

URBAN PLANNING AND ENVIRONMENTAL LAW QUARTERLY

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In this Report we feature a brief overview of China's 1995 draft inland water pollution laws. Some of the advanced, indeed radical, provisions of the draft are highlighted. However, we are left with the perennial question, in terms of China's record on controlling abuse of the environment: will the new laws be enforced any more vigorously than the old? Time will tell.

The Editors

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CHINA PROPOSES NEW WATER POLLUTION LAWS

In June 1995, the People's Republic of China finalized the draft of a proposed new national law for more effective prevention of pollution of inland waters, *The Law on the Protection of Water Quality and Prevention and Control of Water Pollution*. The draft has been presented to the National People's Congress for its consideration. The new legislation will replace the 1984 statute of the same title.

At the time, the 1989 law was quite progressive (for this region) in that it introduced reasonably comprehensive provisions to limit pollution of China's inland waters, in terms of its stated broad goals; (as with the 1995 law, the 1984 statute did not apply to marine pollution: Article 2). Its stated purpose was:

"preventing and controlling water pollution, safeguarding human health, ensuring the effective use of water resources and facilitating the development of socialist modernization" (Article 1)

The 1984 law provides broad mandates, such as directing "people's governments at or above the country level" to create protective zones to ensure drinking water quality (Article 12) but the specific standards are left the various state organs to formulate. That kind of legislative scheme is familiar to many of us. The Environmental Protection Authority of the Untied States, for example, has been given sweeping powers to create (and enforce) minimal air and water quality standards. Pursuant to Federal anti-pollution laws such as the *Clean Water Act* 33 U.S.C.A. Par. 1251 and *The Clean Air Act* 42 U.S.C.A. Par. 7401.

China's 1984 law contains many other provisions which, prima facie at least, provide wide-ranging, effective water pollution controls for this vast country which is now rapidly moving towards full industrialization. That is, they *would* provide an admirable level of protection *if* they were vigorously implemented. Since 1984, the problem for China's environment has not been so much the lack of protective laws but, rather, a reluctance to enforce those laws (which is a pattern repeated in numerous developing countries).

Apart from Articles 8, 17 and 18 (see below), the proposed 1995 law does not radically change or add to the fundamental principles of the 1984 law, but its provisions are more detailed (though following the same legislative format), and there are several important new measures. Space does not permit anything like an in-depth analysis of the 1995 law, but some of the more interesting features are:

- the definitions adopted are meaningful, as distinct from the narrow, superficial definitions often seen in half-hearted environmental legislation (Article 3);
- the overriding principles (Article 4) governing the implementation of the 1995 law are as good (for the environment) as you would find any where in the world, they are;

"In implementing and applying this law, the State shall be guided by the following principles:

1. *Sustainable development;*
2. *Prevention and precaution;*
3. *Effective protection of the environment;*
4. *Polluter Pays;*
5. *Economic and resource efficiency;*
6. *Integrated pollution prevention and control;*
7. *Effective control of transboundary pollution;*
8. *Public information and participation;*
9. *Integration of environmental protection with other State policies;*
10. *Decision based on relative available scientific data."*

"...the problem for China's environment has not been so much the lack of protective laws but, rather, a reluctance to enforce those laws"

- Article 6 directs governments and agencies at all levels to "ensure that sufficient capital is invested in the prevention and control of water pollution; and take other appropriate measures to protect and improve water quality *and the related environment*" (emphasis added);
- "environmental protection administrative departments-in-charge" are required to formulate "rational water quality standards", but local "people's governments" may also formulate standards for their respective regions provided such standards are *more* stringent than the national standards : Articles 10.1 and 10.2;
- the 1995 law envisages re-cycling of waste water, in that (inter alia) Article 44.2 requires "proper measures" to be taken "to prevent soil, ground water or agricultural products from being polluted" through the use of "industrial waste water or municipal sewage" for irrigation purposes;
- the use of pesticides and other "hazardous chemical substances" must comply with "applicable national provisions and standards for safe use" (Article 45.1) (we may wonder: what are those standards?).

Two other features of the 1995 law deserve special

mention, as these are quite radical improvements on the 1984 law:

Firstly, Articles 17 and 18 appear to mandate the preparation of a formal environmental impact assessment (EIA) for any 'development and construction' project (including expansion of existing facilities), which will discharge water pollutants. The EIA *must* comply with the State Council's environmental protection regulations (Article 17.1).

Article 17.2 directs the authors of the EIA to consider potential environmental effects "on an integrated multi-media basis, which presumably means taking account of *cumulative* effects of all polluting facilities and the *alternatives* to the proposed project.

Interestingly, the EIA must take into account the "views of persons located in the vicinity of the development" (the Three Gorges Dam is, perhaps, not a good example of that (proposed) law at work) (Article 17.4). Only licensed persons may prepare an EIA (Article 17.5), but there is no indication of the criteria by which licences will be issued.

Secondly, and of greater significance (if ever given effect), Article 8.1 grants to private citizens a very broad right to "bring charges against" water polluters. They may also seek damages from a "discharger" if they suffer loss or injury as a result of the water pollution caused by the discharge (Article 8.2). It is not clear what is meant by "charges", but presumably it means allegations of a "violation" (of a provision of the 1995 law) within the meaning of Chapter 6, which deals with "legal liability" (Articles 54-66).

Conversely, and by way of regional comparison, a fundamental weakness of Hong Kong's environmental legislation (which is modelled on the conservative U.K. approach), is that private citizens have no standing to procure enforcement of prescribed minimum environmental standards, other than possible common-law actions, such as nuisance. Citizens depend entirely on the conscientiousness of the Environmental Protection Department in monitoring and enforcing compliance with Hong Kong's comprehensive anti-pollution laws.

Although Article 8 is succinct and in very general terms, it appears to provide the same kind of citizens' rights of legal enforcement of environmental regulations against polluters as are found, for example, in the more sophisticated environmental statutes of the United States. However Article 8 does not allow for citizens' actions against defaulting government officers, as is the case in the U.S. where the *Administrative Procedures Act*, 5 U.S.C 702 gives a right to seek administrative and judicial review of agencies' action to any person "suffering legal wrong because of agency action", or who is "adversely effected or aggrieved by agency action within the meaning of the relevant statute".

Indeed, Article 8 is more liberal than the U.S. Federal statute governing citizens' rights of judicial review government agencies' actions in that the U.S. Supreme Court has ruled that citizens invoking the provisions of the APA need to show that they have suffered injury of some kind, even if only in an aesthetic sense, in order to have standing: *Sieria Club v Morton* 405 U.S. 727 (1972). Whilst, as has been said, it does not deal with rights of review of agency action, Article 8.1 does not require a citizen-complainant to have suffered injury, or to meet any other qualification in order to have standing to "bring charges" against a polluter.

However, unless the Chinese courts are prepared to uphold and fearlessly allow citizens' suits rights, this provision will do nothing for the greater protection of China's environment. It must be said that the Chinese courts' record to date in upholding *any* individual rights is not encouraging on this score.

As said, there is no citizens' right of administrative or judicial review of actions taken by a government agency (or, *not* taken) to enforce the provisions of the 1995 law. But, Article 66 does provide for possible "administrative sanctions" or criminal prosecution of government "personnel" who, in exercising their authority under the 1995 law, violate its provisions or who "neglect their duties and abuse then authority" (emphasis added). This appears wide enough to render agencies liable to sanctions for *inaction* in carrying out their enforcement duties.

The proposed 1995 environmental legislation will not, per se, ensure that China begins the long march to redress its severe environmental degradation. However, if the 1995 law is passed by the NPC it would indeed be an encouraging step in the right direction. But, would the law ever be meaningfully enforced? Regrettably, China's history of minimal enforcement of environmental laws suggests not.

After all, in the words of the noted American jurist, Supreme Court Justice Brennan, at the end of the day "*enforcement of the law is what really counts*"!

Digest of LEGISLATION

Air Pollution Control (Open Burning) Regulation (L.S. No.2 to Gazette No.1/1996 Dated 5th January 1996/L.N. 15 of 1996)

Wild Animals Protection Ordinance (Amendment of Sixth Schedule) Order 1996 (L.S. No.2 to Gazette No.1/1996 Dated 5th January 1996/L.N.19 of 1996) - this Order amends the Sixth Schedule to the Wild Animals Protection Ordinance (Cap.170) by extending the existing restricted area of Mai Po Marshes to include the intertidal mud flats and shallow waters of Inner Deep Bay.

Noise Control (General) (Amendment) Regulation 1996 (L.S. No.2 to Gazette No.2/1996 Dated 12 January 1996/L.N. 28 of 1996)

1. Amends regulation 3 of the Noise Control (General) Regulations (Cap.400 sub. leg.) so that it applies to construction work prescribed by the Noise Control (Construction Work) Regulation for the purposes of section 6(2) of the Ordinance.

2. The amendment also substitutes new forms for those prescribed under regulation 3 and 5(a).

Noise Control (Construction Work) Regulation (L.S. No.2 to Gazette No.2/1996 Dated 12th January 1996/L.N. 29 of 1996) - Prescribes the construction work to which section 6(2) of the Noise Control Ordinance (Cap.400) applies.

Water Pollution Control (Victoria Harbour (Phase Three Water Control Zone) (Appointed Days) Order) (L.S. No.2 to Gazette No.7/1996 Dated 16th February 1996/L.N. 82 of 1996)

The Object of this Order is to introduce the pollution controls imposed by the Water Pollution Control Ordinance (Cap.358) to the Victoria Harbour (Phase Three) Water Control Zone.

1. Section 7(2) of the Water Pollution Control Ordinance empowers the Governor to appoint a date by reference to which discharges or deposits shall be classified as existing discharges or deposits under the ordinance. Section 7(3) empowers the Governor to appoint a day on and after which all existing discharges or deposits are prohibited unless licensed under the Water Pollution Control Ordinance.

2. Any discharge or deposit made after the day appointed under section 7(2) of the Ordinance will be classified as a new discharge or deposit and from that day shall be prohibited under sections 8(1)(a) and (b) and 9 unless licensed under the Ordinance.

Water Pollution Control (Victoria Harbour (Phase Three) Water Control Zone) Order (L.S. No.2 to Gazette No.7/1996 dated 16th February 1996/L.N. 81 of 1996) - This Order declares a new water control zone known as the Victoria Harbour (Phase Three) Water Control Zone for the purposes of the Water Pollution Control Ordinance (Cap.358).

Noise Control (Construction Work Designated Areas) Notice (L.S. No. 2 to Gazette No. 2/1996 Dated 12th January 1996/L.N. 30 of 1996) - establishes designated areas for the purposes of the Noise Control Ordinance (Cap.400).

Air Pollution Control (Asbestos) (Administration) Regulation (L.S. No. 2 to Gazette No. 10/1996/L.N. 128 of 1996) - amends the Seventh Schedule to the Shipping and Port control Regulations (Cap.313 sub. leg.) to reflect changes to the Junk Bay Dangerous Goods Anchorage described in that Schedule for the purpose of the Regulations.

HONG KONG Briefing

PLANNING AND LAND USE

1. Proposal by Hong Kong and Shanghai Hotel to construct a pad on top of the new Peak Tram terminus was overwhelmingly rejected by the Central and Western District Board yesterday.

It was claimed that the pad would only be used in emergencies. However, the District Board opposed the proposal on the ground that the pad might be used for commercial purposes later (SCMP 16/02/1996).

2. Massive redevelopment plans proposed for the island of Ma Wan have won provisional government backing. Proposals include the construction of a housing estate consisting of 30-35 towers blocks, and a historical theme park.

To alleviate the obvious hardship to inhabitants, a relocation scheme has been put forward. This includes a house exchange scheme, with residents receiving a new house on the north of the island plus a \$40,000.00 cash gift as an expression of the developer's "sincerity" (SCMP 22/01/1996).

ENVIRONMENT AND PUBLIC HEALTH

1. According to a recent report "Bacterial Water Quality of Bathing Beaches in Hong Kong" published by the Hong Kong Government, the water quality at Anglers' (Tsuen Wan), Rocky Bay (Hong Kong Island South), Tin Kau Beach (Tsuen Wan) and Approach Beach (Tsuen Wan) has received the worst annual grading and has deteriorated in 1995 (SCMP 27/02/1996).

2. The Air Pollution Index recorded by the EPD hit a record high of 117 for urban areas, 120 for industrial areas and 104 for new development areas. Experts blamed the emission of high particles from diesel vehicles for the Index result.

All schools were issued with a warning yesterday to arrange for students with heart or respiratory problems to refrain from physical exertion and outdoor activities. Members of the public who suffer from asthma, lung or heart diseases were also warned to avoid exercise and to stay indoors (EE 04/01/1996).

3. Thousands of dead fish were yesterday discovered dead on the river-bank of the Shing Mun River, Shatin. Previously, the Shing Mun River was regarded as an example of the success of the Government's efforts to clean up rivers in the New Territories.

The EPD suggested that the river was at risk from oxygen shortages associated with algae. The bloom of algae was triggered by a sharp increase in organic nutrients in the water and the subsequent death of the algae in turn caused the water to be deoxygenated (SCMP 10/03/1996).

4. The Financial Secretary introduced a measure in the Budget to combat pollution from motor vehicles. Motorists who scrap cars which are more than 10 years old will receive a discount of 20 per cent or \$30,000.00, whichever is lower, on their first registration tax on a new vehicle. The proposed measure was welcomed by the Chairman of the Transport Advisory Committee. (SCMP 07/03/1996).

5. San Miguel, the Territory's largest brewer has abandoned its recycling policy of re-using bottles 25 times. Instead, the bottles will now be used just once before being dumped in landfills. Industry sources said San Miguel's decision might be prompted by government inaction over requests by local brewers to compensate them for the costs of recycling bottles. The move makes a mockery of the Government's stated policy commitment to preventing environmental abuses by encouraging people to recycle resources (SCMP 10/03/1996).

6. Environmental specialists at the recent United Nations Symposium in Tokyo pointed out that East Asia is facing a growing environmental threat as a result of its economic growth coupled with its demographic explosion. In particular, sulphur dioxide emissions are forecast to quadruple whilst carbon dioxide emissions will double between 1990 and 2025 in the region. Both gases promote global warming and acid rain. It is also expected that 40% of the region's tropical rainforests will be lost between 1990 and 2000.

Above all, China was the prime cause for concern to the Symposium, especially its 1.2¹ billion inhabitants together with an amazing economic take-off and very low public awareness about risks to the environment. The delegates from China also acknowledged that China's environmental problems could have dire effects on neighbouring countries. (EE 05/02/1996)

7. The People's Republic of China is to extend nationwide a fee-paying scheme aiming at reducing industrial sulphur dioxide emission after the success of the pilot project which resulted in 30% drop in such discharge.

The pilot project was carried out in two Provinces and nine cities over the past 3 years under which factories were charged RMB0.2 (HK\$0.18) per kilogramme of sulphur dioxide emitted.

The official from the National Environmental Protection Agency said that 75% of China's energy supply is generated by coal-fired power stations which are responsible for 90% of China's sulphur dioxide emission. These have caused acid rain to spread dramatically within the region in recent years.

Acid rain was estimated to have affected 2.8 square kilometres of total country area of 9.6 square kilometres. (EE 29.2.96)

8. Legislators and environmentalists criticised the Government's slow progress in implementing a dolphin sanctuary, warning time was running out for the endangered Chinese white dolphin. The Chinese white dolphin, listed in appendix one of the Convention on International Trade list of Endangered Species of flora and fauna is estimated to number fewer than 85.

The Legislative Council's environmental affairs panel called for expansion of the proposed 1,200 hectare sanctuary intended to protect the dolphins.

Green groups have warned the proposed sanctuary north of Lantau is so pressured by pollution, shipping, fishing and development, that any further compromise will render it worthless. The chairman of the Hong Kong Marine Conservation Society and a democratic legislator both accused the Government of going back on promises to provide a viable dolphin sanctuary.

An assistant director of the Agriculture and Fisheries Department responded that the sanctuary was still on schedule and would be gazetted in April and implemented in June. Consulting with fishermen and ferry operators before gazettal would reduce objections afterwards, he said. (Eastern Express 10/02/96)

PADS UPDATE

The Airport Core Programme (ACP) is moving ahead rapidly on all fronts after significant progress in the past year. The following summaries highlight the progress of important elements of the ACP during the past year; (the summaries are reproduced from Construction News No. 24 January, 1996, by kind permission of the New Airport Projects Co-Ordination Office, Media Relations Division.)

New Airport

The new airport is rapidly taking

shape and the terminal building, first runway transport links and other facilities are visible. Work is in progress on construction of taxiways, maintenance and air cargo aprons, civil works, tunnels, roads and bridges. At the same time, development of commercial activities has proceeded at a fast pace.

Airport Railway

Work is progressing on all sections of the railway, and is about 25 per cent complete. Five tunnel tube units for the harbour crossing have been sunk onto the seabed. Piling work and construction of the basement of the Hong Kong Station is in progress. Erection of the deck for the railway's Rambler Channel Bridge is underway. The 1,100-metre bridge will carry four tracks.

Lantau Fixed Crossing

This project is over 75 per cent complete, with nearly all the 1,000-tonne sections for the main span of the Tsing Ma Bridge erected. Erection of main deck sections of the Kap Shui Mun Bridge is also nearing completion.

North Lantau Expressway

The 12.5-kilometre North Lantau Expressway is over 80 per cent complete. The seawall construction, reclamation and earthworks in all three sections - Yam O, Tai Ho and Tung Chung - have been substantially completed, and road works are in progress. Bridges now link north Lantau and the airport island.

Route 3

The Kwai Chung and Tsing Yi sections of Route 3 which form part of the ACP are about 75 per cent complete. On Tsing Yi Island, tunnelling works and carriageways inside the 1.6-kilometre Cheng Ching Tunnel have been completed.

Central Reclamation

Work on Central Reclamation is progressing well and is almost 85 per cent complete. Four new permanent piers have been built, and construction of two more is underway.

Western Harbour Crossing

Work is over 70 per cent complete, and includes foundation, ventilation buildings and approach tunnels on both sides of the harbour.

Tung Chung New Town

Nearly 50 per cent of the infrastructure works for Phase 1 of the new town have been completed. Construction of a sewage discharge culvert has been substantially completed, while work on a sewage treatment plant and a pumping station is underway. Construction works on rental and home ownership housing blocks is in progress.

West Kowloon Reclamation

Local distributor roads and drainage systems on the 315 hectares of land already formed. Sections of a distributor road in the northern area have been opened, providing an alternative access to the container port at Kwai Chung.

West Kowloon Expressway

The 4.2-kilometre West Kowloon Expressway is over 65 per cent complete. Work on the expressway's elevated northern section on the West Kowloon Reclamation is substantially complete. In the southern section, work is progressing on piling for bridges and footbridges, culverts and retaining walls. (Construction News No.24, January 1996)

CASELAW UPDATE

Wong Kwok Gee v. The Building Authority (High Court Miscellaneous Proceedings No.963 of 1995, 31st October 1995, 3rd November 1995, Keith J.)

Judicial Review - Building Authority - Approval of plans for building works - Applicable law to be that in force at date the plans are considered by the Building Authority - Head Step principle - Whether there was unfairness or injustice caused to the applicant by the consideration of the Building Authority based on the

OZP in force at the time the plans were submitted - Building Ordinance (Cap.123) ss 14(1)(a), (b), 16(1)(d) - Application refused

The applicant submitted plans for development of a building site to the Building Authority ("the Authority") on 7th December 1992. These were refused by the Authority by letter dated 5th February 1993. The applicant submitted a second set of plans on 11th March 1993. The Authority approved the plans by a certificate of approval dated 14th April 1993, "subject to no adverse comment from the District Planning Officer". The District Planning Officer later advised that the second set of plans contravened the relevant Outline Zoning Plain ("the OZP") then in force. The OZP provides that where plans propose commercial use above the three lower floors in a residential zone, planning permission is required from the Town Planning Board ("TPB"). The applicant's second set of plans proposed four lower floors for shop and office use.

The applicant applied for planning approval to the TPB on 26th May 1993, which was refused by the TPB. The applicant then submitted a third set of plans to the Authority on 12th December 1994. On the 10th January 1995, the Authority refused to approve the plans as the plot ratios exceeded the plot ratios in the relevant draft OZP then in force. However, the plot ratios in the third set of plans did not exceed those in the OZP in force when the certificate of approval for the second set of plans had been issued.

The applicant applied to the High Court for judicial review of the Authority's decision. The applicant argued that the Authority had refused approval on the ground that it was obliged to do so in every case where the proposed plans contravened the OZP. In reality, said the applicant, under s.16(1) of the Buildings Ordinance, the Authority had discretionary power to approve the plans, even though they were in contravention of the relevant OZP. The Authority

accepted that its decision made on 10th January 1995 should be quashed in light of their discretion under s.16(1)(d). The only planning issue left for the court was the question of the plot ratios. The applicant also maintained that application of the *Head Step* principle required the Authority to apply the OZP in force when the second set of plans were deemed to be approved (10th April 1993). The High Court refused the application on the following grounds:

1. It was decided in *Attorney-General v. Firebird Ltd.* (PCA 17/82) by the Privy Council that on an application for approval of plans for building works under s. 14(1)(a) of the Ordinance, the law which the Authority is obliged to apply is the law in force at the date when the Authority considers the plans.

2. The applicant suffers no unfairness or injustice of the kind considered in *Head Step Ltd. v. Building Authority* (CA 131/95) such as to allow the applicant to depart from the principle of *Firebird*. There is no unfairness or injustice caused to the applicant in not having the third set of plans re-considered by reference to the OZP in force when the second set of plans were considered, as it had been open to the applicant to proceed with the building works on the basis of the second set of plans. The second set of plans were deemed to be approved as it is provided in the Building Ordinance that if plans with minor amendments were re-submitted for the Authority's approval, approval is deemed to be given if the Authority does not notify the applicant otherwise within 30 days from the date of re-submission. No notification was given here. Therefore, the applicant could have applied to the Authority for the necessary consent to commence the building works under s.14(1)(b) of the Building Ordinance. After choosing to submit the third set of plans, the applicant could not complain if the *Firebird* principle were applied to those plans.

REGIONAL AND INTERNATIONAL

- TAIWAN -

In Taiwan, Regulations Governing Environmental Protection Enterprises and Agencies were promulgated on 11th October 1995 by the Environmental Protection Administration.

Under the Regulations, when environmental protection enterprises and agencies want to commence solid waste removal or disposal operations or environmental inspection and testing operations, they must obtain various environmental protection business permits or receive prior approval from the authority-in-charge.

Solid waste removal business permits and solid waste disposal site (plant) set-up or operation permits applications should be made to the local authority-in-charge at the municipal or county (city) level. Permits or approvals will be issued if the region of operations falls within an area under their jurisdiction. Otherwise, permits or approvals will be issued by the provincial authority-in-charge at the request of the county or municipal authority-in-charge. Permission must be sought from the central authority-in-charge before such permits or approvals can be issued by the provincial authority-in-charge. Where removal or disposal involves solid waste from harmful enterprises, such as toxic wastes, the authority-in-charge should request approval from the central authority-in-charge before issuing a permit. The term of such operation permits and approval documents usually do not exceed five years. However, there exists provisions for extension of the term.

For environmental inspection and testing business, such as inspection and testing of air, water quality and quantity, drinking water, solid waste, soil, environmental chemicals, toxic chemical substance and physical hazards such as noise and vibration, permits should be

filed with the central authority-in-charge. Organizations operating this type of business must have a laboratory for their exclusive use, the main cause of the region's equipment and instruments, and full-time technicians. They must also be a privately owned company with paid-up capital or registered corporate assets of at least NT\$5 million, a government agency other than an agency in charge of environmental protection or a public educational institution at the level of a college or higher. Permits issued under this category are valid for a term of five years and there also exist provisions to apply for an extension prior to the expiry of the term.

TOWN PLANNING - A NOVEL N.Z. APPROACH

New Zealand's Minister for the Environment recently took a novel and environmentally sensible approach to a planning application for approval of construction of a power station.

The proposal was for a natural gas - fired power station to be constructed northwest of Wellington. A Board of Enquiry found that, when operating, the station would discharge 105 million tonnes of carbon dioxide a year, representing an increase in New Zealand's total carbon dioxide emissions of up to 5%.

In approving the proposal, the Minister imposed a condition that the power station owner/operation, ECNZ, must plant *4,090 hectares of trees a year* to act as a filter for the carbon dioxide discharges. Less trees may be planted, but only if ECNZ reduces (by a given formula) the volume of carbon dioxide discharges from one or more of its other power stations during that particular year.

What a pity the 'planting a forest' condition was not imposed by southern China authorities in respect of the myriad factories which are the main cause of the region's notorious air pollution and acid rain!

LETTER FROM THE PUBLISHER

Thank you to all those who responded to the questionnaire which was included in the last Quarterly Report.

In the light of the many helpful suggestions we received, the scope of future editions of the Quarterly Report will be broadened to include, where possible:

- **decisions of the Planning Appeal Board**
- **commentary on environmental and planning issues in China**
- **activities and decisions of the Advisory Council on the Environment**

We also welcome letters or short articles on planning or environmental law issues arising in Hong Kong, China or anywhere else in the world.

I and the Editors thank you for your continuing support.

Fred Kan

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:
January - March 1996

	Number	1st Offence	2nd Offence	3rd + Offence	Highest Fine
APCO	12	7	2	3	\$ 15,000
	16	9	3	4	\$ 40,000
	13	8	-	5	\$ 30,000
WPCO	20	15	4	1	\$ 40,000
	21	18	2	1	\$ 50,000
	20	10	3	7	\$ 50,000
NCO	17	12	3	2	\$ 30,000
	18	8	6	4	\$ 60,000
	16	6	5	5	\$ 50,000
OLPO	2	2	-	-	\$ 20,000
	-	-	-	-	-
	-	-	-	-	-
DASO	-	-	-	-	-
	-	-	-	-	-
	2	-	-	2	\$ 180,000
WDO	12	12	-	-	\$ 10,000
	12	12	-	-	\$ 15,000
	20	19	1	-	\$ 25,000
Total	63	49	8	6	
	67	47	12	8	
	71	43	9	19	

January figures appear on the first line, February figures on the second, and March 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** Estem 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