

立法會
Legislative Council

LC Paper No. CB(1) 376/01-02

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by the Administration)

Ref: CB1/PL/EA/1

LegCo Panel on Environmental Affairs

**Minutes of meeting held on
Monday, 29 October 2001, at 3:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon CHOY So-yuk (Chairman)
Hon Cyd HO Sau-lan (Deputy Chairman)
Hon CHAN Yuen-han, JP
Hon LAU Kong-wah
Hon Mrs Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Hon LAW Chi-kwong, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok

Members absent : Ir Dr Hon Raymond HO Chung-tai, JP
Hon Martin LEE Chu-ming, SC, JP
Hon SIN Chung-kai
Hon WONG Yung-kan
Hon Henry WU King-cheong, BBS
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

**Public officers
attending** : Environment and Food Bureau
Mrs Lily YAM, JP
Secretary for the Environment and Food

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Mr Donald TONG
Deputy Secretary(B)

Mr Thomas CHOW
Deputy Secretary(C)

Environmental Protection Department

Mr Rob LAW, JP
Director of Environmental Protection

Agriculture, Fisheries and Conservation Department

Mrs Lessie WEI, JP
Director of Agriculture, Fisheries and Conservation

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

Staff in attendance : Ms Pauline NG
Assistant Secretary General 1

Mrs Mary TANG
Senior Assistant Secretary (1)2

I Confirmation of minutes of previous meeting
(LC Paper No. CB(1) 135/01-02 -- Minutes of the meeting held on 11 October 2001)

The minutes of the meeting on 11 October 2001 were confirmed.

II Information papers issued since last meeting

2. Members noted that no information papers had been issued since last meeting.

III Date of next meeting and items for discussion

- (LC Paper No. CB(1) 151/01-02(01) -- List of follow-up actions arising from discussion
LC Paper No. CB(1) 151/01-02(02) -- List of outstanding items for discussion)

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 26 November 2001 -

- (a) Composite paper on seven sewage collection and treatment scheme; and
- (b) Retrofitting of particulate reduction devices on pre-Euro diesel vehicles.

4. Ms Cyd HO noted that in the last session, the Panel had been led by the Administration in the formulation of agendas for its meetings. As a result, the Panel had devoted much of its time and efforts on discussing funding proposals for various environmental projects. There was a need for the Panel to resume a leading role in deciding the subjects to be discussed at meetings. Subjects such as waste recycling, conservation policy, implications of environmental legislation on development projects, as well as fuel and energy policy ought to be discussed at length by the Panel. The Chairman agreed that the Administration be requested to update the Panel on the latest development of these issues.

5. Members were reminded of the joint meeting with the Panel on Planning, Lands and Works to be held on 1 November 2001 to continue discussion on the mediation on contractual disputes relating to the Strategic Sewage Disposal Scheme.

6. Referring to the invitation letter from the Kadoorie Farm and Botanic Garden Corporation, the Chairman said that subject to members' agreement, a mutually convenient date and time would be arranged for the visit to the farm. Apart from the Chairman, Ms Emily LAU and Mr Michael MAK had also indicated their interest in joining the visit.

IV Briefing by the Secretary for the Environment and Food on the Chief Executive's Policy Address 2001

(Policy objective booklet provided by the Environment and Food Bureau)

7. At the invitation of the Chairman, the Secretary for the Environment and Food (SEF) briefed members on the work progress and future plans of the Environment and Food Bureau in relation to environmental affairs.

(Post meeting note: A copy of SEF's speech was circulated to members under LC Paper No. CB(1) 171/01-02.)

Environmental Impact Assessment (EIA)

8. Ms Emily LAU agreed that environmental protection should not be compromised as a result of implementation of development projects. She however expressed concern on how the Administration could ensure the effective operation of the EIA mechanism as development pressures continued to increase. In reply, SEF stressed that the EIA mechanism was not meant to impede the development process but to help project proponents to pay due regard to environmental protection requirements at the early stages of project planning and design. To ensure that environmental impacts from major development would be avoided and, where this was not possible, reduced to acceptable levels, the Environmental Protection Department (EPD) would provide professional and technical support service to project proponents on the implementation of the EIA Ordinance (Cap.499) (the Ordinance). Efforts would also be made to strengthen the advisory role of EPD in the coordination of work among different Government departments in development projects with a view to resolving problems at an early stage without having to await the results of EIA. On the other hand, enforcement of the Ordinance in respect of site inspections and vetting processes would be strengthened. At Ms LAU's request, the Administration undertook to provide a brief paper on the improvements which had been made to strengthen inter-departmental coordination in respect of the EIA process.

9. As regards measures to streamline the EIA process, SEF advised that while the Administration had no intention to amend the Ordinance nor the various prescribed statutory periods for EIA, efforts were being made to enhance understanding of the EIA mechanism. A review to this effect had been completed and measures, including the formulation of a training programme for relevant government departments, would be put in place.

10. Mrs Miriam LAU remained concerned about the impact of EIA on development projects. She also questioned the efficacy of the training programme since the ultimate power to approve EIA reports rested with EPD. She asked if EPD would adopt a partnering approach in the EIA process to enlist the co-operation of project proponents. The Director of Environmental Protection (DEP) agreed that while EPD had always been co-operative in its dealings with project proponents, there was still room for further improvement. Over the past six months, EPD had been strengthening its relationship with the relevant works departments as well as the management of the Kowloon-Canton Railway Corporation (KCRC) and the Mass Transit Railway Corporation. All of the works departments were encouraged to evaluate potential impacts of their projects on the environment and the necessary prevention and mitigation measures at the early stages of project planning and design although in some cases, environmental problems would only surface after detailed studies. They were also advised to meet with EPD before the commencement of the statutory EIA process. EPD would try to be as specific as possible about the EIA requirements when the project proponents came forward with their proposed projects. This could facilitate initial discussions on key issues and help identify problems at an

early stage. He reiterated that the purpose of EIA was not to impede developments, but to ensure that these were completed in an environmentally acceptable manner. As a world city, Hong Kong had to maintain the highest environmental and engineering standards. This could be done through close co-operation and partnership between EPD and project proponents.

11. While acknowledging EPD's efforts in fostering a partnering approach with the works departments in public works projects, Mrs LAU held the view that a similar approach should be adopted for private sector projects. Consideration should be given to setting up a committee to facilitate communication between EPD and project proponents in the private sector, similar to the one set up by the Planning Department to provide guidance on the development of the New Territories. DEP confirmed that there was an EIA stakeholders' group which regularly met with EPD, and that there had been regular exchanges of ideas and feedback on the actual operation of the EIA mechanism. Together with the construction industry and major developers, a major review of the EIA process was made 12 months after the enactment of the Ordinance. As the EIA mechanism applied only to major projects, the numbers of stakeholders involved in the private sector were few. Nevertheless, EPD would provide necessary support to project proponents in the private sector as well. They were welcome to approach EPD about their plans for major projects before the commencement of the EIA process.

12. Noting from a latest press report that the green groups had changed their stance and indicated support for the original viaduct option for the Lok Ma Chau Spur Line Project, Ms Emily LAU enquired about the Administration's position in this respect. DEP said that he did not have any personal discussion with the green groups concerned but as far as he knew, it was only the Conservancy Association which had made such an announcement. His understanding was that the Association considered the amount of money to be spent on the tunnel option should better be spent on the development of a long-term preservation plan to protect the Long Valley area. Notwithstanding, the reasons for rejecting the EIA of the original viaduct proposal remained valid. KCRC would have to demonstrate that the problems arising from its original proposal could be overcome if it wanted to revert to the original proposal. However, both KCRC and the Administration considered that there was too much uncertainty in the original proposal as there was no guarantee that the construction of the viaduct could proceed without damaging the Long Valley area. They would prefer to go along with the tunnel option which would not touch upon the Long Valley area. Nevertheless, EIA would still have to be done for the tunnel option to evaluate its potential impact on the environment, particularly on the effect of de-watering of the area as a result of the tunneling work.

Sustainable development

13. Ms Cyd HO noted that the Sustainable Development Unit (SDU) was set up to ensure the integration of environmental concerns in the planning and implementation of capital works projects, thereby achieving sustainable development

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Admin in Hong Kong. She considered it useful for the Administration to provide a paper explaining how SDU would integrate its work with the Advisory Council on the Environment, the Environment and Food Bureau and EPD, and how it would resolve conflicts which might arise. SEF advised that SDU had been set up under the Administration Wing in April. The Administration would report to members once SDU had finalized its work plans, including proposal for integrating its work with the relevant authorities.

Community education and awareness

14. Referring to page 29 of the policy objective booklet, Mr Michael MAK sought information on the 110 sessions of environmental awareness programmes for the public, community groups and housing estates in 2002-2003. The Deputy Secretary for the Environment and Food (B) (DS/EF(B)) advised that these were mainly publicity programmes and discussion fora on environmental concerns. Mr MAK further enquired about the effectiveness of the measures to enhance community awareness on environmental protection. SEF explained that the Environmental Campaign Committee played a key role in promoting community awareness on environmental protection. She agreed that a mechanism might be necessary to assess the effectiveness of community programmes such as the waste recycling programmes which could partly be measured by the amount of waste recovered.

Environmental and Conservation Fund (ECF)

15. Ms Cyd HO noted that the proposed injection of funds to ECF was aimed at supporting community-based prevention and recovery programmes. However, under the current funding mechanism, funding support for waste recycling community groups was only valid for three years, after which they would have to make a fresh application, to be accompanied by new initiatives and made under a new name. Such an arrangement had not been conducive to the promotion of waste prevention programmes. It had also created undue difficulties for these groups which could not survive on a self-financing basis and would most likely have to rely on continued funding support. There was a need for the Administration to work out measures to assist these groups after the three-year period. DS/EF(B) said that subject to the approval of the Finance Committee, the Administration planned to inject \$100 million into ECF to support community-based waste prevention and recovery programmes. The fund was open to application by district groups, green groups etc to carry out waste reduction work and activities. These activities would have to be carried out for at least 12 months. Funding would be provided in phases and the cost-effectiveness of these activities would be assessed in the light of their progress. Organisations could continue to apply for funding for their projects as long as ECF funds remained available. The Administration would review the funding mechanism before deciding on future arrangements. While it was hoped that these projects could operate on a self-financing basis, he agreed with members that it was difficult for some of them to achieve this objective.

Landfill Charging Scheme

16. On Mr Abraham SHEK's enquiry on the progress of implementation of the Landfill Charging Scheme, SEF advised that the Administration had been consulting the affected trades on the proposed Scheme. Concern about up-front payments had been raised by the waste haulers associations. She added that in working out the implementation details, the Administration would be sensitive to the impact of the proposed Scheme on the affected trades, taking into account the current economic conditions. Mr SHEK said that while the construction industry was supportive of environmental protection measures, it was concerned that the implementation of the proposed Scheme would add extra financial burden to the already struggling industry.

Conservation of natural heritage and resources

17. While supporting the Administration's proposals to conserve natural heritage and resources as set out in page 27 of the policy objective booklet, Miss CHAN Yuen-han expressed concern on the lack of measures to protect the marine life at Penny's Bay, the dolphins at Lung Ku Chau and the coral reefs at Sai Kung. She hoped that more protection would be in place to conserve these resources. SEF said that before implementing major infrastructure works, the Administration would conduct studies to assess the impact of the works on the ecology of the surrounding area. Mitigating measures would be taken to minimize the environmental impact. The Director of Agriculture, Fisheries and Conservation confirmed that EIA had been conducted to assess the impact of works on the marine environment and ecology of the three areas referred to. Suitable mitigating measures had been adopted and the impact of works was being monitored. Consequent upon a research study and a conservation plan on dolphins in Hong Kong conducted three years ago, a conservation programme including monitoring and other measures such as imposing certain navigation restrictions had been implemented to assist the survival of dolphins. The death rate of dolphins had remained constant over the past years. Miss CHAN however pointed out that consideration should be given to providing greater protection to the endangered species which would also help to generate employment opportunities.

V Any other business

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