

立法會
Legislative Council

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Panel on Environmental Affairs

**Minutes of special meeting
held on Monday, 13 June 2006, at 2:30 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 CHEUNG Man-kwong
Hon SIN Chung-kai, JP
Hon WONG Yung-kan, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
- Members attending** : Hon WONG Kwok-hing, MH
- Members absent** : Hon Martin LEE Chu-ming, SC, JP
Hon Albert CHAN Wai-yip
- Public officers attending** : **For item I**
- Environmental Protection Department
- Mr Raymond FAN
Deputy Director of Environmental Protection (2)
- Mr TANG Kin-fai
Assistant Director (Waste Management Policy)
- Civil Engineering and Development Department
- Mr HON Chi-keung
Deputy Head of Civil Engineering Office
(Project and Environmental Management)

Mr IP Kwai-hang
Chief Engineer/Fill Management

For item II

Environmental Protection Department

Mr Roy TANG
Deputy Director of Environmental Protection(3)

Mr Eric CHAN
Assistant Director (Conservation)

Electrical & Mechanical Services Department

Mr Michael CHEUNG
Acting Assistant Director/Energy Efficiency

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

Action

I. 93DR – Chai Wan Public Fill Barging Point

(LC Paper No. CB(1) 1483/05-06(04) — Paper provided by the Administration

LC Paper No. CB(1) 1703/05-06(01) — Extracts from the draft minutes of the meeting on 22 May 2006

LC Paper No. CB(1) 1703/05-06(02) — Paper provided by the Administration

LC Paper No. CB(1) 1736/05-06(01) — Referral arising from the meeting with the Eastern District Council on 8 June 2006 (English version only))

The Assistant Director of Environmental Protection (Waste Management Policy) (ADEP(WM)) explained the legal provisions and control measures relating to covering of public fill materials carried by dump trucks and the related enforcement measures to control uncovered dump trucks travelling on roads or entering the Chai Wan Public Fill Barging Point (CWPFBP).

2. Referring to the meeting between Legislative Council (LegCo) Members and Eastern District Council (EDC) members on 8 June 2006, Mr WONG Kwok-hing said that he wished to relay EDC members' strong request that LegCo should not approve the related funding proposal if dump trucks entering CWPFBP were not equipped with mechanical covers. Given that uncovered dump trucks had given rise to air impacts and road safety problems, he was not convinced that the requirement for mechanical covers should only apply to dump trucks engaged in public works contracts of over \$20 million. He urged the Administration to extend the requirement for mechanical covers to public works contracts of less than \$20 million and private construction contracts as well.

3. The Chairman said that concerns similar to that of EDC had been discussed at the last Panel meeting on 22 May 2006, and that she had kept EDC informed of the progress of the subject. The purpose of the current meeting was for the Administration to respond to these concerns.

4. The Deputy Director of Environmental Protection (2) (DDEP(2)) said that the Administration had maintained close liaison with EDC on issues relating to the establishment of CWPFBP, inter alia, the provision of mechanical covers for dump trucks entering CWPFBP, and in fact a meeting was held for the purpose on 30 March 2006. The Administration was conscious of EDC members' views and efforts had been made to address their concerns as far as possible. It was hoped that by the scheduled commissioning of CWPFBP in 2008, the majority of dump trucks would be equipped with mechanical covers. The Chairman stressed the need for covers for all loads carried by dump trucks irrespective of the value of the contracts, albeit the cover might not have to be a mechanical one. A prosecution mechanism should also be put in place so that enforcement could be taken against all uncovered dump trucks.

5. The Deputy Head of Civil Engineering Office (Project and Environmental Management) (DHCEO(PEM)) said that there were legal provisions to control covering of public fill materials carried by dump trucks at construction sites, on roads or in public places. The Civil Engineering and Development Department (CEDD) maintained close liaison with the Environmental Protection Department (EPD) which would take enforcement against uncovered dump trucks entering CWPFBP in the presence of sufficient evidence. To assist law enforcement and facilitate monitoring of vehicles using the barging points, CEDD would set up suitable remote control and monitoring device, such as closed circuit televisions (CCTVs), at the entrance points. In addition to the Air Pollution Control (Construction Dust) Regulation which required the provision of a clean impervious sheeting to prevent leaking of dusty materials from the vehicle, the Technical Circular recently promulgated by the Works Branch of the Environment, Transport and Works Bureau (ETWB) further required all public capital works projects with contract sums of \$20 million or more to use dump trucks equipped with mechanical covers for the delivery of construction and demolition materials to and from construction sites. ADEP(WM) added that EPD, as the enforcement authority of various environmental ordinances, would take action against non-compliance with the cover requirement for dump trucks.

6. Mr WONG Kwok-hing said that EDC members were specific in their request for power-operated mechanical covers for dump trucks entering CWPFBP as the tarpaulin covers commonly used by most dump trucks drivers were not effective in preventing leakage of dusty materials. He said that as EDC had been cooperative in supporting the provision of the barging point at Chai Wan, it was only fair that the Administration should accede to EDC's request for all dump trucks entering CWPFBP to be equipped with mechanical covers. Given that CWPFBP would be commissioned in 2008, there should be ample time to introduce measures to ensure compliance with the requirement of mechanical covers for dump trucks entering CWPFBP. He said that he was not prepared to support the funding proposal if the requirement for dump trucks to be equipped with mechanical covers was only applicable to public works contracts of \$20 million or more and not those less than \$20 million and private contracts, which were causing similar air impacts and road safety problems.

7. The Chief Engineer/Fill Management explained that the threshold of contract sums of \$20 million was set having regard to a survey which revealed that about 80% of public works contracts would exceed \$20 million in value. It was expected that most of the dump trucks would be equipped with mechanical covers by 2008. Once dump trucks had been engaged in public works contracts worth \$20 million or more, they would have to be equipped with mechanical covers as required under the Technical Circular. Such covers would naturally be retained for all future use regardless of whether the trucks would be undertaking public or private works contracts. He said that CEDD would be monitoring the installation of mechanical covers on dump trucks and reporting the progress of installation to EDC as agreed at the meeting with EDC on 30 March 2006. If it was found that the progress of installation was not satisfactory, consideration might be given to amending the Technical Circular to extend the requirement for mechanical covers to public works projects with contract sums of less than \$20 million.

8. Mr WONG Kwok-hing remained unconvinced of the Administration's response. He reiterated that the tarpaulin covers commonly used by dump truck drivers were not effective in dust prevention. Given the ineffectiveness of the existing control regime, he opined that opportunity should be taken to introduce measures to ensure compliance with the requirement for mechanical covers during the two-year interim period before the commissioning of CWPFBP in 2008. He said that he would maintain his request for the mandatory installation of mechanical covers for all dump trucks by 2008. The Chairman said that it was likely that EDC members would approach LegCo Members to seek the latter's support for requiring all dump trucks entering CWPFBP to be equipped with mechanical covers.

9. DDEP(2) clarified that the existing legislation governing the delivery of waste materials by dump trucks was considered effective having regard to the limited number of complaints received by the Administration. It was worth noting that the suggested mandatory installation of mechanical covers for all dump trucks would have impact on the livelihood of some dump truck drivers who might not be able to

afford the installation cost of mechanical covers. He assured members that the Administration would closely monitor the progress of installation of mechanical covers for dump trucks. In the event that the progress was not satisfactory, consideration would be given to lowering the threshold of contract sums of \$20 million.

10. Mr LEE Wing-tat noted with concern that despite the large number of uncovered dump trucks on the roads, EPD had only initiated eight prosecutions against non-compliance over the past three years. The limited number of complaints about uncovered dump trucks might be due to the fact that the public did not know the channels through which they could lodge their complaints. He noticed that some trucks had displayed at their back a hotline through which complaints about the nuisance associated with the truck loads could be lodged. Consideration should be given to requiring all dump trucks to display such a signage. To ensure that the Administration would step up enforcement against non-compliance, he requested that regular quarterly reports on the number of enforcement actions taken be provided to the Panel on Environmental Affairs. Expressing similar views, Mr SIN Chung-kai considered that regulations should be introduced under the Waste Disposal Ordinance (Cap. 354) requiring covers for dump trucks. Furthermore, a hotline should be made available for the public to complain about the nuisances associated with uncovered dump trucks. This would mobilize the public in monitoring the situation and in turn encourage dump truck drivers to exercise more care in their operations. He also pointed out that EDC's request for mechanical covers should not only limit to dump trucks entering CWPFBP but to all dump trucks entering waste facilities across the territory.

11. DDEP(2) said that the industry was well aware of the need to cover dump trucks and had taken steps to improve the situation, as evidenced by the reduction in the number of complaints against non-compliance. The situation was expected to be further improved with the requirement for mechanical covers for dump trucks engaged in public works contracts of \$20 million or more, as well as installation of CCTVs to monitor dump trucks entering barging points. Enforcement would be taken as appropriate and reports on the number of enforcement actions could be made available to the Panel, if so requested. LegCo and EDC could rest assured that efforts would be made to ensure compliance with the cover requirement with the commissioning of CWPFBP. DDEP(2) further explained that there were various channels through which complaints about nuisances associated with uncovered dump trucks could be lodged. The simplest way was to jot down the licence plate number of the dump truck and report to EPD direct, giving details of the date, time and location. Members' suggestion of mobilizing the public in monitoring the operation of dump trucks would no doubt improve the situation and enable more effective control. He agreed to look into the feasibility of making the provision of a complaint hotline by dump trucks a mandatory requirement. To facilitate understanding, Mr SIN Chung-kai requested the Administration to provide report on the measures taken to abate the nuisances associated with uncovered dump trucks.

12. Ms Miriam LAU said that the nuisance associated with uncovered dump trucks was a territory-wide problem which was not confined to CWPFBP. Despite the statutory requirements for covers, there were still a large number of uncovered dump trucks found on the roads. Therefore, there was a need to identify the roots of the problem, which might be attributable to unclear legislation, lack of enforcement or difficulties encountered by the trades etc, so that more effective measures could be taken to deter non-compliance. This would help prevent falling debris from damaging other vehicles. She further questioned the effectiveness of the Technical Circular to require dump trucks engaged in public works projects with contract sums of \$20 million or more to be equipped with mechanical covers because dump trucks engaged in other contracts would be exempt. She opined that measures should be taken to assist dump truck drivers to install covers for their vehicles for the benefit of the community.

13. In response, DDEP(2) agreed to maintain close liaison with the trades on the installation of covers for dump trucks. He also assured members that the Administration would step up monitoring despite the fact that few complaints had been received against non-compliance with the cover requirement. ADEP(WM) added that the cover requirement had been monitored at source at the construction sites by EPD, on the roads by the Police and the Food and Environmental Hygiene Department, and at the barging points through the joint efforts of CEDD and EPD. He said that every year, EPD conducted over 4 000 site inspections. The requirement for cover of dump trucks leaving construction sites was one of the items for the routine inspection. Enforcement would be taken by EPD against non-compliance with the cover requirement. Meanwhile, the Police would take actions against vehicle loads which were not properly secured under the Road Traffic (Traffic Control) Regulations under the Road Traffic Ordinance (Cap 374). In 2005, the Police had prosecuted 40 and 2 366 drivers for contravening the regulation by way of summons and fixed penalty under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) respectively. DHCEO(PEM) supplemented that there had been ongoing dialogue with the construction trade and the dump truck associations on the installation of covers for dump trucks. The reason for the setting of the threshold at \$20 million was to allow sufficient time for dump truck drivers engaged in smaller contracts to meet the requirement for mechanical covers. CEDD would keep track of the progress to see if the target of about 80% of dump trucks to be equipped with mechanical covers by the commissioning of CWPFBP in 2008 could be met. If not, alternative measures would be introduced.

14. Given the large number of uncovered dump trucks on the roads, Ms Miriam LAU could not agree that the enforcement actions were effective. She pointed out that the number of complaints received might not be able to reflect the severity of the problem because very often, parties whose vehicles suffered from damages, such as broken glass panel, caused by fallen debris might have no idea of whether the debris were from moving dump trucks or were left on the roads and hence were not able to lodge a complaint. She noted that some dump truck drivers had expressed concerns about the cover requirement. They pointed out that the use of

tarpaulin covers might not be suitable for the delivery of certain chemical materials under hot weather conditions, and that the cost for installation of mechanical covers was high. Ms LAU was concerned that if only dump trucks equipped with mechanical covers were allowed to be engaged in works contracts, the livelihood of those dump truck drivers who could not afford mechanical covers would be adversely affected. Instead of insisting on the more expensive mechanical covers, she would suggest that efforts should be made to identify a safe and cost-effective means to cover dump trucks, such as through improvement to the present tarpaulin covers, in consultation with the trades. Reference should also be made to the Mainland where the cover requirement was effectively implemented by dump truck drivers.

15. DDEP(2) agreed with Ms Miriam LAU on the way forward. He said that while there were not too many complaints about non-compliance with the cover requirement, it was important to identify a cost-effective method to cover dump trucks to prevent air impacts and road safety problems caused by leakage of public fill materials. The Administration would continue its dialogue with the trades and dump truck associations with a view to resolving the matter. He sought members' support for the funding proposal for CWPFBP because if the project was not submitted to the Public Works Subcommittee (PWSC) before the end of the current legislative session, the tendering and the construction of the project would have to be postponed. The delay in the delivery of CWPFBP to provide timely replacement of the temporary barging facilities at Quarry Bay, which was scheduled to close in early 2008, would mean that public fill materials would have to be delivered to the temporary fill banks across the harbour which was undesirable.

Admin

16. Before concluding, the Chairman said that while members did not raise objection to the proposal being submitted to PWSC, they had requested the Administration to liaise with the trades to work out the most cost-effective way to cover the loads, require dump trucks to put up a sign showing the hotline through which the public could complain about uncovered dump trucks, report to PWSC the prosecution mechanism against uncovered dump trucks and provide on a regular basis the prosecution figures for non-compliance with legislation governing the covering of public fill materials carried by dump trucks.

II. **Proposed Mandatory Energy Efficiency Labelling Scheme**

(LC Paper No. CB(1) 1869/04-05(01) — Paper provided by the Administration

LC Paper No. CB(1) 1703/05-06(03) — Paper provided by the Administration)

17. The Assistant Director of Environmental Protection (Conservation) (ADEP(C)) briefed members on the results of the consultation exercise on the proposed mandatory Energy Efficiency Labelling Scheme (EELS) for specified electrical appliances in Hong Kong. He said that the Administration planned to introduce the legislation into LegCo by the end of 2006.

Labelling requirement

18. While supporting EELS which would result in savings of 150 GWH of electricity per year or monetary savings of \$135 million in electricity bill per year, Ms Emily LAU noted that the Scheme would cover three specified products, namely, room air conditioner, refrigerator and compact fluorescent lamp. She recalled that at a meeting of the Business Facilitation Advisory Committee last year, suppliers of compact fluorescent lamps had pointed out the difficulty in affixing energy labels on the lamps given their compact size. She enquired if measures had been taken to address the trades' concerns, which in her view should be done before the relevant legislation was introduced into LegCo. ADEP(C) said that the Administration was aware of the concern of suppliers of compact fluorescent lamps and had designed different formats of energy labels to suit different specified products. The proposed formats were shown in Annex C to the information paper.

19. Ms Miriam LAU agreed to the benefits brought about by EELS which was first introduced as a voluntary scheme. She however pointed out that unlike refrigerators and air-conditioners where there was not much price difference between an ordinary and a more energy-efficient model, there was a great price difference between an ordinary lamp and a compact fluorescent lamp. As consumers could tell by the price that a compact fluorescent lamp was more energy-efficient, there might not be a need for energy labels for compact fluorescent lamps. She opined that the Administration should review the requirement for affixing labels on these lamps in consultation with the affected trades.

20. ADEP(C) said that the Administration had set up two task forces with the trades to discuss the implementation details of the mandatory EELS, one of which was with the suppliers of compact fluorescent lamps. Suppliers of compact fluorescent lamps were informed of the implementation details of the Scheme and they had not objected to affixing energy labels onto the packages of the lamps which would come in different sizes. Their greatest concern was the levy of registration fees. The Administration would endeavour to minimize the regulatory impact on the trades as far as possible.

21. Ms Miriam LAU noted that some consumers were not keen on purchasing energy-efficient products. This might be due to various reasons, such as the lack of promotional efforts or the fact that the more energy-efficient models were not appealing to customers. To this end, publicity effort should be stepped up to promote energy efficiency with emphasis on the savings resulting from the use of more energy-efficient products. Manufacturers should also be encouraged to produce more appealing energy-efficient products to attract consumers.

22. ADEP(C) advised that under the voluntary EELS, suppliers could choose not to affix energy labels for less energy-efficient products. As a result, consumers had to make their choice in the absence of energy efficiency information of some models of products. With the implementation of the mandatory EELS, suppliers

were required to affix energy labels on the three specified products so that consumers could make an informed decision of the choice of products. As regards efforts to promote EELS, ADEP(C) said that a publicity programme to enhance public awareness on energy efficiency would be launched upon the introduction of the mandatory EELS. Meanwhile, an Announcement of Public Interest on the use of energy labels had been released. He also agreed to reflect members' view to the suppliers on improving the energy performance of their more popular models.

Registration

23. ADEP(C) said that the greatest concern of the affected trades was the levy of registration fees. In fact, they had requested for exemption from registration fees. As it was a common practice to recover the administrative cost of vetting and approval of applications for registration, the Administration was discussing with the relevant trades on the fee level. To reduce the cost impact on the affected trades, consideration was being given to allowing a grace period after enactment of the relevant legislation, during which products currently registered under the voluntary EELS could be transferred to the mandatory scheme free of charge. The registration fee was meant to be a one-off payment payable when a product was first registered with the Electrical and Mechanical Services Department (EMSD) prior to going to the market. The registered fee was expected to be around \$2,000 per product. Suppliers would be required to submit relevant energy performance information on the products upon registration and an energy efficiency grading on the products would be provided based on its energy performance level. Registration holders would be required to update their product information with EMSD at least once every five years but no further fees would be charged.

24. While supporting the concept of EELS, Mr SIN Chung-kai enquired about the registration mechanism and the penalties for giving incorrect energy performance information of the products. ADEP(C) said that the purpose of registration was to ensure that the energy performance of the product would meet the acceptable standards. With the implementation of the mandatory EELS, a list of registered products with energy efficiency information would be made available to the public. EMSD would be empowered to take enforcement against non-compliance with registration requirements and provision of incorrect energy performance information on the registered products.

25. Mr SIN Chung-kai was concerned about the lead time for registration, which might not have impact on the sales of more durable appliances, such as refrigerators and air conditioners, but would indeed affect the timely launching of new and trendy electronic products, such as mobile phones and audio-visual products. He held the view that the Scheme could be simplified by dispensing with the need for registration. The Deputy Director of Environmental Protection (3) (DDEP(3)) explained that EELS aimed to promote energy saving by informing consumers of the energy performance of the products. It also intended to encourage suppliers to make available more energy-efficient products to meet demand and to phase out less

energy-efficient products in the long run. While 17 products were included in the voluntary EELS, only refrigerator, room air-conditioner and compact fluorescent lamp were chosen to be included under the mandatory EELS because these three products together accounted for 74% of residential energy consumption and had the highest market penetration rates under the existing voluntary EELS. In considering whether the mandatory EELS should be extended to cover other products, assessment would be made on the energy consumption reduction achievement and the acceptance of the community and the trades after the implementation of the initial phase of the mandatory scheme. ADEP(C) added that in order to provide consumers with the needed confidence about the energy performance of the products as set out in the energy labels, there was a need for prior registration to ensure that the performance of the product would meet the acceptable standards. The same registration system had been in operation under the existing voluntary EELS.

Code of practice

26. While welcoming the proposed mandatory EELS, the Chairman considered it necessary for EMSD to cross-check the energy performance of the specified products. ADEP(C) explained that suppliers would be required to engage an accredited laboratory to ascertain energy performance of their products. They would then be required to submit relevant energy performance information of the products for registration with EMSD. Upon registration, energy labels in line with their energy performance would be provided for the products. EMSD would conduct random checks on their energy performance as appropriate.

27. The Chairman enquired about the standards used in determining the energy-efficiency grading and whether energy-efficient products registered in overseas countries could be exempted from the registration requirement when imported into Hong Kong. ADEP(C) said that while mandatory EELS was adopted in over 40 overseas countries, their grading standards differed. Similar to European Union (EU) countries, Hong Kong was applying ISO standards in assessing energy performance of electrical appliances. However, instead of seven grades used by EU countries, Hong Kong set its own standard using five grades. Under the Hong Kong standard, a product with an average energy performance would be classified as “grade 3”. Generally speaking, for room air conditioners, those with better performance than average by 10% and 15% would be classified as “grade 2” and “grade 1” respectively, while those fell below average by 10% and 20% would be classified as “grade 4” and “grade 5” respectively. To facilitate transitional arrangements, the grading standards adopted under the voluntary EELS would apply to the mandatory EELS. These standards would be updated from time to time to take account of the advancement in technological developments, and bring these in line with international practice.

28. The Chairman further enquired if energy efficiency standards were set for products on standby mode. The Acting Assistant Director/Energy Efficiency advised that under the voluntary EELS, a “recognition type” of energy labels would be

prescribed for products, such as television sets and computers, which could be put on standby mode. However, for the three specified products under the mandatory EELS, since there was basically no standby mode as such, energy consumed under the standby mode would not be taken into account in assessing their energy performance nor the energy-efficiency grading. The Chairman considered that information on the energy consumed during standby mode should be included in the energy label as far as practicable so that consumers were fully aware of the energy consumption the product concerned.

29. Concluding the discussion, the Chairman said that members did not raise objection to the proposed mandatory EELS.

III. Any other business

Proposed overseas duty visit

(LC Paper No. CB(1) 1703/05-06(04) — Paper prepared by the Legislative Council Secretariat)

30. The Chairman said that the Panel held two informal meetings on 11 May and 2 June 2006 to discuss the scope, timing and arrangements for the proposed overseas duty visit. The preliminary itinerary of the 11-day visit to Japan, Denmark and Finland from 22 August to 1 September 2006 was set out in Appendix I to LC Paper No. CB(1) 1703/05-06(04). Members were invited to express their views on the proposed itinerary. Ms Miriam LAU said that she was not able to comment on the programme as she could not participate in the visit. Given the few members present at the meeting, she considered it more appropriate to discuss the subject again at the next meeting. As travel arrangements had to be made in advance, Mr LAU Kong-wah suggested that members' views should be sought by way of a circular to be issued by the Secretariat.

(Post-meeting note: A circular on the proposed duty visit was circulated to members vide LC Paper No. CB(1) 1764/05-06.)

31. There being no other business, the meeting ended at 4:15 pm.