



# URBAN PLANNING AND ENVIRONMENTAL LAW QUARTERLY

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**1st July 1997** ushers in a new and uncertain era for Hong Kong. This is no less so in the context of Hong Kong's environmental protection laws - and how effectively they are likely to be enforced. The main article in this Quarterly Report considers that issue.

## The Editors

### CONTENTS

Page

FEATURE: ARE HONG KONG'S ANTI-POLLUTION LAWS EFFECTIVELY ENFORCED? . . .	1
LEGISLATION DIGEST . . . . .	2
HONG KONG BRIEFING . . . . .	3
Planning and Land Use . . . . .	3
Environment and Public Health . . . . .	3
PADS UPDATE . . . . .	4
CASE LAW UPDATE . . . . .	5
REGIONAL AND INTERNATIONAL . . . . .	6
PROSECUTION STATISTICS . . . . .	8
ABBREVIATIONS . . . . .	8

### Are Hong Kong's Anti-Pollution Laws Effectively Enforced?

Beginning in the early 1980's, the Government of Hong Kong has enacted a comparatively sophisticated framework of anti-pollution laws. These are primarily *command/penalty* laws, in that they prescribe certain polluting activities, provide penalties for breach of the *command* provisions and allow, by licence, exemptions from the *command* provisions. Hong Kong has not yet legislated (at least not on a broad scale) anti-pollution laws based on the *incentive/inducement* format, whereby potential polluters are rewarded for opting for less polluting production methods. [The reaction the Government faced from the usual vested commercial interests when it attempted to phase out diesel fuel for motor vehicles is illustrative of the considerable difficulties it will continue to have in attempting to legislate for improvement of the environment].

Most of Hong Kong's anti-pollution laws authorise the Environmental Protection Department ("EPD") as the monitoring and enforcing agency. There is no provision for ordinary citizens to bring proceedings against a polluter, or against the EPD for failing in its job

to enforce the laws. Regrettably, government agencies have a generally poor record world-wide in effectively enforcing environmental legislation. A noted American environmental lawyer summed-up the problem as follows:

*Although many countries have adopted environmental laws that are intended to protect the environment, those laws are meaningless in the absence of effective enforcement. As a rule, agency enforcement is inadequate. Regulatory agencies are chronically understaffed, subject to political pressure, and often have agendas quite different from legislative agendas. Consequently, despite strong environmental laws and the best legislative intentions, environmental pollution continues to threaten public health in virtually every part of the world. Only through fundamental changes in the methods by which we regulate environmentally destructive activities can we have any hope that our children will inherit a liveable planet.* (Professor Mike Axline, ASHAIL Conference, H.K.U., June 1992).

In America the Federal Government has greatly reduced the dangers of reliance on government agencies for enforcement of its environmental laws by specifically empowering

citizens to prosecute offenders (as distinct from bringing proceedings for civil damages for personal loss or injury): e.g. *Clean Water Act 33 U.S.C.A. §1251 et seq.* A private citizen may also sue a government agency for failing to do its job: *Administrative Procedures Act §U.S.C. §706*. Indeed, since the earliest days (1969) of the now comprehensive American environmental legislation, a significant proportion (if not the majority) of America's important pro-environment programmes is the result of private citizens' litigation or representation rather than government agencies' initiative.

Whilst Hong Kong has no equivalent statutory *citizens' suits rights*, we do have - and always have had - various *common law* rights of action against polluters. Those *rights*, or *causes*, of action include, private and public nuisance, trespass and negligence. To our knowledge, no common law action has ever been brought by citizens or the Attorney General against polluters, even in the most blatant documented instances of persistent polluting activity.

There is no doubt that the lack of statutory citizens' suits rights will remain a weak point in the anti-pollution shield. Leaving aside that issue, what are the signs for effective agency enforcement of Hong Kong's environmental laws in the future? Firstly, the level of pollution of our air, water and land (the latter by way of, particularly, the ever increasing demand for rubbish land-fill sites, exacerbated by EPD's deliberate policy of refusing to implement recycling schemes until the land-fill areas appear to be running out) has dramatically increased since the anti-pollution laws were enacted. That is, in reality, the bottom line.

Secondly, if you consider the prosecution (i.e. convictions) figures of, say, the last two years they reveal only a marginal increase in overall prosecutions. In absolute terms, they show a surprisingly low rate of "strikes" by the EPD, given the enormous scale of polluting activities, so well documented by the EPD (to its credit) in its yearly reports, *Environment Hong Kong*. This is no doubt a legacy of the EPD's heavy emphasis on a policy of *educating*, rather than *penalising*, offenders (or potential offenders) which for many years was its preferred approach. Of course, education of the general populace to take better care of its environment is a laudable aim; but it is not a substitute for enforcement, particularly where the majority of the populace apparently cares little for such 'intangibles' as a clean environment (if it were realised and appreciated that the cost of, say, cleaning up Hong Kong's marine waters, would be many billions of dollars - as America and China, for example, have now discovered - perhaps the benefits of less polluting industries, sewage disposal etc would be recognised as *tangible*, in economic terms). And it must also be acknowledged that over the

years the EPD has been able to persuade many individuals to change their methods so as to come within statutory limits, without the need for prosecuting them.

Yet the EPD's preferred approach of consultation, advising and warning - when breaches of the law have clearly occurred or are occurring - must be questioned in view of Hong Kong's serious pollution problems, and the willingness of so many businesses to treat the moderate penalties imposed for environmental offences as simply another business cost.

Finally, effective enforcement depends not only on the EPD's policies and performance. The attitude of Hong Kong's judiciary to environmental offences is critical. The courts, principally the Magistrates Courts, impose the penalties. To date penalties have been, with the odd exception, very much at the lower end of the prescribed scale. The brief data published by the EPD each month (and included in the Quarterly Reports) bear witness to this. No doubt one of the reasons for this is that environmental offences are different to other criminal, or

quasi-criminal offences. Magistrates have no tariff guidelines or similar offences to guide them in assessing penalties. Nevertheless, in terms of ordinary sentencing principles, there appears to be something radically wrong in most magistrates' treatment of environmental offenders when the empirical data of penalties (which do not, admittedly, show the circumstances of the offences) indicate that repeat offenders often are fined only a nominal amount more for subsequent offences.

More could be said on the broad subject of penalties, particularly with reference to the polluter-pays-principle, but space does not permit that in this Quarterly Report.

In conclusion, with all statutory-enforcement powers in the hands of the Government, no statutory citizens' suits, rights, and, apparently little judicial or community interest in environmental issues, the chances of Hong Kong's environmental laws actually protecting (and improving?) its environment are bleak - and that assessment leaves aside the change in sovereignty factor!

**There is no doubt that the lack of statutory citizens' suits rights will remain a weak point in the anti-pollution shield.**

## Digest of LEGISLATION

**Waste Disposal (Charges for Disposal of Chemical Waste) (Amendment) Regulation 1996** ( L.S. No.2 to Gazette No.18/1996/Dated 3rd May 1996/L.N. 176 of 1996) - increases the charges payable to the Director of Environmental Protection for the disposal of chemical waste at the Chemical Waste Treatment Centre owned by the Government by amending Schedule 1 to the Waste Disposal (Charges for Disposal of Chemical Waste) Regulation (Cap.354 sub.leg.), column 3 and also by

amending Schedule 2, column 3.

### **Noise Control (Motor Vehicles)**

**Regulation 1996** (L.S. No.2 to Gazette No.18/1996/Dated 3rd May 1996/L.N.168 of 1996) - the object of this Regulation is to specify noise emission standards for motor vehicles for the purpose of first registration after the commencement of this Regulation, with effect from the day appointed for the commencement of the Road Traffic (Amendment) Ordinance 1996.

### **Country Parks and Special Areas (Amendment) Regulation 1996**

(L.S. No.2 to Gazette No.19/1996/Dated 10th May 1996/L.N.178 of 1996) - increases certain fees payable under the Country Park and Special Areas Regulations (Cap.208 sub.leg.)

### **Pesticides (Amendment)**

**Regulation 1996** (L.S. No.2 to Gazette No.19/1996/Dated 10th May 1996/L.N.178 of 1996) - increases, with effect from 28th June 1996, the fees provided for in the Schedule to the Pesticides Regulations (Cap.133 sub.leg.)

## **HONG KONG Briefing**

### *PLANNING AND LAND USE*

1. Hong Kong needs space to house a projected population of 6.5 million to 7 million by 2011. Pressure on the government to stop harbour reclamation has caused the government to look for alternatives. A search for land in the New Territories has identified 2,000 hectares of potential redevelopment area. But principal government town planner, Edward Pryor, said none of these areas had firm boundaries and none was subject to detailed planning or engineering studies. The planners are said to have compiled a technical report to determine how much land was suitable for redevelopment. (HK Standard 27/03/1996)

2. A public dump planned for the Tolo Harbour may harm the Chinese University's environment. The administration intends to use about 89 hectares of the foreshores and seabed in the harbour near Pak Shek Kok for disposal of surplus construction material suitable for reclamation. A government spokesman said a total of 68 hectares of land would be created under the plan. Work will start in September and is scheduled to take seven to eight years.

The Chinese University Students' Union is worried the works will affect the environment and is believed to have written to the Government opposing the project. Lisa Hopkinson, Friends of the Earth conservation officer, said the University should be compensated for the project. The Government told the green group the site was the only option for the increasing quantities of construction waste. (SCMP 16/03/1996)

3. Developers are battling the Town Planning Board for control of a series of multi-million dollar projects that would change the face of Kowloon and New Kowloon.

Representatives of the Real Estate Developers Association appeared in the High Court on 18 March 1996 fighting to have rules governing land use relaxed. The Association comprises members who own most of the sites in Kowloon and New Kowloon affected by zoning plans introduced to control the density of development.

On 23 November 1993, the Executive Council endorsed Town Planning Board recommendations that development densities in the two areas be controlled through changes to the zoning of 16 proposed projects. The projects include plans for offices and hotels. The Association asked that amendments be made to the revised plans. The request was rejected by the Planning Board so the Association referred the matter to the Court. (SCMP 19/03/1996)

### *ENVIRONMENT AND PUBLIC HEALTH*

1. New pollution controls in Victoria Harbour come into force on 1 April 1996, when all discharges from business, institutional and construction activities will have to be licensed.

A spokesman for the Environmental Protection Department said the control zone covered the northern shore of Hong Kong Island. The area extends from Quarry Bay and North Point, via Happy Valley and Wan Chai, to Sai Ying Pun and Kennedy Town.

The new restrictions are the third and final phase of a programme which began in November 1994. The Assistant Director of the Department said that it was the last phase of the Victoria Harbour water control zone to become effective. All waters in Hong Kong would now be protected under the water pollution control ordinance. (SCMP 24/03 1996)

At a workshop of international experts held in Hong Kong on the 3rd July 1996 Dr. Bernd Wursig (Texas A & M University) said: "If growth continues without proper concern for environmental issues, I think the environment in Hong Kong is heading for ...real disaster." Dr. Wursig (with whom other participants agreed) highlighted the plight of the Chinese white dolphin, saying Hong Kong should be ashamed of wiping out one of its rarest species which the Government was bound to conserve under the Rio Convention on Biodiversity. (SCMP 4/7/96)

Survival of the "rare Chinese pink dolphin" is threatened by the construction of the new airport and fuel depot; the dolphins also have to contend with a continual stream of high-speed ferries in their busy waters. (The Times, 29/7/96)

Water quality at Hong Kong's beaches has worsened over the past five years according to the 1995 Beach Water Quality Report. The Report indicated that only 37 of the 56 beaches tested regularly were classed as 'good' or 'fair' in 1995, compared with 48 in 1990. The balance were classed as 'poor' or

very poor'.

Hong Kong cannot expect a noticeable improvement in its marine waters quality levels until after the master sewage scheme is completed, in three to five years, according to Principal Environmental Protection Officer, Patrick Lei Chee-kwong. (SCMP 25/5/96)

A dead male pink dolphin, barely six weeks old, was discovered on Sha Chau, north of Lantau, yesterday, only days after another dolphin was found dead on a Lantau beach. A \$1.2 billion aviation fuel supply depot and radar network is being constructed on Sha Chau despite protests by green groups concerned about the marine environment. (SCMP 25/5/96)

In a three week period from 21st May 1996 eight dead Chinese pink dolphins were found in Hong Kong waters. There have also been fourteen strandings of finless black porpoises in 1996. Tests conducted by the Swire Institute for Marine Science suggest that organochlorine pesticides (which are banned in most countries because of their toxicity, but are extensively used in China) may be part of the cause of dolphin deaths. (The Dolphin Watcher, July 1996)

## PADS UPDATE

The Sino-British Joint Liaison Group (JLG) on 13 May 1996 approved the last batch of franchises for Chek Lap Kok airport, giving six franchisees, including Hong Kong Aircraft Engineering Company (HAECO), the rights to build and operate facilities for ramp handling and airport maintenance. The airport maintenance franchises, divided into line and base maintenance, went to three franchisees.

The ramp handling agreement awards 10-year franchises to Hong Kong Airport Services, Ogdan Aviation (Hong Kong) and Chek Lap Kok Ground Handling, a joint

venture between Jardine Pacific and China National Aviation Corporation. Jardine Pacific said that the joint venture would invest \$250m in its airport business. (EE 14/5)

SEVEN different consortia submitted tenders for the \$12 billion second property development package for Tai Kok Tsui Station, which will be built as a joint-venture with the government-owned Mass Transit Railway Corporation (MTRC).

Large and medium-sized developers have teamed up to bid for the residential and commercial project, which calls for the construction of almost 3,000 flats and a 500,000-square foot shopping mall.

The same consortium of large developers that is building the first phase of the Tung Chung Airport Railway property has also submitted a bid for the Tai Kok Tsui project.

The grouping comprises Henderson Land Development, Sun Hung Kai Properties, Hang Lung Development, New World Development and Swire Properties. Each member has a 20 per cent share. (HKS 25/5/96)

CHEK Lap Kok airport is not scheduled to be finished until mid-1998 but there are already official predictions that its one runway will be used at full capacity shortly after the opening.

A second runway will be urgently needed after the airport opens, the head of the Hong Kong Airport Authority, Mr. Wong Po-yan told the Preparatory Committee on 26 May 1996 in Zhuhai.

A delegation of the Airport Authority and government officials briefed the economic sub-group of the Preparatory Committee for the (proposed) Special Administrative Region on the authority's proposal to commission the second runway and its associated facilities.

Wong also said that there was no need for additional government funds to finance the second runway. He said the authority could finance it by borrowing on highly competitive terms provided it was authorised to undertake separate and

additional borrowing of funds to cover the full costs. (EE 27/5/96)

The second runway for the new airport takes a big step closer to being built. The Airport Committee, consisting of Chinese and British officials, will meet shortly to discuss and sign an agreed minute on the building of the runway. If the signing goes ahead, preparations for construction will be able to begin immediately. A government spokesman described the development as "excellent news" and "a major step forward".

The Chek Lap Kok airport is due to open in April, 1988, and the second runway should be ready about six months later. The decision to proceed with the second runway stemmed partly from a briefing given by Hong Kong government officials and the Airport Authority to the Preparatory Committee in Zhuhai on 2 June 1996.

The briefing was given by a team led by Secretary for Economic Services Gordon Siu Kwing-chue and the Airport Authority chairman Wong Po-yan. Chinese officials were also convinced that the second runway was necessary and would thus endorse it in their meeting with their British counterparts.

The Airport Authority figures that the sooner the second runway is built the less it will cost because the contractors will have to construct the additional taxi lanes on the tender price of the earlier ones. If this theory holds, the runway should cost about \$4.36 billion. (HKS 31/5/96)

AIRPORT Authority plans to award the \$4.3 billion worth of contracts for building the second runway and facilities at Chek Lap Kok to existing contractors at the site were criticised by some legislators.

The Authority's plans to start construction this October and have the second runway in use by October 1998. The Authority also said that it would compare the quotations of the contractors with the prices of the original airport contracts.

The Authority expected airport

contractors would have an edge over newcomers because they already have equipment and materials on site. However, open tendering is not ruled out if the Authority finds the quotes unacceptable. (EE 31/5/96)

## CASELAW UPDATE

### **Town Planning Board v Appeal Board and Henderson Real Estate Agency Ltd (Civil Appeal No.150 of 1995, 24th January, 1996 Power VP and Bokhary & Ching JJA)**

Appeal From Order Refusing Judicial Review of Town Planning Appeal Board's Decision - Whether Documents Shed Light on the Planning Intention - Whether Town Planning Appeal Board Got the Planning Intention Message to be Found in the Documents - Appeal Allowed - Order of Certiorari

#### **Background to the Appeal**

The case concerned a significant tract of vacant land in the New Territories adjacent to Mai Po Marshes. Planning permission for the development of such land had been sought from the Town Planning Board ("the Planning Board"), which refused such permission. The developers appealed to the Town Planning Appeal Board ("the Appeal Board"). Allowing that appeal, the Appeal Board granted such permission. The Planning Board went to the High Court seeking judicial review of the Appeal Board's decision. The High Court refused judicial review. The Planning Board appealed to the Court of Appeal against the High Court's refusal of judicial review.

#### **Summary of Facts**

The proposed development (known as Sunnyville Estate) involved the construction of an 18-hole golf course integrated with 2,550 residential units.

The application for planning permission for the Sunnyville

development was made under section 16 of the Town Planning Ordinance (Cap.131), which states, inter alia, that where "a draft plan or approved plan provides for the grant of permission for any purpose, any application for the grant of such permission shall be made to the (Planning) Board." (All references to sections in this case summary will be to sections of the Town Planning Ordinance.)

The application was necessary because the land on which the developer proposed to build Sunnyville Estate ("the Sunnyville site") near Deep Bay and the Mai Po Nature Reserve fell within an area covered by the Draft Nam Shang Wai Development Permission Area Plan ("the Draft NSWDPA Plan"). The Draft NSWDPA Plan makes permission of the Planning Board under section 16 necessary for any development beyond the following uses: agricultural use, ancestral hall, burial ground, plant nursery, police post / police reporting centre, post office, rural committee building, shrine and tree plantation. Obviously, the Sunnyville Estate development would go well beyond those uses.

The developers' application for permission was lodged on 1st August, 1992, but refused by the Planning Board, which also refused the developers' application under section 17 for a review of such refusal.

On 4th September, 1993, the developers lodged a notice of appeal to the Appeal Board under section 17B and on 26th August, 1994 the Appeal Board allowed the developers' appeal but with a number of planning conditions imposed.

The Planning Board, sought judicial review of the Appeal Board's decision, but the High Court refused to entertain such application; thereafter, the Planning Board appealed to the Court of Appeal, contending that the matter should be removed from the Appeal Board's

by an order of certiorari and its consequential decision quashed, and that the judge's refusal to quash it should be reversed.

#### **The Decision**

The main elements of the Court's judgment, as delivered by Bokhary JA, were :

1. If a document contains material which sheds light on the planning intention (of Legco) the question is not simply whether the Appeal Board looked at the document, but whether it grasped the planning intention message to be found in the document.

2. The Appeal Board laboured under a misunderstanding as to certain documents, namely :-

i. the guidelines entitled "Consideration of Section 16 Application for Development in Areas around Mai Po Nature Reserve" published by the Planning Board in October 1992 ("the 1992 Guidelines") and

ii. the guidelines entitled "Town Planning Board Guidelines for Application for Developments with Deep Bay Buffer Zones under Section 16 of the Town Planning Ordinance" published by the Planning Board in November 1993 ("the 1993 Guidelines").

3. The Draft NSWDPA Plan shows that the Sunnyville site is part of an area having wetland characteristics, which make the area inherently suitable for service as a buffer to the nearby Mai Po Nature Reserve, a locally prized and internationally recognized wetland wildlife habitat. It is axiomatic that large-scale development in an area having wetland characteristics would jeopardize those characteristics. In the area concerned, the planning scheme is such that any large - scale development would require permission.

4. The 1992 Guidelines lays down two buffer zones designed to protect the Mai Po Nature Reserve. The 1993 Guidelines preserve the two buffer zones, one of which (Buffer Zone 2) the Sunnyville site is

located in. The 1993 Guidelines say in terms that the "conservation of natural resources such as water bodies and landscape features should continue to be the planning intention". And "existing fish ponds" are specifically mentioned as one of the features which "should be retained as far as possible."

5. The Court was of the view that the planning intention here is the one asserted by the Planning Board, namely to preserve the Nam Sang Wai's Development Permission Area wetland characteristics against large-scale development.

6. There is no justification for the Appeal Board to hold that the planning intention cannot be to preserve fish ponds since the fish ponds can be converted into plant nurseries without filling or excavation and can therefore be converted without having to seek permission.

7. The Appeal Board's belief that the 1993 Guidelines "indicated quite clearly that disappearance of almost all the fish ponds in Buffer Zone 2 was envisaged" is a misconception caused by the thinking that a diagram given in the 1993 Guidelines was drawn to scale. The misconception was serious as it caused the Appeal Board's misapprehension of the planning intention which it had to take into account in the process of making its decision.

8. The Court would quash the Appeal Board's decision on the planning intention ground alone. Accordingly, the judge's refusal of certiorari to quash it must be reversed.

[His Lordship, Bokhary JA delivering the lead judgment, then went on to deal with the second ground of the Town Planning Board's appeal, namely, that two of the planning conditions imposed by the Appeal Board were unworkable.]

#### **Commentary**

Thus decision overturns the

decision of the High Court (Yam J) mentioned in the June 1995 Quarterly Report (where the court is incorrectly referred to as the Court of Appeal). The decision particularly, the Court's comments concerning the wisdom of allowing large scale developments near wetlands, and the significance of the region's fish ponds give fresh hope that Planning Zones proclaimed for the areas adjacent to the Mai Po Reserve might in fact afford a degree of protection for the fragile ecosystem of the Reserve (and surrounding wetlands).

## **REGIONAL AND INTERNATIONAL**

### **Black Sea**

Addressing the first *Inter-Parliamentary Conference on the Environmental Protection of the Black Sea* in July 1996, the Speaker of Turkey's National Assembly called for international co-operation to halt further pollution of the Black Sea, which is bordered by a number of countries including Turkey, Russia and Bulgaria. The Speaker stated that the Danube alone discharges yearly into the Black Sea: 60 tons of mercury, 1,000 tons of chromium, 4,500 tons of lead and 50,000 tonnes of oil. As a result of the combined polluting discharges, some 23 species of fish are now endangered. The Black Sea has become one of the world's worst polluted seas in just one generation, the Speaker said.

### **Turkey**

The comparatively poor nation of Turkey has decided to build a specialist marine waters clean-up ship to tackle the task of cleaning up the Bosphorus, at a cost of U.S.\$750,000. The ship will patrol both sides of the narrow channel, which passes through Istanbul, collecting up to 50 metric tons of fuel oil (discharged by ships in pumping out bilge waters) per hour from the sea surface. It is also able to go into very shallow areas, and will collect garbage as well as oil

and similar pollutants.

### **China**

Pollution in China is severe and getting worse, according to a vice-chairman of China's National People's Congress, Wong Bingquan, in his report to the NPC's Standing Committee following visits to Beijing, Shanghai and Tianjin. Whilst acknowledging that those cities each spend more than 1.5% of their gross domestic product on environmental programmes, Mr. Wong reported that pollution and severe depletion of water resources remained severe problems in the areas inspected. (SCMP 4/7/96)

### **Vietnam**

The government of Vietnam is working to avoid over concentration of new industries in urban areas. This is an effort to avoid new developments from becoming chaotic under the new market oriented policy. Typical characteristics of a modern Asian city include traffic jams, pollution and overburdened services. One example of the government's attempt can be seen in the city Hanoi. Developers have been rushing ahead with proposals before the government had established an assessment framework for these proposals. As a result, tall buildings had been built replacing old low-rise storeys before people really understood what the developers were doing.

In response to this development chaos, a Chief Architect's office has been established by the government with a brief to move out high-rise developments to outer districts where virtually no limits apply. The reasons behind government's control are two-fold. One is the government's desire to encourage growth. The other is the need to preserve historical and beautiful places, which has been backed by a non-profit Australian group of lobbyists pushing for architectural conservation.

The government's effort is not without obstruction. Besides the

conservationist lobbyists, there are other strong lobbyists advocating fast urban growth in order to put the nation back on track economically. In addition, the effect of a corrupted bureaucracy can create much resistance to the government's decrees.

One such lost battle for the conservationists can be found the development in Ho Chi Minh city. The loss of architectural heritage there was due largely to the blind craving for new construction. Due mainly to large thoroughfares, the situation in the city is now a total mess.

However Hanoi still has its advantageous position of starting late in development and thus has many examples of heritage buildings left (at this stage).

The pro-development lobby is still there, but architects and planners remain confident that Hanoi can modernise and preserve its character at the same time.

**China**

New research has shown sea horse

exploitation for traditional Chinese medicines and also for aquarium trade could be causing the extinction of this beautiful creature. A study has shown that about 20 million sea horses are being sold for medicinal purposes each year. Another 1 million are kept alive for the aquarium trade.

Sea horses are far more vulnerable to overfishing than had been thought. China has so depleted its own waters that it already has to import almost all the sea horses it consumes, so spreading the damage to other countries' coastal waters, including Brazil, Australia, Tanzania and the Mediterranean.

Scientists are finding new ways of breeding them in tanks, a program which could lead to commercial sea horse farming. Sea horses are, however, notoriously difficult to keep alive in captivity. (Sunday Times 7/7/96)

**Asia**

Asian coastlines and seas must be protected from a impending ruin which threatens regional health and

prosperity. Fast, uncontrolled growth in coastal China, Vietnam, Indonesia and the Philippines would pollute water and wipe out homes of animals and sea life, also endangering people.

Hong Kong has a long history of pumping its sewage into the sea. This has had serious adverse effects on our coastal environment and fisheries. Even the Territory's drinking water, from the East River, could be spoiled by pollution in China.

Vast stands of mangroves have been chopped down in Vietnam, the Philippines and Hong Kong to make way for development, which will lead to increased erosion of land and depletion of fish stocks. Without the trees, the sea washes away the mud, and demolishes breeding grounds for sea life. The loss of trees could also add to global warming because mangroves absorb a lot of green house gases from the air. (SCMP 24/6/96)

**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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Comparative Table of Environmental Convictions:  
April - June 1996

	Number	1st Offence	2nd Offence	3rd + Offence	Highest Fine
APCO	10	9	0	1	\$ 20,000
	13	10	1	2	\$ 10,000
	14	10	4	-	\$ 25,000
WPCO	32	23	3	6	\$ 142,000
	35	25	5	5	\$ 75,000
	25	19	4	2	\$ 50,000
NCO	18	11	3	4	\$ 35,000
	19	10	5	4	\$ 75,000
	33	15	5	13	\$ 75,000
OLPO	2	1	-	1	\$ 20,000
	3	2	-	1	\$ 30,000
	2	1	1	-	\$ 50,000
DASO	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
WDO	11	11	-	-	\$ 4,000
	23	22	1	-	\$ 15,000
	9	8	1	-	\$ 15,000
Total	73	55	6	12	
	93	69	12	12	
	83	53	15	15	

April figures appear on the first line, May figures on the second, and June figures on the third of each item. Source: EPD, Anti-Pollution Prosecution Figures.

**ABBREVIATIONS**

- AFD** Agriculture & Fisheries Department
- APCO** Air Pollution Control Ordinance
- CFCs** Chlorofluorocarbons
- DASO** Dumping At Sea Ordinance
- EC** European Community
- EE** Estern Express
- EPCOM** Environmental Pollution Advisory Committee
- EPD** Environmental Protection Department
- EXCO** Executive Council
- FEER** Far Eastern Economic Review
- HKS** Hong Kong Standard
- HKU** University of Hong Kong
- JLG** Joint Liaise Group
- LDC** Land Development Corporation
- LEGCO** Legislative Council
- LS** Legal Supplement
- NCO** Noise Control Ordinance
- NT** New Territories
- OLPO** Ozone Layer Pollution Ordinance
- 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

Printed Matter