

**HONG KONG, CHINA –
NEW ZEALAND
ENVIRONMENT COOPERATION
AGREEMENT**

The Environmental Protection Department of the Government of the Hong Kong Special Administrative Region of the People's Republic of China, in the name of Hong Kong, China, and the Ministry for the Environment of New Zealand, in the name of New Zealand (hereinafter referred to collectively as the "Parties" or individually as a "Party", unless the context otherwise requires):

Desiring to strengthen the growing trade and economic relationship between Hong Kong, China and New Zealand;

Considering the *Hong Kong, China - New Zealand Closer Economic Partnership Agreement*;

Sharing a common aspiration to promote sound environmental policies and practices, and a common concern and responsibility to enhance cooperation, including to improve the capacities and capabilities of both economies, together with their other organisations, to address environmental matters, and towards the promotion of sustainable development, noting that it is essential for economic prosperity;

Acknowledging the regional and global nature of environmental issues and the need to find cost-effective and long-term solutions in addressing these issues through international cooperation and the importance of coordinating joint activities of the Parties;

Reaffirming the international commitments including those made at the Earth Summit at Rio de Janeiro in 1992 and at the World Summit on Sustainable Development at Johannesburg in 2002 as well as those supported by the Parties in multilateral environmental agreements;

Reaffirming the commitment of the Parties to develop the content of their common agenda and to share the knowledge and experience gained in the fields related to sustainable economic development and environmental protection; and

Convinced that cooperation between the Parties in the abovementioned matters will serve their mutual interests and contribute to strengthening the relations of friendship between the Parties;

Have agreed as follows:

Article 1: Objectives

The objectives of this Agreement are to:

- (a) encourage and promote sound environmental policies and practices and improve the capacities and capabilities of the Parties in addressing environmental matters;
- (b) promote, through environmental cooperation, the commitments made by the Parties in this Agreement; and
- (c) facilitate cooperation and dialogue in order to strengthen the broader relationship between the Parties.

Article 2: Key Commitments

1. The Parties respect the right of each Party to set, administer and enforce its own environmental laws, regulations, policies and practices according to its priorities.
2. The Parties agree that the primary purpose of their environmental laws, regulations, policies and practices should be to achieve environmental objectives, and it is inappropriate to either encourage trade and investment by weakening the effectiveness of their environmental

laws and regulations or to set or use those laws and regulations for trade protectionist purposes.

3. The Parties recognise the desirability of clear and well understood sustainable development policies and practices and the utility of broad consultation in formulating these policies.
4. Each Party recognises the importance of promoting public awareness of its environmental laws, regulations, policies and practices.

Article 3: Cooperation

1. The Parties shall cooperate on mutually determined environmental issues through the interaction of government, industry, educational and research institutions of each Party, as appropriate. Such cooperation shall be subject to the availability of resources, the respective priorities of the Parties, and their domestic laws.
2. Each Party may, as it deems appropriate, invite other organisations to participate in the identification of potential areas for cooperation, and to undertake cooperative activities as mutually determined.
3. The Parties shall encourage and facilitate, as appropriate, the following activities:
 - (a) exchange of technical information and publications, including expanding networks of contacts for electronic information exchange;
 - (b) exchange of visits of environmental experts and management personnel;
 - (c) conduct of seminars, workshops or fora on matters of mutual interest or concern;

- (d) collaborative research on subjects and in areas of mutual interest or concern; and
 - (e) any other modes of cooperation mutually determined by the Parties.
4. The Parties' intention is to cooperate in environmental areas of common interest or concern. This may be in areas including:
- (a) air pollution control and monitoring;
 - (b) improvement of environmental awareness, including environmental education and public participation;
 - (c) management and disposal of waste, including hazardous waste;
 - (d) environmental management of chemicals;
 - (e) water quality management; and
 - (f) other areas as mutually determined.
5. To facilitate the identification of potential cooperative activities, as an initial step, the Parties shall exchange lists of their areas of interest and expertise.

Article 4: Institutional Arrangements

1. Each Party shall appoint a contact point within the six months following the entry into force of this Agreement to:

- (a) facilitate communication between the Parties relating to the implementation of this Agreement; and
 - (b) establish a cooperation programme and coordinate that programme, including the cooperative activities referred to in this Agreement.
- 2. The resources for cooperative activities shall be decided by the Parties on a case-by-case basis and shall depend on the budgets available. Each Party shall seek to obtain the resources required to support cooperative activities, including funding, and shall undertake the coordination for the effective implementation of this Agreement.
- 3. The contact points shall organise a meeting of the Parties, which may include senior officials of their government agencies responsible for environmental matters or such other persons as deemed appropriate by each Party. The meeting shall take place within the first year after this Agreement enters into force, unless the Parties mutually determine otherwise, and then on a regular basis when deemed necessary to:
 - (a) establish, oversee and evaluate cooperative activities;
 - (b) serve as a channel for dialogue on matters of mutual interest or concern with a view to reaching consensus on those issues between the Parties; and
 - (c) review the operation and outcomes of this Agreement.
- 4. The Parties may meet in person, via teleconference, via video-conference, or through any other means, as mutually determined by the Parties. The Parties may

exchange information and coordinate activities between meetings using email, video-conferencing or other means of communication.

5. Each Party may, as appropriate, consult with members of its public or other organisations over matters relating to the operation of this Agreement and may, in consultation with the other Party, decide to invite them to attend meetings of the Parties.
6. Each Party may develop mechanisms, as appropriate, to inform its public of activities undertaken pursuant to this Agreement.

Article 5: Consultations

1. Should any issue arise over the interpretation, implementation or application of this Agreement, a Party may request consultations with the other Party, through its contact point. The contact point shall identify the office or official responsible for the issue and assist as necessary in facilitating communications between the Parties. Any difference between the Parties under this Agreement shall be settled amicably through consultation and negotiation. Neither Party shall refer any such difference to any third party or international tribunal for settlement.
2. If either Party requests a meeting with the other Party to assist in the resolution of any issues of the nature set out in Paragraph 1, the Parties shall meet as soon as practicable and, unless otherwise mutually determined, no later than 90 days following the receipt of the request.

3. The Parties may refer any issue of the nature set out in Paragraph 1 to a joint meeting of the Parties, which may include representatives at ministerial level, for consultations.

Article 6: Final Provisions

1. This Agreement shall enter into force 60 days after the Parties exchange written notification that any necessary domestic procedures for the entry into force of this Agreement have been completed, or after such other period as the Parties may agree in the written notification, and shall remain in force until termination.
2. Either Party may terminate this Agreement by giving six months' written notice of termination to the other Party. The termination of this Agreement shall not affect the validity of any arrangements already made under this Agreement.

3. This Agreement shall apply equally to any successor bodies or agencies of the Environmental Protection Department of the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Ministry for the Environment of New Zealand.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done in duplicate at Hong Kong and Wellington on the dates indicated, in the English language.

For the Environmental Protection
Department of the Government of
the Hong Kong Special
Administrative Region of the
People's Republic of China, in the
name of Hong Kong, China

For the Ministry for the
Environment of New Zealand, in
the name of New Zealand

Dated this day of 2010
HONG KONG

Dated this day of 2010
WELLINGTON