

**URBAN PLANNING AND ENVIRONMENTAL LAW QUARTERLY**

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*The government proposes re-zoning a large swathe of the Wetlands Buffer Areas surrounding Mai Po Nature Reserve to allow development of new towns. In this edition we review the ecological importance and precarious state of wetlands generally and the strong case against the re-zoning.*

*The Editors*

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**MAI PO WETLANDS ARE A CRITICAL ELEMENT OF HONG KONG'S ENVIRONMENT**

*Wetlands*

There are various accepted definitions of “wetlands” which are often described as “the arteries, veins and kidneys of the landscape.”. They are areas (usually, but not necessarily coastal) where water meets land, and include: mangrove forests; peatlands; marshes; rivers; lakes; flood plains and flooded forests; rice fields and coral communities.

In the famous Ramsar Convention, wetlands are defined as: “areas of marsh, fern, peatland, or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water, the depth of which at low tide does not exceed metres.” Peatlands are perhaps the single main wetlands ecosystem present throughout the world’s (rapidly shrinking) wetlands. Peatlands are: moors, bogs; peat swamp forests and permafrost tundra. They comprise approximately 50% of earth’s wetlands and cover 3% of total global land area. The peatlands of southeast Asia account for 56% of the world’s tropical peatlands. More than 42% of the world’s mangroves are in south and southeast Asia.

*Wetlands’ beneficial environmental functions*

Wetlands have numerous functions which safeguard or improve area natural environment.

Examples are:

- Conserving and storing carbon dioxide emissions. They are the most important natural store of carbon dioxide, exceeding even rainforests and coral reefs.
- Providing critical habitat to wildlife, especially migratory birds. They are also critical for agriculture and fisheries.
- They absorb heavy rain and water flows, thereby protecting the surrounding area. Wetlands also release collected water slowly, ensuring a supply of clean water.
- Wetlands, particularly mangrove forests, provide fragile coastal ecosystems with natural protection from cyclonic storms and storm-surges.

*Threats to wetlands*

Since 1900 the world has lost approximately 50% of its wetlands through conversion to other uses: e.g. residential/commercial/industrial development.

China has lost more than 70% of its coastal wetlands in recent times; India has lost 33% of its wetlands within the past 30 years; and since 1980, 28% of Sri Lanka's mangrove forests have been converted to heavily polluting shrimp farms. A recent extensive study of the state of wetlands by scientists at the J. Nehru University, New Delhi, India, observed that: “*Currently, the state of our understanding of wetlands in general, and the efforts and infrastructure for research and training in wetlands, are very poor. Although a few wetlands have been designated as Ramsar sites, the policies aimed at wetland conservation are either non-existent or very weak.*”

The main threats to the health – or very existence – of wetlands are as follows:

- Alteration of natural hydrological regimes, which reduces water availability resulting in loss of connectivity with biodiverse habitats, as well as impeded nutrient exchange and other processes which significantly aggravate degradation.
- Degradation of catchment areas, such as by construction of buildings and infrastructure. The water holding capacity of a wetland plays a critical role in determining its ability to regulate flow regimes, cycle nutrients and support biodiversity. Catchment degradation accelerates sedimentation rates, risking the sustainability of ecosystem processes and services. As well, run off from hard surfaces increases nutrient levels, resulting in eutrophication.
- Invasive species, which adversely affect native biota and habitat.
- Unregulated tourism.
- Climate change.

### *Hong Kong's wetlands*

In its report *Land Use Data (2016 - 2017)* the Planning Department estimated that Hong Kong has 51 km<sup>2</sup> of wetlands – which amounts to 4.6% of our total land area of approximately 1110 km<sup>2</sup>-- comprising; reservoirs gei wais; mangroves; swamps/marshes; streams and nullahs; wet agricultural lands; mudflats; and shallow coastal waters.

Approximately 3420 ha of Hong Kong's wetlands are clarified as ecologically important as habitat for endangered and vulnerable species, such as: sea grass meadows; mangroves; amphibians; birds; butterflies; dragonflies; fish; macro-invertebrates; mammal and reptile species.

Hong Kong has already lost extensive areas of wetlands and associated buffer zones. For example, approximately 201 hectares of mangroves surrounding Mai Po Nature Reserve have disappeared to the usual cause of “*development*”, such as construction of Tin Shui Wai.

The Mai Po marshes, part of Mai Po Nature Reserve, are the best known and most important of our wetlands. The Reserve covers Mai Po and Inner Deep Bay wetlands on the southern bank of the Pearl River estuary. These cover approximately 380 ha and are listed as “*wetlands of international importance*” under the Ramsar Convention, which itself demonstrates the high ecological value of the area.

The Reserve, managed by World Wide Fund for Nature – Hong Kong since 1983, provides crucial wintering ground for migratory birds using the East Asian – Australian Flyway. Many of the species are endangered, such as the black-faced spoonbill and Saunders gull. Nearly 7% of the world's spoonbill population of the use the Reserve as wintering ground.

Thousands of birds fly to Mai Po each year; 417 species have been recorded, plus: 322 plant species; 25 indigenous mammal species; over 100 invertebrate species and 54 fish species. So this wetland is obviously of global ecological significance, and is not just a vital component of Hong Kong's ecosystem.

Mai Po Wetlands are theoretically protected from indirect damage by human activity in adjoining areas by the surrounding Wetlands Conservation Area (WCA) and Wetland Buffer Area (WBA). In the WCA, no development is allowed unless it is in support of conservation (however that might be feasible); in the WBA all development must be supported by an environmental assessment report detailing how adverse environmental impacts of the development will be mitigated by described, potential measures.

These buffer zones have provided limited real protection to Mai Po. Developers and the government constantly chip away at environmental protection measures in all aspects of Hong Kong life, no less so regarding our wetlands. [We raised this issue as long ago as July 1995, see: *Mai Po Marshes—Creating Effective Buffer Zones* (UPELQ).] A major problem is the government's adoption of the so-called *no-net-loss-of-wetland* principle in respect of development proposals which affect wetlands. By this, the developer may destroy a wetland, or a part thereof, provided he “*creates*” a wetland of at least equal size somewhere else: e.g. Kowloon-Canton Lok Ma Chau Spur, which was built in the Yuen Long Wetland. This principle is disingenuous, as freshly created wetland does not have the same ecological value as a natural, longstanding one, just as new forests are ecologically inferior to old-growth forests.

Whilst the WBF has been of limited protection for Mai Po's wetlands, it is due to be weakened further by the government's plans for hugely expanded development within the zone.

### *Northern Metropolis*

The government has announced (see HK Briefing) plans to rezone buffer zones surrounding Mai Po to create 300-400 ha for development of 900,000 residential units to cater for 2.5 m residents, together with associated commercial developments plus extensive infrastructure. This is part of the proposed solution for Hong Kong's housing shortage laid out in the *HK2030+ study*.

The Northern Metropolis (“*NM*”) Development Strategy, as it is known, is described by the government as a “*visionary plan to drive Hong Kong's development and foster the city's integration into the Guangdong-HK-Macau Bay Area*” (Government Press Release, 21/10/21).

The NM will draw together existing towns and New Development Areas, from Fanling Sheung Shui in the north to Tin Shui Wai and Yuen Long in the northwest, covering a total of approximately 300 km<sup>2</sup>. The cost of infrastructure alone will exceed HK\$100 billion.

Residential complexes will occupy approximately 2,270 ha. With a population density of 70,000 per km<sup>2</sup> the NM will hold the title of Hong Kong's most densely populated region. Kwun Tong currently holds that honour, at 60,000 per km<sup>2</sup>.

### *Environmental threats of the NM.*

The NM clearly represents an extreme case of catchment degradation, described above. You simply cannot introduce into sensitive catchments huge areas of concrete and solid construction and a comparatively large residential population without seriously compromising the environmental functions and purpose of wetlands' catchments.

Increased water run-off is likely to upset the nutrient balance of the wetlands. There will be more likelihood of direct human impacts from adjoining heavily populated areas, such as introduction of invasive species, pollution from waste, chemicals and storm water and direct interference with the wetlands, perhaps from fishing/gathering activities.

It is well known that migratory birds are less likely to utilise sites which are surrounded by or are near high-use buildings, and also that light pollution from such complexes discourages birds. In short, establishing the NM in such a sensitive part of Hong Kong's environment creates huge problems for the precious Mai Po wetlands, at the same time as other wetlands throughout Hong Kong are being whittled away; e.g. Pui O, where illegal infilling goes unchecked.

### *Conclusion*

In his announcement of the re-zoning, the Minister for the Environment and Ecology, Tse Chin-Wan, said the government will “*adopt a proactive conservation strategy for the three wetlands parks.*” In light of the reality of the massive re-zoning, this statement is, at best, misleading and sits well with the government's traditional lip-service approach to conservation issues.

In its submission to the government concerning administration of the WBA and WCA, WWF-HK (which understands the Mai Po wetlands better than anyone) advocated that land for much needed housing should not be taken from conservation or wetlands buffer zones; rather, housing should be built on rural land and brownfield sites. We entirely agree.

## TOWN PLANNING

### **New town planning exhibition**

The Development Bureau and the Planning Department will jointly present an exhibition called “*Envisioning Beyond Legacy*” to celebrate the 25<sup>th</sup> anniversary of the establishment of the Hong Kong Special Administrative Region. The exhibition will open to the public from July until 30 November at City Gallery and adjoining Edinburgh Place in Central.

On 5 July 2022, the Financial Secretary, Mr. Paul Chan; the Deputy Financial Secretary, Mr. Michael Wong; the Secretary for Development, Ms. Bernadette Linn; the Acting Permanent Secretary for Development (Planning and Lands), Mr. Vic Yau; and the Director of Planning, Mr. Ivan Chung (“Mr. Chung”), officiated at the opening ceremony.

During the ceremony, Mr Chung said, “The ‘*Envisioning Beyond Legacy*’ exhibition shows that, despite numerous challenges facing in Hong Kong, we shall embrace new opportunities and the collaborative efforts on planning and development in Hong Kong.”

The “*Building a New Era for Hong Kong*” exhibit has large-scale interactive LED screen to showcase Hong Kong's planning and infrastructure, featuring various development highlights, including the Northern Metropolis, the Artificial Islands in the Central Waters and infrastructures for the Guangdong-Hong Kong-Macao Greater Bay Area.

Another exhibit introduces the planning concept and infrastructure development proposal concerning the Artificial Islands in the Central Waters. Visitors can participate in virtual planning of their ideal third Core Business District in Hong Kong via the “*Build the Islands of the Future*” game. The study team of the Planning Department will collect ideas and incorporate these in a data repository for reference.

No admission fee applies the exhibition. Members of District Councils, professional organisations and schools will be invited to visit the exhibition, and different activities will also be held for the public.

[*The Government of the Hong Kong Special Administrative Region Press Releases, 05/07/2022*]

### **Updated list of vacant school premises**

On 19 August 2022, the Planning Department announced that the department has updated its report concerning vacant school premises (“VSP”) reviewed under the Central Clearing House mechanism.

The report reveals there are 14 VSPs available for long-term use. The review suggested that 8 of these sites are suitable for housing development and the other 6 for *Government, Institution or Community* (“GIC”) use.

The Central Clearing House mechanism was established in 2011 to identify VSPs which could be put to gainful long and short-term uses. Two hundred and fifty vacant or to-be-vacant schools have been reviewed. The majority of VSPs (161 sites) have already been or will be put to gainful uses, such as for public housing, transitional housing, GIC and short-term use. Thirty-six sites are for short-term use and are now open for applications from community, institutional or non-profit-making organisation. Six sites are currently not suitable for use due to their physical

limitations. The future use of the remaining 47 wholly or partly private VSPs will depend on private landowners' intentions and the terms and the lease conditions or other statutory planning terms.

[The Government of the Hong Kong Special Administrative Region Press Releases, 19/08/2022]

## LEGISLATION DIGEST

### Reverse vending machine pilot scheme

On 19 June 2022, the Environmental Protection Department (EPD) announced that Stage 2 of the *Reverse Vending Machine (RVM) Pilot Scheme* would be implemented (from June 25) in phases to further enhance the RVM service. Stage 2 will enable more members of the public to participate in making use of smart RVMs for clean recycling of plastic beverage containers.

To date, there has been a total of 60 RVMs installed at public spaces. They provide an instant rebate via e-payment platforms to encourage the public to return used plastic beverage containers. This also aims to increase public awareness and in turn pave way for the implementation of the *Producer Responsibility Scheme on Plastic Beverage Containers* in the future. All the plastic beverage containers collected under the RVM pilot scheme will be delivered to suitable local recyclers for conversion from waste to resource.

The EPD reported that improvement measures will be adopted in Stage 2 of the pilot scheme, such as equipping the new generation RVMs with upgraded bottle recognition technology and adding capacity for a higher processing speed and a greater container compression ratio to provide a higher storage capacity. In addition, the government has appointed an "ambassador" to assist the public in utilising the RVMs properly.

[Press Release, The Government of the Hong Kong Special Administrative Region, 19/06/2022]

### Air quality requirement for catering premises

In March 2021, the government stipulated that air purifiers had to be installed by dine-in catering premises in accordance with the *Prevention and Control of Disease (Requirements and Directions)(Business and Premises) Regulation (Cap.599F)*. The Secretary for Environment and Ecology, Mr. Tse Chin-wan, and the Working Group on air change or air purifiers in catering premises, together with representatives of the Food and Environmental Hygiene Department (FEHD) and the Electrical and Mechanical Services Department (EMSD) inspected catering premises on 25 July 2022 to observe and learn about the measures currently taken by operators of catering premises concerning ventilation and exhaust systems in response to COVID-19 infection cases.

There are certain risks of virus transmission when customers take off their masks while eating. To understand improvement measures which can be taken in relation to ventilation systems, Mr. Tse Chin-wan, and the Working Group visited a hotpot restaurant where infection cases had previously emerged to monitor compliance with Cap. 599F and the licence condition issued under the *Public Health and Municipal Services Ordinance (Cap. 132)* and its subsidiary legislation; in regard to the hotpot restaurant, the licence condition requires an air change per hour of not less than 15 times in the dining area).

According to the Working Group, apart from strengthening the fresh air system and exhaust system, restaurants should keep switching on and operating the relevant systems and equipment, and regularly repair and maintain them. The work involved by the working group includes: closely monitoring developments of the epidemic; assisting catering premises affected by the epidemic to adopt appropriate ventilation; promoting the *Guide on Compliance with Requirement on Air Change/Air Purifiers in Seating Areas of Dine-in Catering Premises*; arranging meetings and webinars with relevant trades and other stakeholders; and conducting inspections of catering premises to monitor compliance with legislated requirements.

[Press Release, The Government of the Hong Kong Special Administrative Region, 26/07/2022]

## WEST KOWLOON CULTURAL DISTRICT

### Lee's vision for West Kowloon Cultural District

The WKCD will hopefully become a cultural hub for the Greater Bay Area, according to Chief Executive John Lee Ka-chiu.

In July 2022, Lee visited the Hong Kong Palace Museum with the museum board's outgoing chairman Bernard Charnwut Chan, the WKCDA's chief, Betty Fung Ching Suk-yeec, and the museum's director, Louis Ng Chi-wa.

Following the visit, Lee said "*The museum is based on the Palace Museum in Beijing and illustrates the stories of Chinese history and culture from the global perspective. It also acts as a focal point of cultural interaction between China and the West.*" He also went on to say "*The government aims to make Hong Kong a cultural capital and promote a creative economy. I expect to make the district a cultural hub for the bay area and Hong Kong a top exhibition spot for national artifacts and the performing arts.*"

Lee also said that he hopes that Hong Kong's art and culture sector will bring new momentum for the city's economic development.

[The Standard, 12/08/2022]

## New venue hiring arrangements

In an attempt to boost the number and size of available event venues in the West Kowloon Cultural District (WKCD), the West Kowloon Cultural District Authority (WKCDA) has implemented new arrangements for the hiring of public open spaces and performing arts venues in the WKCD.

Betty Fung, Chief Executive Officer of WKCDA, said, “*The new venue hiring arrangements of the WKCD will support more arts and cultural, sports, education and charity events to be held in the District, actualizing our goal of making WKCD an open space for all as well as an ideal place for major events organized by different sectors and organisations, both of which would enable the District to grow into a dynamic arts and cultural hub and unique landmark for major events.*”

*“Furthermore, the new arrangements enable WKCD to unleash the value and potential of its land and properties, thereby increasing venue hiring revenue and strengthening place-making which in turn benefits the retail and dining business in the District. Such strategy helps generate more income to support the long-term sustainable development of the District and the operation of its arts and cultural facilities.”*

## New outdoor event venues

The Art Park in the WKCD has long been a preferred venue for various events. To address the high demand for hiring venues, WKCDA is making available new venues of different sizes in different parts of the WKCD, increasing the number of venues from 8 to 19 and the total usable venue space to more than 34,000 square metres.

These venues will offer more space for cultural and arts groups, non-profit-making organisations and commercial organisations for hosting different events.

## New concessions for non-profit-making organisations

The WKCDA has been setting its venue hiring rates for non-artistic events, commercial or otherwise, with reference to market prices, whereas artistic events organised by arts and cultural groups receive rental concessions. Under recently announced new arrangements, rental concessions may be offered to non-profit making organisations for hiring open spaces and venues in the Art Park, Arts Pavilion, Xiqu Centre, and Freespace to enable staging non-profit making arts, social welfare, education and charity events. This new arrangement aims to support non-profit-making organisations in arranging more events for people from different sectors.

[West Kowloon Press Release, 12/08/2022]

# HONG KONG BRIEFING

## Green Collect

On 12 July 2022, the Environmental Protection Department (“EPD”) announced the launch of a “one-stop reliable recycling service” on 15 July 2022 called *Green Collect* in nine districts: Tai Po, Sai Kung; Central; Western District; Eastern District; Sham Shui Po; Tsuen Wan; Tuen Mun; Sha Tin; and Kwun Tong to encourage residents in housing estates to do more recycling and to prepare for the upcoming implementation of municipal solid waste charging.

The EPD’s Green Outreach and the participating housing estates will work out detailed service arrangements according to their specific circumstances. They will also coordinate the one-stop collection service provided by Green Community operators and EPD’s recycling service contractors to collect recyclables such as plastics, glass bottles, small electrical appliances, fluorescent lamps and tubes, rechargeable batteries and regulated electrical equipment, and deliver these to downstream recyclers for proper treatment. In addition, Green Outreach will assist participating housing estates to enhance their existing recycling facilities, improve their recycling management and will provide educational and promotional support to boost both the quality and quantity of recyclables collected.

An EPD spokesman said that the department will monitor the performance of the operators of Green Community and other recycling service contractors to ensure recyclables such as waste plastics, which have no commercial recycling outlet, are properly handled or recycled. It is believed that this initiative will help strengthen public confidence in practising clean recycling.

[Press Release of the Government of the Hong Kong Special Administrative Region, 12/07/2022]

## Spirit of the President’s speech”

On 25 July 2022, the Environment and Ecology Bureau (“EEB”) held a seminar titled “*Spirit of the President’s Important Speech*” at the Environmental Academy. Mr. Tse Chin-wan, the Secretary for Environment and Ecology, attended as keynote speaker to encourage colleagues to obtain a deeper understanding of the spirit of the important speech President Xi Jinping delivered at the meeting celebrating the 25<sup>th</sup> anniversary of Hong Kong’s return to China and the inaugural ceremony of the sixth-term government of the HKSAR.

In President Xi’s speech, he raised “four proposals” for the new administration:

- (1) Further improving HKSAR’s governance;
- (2) Continuing to create strong impetus for growth;
- (3) Earnestly addressing people’s livelihood concerns and difficulties; and
- (4) Working together to safeguard harmony and stability.

Following the session, Mr. Tse said that “President Xi’s speech provides crucial and practical guidance on good governance by the HKSAR government, and his “four proposals” are also the EEB’s work objectives. The newly formed EEB’s areas of responsibilities cover: policies and work on environmental protection; natural and ecological conservation; environmental hygiene; food safety; agriculture and fisheries; and animal welfare.

[Press Release of the Government of the Hong Kong Special Administrative Region, 25/07/2022]

### **Wetlands threatened by re-zoning**

More land in wetland buffer areas in Northern Metropolis may be released for development as authorities strive to publish a report on three major wetland parks next year to redefine the conservation and buffer areas, new environmental and ecology minister, Tse Chin-wan, says.

Northern Metropolis may also house the city’s third incinerator, as it is one of the location options for the waste-handling facility.

Tse said authorities will adopt a proactive conservation strategy for the three wetland parks, measuring a total of 2,000 hectares, to “reorganize scattered land and recover deserted and damaged plots” Tse told Sing Too Daily.

Surrounding the wetland parks are some 1,200 hectares of buffer areas, including 300 to 400 hectares which private developers said could be turned into homes.

Tse said the bureau has initiated studies with the aim of releasing certain buffer areas for housing development. These will be completed by the end of next year, earlier than the original target of early 2024.

The report following the studies will define the area for the wetland parks and give room for rezoning of the conservation and buffer regions. Tse added: “The remaining areas can be dug out for development.”

The main goal will still be conservation, to prevent “lose-lose” situations of poor performance in conservation and development, he said. Tse said authorities will simplify administrative procedures to speed up construction of homes.

For environmental-impact assessments, he said authorities have been doing such evaluations for over 20 years and that they can move the step earlier in project timelines. “We can do (environment assessment) at the same time as other procedures, instead of one after the other,” he said.

Tse expects simple assessment reports can be completed in 18 months and more complex ones in 24 months. He said a centralised database, compiling all previous reports, will be established for the public or consultants to use.

On waste handling, Hong Kong’s first integrated incinerator- I. Park 1 on an artificial island near Shek Kwu Chau – will commence service in 2025 to handle 2,000 tonnes of waste a day. I. Park 2 in Tsang Tsui, Tuen Mun, will begin operation in early the 2030s to handle 4,000 tonnes a day.

Tse said not only can incinerators reduce waste, they can also cut carbon emission because rubbish dumped in landfills produce greenhouse gases, including methane.

According to current plans, the city can only stop sending waste to landfills in 2035 and then allow 15 years to digest waste in landfills to achieve carbon neutrality. To do so, the city will need a third incinerator and authorities are looking at where to build it, Tse said.

[The Standard, 25/07/2022]

### **Carbon credit trading market to be established**

Hong Kong will establish an exchange-based voluntary carbon credit trading market, bolstering its stature in Asia’s green finance sector where it already leads the pack when it comes to green bonds, according to the city’s bourse operator.

Hong Kong Exchanges and Clearing (HKEX) is building the infrastructure for “a first-class platform”, chief executive Nicolas Aguzin said.

“We are getting very close,” he told the Hong Kong Green Finance Association’s annual forum yesterday. “We are making a lot of progress, and in the not-so-distant future, I would expect to start to see carbon [credits] being traded in our market, and that will be a great contributor to ... the sustainability agenda in the region.”

In July, HKEX launched the Hong Kong International Carbon Market Council to foster collaboration for developing an international carbon market in the city. The Council’s inaugural members were the Hong Kong units of Australia and New Zealand Banking Group, Bank of China, BNP Paribas, HSBC Holdings, Industrial and Commercial Bank of China and Standard Chartered Bank.

Its corporate members included greenhouse gas emitters and potential credit buyers Cathay Pacific Airways and Tencent Holdings, besides green project developers and potential credit sellers China Energy Conservation and Environment Protection Group, China Forestry Group and State Power Investment Corporation.

Hong Kong arranged and issued US\$31.3 billion of green and sustainable bonds last year, giving the city a leading position, accounting for a third of the total in Asia, according to Financial Secretary Paul Chan Mo-po.

[SCMP, 23/09/2022]

## ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

### Summary of Minutes of the 253th meeting of the Advisory Council on the Environment (ACE) on 16 May 2022

The key agenda item of the meeting was to provide members the annual update on the status of the *Plastic Shopping Bag (“PSB”) Charging Scheme* and the government’s plan to control the use of single-use plastics.

To help reduce plastic waste, the following measures have been suggested:-

- (1) PSBs sold in retail outlets under the Scheme should also be used as designated garbage bags under the Municipal Solid Waste (MSW) Charging Scheme to be implemented in 2023;
- (2) to implement a grace period for the relevant trade and the public to get prepared for the enhancement measures;
- (3) flat-top plastic bags used in supermarkets should be controlled and provided only upon request at cashier counters;
- (4) the removal of exemption for PSBs for carrying frozen foodstuff items;
- (5) the government should include other non-degradable alternatives to PSBs, such as non-woven bags, in the proposed legislation, to prevent a surge in their use as a substitute for PSBs.

The Chairman and members expressed concern that the public might shift their shopping activities to online platforms to avoid the use of PSBs. Apart from PSBs, the government has also proposed a plan to tackle the potential waste problem arising from online shopping.

Mr. Bruno Luk, the Deputy Director of Environmental Protection (Waste Reduction and Special Duties) confirmed that compliance checks would be carried out to monitor the compliance of retail outlets, and enforcement actions would be strengthened upon the implementation of the Scheme. The legal consequence for non-compliance under the Scheme is a fine at level 6 (\$100,000) on first conviction and HK\$200,000 on each subsequent conviction, or a fixed on the spot penalty of HK\$2,000.

Members also discussed possible control measures to be imposed on single-use plastic products. Suggestions canvassed were:

- (1) the government should devise control measures to prevent excessive packaging of foodstuff items and to encourage the reuse and recycling of such packaging;
- (2) measures should be taken to cope with disposable plastic tableware, which is often provided even when customers have declined them in their takeaway orders;
- (3) non-medical disposable gloves for food preparation and scientific research as well as rubber gloves for household use should be exempted from the proposed ban on sale. Single-use plastic gloves for personal hygiene during the pandemic should also be exempt;
- (4) more information should be provided to the public about oxo-degradable plastic products;
- (5) implement regulations to control the use of cotton buds, dental floss and ear plugs;
- (6) publish statistics concerning waste plastics disposed of during the pandemic;
- (7) explore with manufacturers suitable ways to reduce plastic materials used in rapid antigen test kits as these have generated large amount of plastic waste.

[Advisory Council on the Environment, 16/05/2022]

## CLIMATE CHANGE

### California to ban sale of new petrol and diesel vehicles

California has announced it will ban from 2035 the sale of new vehicles which have combustion engines that rely on petrol or diesel fuel. The aim of the ban is to compel car makers to accelerate the introduction to the market of cleaner fuel vehicles.

The proposed ban comes after Governor Gavin Newsom set a target in 2020 to speed up the state’s shift away from using fossil fuels.

Under the proposed new vehicle registration rules, 35% of new vehicles sold in the state must be electric, hybrid or hydrogen-powered by 2026 as issued by the California Air Resources Board (“CARB”). The announcement is the latest move by California before the US federal government tightens emission rules.

A spokesperson for electric carmaker Tesla, said CARB’s plan was “both achievable and paves the way for California to lead in electrifying the light duty sector”.

However, the Alliance for Automotive Innovation, which represents carmakers including General Motors, Volkswagen and Toyota said more should be done to increase the demand for electric vehicles.

The new rules are still pending approval by the US government before they can take effect.

[BBC News, 26/08/2022]

### Melting of “zombie ice” causes global sea levels to rise

So called “zombie ice” from the massive Greenland ice sheet is melting at unprecedented rates, which scientists say will increase global sea levels by at least 25 centimetres on its own. Zombie, or “doomed ice”, is ice that is still attached to thicker areas of ice but is not getting fed by snow as are the main bodies of those larger glaciers.

The forecast 25 centimetres rise is more than twice the sea level increase scientists had previously expected from the melting of Greenland's ice sheet. By contrast, the Intergovernmental Panel on Climate Change last year projected a range of 5 to 12.5 centimetres by 2100 as the likely result of the inevitable Greenland ice melt.

Despite the anticipated reduction of the world's carbon pollution, study authors said that 3.3 per cent of Greenland's total ice volume would melt no matter what happened. One of the study authors said that more than 110 trillion tonnes of ice was doomed to melt from the warming ice sheet. This is the first-time scientists have calculated a minimum ice loss due to climate change from burning coal, oil and natural gas.

Researchers have said they could not estimate the timing of the full melting, but they estimate that the ice sheet will melt "within this century". The year 2012 (as compared to 2019) was a large melt year, when the equilibrium between adding and subtracting ice was most out of balance.

If Earth continues to undergo more years like 2012, the Greenland melt could trigger 78 centimetres of sea level rise.

[ABC news, 30/08/2022]

## REGIONAL & INTERNATIONAL

### CHINA

#### Hainan to ban conventional vehicle sales

Hainan, the tropical island known as "China's Hawaii", will ban the sale of conventional cars from 2030. In a document on climate change goals released yesterday, the government of the country's southernmost province said 45 percent of vehicles on its roads would be powered by batteries by 2030. Currently, it has more than 146,000 new-energy vehicles, which account for 8.3 percent of the total.

The Hainan government is China's first provincial-level administration to unveil a time frame for banning cars powered by petrol and diesel engines. "*All cities and countries will achieve the goal of zero [carbon dioxide] emissions by vehicles in 2030,*" it said in the document.

The pledge is in line with goals of peak emissions by 2030 and carbon neutrality by 2060 set by President Xi Jinping for the whole country in September 2020.

*"Hainan's plan to ban conventional car sales in 2030 is an important step taken by a local Chinese government to [reinforce] Beijing's determination to achieve its carbon peaking goal and tackle the issue of global warming,"* said Gao Shen, an independent analyst in Shanghai.

Hainan's document also came after 277 weather stations across the mainland reported record temperatures this month, which led to the suspension and reduction of manufacturing activity in areas such as Sichuan province. "*The heatwave has been a wake-up call for the Chinese people that carbon emissions have to be cut to protect the environment,*" Gao said.

The quick pace of replacing conventional cars with electric vehicles in Hainan would help Beijing attain its climate change goals, and analysts said more provinces were expected to unveil similar plans.

To support a rapid increase in electric-vehicle use across the island, the Hainan government said a large number of charging stations would be built by 2025. It did not give an exact figure, but it is likely the number would represent approximately one-seventh of all electric cars in the province.

[SCMP, 23/08/2022]

#### Significant increase in energy storage capacity

The increasing frequency of extreme climate events and an accelerating transition to low-carbon energy will spur demand for energy storage facilities and digital power grid management systems in China, according to analysts. More investment is needed to bring down their costs for mass deployment.

State Grid Corporation of China aims to boost its spending on distribution infrastructure by 7 percent this year to 315 billion yuan (HK\$360 billion), while its budget for smart-grid hardware and software is expected to increase to 91 billion yuan in 2025 from 37 billion yuan last year.

Unusually persistent hot and dry weather in most regions of China saw this summer's national peak power demand surge 6.4 percent from last year to a record, the National Energy Administration said on Monday. It called on provincial governments to speed up the approval and construction of nuclear, hydro, wind and solar power plants and cross-province transmission lines, to ensure demand-supply balance before the end of 2025.

In Sichuan, a major power exporter that relies on hydro resources for over 80 percent of its electricity generation, authorities were forced to suspend industrial power usage for over a week to ensure supply to residents having to cope with daytime temperatures of over 40 degrees.

China has committed to nearly doubling its wind and solar power capacity by 2025 to 1,200 gigawatts from last year. It is the world leader in renewable energy, having installed 40 percent of the globe's wind power capacity and 30 percent of its solar power capacity.

To fight climate change by achieving carbon neutrality by 2060, the country aims to have 80 percent of its energy come from renewable sources, up from 25 percent in 2030 and 16 percent in 2020. Coal and natural gas-fired power made up 67.4 percent of total electricity output last year,



down from 70.4 percent in 2018. This compared to 16 percent for hydro, 7.8 percent for wind, 3.9 percent for solar and 4.9 percent for nuclear power, according to the China Electricity Council.

To better manage intermittent output so it does not cause instability to the distribution networks, solar and wind farm developers have been asked to invest in leased storage capacity to win project approvals.

Utilities-scale storage mainly takes the form of pumped storage hydropower-generating capacity and giant batteries. The former stores energy by pumping water from a reservoir to another one at a higher elevation, using power generated in excess of demand. The water is later released to generate hydropower when electricity supply is short. Beijing has set targets for installed pumped storage capacity to rise from 31.5 gigawatts (GW) in 2020 to more than 62GW by 2025 and 120GW by 2030.

Lithium-ion, sodium sulphur and lead acid batteries are typically used in power grids.

China's chemical energy storage capacity more than tripled to 5.73 gigawatts last year from 2019, according to the China Energy Storage Alliance. Technological advances and industry competition would bring down the high costs of energy storage and smart grid solutions.

*"Currently, the bulk of the cost comes from the generation side due to fuel costs, while transmission and distribution make up a lesser part, In the future, the proportions will be reversed as we boost investment to ensure supply reliability."* said Professor Lin of Xiamen University.

[SCMP, 29/08/2022]

### Plans to produce "green hydrogen"

China Petrochemical Corporation (Sinopec Group) has announced plans to become China's biggest hydrogen producer, putting the country on course to achieve its energy transition and climate goals.

The nation's largest refiner and fuel distributor aims to install a capacity to produce 120,000 tonnes of hydrogen a year by the end of 2025, according to its business development strategy.

Last November, the state-owned company started work on a 3 billion yuan (HK\$3.39 billion) solar-powered green hydrogen plant Kuqa, in Xinjiang Uygur autonomous region, billed as the world's largest. With an annual output capacity of 20,000 tonnes, Sinopec will be able to help cut 485,000 tonnes of carbon dioxide emissions per year when the plant is completed next June.

Green hydrogen is produced using renewable energy through electrolysis that separates water into hydrogen and oxygen molecules. Increasing production and use of the clean fuel is a key plank of China's strategy to wean off fossil fuel and reach carbon neutrality by 2060. China is already the world's largest hydrogen producer with an annual output of 33 million tonnes.

In March, Beijing introduced the nation's first hydrogen strategy to develop the industry between 2021 and 2035. Under the plan, China will have at least 50,000 hydrogen fuel-cell electric vehicles on the road and produce 100,000 to 200,000 tonnes of green hydrogen a year by 2025.

Aided by the rapid decline in the cost of renewable energy, green hydrogen is in the early stages of commercialisation, in which enlarging the scale of production is key to cutting costs.

Sinopec Group will gradually replace fossil fuel with renewable energy at its hydrogen production facilities. As its green hydrogen output is ramped up, it will cut down use of so-called blue hydrogen produced from natural gas.

Currently, green hydrogen accounts for only a tiny portion of the nation's production of the colourless and odourless gas. Around 80 percent of hydrogen produced in China uses coal and natural gas as feedstock, with the rest derived as a by-product of industrial production.

The nation's annual hydrogen demand could surge from 20 million tonnes to 35 million tonnes by 2030 and 60 million tonnes by 2050, according to projections by the China Hydrogen Alliance.

[SCMP, 06/09/2022]

### Terrestrial ecosystem offset energy-related CO2 emissions

Chinese researchers recently published an assessment of the performance of China's terrestrial carbon sequestration (TCS) from 2010 to 2060, revealing that its terrestrial ecosystems could offset up to 18 percent of the country's CO2 emissions released from energy consumption.

China's CO2 emissions released from energy consumption accounted for more than 85 percent of its total CO2 emissions in 2020. To assist in achieving carbon neutrality China will enhance the carbon sequestration capacity of terrestrial ecosystems to offset a proportion of CO2 emissions. However, it remains uncertain as to how much the TCS can help mitigate energy-related CO2 emissions.

Researchers from the Institute of Botany and the Institute of Atmospheric Physics, both under the Chinese Academy of Sciences, and from some Chinese universities, assessed China's terrestrial carbon sequestration from 2010 to 2060 and its contribution to offsetting the country's energy-related CO2 emissions.

Their research revealed that the majority of carbon sequestration comes from forests, accounting for 68 percent to 71 percent of the total amount. Cropland provides 12 percent to 13 percent, while wetland, grassland and shrubland together cover 17 percent to 19 percent.

According to the researchers, China's terrestrial ecosystems can offset 12 percent to 15 percent of energy-related CO2 emissions in 2030, and 13 percent to 18 percent in 2060 under different scenarios of policies and climates.

[*China Daily*, 07/09/2022]

## ARGENTINA

### Extensive wildfires

Wildfires have been raging through wetlands on the islands of the Parana River Delta near the city of Victoria, in Entre Rios province, Argentina.

Setting fires to clear fields for future planting is a regular practice in Argentina that is repeated every year, but according to Deputy Environment Minister Sergio Federovisky, the fires are also used to “transform wetlands into future real-estate developments”. Three people were arrested this week when they were discovered setting fire to dry vegetables on wetlands near Victoria, and they were handed over to the courts, a police source said.

According to the Environmental Observatory of the National University of Rosario, more than 10,000 hectares have been destroyed by forest fires in the last month.

[*SCMP*, 21/08/2022]

## EUROPE

### Europe's air quality status

Under the European Green Deal's Zero Pollution Action Plan, the European Commission set the 2030 goal of reducing the number of premature deaths caused by fine particulate matter (PM2.5), a key air pollutant, by at least 55% compared with 2005 levels.

To this end, the European Commission initiated a revision of its ambient air quality directives, aiming, among other things, to align air quality standards more closely with WHO recommendations. In parallel, stricter requirements are also likely in order to tackle air pollution at source, such as pollution from agriculture, industry, transport, buildings and energy supply.

The analysis published by the European Commission reveals that some key pollutants, including but not limited to (PM2.5 and ozone, are considered to be most harmful to human health or exceed the maximum EU air quality standards and WHO guidelines most frequently. The concentrations are obtained from measurements in monitoring stations that are officially reported to the European authority by member countries.

In 2020, following the beginning of the COVID-19 pandemic, most European countries implemented lockdown measures to stop or minimise the spread of the disease. Those measures led to a reduction in activity in the road transport, aviation and international shipping sectors, which in turn led to falls in emissions of air pollutants. While some industrial sectors also reduced activity levels, the level of emission from agricultural production stayed more or less steady. Emissions from domestic heating increased slightly as people stayed at home.

[*European Environment Agency*, 08/09/2022]

## MALAYSIA

### Climate change takes toll

Thirty years ago, fishermen in Mukim Tanjung Kupang could go out for their morning catch and return with crabs and prawns, earning hundreds, sometimes thousands of ringgit a week. Now, they barely come back with a kilogram of seafood.

The experts at sea in Johor now wash boats to earn a living, having lost their regular occupations due to severe storms and unpredictable weather.

Local fishermen like Indasari Othman, 46, say that when they are out at sea, they have no choice but to drift on their fibreglass vessels. These 12-foot boats cannot be anchored to secure them from large waves and all the fishermen can do is switch off their engines and coast.

*“Like it or not, we have to drift with the waves and wind to look for 1,000 ringgit (HK\$1,751) [in seafood], but if we're half-dead, what is the point? It's dangerous so we might as well head back home,”* he said.

Understanding the limits of his boat, Indasari now resorts to washing other boats or working odd jobs like plumbing to make money to feed his family of six.

He waits by the jetty when the weather is bad, hoping for someone to offer him some work.

*“I get 20 ringgit, sometimes 30 ringgit for washing boats, so that's one way for me to make some money,”* Indasari said. *“When I cannot go out to sea, I can't even bring back some catch for my family so that's additional spending on food for the day.”*

Muhamad Jainuddin Mohd Rosli, 47, grew up in the fishing village and has spent his entire life as an artisanal fisherman. At 17, he could take his small boat out to the nearby coastline to get his daily catch easily, but now he has to ride out for 30 minutes and hope the weather does not change too quickly.

*"We used to be able to pull up our nets when the bad weather is approaching, but now we just leave it and head to safety first,"* Muhamad Jainuddin said.

The current fishing jetty is located along the Pulau River opposite the Tanjung Pelepas Port which leads to the Straits of Johor, just across from Singapore.

Experts warn that these artisanal fishermen are at risk as coastal communities experience the severe impacts of climate change, through increasing sea levels and the changing shape of coastlines.

Serina Rahman, a visiting fellow at the Malaysia Studies Programme at the ISEAS-Yusof Ishak Institute Singapore, lives in the Mukim and during her research there fishermen told her wind patterns were unpredictable, changing in a matter of hours. Rising water temperatures have forced some fish and crab species to other areas – but the fishermen attribute the migration to water currents. Serina said the impacts of climate change were inevitable, it was *"going to happen, it is going to hit you and it is not something you can stop"*.

Muhamad Jainuddin recalls going out to sea 10 years ago and bringing home up to 30 kg of crabs in a single morning, Nowadays, he brings back an average of 6 kg. *"We cannot do alternative work because we only know how to fish. So what else can we do but to wait until the storms go away?"*

Due to the damage and impact that large-scale trawling has on marine life and the environment, Serina said, artisanal fishermen were the solution to more sustainable fishing. That said, artisanal fishing could also bring problems such as overfishing when too many boats concentrate in an area. Besides offering eco-tourism activities and ferrying cyclists across the river, these fishermen are unrivalled experts at sea thanks to their *"priceless knowledge"*.

*"This is the basis of our people and if we allow them to disappear because now the fishermen are more endangered than the fish, we lose all that heritage,"* Serina said.

[SCMP, 21/08/2022]

## PAKISTAN

### Abnormal rains cause vast flooding

According to satellite images released by the European Space Agency ("ESA"), rainfall 10 times heavier than usual caused Pakistan's recent devastating floods. The satellite images released by ESA revealed a vast lake created by the overflowing Indus river.

Rains, described by ESA as a "monsoon on steroids", have claimed hundreds of lives since June, unleashing powerful floods that have washed away swathes of vital crops and damaged or destroyed more than a million homes. Data from the EU's Copernicus satellite has been used to map the scale of the deluge from space to help the rescue efforts.

The ESA reported that heavy monsoon rainfall—ten times heavier than the average rainfall—since mid-June have led to more than a third of the country now being underwater. The agency released images from the satellite showing an area where the Indus River has overflowed "effectively creating a long lake, tens of kilometres wide", between the cities of Dera Murad Jamali and Larkana.

While it is too early to quantify the contribution of global warming in the floods, ESA says the rains are broadly consistent with expectations that climate change will make the Indian monsoon wetter.

A recent study, based on climate models, predicted that exceptionally wet monsoons in the Indian subcontinent would become six times more likely during the 21st century, even if humanity ratchets down carbon emissions.

[Phys.org, 01/09/2022]

## UNITED STATES

### Record heat wave highlights fossil fuel conundrum

California's heat wave, that began more than a week ago, has been hotter and longer than any other in the United States, and has put unprecedented strain on power supplies. That prompted government officials to plead with people to use less power so as to avoid rolling blackouts — a practice that involves cutting some people's power to save energy so the lights can stay on for everyone else.

The state's heightened energy demand also required activating generators fuelled by natural gas, which is still a major part of the state's power picture. The Democratic governor's calls for conservation drew criticism about new state policies governing electric vehicles and other measures that will only increase energy demand. A government official said the "pretty extreme" circumstances required the state to turn to more natural gas as a backup supply.

The demand for 52,000 megawatts of power set a record, as triple-digit temperatures blanketed much of the state. Sacramento hit a record high of 116 degrees (47 degrees Celsius), and normally cooler places, such as San Francisco and San Diego, also experienced sizzling temperatures.

Demand will only climb in the years ahead. By 2045, when the United States is mandated to source all of its electricity from non-carbon or renewable sources, demand is expected to be as high as 78,000 megawatts due to increased number of home electric home appliances and electric vehicles on the road, according to the California Energy Commission.

To meet that demand, both the government and major utilities are working to scale up renewable sources, such as solar and wind power, as well as establishing large-scale batteries to store that power for use at night. The California Public Utilities Commission last year ordered utilities to procure enough additional power for an extra 2.5 million homes by 2026.

[*US News*, 07/09/2022]

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**Convictions under environmental legislation:  
June to August 2022 (September 2022 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:

***June 2022***

Seventy-four convictions were recorded in June 2022 for breaches of legislation enforced by the Environmental Protection Department.

Six of the convictions were under the Air Pollution Control Ordinance, 1 was under the Hazardous Chemicals Control Ordinance, 21 were under the Noise Control Ordinance, 29 were under the Public Cleansing and Prevention of Nuisances Regulation, 9 were under the Waste Disposal Ordinance and 8 were under the Water Pollution Control Ordinance.

A company was involved in two cases of importing controlled waste without a permit. A \$20,000 fine, which was the heaviest fine in June, was imposed on the company for each of its offences.

***July 2022***

Ninety-five convictions were recorded in July 2022 for breaches of legislation enforced by the Environmental Protection Department.

Eleven of the convictions were under the Air Pollution Control Ordinance, 28 were under the Noise Control Ordinance, 27 were under the Public Cleansing and Prevention of Nuisances Regulation, 25 were under the Waste Disposal Ordinance and 4 were under the Water Pollution Control Ordinance.

A company was fined \$90,000, which was the heaviest fine in July, for failing to comply with an air pollution abatement notice.

***August 2022***

One hundred and eight convictions were recorded in August 2022 for breaches of legislation enforced by the Environmental Protection Department.

Nine of the convictions were under the Air Pollution Control Ordinance, 2 were under the Environmental Impact Assessment Ordinance, 17 were under the Noise Control Ordinance, 36 were under the Public Cleansing and Prevention of Nuisances Regulation, 34 were under the Waste Disposal Ordinance and 10 were under the Water Pollution Control Ordinance.

A company was fined \$60,000, which was the heaviest fine in August, for discharging waste/polluting matter into a water control zone.

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