

# Regional Environmental Protection: The Hong Kong- Guangdong Experience

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Carlos Wing-Hung Lo  
The Hong Kong Polytechnic  
University

Yok-Shiu F. Lee  
University of Hong Kong

# Regional/Transboundary Environmental Governance - 1

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- Environmental pollution respects no national boundaries
  - Air
  - Water
  - Waste
- Regional collaboration in environmental protection – a road to regional and global sustainable development

# Regional/Transboundary Environmental Governance - 2

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## The Continuum of Cross-Border/Regional Environmental Governance

Zero  
collaboration

Full-scale and  
integrated  
collaboration

# Regional/Transboundary Environmental Governance - 3

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- Different types/models of cross-border environmental governance:
  - scope
  - structure
  - mode
  - level
- The selection of model of environmental collaboration:
  - the nature of the pollution problem (scale and urgency)
  - the background of the countries concerned (social, economic, and political)
  - policy orientation (remedial, proactive, or sustainable)
- Factors affecting the effort of collaboration
  - priority of pollution control
  - resource situation
  - the perception on sovereignty

# Regional/Transboundary Environmental Governance - 4

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## Cross-border/Regional Environmental Governance: Dimensions of Collaboration

	<b>Minimal</b>	<b>Maximum</b>
<b>Basis of collaboration</b>	mutual understanding	legal treaty
<b>Scope</b>	single issue	comprehensive
<b>Structure</b>	informal agreement	Highly institutionalized structure
<b>Mode</b>	<i>ad hoc</i>	permanent
<b>Level</b>	loose and broad principle	policy and implementation

# Transboundary Collaboration - 1

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- Cross-border collaboration: the limits of unilateral effort in the effective control of environmental pollution
- Major practices
  - US-Canada: International Joint Commission
  - US-Mexico:
    - La Paz Agreement, 1983
    - NAFTA, 1993
  - EU: Integrative Regional Environmental governance

# Major Arrangements for Cross-border/Regional Environmental Governance - 1

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	<b>EU: Integrative Regional Environmental Governance</b>	<b>US-Canada: International Joint Commission</b>	<b>US-Mexico: La Paz Agreement signed in 1983; North American Free Trade Agreement in 1993</b>
<b>Policy ideology</b>	Sustainable development	Resource management	Remedial; later sustainable development
<b>Policy structure</b>	Common and comprehensive environmental policy	Progressive & flexible substantive policy objectives	Different environmental policies
<b>Policy content</b>	A legal regime for pollution control	“Eco-system” approach to resource management	Administrative measures with transnational agreements

# Major Arrangements for Cross-border/Regional Environmental Governance - 2

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<b>Governance structure</b>	Permanent and highly institutionalized	Permanent and institutionalized	Nested institutional approach, with some permanent institutions
<b>Policy instruments</b>	Regulatory control and economic measures	Information collection and dissemination and public participation	Regulatory control with important coordination role
<b>Implementation</b>	Lack of a transboundary Implementation mechanism	Lack of authority to enforce agreement and implement action programmes	Enforcement mechanism in place (CEC)
<b>Performance</b>	Greater policy integration with limited implementation effect	Common fact finding depoliticize sensitive & controversial bilateral issues	Limited integration between environment, social and economic issues, resulted in <i>ad hoc</i> efforts and limited effectiveness



# Transboundary Collaboration - 2

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- Prevailing trends in transboundary collaboration
  - broadening of the scope of collaboration
  - the growing emphasis on the preventive approach instead of remedial control
  - the greater use of a legal mechanism
  - the wider adoption of economic instruments
  - the increasing institutionalization of collaborative effort

# Transboundary Collaboration - 3

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## □ Performance

- Positive results at the policy level in drawing attention to controlling cross-border pollution, building institutional capacity, facilitating exchange of information, and promoting policy coordination
- Limited performance: the implementation effect has been on the whole quite limited with state sovereignty as the major source of institutional constraints for actualizing joint regulation.

**Pollution**  
in  
the **PRD**



# HK-GD Transboundary Environmental Governance - 1

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- Hong Kong – Guangdong Province
  - Call for cooperation: rapid deterioration of the quality of environment in the Pearl River Delta Region
  - Water and air pollution
  - Initial efforts:
    - joint EIA, water pollution, air quality monitoring network,
  - Progress: slow
    - the cooperation remaining largely *ad hoc* in nature
    - stopping mostly at the policy consultation level

# HK-GD Transboundary Environmental Governance - 2

## Characteristics of the two Jurisdictions

	<b>Hong Kong</b>	<b>Guangdong</b>
<b>Public administration</b>	Formalized bureaucracy; rule oriented regulatory culture	Informal, flexible and politicized bureaucracy; instrumentalized by privileged interests
<b>Law</b>	Common law and justice for all	Socialist civil law and law for each case
<b>Policy making</b>	Executive-led with public consultation and participation	Top down with very limited public participation
<b>Environmental pollution</b>	Long history and geographically quite widespread: Air, water, solid waste, and noise	Long history and geographically very widespread: Air, water, noise, solid waste, and ecological degradation
<b>Environmental awareness</b>	high-medium	medium-Low
<b>Economic structure</b>	Highly developed and service economy, globalized and modernized enterprises	Developing industrial economy, dominated by internal market and traditional small and medium enterprises

# HK-GD Transboundary Environmental Governance - 3

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## Current Status of Cross-border Cooperation between Hong Kong and Guangdong

<b>Basis</b>	One country two systems
<b>Scope</b>	Tend to be comprehensive
<b>Structure</b>	Formal consultative structure
<b>Mode</b>	<i>ad hoc</i>
<b>Level</b>	Policy consultation level
<b>Performance</b>	Limited achievements

# HK-GD Transboundary Environmental Governance - 4

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- Policy realities:
  - Policy makers in both sides of the border: increasingly sustainable development concerns in the region
  - Aware of rapid degradation of regional environmental quality and accelerated depletion of regional natural resources
  - Lack of well-coordinated efforts for effective environmental protection on a regional basis
  - Greater local political pressure for managing cross-border environmental problems
  - HK: the establishment of an unit at the Deputy Director level to take charge of transboundary environmental protection
  - GD: lack of incentive for managing pollution in a cross-border perspective
  - SEPA: greater attention to cross-border pollution and environmental management between HK and GD

# HK-GD Transboundary Environmental Governance - 5

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- Policy domain: Cross-border environmental policy between Hong Kong and Guangdong Province
  - What are the primary functions of and institutional constraints faced by government agencies charged with the responsibility of cross-border environmental protection?
  - What feasible policy approaches could be identified to help introduce an innovative cross-jurisdictional institutional mechanism for the purposes of strengthening cross-border environmental protection activities?
  - To what extent, and how, could concerned stakeholders such as the Hong Kong SAR government and local green NGOs be involved in region-wide environmental protection decision-making processes?



# HK-GD Transboundary Environmental Governance - 6

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- HK-GD transboundary collaboration
  - Opportunities
  - Constraints
  - Prospects

# HK-GD Transboundary Environmental Governance - 7

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- HK-GD transboundary collaboration: The directions
  - Basis of governance: Legal treaty
  - Policy ideology: a common policy ideology of sustainable development
  - Policy structure: One cross-border environmental policy
  - Policy content: A set of cross-border legal regulations
  - Governance structure: A cross-border permanent governance structure
  - Policy instruments: Regulatory and market instruments
  - Process: Public participation
  - Implementation: A cross-border implementation structure with enforcement power