

立法會
Legislative Council

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LegCo Panel on Environmental Affairs

Minutes of Meeting
held on Tuesday, 17 October 2000 at 11:30 am
in the Chamber 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 Fred LI Wah-ming, JP
Hon WONG Yung-kan
Hon Mrs Miriam LAU Kin-ye, JP
Hon CHOY So-yuk
Hon LAW Chi-kwong, JP
Hon Abraham SHEK Lai-him, JP
Hon Henry WU King-cheong, BBS
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Dr Hon LO Wing-lok
Hon LAU Ping-cheung

Members Attending : Hon CHAN Yuen-han
Hon Andrew CHENG Kar-foo

Members Absent : Hon Martin LEE Chu-ming, SC, JP
Hon Eric LI Ka-cheung, JP
Hon Bernard CHAN
Hon Emily LAU Wai-hing, JP

Public Officers Attending : Mrs Lily YAM
Secretary for the Environment and Food

Mr Paul TANG
Deputy Secretary for the Environment and Food (Division A)

Mr Kim Salkeld
Deputy Secretary for the Environment and Food (Division B)

Mr Thomas CHOW
Deputy Secretary for the Environment and Food (Division C)

Mr Rob LAW
Director of Environmental Protection

Mrs Rita LAU
Director of Food and Environmental Hygiene

Mrs Lessie WEI
Director of Agriculture, Fisheries and Conservation

Mr C T LEUNG
Director of Electrical and Mechanical Services

Dr C K LAU
Director of Civil Engineering

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in Attendance : Mrs Justina LAM
Assistant Secretary General 2

Ms Joanne MAK
Senior Assistant Secretary (2)2

Action

I. Briefing by the Secretary for the Environment and Food (SEF) on the Chief Executive's Policy Address 2000

The Chairman welcomed Secretary for the Environment and Food (SEF) and other Government representatives to the meeting.

Action

2. At the invitation of the Chairman, SEF introduced the Policy Objectives of the Environment and Food Bureau (EFB). She highlighted that since the establishment of EFB in January 2000, the Bureau had taken over from the former Planning, Environment and Lands Bureau responsibilities on environmental protection and conservation and from the Economic Services Bureau responsibilities for the provision of fresh food produce. EFB had also taken over from the Health and Welfare Bureau (HWB) and the two former Provisional Municipal Councils the responsibility for food safety and control.

3. SEF said that improving air quality had been the Bureau's main area of work in the past nine months. With the support of LegCo Members, EFB had implemented a series of measures to control vehicle emissions. Since July 2000, Hong Kong had become the first city in Asia to introduce ultra low sulphur diesel. Financial incentives were also provided to encourage taxi owners to replace their diesel vehicles with ones using liquefied petroleum gas (LPG). SEF also informed Members that a dedicated LPG refilling station in Kwun Tong would open on the following day while some other dedicated stations would also come into operation in the following few weeks. SEF said that she was confident that there would be sufficient LPG refilling facilities for the entire taxi fleet by the end of 2001.

4. SEF said that apart from tackling air pollution, EFB would continue to introduce improvement measures for waste management, sewage treatment and disposal facilities, noise control and nature conservation in the coming 12 months.

5. SEF added that the setting up of EFB had enabled Government to better co-ordinate its overall efforts in environmental protection and in overseeing the work of the Food and Environmental Hygiene Department (FEHD), the Agriculture, Fisheries and Conservation Department and the Environmental Protection Department (EPD).

Communication with the industries on environmental initiatives

6. Mrs Miriam LAU said that all along the Government had been relying on legislation and penalties to promote environmental protection. She pointed out that many overseas countries had found such an adversarial approach ineffective, and had recommended a co-operative approach emphasising communication and partnership between Government and the industries concerned. Mrs LAU asked whether the Administration would also adopt a co-operative approach in this regard and discuss with the industries concerned ways to address their problems in introducing environmental initiatives.

7. SEF replied that the Administration attached great importance to the need for strengthening communication with the industry and soliciting industry support in implementing the various environmental initiatives. She cited the example that the International Review Panel on the Strategic Sewage Disposal Scheme (SSDS) had discussed its work with this Panel and the Advisory Council on the Environment at

Action

the earliest opportunity. The International Review Panel had also attended a large-scale open forum, which was the first of its kind, to collect public views on SSDS. She said that EFB would continue its efforts in explaining Government policy to the public and seeking their views on important new measures. SEF added that Government would draw on overseas experience in community outreach during her recent visit to Europe. She had also obtained information on an appropriate training course which might be of use to EPD.

8. Mr Abraham SHEK echoed Mrs Miriam LAU's views and said that the construction sector also wished to seek cooperation with EPD on ways to improve noise control. SEF responded that Government welcomed the industry's views. She said that EPD would continue to work in the best interests of the community.

9. Mr Tommy CHEUNG pointed out that the catering industry and other businesses were dissatisfied with the adversarial approach of Government in implementing environmental protection measures. He said that EPD should consult the industry on legislative proposals, evaluate the impact on industries and publicize the law after enactment. He added that EPD should also assist the industry in implementing any new measures introduced.

10. Director of Environmental Protection (DEP) assured members that EPD fully recognized the need to have dialogue with the industries on the implementation of environmental initiatives. Taking the construction industry as an example, DEP said that EPD had organized hundreds of seminars for contractors and developers on construction noise controls and had much discussion with the Hong Kong Construction Association on the proposed legislative amendments affecting the industry. Similar educational programmes were being arranged for the catering industry. While agreeing that EPD and the industries concerned should work in partnership, DEP said that it was also EPD's responsibility to enforce the law.

Selection of consultants

11. On the appointment of consultants, Miss CHOY So-yuk said that a few consulting firms had been selected to undertake environmental impact assessments (EIAs) for most Government projects. She considered it a waste of public funds in view of the errors made in the consultancy studies on the Strategic Sewage Disposal Scheme (SSDS), the disposal of contaminated mud by the Container Terminal 9 (CT9) contractor, and the proposed Sheung Shui to Lok Ma Chau spur line in Long Valley. Miss CHOY asked what measures would be taken to hold these consultancy firms accountable for their poor quality of work.

12. SEF clarified that Government had not commissioned consultants to conduct EIAs on the disposal of contaminated mud by the CT9 contractor and on the impact of the proposed Lok Ma Chau spur line on the Long Valley wetlands. She added that Government would respond to an oral question at the Council meeting on 18

Action

October 2000 concerning the disposal of contaminated mud by the CT9 contractor. DEP said that it was often a matter of opinion as to whether the consultants had erred in their assessments. He said that a comprehensive system was in place to monitor the consultants' performance. A consultant selection board headed by the Director of Civil Engineering kept track of the performance of the consultants engaged for engineering projects and compiled evaluation reports on them.

13. Miss CHOY So-yuk asked whether there were any punitive measures against consultants who performed poorly. In response, DEF explained the mechanism for selection of consultants. He said that consultants were selected by open competitive tender. Evaluation of bids was based on the technical merits, the proposed costs and the consultants' past performance records. If professional errors were found in the consultant's previous projects, this would no doubt be taken into account in the selection process. On the comment that a relatively small number of consultancy firms tended to dominate the EIA projects, DEP considered that it was only a matter of market force and the quality of the tender submissions received.

14. At the request of Miss CHOY So-yuk, SEF agreed to provide information on the consultancy firms selected for undertaking EIAs for Government projects in the past ten years, and the membership list of the relevant evaluation committee.

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The proposed alignment of Sheung Shui to Lok Ma Chau spur line in Long Valley

15. Mr Andrew CHENG welcomed DEP's decision of disapproving the EIA report on the proposed alignment of the Sheung Shui to Lok Ma Chow spur line. Noting that the Kowloon-Canton Railway Corporation (KCRC) had expressed its wish to appeal against the decision, Mr CHENG asked how the Administration could reach agreement with KCRC which could achieve a balance between environmental considerations and transport needs.

16. SEF expressed support for DEP's decision which was made in accordance with the statutory procedures under the Environmental Impact Assessment Ordinance (EIAO). She said that DEP had fully considered all relevant factors and the views of the public before drawing on his professional judgment in arriving at a decision on the EIA report. She explained that as KCRC could appeal against DEP's decision within 30 days, it was not appropriate for her to comment on DEP's decision. However, she would like to point out that the aim of the EIAO was to provide sufficient safeguards for the protection of the environment in the pursuit of infrastructural developments. SEF stressed that the disapproval of the EIA report did not mean denial of the need for improving cross-border transport facilities or for a Lok Ma Chau spur line. She considered that DEP's decision demonstrated his independent role in assessing EIA reports in accordance with the statutory procedures.

Action

17. In reply to Mr LAU Ping-cheung, SEF said that the Appeal Board must take a definitive decision on any appeal made under EIAO.

Clean Hong Kong Campaign

18. Referring to the Clean Hong Kong Campaign to be launched at the end of 2000, Dr LO Wing-lok asked whether there was any difference from the previous campaigns. SEF replied that there had been relatively less publicity on keeping Hong Kong clean after the major campaigns in the 1970's. The new campaign aimed at enhancing community awareness of environmental hygiene standards, increasing community participation and strengthening enforcement. FEHD would be tasked to co-ordinate the efforts of nine government departments to step up enforcement. SEF informed the meeting that a 21-member committee chaired by Dr Daniel TSE Chi-wai, President of the Baptist University, would be set up to direct the campaign. Dr LO further asked whether the Administration would consider introducing heavier penalties to deter littering. SEF replied that legislation was being drafted to introduce a fixed penalty for littering and other related offences, and implementation details were under consideration.

Council for Sustainable Development

19. Mr LAW Chi-kwong enquired about the progress of the proposal of setting up a "Council for Sustainable Development" as mentioned in the Chief Executive's Policy Address last year. SEF replied that the Administration would first set up a "Sustainable Development Unit", the institutional arrangements for which would be worked out in the coming months. The Unit would also examine the membership and responsibilities of the proposed Council for Sustainable Development and its working relationship with other advisory bodies such as the Advisory Council on Environment.

20. Mr LAW Chi-kwong further asked whether the Council for Sustainable Development would be a statutory body vested with the necessary statutory power. SEF replied that as she would not be responsible for the future Sustainable Development Unit, she was not in a position to elaborate on the future work of the Unit. However, she believed that the issues raised by Mr LAW would be further deliberated by the Administration.

Disposal of contaminated mud

21. Mr WONG Yung-kan pointed out that, contrary to the EIA findings on the dredging work at Penny Bay, the works had serious adverse impact on the water quality and fisheries resources there, and the conservation of the Chinese White Dolphin. He was of the view that the Government should improve the monitoring of the performance of EIA consultants and avoid carrying out works which would do great damage to the natural environment.

Action

22. Director of Agriculture, Fisheries and Conservation pointed out that the activities and number of Chinese White Dolphin were being monitored under a conservation programme. She said that no significant increase in the number of deaths of Chinese White Dolphin had been found. Deputy Secretary for the Environment and Food (Division B) also explained that the EIA was conducted not only to assess the environmental impact of projects but also to recommend monitoring and management systems to reduce any adverse impacts of the projects concerned. For dumping activities, he said that the contractor concerned had to apply to EPD for a permit and comply with the permit conditions. The Civil Engineering Department (CED) would monitor the dumping operations, and both EPD and CED would take actions if problems were found.

Noise

23. Referring to the Policy Objective for EFB, Mr Fred LI asked why the formulation of measures to address the problem of excessive traffic noise from existing roads and flyovers was behind schedule. SEF replied that the Administration was finalizing its recommendations on the way forward and details of the proposed mitigation measures. She said that a paper on the subject would be submitted to the Panel around the end of 2000.

24. Mr Fred LI further asked whether the Administration would conduct a survey on the number of people suffering from excessive traffic noise in Hong Kong and the impact on their physical and mental health. Deputy Secretary for the Environment and Food (Division C) replied that none of the research studies conducted overseas concluded that excessive traffic noise would have adverse impact on health. He said that the subject was discussed by the Panel in the last term, and EFB was now obtaining the information requested by the Panel from HWB and the departments concerned. Proposals on how to address the noise impact of existing roads on residents in their neighbourhood would be drawn up for discussion with the relevant Panel around the end of 2000.

25. Mr Albert CHAN urged the Administration to address the aircraft noise problem as it had caused nuisance to many people at night. He expressed dissatisfaction with the current practice of adopting the noise exposure forecast (NEF) 25 contour as the planning criterion which he considered inadequate to measure the noise impact. Mr Albert CHAN also questioned why the aircraft noise issue was not included in the Policy Objective for EFB.

26. DEP clarified that the Economic Services Bureau and Civil Aviation Department were responsible for monitoring aircraft noise while EPD assisted in formulating the planning standards relating to aircraft noise. DEP explained that the NEF 25 planning criterion was in line with the international practice and the criterion was regarded as a tolerable limit in the international community. Nevertheless, DEP

Action

admitted that people living outside the NEF 25 contour might also hear aircraft noise. He however pointed out that the level of annoyance was rather subjective since some people were more sensitive to noise.

27. Mr Albert CHAN held the view that as the Civil Aviation Department was responsible for designing aircraft routes, it should not be charged with the responsibility for monitoring aircraft noise. SEF undertook to look into the matter.

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Energy efficiency

28. Dr Raymond HO asked whether the integrated design framework for building energy efficiency and conservation to be introduced by the Electrical and Mechanical Services Department would cover both government and private buildings. Director of Electrical and Mechanical Services (DEMS) replied in the affirmative. Dr HO further asked whether the Administration would introduce any programme to promote energy saving for road traffic and drainage services by making reference to overseas experience. DEMS replied that a consultancy study on fuel consumption by vehicles (private cars and light goods vehicles) would soon commence and a report would be available in about a year. He said that other similar studies relating to energy efficiency and conservation would also be launched.

29. Dr HO urged the Administration to examine the level of energy efficiency of existing government buildings and the feasibility of introducing street lamps using solar energy. He also asked whether the review conducted by the International Review Panel would recommend measures to achieve energy efficiency for SSDS. SEF took note of Dr HO's comments. She said that the Administration would follow up the recommendations of the International Review Panel when its report was available.

Waste management

30. Ms Cyd HO noted that the Administration would improve waste management by enhancing support measures for waste recovery and recycling, identifying suitable sites for local waste recyclers, and examining bulk waste reduction facilities and technologies such as waste incineration. Ms HO held the view that the Administration should exhaust the first two options before resorting to waste incineration.

31. SEF responded that waste reduction and recycling would continue to be the main emphasis in the waste management strategy and there would be more public education to encourage public participation in the "reduce, recycle, reuse" programmes. However, SEF said that there would always be waste which could not be reduced or recycled. In this respect, she drew Members' attention to the fact that the three existing landfills would be filled up in 10 to 15 years' time and one of them would be filled up as early as 2005. She said that there was an urgent need for the

Action

Administration to explore actively bulk waste reduction facilities and technologies, and this could not wait until the Administration had exhausted all possible ways for waste reduction and recycling. She assured Members that the Administration would consult the public on any waste disposal proposals.

32. Ms Cyd HO commented that in considering waste incineration, the Administration should take into account the impact on air quality and dioxin release. She asked the Administration to provide information on any quantitative analysis of dioxin generated by incinerators and whether the Administration would consider closing the incinerators when the Air Pollution Index reached 200. She also wanted to know the amount of compensation that the Government would have to pay in the event that the incinerator in Tsing Yi was closed. SEF undertook to provide a response.

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II. Any other business

The proposed alignment of Lok Ma Chau spur line and its environmental impacts

33. Noting that KCRC would possibly appeal against DEP's decision and the Administration's position as stated in paragraph 16, Mrs Miriam LAU, Chairman of the Panel on Transport, proposed to cancel the joint meeting of the Panels on Transport and Environmental Affairs originally scheduled for 25 October 2000 to discuss the subject. The Chairman concurred with Mrs LAU. He said that it might not be useful for the Panels to discuss the environmental impacts of the proposed project now that DEP had disapproved the EIA report and that the Administration would not be able to comment in public on DEP's decision pending KCRC's appeal. Members agreed.

Proposed visit to the Stonecutters Island Sewage Treatment Works (SCISTW)

34. The Chairman informed members that the Administration invited Members to visit the SCISTW on 23 or 24 October 2000. He requested the Clerk to issue a circular to Members and make the arrangements.

(Post-meeting note : A visit cum luncheon was held on Monday, 23 October 2000.)

35. The meeting ended at 12:55 pm.

Legislative Council Secretariat

1 December 2000