

Introduction

Approach to consultation

This consultation is highly refreshing being the first in which the HKSAR Government has asked the public to comment on the issues for detailed study. This degree of openness is warmly welcomed and it is hoped it will set the standard for future public consultations.

Responses to the prepared questions

Q1. What are your views about the key issues set out in section 4?

Setting WQOs to meet expected uses in each zone – the Use-Protection Approach - is admirable and practical. Given the broad distribution of sensitive receivers the fact that these cover all zones (cf. Table 2.1 in the Technical Note), and the small total area of Hong Kong's waters, water quality standards must therefore be set to achieve high water quality throughout Hong Kong.

However having good WQOs is not the same as having good water quality. The influences of the Pearl River Delta and the effects on the ability to achieve Hong Kong's water quality in terms of current and future WQOs is a key issue to be tackled. The key to managing and improving water quality will be establishing to what degree these sources can be controlled by the Hong Kong Government:

- a) within its own jurisdictional boundaries, legislation and administrative processes
- b) in collaboration with the other jurisdictions in the Pearl River Delta Region.

It would be helpful to indicate to what extent HK's current water quality differs from other world cities, and how our 80% compliance rate with our current WQO would be viewed in other jurisdictions. For example how does water quality around Lau Fau Shan measure up to the United States' NSSP standards for consumption of raw and cooked shellfish?

Q.2 What are your views on the beneficial uses and sensitive receivers set out in section 2? Are you aware of any other beneficial uses of waters that should be considered in this review.

The beneficial uses are well chosen to reflect the diversity of water uses.

The distribution of key biodiversity (e.g. Chinese White Dolphin, Green Turtle, and what remains of our fisheries) is not limited to marine reserves or protected areas, and therefore protection of marine fauna and flora can not be limited by the boundaries of those zones.

Instead WQOs to protect sensitive species must cover their full distribution in Hong Kong waters throughout their life-cycle. It appears that there is little difference between the Use-Protection approach and the Non-Degradation approach in this situation.

Proposed new Beneficial Use – seawater extraction for the live seafood trade

No mention is made of the use of seawater for holding and transporting live seafood. Owing to past controversy relating to contaminated seawater being drawn from contaminated sources, this is proposed as an additional beneficial use that will be influenced by marine water quality.

Identification of specific seawater extraction points will allow this rather specialised use to be actively monitored.

Q.3 What are your views on the priority and level of protection for various beneficial uses, sensitive receivers and sensitive organisms that should be protected through the WQOs?

WQOs that lead to effective protection of ecosystems and human health will ensure healthy waters for all activities. Most of the waters used for shipping lanes pass by either beaches or marine parks & reserves or both, and should meet the levels required to enable both to operate sustainably and continually.

It is suggested that in the second round of consultation measures for improving water quality such that we see restoration of ecosystem health, reduced fears of contaminated food and red tides, and increased potential for recreation could be considered. The clean up of Tolo Harbour leading to the decision to build an artificial beach at Tai Mei Tuk demonstrates what can be achieved with the tools currently available to EPD.

Q. 4 In respect of Appendix A, what other types of WQOs or parameters should be considered in the next stage?

Parameters that set a path towards meeting global best practice and that will provide EPD with a tool to improve water quality in Hong Kong within a fixed timeframe would be welcomed.

Odour from marine water may be a relevant issue – as recent stories on the unpleasant smell around Lai Yue Mun, which has a negative impact on tourism and therefore visitors' impressions of Hong Kong. It is accepted that unpleasant odours are indicators of more severe water quality issues, but it may be helpful to consider detection of such odours as a trigger for rapid remedial action.

Q.5 What are your views on the review approaches as set out in section 5 above

It is proposed that the next round of consultation could consider approaches that explicitly set out to improve water quality. However, section 5 makes no mention of improvement of water quality.

The Risk Assessment approach makes disturbing reading to the layman and may not be of assistance in conveying the appropriate messages. It could be taken to appear to legitimize harming of 20% of all marine species in Hong Kong waters (which could include Chinese White Dolphin, Black-faced Spoonbill and Horseshoe Crabs etc) by contamination with toxic chemical pollutants.

Unless there are technical reasons for explaining this term using a Risk Assessment approach the only generally acceptable approach under the precautionary principle would be to require protection of 100% of species for 100% of the time.

Q. 6 What broad water quality management principles should be considered in the next stage?

Review of legislation, policy and administrative measures

It would be helpful to have a better understanding of the current water quality management regime to better assess the value of WQOs as an effective tool for managing water quality.

This section should also explain the current arrangements, agreements and targets for local and cross-border control of pollution, in order to make clearer what is achievable in the short term, the medium term and in the longer term.

As with the AQOs, mandatory regular review of the WQOs (say every five years) is suggested to ensure that Hong Kong does not again fall behind global best practice.

WQOs that are set to assist the Government in these endeavours would be warmly welcomed. Conversely, WQOs that are already being met by our current water quality, but fall short of global standards will not assist in improving water quality in Hong Kong, and will not be welcomed.

Propose time-bound WQOs that the public can relate to

WQOs should be set that serve as a useful tool to improve water quality, and therefore measurably improve quality of life for Hong Kong people. The successes of the past show that cleaning up is indeed possible (Tolo Harbour). The heavy investment in HATS demonstrates the ongoing commitment of the Government to investing to improve water quality. Clear communication of the benefits of cleaning up will also play an important role in building public support.

Examples include:

1. WQOs that, within a fixed timeframe, progressively reduce to zero the number of days that beaches were closed due to poor water quality.
2. WQOs that enabled the discontinued cross-harbour swimming race to resume by a certain year would be an admirable goal, not only for the public but for demonstrating Hong Kong's sustainability credentials to a global audience.
3. WQOs that led the US National Shellfish Sanitation Program to endorse the consumption of cooked and raw Lau Fau Shan oysters as safe by a certain year.

Review of sampling methodologies

How does Hong Kong's sampling methodology compare with global best practice? Does Hong Kong conduct sufficiently accurate and frequent monitoring for a sufficient range of metrics to produce data of a high enough quality to inform the decisions that underpin all this work? More information would be welcomed.

WQOs that are consistent with national policy developments

Linking WQOs to the Pearl River Bay Area Concept proposal, as proposed in September 2009 by the Hong Kong SAR, Macau SAR, and Guangdong Provincial Governments in response to the National Development & Reform Commission consultation document *The Outline of the Plan for the Reform and Development of the Pearl River Delta 2008 – 2020*, would show Hong Kong's commitment to this important policy initiative, and allow it to maintain its position within China as a trail-blazer for environmental standards and quality.