

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

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The twenty sixth conference of the parties to the UN Framework Convention on Climate Change, known as COP26, took place in Glasgow, Scotland from 13 October 2021 to 12 November 2021. In this edition we feature substantial parts of an informed commentary on COP26 and its outcomes.

The Editors

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GLASGOW CONFERENCE FALLS SHORT OF CLIMATE GOALS

Introduction

Nearly 200 nations are signatories to the *UN Framework Convention on Climate Change* which was created at the 1992 Earth Summit on Rio.

The Convention is a United Nations sponsored agreement between participating states (virtually the entire world) to cooperate in formulating and implementing national and international measures and policies to curb the effects of global warming caused by human activity.

The agreed objective is to keep the inevitable increase in average temperature to 2°C by the end of the century, compared with the end of the 19th century. Ideally, the increase should be limited to 1.5°C; even a 2°C increase will be disastrous for low-lying countries and many aspects of the environment, social activity and life on earth in general.

Arriving at COP26

A Conference of the Parties (COP) has been held annually since 1992, ostensibly to detail, negotiate and agree measures the international community and individual nations will devise and implement to achieve the Convention's objectives; and to enter into agreements to achieve the stated goals.

The initial COP agreement to take "climate action" was the *Kyoto Protocol* (1997) which was superseded by the *Paris Agreement* (2015). There have also been separate other related political agreements to address global warming, such as the *Vienna Convention* and subsequent *Montreal Protocol* (1987) to reduce the use of ozone depleting substances, which was amended in Kigali in 2016.

Commentary on COP26

The following is an abridged version of an article published by *Siera* (November 2021) commenting on some of the decisions and likely outcomes of COP26.

Lack of political will

We must prepare for at least 2°C of global heating... that's the implicit outcome of COP26. The decisions which have been made by global leaders do not meet the aspirations of the Paris Agreement to limit the average global temperature increase to well below 2°C; ideally to 1.5°C.

This inevitably means that more lives will be lost and more economic and environmental damage will be done as a result of man-made climate change.

There is an obvious gap between meaningful action and all of the Net Zero announcements and the political fanfare about climate action. A report published during COP26 by *Climate Action Tracker* shows that we have a 66% probability of exceeding 2°C of global heating. It highlights the “credibility gap” between all of this talk, and the intended action. That’s based on their review of the *Nationally Determined Contributions* (NDCs); essentially each nation’s plan to reduce their greenhouse gas (GHG) emissions.

Even this dire forecast must be considered unrealistically optimistic, given the authors assumed that the NDCs will be fully implemented. We know that the best laid plans of governments are never fully implemented; for instance, the UK’s *Building Regulations* to limit energy consumption and GHG emissions are not enforced. Every new building emits more in operation than the design intent.

Disastrous warming ahead

The *Climate Action Tracker* report is reinforced by analysis from *Carbon Brief* of three similar studies, which have reached a similar conclusion about the present best-case scenario being >2°C.

Adapting to 2 °C of global heating might not seem like much of a change. However, in the UK, for example, it can lead to talk of a Mediterranean climate and an increasing number of vineyards. The truth is that this average temperature increase will be unevenly distributed and it will affect us all. We will experience more frequent and more extreme weather events. People closer to the equator and in the Global South will be disproportionately affected. The locations which are more climate resilient will become much clearer over the coming years, which will be reflected in their desirability and value.

We need to think about how this could affect our buildings and infrastructure. How well protected are they from flood risks, heat stress, wildfires and storms, and who bears the costs when damage is done?

The next two COPs, in 2022 and 2023, will be in locations which are closer to the equator and with a significant exposure to a changing coastline and increasing desertification; these are COP27 in Sharm El-Sheikh in Egypt and then COP28 in the United Arab Emirates. It is likely that the immediate effects of climate change will be closer at hand and more visible than in Glasgow.

The *State of Climate in Africa Report* reports that “by 2030, it is estimated that up to 118 million extremely poor people will be exposed to drought, floods and extreme heat in Africa”. In Madagascar, according to the *World Food Programme*, more than 1 million people are suffering right now from the first famine caused by climate change.

However, the 5-year cycle of submitting NDCs means that we could be five COPs away, in 2027, from the combined national action we desperately need to have any chance of limiting global warming. That’s in the context of the need to halve emissions by 2030 and then halve them again by 2040. We are running out of time and that is why we need to adapt more urgently.

Next year we shall see the scientists of the *Intergovernmental Panel on Climate Change* (IPCC) publish their sixth assessment report (AR6). It is expected to forewarn us that the time left to take climate action is reducing and could be as little as four years. The AR6 Working Group I presented to COP26 and stated that: “climate and weather extremes and their adverse impacts on people and nature will continue to increase with every additional increment of rising temperatures”. Unfortunately, we know that there has already been lobbying by governments to weaken the text of AR6, which describes the latest climate change science.

International climate credibility gap - Post COP26

It is not surprising that this slow action and blocking of progress is causing “*climate anxiety*” amongst young people, which was mentioned by Barack Obama in his COP26 speech. Greta Thunberg summed up her frustrations on Twitter: “Unless we achieve immediate, drastic, unprecedented, annual emission cuts at the source then at means we’re failing when it comes to the climate crisis.”

When a credibility gap exists between political announcements and concrete action on climate change, particularly when it is seen as unjust and deadly, we can expect more peaceful protests and civil unrest. Obama has recommended Kim Stanley Robinson’s novel *The Ministry of the Future* as essential reading. It describes a bleak future where a new global Ministry is created to protect the rights of future life on Earth following a catastrophic heatwave in India. It is a well-informed novel about climate change, but it does take climate protests to the extremes of terrorist activity, which is not an outcome any of us wish to see.

China’s equivocal approach

There were many global leaders at COP26, including President Biden, Bill Gates and Greta Thunberg, however there was also notable exceptions like President Xi Jinping. A mixed message from China when there is a concerted effort from the country’s leadership to act on climate change. There are signs of collaboration between the USA and China, including a joint settlement and close negotiations in the final hours of COP26 between John Kerry, a hero of the Paris and Kigali negotiations, and Xie Zhenhua, China’s Climate Envoy. Xie has previously described climate change as an “existential crisis”.

Grounds for hope?

There are reasons for hope from COP26. It is clear that there was a lot of energy at COP26, in the Blue and Green zones as well as on the fringes. More public and private sector commitments have been made than ever before. For example, India committed to a target of Net Zero emissions by 2070. Over half of the FTSE100 companies, with a market cap of over £1.2tn, have committed to be Net Zero Carbon by 2050.

The UK Chancellor, Rishi Sunak, announced that the UK will become the “world’s first net zero aligned financial centre”. To help achieve this, the UK plans to publish a *Net Zero Transition Pathway* next year. This was supported by FCA announcements on a new *ESG Strategy* and a *Disclosures & Labels Advisory Group* for sustainable investments to support the development of the *Sustainable Disclosure Regulation (SDR)*.

As regions and countries publish regulations to increase transparency of climate risks across all asset classes, the long-expected announcement by the IFRS Foundation that the *International Sustainability Standards Board (ISSB)* had been formed, was welcomed. This is an important step in standardising company reporting as it joins together the *Value Reporting Foundation and Climate Disclosure Standards Board (CSDB)*, and builds on the *Taskforce on Climate-related Financial Disclosures (TCFD)* recommendations.

Funding climate action

Whilst there is obviously a concerted effort to mobilise private climate finance, there is still a shortfall in the \$100bn (0,001% of global GDP) by 2020 commitment of finance for developing countries to enact necessary climate mitigation measures. At the same time, there continues to be \$500bn of government subsidies for fossil fuels and the same amount to farming practices that damage our planet and our health.

Some small concessions were made at COP26 to increase this funding, such as the Breakthrough Agenda, MOBILIST, the Clean Green initiative and the Climate Investment Funds’ Capital Markets Mechanism, specifically for clean technology including renewables and electric vehicles. The *Urban Climate Action Programme* will support cities in Africa, Asia and Latin America to transition to Net Zero by 2050. An *Adaption Fund* and the *Climate Action for a Resilient Asia (CARA)* programme will support measures to improve climate resilience in Asia-Pacific cities.

For the UNFCCC process, the technology mechanism is led by the *Technology Executive Committee (TEC)* and the *Climate Technology Centre and Network (CTCN)*. It can provide a focus for incubation and acceleration of relevant cleantech.

Phasing out fossil fuels – slow progress!

Over the last year we have seen a number of initiatives to phase out coal power, including significant private divestment and China, Japan, Korea and the G20 commitments to end overseas funding of coal. At COP26, 190 countries and organisations agreed to end all investment in coal power generation. For major economies, this will be in the 2030s and in the 2040s for the rest of the world.

Switch to EVs

Momentum is also building for phasing out the internal combustion engine; there was a COP26 declaration to work towards 100% zero emission vehicles sales globally by 2040. This drive towards doing away with fossil-fuelled engines includes commitments to that goal from Ford, GM, Mercedes-Benz and Volvo, but not Toyota, VW or Nissan-Renault.

Infrastructure and climate change

The USA, EU and UK also endorsed five principles for infrastructure development:

1. Infrastructure should be climate resilient and developed through a climate lens.
2. Strong and inclusive partnerships between host countries, developed country support, and the private sector are critical to developing sustainable infrastructure.
3. Infrastructure should be financed, constructed, developed, operated, and maintained in accordance with high standards.
4. A new paradigm of climate finance – spanning both public and private sources – is required to mobilize the trillions needed to meet net-zero by 2050 and keep 1.5 degrees within reach.
5. Climate-smart infrastructure development should play an important role in boosting economic recovery and sustainable job creation.

These principles may be seen in practice in the *Build Back Better World*, *Global Gateway* and *Clean Green* initiatives.

Nature-based solutions

Nature-based solutions to climate change were also a big theme at COP26. This follows a clearer scientific understanding of the need to tackle both climate change and biodiversity loss at the same time. As well, there is increasing interest in the *Taskforce for Nature-related Financial Disclosure (TNFD)*.

The Glasgow *Leaders’ Declaration on Forest and Land Use* saw over 100 Leaders, accounting for 86% of the world’s forests, commit to halting and reversing forest loss and land degradation by 2030. This was reinforced by an increase in the number of NDCs which include measures to reduce nature loss. However, more is required for agriculture, which occupies half of the habitable land on Earth, and is still missing from many NDCs, with significant uncertainty about the related national emissions.

Glasgow Climate Pact is a failure

The eventual, compromised Pact will be seen as a political failure by many parties who do not have a vested interest in the fossil fuel-driven status quo. It is the first time a COP decision has recognised that there is an end for fossil fuels. Stopping the use of coal is considered a critical step towards limiting global warming 1.5°C. To even try to achieve this, 8,500 coal plants would have to be closed by 2030 according to the IEA. This part of the Pact was weakened even more at the last minute.

The late intervention by India to change the wording of the agreement to “*phasing down of unabated coal power and inefficient fossil fuel subsidies*” rather than “*phasing out*” would not have been possible without the support of China and, in turn, the USA. It is clear demonstration of how these politics work at the end of a very long extra day, and it provides a short extension in the support for fossil fuel power.

Conclusion

There has been limited progress since Paris. For example, we have seen agreement on the “Paris Rulebook”, which is an important step in the implementation of the *Paris Agreement*, and this will ensure we see a ratcheting-up of action.

In terms of the hope for achieving a temperature increase of well below 2°C, with a continued aspiration for 1.5°C, by the end of the century, the Pact (article 29) does introduce a new annual ratchet mechanism – to revisit the NDCs in 2022 rather than in five years. There is a hope that NDCs can be improved, which raises the stakes for COP27 in Egypt next year, when the AR6 Working Group II will present to COP27 on adaptation to our rapidly changing global climate.

The parties also now generally accept the concept of developed countries making payments to developing countries for “loss and damages” from historic emissions (mainly from developed nations) which are causing damage now. This will be an ongoing dialogue and a reminder of the meetings which take place between each COP. There is a UN *Subsidiary Body for Implementation* (SBI) and it is focused on the implementation of the Paris Agreement and this Glasgow Climate Pact. SBI meetings 56-60 will take place between 2022-2024. Technical assistance will be provided via the Santiago Network.

Collective effects to tackle climate change, and the related challenge of biological diversity, will only increase over the next five years as we see mounting losses and damage resulting from insufficient action by nations and the international community collectively. Decisions about what, how and when to invest and finance assets will have to take into consideration this complex, dynamic landscape, with a need to balance both climate adaptation and mitigation.

TOWN PLANNING

Measures to ease housing woes

Prior to Carrie Lam Cheng Yuet-Ngor’s policy address on 6 October, property specialists have advocated measures such as reforming the town-planning process to ease Hong Kong’s housing woes.

Shih Wing-Ching, founder of Hong Kong’s biggest real estate agency, Centaline Group, has suggested that the Town Planning Board give rezoning priority to projects offering a greater number of flats. He added that members of the Town Planning Board must be willing to place an overwhelming emphasis on boosting the supply of residential flats to the degree that land supply will cater for an increase.

Major developers, including Nan Fung Group, Sun Hung Kai, Wheelock and Henderson Land, have recently applied under a government public-private partnership scheme to provide more flats.

The Housing Authority revealed that Hong Kong families were facing their longest wait in more than two decades for a public flat, with an average wait of 5.8 years. The executive director of the Federation of Public Housing Estates, Anthony Chiu Kwok-wai, also suggested that the government could consider more policies to boost turnover rates of public flats, such as incentives to help better-off families living in these units save up for a subsidized flat, in which he suggested that well-off families living in public rental housing may consider surrendering their flats and moving to purchasing subsidised housing flats.

[*South China Morning Post*, 22/09/2021]

Islands’ reclamation key to supply

On 6th October 2021, the Chief Executive Carrie Lam said the government cannot forgo the Kau Yi Chau Artificial Island reclamation as it is intended to provide a large share of the housing supply for the next 20 to 25 years. The government expects the Kau Yi Chau Artificial Islands will be part of the land in Hong Kong to provide more than one million housing units within the next 20 to 25 years.

The Chief Executive added that objections to reclamation plans are inevitable; however, the government has to be more decisive and determined when it comes to objections if Hong Kong wants to improve and move forward. The revenue generated from the islands’ reclamation can also be reinvested in other town planning ideas, existing town planning projects, and other activities.

According to the consultancy agreement that contained detailed planning and engineering study for the land use planning of the Kau Yi Chau Artificial Island, the plan provided that the Island will provide approximately 150 000 to 260 000 housing units to accommodate a population of about 400 000 to 700 000. Apart from residential use, the Island will also provide for commercial facilities to support the development of a third core business district in Hong Kong and in turn create around 200 000 employment opportunities.

[*The Government of the Hong Kong Special Administrative Region Press Releases*, 09/11/2021]

Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan and approved Hok Tau Outline Zoning Plan amended

On 17 December 2021 the Town Planning Board announced amendments to the approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan and the approved Hok Tau Outline Zoning Plan. Prior to 17 December, the Lung Yeuk Tau & Kwan Tei South and Hok Tau OZPs were approved by the Chief Executive in Council in February 2016 and October 2006 respectively.

The purpose of the amendment is to facilitate public housing development in the Lung Yeuk Tau area and to excise a piece of land to the southeast of Shung Him Tong Village from the planning scheme area for incorporation into the Lung Yeuk Tau and Kwan Tei South OZP, and

rezoning that piece of land together with its adjoining land to the west from "Green Belt" and "Agriculture" to "Other Specified Uses" annotated "Cemetery" to reflect its existing cemetery use.

The draft Lung Yeuk Tau and Kwan Tei South OZP No. S/NE-LYT/18 and the draft Hok Tau OZP No. S/NE-HT/6, incorporating the amendments, are available for public inspection

[*The Government of the Hong Kong Special Administrative Region Press Releases*, 17/12/2021]

Tsing Yi logistics site to be sold

Through the Chief Executive's 2021 Policy Address Supplement, the government announced it has been identifying suitable sites to develop and support modern logistics facilities.

The government announced on the 17th December 2021 that a site, Tsing Yi Town Lot No. 200 at the junction of Tsing Yi Road and Tsing Yi Hong Wan Road, Tsing Yi, New Territories, will be disposed of by public tender, designated for logistics services purposes. It was also announced that the tender invitation for the Tsing Yi site will close on 11th March 2022.

The Tsing Yi Town Lot No. 200 has a site area of about 6.2730 hectares and a maximum gross floor area of 206,170 square metres. The purchaser will be required to develop multi-storey port backup and modern logistics facilities, as well as providing storage space for containers of not less than 2 200 twenty-foot equivalent units, so as to have multiple purposes within the site.

The sale conditions for the Tsing Yi logistic site, to be released on 17th December 2021 are available for public inspection until the close of the tender.

[*The Government of the Hong Kong Special Administrative Region Press Releases*, 17/12/2021]

WEST KOWLOON CULTURAL DISTRICT

Preview of the Hong Kong Palace Museum at Fine Art Asia

The Hong Kong Palace Museum announced the launch of the "HKPM Connects" booth at Fine Art Asia 2021 (8/10/21-11/10/21) at the Hong Kong Convention and Exhibition Centre. It offers a preview of the Museum's landmark building, innovative programmes, and the breath-taking treasures that will be on view for its grand opening in July 2022.

The booth explored connections between the past and the present, and between different cultures and disciplines. It articulates the Museum's Hong Kong perspective and global vision, as well as its position as a dynamic platform for connectivity, creativity, and collaboration.

The Director of the HKPM said, "*In terms of vision and positioning, the HKPM is all about the idea of a "connected museum". It captures the distinct identity and role of the HKPM in advocating for a new paradigm for the interpretation of Chinese art and culture. In this context, the concept of connection has multiple meanings—to connect the past to the present, increase hyperconnectivity, strengthen connections with museums and audiences in Mainland China, and connect Chinese culture with a global audience.*"

At the booth in Fine Art Asia 2021, the Museum offers a variety of programmes. Four talks and a conversation feature new research, creative ideas, and behind-the-scenes stories from the Museum Director and a number of leading curators, designers, and artists who are shaping the Museum and its opening exhibitions.

These talks cover a broad range of topics, including HKPM's collection is reinterpreted by contemporary artists, designers, and other art professionals, and the historical development of Hong Kong's museums in a conversation between two leading museum experts. At the booth, a HKPM conservator will conduct demonstrations to introduce the tools, materials, and techniques of conserving Chinese paintings and calligraphy works.

[*West Kowloon Cultural District Press Release*, 28/09/2021]

M+ museum's opening

West Kowloon Cultural District's signature museum, the M+, which is Asia's first global museum of contemporary visual culture, opened to the public on 12 November 2021. The museum's opening displays will include six thematic exhibitions drawn from different areas of strength in the M+ Collections, featuring visual artworks, moving image works, design objects, architectural projects and archival items.

Approximately 1,500 works drawn from the M+ Collections will be presented in the 17,000 square-metre exhibition space that spans thirty-three galleries and other display spaces in the museum.

Designed by world-renowned architects, the 65,000-square-metre M+ building is among Hong Kong's most iconic landmarks, both monumental in its architectural form and radically open in its position in the urban landscape. Located on the Victoria Harbour waterfront, the museum has a striking terracotta tile-clad tower, featuring a LED system on the south facade for the display of M+ content, defining the museum's place within the urban landscape and contributing to the city's vibrant night-time environment.

[*West Kowloon Cultural District Press Release*, 12/11/2021]

Green Tech Fund approves eight projects

On 5 October 2021, the Secretariat of the Green Tech Fund (GTF) said that the first batch of a total of eight projects have been approved in the first round of applications. The projects involved a total grant of HK\$39 million. These applications were submitted by local universities and a private enterprise.

The projects are wide ranging, such as: the promotion of new energy and renewable energy (RE); promotion of a circular economy and turning waste into resources; low-carbon waste management technologies; and smart air quality monitoring, more specifically described by the GTF as:

1. Promotion of new energy and RE: Development of more cost-effective and efficient technologies for producing green hydrogen; development of a demonstration system to promote public awareness of green hydrogen technologies; and development of solar cells that could be printed on different surfaces to increase the power generation efficiency of photovoltaic systems, as well as building-integrated photovoltaic systems.
2. Promotion of a circular economy and turning waste into resources: Collection of waste batteries, electric vehicle batteries in particular and recycling the cathode materials therein to produce fuel cells; and research on the use of yard waste to produce biochar building materials.
3. Low-carbon waste management technologies: Research on more energy-efficient ways to purify landfill leachate which has to be treated before it is discharged into the public sewerage system.
4. Smart air quality monitoring: Development of low-cost smart air sensors capable of accurate and real-time air quality monitoring under different temperature and humidity conditions.

These projects will help promote research, design and application of green technologies in the areas of decarbonisation and energy saving, new energy, waste management, and improved air quality, thereby expediting the low-carbon transformation in Hong Kong in a bid to achieve the goal of carbon neutrality.

[Press Release, The Government of the Hong Kong Special Administrative Region, 05/10/2021]

Support for Hong Kong's Climate Action Plan 2050

The Green and Sustainable Finance Cross-Agency Steering Group (CASG) welcomes and supports the Climate Action Plan 2050, which sets out a vision for “Zero Carbon Emissions • Liveable City • Sustainable Development” and outlines the strategies and targets for Hong Kong to combat climate change and achieve carbon neutrality.

Ashely Alder, the Chief Executive Officer of the Securities and Futures Commission and Co-Chair of the CASG said: “*As an international financial centre, Hong Kong has a critical role to play to mobilise capital to implement the four major decarbonisation strategies and measures (Note) detailed in the Hong Kong's Climate Action Plan 2050. Hong Kong will continue to consolidate its position as the green finance hub for Asia and the Mainland including the Guangdong-Hong Kong-Macao Greater Bay Area to connect international investors and the Mainland markets.*”

Eddie Yue, the Chief Executive of the Hong Kong Monetary Authority and Co-Chair of the CASG, added: “*The CASG is committed to helping accelerate the growth of green and sustainable finance in Hong Kong, with a view to supporting the transition of our economy to carbon neutrality and facilitating the management of climate risk by financial institutions. We look forward to close partnership and collaboration with all stakeholders through concrete actions to achieve the objectives set out in the action plan.*”

[Press Release, The Government of the Hong Kong Special Administrative Region, 11/10/2021]

Electricity tariff to be raised

The government and the city's two power companies have announced electricity tariff adjustments for 2022.

Subsequent to negotiations with the government, from 1 January 2022 Hongkong Electric Company will increase its average net tariff by 7% to 135.3 cents per kilowatt-hour; CLP Power and Castle Peak Power will raise the average net tariff by 5.8% to 128.9 cents per kilowatt-hour.

At the same time, the two power companies will freeze basic tariff rates, postpone the recovery of fuel costs and provide special rebates to reduce the final net tariff in 2022.

According to the power companies' estimation, the average monthly tariff increase next year for a typical three-member household will be about \$20 to \$24. The government explained that the tariff increase is solely due to surging fuel prices.

Facing rising international fuel prices, various countries have increased their energy prices and electricity tariffs. Likewise, Hong Kong's two power companies are under immense pressure for tariff adjustment.

The government has provided monthly electricity charges relief of \$50 for each residential electricity account since 2019, which will be continued next year and the following year.”

Additionally, the power companies will bear large deficit balances in their fuel cost recovery accounts and make use of tariff stabilisation funds. They will also continue to use their community energy saving funds to help disadvantaged groups and small and medium-sized enterprises.

Meanwhile, the government gave approval for CLP Power to increase the estimated total capital expenditure approved in its 2018-23 development plan by \$3.2 billion. The two power companies need to invest a substantial amount of capital to build the infrastructure required for the production, reception and storage of zero-carbon energy, which will inevitably put upward pressure on electricity tariffs. The power companies need capital to support Hong Kong's overall development, such as supporting the government's initiatives and the rapid development of data centres.

The government also urged all businesses and the public to step up efforts to save energy in daily life and expressed hope that everyone will strive to save electricity, save money and reduce carbon emissions to mitigate climate change.

[News.gov.hk, 09/11/2021]

South East New Territories landfill extension opens

On 21 November 2021, South East New Territories Landfill Extension began to receive construction waste from Hong Kong Island, Kowloon and East New Territories areas. The existing SENT landfill ceased receiving construction waste on the same day.

Located south of SENT landfill, the Extension involved: site formation; installation of an impermeable liner system; construction of a leachate collection and treatment system, and a surface water collection system; and installation of restoration and aftercare facilities etc. The Extension will provide roughly 6.5 million cubic metres of landfill capacity.

[Press Release, The Government of the Hong Kong Special Administrative Region, 21/11/2021]

The government promotes 'green partnerships'

The government today introduced to the Japanese business community collaboration opportunities arising from Hong Kong's green initiatives.

At a webinar entitled "Hong Kong's Pathway to Carbon Neutrality by 2050 - Goals and Opportunities", the government introduced various strategies to combat climate change to about 450 business leaders and executives from Japan and Hong Kong, such as: accelerating net-zero electricity generation; promoting energy saving and "green" buildings; promoting wider use of electric vehicles and other new energy transport; as well as promoting waste reduction, resources circulation and a zero landfill objective.

The government also announced proposed measures to enhance Hong Kong's air quality and outlined the city's pathway to achieving carbon neutrality before 2050.

Noting that Japan shared a similar goal of reaching carbon neutrality by 2050, and the leading position of its green technologies, the government called on Japanese enterprises to partner with Hong Kong to tap the growth opportunities arising from the city's zero carbon emission targets.

The government stressed that it will devote about HK\$240 billion to various measures on climate change mitigation and adaptation in the next 15 to 20 years.

A new Office of Climate Change & Carbon Neutrality will also be set up to strengthen co-ordination and promote strong decarbonization programmes.

The government will also establish a committee to advise on combating climate change and to encourage different sectors in the community to participate in actions to address climate change.

[News.gov.hk, 02/12/2021]

ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

Summary of Minutes of the 249th meeting of the Advisory Council on the Environment (ACE) on 11 October 2021

The key agenda item of the meeting was briefing members on policy initiatives of the Environment Bureau in relation to environmental protection.

Decarbonisation

- A member was concerned whether carbon emissions generated by the development of the Northern Metropolis and East Lantau Metropolis had been taken into account when devising the target of achieving carbon neutrality before 2050.
- Mr. Wong Kam-sing, the Secretary for the Environment, advised that the target of achieving carbon neutrality would not be compromised by urban development. The government will establish low-carbon/carbon-neutral communities in new development areas through implementation of appropriate measures and policies, such as: adoption of "green design" in buildings to reduce energy consumption; installation of charging networks for electric vehicles (EVs); providing the public with green mobility options, like walking and cycling tracks; and setting up waste separation and recycling facilities.
- A member enquired about the estimated carbon emissions for construction and operation of the two metropolises. Mr. Tse Chin-wan, Under Secretary for the Environment, advised that calculation standards followed by the United Nations (UN) would be adopted in the assessment of carbon emissions. As the medium-term target was to reduce Hong Kong's total carbon emissions from 2005

levels by half before 2035, the Environment Bureau will maintain close collaboration with DEVB to support decarbonisation in urban development projects.

- Another member enquired about Hong Kong's progress on decarbonisation in comparison with other economies. Mr. Wong Kam-sing advised that the per capita carbon emissions of Hong Kong were similar to European countries. He commented that the targets of achieving carbon neutrality before 2050 and the cessation of new registration of fuel-propelled and hybrid private cars in 2035 or earlier compared favourably with European countries.

Energy saving and green buildings

- Two members enquired about the government's measures, especially those mandated by legislation, to reduce electricity consumption. Mr. Wong Kam-sing advised that the review for tightening up the statutory standards of Overall Thermal Transfer Value, with a view to reducing electricity consumption through air-conditioning of commercial buildings, would be completed before 2025. Moreover, smart meters were being installed by the two power companies for their customers to help them monitor and manage electricity consumption more effectively and so encourage energy conservation.

Electricity generation

- A member enquired about the detailed plan for increasing renewable energy ("RE") in the fuel mix for electricity generation. Mr. Wong Kam-sing explained that the government aimed at increasing the share of RE in the fuel mix to 7.5% - 10% by 2035 through the development of wind energy, waste-to-energy facilities and solar energy. Technological advancements will likely increase the efficiency of wind energy which is expected to contribute approximately 3.5% to 4% of increased RE.
- As well, more advanced waste-to-energy facilities would be developed and renewable electricity generated by these facilities would contribute approximately 3% to 4% of Hong Kong's electricity demand. The government would also encourage the installation of solar panels in open areas, which was expected to contribute approximately 1% to 2% increased RE.
- Another member enquired about the government's plan of using nuclear energy for electricity generation. Mr. Wong Kam-sing remarked that a diversified fuel mix of electricity generation would be adopted to ensure a stable electricity supply. All practicable options, including the use of nuclear energy in the fuel mix, would be considered to achieve carbon neutrality.

Environmental education

- Two members considered that environmental education for the younger generation should be strengthened. Mr. Wong Kam-sing said that a dedicated advisory committee on combating climate change would be established to encourage public participation, including by young people, in climate change actions. Mr. Wong commented that the Environmental Campaign Committee would also implement publicity and education programmes related to the environment.

[Advisory Council on the Environment, 11/10/2021]

CLIMATE CHANGE

Government pledges HK\$240 billion pledge to combat climate crisis

The Chief Executive Carrie Lam announced during her policy address on 6 October that Hong Kong will pledge HK\$240 billion over the next 15 to 20 years to combat the effects of the climate crisis.

The Chief Executive's initiative aims to:

- (1) establish a new Office of Climate Change and Carbon Neutrality to implement the government's "*Hong Kong's Climate Action Plan 2050*," to implement measures to achieve carbon neutrality by 2050;
- (2) replace coal as a means of energy production by 2035;
- (3) promote energy-efficient buildings;
- (4) step up recycling practices;
- (5) reduce by 25% electricity generated by coal-fired power stations;
- (6) implement 'green transport' initiatives
- (7) carry out a pilot scheme for electronic taxis to begin in 2023.

Currently approximately two-third of Hong Kong's carbon emissions are produced by energy generation, while 18% and 7% comes from transport and waste management respectively. To streamline the current garbage disposal system in Hong Kong, the Chief Executive announced that the Environmental Protection Department will take over the duties of managing waste collection from the Food and Environmental Hygiene department, so as to bring collection and treatment of waste under the same umbrella.

It was also announced that more consultation plans to tackle environmental and climate change issue will be rolled out to the public, such as plans to regulate the use of plastic tableware in Hong Kong.

[Hong Kong Free Press, 06/10/2021]

Hypocrisy of the rich fuels climate change

The richest 1 per cent of the world's population, including globe-trotting chief executives, royal families and Hollywood movie stars, will account for 16 per cent of total green house gas emissions by the year 2030, new research has found.

A study commissioned by Oxfam, found the personal carbon footprints of the rich was 30 times greater than a level required to keep global temperature rises to 1.5°C, as stipulated in the Paris Agreement.

The environmental impact of the “one-percenters” was highlighted last week, as the likes of Amazon chief executive Jeff Bezos flew their Gulf-streams to Glasgow to take part in the COP26 conference.

About 400 private jets touched down in Scotland for the event, a circumstance described by activities climate hypocrisy.

And with private jets and space flights becoming the new normal for the megarich, the study showed the contribution of the wealthiest 1 per cent to total green house gas emissions had been increasing gradually over time – from 10 per cent of the global total in 1990 to 15 per cent today.

“The emissions from a single billionaire space flight would exceed the lifetime emissions of someone in the poorest billion people on Earth,” Oxfam Australia chief executive Lyn Morgain said.

“A tiny elite appear to have a free pass to pollute. Their over-sized emissions are fueling extreme weather around the world and jeopardizing the international goal of limiting global heating.”

Hollywood star Leonardo DiCaprio took a commercial flight to Glasgow rather than a private jet and was hailed for his green credentials for doing so, but Ms. Morgain said the rich weren’t often called out for their behaviour.

“They are rarely subjected to social presentive like flight shaming”, she said.
“Their lives are separated from ours so starkly.”

Study author Tim Gore, from the *Institute for European Environmental Policy*, said governments should “constrain luxury carbon consumption like mega yachts, private jets and space travel, and curb climate-intensive investments like stock-holdings in fossil fuel industries”.

The study found that to keep temperature rises to 1.5°C by 2100, every person on Earth needed to emit an average of just 2.3 tonnes of carbon dioxide per year from today– half the current average footprint.

[*Sunday Mail*, 07/11/2021]

Hong Kong fails Paris commitments

Hong Kong is a signatory to the Paris Agreement, which is a legally binding international treaty concerning global warming and climate change. Under the Agreement, Hong Kong has committed to taking steps to keep global temperature increases to within 1.5-2 degrees Celsius by the end of this century. According to a new NGO report: “*Paris Watch, Hong Kong Climate Action Report*,” released by CarbonCare InnoLab, Hong Kong’s current climate plan falls short of meeting its commitments under the 2015 Paris Agreement.

The Environment Bureau released its climate action plan for 2050 in October 2021, pledging to increase the share of renewable energy used for power generation to 10% in the future and to continue phasing out highly polluting coal.

Despite the government’s publishing a number of climate change proposals this year to plan how Hong Kong could achieve its goal of becoming carbon neutral by 2050, the NGO reported that the government had still failed to address the 10-year window for ensuring global temperatures did not rise more than 1.5 degrees Celsius and the current interim target of 50% reduction in emission by 2035 from 2005 levels was not sufficient. research by NGO and UN scientists’ revealed that a 60% reduction by 2030 is necessary to meet the goal.

Environmental researchers have urged the government to be more ambitious in its renewable energy targets and make green building mandatory rather than incentivizing developers and others to go green. Persistently high temperatures may disproportionately affect Hong Kong’s elderly and poor, as well as those living in cramped subdivided housing.

[*South China Morning Post*, 16/12/2021]

CLP’s energy award

CLP Power Hong Kong has been named the “outstanding contributor” at Smart Energy 2021 and was granted the Smart Energy Award 2021 for its contributions.

Founded in 1901, CLP provides electricity to more than 80% of Hong Kong’s population. The company says it is committed to contributing to carbon neutrality and assisting corporate customers in transitioning to a low-carbon economy. As such, it has been driving innovation in energy efficiency and promoting renewable energy to corporate customers, while investing in cutting-edge green energy projects. The Awards are CLP’s key initiative to encourage innovation in energy efficiency.

The 2021 award programme attracted more than 630 entries across four categories :-

1. Energy Saving Performance
2. Peak Demand Management
3. Renewable Energy
4. Smart Technology

The entries included corporate and government bodies, SMEs and NGOs. An increasing number of Hong Kong-based international and local organisations have pledged to reduce environmental and social impacts of their business by embracing renewable energy initiatives so to attain lower carbon emission and relieve pressure on the climate.

[*South China Morning Post*, 17/12/2021]

REGIONAL & INTERNATIONAL

CHINA

Shanghai plans to convert suburban districts into autonomous towns

Shanghai is an overcrowded city. To relieve the consequential pressure, Shanghai's government plans to convert its five suburban districts into independent new towns.

Shanghai's mayor announced that the five suburban districts: Jiading, Songjiang, Qingpu, Fengxian, and Nanhui, will be turned into "comprehensive node cities with radiating and driving functions." Massive resources will be funneled to these five districts in the hope that they will become an inter-regional transport hub which will provide high-quality public services to all citizens.

The aim of the plan is to improve the living quality of the city's citizens, plus the new towns will be an engine for future economic and social development in Shanghai, as suggested by a professor of urban planning at Tongji University and a government consultant. Apart from that, the new plan will enhance local GDP growth in Shanghai.

To attract more people relocating to the five districts, the government proposes to relax policies and requirements for obtaining a local *hukou* in those five districts. Those who have obtained the local *hukou* may enjoy additional social benefits, which will include health insurance and free public education. As a result, relaxation of the policies and requirements should attract more people to reside in the new towns and indirectly boost economic growth in Shanghai.

China has previously adopted similar urban planning to ease stress arising from over-population of cities. For instance, Beijing relocated thousands of businesses to the nearby cities of Tianjin and Hebei in 2014. However, Shanghai's proposed new urban plan is different from the plan in Beijing because the five districts will not be subordinate to Shanghai. Instead, each will be an independent "node city".

[*Sixth Tone*, 29/04/2021]

Tall skyscrapers banned

China's top economic planning authority has announced that it does not want any tall buildings in the country anymore. New directions that the National Development and Reform Commission (NDRC) has recently published and introduced new restrictions on construction of skyscrapers:

1. Applications to build skyscrapers more than 500 metres high will no longer be approved;
2. The government will "strictly restrict" construction of building any new buildings that are more than 250 metres;
3. Safety regulations for constructing buildings more than 100 metres tall will be reviewed and tightened.

An incident occurred in the southern city of Shenzhen two months before the above announcement. A high-rise building swayed, which caused workers inside the building to flee. Although the cause of the building's movement is still under investigation, the new directions were published partly in response to the incident.

As of April 2020, China had 1,938 buildings over 100 metres high and 5 were above 500 metres. Some of the largest buildings in the world are built in China. For instance, Shanghai Tower stands at 632 metres which is the second-tallest building in the world after Dubai's Burj Khalifa.

An associate professor at the College of Civil Engineering and Architecture of Zhejiang University told the press that the higher building is, the less earthquake-resistant it becomes. Therefore, it costs more to address aseismatic requirements when building these high-rise buildings. In other words, when building high buildings, the developer should consider many factors.

The new directions will encourage developers to scrutinise their building plans to ensure that they can comply with all safety instructions before commencing construction.

[*Sixth Tone*, 07/07/2021]

Shanghai has implemented the "15-minute community"

Zhangyan Village is a suburb in western Shanghai. The village has approximately 3,000 residents, more than one-third of whom are above the age of 60. Despite the high proportion of elderly citizens, the village lacks social welfare programmes, such as food support systems. As well, although it is only 30 kilometres from downtown Shanghai, the village lacks amenities generally and residents are forced to go out to other communities to access public facilities, like nursing homes and cinemas.

In response to this problem, Shanghai has implemented a pilot scheme called the "Happy Community", based on the notion of a 15-minute "living circle". Zhangyan Village is one of the villages that has been selected for this pilot scheme. Conceptually, a "Happy Community" is an approximately 1500-square metre multipurpose area accommodating a post office, health centre, and childcare facilities. As the facilities are all located within 15-minute distance of every home of the household, the aim of the town planning is to bring convenience to residents.

The concept of a “15-minute city” is derived from the “20-minute neighborhood plan” in Portland, Oregon, USA. Residents in such Portland communities can access public services and facilities within 20 minutes. The centres have a post office, market and other public facilities, all near the subject residential area, which reduces the time and cost for travelling and brings convenience to the neighborhood’s residents, especially for the elderly.

This new urban plan is expected to bring massive benefits to the community. The Shanghai government is hoping that by 2035, 99% of the population will be able to enjoy the living and community life cycle.

Although government authorities welcomed the urban plan, the deputy director of Shanghai Urban Planning and Land Resource Administration Bureau, has raised some concerns about implementation of such plan in the countryside. In fact, the population distribution, the infrastructure, and the social environment in the countryside are different from the metropolitan areas of the city. Therefore, the biggest concern is that industries are likely to be expanded in the countryside, so when implementing the inner circle plan, planners must balance the needs of citizens and the operations of industries. Therefore, they should optimise the allocation of spatial resources and overcome the problem of limited space in the countryside.

[Sixth Tone, 14/09/2021]

EUROPE

EU’s pesticides pact

The European Parliament has backed an ambitious push to make farming more sustainable, in a move hailed by environmental activists, who also called for binding targets for slashing pesticides.

A majority of 452 legislators gave the thumbs up to a report on the EU executive’s “farm to fork” strategy in the face of intense lobbying from agricultural groups. There were 170 against with 76 abstentions. “MEPs highlighted the need for enhanced sustainability at every step of the food supply chain and reiterated that everyone – from farmer to consumer – has a role to play in this,” a statement from the Parliament said.

The World Wildlife Fund called the vote “a hugely important sign of support” for the initiative that aims to cut pesticide use in half by 2030, reduce fertiliser use and commit 25 per cent of farming land as organic.

[Weekly Times, 17 /11/2021]

SWITZERLAND

Basel promotes green spaces

Basel is one of the first cities in the world to make the provision of green spaces a legal requirement for new buildings. The new planning requirement mandates that every new building establishes a rooftop garden. Green space on the rooftop can defuse humidity and help cooling of buildings. As well, the objective of the new rule is to utilise forgotten spaces in the city to help combat climate change.

As part of Basel’s biodiversity strategy, for the past 15 years, green spaces have been important for all new and retrofitted buildings with flat roofs. Now that this has been made compulsory, the city will have more than 1 million square metres of green roofs.

Apart from combating climate change, building green spaces on rooftops also brings other environmental and health benefits. They improve the mental and physical health of citizens. According to research published by the University of East Analia, access to green areas can reduce the risk of suffering from stress, high blood pressure, cardiovascular disease etc.

As well, green walls and roof gardens are useful in mitigating the effects of harmful inner-city emissions and reducing air pollution. Rooftop gardens also reduce humidity, in that they act as humidity regulators.

[Euronews, 09/07/2021]

UNITED KINGDOM

A natural oasis in Manchester

Manchester is planning to turn an abandoned viaduct into a natural oasis for Mancunians. The viaduct is a 330m-long steel and a cast-iron structure which was used to transport coal in and out of the northern city until it was closed in 1969.

To increase the green area in Manchester, the Head of Urban Places at the National Trust has proposed an urban plan to turn the viaduct into a green oasis.

A pilot and temporary park will be established in 2022, with the aim of collecting feedback from the public for building a permanent green oasis in the future.

There will be three zones in the temporary park.

The first zone will be the welcome area, which will have a food truck and some places for visitors to sit and enjoy the space.

The second zone will have a green screen with a “living wall” obstructing the view of the viaduct. When the green screen “gate” opens, visitors will be able to see the architecture and landscaping of the viaduct.

The last zone will be filled with plants and a space where people can exhibit art works and for museum partners’ curated displays or for displaying community projects.

[*Euronews*, 08/07/2021]

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**Convictions under environmental legislation:
September to November 2021 (December
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:

September 2021

Fifty convictions were recorded in September 2021 for breaches of legislation enforced by the Environmental Protection Department.

Four of the convictions were under the Air Pollution Control Ordinance, 3 were under the Noise Control Ordinance, 24 were under the Public Cleansing and Prevention of Nuisances Regulation and 19 were under the Waste Disposal Ordinance.

A company was fined \$20,000, which was the heaviest fine in September, for failing to take measures to control air pollutant emissions.

October 2021

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

Five of the convictions were under the Air Pollution Control Ordinance, 2 were under the Environmental Impact Assessment Ordinance, 6 were under the Noise Control Ordinance, 29 were under the Public Cleansing and Prevention of Nuisances Regulation and 4 were under the Waste Disposal Ordinance.

Two companies were involved in three different cases of failing to take measures to control air pollutant emissions, using powered mechanical equipment not in accordance with the conditions of a construction noise permit and carrying out prescribed construction works not in accordance with the conditions of a construction noise permit. A \$10,000 fine, which was the heaviest fine in October, was imposed on the companies for each of their offences.

November 2021

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

Two of the convictions were under the Air Pollution Control Ordinance, 2 were under the Environmental Impact Assessment Ordinance, 5 were under the Noise Control Ordinance, 34 were under the Public Cleansing and Prevention of Nuisances Regulation and 29 were under the Waste Disposal Ordinance.

A company was fined \$16,000, which was the heaviest fine in November, for using powered mechanical equipment not in accordance with the conditions of a construction noise permit.

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