

URBAN PLANNING AND ENVIRONMENTAL LAW
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Hong Kong's natural environment faces many threats on various fronts. In this edition, we summarise some of Hong Kong's main environmental issues, in no particular order of priority.

The Editors

CONTENTS

FEATURE:	Page
HONG KONG'S MAIN ENVIRONMENTAL CONCERNS AND ISSUES.....	1
TOWN PLANNING.....	4
LEGISLATION DIGEST.....	4
WEST KOWLOON CULTURAL DISTRICT (WKCD).....	5
HONG KONG BRIEFING	5
ADVISORY COUNCIL ON THE ENVIRONMENT (ACE).....	6
CLIMATE CHANGE.....	8
REGIONAL & INTERNATIONAL.....	8
PROSECUTION STATISTICS.....	13

HONG KONG'S MAIN ENVIRONMENTAL CONCERNS AND ISSUES

For those who have lived in Hong Kong for any length of time, and are concerned about the state of our natural environment and its ecosystems (as we all should be), it is hard to know where to begin in answering the question: What are the main environmental issues in Hong Kong today?

For our part, we gratefully adopt and adapt (slightly abridged) the thoughts of Earth. Org, a wonderful Hong Kong based environmental NGO, set out concisely in May 2022 by their former online editor, Olivia Lai, in her article: *Six biggest environmental issues in Hong Kong in 2022.*

1. Air pollution

As most Hong Kong residents would know, one of the most serious and pressing environmental issues in Hong Kong is air pollution. According to a study of global mortality and pollution levels published in The Lancet Planetary Health, 9 million people around the world die from outdoor air pollution every year. Long-term exposure to severe air pollution also poses serious health problems ranging from chronic respiratory infections and diseases to increased risk of cancer.

Based on Hong Kong's Air Quality Health Index (AQHI) records, street-level air pollution in densely populated areas – such as Causeway Bay, Central and Mong Kok – often exceed WHO guidelines, meaning a sizeable number of Hong Kong residents are every day breathing in air that contains high levels of pollutants.

Air pollution in Hong Kong is caused by a number of human activities, including generation of electricity by burning fossil fuels, use of motor vehicles and the presence of regional smog caused by pollutants from marine vessels and industrial power plants within Hong Kong and in mainland China.

Whilst the Hong Kong government has announced plans to reach carbon neutrality by 2050, the current rate of greenhouse gas emissions shows no signs of reducing. In 2021 the number of private motor vehicles registered in Hong Kong reached 657,000, nearly 30,000 more vehicles compared to the previous year. Despite being home to one of the best public transportation systems in the world, Hong Kong residents still heavily rely on private cars when commuting in the city and that proportion continues to grow each year. Within the past decade, the volume of private cars has increased by almost a third, contributing massive amounts of carbon dioxide emissions in the city.

Although the government has made efforts to regulate emissions from industrial power plants and marine vessels that pass through our waters, smog from the Pearl River Delta region has proven difficult to control. Collaboration efforts with Guangdong authorities have been made

to try to improve air quality in the Great Bay Area region, but such improvements have yet to be seen.

2. *Disposal of waste*

One of the most glaring environmental issues Hong Kong currently faces is environmentally responsible disposal of waste. Every year, about 4.17 million tonnes of solid waste is dumped in our limited landfills. During the coronavirus pandemic, local waste has exponentially grown due to the increased use of food takeout boxes, plastic cutlery and single-use masks. Landfill gases, which are emissions from landfills' decomposing organic waste, will continue to surge as a result and will contribute towards global warming, especially when you consider 40-60% of landfill emissions are methane gases, which have 10 times the warming potential of carbon dioxide.

As one of the most densely populated cities in the world, with a population of almost 7.3 million people, Hong Kong is in an immensely difficult position to create new landfill sites. Reducing and recycling waste is the only viable long-term solution in dealing with the city's landfill waste problem. And while the Waste Charging Scheme enacted by the Legislative Council in late 2021 – a disgraceful 16 years after it was first proposed – is a good first step, much more is needed to tackle the waste problem.

3. *Plastic pollution*

Even before the coronavirus pandemic, Hong Kong generated about 3.9 billion disposable food and drink containers every year. This amounts to 170 takeaway meals and 180 disposal drinks for every Hongkonger. As restaurants limit opening hours and seating capacities during the pandemic, people rely on takeaway options and the amount of plastic containers and cutlery used and disposed of has consequently soared. In 2020, plastics made up 21% of the city's total municipal solid waste (MSW), accounting for the third-largest share of MSW after food waste and paper. The city's beaches and waterways are drowning in plastic, and microplastic levels in the sea are 40% higher than the global average. According to estimates, more than 5,000 pieces of microplastic can be found in every square metre of sea.

Some food and beverage companies have made the effort to adopt biodegradable and even compostable takeaway packaging and utensils, but a majority of local restaurants and small businesses still opt for low-cost materials, like styrofoam.

The lack of an efficient recycling infrastructure is a major contributing factor in Hong Kong's plastic waste crisis. In 2019, less than 20% of plastic packaging waste was recycled due to the lack of adequate recycling facilities. Prior to China's Waste Ban, when the country placed a ban on importing unprocessed materials, Hong Kong offloaded the city's rubbish to the mainland for recycling. Since the policy implementation, Hong Kong has yet to establish enough recycling plants to compensate. Whilst some government intervention – such as the Plastic Recycling Pilot Scheme – seem to be working, Hong Kong still experienced a 27% increase in locally recycled plastics in 2020. So, the plastics problem continues to haunt the city.

4. *Food waste*

Known as an international food paradise, Hong Kong has a reputation for an affordable and stunning variety of international cuisines. Unfortunately, a corollary of this is that the volume of food waste generated is high, which is undoubtedly one of the main environmental issues that Hong Kong faces.

Food waste in Hong Kong accounts for about 30% of municipal solid waste that goes straight to landfills. In 2019, 1,067 tonnes of food waste per day were produced from commercial and industrial sources, such as restaurants, hotels and wet markets. The volume of food waste has been on the rise, especially in the hospitality industry where it increased from 800 tonnes per day in 2012 to 1,000 tonnes of waste generated per day in 2019.

Whilst the government has introduced educational initiatives and an operating organic waste recovery centre OPARK, over 3,600 tonnes of food waste are still being sent to Hong Kong's landfills each day, contributing to more than 100,000 tonnes of greenhouse gases released to the atmosphere.

5. *Biodiversity loss*

Hong Kong has surprisingly rich biodiversity, thanks to its large conserved natural terrain and, far less well conserved, coastal waters. In fact, 40% of the city's land is set aside as country parks and protected areas, which support more than 3,300 species of vascular plants, 57 species of terrestrial mammals, and more than 540 species of birds. Our waters are home to over 1,000 species of fish, too.

However, in order to make space for the city's already dense and increasing population, Hong Kong has devoted much effort to urbanisation and land reclamation. Land development involving deforestation or illegal waste dumping is one of the growing environmental concerns in Hong Kong, and has led to significant impacts on local biodiversity and habits.

The pink dolphin, also known as the Chinese white dolphin, is a prime example of how local species are threatened by continued land development. The waters surrounding Hong Kong have been part of the dolphins' habitat for centuries, with recorded sightings going back to the Tang Dynasty. The number of pink dolphins that frequent Hong Kong coastlines has dropped to about 300 in recent years due to heavy vessel traffic and, most importantly, its shrinking habitat. The development of Chek Lap Kok island, which is home to the Hong Kong International Airport, and the associated land reclamation have reduced the amount of fish dolphins can eat, while dredging has unearthed pollution from the seafloor causing serious water pollution. A massive 1,700 hectares land reclamation project near the eastern waters of Lantau Island that was proposed in 2018 will further damage dolphin habitat as well as increase urban vulnerability to rising sea levels.

Another serious threat to Hong Kong's biodiversity is illegal wildlife trafficking. The city is home to one of the largest hubs for illegal wildlife trafficking, due to its free ports, geographical location in the Greater Bay Area and accessibility to other Asian countries. Every year, the city sees millions of live animals and their derivatives pass through its ports. In 2019 alone, more than 7,000 endangered animals were illegally traded in the city, including pangolins and live turtles. However a landmark bill was passed in August 2021 which designates illegal wildlife

trading as a serious crime under the *Organised and Serious Crime Ordinance* while placing greater attention to organised criminals and networks instead of mere underlings and mules. The passage of the amendment to the OSCO aims to deter wildlife smuggling operations and supply networks in the city.

6. Water pollution

Hong Kong is a unique city surrounded by the South China Sea, where marine waters cover about 1700 km² and are home to a wide range of different marine environments. Prior to and during the 1970s and 80s, most of the city's sewage and wastewater were discharged into the sea, with little or no treatment. As a result, Hong Kong's marine waters experienced a surge in organic and inorganic pollutants, a reduction of oxygen content, and increased bacteria levels. By 2005, Hong Kong generated about 2 million tonnes of wastewater and industrial effluents every day, making these two of the main sources of water pollution in Hong Kong.

Marine pollution has also been exacerbated by the COVID-19 pandemic as an additional 4,680 to 6,240 tonnes of marine plastic waste made its way into Hong Kong waters. An estimated 1.56 billion face masks were dumped in the ocean during this period, which experts have said will take as long as 450 years to break down. Microplastics from single-use masks are also incredibly harmful to marine life and the ecosystem, potentially killing up to 100,000 marine mammals and turtles, and more than a million seabirds.

We add the following important environmental issues to the above list.

7. Corals

Hong Kong has a remarkably extensive and diverse marine environment, given its comparatively small size and position in a major industrial and shipping region. Coral reefs and communities are a vitally important component of a healthy marine ecosystem.

There are approximately 84 species of corals (800 worldwide) native to Hong Kong. These exist in mainly small coral communities – as distinct from extensive reefs – mainly on the northeast and eastern shores in the New Territories, e.g. Tung Ping Chau, Kat O, Shelter Island and Hoi An, where they are more sheltered from the turbidity generated by the Pearl River.

Corals are a vitally important part of marine ecology. They provide food and habitat for a wide range of species, from large animals such as sharks and groupers to minute unicellular protozoans. They are complex and highly productive marine ecosystems which are particularly sensitive to turbidity, rising water temperatures and direct human interference, such as trawling and overfishing. Approximately 95% of the world's coral reefs have already been damaged or destroyed by explosives – fishing, pollution, direct human impact-such as coral harvesting- and dragging of boats' anchors.

Corals ideally need clear, clean water of 25-28°C to thrive. Hong Kong's marine waters are generally 13-16°C in winter, and reach 31°C in summer. As well, turbidity from the Pearl River, reclamation and agricultural and industrial run-off, together with a long practice of improper disposal of waste and sewage into our surrounding seas, combine to make it difficult for our coral communities to grow and remain healthy.

The main threats to coral communities in Hong Kong are: eutrophication from stormwater and agricultural run-off; reduced light due to high turbidity, mainly from the Pearl River and Pearl River estuary activity; sedimentation and reclamation; over-fishing; sewerage; plastic pollution; and drastic sea temperature changes, exacerbated by climate change.

As discussed in *Lack of Protection is Destroying Hong Kong's Marine Environment* (UPELQ, March 2022) the government has been reluctant to take meaningful steps to protect our corals. Only five Marine Protection Areas have been proclaimed – covering a mere 0.01 % of our marine waters – and even in these human activities, such as fishing, are generally permitted. Thus, the future for Hong Kong's precious coral gardens remains clouded, at best.

8. Wetlands

In the UPELQ (June 2022) we highlighted the importance of wetlands to Hong Kong's natural environment: *Wetlands are critical to Hong Kong's environment.*

Most of our inland wetlands are in the north western New Territories, consisting of: reservoirs (approximately 2480 ha.); aquiculture ponds (1590 ha.); marsh (1100 ha.); drainage channels (720 ha.); rivers and streams (460 ha.); and wet agricultural land (290 ha.).

Wetlands are vitally and directly important as wildlife habitat, especially for migratory bird species, they also have a significant rate in reducing eutrophication and sedimentation in marine ecosystems, combating erosion and filtering water supplies.

Unfortunately, our wetlands have been severely diminished or compromised by inappropriate development, which remains the most serious threat to their health or worse, continued existence.

Conclusion

We have many environmental problems in Hong Kong, most of a serious nature. The foregoing are only examples and are not, as said, discussed in any order of priority. The single most important factor in addressing these issues is to persuade the responsible government agencies to take the problems more seriously and to actually do something to combat them. Consider, as a prime example, the inexcusable delay and procrastination in implementing the waste disposal charging scheme – as soft as it is – as a step towards correcting our dreadful record of irresponsible waste disposal. The effect of the lack of political will to address environmental problems robustly is compounded by a culture of weak enforcement of such environmental laws that we have and lamentable (and puzzling) judicial indifference to environment offences.

TOWN PLANNING

Draft Sha Tin Outline Zoning Plan approved

The proposed Cha Kwo Ling, Yau Tong, Lei Yue Mun Outline Zoning Plan (OZP) has received approval from the Chief Executive in Council.

The planning scheme area, which covers approximately 264 hectares, is situated in Kowloon East within Kwun Tong District. It is surrounded by mountainous areas: Black Hill, Chiu Keng Wan Shan and Devil's Peak (Pau Toi Shan) to the east; Lei Yue Mun Strait to the south; Victoria Harbour, Wai Yip Street and Cha Kwo Ling Road to the west; and Lei Yue Mun Road and Lam Tin area to the northwest.

The approved OZP contains amendments shown in the draft Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP No. S/K15/26, such as the following:

- (1) rezoning of sites in Cha Kwo Ling Village (CKLV) from "Undetermined" and "Green Belt" ("GB") and areas shown as "Road" to "Residential (Group A)8", "Government, Institution or Community" and "Government, Institution or Community (1)" to facilitate public housing development and provision of government, institution or community facilities;
- (2) rezoning of sites in the ex-Cha Kwo Ling Kaolin Mine Site from sub-zones of "Residential (Group B)" and "Open Space" to "Residential (Group A)9" for public housing development; and
- (3) rezoning of parcels of land to "GB" or areas shown as "Road", as appropriate, for the proposed new road alignment, road widening and roadside verge greening, as well as green slopes to be formed under the public housing development at CKLV.

The opportunity has also been taken to update, as appropriate, the general knowledge of various land use zonings and applicable planning circumstances, as well as to change the Notes and Explanatory Statement of the OZP to reflect the aforementioned amendments.

[Town Planning Board Press Release 18/11/2022]

Kennedy Town & Mount Davis Outline Zoning Plan amended

On 18 November 2022, the Town Planning Board implemented amendments to the approved Kennedy Town & Mount Davis Outline Zoning Plan (OZP).

The amendment involves revision of building height restriction for a portion of the "Government, Institution or Community" zone at the junction of Pok Fu Lam Road and Pokfield Road from four storeys to 115 metres above Principal Datum (mPD) and 155mPD, to give effect to a decision of the Metro Planning Committee of the Town Planning Board on a Section 12A application.

The OZP also updates published information about different land use zonings and the planning scheme area and to modify the OZP's Explanatory Statement to reflect the amendment.

The public can see the draft Kennedy Town & Mount Davis OZP No. S/H1/23 during business hours at (i) the Town Planning Board Secretariat, (ii) the Planning Enquiry Counters, (iii) the Hong Kong District Planning Office, and (iv) the Central and Western Home Affairs Enquiry Centre.

On or before 18 January 2023, any person may submit written representations to the Town Planning Board's secretary regarding the amendments. For details, refer to the Town Planning Board Guidelines No. 29B on "Submission and Publication of Representations, Comments on Representations, and Further Representations under the Town Planning Ordinance" if any person would like to submit a representation (TPB PG-No. 29B).

[Town Planning Board Press Release, 18/11/2022]

LEGISLATION DIGEST

Government enhances Plastic Shopping Bag Charging Scheme

The three pieces of subsidiary legislation for improving the Plastic Shopping Bag ("PSB") Charging Scheme were approved by the Legislative Council on 19 October, according to the government's announcement.

The *Product Eco-Responsibility Ordinance* (Cap. 603) and the *Product Eco-Responsibility (Plastic Shopping Bags) Regulation* (Cap.603A). are amended by the subsidiary legislation. The changes consist of :-

- (1) raising the fee per PSB from a minimum of 50 cents to a minimum of \$1;
- (2) removing the current exemption for PSBs used for carrying frozen or chilled food items;
- (3) narrowing the scope of the exemption so that free PSBs may be given to customers only when purchasing unpackaged food items, or food and beverage takeaway items in non-airtight packaging, subject to the overriding requirement of "one free PSB per single transaction." For multiple exempted food items purchased in a single transaction, when packing them all in a single free PSB will compromise their quality, or if the size or capacity of the first free PSB is insufficient to accommodate all of them, then one or more additional free PSB(s) may be offered.

The government will inform the public and the trade about the PSB Charging Scheme's improvements and will issue a best practice guideline to help the trade comprehend the new Scheme's standards. The improved Scheme will be put into effect on December 31.

[Press Release, The Government of the Hong Kong Special Administrative Region, 19/10/2022]

WEST KOWLOON CULTURAL DISTRICT

The 108th Meeting of the Board of the West Kowloon Cultural District Authority

The Board of the West Kowloon Cultural District Authority (the “Authority”) held its 108th meeting on 14 June 2022. Ms. Betty Fung, the Chief Executive Officer of the Authority reported on the latest progress in various areas of the West Kowloon Cultural District.

The Opening Ceremony of Hong Kong Palace Museum (“HKPM”) was to be held on 22 June 2022. The museum would be officially opened to the public on 2 July 2022. The opening exhibitions of HKPM are jointly curated by HKPM and the Palace Museum, displaying on rotation 914 pieces of priceless treasures (including 166 grade-one objects) from the Palace Museum. In addition, there will be displayed more than a hundred exhibits on loan from local museums and cultural institutions as well as 13 pieces on loan from the Louvre in Paris which will juxtapose over 100 art objects from the Palace Museum.

In respect of the performing arts, young musicians from Young Pro Platform had been presenting a series of chamber music concerts with the theme Venture into the Unknown at Freespace and the Tea House Theatre in the Xiqu Centre from June to October 2022. Apart from the music concerts, the Xiqu Centre is presenting the exhibition of a famous Cantonese Opera legend Mr. Yau Sing-po from 30 May to 31 December 2022, highlighting precious stage recordings and interview footages, photos, costumes and performance publications of the acclaimed Cantonese Opera legend widely known as the ‘Chameleon of a Thousand Faces’.

[West Kowloon Cultural District Authority, 14/06/2022]

HONG KONG BRIEFING

Government to limit increase in electricity tariffs

The government has pledged to limit the increase in electricity tariffs amid fears households may face a double-digit rise in bills because of a global energy crisis. Secretary for Environment and Ecology Tse Chin-wan on Friday said authorities were still in talks with the city’s two power companies, but details of a new tariff would be announced by early December.

According to the government official, the electricity tariff takes up approximately 2 per cent of Hong Kong families’ median household income. Therefore, it should not be a heavy burden when compared with Europe.

Energy supply has become a global concern this year as prices soar amid the ongoing war between Russia and Ukraine and a surge in the cost of fuels. Winter energy expenditure in some European countries is expected to make up as much as 20 per cent of family expenses. Statistics from the United Nations Food and Agriculture Organisation show that Russia is the world’s second-largest natural gas supplier, with Ukraine in 36th place.

According to government data, natural gas supplied 48 per cent of Hong Kong’s electricity in 2020, with coal taking up 24 per cent, whilst the remaining 28 per cent was supplied by nuclear and renewable energy. But unlike Europe, Hong Kong has been able to keep electricity prices under control due to the local utility companies’ diverse supply of natural gas and coal.

[SCMP, 28/10/2022]

Reducing environmental impacts of rapid antigen test kits

A member of the Legislative Council during the Legislative Council session on 23 November 2022 said that each day more than 80 tonnes of rapid antigen test (RAT) kits for the Coronavirus Disease 2019 are disposed as waste after being used, adding to the burden on landfills and causing environmental pollution.

The government replied that in 2020, the average disposal rate of municipal solid waste (MSW) at landfills was approximately 10,809 tonnes per day. During the current pandemic, the quantity of RAT kits disposed of has inevitably increased this figure. Whilst the government does not have separate statistics for RATs waste, assuming that on average approximately 1.5 million RAT kits are used per day in Hong Kong and each weighs about 40 grams, their total weight would be about 60 tonnes. Therefore, the disposal of RAT kits will not put significant additional pressure on the landfills and the environment when compared to the overall quantity of MSW disposed of. Moreover, the government is of the view that such additional pressure is temporary in nature and will ease when the pandemic subsides.

The government also stated that it has always encouraged the public to adopt a green lifestyle and engage actively in waste reduction and recycling. Nevertheless, the testing solution contained in RAT consists of chemical substances. Moreover, given the sensitivity of RATs, the negative result shown on a test cassette cannot preclude the possibility that the person has been infected but is in a period of incubation or is at an early stage of infection. Therefore, the government does not recommend that members of the public recycle the components of RAT kits. However, non-contaminated test kit boxes/bags and user guides can be recycled separately as appropriate.

[The Government Press Release, 23/11/2022]

ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

Summary of Minutes of the 254th Meeting of the ACE held on 8 August 2022 and 19 August 2022

The main item considered at the meeting was a discussion of the environmental impact assessment (EIA) report concerning the “*Technical Study on Partial Development of Fanling Golf Course Site – Feasibility Study*”.

The chairman referred members to ACE Paper 11/2022, which summarised the discussion of the EIASC meeting held on 18 July 2022 in respect of the EIA report.

Ecological value of the site

The integrated ecological value, such as the microclimate for the heat island effect and the ecosystem services provided by the site, was raised by a member even though the ecological value of many characteristics in Sub-Area 1 was thought to be not very high when assessed individually.

The government responded that the evaluation had been done in accordance with the Technical Memorandum on the EIA Process (TM), relevant Guidance Notes under the *Environmental Impact Assessment Ordinance* as well as the project's EIA study brief, which focused on the impacts on ecological habitats and fauna and flora species. The government added that housing development will be limited to Sub-Area 1, which is 9 ha. of the 32 ha. of the entire development.

Fauna species

Given that mammal species of conservation interest, including the red muntjac and leopard cat, have been found in Sub-Areas 2 to 4, a member suggested that the project's proponent carefully consider any potential effects of human disturbances on fauna and implement suitable mitigation measures.

A member said the EIA report should cover breeding or foraging grounds for fauna species on the FGC site in addition to determining the existence of roosting sites. Since there were no bat roosting locations, he disagreed with the project's proponent's evaluation of the ecological value. He emphasised that Sub-Area 1 contained a sizable number of woods that might serve as a bat foraging area.

The project proponent had taken into account the occurrence of bat roosting, feeding, and breeding habitats in the survey, according to Vincent Lai of Ecosystems Limited. The bats' roosting locations had been carefully searched, but none was located in Sub-Area 1. Even while Sub-Area 1 served as a bat feeding ground, he continued, there were other food sources in the mixed forest and woodland in other sub-areas, as well as in fields within 500 metres of the project area. As a result, the development that is being considered for Sub-Area 1 shouldn't have a big effect on how bats forage.

The government added that the methods and equipment used in the assessment were chosen following a thorough examination of the literature and were consistent with the 2013-approved EIA of the North East New Territories New Development Areas. The deployed equipment was deemed appropriate and approved by the relevant authorities. The government concluded that bats observed at the FGC facility were merely passing through the area, after taking into account the potential sources of food for bats.

Flora species

Whether the 11 trees of particular interest (TPIs) would be kept while those in subpar condition are to be removed was a question posed by a member. While the EIA report had information about the tree survey in detail, another member noted that the project proponent should offer a summary encompassing the percentage of tree species, their conditions, as well as the retention and removal plan to help members comprehend the project. A member made the suggestion that the project's proponent take into account the negative effects that tree removal would have on the project site's ecology as a whole. Given the huge number of trees that will be cut down for the project, one of the members noted that the project proponent should try to keep as many of those healthy trees as feasible. Another member commented that the government appeared to be less strict when it came to removing trees for the purpose of implementing government projects.

The government emphasised that Hong Kong had a strict control mechanism in place for both tree preservation and removal. A Tree Preservation and Removal Proposal with details and justifications in respect of the location and number of trees to be felled and compensated for must be submitted to the appropriate authority for approval prior to any tree removal. The pertinent document that will be submitted to the Legislative Council for funding approval would also include these facts. The government also stated that before construction began, a more thorough tree survey would be carried out.

Layout plan

A member questioned whether it would be possible to fit 12,000 flats in Sub-Area 1 given the need to preserve the trees and the potential effects of light glare.

The government emphasised that the target housing supply of 12,000 flats was calculated based on plot ratio under the current policies. The planned arrangement was simply intended as a guide to aid in the creation of the EIA report and would be subject to alteration in the detailed design stage. In light of the areas that the housing blocks will occupy, and subject to the size of the flats being determined later, it may be possible to explore the idea of keeping more trees.

Hydrological impact

Considering that the permeability of the site might be reduced as a result of the proposed development as well as the significant felling of more than 20% of the trees in the FGC site, a member requested detailed scientific data regarding the potential impact on the hydrology and water table of the project site.

According to the government, as Sub-Area 1's groundwater flows from south to north, away from Sub-Areas 2 to 4, the hydrology of Sub-Area 1 won't have an impact on the other sub-areas. The government also said that if necessary, recovered water from Shek Wu Hui Sewage Treatment Works might be used to meet the water demand.

Traffic impact

A member was concerned about the traffic impact due to the FGC site's distance from Sheung Shui station and other neighborhood facilities, since the residents would heavily rely on public transportation for their daily activities. The member believed that in order to minimize the negative environmental impact, local transportation would need to be enhanced and the residential density should be minimized. This was due to the probable traffic impact and ecological impact of the proposed housing construction on Sub-Areas 2 to 4. She questioned whether the current assessment had already taken the aforementioned circumstance into account, and the member concerned about the alterations that might be made during the detailed design stage.

The government informed members that the proposed housing development was approximately one kilometer from Sheung Shui Station and that it would take locals 15 minutes to get there.

Light impact

A few members were worried about the fins' aesthetics and ventilation features. The member explained that light impact was three-dimensional and said that, in terms of horizontal distance, the light impact of the dwelling blocks may extend up to several times the height of 170 m. The member was worried about the potential impact of light glare on the ecology of Sub-Areas 2 to 4 because there was no buffer zone created between Sub-Area 1 and other sub-areas.

The government stated that additional investigation work would be done to perfect the layout plan with the goal of minimizing negative environmental impact, particularly light impact, as much as feasible.

Cultural and historical value

The historical significance of the FGC site, which can be traced back more than a century, was mentioned by a member as something that should not be overlooked. Another member echoed her remarks from the last EIASC meeting and reiterated the need to consider the project's potential cultural impact as well as the Antiquities Assessment Board's grading before moving forward. A member pointed out that the Sheung Shui District Rural Committee and the North District Council (DC) had expressed reservations about the project, but that the EIA report had no recommendations to address these concerns.

The government informed members that while the only grave in Sub-Area 1 would be handled in accordance with established protocols, all graves in Sub-Areas 2 to 4 would be preserved. The government emphasised that the grave in Sub-Area 1 was not particularly large and that the relocation of graves was not unusual in construction projects.

The member stressed that even if the graves in the area were left in place, people might be worried about how the alterations to the environment would affect "feng shui" negatively. The chairman agreed with the member that the project proponent should take an active role with stakeholders whether or not the graves were to be relocated, even if "feng shui" does not fall within the purview of the EIAO, given the concern of the Northern DC. The government will keep in touch with pertinent parties as necessary and address the situation in accordance with the current procedure.

Northern Metropolis

A member suggested the government should reevaluate the need for the FGC project, given the availability of large-scale housing development options in the Northern Metropolis and the fact that the development of the FGC site was proposed in the context of the land search for housing development before the Northern Metropolis was announced in 2021.

In response, the government stated that the Northern Metropolis was proposed as a long-term solution to Hong Kong's housing shortage in addition to the current and future housing development initiatives. In other words, even with the housing supply that the Northern Metropolis will provide, the development of the FGC would still be required. The government further stated that the FGC project was scheduled to be finished in 2029 in order to address the urgent housing shortage, which would occur far sooner than the Northern Metropolis' supply.

The government spokesman said that in preparing the current project, the project proponent had taken into account and balanced the necessity for environmental conservation against the need for societal development. He hoped that members would consider the need for housing as well as the interests of society at large.

Role of ACE

A member questioned whether the ACE was forced to support the EIA report's endorsement as long as it satisfied the minimal conditions outlined in the TM and Project Study Brief. It was the ACE's duty to determine whether the EIA report would be helpful to the general public, particularly those in the neighborhood. The government was aware of the members' concerns regarding the project's environmental effects and the site's ecological worth. A member questioned whether the compensatory measures would be implemented once the EIA report was approved.

The government informed members that before accepting an EIA report, the DEP would assess whether conditions outlined in the TM and EIA Study Brief had been followed, as well as any pertinent environmental concerns brought up by members of the public and the ACE during the public inspection period. As necessary, the EIA approval requirements and recommendations could include the pertinent public and ACE concerns. The pertinent government departments would follow up on those requirements and suggestions.

The government thanked the ACE for contributing to the EIA process by sharing its opinions with the DEP. The government assured members that CEDD will follow up with EPD, AFCD, and other pertinent departments on the Habitat Management Plan, which might eventually incorporate hydrological management, tree management, the layout of housing complexes, etc. The Chairman reminded members that the existence of alternative sites for housing development and the site's historical context were factors outside the purview of the EIAO procedure. Members could act as the ACE and suggest suitable guidelines and conditions to handle any environmental issues with the project.

CLIMATE CHANGE

EU legislates to ban goods linked to deforestation

The European Union adopted a new regulation to bar businesses from importing commodities, such as coffee, beef, soy, and others linked to global deforestation. The legislation will compel corporations and businesses importing goods to present a due diligence statement demonstrating that their supply chains are not contributing to the destruction of forests, failing which they risk severe fines.

Approximately 10% of the world's greenhouse gas emissions, which fuel climate change, are attributable to deforestation. The U.N. COP15 summit will centre on finding a global agreement to address this problem and, more generally, to protect the environment.

On 6 December 2022, negotiators from the European Union and the European Parliament reached an agreement on the law. It will apply to some derived products, such as leather goods, chocolate, and furniture, as well as to soy, beef, palm oil, timber, cocoa, and coffee. The inclusion of rubber, charcoal and several derivatives of palm oil was requested by EU legislators.

Companies will need to provide "verifiable" evidence that imported commodities were not grown on land that was deforested after 2020, as well as information about when and where they were produced. Failure to comply could result in fines of up to 4% of a company's turnover in an EU member state.

Person, & Kate Abnett, J. S. (2022, December 6). *EU agrees law preventing import of goods linked to deforestation*. Reuters; and Radford, A. (2022, December 6). *Deforestation: EU law bans goods linked to destruction of trees*. BBC News.

China's agri-food system could threaten the net-zero emissions goal

According to a recent study, China's agriculture and food system will have a challenging time achieving net-zero greenhouse gas (GHG) emissions by 2060, even following the widespread adoption of workable mitigation measures.

In order to provide "a systematic method to cope with climate change," China must release a comprehensive plan that addresses the entire system, according to a study by Beijing-based consultant Innovative Green Development Program (IGDP). According to the study, GHG emissions from the agriculture and food system are projected to reach 2.162 billion tonnes of carbon dioxide equivalent (CO₂e) by 2060, a 30% increase from the 1.646 billion tonnes of CO₂e in 2019.

Even if China takes all practical mitigation measures, such as adopting high-cost mitigation strategies, accelerating and expanding the scope of low-cost mitigation measures and encouraging mitigation measures from changes in consumption behaviour, the system's GHG emissions would only be reduced to 651 million tonnes of CO₂e by 2060. Consequently, China's aim to achieve statewide net-zero emissions by 2060 may be at risk.

The Food and Agriculture Organisation of the United Nations says that China is the world's largest producer of food, consumer of meat, and importer of soybeans. It is also the world's largest emitter of greenhouse gases (GHG); China emitted over 14 billion tonnes of GHGs in 2019, or 27% of the global total. More than 10% originated from the agriculture and food production system.

China has implemented a series of measures and policies aimed at various stages of the agriculture and food system. A national plan for sustainable agricultural development, a law against food waste, and rules supporting green and sustainable packaging are among the top environmental goals of the nation. According to the IGDP, a comprehensive strategy that addresses food production, processing, packaging, transit, retail, and consumption is essential to coordinating cross-sector mitigation measures and fostering stakeholder participation.

[*China's agri-food system seen as threat to net-zero emissions goal*. *South China Morning Post*, 14/12/2022]

REGIONAL & INTERNATIONAL

CHINA

Big data integration development in Tai'an City

In recent years, Tai'an City, Shandong Province, has innovated the big data integration development mode, dredged the three channels of data convergence, governance and application, and created a new model plus a new business form of smart city construction.

To improve the people's livelihood service level, Tai'an City has constructed several new towns, such as Hongjiagou Community in Tai'an High tech Zone, which is a community that has made full use of 5G, Internet of Things, cloud computing and big data for constructing a smart community integrated management platform. Tai'an City is currently promoting more than 70 similar communities.

When it comes to providing tourism services, Tai'an City proposes to build certain "certificated scenic spots". The local government have been relying on electronic information data accessible on App ID card and have constructed the "scenic spot code" to allow ticket checks without scanning an ID card. Tourists can make use of the apps, such WeChat, Alipay or App to scan, to generate a two-dimensional "scenic spot code" with facial identification, and then scan the code at the entrance gate of the scenic spot to gain entry.

[AsiaOne, 15/12/2022]

AUSTRALIA

Land swaps to rebuild a flooded community

James Simmonds, who is a planning and development expert, has offered his views on the relocation of parts of Lismore, New South Wales, following recent severe floods. He suggested Lismore could be a model for the world in recovering and rebuilding from disasters. Mr Simmonds was involved in the rebuilding of another town, Grantham, after the 2011 floods.

Mr Simmonds said Lismore has an opportunity to showcase a worldwide best practice model of how residents could be successfully relocated and to protect the social fabric of the community.

After Grantham was hit by disastrous flooding, the town's council purchased nearby farmland and a new housing estate was developed on higher ground.

Residents in Lismore have often mentioned Grantham as an example of what Lismore could do in its post-flood rebuild, although there are key differences: Grantham relocated less than 150 households, while thousands of homes across Lismore and the Northern Rivers have been badly affected by the latest floods.

The New South Wales government has announced an \$800 million scheme that will include buyback offers for approximately 2,000 homes.

Mr Simmonds said local authorities decided that land swaps offered residents a greater incentive to stay within the existing community instead of relocating.

[ABC North Coast, 23/11/2022]

KENYA

Kenya plants seeds for sustainable 'blue growth'

The southern ocean border of Kenya and Tanzania is dotted with thick hedges of mangroves – indispensable carbon sinks and spectacular ecosystems teeming with life – that appear to float dreamlike over creek beds and mudflats. These hardy trees and shrubs, and the communities that depend on them, are getting a major boost from UN-backed restoration plans that are also helping to reduce poverty and build economic resilience.

[UN News, 30/06/2022]

MYANMAR

Huge soil pollution problems

In agriculture, plastic products can greatly help productivity. But plastic waste and residue in soil also threaten food security, health, and environment: FAO

This is sadly on evidence in Myanmar. A girl runs through a dried field in Myanmar's Sagaing region. This was once a fertile farmland, but the soil is now severely degraded -- in part due to plastics pollution.-- and might not sustain crops for many years to come.

Soil pollution 'is jeopardising' life on Earth, the UN environmental agency warned on World Day.

Sustainably managed forests hold vast potential to play a decisive role in reducing soil erosion and pollution, and also in ending hunger, improving livelihoods and combating climate change. UN agencies are developing new guidelines to help countries better monitor forest resources

[UN News, 30/06/2022]

UNITED KINGDOM

Approval of largest urban park

South Gloucestershire Council has approved the plan for creating Brabazon Park on a disused airfield in Filton. The 15-acre site will support the environment, with habitats for wildlife provided. Development works will commence in 2023, with sections set to open the following year.

The park, equivalent in size to Bristol's Castle Park, will feature a 2.5-acre lake and will be located between the Hangar District and the planned 17,000 capacity YTL Arena Bristol.

The design has taken inspiration from aviation engineering, aiming to capture the historical, cultural and ecological uniqueness of the former airfield, the developers said.

The park will feature a heritage trail, connecting the Brabazon Hangars with Aerospace Bristol Museum and featuring information signs retelling the airfield's past.

Other facilities will include a floating boardwalk around the lake, independent lakeside cafes and restaurants and outdoor sports facilities.

[BBC, 01/11/2022]

WORLD

Ninety per cent of Earth's topsoil at risk by 2050

A full 90 per cent of the Earth's precious topsoil is likely to be at risk by 2050, according to the UN Food and Agriculture Organization, FAO.

In a bid to protect soil globally and help farmers, the FAO has warned that the equivalent of one soccer pitch of earth erodes, every five seconds

It also takes approximately a thousand years to create just a few centimetres of topsoil and to help land restoration. Now, the UN agency is calling for more action by countries and partners who've signed up to the Global Soil Partnership (GSP) over the last decade.

Action areas

The five key actions that FAO has called for tasks civilians, governments and international institutions, with taking greater action to monitor and care for soil.

One achievement of GSP, thus far, has been the partnership with farmers and local governments to enhance soil health.

Programmes have been initiated to improve the amount of organic matter in soil, "by adopting practices such as using cover crops, crop rotation and agroforestry", said FAO.

Costa Rica and Mexico have signed up to these pilot schemes and trained farmers in the use of best practices which include using so-called "cover crops" that prevent erosion, crop rotation and tree planting.

Digital mapping

Furthermore, the GSP has expanded data collection in the form of digital soil mapping. This technology informs policymakers of relevant soil conditions and empowers them to make informed decisions on managing soil degradation.

The FAO also has, through the GSP, called for the coordination and integration of sustainable practices through investment in development and education.

These carefully planned programmes facilitate the transfer of information and technology concerning soil health. These networks harmonize methods, units and information relevant to soil analysis.

More inclusivity

Similarly, the highly technical nature of topsoil policy debate, can alienate constituencies who might otherwise be concerned and engaged on such an important environmental and social issue, FAO states.

Campaigns, such as the International Year of Soils and World Soil Day are designed to raise youth awareness of soils and increase participation in preventing further degradation.

While the work of the GSP represents the efforts of non-State partners to promote sustainable soil practices, State policymakers are necessary actors in implementing a sustainable soil policy.

Valuable guidance

Production of documents like the Revised World Soil Charter, the Voluntary Guidelines for Sustainable Soil and the International Code of Conduct for the Sustainable Use and Management of Fertilizers, contribute valuable guidance from the GSP for national governments.

The five achievements described above represent a key existing strategy within the United Nations system, for stemming soil degradation, in support of sustainable farming worldwide.

[UN News, 27/07/2022]

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**Convictions under environmental legislation:
September to February 2023 (January and
February 2023 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 2022

Forty-nine convictions were recorded in September 2022 for breaches of legislation enforced by the Environmental Protection Department.

Thirteen of the convictions were under the Air Pollution Control Ordinance, 2 were under the Noise Control Ordinance, 31 were under the Public Cleansing and Prevention of Nuisances Regulation and 3 were under the Product Eco-responsibility Ordinance.

A company was involved in six cases of failing to take measures to control air pollutant emission. A \$8,000 fine, which was the heaviest fine in September, was imposed on the company for each of its offences.

October 2022

Forty-two convictions were recorded in October 2022 for breaches of legislation enforced by the Environmental Protection Department.

Fourteen of the convictions were under the Air Pollution Control Ordinance, 6 were under the Noise Control Ordinance, 17 were under the Public Cleansing and Prevention of Nuisances Regulation and 5 were under the Waste Disposal Ordinance.

A company was fined \$18,000, which was the heaviest fine in October, for failing to take measures to control air pollutant emissions.

November 2022

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

Nine of the convictions were under the Air Pollution Control Ordinance, 12 were under the Noise Control Ordinance, 31 were under the Public Cleansing and Prevention of Nuisances Regulation, 1 was under Product Eco-responsibility Ordinance, 7 were under Waste Disposal Ordinance, and 4 were under the Water Pollution Control Ordinance.

A company was fined \$60,000, which was the heaviest fine in November, for contravening the provisions of a licence.

December 2022

Fifty-nine convictions were recorded in December 2022 for breaches of legislation enforced by the Environmental Protection Department.

Fourteen of the convictions were under the Air Pollution Control Ordinance, 9 were under the Noise Control Ordinance, 21 were under the Public Cleansing and Prevention of Nuisances

Regulation, and 15 were under the Waste Disposal Ordinance.

A company was involved in two cases of failing to take measures to control air pollutant emission, and another company was involved in using powered mechanical equipment otherwise than in accordance with construction noise permit conditions. A \$15,000 fine, which was the heaviest fine in December, was imposed on the companies for each of their offences.

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