action plans for urbanisation.

According to the Outline of the Plan for the Reform and Development of the Pearl River Delta, Guangzhou is to be positioned as a national city centre. It was said that there is no precedent, path or method to be followed in developing Guangzhou city. In

deciding how Guangzhou city should develop, a number of factors need to be taken into account, such as the size, population, history, influence, and sustainability of the city.

It was emphasised that a functional layout must follow the "three key points" and the "three principles". The "three key points" are: (i) to position Guangzhou city as a national city centre, to compete with other cities on behalf of the country, and to serve adjacent cities, provinces and the whole country; (ii) to develop the layout plan in accordance with the "humanity principle", and (iii) to implement and demonstrate in-depth the layout plan with regard to local circumstances. The "three principles" are: (i) the humanity principle: the development and the infrastructure shall reflect elements of humanity; (ii) the alternate development principle: the development shall be a consolidated project while preserving unique characteristics and advantages of each regions; and (iii) the inclusion principle: top technology, resources and human resources shall be utilised in the process of city development.

The Institute for Urban and Environmental Studies Chinese Academy of Social Sciences suggests a Guangzhou-Foshan-Dongguan transport circle be formed, linking the two special administrative regions and the Southeast Asia.

[Guangzhou Daily, 18/06/2012]

Deadly Beijing floods prompt infrastructure questions

Fierce winds and rain lasting for several hours have exposed Beijing's drainage system to criticism.

Due to heavy flash flooding, hundreds of flights were cancelled and numerous roads flooded, leaving cars and people stranded at transport hubs. Fortunately the traffic returned to normal two days later, when the storm had passed.

The impacts of the flood, which were exacerbated by the existing poor drainage system, were the subject of fierce criticism from Weibo participants. The government was described as unreliable and government officials were criticised for being unprepared for the storm. Compared to the drainage system of the Forbidden City, which proved to be able to cope with the storm and its effects and kept the national monument relatively dry, many areas in Beijing were extensively flooded, causing 37 deaths and RMB 10 billion economic losses. The flood also necessitated the evacuation of 60,000 people from their homes.

[BBC News China, 23/07/2012]

ASIA

Asia flood disasters a warning signal for city planners

Rapid urbanisation increases the risk of weather-related tragedies. Recent examples are the heavy floods in Manila, Beijing, and Bangkok.

Such natural disasters are a result of climate change and rapid massive urbanisation occurring without proper infrastructure being established first. Climate changes are triggered by carbon emissions, which have increased five times as fast in Asian cities

compared to the world average. It is believed that emissions will triple by 2050.

Economic growth in Asia, on the one hand, is eliminating poverty, but on the other hand is creating a vulnerable slum population. Without proper infrastructure, more than 350 million Asians are likely to suffer from inland flooding by 2025. Approximately 400 million will be vulnerable to coastal flooding. To combat these risks, the Asian Development Bank has urged cities to focus on promoting environmentally friendly planning and technology, and boosting energy efficiency. One option is to build efficient mass transit systems to reduce dependence on fossil fuels.

[Voice of America, 15/08/2012]

EUROPE

IKEA to create urban areas

IKEA, a Swedish furniture giant, is planning to build a new district in East London. A 40-metre tower landmark has already been constructed, but most of the area at present consists only of a 10.5-hectare of industrial wasteland, surrounded by a green fence.

Under the plan, the London project will have 1,200 rental homes, 40% of which will be for families. There will also be offices, restaurants, a hotel and other businesses. Streets will be designed for pedestrians and cyclists. Cars will be parked in underground parking lots.

IKEA has been working on similar projects in Poland, Latvia and Romania, and is stretching its tentacles to Hamburg in Germany. The features of the London project may give us a taste of how the future Hamburg project will look. Among IKEA's planned projects, a new hotel chain will be established. The first hotel, in Germany, is scheduled to open in 2014.

[Spiegel Online, 23/08/2012]

SOUTH AFRICA

Dialogue on rural development

The Department of Rural Development and Land Reform (the "DRDLR") has published its Comprehensive Rural Development Programme (the "CRDP"). The DRDLR was assigned by the South African government to be responsible for rural development.

The CRDP is a 3-phase project: phase 1 focuses on meeting basic human needs; phase 2 sees investment in large-scale infrastructure as a driver of entrepreneurial development; and phase 3 involves promoting SMMEs and village markets with the aim of encouraging the emergence of entrepreneurs.

The CRDP has focused on several pilot sites. A development project starts with a visit to the local tribal chief. Government officials obtain information about the poverty conditions of the area. Officials then will consult community elders and conduct surveys of the area. The CRDP also sends young people from rural areas to life-skills training at various colleges. The young people will then apply their skills to conduct participatory rural activities in their villages. They are encouraged also to research the history of the community e.g. change of land use, water and climate.

Critics have commented that DRDLR, having land reform as part of the department's mandate, is actually promoting land reform as its central aim via the CRDP.

[AllAfrica, 05/09/2012]

NORTH AMERICA

Tree deaths linked to climate change

A study of a common tree in North America, the aspen, reveals that these trees suffering from the disease known as "trembling aspen" do so when there are unusually hot and dry conditions, which are believed to be triggered by climate change. The main cause of climate change is the rising levels of greenhouse gases in the atmosphere.

The extended adverse effects of climate change are easily observable as grasses, wild flowers and species disappear once the dominant tree species in a forest has gone or been severely degraded. Thirty per cent of North America is covered with trees, absorbing 25% of the region's greenhouse gases. Trees also help to hold the soil in place, purify water and provide wildlife habitat. When trees die, the ecology and hydrology of a forest change, which results in insect infestation, increased fire risks, and even long-term shifts in the area's dominant species.

Changing the landscape of forests has a significant impact on people as well. Forests help stabilise the climate and store carbon. If forests die out, climate change accelerates, and a vicious cycle ensues. Facing this risk, ecologists and scientists propose wide scale forest monitoring.

[Voice of America, 11/09/2012]

WWF WELCOMES APEC'S STANCE ON WILDLIFE TRADE

Following a pledge by world leaders at the Asia-Pacific Economic Cooperation (APEC) meeting to better combat the illegal trade in wildlife and timber products, WWF issued the following statement :

"Wildlife trafficking is a global crime wave that in its wake is pushing wildlife populations to the brink of extinction, with thousands of elephants and rhinos being slaughtered each year to meet demand for illegal wildlife products. Customs and law enforcement efforts must be expanded to combat the growing criminal syndicates that smuggle contraband across borders by land, sea and air, and that make illicit profits available to finance other illegal activities, such as corruption, money laundering and arms and drug trafficking.

We hope that Sunday's pledge will turn into real action on the ground to protect these endangered species – and that this happens before it's too late because this problem is only growing."

In their Leaders' Declaration, APEC leaders made the following declaration :

"We are concerned by the escalating illicit trafficking in endangered and protected wildlife, including marine resources, and associated products, which has economic, social, security, and environmental consequences in our economies. We commit to strengthen our efforts to combat illegal trade in wildlife, timber, and associated products, to implement measures to ensure

sustainable marine and forest ecosystems management, and to facilitate sustainable, open, and fair trade of non-timber forest products. We will take meaningful steps to promote sustainable management and conservation of wildlife populations while addressing both the illegal supply and demand for endangered and protected wildlife, through capacity building, cooperation, increased enforcement, and other mechanisms."

The Manager of WWF's Global Species Programme added :

"Through the Leaders' Outcome Statement, APEC countries such as Thailand, Viet Nam and China have all committed to escalate efforts to combat illegal trade in wildlife, including through improved enforcement and reducing demand. These three Asian countries are all key markets and consumer countries for illegal African elephant ivory and rhino horn. This commitment at the highest political level must be turned swiftly into enhanced and concrete actions in order to help Africa preserve its natural resources of elephants and rhinos."

[WWF Press Release, 10/09/2012]

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Convictions under environmental legislation:
June to September 2012 (October 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:

June 2012

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

Ten of the convictions were under the Air
Pollution Control Ordinance, 12 under the
Dumping at Sea Ordinance, 15 under the Noise
Control Ordinance and 11 under the Waste
Disposal Ordinance.

The heaviest fine in June was \$30,000, assessed
against a company that caused another person to
import controlled waste without a permit.

July 2012

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

Six of the convictions were under the Air
Pollution Control Ordinance, 1 under the
Environmental Impact Assessment Ordinance, 2
under the Noise Control Ordinance, 1 under the
Ozone Layer Protection Ordinance, 9 under the
Waste Disposal Ordinance and 1 under the Water
Pollution Control Ordinance.

The heaviest fine in July was \$20,000, assessed
against a company that constructed or operated a
designated project without an environmental
permit.

August 2012

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

Twelve of the convictions were under the Air
Pollution Control Ordinance, 14 under the Noise
Control Ordinance, 1 under the Ozone Layer
Protection Ordinance, 10 under the Waste
Disposal Ordinance and 3 under the Water
Pollution Control Ordinance.

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

September 2012

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

Seven of the convictions were under the Air
Pollution Control Ordinance, 2 under the
Hazardous Chemicals Control Ordinance, 16
under the Noise Control Ordinance, 1 under the
Ozone Layer Protection Ordinance, 9 under the
Waste Disposal Ordinance and 4 under the Water
Pollution Control Ordinance.

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

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