Regional Environmental Protection: The Hong Kong-Guangdong Experience

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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
The Continuum of Cross-Border/Regional Environmental Governance

Zero collaboration ____________________________ Full-scale and integrated collaboration
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
Cross-border/Regional Environmental Governance: Dimensions of Collaboration

<table>
<thead>
<tr>
<th></th>
<th>Minimal</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basis of collaboration</strong></td>
<td>mutual understanding</td>
<td>legal treaty</td>
</tr>
<tr>
<td><strong>Scope</strong></td>
<td>single issue</td>
<td>comprehensive</td>
</tr>
<tr>
<td><strong>Structure</strong></td>
<td>informal agreement</td>
<td>Highly institutionalized structure</td>
</tr>
<tr>
<td><strong>Mode</strong></td>
<td><em>ad hoc</em></td>
<td>permanent</td>
</tr>
<tr>
<td><strong>Level</strong></td>
<td>loose and broad principle</td>
<td>policy and implementation</td>
</tr>
</tbody>
</table>
Transboundary Collaboration - 1

- 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

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<thead>
<tr>
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<tbody>
<tr>
<td>Policy Structure</td>
<td>Sustainable development</td>
<td>Resource management</td>
<td>Remedial; later sustainable development</td>
</tr>
<tr>
<td>Policy Content</td>
<td>Common and comprehensive environmental policy</td>
<td>Progressive &amp; flexible substantive policy objectives</td>
<td>Different environmental policies</td>
</tr>
<tr>
<td></td>
<td>A legal regime for pollution control</td>
<td>“Eco-system” approach to resource management</td>
<td>Administrative measures with transnational agreements</td>
</tr>
</tbody>
</table>
## Major Arrangements for Cross-border/Regional Environmental Governance - 2

<table>
<thead>
<tr>
<th>Governance structure</th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Permanent and highly institutionalized</td>
<td>Permanent and institutionalized</td>
<td>Nested institutional approach, with some permanent institutions</td>
</tr>
<tr>
<td>Policy instruments</td>
<td>Regulatory control and economic measures</td>
<td>Information collection and dissemination and public participation</td>
<td>Regulatory control with important coordination role</td>
</tr>
<tr>
<td>Implementation</td>
<td>Lack of a transboundary Implementation mechanism</td>
<td>Lack of authority to enforce agreement and implement action programmes</td>
<td>Enforcement mechanism in place (CEC)</td>
</tr>
<tr>
<td>Performance</td>
<td>Greater policy integration with limited implementation effect</td>
<td>Common fact finding depoliticize sensitive &amp; controversial bilateral issues</td>
<td>Limited integration between environment, social and economic issues, resulted in <em>ad hoc</em> efforts and limited effectiveness</td>
</tr>
</tbody>
</table>
Transboundary Collaboration - 2

- 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
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.
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
## Characteristics of the two Jurisdictions

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

**Notes:**
- **Hong Kong**:
  - Highly developed and service economy, globalized and modernized enterprises
  - Long history and geographically very widespread: Air, water, noise, solid waste, and ecological degradation
  - Environmental awareness: high-medium
- **Guangdong**:
  - Developing industrial economy, dominated by internal market and traditional small and medium enterprises
  - Environmental awareness: medium-Low
Current Status of Cross-border Cooperation between Hong Kong and Guangdong

<table>
<thead>
<tr>
<th>Basis</th>
<th>One country two systems</th>
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<tbody>
<tr>
<td>Scope</td>
<td>Tend to be comprehensive</td>
</tr>
<tr>
<td>Structure</td>
<td>Formal consultative structure</td>
</tr>
<tr>
<td>Mode</td>
<td><em>ad hoc</em></td>
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<tr>
<td>Level</td>
<td>Policy consultation level</td>
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<td>Performance</td>
<td>Limited achievements</td>
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HK-GD Transboundary Environmental Governance - 4

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
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

- HK-GD transboundary collaboration
  - Opportunities
  - Constraints
  - Prospects
HK-GD Transboundary Environmental Governance - 7

- 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