

# Green Construction *Part 1*

**Interest in the topic of 'Green Construction' is growing and can clearly be seen in new standards being adopted, innovative building methods and cross-discipline partnerships. This month, in the first of a two-part series, our regular contributor Dr Arthur McInnis develops these themes.**

Several questions can be raised to put green construction into perspective. For instance, what is happening in the international arena in terms of green construction, and how do these developments affect Hong Kong? Is Hong Kong a player contributing to leading edge green construction? What about the future of environmental regulation of the construction industry in Hong Kong? These types of questions are being asked locally today as government and industry strive to keep pace with global trends and the challenges of sustainable development.

## Some Factors

At the heart of green construction are issues of sustainability and a series of new factors are contributing to a better understanding of this topic as well as a wider awareness. Most importantly in this vein, the government is taking steps toward developing practical means to integrate sustainable development considerations into decision-making. The Government's view is that by doing so some real 'competitive advantage' might be realised from creating ecologically sound development projects and communities. Such goals could serve as a key differentiator of Hong Kong from cities such as Shanghai and Beijing. Contributing to this thinking and interest have been a growing number of innovative partnerships, and international competitions and conferences on sustainable or green construction<sup>1</sup>.

<sup>1</sup> Many could be mentioned with two recently being held by the Canadian Chamber of Commerce and the Business Coalition on the Environment entitled "Sustainable Development: Getting Hong Kong on the Fast Track" and that held by The Conference Board and the Hong Kong General Chamber of Commerce entitled "Addressing Sustainability".

## Local Policy Development Builds on the International Framework

The government is currently engaged in a process of policy development, directed toward determining the appropriate goals and mechanisms for the implementation of economically, socially and environmentally acceptable sustainable development in Hong Kong. This process is informed by the core principles coming out of the 1992 UN Conference for the Environment (*The Rio Summit*) and more specifically *Agenda 21*. As one of the major initiatives coming out of the *Rio Summit*, *Agenda 21* names the key fields of action for sustainable development, and also recognises the importance of each country defining and implementing the programme areas according to local situations, capacities and priorities. *Agenda 21* emphasises the importance of developing an institutional framework for sustainable development which simultaneously takes into account environmental, economic and social issues. *Agenda 21* has been widely adopted by governments around the world at the national, regional and local levels and by community-based organisations and partnerships.

In Hong Kong, the best path to achieving sustainable development is unclear and the existing regulatory system is currently being questioned. Hong Kong seems to have adopted a cautious position with regard to developing sustainability strategies consistent with *Agenda 21*. This position is reflected in a recent government study carried out by the Planning Department: "The Study on Sustainable Development for the 21<sup>st</sup> Century in Hong Kong" (*SUSDEV21*). This study is said to be 'a first step', focused on promoting public discussion of sustainable development rather than developing a strategy for its implementation or of those principles set out in *Agenda 21*<sup>2</sup>. Thus the study is preliminary in nature, directed toward making

<sup>2</sup> The Study on Sustainable Development for the 21<sup>st</sup> Century: Final Report, Chapter 1, Planning Department, August 2000. ([www.info.gov.hk/planning/p\\_study/comp\\_s/susdev/final\\_hp/ch1.htm](http://www.info.gov.hk/planning/p_study/comp_s/susdev/final_hp/ch1.htm)) p.2; and see Hong Kong 2030: Planning Vision and Strategy, Planning Department, 2001.

recommendations for change and laying the groundwork for developing the practical means to integrate sustainable development considerations into Government decision-making and its institutional framework.

### **The Canadian Chamber of Commerce and the Hong Kong Business Coalition on the Environment**

It can be seen that grassroots support is central to forging sustainable development goals. One recent conference co-hosted by Cancham and HKBCE has made an important contribution to the process. The conference brought together a wide variety of stakeholders to identify priorities and possible associated targets for sustainable development. During the conference the participants worked in focus groups to articulate and refine social, economic and environmental priorities and, in particular, cross-cutting priorities. Following on the group meetings a list of key areas were set out as follows and bear reproduction to show how far reaching local goals may be:

- Planning and designing environmentally friendly new towns
- Arresting disintegration of the family
- Providing opportunities for youth
- Approaching economics to ensure it is not an end in itself but a management tool
- Integration and proactive engagement
- Facilitating early dialogue and better lobbying
- Embedding the three components of sustainability into every decision of government department and private enterprise
- Positioning Hong Kong as a 'world-class' city internationally and within China<sup>3</sup>

### **Is Hong Kong Moving Quickly Enough?**

It has been suggested in some quarters that the Government has had a later start than other countries such as the United

Kingdom and the United States in terms of the environmental regulation of the construction industry. That is to say, it is argued that Hong Kong's lack of an integrated pollution control approach to environmental regulation of the construction industry as in these other jurisdictions indicates that Hong Kong may be somewhat behind in its approach to environmental regulation. What about this?

At present, rather than using an integrated approach to pollution control, Hong Kong uses a medium-by-medium system of control. Essentially, pollution is regulated according to five large categories or media: air, waste, noise, water and land. According to this approach there is a penalty and registry system for respective media. The government has been criticised for this system and the associated complexity. However, despite the existing fragmentation, some claim that environmental regulation is moving toward increased integration. For example, the recent *Environmental Impact Assessment Ordinance*<sup>4</sup> has been described as a major step forward in integrating environmental controls, and dealing with pollution in a more rationale way. More recently, in the last two weeks, government spokesmen have publicly supported the creation of a sustainable development council – in other words – a council which would bring together one of the priorities set out in the Cancham/HKBCE conference; namely 'embedding the three components of sustainability into every decision of government department and private enterprise'. This would be a significant step and would go some way to meeting the criticism that the government has not moved fast enough

Next month in Part 2 Dr McInnis looks at the Hong Kong Pavilion Project or INTEGER project that is opening in Central in September and the debate surrounding the relative meanings of 'green' versus 'sustainable' construction.

***Dr McInnis is a Consultant with Denton Wilde Sapte and the author of Hong Kong Construction Law.***

<sup>3</sup> Excerpt from the Final Report of Canadian Chamber of Commerce in Hong Kong and the Hong Kong Business Coalition on the Environment on Sustainable Development: Getting Hong Kong on the Fast Track, June, 2001.

<sup>4</sup> Cap 499.