

**URBAN PLANNING AND ENVIRONMENTAL LAW QUARTERLY**

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*The Mekong, one of the World’s great rivers, is gradually being destroyed by the construction of hydro-power dams to meet the region’s insatiable appetite for more and cheaper electricity. In this edition we consider aspects of this unfolding environmental tragedy.*

*The Editors*

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**DAMMING THE MIGHTY MEKONG TO A SLOW DEATH**

*Mekong River Basin*

The Mekong River rises on the Tibetan Plateau and flows – when and where its many dams allow it to do so – 4350 km to the Mekong Delta and the South China. From its source in China, where the Mekong is known as the Lancang River, the river flows through or by Yunnan Province, Laos, Myanmar, Thailand, Cambodia and Vietnam. Principal cities on the Mekong include Ho Chi Minh, Phnom Penh, Kampong Cham and Vientiane. The Upper Mekong is 1955 km long and the Lower Mekong, which is the section of river below the point where it forms the border between Myanmar and Laos, 2390 km. long.

The Mekong River Basin covers a huge area of approximately 795,000 km<sup>2</sup> and has a population of 60 - 70 million, who depend directly or indirectly on the river for their livelihood, mainly in fishing, aquaculture and agriculture. For example, intensive agriculture, relying heavily on irrigation from the Mekong in dry months, occurs in the Mekong Delta is renowned as Vietnam’s “rice bowl”. The river itself was once the world’s most productive freshwater fishery, providing more than 20% of the world’s total catch. So the river and its surrounding basin are vital natural resources for the people living in the Basin and the Mekong countries more generally.

By volume of flow, the Mekong is the 17<sup>th</sup> largest river in the world. The Amazon and Congo Rivers are first and second largest.

The Mekong is the 12<sup>th</sup> longest river. The top 4 longest rivers are:

- Nile – 6650 km
- Amazon – 6400 km
- Yangtze – 6300 km
- Mississippi – 6275 km

*Control of the Mekong*

The ecology of the Mekong Basin is managed (or, theoretically “protected”) by the Mekong River Commission (MRC), the members of which are the Lower Mekong countries (excluding Myanmar): Cambodia, Laos, Thailand and Vietnam. China’s excessive construction of dams on the Upper Mekong has created significant friction between it and MRC members.

To try to defuse this situation, China recently established the Mekong Co-operation Initiative (MCI). Its members are: China, Myanmar and the MRC's members. In reality, the MCI is controlled by China and represents China's plans and intentions for the future of the Mekong. For example, China releases to MCI members only very limited real-time data of Upper Mekong River flows and the planned and activated artificial alterations of the Mekong's flow, which China controls by holding back and spasmodically releasing water from its chain of mega dams on the Upper Mekong.

### *Dams on the Mekong*

From approximately the end of the 1990s, China has embarked on a programme of constructing a series of large dams on the Upper Mekong, mainly to generate hydro-electricity to feed their rampant industrial industries and ever expanding cities. China has also financed and/or constructed dams on tributaries to the Mekong in Lower Mekong countries, especially Laos.

There are hundreds of small-medium dams on the various Mekong tributaries: Laos alone has more than 25 hydro-dams of less than 15 KW capacity, and there is a total of more than 200 dams larger than 15 KW in all MRC countries. However, it is the massive dams on the Mekong and tributaries which are the main cause of the Mekong's sad demise.

Countries with large dams affecting the Mekong are:

- China – 18 (11 on the Upper Mekong)
- Laos – 24
- Vietnam – 10
- Thailand – 5
- Cambodia – 1

China's upstream dams on the Upper Mekong are the biggest and are mainstream dams. They are the main cause of the environmental damage we shall discuss. The principal purpose of all the dams is generation of electricity, which is generally of no benefit to the Mekong communities who are so adversely impacted by the dams. Most of the electricity is sold to other countries or more affluent sections of the economy, mainly urban and industrial developments/operations.

As said, China's string of 11 major hydro-dams on the Upper Mekong is by far the main obstacle to the free-flow of the Mekong. In stark comparison, there are only 2 main-stream dams on the Lower Mekong: the Xayaburi and Don Sahong Dams in Laos. However, unfortunately there are plans to construct at least 6 additional dams on the Lower Mekong, mainly in Vietnam.

### *Adverse environmental effects of Mekong's dams*

Like all rivers, the Mekong's natural flow patterns change gradually with the seasons: floods are in the wet season and reduced flows in the dry. But the river's flow pattern is now primarily artificially controlled by the operators of China's hydro-dams on the Upper Mekong. This has resulted in sharply, fluctuating flows, because the operators' prime concern is to generate electricity. Therefore, water is released from the dams mainly in accordance with operators' assessment of optimum power generation conditions. Thus, for example, when flooding would be expected in a free-flowing Mekong, the series of dams can withhold flood waters to replenish reduced dam water levels which have fallen in the dry season.

The MRC has frequently expressed concerns that the Mekong's disrupted river flows had fallen to "worrying levels". For instance, in January 2021, the flow was reduced overnight from 1920 m<sup>3</sup> per second to 1000. At another measuring station just below the Jinghong Dam (the most southern of China's Mekong dams), the flow rate was: 785 m<sup>3</sup> p/s in early January 2021; 1400 m<sup>3</sup> p/s mid-January; and 800 m<sup>3</sup> p/s on 11 February 2021. In 2019 the water level at the Chiang Saen gauge in Thailand was 2.5 metres as against an expected 7.5 metres.

China's disastrous manipulation of the once mighty Mekong is more readily understood, perhaps, from simply viewing the extensive visual evidence. Where there were broad waters (some parts of the Mekong were more than 16km wide) now, in many places, there are just narrow, shallow channels separated by lifeless islands of dry river bed.

Some of the environmental consequences of the spasmodic and reduced flows are as follows.

### *Reduced freshwater flushing*

Lakes supplied by the Mekong, such as Cambodia's famous Tonle Sap, are (or have been) highly productive fisheries, as is the Mekong Delta. These lakes depend on regular flushing from the Mekong's natural flood and flow cycle to sustain their fish populations. Reduced and artificially fluctuating flows have adversely impacted the natural flushing process. Consequently, fish populations have declined dramatically, forcing whole communities to migrate to other parts of their countries. For example, more than a million Vietnamese have been forced out of their Lower Mekong ancestral communities in recent times.

Whereas before construction of Mekong dams fish were plentiful and large, that is no longer the case. Twenty-eight fish species had previously thrived in the Lower Mekong, and you could feed an entire village on one Giant Catfish, which could be the size of a man. Now the variety of species is significantly limited and fish are often the size of a little finger. Mekong fishing communities report that they now catch a fraction of the fish compared to pre-dams days.

Reduced and untimely freshwater flushing has also enabled sea water to encroach 30 km – 40 km farther up the Mekong from the South China Sea, and to remain much longer than the usual month or so in the river system. This has adversely impacted agriculture in Vietnam's "rice

“bowl”, which previously supplied more than 70% of Vietnam’s rice and fish exports. Farmers no longer are able to rely on stable irrigation patterns, and have resorted to increased use of fertilisers and chemicals to try to make up for reduced production capacity.

### *Sediment retention*

Ecosystems of the Mekong River and Delta depend on sediment and sand replenishment from the river’s natural flows. The Mekong’s dams have reduced by more than 90% this natural sediment replenishment, which means, riparian zones, sand banks and other important habitat formations are not re-building or forming as they would in a free-flowing river.

As well, in many places the colour of the Mekong has changed from a natural, murky brown to a clear blue or green. This in turn has caused the desertification of huge swathes of the river bed, which has contributed to rapidly dwindling aquatic life. Blue-green algae also flourishes in such conditions.

The decline in the river’s vital sediment and sand deposits has been exacerbated by rampant mining of the river bed for sand for use in the region’s frenetic construction industry. Vietnam and Cambodia mine an aggregate of 50-100 million tonnes per year. The combination of these irresponsible practices -- dams and mining -- is now causing large sections of river bank to collapse.

Sudden rises and falls in the water level adversely impact fish migration, agriculture in areas such as the Mekong Delta, and river transportation on which Mekong communities rely heavily, socially and commercially.

Artificial control of river flows, and consequential severe sedimentation decrease have resulted in water temperatures in the Mekong changing to a uniform 8 - 10°c year round, compared to a natural range of 0° - 29°c. The once thriving riverine ecosystems are further damaged by this temperature change.

Water flows are now so heavily controlled that vital cyclical events, such as the Mekong’s spring floods, no longer occur, or are at a much reduced scale. Floods are natural and provide new life (such as a massive infusion of nutrients) to flood plains and their ecosystems.

There are other environmental disasters occurring or threatened by the Mekong’s hydro-power dams. The above discussion provides a glimpse of the ecological (and economical) disaster unfolding in the Mekong Basin.

### *Ignoring lessons from the past*

China’s and, to a much lesser extent, MRC countries’ dam construction frenzy on the Mekong and its tributaries ignores the mistakes made in other large river basins, such as the Colorado River system in the USA.

The Colorado flows through several western states and northern Mexico into the Gulf of California. Fifteen major dams have been built on the Colorado during the last 60 - 70 years, plus hundreds of smaller dams on tributary rivers. The major dams - such as Hoover and Glen Canyon Dams – can hold more than four times the river’s total flow.

The dams were constructed to provide electricity to cities in California, Arizona and other Western states, and to irrigate vast tracts of otherwise dry country. No doubt the Colorado and its dams have contributed significantly to the region’s economy. But the environmental cost has been enormous.

Put simply, whereas the Colorado was a major river, reaching the sea with substantial volumes of water and vital sediments/nutrients (77 – 90 million tons p/a) to nourish the vast Colorado Delta wetlands and the river’s riparian ecosystems, it is now little more than a trickle by the time it gets to the Gulf, and it brings only a fraction of the sediments needed to maintain healthy ecosystems in, particularly, the lower reaches of the river.

The situation is so bad that in recent years there has been an increasingly powerful push from all parts of the community -- particularly native Americans and those concerned with the state of the environment – to remove at least some of the dams.

Similar calls to reverse the blockage of river flows caused by mega-dams are being made by influential sections of the community in relation to the Columbia River in northern USA.

### *Conclusion*

There is an environmental catastrophe unfolding in the Mekong Basin. As usual, it is driven by the desire to exploit the environment for relatively short-term profit. Those making decisions regarding dam construction on the Mekong need only look to the Colorado and Columbia Rivers, for sample, to see that damming wild rivers to the extent of choking them, comes at a prohibitive environmental and, consequently, long-term economic cost. The added tragedy is that, incredibly, many more dams are planned for the mighty Mekong River!

## **TOWN PLANNING**

### **Draft Pok Fu Lam Outline Zoning Plan approved**

The Chief Executive in Council approved the draft Pok Fu Lam Outline Zoning Plan (“Pok Fu Lam OZP”) on 15 January 2021.

The planning scheme area, covering about 413 hectares, is bounded by Mount Davis Road to the north and Pok Fu Lam Country Park to the east. The area extends to the waterfront to its south and west.

The approved Pok Fu Lam OZP has included amendments made to the draft Pok Fu Lam OZP No. S/H10/18, which mainly involved the rezoning of a site adjacent to the Cyberport Arcade to “Other Specified Uses” (“OU”) annotated “Cyber-Port(1)” to facilitate the proposed Cyberport expansion, and rezoning of the existing Cyberport Waterfront Park to “Open Space” for enhancement of the park.

Other zonings shown on the Pok Fu Lam OZP are: “Commercial”; “Residential (Group A)”; “Residential (Group B)”; “Residential (Group C)”; “Village Type Development”; “Government, Institution; Community”; “OU” annotated “Cemetery”; “OU” annotated “Cyber-Port”; “OU” annotated “Petrol Filling Station”; “Green Belt”; and “Country Park”.

[Town Planning Board Press Release, 15/01/2021]

#### **Approved Yuen Long Outline Zoning Plan amended**

The Town Planning Board as amended Yuen Long Outline Zoning Plan (“Yuen Long OZP”).

The amendments concern the rezoning of a site close to the intersection of Castle Top Road – Yuen Long and Yau Tin East Street with stipulations of maximum building height limitation for a proposed social welfare service complex and youth hostel development.

Two sites are also rezoned to take forward the decisions of the Rural and New Town Planning Committee of the Board on two s.12A applications, and two “Comprehensive Development Area” sites are rezoned to reflect the existing developments.

Opportunity is also taken to amend the Notes and Explanatory Statement of the OZP to reflect the above amendments and to update the general information regarding various land use zonings and the planning area, where appropriate.

[Town Planning Board Press Release, 29/01/2021]

#### **Approved Tsuen Wan Outline Zoning Plan amended**

Amendments to the approved Tsuen Wan Outline Zoning Plan (“Tsuen Wan OZP”) were announced on 26 February 2021.

The amendments effect the rezoning of various sites for housing developments, including two sites near Yau Kom Tau Village and at Po Fung Terrace from “Green Belt” to “Residential (group B) 6” (“R(B)6”) and “R(A)20”; and a site to the south of Kwok Shui Road from “Government, Institution or Community” to “R(A)21”.

A site at Hilltop Road is also rezoned for housing development to take forward the decision of the Metro Planning Committee of the board on a s.12A application. Six “Comprehensive Development Area” sites are rezoned to reflect the existing developments. The Notes and Explanatory Statement of the Tsuen Wan OZP were also amended to reflect the above amendments and to update the information of various land use zonings and the planning area.

[Town Planning Board Press Release, 26/02/2021]

#### **Approved Kwu Tung South Outline Zoning Plan amended**

Amendments to the approved Kwu Tung South Outline Zoning Plan (“OZP”) were announced on March 5 2021.

The amendments concern the rezoning of two sites on Kam Hang Road, mainly from “Comprehensive Development Area” (“CDA”) and “Recreation” respectively to “CDA(1)” and “CDA(2)”, with a stipulation of maximum plot ratio and building height restrictions for residential developments, so as to give effect to the decisions of the Rural and New Town Planning Committee of the Board on two s.12A applications, and two sites zoned “Green Belt” and mainly “CDA” respectively are rezoned to reflect the existing developments.

Notes and Explanatory Statement of the OZP are amended to reflect the above amendments and to update the general information of various land use zonings and the planning area, where appropriate.

[Town Planning Board Press Release, 05/03/2021]

## **LEGISLATION DIGEST**

### **Panel on Environmental Affairs Meeting on 25 January 2021: agenda item, “Waste Management Strategies for Hong Kong”**

In preparation for the discussion of “Waste Management Strategies for Hong Kong” in the Legislative Council (“LegCo”), the Environment Bureau published a paper on the topic. WWF also issued an open letter commenting on the administration’s initiatives.

#### **Environment Bureau’s paper on Waste Management Strategies for Hong Kong**

The paper addressed the government’s work in waste management related policies and legislation. In recent years, the government has focussed on three main areas: (i) quantity-based waste charging; (ii) producer responsibility schemes; and (iii) supporting the local recycling industry.

### *Quantity-based waste charging*

*Municipal Solid Waste (“MSW”) Charging Scheme* is one of the quantity-based charging schemes in Hong Kong, the other being the *Construction Waste Disposal Charging Scheme* implemented in 2006. The *Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018* (the “Bill”) was introduced into the LegCo in November 2018, providing for two charging modes:

- (1) through the use of pre-paid designated garbage bags or designated labels; and
- (2) through charging gate fee at landfills or refuse transfer stations based on the weight of MSW disposed of.

The delay in the passage of the Bill was due to the fact that the previous Bills Committee was disbanded in June 2020 following the end of the last legislative term. The administration hopes that the bill could be passed as soon as possible.

### *Producer responsibility schemes*

The first producer responsibility scheme (“PRS”) introduced in Hong Kong was the *Plastic Shopping Bag Charging Scheme*, of which the first and second phases were respectively implemented in 2009 and 2015. Currently, all retail outlets shall, save for exemptions, charge not less than 50 cents for each plastic shopping bag distributed. Following introduction of plastic bag charges, total plastic shopping bags disposal dropped by 25% in 2015. The government is now exploring how to limit the scope of exemptions to further reduce the use of plastic shopping bags.

Another PRS concerned waste electrical and electronic equipment (“WEEE”). This scheme was fully implemented in 2018. It requires registered suppliers of regulated electrical equipment to pay recycling levies and the sellers to arrange free removal service for used equipment. The result was that the amount of WEEE recovered locally increased by about six times in 2018.

A PRS for glass beverage containers has been implemented progressively from 2018. Compared to the number of waste glass containers collected through voluntary recycling programmes in 2017, the number of containers collected in 2018 increased by over 60%.

The government is also planning to take forward the PRS on plastic beverage containers and disposable public tableware.

### *Support for the recycling industry*

The government launched the \$1 billion *Recycling Fund* in 2015 to support the recycling industry to upgrade its operational capability. By the end of December 2020, the Fund had approved about \$570 million in grants to more than 1,000 recycling enterprises. The government will consider allocating additional resources to extend the Fund’s operation.

The government also leased out land parcels in the EcoPark to support businesses recycling waste plastics, waste metals, waste electrical and electronic appliances, waste cooking oil and other recyclable waste.

### *WWF’s open letter commenting on the government’s Waste Management Strategies*

With a view to achieving *No Plastic in Nature by 2030* (or earlier), the recommendations proposed by WWF focused on the management of waste plastics. The recommendations were as follows:

- (1) by 2021: establishing a roadmap to phase out all single-use plastic tableware by 2025 or earlier;
- (2) by 2022: banning all expanded polystyrene tableware and drinking straws; and setting a high levy on single-use shopping bags of any material with minimal exemptions; and
- (3) by 2025: developing a producer responsibility scheme for plastic packaging and tableware.

[*Environmental Bureau*, 01/2021; *Legislative Council Secretariat*, 20/01/2021; *WWF-Hong Kong*, 22/01/2021]

## **WEST KOWLOON CULTURAL DISTRICT**

### **The 95<sup>th</sup> Board Meeting of the West Kowloon Cultural District Authority**

The Board of the West Kowloon Cultural District Authority (“WKCD” or “the Authority”) has held its 95<sup>th</sup> meeting. At the meeting, the Acting Chief Executive Officer of WKCD, Mrs Betty Fung, reported on the Authority’s recent activities and its progress.

The M+ museum building and the adjacent Conservation and Storage Facility had been issued their Occupation Permits by the Buildings Department on 24 December 2020. M+ staff moved into the building in January 2021 and soon they will be installing collections to prepare for the museum’s opening.

Construction of the Hong Kong Palace Museum (“HKPM”) is also in progress. Work has included installation of the building’s aluminum cladding curtain wall and assembling mechanical and electrical equipment. The testing and commissioning of various mechanical and electrical systems at the HKPM will be carried out in February 2021.

The application for the statutory inspection by the Buildings Department and the Fire Services Department is expected to take place in the second quarter of 2021. The HKPM construction is expected to be completed by November 2021. For exhibition planning, HKPM has already embarked on design work for its nine opening exhibitions and will issue tenders for individual exhibition production and multimedia exhibit

design work. Once the fitting-out work for the galleries has been carried out, the artefacts to be displayed in the HKPM will be shipped to Hong Kong. This transfer should take place in the first half of 2022.

In response to the COVID-19 pandemic, planned stakeholder engagement activities have been moved online and other focus meetings were rescheduled to March or April 2021. Further, performances and programmes at the Xiqu Centre and Freespace scheduled up to 4 February 2021 have been rescheduled or cancelled. The West Kowloon Cultural District is continuing to monitor the situation and will adjust programmes accordingly.

West Kowloon District has also been promoting a series of cross-genre music collaborations during the past few years. These activities were meant to inspire aspiring new musicians to explore and experiment with new compositions and new styles of music.

Following granting of the Occupation Permit for the M+ building in December 2020, the car park in the basement of M+ was the first of the building's facilities to open to the public. The car park has approximately 150 parking spaces, which will increase to approximately 480 on weekends and Public Holidays.

In addition, the statutory inspection of the WKCDA Tower began in early January 2021. The building's Occupation Permit is expected to be issued in the near future. The Authority's staff members might move in as early as the second quarter of 2021.

The substructure of the Lyric Theatre Complex ("LTC") and the Integrated Basement, which are being constructed under the L1 Works Contract, are expected to be completed in early 2021. The superstructure of the LTC, under the L2 Works Contract, is also under construction on the same site.

As well, the Austin Road Pedestrian Linkage System connecting the Xiqu Centre and the MTR's Austin Station is expected to open to the public in early 2021.

The new linkage system will provide convenient and direct pedestrian access for visitors heading to the Xiqu Centre from Austin Station.

[West Kowloon Cultural District Authority, 28/01/2021]

### **M+ is the first Asian museum of contemporary visual culture**

M+ has reached an important milestone in completing construction of the museum building. The Occupation Permit for the museum building was obtained on 24 December 2020, and M+ is set to open to the public at the end of 2021.

Designed by a global team of the world-renowned architecture firm Herzog & de Meuron, in partnership with TFP Farrells and Arup, the M+ building will be a new addition to the global arts and cultural landscape. Located in Hong Kong's West Kowloon Cultural District on the Victoria Harbour waterfront, the impressive building provides a long-term space for M+, the first global museum of contemporary visual culture in Asia, dedicated to collecting, exhibiting, and interpreting visual art, design and architecture, as well as Hong Kong's visual culture of the twentieth- and twenty-first centuries.

The 65,000 square-metre M+ building houses 17,000 square metres of exhibition space across thirty-three galleries. It includes three cinemas, a Mediatheque, a Learning Hub, a Research Centre, museum shops, restaurants, a tea and coffee bar, a Members Lounge, and office spaces, plus a Roof Garden that commands spectacular views of Victoria Harbour. Most galleries are arranged on a large podium level on the second floor, which offers visitors an interconnected experience.

Museum staff have started to activate the M+ building and the Conservation and Storage Facility. Preparations, such as environmental stabilisation, space fit outs, the move of permanent collections, and the installation of collection works and objects have begun.

[West Kowloon Cultural District Authority, 12/03/2021]

## **HONG KONG BRIEFING**

### **Hong Kong's "progressive" electric vehicles goal**

Hong Kong's target of transitioning to electric vehicles by 2035 is said to be the "most progressive in Asia". The city's environmental minister is optimistic that it can be achieved even sooner.

The government's plan to push forward with plans to replace combustion engine vehicles with electric vehicles in Hong Kong is part of a broader initiative to achieve carbon neutrality by 2050. Within the past decade, the number of electric vehicles in Hong Kong has increased from just 184 to more than 18,500. There are currently approximately 3,300 charging stations for electric cars across the city.

The target of 2035 is to provide a clear signal to car manufacturers and suppliers that Hong Kong will progressively support having more electric vehicles. The government will also continue to review the goal every five years and hopes to start large-scale transition to electric vehicles in 2025.

Green groups have urged the government to be more ambitious with the 2035 target. Norway has plans to ban the sale of fossil fuel-powered cars by 2025, while Britain has moved its target from 2040 to 2030, and Singapore's target is 2040.

The deputy director of environmental protection, said the government set the 2035 goal after taking into account targets set by other countries around the world; these deadlines usually fell between 2030 and 2040. As 2035 is roughly in the middle of that timeline, the Hong Kong government believes this target date is more realistic.

To encourage the public to make the switch to electric cars, the tax rebate for private buyers who scrap their conventional vehicles for electric ones under the “one-for-one replacement” scheme was raised to HK\$287,500 (US\$37,076) from HK\$250,000 this week.

Further, the government also increased the first registration tax for newly purchased conventional cars by 15 per cent this week. Annual registration fees for existing private cars increased by 30 per cent.

The transport minister said the increase in taxes and fees was appropriate and necessary, as the number of private cars on the road had grown from 415,000 to 573,000 in the past decade. This not only added to traffic congestion but pollution to the environment. The government considers the number of conventional cars must be controlled and the goal is to reduce carbon emissions overall to ensure a cleaner environment.

[SCMP, 26/02/2021]

### **New recycling plant a boost for carbon-neutrality goals**

Hong Kong will open its first advanced plastic recycling plant mid-year.

New Life Plastics Ltd. will process up to 100 tonnes of plastic waste a day and turn it into secondary raw material to be reused in the manufacture of new resin products. This is a joint venture between Swire Coca Cola, Baguio Waste Management & Recycling and Alba, a German recycling giant.

The New Life plant is significant as Hong Kong’s 2035 waste management blueprint was just released last month. The blueprint supports a shift from the current “take, make, dispose” linear model to a closed loop model that minimises waste and reuses resources.

To reach its carbon-neutrality goals by 2050, Hong Kong is shifting to adapt to a circular economy which could potentially halve carbon dioxide emissions by 2030 according to the Ellen MacArthur Foundation. Circularity will also bring material cost savings, which could be up to US\$700 billion a year globally for fast-moving consumer goods.

New Life could close the gap in this circularity. Although it has yet to start operating, it has secured some major partners, which will supply plastic waste to its 6,500 square metre recycling plant in Tuen Mun’s EcoPark.

For example, New Life has secured a three-year partnership with P&G and Watsons Hong Kong. In the first year, the partnership hopes to recycle 110,000 plastic personal care bottles, and possibly 210,000 in 2023.

Consumers can return personal care plastic bottles of any brand to Watsons’ stores across the city. From now until May 31, old bottles can be exchanged for rewards; for instance, five shampoo or conditioner bottles can be exchanged for a HK\$5 P&G haircare e-coupon, or a HK\$5 voucher for Watsons’s own brand of toilet paper.

This recycling campaign is not the first in Hong Kong, but this is probably the first in which large commercial enterprises have come together to implement a large-scale recycling campaign.

Loops Hong Kong Ltd. is a local recycling service provider that P&G and Watsons have partnered with. Its role is to sort personal care bottles and their delivery to the recycling plant.

At New Life’s facility, the plastic waste will be processed into raw materials, which can be sold and used in the manufacture of PET and HDPE products. The recycled PET will be sold mainly in Europe, while the processed HDPE will remain in the Asia-Pacific market.

[SCMP, 14/03/2021]

## **ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)**

### **Minutes of the 243<sup>rd</sup> Meeting of the Advisory Council on the Environment held on 7 December 2020 at 2:30 pm**

Mr. Wong Kam-sing, Secretary for the Environment, briefed members of the Advisory Council on the Environment (“ACE”) on the key environmental initiatives in the Chief Executive’s 2020 Policy Address. The following topics were discussed.

#### *Climate change and energy efficiency*

A member noted that the government had set an ambitious target to achieve carbon neutrality by 2050 in the 2020 Policy Address, and enquired whether the government has any implementation plans to achieve the goal.

Mr. Wong reported that details of the roadmap would be set out in Hong Kong’s Climate Change Action Plan in the middle of next year. To achieve better co-ordination among relevant bureaux and departments, a high-level Steering Committee would be established.

Some members enquired as to progress of existing environmentally related measures undertaken by the government. Mr. Wong explained that the government has adopted energy saving measures and used renewable energy in government buildings. Mr. Owin Fung added that the

government launched the Electric Vehicles (EV) Charging- at- Home Subsidy Scheme in October 2020. In the coming year, the government will also set a target to end sales of conventional, fuel-propelled private cars.

#### *Waste reduction and recycling*

Progress of Green @ Community was discussed. Green @ Community is actually a community recycling network consisting of 9 recycling stations, 22 recycling stores and over 100 recycling designated collection stations which accept recyclable waste, such as paper, small electrical appliances and fluorescent lamps. Recently, the EPD introduced the GREEN\$ (Greeny Coins) smart card for the public to use to redeem gift items on submission of recyclables.

As regards the government's plans for handling food waste, Mr. Wong said that O · PARK 2 would soon help turn food waste into energy and resources in Hong Kong. He added that the government would continue to explore utilisation of sewage treatment facilities for food waste recovery. He also anticipated that if the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 could be passed in the coming year, the public would be incentivised to practise waste separation and recycling at source.

#### *Nature and countryside conservation*

The implementation of social distancing measures during COVID-19 has attracted more people to visit the countryside. In response to a member's concern about the waste and associated environmental pollution at country parks, Mr. Wong said that the government would collaborate with non-governmental organisations in promoting "Take Your Litter Home" practice at country parks and hiking areas to enhance public's awareness in properly disposing of their litter.

Some members noted that the government would soon be required to formulate the Hong Kong Biodiversity Strategy and Action Plan ("BSAP") for 2022 – 2026. Mr. Wong said that the government would draw reference and assistance from the upcoming 2021 UN Biodiversity Conference when reviewing and formulating the BSAP to cover the next five years.

#### *Environment related funds*

In response to a member's concern about the possibility of overlap between the scope of various environment related funds (such as the Environment and Conservation Fund ("ECF") and the Green Tech Fund ("GTF")), an Environmental Bureau officer advised that the Bureau would set out clear guidelines on the scope of each funds to make sure that they would only complement each other but not serve the same or similar purposes.

A member noted that currently the ECF only covered projects to be carried out locally. He suggested that the ECF and GTF should be extended to support conservation research and projects in the Greater Bay Area.

#### *Conclusion*

Mr. Wong appealed to members for their continued support to the implementation of various environmental initiatives announced in the 2020 Policy Address.

[Advisory Council on the Environment, 07/12/2020]

## CLIMATE CHANGE

### **Climate impacts kill off proposed South African coal plant**

ELAW partners at the Centre for Environmental Rights (CER) share great news:

"Major climate impacts and exorbitant costs have sounded the death knell for a new proposed coal-fired power station in South Africa."

A green light for the proposed Thabametsi plant in Limpopo province would have made it one of the most greenhouse gas emission-intensive coal-fired power stations in the world.

In 2016 and 2017, CER worked with Earthlife Africa to challenge the project's environmental authorization in court. They succeeded in having the decision referred back for consideration of the project's climate impacts – a victory hailed as South Africa's first climate change case.

Despite the significant climate impacts, the project was re-authorized and the parties went back to court to in 2018 to challenge Thabametsi's authorization. This month, Earthlife Africa and GroundWork secured agreement from Thabametsi and the state to cancel the environmental authorization.

Meanwhile, Korean Electric Power Company and Japanese Marubeni -- the two major shareholders in the project -- have withdrawn and major development finance institutions have reportedly advised that they will not be supporting the project.

"ELAW has collaborated with CER for years to help win this big victory," says CER attorney Nicole Loser.

ELAW Staff Scientist Dr. Mark Chernaik provided CER with a critical review of the power company's Climate Impact Assessment. Mark's review included an estimate that the power plant's expected CO2 emissions would cause more than \$480 million per year in climate damages.



Mark also provided a critique of the power company's draft Atmospheric Emissions License, and material to rebut the power company's defense of the Ministry's grant of environmental authorization that has now been set aside.

"Coal kills people and is the largest source of CO2 emissions," says Mark. "We simply cannot continue burning coal if we hope to protect the climate."

[*ELAW News Release*, 19/11/2020]

### Turning point for tackling climate change

2021 could either be a break point or turning point for tackling climate change as related events take place.

In November 2021, there will be another important international climate conference, this time in Glasgow, U.K. The previous meeting was already dated back to the Paris meeting in 2015.

The Paris meeting in December 2015 remains significant, in that all the nations of the world gathered, discussed climate change and agreed to collaborate to combat climate change. One of the agreed major remedial actions was to cut carbon emissions. In particular, all nations accepted the goal of limiting global temperature increases to 2 degrees Celsius above pre-industrial levels by the end of this century. However, the reality is that the world is expected to breach the ceiling very soon and will take less than 12 years thereafter to reach a global increase of 3 degrees Celsius if stronger measures to reduce emissions and other causes of warming are not taken across the globe.

Perhaps, the upcoming conference may put this urgency on the agenda, so that all the nations will re-examine their current climate change agendas critically, with a view to much more robustly addressing the issues around climate change and tackle the problem collaboratively.

COVID 19 has brought with it a grave financial downturn. The bright side is that it also presented an opportunity for the governments of different nations to invest in decarbonization technology and other related scientific weapons for reducing the level of greenhouse gases in the atmosphere. This is due to the fact that interest rates are hovering around zero, which may encourage borrowing for investment in climate industries and businesses.

The European Union and the United States have promised to invest trillions of dollars in "green investment". In the meantime, they also urge other nations to be involved in a collaborative, international effort to reduce global warming. This may encourage some carbon-cutting laggards to adopt effective programmes to reduce their global warming footprint.

[*BBC News*, 01/01/2021]

### COVID-19 and climate change

There might be a correlation between climate change and the cause of COVID-19 as the number of coronaviruses in an area is closely related to the number of bat species that exist, according to a recent study by a research team led by Robert M. Beyer.

Over the past century, climate change which is causing rising temperatures, increased sunshine, and rising carbon dioxide concentrations in the atmosphere have affected plant growth in Yunnan, China, and neighboring areas, such as Myanmar and Laos. Furthermore, the tropical savanna and deciduous forest have created a suitable living environment for many bat species that mainly live in the forest. These factors might directly relate to the distribution of bats.

The aim of the research was to understand how climate change affects the global distribution of bats. The research team used records of temperature, rainfall, and cloud cover to draw a map of global vegetation changes over the past century. The team later used the vegetation demand data of global bat species to calculate the global distribution of each species in the early 1900s, and then compared it with the current distribution.

The research team found that in the past century, an additional 40 species of bats have migrated to southern Yunnan, China. These species can collectively transmit about 100 types of coronaviruses.

It is currently known that bats worldwide carry about 3,000 different types of coronaviruses. Each bat species carries an average of 2.7 types of coronaviruses, most of which have no symptoms. Studies have shown that as climate change changes habitats, such that species carrying viruses migrate to other areas, it is likely to encourage the spread of new coronaviruses to human beings, resulting in more harmful viruses evolving.

Although most of the coronaviruses carried by bats do not infect humans, several are known to infect humans and are likely to originate from bats, including MERS-CoV, which causes Middle East Respiratory Syndrome, and SARS and SARS CoV-1 and SARS CoV-2 that currently cause COVID-19.

The virus may have jumped from bats to pangolins, and then the infected pangolins can spread the virus to humans when consumed.

[*The Standard News*, 08/02/2021]

### Worsening allergies due to climate change

More people today are suffering from allergies. One of the main causes is exposure to increased amounts of pollen, which in turn is at least partly attributable to climate change. "The strong link between warmer weather and pollen seasons provides a crystal-clear example of how climate change is already affecting peoples' health across the U.S.," says William Anderegg of the University of Utah School of Biological Sciences.

Previous studies showed that increases in temperature and in the production of carbon dioxide can cause more pollen production. However, none of the studies before looked into the actual calculation of pollen yielded as a result of climate change, until a recent study conducted by Anderegg and his colleagues.

The team collected airborne pollen and mould samples between 1990 to 2018 from 60 pollen count stations in the United States and Canada. Their research shows that present day pollen seasons start 20 days earlier and are 10 days longer than in 1990. The result is that the prolonged pollen season yields 21% more pollen than before. This also indicates that climate change could account for approximately half of the pollen season lengthening and approximately 8 percent of the increased pollen count.

Therefore, climate change not only brings more environmental problems, such as flooding, melting of icebergs, rise of sea levels etc., it could also cause health issues. These are likely to become more serious if we do not face the problem and take remedial action now.

[*SciTechDaily*, 21/02/2021]

## REGIONAL & INTERNATIONAL

### CHINA

#### China's five-year plan could push emissions higher

Following a week-long meeting, the National People's Congress (NPC) of China formalised the "outline for the 14th five-year plan and long-term targets for 2035".

China is the world's biggest emitter of greenhouse gases, as well as the second biggest economy, after the US. There have been expectations as to how the policy document might influence China's near term economic strategy and the unwelcome likelihood of reaching peak greenhouse gas emissions by 2030. However, the economic blueprint for the next five years, released on 5 March, has been a disappointment. The 14th five-year plan, published in Beijing on Friday, gave few details of how the world's biggest emitter would meet its target of reaching net zero emissions by 2060, which was declared by President Xi Jinping last year. There are also no new targets announced, beyond those already committed to during the last year.

Chief economist at Draworld Environment Research Centre, Zhang Shuwei, said that as the first five-year plan after China committed to reach carbon neutrality by 2060, the 14<sup>th</sup> five-year plan was expected to demonstrate strong climate ambitions. However, the draft plan presented does not seem to meet expectations. The international community expected China's climate policy to "jump ahead" but in reality it is still crawling.

In December 2021, a new statement of commitments under the Paris Agreement and more details of regional and sector-specific plans will be published.

[*The Guardian*, 05/03/2021]

#### Crackdown on steel mills' illegal production

In 2019, the Ministry of Ecology and Environment (MEE) and four other ministries released a joint directive intended to ensure steel mills in the country's most polluted regions meet "ultra-low" emission standards by 2025.

China has also pledged to cut its crude steel output in 2021 from a record 1.06 billion tonnes last year to reduce carbon emissions. Steel companies has been the main economic sector responsible for air pollution, accounting for 15% of China's total emissions. The emissions reduction could be met by production cuts, altering the raw materials mix and increased use of ultra-low emissions control equipment.

China has made dramatic air quality improvements in recent years as the government has relocated and retrofitted heavily polluting coal and oil plants. Nevertheless, unfortunately for residents of many industrial cities, the country's steel mills continue to belch out health-harming particulates, sulfur dioxide and nitrous oxides. MEE urged top steel-making city, Tangshan, to severely punish those responsible for violations of atmospheric environmental rules after it found four steel mills failed to implement production curbs during a period of serious air pollution and disobeyed orders to reduce activity in response to pollution alerts.

[*Thomas Reuters Foundation News*, 12/03/2021]

### AUSTRALIA

#### Scale of feral fish problem revealed

The mammoth task of ridding Australia of European carp has been revealed in a study aimed at estimating just how many of the feral fish infest the country's rivers and lakes.

The investigation, conducted as part of the Federal Government's National Carp Control Plan, found that in a "wet" year, Australia's freshwater systems contained 357.5 million carp. In an "average" year, there were 199.2 million carp.

European carp are now the most abundant large freshwater fish in south east Australia. They seriously damage river environments by muddying water and destroying native aquatic vegetation. They also aggressively compete with native fish for habitat.

The estimate of their numbers, by the Arthur Rylah Institute for Environmental Research, used cutting-edge modelling across a range of habitat types, such as rivers, lakes, billabongs and estuaries. The Institute said the information would help national and local carp control strategies and track river recovery efforts.

The National Carp Control Plan has investigated using a naturally occurring strain of carp herpes virus as a biological control agent for the pest.

[*Sunday Mail*, 21/03/2021]

## ITALY

### Plans to cut carbon emissions by 60% by 2030

Following talks with US climate envoy John Kerry, Italy has announced its plan to cut greenhouse gas emissions by 60% by 2030, using 80 billion euros of EU funds for energy transition in the next 5 years. In the last national energy plan, released in December 2019, Italy set itself a target of a 33% reduction.

Ecology Minister, Roberto Cingolani, said that the key focus was on cutting red tape to allow energy projects to be authorised more quickly. Many companies, including power giant Enel and grid operator Terna, have complained that an overly complicated permission process is holding back progress in establishing renewable energy generators.

[*Thomas Reuters Foundation News*, 11/03/2021]

## KOREA

### K-pop stars call on fans to take action on climate change

More and more of Korea's famous K-pop stars are taking the initiative in responding to the climate crisis as a global issue. Major names, like BTS and Blackpink, are involved in environmental campaigns. Their positive influence has led in many cases to direct action and new perceptions among their fans. With the climate crisis looming as a major catastrophe threatening the future of humankind, observers are saying that the engagement of stars with a large following is more crucial than ever.

The director of the sponsorship project team for Korea Federation for Environmental Movement of Seoul explained the importance of the participation of pop groups in raising environmental awareness. Climate awareness messages from pop stars/groups, with global name recognition, will have more of a ripple effect than the activities of the civic groups which traditional have led the way in ongoing environmental movements and causes.

Moreover, as more people with a positive influence begin taking action to address the climate crisis, this could lead to major changes, not just in the climate change response, in the approach of South Korea to environmental issues and also in its global activities.

[*SCMP*, 11/03/2021]

## MEXICO

### Plastics ban raises concerns for women

Plastic applicator tampons are a product that many women relied on as a monthly necessity in one of the world's biggest cities, Mexico City. With a lifespan of nearly 150 years, the applicators join plastic bags, forks, cups, balloons and straws as single-use plastics that Mexico City has banned as it pushes forward with a greener agenda.

However, such well-intentioned environmental commitment neglects the needs of women. According to government data, more than 40% of the population lives in poverty. Alternative products, such as organic tampons or silicone menstrual cups, are more expensive and often hard to find. Women's groups have expressed concern about the proposed ban, saying that the city's ban on the applicators is an attack on human rights and creates a phenomenon of "menstrual poverty" for women who cannot afford or find the greener alternative.

Mexico City Environment Minister, Marina Robles, said that companies should shoulder some of the responsibility to make tampons with cardboard applicators, or no applicators at all, more readily available in Mexico. City officials were also in talks with producers for nearly two years prior to the ban, about making more non-plastic alternatives available.

[*NBC News*, 19/02/2021]

### Clean water for Mesoamerica

Corals, communities and coastlines in Mesoamerica are suffering the effects of failed and inadequate wastewater treatment. ELAW has been working with partners in Mexico to protect water quality and is now expanding across the region, to clean up water supplies and hold polluters accountable.

"Clean water is a fundamental human right," says ELAW Attorney Alejandra Serrano. Coastal communities in Mexico's Yucatan and beyond rely on freshwater aquifers. When these water bodies are contaminated by human waste, it's a public health crisis and a crisis for the Mesoamerican Reef, which supports livelihoods across the region.

ELAW works with Centinelas del Agua, Healthy Reefs for Healthy People, and Centro Mexicano de Derecho Ambiental (Mexican Center for Environmental Law, CEMDA) to protect coral reefs from contamination and advance UN initiatives to codify and defend the human right to water and sanitation.

In Mexico, we have helped our partners educate citizens about proposed laws and regulations that would strengthen protection for water and the human right to clean water.

[*ELAW News Release*, 23/03/2021]

## **THAILAND**

### **NGO seeks halt to Mekong dam project in Laos**

The Luang Prabang dam project is the latest Thailand-funded hydropower project in Laos and is being developed by Thai developer, CH Karnchang, the company behind the Xayaburi Dam on the Lower Mekong River.

The non-governmental organisation *Fair Finance Thailand* has petitioned the country's financial institutions, including the central bank, to withhold construction loans for the Luang Prabang Dam project on the Mekong River in Laos amid warnings about the negative environmental risks such mega-dams pose and the potential for the displacement of families on the river and loss of livelihoods. They have called for a feasibility study risk mitigation measures to be taken to reduce adverse environmental effects of construction and operation of the dam.

Phairin Sohchai, a campaigner for the NGO *International Rivers*, which is allied with *Fair Finance Thailand* said that the Thai provinces along the Mekong have been experiencing severe drought as a result of lower water levels caused by the numerous dams upstream that hold back the river's flow.

[*SCMP*, 19/02/2021]

## **UNITED KINGDOM**

### **Government to invest in new offshore wind facilities**

The wind energy industry has become UK's most prized industrial success story. In the past 10 years the capacity of the UK's offshore turbines has grown from 1GW to almost 10GW at the start of 2020, and construction costs have been driven down by almost two-thirds.

The UK government has announced that a further investment of 95 million pounds will be made as a contribution to the cost of construction of two new facilities to service a big expansion in offshore wind farms. This wind farms development is estimated to create approximately 6,000 jobs in the north of England. The government said the new infrastructure will help meet its target to quadruple offshore wind capacity 40 GW by 2030.

One site will be located in Able Marine Energy Park and the other site will be located in Teesworks Offshore Manufacturing Centre on Teesside. The two sites will contribute electricity to power for around 8 million homes. Construction will begin later this year.

[*Thomas Reuters Foundation News*, 10/03/2021]

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**Convictions under environmental legislation:  
December 2020 to February 2021 (March  
2021 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:

***December 2020***

Fifty-nine convictions were recorded in December 2020 for breaches of legislation enforced by the Environmental Protection Department.

Six of the convictions were under the Air Pollution Control Ordinance, 6 were under the Noise Control Ordinance, 33 were under the Public Cleansing and Prevention of Nuisances Regulation, one was under the Product Eco-responsibility Ordinance, 11 were under the Waste Disposal Ordinance and 2 were under the Water Pollution Control Ordinance.

A company was fined \$50,000, which was the heaviest fine in December, for failing to deliver chemical waste to reception point or dispose of the waste at a licensed disposal site.

***January 2021***

Thirty-nine convictions were recorded in January 2021 for breaches of legislation enforced by the Environmental Protection Department.

Five of the convictions were under the Air Pollution Control Ordinance, 3 were under the Noise Control Ordinance, 18 were under the Public Cleansing and Prevention of Nuisances Regulation, one was under the Product Eco-responsibility Ordinance, 9 were under the Waste Disposal Ordinance and 3 were under the Water Pollution Control Ordinance.

Separately, two companies and one Incorporated Owners were fined \$15,000, which was the heaviest fine in January, for contravening the terms or conditions of a specified process licence, causing another person to import controlled waste without a permit and discharging waste/polluting matter into the water control zone.

***February 2021***

Forty-two convictions were recorded in February 2021 for breaches of legislation enforced by the Environmental Protection Department.

Eight of the convictions were under the Noise Control Ordinance, 23 were under the Public Cleansing and Prevention of Nuisances Regulation, 2 were under the Product Eco-responsibility Ordinance and 9 were under the Waste Disposal Ordinance.

A company was fined \$28,000, which was the heaviest fine in February, for exporting waste not for recycling without a permit.

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