

URBAN PLANNING AND  
ENVIRONMENTAL LAW  
**QUARTERLY**

If you visit Victoria Peak and look down on Victoria Harbour there is spectacularly summed up and laid out before you the issue which is the topic of this Report's feature article: does filling in our Harbour (or a decent proportion of it) make environmental and town-planning sense? The article, which suggests this question should be answered in the negative, is based primarily on published remarks on the issue by Hong Kong solicitor, Mr. Winston Chu.

Prosecution data for the quarter reveal that the courts are still reluctant to treat environmental offences seriously. The highest fine was HK\$100,000 (August 1995 3rd NCO offence), whilst the lowest was HK\$1,000 (September 1995 4th WDO offence). The maxima provided under S.11 of the WPC Ordinance (with respect to s.9 etc discharge offences) are: \$200,000 for 1st offence, \$400,000 for 2nd and further offences, and \$10,000 per day for a continuing offence.

The Editors

CONTENTS

Page

FEATURE: Reclamation of The Harbour - Fate or Folly	1
LEGISLATION DIGEST	3
HONG KONG BRIEFING	4
Environment and Public Health	4
Planning and Land Use	5
PADS UPDATE	5
CASE LAW UPDATE	6
PROSECUTION STATISTICS	8
ABBREVIATIONS	8

**RECLAMATION OF THE HARBOUR - FATE OR FOLLY?**

Victoria Harbour, the *fragrant harbour* which is Hong Kong, has not only become a vast sewage and industrial waste pit but is now under threat of virtually disappearing altogether as a result of the Government's ambitious reclamation programme.

Over recent months, there have been increasingly frequent public expressions of concern for the Harbour (and adjacent marine water-ways). Most recently, the gazetting of proposals for Green Island/Sulphur Channel reclamation works (eg SCMP 15/10/95) sparked renewed calls for a drastic re-think of the massive reclamation works programme (eg by legislator Christine Loh Kung Wai, SCMP 16/10/95)

A leading opponent of further Harbour reclamation is Mr Winston Chu, a senior member of Hong Kong's legal profession and a member of the Town Planning Board. Mr. Chu has publicly put his soundly reasoned grounds for opposing any further large scale reclamation works on various occasions. This is what he had to say (in part) at a public conference on the future of development in Hong Kong in April this year:

"661 hectares of reclamation have been completed, are being carried out or committed. A further 636 hectares of reclamation are being proposed. The northern shore line of Hong Kong Island will be pushed well into the Harbour all the way from Sheung Wan to Causeway Bay. The whole of Kowloon Bay will be reclaimed to provide 300 hectares for a new town which will accommodate 285,000 people.

The proposed reclamation at Kowloon Point will have the greatest adverse impact on the Harbour.

It will become the narrowest point, reducing the present width of 1500 metres to just over 800 metres. It will include the whole of the Ocean Terminal so that tourists and visitors to Hong Kong will have to disembark elsewhere, perhaps at new piers provided at Green Island or Kwun Tong. It will also be the most visually obtrusive.

Therefore, Hong Kong is facing a total reclamation of nearly 1300 hectares of Victoria Harbour, most of which is yet to come.

As the result of these reclamations, Victoria Harbour will be reduced to about one-half of its present width and will become a river all the way from the new West Kowloon Reclamation to the Lei Yue Mun Pass with the narrowest section between the Central Reclamation and Kowloon Point of just over 800 metres.

The scale and intensity of such reclamation is unrivalled anywhere else in the world and no other city has ever proposed such a drastic change to its environment. The adverse impact of these alarming proposals are many.

First, Hong Kong people will lose their natural heritage for all times. The damage can never be undone. No one in the future will be able to demolish the new buildings and dig up and restore the Harbour. This cannot be justified when one of the Principal Aims of Metroplan is "To conserve and enhance major landscape attributes and important heritage features". What can be a more important heritage feature than the Harbour for which Hong Kong is world famous?

Second, the tourist industry is the second most important source of revenue for Hong Kong. Without its unique harbour, Hong Kong will become a city of a different character. Another of the Principal Aims of the Metroplan is "To enhance Hong Kong's role as an international business, finance and tourist centre". Therefore, one of Hong Kong's most important tourist attractions should not be destroyed.

Third, Victoria Harbour acts as a vital city "lung" for the four million people who live around its shores. It provides "people space" and helps to reduce air pollution. It provides a cure for urban claustrophobia and an escape from the concrete jungle that Hong Kong is becoming.

Fourth, the Harbour is vital for Hong Kong's role as the entrepot for Southern China. The narrowing of the Harbour will have an adverse impact on shipping. Due to the funnel effect, the tidal currents will become stronger and the water more choppy. Seven new ferry piers will be constructed on the new Central Reclamation at the narrowest section of the Harbour. This will attract marine traffic and increase the danger of collisions."

A private member's Bill aimed at halting new reclamation schemes has been drafted by Mr. Chu (and may be introduced into LegCo by Christine Loh in the near future - SCMP 16/10/95). The Bill is set out below.

**A BILL TO PRESERVE AND PROTECT THE HARBOUR AGAINST FURTHER RECLAMATION**

*Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.*

1. *Short Title*

*This Ordinance may be cited as the Protection of the Harbour Ordinance.*

2. *Interpretation*

*In this Ordinance, unless the context otherwise requires:-*

*"foreshore and sea-bed" means the shore and bed of the sea and of any tidal water below the line of the high water mark;*

*"harbour" shall have the same meaning as that defined in the Interpretation and General Clauses Ordinance (Cap.1); and*

*"reclamation" includes any work over and upon any foreshore and sea-bed.*

3. *Control of Reclamation*

*No reclamation of the harbour shall be carried out without the approval and consent of the Legislative Council notwithstanding the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127).*

4. *Consent of the Legislative Council*

*The Legislative Council shall only give its approval and consent under Section 3 if the reclamation is required to provide essential infra-structural facilities necessary for the health, safety, convenience and general welfare of the community. \**

5. *Transitional Provision*

*The approval and consent of the Legislative Council is deemed to have been given in respect of the*

***"The northern shore line of Hong Kong Island will be pushed well into the Harbour all the way from Sheung Wan to Causeway Bay. The whole of Kowloon Bay will be reclaimed to provide 300 hectares for a new town which will accommodate 285,000 people."***

reclamations already authorized pursuant to the Foreshore and Sea-bed (Reclamations) Ordinance as at the date when this Ordinance comes into effect.

\* [Note: It is likely this section will need re-drafting as in the Westminster Parliamentary system, a Parliament cannot bind its successor (except, perhaps, to a limited extent in fundamental constitutional enactments): Editors]

At a press conference on 2nd August, 1995, Mr. Chu explained the Bill as follows:

**“ The Present Law**

At present, reclamation of the harbour is governed by the Foreshore and Sea-Bed (Reclamations) Ordinance. Under this Ordinance, the procedure is extremely simple. The Director of Lands makes the proposal for reclamation and the Governor authorises the reclamation.

The proposed reclamation does not require the approval of the Town Planning Board. There is no procedure for public consultation and only persons claiming to have an interest and entitled to compensation may lodge an objection (Section 6).

**The Proposed Bill**

In view of the urgent need for legislation to protect the harbour, the proposed Bill has been drafted to be as simple as possible. The Bill will have the following effect:-

- i) By Section 3, there can be no further reclamation of Victoria Harbour without the approval and consent of the Legislative Council.
- ii) Such consent can only be given if the reclamation is required to provide essential

infra-structural facilities for the good of the Hong Kong people.

iii) Reclamation of the harbour for commercial purposes to produce land for sale by the Government to developers will be prohibited.

iv) By the transitional provision in Section 5, the present law will still apply so that until the Bill is enacted, Victoria Harbour remains unprotected. ”

Given Hong Kong developers' voracious appetite for land, our comparatively weak environmental protection regulations (and official consciousness) and the 1st July 1997, we may well be pessimistic that the Government will be dissuaded from its present course of filling in the *fragrant harbour*.

**Digest of LEGISLATION**

**Waste Disposal (Forms and Fees for Licences) (Amendment) Regulation 1995** (L. S. No. 2 to GAZETTE NO. 38/1995 dated 22 September 1995/L. N. 429 of 1995) This Regulation increases the fees for:-

- (a) a waste collection licence for provision of a waste collection service or for collection of waste; and
- (b) a waste disposal licence for provision of a waste disposal service or for disposal of waste.

**Waste Disposal (Chemical Waste) (General) (Amendment) Regulation 1995** (L. S. No. 2 to GAZETTE NO. 38/1995 dated 22 September 1995/L. N. 430 of 1995) The Regulation increases the fee for registration of a chemical waste producer and for a certified copy of an entry of the registration in the register.

**Water Pollution Control (General) (Amendment)**

**Regulation 1995** (L. S. No. 2 to GAZETTE NO. 38/1995 dated 22 September 1995/L. N. 431 of 1995) The Regulation increases the fees for:-

- (a) a new licence and for renewal of a licence for discharge or deposit from industrial, institutional or commercial premises;
- (b) discharge or deposit from industrial, institutional or commercial premises of domestic sewage only;
- (c) a new licence and for renewal of a licence for discharge or deposit from a domestic sewage treatment plant;
- (d) a new licence or variation or renewal of a licence in the case of discharge or deposit from domestic premises; and
- (e) the issue of a certified copy of an entry in the register under section 42(3) of the Water Pollution Control Ordinance (Cap. 358).

**Air Pollution Control (Specified Processes) (Amendment) Regulation 1995**

(L. S. No. 2 to GAZETTE NO. 38/1995 dated 22 September 1995/L. N. 432 of 1995) The Regulation increases the fees payable for a licence, for variation and transfer of a licence, for variation or cancellation of any term or condition imposed under section 22 of the Air Pollution Control Ordinance (Cap. 311) and for a certified copy of an entry in the register.

**Dumping At Sea (Fees) Regulation**

(L. S. No. 2 to GAZETTE NO. 38/1995 dated 22 September 1995/L. N. 434 of 1995) This Regulation prescribes the fees payable for :-

- (a) a permit to load for dumping and to dump spoil or sewage sludge and substances or articles other than spoil or sewage sludge;
- (b) a copy of an entry in the register compiled by the

Authority.

**Ozone Layer Protection (Fees) (Amendment) Regulation 1995** (L. S. No. 2 to GAZETTE NO. 38/1995 dated 22 September 1995/L. N. 435 of 1995) This Regulation increases the fees for applications for registration and for licence to import or to export a specified consignment of a scheduled substance.

**Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 6) Order 1995** (L. S. No. 2 to GAZETTE NO. 41/1995 dated 13 October 1995/L. N. 460 of 1995)

1. This Order sets aside as public pleasure grounds in the Regional Council area the places specified in Schedule 1 to the Order.

2. The effect of such setting aside is to vest the management and control of the public pleasure grounds in the Regional Council and the public pleasure grounds become subject to bylaws made by the Regional Council.

3. This Order renames Tsuen Wan Town Square as Sai Lau Kok Garden.

4. This Order also provides that Campers Beach and Pak Sha Chau shall cease to be bathing beaches.

**Merchant Shipping (Safety) (Navigational Equipment) (Amendment) Regulation 1995** (L. S. No. 2 to GAZETTE NO. 36/1995 dated 8 September 1995/L. N. 409 of 1995)

1. This Regulation amends the Merchant Shipping (Safety) (Navigational Equipment) Regulations (Cap. 369 sub. leg.) to give effect in Hong Kong to the 1988 Amendments to Chapter V of the International Convention for the Safety of Life at Sea 1974.

2. Section 1 adds a new definition of cargo ship to regulation 2.

3. Section 2(a) adds a new

subregulations to regulation 3 to specify the radar installation requirements for all passenger ships and cargo ships of 300 tons or over and engaged on an international voyage, but the Director may exercise discretion to exempt certain ships from complying with regulation 18(1) of Part III.

4. Section 2(b) and (c) amends subregulations (2)(b) and (4)(b) respectively by adding a new requirement that the radar installation in the former subregulations and at least one radar installation in the latter subregulations shall be capable of operating in the 9 GHz frequency band.

5. Section 2(d) amends subregulations (5)(d) to the effect that the homing installation shall be required to be fitted on ships constructed before 1 February 1995 only until 1 February 1999.

**Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built on or after 1 September 1984) (Amendment) Regulation 1995** (L. S. No. 2 to GAZETTE NO. 36/1995 dated 8 September 1995/L. N. 413 of 1995)

1. This Regulation implements certain amendments to the International Convention for the Safety of Life at Sea 1974 in respect of oil fuel installations, communication between navigating bridge and machinery space, and means of escape in passenger ships.

## HONG KONG Briefing

### ENVIRONMENT AND PUBLIC HEALTH

**The Pesticide Ordinance** was last reviewed in 1991. According to a senior departmental officer, the laws worked well and were in line with United Nations Food and Agriculture Organization

guidelines.

However, distributors of an environmentally friendly pesticide said the laws governing pesticides are antiquated and ignore new developments in harmless products. Biocevele (HK) managing director, Jurg Thoni said unnecessary restrictions and rules made it difficult for suppliers of non-toxic or low toxic products to operate in Hong Kong. (SCMP 03/06/95)

**The Government** admits that fines imposed on restaurants and factories breaking the Air Pollution Ordinance are too low to stop them repeating the offence. Of 48 convictions in July, 9 were for smoke emissions from restaurants and 4 were for smoke emissions from factories. The highest fine was HK\$20,000 for factories and HK\$10,000 for restaurants. Under the Ordinance, a company owner could be jailed for up to 3 months for subsequent offences but no one had ever been jailed, even though this would be an effective deterrent. (SCMP 06/08/95)

**An indoor air pollution** study costing HK\$10 million will be commissioned by the Government this month to assess health risks at home and in the office. Currently, there are no regulations governing the quality of air inside building.

Research, both in USA and Hong Kong shows that the indoor pollutants levels can be several hundred times higher than outdoor ones. This 18 months study will be used to determine what regulations are needed to protect people from indoor air-pollution. (SCMP 16/09/95)

**The Government** proposed and offered a series of financial incentives yesterday to encourage drivers of diesel

vehicles to switch to the cleaner petrol. Cheap petrol and registration and licensing parks are being used by the Government to woo taxi and minibus drivers into accepting its radical clean air scheme.

If the plan is approved, the Government estimates the yearly amount of pollution particulates from emissions spewed into the air could be reduced by half, to 1,100 tonnes, by 2,001. A 5-year conversion period will be allowed; after 2001, no diesel vehicles weights 4 tonnes or less will be licensed.

The plan is put for public consultation. Subject to LegCo approval, the programme can be in place in 1996. (SCMP 20/09/95)

#### PLANNING AND LAND USE

**The Highways Department** has decided to convert part of a buffer zone, developed at Mei Foo by the Territory Development Department (TDD), into a temporary storage area for Route 3 construction work. This plot of land, with an area of 1.6 hectare, will eventually form stage III of the Lai Chi Kok Park when it is handed over to Urban Services Department.

Urban Services Chief Executive Officer of planning for the Kowloon Region expressed support for the Highways Department's move as in any event the buffer zone would be handed back to the Urban Services Department by the end of 1996 upon completion of the Kwai Ching viaduct Contract. (Hong Kong Standard 05/06/94)

**The Advisory Council on the Environment** has endorsed the low-level radioactive waste storage facility on Siu A Chau Island after much wrangling over suitability of the site.

Chief Town Planner said a

thorough search had been conducted since 1991 involving 100 sites. It was decided to pick Siu A Chau because it was remote and had a very small population. He also said the project would have a "psychological" rather than environmental impact, which was why the government had set the storage site away from population centres.

Siu A Chau, part of the unspoilt Soko Islands chain off the southeast coast of Lantau, has been designated as a conservation, landscape and coastal protection area. (Hong Kong Standard 11/07/95)

**The World Wide Fund for Nature** released photographs of the causeway and road under construction along the Shenzhen shoreline in Deep Bay.

The causeway will have implications for other projects such as the training of the Shenzhen River, which consultants initially predicted would have minimal effects on Deep Bay.

The causeway, believed to be part of the planned Shenzhen to Shekou highway, will take up 6.5 square kilometres of Deep Bay, resulting in the loss of tidal mudflats which are important for wintering wildfowl, the Green groups said.

The Mai Po marshes nature reserve is an internationally recognised wetland covered by the Ramsar agreement, obliging the Government to protect it.

The Manager of Mai Po, Lew Young, said we might end up with the Mai Po mudflats being eroded away and the mangrove forests being washed away by the sheer volume of water, as the whole circulation would be changing. (Eastern Express 31/08/95)

## PADS UPDATE

**THE FIRST FLIGHT** out of Chek Lap Kok airport will be in April 1998. This target date was revealed by the Government yesterday after China and Britain signed the final financial support agreements. But the rail-link to the airport is not expected to be operational until two months later. The final financial support agreements set in place the revenue streams, and allow for guarantees in the event of *force majeure* or circumstances beyond the control of the government, the airport authority and the Mass Transit Railway Corporation (MTRC) (HKS 1 July 1995).

AT LEAST 21 PEOPLE have died during the construction of new airport project, either at the site itself or on one of the nine other projects related to its construction. A spokeswoman for the New Airport Projects Co-ordination Office said that overall accident rates on airport core project sites were better than normal in Hong Kong. She said that since work began in August 1990 and up until 31 May 1995, there had been 20 deaths and 2,691 non-fatal accidents. She said the non-fatal accident rate was 88 per 1,000 workers every year. The overall non-fatal rate for industrial accidents in Hong Kong was 275 accidents per 1,000 workers in 1994. (HKS 8 July 1995)

THE PROJECT DIRECTOR OF THE TSING MA BRIDGE announced yesterday that the lifting of the main span deck sections will begin in early August. The first deck units will be lifted and connected to the suspenders in the middle of the main span, and this will continue towards the towers in both directions using two erection gantries. The erection of the units should be finished by next January. Further construction, such as installing

rail tracks will follow. Completion is targeted for 18 May 1997. (HKS 22 July 1995)

**AIRPORT CONSULTATIVE COMMITTEE CHAIRMAN** Wong Po-van could be the new chairman of the future Airport Authority. Under the Airport Authority Ordinance passed by the Legislative Council last month, Governor Chris Patten must appoint a new chairman and members to the body. The panel would replace the Provisional Airport Authority in consultation with China. China earlier hinted that the right person for the chair should have the ability to supervise the authority and be trusted by both China and Britain. Mr. Wong, 72, has long been believed to be a strong candidate because of his comprehensive knowledge of the new airport program. (HKS 11 August 1995)

**HONG KONG AIR CARGO TERMINAL LIMITED** (HACTL) yesterday signed an underwriting agreement for \$6.62 billion in credit facilities to be pumped into the construction of a cargo-handling facility at the new airport. The financing requirements include a main facility of \$5.2 billion which be used to finance two-thirds of the projected \$7.8 billion cost of building the cargo-handling centre, Super Terminal 1. (EE 23 August 1995)

THE PAA has been accused of ripping off contractors and charging higher than average prices for accommodation and food at the Chek Lap Kok site. More than 10 contractors are involved in the row, which came to a head when the PAA was forced to spend millions of dollars installing air-conditioners in workers' dormitories after complaints by contractors. With 14,000 workers staying in the camps the authority will earn almost \$1 million a day when construction reaches its peak at the beginning

of next year. Many firms consider this is unacceptably high, especially as site camps elsewhere in the world are traditionally subsidised by clients. Several companies have considered renting entire floors of apartment buildings in Tuen Mun as an alternative. But they have been deterred because of the cost and inconvenience of providing cleaning services and ferries to the airport site. (SCMP 29 August 1995)

**NEW FOUND WORLD**, a consortium of five local property developers, was formed to enter into a joint development project with the Mass Transit Railway Corporation to develop the property above the Tung Chung MTR station. The Tung Chung station will be situated opposite the new airport. The five shareholders of New Found World, with 20 per cent each, are : Henderson Land Development, Hang Lung Development, New World Development, Sun Hung Kai Properties and Swire Properties. (EE 23 September 1995)

THE PAA has granted the \$1.41 billion land-side infrastructure contract for the new airport, despite the fact that it cannot yet borrow to pay for it. The PAA cannot borrow money until it undergoes its legal transformation into the Airport Authority, which sources say is being held up by a dispute with China officials. While this matter was supposed to have been solved through the Agreed Minute last year, new issues have been raised since, delaying the appointment of the board and the creation of the Airport Authority. (HKS 26 September 1995)

THE PAA has awarded the contract to develop and operate a \$2 billion first-class hotel at Chek Lap Kok to Regal Hotels International Holdings. The PAA also awarded the contract to develop and operate the air

freight forwarding centre at the new airport to a consortium led by Sun Hung Kai Properties. (SCMP 29 September 1995)

**ABOUT 150 STAFF** working on the Central Reclamation Phase One project yesterday complained that contractor Dragages Penta BSG had reneged on agreed working hours. The workers also accused the contractor of withholding bank statements and refusing to give them control over remittance pay to their families in Thailand. The row comes a day after the Labour Department announced it would investigate claims of mass under-payment to 800 Thai workers at the Kwai Chung viaduct container terminal site. (HKS 29 September 1995)

## CASELAW UPDATE

### **Hong Kong Racing Pigeon Association Limited v. A-G & Another**

(Civil Appeal No.158 of 1994, 11th April 1995, CA. Nazareth V-P, Bokhary and Liu JJA)

### **Waste Disposal Ordinance - Definition of pigeon - Whether definition of pigeon includes racing pigeons - Declaration sought - Appeal dismissed**

Part IIIA of the Waste Disposal Ordinance (Cap.354) (the "Ordinance") came into operation in June 1988. Section 15(1) of the Ordinance provides that "no person shall keep livestock in or on any premises in livestock waste prohibition areas." The livestock prohibition areas generally refer to the urban areas in Hong Kong, which are more particularly specified in the First Schedule of the Ordinance.

The Plaintiff is an organisation promoting the hobby or sport of racing pigeons. It has about 380

members, a 120 of whom are active members who keep racing pigeons as their homes and regularly enter them in races conducted by the Plaintiff.

Shortly after Part IIIA came into operation, the Environmental Protection Department visited many members of the Plaintiff and warned them that they should not keep more than 10 pigeons, otherwise they would be prosecuted under the Ordinance. The limit of 10 birds (or, *poultry*) applied to an exempt person, defined in the Fourth Schedule as :-

*"any person who owns or keeps in or on his premises in any livestock waste prohibition area not more than 10 poultry".*  
[Note : The limit has recently been increased to 20.]

Section 2(1) of the Ordinance defines *poultry* as "*chicken, ducks, geese, pigeons and quail*".

The Plaintiff contended that "*poultry*" did not include *racing*

*pigeons* within the meaning of the Ordinance, on the ground that the birds specified in the definition were raised and sold as *eating birds*, whereas its members' pigeons were kept solely for the hobby of racing them. The Plaintiff took out an originating summons seeking a declaration that "all racing pigeons kept by the members of the Plaintiff are not *pigeons*" for the purposes of the Waste Disposal Ordinance".

The matter came before Sears J on 15th July 1994. He found against the Plaintiff and refused the declaration sought. The Plaintiff then appealed.

On appeal, the Plaintiff again sought to restrict the meaning of "*poultry*" to what the Court of Appeal referred to as "the qualitative criterion in that definition" (i.e. s.2(1)). The issue was whether "*pigeons*" included pigeons which were not bred for the table, but for racing only.

Whilst the Court expressed

some sympathy for the Plaintiff's members, the appeal was dismissed on the grounds that :

1. The ordinary and natural meaning of "*pigeons*" was clear and it extended to all pigeons, regardless of whether they are table birds, fancy or show birds or even racing birds.

2. The primary reason for the introduction of the new Part IIIA of the Waste Disposal Ordinance was to reduce the pollution caused by livestock, particularly pig waste. However, there was no indication that the scope of the Ordinance was intended to be so narrow as to exclude racing pigeons.

3. The court was concerned with a law which regulated the keeping of *poultry* (including any kind of *pigeons*) and the disposal of the waste they made. The purpose for which they were bred could not be relevant to the disposal of their waste.

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:

**HONG KONG**

**FRED KAN & CO.**  
*Solicitors & Notaries*

31/F., Central Plaza  
18 Harbour Road  
Hong Kong

Telephone: (852) 2598 1318  
Facsimile: (852) 2588 1318

**CANADA**

**Smith, Lyons, Torrance, Stevenson & Mayer**  
*Barristers & Solicitors*

Suite 6200, Scotia Plaza  
40 King Street West  
Toronto, Canada M5H 3Z7

Telephone: (416)369 7200  
Facsimile: (416) 369 7250

World Trade Centre  
Suite 550-999 Canada Place  
Vancouver, Canada V6C 3C8  
Telephone: (604) 662 8082  
Facsimile: (604) 685 8542

**UNITED KINGDOM**

**IRWIN MITCHELL**  
**SOLICITORS**

St. Peter's House  
Hartshead  
Sheffield S1 2 EL  
United Kingdom

Telephone: (742) 767 777  
Facsimile: (742) 753 306

190 Corporation Street  
Birmingham B4 6QD  
Telephone: (21) 212 1828  
Facsimile: (21) 212 2265

Comparative Table of Environmental Convictions:  
July - September 1995

	Number	1st Offence	2nd Offence	3rd + Offence	Highest Fine
APCO	13	4	5	4	\$ 20,000
	19	13	2	4	\$ 17,000
	10	5	3	2	\$ 20,000
WPCO	16	9	5	2	\$ 80,000
	16	12	2	2	\$ 80,000
	18	16	1	1	\$ 30,000
NCO	11	8	1	2	\$ 25,000
	18	13	2	3	\$ 100,000
	18	9	8	1	\$ 40,000
OLPO	3	2	1	-	\$ 10,000
	3	2	1	-	\$ 20,000
	-	-	-	-	-
DASO	-	-	-	-	-
	-	-	-	-	-
	-	-	-	-	-
WDO	5	5	-	-	\$ 30,000
	5	4	-	1	\$ 20,000
	2	1	-	1	\$ 5,000
Total	48	28	12	8	
	63	47	7	9	
	48	31	12	5	

**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

*July figures appear on the first line, August figures on the second, and September figures on the third of each item. Source: EPD, Anti-Pollution Prosecution Figures.*