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Panel on Environmental Affairs

Minutes of meeting
held on Monday, 22 May 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 Martin LEE Chu-ming, SC, JP
Hon CHEUNG Man-kwong
Hon SIN Chung-kai, JP
Hon WONG Yung-kan, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP

Member attending : Hon WONG Kwok-hing, MH

Public officers : **For item V**
attending

Environmental Protection Department

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

Transport Department

Mr KWAN Chi-wai
Chief Engineer / Traffic Engineering (HK)

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

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V. 93DR – Chai Wan Public Fill Barging Point
(LC Paper No. CB(1) 1483/05-06(04) — Paper provided by the Administration)

16. The Assistant Director of Environmental Protection (Waste Management Policy) (ADEP(WM)) briefed members on the Administration's proposal to upgrade PWP Item 93DR "Chai Wan Public Fill Barging Point" (CWPFBP) to Category A at an estimated cost of \$102.7 million in money-of-the-day prices. The proposal would be submitted for consideration by the Public Works Subcommittee (PWSC) in due course.

17. Noting that there were concerns on the traffic impact of the establishment of CWPFBP on the Chai Wan areas and the need for installation of mechanical covers for dump trucks to mitigate air impacts and ensure road safety, Ms Miriam LAU asked if the proposal had had the support of the Works and Development Committee and the Traffic and Transport Committee of the Eastern District Council (EDC), given that the Administration's paper only indicated that the two committees had no objection to the project. ADEP(WM) said that the Administration had protracted discussions with EDC on the proposed construction of CWPFBP. EDC had finally agreed to the proposal on condition that the Administration would carry out some minor road improvement works to improve the traffic arrangements, actively pursue the installation of mechanical cover for dump trucks and regularly report to EDC the progress of the installation of covers.

18. Ms Miriam LAU further enquired about the anticipated increase in the number of dump truck trips after the commissioning of CWPFBP. The Chief Engineer/Traffic Engineering (HK) said that based on the Civil Engineering and Development Department (CEDD)'s estimate on the amount of public fill to be transported to CWPFBP, there would be about 600 dump truck trips per day (or about 70 to 80 trips per hour during peak periods) which would unlikely have a serious impact on the traffic in the Chai Wan areas. To address EDC members' concerns about the increase in traffic at the adjacent Ka Yip Street, which was the loading area for the nearby factories, the Transport Department had agreed to carry out minor road improvement works in the area.

19. Mr Albert CHAN questioned the design of CWPFBP. He held the view that much needed road space would be saved if Ka Yip Street could be used for the queuing of dump trucks. The Chief Engineer/Fill Management (CE/FM,CEDD) said that taking into account the site and geographical constraints, as well as the need to reduce traffic impact on Ka Yip Street, it was decided that dump trucks should queue up within CWPFBP. The maximum number of dump trucks which could queue up at the northern site of CWPFBP would be about 40 to 50. The Deputy Head of Civil Engineering Office (Project and Environmental Management) (DHCEO) added that the present design would allow more than 90 vehicles to queue up within CWPFBP for their turn for disposal without causing disruption to the traffic at Ka Yip Street where a lot of loading/unloading activities took place.

20. Ms Miriam LAU noted that the Environment, Transport and Works Bureau (ETWB) had recently promulgated a Technical Circular requiring all public works contracts with contract sum of \$20 million or more to use dump trucks equipped with mechanical covers for delivery of construction and demolition (C&D) materials under the Pay for Environment Scheme. She enquired if the said requirement would be applicable to contracts of less than \$20 million. In order to control dust emissions associated with the transport of C&D materials, Ms LAU considered it necessary that dump truck operators should be required to cover their loads, and that appropriate enforcement actions should be taken against non-compliance.

21. ADEP(WM) said that there was a general requirement for dump trucks to cover their loads. Under the Technical Circular issued by ETWB, all public works capital contracts with contract sum of \$20 million or more would be required to use dump trucks equipped with mechanical covers for the delivery of C&D materials. As over 80% of public works contracts were of contract sum exceeding \$20 million, most of the dump trucks in the territory would need to be equipped with mechanical covers if they were engaged in these contracts. It was hoped that with the commissioning of CWPFBP in 2008, almost all dump trucks would be equipped with mechanical covers.

22. Ms Miriam LAU was concerned that dump trucks not used for contracts over \$20 million would not be equipped with mechanical covers. While acknowledging that there was legislation requiring dump trucks to cover their loads, she pointed out that this had not been strictly enforced. With the establishment of CWPFBP which was located in a densely populated area, there was a need to ensure that the requirement for covering of dump trucks should be strictly adhered to for the benefit of residents. Expressing similar concern, Ms Emily LAU agreed that all loads on dump trucks should be covered to prevent dust emissions, and that enforcement actions should be taken against non-compliance. She also failed to see why the requirement for mechanical covers for dump trucks would only apply to works contracts worth \$20 million or more. While supporting sea transport for public fill to reduce road traffic, she sought elaboration on the existing enforcement mechanism against dump truck operators who failed to cover their loads.

23. ADEP(WM) explained that under the dust control requirements set out in the Schedule to the Air Pollution Control (Construction Dust) Regulation (Cap 311) (the APC Regulation), where a vehicle leaving a construction site was carrying a load of dusty materials, the load should be covered by clean impervious sheeting to ensure that the dusty materials did not leak from the vehicle. Staff of the Environmental Protection Department (EPD) would take steps to ensure that such a requirement was complied with. The provision of mechanical covers for dump trucks would better serve the purpose of preventing dust emissions.

24. The Chairman enquired if enforcement actions, such as denial of entrance, would be taken at the barging points against dump truck operators who failed to cover their waste loads. DHCEO clarified that there were separate dust control requirements under the APC Regulation and the Technical Circular issued by ETWB. While the APC Regulation required all vehicles carrying C&D materials to be covered when leaving the construction sites, the Technical Circular required public works contracts with contract sum of \$20 million or more to use dump trucks equipped with mechanical covers for delivery of C&D materials. As about 80% of works contracts in value would exceed \$20 million in the foreseeable future, it was expected that most of the dump trucks would be equipped with mechanical covers in about two years' time. Moreover, CEDD staff would alert EPD on non-compliance with the Regulation to see whether appropriate enforcement actions could be taken. ADEP(WM) added that EPD would trace the origin of the loads and if evidence showed that the dump trucks were not covered when leaving the construction sites, appropriate enforcement actions would be taken in accordance with the APC Regulation. EPD staff would also conduct inspections at construction sites (about 4 000 inspections a year) and would take enforcement against non-compliance with environmental legislation.

25. For the purpose of dust control, Ms Emily LAU requested the Administration to require all dump trucks to cover their loads throughout their trips and not only when they were leaving construction sites. ADEP(WM) said that it was reasonable to request truck loads entering the barging points to be covered and he agreed that EPD

would discuss with CEDD on ways to ensure compliance.

26. Given the many complaints about non-action of the Administration against nuisance associated with dust emissions from dump trucks carrying C&D materials, Mr SIN Chung-kai said that members were more concerned about the actions to be taken to ensure that waste loads were covered. DHCEO explained that subsequent to the issuance of the Technical Circular, provisions would be included in the terms of contract requiring dump trucks to be used in the delivery of C&D materials to be equipped with mechanical covers. An adverse report on the contractor would be made if it failed to comply with the requirement. Mr SIN was concerned that such a requirement was only applicable to public works contracts and not private contracts. DHCEO said that once dump trucks had been engaged for 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.

Admin 27. Ms Audrey EU requested the Administration to provide the legal provisions as well as the Technical Circular governing the covering of dump trucks as it appeared that enforcement could only be taken at the time when the trucks were leaving the construction sites. Mr SIN Chung-kai also enquired about the number of prosecutions against non-compliance with the requirement for covering of dump trucks engaged in the delivery of C&D materials in the past three years. ADEP(WM) explained that the provision of covers for vehicles carrying dusty materials from construction sites was a legal requirement under the APC Regulation whereas the requirement for dump trucks to be equipped with mechanical covers for contracts worth \$20 million or more was a new administrative measure promulgated under the Technical Circular. He nevertheless agreed to provide, before submitting the proposal to PWSC, the number of prosecutions taken in the past three years against non-compliance, adding that the number of complaints about nuisance associated with dust emissions from dump trucks received by EPD were quite few.

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28. Mr LEE Wing-tat was not convinced of the Administration's response as he had also received many complaints from members of the public regarding the nuisance associated with dump trucks with uncovered waste loads travelling along expressways. He stressed that it was the Administration's duty to uphold the law and enforce against any non-compliance, and hence actions should be taken against uncovered dump trucks. Given that there were problems which remained unresolved, and that the Administration had yet to explain its enforcement mechanism and provide prosecution statistics, Mr LEE said that he could not support the submission of the proposal to PWSC at this stage. ADEP(WM) explained that enforcement mechanisms were in place to ensure compliance with the APD Regulation at constructions sites, and that the number of complaints about dust emissions from dump trucks were very few.

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29. The Chairman said that she would only support the proposal if the Administration undertook to take enforcement against uncovered dump trucks entering CWPFBP. She added that there might be a need to amend the existing legislation such that enforcement would not only be taken against uncovered dump trucks leaving construction sites but also when traveling on streets or entering barging points. ADEP(WM) said that staff stationed at CWPFBP would ensure that there was no breach of requirement under the APC Regulation, and that enforcement would be taken if there was sufficient evidence. The Administration would also follow up on members' suggestion to refuse dump trucks from entering barging points if they were not equipped with covers. He further agreed to address members' concerns in the Administration's submission to PWSC.

30. While supporting the use of barging points to facilitate delivery of public fill by sea, Mr WONG Yung-kan enquired if measures were put in place to prevent overloading of the barges and whether the barges were equipped with a cover to prevent spillage of public fill, particularly in times of rain. CE/FM said that at present, all public fill generated from Hong Kong Island was handled at the temporary barging facilities at Quarry Bay which were scheduled to close in early 2008. The timely construction of CWPFBP was therefore required. The operation of CWPFBP would be similar to that of the temporary barging facilities at Quarry Bay. The number of truck loads for delivery by each barge would be set with reference to its designed capacity. While it was not practicable to provide a cover for the barge load of public fill in view of its size, water would be sprinkled on the fill materials to reduce dust emissions. Moreover, no spillage of mud water from the barges would be allowed even in times of heavy rain.

31. Mr Albert CHAN said that the Construction Waste Charging Scheme had given rise to fly-tipping and illegal disposal problems. While he was supportive of the provision of CWPFBP which would allow for sea transport of public fill, he was concerned about the possible recurrence of illegal dumping associated with delivery of public fill by barges, which was rampant in the past. He hoped that more effective actions could be taken to prevent illegal dumping.

32. The Chairman sought members' views on the way forward. Mr LEE Wing-tat opined that the proposal should be further discussed at a Panel meeting before submission to PWSC. Mr LAU Kong-wah enquired about the implications of a delayed submission to PWSC. ADEP(WM) said that if the project was not submitted to PWSC before the end of the current legislative session, the tendering and the construction of the project would have to be delayed. As a result, CWPFBP could not be delivered in time to replace the temporary barging facilities at Quarry Bay which was scheduled to close in early 2008 due to expiry of land lease. Mr Albert CHAN said that the Administration should have consulted the Panel earlier. ADEP(WM) said that time was required to consult EDC. Ms Miriam LAU noted that the major concern of members was the requirement to cover waste loads which was not a part of the project. Therefore, she considered it necessary for the Panel to

follow up issues, including the environmental nuisance associated with the delivery of C&D materials by dump trucks, the need to impose requirement for cover for truck load, and whether there was sufficient legal back-up for enforcement against the non-provision of cover, except when the vehicle was leaving the construction site, at a forthcoming meeting.

33. Mr LEE Wing-tat proposed that a special meeting be held to further discuss the project before it was submitted to PWSC. The Chairman put Mr LEE's proposal to the vote. Four members voted for the proposal while three members voted against it. The Chairman ordered that a special meeting be convened to discuss the project.

(Post-meeting note: A special meeting had been scheduled for 13 June 2006 at 2:30 pm to discuss the Chai Wan Public Fill Barging Point. On the advice of the Chairman, the item on "Proposed Mandatory Energy Efficiency Labelling Scheme" was brought forward from the regular meeting on 26 June 2006 to allow sufficient time for discussion of the remaining items.)

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