

立法會
Legislative Council

LC Paper No. CB(1) 1869/00-01
(These minutes have been seen
by the Administration and cleared
by the Chairman)

Ref: CB1/PL/EA/1

LegCo Panel on Environmental Affairs

**Minutes of meeting held on
Tuesday, 5 June 2001, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Prof Hon NG Ching-fai (Chairman)
Hon Cyd HO Sau-lan (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Martin LEE Chu-ming, SC, JP
Hon Bernard CHAN
Hon WONG Yung-kan
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon LAW Chi-kwong, JP
Hon Henry WU King-cheong, BBS
Dr Hon LO Wing-lok
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon Mrs Miriam LAU Kin-yee, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon LAU Ping-cheung

**Public officers
attending** : **For item IV**

Environment and Food Bureau

Mr Donald TONG
Deputy Secretary

Ms Annie CHOI
Principal Assistant Secretary (B)2

Civil Engineering Department

Mr CHAN Chi-yan
Chief Engineer/Port Works

For item V

Environment and Food Bureau

Mr Donald TONG
Deputy Secretary

Ms Jessie WONG
Principal Assistant Secretary (C)2

For item VI

Environment and Food Bureau

Mr Donald TONG
Deputy Secretary

Civil Engineering Department

Mr Peter WHITESIDE
Chief Geotechnical Engineer/Fill Management

Environmental Protection Department

Mr Simon HUI
Principal Environmental Protection Officer
(Assessment & Audit)

Agriculture, Fisheries and Conservation Department

Dr Patsy WONG
Senior Fisheries Officer (Aquaculture Environment)

Clerk in attendance : Miss Becky YU, Chief Assistant Secretary (1)1

Staff in attendance : Mrs Mary TANG, Senior Assistant Secretary (1)2

I Confirmation of minutes of previous meeting and endorsement of the report of the Panel on Environmental Affairs for submission to the Legislative Council

(LC Paper No. CB(2) 1580/00-01 -- Minutes of the joint meeting with Panel on Transport held on 15 December 2000

LC Paper No. CB(1) 1412/00-01 -- Minutes of the meeting held on 19 March 2001

LC Paper No. CB(1) 1413/00-01 -- Draft report of the Panel on Environmental Affairs for submission to the Legislative Council)

The minutes of the meetings held on 15 December 2000 and 19 March 2001 were confirmed.

2. Members endorsed the draft report of the Panel on Environmental Affairs for the current session and authorized the Chairman to revise the report to cover discussions at this and further meetings before it was presented to the Council in June 2001.

II Information papers issued since last meeting

3. Members noted the following information paper which had been issued since the last meeting -

LC Paper No. CB(1) 1169/00-01 -- Information paper on "Proposal to Stop Importation of Diesel Taxis from 1 August 2001" provided by the Administration

III Date of next meeting and items for discussion

(LC Paper No. CB(1) 1414/00-01(01) -- List of follow-up actions arising from discussion

LC Paper No. CB(1) 1414/00-01(02) -- List of issues to be considered)

4. Members agreed to discuss the following items at the next Panel meeting scheduled for 3 July 2001 -

Action

- 4 -

- (a) Trial scheme for liquefied petroleum gas and electric light buses and the latest developments in fuel technology; and
- (b) Greenhouse effect.

5. The Chairman sought members' views on the need for background information on the discussion items. Ms Emily LAU said that it would be useful if the Secretariat could provide some background on the subjects, particularly on those which had been deliberated at previous Panel and Council meetings.

6. Mr LAW Chi-kwong opined that the Administration owed the public an explanation on the need for repeated applications for additional funding for the completion of works under the former Strategic Sewage Disposal Scheme. As the funding applications were reluctantly approved by the Legislative Council (LegCo), Mr LAW said that the Panel had a duty to follow up on the works concerned to see if there was any maladministration. In this connection, he requested the Administration to provide an update on the progress of the arbitration process regarding the forfeiture of the two original contracts of tunnelling works, together with the lessons learnt so that the Panel could be able to decide on the ways to follow up the matter. The Deputy Secretary for the Environment and Food (DSEF) advised that arbitration with the contractor concerned was still in progress. He nevertheless agreed that after consultation with the Department of Justice, a report on the progress of arbitration would be submitted to the Panel before the next meeting on 3 July 2001. He added that he would try to include in the report the lessons learnt as well.

Admin.

7. Members agreed to hold a lunch meeting on 21 June 2001 to discuss the report of the delegation to study overseas experience in sewage treatment.

IV Management of construction and demolition materials (LC Paper No. CB(1) 1414/00-01(03))

8. DSEF highlighted the salient points in the information paper which set out the measures to tackle the problem related to the management of construction and demolition (C&D) materials between mid-2002 and end 2005.

Sorting of mixed C&D materials

9. Noting that the sorting and the recycling facilities were separately located at the Southeast New Territories Landfill and the Shek O and Anderson Road quarries respectively, Mr LAW Chi-kwong questioned the effectiveness of such an arrangement since it would be more convenient if these facilities were centrally located near the landfill. He said that the centralization of sorting and recycling facilities would facilitate the waste recovery process, particularly with the implementation of the landfill charging scheme which provided an added incentive. The Principal Assistant Secretary for the Environment and Food (B)2 (PAS/EF(B2)) clarified that the Shek O

and Anderson Road quarries would only be used as sites for processing the highest quality excavated rocks into aggregates for concrete/asphalt production. Arrangements were in place for transporting to the quarries the highest quality excavated rocks generated from identified project sites such as the Jordan Valley project where a vast amount of quality rocks would be excavated during site formation works. The other sorting facilities at Tseung Kwan O and Tuen Mun were sufficiently close to landfill areas. In addition, the Administration planned to co-locate permanent sorting facilities with recycling facilities or barging points. It was also examining whether sorting facilities could be set up within the Northeast New Territories Landfill and the Western New Territories Landfill.

Recycling of C&D materials

10. Mr WONG Yung-kan enquired about the latest developments in the recycling of C&D materials. PAS/EF(B2) said that the Administration was experimenting the technical viability of using broken concrete and lower quality rocks for concrete production or as road sub-base and drainage bedding layers through a series of performance tests. It would be setting up temporary recycling plants at Kai Tak and Tuen Mun in late 2002/early 2003.

11. Miss CHOY So-yuk noted that there were provisions in the Buildings Ordinance (Cap. 123) which prevented the use of recycled materials in building works. As a result, recyclable materials of good quality could only be used for road works rather than for large-scale building construction works. PAS/EF(B2) advised that if the performance tests of the experiment referred to in the preceding paragraph indicated that the concrete produced would be of good quality and could be used on a wide scale in building construction works, necessary actions which included legislative amendments would be taken to put these into use.

12. Given the lack of reference to the reuse/recycling of wood and plastic materials, Miss CHOY expressed concern that these materials had to be disposed of at landfills. She pointed out that there were industries that could make use of these recycled materials. PAS/EF(B2) advised that if the wood and plastic materials were not contaminated, these could be reused and recycled. The useful materials should best be sorted out at the construction sites for reuse to obviate the need for transport to sorting facilities.

Establishing temporary fill banks

13. Noting the large amount of inert C&D materials to be produced between mid-2002 and end 2005 which were said to be able to fill the Happy Valley Racecourse to a multi-storey height, Mr Henry WU queried the practicability of stockpiling these materials at any district since there were bound to be strong objections from District Councils against the establishment of temporary fill banks in their respective districts. Sharing similar concern, Mr WONG Yung-kan asked if there were other alternatives to the two identified fill bank sites if these were rejected by the residents. PAS/EF(B2)

advised that Tseung Kwan O Area 137 and Tuen Mun Area 38 were identified as suitable temporary fill bank sites because of their sizes and locations which were far away from residential/commercial developments. In fact, the Tseung Kwan O site was adjacent to the existing landfill site. The proximity of the sites to the seafront would enable ready transport of the inert C&D materials by sea, thereby minimizing the traffic and environmental impact associated with land transport. The Administration would explain to the District Councils the need to establish fill banks and the mitigation measures that would be implemented. According to the Civil Engineering Department, the two sites were able to stockpile inert C&D materials to a height of about 20 metres.

14. Mr LAW Chi-kwong was concerned that stockpiling large amount of inert C&D materials at the temporary fill banks might give rise to ground settlement problems. PAS/EF(B2) advised that since the fill bank site at Tseung Kwan O Area 137 was a reclaimed land, the proposed stockpiling would have the added benefit of expediting the settlement process. The Chief Engineer/Port Works, Civil Engineering Department confirmed that as formation of surcharge mounds was required to speed up settlement before installation of pipes and other underground facilities, the stockpiling of inert C&D materials would not pose a problem at the reclaimed land.

15. Noting that residents of Tseung Kwan O had already been affected by the environmental nuisances associated with the landfill which was swarmed with mosquitoes, Miss CHOY So-yuk expressed worries that the problem would be further aggravated with the stockpiling of C&D materials at the proposed fill bank site at Tseung Kwan O Area 137. PAS/EF(B2) explained that the C&D materials to be stockpiled at the fill banks were inert materials and would not create the aforementioned nuisance at the landfill. Nevertheless, measures would be adopted to minimize possible disturbance to residents. On the Chairman's enquiry about when the temporary fill banks would cease operation, PAS/EF(B2) advised that the fill bank sites had been earmarked for other uses. It was hoped that these sites could be reverted to their original usage in 2005-06 when outlets for inert C&D materials were identified in the reclamation projects.

16. Mr Henry WU asked how the Administration could deal with the problem related to the management of C&D materials beyond 2005. Sharing similar concern, Ms Cyd HO said that as the capacity of landfills would soon be exhausted, there was a need to identify outlets for the C&D materials generated. PAS/EF(B2) advised that the situation from 2006 onwards remained very fluid because the scopes of many large-scale reclamation projects were being reviewed. A study to examine the long-term arrangements to accommodate inert C&D materials had been commissioned. She assured members that the Administration would continue to closely monitor the situation and explore alternatives in managing C&D materials in the light of developments of planned reclamation works and the outcome of the study.

Introducing landfill charging

17. Ms Emily LAU said that she noted from the waste management plans of public works projects that there were great fluctuations in the percentage of C&D materials being disposed of at landfills. She asked if there was any monitoring on the disposal of materials and the percentage of materials that would be disposed of at landfills. Given the imminent depletion of landfills, Ms LAU considered that there was an urgent need to introduce the landfill charging scheme, as in the case of overseas countries.

18. In response, PAS/EF(B2) made reference to paragraph 3 of the information paper which set out the typical composition of C&D materials in recent years and their reuse/recycling value. The composition of C&D materials generated from projects differed according to the nature of works. On average, about 16% of C&D materials were contaminated waste and had to be disposed of at landfills. The waste management plans of public works projects were monitored by the Administration and actions were taken to step up sorting of mixed C&D materials for reuse and recycling. She added that while reference had been made to overseas experiences in considering the landfill charging scheme, they were not entirely applicable to the Hong Kong situation. The Administration agreed with members that the imposition of landfill charges would provide the necessary incentive to reduce waste and would be formulating a comprehensive landfill charging scheme to be introduced in the near future. DSEF supplemented that the Administration had been working on a landfill charging scheme with the concerned sectors, including the construction industry, the property management industry and the waste haulers associations. However, as in most new charging schemes, there were mixed reactions from the community on the proposed imposition of landfill charges. Strong objections had been received from the affected trades who were worried about the cost implications of the scheme.

19. Ms Emily LAU opined that consideration should be given to including landfill charges in the construction costs. Mr Henry WU however expressed concern that the proposal would increase the property prices which would in turn affect the general public. PAS/EF(B2) said that as property prices were dependent on market conditions, construction costs were seldom a deciding factor. She assured members that the Administration would provide an updated progress report on the landfill charging scheme when the charging arrangements had been worked out. Miss CHOY So-yuk suggested that landfill charges should be levied according to the weight of materials to be disposed of at landfills, and that no landfill charges should be imposed on materials which were sorted out for reuse/recycling. PAS/EF(B2) took note of Miss CHOY's views which would be dealt with in the context of the landfill charging scheme.

V Appointment of members of the Advisory Council on the Environment
(LC Paper No. CB(1) 1414/00-01(04))

20. Ms Cyd HO questioned the rationale for appointing a Singaporean

government official to ACE. She held the view that it would be more appropriate to appoint a Mainland official to deal with cross-border concerns on the environment. Sharing the same view, Mr Bernard CHAN said that there were environmental experts in the Mainland who were ready to give advice on environmental issues. DSEF explained that as the Hong Kong Special Administrative Region Government had maintained an exchange programme with the Singaporean Government, officials from the two Governments would participate in each other's advisory councils to exchange views and share experience. As regards cross-border environmental issues, DSEF advised that these were being dealt with by the Hong Kong - Guangdong Joint Working Group on Sustainable Development and Environmental Protection.

21. Given the limited membership of ACE, Ir Dr Raymond HO pointed out that there might not be a need for the Singaporean official to be appointed as a member of ACE. To facilitate exchange of experience with the Singaporean Government, consideration should be given to allowing the official to sit in at ACE meetings. DSEF advised that there were no provisions which allowed for observers to sit in at ACE meetings under the current arrangement. In order to participate in the meetings, one had to be appointed as a member of ACE.

22. On the composition of ACE membership, Ms Cyd HO said that she failed to see the relevance of appointing a medical specialist to ACE. On behalf of Mr Henry WU who had just left the meeting, Ir Dr HO asked why the General Chamber of Commerce was represented at ACE while the Chinese Chamber of Commerce was not. Miss CHOY So-yuk also noted that only four green groups were represented at ACE. Expressing similar concern, Ms Audrey EU considered that membership of ACE should comprise experts in environmental studies. She enquired if tertiary institutions would be able to recommend representatives to ACE.

23. In response, DSEF said that ACE comprised representatives from different sectors and disciplines, including academics, town planning, architectural and medical professions etc. The diversity of membership would enable a broader exchange of views within ACE. Appointment to ACE would take into account the expertise, experience, relevant background of the incumbents. Of the 23 ACE members, eight were representatives of green groups and the commercial sector and seven were academics from various universities (including two from green groups). While it was inappropriate to comment on the appointment of individual ACE members, DSEF said members' views would be taken into account when reviewing the appointment of ACE members in future.

24. Ms Cyd HO questioned the terms of appointment of ACE members as some of them were appointed for one year while the others were for two years. DSEF advised that there was a need for flexibility in the terms of appointment, and that the appointment of members for one year was not a new arrangement. As to whether there was a maximum duration of appointment, DSEF said that since its establishment in 1994, there had not been a fixed upper limit on the number of years to which an ACE member could be appointed. The Administration would appoint new ACE

members as and when appropriate so as to bring about new ideas and exchanges.

25. As regards the existing mechanism on declaration of interest, Ms HO asked if only direct pecuniary interest need to be declared. DSEF advised that an explanatory document on declaration of interest had been issued to members of ACE upon their appointment earlier in the year. An ACE member who had a direct or indirect interest on a subject matter under discussion would be required to declare his/her interest prior to the discussion. The ACE Chairman would decide whether the member who had declared his/her interest should withdraw from the meeting. He added that as ACE was an advisory body, it was very rare that a decision would be put to a vote at ACE meetings. Minutes of ACE meetings would be uploaded onto the Internet after confirmation by the Council for public information. Ms HO however pointed out that while deliberations at ACE meetings would be recorded, the minutes would not contain the names of individual ACE members. At members' request, the Administration undertook to provide the occasions at which ACE members had declared interest at ACE meetings over the past three years.

Admin.

26. Ir Dr Raymond HO opined that although advisory councils were meant to assume a consultative role, their decisions were influential and would have a definite impact on the policy to be adopted. Given the importance and the sensitive nature of the work of ACE, he considered that there was a need to open up ACE meetings to improve its transparency. His view was shared by Miss CHOY So-yuk and Ms Emily LAU. DSEF agreed with members that ACE played an important role in assisting the Government in shaping environmental policies. He undertook to convey Ir Dr HO's suggestion of opening up ACE meetings to ACE for consideration. On Ms LAU's request for transparency in the work of ACE, DSEF said that ACE had been holding press briefings after each meeting. Notwithstanding, the Administration would try to establish mechanisms to facilitate the dissemination of information to the public.

27. Mr WONG Yung-kan was dissatisfied that ACE had kept silent on environmental issues associated with major projects such as the Penny's Bay reclamation and the Long Yuen project. He considered it necessary for the fisheries industry to be represented at ACE. Ms Emily LAU concurred with Mr WONG that ACE should explain its decisions to the public. She also requested the Administration to advise on the attendance rate of ACE members. In response, DSEF clarified that ACE was not required to conduct research or investigation on major projects since such responsibilities rested with the proponents of the projects who were required under the law to conduct Environmental Impact Assessments (EIA). EIA reports so prepared would be submitted for consideration by the EIA Sub-committee under ACE. Green groups were represented at the Sub-committee and their views would be clearly set out for submission to ACE. Details of deliberations would be recorded in the minutes of ACE and EIA Sub-committee meetings which would be uploaded onto the Internet after confirmation. The Administration would request the project proponents to take mitigating measures as appropriate to address the concerns raised by the EIA Sub-committee. He stressed that ACE was an advisory body rather than a policy maker.

Admin.

28. Miss CHOY So-yuk expressed concern if sufficient time was given to ACE members to study the proposals. DSEF advised that papers would normally be submitted to ACE members one week before the meeting. In the case of EIA reports, an executive summary would be provided.

29. Ms Cyd HO moved and Ms Emily LAU seconded the following motion-

“That this Panel requests the Administration to take effective measures to increase the transparency of the Advisory Council on the Environment, including opening up its meetings and announcing the criteria for appointment of membership.”

The motion was unanimously passed by members present. The Chairman instructed that the motion be conveyed to the Administration.

(Post-meeting note: A letter on the motion was issued to the Administration on 6 June 2001.)

VI Impact of dredging and reclamation on the marine environment
(LC Paper No. CB(1) 1414/00-01(05))

30. Owing to time constraints, the Chairman suggested and members agreed to defer the discussion of the subject to the next meeting on 3 July 2001.

31. There being no other business, the meeting ended at 4:30 pm.

Legislative Council Secretariat

21 August 2001