

Development of Environmental Law and Policy

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Through promotion and education by the government and numerous non-governmental bodies, the community awareness for environment protection has greatly been enhanced. It is recognised as the responsibility of all of us to protect and sustain our environment and for the commercial sector, compliance with environmental law must not be neglected.

Development in the area of environmental law and policy has been rapid. Some of the major new regulations and changes in Hong Kong are summarised below:-

1. AIR POLLUTION

A. Euro V Diesel

- On 14 November 2007, the Secretary for the Environment moved a resolution to reduce by half the duty rate for Euro V diesel from 1 December 2007 under the Dutiable Commodities Ordinance in the Legislative Council.
- Compared with ultra-low sulphur diesel (ULSD), which is the current statutory standard for motor vehicle diesel, Euro V diesel has 80% less sulphur content. Japan has made Euro V diesel the statutory standard for motor vehicle diesel since January 2007. The European Union has also decided to make it the statutory standard from January 2009, and to implement the Euro V emission standards for newly registered vehicles in phases from October of the same year. The Hong Kong government plans to implement the same standards in tandem with EU.

B. The Air Pollution Control Ordinance (Volatile Organic Compounds) Regulation

- The Air Pollution Control Ordinance (Volatile Organic Compounds) Regulation (“the VOC Regulation”) has been effective since 1 April 2007 to impose maximum limits on the VOC (volatile organic compounds) content of architectural paints/coatings, printing inks and six

selected consumer products - air fresheners, hairsprays, multi-purpose lubricants, floor wax strippers, insecticides and insect repellents.

C. Hazardous Chemicals Control Ordinance and its Subsidiary Legislation

- The Government introduced the Hazardous Chemicals Control (General) Regulation and the Hazardous Chemicals Control (Fees) Regulation on 10 October 2007, with a view to beginning operation of the Hazardous Chemicals Control Ordinance in 2008. The Ordinance provides for the regulation of the manufacture, export, import and use of non-pesticide hazardous chemicals through an activity-based permit system.
- Hong Kong also implemented the Stockholm Convention on Persistent Organic Pollutants (“the Stockholm Convention”) and the Rotterdam Convention (“the Rotterdam Convention”) on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade in November 2004 and June 2005 respectively.
- The Stockholm Convention is a global treaty to protect human health and the environment from the potentially harmful persistent organic pollutants while the Rotterdam Convention aims at promoting shared responsibility and co-operative efforts among the contracting parties in the international trade of certain hazardous chemicals and pesticides in order to protect human health and the environment from potential harm.

D. Co-Operation with the Pearl River Delta

- Hong Kong and Guangdong have launched joint initiatives on cross-boundary pollution. The Regional Air Quality Monitoring Network began operation in late 2005 and the network will help assess the effectiveness of emission reduction measures, identify emission trends, and formulate strategies and control measures for air pollution control in the coming years.
- There is also joint support for a new project to promote cleaner production technologies to factories in the Pearl River Delta region. The Cleaner Production Technical Support Pilot Project, which is being conducted by the Hong Kong Productivity Council for the Environmental Protection Department (“EPD”), has gained the support from major industrial associations in

Hong Kong and the Hong Kong-Guangdong Energy Efficiency and Cleaner Production Special Panel.

2. WASTE POLLUTION

A. Proposed Levy on Plastic Shopping Bags

- On 21 May 2007, the EPD proposed a phased approach with the banning of free distribution of plastic shopping bags at chain or large supermarkets, convenience stores and personal healthy and beauty stores and the introduction of an environmental levy of 50 cents on each plastic shopping bag.
- Legislation imposing a tax on plastic bags is being prepared and will take effect by the end of 2008 at the earliest. It is estimated by the EPD that the proposed 50 cents levy will reduce 1 billion plastic shopping bags, or about 50% of plastic shopping bags at the retailers covered by the scheme. The EPD is also reviewing the feasibility of imposing levy on other products, such as vehicle tyres and waste electrical and electronic equipment.

3. WATER POLLUTION

A. Co-Operation with the Pearl River Delta

- Hong Kong and Guangdong have been co-operating on regional water pollution for many years. The initial focus was on the shared waters of Deep Bay and Mirs Bay, but that has recently been widened to include the Pearl River Estuary.
- Hong Kong has also recently joined the Pan Pearl River Delta Co-operation, which is investigating pollution along the Pearl River. Guangdong and eight other Mainland provinces are also members, and so is Macao. At the 2006 annual meeting, it was agreed to enhance co-operation on pollution control through sustainable means in preparation for the upcoming Pearl River Watershed Five Year Plan.

4. RESOURCES AND ENERGY CONSERVATION

A. Mandatory Energy Efficiency Labelling Scheme

- The government introduced the Energy Efficiency (Labelling of Products) Bill to the Legislative Council on 18 April 2007 with a view to encouraging the public to use energy efficient products. Under the Bill, the Government proposed to include three products - refrigerating appliances, room air conditioners and compact fluorescent lamps - in the initial phase of the mandatory Energy Efficiency Labelling scheme.

- Under the scheme, a self-testing system will be put in place under which manufacturers or importers of the specified products are required to conduct tests and attach energy labels in the prescribed format before supplying these products in the territory. It is expected that the legislative work related to the Energy Efficiency Labelling Scheme (first phase) for household electrical appliances will be completed in early 2008. The government will then start planning for the second phase.

In achieving the goal of abating or eliminating pollution, the Government of the Hong Kong SAR is striving to adopt a combination of the carrot (incentives) and stick (enforcement against polluters) policy. Further, there has been increase in recent years in the co-operation between the Hong Kong and Guangzhou governments to improve the environment of the Pearl River Delta.