

URBAN PLANNING AND ENVIRONMENTAL LAW QUARTERLY
(Published since May 1992)

簡家驄律師行 · 城規環保季刊

In this edition of UPELQ, we review penalties imposed under Hong Kong's anti-pollution laws, which reveal a shameful and perplexing continuation of the courts' reluctance to punish polluters in accordance with the objectives and penalty provisions of statutes.

The Editors

CONTENTS

FEATURE:	Page
LAX JUDICIAL TREATMENT OF POLLUTERS UNDERMINES EFFECTIVENESS OF THE POLLUTION STATUTES	1
TOWN PLANNING	9
LEGISLATION DIGEST	10
WEST KOWLOON CULTURAL DISTRICT (WKCD)	10
HONG KONG BRIEFING	11
ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)	12
CLIMATE CHANGE	13
REGIONAL & INTERNATIONAL	14

LAX JUDICIAL TREATMENT OF POLLUTERS UNDERMINES EFFECTIVENESS OF THE POLLUTION STATUTES

Anti-pollution statutes

Hong Kong's principal anti-pollution laws are:

APCO	-	<i>Air Pollution Control Ordinance</i>	(Cap 311)
NCO	-	<i>Noise Control Ordinance</i>	(Cap 400)
WPCO	-	<i>Water Pollution Control Ordinance</i>	(Cap 358)
WDO	-	<i>Waste Disposal Ordinance</i>	(Cap 354)
OLPO	-	<i>Ozone Layer Protection Ordinance</i>	(Cap 403)
EIAO	-	<i>Environmental Impact Assessment Ordinance</i>	(Cap 499)
DASO	-	<i>Dumping at Sea Ordinance</i>	(Cap 466)
HCCO	-	<i>Hazardous Chemicals Control Ordinance</i>	(Cap 595)
PERO	-	<i>Product Eco-Responsibility Ordinance</i>	(Cap 603)

Penalties

Penalties for offences under these statutes are, generally, reasonably substantial. Penalties have not been increased for many years, but nevertheless they represent a fairly realistic difference deterrence level, if magistrates treated environmental offences seriously and imposed penalties closer to the maximum, level.

Examples of penalties provided for in the legislation are as follows.

APCO

Section 30A (breach of licence) -:

\$100,000 fine – 1st Offence

\$200,000 fine + 6 months imprisonment – 2nd (and subsequent) offence

\$20,000 – per day offence continues

Section 12(2) (discharge of noxious/offensive emissions): -

\$200,000 fine + 6 months imprisonment

\$20,000 – daily fine for continuing offence

WPCO

Section 8(1) (prohibited discharge into waters of Hong Kong etc.):-

Section 9(1) (discharge non-exempt waste into commercial drain etc.):-

Section 11(Penalties): -

\$200,000 fine + 6 months imprisonment – 1st offence

\$400,000 fine + 6 months imprisonment – 2nd (and subsequent) offence

\$10,000 – daily fine

WDO

Section 18 (Penalties for unlawfully disposing of/depositing waste):-

\$200,000 fine + 6 months imprisonment – 1st offence

\$500,000 fine + 6 months imprisonment – 2nd (and subsequent) offence

\$10,000 – daily fine

OLPO

Section 4 (importing /exporting a scheduled (i.e. ozone depleting) substance):-

\$1,000,000 fine + 2 years imprisonment

PERO

Section 9(3) (false product information):-

\$100,000 fine

Environmental Protection Department

The Environmental Protection Department (“EPD”) is the agency charged with monitoring compliance with these statutes, and prosecuting offenders. Prosecutions are usually brought in the Eastern Kwun Tong or Fanling Magistrates’ Courts.

Prosecution statistics

The EPD posts on-line statistics of prosecutions of environmental offences for 2018, plus comparative statistics from previous years.

Regrettably, and surprisingly, the statistics do not show whether the convictions are first or 2nd (plus) offences. Until about 10 years ago, this information was published, along with the names of all offenders. We have considered the statistics to assess whether EPD has a more noteworthy record of enforcement than Hong Kong’s other environmental agency, the Agriculture, Fishes and Conservation Department (“AFCD”) in overseeing Hong Kong’s environmental protection laws: see *Weak Enforcement Undermines Effective Conservation In Hong Kong (UPELQ)*, March 2019.

Key elements of EPD’s statistics are set out below.

2018 fines (HK\$)

Ordinance	Total	Highest	Lowest	Average
APCO	764 500	46 500	1 000	6 950
NCO	1 117 500	30 000	1 500	8 402
WPCO	658 100	58 000	2 000	18 803
WDO	2 965 550	60 000	1 000	6 378
OLPO	0	0	0	0
EIAO	20 000	20 000	20 000	20 000
DASO	40 000	10 000	5 000	6 667
HCCO	5 000	5 000	5 000	5 000
PERO	11 900	4 000	900	2 380
PCPNR	9 000	3 000	3 000	3 000
Total	5 591 550	60 000	900	7 367

Number of prosecutions: 2013 - 2017

Ordinance	Year				
	14	15	16	17	18
APCO	83	108	90	99	114
NCO	97	78	100	102	154
WPCO	22	53	29	49	43
WDO	136	171	531	482	485
OLPO	0	2	1	2	1

EIAO	1	2	2	1	1
DASO	72	2	2	4	12
HCCO	0	0	1	0	1
PERO	1	0	3	15	5
PCPNR *	N/A	N/A	N/A	N/A	3
Total	412	416	759	754	819

Fines imposed: 2014 - 2018

Ordinance	Year				
	14	15	16	17	18
APCO	641 500	925 500	693 500	628 700	764 500
NCO	1 314 000	982 000	1 356 000	1 275 000	1 117 500
WPCO	245 000	453 500	305 500	672 500	658 100
WDO	1 039 500	1 542 400	4 226 900	3 065 250	2 965 550
OLPO	0	80 000	80 000	80 000	0
EIAO	20 000	15 000	36 000	20 000	20 000
DASO	0	15 000	0	206 000	40 000
HCCO	0	0	500	0	5 000
PERO	5 000	0	14 000	63 800	11 900
PCPNR *	N/A	N/A	N/A	N/A	9 000
Total	3 265 000	4 013 400	6 712 400	6 011 250	5 591 550

Terms of imprisonment imposed: 1997 - 2015

Ordinance	Year	No. of Cases	Sentence	Offence section
WPCO	1997	1	4 months imprisonment suspended for 18 months	R.17B(1) and 17B(2) of WPC(G)R
		1	1 month imprisonment suspended for 12 months	s.9(1)(b) and 11(1) of WPCO
	1999	1	1 month imprisonment suspended for 12 months	s.9(1) and 11(1) of WPCO
		1	28 days imprisonment suspended for 24 months	s.9(1) and 11(1) of WPCO
	2000	1	28 days imprisonment suspended for 24 months	R.17B(2) of WPC(G)R
1		7 days imprisonment suspended for 36 months	s.9(1) and 11(1) of WPCO	
WDO	2000	1	14 days imprisonment	s.8(1)(a) and 8(5)(a) of WD(CW)(G)R
	2003	1	2 months imprisonment	s.20B(1)(b) and 20E(1)(a) of the WDO & s.159G of the Crimes Ordinance

2004	2	2 months imprisonment suspended for 24 months	s.20B(1)(b) and 20E(1)(a) of WDO
2005	1	2 months imprisonment suspended for 12 months	s.20F(1)(b) and 20F(2) of WDO
2006	3	2 months imprisonment suspended for 18 months	s.20B(1)(b) and 20E(1)(a) of WDO
	1	6 months imprisonment suspended for 24 months	s.20B(1)(b) and 20E(1)(a) of WDO
	1		6 months imprisonment suspended for 24 months s.21(1) and 21(2) of WD(CW)(G) Reg.
	2	160 hours of community service	s.20B(1)(b) and 20E(1)(a) of WDO
	2	160 hours of community service	s.21(1) and 21(2) of WD(CW)(G) Reg.
	1	200 hours of community service	s.20B(1)(b) and 20E(1)(a) of WDO
	1	200 hours of community service	s.21(1) and 21(2) of WD(CW)(G) Reg.
2007	2	2 months imprisonment	s.20B(1)(b) and 20E(1)(a) of WDO
	3	2 months imprisonment	s.21(1) and 21(2) of WD(CW)(G) Reg.
	1	2 months imprisonment suspended for 12 months	s.20A(1)(b) and 20E(1)(a) of WDO
	4	180 hours of community service	s.20A(1)(b) and 20E(1)(a) of WDO
	1	180 hours of community service	s.20B(1)(b) and 20E(1)(a) of WDO
	1	180 hours of community service	s.21(1) and 21(2) of WD(CW)(G) Reg.
	1	160 hours of community service	s.20B(1)(b) and 20E(1)(a) of WDO
	1	160 hours of community service	s.21(1) and 21(2) of WD(CW)(G) Reg.
	1	120 hours of community service	s.20B(1)(b) and 20E(1)(a) of WDO
	1	120 hours of community service	s.21(1) and 21(2) of WD(CW)(G) Reg.
2008	8	2 months imprisonment	s.20B(1)(b) and 20E(1)(a) of WDO

	5	2 months imprisonment	s.21(1) and 21(2) of WD(CW)(G) Reg.
	1	3 months imprisonment	s.20B(1)(b) and 20E(1)(a) of WDO
	1	3 months imprisonment	s.21(1) and 21(2) of WD(CW)(G) Reg.
	1	3 months imprisonment suspended for 15 months	s.20B(1)(b) and 20E(1)(a) of WDO
	1	3 months imprisonment suspended for 15 months	s.21(1) and 21(2) of WD(CW)(G) Reg.
	2	4 months imprisonment	s.20B(1)(b) and 20E(1)(a) of WDO
	2	4 months imprisonment	s.21(1) and 21(2) of WD(CW)(G) Reg.
	2	5 months imprisonment	s.20B(1)(b) and 20E(1)(a) of WDO
2014	1	1 month imprisonment suspended for 12 months and fine \$25,000	s.16A(1) and 18(1) of WDO
2016	1	21 days imprisonment suspended for 12 months	s.16A(1) and 18(1) of WDO
	2	14 days imprisonment for each summons consecutively suspended for 12 months	(1) s.9(1) and 9(4) of WD(CW)(G)Reg. (2) s.18(1)(a) and 18(3) of WD(CW)(G)Reg.
2017	2	2 weeks imprisonment for each summons and be executed concurrently	(1) s.9(1) and 9(4) of WD(CW)(G)Reg. (2) s.18(1)(a) and 18(3) of WD(CW)(G)Reg.
DASO	1999	1	28 days imprisonment suspended for 24 months s.8(1)(a) and 25(1)(a) of DASO
OLPO	2007	1	1 month imprisonment suspended for 12 months s.4 of OLPO
	2015	1	1 month imprisonment suspended for 12 months s.4 of OLPO

Sample 2019 statistics

As said, prosecutions under the anti-pollution statutes are usually brought in the Fanling or Kwun Tong Magistrates' Courts. Statistics for March 2019 (covering both Courts) provide stark evidence of the woefully inadequate penalties (compared with applicable maximum penalties) routinely imposed by the Courts under these vitally important statutes.

EPD convictions in March

No.	Name (Company/Person)	Date of Offence	Nature of Offence	Fines(\$)/ other sentences	Court
Convictions under the APCO					
1	Individual	06.08.2018	Carried out notifiable work not in accordance with the	2,000.00	Fanling
2	Individual	08.08.2018	Carried out notifiable work not in accordance with the Construction Dust Regulation	3,000.00	Fanling
3	Individual	06.08.2018	Carried out notifiable work not in accordance with the Construction Dust Regulation	3,000.00	Fanling
4	Individual	01.07.2018	Carried out notifiable work without giving prior notice to the Authority	3,000.00	Fanling
5	Individual (Sole Proprietor)	30.11.2018	Failed to comply with air pollution abatement notice	10,000.00	Fanling
6	Individual	28.08.2018	Commenced asbestos work without proper notification	2,500.00	Kwun Tong
7	Individual	31.08.2018	Failed to comply with the requirement of an asbestos abatement notice	2,500.00	Kwun Tong
Convictions under the NCO					
8	REC Engineering Company Limited	05.08.2018	Used powered mechanical equipment without valid construction noise permit	15,000.00	Eastern
9	Optimal Taste Limited	09.08.2018	Failed to comply with the requirements of a noise abatement notice	8,000.00	Fanling
10	Chevalier Property Management Limited	24.08.2018	Failed to comply with the requirements of a noise abatement notice	40,000.00	Fanling
11	Individual (Sole Proprietor)	21.09.2018	Made noise in any public place for the purpose of attracting to goods, wares or trade and causing noise annoyance	6,000.00	Fanling
12	Hankang Recycling Limited	03.09.2018	Failed to comply with the requirements of a noise abatement notice	6,000.00	Fanling
Convictions under the PERO					
14	Pricerite Home Limited	27.08.2018	Failing to notify a consumer in writing of the seller's obligation before entering into the contract of distribution	1,000.00	Eastern

15	Pricerite Home Limited	27.08.2018	Failing to notify a consumer in writing of the removal terms before entering into the contract	1,000.00	Eastern
16	EasyTalk Group Company Limited	15.08.2018	Failing to provide to a consumer a recycling label for the regulated electrical equipment	1,000.00	Fanling
17	EasyTalk Group Company Limited	15.08.2018	Failing to provide to a consumer a receipt for the regulated electrical equipment	1,000.00	Fanling
18	EasyTalk Group Company Limited	13.08.2018	Failing to notify a consumer in writing of the seller's obligation before entering into the contract of distribution	500	Fanling
19	EasyTalk Group Company Limited	15.08.2018	Distributing regulated electrical equipment to a consumer in the absence of a removal service plan	2,000.00	Fanling
20	EasyTalk Group Company Limited	15.08.2018	Failing to arrange for removal of electrical equipment or electronic equipment in accordance with the removal service plan	2,000.00	Fanling
21	Individual (Sole Proprietor)	10.09.2018	Failing to provide to a consumer a receipt for the regulated electrical equipment	1,000.00	Fanling
22	Individual (Sole Proprietor)	04.09.2018	Failing to notify a consumer in writing of the seller's obligation before entering into the contract of distribution	2,000.00	Fanling
23	Individual (Sole Proprietor)	10.09.2018	Failing to arrange for removal of electrical equipment or electronic equipment in accordance with the removal service plan	500	Fanling
24	Easco Limited	19.09.2018	Without reasonable excuse, failing to comply with a requirement properly made of him by an authorized officer	3,000.00	Kwun Tong
25	Suntec International Limited	19.09.2018	Without reasonable excuse, failing to comply with a requirement properly made of him by an authorized officer	3,000.00	Kwun Tong
26	Individual (Sole Proprietor)	01.09.2018	Failing to provide to a consumer a recycling label for the regulated electrical equipment	1,000.00	Kwun Tong
27	Individual (Sole Proprietor)	28.08.2018	Distributing regulated electrical equipment to a consumer in the absence of a removal service plan	2,000.00	Kwun Tong

28	Individual (Sole Proprietor)	28.08.2018	Failing to notify a consumer in writing of the seller obligation before entering into the contract of distribution	1,000.00	Kwun Tong
29	Individual (Sole Proprietor)	28.08.2018	Failing to notify a consumer in writing of the removal terms before entering into the contract of distribution	750	Kwun Tong
30	Metro Inc. Limited	19.09.2018	Without reasonable excuse, failing to comply with a requirement properly made of him by an authorized officer	3,000.00	Kwun Tong
31	H & C Bro Limited	19.09.2018	Without reasonable excuse, failing to comply with a requirement properly made of him by an authorized officer	3,000.00	Kwun Tong

Convictions under the WDO

32	Individual (Sole Proprietor)	05.07.2018	Failed to make a billing account application in accordance with the Waste Disposal (Charges for Disposal of Construction Waste) Regulation	5,400.00	Eastern
33	Individual (Partnership)	19.05.2018	Failed to make a billing account application in accordance with the Waste Disposal (Charges for Disposal of Construction Waste) Regulation	6,020.00	Eastern
34	Individual	06.08.2018	Deposited waste unlawfully	2,500.00	Fanling
35	Individual	17.05.2018	Deposited waste unlawfully	4,000.00	Fanling
36	Individual	16.10.2018	Deposited waste unlawfully	4,500.00	Fanling
37	Individual	11.09.2018	Deposited waste unlawfully	2,500.00	Fanling
38	Individual	27.10.2018	Deposited waste unlawfully	7,000.00	Fanling
39	Man On Engineering & Construction Limited	10.11.2018	Deposited waste unlawfully	10,000.00	Fanling
40	Man On Engineering & Construction Limited	13.11.2018	Deposited waste unlawfully	10,000.00	Fanling
41	Individual	10.11.2018	Deposited waste unlawfully	8,000.00	Fanling
42	Individual	13.11.2018	Deposited waste unlawfully	8,000.00	Fanling
43	Silver Post Scm Company Limited	13.09.2018	Imported controlled waste without a permit	10,000.00	Fanling

Convictions under the WPCO

44	Parkland Property Management Limited	13.07.2018	Discharged waste/polluting matter into the water control zone	8,000.00	Fanling
----	--------------------------------------	------------	---	----------	---------

Keep in mind that the maximum penalty for an APCO first offence is \$100,000; and for a second offence it is \$200,000 plus 6 months imprisonment. Yet the average fine imposed for APCO offences in March 2019 was a mere HK\$3,710; and no offender was sent to gaol.

Perhaps an even more stark illustration of the Courts' trivialising of environmental offences is the sorry penalties recorded for PERO offences. The maximum prescribed penalty is a Level 6 fine, i.e. HK\$100,000 (Schedule 8, *Criminal Procedure Ordinance* (Cap. 221)). This is the highest level fine in Schedule 8. Yet the highest fine imposed by Fanling Court was HK\$2,000, and by Kwun Tong Court, HK\$3,000!

Fines imposed for offences under the WDO and WPCO reflect the same lament treatment of environmental offenders. And in 2017, there were two (2) convictions under the OLPO, for which total fines of HK\$80,000 were imposed. The prescribed penalty is HK\$1,000,000 plus 2 years imprisonment. What is so disturbing is that this inexplicable and unjustifiable judicial malaise has persisted from the 1980s when Hong Kong's anti-pollution laws were enacted.

EPD's role

Of course, the EPD is not responsible for weak penalties handed down by magistrates. However, it is largely responsible for failing to appeal manifestly inadequate sentences. We raised this issue with the EPD and were informed that every time the EPD referred a case to the Justice Department for advice on a possible sentence appeal, the advice received was against appealing.

Clearly the Secretary for Environmental should have taken steps – years ago – to pursue appeals, regardless of DOJ's advice. The Secretary should at least have taken the matter up with the Secretary for Justice. Perhaps he did – but if so, the result is the same. And in the end, it is, again, Hong Kong's environment which suffers!!

TOWN PLANNING

Draft Fanling/Sheung Shui Outline Zoning Plan approved

The Chief Executive in Council has approved the draft Fanling/Sheung Shui Outline Zoning Plan (“**OZP**”). The planning scheme area (the “Area”), which covers an area of about 667 hectares, is located in the river plains associated with the Ng Tung, Shek Sheung, Sheung Yue and Ma Wat Rivers. It is surrounded by Tin Ping Shan and Ma Sik Road to the north, the Ma Wat River to the east, and the foothills of Wo Hop Shek Cemetery and a golf course to the south and west.

The planning scheme arrangements are:-

1. 119.91 hectares are zoned “Residential (Group A)” for development of a new town.
2. 8.18 hectares and 22.92 hectares are zoned “Residential (Group B)” and “Residential (Group C)” respectively.
3. 83.3 hectares are zoned “Village Type Development”.
4. 22.07 hectares, covering the existing towns of Shek Wu Hui and Luen Wo Hui are zoned “Commercial/Residential” for mixed commercial and residential uses.
5. 3.16 hectares are zoned “Comprehensive Development Area” for a low-density residential development.
6. 47.84 hectares, covering the existing industrial areas of On Lok Tsuen and Planning Areas 4 and 30, are zoned “Industrial” for general industrial uses.
7. 102.91 hectares are zoned “Government, Institution or Community”, and 42.3 hectares are zoned “Open Space” to cater for local and district needs.
8. 34.46 hectares are zoned “Other Specified Uses” for specific uses including sewage treatment works, flood balancing reservoir, railway stations and petrol filling stations.
9. 68.78 hectares are zoned “Green Belt” to define the limits of urban development, containing urban sprawl and provide passive recreational outlets.
10. 0.9 hectares are zoned “Undetermined” for unforeseen requirements in the longer term.

[Town Planning Board Press Release, 17/01/2020]

Various Zoning Plans referred back for amendment

From December to February 2020, the Chief Executive in Council has:-

1. referred the approved Tung Chung Town Centre Area Outline Zoning Plan (“**OZP**”) and the approved Tseung Kwan O OZP to the Town Planning Board (the “**Board**”);
2. referred the approved Chai Wan OZP to the Board; and
3. referred the approved Stanley Outline Zoning Plan to the Board.

The Board will amend each of the said OZPs to reflect the latest land use proposals. Each of the OZPs, with respective amendments, will be exhibited for public inspection under the provisions of the Town Planning Ordinance (Cap. 131).

[Town Planning Board Press Release, 27/12/2019; Town Planning Board Press Release, 17/01/2020; Town Planning Board Press Release, 14/02/2020]

LEGISLATION DIGEST

At the meeting of the Executive Council on 26 November 2019, the Council advised and the Chief Executive ordered that the *Fisheries Protection (Amendment) Bill 2019* be submitted to Legislative Council

Local fishing vessel registration

In 2012, the *Fisheries Protection Ordinance* (Cap. 171) (“**Ordinance**”) was amended to introduce a new registration scheme, in which local fishing vessels must be registered with Agriculture, Fisheries and Conservation Department (“**AFCD**”) to be permitted to fish in Hong Kong. The purpose was to control fishing activities. New licences were capped at a cut-off date.

The cut-off date was the commencement date of the *Fisheries Protection (Amendment) Ordinance 2012* (i.e 15 June 2012). Under the Ordinance, only local fishing vessels with a valid operating licence issued by the Marine Department (“**MD**”) under the *Merchant Shipping (Local Vessels) Ordinance* (Cap. 548) on 15 June 2012 are eligible for registration, and the application has to be made within 12 months.

Appeals to Administrative Appeals Board

During the registration period, only 4474 vessels were registered and 494 applications were rejected. Most of the rejected applicants (i.e the ones who did not possess an operating licence on 15 June 2012) appealed to the Administrative Appeals Board (“**AAB**”). The AAB has so far dismissed all appeals.

The Proposal

The proposal was to amend the Ordinance to allow AFCD to exercise a discretion in granting licences AFCD will accept applications only in respect of vessels which were used as fishing vessels as at 14 June 2012, but did not have a valid operating licence on 15 June 2012.

Vessel owners who did not have a licence on 15 June 2012 and sold or disposed of their fishing vessels, may also be considered under Provisional Approval of Registration (“**PAR**”). This grants the vessel owners right to register their fishing vessels within a specified timeframe.

To avoid opening floodgates, the AFCD has considered approving applications on a case by case basis. Applicants must prove to AFCD that the vessels have been used for fishing up till 14 June 2012 and the applications will be required make their application within 6 months.

Vessel owners who were rejected because of failing to attain a licence on 15 June 2012, may also reapply if their licence expired on 14 June 2012. They would also need to apply within 6 months.

The Amendment Bill

- (a) Part 1 (clauses 1 and 2) contains preliminary provisions including the short title of the Amendment Bill.
- (b) Part 2 (clauses 3 to 13) provides that the AFCD has the discretionary power to consider registration of fishing vessels and applications in a confined scope
 - (a) Clause 5 adds new sections 14A and 14B to the Ordinance. Section 14A provides for registration of the vessels, if AFCD is satisfied that the vessels were used, or were intended to be used, for fishing up to expiry date of 14 June 2012.
 - (b) Section 14B provides for issuance of PAR to owners of vessels on 15 June 2012, if AFCD were satisfied that the vessels were used or were intended to be used for fishing on 14 June 2012, and the vessels are no longer in the owner’s ownership or are not ready yet under section 14 of the Ordinance.
 - (c) Clause 8 adds section 21A to the Ordinance. It provides for issuing a Certificate of Eligibility for Registration to owners or former trawlers.
 - (d) Clause 10 adds new sections 14A(2), 14B(2), 14B(8), 21A(2) and 21A(8) that AFCD’s decisions under the sections are appealable to AAB.
- (c) Part C (Clause 14) amends Item 72 of the Schedule to the AAB Ordinance (Cap. 442).

Implications of the proposal

There are minor economic and family implications, as only a small number of fishing vessels will be re-registered.

[*Legislative Council Brief*, 12/2019]

WEST KOWLOON CULTURAL DISTRICT

Disease prevention and control measures implemented

Due to public safety and the government’s disease prevention and control measures, the West Kowloon Cultural District Authority (the “**Authority**”) announced that ticketed events will be rescheduled or cancelled at the Xiqu Centre and Freespace until further notice. Any additional rescheduled performances and refund arrangements will be announced in due course.

M+ Pavilion opened on 4 March 2020, when enhanced hygiene measures were implemented to safeguard the health of visitors and staff members. All visitors are required to undergo temperature screening and wear masks before entry.

The Art Park will remain open to the public as usual.

The Authority will continue to review the situation and make appropriate adjustment for the above venues and ticketed programmes accordingly.

[*West Kowloon Cultural District Authority Press Release, 28/02/2020*]

New appointments of Consultation Panel members

The Consultation Panel was established under Section 20 of the West Kowloon Cultural District Authority Ordinance (Cap.601) by the West Kowloon Cultural District Authority Board (the “Board”). The Panel comprises members from different sectors of society who have relevant knowledge and experience.

Ambrose Ho was appointed as the chairman of the Consultation Panel, with effect from 1 March 2020. Professor Derek Collins was reappointed as a member of the Panel as from 1 March 2020.

[*West Kowloon Cultural District Authority Press Release, 05/03/2020*]

HONG KONG BRIEFING

Glass bottles recycling services resumed

In the past few months, glass bottles were used by protesters to make petrol bombs, and rubbish and recycling bins have been regularly used to block roads during the civil protests. Throughout the social unrest, many glass recycling bins were damaged. The government stopped the collection of glass bottles because if the bins were filled with glass, the protesters could pour them out into public places, thereby creating a danger to the general public and protesters alike.

The government recently assessed that the situation was relatively stable, so it has asked contractors to resume collection of glass recycle bins in safe areas, for example, housing estates and government community green stations.

The government is working to make sure there are enough uses for recycled glass, such as in eco-pavements and construction. The government encourages people to continue to recycle glass containers. During the past two to three years, the recycling rate for glass bottles has increased from one out of every 10 bottles to three out of every 10 bottles.

Green Earth, an environmental NGO, hoped the government could speed up the resumption of glass collection, as the glass recycling ban might have caused tonnes of bottles to be dumped in landfills. Removal of recycling bins would have discouraged deterred recycling of glass bottles, and at the same time businesses that had already trained employees to separate glass from other waste would have to relearn how to dispose of handle glass containers other than by recycling.

[*SCMP, 17/01/2020*]

Increased levels of ozone

According to data from the Environment Protection Department, the yearly average concentration of ozone reached 54.29 micrograms per cubic metre in 2019, up from 29.56 in 1998. Ozone pollution was particularly bad on the west side of Hong Kong, such as Tuen Mun, Yuen Long and Tai Po.

When nitrogen oxides emitted by vehicles, and volatile organic compounds (“VOCs”) emitted by paints, solvents and cosmetics, react with sunlight and oxygen, ozone is formed. The government considers ozone pollution a regional problem because the pollutants are mainly emitted from industries in Guangdong.

Last year, the government announced VOCs would be added to the Pearl River Delta Regional Air Quality Monitoring Network, which collates data from 23 monitoring stations and is part of a joint effort by Hong Kong, Macau and Guangdong province.

Although the levels of other pollutants, such as nitrogen dioxides, sulphur dioxide and particular matter have decreased between 1998 and 2019, the average yearly levels of these pollutants still far exceed the air quality goals set by the World Health Organisation. For example, roadside emission of nitrogen dioxide were 79 micrograms per cubic metre in 2019, which is nearly a double the recommended WHO ceiling of 40 micrograms per cubic metre.

Clean Air Network proposed that the government establishes roadside monitoring stations in all 18 districts to obtain a more accurate picture of pollution levels. It is also necessary to have a better designed and clearer signage to explain the air quality health index, which alerts residents to pollution levels.

[*SCMP, 20/01/2020*]

Test ride electric minibuses and cross-harbour ferries in 2023

In the 2020-21 Budget, HK\$430 million was allocated to developing green-energy transport. The Environment Bureau plans to develop the city’s road map to popularise electric vehicles to reduce vehicle emissions and so improve Hong Kong’s air quality.

The Environment Bureau will spend HK\$80 million to purchase 40 electric minibuses and to set up charging facilities along their routes. The initial plan will target only green minibuses because they have set routes, which will make it easier to install charging stations.

On the other hand, the Environment Bureau will spend HK\$350 million to help the four Victoria Harbour ferry operators purchase electric ferries and install charging facilities by 2023.

Currently, Hong Kong has approximately 13,600 electric cars, which are 2.1% of all vehicles in Hong Kong. The government will encourage people and businesses to change to lower-emission vehicles so as to improve air quality.

However, Clean Air Network, an air pollution watchdog, warned that if the government's road map for the use of electric vehicles included only minibuses, its scope would not be enough to improve air quality. Clean Air Network advocated that the government should take this opportunity to include a wider range of power-sources and vehicles in the scheme, such as hydrogen buses and electric taxis.

[SCMP, 27/02/2020]

ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

Summary of the Minutes of the 238th Meeting of the Advisory Council on the Environment

Members considered aspects of implementation of the 2019 Policy Initiatives of Environment Bureau: Environmental Protection. The Chairman informed the Members that ACE Paper 13/2019 provided an update on the latest progress in implementing the Policy.

Open Session

Waste reduction and recycling

A member suggested installing food waste composters in housing estates and schools to further reduce food waste. This is projected to reduce by more than 3,500 tonnes the volume of food waste dumped in landfills every day.

A member observed that Reverse Vending Machines ("RVMs") placed at City University of Hong Kong and Festival walk to collect waste plastic beverage containers encouraged people to recycle more, as there are economic incentives through a rebate program. He recommended placing RVMs throughout Hong Kong.

Climate change and energy efficiency

Mr. Wong advised that the government was very supportive of the development of green technology. A member suggested that the government should be more ambitious, such as by reducing electricity consumption by 5% in government buildings. Mr. Wong responded that the government has set goals to reduce consumption by 6% by 2024-2025.

A member further suggested that local power companies should also join in generating renewable energy, in order to contribute to Hong Kong's Climate Action Plan 2030+, which essentially aims to use more renewable energy by 3-4%.

Mr. Wong also suggested that there could be potential in installing solar photovoltaic (PV) panels on rooftops. He stressed that the public should engage more in a long-term de-carbonisation strategy.

Green buildings

Two Members emphasised on the importance of establishing policies and strategies in energy disclosure to provide for relevant data in measuring energy consumption and efficiency. This would allow private sectors to enhance transparency.

A member also suggested that Lower Ngau Tau Kok Estate was one of the first public housing estates to adopt an intelligent building facade for energy saving. As Hong Kong has a high population density, the member recommended that other public housings should adopt intelligent building designs.

Introducing economic incentives

A member indicated that economic incentives would be an effective method to change people's behavior towards environmental conservation. One of the suggestions was that the government reinstates the full first registration tax (FRT) waiver for electric private cars, to promote a wider use of people using electric vehicles.

Pilot Scheme on new energy ferries

A member supported the government's proposal to launch a pilot scheme of new energy ferries. As marine vessels run on diesel and are major emitters of air pollutants, Hong Kong must consider changing to using electric powered ferries.

Mr. Fung said that the Environment Protection Department ("EPD") is in discussion with four ferry operators to replace the diesel-driven Victoria Harbour ferries with electric vessels. As for ferries servicing outlying islands, he opined that hybrid ferries are more suitable, considering the long sailing times and rougher sea conditions.

Public education and publicity

Two members suggested that environmental studies should be a compulsory subject in the school curriculum to enhance students' awareness and knowledge of climate change.

Guangdong- Hong Kong- Macao Greater Bay Area

A member considered strengthening regional cooperation under the development of the Guangdong-Hong Kong-Macao Greater Bay Area to facilitate information sharing on environmental protection and fauna and flora conservation. One of the proposed initiatives is the protection of Chinese White Dolphins and the maintenance of wetland habitats for migratory bird species. Discussion is currently underway with government of the Guangdong Province and Mainland experts. The plan is still in drafting stage, but the EPD hopes that the initiative can cover environmental protection in regards to air and water quality, waste management, low carbon development and nature conservation.

Nature conservation

Mr. Chan expressed support for the proposal to make enhancements to recreational and educational facilities in country parks. One major item he was concerned with was hunting/capturing of non-protected animals. Such activities are not considered illegal under the *Wild Animals Protection Ordinance* (“**WAPO**”) Cap. 170.

An agenda he wants to drive forward is to work with the Agriculture, Fisheries and Conservation Department (AFCD) to monitor the situation closely and to strengthen the protection of wild animals. He suggested the government should revise the WAPO to further protect wild animals, considering Hong Kong's biodiversity includes many rare, endemic and endangered species.

Conclusion

The Chairman concluded that members were in support of the environmental initiatives of the 2019 Policy Address.

[Advisory Council on the Environment, 11/11/2019]

CLIMATE CHANGE

Outcomes of COP 25

The United Nations Climate Change Conference (“**COP 25**”) held in Madrid, Spain, closed in disappointment on 15 December 2019. The United Nations (“**UN**”) secretary general António Guterres said he was “disappointed” with the results of COP25. He added that “the international community lost an important opportunity to show increased ambition on mitigation, adaptation and finance to tackle the climate crisis.”

“Loss and damage” is the term for extreme weather events and climate disasters caused by global warming which vulnerable countries, such as Pacific island nations, cannot adapt to. COP 25 was seen as a major moment to address calls by vulnerable nations for new streams of finance to combat loss and damage, in the course of the review of the Warsaw International Mechanism (“**WIM**”). WIM is a special forum within the UN established in 2013 to focus on climate change related loss and damage.

Loss and damage is one of the contentious issues developed and developing countries pushed for inclusion in different agendas during COP 25.

Vulnerable countries argued for the establishment of a new financial facility under the WIM, so that WIM could be properly funded to channel loss and damage finance to countries facing climate emergency. In an open letter to COP 25 president, the environmental minister of Chile, Carolina Schmidt, more than 150 civil society groups urged wealthy countries to create a comprehensive financing facility to help vulnerable countries recover from loss and damage impacts. They argued that global taxes on financial transactions, international air travel and fossil fuels could finance the fund. The letter was written following a report by a coalition of climate and environmental organisations that estimated rich countries could (and should) provide an additional \$50 billion per year by 2022 and \$300 billion annually by 2030 to address loss and damage.

This position of developing countries encountered fierce opposition from some developed nations. In particular, Australia and the US continued to undermine the needs of developing countries and did not respond to specific proposals for a new loss and damage fund. “The US was particularly resistant to any discussion about new areas of work even for existing funds”, said Joe Thwaites, climate finance expert at World Resources Institute.

Harjeet Singh, global lead on climate change for ActionAid, said that the final agreement was far weaker than most nations had demanded. A previous draft had called on developed countries to scale up action and support, but the final text removed all reference to any developed country obligations on finance.

There were some small signs of progress, including the creation of a task force or expert group to concentrate on knowledge sharing and dialogue on loss, damage and risk assessment. Alpha Oumar Kaloga, a loss and damage negotiator for Guinea, commented that the final text reflected most of the vulnerable nations' demands, but the key demand - the call for new, additional, adequate funding, was not referenced in the text.

The next round of climate meeting is to be held in Glasgow, Scotland, in November 2020. Former UK clean energy minister, Claire Perry O'Neill, who will lead the talks, was quick to reassure that she will push for progress in 2020.

With so little agreed at this year's conference, the stakes will now be even higher for the Glasgow talks. International discussion, beginning in early 2020, is to canvass the promised new global climate finance goal to be made by 2025. The goal has to be higher than the \$100 billion per year promised from 2020 to 2025.

[*Carbon Brief*, 15/12/2019; *Climate Home News*, 03/12/2019; *PlanAdapt*, 22/01/2020; *Climate Home News*, 16/12/2019]

Coronavirus could slow efforts to cut airlines' greenhouse gas emissions

The coronavirus outbreak is pushing the world's airlines towards financial crisis. In early March 2020, the International Air Transport Association ("IATA") said it anticipated revenue losses from passenger business of between \$63 billion and \$113 billion. With reduced air travel, greenhouse gas emissions from the aviation industry are anticipated to fall in 2020.

The reduction in greenhouse gas emissions in 2020 is likely to affect implementation of a United Nations ("UN") plan known as Carbon Offsetting and Reductions Scheme for International Aviation ("CORSIA"), adopted back in 2016, to cap emissions from international flights with reference to a baseline of average total emissions for 2019 and 2020. That plan will require airlines to offset increased emissions in future years by funding projects that reduce carbon dioxide by, for instance, planting trees or installing renewable energy.

If 2020 is an unusually low year for airline emissions amid coronavirus fears, when travel bounces back to traditional levels, growth of emissions from the baseline will be bigger than previously expected, which will significantly increase the costs to airlines in future years.

A preliminary analysis by the Environmental Defence Fund ("EDF") found that, at the high end, airlines may need to purchase up to 20 percent more credits than expected over the next three years, depending on how much air travel declines and rebounds.

Annie Petsonk, an aviation expert at EDF, feared that the International Civil Aviation Organisation Council ("ICAO") of the UN would come under pressure to water down CORSIA to ease the financial hardship for airlines. This may include calls to revise the 2019 to 2020 baseline.

What transpired at a ICAO conference held on 13 March 2020 has been welcomed by environmentalists, as ICAO made a move that curbs industry funding for those projects begun before 2016 the environmental effects of which have been challenged by climate activists. Petsonk subsequently wrote that the decision "sends a signal that when we get to the other side of the gut-punch that COVID-19 is delivering to families, communities, and the whole travel sector, nations will move forward to meet the climate challenge."

Aviation accounts for just over 2% of global greenhouse gas emissions. As air traffic is anticipated to increase in coming decades, it is important to ensure the percentage rise is not left unchecked.

[*The New York Times*, 06/03/2020; *Climate Home News*, 13/03/2020; *Business Standard*, 14/03/2020]

REGIONAL & INTERNATIONAL

CHINA

Call for permanent ban on Chinese wildlife markets

The China Biodiversity Conservation and Green Development Foundation (CBCGDF) suggested that a temporary ban on wildlife markets in China to curb the spread of coronavirus is insufficient, as it failed to address the root cause of the outbreak, which was poor regulation and high levels of illegal trade. The ban should be made permanent instead.

The flu-like virus is believed to have emerged from Huanan seafood market in Wuhan, where wild animals, such as snakes, porcupines and pangolins, were kept alive in small cages while waiting to be sold. The Chinese government imposed a national ban in January 2020 to prohibit the trade of wild animals in markets, restaurants or on e-commerce sites until the end of the coronavirus outbreak.

China has a wildlife protection law that was adopted in 1988 but the list of protected wild animals has not been updated for three decades and the law was seldom enforced. The CBCGDF is proposing a new biodiversity protection law to properly safeguard the country's wildlife.

Before Huanan seafood market was closed on 1 January, it contained 30 species of animal, including live wolf pups, salamanders, golden cicadas, civets and bamboo rats. Animals sold in these markets are often kept in filthy conditions and left to fester in their own waste, which means they incubate diseases that can then spill into human populations. Similar markets are found all over the country and have been the source of disease outbreaks in the past.

However, the current wildlife trade ban will have no impact on curbing the spread of the virus, according to Professor James Wood, head of veterinary medicine at the University of Cambridge, as human-to-human transmission has already occurred.

Experts across the world agree that China should be encouraged to keep the ban in place permanently as it will save human lives and contribute to a recovery of wildlife populations worldwide in the long run.

[*The Guardian*, 30/01/2020]

INDIA

First state to measure Gross Environment Product

Uttarakhand State is the first state in India to measure Gross Environment Product (GEP) for quantifying ecological improvement.

The State government formed a five-member committee, headed by the Principle Secretary of Forests, to find a method for measuring GEP in a similar way as GDP in order to quantify the environmental value of forests.

The government has been planning for the implementation of GEP following devastating floods and landslides in the State in 2013, which claimed thousands of lives.

The committee believes that measurement of GEP will enable the State to understand the impact of anthropological pressure on its ecosystem and natural resources. The State may then use GEP as a reference to frame environmental policies for sustainable development and protection of wildlife and the environment.

[*The New Indian Express*, 08/03/2020]

UK

Reintroduction of the Environment Bill

The Environment Bill (the “**Bill**”) was first proposed by the UK government in the form of a partial draft in December 2018. The draft Bill sets out how the UK’s green standards and environmental protection laws will look after Brexit, and how these will take shape in future trade deals.

The final version of the Bill was re-introduced to the Parliament and was expected to be passed in October 2019, but was delayed by the General Election and subsequent withdrawal negotiations with the European Union.

On 30 January 2020, the Bill was re-introduced again to the Parliament. The Environment Bill 2020 sets out the government’s plan to protect and improve the natural environment in the UK.

It is the UK government’s intention to tackle environmental issues, including biodiversity loss, climate change and public health risks, through the introduction of environmental governance, conservation covenants, producers’ responsibilities and recycling schemes..

The Bill imposes legal obligations on policy makers to have due regard to environmental principles when choosing policy options. The UK government promised greater transparency and strengthened scrutiny powers for the Parliament regarding future environmental legislation. The UK government undertakes to render a report on developments in environmental protection laws of other countries every two years and to set new legally binding targets in: (i) natural environment quality standards; (ii) air quality; (iii) waste and resource efficiency; and (iv) water and nature quality and protection, which will be reviewed every five years.

A focus of the Bill is to conserve nature and biodiversity in the long term. The Bill introduces provisions requiring local governments and authorities to develop nature recovery strategies to support better spatial planning for nature recovery, by setting out priorities and opportunities for conserving the nature and biodiversity and also sets out the framework for landowners to make long term commitments to protect the natural environment through conservation covenants, which are private, voluntary but legally binding agreements between landowners and “responsible bodies”, such as conservation NGOs or public bodies, to meet conservation objectives for the public good.

Apart from the introduction of clear product labeling, the Bill also enables governmental authorities to set minimum eco-design standards for products to support a shift in the market towards recyclable, durable, repairable and reusable products. To incentivise a shift towards reusable items, the Bill makes producers responsible for the costs of managing the wastes generated by their products and creates new charges for single-use items.

[*Environmental Bill 2020 Policy Statement*, 10/01/2020]

USA

Human compost funerals

A pilot study of burial processes for deceased volunteers showed that soft tissue broke down safely and completely within 30 days and that this process saves more than a tonne of carbon emissions compared to cremation or traditional burial.

The study was conducted by Recompose, a US company planning to offer the world’s first human composting service in Washington State beginning in February 2021. More than 15,000 people have expressed interest in this service, due to increasing awareness of climate change.

According to the company, there is a distinction between decomposing and recomposing. The former is what happens when a body is above ground, while the latter involves integration of a body with the soil by the process of natural organic reduction. The company believes that natural organic reduction of a body prevents 1.4 tonnes of carbon dioxide being released into the atmosphere, compared with cremation and traditional burial when transportation and the construction of the casket is taken into account.

The process involves laying the body in a closed vessel with woodchips, alfalfa and straw grass. The body is periodically rotated to allow microbes to break it down. After thirty days, the remains will be available to relatives to scatter on plants or a tree. Although the process may sound straightforward, it has taken four years of scientific research by soil scientists to develop the technique.

Relevant legislation permitting this practice has been enacted only in Washington State and is currently being considered in Colorado. The company believes that it is only a matter of time before this burial process is more widely available in the US and elsewhere.

[*BBC News*, 16/02/2020]

Trump administration to overhaul environmental review regulations

The Trump administration in January announced regulatory changes to the National Environmental Policy Act (NEPA), which was enacted in 1979 to ensure that the government protects the environment when reviewing or making decisions about major projects, such as building roads and bridges, cutting forests, expanding broadband and approving interstate pipelines.

Under the new law, certain types of projects like highways and pipelines will be excluded from NEPA review and federal agencies will no longer be required to weigh their climate impacts.

Critics view those changes as dismantling one of the major environmental laws of the last half century, and are concerned that by weakening NEPA implementation, the US will lose a significant tool to combat and guard against climate crisis impacts and allow companies to harm the environment of local communities as a result of lower regulatory scrutiny.

In early March 2020, attorneys general for 18 states submitted comments to request the Trump administration to withdraw the proposed regulatory changes, arguing that the proposal is “unlawful, unreasonable, and unjustified.”

[*The Guardian*, 06/01/2020; *The Hill*, 11/03/2020]

Members of ADVOCASIA



An Association of Asian Commercial Law Firms

Sydney, Australia

COLIN BIGGERS & PAISLEY

Level 42, 2 Park Street
Sydney, NSW 2000
Australia
Tel: (612) 8281-4555
Fax: (612) 8281-4567

Brisbane, Australia

COOPER GRACE WARD

Level 21, 400 George Street
Brisbane
QLD 4000
Australia
Tel: (61) 7-3231-2444
Fax: (61) 7-3221-4356

Perth, Australia

KOTT GUNNING

Level 8, AMP Building
140 St Georges Terrace
WA 6000, Australia
Tel: (618) 9321-3755
Fax: (618) 9321-3465

Melbourne, Australia

MADDOCKS

140 William Street, Melbourne
Victoria 3000, Australia
Tel: (613) 9288-0555
Fax: (613) 9288-0666

Adelaide, Australia

NORMAN WATERHOUSE

Level 15, 45 Pirie Street, Adelaide 5000
South Australia
Tel: (618) 8210-1200
Fax: (618) 8210-1234

Phnom Penh, Cambodia

BNG LEGAL

No.64, Street 111
Sangkat Boeung Prolit
Khan 7 Makara
Phnom Penh
Tel: (855-23) 212 414
Fax: (855-23) 212 840

Macau

**ANTÓNIO RIBEIRO BAGUINHO - LAWYERS
AND PRIVATE NOTARIES**

Av. da Amizade
555, Edif. Landmark
ICBC Tower, 13 Floor, Room 1308
Macau
Tel: (853) 28788128
Fax: (853) 28705351

Hong Kong, China

FRED KAN & CO.

Suite 3104-07, Central Plaza
18 Harbour Road
Hong Kong
Tel: (852) 2598-1318
Fax: (852) 2588-1318

Baotou City, China

JIANZHONG LAW FIRM

The Middle Part of Jianshe Road
Baotou, Inner Mongolia
P.R.China
Tel: (86) 472-7155473
Fax: (86) 472-7155474

Beijing, China

JINCHENG TONGDA & NEAL LAW FIRM

10th Floor, China World Tower
No. 1 Jianguo Menwai Avenue
Beijing 100004
China
Tel: (86) 10 5706 8585
Fax: (86) 10 8515 0267

Qindao, China

QINDAO LAW FIRM

22/F, Northern Tower, Golden Square
20 Hong Kong Road(M),
Qingdao, P.R.China
Postal Code 266071
Tel: 86-532-85023100
Fax: 86-532-85023080

Shanghai, China

SHANGHAI UNITED LAW FIRM

14/F, China Insurance Building
166 East Lujiazui Road
Shanghai, P.R. China
Postal Code 200120
Tel: (86) 21-68419377
Fax: (86) 21-68419499

Guangzhou, Dongguan, China

TRUST LAW FIRM

35F, Shun Tak Business Centre
246 Zhongshan Road 4
Guangzhou
P.R.China 510030
Tel: (86) 20-83635488
Fax: (86) 20-83635444

Mumbai, India

DHRUVE LILADHAR & CO

61/62 Free Press House, 6th Floor
215, Free Press Journal Marg
Nariman Point
Mumbai 400 021
India
Tel: (91) 22-6760-6000
Fax: (91) 22-6760-6001

New Delhi, India

O.P. KHAITAN & CO.

Khaitan House B-1,
Defence Colony, New Delhi-110 024
India
Tel: (91) 11-4650-1000
Fax: (91) 11-2433-7958

Jakarta, Indonesia

LEGISPERITUS LAWYERS

Mega Plaza 12th Floor
Jl. HR. Rasuna Said Kav. C-3
Jakarta 12920, Indonesia
Tel: (62) 2-1527-9109

Tel Aviv, Israel

RNC

5th Kineret St.
BSR Tower No. 3
Bene-Beraq 5126237
Tel: +972 (0)3-617-4000
Fax: +972 (0)3-617-4022

Tokyo, Japan

SOGA LAW OFFICE

2F, Yotsuya Y's Bldg.
7-6 Honshiocho Shinjuku-ku
Tokyo 160-0003
Japan
Tel: (81) 3-5919-3022
Fax: (81) 3-5919-3350

Incheon, Republic of Korea

K&L LAW FIRM

#201, Myong-in
28 Soseung-ro, 185 Beon-gil
Nam-gu
Incheon
South Korea (402-876)
Tel: +82 32 864 8300
Fax: +82 32 864 8301

Kuala Lumpur, Malaysia

CHEANG & ARIFF

39 Court @ Loke Mansion
No. 273A, Jalan Medan Tuanku
50300 Kuala Lumpur, Malaysia
Tel: (603) 2691-0803
Fax: (603) 2693- 4475

Yangon, Myanmar

JTJB MYANMAR CO LTD

Suit No. 01-04, Union Business Centre,
Nat Mauk Road, Bo Cho Quarter, Bahan Township,
Yangon
Myanmar
Tel: +95 1860 3455

Auckland, New Zealand

HESKETH HENRY

Private Bag 92093
Auckland
1142, New Zealand
Tel: (64) 9-375-8700
Fax: (64) 9-309-4494

Manila, Philippines

**HERRERA TEEHANKEE &
CABRERA LAW OFFICES**

5th Floor, SGV II Building
6758 Ayala Avenue
Makati City 1200, Philippines
Tel: (63) 2-813-7111
Fax: (63) 2-840-5555

Singapore

JOSEPH TAN JUDE BENNY LLP (JTJB)

No. 6 Shenton Way,
#23-08,
DBS Building Tower Two
Singapore 068809
Tel: (65) 6220-9388
Fax: (65) 6225 7827

Colombo, Sri Lanka

D.N. THURAIRAJAH & CO.

No. 16/3, Sulaiman Terrace
Colombo 00050
Sri Lanka
Tel: (94) 1-1250-3314
Fax: (94) 1- 1250-3313

Bangkok, Thailand

APISITH & ALLIANCE

57 Park Ventures Ecoplex, 9th Floor
Unit 907 Wireless Road, Lumpini
Pathumwan
Bangkok 10330
Thailand
Tel: (66) 2108-2860
Fax: (66) 2655-2265

Dubai, United Arab Emirates

LUTFI & CO.

901 Al Attar Business Tower
Sheikh Zayed Road
Dubai, United Arab Emirates
Tel: (97) 14-3798-298
Fax: (97) 14-3798-689

Ho Chi Minh City, Vietnam

LUATVIET ADVOCATES AND SOLICITORS

19th Floor Vincom Center
72 Le Thanh Ton Street
Ben Nghe Ward
Dist 1, Ho Chi Minh City
Vietnam
Tel: (84) 8-3824-8440
Fax: (84) 8-3824-8441

Convictions under environmental legislation: January to March 2020 (February and March 2020 data not available)

[Note: the EPD no longer classifies second (and subsequent) offences.]

The EPD's summary of convictions recorded and fines imposed during the above period is as follows:

January 2020

Twenty-seven convictions were recorded in January 2020 for breaches of legislation enforced by the Environmental Protection Department (EPD).

Three of the convictions were under the Noise Control Ordinance, one was under the Ozone Layer Protection Ordinance, 15 were under the Public Cleansing and Prevention of Nuisances Regulation, one was under the Product Eco-responsibility Ordinance, 4 were under the Waste Disposal Ordinance and 3 were under the Water Pollution Control Ordinance.

A company was fined \$40,000, which was the heaviest fine in January, for importing or exporting ozone-depleting substances without a licence.

Fred Kan & Co.
Solicitors
Suite 3104-06 Central Plaza
18 Harbour Road
Wanchai
Hong Kong