

URBAN PLANNING AND
**ENVIRONMENTAL
 LAW REPORT**

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This issue features a discussion of the use of economic instruments for environmental control in Hong Kong with special reference to the levy of a charge on trade effluent. This is, in fact, a summary of part of a dissertation entitled *Legal and Economic Aspects of Market-Based Environmental Controls in Hong Kong and Elsewhere* submitted by Mr. Philip Lee Sui-On in 1993 for the degree of Master of Science (Environmental Management) at the University of Hong Kong which won the Fred Kan & Co. prize for the best dissertation relating to environmental law and policy. Due to space limitations we have only summarised those parts of the dissertation relating to the use of economic instruments for environmental control and the system of charges on trade effluent in particular.

Included in this issue is an application form for membership of the newly established Hong Kong Environmental Law Association and a notice of its first meeting. We encourage readers to become members of this association which is designed to promote and increase awareness of environmental law issues in Hong Kong.

· CONTENTS ·

	<i>Page</i>
FEATURE: <i>Market-Based Environmental Controls in Hong Kong</i>	1
LEGISLATION DIGEST	3
CASELAW UPDATE	4
HONG KONG BRIEFING	5
Environment and Public Health	5
Planning & Land Use	6
REGIONAL AND INTERNATIONAL	6
NEW PUBLICATIONS	4
DIARY	4
Prosecution Statistics: 1993	7
ABBREVIATIONS	8
Contributors	8

Market-Based Environmental Controls in Hong Kong

Traditionally, governments have implemented environmental policies through a 'command and control' system, that is, by direct regulation coupled with monitoring and sanctions for non-compliance. Although this approach can be effective in limiting emissions of pollutants it typically does so at relatively high financial cost to society.

In contrast to the command and control system which makes mandatory particular forms of behaviour or specific technological choices, market-based environmental control utilise the market pricing system to ensure that scarce environmental resources are protected and used efficiently and allow more flexi-

bility in how the environmental goal is reached.

Many have argued that the use of economic instruments brings about improved cost effectiveness, provides an incentive to reduce pollution and stimulate technical change, and provides greater flexibility in choice of pollution control measures. At the same time, it also provides an important source of revenue to finance environmental policy.

Wider use of market incentives for achieving environmental goals is on the agenda of many governments in both industrialised and developing countries. In Hong Kong, the command and control system has been the major approach to environmental regulation but there is, in fact, much room for Hong Kong to make more exten-

sive use of economic instruments to control pollution. Such instruments as construction waste disposal charges, trade effluent charges, deposit refund systems for returnable and recyclable containers, and product charges for plastic bags will likely complement the existing direct control approach.

One area ripe for trial in Hong Kong is the control of trade effluent. Many countries, including Singapore, Germany and China, levy fees on dischargers of effluent which exceed specified limits set on both the quantity and quality of the effluent. A comparative study is instructive of the potential to levy trade effluent surcharges in Hong Kong.

These schemes operate by collecting and analysing samples of effluent on a regular basis and calculating a charge on the basis of the concentration of pollutants and the volume of effluent. The charge is designed to recover from the discharger the cost of treating industrial effluent to domestic sewage quality. The appropriateness of such a scheme has to satisfy five criteria. It will be seen that these criteria may be easier to satisfy in theory than in practice.

First, it must be effective in achieving specific environmental objectives. A well designed system will promote the minimisation of waste at source, conservation of water and recovery of raw materials. It will also promote pre-treatment when it is economically advantageous but pre-treatment decisions will also be influenced by the legal and financial implications of not pre-treating, availability of labour and space to install and operate a treatment system.

Charges should not be set too low because of opposition from

the target group (discussed below) and charges must work in tandem with direct controls so that polluters cannot opt out of control and discharge at unacceptable levels. Moreover, to ensure that the charge is effective the amount will have to be periodically revised and this will conflict with the business sector's desire for predictable costs. Revision is also impractical for investment in pollution control is 'lumpy' and cannot easily be 'fine-tuned' when the charge increases to encourage greater treatment.

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Secondly, the surcharge scheme must be economically efficient in that the compliance costs associated with a given environmental objective are minimised. The scheme should give the discharger some flexibility to choose the most cost-effective treatment method, pre-treatment or centralised treatment, because in some cases effluent can be more efficiently treated in big centralised treatment plants than in pre-treatment installations.

Thirdly, the surcharge scheme should result in an equitable allocation of costs. Users should pay for treatment services in proportion to the cost burden they impose on the treatment system. Since some industries place a disproportionate burden on sewage treatment facilities the charge scheme should be structured so that high-strength dischargers are not subsidised by other industrial or commercial

and residential users.

On the other hand, where high-strength effluent attracts charges regardless of pre-treatment or other abatement and regardless of an industry's financial situation, product demand and the ability to pass additional costs onto the consumer, the surcharge scheme may decrease competitiveness and ultimately force an industry to relocate out of Hong Kong. The impact of charges on the inflation rate is a further implication of the surcharge system.

Fourthly, the surcharge scheme must be administratively feasible and cost effective to operate. Administrative efficiency is affected by the rate formula, the monitoring requirement, the degree to which target groups are covered and the collection mechanism. The rate formula must strike a balance between an administratively complex and thus expensive system which pinpoints all relevant pollutants to allow fine-tuning and a system which is manageable and cost-effective.

Monitoring costs are very high but can be minimised by various means. These include discharge measurements deemed on the basis of the coefficient of certain heterogeneous sectors of industry, self-monitoring and combining monitoring for surcharges with existing monitoring for discharge licensing.

Finally, the surcharge scheme must be acceptable to the target groups. A survey conducted in Hong Kong in 1991 showed that 41% of the general public were willing to pay extra taxes for environmental protection whilst 37% were unwilling to do so. The public may therefore support the government in introducing trade effluent charges which will indirectly lead to higher prices.

Environmental groups are supportive of the 'polluter pays' principle and the use of economic instruments to regulate the environment. There has also been support from political parties in Hong Kong for the Strategic Sewage Disposal Scheme but experience in other countries is that party support may waiver under attack from the business community.

Industry who have for many years become used to discharging effluent for free will perceive the surcharge as an additional financial burden, especially water intensive industries such as bleaching and dyeing. Here, competitive disadvantage may force some industries out of business. However, the Federation of Hong Kong Industries has accepted the 'polluter pays' policy behind the surcharge system.

To defuse further opposition from industry measures can be taken to avoid excessively rapid increases in financial burdens, such as starting with low charges and raising them progressively and providing financial assistance to some factories to install pre-treatment facilities.

A trade effluent surcharge system will be useful in complementing traditional direct regulatory control but the implementation of the system is by no means simple as there are a number of obstacles to overcome to ensure its economic and administrative efficiency and equity and acceptance of its application, not to mention the need to amend existing water pollution control legislation.

Philip S.O. Lee

Digest of LEGISLATION

(This digests Legal Supplements to the GAZETTE No. 46/19 November 1993 to No. 2/9 February 1994)

AIR

Air Pollution Control (Specified Processes) (Removal of Exemption) Order (L.S. to GAZETTE No.47/26 November 1993 p.B1686) By removing an exemption with effect from 21 November 1994 this Order makes it a requirement for the owners of four types of specified processes to be licensed under s.13 of the Ordinance.

Air Pollution Control (Amendment) (No.2) Bill 1993 (L.S. to GAZETTE No.47/26 November 1993 p.C1445) This Bill amends the Air Pollution Control Ordinance so that the notification requirement applies to the owners of premises used for specified processes, to supplement existing controls on the supply and sale of petrol and diesel fuel for motor vehicles and to prepare for the reenactment of existing sections on unleaded fuel into the proposed Air Pollution Control (Motor Vehicle Fuel) Regulation.

LAND USE PLANNING

New Territories Land (Exemption) Bill (L.S. No.3 to GAZETTE No. 46/19 November 1993 p.C1436) The object of this Bill is to provide for the exemption *ab initio* of most non-rural landholdings in the New Territories from the application of Part II of the New Territories Ordinance (Cap. 97) and thus from the special registration provisions for and restrictions of customary rights affecting such land.

Hong Kong Airport (Control of Obstructions) (Amendment) Bill 1993 (L.S. No.3 to GAZETTE No. 51/24 December

1993 p.C1561) This Bill is to amend the Hong Kong Airport (Control of obstructions) Ordinance by adding a definition of 'Hong Kong Airport' to include the existing Hong Kong International Airport and the airport to be built at Chek Lap Kok. It also adds a definition of 'Secretary' to mean the Secretary for Planning, Environment and Lands. It is another step towards the relaxation of height restrictions in Kowloon in anticipation of the closure of Kai Tak Airport.

Port Control (Public Water-Front) (No.3) Order 1993 (L.S. to GAZETTE No. 52/31 December 1993 p.B1897) Declares an area of unleased Crown land situated at Tuen Mun Typhoon Shelter and the adjoining waters to be a public water-front; repeals an earlier Order (L.N. 285 of 1992) which declared an area of unleased Crown land situated at Tai Lam Kok in Tai Lam Chung and the adjoining waters as a public water-front.

NOISE

Noise Control (Amendment) Ordinance (L.S. No.1 to GAZETTE No. 2/14 January 1994 p.A15) Makes miscellaneous amendments to the **Noise Control Ordinance** (Cap. 400) including the relaxation of licensing of the use of powered mechanical equipment on domestic premises, designating special areas where technical memoranda on noise emissions will apply, provisions on noisy products, appeals against decisions with respect to noise permits, and doubling existing fines for noise offenses.

PUBLIC HEALTH

Pneumoconiosis (Compensation) Ordinance- Resolution of the Legislative Council (L.S. to GAZETTE No.49/10 December 1993 p.B1786) This resol-

ution increases the funeral expenses and expenses for medical treatment specified in the **Pneumoconiosis (Compensation) Ordinance (Cap.360)**.

Quarantine and Prevention of Disease (Amendment) Ordinance 1993 (L.S. No.1 to GAZETTE No. 49/10 December 1993) amends provisions of the **Quarantine and Prevention of Disease Ordinance** with respect to the definition of infectious diseases and their control.

Smoking (Public Health) (Notices) (Amendment) (No.2) Order (Amendment) (No.2) Order 1993 (L.S. to GAZETTE No. 50/17 December 1993 p.B1838) This order amends the **Smoking (Public Health) (Notices) (Amendment) Order 1992** (L.N.413 of 1992) by adding transitional provisions in respect of health warning and tar group designations to be borne on cigarette packets, retail containers of cigarette packets and containers of cigarette tobacco.

Smoking (Public Health) (Notices) (Amendment) (No.2) Order 1992 (Ln.413 of 1992) (Commencement) (No.2) Notice 1993 (L.S. to GAZETTE No. 50/17 December 1993 p.B1841) Appoints 17 December 1993 as the day on which the provisions of Order a) section 3; b) the part of section 7 that repeals and substitutes Parts I and II of the Schedule to the principal Order; and c) section 8 come into effect; and appoints 1 January 1994 the day on which the remaining provision of Order come into operation.

WATER

Water Pollution Control (Amendment) Ordinance 1993 (L.S. No.1 to GAZETTE No.47/26 November 1993 p.A1088) This is the second major amendment to the **Water**

Pollution Control Ordinance (Cap. 358). The Bill, which was first read in LegCo in 1992, was digested in January 1993 and discussed in the following issue. It should be noted that fines for water pollution have been increased but not to the extent first proposed in the Bill.

MISCELLANEOUS

Interpretation and General Clauses (Amendment) (No.2) (L.S. No.1 to GAZETTE No. 50/17 December 1993 p.A1154) Miscellaneous amendments to the **Air Pollution Control Ordinance**, **Water Pollution Control Ordinance** and **Noise Control Ordinance** are made.

Declaration of Change of Title (Environmental Pollution Advisory Committee) Notice 1994 (L.S. to GAZETTE No.2/14 January 1994 p.B128) The title of the **Environmental Pollution Advisory Committee** is now changed to the **Advisory Council on the Environment**. Subsequent amendments are made with reference to the former title in certain enactments and in any instrument, contract or legal proceedings made or commenced before 1 January 1994.

New Publications

Environmental Law in Hong Kong: Problems and Prospects (G. Heilbronn ed.) Hong Kong: Faculty of Law, University of Hong Kong 1993 \$60. 117pp.

This collection contains seven essays on mostly legal aspects of the environment presented at a series of seminars at the University of Hong Kong. Copies may be obtained from the Faculty of Law by calling 8592951 or faxing 5593543.

CASELAW Update

Chan Chi-Kuen v. R. (Magistracy Appeal No. 91593 of 1993) (This is based on a report in the SCMP on 29 January 1994. At the time of going to press Mr. Justice Keith's written decision had not yet been handed down. We will provide a full commentary in our next issue. eds.)

On an appeal from Magistrate Betty Kwan's decision to fine him \$10,000 for discharging prohibited effluent into a common sewer, Keith J. reduced the fine to \$5,000 and quashed the sentence of three months' imprisonment in default of payment of the fine.

Keith J. said that the magistrate at Tuen Muen, along with other judicial officers, had attended a talk at the EPD and learning the importance of controlling water pollution had imposed a deterrent sentence on the defendant.

The learned justice said that the magistrate did not inquire into Chan's ability to pay and she was not empowered to respond to the EPD's call for deterrent sentences. He said it was a matter for the courts alone to decide whether a deterrent sentence was necessary and it was not a common practice for such a punishment to be imposed for a first offence.

Diary

(See DIGEST OF LEGISLATION for details.)

17 December 1993: certain parts of the **Smoking (Public Health) (Notices) Order 1992** came into effect.

1 January 1994: EPCOM's name changed to **Advisory Council on the Environment**. Remaining parts of **Smoking (Public Health) (Notices) Order 1992** came into effect.

HONG KONG Briefing

ENVIRONMENT AND PUBLIC HEALTH

HOSPITAL incinerators at Hong Kong's hospitals fail to meet the safety Standards of the EPD in terms of dioxin gas control. Public concern was aroused as hospitals are often located near residential areas, meaning residents could be at risk the incinerators are not properly operated. Two hospitals, Kowloon Hospital and Kwong Wah already have been taken to court for emitting dark smoke. The Hospital Authority has until 1997 to decide whether to upgrade or shut down its incinerators because they were awaiting advice from other government departments. In the interim, they have instructed hospital staffs to properly handle and burn medical waste. (SCMP 13 Dec. 1993)

LOCAL study conducted by the University of Hong Kong showed that breathing problems among children have improved since controls were put on factory chimney fumes. However the gains were negated for children of families who smoke. The study noted that children living near industrial areas benefited in particular because they had shown higher levels of coughing, wheezing, sore throats and other ailments prior to the introduction of the controls. The EPD hoped to use the study results to bolster efforts to control vehicle emissions. (SCMP 17 Dec. 1993)

CONVICTION was found against a paper recycling firm for polluting water in the Deep Bay area. The company, Future's Safe Co. Ltd., which recycles waste paper into cardboard boxes, received the 1992

Governor's Award for Industry last December. However, it was later convicted 3 times for discharging polluted water. The reason, as pleaded by the company manager, was the malfunctioning of its water treatment system leading to contamination of waste paper bundles with other materials. (SCMP 30 Dec. 1993)

AIR QUALITY declines to unhealthy level in December 1993, the EPD reported. Low winds and stable weather were the aggravating factors because they trapped the pollutants and prevented them from dispersing. High levels of the pollutant can cause respiratory problems, including an increased risk of infection, the EPD warned. (SCMP 14 Jan. 1994)

SEWAGE CHARGES collected in the future will be prevented to be swallowed up in the Government's general revenue by the setting up of a special trading fund, legislative councillors proposed. The move would ensure the charges paid by households, industry and commerce were spent only on sewage services and not on other government projects. The fund will also be the clearing house for the Government's cash injection into sewage programmes to cover the capital costs of new sewers and treatment works. (SCMP 14 January 1994)

GREEN TRAINING for 40,000 students in Hong Kong, jointly organised by Friends of the Earth and the Body Shop will be launched between January and April 1994 aiming at raising the younger generation's understanding of environmental issues. The programme requires students to conduct a survey of 4 areas covering waste, energy, green consumerism and environmental awareness in their schools.

Prizes worth more than \$40,000 will be awarded to the three winning schools. (SCMP 17 Dec. 1993)

THE BIGGEST POLLUTERS on the road are found to be trucks instead of the taxis and smaller diesel vehicles presently targeted by the EPD. It is commented that the EPD might be targeting the wrong group and could have a bigger impact on air pollution if it went after truck emissions. But the EPD defended that taxis and other light diesel vehicles travelled most frequently on city streets which were bounded by high-rise buildings that trapped pollutants while large truck predominated in the more open New Territories. Nevertheless, green groups observed that trucks still travelled substantially in the city, particularly in industrial areas. (SCMP 17 Jan. 1994)

HK\$6.8 BILLION will be sought from legislators for a trading fund to reduce water pollution. The money will be used to sponsor the setting up of sewage collection, treatment and disposal system in the Victoria Harbour. However, the operational costs of the scheme would need to be supported by charging polluters fees. Nevertheless, the Liberal Party has signified its intention not to approve such a request because it says not enough information has been provided. They also questioned why money was requested in one lump sum when it would be spent in parcels over several years. (SCMP 22 and 28 January 1994)

RADIATION treatment centres were set up at two Hong Kong hospitals to cope with casualties in the event of an accident at Daya Bay nuclear plant. Specially equipped centres are found in Tuen Mun and Pamela Youde Nethersole Hospital to

deal with radiation caused by an explosion at the plant. (SCMP 2 Feb. 1994)

TONNES of toxic waste is still being dumped into Victoria Harbour notwithstanding the existence of a HK\$1.3 billion chemical waste treatment plant on Tsing Yi Island. Toxic, or chemical waste can enter the food chain and cause serious health problem in humans. It also corrodes sewers and contaminates mud on the seafloor. The EPD advised factories to send their waste to landfill, store it for pickup by Enviropace, the plants operator of the waste treatment plant, or treat it themselves. (SCMP 7 Feb. 1994)

PLANNING AND LAND USE

NEW LEGISLATION imposing heavy fines and jail against developers who fail to assess the environmental impact of their projects or take measures to minimize it will be introduced later this year. The proposed ordinance is intended to stop pollution before it starts by requiring developers to adjust their plans in the early stages. Environmental impact assessments are mandated to be carried out under the new ordinance and developers have to implement mitigating measures according to the result of the assessment. The maximum penalty is expected to be HK\$200,000.00 fine plus 6 months jail. (SCMP 22 Dec. 1993)

POPULATION is reported to have boom to more than six million and the Government may have to speed up its programme to release land for housing. Census and Statistics Department figures show that 117,800 more people came into Hong Kong last year, raising the population to

6,019,900. Government planning strategy, basing on a conservative estimate of 6.47 million people crowding into Hong Kong by 2011, would need adjustment. (SCMP 22 February 1994)

A STEEL PLANT should move from Tsang Kwan O to Tuen Mun for environmental reasons the Government has suggested. A funding request for HK\$650 million by the Government to pay for the relocation was rejected by the LegCo for it would allow the plant to profit by several billion dollars. (SCMP 22 Jan. 1994)

GOVERNMENT plans to turn the Kai Tak area into a new urban centre with a population of more than 250,000. Ideas of local surveyors aim at putting high value commercial and residential complex as served by light rail system in the Kai Tak district and turning the present ageing Kowloon City and San Po Kong areas into a satellite downtown comparable to Tsim Sha Tsui East, with shops and offices built over the existing runway and open area. 500 hectares of land is estimates to be occupied with the proposed reclamation at Kowloon Bay. (SCMP 3 Feb. 1994)

OLD LANDFILLS will be converted into parks, a public golf count, go-Kart tracks, an aviary and other recreational uses under contracts to be tendered by the end of this year. The recreational options include a park at the old Gin Drinkers Bay landfill, a go-kart circuit at Sin Land Shui, a plant nursery at Pillar Point, a sports complex and open theatre at Jordan Valley, and a public golf course and adventure play ground at Tsuen Kwan O. The cost of the project is expected to be around HK\$1.32 billion. (SCMP 22 Feb. 1994)

REGIONAL AND INTERNATIONAL

TAIWAN, ROC

Ban on Halon

In order to protect the ozone layer and to control Halon usage, the Fifth Convention of the Montreal Protocol resolved to ban the production of Halon products from 1 January 1994 and to require members to establish Halon banks as soon as possible. To comply with this resolution, the EPA proposed to establish a Halon Bank to contain the domestic spread of Halon, to establish an exchange system, to use resources more efficiently and to solve the issues resulting from the ban on Halon production.

Public Nuisance Dispute Resolution

In recent years, public concern with the quality of life and environmental issues has resulted in numerous controversies about public nuisance which environmental activists have attempted to solve.

Currently, a public nuisance may be remedied by: (1) seeking redress from the environmental protection authorities; (2) applying with the local Public Nuisance Committee or other local authorities for mediation; (3) claiming monetary damages with the courts; (4) pleading with administrative authorities through legislative representatives.

However, verifying public nuisance is technically difficult and involves a substantial expenditure of time and money. Sometimes such verification work cannot help handle disputes. Thus improper administrative decisions are made which may worsen the disputes.

Comparative Table of Environmental Convictions 1993

Air					
	Number	First Offence	Second Offence	Third+ Offence	Maximum Fine
Jan.	7	7	-	-	\$5,000
Feb.	12	8	2	2	\$15,000
Mar.	29	15	9	5	\$18,000
Apr.	18	9	6	3	\$13,000
May	27	19	3	5	\$20,000
Jun.	31	14	8	9	\$19,000
Jul.	21	11	5	5	\$18,000
Aug.	25	19	6	-	\$30,000
Sep.	17	11	2	4	\$20,000
Oct.	14	8	4	2	\$14,000
Nov.	5	2	3	-	\$5,000
Dec.	25	15	5	5	\$14,000

Waste					
	Number	First Offence	Second Offence	Third+ Offence	Maximum Fine
Jan.	1	1	-	-	\$1,000
Feb.	-	-	-	-	-
Mar.	1	1	-	-	\$3,500
Apr.	-	-	-	-	-
May	-	-	-	-	-
Jun.	1	1	-	-	\$2,500
Jul.	-	-	-	-	-
Aug.	4	4	-	-	\$2,000
Sep.	-	-	-	-	-
Oct.	1	1	-	-	\$5,000
Nov.	-	-	-	-	-
Dec.	-	-	-	-	-

Dumping at Sea					
	Number	First Offence	Second Offence	Third+ Offence	Maximum Fine
Jan.	-	-	-	-	-
Feb.	-	-	-	-	-
Mar.	3	2	1	-	\$7,500
Apr.	1	-	-	1	\$5,000
May	8	5	1	2	\$5,000
Jun.	1	-	-	1	\$1,500
Jul.	-	-	-	-	-
Aug.	8	3	2	3	\$4,000
Sep.	11	7	2	2	\$5,000
Oct.	4	2	-	2	\$4,000
Nov.	3	-	-	3	\$4,000
Dec.	2	-	-	2	\$5,000

Water					
	Number	First Offence	Second Offence	Third+ Offence	Maximum Fine
Jan.	10	4	3	3	\$25,000
Feb.	10	6	2	2	\$25,000
Mar.	16	11	2	3	\$30,000
Apr.	11	8	3	-	\$80,000
May	10	7	2	1	\$25,000
Jun.	6	3	1	2	\$50,000
Jul.	7	4	1	2	\$100,000
Aug.	11	6	3	2	\$80,000
Sep.	16	7	3	6	\$30,000
Oct.	11	9	1	1	\$30,000
Nov.	11	7	2	2	\$40,000
Dec.	7	4	2	1	\$60,000

Noise					
	Number	First Offence	Second Offence	Third+ Offence	Maximum Fine
Jan.	11	8	2	1	\$10,000
Feb.	15	9	5	1	\$25,000
Mar.	21	18	1	2	\$80,000
Apr.	17	13	3	1	\$25,000
May	27	25	1	1	\$20,000
Jun.	15	9	5	1	\$54,000
Jul.	21	18	1	2	\$30,000
Aug.	16	14	1	1	\$15,000
Sep.	8	6	1	1	\$20,000
Oct.	19	10	9	-	\$30,000
Nov.	23	19	3	1	\$50,000
Dec.	22	19	2	1	\$100,000

Ozone					
	Number	First Offence	Second Offence	Third+ Offence	Maximum Fine
Jan.	-	-	-	-	-
Feb.	-	-	-	-	-
Mar.	-	-	-	-	-
Apr.	-	-	-	-	-
May	-	-	-	-	-
Jun.	-	-	-	-	-
Jul.	-	-	-	-	-
Aug.	1	1	-	-	\$10,000
Sep.	-	-	-	-	-
Oct.	-	-	-	-	-
Nov.	-	-	-	-	-
Dec.	-	-	-	-	-

Total					
	Number	First Offence	Second Offence	Third+ Offence	Maximum Fine
Jan.	29	20	5	4	
Feb.	37	23	9	5	
Mar.	70	47	13	10	
Apr.	47	30	12	5	
May	72	56	7	9	
Jun.	54	27	14	13	
Jul.	49	33	7	9	
Aug.	65	47	12	6	
Sep.	52	31	8	13	
Oct.	49	30	14	5	
Nov.	42	28	8	6	
Dec.	56	38	9	9	

Source: EPD, Anti-Pollution Prosecution Figures

The EPA is therefore considering introducing strict liability for public nuisances or a better allocation of the burden of proof. It is also studying the feasibility of public nuisance insurance. All these efforts are aimed at providing a feasible system within which public nuisance disputes can be resolved so that people will not take their cause to the streets.

This report was written by Eddied Liu from Lee and Li, Attorneys-at-Law, Taipei.

ABBREVIATIONS

AFD	Agriculture & Fisheries Department
APCO	Air Pollution Control Ordinance
CFCs	Chlorofluorocarbons
EC	European Community
EPCOM	Environmental Pollution Advisory Committee
EPD	Environmental Protection Department
EXCO	Executive Council
FEER	Far Eastern Economic Review
HKU	University of Hong Kong
JLG	Joint Liaison Group
LDC	Land Development Corporation
LEGCO	Legislative Council
LS	Legal Supplement
NCO	Noise Control Ordinance
NT	New Territories
PAA	Provisional Airport Authority
PADS	Port and Airport Development Strategy
SCMP	South China Morning Post
SMP	Sunday Morning Post
WDO	Waste Disposal Ordinance
WPCO	Water Pollution Control Ordinance

This report does not constitute advice of a legal nature. Whilst all effort has been made to ensure completeness and accuracy at the time of publication, no responsibility is accepted for errors or omissions. Further information, inquiries and advice in respect of this report should be directed to:

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