

**URBAN PLANNING AND ENVIRONMENTAL LAW**  
**QUARTERLY**  
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*Decades of excessive and inappropriate exploitation of the world’s ecosystems have destroyed much of the global biodiversity. In this edition we consider the latest international initiative to halt and then reverse biodiversity loss, the Kunming – Montreal Global Diversity Framework.*

*The Editors*

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**INTERNATIONAL COMMITMENT TO REVERSING BIODIVERSITY LOSS**

*Global biodiversity loss*

The extent to which communities worldwide have caused degradation of biodiversity and environmental health is appalling, yet rarely do we hear our political leaders speak on the topics, let alone implement robust measures to halt the rate of degradation.

The World Wildlife Fund reports that globally wildlife populations have declined by 63% in recent years.

The 2019 Intergovernmental Science – Policy Platform on Biodiversity and Ecosystem Services estimated that one million animal and plant species are threatened with extinction. It listed the five main extinction drivers as:

- inappropriate changes in land and sea use
- direct exploitation of organisms
- climate change
- pollution
- invasive alien species

Currently only 17% and 10% of the world’s terrestrial and marine areas respectively are protected.

*International action to support biodiversity*

In the face of decades of environmental destruction, international political leaders have belatedly entered into formal treaties, or conventions, which are aimed at implementing coordinated measures to halt and reverse environmental degradation. The 2015 Paris Agreement on climate change is a prime example.

*Kunming – Montreal Global Biodiversity Framework (“GBF”)*

In the context of biodiversity (i.e. the health of fauna, flora and natural ecosystems), the most important agreement so far is the *Convention on Biological Diversity* (“Convention”).

The Convention was adopted at the famous Earth Summit in Rio de Janeiro, Brazil in 1992; hence, it is often referred to as the *Rio Convention*. The Convention parties agreed to implement measures to “*preserve the vital ecosystem and biological resources on which we all depend*”.

Approximately 196 countries are parties to the Convention, including China and Hong Kong (as a sub-national entity).

The Convention has three objectives:

- conservation of biological diversity
- sustainable use of its components
- equitable sharing of benefits arising from use of genetic resources

The important task of creating and implementing practical, on-the-ground mechanism to give effect to the Convention's lofty objectives and ideals has been left to regular meetings of representatives of the parties to the conference, known as "conferences of the parties" (COPs). The wheels of implementation have turned very slowly. However, in COP14 (in Kunming), and, finally, Cop15 (19 December 2022 in Montreal) – which was chaired by China's Minister of Ecology and the Environment – the GBF was adopted. In the words of the GBF secretariat, the GBF "provides a strategic vision and a global roadmap for the conservation, protection, restoration and sustainable management of biodiversity and ecosystems for the next decade".

GBF in fact is the successor to the earlier Strategic Plan for Biodiversity (2011–2020). The secretariat states that the GBF "recognizes that urgent policy action globally, regionally and nationally is required to transform economic social and financial models so the trends that have exacerbated biodiversity loss will stabilise by 2030 and allow for the recovery of natural ecosystem with net improvements by 2050".

### **Background and purpose of GBF**

In summary, the secretariat describes the GBF's implementation and purpose as follows:

*"Implementation of the GBF will be guided and supported through a comprehensive package of decisions also adopted at COP15. This package includes a monitoring framework for the GBF, an enhanced mechanism for planning, monitoring, reporting and revising implementation strategic frameworks for capacity development and technical and scientific cooperation", as well as an agreement concerning digital storage and use of information related to genetic resources.*

To describe more fully the GBF's historical background and intended purpose in the all-important field of environmental protection, we refer to the text of the GBF itself:

*"Biodiversity is fundamental to human well-being, a healthy planet, and economic prosperity for all people, including for living well in balance and in harmony with Mother Earth. We depend on it for food, medicine, energy, clean air and water, security from natural disasters as well as recreation and cultural inspiration, and it supports all systems of life on Earth.*

*The Kunming-Montreal Global Biodiversity Framework seeks to respond to the Global Assessment Report of Biodiversity and Ecosystem Services issued by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES),<sup>4</sup> the fifth edition of the Global Biodiversity Outlook,<sup>5</sup> and many other scientific documents that provide ample evidence that, despite ongoing efforts, biodiversity is deteriorating worldwide at rates unprecedented in human history. As the IPBES global assessment report states:*

*An average of around 25 per cent of species in assessed animal and plant groups are threatened, suggesting that around one million species already face extinction, many within decades, unless action is taken to reduce the intensity of drivers of biodiversity loss. Without such action, there will be a further acceleration in the global rate of species extinction, which is already at least tens to hundreds of times higher than it has averaged over the past ten million years.*

*The biosphere, upon which humanity as a whole depends, is being altered to an unparalleled degree across all spatial scales. Biodiversity – the diversity within species, between species and of ecosystems – is declining faster than at any time in human history.*

*Nature can be conserved, restored and used sustainably while other global societal goals are simultaneously met through urgent and concerted efforts fostering transformative change.*

*The direct drivers of change in nature with the largest global impact have been (starting with those with the most impact) changes in land and sea use, direct exploitation of organisms, climate change, pollution and invasion of alien species. Those five direct drivers result from an array of underlying causes, the indirect drivers of change, which are, in turn, underpinned by social values and behaviours (...) The rate of change in the direct and indirect drivers differs among regions and countries.*

*The Kunming-Montreal Global Biodiversity Framework, building on the Strategic Plan for Biodiversity 2011–2020, its achievements, gaps, and lessons learned, and the experience and achievements of other relevant multilateral environmental agreements, sets out an ambitious plan to implement broad-based action to bring about a transformation in our societies' relationship with biodiversity by 2030, in line with the 2030 Agenda for Sustainable Development and its Sustainable Development Goals, and ensure that, by 2050, the shared vision of living in harmony with nature is fulfilled.*

*The Kunming-Montreal Global Biodiversity Framework aims to catalyze, enable and galvanize urgent and transformative action by Governments, and subnational and local authorities, with the involvement of all of society, to halt and reverse biodiversity loss, to achieve the outcomes it sets out in its Vision, Mission, Goals and Targets, and thereby contribute to the three objectives of the Convention on Biological Diversity and to those of its Protocols. Its purpose is the full implementation of the three objectives of the Convention in a balanced manner.*

*The Framework is action- and results-oriented and aims to guide and promote, at all levels, the revision, development, updating, and implementation of policies, goals, targets, and national biodiversity strategies and actions plans, and to facilitate the monitoring and review of progress at all levels in a more transparent and responsible manner.*

*The Framework promotes coherence, complementarity and cooperation between the Convention on Biological Diversity and its Protocols, other biodiversity related conventions, and other relevant multilateral agreements and international institutions, respecting their mandates, and creates opportunities for cooperation and partnerships among diverse actors to enhance implementation of the Framework.”*

### **Relevant considerations in implementing the GBF**

COP15 parties list the relevant “considerations” they will take into account when discharging their responsibilities under the GBF ---such as formulating national biodiversity plans to achieve GBF’s objectives (Hong Kong is currently preparing a 10 years’ plan to succeed its 2016 biodiversity plan, which we shall consider in a later edition of the UPELQ) --- as follows:

- (a) Contribution and rights of indigenous people and local communities.
- (b) Different value systems of different societies/ communities.
- (c) Whole-of-government and whole-of-society approach.
- (d) National circumstances, opportunities and capabilities.
- (e) Collective effort towards the target.
- (f) Right of communities to undertake “*responsible and sustainable socio-economic development that, at the same time, contributes to the conservation and sustainable use of biodiversity.*”
- (g) Gender equality.
- (h) Fulfilment of the three objectives of the Convention and its Protocols.
- (i) Consistency with international agreements and instruments.
- (j) Human rights – based approach.
- (k) Adherence to the principles of the Convention.
- (l) Implementation based on science and innovation.
- (m) Whole- of- ecosystem approach.
- (n) Intergovernmental equity.
- (o) Formal and informal education (as to the importance of vibrant biodiversity).
- (p) Adequate access to financial resources.
- (q) Cooperation and synergies.
- (r) Acknowledging the link between healthy biodiversity and healthy human populations, as highlighted by the Conventions objectives.

### **Headline Goal**

The secretariat states that the GBF has 4 goals and “*action-oriented targets*”. We shall not detail these here. The “Headline Goal” is: *to ensure and enable that by 2030 at least 30% of terrestrial, inland water and coastal marine areas of particular importance for biodiversity and ecosystems functions and service, are effectively conserved and managed*” while recognising indigenous and traditional practices where applicable. Importantly, the Goal includes a target of “*recovery of natural ecosystems with net-improvement by 2050*”.

### **Financial**

GBF contains a commitment by the parties to contribute collectively at least US\$200 billion per year by 2030, from public and private sources, in order “*to progressively close*” the yearly “*biodiversity financial gap*” of US\$ 700 billion.

### **Criticisms**

Whilst the GBF, and the consequential national biodiversity plans (if they materialise), are to be welcomed as at least some kind of step in the direction of having nations walk the environmental talk (so often gushed meaninglessly by politicians), it has, rightly, been criticised by some in the field of environmental protection. Such criticisms are many and varied.

The most telling and general criticism is that the GBF contains weak language and watered-down ambitions. For example, the 2050 target for reaching net loss of biodiversity, is very modest, especially considering the continuing large and rapid scale of biodiversity loss in all parts of the world.

According to the WWF, the GBF represents “*stagnation*” in crucial areas, such as reducing extinction of plants and animals, protection of intact ecosystems and tackling unsustainable production and consumption. The WWF also notes that the GBF “*is vague as to outcomes to achieve by 2030*”.

The Wildlife Conservation Society says that the focus on 2050 deadline for the ecosystems and species conservation goal is “*far too late for us to halt and reverse biodiversity loss and address related challenges, such as climate change.*”

We agree with these criticisms and could add several more, but restrict our comments, such as in respect of the GBF’s deference to “*different value systems*” (Consideration (b) above). This is often expressed as prioritising local communities’ stewardship of their own environment. However, this ignores the fact that there are many examples of indigenous communities blatantly trashing their environments. For example, the highly destructive practice of dynamite and cyanide fishing, widely employed by indigenous communities (and marauding foreign fishing fleets) in coral reef nations, has substantially destroyed many reef systems, to extent that less than 20% of coral biodiversity remains relatively intact.

As well, in reference to Consideration (f), it is difficult to imagine any “*development*” which “*contributes to the conservation and sustainable use of biodiversity*”. Governments must be prepared to ban any development within vulnerable biodiversity locations.

As said, we shall consider Hong Kong’s performance in relation to the GBF in a subsequent UPELQ.

## TOWN PLANNING

### Approved Ho Chung Outline Zoning Plan amended

On 22 November 2024, the TPB announced amendments to the approved Ho Chung Outline Zoning Plan (“OZP”).

The amendments mainly involve:

1. rezoning a site in Wang Che from “Conservation Area” to “Village Type Development”;
2. rezoning a site comprising two land parcels at Ho Chung North Road from “Residential (Group D)”, “Residential (Group E)” (“R(E)”) and area shown as “Road” to “Residential (Group C) 3” (“R(C)3”);
3. rezoning a site at Wo Mei Hung Min Road from “Green Belt” (“GB”) to “R(C)4”;
4. rezoning a site at Ho Chung Road from “R(E)” and “GB” to “Government, Institution or Community”; and
5. various zoning amendments to reflect the latest planned and as-built developments/road alignments.

[Town Planning Board Press Release, 22/11/2024]

### Town Planning Board decided to amend zoning of Global Innovation Centre site in Pok Fu Lam to “Undetermined”

On 29 November 2024, the Town Planning Board (the “TPB”) completed consideration of representations in respect of the draft Pok Fu Lam Outline Zoning Plan No. S/H10/22. After thorough discussion, the TPB decided to accept the recommendation of the Planning Department (the “PlanD”) partially to meet some of the representations by amending the zoning of the 4.72-hectare site designated for the proposed Global Innovation Centre (the “Centre”) by the University of Hong Kong (the “HKU”) in Pok Fu Lam (the “Site”) from “Other Specified Uses” annotated “Global Innovation Centre” (“OU(Global Innovation Centre)”) to “Undetermined” (“U”) in the interim, in order to allow the HKU to review and adjust its proposal in response to the views expressed by representers and to consult relevant stakeholders, including the local community before submitting its revised proposal for the government’s consideration.

During deliberations, the TPB thoroughly considered the 3,677 representations and the oral submissions made by about 80 representers and/or their representatives during the three-day hearing in early November, as well as the views and responses concerning PlanD and relevant government bureaux/departments before arriving at its decision.

TPB members acknowledged that most representers supported the development of the Centre by the HKU to consolidate Hong Kong’s leading position in deep technology research. Objections/concerns were mainly related to site selection and hence land use compatibility, development intensity, impacts on traffic, visual, landscape, ecological, environmental, geotechnical, public health and safety aspects, as well as the lack of proper consultation. TPB members also noted that the HKU had committed in its press statement in early October and at the hearing to consulting relevant stakeholders in strategically reviewing and amending its development plan to address their opinions as much as practicable. The HKU will also explore the possibility of identifying alternative sites for the development of the Centre.

To address representers’ concerns, TPB members made several comments and suggestions for the HKU’s consideration in reviewing its proposal and taking forward the project, such as:

1. consider alternative locations in Pok Fu Lam and other places, such as the Northern Metropolis. If the HKU concludes after review that the Centre should be in Pok Fu Lam, the HKU should consider whether the present site or another area, including but not limited to the adjoining undeveloped “Residential (Group C) 6” site, is more suitable for achieving the HKU’s objective, while minimising impacts on neighbouring communities;
2. critically review floorspace requirements for various components of the Centre, including accommodation and conferencing facilities, and consider optimising utilisation of the HKU’s existing premises/facilities to meet such needs;
3. enhance the design, including reducing density and bulk, lowering building height and increasing setback from neighbouring buildings;
4. address traffic concerns and minimise environmental impacts and nuisance to the neighbouring community and residential developments during both construction and operation phases;
5. minimise tree felling and disturbance to natural habitats, enhance tree compensation and provide more green space;
6. incorporate additional planning and design merits and facilities that might benefit the local community; and
7. strengthen efforts to engage and consult with stakeholders including the local community.

In view of the above, the TPB considered it inappropriate to revert the zoning of the Site to “Green Belt”, maintain the “OU(Global Innovation Centre)” zoning, or propose other specific zoning before the HKU’s submission of a revised proposal. Thus, it was prudent to rezone the Site to “U” in the interim, serving as a stopgap arrangement pending the HKU’s completion of the review. Members also noted that there would be adequate planning controls under the “U” zoning, as anyone taking forward development in the “U” zone would require the TPB’s approval.

Upon the HKU’s completion of the review and engagement with the community on the revised proposal, HKU will need to submit a revised proposal supported by technical assessments for consideration by relevant government bureaux/departments. Should the revised proposal be accepted by the government, PlanD will propose appropriate zoning amendment(s). Subject to the TPB’s agreement, the rezoning would then undergo another round of statutory planning procedures in accordance with the *Town Planning Ordinance* (Cap. 131), during which members of the public would have the opportunity to submit written representations and attend hearings to express their views to the TPB directly.

[Town Planning Board Press Release, 29/11/2024]

## DIGEST OF LEGISLATION

The government gazetted the *Shipping Legislation (Use of Fuels and Miscellaneous Amendments) Ordinance 2024* (the “**Ordinance**”) Commencement Notice on 8<sup>th</sup> November 2024, designating 10<sup>th</sup> January 2025 as the date the Ordinance came into force.

The Ordinance was previously passed by the Legislative Council, marking a significant advancement in Hong Kong’s goal to establish itself as a bunkering hub of green maritime fuel. It is designed to permit vessels to utilise more sustainable fuel options in Hong Kong waters alongside traditional petroleum fuels, while also integrating into the legislation additional safety and environmental measures related to the use of these new fuels.

Back in late 2023, the Transport and Logistics Bureau released the Action Plan for Maritime and Port Development Strategy. A primary focus of this plan is to position Hong Kong as a green shipping hub, thereby boosting its competitiveness as a port. Key initiatives include promoting the adoption of green fuels for vessels and establishing green marine fuel bunkering facilities. The Administration has emphasised that maritime decarbonisation is not only a global trend but also a strategic objective.

In line with this, the International Maritime Organization (“**IMO**”) has set a goal to achieve net-zero greenhouse gas emissions from international shipping by approximately 2050. As an Associate Member of the IMO, Hong Kong is required to adhere to this emissions reduction target. To meet this goal, the shipping sector is progressively transitioning to more sustainable fuels with lower or zero carbon emissions, such as liquefied natural gas, hydrogen, ammonia, and methanol (collectively known as “new fuels”) to replace the conventional petroleum fuels that are typically used by vessels.

[Press Release of the Government of the Hong Kong Special Administrative Region, 08/11/2024; Report of the Bills Committee on *Shipping Legislation (Use of Fuels and Miscellaneous Amendments) Bill 2024*, 02/10/2024]

## WEST KOWLOON CULTURAL DISTRICT

### The 120th Board Meeting of the West Kowloon Cultural District Authority

The 120<sup>th</sup> meeting of the Board of the West Kowloon Cultural District Authority (the “**Authority**”) was held on 13<sup>th</sup> September 2024, when the CEO of the Authority provided updates on the progress of various initiatives within the West Kowloon Cultural District (“**WestK**”).

M+ at Night will make its return to the museum from October until December in a brand new format. On the first Friday of each month during this period, M+ will collaborate with Warner Music Asia to offer a variety of engaging music performances and activities. For example, the inaugural event on the evening of October 4, themed “*Couture Rhapsody*”, coincided with the launch of the Special Exhibition *Guo Pei: Fashioning Imagination*. This event included a range of activities that aligned with the exhibition’s theme, providing participants with an opportunity to experience the museum’s unique charm and creativity after dark.

In terms of construction projects, excavation works for the Southern Landing Facility’s seawall modification were completed. Foundation works at the integrated basement of zones 2B and 2C have been completed and awaiting approval of the Building Department. The decorative and external wall works for the Lyric Theatre Complex are also in progress.

[West Kowloon Cultural District Authority Press Release, 13/09/2024]

### The 121st Board Meeting of the West Kowloon Cultural District Authority

The Authority held its 121<sup>st</sup> meeting on 21<sup>st</sup> November 2024, when the CEO reported on the current state of construction and other matters concerning the West K.

The CEO highlighted the government’s support for the Authority, as expressed in the Chief Executive’s 2024 Policy Address. In the coming year, the Authority plans to implement measures aligned with the four development directions outlined in the Policy Address. These measures include creating a comprehensive art trading ecosystem, positioning WestK as a prime destination for international cultural and commercial events, developing WestK as a must-visit cultural and creative tourism landmark and merchandising creative arts and cultural products globally.

New exhibitions have opened at the M+ Museum. Amongst others, “*Making It Matters*” delves into the manufacturing process, encompassing everything from initial concepts and research to design and fabrication, while also highlighting the social networks that link each phase to everyday life. A significant addition to the M+ East Galleries is a newly restored capsule unit from the now-demolished Nakagin Capsule Tower in Tokyo, Japan. Alongside this, the exhibition includes a panel by Kikutake Kiyonori from Expo Tower, which makes M+ the only museum globally to possess two architectural fragments from realised Metabolism projects, exhibiting its prominent status in architectural collections.

In respect of capital projects, construction of the Southern Landing Facility and foundation works for the Integrated Basement and Underground Road are progressing smoothly. The Lyric Theatre Complex’s building structure has completed; ongoing installation and finishing touches continue. Superstructure construction for the Artist Square Towers project has commenced.

[West Kowloon Cultural District Authority Press Release, 21/11/2024]

### Regulation of disposable plastic products

The new regulation concerning disposable plastic products came into effect on 22 April 2024, and the six-month adaptation period concluded on 21 October 2024. After the adaptation period, the Environmental Protection Department (the “EPD”) has continued its publicity and education efforts as the main focus, supplementing these efforts with enforcement actions to further promote a plastic-free culture in society.

A spokesman for the EPD said that the new regulation has been implemented for a month and that society as a whole has generally complied. It can be seen that a green and waste-less living culture has begun to develop at the societal level, and the trades have gradually adapted to the new regulatory requirements and made corresponding changes in their businesses. During the adaptation period, the EPD arranged for staff to inspect more than 47,700 catering premises, retail stores, hotels and guesthouses in Hong Kong to provide various supports to the trades.

Following the adaptation period, the EPD deployed staff over the past month to carry out inspections and follow up on the improvement progress at about 160 retail outlets that were non-compliant during the adaptation period. It was found that these outlets had all complied with the regulatory requirements. As for hotels and catering premises downstream, the EPD received 43 complaints about non-compliance over the past month, all of which have been investigated. Whilst most of them have been rectified, two of them still had not taken specific actions to rectify at the time of follow-up inspections. The EPD has issued written warnings requiring the persons-in-charge to make improvements within 10 working days; otherwise, a fixed penalty notice will be issued.

The spokesman said, “*After the adaptation period, the trades have actively complied with the new regulation by stopping the sale or provision of regulated disposable plastic products. The public’s habit of using relevant products in their daily lives has also changed; for example, the number of takeaway customers who do not require disposable tableware has increased significantly compared to before the implementation of the new regulation, and they have gradually become accustomed to bringing their own reusable tableware. Also, more than 80 per cent of takeaway customers in chain restaurants no longer require disposable tableware. It is estimated that, on average, the new regulation can reduce more than 60 million sets of disposable tableware in Hong Kong every year, achieving an overall effective waste reduction goal. We are very grateful to the public and trades for their strong support and active participation. In addition, daily life for citizens and the trades has changed accordingly, with ‘bring your own reusable tableware’ and plastic-free cultures gradually spreading throughout society. This proves that the new regulation has achieved certain results.*”

“*Hong Kong people have made unprecedented changes over the past six months to go plastic-free. However, legislation is merely one tool; our ultimate goal is to foster societal recognition and establish a plastic-free culture. Changing social customs and encouraging individuals to adopt new habits is no easy task. Solely relying on government initiatives will not suffice; we require collective support from society to succeed. The EPD appeals to all individuals, groups and organisations that support this goal to participate collaboratively and encourage others to change their lifestyles by starting with a move towards plastic-free. Together, we can promote a green and low-carbon living culture in Hong Kong and establish our ecological civilisation.*”

[Press Release - the Government of the Hong Kong Special Administrative Region, 22/11/2024]

### Green maritime fuel plan unveiled

On 15 November 2024, the government promulgated the *Action Plan on Green Maritime Fuel Bunkering* to set out clear strategies and actions to promote the development of Hong Kong into a high-quality green maritime fuel bunkering centre.

Mr. Lam Sai-Hung, Secretary for Transport and Logistics, said in a press conference on 15 November 2024 that the action plan sets a number of targets, including following the emission reduction target fixed by the International Maritime Organization to reach net-zero carbon emissions from international shipping by or around 2050.

Other targets include: reducing carbon emissions from Hong Kong-registered ships by at least 11% compared to 2019 and ensuring that 55% of diesel-fuelled vessels in the government fleet switch to using green maritime fuels by 2026; reducing carbon emissions from the Kwai Tsing Container Terminals by 30% compared to 2021; as well as ensuring that at least 7% of Hong Kong-registered ships take up green maritime fuels by 2030.

To achieve these targets, the action plan sets out five green-centric strategies and ten actions. Amongst them, the action plan proposes that Hong Kong should keep pace with international development trends and develop bunkering of multiple green maritime fuels simultaneously, and facilitate conclusion of offtake agreements on green maritime fuels between green maritime fuel bunkering suppliers, mainly from the Mainland and shipping companies, so as to establish an effective supply chain of green maritime fuels.

The government will support the industry and provide facilitation measures in various areas to promote overall development of green maritime fuel bunkering ecosystem. It has identified a land parcel near the port for green maritime fuel storage and expects to invite expressions of interest from the industry next year to develop this site.

The government will also facilitate conducting the first liquefied natural gas (LNG) ship-to-ship bunkering demonstration by the industry within the first half of 2025, and will establish the *Green Maritime Fuel Bunkering Incentive Scheme* to encourage pioneer enterprises to start green maritime fuel bunkering businesses in Hong Kong.

With the timely implementation of the action plan, the government expects that Hong Kong will provide bunkering services to ocean-going vessels powered by green maritime fuels, such as LNG or green methanol, more than 60 times a year by 2030, involving over 200,000 tonnes of green maritime fuels.

Mr. Lam said that the action plan fully reflects the government's determination to develop green maritime fuel bunkering, and provides clear and definite directions and action targets for Hong Kong to keep pace with the international trends of green shipping.

The government will, in accordance with strategies and actions set out in the action plan, continue to work with relevant stakeholders in the industry to take forward various action measures, with a view to developing Hong Kong into the most preferred green maritime fuel bunkering and trading centre in the region, Mr. Lam added.

[政府新聞網 (*news.gov.hk*), 15/12/2024]

## ADVISORY COUNCIL ON THE ENVIRONMENT (ACE)

On July 15, 2024, the Advisory Council on the Environment (ACE) convened its 264th meeting. The meeting was attended by various members, including Prof. John Chai (Chairman), Prof. Kenneth Leung (Deputy Chairman), as well as representatives from the Environment and Ecology Bureau (EEB), the Environmental Protection Department (EPD), and other relevant departments.

### *Key proposals and discussions*

A significant item on the agenda was the proposal to amend the *Air Pollution Control Ordinance* (APCO) to strengthen the regulation of unlicensed specified processes, particularly in relation to cement works. The Chairman invited members to review ACE Paper 7/2024, which outlined these proposed amendments. The aim is to introduce a closure notice mechanism and redefine the coverage of "cement works" to ensure better compliance and monitoring of such operations.

During the presentation, Dr. Samuel Chui provided an overview of the proposed amendments and the rationale behind them. He emphasised that the revised definition would help in controlling operations that exceeded specific production thresholds. Concerns were raised regarding potential loopholes in the proposed regulations, particularly regarding temporary tankers associated with cement production. Dr. Chui reassured members that the new regulatory framework would close gaps and enhance enforcement capabilities.

Members expressed varied opinions on the anticipated impacts of the proposed amendments. Some were concerned that the responsibility for compliance might inadvertently shift to consumers, potentially increasing costs. Others highlighted the necessity of ensuring that suppliers and recyclers received adequate support to meet the new recovery targets outlined in the legislation.

The discussion also covered enforcement mechanisms that would accompany the proposed changes. Dr. Chui explained that registered suppliers would be required to submit periodic reports to the EPD, detailing their recycling efforts and compliance with recovery targets. An independent auditing process would ensure the accuracy of these reports, thereby fostering accountability within the industry.

### *Addressing local recycling capacity*

In addressing concerns relating to local recycling capacity and the potential for lower recycling costs in other regions, Dr. Chui noted that Hong Kong is bound by the Basel Convention, which governs the import and export of hazardous waste. This regulation would help protect local recyclers while promoting a circular economy.

### *Importance of public education and awareness*

Public education and awareness were identified as critical components in facilitating the successful implementation of the proposed amendments. Several members advocated for increased government efforts to educate the public about the benefits of a market-led approach to waste management and recycling. This would help garner public support for the new framework and encourage more responsible consumer behavior regarding waste disposal.

### *Regulation of hydrofluorocarbons*

The proposed timeline for implementing the new producer responsibility schemes (PRS) was also discussed. Mr. Luk confirmed that the PRS for plastic beverage containers and beverage cartons would be the first to roll out under the new legislative framework. Members agreed on the importance of minimising the time gap between the introduction of the overarching legislative framework and the specific subsidiary regulations to ensure a smooth transition.

Another critical topic considered by the meeting was the proposal to regulate and phase down hydrofluorocarbons (HFCs) in alignment with the Kigali Amendment to the Montreal Protocol. Dr. Kenneth Leung briefed members on the government's strategies for controlling HFCs and the legislative amendments required to facilitate this transition. Members expressed strong support for the initiative, recognising the need to adopt low global warming potential (GWP) alternatives already available in the market.

Concerns were raised regarding the GWP limits for water-cooled chillers, which were found to be significantly higher than those in other regions, such as Singapore. Dr. Leung explained that the limits needed to be practical and would be monitored closely to adapt to global market developments. The discussion highlighted the necessity of establishing a balance between environmental goals and the feasibility of compliance for local industries.

The potential environmental impacts of low-GWP alternatives were also scrutinised. Dr. Leung reassured members that these alternatives could be safely used when appropriate safety measures are in place. The EPD was actively examining the safety aspects of various refrigerants in consultation with international standards, ensuring that any alternatives recommended to the industry would be safe and effective.

Recycling and disposal methods for refrigerants were discussed as well. Currently, there are no local facilities for recycling refrigerants, and blended refrigerants pose challenges due to their complex composition. Dr. Leung expressed optimism that local recycling for single-component refrigerants could become feasible in the future, marking a step forward in responsible waste management practices.

Enforcement of regulations related to refrigerant handling was another area of concern. Dr. Leung explained that owners of regulated equipment would need to register with the EPD and utilise registered contractors for any maintenance or disposal work. This regulation aims to ensure proper handling and minimize environmental risks associated with refrigerant leakage.

Public awareness and education were deemed essential for the successful rollout of the HFC regulations. Members stressed the need for effective communication strategies to inform the public about the new regulations, including the importance of selecting appliances that comply with the updated standards. Dr. Leung agreed, noting that a labeling system indicating the timeline for bans on certain products could help consumers make informed choices.

The meeting concluded with a consensus on the proposed amendments and a commitment to ongoing dialogue among members to refine the details of the implementation process. The ACE will continue to monitor developments in both the producer responsibility schemes and the regulation of HFCs, ensuring that Hong Kong remains at the forefront of environmental sustainability initiatives. The next meeting date was discussed, and members were advised that the agenda would be communicated in due course, ensuring that all relevant topics would be addressed in a timely manner.

### Summary

In summary, the 264th meeting of the ACE was a pivotal step in advancing Hong Kong's environmental policies. The discussions reflected a collective commitment to enhancing regulatory frameworks, promoting public awareness, and ensuring that the necessary support systems are in place for successful implementation. As Hong Kong navigates the challenges of environmental protection and sustainable development, the contributions of the ACE will be vital in shaping effective strategies for the future.

## CLIMATE CHANGE

### Warmest year on record?

The year 2024 is predicted to become the hottest year in recorded history, according to the World Meteorological Organisation (WMO).

The WMO published the report State of the Climate 2024 Update on the first day of the UN Climate Change Conference Cop29, 11 November 2024. The report portrays the current rapid pace of climate change and highlights that the ambitions of the Paris Agreement are in great peril.

An analysis of six international datasets shows that global mean air temperature in January to September 2024 reached 1.54 Celsius degree above the pre-industrial average. The higher than usual temperature is exacerbated by a warming El Niño event.

The long-term temperature will likely be about 1.3 Celsius degree above the 1850-1900 baseline, WMO's analysis shows. The Paris Agreement proposes to limit (by the end of the century) the global temperature increase to no more than 1.5 Celsius degrees above the pre-industrial average.

"As monthly and annual warming temporarily surpass 1.5°C, it is important to emphasize that this does not mean that we have failed to meet Paris Agreement goal to keep the long-term global average surface temperature increase to well below 2°C above pre-industrial levels and pursue efforts to limit the warming to 1.5°C," said WMO Secretary-General Celeste Saulo.

"Recorded global temperature anomalies at daily, monthly and annual timescales are prone to large variations, partly because of natural phenomenon such as El Niño and La Niña. They should not be equated to the long-term temperature goal set in the Paris Agreement, which refers to global temperature levels sustained as an average over decades," she said.

Saulo also noted the increase of climate extremes, impacts and risks accompanied with global warming. Intensified rainfall, flooding, tropical cyclones, heat wave, drought and wildfires are becoming a new reality that would persist in future. She believed that we need to strengthen support for climate change adaptation through climate information services and early warnings.

Preliminary data shows the ocean heat content in 2024 is at comparable levels with 2023, which was the warmest year on record. The ocean stores approximately 90% of energy in the earth's system.

As a result of the molecular expansion of warmer waters, melting glaciers and ice sheets, global sea levels have risen in the past decade. From 2014 to 2023, the global mean sea level rose 4.77mm every year.

Glacier loss continues at an accelerating speed. In 2023, glaciers lost a mass equivalent to 1.2-metres of global water level. That year recorded the largest loss since measurements began in 1953. The melting was the most severe in North America and Europe.

There have been advances in climate services and early warnings in the past five years. 108 countries reported to have a multi-hazard warning system in place to protect people from hazardous weather and climate events. It is important to pay attention to climate variability and climate change to make sure that the energy supply system can cope with the demand.

[World Meteorological Organisation, 11/11/2024]

## More typhoons

Climate change may have contributed to the world's recent record number of typhoons

In November, four tropical cyclones were formed simultaneously over the northwest of the Pacific Ocean (Yinxing, Toraji, Usagi and Man-yi). It is the first time that four typhoons have occurred together in the region in November.

Shun Chi-ming, former chief of the Hong Kong Observatory, explained that rising sea temperatures helped the formation of tropical cyclones. He said that the sea surface temperatures in the central South China Sea and east of the Philippines are above 28 degrees Celsius and 1 to 2 degrees higher than normal.

Global warming is considered to be a factor of contributing to the formation of tropical cyclones but it is not the only factor. Leung Wing-mo, a former assistant director of the Observatory, observed that while the sea surface temperature last year was equally high or even higher than this year, the number of typhoons in late season was not so such as this year. He said sea surface temperature is not the only factor affecting the formation and intensity of tropical typhoons.

There are other contributing factors, such as whether wind circulation rotates in cyclonic directions, and whether there are any vertical wind shears, he added. Vertical wind shear occurs where there is a change of wind speed and/or direction over the short distance. It could affect the structure of a cyclone and reduce its intensity.

In winter, the sun is positioned more southwards in the sky and as such the sea receives less energy. The sea surface temperature in winter normally would not be enough to facilitate the formation of a cyclone.

Subtropical high pressure ridge in northwest Pacific normally retreat southward in November and December. However, this year the ridge was stronger and had pushed northward. The ridge had avoided colder waters and stronger winds.

The four typhoons formed in November were small in size and spaced out from one another, which gave them the room to develop.

Tropical Storm Man-yi flooded Hong Kong in mid-November. Cycling tracks on the riversides of Shing Mun River in Sha Tin were submerged in water by 10cm. In Tai O on Lantau Island, residents had to pass through ankle high water in order to visit stores and obtain daily necessities.

It is yet to be seen in future whether the sea surface temperature in northwest Pacific remains to be so high in late typhoon seasons. As global warming continues to affect the northwest Pacific, typhoons in November might become more common and intense.

[SCMP, 18/11/2024]

## Cop29 concludes climate finance deal

The parties at the Cop29 UN summit in Azerbaijan's capital, Baku, concluded a deal worth \$1.3 trillion to help developing countries shift to low-carbon economies and adapt to climate change and extreme weather.

However, only \$300 billion will take the form of grants and low-interest loans from the developed countries. The remainder will be provided by private investors and other new sources, such as levies on fossil fuels and passenger flights, which are pending, to be confirmed by the parties.

Bargains have been made by the poorest and most vulnerable countries in the world to battle for a larger share of money from the developed countries. They contended that more of the climate financing should be directed to the countries most in need instead of sharing the pot with the larger emerging countries.

Two groups which represented the vulnerable nations, The Alliance of Small Island States and the Least Developed Countries, withdrew from one meeting on Saturday afternoon but later returned.

With the return of a Trump administration in the USA next year, many countries believed it would be too risky to not agree on a new financial deal in Cop29. Trump plans to withdraw the United States from the Paris Agreement when he returns to the White House in January. It is anticipated that he would oppose any climate financing to the developing nations.

A number of developing nations and green campaigners criticised the deal. "Rich countries spent 150 years appropriating the world's atmospheric space, 33 years loitering on climate action, and three years negotiating [a financial settlement] without putting numbers on the table. Now, with the help of an incompetent Cop presidency and using the forthcoming Trump administration as a threat, they force developing countries to accept a deal that not only doesn't represent any actual new money but also may increase their debt," said Claudio Angelo, of the Observatorio do Clima in Brazil.

Some developed countries said they had budget constraints and could not offer a greater amount.

The host country Azerbaijan has 90% of its exports made up of oil and gas. It came under criticism for hosting the summit as it holds a pronounced, critical interest in selling oil and gas to the world.

A Saudi Arabian delegate was seen attempting to modify a key document without full consultation. He tried to remove phrases related to "transition away from fossil fuels," the inclusion of which had been agreed at the Cop28 summit last year. "It was clear from day one that Saudi Arabia and other fossil fuel-producing countries were going to do everything in their power to weaken the landmark Cop28 agreement on fossil fuels," said Romain Ioualalen, of the pressure group Oil Change International.

Green campaigners labelled the deal as a “betrayal”, however, Ani Dasgupta, chief executive of the US-based World Resources Institute thinktank, remained optimistic. “The \$300bn goal is not enough, but is an important down payment toward a safer, more equitable future. The agreement recognises how critical it is for vulnerable countries to have better access to finance that does not burden them with unsustainable debt.”

[*The Guardian*, 23/11/2024]

### A landmark climate change case

The International Court of Justice (ICJ) began hearings in a landmark climate change case on Monday, 2 December 2024. The ICJ aimed to determine the legal obligations of various countries required to address climate change.

Following rounds of lobbying by the island nations, the UN General Assembly requested the ICJ to issue an opinion on the obligations of nations to combat climate change.

The ICJ invited more than 100 countries and organisations to make submissions, with a goal of setting a plan for countries to protect the environment from greenhouse gas emissions. The plan would also address the environmental consequences if countries fail to protect the environment.

In general, opinions issued by the ICJ are not legally binding. However, ICJ rulings are influential in legal and political arenas.

A group of law school students in Vanuatu led a campaign in 2019 to have the ICJ issue an advisory opinion on climate change. “[The hearings are] reshaping our lives right now. Our islands are at risk. Our communities face disruptive change at a rate and scale that generations before us have not known,” said Vishal Prasad, director of the Pacific Islands Students Fighting Climate Change group.

Vanuatu was the first country to make submissions before the ICJ. The hearings took place until 13 December 2024; the opinion is scheduled to be delivered in 2025.

The hearings came a week after the Cop29 summit concluded a \$300bn deal on annual climate finance by 2035 to assist the developing countries. Developing nations, including the small island states in the Pacific, condemned the deal as inadequate. Pacific climate activists said the outcomes at Cop29 summits failed to address the scale of climate crisis.

“We represent communities where every fraction of a degree of warming translates to real losses: home swallowed by the sea, crops destroyed by salinity, and cultures at risk of extinction,” said Dylan Kava, regional facilitator at the Pacific Island Climate Action network.

“Pacific nations are left grappling with escalating costs of adaptation and recovery, often relying meagre resources and the resilience of our people,” Kava said. He also commented that the Cop29 climate finance plan was an “empty gesture” which did not meet the scale of climate damage on Pacific nations.

[*The Guardian*, 02/12/2024]

## REGIONAL & INTERNATIONAL

### AFRICA

#### *Global warming exacerbates flooding in Africa*

Scientists have identified global warming as a key driver behind the intensification of seasonal rainfall that triggered deadly flooding across many African countries in 2024. According to the World Weather Attribution (WWA) network, human-induced climate change, largely driven by fossil fuel use, made rainfall in the rainy season in regions such as the Niger and Lake Chad basins 5-20% heavier this year. This increase in rainfall has caused widespread devastation, highlighting increasing risks associated with a warming planet.

The flooding has had catastrophic consequences, with approximately 1,500 fatalities and over one million people displaced across West and Central Africa this most recent wet season, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The heavy rains overwhelmed infrastructure, including dams in Nigeria and Sudan, exacerbating the damage and humanitarian crisis.

Scientists warn that such extreme rainfall and flooding events are becoming increasingly common. In nations like Sudan, Nigeria, Niger, Cameroon, and Chad, spells of heavy summer rainfall are now considered the “new normal.” The WWA cautions that if global temperatures reach 2°C (3.6°F) above pre-industrial levels—predicted as early as the 2050s—such destructive flooding could occur annually.

Using weather models, researchers compared current rainfall patterns with a hypothetical world without human-caused warming. Their analysis found that climate change has significantly intensified monthlong periods of heavy rainfall, particularly in flood-prone areas like Sudan, where millions are already displaced due to conflict. This has left vulnerable populations even more exposed to the impacts of extreme weather.

Although the role of global warming is clear, scientists also pointed to other contributing factors, such as inadequate infrastructure and insufficient maintenance of dams, which compounded the severity of the floods. They emphasised the urgent need for investments in early warning systems and disaster preparedness measures to mitigate future risks.

Africa, despite contributing only a small fraction of global carbon emissions, is disproportionately affected by the effects of climate change. Researchers are calling on global leaders to accelerate the transition away from fossil fuels to reduce future warming. The upcoming COP29 climate summit in Azerbaijan is expected to address these issues and push for stronger international climate action.

As scientists warn that climate change will continue to increase the frequency and severity of extreme weather events, addressing both global emissions and local resilience measures will be critical to safeguarding vulnerable communities in Africa and beyond.

[*Al Jazeera*, 23/10/2024]

## AUSTRALIA

### *Important new marine park*

After months of community consultation and tens of thousands of letters calling for strong sanctuary protection, Western Australia's South Coast Marine Park is here!

This is an incredibly important marine park, covering a critical stretch of Australia's Great Southern Reef. So how does it stack up?

The main takeaway is that about 20% of state waters along 1000 km of WA's south coast from just east of Bremer to the South Australian border will now be fully protected in marine sanctuaries. Until now, there has been no sanctuary protection in state waters for this richly diverse marine environment – home to spectacular creatures, some of which are found nowhere else in the world.

The South Coast Marine Park, made up of four adjacent marine parks – Mamang Maambakoort, Wudjari, Western Bight and Mirning – will be jointly managed with Traditional Owners.

There is, however, plenty of room for improvement.

Critical fish breeding grounds close to shore have been left out of the sanctuaries, as have important waters where endangered southern right whales raise their young and where endangered Australian sea lions feed, breed and rest.

Our community, alongside leading scientists, called for increased sanctuary protection around many of these habitats. To leave them out is disappointing, and a missed opportunity.

However, this remains an incredible achievement for a special part of our state - beloved by our coastal communities, holidaymakers, boaties, divers, surfers and fishers. Fully protected sanctuaries help keep our waters healthy, so that we can all enjoy them into the future.

[*Save Our Marine Life Press Release*, 06/11/2024]

### *Treaty to reduce harm to ocean ecosystems*

A pivotal chance to protect our oceans!

The Global Ocean Treaty is a powerful tool for protecting the vulnerable ecosystems of the Tasman Sea. With only one per cent of international waters currently protected, the treaty will give governments the authority to establish ocean sanctuaries on the high seas, so that destructive activities like commercial fishing will no longer devastate marine life.

Greenpeace Australia Pacific is pushing the Australian Government to ratify this treaty, and champion an ocean sanctuary in the Tasman Sea to prevent further devastation of these fragile ecosystems.

The 30x30 target calls for the protection of 30% of the world's ocean habitats by 2030. This will build resilience in our global ocean against the growing impacts of climate change, safeguard marine life and prevent habitat loss to give endangered species a fighting chance against extinction.

Biodiverse regions like Lord Howe Rise are a critical refuge for birds and ocean wildlife. By creating sanctuaries, we can give marine life the space it needs to recover and thrive.

[*Green Peace Press Release*, 15/11/2024]

### *Net-zero target not possible*

A net zero "roadmap" produced by Santos Limited, a major Australian gas and oil producer, was unfeasible due to increasing oil and gas targets set by the energy giant, the Federal Court has been told.

The Australasian Centre for Corporate Responsibility (ACCR), which is suing Santos for engaging in misleading or deceptive conduct relating to its "clean energy" claims, said senior executives in the company, did not appear to be aware of the problem.

The ACCR case, brought in 2021 and considered to be one of the first globally to legally test the veracity of a company's net-zero emissions target, comes as Santos seeks to spur growth in earnings and its share price.

Counsel for ACCR Noel Hutley SC told the court in closing arguments that Santos management did not acknowledge how Santos would expand production to 120 million barrels (of oil equivalent) by 2030 without any additional emissions.

“This of course is impossible,” said Mr Hutley. “Management does not explain how they thought Santos could do that. They do not seem to have considered it and the best inference is they didn’t realise the problem.”

Santos earlier in the hearing denied claims made by ACCR that its 2021 commitment to reduce emissions amounted to greenwashing.

[*The Advertiser*, 07/12/2024]

### *Emerging opposition to renewable energy*

Australia’s transition to renewable energy, a key component of its climate strategy, is encountering resistance from some local communities and coordinated advocacy groups. Concerns about the social, environmental, and economic impacts of projects like offshore wind farms and solar installations have led to the formation of community groups and forums aimed at voicing these issues. Although many of these groups emphasise their focus on raising awareness rather than opposing renewable energy outright, their activities are increasingly intersecting with political and advocacy networks that promote alternative energy solutions, including nuclear power.

A central concern for many communities is the perceived lack of consultation and transparency in planning renewable energy projects. Some communities believe that large-scale renewable energy developments have been initiated without sufficient local input, raising questions about environmental effects, land use, fire risks, and potential economic impacts. In certain cases, changes to planning regulations, such as the removal of appeal rights concerning renewable energy projects, have heightened these concerns. Communities argue for more inclusive decision-making processes and clearer communication about project details and potential benefits.

In parallel, political and advocacy groups are leveraging these local concerns to question the broader renewable energy transition. Conservative think tanks, lobbyists, and pro-nuclear advocates have increasingly aligned themselves with community forums, promoting nuclear power as an alternative energy source. These groups argue that nuclear energy could serve as a reliable and scalable solution to Australia’s energy needs. Pro-nuclear campaigns have also expanded their presence on social media and within community networks, using these platforms to influence public discourse and present nuclear power as an option for addressing climate change.

The government has acknowledged the importance of community engagement in renewable energy projects and is implementing measures to improve consultation processes. Efforts include reviewing planning frameworks, establishing renewable energy zones, and ensuring that projects deliver long-term benefits to host communities, such as job creation and infrastructure development. However, some stakeholders have called for additional measures to address local concerns and provide clearer, more accessible information about the purpose and impact of these projects.

As Australia’s energy landscape evolves, the interplay between renewable energy projects, community concerns, and political advocacy highlights the complexity of the transition. Balancing the need for rapid climate action with inclusive and transparent processes will be key to maintaining public support and ensuring the successful implementation of renewable energy initiatives.

[*The Guardian*, 09/12/2024]

### *Companies unite on nature*

Some of Australia’s leading businesses, including Wesfarmers, Qantas and Blackmores, have joined forces to recognise the growing international importance and economic value of looking after nature.

More than 20 companies have co-founded Nature Positive Matters, which was launched on Monday night ahead of the world’s first Global Nature Positive Summit that kicked off in Sydney on Tuesday, hosted by the NSW and federal governments.

The \$5m event brings together leaders from government, business, academia, environment groups and Indigenous communities who will seek ways to drive investment in nature and improve its protection and repair. Members will also measure their impacts and dependence on nature.

The group will also inform policies and investment decisions that are good for nature; develop tools to help investors understand whether an economic activity is environmentally sustainable; and help other businesses to take action to protect and repair nature.

Blackmore Group chief executive Alastair Symington said the ingredients used by his health supplements company were reliant on a healthy planet.

“At the same time, we recognise that nature-based solutions are key to reaching our ambition to reach net zero emissions by 2030 and therefore remain committed to integrating nature-positive practices into everything we do.” he said.

Members will continue to explore opportunities to collaborate on creating a decarbonised economy. The Nature Positive Matters’ founding members include Wesfarmers, Qantas, Blackmores, Australian Agricultural Company, Brambles, Bega Group, The GPT Group, Bank Australia, Lion Group, Rest Super and New Forests.

They will report on their nature risks and impacts using Taskforce on Nature-related Financial Disclosures international standards.

The initiative comes two years after almost 200 countries signed up to the landmark Kunming-Montreal global biodiversity framework, which had a goal of halting and reversing biodiversity loss and environmental damage.

[*The Weekly Times*, 12/12/24]

## EGYPT

### *Egyptian foundation for environmental rights*

We are pleased to announce that ELAW partner Ahmed El Seidi has launched Egypt's first public interest environmental law firm, the Egyptian Foundation for Environmental Rights (EFER).

"This has been my dream since my mentor Mohamed Nagi, founder of the Habi Center for Environmental Rights, died in 2018 and his Center closed," says Ahmed. In 2023, Ahmed travelled to Eugene, Oregon, for an ELAW Fellowship and consulted with the ELAW Team about launching a new organization.

Egypt has many environmental challenges, "compounded by weak enforcement of existing laws and limited public awareness of personal environmental rights," says Ahmed.

EFER aims to protect the environment in Egypt by empowering public workers, law students, and communities. Through targeted training programs, EFER will equip public sector employees with skills to monitor environmental violations effectively and enforce environmental laws. EFER will also provide Egyptian law students with the opportunity to engage in legal environmental advocacy.

"We plan to publish accessible Arabic guides on environmental legislation, conduct environmental legal clinics at law schools, and host capacity building workshops for public employees," says Ahmed.

ELAW has been instrumental in helping partners in many countries launch grassroots environmental advocacy organizations. These include the Lawyers Environmental Action Team (Tanzania), Green Advocates (Liberia), Instituto de Derecho Ambiental de Honduras (IDAMHO), and many more.

[*Elaw Press Release 16/12/2024*]

## ICELAND

### *Iceland issues whaling permits*

Iceland, one of only three countries which still allows the hunting of whales, has issued permits to two whaling companies for the next five years, the outgoing government has announced.

The decision was denounced by animal rights activists and environmental groups, given the fact it had been taken by a caretaker government.

The permits allow annual catches of 209 fin whales and 217 minke whales during each year's whaling season, which runs from June to September, said the government, which lost last Saturday's elections. Fin whales are listed as a vulnerable species by the International Union for Conservation of Nature.

Whaling permits are normally delivered for five-year periods, but the last ones expired in 2023. The only remaining active whaling ship, the Hvalur, was asking for and receiving renewals to its permit every year.

The decision was slammed in a joint statement by Iceland's environment association and its youth wing. "Democracy is not respected and the issuing of permits violates the interests of the climate, of nature and of the wellbeing of animals," it said.

The Whale and Dolphin Conservation charity also denounced the permits. "We are disgusted by the decision," they said, adding it was "highly unethical" for a caretaker government to make such a decision.

Norway and Japan are the only other nations which allow supervised whaling.

[*The Advertiser, 07/12/2024*]

## INDIA

### *India's killer air is a crisis ignored*

India's air pollution crisis, particularly toxic winter smog in Delhi and northern India, has become an annual calamity, sparking health concerns, political debates, and legal interventions. Yet, this persistent public health emergency remains conspicuously absent from the country's cultural and artistic narratives. Unlike natural disasters such as floods, which have inspired Indian films and literature, air pollution struggles to find significant representation in mainstream culture.

Siddharth Singh, author of *The Great Smog of India*, calls this omission a "big failure," noting that much of the discourse on pollution remains confined to academic and scientific circles. Complex terms like PM2.5 and NOx fail to resonate with the ordinary public, making the crisis feel abstract and disconnected. Similarly, Amitav Ghosh, a prominent Indian author, has described climate change and its effects, including pollution, as "slow violence" that lacks the dramatic immediacy to inspire compelling storytelling. This detachment, he argues, normalises the crisis, making it harder to mobilise meaningful action.

Whilst pollution has been explored in niche formats, such as documentaries, its broader portrayal in Indian cinema is scarce. Films like Shaunak Sen's Oscar-nominated *All That Breathes* delve into the interconnected human-animal impact of Delhi's polluted ecosystem, using subtle

storytelling to explore deeper themes of environmental degradation and its effects on daily life. Sen argues that impactful narratives should avoid being overly didactic, instead weaving environmental issues into engaging and relatable stories.

Filmmaker Nila Madhab Panda, who has worked extensively on climate change narratives, believes that cinema can make a difference, but only if it balances entertainment with substance. His 2019 short film, for instance, used a courtroom drama about a couple debating whether to raise their children in Delhi's polluted environment as an accessible entry point into the smog crisis. For Panda, storytelling must humanise the crisis rather than overwhelm audiences with statistics or guilt.

However, finding the human element behind the staggering numbers—millions of lives shortened annually by air pollution—remains a challenge. Singh reflects on the difficulty of locating stories of individuals directly impacted by pollution, especially when the voices of the marginalised, who live and suffer in heavily polluted areas, are often excluded. This disconnect, he argues, stems partly from the privilege of many creators who are insulated from the crisis and its human toll.

Memes and social media posts have been more effective in capturing public attention. Viral images and jokes, such as those highlighting Delhi's smog so thick it obscures visibility, have sparked widespread conversation and helped convey the severity of the situation. Yet, Singh observes that these creative outlets often fail to translate into action from policymakers or other influential actors.

India's air pollution crisis is a multifaceted challenge, but its cultural underrepresentation underscores a deeper issue: the normalisation of environmental degradation. While some writers and filmmakers are beginning to tackle this subject, creative narratives must move beyond insulated perspectives and engage with the lived realities of those most affected. Only then can storytelling serve as a catalyst for the change India urgently needs.

[BBC, 12/12/2024]

## MALAWI

### *Drought affects 5 million*

The Malawi government last week launched a food distribution drive for more than five million hunger-stricken people impacted by a drought. The drought is the worst to hit southern Africa in a century, leaving landscapes barren and leading to food shortage for millions.

In Chikwawa, about 350km from the capital Lilongwe, disaster management affairs commissioner Charles Kalemba said the drought had damaged 44 per cent of the nation's crops. So far the government has raised \$200m for drought relief, of a target of \$244m, Kalemba said.

During drought season "most of the farmers rely on farming in the wetland. But what is unique about this year is that the Shire River is flooded, hence it has significantly reduced the farming area in the wetlands." said Jack Mvula, local director for agricultural services.

[The Weekly Times, 09/10/2024]

## MALDIVES

### *Massive port threatens coral reefs*

The government of the Maldives proposes to dredge 24.5 million cubic meters of sand from the North Malé Atoll to reclaim Gulhifalhu Lagoon, to create new land for a massive commercial port. The plan includes the "relocation" of coral from the Gulhifalhu reef to luxury tourist resorts in the Maldives. The project website reports that 34,500 coral colonies have already been "relocated."

"The Gulhifalhu reclamation project will negatively impact up to 30 dive sites in the North Malé area," says Humaida "Humay" Abdul Ghafoor, an activist working with the Save Maldives campaign. "None of the inevitable loss, damage, destruction, and wastage of natural assets has been valued," she adds. "Serious concerns raised by divers, small and large businesses, and fisherfolk, which are documented in the project EIA, have not been addressed."

Humay and her attorney, Hasan Zaki, are working to challenge the massive dredging project. They called on ELAW for help reviewing project plans and for legal precedents in cases around the world that protect biodiversity, the right to a clean and healthy environment, sustainable development, intergenerational equity, and access to justice.

ELAW Scientist Dr. Melissa Garren reviewed the coral relocation plan and found that it fails to follow international best practices. "The ecological and socioeconomic objectives are unclear and there are no metrics to evaluate success," she says, adding: "The benefits of the coral at the new site do not compare to the ecosystem services they provide at the dredging site. This approach might benefit a single resort as an easily reached snorkel attraction, but it in no way replaces the extensive natural reef system slated to be destroyed."

ELAW Scientist Dr. Heidi Weiskel also weighed in. She reviewed the environmental impact assessment (EIA) for the proposed port and found that the coral reef, encompassing more than 3.5 square kilometres inside the Gulhifalhu Lagoon, would be totally sacrificed. "The proposed mitigation measures are insufficient and irresponsible, given the scale and significance of destruction," says Dr. Weiskel.

Their reports were submitted to the civil court of Maldives and Drs. Garren and Weiskel await word as to whether they will serve as expert witnesses.

Economic analyst Ernie Niemi is working with ELAW, Humay, and Hasan to analyze the true cost of sand and the likely economic losses posed by the dredging operation.

“The EIA does not put a value on sand,” says Ernie, “but sand is an exceptionally valuable resource and getting more valuable every year as scarcity drives its value upwards.”

Ernie is helping Humay and Hasan ensure that the true value of sand is taken into account and that developers and the government provide fair compensation to citizens.

“We seek to stop the project due to the significant loss, damage, and negative consequences it will cause environmentally, socially, and economically,” says Humay. Hasan adds: “We want this case to set a precedent in the Maldives courts that recognizes and upholds the environmental protections provided by Article 22 of the Maldives Constitution 2008.”

[*Elaw Press Release* (Spring 2023)]

## UNITED KINGDOM

### *A controversial plan to refreeze the Arctic*

A UK-based startup, Real Ice, is spearheading an ambitious and controversial geoengineering project in the Canadian Arctic to combat the rapid loss of sea ice. The team is experimenting with methods artificially to thicken Arctic sea ice, aiming to slow or even reverse summer ice loss.

The process involves pumping seawater onto the ice surface, which adds thickness to the ice level when the seawater freezes. This method is targeted at resembling the natural processes of ice creation and removes insulating snow layers for additional ice growth. Early trials in Cambridge Bay, Nunavut, have shown some promise, with initial tests adding up to 31 inches of ice. However, scaling up this method to cover 386,000 square miles—more than twice the size of California—would cost \$5-6 billion annually and require the deployment of 500,000 underwater drones powered by green hydrogen.

Real Ice argues that such drastic measures are necessary to address the Arctic's alarming decline. Since the 1980s, the region has lost 95% of its thick, multi-year ice, leaving behind thin, fragile ice that could disappear entirely in the summer by the 2030s. Arctic ice plays a critical role in reflecting solar energy back into space; its loss accelerates global warming, creating a feedback loop of faster ice melt and rising temperatures. While Real Ice claims its project could buy time to address the climate crisis, many scientists remain sceptical about its feasibility and long-term effectiveness.

Critics have raised concerns about the project's scalability and potential ecological impacts. Whilst the science behind ice thickening appears sound, polar experts question whether enough ice can be created to meaningfully impact the climate crisis. Some argue that such interventions are a distraction from tackling the root cause of global warming: fossil fuel emissions. Others warn of unintended consequences, including disruptions to marine ecosystems and the ethical implications of large-scale human interference in a vulnerable region.

Recent reports have highlighted the risks of geoengineering in polar regions, emphasising the possibility of "grave unforeseen consequences" from increased human activity in the Arctic. Real Ice acknowledges the potential for environmental changes, such as impacts on algae growth, but insists the risks are minimal compared to the consequences of inaction. The startup envisions global funding or carbon offset mechanisms, such as "cooling credits," to finance its operations, but questions remain about whether governments or investors will support such an expensive and experimental solution.

Despite mixed reactions, Real Ice plans to continue testing and refining its methods. Early results have been encouraging, but more experiments and data are needed to assess the project's viability. The initiative underscores a growing sense of urgency as the Arctic faces irreversible ice loss; but it also raises difficult questions about the moral and scientific boundaries of geoengineering in addressing the climate crisis. For now, the fate of this bold experiment hinges on its ability to demonstrate both effectiveness and minimal ecological harm.

[*CNN*, 12/12/2024]

## USA

### *Climate subsidies*

The US Department of Agriculture has announced up to \$US7.7bn (\$AU22bn) in assistance to help agricultural and forestry producers adopt conservation practices on working lands. This includes up to \$US5.7bn for climate-smart practices, made possible by the Inflation Reduction Act, which is part of President Joe Biden's Investing in America Agenda, and \$US2bn in Farm Bill funding. This is more than double the amount available last year and the most conservation assistance made available in a single year in US history for USDA conservation programs. Agriculture Secretary Tom Vilsack said the funding would be used to “maximise climate benefits across the country while also providing other important conservation and operational benefits, which will lead to economic opportunity for producers, and more productive soil, cleaner water and air, healthier wildlife habitat, greater connectivity, and natural resource conservation for future generations”.

[*The Weekly Times*, 09/10/2024]

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**Convictions under environmental legislation:  
September to November 2024 (December  
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 2024***

Twenty-one convictions were recorded in September 2024 for breaches of legislation enforced by the Environmental Protection Department.

Four of the convictions were under the Air Pollution Control Ordinance, 6 were under the Noise Control Ordinance, 7 were under the Public Cleansing and Prevention of Nuisances Regulation, 3 were under the Waste Disposal Ordinance, and 1 was under the Water Pollution Control Ordinance.

A company was fined \$24,000, which was the heaviest fine in September, for contravening the provisions of a licence.

***October 2024***

Forty-four convictions were recorded in October 2024 for breaches of legislation enforced by the Environmental Protection Department.

Six of the convictions were under the Air Pollution Control Ordinance, 12 were under the Noise Control Ordinance, 3 were under the Public Cleansing and Prevention of Nuisances Regulation, 3 were under the Product Eco-responsibility Ordinance, 17 were under the Waste Disposal Ordinance, and 3 were under the Water Pollution Control Ordinance.

A company was fined \$15,000, which was the heaviest fine in October, for failing to take measures to control air pollutant emission.

***November 2024***

Thirty-nine convictions were recorded in November 2024 for breaches of legislation enforced by the Environmental Protection Department.

Two of the convictions were under the Air Pollution Control Ordinance, 2 were under the Environment Impact Assessment Ordinance, 9 were under the Noise Control Ordinance, 12 were under the Public Cleansing and Prevention of Nuisances Regulation, 1 was under the Product Eco-responsibility Ordinance, and 13 were under the Waste Disposal Ordinance.

A company was fined \$15,000, which was the heaviest fine in November, for failing to comply with air pollution abatement notice.

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