

立法會
Legislative Council

LC Paper No. CB(1)1380/01-02
(These minutes have been seen
by the Administration)

Ref: CB1/PL/ES/1

Legislative Council
Panel on Economic Services

Minutes of meeting held on
Monday, 25 February 2002, at 10:45 am
in the Chamber of the Legislative Council Building

Members present : Hon James TIEN Pei-chun, GBS, JP (Chairman)
Hon Kenneth TING Woo-shou, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam
Hon SIN Chung-kai
Hon Jasper TSANG Yok-sing, JP
Hon Miriam LAU Kin-yeet, JP
Hon CHOY So-yuk

Members absent : Dr Hon LUI Ming-wah, JP (Deputy Chairman)
Hon Eric LI Ka-cheung, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-yeet, JP
Dr Hon Philip WONG Yu-hong
Hon Howard YOUNG, JP
Hon LAU Chin-shek, JP
Hon Henry WU King-cheong, BBS

Public officers attending : **Agenda Item IV**
Economic Services Bureau

Ms Miranda CHIU
Deputy Secretary for Economic Services (1)

Ms Irene YOUNG
Principal Assistant Secretary for Economic Services

Electrical and Mechanical Services Department

Mr Roger S H LAI
Director of Electrical & Mechanical Services

Mr John FLOYD
Chief Engineer/Gas Utilization

Agenda Item V

Economic Services Bureau

Mrs Rebecca LAI
Commissioner for Tourism

Mrs Erika HUI
Assistant Commissioner for Tourism

Agriculture, Fisheries and Conservation Department

Mr C C LAY
Assistant Director (Conservation)

Architectural Services Department

Mrs E C Y CHENG
Assistant Director (Architectural)

Mr J C W YUNG
Project Manager

Mr A H LEWIS
Senior Landscape Architect

Mr R FUNG
Senior Architect

Agenda Item VI

Economic Services Bureau

Mr Alex FONG
Deputy Secretary for Economic Services (3)

Marine Department

Mr K M LEE
Assistant Director of Marine (Port Control)

Clerk in attendance : Mr Andy LAU
Chief Assistant Secretary (1)2

Staff in attendance : Ms Debbie YAU
Senior Assistant Secretary (1)1

I Confirmation of minutes and matters arising
(LC Paper No. CB(1)1093/01-02 - Minutes of meeting held on 28 January 2002)

The minutes of meeting on 28 January 2002 were confirmed.

II Information papers issued since last meeting
(LC Paper No. CB(1)1031/01-02(01) - Tables and graphs showing the import and retail prices of major oil products from January 2000 to December 2001 furnished by the Census and Statistics Department)

2. Members noted the above information paper issued since the last meeting.

III Items for discussion at the next meeting scheduled for 20 March 2002
(LC Paper No. CB(1)1094/01-02(01) - List of outstanding items for discussion; and
LC Paper No. CB(1)1094/01-02(02) - List of follow-up actions)

3. Members noted that in order to make way for the special meetings of the Finance Committee to examine the draft Estimates 2002-03 from 25 to 27 March 2002, the next regular meeting of the Panel would be re-scheduled to be held on Wednesday, 20 March 2002 at 2:30 pm. Members agreed to discuss the following items at the meeting:

- (a) Proposed Airport Authority (Permitted Airport-Related Activities) Order;
- (b) Reconstruction of Public Piers at Kat O Chau, Peng Chau, Cheung Chau and Wu Kai Sha; and

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- (c) Merchant Shipping (Local Vessels) (General) Regulation and Merchant Shipping (Local Vessels) (Safety Survey) Regulation.

4. In view of wide public concern about the financial and environmental implications of the decommissioning of Cheoy Lee Shipyard at Penny's Bay, the Chairman advised that the Panel might convene a joint meeting with the Environmental Affairs Panel and the Planning, Lands and Works Panel to discuss the related issues.

(Post-meeting note: With the concurrence of the Chairman, the Panel would follow up on the financial implication of the decommissioning of Cheoy Lee Shipyard at Penny's Bay at the forthcoming meeting to be held on 20 March 2002. The Panel on Environmental Affairs Panel would hold a special meeting on 12 March 2002 at 9:30 am to discuss the effect of dioxin and removal of dioxin-contaminated soil at Penny's Bay. Green groups would be invited to give views on the related issues.)

IV Approval scheme for domestic gas appliances

(LC Paper No. CB(1)1094/01-02(03) - Information paper provided by the Administration)

5. The Deputy Secretary for Economic Services (1) (DS/ES(1)) informed members that the Secretary for Economic Services had sent in her apology for not being able to join the Panel meeting due to sickness.

6. DS/ES(1) briefed members on the progress of the approval scheme of domestic gas appliances (the approval scheme). She said that since 1998, importers of domestic gas appliances for use in Hong Kong might submit such appliances for the Gas Authority's approval on a voluntary basis. To enhance public safety, the Administration, in consultation with the Gas Safety Advisory Committee and the industry, decided to make the approval of all new domestic gas appliances mandatory. Upon implementation of the approval scheme, all gas appliances imported, manufactured locally or supplied for use in Hong Kong must be approved by the Gas Authority and carry the approval mark to indicate compliance. Failure to comply with the requirements of the approval scheme would be an offence in law and subject to a penalty. The Administration intended to introduce the relevant subsidiary legislation into the Legislative Council in mid-2002.

Safety concern

7. Members noted that upon enactment of the proposed legislation, a grace period would be provided for those provisions prohibiting the import, manufacture, supply, sale and installation of non-approved domestic gas appliances to facilitate the industry's compliance of the requirements. Mr CHEUNG Man-kwong was worried that during the grace period, unsafe products such as portable cassette cookers without

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flame failure devices would still be available in the market. To enhance public safety, he called on the Administration to liaise with the industry with a view to banning the import of non-approved gas appliances at this stage so as to facilitate the early commencement of the approval scheme.

8. In response, DS/ES(1) gave an account of the reasons for adopting a two-phased approach for implementing the approval scheme. She said that as a prerequisite requirement, the Gas Authority should be empowered to grant statutory approval to up-to-standards types and models of gas appliances. This would take effect upon publications of the amendment regulations in the Gazette. Regarding the commencement date of the provisions to prohibit the import, supply, etc. of non-approved appliances, a grace period was proposed to facilitate the industry's compliance with the requirements of the approval scheme, including the placing of approval marks for domestic gas appliances approved by the Gas Authority for use in Hong Kong. She further advised that at present, 80% of the domestic gas appliances sold for installation in Hong Kong were already approved by the Gas Authority under a voluntary scheme. Further, most of the models yet to be approved had already been submitted for approval. Pending the introduction of the proposed amendment regulations, the applicants would obtain the required certification from the testing authorities.

9. The Chief Engineer/Gas Utilization of the Electrical and Mechanical Services Department (CE/EMSD) added that the Administration had included portable cassette cookers in the approval scheme and they would need to be equipped with flame failure device. Indeed, major importers had already or were in the process of submitting such appliances for approval. During the grace period, the Administration would step up enforcement to ensure that only safe gas appliances would reach the customers. The Director of Electrical and Mechanical Services (DEMS) said that in the interim period, the Administration would continue to liaise with the industry with a view to encouraging importers to import only those models which met the safety standard.

10. Mr CHAN Kam-lam and Mr Kenneth TING were concerned about the safety implications of non-approved gas appliances which were still in use. They enquired about the measures to be put in place to address the problem and whether arrangements would be made to allow users to replace their appliances with the approved models as was the case for the disconnection/replacement programme for flueless water heaters.

11. DEMS advised that the Gas Authority would continue to ensure gas safety with random inspections. Under existing legislation, installation work must be carried out by registered gas installers, and they had a duty to ensure that only safe gas appliances were installed for use.

12. DEMS and DS/ES(1) further said that the Gas Authority would embark on a vigorous publicity campaign to increase public awareness of the new safety

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requirements for domestic gas appliances. The publicity campaign included special features in TV programmes, distribution of safety posters and leaflets to caterers, property developers, estate management organizations, and retailers, advertisements in major newspapers, and display of the new safety requirements including the approved models on the Gas Authority web site.

13. The Chairman remarked that there was a need to sort out the arrangements for domestic gas appliances including portable cassette cookers which did not carry an approval mark but were still in use before implementation of the approval scheme.

Application procedures

14. In response to members' question about the application procedures for the approval scheme, DS/ES(1) explained that a domestic gas appliance would only be approved if it fulfilled the prescribed requirements, which included, inter alia, passing the specified type-test and satisfying safety requirements pertaining to the situation in Hong Kong. Regarding the specified type-test, applicants would need to liaise with the overseas manufacturer to obtain initial type-test certification, normally in the country of origin, to confirm that the model of gas appliance had successfully completed tests in accordance with recognized international or national gas appliance safety standard. As a further safeguard, the applicant would also need to arrange for a sample of the gas appliance model to be imported for local safety assessment at a Hong Kong Laboratory Accreditation Scheme laboratory to confirm that the appliance complied with local requirements such as the incorporation of flame failure device, and that was compatible with local conditions such as gas type and composition. Upon the submission of both certifications, the Gas Authority would approve and authorize the application of an approval mark to the model concerned.

15. DEMS added that the Administration would conduct audit visits to importers, suppliers and sales outlets to ensure compliance with the proposed Scheme. Samples of suspicious models found in audit visits would be sent to the two designated laboratories in Hong Kong for more detailed inspection.

16. In light of the stringent approval process, Mr CHAN Kam-lam queried the need for obtaining revalidation and renewal of approval every five years. He was worried that the normal business of the trade might be unduly affected.

17. CE/EMSD explained that revalidation was necessary to ensure that the quality of the gas appliances were maintained throughout their useful life. The revalidation and renewal processes were relatively simple. Suppliers would only need to produce the certification specifying that the appliances were produced to the required safety standard and had gone through the quality control processes.

18. Noting that a new provision would be made to the Gas Safety (Miscellaneous) Regulations to grant aggrieved parties a right to appeal against the Gas Authority's

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decision, Mr HUI Cheung-ching enquired about the details of the proposed mechanism. DS/ES(1) replied that it would be modeled on the existing Gas Safety Ordinance which already provided for an appeal mechanism whereby an appeal against a decision or action taken by the Authority could be made to an appeal board.

19. Mr CHAN Kam-lam remarked that in order to facilitate members of the public to differentiate which types of gas appliances were safe for use, all approved products should carry an approval mark to indicate compliance. DS/ES(1) confirmed that upon implementation of the approval scheme, only approved products could be sold in the market.

Penalties for non-compliance

20. Noting that a penalty provision for non-compliance with the requirements of the approval scheme was proposed, Mr SIN Chung-kai was concerned that the general public might be inadvertently caught by the legislation, particularly when individuals who were not aware of the legislation brought into Hong Kong a non-approved domestic gas appliance from the Mainland. In his opinion, individuals breaching the requirements of the approval scheme should not be subject to the same degree of penalties as those for the importers which were a fine at \$50,000 - \$100,000 and one-year imprisonment on first conviction.

21. DEMS clarified that the penalties as stated in the paper were the maximum permitted under the proposed legislation. In enforcing the law, each case would have to be considered in the light of individual circumstances. Since all installation and replacement work must be carried out by registered gas installers employed by registered gas contractors, it was unlikely that non-approved gas appliances would be installed for use even if they were brought into Hong Kong. He confirmed that installers who installed non-approved domestic gas appliances for individual households would be liable to a maximum fine of \$10,000.

22. DS/ES(1) took note of Mr SIN's suggestion. Mr SIN further suggested that it might be helpful for the Administration to submit further information on the proposed legislation before formal introduction into the Council. The Chairman also said that there might be a need to examine further the details of the proposal during the legislative process.

V Hong Kong Wetland Park at Tin Shui Wai - Phase 2 works

(LC Paper No. CB(1)1094/01-02(04) - Information paper provided by the Administration)

23. The Commissioner for Tourism (C for T) introduced the Administration's paper as set out in LC Paper No. CB(1) 1094/01-02 (04).

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24. The Chairman sought clarification on whether the project was driven by tourism or conservation-related initiatives. C for T advised that as part of the Tin Shui Wai (TSW) new town development, a 64-hectare ecological mitigation area (EMA) was being constructed by the Territory Development Department in the north-eastern part of TSW to compensate for the loss of natural habitats due to urban development and to act as a buffer between the densely populated TSW New Town and the internationally renowned Ramsar site, especially the famous Mai Po Marshes. The EMA was a piece of re-constructed wetland which, by itself, was not intended for tourist and recreational activities such as sight-seeing tours. The Administration therefore proposed to take the opportunity to develop this area into a purpose-built international wetland park with a visitor centre. It would be the first major eco-tourism initiative to diversify the range of tourist attractions in Hong Kong.

25. Members were concerned about the conflicting policy objectives of promoting tourism vis-à-vis enhancing the conservation value of the site. The Chairman and Miss CHOY So-yuk remarked that increased human presence would certainly have an effect on the ecologically sensitive areas. Miss CHOY So-yuk further enquired about the measures to be put in place to preserve the ecology of the Park, and whether there was any controlling measures to regulate the number of visitors to the park.

26. In response, C for T pointed out that while enhancing the attractiveness of the Park as a tourist destination, environmental concern would remain a key priority. The design of the project would take into account prevailing environmental factors to preserve the ecological mitigation function of the EMA and further enhance and increase the conservation value of the site. In accordance with the findings of a consultancy study, it was estimated that the Park could accommodate a total of about 500,000 visitors per year. Given the remote locations of the birds hides, it was estimated that most of the visitors would be staying at the indoor interpretative facilities and exhibits in the galleries. Apart from measures regulating the number of visitors to the Park, guided tours to the outdoor areas would also reduce the possibility of adverse environmental impacts. The Project Manager of the Architectural Services Department (PM/ASD) said that it was estimated that about 25% of the total 500,000 visitors to the Park would pay visits to the birds hides. In line with international practice, earth mounding, screens and/or vegetation would be utilised along the route to reduce disturbance to birds. The Assistant Director of the Agriculture, Fisheries and Conservation (Conservation) also said that to minimize the impact to the environment, walkway leading to the birds hides would be screened or sheltered. Whilst the sizes of the three birds hides were different, the largest one could accommodate around a hundred people at a time.

27. Noting that 15 coach parking spaces and 45 car parking spaces would be designated for public use, members were worried that such a limited provision would be inadequate to cater for the anticipated demand particularly during Sundays and public holidays. In order to enable public access, additional sites in the vicinity of the park should be reserved for parking purpose. The Chairman suggested that the

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Administration could consider reserving part of the lands within the two government-owned sites next to the Wetland Park Road (currently designated as comprehensive development area) for parking purposes.

28. C for T replied that in order to strike a balance between the need to preserve the environment and the ecology, and to promote the initiatives of providing an education and recreation facility for use by local residents and overseas visitors, there was a need to introduce crowd control measures to regulate the number of visitors to the Park. On the other hand, there would be convenient public transport links to serve the needs of visitors : there would be two new Light Rail Transit stations outside the entrance to the Park; this, together with the West Rail, which would be connected to TSW, and other shuttle bus service from TSW, would provide convenient public transport links to the Park. She also took note of members' view about the provision of coach-parking spaces in the area. In addition to an over-flow carpark to be provided near the maintenance depot, the Administration would consider designating additional coach-parking spaces within the site boundary of the Park.

29. Mr SIN chung-kai remarked that arrangements should be made to promote tours for local students to enable them to appreciate the importance of wetland ecosystems. To spread out the demand, such tours could be arranged during weekdays. C for T concurred with Mr SIN's view.

30. C for T informed members that land resumption was not necessary for the project.

Site visit to the Wetland Park

31. The Chairman reported that in order to facilitate members' understanding of the project, the Secretary for Economic Services had extended an invitation to members to visit the Wetland Park. He encouraged members to join the visit.

(Post-meeting note: With the concurrence of the Chairman, the visit was scheduled for 12 April 2002.)

VI Subsidiary Legislations under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and Shipping and Port Control Ordinance (Cap. 313)

(LC Paper No. CB(1)1094/01-02(05) - Information paper provided by the Administration)

32. The Deputy Secretary for Economic Services (3) DS/ES(3) took members through the Administration's paper.

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Pleasure Vessels

33. Ms Miriam LAU relayed the concerns of the industry over the need to obtain a valid certificate of survey if a pleasure vessel was used to carry passenger. She enquired about the estimated fees for obtaining such a certificate and whether there were sufficient surveyors to carry out the inspection.

34. The Assistant Director of Marine (Port Control) (AD of M) informed members that the Administration had consulted the Working Group of the Provisional Local Vessel Advisory Committee, which comprised a wide-cross section of representatives from the local shipping industry including the Pleasure Vessels Association, Marine Excursion Association and they were in support of the proposal including the proposed fees. Under the new provision, the Director of Marine might authorize qualified personnel, such as Chartered Engineers of respective Institutes, as surveyors for the purpose of inspection.

35. Members noted that at present, the use of pleasure vessels was not clearly stipulated under the Merchant Shipping (Pleasure Vessels) Regulations, (Cap 313 sub. leg). The Marine Department had experienced difficulties in prosecuting pleasure vessel owners who carried passengers on their vessels for commercial gain. To address this problem, the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation would specify that a pleasure vessel would be permitted to be used exclusively for pleasure purpose only, and by limited categories of persons who had private relationship with the owner or charterer of the vessel only. In the case of chartering, a charter agreement in writing should be kept on board for inspection. If the vessel was used to carry any passenger, a valid certificate of survey should also be kept on board for inspection. AD of M advised that the proposed regulatory framework had struck a balance between the need to ensure public safety and the need to maintain the livelihood of the existing commercial operators for pleasure vessels. The new provision applied only to existing pleasure vessels currently operating on commercial purposes. New business joining the industry would need to have their vessels registered as Class I vessels.

Pre-Arrival Notice (PAN)

36. Mr CHAN Kam-lam and Ms Miriam LAU supported the requirement for vessels operators to tender PAN. Regarding how this provision could be enforced and the related penalty, AD of M advised that upon receipt of the information provided by river trade vessels (RTVs), the Marine Department would disseminate such information electronically to various enforcement agencies through computer network. Patrol staff would then be able to ascertain the status of a RTV through enquiry at different control centres. AD of M further said that failure to comply with the requirement for tendering PAN would be an offence in law and subject to a fine at \$5,000.

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37. Ms Miriam LAU enquired about the possibility of providing a one-stop service to vessel operators to facilitate their submission of cargo manifests or other notices to various Government departments. AD of M advised that the Information Technology Services Department had commissioned a feasibility study in this regard.

Laid-up permit

38. Noting that a new type of permit to allow for a local vessel to lay-up without the need for an operating licence, Mr CHAN Kam-lam enquired about the monitoring mechanism to prevent abuse. AD of M advised that the intent of the proposal was to relieve the burden of vessel owners at a time of economic downturn. At present, it was an offence in law if a vessel owner did not renew its licence within a year. To allow a vessel, whose owner due to some valid reasons did not want to operate the vessel for an extended period of time, to be temporarily exempted from compliance of safety survey standards required for operation of the vessel, the Director of Marine would exercise discretion to grant an exception to the owner instead. To facilitate control, all vessels without a valid operating licence must stay in Hei Ling Chau typhoon shelter to facilitate the Department's inspection and that the owners must maintain regular check-ups. He confirmed that no laid-up permit would be required if the local vessel left Hong Kong waters and operated elsewhere.

Kap Shui Mun Fairway

39. In response to Mr CHAN Kam-lam, AD of M advised in order to reduce the chances of head-on vessel collision, the two-bound traffic flow in the northern part of the much narrower Kap Shui Mun Fairway should be restricted to vessels with an overall length of ≤ 10 metres. This had taken into account that there were practical needs for kaitoes and work boats etc. with an overall length of ≤ 10 metres to go to and from Ma Wan Island and small fishing boats to go to and from the Ma Wan mariculture zones. For vessels with an overall length exceeding 10 metres, they should be allowed to travel southeast-bound only. The two-bound traffic arrangement in both the southern part of the Kap Shui Mun Fairway and the entire Ma Wan Fairway would remain unchanged.

40. Ms Miriam LAU relayed the concern of the industry over the length restriction for vessels entering typhoon shelters. She pointed out that some vessels from the Mainland had to operate inside typhoon shelters but due to the length restriction, their business was unduly affected. AD of M pointed out that currently, there were shelters with length restrictions of 35 meters or 50 meters. The length restriction was necessary to ensure smooth operation and safety within typhoon shelters. In planning future facilities, the Administration would consider whether a new design should be adopted.

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VII Any other business

41. There being no other business, the meeting ended 12:50 pm.

Legislative Council Secretariat

15 April 2002