

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1482/05-06  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/EA/1

**Panel on Environmental Affairs**

**Minutes of meeting**  
**held on Monday, 24 April 2006, at 2:00 pm**  
**in Conference Room A of the Legislative Council Building**

- Members present** : Hon CHOY So-yuk, JP (Chairman)  
Hon Emily LAU Wai-hing, JP (Deputy Chairman)  
Hon Martin LEE Chu-ming, SC, JP  
Hon CHEUNG Man-kwong  
Hon SIN Chung-kai, JP  
Hon LAU Kong-wah, JP  
Hon Miriam LAU Kin-yee, GBS, JP  
Hon LEE Wing-tat  
Hon Jeffrey LAM Kin-fung, SBS, JP
- Members attending** : Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Hon Howard YOUNG, SBS, JP  
Hon WONG Kwok-hing, MH
- Members absent** : Hon WONG Yung-kan, JP  
Hon Albert CHAN Wai-yip  
Hon Audrey EU Yuet-mee, SC, JP
- Public officers attending** : **For item IV**  
Environment, Transport and Works Bureau  
  
Mr K K KWOK, JP  
Permanent Secretary for the Environment, Transport and Works (Environment)

Environmental Protection Department

Mr Raymond FAN  
Deputy Director of Environmental Protection (2)

Mr TANG Kin-fai  
Assistant Director (Waste Management Policy)

**For item V**

Civil Engineering and Development Department

Mr YIP Sai-chor, JP  
Head of Civil Engineering Office

Mr IP Kwai-hang  
Chief Engineer Fill Management

Environmental Protection Department

Mr TANG Kin-fai  
Assistant Director (Waste Management Policy)

Dr Ellen CHAN  
Assistant Director (Environmental Infrastructure)

**For item VI**

Environmental Protection Department

Dr Malcolm BROOM  
Assistant Director (Water Policy)

Mr David CHAN  
Ag Senior Environmental Protection Officer  
(Water Policy Division)

Drainage Services Department

Mr TSUI Wai  
Assistant Director / Projects and Development

Mr MAK Ka-wai  
Chief Engineer / Consultants Management

Mr NG Wai-keung  
Senior Engineer / Consultants Management

**For item VII**

Environmental Protection Department

Mr Benny WONG  
Assistant Director (Environmental Compliance)

Mr Conrad LAM  
Principal Environmental Protection Officer (Regional  
Office - South)

Mr Simon HUI  
Principal Environmental Protection Officer (Regional  
Assessment)

Economic Development and Labour Bureau

Miss Winnie CHENG  
Chief Manager (Tourism) Special Duty

Agriculture, Fisheries and Conservation Department

Dr F Y WONG  
Assistant Director (Country and Marine Parks)

MTR Corporation Ltd

Dr Glenn H FROMMER  
Sustainability Development Manager

Mr Lam L S CHAN  
Public Relations Manager  
(Community Communications)

Skyrail-ITM (Hong Kong) Ltd

Mr David LOADER  
Executive General Manager  
(Cableway Operations)

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

**Staff in attendance** : Mrs Mary TANG  
Senior Council Secretary (1)2

Miss Mandy POON  
Legislative Assistant (1)4

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Action

**I. Confirmation of minutes**

(LC Paper No. CB(1) 1298/05-06 — Minutes of the meeting held on 27 March 2006)

The minutes of the meeting held on 27 March 2006 were confirmed.

**II. Information paper issued since last meeting**

2. Members noted that the following information paper had been issued since the last meeting -

LC Paper No. CB(1) 1204/05-06(01) — Submission from the Kwai Tsing District Council attaching the minutes of its meeting on 15 February 2006

**III. Items for discussion at the next meeting**

(LC Paper No. CB(1) 1300/05-06(01) — List of follow-up actions

LC Paper No. CB(1) 1300/05-06(02) — List of outstanding items for discussion)

3. Members agreed to discuss the following items at the next meeting scheduled for Monday, 22 May 2006, at 2:30 pm -

- (a) Provision of sewerage in Ting Kau and Sham Tseng and engagement of consultants for sewerage works in Yuen Long and Kam Tin; and
- (b) Modification of Chemical Waste Treatment Centre to receive clinical waste

On (b), Ms Miriam LAU noted that there was strong opposition from the community against the installation of incineration facilities in their neighborhood. She considered it necessary for the Administration to brief the Panel on the availability of incineration technology for the treatment of clinical waste and municipal solid waste which could effectively prevent or reduce the generation of pollutants, particularly dioxin, to a negligible level to allay the community's concern.

*(Post-meeting note: With the concurrence of the Chairman, the subject on “Proposals to reduce the environmental impacts of the Tung Chung Cable Car Project on the ecology of Ngong Ping” and “93DR – Chai Wan Public Fill Barging Point” had subsequently been included in the agenda for the meeting on 22 May 2006. Meanwhile, the subject of “Modification of Chemical Waste Treatment Centre to receive clinical waste” was withdrawn by the Administration.)*

#### **IV. Proposed legislation for implementation of Producer Responsibility Schemes**

(LC Paper No. CB(1) 1300/05-06(03) — Updated background brief on management of municipal solid waste in Hong Kong prepared by the Legislative Council Secretariat

LC Paper No. CB(1) 1300/05-06(04) — Paper provided by the Administration)

4. The Permanent Secretary for the Environment, Transport and Works (Environment) (PSETW(E)) explained the Administration’s proposal on the new legislation for the implementation of producer responsibility schemes (PRS) in Hong Kong and highlighted the salient points in the information paper.

5. Mr LEE Wing-tat said that Members of the Democratic Party were in support of the early introduction of the legislation on PRS. He pointed out that as the term “producer” could be taken to mean the waste producer or the product manufacturer, the latter of which would most likely be outside Hong Kong and were not subject to control, there was a need to clearly define the term “producer” in the legislation on PRS. Given that it would be easier to apply PRS on plastic bags to major chain stores than to smaller shops and street vendors, such as newspaper stands, Mr LEE asked if a comprehensive Regulatory Impact Assessment (RIA) had been conducted for PRS on plastic bags. The Chairman also asked how the polluters-pays principle (PPP) would apply to PRS since the producer might not necessarily be the polluter. Ms Emily LAU said that she supported the concept of PRS and hoped that it could be implemented successfully. She however pointed out that at the meeting on 19 January 2006, some deputations had expressed reservations on the proposed PRS on plastic bags as overseas experience showed that the use of prepaid plastic bags might result in more plastic bags requiring disposal. Noting from the updated background brief prepared by the LegCo Secretariat that a number of RIAs for different products, including plastic bags, were underway, Ms LAU enquired about the progress of these studies.

6. In reply, PSETW(E) agreed that PRS should not only involve manufacturers, but also wholesalers, retailers and consumers. As such, the proposed legislation on PRS would be named “Product Eco-responsibility Bill” to reflect the intended purpose

of sharing responsibility along the chain of production, distribution, consumption, collection, recycling, treatment and disposal of products. The Bill and its subsidiary legislation would set out how the responsibility should be shared. For instance, consumers should bear certain responsibility under the PRS on plastic bags since they were the actual users. He assured members that RIAs would be conducted for all products to be regulated under PRS and the outcome of these studies would be made known to the public. Public consultation would also be held when PRS was introduced for specific products. The Assistant Director of Environmental Protection (Waste Management Policy) (ADEP(WMP)) supplemented that RIA on waste tyres had been completed which concluded that the regulatory impact would not be significant. He noted that the current disposal cost for each ordinary waste tyre was generally in line with the findings of RIA. Yet, the disposal cost for bigger tyres would of course be higher, and other considerations, such as the cost of running a recycling programme, would have to be taken into account under PRS. The Administration would endeavour to identify options which were least disruptive to the trades. Meanwhile, RIAs on plastic bags as well as electric and electronic equipment were still underway and expected to be completed within the year. He added that the RIA on plastic bags would take into account the use of plastic bags by small shops and independent vendors.

7. Mr Jeffrey LAM said that the trades and industries supported environmental initiatives to reduce and recycle waste and had taken positive steps to comply with environmental objectives. However, they had expressed concern about the inadequacy of consultation and the cost implications of PRS. If the legislation on PRS was introduced in haste, this would leave them sufficient time to comply with the requirements, which might result in delay of production of the products concerned. The experience of European countries also showed that the difficulties in implementing PRS and the significant increase in costs had indeed delayed the introduction of PRS. He therefore urged the Administration to consult the affected trades and industries to gauge their views so that concerns could be well addressed in advance. Issues, such as the level of charges, the parties responsible for the charge (i.e. vehicle importers or car owners as in the case of PRS on tyres) and how these should be charged etc., should be worked out with the stakeholders during the consultation process. The Administration should also explain how the levy from PRS would be used.

8. PSETW(E) explained that according to overseas experience, an umbrella approach was commonly used to implement PRS viz. enabling legislation would be introduced to provide for the shared core elements of PRS while detailed regulatory requirements would be set out in subsidiary legislation subsequently. Consultation would be held with the stakeholders, which might include manufacturers, importers, distributors, retailers and consumers, so that they would be made aware of the details of the schemes and their responsibility for the collection, recycling, treatment and disposal of end-of-life products. The levy from PRS would become part of the general revenue and consideration would be given to using the levy for environmental purposes.

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9. While supporting the concept of PRS, Ms Miriam LAU noted that there were concerns about the implications of PRS on the public and the trades, particularly when details of the schemes had yet to be worked out. As such, she had serious reservations on the proposed umbrella approach, which in her view was like signing a blank cheque. She queried why consideration could not be given to introducing comprehensive legislation with a full set of PRS regulations setting out the details of implementation, which were to be worked out after thorough public consultation. She was most concerned that the implementation of PRS could not achieve the intended purpose of encouraging waste recycling. By way of illustration, the tyres industry had been recycling waste tyres at a much lower cost than that proposed under the PRS on waste tyres. Noting that the Administration had made reference to overseas experience in taking forward PRS, she requested that an information paper covering the mechanism, legislative control and effectiveness of PRS in the relevant countries should be made available for members' reference.

10. DDEP(2) reiterated that the umbrella approach was commonly adopted by overseas countries in implementing PRS with only a few exceptions. Therefore, it was logical that Hong Kong should follow such an established practice. Besides, detailed consultations for individual PRS would be carried out to solicit views from relevant stakeholders. As regards overseas experience, PSETW(E) said that a brief review of overseas PRS legislation was set out in the Annex to the Administration's information paper, but more information could be provided. He also assured members that they could examine the implementation details of each PRS before the regulations were introduced.

11. The Chairman however pointed out that overseas experience might not be relevant to Hong Kong's situation. Given that the Chief Executive in Council (CE in C) was empowered to make laws under the Basic Law, she failed to see the need to adopt an umbrella approach using an enabling legislation to set out the main objectives and core elements but without the specific regulatory control. She pointed out that the enabling legislation would be seen as a lip service in the absence of regulatory control. She said that she would prefer a separate bill for each product rather than a legislative framework without the necessary regulatory control. She was also concerned that the Administration might use the enabling legislation as an excuse to delay the introduction of specific PRS regulations. PSETW(E) said that the core elements of PRS, which could be in the form of product take-back, deposit refund, advanced recycling fee and product tax/levy, would be set out in the regulations for different products. The enabling legislation was necessary to provide a legislative framework, under which PRS for specific products could be introduced in the form of subsidiary legislation.

12. Ms Emily LAU was concerned about the limited time available for scrutiny of subsidiary legislation, particularly those of a controversial nature. Given the far-reaching implications of PRS on the trades, she would prefer to have a separate bill for each PRS to allow sufficient time to examine each bill. Mr LEE Wing-tat said

that if the Administration intended to adopt an umbrella approach using enabling legislation, it would need to provide details on the regulatory control as soon as possible before the relevant PRS regulations were introduced to allow sufficient time for discussion by the stakeholders. PSETW(E) assured members that there would be adequate consultation with stakeholders, and that the draft Bill and regulations would be made available for members' reference before gazettal. To allow sufficient time for the scrutiny of PRS regulations, consideration would be given to using a positive vetting procedure.

13. Given that it had been a common practice for the Administration to provide the draft subsidiary legislation for advanced information before the passage of the relevant bills, Ms Miriam LAU requested that the draft PRS regulations, to be drawn up after public consultation, should be submitted together with the Product Eco-responsibility Bill so that members would have a clear idea on the ambit of the regulatory control before lending their support to the Bill. She also shared the Chairman's concern about possible delay of PRS regulations following the introduction of the enabling legislation. By way of illustration, the Local Shipping Ordinance could not take effect since its passage in 1999 because the relevant subsidiary legislation was not ready. She urged the Administration to take on board her suggestion since it would be meaningless to examine the Bill in the absence of details of the regulatory control.

14. PSETW(E) said that the umbrella approach aimed at providing a legislative framework for PRS. It also demonstrated the Government's commitment in taking forward the schemes. If the Administration were to await the completion of consultation and drafting of all PRS regulations before introducing the Product Eco-responsibility Bill, it might take years for PRS to be implemented. Notwithstanding, the Administration would agree to provide the draft regulations for members' scrutiny before these were introduced into the Legislature under the positive vetting procedure.

15. Mr SIN Chung-kai opined that at least one PRS regulation should be submitted together with the Bill to facilitate understanding on the proposed regulatory control. He further suggested that a triggering mechanism for new PRS regulations should be included in the Bill as in the case of the Environmental Impact Assessment (EIA) Ordinance (Cap. 499) which spelt out the criteria for EIA process for new designated projects. In this way, the affected trades would be able to know when they would be covered and could make preparatory arrangements to comply with the regulatory control. PSETW(E) took note of Mr SIN's suggestions which the Administration would take into account in drafting the Bill. He added that the enabling legislation would empower CE in C to introduce PRS regulations for specific products after thorough public consultation.

**V. Progress report on the management of construction and demolition materials**

(LC Paper No. CB(1) 1300/05-06(05) — Updated background brief on management of construction and demolition materials prepared by the Legislative Council Secretariat

LC Paper No. CB(1) 1300/05-06(06) — Paper provided by the Administration)

16. ADEP(WMP) briefed members on the progress in implementing measures to tackle the problem of construction and demolition (C&D) materials by highlighting the salient points in the information paper.

17. Noting that the amount of C&D waste disposed of in landfills had been reduced by about 30% since the introduction of the Construction Waste Disposal Charging Scheme (the Scheme) in December 2005, the Chairman enquired if this was attributed to the increase in the amount of inert waste being transported to public fill or fly-tipping. The Assistant Director of Environmental Protection (Environmental Infrastructure) (ADEP(EI)) said that the 30% reduction in C&D waste disposed of in landfills had already included waste returned for disposal after sorting. In general, the amount of waste transported to landfills, sorting facilities and public fills had decreased by 10% since the introduction of the Scheme in December 2005. However, these figures might not be indicative given that the Scheme was only put in place for a short period of time with the intervening Chinese New Year, during which less construction works were carried out. Since there were seasonal fluctuations in the amount of construction works, there was a need to observe the situation over an extended period of time. A more comprehensive review of the actual situation would be made after the Scheme had been implemented for six months.

18. Ms Miriam LAU was pleased that there had been significant reduction in the generation of C&D waste since the introduction of the Scheme. She however noted with concern that the publicity on the Scheme and waste reduction seemed to have faded. She stressed the need for continuous efforts in promoting public awareness on waste reduction. Noting that the amount of C&D waste disposed of in landfills had been reduced by about 30% while the amount of C&D waste generated had reduced by 10%, she enquired about the amount of C&D materials which had been recovered through the sorting process and the revenue generated as a result. ADEP(WMP) said that the recovered C&D materials were stockpiled in public fills for further use. As regards publicity, ADEP(WMP) said that efforts had been made to promote the Scheme and the feedback was satisfactory. He nevertheless agreed to the need for continuous efforts in enhancing public awareness on waste recycling and reduction.

19. The Chairman enquired if there was an increase in the number of complaints against fly-tipping. ADEP(EI) said that the Environmental Protection Department (EPD) was empowered under the Waste Disposal Ordinance (Cap. 354) to take

enforcement against fly-tipping and it had been actively monitoring the situation. While the number of complaints against fly-tipping in agricultural and remote land had not increased since the introduction of the Scheme, there was an increase in complaints against fly-tipping on the streets in urban areas. Upon receipt of complaints, EPD carried out investigations and assisted other departments to remove the wastes, most of which were found to be awaiting for disposal. It had also stepped up patrolling and enforcement against fly-tipping. From January to March 2006, EPD had conducted 800 patrols/spotchecks, taken prosecution against two fly-tipping cases and issued two fixed penalty notices.

20. Noting that some waste haulers had complained about the inconvenience associated with the charging mechanism, Ms Emily LAU enquired about the latest progress of implementation of the Scheme. The Head of Civil Engineering Office, Civil Engineering and Development Department (H/CEO) said that since meeting the haulers' representatives before Chinese New Year, measures had been taken to streamline the operation and the waiting time had been reduced to 10 minutes and no further complaints from waste haulers had been received. Ms Miriam LAU said that the crux of complaints from waste haulers was not about the queuing arrangements but whether the mixed waste loads should be diverted to the sorting facilities, the problem of which had already been raised by the Bills Committee when scrutinizing the Bill. Waste haulers had accepted the diversion arrangements after meetings were held to resolve the problem.

21. Ms Emily LAU enquired about the feasibility of setting up sorting facilities near the North East New Territories (NENT) Landfill. ADEP(WMP) said that at present, sorting facilities were provided in Tuen Mun near West New Territories Landfill and Tseung Kwan O near the South East New Territories Landfill. The provision of sorting facilities near NENT Landfill had to be justified given its resource implications and the fact that privately-owned sorting facilities were available in the neighbourhood. Nonetheless, a tripartite discussion was being held on the provision of sorting facilities near the NENT Landfill. At members' request, the Administration undertook to report the outcome of discussion to the Panel in due course.

22. On the need to deliver public fill to the Mainland for reclamation purposes, Ms Emily LAU said that this might not be necessary in view of the demand for public fill arising from Stage 2 of Penny's Bay Reclamation project. She said that Hong Kong should endeavour to use its own public fill so that no dredging of sand would be required in future to meet local reclamation needs. The Chairman echoed that dredging should be prevented as far as possible given its detrimental impact on the ecology of the seabed. H/CEO said that there would be sufficient public fill for Stage 2 of Penny's Bay Reclamation project, which currently was the only major reclamation project. There would unlikely be a need for dredging of sand since the public fill generated each year was close to 10 million tonnes. While the Stage 2 of Penny's Bay Reclamation project would be able to use up the annual generation of public fill, there were existing stockpiles of public fill which would need to be

disposed of, and arrangement had been made to deliver the public fill to the Mainland for reclamation purposes, so that the stockpiles could be cleared and the land released for development use.

23. Referring to Annex A to the information paper on the generation and demand of public fill from 2002 to 2005, the Chairman noted that the demand for public fill had exceeded its generation by 1.3 million tonnes in 2005 which was quite rare judging from past statistics. H/CEO said that the higher demand for public fill in 2005 was attributable to the Stage 2 of Penny's Bay Reclamation project which was expected to complete in early 2008. The demand for public fill by Stage 2 of Penny's Bay Reclamation project, estimated at 10 million tonnes per year, had offset the annual generation of public fill. The excess demand of public fill arising from the project was met by the stockpile of public fill at the fill banks at Tuen Mun and Tseung Kwan O, the amount of which was approaching 16 million tonnes.

**VI. 61DR – Northeast New Territories village sewerage, phase 2**

(LC Paper No. CB(1) 1300/05-06(07) — Paper provided by the Administration)

24. The Assistant Director of Drainage Services/Projects and Development (ADDS/PD) briefed members on the Administration's proposal to make a submission concerning 61DR-Northeast New Territories (NENT) village sewerage, phase 2 (the project) to the Public Works Subcommittee with a view to seeking the Finance Committee's approval to increase the approved project estimate (APE) from \$107 million by \$38 million to \$145 million in money-of-the-day prices.

25. The Chairman drew members' attention to a submission tabled at the meeting from Mr Daniel LAM indicating the Heung Yee Kuk (HYK)'s support for the sewerage project.

*(Post-meeting note: The submission was circulated vide LC Paper No. CB(1) 1358/05-06(01).)*

26. Ir Dr Raymond HO said that as Mr Daniel LAM had to chair a District Council meeting and was unable to attend the current meeting, he was asked to convey Mr LAM's support for the proposal to the Panel. According to Mr LAM, HYK also supported the proposal as the project would improve the environmental hygiene of villages in NENT, particularly the Ta Kwu Leng village, through upgrading of the sewerage system. Ir Dr HO added that adjustments of APE were not uncommon as there were often unforeseen circumstances in the implementation of works. Besides, the project was approved under a re-measurement contract viz. cost of works was based on the actual works. As the Administration had explained clearly the justifications for the increase in APE, he would support the proposal.

27. While supporting the proposal in principle, Ms Emily LAU sought elaboration on the background to the additional house connection works arising from installing sewer pipes to connect individual village houses to the trunk sewer, which conveyed pre-treated leachate from the NENT Landfill to the Shek Wu Hui Sewage Treatment Works. The Assistant Director of Environmental Protection (Water Policy) said that the NENT Landfill was developed in the late 1980s. During the consultation on implementation of the NENT Landfill project, there were some concerns from the local community over the provision of a landfill in their vicinity. An EIA was conducted on the landfill project and a package of mitigation measures was proposed. The present sewerage project which provided sewage connection to the nearby villages was part of the package of mitigation measures to improve the living conditions of the affected villages. Ms LAU commented that in taking forward infrastructural projects which would affect the neighbouring community, the Administration should consider providing improvement measures similar to those under the NENT Landfill project for the betterment of the affected community.

28. Noting that the number of houses that required house connection works had increased from 880 by 270 to about 1 150, Ms Miriam LAU asked if this was the final figure since a further increase in the number of these houses might lead to further variations in APE. She opined that the Administration should have estimated accurately the number of houses which already existed before the operation of the NENT Landfill in 1995, and thus required house connection works. She also considered that connections should be provided to all these houses, regardless of whether consent to the works was initially obtained from villagers. ADDS/PD confirmed that efforts had been made to obtain a more accurate assessment on the number of houses which already existed before the operation of the NENT Landfill in 1995. These included reference to land records and requests from villagers. The Chief Engineer/Consultants Management, Drainage Services Department added that the number of 1 150 houses were arrived at after re-examining the land records and making reference to aerial photographs taken in 1995. He further explained that consent had to be obtained from the house owners to carry out the house connection works because they would have to take up the subsequent maintenance of the completed works. A written consent had to be signed before works within their premises could commence. Through concerted efforts, the Administration was able to obtain consent from most of the house owners and would follow up with the remaining cases.

29. Ms Emily LAU enquired if HYK and village representatives had provided the necessary assistance in taking forward the project. ADDS/PD said that the Administration had consulted the relevant District Councils, Rural Committees and Village Representatives on the implementation of the village sewerage project before formal gazettal of the works and had subsequently obtained authorization of the works without receiving any objections. However, since the commencement of works in January 2003, there had been many occasions when local people had objected to various aspects, for various reasons. To resolve the many objections from various parties, the Drainage Services Department had to revise the location and design of the

pumping stations and amend the sewer layout. These variations resulted in a number of site problems and hence additional construction time and costs. The villagers' objections were subsequently resolved, thanks to the joint efforts of HYK and village representatives.

30. The Chairman said that she was well aware of the reasons for the delay in implementation of the project as she had handled complaints from some villagers against the sewerage project. She expressed appreciation for the Administration's efforts in meeting villagers' requests. She said that she would support the proposal to increase the project APE, adding that Members of the Democratic Alliance for Betterment and Progress of Hong Kong had all along supported the provision of sewerage connection in rural villages in the New Territories.

31. In concluding, the Chairman said that the Panel did not object to the funding proposal being submitted to the Finance Committee for consideration.

## **VII. Proposals to reduce the environmental impacts of the Tung Chung Cable Car Project on the ecology of Ngong Ping**

(LC Paper No. CB(1) 1161/05-06(01) — Proposals to reduce the environmental impacts of the Tung Chung Cable Car Project on the ecology of Ngong Ping submitted by the Office of the Hon Albert CHAN (Chinese version only)

LC Paper No. CB(1) 1300/05-06(08) — Paper provided by the Administration)

32. The Chairman informed members that the item was proposed by Mr Albert CHAN who was concerned about the environmental impacts of the commissioning of the Tung Chung Cable Car Project (CCP) on the ecology of Ngong Ping. On 21 April 2006, she received a call from Mr CHAN requesting deferment of the discussion to the next meeting as he was not able to attend the meeting. As meeting arrangements had already been finalized, she had informed Mr CHAN that his request could not be acceded to.

33. The Assistant Director of Environmental Protection (Environmental Compliance) (ADEP(EC)) said that the Administration shared the same concern of Mr Albert CHAN on the need to protect the ecology near Ngong Ping. Mr Albert CHAN's proposals to restore the environment and ecology of Ngong Ping were similar to those proposed in the EIA report prepared by the MTR Corporation Limited (MTRCL) in 2003. However, he drew members' attention to two points. Firstly, some of the problems quoted in Mr Albert CHAN's letter, e.g. previous hill fires, the growth of *Mikania micrantha*, were not caused by CCP, although MTRCL would help to eliminate or minimize these problems. Secondly, in designing the overall scheme of CCP, MTRCL had taken great effort to minimize the ecological

impacts on a grand scale. For example, by adopting a bi-cable car system, the number of towers had been reduced to eight, thus minimizing the area to be disturbed by tower construction. Moreover, MTRCL had attached great importance in choosing the site to install the towers to avoid ecologically sensitive areas. Care had also been taken to select the cable car alignment to minimize intrusion to the sensitive landscape. Access roads were prohibited and transportation of construction materials were to be carried out using helicopters. Detailed requirements were set out in the Environmental Permit (EP).

34. The Sustainability Development Manager, MTRCL (SDM/MTRCL) then gave a power-point presentation on the environmental planning associated with the commissioning of CCP.

35. Mr Martin LEE said that as Mr Albert CHAN was not able to attend the meeting, he had been requested to convey the following concerns about CCP on Mr CHAN's behalf -

- (a) firebreaks should be included in the design of CCP to reduce the risk of hill fires. As advised by Mr Paul MELSOM, a former member of the Sustainable Advisory Board for CCP, the firebreaks would only need to be a few metres wide instead of 30 metres wide as claimed by MTRCL. Installation of such firebreak would involve cutting of combustible grass and ferns on either side of the emergency walkway and replanting these areas with native shrubs and small trees;
- (b) there was a need to install wire screen in the windows of cable cars to prevent cigarette butts from being thrown out of the cabin of cable cars; and
- (c) efforts should be made to improve the 60% mortality rate of the transplanted *Enkianthus quinqueflorus* to protect this rare species of Chinese New Year flowers.

36. On the issue of firebreaks, SDM/MTRCL said that this was not included in the scope of EIA as hill fire was not considered a significant risk. Nevertheless, MTRCL was required by the Electrical and Mechanical Services Department to provide firebreaks for emergency rescue. In the course of preparation of EIA, MTRCL had discussed the issue with the green groups which were opposed to the provision of firebreaks. It was subsequently concluded that an emergency rescue trail of one and a half metres in width would be sufficient to allow the removal of passengers from the cable car cabins in case of emergency.

37. The Assistant Director of Agriculture, Fisheries and Conservation (Country and Marine Park) (ADAF(CMP)) said that the provision of firebreaks would reduce the combustible materials and prevent the spread of fire to allow sufficient time for emergency rescue. However, in order for a firebreak to be effective, it should be of

sufficient width and should be cleared of vegetation. While supporting the removal of combustible grass and ferns at the emergency rescue trail, the provision of a wide firebreak was not recommended as this would have impact on the aesthetics and the ecology of the surrounding area. Besides, fire fighters would immediately be notified in case of fire and the emergency rescue trail would be used for rescue operations.

38. On the installation of wire screen, SDM/MTRCL said that this had been considered in the early design of the cable car cabin. To prevent cigarette butts from being thrown out of the cabin, the meshes would have to be very fine which would affect air ventilation for cable car passengers. In fact, the experience in Sydney had showed that the provision of wire screen with fine meshes in cable car cabin had completely eliminated the air flow and led to much discomfort. He nevertheless undertook to look into the situation during the testing and commissioning of CCP.

39. Mr CHEUNG Man-kwong agreed with Mr Albert CHAN that the need for firebreaks to reduce the fire risk posed by cigarette butts being thrown out of cable car cabins should be looked into by both the Administration and MTRCL. Given that the automated cable car journey would take about 20 minutes, passengers, particularly tourists who might not be as alert as locals about smoking bans, might tend to smoke and throw the cigarette butts out of cabin. He asked if monitoring mechanisms were put in place to prevent the fire hazard posed by cigarette butts being thrown from the cabin, particularly during the dry season. He also questioned if the fine of \$2,000 for non-compliance with the smoke bans under the Tung Chung Cable Car Bylaw (Cap. 577A) would have sufficient deterrent effect in view of the dire consequence of hill fire.

40. SDM/MTRCL said that while it was impossible to stop people from smoking completely, the problem could be contained with adequate precautions as in the case of MTR trains. The Executive General Manager (Cableway Operations) Skyrail-ITM (Hong Kong) Ltd (EGM(CO)Skyrail) added that MTRCL would strictly enforce the smoking ban to reduce the risk of hill fire. It had also developed a fire prevention programme for the cable car system, which included posting signs at terminals and cabins to remind passengers of the smoking ban, reminding passengers of the smoking ban before they went on board the cabins, and deploying staff to patrol the cableway and the angle stations to monitor passenger behaviors and to look out for signs of potential fire risks. ADAFC(CMP) added that under the Forest and Countryside Ordinance (Cap. 96), a person who was found guilty of lighting fires in forests would be liable to a fine of \$25,000 and to imprisonment of one year.

41. Mr CHEUNG Man-kwong however pointed out that unlike in MTR trains which were packed with passengers who would watch over each other's behavior, cable cars had passengers who were likely traveling together and they were unsupervised while on board the cabin. To this end, he asked if consideration could be given to installing closed circuit television (CCTV) and/or interactive communication system within the cabin to monitor passengers' behavior and prevent them from smoking and throwing cigarette butts from the cabin. EGM(CO)Skyrail

said that the installation of CCTV would not be possible due to the need for power. He assured members that the operation of the cable car would be monitored under the fire prevention programme.

42. Mr WONG Kwok-hing expressed concern that monitoring would not be effective in the absence of CCTV. ADEP(EC) said that the requirement for CCTV was not set out in the EIA report nor the Environmental Permit as hillfire prevention generally fell outside the scope of the environmental legislation. EGM(CO)Skyrail said that while there were no CCTVs within the cabin, there were CCTVs at the towers to monitor the operation of cable car as well as the behavior of passengers in the cabins. The monitoring system of CCP was in line with that of the Ocean Park which was not monitored on an individual basis. There was also no experience of hill fire during the 10-year operation of the cable car in Cairns despite that the cable car alignment traversed areas of dry pine forest. ADAF(CMP) added that apart from the measures pertaining to EP, staff of Agriculture, Fisheries and Conservation Department (AFCD) also held meetings with MTRCL and EPD on the fire prevention programme and would be monitoring the situation prior to and after the commissioning of CCP.

43. Mr SIN Chung-hai was not convinced of Skyrail's explanation on the non-provision of CCTV on grounds of power requirement and overseas experience in Cairns. The situation in Ocean Park was also quite different from Ngong Ping in view of the presence of abundant combustible grass and ferns along the cable car alignment area in Ngong Ping. He pointed out that the hill fire in Pat Sin Leng occurred 10 years ago was a tragic example of the dire consequence of hill fire. He believed that the option of installing CCTVs would have a deterrent effect on smokers and thus was worth pursuing. The technical problems associated with the installation of CCTVs could be overcome in modern day technology.

44. While appreciating members' concerns about hill fires, Ms Miriam LAU concurred with MTRCL that the provision of wire screen with fine meshes in cabins would affect air ventilation. This would also likely be obstructive to the outside scenery. On the proposed installation of CCTVs, Ms LAU cautioned that this might construe possible intrusion into personal privacy. She therefore suggested that consideration could be given to installing smoke detectors in cabins to send signals to the control tower, thereby providing an effective deterrent effect.

45. Mr Howard YOUNG agreed that the Cairns Skyrail experience might not be relevant to Hong Kong given that Australians were very conscious of the need to protect the environment while the people in Hong Kong as well as visitors from the Mainland were not. Despite that the Smoking (Public Health) Amendment Bill would be introduced within the year, it was not expected to bring about immediate improvements to smokers' behaviour. He therefore supported the proposed use of battery-operated smoke detectors which could be easily installed within the cabins.

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46. SDM/MTRCL said that as CCP would be commissioned in the wet season, MTRCL would have four to six months to observe passengers' behaviour before the dry season. While the proposed installation of wire screen, smoke detectors and CCTVs would be examined having regard to the need, it was believed that the use of signage and vigilance would go a long way in fire prevention. The Chairman said that members were adamant in their request for more effective measures to prevent hill fire. She therefore requested the Administration to provide a written reply on measures to be taken to prevent hill fire prior to the commissioning of CCP.

47. Mr LEE Wing-tat enquired if an effective monitoring mechanism was in place to ensure the implementation of environmental measures recommended in the EIA report. ADEP(EC) said that implementation of environmental measures were monitored in accordance with Environmental Monitoring & Audit programme as recommended in the EIA. EPD staff had carried out 29 inspections on CCP while AFCD staff had performed weekly patrol duties in the area.

48. On the replanted trees, SDM/MTRCL advised that these were all native and local trees. The high mortality rate, which was 50% instead of 60% as referred to by Mr Albert CHAN, could be attributed to inadequate watering and sensitive nature of the species. About 16 000 additional trees, including some rare species of Chinese New Year flowers, were being introduced and the seedling would be completely free of red fire ants.

49. Mr SIN Chung-kai considered that there was insufficient time to discuss the subject and requested that this should be deliberated again at the next regular meeting on 22 May 2006. Members agreed.

### **VIII. Any other business**

50. The Chairman said that members had earlier indicated their intention to conduct an overseas duty visit in September 2006 to observe the latest development of waste recycling, renewable energy and water management in places like Taiwan, Japan and Europe. The Secretariat had collected some information on overseas experience which might be of interest to members. She said that an informal meeting would be arranged for members to discuss the itinerary for the proposed visit.

*(Post-meeting note: The informal meeting was scheduled for 11 May 2006.)*

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