Sustainable Development in Hong Kong

Edited by Terri Mottershead

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— *Britta Erickson, The Art of Xu Bing*

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Linden Coppell holds a Bachelor of Science and Master of Science degrees. During the last 12 years in Hong Kong, she has worked on a variety of environmental projects, ranging from environmental impact assessment, strategic environmental planning, environmental auditing, training and environmental management systems. Linden was the Project Manager on the first ISO 14001 EMS Pilot Programme in Hong Kong, which began in 1995, and much of her time has been dedicated to the provision of ISO 14001 consultancy services. This includes companies from the private sector as diverse as hotels, construction, electronics and property management, and the public sector including the Environmental Protection Department and Drainage Services Department. She has been a representative of Hong Kong at three of the annual meetings of the ISO Technical Committee responsible for developing the ISO 14000 series of Standards. Linden is now the Environmental Services Manager for Cathay Pacific Airways Limited.

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Terri Mottershead is an Honorary Research Fellow of the Centre of Urban Planning and Environmental Management at the University of Hong Kong and a professional associate with its Corporate Environmental Governance Programme. She is the co-founder and ex-Chair of the Hong Kong Sustainable Development Forum and served as joint Chair of its Agenda 21/Earth Charter Task Force. She was also one of the founding members of the Hong Kong Environmental Law Association, served on its first Executive Committee and chaired its Environmental Impact Assessment Task Force. Terri is a past Chair of the Environmental Committee and current Council Member of the Inter-Pacific Bar Association. Terri is also the immediate past Regional Vice-Chair, Asia Pacific of the Environmental Law Practice Group of the Lex Mundi International Alliance of Law Firms. She is also a member of the Commission on Environmental Law of IUCN — The World Conservation Union. Based in Hong Kong, Terri has taught, consulted, researched and published in the areas of environmental and sustainable development law and policy in the Asia-Pacific region for the last 12 years. Terri holds a Bachelor of Laws (with honours) and a Graduate Diploma in Legal Practice, both from the Queensland Institute of Technology in Australia; a Master of Laws from the University of Queensland in Australia; and a Master of Business Administration (with distinction) from the University of Wales.

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INTRODUCTION: Why the Book and Why Now?

Terri Mottershead

You cannot escape the responsibility of tomorrow by evading it today.

Abraham Lincoln

Literally hundreds and perhaps thousands of books and articles worldwide attest to the fact that sustainable development is not new. However, most of the modern literature on this subject readily accepts that it did not come to the forefront of global consciousness until the 1980s. The modern and oft quoted definition of sustainable development is from the Report of the World Commission on Environment and Development — the Brundtland Commission Report (BCR) in 1987: '*development that meets the needs of today whilst not affecting the ability of future generations to meet their own needs.*' Although this definition has been adapted, modified, amended and criticized in connection with anywhere between 200 to 500 other definitions worldwide, it established two irrefutable links which have consistently been repeated in all definitions: the link between the achievement of sustainable development at the global level to a number of far-reaching political, economic and social changes at regional, national and grass roots levels; and the link between inter- and intra-generational equity in resource use. The concept therefore provides the starting point

for and a means to achieve a global objective (to be engendered at the grass roots level) which is quite distinct from the myopic focus on short-term profit of the current global economy. The concept requires that decision-makers from all stakeholder groups (government, business and the public) not only commit to sustainable development but also incorporate it at every level of decision-making regardless of the political, economic, social, technological, cultural and legal frameworks within which their decisions are made and before doing so, hear, respect and utilize the input from each other in these decisions.

A great deal of work has been undertaken to educate and convince decision-makers that the concept of sustainable development is credible and should be implemented. Of the international fora held on the subject, the United Nations Conference on Environment and Development (UNCED) also known as the Rio or Earth Summit of 1992, remains the most significant. At UNCED in 1992, national governments documented their core objectives and plans about how to bring sustainable development to fruition through five framework documents (the Rio Documents). From the Rio Documents, a new set of global values and responsibilities was evident and necessitated new laws, policies and institutions to implement them at the international, regional, national and local levels. But sustainable development is an evolving concept, it is not stagnant and any application of the concept today may not be as relevant tomorrow. No doubt this is what prompted the ongoing review and reconsideration of the outcomes of UNCED through such follow-up global initiatives as Rio + 5 in 1997 and the most recent World Summit on Sustainable Development in 2002 in Johannesburg, South Africa. Numerous discussions, publications, conferences, summits, treaties, protocols, laws and regulations preceded and have succeeded UNCED. All of these are evidence of the global acceptance of the concept. Yet, despite all efforts, reviews and reconsiderations, implementation of the concept remains slow. The difficulty with implementation is perhaps best explained as a struggle to reach a new equilibrium, i.e. one which not only accepts and understands the concept of sustainable development but also accommodates the complex interrelationship of the parties who must implement it. Sustainable development cannot be implemented unless decision-makers in all stakeholder groups change their respective and collective mindset, and changes in mindset are uncomfortable, resisted and, therefore, inevitably take time.

On a global scale, Hong Kong has come comparably late to the sustainable development discourse, discussion and debate. To a large extent, its tardiness can be explained as a consequence of its unique political history, a history which has left it devoid of many of the core competencies required to achieve sustainable development like: committed leadership and transparent, democratic, inclusive and accountable governance — but, things are changing. Although sustainable development in Hong Kong was initially linked with and developed through the environmental protection/pollution control regime, especially through the 1989 government *White Paper on Pollution in Hong Kong – A time to act*, and its roughly biannual four reviews until 1999; it has now moved into the planning arena through the *Territorial Development Strategy in 1995*. Arguably, it has now begun to be recognized a stand-alone concept through the commissioning by the government's Planning and Lands Bureau (now the Housing, Planning and Lands Bureau) of the *Sustainable Development in the 21st Century Study (SUSDEV 21)* in 1997; the adoption of it as an overriding objective in the *Hong Kong 2030: Planning Vision and Strategy* (2001) and the establishment of the *Sustainable Development Unit* (2001) and the *Council for Sustainable Development (CSA)* (2003).

SUSDEV 21 was completed in August 2000 and made public in February 2001. Many of the outcomes from SUSDEV 21, when combined with the independent work which had been going on in the NGO, business and academic communities in Hong Kong for many years, provided a useful foundation for and priorities to progress the implementation of sustainable development in Hong Kong. In 1999, the Chief Executive of Hong Kong in his *Annual Policy Address* pronounced the government's definitive acceptance of and pledge to implement the concept. The institutional arrangements also proposed to achieve the implementation are, as noted earlier and albeit after some delay, now in place.

This book on sustainable development in Hong Kong is both instructive and timely. It brings together a broad cross-section of public and private sector specialists in the many and varied aspects of sustainable development and in so doing, demonstrates the breadth and depth of local knowledge and expertise in the subject and also the wide range of concepts and issues which will have to be considered and interests reconciled for the concept to be implemented in Hong Kong. Although most chapters undertake some review of the international developments in their subject areas, the main focus of each chapter is a critical review and analysis of the

opportunities and challenges likely to be encountered as these developments are applied in Hong Kong.

The body of the book is divided into three parts. They link the framework for implementation of sustainable development to the stakeholders who must implement it and starkly illustrates the reasons why this is important — to conserve and preserve resources for future generations. Part One seeks to explain, identify and analyse the various 'parameters' through which sustainable development could or will be required to develop and led by the government in Hong Kong. Part Two focuses on the impact of sustainable development in the community and the role non-government stakeholder groups can play in its implementation. Part Three explores the consequences of unsustainable practices in Hong Kong. Each chapter provides sobering evidence of the consequences of Hong Kong's huge ecological footprint i.e. that the small land area of 1092 square kilometers (incrementally increasing due to land reclamation) cannot sustain Hong Kong's resource consumption driven society and consequent waste discharge.

In Part One, Chapter 1, Hills traces the evolution of sustainable development through an analysis of government policy documents; distills and explains the predominance and pursuit of economic imperatives through policy objectives by the government to date; and suggests ecological modernization as a compromise and logical progression as a model through which the government could develop a sustainable development discourse in Hong Kong and, consequently arrive at a sustainable development strategy for Hong Kong. The ethical foundation for sustainable development, institutional arrangements, strategies and plans (through Agenda 21) and laws are discussed initially at the global level in Chapter 2 (Mottershead) but then localized at the national level in Chapter 3 (Mottershead). The intricacies of policy analysis and in particular the input and influences of actors in all aspects of the policy cycle are analysed in Chapter 4 (Francesch). The dominance of economics in governance models and regimes and its shortcomings are discussed in a sustainable development context in Chapter 5 (Barron). Collectively, the chapters in Part One point implicitly and explicitly to real or potential instances of conflict as government seeks to reconcile the status quo with the demands of sustainable development. Accordingly, Chapter 6 (Scully) explores various methods through which conciliatory agreements may be

reached i.e. alternative forms of dispute resolution especially that of environmental mediation.

Part Two begins with a discussion in Chapter 7 (Sahas Martin, Coppell and Chapman) about the impact of moving from the 'single bottom line' to the 'triple bottom line' for business and in particular the consequent nature and evolution of sustainable or eco-efficient corporations. It also considers the application of an internationally standardized environmental management system, i.e. ISO 14001 and concludes that this tool is useful mostly for business but could also be a useful tool to guide government in the inculcation of sustainable development concepts into its operations. Chapter 8 (Boyer King) discusses the nature and function of civil society movements in the evolution of sustainable development and compares and contrasts these with similar grassroots movements in other areas and other countries. Chapter 9 (Cook and Hyslop) 'picks up' where Chapter 8 'leaves off' in that it suggests and explores a potential unifying focus for civil society movements i.e. through involvement with and the evolution of a Local Agenda 21 (LA21). Chapter 9 promotes a Local Agenda 21 as the means through which grass roots communities can become engaged and empowered to pursue sustainable development.

Part Three begins with examples of the difficulties that will be encountered in implementing sustainable development in Hong Kong especially in areas that present critical constraints, namely the need to accommodate a growing population, intense population density and their consequent impact on housing and land use. In Chapter 10 (M..K. Ng) suggests that the solution lies not in continuing with the myopic urban planning practice which currently focuses almost solely on physical land use planning and the pursuit of a scientific and technical imperative — but that it lies instead in using land according to the needs of a community (human and nonhuman) as expressed by that community or in the case of nonhumans, on its behalf. In this way, Chapter 10 echoes within the planning subject area, many of the sentiments expressed in Chapters 8 and 9. Chapter 11 (La Grange) discusses government policies and government involvement in the housing market and concludes that although this has provided housing to a broad cross section of the Hong Kong community and satisfied social and material needs of the community, it has done so with too little consideration of other aspects of sustainable development (although this is changing) namely the ability of the economy

to maintain this policy and environmental degradation. Chapters 10 and 11 both highlight the absence of coordinated and integrated resource use and demonstrate the consequent adverse impact on achieving sustainable development objectives. These objectives are explored further in the balance of the chapters in this part.

Chapter 12 discusses the nature and extent to which the government's unwavering dedication to road based forms of transport has removed scarce land from the 'land stock' for alternate uses (like recreation), has 'robbed' Hong Kong of more sustainable forms of mass person transport like rail and has unnecessarily contributed to air, noise pollution and traffic growth. Examples of alternative uses of land for the local community are well illustrated in Chapters 13 (Fung) and 14 (Corlett). Chapter 13 critically reviews the history of conservation and heritage in Hong Kong and laments the unnecessary and irretrievable loss in both areas. Chapter 13 suggests that a comprehensive government policy would go a long way towards improving the current situation. Chapter 14 also focuses on this discussion but with reference to Hong Kong's surprisingly rich biodiversity and ecology and also urges a government policy in this area. Chapter 15 (Bauer and Ap) reviews and critically discusses sustainable tourism and in so doing, provides an example of a growth industry that is pursued in Hong Kong but that may not achieve its full potential due to the impact of ongoing unsustainable practices like excess air, noise and water pollution and loss of unique cultural and heritage sites and flora and fauna. This example is especially poignant if one considers that the opportunities for tourism to contribute to Hong Kong's continued prosperity are both excellent and important especially as Hong Kong has a predominantly service-based economy.

The adverse outcomes of Hong Kong's consumption pattern and the unlikely short-term improvement are well illustrated in Chapters 16 (G. Ng) and 17 (G. Ng and Cook). Chapter 16 considers sustainability and energy and concludes that Hong Kong is a high consumer of energy but is doing little to alleviate this consumption pattern by investigating or developing renewable sources of energy. Chapter 17 outlines the policies and plans which Hong Kong has adopted to cope with waste disposal but concludes that despite these, more needs to be done especially since in the foreseeable future waste production will continue to outpace waste consumption. Still relevant to consumption patterns is Hong Kong's dependency on other countries to provide products for its residents to

consume. Chapter 18 (Burnett) suggests that this dependency is high and implies that food and water security are now and will continue to be issues of real importance to Hong Kong. Chapter 18 explains and illustrates these observations through a review of the government's handling of the 'bird flu' outbreak, the use of pesticides in food from Mainland China and the increasing reliance on genetically modified foods to provide food staples.

As is evident from the preceding discussion, the chapters of the book are many and varied. Nevertheless, as the Conclusion indicates, some common themes emerge from all of them. Although many of these themes (but not all) have been placed on the Agenda of the CSD (and its Strategy and Education and Publicity Sub-committees) the extent to which they will be advanced and will deliver 'sustainable' development in Hong Kong has yet to be seen:

- There is a pressing need for the government to partner with civil society (business and the public) to evolve an *integrated sustainable development strategy* for Hong Kong. This may take the form of a Local Agenda 21.
- There is a pressing need for the government to *evolve and implement subject specific and innovative policies in a number of areas* — these policies should be consistent with the sustainable development strategy and should be developed also in partnership with the community. There are a number of areas where new policies are needed (like conservation, heritage, biodiversity and transport) or old polices need updating (housing and planning). All policies must adhere to the principles of sustainable development and must operate in conjunction with each other. Historically, policies in Hong Kong have been too reactionary, ad hoc, short-term, disjunctive and tended to do little more than document the status quo.
- The government should actively *engage in international and regional sustainable development discourse and debate* and in so doing accept and act on its global responsibilities and those owed to its neighbours.
- The government should find the means and opportunities to *work more closely with Mainland China* in the implementation of sustainable development — the current institutional arrangements and avenues for co-operation are not effective. The government has recently become more open to and initiated a number of 'joint projects' with Mainland China which evidence not only its inclination towards increased co-operation but also that this is possible despite Hong Kong's unique

political history — the 2003 Pearl River Delta Emission Trading Scheme proposal is a recent example in point.

- There is a pressing need to move to *comprehensive public participation.* The government must open up its decision-making processes to encourage participation from the community at large and in so doing support and recognize local talent from sectors other than the civil service or business. The current opportunities for the public to participate are too limited. The current pool of international and local talent (internal and external to government) being used to advise the government on sustainable development practices, is not providing the depth and breadth of expertise necessary to implement sustainable development effectively and efficiently in Hong Kong. Consequently, Hong Kong is losing any advantage it had by coming late to sustainable development i.e. it is not putting tried and tested best practices into action and is in danger of unnecessarily repeating past mistakes.
- The government must urgently make best use of its *new institutional arrangements* to effect the implementation of its proposed new sustainable development strategy and plans and, hopefully, its proposed sustainable development policies and laws. There is still work to be done on and within its current institutional arrangements — fragmentation, self-interest, resistance to co-operative collaboration must all be irradicated.
- The government must review its *laws* to ensure all institutions are compelled to operate in a way consistent with the principles of sustainable development. It should ensure that the anti-pollution and other laws promote integrated decision making, equal access to information and access to justice, i.e. create a 'level playing field' to support inclusive, transparent and accountable decision-making by all stakeholders but particularly the government. It should also foster, where possible, the evolution of environmental and sustainable development law expertise to support and shape the evolving jurisprudence in these areas.

Many if not most of the common themes firmly place the responsibility for advancing sustainable development with the government. This should not be interpreted as suggesting that the government is the only stakeholder with a role to play in the implementation of sustainable development. Rather, it recognizes the reality of the political structure in Hong Kong i.e.

there is a well-funded executive-lead government and, therefore, if the government does not want something to happen, it has the resources and the mandate to ensure that it does not happen. In the past, much of the innovation in the environmental area has come not from the government but from the green NGO community and much later the business community. Similarly, this innovation is now emerging in the same chronology and from the same sources for sustainable development. However, it is also apparent that much of what has emerged in both the environmental area and in the sustainable development area has not been implemented. There are many reasons to explain this, many of them are discussed in the chapters in this book, but central to any explanation is that government and business have prioritized the economy and not the environment or social welfare of Hong Kong's citizens and hence, effectively blocked these innovations. The citizens of Hong Kong have yet to witness whether or not recent noteworthy reprioritization and consequent changes to the government's approach (and also business and the publics' approach) to these issues and its new institutions, will bring real and sustained improvement to their quality of life.

The common purpose of the authors in writing this book has been to contribute in some small way to the supporting and building of an informed platform for debate and discourse on sustainable development in Hong Kong — we have a long way to go. Times are changing in Hong Kong: the time is right for considering the issues this book raises but more, the time is right to act on the shortcomings identified and recommendations made in many of the chapters and in the many subject areas they collectively address.

CONCLUSION: Lessons to Learn and New Paths to Follow — the Evolution of a Sustainable Hong Kong[1]

Terri Mottershead

Humankind has not woven the web of life.
We are but one thread within it.
Whatever we do to the web, we do to ourselves.
All things are bound together.
All things connect.

Chief Seattle (1855)

INTRODUCTION

Hong Kong is a place of extremes — we have almost seven million people living in 1092 square kilometres of space. Yet, we have 40% of our land mass dedicated to country parks; we have some of the richest people in the world and some of the poorest; we have some of the rarest species of plant and animal life and some of the worst pollution in the region — we live each day in a curious mixture of what we could be and what we should not become. Like other countries around the world, Hong Kong has accepted it is time to reconcile these extremes but, as the chapters of this book bear witness, it too is still struggling with how best to achieve this.

The United Nations Conference on Environment and Development (UNCED) in Rio De Janeiro in 1992 was the most comprehensive attempt to reconcile these extremes at an international level. That these have not been reconciled was the substance of the Rio+ 5 (1997) and most recent World Summit on Sustainable Development (2002). Much literature has

been devoted to determining the nature, effect and efficiency with which the Rio Documents have been or can be adopted and applied regionally, nationality and locally (Mottershead). Much more time will be needed. The overriding parameter that should guide all of us in the way we approach sustainable development is that it is still evolving and it is unlikely to provide us with definitive solutions to sustainability problems. What we must understand is that the quest for sustainable development in and of itself will continue to produce new challenges but also new opportunities for innovative solutions to them, daily.

Despite this, it is indisputable that since 1992 sustainable development has driven changes in most countries, albeit that these may not have been as ambitious as those proposed in the Rio Documents. As was discussed (Hills), sustainable development has slowly found its way on to the political agenda in Hong Kong and in three distinct phases: first, in 1993 with the Second Review of the White Paper on 'Pollution: A Time to Act'; second, in 1997 with the commissioning of the Sustainable Development for the 21st Century Study (SUSDEV 21); and third, with the establishment of the Sustainable Development Unit (SDU) (2001) and Council for Sustainable Development (CSD) (2003). Although the outcomes of the latter phase have yet to unfold, it can nevertheless be observed even now, that the initial focus should be to move the local community from viewing challenges (much less solutions) from a predominantly 'green' or environmental agenda to one which integrates this with economic and social issues.[2]

There is much work to be done in sustainable development in Hong Kong. It ranges from the macro level of finding a way to ensure all stakeholders engage in global discourse to the micro level of ensuring that the local community is empowered to join in and contribute to partnering arrangements with government and business. The recognition, acceptance, understanding and application of sustainable development in all decision making by all stakeholders at these levels and everything in between, is what it will take for sustainable development to be implemented in Hong Kong.

With so much work ahead, it would be easy for all stakeholders to be overwhelmed and, prior to this book, difficult to determine a way forward. However, through the breadth and depth of the material and subjects covered by the chapters of the book, the authors have not only provided a clear summary of the opportunities and challenges which lie ahead for

Hong Kong but also identified common themes and trends for directed action. It is to these commonalties and actions, which this chapter now turns.

GLOBAL TO LOCAL RELATIONSHIPS: BUILDING BRIDGES WITH OUR NEIGHBOURS

As discussed (Mottershead), Hong Kong is not a sovereign state but although the Basic Law likely does not preclude it from attending international fora, it has been reluctant to do so. However, the recent attendance by government officials at the WSSD signalled a change in mindset,[3] a change all the authors have recommended will be needed if the negative impacts of the 'old mindset' are to be avoided:

- As noted (Mottershead), there is more to international meetings and being a signatory to a document than the paper in which the document is contained. At international fora, valuable information and knowledge is exchanged, networks are established and this provides contacts that can assist well beyond the time and place of such meetings.
- It was also suggested (Mottershead) that whether Hong Kong is a party to these agreements or not, if sustainable development is an international law norm, it is likely to be received into Hong Kong law through the courts and so, nonattendance at international fora or not being a party to international documents does not remove Hong Kong's responsibility for sustainable development locally, regionally and internationally. Recent cases were also cited to confirm that sustainable development jurisprudence is already developing in Hong Kong and is at present advancing faster than the legal expertise needed to support it.
- It has also been suggested (Cook and Hyslop) that if the People's Republic of China (China) is treated as the ultimate authority in sustainable development, it removes the concept yet another level away from the grass roots support and participation that would best engender the concept in the daily lives of the residents of Hong Kong.

In light of the preceding discussion, it must also be added that the Hong Kong government has entered into a number of memorandum of understanding (MOU) with other countries but, these have mostly been

in the environmental area and are informal rather than formal arrangements (Hong Kong 2001:10–13). For example, MOUs have been signed with China in the control of hazardous waste shipments (with State Environmental Protection Administration in January 2000); in the control of water pollution (with the State Oceanic Administration (in September 1999); in environmental collaboration (with Canada in 1992 and Vienna in 1999); and in co-operation especially exchange of personnel and information (with Australia in 2000).

It is also important to note that although the 'formal' part of UNCED, Rio+5 and WSSD largely involved government (Mottershead), there were parallel fora and documents produced by business and non-government organizations (NGOs) — Hong Kong had its own NGO contingent at WSSD. Accordingly, these groups have documented their own commitment through these organizations to sustainable development:

- The World Business Council on Sustainable Development and the sustainable development section of the global international chambers of commerce have produced documents like codes of practice or principles to guide their respective member organizations (Sahas Martin, Coppell and Chapman).
- The UN is actively working on new forms of partnership with business through such initiatives like the Global Compact and the Global Reporting Initiative (Mottershead).
- Sector specific codes and principles have been developed like those in the tourism industry (Ap and Bauer).
- Large international NGOs are making significant contributions to the concept, and are better resourced than ever before to do so (Boyer King)
- The involvement of business and green NGOs is increasingly becoming the norm at international meetings and in fact the UN Type II partnership initiative coinciding with WSSD actively encouraged and recognized the importance of these types of collaborations for the effective implementation of sustainable development locally, regionally and internationally (Mottershead, Sahas Martin, Coppell, Chapman and Boyer King) — those who were once 'enemies' are now being encouraged to become 'friends'.

All of this means that business and NGOs are able to use their own networks, the Internet and the like to gather information and have the

power and substance to act where the government may not.

In Hong Kong, it has been suggested (Mottershead and Boyer King) that NGOs have been more active and better informed about sustainable development issues than the government. Business NGOs have also been proactive in the environmental area (Mottershead, Sahas Martin, Coppell, Chapman and Boyer King). The tourism industry has led other sectors in localizing a number of international sustainable development initiatives (Ap and Bauer). In all, these non-government bodies have been acting independent of government and often doing so out of frustration due to the government's inactivity. While these initiatives are laudable they also have adverse repercussions. It has been observed (Mottershead) that there is too little co-ordination between the activities of these groups and this has often resulted in a dissipation of resources between them. Since these groups are also pursuing individual interests and targets, this has the 'knock on' affect of making it increasingly difficult to bring these parties together in partnership or through government advisory bodies in the future — the entrenchment of individualism will need to give way to the entrenchment of collaboration and partnerships. The need to 'dovetail' sectoral interests into some 'over arching strategic view' was also recognized in the SUSDEV 21 Final Report (para. 11.2) and has been recognized as a fundamental role of the work which will be undertaken by the CSD, especially as it evolves a SD strategy for Hong Kong (Hills and Mottershead).

For as unfortunate as the lack of international perspective is for the Hong Kong government, the absence of a regular and formal exchange on sustainable development with China is of even greater concern. The establishment of the Hong Kong/Guangdong Joint Working Party on Sustainable Development and Environmental Protection (its first meeting was on 8 June 2000) is an informal body that meets about twice a year — issues impacting sustainable development require a much more integrated and regular communication not least of which is to focus on the notorious trouble spot, the Pearl River Delta (Hills and Mottershead). This has been starkly illustrated through the emission-trading scheme that has been proposed for the Pearl River Delta Region (Mottershead). There are also examples of less than ideal solutions e.g. for food and water issues that have arisen due to a lack of communication between Hong Kong and China and Hong Kong's high dependency on China for both (Burnett).

Implicit and explicit in many of the chapters was the suggestion that Hong Kong needed to be more closely connected to China especially with

a view to harmonizing strategies, polices, plans and laws critical to achieving sustainable development objectives. From all the chapters, one is left with the overwhelming impression that much more could and should be done in establishing a closer working relationship with China, not least of which may be to transfer technology and know how (a critical aspect of Agenda 21 and the Johannesburg Implementation Plan) and attendance at international fora together with representatives from China. The SUSDEV 21 Final Report also adds substance to this suggestion since it noted that 'many consultants have suggested that a sustainable development strategy should also address Hong Kong's regional role in the Pearl River Delta' (SUSDEV 21 Final Report: para. 11.2). In this regard, it is pleasing to also note that the Strategy Sub-committee of the CSD has acknowledged the need to evolve an SD strategy for Hong Kong with the Pearl River Delta Region in mind (Mottershead).

Despite the 'political' system that may have impeded the ease of communications between governments, it has been observed that this has not prevented business and green NGOs from establishing contacts and working with their counterparts in China (Boyer King). It has also been noted that these lines of communication, especially if governments and business access them, will perhaps become the strongest link to grass roots communities and the best chance for cross-border advancement of sustainable development.

Business is not impeded by politics, can adapt and move faster than government bureaucracies, and is restricted in what it can do only by the law. Business is wealthier than many governments and so is better funded to carry out its objectives. These observations are well documented in international regime theory It has long been recognized that private international environmental agreements and standards like the ISO 14000 series (Sahas Martin, Coppell and Chapman) are increasingly blurring the divide not just between public and private law but also between public and private agreements (Weiss, 1999) However, local (as opposed to multinational) business initiatives in Hong Kong have largely been environmentally focused and evidence a less than enviable record of implementation (as opposed to just signing) of international codes of practice and the like. It was also noted that unlike their international counterparts and despite the recent commendable work of some business NGOs, Hong Kong has still to evolve an umbrella sustainable development focused business group to present to government the business voice on sustainable development.

As for green NGOs, it has been suggested that they could have taken the lead in sustainable development but they have not probably because they have largely focused their attention on education and awareness raising in local environmental issues. However, it was also noted that this is changing and that sustainable development has increasingly crept onto the agenda of most of the green NGOs and spawned some dedicated to that subject. What remains to be established or in the case of the People's Council for Sustainable Development remains to be seen if it achieves, is the evolution of an NGO umbrella group, a group where all NGOs can speak on all issues pertaining to sustainable development in a credible and collective voice (Mottershead).

FINDING A FRAMEWORK FOR DISCUSSION AND DEBATE: DISCOURSES, MODELS, REGIMES, AD INFINITUM ...

It is not surprising, given the preceding discussion, that a number of the chapters sought to recommend a framework for discussion and debate about sustainable development in Hong Kong. The manner in which the government of Hong Kong has dealt with sustainable development at the policy level was reviewed in detail (Hills) and it was suggested that this fell within the administrative rationalism discourse whereas ecological modernization may be the preferred discourse to advance sustainable development in Hong Kong. Other chapters sought to review sustainable development through regime theory (Mottershead, Cook and Hyslop) i.e. a combination of institutions, policies, plans and laws together providing a framework in which to implement the concept through e.g. a Local Agenda 21 (Cook and Hyslop). It was also suggested that sustainable development could be described through a community-based planning model (M.K. Ng). In all of the chapters in some way, sustainable development was viewed from a particular perspective emphasizing distinct features.

A review of these perspectives, models, regimes, discourses, etc. may at first appear confusing but in fact all of them demonstrate some common features. All of these are proposing some form of governance which, given that Hong Kong is dominated by an executive-lead government, requires the government to take the lead in sustainable development but that it govern in a way that integrates the concept across all bureaux, departments

and the like and is inclusive, transparent and accountable. For those models, regimes and discourses based on sustainable development, there is also a requirement for governance that strives to minimize Hong Kong's ecological footprint by decreasing unnecessary consumption and decreasing waste production (Hills, M.K. Ng, and Cook and Hyslop). This also requires a form of governance that is more equitable but in a way that integrates economic, social and environmental factors into a consideration of what is equitable (M.K. Ng). Examples of conflicts in Hong Kong between these features were provided in the housing area where it was suggested that housing policies and the provision of public housing in Hong Kong has been economically and socially very successful but not as successful from an environmental perspective (La Grange). It was also suggested that governance in Hong Kong has been economically successful but at the expense of social welfare and the environment (Barron).

The absence of these latter two requirements from the ecological modernization (EM) discourse is what provides the foundation for many of the reservations and criticisms of this discourse. These criticisms include the fact that EM supports liberal market economies and existing government structures and, as such, may seem to perpetuate the 'very political and economic institutions that have caused the current levels of environmental degradation and developmental injustices' (Connelly and Smith, 1999: 58). Also, since EM is about avoiding pollution costs through the redesign of process and products rather than an assessment of the more fundamental issues of needs versus wants, for such processes and products it does not resolve the consequent inequities these produce in consumption and waste disposal patterns between developed and developing countries.

Further, EM 'does not deal with problems of wilderness and cannot deal with those industries which create high-consequence risks such as global warming or nuclear proliferation. The simple point is that such industries cannot be ecologically modernized to the point where risk is eliminated' (Blowers, 1998: 234). EM taken to the extreme could be said, therefore, 'to continue to support poverty and environmental degradation and, by reducing the probabilities of a risk occurring, encourages the persistence and possible expansion of a technology that is inherently dangerous' (Connelly and Smith, 1999: 58; Blowers, 1998: 234). EM has consequently been referred to as 'green capitalism' (Connelly and Smith, 1999: 58).

It is for these reasons that EM falls short of the more liberal interpretation of sustainable development especially since it (Blowers, 1998):

- Fails to require changes to institutions, polices, plans or laws;
- Does not emphasize the means and methods to achieve public participation;
- Assumes that government and business partnerships will inherently work to the benefit of the community; and
- Does not require the integration of all of economic, environmental AND social issues in decision-making; and assumes that community consensus is a given and, therefore, environmental challenges can always be solved by technological and economic means.

It has been suggested that although no country has yet achieved the 'perfect' governance model (if there is such a thing), the governance model currently used by Hong Kong to frame its environmental discourse fails to demonstrate many of the features noted above (Hills). A sentiment echoed throughout all the chapters is that of all these features, the most important is the urgent need for ongoing and entrenched public participation in government decision-making. These chapters both implicitly and explicitly provide substance for the suggestion that if EM is adopted as the predominant discourse, Hong Kong must nevertheless move quickly to a more participatory model or regime for sustainable governance.

INTERCONNECTEDNESS: INSTITUTIONS, POLICIES, STRATEGIES, PLANS AND LAWS

Inherent in much of the preceding discussion is the absence of interconnectedness, internal and external to government. Adopting some governance model, which some may refer to as a strategy, would go a long way towards achieving interconnectedness. The absence of this explains why institutions, policies, plans and laws remain inadequate in Hong Kong. Since integration of economic, social and environmental considerations is at the core of sustainable development, an absence of interconnectedness makes the implementation of the concept that much more difficult.

Institutions

Reference was made in a number of the chapters to the fact that current institutional arrangements are not conducive to a holistic approach to problems and even less able to come together to find a holistic solution Although this is particularly apparent in the policy area, it is also obvious in the operation of many bureaux and departments These problems were identified in the SUSDEV 21 Final Report as key challenges for implementing sustainable development as follows (para 8 4 5 and Box 8 4a) and as noted in Mottershead and La Grange (2001 42–3)

- Communication barriers exist among different bureaux and departments, which results in decisions being taken without the full benefit of inputs from across the range of sectoral interests
- The existing operational culture is not conducive to greater integration and accountability This in turn creates a resistance to institutional change
- Policy formulations in key areas, which impinge on sustainability issues, are sometimes ad hoc and slow
- Roles and responsibilities are at times unclear and this detracts from transparency and accountability Incentives to take the lead and make decisions are not in the right place
- Whilst the concept of sustainability has some broad support within the administration, it has not reached far enough at all levels
- There is no existing, forward-looking strategy for sustainable development Certain bureaux and departments are uncertain about introducing mechanisms to make sustainable development operational in the absence of a government strategy on sustainable development

The effect of this is that in the past, government bureaux and departments have not so much worked together as provided advice in their specialty areas to each other This is particularly evident e g in the role that the Environmental Protection Department undertakes in Hong Kong This advice can be ignored and clearly has been ignored in such recent projects as the Route 7 highway proposal (Hopkinson)

There is also no formal means by which all arms of government meet 'around the table' to discuss a project from all relevant perspectives, although aspects of the Environmental Impact Ordinance have gone some way to encourage this as has the establishment of the CSD with government

representative members that include the Chief Secretary for Administration and the Secretaries for Economic Development and Labour; Environment, Transport and Works; Health, Welfare and Food; and Housing, Planning and Lands. However, much more needs to be done to create more opportunities for liaison between government departments, for example, increased joint meetings between the Executive Council and the Legislative Council (this liaison has improved with the implementation of the 'Ministerial' system in 2002 — Hopkinson); the Legislative Council and District Councils; and, likewise, between District Councils with various government departments.

The CSD has not created a sustainable development umbrella group within government and it has not yet, even through the CSD sub-committees (on Strategy and Education and Publicity), facilitated the establishment of a body where all of these people meet together with the representatives of the Agenda 21 major groups (i.e. women, the technical and scientific community, youth, NGOs, workers and trade unions, business and industry, farmers, indigenous people)(Hills, Mottershead and Franesche). Further, the almost four-year delay in establishing the CSD detracted from the good will, trust and credibility which was engendered in the community after the announcement of this in the Chief Executive's Policy Address in 1999 and discussion about this in the SUSDEV 21 Final Report[4] — these are additional issues that the CSD must now overcome.

Policies

There is a void in the areas of research and policy analysis in Hong Kong (Hills, Francesch, La Grange and Mottershead). It has been suggested that it is not easy to determine any coherent policy cycle. Also, the components of all forms of common analysis using this cycle are often not apparent in many of the policies evolved. These have been particularly absent in those policies that pertain to sustainable development in Hong Kong (Francesch). The establishment of the SDU and CSD has done little so far to clarify or set a clear agenda on these issues. For example, both of the Assistant Directors of Administration (ADA) have a 'policy aspect' to their job. In the case of ADA 1, it is 'policy matters on the government sustainability system' but the extent to which bureaux (or department) lead policies have been modified or influenced is unclear. The ADA 2 has responsibility for 'policy regarding the sustainable development fund' but as the fund

has only recently launched (September 2003), the extent to which this will impact the shaping of policies in the area (presumably as a result of projects and community input into projects supported by grants from the SD Fund), this aspect has yet to unfold. Further, and as discussed, a recent meeting of the Strategy Sub-committee of the CSD, noted the connection between its work and government policies but declined to advance discussions on the impact or extent of overlap or influence on the emergence of policy this work might produce (Mottershead). It remains unclear whether or not the SUSDEV 21 proposed appointment of a dedicated and skilled sustainable development policy analyst to the SDU (SUSDEV 21 Final Report, para. 9.4.2, Box 9.4a, Annex M) will be pursued but, clearly this appointment is critical.

The need for genuine expertise in this area is all the more critical given the recently proposed introduction of policy tools like an emissions trading scheme (Hopkinson and Mottershead). Likewise, and while on the subject, as policy and law are often present and applied almost interchangeably in Hong Kong,[5] it has been noted, with regret, that the role of law and the appointment of an expert sustainable development lawyer have been and remains absent from the SUSDEV 21, SDU and CSD (and its sub-committees) agendas — this will continue to impact negatively as sustainable development jurisprudence in Hong Kong continues to evolve (Mottershead).

Accordingly, and for now, there is a not a substantive or long history from which to draw conclusions or project outcomes for sustainable development policies or laws in Hong Kong. However, it does offer some explanation for the inadequacy of policies and laws, the absence of them in so many critical areas and the uneasy relationship between policies, strategies and laws in Hong Kong.

The inadequacy of policies

Before any policy can be made, it is necessary to settle the community values and aspirations to which these apply. For sustainable development policies, it is critical that a sustainable development ethic founded in some moral tradition and representative of community values be clearly evident and enshrined (Hills, Barron, Mottershead, Francesch and Scully). Although aspects of moral traditions like stewardship and values have been raised (in documents preceding and those summarized in the SUSDEV

21 Final Report), these do not readily comprise a clear sustainable development ethic or even a collection of principles sufficient as a foundation for a sustainable development policy. The emphasis on ethics and their role as a core component in sustainable development has been recently reaffirmed in the Johannesburg Plan of Implementation at WSSD in 2002 (Mottershead). However, this matter has yet to reach the agenda of the CSD.

It may be argued that the computer-based model developed under SUSDEV 21 and used by government (lead by the SDU) as part of the Sustainability Assessment System (SAS) in the review and evolution of policies, programmes, projects and plans, goes some way to overcome exiting and any future policy inadequacies. However, as discussed, the SAS and most particularly its primary aid, CASET, a computer-based tool, relies on guiding principles and uses indicators also developed under SUSDEV 21, but these have in turn been criticized as failing to adequately incorporate a comprehensive review of sustainable development ethics and/or community views. For example, it has been suggested that the indicators developed for transport and ecology, respectively are inadequate (Hopkinson and Corlett).

The absence of policies

Many of the chapters noted an absence of policies or at least an absence of any publicly settled and coherent policies in a number of critical areas (MK Ng, Francesch, Hills, Cook and Hyslop). For example, there are no comprehensive policies in the areas of conservation (Fung), transport (Hopkinson), food safety (Burnett), ecology (Corlett) or energy (G.Ng).[6] It was also suggested that even where policies may exist, they are not integrated and may even be contradictory (Hopkinson).

For example, it was noted that the Environment and Food Bureau (as it then was) had a policy to decrease harmful emissions into the air, but the Planning and Lands Bureau (as it then was) also had a plan to increase roads. The Transport Bureau (as it then was) built the roads and thereby increased road transport but vehicles on the road were and remain major cause of air pollution in Hong Kong. It is also worth noting that this contradiction existed despite both the Territorial Development Strategy (the highest plan in the hierarchy of plans under the auspices of the then Planning and Lands Bureau) and the Third Comprehensive Transport Study

(under the then Transport Bureau), undergoing a strategic environmental assessment Although some of these issues may be better integrated with the 2002 rearrangement of government bureaux (especially the combination which has produced the Environment, Transport and Works Bureau) this will not be so in all cases (e g land use and the environment have remained separate under the Housing, Planning and Lands Bureau) and there is still a pressing need, despite the CSD, SDU and SAS, for an umbrella group to be formed within the government to consider sustainable development issues

The uneasy relationship between policies, strategies, plans and laws

It is possible for a strategy to emerge from a series of actions or activities Accordingly, it was theoretically possible for Hong Kong to have evolved a strategy for sustainable development through the evolution and implementation of policies and/or as a policy tool, the enactment and enforcement of its anti-pollution and other sustainable development related laws (Mottershead) One could end the discussion on this point quickly by referring to the SUSDEV 21 Final Report conclusion that Hong Kong does not have a sustainable development strategy and that this was not an outcome of the Study (para 8 5 1) However, is important to go further as the chapters offer some explanation for the absence of a strategy

A sustainable development strategy should be holistic, integrated and proactively promote change — it should not be ad hoc, piecemeal and reactionary As one considers the comments made about the policies (or in some cases these are referred to as strategies) and laws reviewed, a general comment emerges that these have been too often made in the absence of consultation with the public (Francesch, Hills, MK Ng, Cook and Hyslop, B Cook and Mottershead) [7] There are large 'gaps' in the policy matrix (noted earlier), they are not integrated and there is an absence of laws in critical areas — Hong Kong does not have a sustainable development strategy

Evolving a sustainable development strategy, is the core responsibility of the newly appointed and activated (April 2003) Strategy sub-committee of the CSD The sub-committee, guided by international experience and best practices, has acknowledged that public participation is critical to the development for the strategy The sub-committee has likewise noted it is critical to settle, where possible, the strategy by consensus (Mottershead)

Although the sub-committee has committed to a thorough review of all work done by all bodies (government and non-government) before progressing further on its work, it has not made clear the role it will play in juxtaposition to that of the bureaux and department-based strategic work like 2030 Vision (an update of the Territorial Development Strategy 1996), the Commission on Strategic Development or the Advisory Council on the Environment (Hills and Mottershead).

Finally, a part of any strategy must include economic incentives (Barron and G. Ng). Although these have been raised for consideration in the context of sustainable development in the past (Second Review of the White Paper in 1993), and were mentioned again in the SUSDEV 21 Final Report (para. 2.2.5), these have yet to be fully discussed much less successfully deployed in Hong Kong.[8]

Plans

It has been suggested that Agenda 21 (A21) could be used as a means or mechanism by which the Hong Kong community could be mobilized to implement sustainable development. It would provide a community supported, strategy generating and policy integration tool (Cook and Hyslop). The usefulness and importance of developing a Local Agenda 21 (LA21) in Hong Kong was also mentioned many times throughout the SUSDEV 21 Final Report (e.g. para. 11.2). Indicators were also noted an important feature as these are used to track progress and monitor feedback for the purposes of strategy and policy review and amendment. For this reason, the development of an Agenda 21 would usually overcome several of the problems noted earlier but it could also do much more because it would also support the development of institutions and changes to institutions and laws (Mottershead). In short, it could act as a coordinating and integrating tool within and outside government and introduce elements (policies and laws) that have been missed from the Hong Kong governance model to date. Further, since A21 can be applied to sectors, it could, once known and understood, be used by sectors of the community to incorporate sustainable development into their daily lives (Ap and Bauer).

There is no doubt that these mostly beneficial outcomes of LA21 have prompted its mention (albeit interchangeably with references to and discussions about strategy) and pursuit in the Strategy Sub-committee of the CSD (Mottershead). However, clarification on how, when and where

a Hong Kong LA21 will evolve and be implemented is much less clear. For example, the extent to which this sub-committee will assume responsibility to produce an LA21, will review and make use of the Conservancy Association 1993 Agenda 21 or work done by the People's Council for Sustainable Development and other NGOs, will ensure Hong Kong becomes part of the ICLEI LA21 initiative or will work with the CSD Education and Publicity Sub-committee to ensure the SD Fund will be used to evolve an LA21 by industry sector, district, or Hong Kong-wide, have yet to materialize as specific agenda items.

Laws

As noted earlier, there is an evolving environmental and sustainable development jurisprudence in Hong Kong. To date, the area is still dominated by prosecutions of polluters pursuant to command and control anti-pollution legislation, combined with irregular challenges of administrative decisions made under the same legislation. While some legal principles on international environmental law, such as the polluter pays principle and sustainable development are finding their way into Hong Kong courts, the evolution of these is impeded by a legal system that neither evidences the level of expertise that is needed in these areas nor the more liberal approach to public interest litigation that has supported its development in other countries. For example, it has been suggested, that the right of private citizens to take action against polluters where the government would not is not provided for in Hong Kong legislation (no citizen suit provisions). It has also been noted that a person or interested group of people seeking to take a civil action against a polluter of their own land or some other land of common importance are hampered by the rules of court dealing with standing (the right to appear), high legal costs and the absence of local legal expertise in Hong Kong (Mottershead).

It was suggested that this situation could, in part be addressed by including legal representation in some of the more general advisory boards and also by not filling the 'legal positions' in some advisory boards with the same people. The absence of utilizing and evolving Hong Kong's legal talent in this way means the community is missing the opportunity to foster this critical existing and potential legal expertise (Mottershead).

It was also noted that excluding lawyers from these and similar opportunities might, in part, account for:

- The lack of integration of anti-pollution laws (Mottershead and Hopkinson);
- The difficulties in bringing actions noted earlier;
- The absence of sustainable development-type penalties being included in legislative provisions e.g. penalties are presently restricted to fines and imprisonment with limited rights to force clean ups. There are no provisions like requiring ISO 14001 adoption and compliance by polluting companies, remedial training of a polluting company's staff or community remediation funds for general education and awareness raising in the larger community.
- The absence of discourse and debate on establishing a specialist environmental and planning court that would be better equipped (on the basis of expertise, consistency and independence) to deal with decisions relating to, impacting and evolving environmental and sustainable development jurisprudence.

It was also noted that Hong Kong has also not developed alternatives to litigation in the environmental area like environmental mediation (Scully). As a problem solving mechanism, mediation has the fortunate flexibility and adaptability to be able to be used between individuals or large groups. It was suggested that such mediation would be more conducive to maintaining the partnerships between stakeholders, which are promoted under sustainable development (since it is more conciliatory than litigation) (Scully). It is also closer to (albeit one step beyond) the solutions by consensus approach to communication between stakeholders and problem solving which is also favoured by the concept (Scully).

Regrettably, but perhaps related to the absence of environmental (much less sustainable development) expertise in Hong Kong, it was noted that environmental mediation is not widespread and at best in its infancy, which was seen as regrettable given its relevance and likely cost saving advantages had it been used voluntarily by the parties to the *Long Valley KCRC Spur Line* dispute (Scully).

PUTTING THE 'PUBLIC' BACK INTO 'PARTICIPATION'

As noted earlier, the absence of public participation was singled out by all authors as the matter requiring most pressing attention for sustainable

development to be advanced in Hong Kong. The need to generally communicate more with and listen to the community was accepted by the Chief Executive in his Policy Address in October 2000 (para. 30). The SDU, CSD and its sub-committees have also acknowledged its 'centre-stage' importance. However, what is also apparent from the chapters is that although the need for public participation is now recognized within the government and through the SUSDEV 21 Study as an essential part of sustainable development, precisely what it is and how to achieve it has yet to be determined.

What is public participation?

In all of the chapters (to a lesser or greater extent) it was suggested that public participation was mostly indirect at best, and selective — it was noted that it was difficult if not impossible (in reality) for individuals or grass roots civil society to input into government decision-making. The opportunities to do so can be summarized:

- If they are members of a District Council (elected since 2000).
- If they are members of the Legislative Council (LegCo) but then they may be pursuing partisan interests as a representative of a functional constituency.[9]
- If a particular matter is taken up by a member of LegCo and introduced as a private member's bill with the intention it be enacted as legislation. This has been done rarely in Hong Kong and one of the more recent examples in the environmental area was Christine Loh's successful pursuit to enactment of the Protection of the Harbour Ordinance, which was subsequently used in 2003 and 2004 to bring a halt to reclamation work in Wanchai and Central (Francesch, Mottershead, Ap and Bauer).
- If they are members of one of the advisory groups but to be such a member you usually have to be appointed by the Chief Executive or another senior government civil servant. Also, many of the problems noted and associated with the exclusion of lawyers from these committees can be repeated for most other professions, NGOs and the other 'major groups' of A21. These bodies have not been used to tap into the vast array of talent that exists in the broader local community nor have they been used to foster this talent and disseminate information through these representatives to their own

groups and therefore into the wider community. Even the more representational bodies like the Advisory Council on the Environment and the CSD have minimized NGO representation and even then the representational array of professional groups i.e. business and industry dominate regardless of the obvious need to include other professional group representatives.[10] This system is, as noted, currently under review by the government.

- If a government official decides to call for participation — this is on an individual basis and has been evident at the bureau level in the Housing, Planning and Lands Bureau and at the department level of the Planning Department and the Environmental Protection Department.
- If an individual/group is invited to make a presentation to the Executive Council or LegCo e.g. especially to the Environmental Affairs Panel[11] of LegCo.
- If there is a statutory requirement for consultation and this has existed under proposed amendments to the Town Planning Ordinance (TPO) and does exist to a limited extent under the Environmental Impact Assessment Ordinance (EIAO) (which came into force in 1998). The extent of involvement under these proposed or other provisions does not go as far as full third party objector appeal rights.
- When an individual is successful in lodging a complaint about pollution and the government follows this up and the polluter is successfully prosecuted.
- If an individual or group is successful in taking a civil action against a polluter. This is not easily achieved.
- If an individual/group is successful in overturning a government decision under the process of judicial review. The process to achieve this is in many respects even more limited than the general rights to be heard before a court discussed earlier. One environmentally focussed (1992) and a few environmental/sustainable development (2004) focussed judicial reviews instigated by NGOs have successfully changed government/quasi-government decisions in the last decade or so.
- Individuals or groups protest and this is sufficiently vocal so that it may e.g. reach the local or international media and pressure the government into action. This is a 'hit or miss' strategy, however, and since it is unfocussed, the desired outcomes cannot be guaranteed.

The real success of these campaigns will often only be achieved after prolonged campaigning and, since many NGOs are under-resourced, this limits the success rate of such campaigns. However, the recent prolonged and Hong Kong citizen-wide demonstrations and protects about the Basic Law Article 23 national security law debate brought a halt to the enactment of that legislation in Hong Kong.

- Further, as the limited form of democracy provided by the directly elected positions to the District Councils and LegCo is relatively new, these representatives are still, themselves, learning how to function in a representational capacity. Hence, their ability to be lobbied coupled with the NGO inexperience in lobbying (to be discussed later) makes for these avenues for participation to be even more limited (Boyer King).

All of these methods together do not achieve the level of public participation anticipated by sustainable development. There are too many filters between the community and those who can implement changes to accommodate their concerns — the impact, immediacy and accuracy of the issues are lost at each point where it passes through one of these filters.

Sustainable development contemplates individuals and groups being directly involved from the framing of a concept through its implementation and again in its monitoring, evaluation and review. Most often, this involvement is accommodated through the process of consensus building where the government takes on the role of facilitator and not the defender or a pre-agreed conclusion. Consensus building has yet to be undertaken in this way for any programme, policy, plan, strategy or the like in Hong Kong although the Green Policies for the 21st Century initiative in 1999 and the current and ongoing Vision 2030 Study both from the Housing, Planning and Lands Bureau (although in 1999 this was the Planning, Lands and Environment Bureau and the Green Policies initiative is now under the 'umbrella' of the Environment, Transport and Works Bureau) started 'down this track'. Further, all of these concepts would seem to have been embraced by the CSD Strategy Sub-committee for the evolution of a Hong Kong-wide sustainable development strategy[12] (Mottershead) but, as the actual role out of a still being devised and the comprehensive work plan has yet to come to fruition, it has yet to be determined whether or not the process used by this Sub-committee will become a model for government decision-making processes going forward.

How to achieve public participation

From the chapters of the book, it can be observed that there is a greater incidence of factors that hinder public participation in Hong Kong than those which promote and entrench it. There are many ways to summarize these but they will be discussed here under three broad categories: (i) education and awareness raising; (ii) information and knowledge; (iii) the opportunity and capacity to engage.

Education and awareness raising

Although the SUSDEV 21 Study had as one of its primary objectives to educate and raise the level of awareness about sustainable development in the broader Hong Kong community, most of the chapters observe that it had, for a variety of reasons, failed to achieve this. To the larger community in Hong Kong, sustainable development remains an 'unknown quantity'. The government has, on numerous occasions, suggested that sustainable development is a 'shared responsibility' and while this is undeniably correct, so too is the reality that the government is better resourced (funding and staffing) and more directly responsible to the community than any other stakeholder group and therefore better placed to undertake an education programme in the wider community. This fact seems to have been accepted, at least implicitly, by the government through the work in this area by the SDU and the establishment of the dedicated CSD Education and Publicity Sub-committee.

Nevertheless, the SDU and CSD sub-committees have also recognized, that a number of NGOs have been doing good work in this area and that their partnership with government and business is essential for sustainable development to reach the grass roots level of Hong Kong society. If the SD Fund can, as is anticipated, provide funds for the pursuit of sustainable development activities especially by NGOs (but also government and the CSD) then, it may result in one of Hong Kong's most innovative and constructive uses of HK$10 million annually (Hills and Mottershead).

Information and knowledge

Given the preceding discussion, it is evident from the chapters and also from the SUSDEV 21 Final Report, that most of the information and knowledge about sustainable development, probably still rests mostly with

the professional and academic communities. It is difficult for the community at large to participate where information is not available in a user-friendly way or readily accessible form. Doubts were raised as to the extent to which the SUSDEV 21 information and knowledge sharing was undertaken and whether or not this resulted in widespread access to the greater community (Mottershead). Perhaps, one of the most poignant criticisms of SUSDEV 21 under this heading is that it failed to go 'face to face' with the community: it did not go into town halls, it did not convene local meetings — it stayed too 'removed' from the community whose views the outcomes were supposed to represent.

It must also be added, on this point, that as the government may not have collected the views of the public through its own direct efforts or through SUSDEV 21, neither have the NGOs. These NGOs (business and green) at best represent only a small percentage of the population of Hong Kong. The membership profile within these groups and the fact that this membership, as a whole, is often not consulted before the group advances a view, suggests that their input or outcomes of their deliberations do not represent the views of the majority of the residents of Hong Kong. If the lead in sustainable development is left to these NGOs alone, then a similar criticism may emerge namely that the views of these NGOs do not accord with the will of a greater majority of the Hong Kong population. Accordingly, although NGO views may be more representative of citizen's views than those collected under the auspices of government consultation exercises, neither is currently achieving mobilization of or free flowing two-way communication with the grass roots community in Hong Kong. For information and knowledge to permeate the wider community, it will be necessary for Hong Kong to find a means, perhaps a district or village level A21 to engage the grass roots community.

It is to the credit of the CSD Strategy Sub-committee (and also the Education and Publicity Sub-committee) that it has acknowledged and effectively accepted the veracity of the preceding discussion, and although it is considering categorizing and restricting stakeholder engagement in some areas of consultation, it is also mindful of the need for the broader community to understand, have input into and be part of the evolution of a sustainable development strategy if it is to have relevance and achieve implementation in Hong Kong (Mottershead and Hills)

The opportunity and capacity to engage

The limitations placed on the opportunity for the average citizen to access information, knowledge and indeed participate in government decision-making has been noted earlier. Where limitations exist, as they do in Hong Kong, then decisions taken are not made on 'a level playing field' and sustainable development cannot be achieved. However, as has been observed, opportunity alone does not guarantee participation, there must be more i.e. participants must have the capacity to engage (Hills and Mottershead).

The capacity to engage in sustainable development matters means there must be some basic level of knowledge about the concept but also the skills to facilitate, advocate, monitor, evaluate and educate. It is unlikely all people possess all of these skills hence, there is also a requirement for training and the need to maximize participation from all stakeholders in any group dealing with the concept. The SUSDEV 21 Final Report suggested that staff of the SDU would have to undergo training to be able to undertake their tasks and, given this was a study to advise the government and produce outcomes for the government, it is not surprising but nevertheless disappointing, that it did not make a similar recommendation for all other stakeholder groups.

However, since the CSD, SDU and government bureaux and departments all interact with the public, it follows that they will all need to possess a similar skill set. Much work has been done by the SDU to upskill its staff in the area of sustainable development. Work has also been done to achieve this at the bureaux and departmental levels of government via the SDU-led training associated with the Sustainability Assessment System. However, the extent to which these same groups have undergone training in the area of consensus building is less clear.

Similarly, the extent to which CSD and Sub-committee members have had training in sustainable development and consensus building is unclear and, although within this group there is a range of excellent skills, it is as evident that not all the skills in all of the required areas are possessed by them all. It is interesting to observe that the Strategy Sub-committee has divided stakeholders into two broad categories being those with a knowledge of sustainable development (informed stakeholders) and those with limited or no knowledge (the wider community) — it will be important for the CSD, SDU and both sub-committees to not just accept

that they too may readily fall into either of these groups but also that they must take the necessary instruction to ensure they continuously upskill themselves. These comments are particularly important with regard to non-government participants since their engagement and subsequent advocacy through their respective groups in Hong Kong society will be the only real means by which community values and attitudes will become informed and are likely to change (Cook and Hyslop, MK Ng, Hills). These NGOs will have less funding to assist them in developing their skills set deficiencies and may have to look to the government to assist them in this regard. It is without doubt essential that a comparable skill set be possessed by all to ensure maximum constructive participation in exchanges between and through all these groups.

Partnerships for change

Previous suggestions have been made about the critical role that partnerships will continue to play in the advance of sustainable development in Hong Kong. Relevant aspects of the discussion on this point can be summarized by noting that sustainable development in Hong Kong to date has been mostly government lead; the government has been slow to react; the government may be hampered in acting to some extent (whether this is accurate or not) by its unique political history; knowledge about sustainable development within all stakeholder groups is limited; and stakeholders have not agreed on the best way to take the concept forward.

Given this background, it also appears that all stakeholder groups must find a means to increase their knowledge base and probably to, where possible, circumvent the obstacles which may lie in the path of the government undertaking this task alone. This can be achieved through partnering.

The government in Hong Kong has a long history and close relationship with business and so, one would assume partnering in sustainable development would have been a likely way forward. However, it has been the partnering between business and the NGO community, which has taken the major steps (albeit still small compared with the concept as a whole and work to be done) in this direction (Boyer King, Sahas Martin, Coppell and Chapman, Ap and Bauer, Hills). Although the nature and extent of partnering differs as much from activity to activity as from industry

sector to industry sector, it has been noted, that good work is being done through universities and private think tanks and this is likely to continue. The WSSD Type II Partnership initiatives, the Global Compact and the Global Reporting Initiative have all provided useful international frameworks and laid the ground work for local initiatives in these areas (Mottershead). Some of this local work is progressing in Hong Kong but much more needs to be done. There can be no doubt that in the long term, relationships built and information generated and shared between stakeholders will provide not only an important resource for the government, business and NGO communities but it will also foster the partnerships for change that will support the evolution of sustainable development institutions, policies, policy tools (Francesch), strategy, plans (Cook and Hyslop, Boyer King, Hills, MK Ng, Mottershead), and laws (Mottershead) in Hong Kong.

CONCLUSION

It is difficult to find better words to express the overriding imperative in the evolution of sustainable development in Hong Kong than those of John F. Kennedy which are repeated almost verbatim in Agenda 21:

> There are risks and costs to a program of action but they are far less than the long-range risks and costs of comfortable inaction.

The chapters of the book bear witness to the fact that there has been far too much inaction in Hong Kong for far too long. The task ahead is not easy, it will disrupt the status quo but the harsh reality is, and it is a consistent message from the chapters, that if we do not act, the damage will (and in same cases already is) irreparable.

With China entering a prolonged period of being in the spotlight, Hong Kong as one of its Special Administrative Regions will inevitably share some of the attention. Recent events have made clear for both China and Hong Kong that the 'spotlight' can be kind but it can also be cruel. In an age of globalization, the advent of the global community and where knowledge can be collected, collated and disseminated to billions in a few seconds, whatever we do in our part of the world and whenever we fail to fulfill our local, regional and international obligations, it will not escape

the attention of the local and global village. The truth of this latter statement can be readily seen in the favourable press about China's admission to the World Trade Organization, its 'green' preparations for the Olympic Games in Beijing in 2008, and its approval of the Kyoto Protocol but, it is also evident in the highly critical press about China's handling of the 2003 Severe Acute Respiratory Syndrome (SARS) and Hong Kong's much criticized handling of the Basic Law Article 23 national security law debate the same year.

The residents of Hong Kong are increasingly demanding a better quality of life, undoubtedly they are looking for ways to engage in achieving this. China and Hong Kong are no longer insulated (if they ever were) from the responsibilities and demands that sustainable development places on them locally, regionally and internationally. So, with all that has gone before and all that is to come, it is hard to imagine a better time for Hong Kong to evolve sustainable development-led institutions, strategies, policies, plans and laws. If the authors agree on one thing in this book, it is their collective belief and hope that the residents of Hong Kong will make use of their renowned entrepreneurial spirit to engage in and commit to that evolution process and more, the implementation of its sustainable outcomes.

NOTES

Foreword

1 See www.johannesburgsummit.org for a variety of documents relating to the Johannesburg Summit 2002.

2 *The State of the World Population 2002*, United Nations Population Fund, December 2002.

3 S. Boyden, S. Millar, K. Newcombe, and B. O'Neill, *The Ecology of a City and Its People: The Case of Hong Kong* (Canberra: Australian National University Press, 1981); A. Koenig and K. Warren, *Hong Kong's Urban Metabolism and Ecological Footprint: 1971–2000* (Hong Kong: Department of Engineering, the University of Hong Kong, 2000).

4 Koenig and Warren (2000).

5 Constanza, R., et al. (1997), The value of the world's ecosystem services and natural capital. *Nature* (387): 253–60.

6 Amory B. Lovins, Hunter L. Lovins, and E. von Weizsacker, *Factor Four: Doubling Wealth — Halving Resource Use — The New Report to the Club of Rome* (London: Earthscan Publications Ltd, 1997). See also P. Hawken, Amory B. Lovins, and Hunter L. Lovins, *Natural Capitalism — Creating the Next Industrial Revolution* (USA: Little, Brown and Company, 2000).

Chapter 2

1 Chairman's Foreword. In World Commission on Environment and Development, *Our Common Future* (London: Oxford University Press, 1987: ix).

2 This table was derived, in part, with reference to Connelly and Smith (1999: 3).

3 The non-human environment includes fauna and flora.

4 See discussion of these factors as aspects of all technical systems in Meyers and Muller (1996: 1–44; 35–9).

5 See generally Ryan (1987).
6 See generally Schweitzer (1969).
7 Connelly and Smith (1999: 16–8).
8 See Stone (1996). This book was first published in 1972 but this reference is to the 25th anniversary edition as this is more readily available to prospective readers.
9 The importance of ethics in the implementation of sustainable development (especially through Agenda 21) was specifically recognized at the World Summit for Sustainable Development in 2002 in Article 6 of Chapter 1 in the Johannesburg Plan of Implementation — this plan will be discussed in more detail later.
10 The recognition of this type of access as the foundation of the link between human rights, environmental rights and sustainable development was firmly entrenched through the Aarhus Convention (Convention on the Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters) adopted on 25 June 1998 in the Danish city of Aarhus. For more information about the Convention and its relationship to Principle 10 of the Rio Declaration, see http: //www.unece.org/env/pp (visited on 26 July 2003).
11 See CSD 11 Report on CSD website: http: //www.un.org/esa/sustdev/csd/csd11/CSD11.htm (visited on 26 July 2003).
12 Ibid.
13 Ibid.
14 These guidelines and criteria built on the work in this area undertaken in the preparatory process in Bali, Indonesia for WSSD (these became known after that meeting as the Bali Guiding Principles) and the UN General Assembly resolution A/RES/56/76 — see CSD website CSD 11 Decisions on Partnerships: http: //www.un.org/esa/sustdev/partnerships/csd11_partnerships_decision.html (visited on 25 July 2003).
15 The DSD is divided into branches and units: Policy Integration, Analysis and Evaluation Branch; National Information, Monitoring and Outreach Branch (including the National information Analysis unit); Programme Coordination, Major Groups and Partnerships Branch; Energy and Transport Branch; Water, Natural Resources and SIDS (Small Island Developing States) Branch (including the SIDS Unit); and the Office of the Director, Planning and Liaison Unit: see CSD website http: //www.un.org/ea/sustdev.about_us/branches.htm (visited on 25 July 2003).
16 See generally UN website: http: //www.un.org (visited on 26 July 2003).

17 For a more detailed discussion of these differences see Mottershead and La Grange (2001). For the most up-to-date information and Earth Council NCSD initiatives see the NCSD website: http: //www.ncsdnetwork.org.

18 See generally Earth Council, NCSD Report 1999–2000; and Earth Council website on NCSDs http: //www.ncsdnetwork.org/ (visited on 26 July 2003).

19 More recently, the call for an International Environmental Court has also been gathering momentum: see discussion detailing this in Hey (2000).

20 The 'precautionary principle' states 'that where there are threats of serious or irreversible damage, scientific uncertainty shall not be used to postpone cost-effective measures to prevent environmental degradation (Keating, 1993: x).

21 The Earth Council was created in September 1992 and 'is an international non-governmental organization (NGO). Its main purpose is to promote and advance the implementation of the Rio Summit agreements. A body of 18 members, drawn from the world's political, business, scientific and non-governmental communities, leads it. Sixteen eminent world leaders serve as Honorary Members, and an 18 member Earth Council Institute functions as an advisory board. Three fundamental objectives have guided the work of the Earth Council since its inception: 1. to promote awareness for the needed transition to more sustainable and equitable patterns of development; 2. to encourage public participation in decision-making processes at all levels of government; 3. to build bridges of understanding and cooperation between important actors of civil society and governments worldwide' : Earth Council website: http: //www.ecouncil.ac.cr (visited on 27 July 2003).

22 Green Cross International was founded by Mikhail Gorbachev in 1993 and built on the global efforts undertaken by UNCED and promoted by Agenda 21. Green Cross is a non-profit NGO. Its mission 'is to help create a sustainable future by cultivating harmonious relationships between humans and the environment'. Green Cross concentrates its efforts on five programs whose common theme is to promote a significant change in human values leading to greater respect and care for Earth's community of life in all its diversity and to address the environmental causes and consequences of war and conflict. See Green Cross International website: http: //www.greencrossinternational.net/GreenCrossFamily/historymission.html (visited on 27 July 2003).

23 For a detailed history of the EC see Earth Charter website: http: //www.earthcharter.org (visited on 27 July 2003) and Mottershead and La Grange (2000).

24 For details of the global campaign highlights refer to the Earth Charter website: http: //www.earthcharter.org (visited on 25 July 2003).

25 Earth Charter website: http: //www.earthcharter.org (visited on 25 July 2003). This website had not been updated since late 2002 at the time of visiting it and subsequent investigations could not confirm the status of the Earth Charter before the UN General Assembly.

26 This draft covenant will continue to be reviewed through 2003. It is also an immediate action under the work plan of the new IUCN Committee on Environmental Law Ethics Specialist Group, to work more closely with the Earth Charter initiative to find the best way to advance to progress of the Covenant; see *IUCN — The World Conservation Union Newsletter* Issue 1, 2003 (July 2003) Environmental Law Programme, Ron Engel and Brendan Mackey, *Ethics Specialist Group*, p. 20.

27 'UN Millennium Declaration — Mandate for global governance', Discerning the Times Digest and NewsBytes from http: //www.discerningtoday.org/un_millennium_declaration.htm (visited on 26 July 2003).

28 The Millennium Development Goals were derived form the many meetings and resolutions form UN sponsored world conferences in the early to mid-1990s. The goals are particularly focused on actions that need to be taken for the global community to reduce poverty and achieve sustainable development. There are 8 goals comprising 18 targets and 48 indicators. The eight goals are: eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental stability; and develop a global partnership for development. Targets are date (year) specific and the indicators are used to monitor progress. The partners in this initiative are: the UN; OECD; the World Bank; IMF; and many other organizations who are committed to advancing these international goals. For a comprehensive review of the goals and the initiative, see the UN website and the Millennium Development Goals website: http: //www.developmentgoals.org (visited on 27 July 2003). At the UN, these goals will be advanced and monitored by a number of bodies but particularly the CSD and the recently launched (25 July 2003) Commission on the Private Sector and Development; see UN website for details.

29 For details of the Doho Declaration of 2001 see WTO website: http: // www.wto.org.

30 For details and a discussion of the Monterrey Consensus see UN website (Financing for Development Office): http: //www.un.org/esa/ffd.

31 See discussion of these aspects on CSD website (UN Inter-agency coordination in the area of sustainable development): http: //www.un.org/esa/sustdev/inter_agency/inter_agency.htm (visited on 27 July 2003).

32 In September 1993 in Toronto, 130 representatives from environmental and social groups, the timber trade and forestry profession, manufacturers and retailers, indigenous people's organizations, community forestry groups and forest product certification organizations from around the world came together to hold the Founding Assembly of the Forest Stewardship Council (FSC). The following month FSC was launched as an independent, non-profit, non-governmental organization. By August 1994 a definitive set of Principles and Criteria, together with Statutes for the Council, were agreed and approved by the votes of the Founding Members. WWF-Netherlands and the Ford Foundation initially provided by the Governments of Austria and Mexico and funding for FSC. Today, FSC is funded by charitable foundations, by government donors, by membership subscriptions and by accreditation fees. In an effort to maintain independence, FSC's head office does not accept funding from industry. Internationally FSC is run headquarters in Oaxaca, southern Mexico, by an executive director and several full-time staff. An elected board that consists of people from industry, conservation groups, indigenous people's representatives and others controls it. FSC has offices in other countries. Membership is open to all who share its aims and objectives. See FSC website: http: //www.fscoax.org/principal.htm (visited 28 July 2003).

33 This section draws extensively from UNFCCC Climate Change Secretariat, *A Guide to the Climate Change Convention Process*, Preliminary 2nd Edition (issued for informational purposes only), Bonn, 2002, which is available from the UN Framework Convention on Climate Change (UNFCCC) website: http: //www.unfcc.de (visited on 26 July 2003) and direct quotes are from this unless otherwise specified.

34 For up-to-date details on this aspect (and all others) of the CCC, see the UNFCCC website.

35 For an up-to-date discussion of the progress on the CCC, see the United Nations Framework Convention on Climate Change website: http: //www.unfccc.de/index.html (visited on 25 July 2003).

36 See useful summary of current information on BBC News website: http: //news.bbc.co.uk/hi/english/static/in_depth/sci_tech/2000/climate_change/ (visited on 27 July 2003).

37 Greenhouse gases include carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulphur hexafluoride (SF6).

38 The countries listed in Annex I are Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, European Community, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey*, Ukraine, UK and USA An asterisk (*) denotes countries that have not yet ratified the CCC

39 The World Bank, the UN Development Programme (UNDP) and the UN Environment Programme (UNEP) established the GEF in 1990 to fund developing country projects including climate change Other areas in which funding is provided include biodiversity loss, depletion of the ozone layer and degradation of international waters In 1998, COP 4 entrusted GEF with the management of the CCC financial aid The GEF/COP arrangement was recorded in a Memorandum of Agreement and, the terms of the arrangement are reviewed every four years COP (on advice from its advisory bodies) provides regular policy guidance to the GEF on its climate change work The Kyoto Protocol will use the same financial mechanism when it is fully operative

40 *Supra*, note 30

41 The Intergovernmental Panel on Climate Change (IPCC) also assists this body The IPCC is not an institution under the CCC The World Meteorological Organization and UNEP established this panel in 1988 This panel brings together the world's scientific and technical experts on climate change and they produce assessment reports about every 5 years (to date, in 1990, 1995 and 2001) The panel also produces technical papers and special reports as required by COP or SBSTA

42 *Supra*, note 30

43 This group reports to the SBI *supra*, note 30

44 This group reports to the SBI *supra*, note 30

45 This group reports to the SBSTA *supra*, note 30

46 These are Africa, Asia, Eastern Europe, Latin America and the Caribbean (GRULAC), and the Western Europe and Others Group (WEOG) (The 'others' in WEOG include Australia, Canada, Iceland, New Zealand, Norway, Switzerland and the US, but not Japan, which is in the Asian Group)

47 The G-77 was founded in 1964 in the context of the UN Conference on Trade and Development (UNCTAD) and now functions throughout the UN system, comprising some 132 developing country members The

country holding the Chair of the G-77 and China in New York (which rotates every year) often speaks for the Group as a whole. However, because the G-77 and China is a diverse group with differing interests on climate change issues, individual developing countries also intervene in debates, as do groups within the G-77, such as the African Group and AOSIS.

48 This acts as an information-sharing and discussion forum. JUSSCANNZ stands for Japan, the US, Switzerland, Canada, Australia, Norway and New Zealand. Iceland, Mexico, the Republic of Korea and other invited countries also attended meetings.

49 This group is usually made up of the JUSSCANNZ members including Iceland, plus the Russian Federation and Ukraine, but without Switzerland. This informal group emerged following the adoption of the Kyoto Protocol, and works together mostly on the Protocol's mechanisms, especially emissions trading.

50 The group comprises Mexico, the Republic of Korea and Switzerland.

51 This group comprises most of the EITs included in Annex I.

52 This group comprises a number of countries in Asia and central and Eastern Europe but who are not included in Annex I — the acronym is derived from Central Asia, Caucasus, Albania and Moldova. These countries do not consider themselves to be developing countries but they are not in the G-77 Group.

53 There are regularly now about 48 of these at COP meetings.

54 There are generally now about 510 of these at COP meetings. Four constituency groupings have emerged in this group: environmental groups; business and industry groups; local governments and municipal authorities; and indigenous peoples: *Supra,* note 30.

55 *Supra*, note 30.

56 This section draws extensively from UNFCCC Climate Change Secretariat, *A Guide to the Climate Change Convention Process*, Preliminary 2nd Edition (issued for informational purposes only), Bonn, 2002 and available from the UN Framework Convention on Climate Change (UNFCCC) website: http: //www.unfcc.de (visited on 26 July 2003).

57 The United States has refused to ratify the KP see ENS website: 'U.S. Pulls Out of Kyoto Protocol' (28 March 2001) http: //ens-news.com/ens/mar2001/2001-03-28-11.asp (visited on 25 July 2003). The US has, however, recently committed US$130 million to a 10-year plan (which the US Congress initially committed to in 1990) with five research goals: 'to study' the 'natural viability' of 'climate change'; 'to find better ways of measuring climate effects from burning fossil fuels, industrial production

of warming gases and changes in land use; to reduce uncertainty in climate forecasting; to better understand how changes in climate affect human, wildlife and plant communities; and to find more exact ways of calculating the risks of global warming'. See WBCSD website: http: //www.wbcsd.ch; John Hellpin, 'Bush global warming plan would make study of natural causes on climate change top goal' (24/07/03) (visited on 27 July 2003).

58 The European Union (EU) has recently announced its adoption (through the European Council of Ministers) of its emissions trading legislation. This legislation will allocate a market value to carbon dioxide from January 2005. The European Environment Commissioner, Margot Wallstrom, has been reported as suggested this legislation made the EU world leaders in the area and would enable them to readily meet emission limits under the KP. See ENS website: http: //ens-news.com/ens/jul2003/2003-07-22-01.asp (visited on 25 July 2003).

59 For up-to-date details about this figure, which is changing constantly, see the UNFCC website.

60 This section draws extensively from the Convention on Biological Diversity website: http: //www.biodiv.org/ (visited on 28 July 2003) and direct quotes are drawn from this unless otherwise stated.

61 Keating (1993: 66).

62 For a 'user-friendly' and up-to-date guide on this protocol, see Ruth Mackenzie et al., 'An explanatory guide to the Cartagena Protocol on biosafety', IUCN Environmental Policy and Law Paper No. 46. The guide was prepared by the IUCN Environmental Law Programme and the Foundation for International Environmental Law and Development (FIELD), in co-operation with the World Resources Institute (WRI).

63 See discussion about the Human Development Report 2001 in *Environmental News Service Bulletin*, 11 July 2001 on the ENS website: http: //ens.lycos.com (visited on 12 July 2001).

64 Ibid.

65 See a recent example of an in-country debate about these issues in Australia, ENS website: Bob Burton, 'Australian Approval of GM Canola Stalled by States '(25 July 2003): http: //ens-news.com/ens/jul2003/2003-07-25-01.asp (visited on 28 July 2003).

66 In 1994 Mainland China adopted the first national A21 in the world.

67 ICLEI website: http: //www.iclei.org (visited on 28 July 2003).

68 Osborn and Biggs (1998: 93).

69 See ICC website: http: //www.iccwbo.org/index_sdcharter.asp (visited on 19 March 2001).

70 For a more detailed discussion about these matters, see Mottershead (2002).

71 'The Global Reporting Initiative (GRI) is a multi-stakeholder process and independent institution whose mission is to develop and disseminate globally applicable Sustainability Reporting Guidelines. These guidelines are for voluntary use by organizations for reporting on the economic, environmental, and social dimensions of their activities, products, and services. The GRI incorporates the active participation of representatives from business, accountancy, investment, environmental, human rights, research and labour organizations from around the world. Started in 1997 by the Coalition for Environmentally Responsible Economies (CERES), the GRI became independent in 2002, and is an official collaborating centre of the United Nations Environment Programme (UNEP) and works in co-operation with UN Secretary-General Kofi Annan's Global Compact; see GRI website: http: //www.globalreporting.org (visited on 28 July 2003).

72 'The World Business Council for Sustainable Development (WBCSD) is a coalition of 165 international companies united by a shared commitment to sustainable development via the three pillars of economic growth, ecological balance and social progress.' 'Members are drawn from more than 30 countries and 20 major industrial sectors.' It also benefits 'from a global network of 43 national and regional business councils and partner organizations located in 39 countries, involving some 1,000 business leaders globally.' The WBCSD was formed in January 1995 through a merger between the Business Council for Sustainable Development (BCSD) in Geneva and the World Industry Council for the Environment (WICE), an ICC initiative, in Paris. See WBCSD website: http: //www.wbcsd.org (visited on 28 July 2003).

73 *Supra,* note 67.

74 The Global Compact (GC) is a voluntary corporate citizenship initiative that brings companies together with UN agencies, labour and civil society to support nine principles in the areas of human rights, labour and the environment. UN Secretary-General Kofi Annan first proposed the GC in an address to The World Economic Forum on 31 January 1999. The Global Compact came into operation on 26 July 2000. The Global Compact Office and five UN agencies: the Office of the High Commissioner for Human Rights; the United Nations Environment Programme; the International Labour Organization; the United Nations Development Programme; and the United Nations Industrial Development Organization are at the core of this initiative. The GC involves all the stakeholders; see the GC website:

http: //www.unglobalcompact.org (visited on 28 July 2003). The GC has recently been identified as a means through which the MDG could be achieved in the UNDP Human Development Report 2003. See discussion on the UNDP website 'Human Development Report 2003 urges global compact to achieve Millennium goals (8 July 2003).

75 See ICLEI website for access to numerous documents on its involvement in WSSD.

76 The International Institute for Sustainable Development (IISD) focuses it work on 'making policy recommendations in the areas of international trade and investment, economic policy, climate change, measurement and indicators, and natural resource management. It uses the Internet to cover and report on international negotiations and broker knowledge gained through collaborative projects with global partners and in this way support an foster more rigorous research, capacity building in developing countries and a better dialogue between North and South'. See IISD website: http: // www.iisd.org (visited on 29 July 2003).

77 The International Institute for Environment and Development (IIED) 'is an independent, non-profit organization promoting sustainable patterns of world development through collaborative research, policy studies, networking and knowledge dissemination'. It was established in 1971, 'as the International Institute for Environmental Affairs in the United States. The IIED comprises a multicultural, multilingual staff of over 70 people from 18 countries and is headquartered in London'. See IIED website: http: //www.iied.org (visited on 29 July 2003).

78 The IUCN was established 'on 5 October 1948 as the International Union for the Protection of Nature (IUPN), following on an international conference in Fontainebleau, France. The organization changed its name into International Union for Conservation of Nature and Natural Resources (IUCN) in 1956. In 1990 it was shortened to IUCN –The World Conservation Union. IUCN is a unique Union. Its members from some 140 countries include over 70 States, 100 government agencies, and 750-plus NGOs. More than 10,000 internationally recognized scientists and experts from more than 180 countries volunteer their services to its six global commissions. Its 1000 staff members in offices around the world are working on some 500 projects.' See IUCN website: http: //www.iucn. org (visited on 29 July 2003).

Chapter 3

1 This chapter was first published as an article (same author and title) in

'Special Feature Ten Years after Rio: Implementing Sustainable Development' (2002) 6 *Singapore Journal of International and Comparative Law* 809–54 and is reproduced with the kind permission of that journal. This chapter updates that article to reflect changes in sustainable development in Hong Kong up to July 2003.

2 *The Economist*, 2 August 2003, p. 82 — this sum excludes gold and is based on the IMF definition.

3 Hong Kong Government (1998: 20).

4 Mottershead and La Grange (2000: 46).

5 The content and impact of the Rio Documents have been examined in detail in Chapter 2 of this volume.

6 Ibid. for a more detailed discussion about the link between the Rio Documents and the evolution of a sustainable development regime.

7 O.R. Young, ed., *Global Governance* (Cambridge: The MIT Press, 1997), p. 4. See also the comparison between the elements of this definition, the Rio Documents and those from WSSD in *supra*, note 5.

8 For a detailed discussion of the WSSD documentary outcomes see *supra*, note 5.

9 For further discussion on this point and how Hong Kong's EPR compares internationally, see Terri Mottershead, 'Chapter 18 Conclusion' in Terri Mottershead, ed., *Environmental Law and Enforcement in the Asia-Pacific Rim* (Hong Kong: Sweet & Maxwell Asia, 2002).

10 Mottershead and La Grange, *supra* note 4 at 46.

11 The structure of government in Hong Kong will be revisited briefly later in the section dealing with public participation.

12 The initiative had four working groups focused on: improvement of the urban environment; better use of resources; conservation and the use of the natural environment; and public education, awareness and culture. These groups concluded their deliberations in the same year and nothing further has progressed. At the time the initiative was being put together, one NGO suggested that the scope of the initiative be expanded to include SD and law — although this suggestion was not taken up, the outcomes of all the groups included suggestion and identified areas for improvement in both areas. For more detail see the ETWB website: http://www.info.gov.hk/etwb-e/board/ (last modified: 7 October 2002).

13 For a detailed discussion and review of Hong Kong's environmental laws see Terri Mottershead, 'Chapter 5 Hong Kong' in Terri Mottershead (2002), *supra* note 9. For a user-friendly, up-to-date overview of environmental legislation see also the EPD website: http://www.epd.gov.hk/epd/.

14 EFB press release, 15 December 2000, Cheung Chi-fai (2001) 4
15 See Johnson Stokes & Master Email Legal Updates, Tammy Goh and Raymond Wong, 'High Court ruled against reclamation project Section 3 of the Protection of the Harbour Ordinance (Cap 153)' (25 July 2003) at http://www.jsm.com.hk (Publications)
16 Ibid and *Society for Protection of the Harbour v Town Planning Board* HCAL 19/2003 (Chu J) (8 July 2003) para 87
17 *Society for Protection of the Harbour v Town Planning Board* HCAL 19/2003 (Chu J) (8 July 2003) para 88
18 Id, para 97
19 Chloe Lai, 'Harbour appeal: A fight for rights', *South China Morning Post*, 22 July 2003, C3
20 Id, para 86
21 Id, paras 66–77
22 Three of the six environmental and sustainable development related Appeal Boards (Air Pollution Control, Noise Control, Waste Disposal, Water Pollution Control, Dumping at Sea and Environmental Impact Assessment) are chaired by the same lawyer. Few lawyers below the level of senior counsel (even where these lawyers have considerable directly relevant experience) are being appointed. See ETWB website http://www.etwb.gov.hk/boards_committees/ (last modified 8 July 2003). Hence, these appeal boards are not being used as a means to foster or harness environmental or sustainable development legal expertise in Hong Kong.
23 For example, there has not been an expert environmental lawyer or one with significant and demonstrated interest in the area within the ranks of the Advisory Council on the Environment for at least the last decade and yet, it is charged (in part) with the responsibility to advise on environmental policy and environmental laws.
24 For more information about this association, visit its website http://www.hkela.org/
25 See, for example, the generally favourable reception to the by Green NGOs reported in 'Green groups call for special court to tackle land issues', *South China Morning Post*, 13 September 2003.
26 Hong Kong has a three-tier planning system made up of territory-wide, regional and sub-regional levels. There are also more localized statutory and administrative plans at the distinct and local levels. The preparation of these plans is guided by a policy-based document called the Hong Kong Planning Standards and Guidelines which provides criteria to determine the scale, location and site requirements for land usage and facilities. These

guidelines also assist with the preparation of planning briefs and review of development proposals. The guidelines have chapters devoted to recreation, open space and greening (Chapter 4 expanded in July 2002 to incorporate planning guidelines on greening), environment (Chapter 9) and conservation (Chapter 10). The guidelines and a useful guide to town planning in Hong Kong are available on the Planning Department website: http://www.info.gov.hk/planning (last modified: 13 November 2002).

27 See a general discussion about this and EIA and planning in the EPD website: http://www.epd.gov.hk/epd/textonly/english/environmentinhk/eia_planning/eia_maincontent.html (Last modified 10 June 2003).

28 Ibid., see Hong Kong: The Facts -Town Planning.

29 Ibid., see PlanD press releases: 'HK2030 Study reaffirms key planning objectives' (15 December 2001) and 'Public talks to focus on key planning issues' (24 January 2002).

30 See Mottershead, *supra* note 9, 162.

31 ETWB ACE Briefing Paper 4 (February 2003) on ACE website: http://www.etwb.gov.hk/boards_and_committees/ace/2003ace/paper042003/index.aspx?langono=1&nodeid=323 (last modified on 9 April 2003).

32 The Brundtland Commission Report (BCR) definition of SD as accepted by UNCED was: 'as development that meets the needs of the present without compromising the ability of future generations to meet their own needs': World Commission on Environment and Development (1987: 43).

33 Mottershead (2001).

34 For more information about the Conservancy Association, visit its website: http://www.conservancy.org.hk.

35 For a further discussion of this aspect of the study, see Mottershead and La Grange (2001: 33–62).

36 SUSDEV21 Final Report Annexures N and O.

37 SUSDEV21 Final Report 2000, para. 5.3.2.

38 Mottershead and La Grange, *supra* note 4, 49–50.

39 Digest of CSD Meeting on 1 April 2003 on Sustainable Development Unit website: http://www.susdev.gov.hk/html/en/council/index.htm#meetings (last modified 26 June 2003).

40 Digest of EPSC Meeting on 13 May 2003 on Sustainable Development Unit website: http://www.susdev.gov.hk/html/en/council/epsc.htm (last modified 8 July 2003).

41 Digest of SSC Meeting on 29 April 2003 on Sustainable Development Unit website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).

42 Information Services Department, *Hong Kong 2001* (Hong Kong: HKSAR Government, 2000).

43 For example in Annex C, 'Terms and Concepts Relating to SD of SUSDEV21', there was an attempt to introduce the concept of valuing the environment as an 'underlying principle'.

44 The Earth Chapter Initiative began in 1994 under the auspices of Maurice Strong, the Secretary General of UNCED and Mikhail Gorbechev, the President of Green Cross International (http://www.greencrossinternational.net, visited on 14 November 2002) with the support of the Dutch government. The drafting of the Earth Charter, education, acceptance, implementation and UN endorsement of it, remain the Initiative's primary objectives. See Earth Charter Initiative website: http://www.earthcharter.org, visited on 14 November 2002).

45 SUSDEV21 Final Report, para 2.2.1.

46 See generally Connelly and Smith (1999).

47 See generally Hanna, Folke and Maler (1996).

48 SUSDEV21 Final Report, 2000: para. 4.

49 SUSDEV21 Final Report, 2000: para 6.

50 SUSDEV21 Final Report, 2000: para. 6.1.3.

51 SDU Paper No. 8 Review of the Working of the Sustainability Assessment System for CSD (May 2003), p. 5. See also SDU website: http://www.susdev.gov.hk/html/en/council/index.htm#meetings (last modified 26 June 2003).

52 Sustainable Development Unit website: http://www.susdev.gov.hk/html/en/public/index.htm (last modified on 26 June 2003).

53 SUSDEV21 Final Report, 2000: para. 6.6.

54 SUSDEV21 Consultation Document 1999: 15.

55 Ibid.

56 Id.

57 CSD Secretariat Paper No. 2 'Susdev21' and Principles for the Drawing up of a Sustainable Development Strategy for SSC (April 2003), p. 2. See also SDU website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).

58 Ibid., p. 3.

59 Id.

60 *Supra*, note 50.

61 SUSDEV21 Summary of Final Report and SUSDEV21 Final Report, 2000, para. 7.4.2.

62 As at 1 January 2002, green NGO representation comprised 17 per cent of ACE. See Environment, Transport and Works Bureau (environment)

website: http://www.info.gov.hk/etwb-e/board/member.html (last modified: 4 November 2002).

63 Policy Address, 1999, para. 123.

64 This was also mentioned in the SUSDEV21 Final Report (2000: para 9.5. 2).

65 SDU website: http://www.susdev.gov.hk/html/en/su/index.htm (last modified 26 June 2003).

66 The background for SDU officers suggested were to include an economist, energy expert, strategic planner, environmental policy specialist, transport planner, public relations expert and welfare expert. Curiously, essential expertise like law and sociology was not recommended. See SUSDEV21 Final Report Annex M.

67 See SDU website: http://www.susdev.gov.hk/html/en/su/index.htm (last modified on 26 August 2002).

68 *Supra* note 50, p. 6.

69 Ibid.

70 *Supra*, note 50 at p. 4.

71 SDU Paper No. 3 Education and Publicity Programmes for EPSC (May 2003), see SDU website: http://www.susdev.gov.hk/html/en/council/epsc.htm (last modified 8 July 2003).

72 See SDU website: http://www.susdev.gov.hk/html/en/council/index.htm (last modified 26 June 2003).

73 Ibid.

74 For the most up-to-date information and Earth Council NCSD initiatives, see the NCSD website: http://www.ncsdnetwork.org.

75 PRC membership is through The Administrative Centre for China's Agenda 21 (AC); see ibid. and the AC's website: http://www.acca21.edu.cn. Hong Kong's membership is currently through the Hong Kong Sustainable Development Forum; see http://www.hksdf.org.hk.

76 See SDU website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).

77 Ibid.

78 Council Secretariat Paper No. 4 'Preliminary ideas for a draft structure for a Hong Kong sustainable development strategy' (May 2003) and Council Secretariat Paper No. 5. 'Stakeholder engagement and public involvement in the sustainable development strategy formulation' (May 2003). See SDU website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).

79 Council Secretariat Paper No. 5; 'Stakeholder engagement and public involvement in the sustainable development strategy formulation' (May 2003). See SDU website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).

80 Johannesburg Plan of Implementation Chapter I Item 6 and adopted by the UN General Assembly on 10 December 2002.

81 Council Secretariat Paper No. 1, 'Susdev21 and principles for the drawing up of a sustainable development strategy' (April 2003); see SDU website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).

82 Annex B to Council Secretariat Paper No. 3, 'Key steps in formulating a sustainable development strategy' (April 2003); see SDU website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).

83 Council Secretariat Paper No. 3 'Key steps in formulating a sustainable development strategy' (April 2003). See SDU website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).

84 For a more detailed discussion of ICLEI and its adoption of the Earth Charter refer to Chapter 2 in this book.

85 SSC Digest of Meeting held on 29 April 2003 on SDU website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).

86 This has been mentioned as part of a possible Action Plan within an SD Strategy in *supra*, note 71.

87 See SDU website: http://www.susdev.gov.hk/html/en/council/epsc.htm (last modified 8 July 2003).

88 Ibid.

89 EPSC Digest of Meeting on 13 May 2003 on SDU website: http://www.susdev.gov.hk/html/en/council/epsc.htm (last modified 8 July 2003).

90 Information about the SDF is drawn from a combination of sources: EPSC Digest of Meeting on 13 May 2003; Council Secretariat Paper No. 4. 'Launch of the sustainable development fund' and accompanying Annex A SDF Draft Guidelines and Application Form (June 2003); all on SDU website: http://www.susdev.gov.hk/html/en/council/epsc.htm (last modified 8 July 2003).

91 Council Secretariat Paper No. 4. 'Launch of the sustainable development fund' and accompanying Annex A SDF Draft Guidelines para. 4.1 and Application Form (June 2003); all on SDU website: http://www.susdev.gov.hk/html/en/council/epsc.htm (last modified 8 July 2003).

92 This was effected pursuant to the Reunification Ordinance which was passed by the Provisional Legislative Council on 1 July 1997.

93 Roda Mushkat (1999: 627 at 632).

94 The HKSAR Government requested the Central People's Government of the PRC to extend the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC Convention) to Hong Kong. See EFB press release of 19 April 2000, 'Proposed extension of international oil pollution agreement to HK' on the then EFB website: http://www.info.gov.hk/efb/press (visited on 18 July 2001).

95 For up-to-date details about the CCC and Kyoto Protocol see the UN Climate Change Convention website: http://unfccc.int/.

96 Mushkat, *supra* note 84, 645–6.

97 Ibid., 633–5.

98 The polluter pays principle has also been the subject of the most recent Policy Address of the Chief Executive in January 2003. In this, the Chief Executive tied the principle to the introduction of a landfill charging scheme. See Chief Executive's Policy Address 2003 on the Hong Kong government website: http://www.policyaddress.gov.hk/pa03/eng/agenda5.htm (last modified on 8 January 2003).

99 See discussion in Fred Kan & Co., Urban Planning and Environmental Quarterly, December 2000.

100 See ETWB website: http://www.etwb.gov.hk/nature_outlook/ (last modified 29 July 2003).

101 See SDU website: 'Report of the HKSARG team to the World Summit on sustainable development' (22 October 2002). See http://www.susdev.gov.hk/html/en/su/public.htm (last modified 26 June 2003).

102 EPD press release, 'EPD to commission greenhouse gas study', 2 November 1998 on EPD website: http://www.info.gove.hk/gia/geeral (visited on 15 July 2001).

103 *Supra*, note 31.

104 Chief Executive's Policy Address 2003 on the Hong Kong government website: http://www.policyaddress.gov.hk/pa03/eng/agenda5.htm (last modified on 8 January 2003).

105 For a helpful summary of the application of emissions trading to Hong Kong, see Sheena and Farrell (2004: 88–91).

106 *Supra*, note 31.

107 Ibid.

108 For more information about this, visit the department's website: http://www.emsd.gov.hk/emsd/eng (last modified 26 August 2002).

109 See EMSD website: http://www.emsd.gov.hk/emsd/eng/wnew/index.shtml (last modified 11 July 2003).

110 For more information visit the observatory's website: http://www.hko.gov.hk.

111 *Supra*, note 92.

112 EFB press release, 'Public consultation on GM food labeling', 26 February 2001 on EFB website: http://www.info.gov.hk/efb/press (visited on 15 July 2001).

113 See HWFB press release, 'Pre-market safety assessment proposed to ensure safety of GM foods': HWFB website: http://www.hwfb.gov.hk/en/press/press030625.htm (25 June 2003).

114 See AFCD website press releases, 'Organic standard and certification system' (9 November 2002): http://www.afcd.gov.hk/news/text/epress/pr325.htm.

115 Further information about this survey can be found on the department's website: http://www.hku.hk/ecology/bs/index.htm (visited 17 November 2002).

116 This arose form a submission made by the Hong Kong Environmental Law Association (SD Taskforce) on 30 June 1998 and was subsequently pursued by the Hong Kong Sustainable Development Forum.

117 The other two important aspects ranked in the Telephone Survey were: social systems and polices (96.7 per cent) and social welfare and facilities (90.5 per cent): HKSAR Government, Public Consultation Report, November 1998.

118 SUSDEV21 Final Report Box 9.4a and Annex M.

119 The functional constituencies comprise representatives from economic, social or professional groups: the Heung Yee Kuk; agriculture and fisheries; insurance; transport; education; legal; accountancy; medical; health services; engineering; architectural, surveying and planning; labour; social welfare; real estate and construction; tourism; commercial; industrial; import and export; textiles and garments; wholesale and retail; information technology; catering and District Council. It is anticipated that all members will be directly elected by 2007. For a further discussion about the nature and structure of government, see Chapter 2, 'Constitution and administration in Hong Kong SAR government', *Hong Kong 2001* (Hong Kong: Information Services Department, HKSAR Government, 2002), 4–27.

120 See Chapter 2, *Hong Kong 2001* (Hong Kong: Information Services Department, HKSAR Government, 2002), 4–27.

121 See a series of press releases on these changes on the HK government website: http://www.info.gove.hk/gia/general titled: CE highlights

accountability systems in year book review (17 July 2002); CE and new team share vision for Hong Kong (25 June 2002); New team of principal officials appointed (20 June 2002); and CE welcomes passage of government's resolution on accountability system (20 June 2002). See also comments about this accountability system by Civic Exchange and the US-based National Democratic Institute for International Affairs on the Civic Exchange website: http://www.civic-exchange.org/n_home.htm (last modified 16 September 2002).

122 This controversy was in response to the Financial Secretary's purchase of a new car prior to announcing a rise in vehicle registration tax.

123 In October 2000, the CS disclosed in his policy address (para. 121) that there were 370 statutory and non-statutory boards and committees with about 5,300 people serving on them.

124 SUSDEV21 Final Report para. 9.7.2.

125 For more details about Greenpeace (China) which includes Hong Kong, see http://www.greenpeace-china.org.hk/eng/.

126 For more details about WWF in Hong Kong, visit its website at: http://www.wwf.org.hk/eng

127 For more information about FoE in Hong Kong, visit its website: http://www.foe.org.hk.

128 For more information about this group, visit its website: http://www.cleartheair.org.hk/.

129 For more information about this group, visit its website: http://www.greenpengchau.org.hk/.

130 For more information about this group, visit its website: http://www2.netvigator.com/cgi-bin/eforceFrame.pl?MyUrl=http://www2.netvigator.com/eng/exploringhk/hkcpf/.

131 For more information about this group, visit its website: http://www.greenpower.org.hk/.

132 For more information about this group, visit its website: http://www.hkbws.org.hk/.

133 For more information about this group, visit its website: http://pangyiukai.net/gla.htm.

134 For more details about the Council, visit its website: http://www.hkcss.org.hk/about_hkcss/index.htm.

135 For more details about the Association, visit its website: http://www.conservancy.org.hk.

136 See Albert Lai Kwong-tak, 'Earth summit calls for action, not just rhetoric', *South China Morning Post*, 13 September 2002, p. 20.

137 For details about the Forum, visit its website: http://www.hksdf.org.hk.

138 UN Type 2 Partnerships are projects jointly undertaken by government, business and NGOs. These are not intended to absolve governments from their mutual and individual obligations to implement SD (Type 1 Partnerships) but rather to assist in ensuring information about SD is disseminated and the broadest range of expertise is accessed in local communities around the world. For more information about Type 2 Partnerships, visit the Stakeholders Forum 2002 Earth Summit website: http://www.earthsummit2002.org/.

139 'ASrIA is a not for profit, membership association dedicated to promoting corporate responsibility and sustainable investment practice in the Asia Pacific region ... ASrIA is committed: to increase momentum for SRI by raising awareness of the opportunity and relevance of SRI to Asia's economic development; to foster the creation of high quality products and services for SRI in Asia; to influence and reform the laws and policies which shape the Asian capital markets so that they reward sustainable enterprise; and to create a visible community of interested individuals and organizations who can support, innovate and work together to achieve ASrIA's goals'. See ASrIA website: http://www.asria.org/asria/intro (visited on 2 August 2003).

140 For more information about BEC, visit its website: http://www.bec.org.hk.

141 For a more detailed discussion about business and SD, see Terri Mottershead, 'The Evolution of the Sustainable Corporation — Nonsense or Good Business Sense?' (2002) *Corporate Governance International* (5) 4: 28–51.

142 This initiative was launched in July 2000 (although it was announced at the 1999 World Economic Forum in Davos by the UN Secretary-General Kofi Annan) and seeks to have business uphold and implement a core set of values (contained in nine principles) focusing on the protection and recognition of human rights (derived from the Universal Declaration of Human Rights), labour rights (derived from the International Labour Organisation's Fundamental Principles on Rights at Work) and environmental protection (derived from UNCED and in particular the Rio Declaration). For more information about the Compact visit the UN Website: http://65.214.34.30/un/gc/unweb.nsf.

143 The GRI was convened by the Coalition for Environmentally Responsible Economies (CERES) in collaboration with the Tellus Institute in late 1997. The United Nations Environmental Programme (UNEP) joined the GRI

as a key partner shortly thereafter as did a number of businesses, accountancy, environmental, human rights and labour organizations around the world. The GRI is therefore a multi-stakeholder initiative which seeks to 'develop, promote and disseminate a generally accepted framework for voluntary reporting of the economic, environmental, and social performance of an organisation' or what is more commonly referred to as sustainability reporting. Hong Kong has representatives in the GRI. For more information about the GRI visit its website: http://globalreporting.org. Since 2002, there has been a greater local emphasis on this area with the Association of Chartered Certified Accountants, Hong Kong Environmental Reporting Awards — for more information about this, see ACCA website: http://www.acca.co.uk.

144 For details about the Charter visit the ICC website: http://www.iccwbo.org/home/environment/charter.asp.

145 For more information about the index visit its website: http://www.sustainability-index.com/.

146 Gwyneth Roberts 'Local firms added to DJSI', *South China Morning Post*, Sunday Money, 8 September 2002, p. 1.

147 For details about the Institute visit the CLP Group website: htttp://www.clpgroup.com.

148 For more information about the Programme visit CUPEM website: http://web.hku.hk/~cegp/.

149 For more information about the Centre visit its website: http://www.cemed.mgt.polyu.edu.hk/.

150 Report of the Hong Kong Special Administrative Region Government team to the World Summit on Sustainable Development (26 August – 4 September 2002 in Johannesburg, South Africa) 22 October 2002. This is available for download on the SDU website: http://www.susdev.gov.hk/html/en/su/public.htm.

Chapter 4

1 For further discussion on Agenda 21 see www.unep.org .

Chapter 6

1 Preston (1995: 148, 161).

2 This term will be explained later in this chapter.

3 Harrison (1997: 79).

4 *Supra* note 1 at 162.

5 GR No. 101083, 30 July 1993, Preston (1995: 163).

6 Fowler (1992: 128).

7 *Canada (Minister for Justice) v Borowski* (1981) 130 DLR (3d) 588 (Supreme Court).

8 Such as the South Australian Environment Resources and Development Court or the New South Wales Land and Environment Court.

9 C. Blackford, 'A review of environmental mediation: Theory and practice' (Lincoln University Information Paper No. 34, 2, 1992), referred to by Rive (1997: 204).

10 N. Kubasek and G. Silverman, 'Environmental mediation', *American Business Law Journal* (1988): 533, referred to by Fowler at *supra* note 6, 124.

11 *Supra* note 6 at 121 where Fowler refers to his other article, R. Fowler, 'Environmental politics and the law', *S.A. Law Society Bulletin* (1989): 225.

12 H. Wootten, 'Environmental dispute resolution', 15 *Adelaide LR* (1993): 33.

13 A public body is usually a government department, but may also include organizations set up by the government and funded by them, though they are nominally 'independent'.

14 B. Williams, 'Consensual approaches to resolving public policy disputes', *Journal of Dispute Resolution* 1 (2000: 135).

15 *Supra* note 12 at 42 referring to P. Adler, 'Mediating public disputes', paper presented at the International Conference on Environmental Law, Sydney 14–18 June 1989.

16 Summarized by P. Scully, in 'Obstacles to referral, planning and implementation of family mediation as a dispute resolution process in Hong Kong; reflections based on foreign systems', unpublished dissertation, April 1996 (copy held by City University of Hong Kong).

17 Naughton at 383 referring to suggestions made by P. Adler in *supra,* note 15.

18 Ibid., at 543–4.

19 G. Cormick, 'Alternative dispute resolution, environmental matters, adjudicatory proceedings, discretionary powers and the public interest', in Fowler, *supra* note 6 at 124 referring to the proceedings of the above conference at 96.

20 Ibid., at 48.

21 Harrison (1997: 79).

22 Smith referring to J. Crowfoot and J. Wondolleck, 'Environmental disputes: Community involvement in conflict resolution', *Journal of Dispute Resolution* 19 (1990): 21–2.

23 *Supra*, note 3 at 90.
24 Ibid., 84–6.
25 This is the process when the mediator, after hearing both parties summarize their case, decides whether or not mediation is the appropriate process.
26 L. Susskind and J. Cruikshank, *Breaking the impasse* (1987): 77, 142–3 quoted by Smith at 388.
27 E. Smith, 'Danger – Inequality of resources present; Can the environmental mediation process provide an effective answer?' *Journal of Dispute Resolution* 2 (1996): 379, 391; referring to Bingham at xxiv.
28 *Supra*, note 1 at 160.
29 See Justice C. Trenorden, Judge of Environment, Resources and Development Court, South Australia, in 'Dispute resolution in an environmental context', address to the July 2000 LEADR Conference, LEADR Brief 11(1): 19.
30 *Supra*, note 3 at 91–2.
31 L. Susskind, 'Environmental mediation and the accountability problem', *Vermont LR* 6(1) (1981): 1.
32 G. Bingham, *Resolving Environmental Disputes: A Decade Of Experience*, Conservation Foundation Washington DC (1986) at 45, referred to by Harrison at 91.
33 E. Smith, 'Danger – Inequality of resources present; Can the environmental mediation process provide an effective answer?' *Journal of Dispute Resolution* 2 (1996): 379.
34 *Supra* note 6 at 129.
35 *Supra*, note 19 at 100.
36 J. Harrison, referred to by Trenorden at 25, 'Environmental mediation: The ethical and constitutional dimension', *Journal of Environmental Law* 9 (1) (1997): 79.
37 Ibid.
38 *Supra* note at 124 referring to P. Adler, 'Mediating public disputes', published in Fowler (ed.) *Proceedings of the International Conference on Environmental Law*, 14–18 June 1989, Sydney, at 105.
39 Rive, below, referring to C. Blackford, 'A review of environmental mediation: Theory and practice' (Lincoln University Information Paper No. 34, 1992), at 2.
40 Rive at 205 referring to G. Bingham (1986). See earlier in this paper, and quoted in Roberts, 'Environmental mediation: Dispute resolution or dispute management?' *Australian Dispute Resolution Journal* (1993): 150, 152.
41 Smith at 383 referring to Bingham, above.

42 C Shepley, 'Mediation in planning', *Environmental Law Review* (1999) 2
43 *Supra* note 6 at 124
44 T Naughton, 'Court-related alternative dispute resolution in New South Wales', *Environmental and Planning Law Journal* (December 1995) 373
45 Privilege is the right of the mediator in subsequent litigation not to answer questions about what took place in the mediation
46 At 378–9
47 Report on *Legal Services Provided to Local Government*, Public Accounts Committee of the New South Wales Parliament (1991)
48 Naughton at 381
49 *Commonwealth v Tasmania* (1983) 18 CLR 1
50 A Stewart, 'Effects of the land and environment court', *Environmental and Planning Journal* 16 (December 1999) 482
51 This means that the parties could talk frankly and whatever was said or done or shown at the conference could not later be referred to at the hearing, if the case did not settle at the conference
52 *Supra* note 50 at 487
53 Id , 492 referring to Chief Justice Pearlman, 'Mediation in the New South Wales Land and Environment Court', paper presented at the International Planning Conference, Sydney, 11–14 September 1995
54 Id , 493
55 *Supra* note 50 at 493, B Hayes and C Trenorden, *Combined Jurisdiction for Development Appeals in the States and Territories* (Canberra AGPS, 1990)
56 T Foley, 'Non-adversarial resolution of environmental disputes', *Griffith Law Review* 8(2) (1999) 333
57 Id , 344–6, relying on the definition of G Tillett, in *Resolving conflict A practical approach* (Sydney Sydney University Press, 1991), p 138
58 Referring to the Land and Environment Court, *Annual Review, Year ended 31 December 1995*
59 See [1992] HKLY 743
60 Id , 53
61 J Muller, *Report on Young Lawyers Survey – Mediation in the Land and Environment Court*, 3 and 4 LEADR Brief (1992) 8, referred to by Foley at 338–40
62 *Supra* note 12 at 58
63 D Tow D and M Stubbs, 'The effectiveness of ADR techniques in the resolution of planning disputes', unpublished (Sydney University of Western Sydney, 1995), referred to by Foley at 340–1

64 Parliamentary Accounts Committee, *Proceedings of the Interactive Seminar on Dispute Management in Local Government*, PAC report No 24/51, New South Wales Parliament (1998).
65 *Supra* note 12 at 56–7.
66 Id., 57 referring to the New South Wales Parliament Debates, 11 December 1991.
67 Street, 'The courts and mediation – a warning', 3 *Judicial Officers Bulletin* 10 (1991), referred to by Wootton at 60.
68 Ibid., 67.
69 Ibid., 70.
70 See Justice C. Trenorden, Judge of Environment, Resources and Development Court, South Australia, in 'Dispute resolution in an environmental context', address to the July 2000 LEADR Conference, LEADR Brief 11(1): 19.
71 Section 16 of the Environment, Resources and Development Court Act 1993.
72 *Supra* note 6 at 123 referring to M. Jeffrey, 'Accommodating negotiation in the environment impact assessment and project approval process', 4 *E.P.L.J.* (1987): 244.
73 www.gov.ab.ca/eab/97Rules.html
74 M. Jeffrey, referred to above by Naughton at 383.
75 Justice P. Salmon, 'Access to Environmental Justice', *New Zealand Journal of Environmental Law* 2 (1998): 1.
76 Parliamentary Commissioner for the Environment, *Public Participation under the RMA 1991 – the Management of Conflict* (1996).
77 Annual Report of the Registrar of the Planning Tribunal, 1996 quoted on p. 206 of Rive.
78 *Supra*, note 75 at 5.
79 UNCED, June 1992, Rio de Janeiro.
80 *Supra* note 75 at 8.
81 Id., 9 from p. 66 of her report.
82 Id, 12.
83 *Supra* note 6 at 125.
84 *Supra* note 75 at 13.
85 Toohey J, 'Environmental law – Its place in the system', *Proceedings of the 1st NELA/LAWASIA International Conference on Environmental Law*, 14–18 June 1989, Sydney.
86 (1998) 152 ALR 83 (Full High Court).
87 C 73/94 Judge Skelton unreported, at p. 231 of Rive.

88 At 234.
89 Rive (1997: 201).
90 Ibid., 213.
91 J. Chart, 'Resource management disputes: Part B mediation', paper published by the Ministry for the Environment, RMLR Working Paper No. 22 (1988), at 7. Referred to by Rive in p. 213.
92 Such as a development which will result in the extinction of an endangered species of insect, bird or animal.
93 *Supra*, note 89 at 215.
94 Rive received this information in a letter from the Principle Environment Court Judge, Judge Sheppard.
95 At 220. See section 268 set out earlier in the text.
96 B. Turner and R. Saunders, 'Mediating a planning scheme amendment: A case study in the Co-mediation of a multi-party planning dispute', *Australian Dispute Resolution Journal* [1995]: 284.
97 L. Boulle, 'Moving to mandatory ... Evaluating compulsory in Australia' [1991] DRB 2,4 (this reference seems incomplete in Rive's footnote and this bulletin is not available in Hong Kong).
98 At 229.
99 Queensland Courts Legislation Amendment Act 1995.

Chapter 7

1 Stigson (1998).
2 'Quality People, Quality Home: Positioning Hong Kong for the 21st Century', address by the Chief Executive The Honourable Tung Chee Hwa at the Legislative Council meeting, 6 October 1999, Hong Kong Special Administrative Region of the People's Republic of China.
3 'Hong Kong: Environmental market analysis', US-AEP website: (visited 1 November 2002).
4 For further information about the Hong Kong Sustainable Development Forum see http://www.hksdf.org.hk.
5 Swire Properties, 'Our environmental policy', Swire Properties website: http://www.swireproperties.com/spl/community/body_envpolicy.html (visited 20 February 2004).
6 CLP, 'CLP highlights', (visited 1 November 2002).
7 Ibid., 'Environmental initiatives', (visited 1 November 2002).
8 http: //www.ecology.or.jp/isoworld (visited 20 February 2004).
9 Environmental Protection Department website, http://www.epd.gov.hk (visited 20 February 2004).

10 Dow Jones Sustainability Group Indexes, http://www.sustainability-index.com/djsi_world/key_facts.html (visited on 20 February 2004).
11 ASrIA, 'ASrIA in Asia', ASrIA website: (visited on 20 February 2004).
12 'Business outlook survey', American Chamber of Commerce in Hong Kong, 2001.

Chapter 8

1 The Club of Rome founded in 1969, is a non-profit, non-governmental organization. As a global think tank and centre of innovation and initiative, it brings together scientists, economists, businessmen, and former heads of state. See website: http://www.clubofrome.org.
2 See website: http://www.chej.org.
3 Earth First! is a movement whose aim is to use a direct action approach to protecting wilderness. This may include grassroots organizing and involvement in the legal process to civil disobedience. See website: http://www.earthfirst.org.
4 See website: http://www3.cleartheair.org.hk.
5 See website: http://www.geocities.com/drpandahk/tailongwan/home_e.htm.

Chapter 9

1 See ICLIE website: http://www.iclei.org (visited on 23 January 2001).

Chapter 10

1 This project is sponsored by the Committee on Research and Conference Grant, the University of Hong Kong.
2 There are a lot of similarities between a healthy city and a sustainable community. A healthy city also emphasizes the inter-connectedness of the economy, the natural environment and the community in a manner reminiscent of the holistic elements of sustainable community concepts (Hancock, 1993, quoted in Maclaren, 1996: 20). A fundamental principle underlying the healthy cities movement is that communities require information to assess their own situations and to take action (Jackson, 1991, quoted in Maclaren, 1996: 23).
3 According to Clause 21 of the *Habitat Agenda*, which was formulated in Habitat II, the Agenda is a global call to action at all levels. It offers, within a framework of goals and principles and commitments, a positive vision of sustainable human settlements — where all have adequate shelter, a healthy and safe environment, basic services, and productive and freely

chosen employment. The Habitat Agenda will guide all efforts to turn this vision into reality (see website: http://www.unchs.org/unchs/english/hagenda/ch-1a.htm, visited on 15 May 2001).

4 The first Legislative Council of the HKSAR has 60 members, with 20 members returned by geographical constituencies through direct elections, 30 members returned by functional constituencies, and 10 members returned by an election committee comprising 800 elected representatives of the community.

5 In July 1996, a mailed questionnaire survey was conducted. A total of 537 questionnaires were sent out to members of the Hong Kong Institute of Planners (471), Legislative Councillors (60), green groups (3), the People's Council on Public Housing Policy, the Coalition of Rehabilitation Group (1) and Policy Concern (1). A total of 120 questionnaires were returned representing a successful rate of 22.3 per cent. Amongst the returned questionnaires, 106 were completed by planners.

6 According to the survey results, 60.4 per cent considered themselves value neutral experts; 43.4 per cent regarded their role as provider of information to clients; 44.4 per cent as advisors and educators for citizens; 26.5 per cent as facilitators to public learning; and 40.5 per cent agreed that they should expand choice and opportunity for all, especially the disadvantaged (Ng and Chui, 1999).

7 All members of the Town Planning Board are appointed by the Chief Executive and they are responsible for plan making and approving and reviewing development applications.

8 Summarized from *Privy Council Appeal No.54/96*, 'Decision of Privy Council on the Residential Development in Nam Sang Wai'.

9 The building should not exceed a height of 27 feet and should not contain more than three storeys.

10 Average domestic household size reported by the Census and Statistics Department in 2001, see website: http://www.info.gov.hk/censtatd/eng/hkstat/fas/pop/domestic_hh.htm (visited on 1 March 2001).

11 See Census and Statistics Department website: http://www.info.gov.hk/censtatd/hkinf/land/land1.htm (visited on 1 March 2001).

12 According to the *Consultation Paper on the Urban Renewal Authority Bill* (1999: 1), the Urban Renewal Authority (URA) is to replace the Land Development Corporation and take over all its assets and liabilities, including redevelopment projects in progress. The URA will not only handle redevelopment of dilapidated buildings but also rehabilitation of buildings not in good repair (PELB, 1999: 5).

13 The Hong Kong Housing Authority is a statutory body responsible for implementing Hong Kong's public housing programme within the objectives of the government's Long Term Housing Strategy (see Housing Authority website: http://www.info.gov.hk/hd/eng/ha/introd_f.htm, visited on 15 May 2001).

14 The Housing Department can be seen as the executive arm of the Housing Authority. For details, refer to Housing Department's website: http://www.info.gov.hk/hd/eng/hd/vision_f.htm, visited on 15 May 2001.

15 Instead of enhancing the environment, it is stated in TDSR that 'there will be potentially serious environmental consequences arising from both Scenarios A and B' (Planning Department, 1996: 101). While the TDSR identified 'extending the mass transit rail system' as a key issue, the final recommendation consists a long lists of highways (Ng, 1997: 55). Upgrading urban transition areas is identified as a growth need but then no strategy is proposed to tackle the issue (Ng, 1997: 55).

16 Staff and students of the Centre of Urban Planning and Environmental Management, the University of Hong Kong had organized a community planning workshop in the Wanchai community in 2000 (Cook and Ng, 2001) and another group organized a similar workshop in Western District in 2001. However, these are only small exercises and community planning in general has never been done in Hong Kong.

17 See website: http://www.unchs.org/unchs/english/hagenda/ch-4d-2.htm

18 Caritas Mak Cheung Shui Kan community centre, the University of Hong Kong, the Hong Kong Council of Social Services, Protection of the Habour Society and the planning-related professional institutes have either organized forums on or produced alternative plans to the WDDS.

Chapter 11

1 Until June 2002 the Housing Authority was a statutory body responsible for implementing Hong Kong's public housing programme within the objectives of the government's housing strategy. It advised the Chief Executive on all matters relating to public housing. The Housing Department was its executive arm by which it planned and built public housing units. The Housing Authority managed its rental estates and home ownership estates, interim housing, cottage areas, transit centres and flatted factories and administered the Home Purchase Loan and similar schemes. It also acted as the government's agent for land clearance and the control and upgrading of squatter areas. Its role has been significantly downgraded since the implementation of the recommendations of the RIF Report.

2 The Public Housing Development Programme was a rolling programme specifying the number and location of both public rental and assisted home ownership flats planned for construction.

3 The Ten-Year Housing Programme (1973–1983) aimed to upgrade the housing conditions of Mark I and II resettlement estates, produced between 1954 and 1966. This first phase of the redevelopment programme was completed in 1991 and provided new homes for 500,000 people. Between 1992 and 2001 the Comprehensive Redevelopment Programme demolished the remaining Mark III–VI estates as well as all former government Low Cost Housing estates and converted blocks, providing rehousing for about 543,000 people.

4 It is notoriously difficult to redevelop obsolete housing stock in the private sector, and many lower income families may occupy poor quality units that are very difficult to sell. Yet a fair purchase price for their obsolete unit would not necessarily enable to them to buy a better quality dwelling, unless they were willing to move to a considerably less expensive location.

5 The government has a large-scale, ongoing programme to clear squatter areas. Under certain conditions households affected by the clearance programme are eligible for public housing.

6 The Housing Authority has set aside a portion of the sale price of each TPS flat to create a sinking fund for future maintenance costs. This has played a role in alleviating anxiety about future maintenance costs of older public housing estates.

7 The CSSA provides a means tested cash allowance for people in financial difficulty.

8 This section draws extensively on the Housing Authority's Environmental Report 1999/2000, Building for a Green Future.

9 In 1997 Pilot Environmental Audits were carried out in selected operations of the Housing Authority to assess compliance status and seek ways to promote environmental integration for the Authority's existing activities (p. 9).

10 The Environmental Management System incorporates the Housing Authority's commitment, planning, operation, checking, corrective actions and management review procedures and has three key management components: at the strategic planning level, in Business Branches and in the management of environmental initiatives (pp. 10–11).

11 The Strategic Planning Committee is responsible for formulating environmental performance policies at the strategic planning level (p. 10).

12 Compliance with the Overall Thermal Transfer Value results in considerable energy saving (p. 15).

13 The Hong Kong Building Environmental Assessment Method (HK-Beam) — Residential Version is the first set of standards for assessing the environmental performance of high-rise residential developments through their life cycle, from planning and design to construction and use (p. 15).

14 The Automatic Refuse Collection System (ARCS) allows refuse to be collected in a concealed manner. Rubbish on each floor is transported by suction through ducting to a central point, where it is compacted and removed by collection trucks (p. 18).

15 The Housing Authority joined the Wastewi$e Scheme in 2000. The scheme encourages and assists Hong Kong businesses to reduce the amount of waste they generate (p. 31).

16 The Urban Renewal Authority is the successor of the Land Development Corporation and is responsible for facilitating urban renewal in Hong Kong.

17 The Home Purchase Loan Scheme was introduced in 1987 to provide eligible households with an opportunity to buy flats of their choice in the private sector, using an interest free loan from the Housing authority to meet the deposit and other up-front charges. A number of additional loan schemes, such as the Home Starter Loan Scheme, have been introduced in recent years.

Chapter 12

1 The Air Pollution Index (API) describes air pollution levels by converting air pollution data from several types of pollutants into a value ranging from 0 to 500. API readings are given for both ambient and roadside air quality.

2 A New Town is a new large-scale housing and commercial development in a greenfield site. Examples include Sha Tin, Tai Po, Tuen Mun, Tseung Kwan O and Tung Chung.

3 Defined in Hong Kong's planning guidelines as road traffic noise exceeding 70dB(A).

Chapter 13

1 See ICOMOS New Zealand website: http://www.icomos.org/docs/nz_92charter.html (visited on 27 February 2001).

2 ICOMOS is an international non-governmental organization dedicated to the conservation of the world's historic monuments and sites. For more information on ICOMOS, see website: http://www.icomos.org (visited on 25 May 2001).

3 ICCROM is an inter-governmental organization established in Rome in 1959 to promote the conservation of all types of cultural heritage through raising conservation awareness, and improving the quality of conservation. For more information on ICCROM, see website: http://www.iccrom.org (visited on 25 May 2001).

4 For more information on the UNESCO World Heritage Convention, see website: http://www.unesco.org/whc (visited on 25 May 2001).

5 The Ramsar Convention is an intergovernmental treaty adopted on February 2 1971 in Ramsar, Iran. The treaty is dedicated to the conservation and wise (or sustainable) use of wetland worldwide. For more information, see the Convention's website: www.ramsar.org (visited on 3 February 2001).

6 WWF Hong Kong is the local chapter of World Wide Fund for Nature, an international NGO working on biodiversity conservation issues in over 100 countries, see website: http://www.wwf.org.hk (visited 25 May 2001).

7 A record number of 68,000 birds were found in Mai Po in January 1996 (Stokes, 1999: 149).

8 These are wooded areas believed to improve the *fung shui* or well-being and prosperity of the villages.

9 The four existing marine parks and reserves are located at Yat Chau Tong, Sha Chau and Lung Kwu Chau, Hoi Ha Wan, and Cape D'Aguilar. A fifth marine park is being proposed at Tung Ping Chau in Mirs Bay.

10 See Town Planning Bill, Clause 9 (1)(g).

11 See Environmental Impact Assessment Ordinance Clause 10 (2)(c).

12 Members of the Antiquities Advisory Board are appointed by the Chief Executive.

13 For further discussion on the New York City case, see Lung and Friedman (1997: 221–2).

14 See Section 5 of the Urban Renewal Authority Ordinance.

15 Section 6 (c), and (e) of the Urban Renewal Authority Ordinance.

16 Established in 1968, the Conservancy Association of Hong Kong is the oldest local environmental NGO in Hong Kong. For more information, see their website at http://home.netvigator.com/~cahk/ (visited 25 May 2001).

17 WWF Hong Kong is the local chapter of World Wide Fund for Nature, an international NGO working on biodiversity conservation issues in over 100 countries, see website: http://www.wwf.org.hk (visited 25 May 2001).

18 For an excellent discussion on the planning process for nature conservation, see Weeks (1997).

19 See section on 'Community Involvement' for further discussion.
20 The Institute of Cultural Affairs is an international non-profit organization working in organizational and community development, education, and methods of social change.
21 The Urban Redevelopment Authority is responsible for urban renewal as well as the preservation of heritage sites in Singapore.
22 For further information on Chijmes, see website: http://www.chijmes.com.sg (visited on 23 May 2001).
23 The transfer of development rights has also worked well in New York City to protect important architectural heritage, such as the Grand Central Station, in densely populated, land-scarce urban areas (Lung and Friedman, 1997: 227).

Chapter 14

1 *Fung shui* woods are small patches of forest behind traditional villages which have been preserved or planted for reasons of *fung shui*, the Chinese system of geomancy.
2 Red Data Books are annotated lists of endangered species, usually categorized according to standard criteria drawn up by the IUCN, the global conservation organization.
3 The Biodiversity Survey of Hong Kong was funded by the government's Environment and Conservation Fund and included all groups of organisms for which the necessary expertise was available: plants, birds, mammals, reptiles, amphibians, freshwater fish, butterflies, dragonflies, ants and selected other invertebrates.
4 Compensation for the destruction of ecologically valuable habitats by the creation of similar habitats away from the development site.
5 The Basic Law is Hong Kong's post-1997 constitution.

Chapter 15

1 The World Tourism Organization is the leading international government organization in travel and tourism. For more information about the organization can be found on its website: http://www.world-tourism.org.
2 To see a copy of UN Resolution 1998/40 declaiming 2002 as the International Year of Ecotourism, see the UN website: http://www.un.org/documents/ecosoc/res/1998/eres1998-40.htm.
3 For more information about WTTC, visit its website: http://www.wttc.org.
4 For the full text of this, Agenda 21 can be ordered from the WTTC website.

5 Blue Flag was born in France in 1985 and is an eco-label and certification programme for beaches and mavinas that meet strict environmental requirements. There were over 2,800 such beaches and mavinas certified across Europe and South Africa in 2002. For more information about this, visit the Blue Flag Campaign website: http://www.blueflag.org.

6 BEST's mission is to serve as a leading source of knowledge on innovative travel industry practices that advance community, business and travelers interest. For more information about this, visit http://www.sustainabletravel.org/about.cfm.

7 The Tourism Commission is a government body established in 1999 to co-ordinate tourism matters in Hong Kong. For more information about the Commission, see http://www.info.gov.hk/tc/content/content2.htm.

8 Formerly known as the Hong Kong Tourist Association (HKTA) until April 2001. It is a government sub-vented organization with responsibility for marketing and promoting Hong Kong to international tourists. For more information about the Hong Kong Tourism Board, see http://www.discoverhk.com/eng/worldwide/index.jhtml.

9 The Hong Kong Conservation Photography Foundation, established in 1997, is an organization which promotes high quality publications featuring the conservation, environment and heritage of Hong Kong. For more information about the Foundation, see http://www2.netvigator.com/cgi-biu/eforceFrame.p1?Myurl = http://www2.netvigator.com/eng/exploringhk/hkcpf/.

10 The Association of Better Business and Tourism Services, established in 1993, is an organization that fosters an environment that stimulates better business and tourism services in Hong Kong among retailers and service providers. For more information about the Association, see http://www.bbtshk.com.

11 The Board of Airline Representatives Association is a group of airline carriers that seeks to represent, promote and protect the common interests of its members in Hong Kong.

12 The Hong Kong Catering Industry Association is an organization that represents about 600 catering members in Hong Kong.

13 The Hong Kong Hotels Association was founded in 1961 and represents 81 hotel members in Hong Kong. For more information about the Association, see http://www.hkha.com.hk.

14 Travel Industry Council of Hong Kong is a publicly funded body vested with the responsibility of monitoring all outbound travel agents and protecting the interests of travellers and traders. For more information about the Council, see http://www.tichk.org.

Chapter 17

1 See website: http://www.gruener_punkt.de/en/lizenznehmer/kosten/wieol.php.3 (visited on 28 February 2001).

Chapter 18

1 The Ecological Footprint, a concept by Wackernagel and Reis (1996), and updated in 'Footprint of Nations' (1999) and available at the website: www.ecouncil.ac.cr/rio/focus/report/english/footprint/ (visited: January 2001). The concept is defined as *Ecological footprint*: the biologically-productive area required to continuously provide resource supplies and absorb wastes of a particular population given prevailing technology. Though nations use discontinuous and scattered areas due to international trade, calculations can be made by computing ecological-services consumption and then calculating the necessary area (at world average productivity) to provide these services.

2 With the establishment of the FEHD in 2000 and the subsequent reorganization in 2002, the Department has been conducting microbiological and chemical testing at wholesale, import and retail points, and collecting data, from participating doctors, about food poisoning cases. At the time of writing some data is showing decreases in some microbiological contamination, but it will likely be too early to ascertain changes in foodborne illnesses. A pilot programme by the Department of Health is collecting data from 64 outpatient clinics and 20 private practices, about acute diarrheal diseases. The aim of this programme is to monitor disease trends and identify causative agents.

3 The AFCD website (http ://www.afcd.gov.hk) has a database of fish species caught locally and in offshore wa[illegible]rs that are typically landed in Hong Kong. Also, references can be ma[illegible]k to the paper produced by TRAFFIC authors Lau and Parry-Jones (1999). In this paper, the species of fish typically caught are listed along with those species likely to be in danger from over-fishing.

4 The Codex Alimentarius is a collection of internationally adopted food standards presented in a uniform manner. The Food and Agriculture Organization (FAO) established in 1945 and the World Health Organisation (WHO) in 1948 in response to the conflicting and contradictory international food regulations and standards helped form the Codex Alimentarius Commission (CAC) in 1963. The objective of the CAC was to establish international standards for food safety, facilitate food and agricultural trade. For information about the CAC, see http://www.codexalimentarius.net.

5 China supplied 59% of Hong Kong's fresh vegetables, 90% of live poultry, 81% of live pigs and almost half the cattle consumed in 1998 (AFD, 1999; Citizen's Party 1999). Local production accounted for 13% of fresh vegetables, 10% live poultry, 19% of live pigs, and 52% of the marine fish consumed (AFD, 1999; Citizen's Party 1999). The daily fresh food consumption by the local population is 870 tons of rice, 1200 tons of vegetables, 6480 heads of pigs, 180 heads of cattle and 160 tons of poultry (AFD, 1999). Hong Kong is also an important export market for the United States of America, importing 15% of fresh vegetables, 37% fresh fruit, and 27% fresh eggs. Hong Kong also imports from Thailand, 10% of its fresh fruit and 3% fresh vegetables, and from Australia comes 6% of fresh fruit, and 23% of fresh eggs come from the Netherlands (AFD, 1999; Citizen's Party, 1999).

6 With increasing awareness on the part of the consumer, the whole process of food production has become important. Some feel that labour rights are just as important as other issues concerning food production, in that migrant workers in developed countries and poor farmers (e.g. those producing cash crops for export) are treated less equitably than their peers. In the case of corporate farms, many are debating not only the physical scale of these large operations, but the extent of their control over the production and manufacturing of food products. Some large corporate farms are also owned by companies that produce pesticides, herbicides and are involved in research and development of agricultural technology. The concern then becomes that of control of the food supply chain, and whether the corporate farms have more 'weight' when governments are forming legislation to monitor the food supply chain.

7 Since time of writing and going to press, there have been two more outbreaks of bird flu plus international cases of transference humans. Hong Kong also experienced the outbreak of Severe Acute Respiratory Syndrome (SARS). Both of these events are having significant impacts on food handling in markets and human behaviour in terms of personal hygiene — the question is whether behavioural changes can be made permanent.

8 Snacken (1999), Scientific Institute of Public Health Louis Pasteur, Brussels Belgium; Alan P. Kendal, The Rollins School of Public Health, Emory University, Atlanta Georgis, USA; Lars A. Haaheim, University of Bergen, Bergen, Norway; John M. Woods, National Institute for Biological Standards and Control, Potters Bar, United Kingdom.

9 The Accredited Farm Scheme was established by the AFCD to protect the environment and consumers against residues of agricultural pesticides.

The accredited farms are to be monitored and supervised in their usage of pesticides and the produce is supposed to be further checked for residues before they are sold at accredited retail outlets. At the end of March 2000, a total of 195 farms (including 16 farms in Mainland China) and 194 retailing outlets were accredited, supplying 70 tonnes of produce daily (AFCD, 2002).

10 A good overview of the mechanism can be found on the US Food and Drug Administration website http://vm.cfsan.fda.gov/~lrd/bghaccp.html (last visited May 2001). Here the seven principles are outlined explaining how the hazards in the food production process are identified, the critical points in production where there are higher risks of contamination, and the monitoring and record keeping that is involved to improve preventative action, rather than end product testing or random sampling.

11 'Ciguatera is a condition in humans, a food poisoning, caused by eating fish that harbour ciguatoxins. Ciguatera causes diarrhea, nausea, vomiting, abdominal pain, loss of muscle coordination, hot and cold feeling reversal, pain and itching and may recur for as long as 6 months. Death occasionally occurs' (Sadovy, 1999: 4–5).

12 Artificial reefs are often used as a means to create new habitats for fish life, especially for breeding. Artificial reefs are often used in areas where natural reefs have been destroyed by such things as pollution and construction. However, if the water quality does not improve in an area where artificial reefs are to be located, it is doubtful that the reefs will reach their full potential. If new fish populations do establish themselves around artificial reefs, the health of the fish for human consumption may still be questionable.

13 A pilot programme has been initiated by the Department of Health; 'Acute Diarrheal Surveillance' which aims to monitor disease trends and identify the causative agent. Implemented in July 2001 with 64 general out-patient clinics. By May 2002, 20 doctors in private practice had joined the programme (DH 2002 information available on the government website www.dh.gov.hk. This surveillance pilot should be linked with the existing salmonella and antimicrobial resistance surveillance systems.

14 Using the 2001 data for reported and confirmed foodborne illnesses, the total is 1,035 affected individuals, and if foodborne illnesses are 350 times under reported (WHO 1997) then the true number could be over 31,000 people. If the assumption is that reporting of foodborne illnesses is about 10% of actual in developed countries, and 1% of actual in developing countries, Hong Kong's rate could be in the tens to hundreds of thousands of people per year.

CONCLUSION

1 References to the work of the authors of this book refer to their chapters in the book unless otherwise noted.

2 The SUSDEV21 Final Report also draws this conclusion: para 11.1.

3 The SUSDEV21 Final Report also noted that there was a need for Hong Kong to address its impacts on and contribution to international and regional environmental, economic and social issues: para. 11.2.

4 The SUSDEV21 Final Report foreshadowed an unfavourable outcome if there was a delay in following up with action after initiatives in sustainable development were announced in the Chief Executive's Policy Address in 1999; in para. 11.1 it stated: 'The announcements of the Policy Address made nearly a year ago need to be followed up with palpable action by government, or the issues risk going cold, and the government stands to lose both credibility and goodwill of the involved stakeholders.'

5 The SUSEV21 Final Report notes but does not develop the link between policy and law (para. 8.3.2).

6 Although referred to as sectoral strategies, the SUSDEV21 Final Report also identified the areas of energy, transport and habitat conservation as strategies in need of strengthening and being made more explicit (para. 11.2).

7 The SUSDEV21 Final Report notes that it was evident from the consultation exercise it conducted that the public expected to be involved not just in the changes the study may bring about but also in the development of a wider sustainable development strategy (para. 9.7.2).

8 The SUSDEV21 Final Report recommends the inclusion of a strategic planner in the staff of the SDU (para. 9.4.2, Box 9.4a, Annex M).

9 Most members of the Legislative Council are directly elected but others may be elected by residents on a geographical area, by members of a functional constituency group or by an electoral commission of 800 appointed members. The functional constituencies comprise representatives from economic, social or professional groups: the Heung Yee Kuk; agriculture and fisheries; insurance; transport; education; legal; accountancy; medical; health services; engineering; architectural, surveying and planning; labour; social welfare; real estate and construction; tourism; commercial; industrial; import and export; textiles and garments; wholesale and retail; information technology; catering and District Council. It is anticipated that all members will be directly elected by 2007 (*Hong Kong 2000*, p. 16).

10 For example, ACE can comment of environmental laws but, in at least the last 10 years, has not had a specialist local environmental lawyer as a member.

11 This is one of 17 panels which exist within LegCo to monitor and examine government policies, give views on legislative or financial proposals or examine issues of wide public concern referred to them by other arms of LegCo or as raised by LegCo members themselves and before these matters go on for final consideration by some other arm of the Executive or Administration (*Hong Kong 1999*, p. 13)

12 It is interesting and of significance to note that at their first meeting, the Strategy Sub-committee changed one of their Terms of Reference from noting they would be implementing a 'consultation programme' to impending a 'public participation programme': see SSC Digest of meeting held on 29 April 2003 on SDU website: http://www.susdev.gov.hk/html/en/council/ssc.htm (last modified 26 June 2003).