
ENVIRONMENTAL LAWS, CAPACITY BUILDING AND COMPLIANCE MONITORING — THE HONG KONG EXPERIENCE

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SUMMARY

A review is given of the institution building and legislative development for pollution prevention and control in Hong Kong. The enforcement organization, compliance monitoring regime and environmental improvements are illustrated also.

1 BACKGROUND

Hong Kong is densely populated with over six million people in an area of around 1,000 square kilometers, and faces similar environmental problems to those encountered by many other major urban cities with rapidly growing populations and economies. For example, diesel vehicles contributing to high particulate concentration in the air, dusty construction sites with noisy equipment causing local pollution problems, bathing beaches polluted by untreated sewage, and the indiscriminate discharge of toxic wastes into local waters.

Pollution affects the daily lives and health of the general public. In 1989 the Government recognized that "serious environmental pollution in Hong Kong is an unfortunate by-product of economic success and population growth," and the government's priority was to halt the environmental decline and to commence programs to provide fundamental environmental improvements.¹

While the solution to environmental problems lies with the whole community, Governments have the role to set up the institutional and legislative framework to facilitate changes in the current culture and lifestyle from "pollution generation" to "pollution prevention and control", to cultivate an environmental ethic in the community and to encourage all sections of the community to make their contribution.

The establishment of a sound legislative framework requires the strong backing of senior government officials and community leaders. The "Pollution Black Spot" visits organized by the Environmental Protection Department for the Governor, Chief Secretary, leading members of the Legislature, senior newspaper editors and other influential people from industry and commerce enable them to have a better appreciation of the pollution problems faced by the majority of the community. It also results in an attitude change in favor of proposals for new environmental measures and legislative controls.

2 CAPACITY BUILDING

With the increase in population and economic activity in the late 60's and early 70's, the environment was under stress. Specific problems at that time included: pollution from sewage of coastal waters including the semi-enclosed Tolo Harbor, Victoria Harbor and the bathing beaches; pollution of the New Territories, in particular from livestock wastes and industrial discharges; and increasing air pollution in urban areas from dark smoke and sulphur dioxide emissions by industry. The Hong Kong Government in 1974 therefore commissioned a team of consultants to review the pollution problems and to make recommendations on how they should be tackled.

The findings indicated the urgent need to develop a flexible framework for environmental planning and management to accommodate the rapid growth of Hong Kong's thriving economy. The Environmental Protection Unit (EPU) was set up in 1977 to formulate environmental policy and to coordinate the activities of the several departments involved in pollution control and other environmental protection work.²

In 1981, the Environmental Protection Unit was upgraded to a better resourced Environmental Protection Agency (EPA) with the role of developing a comprehensive program of environmental protection measures - particularly legislative proposals - as well as collecting, through environmental monitoring, the data needed to provide a basis for the development of policies appropriate to Hong Kong. While this provided a central focus for developing a comprehensive pollution control program, it still left the enforcement of environmental legislation to a disparate collection of government departments, where the environmental responsibilities were peripheral to their main functions, resulting in a debilitating lack of focus and determination for a coordinated effort to halt the decline of the deteriorating environment.

These problems were recognized and dealt with in 1986 by the amalgamation of staff and resources from six government departments to create the Environmental Protection Department (EPD). The new department was given a more effective role in coordinating government efforts on environmental protection. Additionally, in order to complement the pollution control effort the Environmental Protection Department became responsible for the development of sewage and waste management programs.

Other significant institutional developments continued with the setting up of the Drainage Services Department in 1989 which was charged, *inter alia*, with implementing the sewerage programme and sewage disposal strategy.³ In 1990 a new policy branch was created within the central government - the Planning, Environment and Lands Branch - with overall responsibility for policy making on all matters relating to environmental protection, land use and planning (Figure 2). The nongovernmental Advisory Council on the Environment, formerly known as the Environmental Pollution Advisory Committee was set up to provide advice to the policy branch. A Planning Department was created to be responsible for land use planning at both strategic and local levels.

The increasing range of enforcement activities under the four principal ordinances - the Air Pollution Control, Noise Control, Water Pollution Control and Waste Disposal had brought about an unwieldy centralized Environmental Protection Department. To improve efficiency and provide a local focus for the community, two regional offices known as Local Control Offices (LCOs) were set up in 1990.⁴ The Local Control Offices concept was found to be both efficient and effective and in 1993 the number was increased from two to five and during 1995 increased to six (Figure 1). In addition to enforcing the four principal ordinances to address local pollution problems, the Local Control Offices are improving links with local communities to better understand their environmental concerns and be more clearly accountable to the community.

The Local Control Offices undertake a wide range of tasks to reduce pollution in their areas, and their main tools are the four principal pollution control laws (Table 1).

Table 1. Major Activities of the Local control Offices