

Abstract

The increasing severity of water pollution nowadays is partly caused by the illegal discharge of wastewater by factories into watercourses, lakes or reservoirs although a large number of laws have been enacted to cope with this matter. It is interesting to examine whether such laws contain any defects preventing them from dealing with water pollution problems effectively, and what provisions should be revised.

The scope of this study would be limited only to laws directly concerning the prevention, control and reduction of water pollution; Factory Act 1992, Enhancement and Conservation of Environmental Quality Act 1992, Public Health Act 1992 and Building Control Act 1979. The examination of the recently-abrogated legislation on the same topics would also be conducted to make us understand the development of the existing laws relating to water pollution and whether they respond to the problems and needs of society. Factory Act 1992 would receive special attention from this study since it is specifically enacted to control the construction and operation of factories.

According to the study, the recently repealed Factory Act 1969 and the Factory Act 1992 give government officials and relevant government agencies a vast area of powers for the control of factories. However, the problem of water pollution seems not to go away. When carefully considered, it is found that water pollution problems have been caused not only by the provisions of the law itself but also by law enforcement.

It nevertheless seems that the former cause has less impact on water pollution prevention and control than the latter.

Law enforcement could be improved through the permission of private sector to have more role in supervising or monitoring the performance of government agencies' duties and compliance of the law by factories. This would help to a certain extent to reduce manpower shortage and corruption problems among government officials. At the same time a sufficient number of central wastewater treatment plants should be built to absorb all wastewater from factories which would minimize the illegal discharge of wastewater, costs in wastewater treatment by individual factors as well as other problems. The suggested solution did not appear in the Factory Act 1969 and it is not clearly confirmed by the enactment of the Factory Act 1992.

When the Enhancement and Conservation of Environmental Quality Act 1992 is passed by the Parliament, the suggested idea in the previous paragraph however is totally recognized. To what extent the impementation of such ideas would be able to prevent, control or reduce water pollution caused by factories is now an open question. We have to wait until this piece of legislation has been in force for a certain period of time.

Compared with the Factory Act 1992 and the Enhancement and Conservation of Environmental Quality Act 1992, the role of the Public Health Act 1992 and Building Control Act 1979 in perventing, controlling and reducing water pollution caused by factories seems not to be that eminent since the Public Health Act concentrates

only on the problem of nuisance (both public and private) and certain types of commercial activities dangerous to public health. Some kinds of factories within the scope of the Factory Act are not subject to the application of the Public Health Act. With regard to the Building Control Act it governs only the discharge of wastewater from buildings which of course includes buildings used as factories. At present, there are only certain types of buildings from which the discharge of wastewater must comply with emission standards. Nevertheless, the Public Health Act and the Enhancement and Conservation of Environmental Quality Act are indispensable for the prevention, control and mitigation of wastewater from factories.

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