

立法會
Legislative Council

LC Paper No. CB(1)2650/09-10
(These minutes have been seen by
the Administration)

Ref : CB1/SS/9/09

**Subcommittee on Country Parks (Designation)
(Consolidation) (Amendment) Order 2010**

**Minutes of the second meeting held on
Tuesday, 13 July 2010, at 4:40 pm
in the Chamber of the Legislative Council Building**

Members present : Hon Tanya CHAN (Chairman)
Hon WONG Yung-kan, SBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon IP Wai-ming, MH
Hon Albert CHAN Wai-yip

Member absent : Hon CHAN Hak-kan

**Public Officers
attending** : Agenda item II

Mr Joseph SHAM Chun-hung
Assistant Director of Agriculture, Fisheries and
Conservation

Dr Ellen CHAN Ying-lung
Assistant Director of Environmental Protection

Mr Lawrence LAU Ming-ching
Principal Environmental Protection Officer
Environmental Protection Department

Mr LAI Kwok-leung, Tommy
Senior Environmental Protection Officer
Environmental Protection Department

**Attendance by
invitation**

: Agenda Item II

Kadoorie Farm and Botanic Garden

Mr Captain WONG Lun-cheong
Conservation Officer

Designing Hong Kong Limited

Mr Paul ZIMMERMAN
Chief Executive Officer

Individual

Mr LEUNG Koon-wah

WWF - Hong Kong

Mr Alan LEUNG
Conservation Manager

Sai Kung District Council

Mr Raymond HO Man-kit
Member

The Conservancy Association

Mr Peter LI Siu-man
Campaign Manager

Choi Ming Court Management Office

Mr TSANG Wai-shing
Property Officer

Hong Kong Bird Watching Society

Mr Mike KILBURN
Vice Chairman

Liberal Party (NT East)

Ms Christine FONG Kwok-shan
Chairlady

Hong Kong Green Nature Union

Mr Mathiase FUNG Kai-yan
Director

Ocean Shores Owners' Committee

Mr Chris FONG
Member

終極關閉將軍澳堆填區大聯盟

Mr CHAN Kai-wai
Convenor

Owners' Committee of The Grandiose

Mr LUI Kim-ho
Chairman

Owners' Committee of The Capitol

Mr CHEUNG Chi-tung
Chairman

Sai Kung Tseung Kwan O Environmental Association

Dr PONG Chiu-fai
Member

HKFTU Tseung Kwan O District Service Department

Mr YU Kai-chun
Tseung Kwan O District Community Secretary

Individual

Mr Andy NI Bingwen

Individual

Mr William TIN Wai-ling

Friends of Sai Kung

Mr Guy SHIRRA
Chairman

Clerk in attendance : Ms Debbie YAU
Chief Council Secretary (1)6

Staff in attendance : Mr KAU Kin-wah
Assistant Legal Adviser 6

Ms Angel SHEK
Senior Council Secretary (1)1

Ms Michelle NIEN
Legislative Assistant (1)9

Action

I Confirmation of minutes

(LC Paper No. CB(1)2492/09-10 - Minutes of meeting held on 22 June 2010)

The minutes of the meeting held on 22 June 2010 were confirmed.

II Meeting with deputations and the Administration

LC Paper No. CB(1)2469/09-10(03) -- Submission from Kadoorie Farm and Botanic Garden (*English version only*)

LC Paper No. CB(1)2469/09-10(04) -- Submission from Designing Hong Kong Ltd (*English version only*)

LC Paper No. CB(1)2551/09-10(01) -- Submission from Mr LEUNG Koon-wah (*Chinese version only*)
(*tabled at the meeting and issued via email on 14 July 2010*)

LC Paper No. CB(1)2469/09-10(05) -- Submission from WWF Hong Kong (*English version only*)

LC Paper No. CB(1)2469/09-10(06) -- Submissions from Sai Kung District Council (*English version only*)
LC Paper No. CB(1)2526/09-10(01)

LC Paper No. CB(1)2469/09-10(07) -- Submission from The Conservancy Association (*English version only*)

LC Paper No. CB(1)2469/09-10(08) -- Submission from Hong Kong Bird Watching Society (*English version only*)
(*tabled at the meeting and issued via email on 14 July 2010*)

- LC Paper No. CB(1)2469/09-10(09) -- Submission from Liberal Party (NT East) (*Chinese version only*)
(*tabled at the meeting and issued via email on 14 July 2010*)
- LC Paper No. CB(1)2503/09-10(01) -- Submission from Hong Kong Green Nature Union (*Chinese version only*)
- LC Paper No. CB(1)2551/09-10(02) -- Submission from HKFTU Tseung Kwan O District Service Department (*Chinese version only*)
(*tabled at the meeting and issued via email on 14 July 2010*)
- LC Paper No. CB(1)2551/09-10(03) -- Submission from Mr LEUNG Li, Sai Kung District Council member (*Chinese version only*)
(*tabled at the meeting and issued via email on 14 July 2010*)
- LC Paper No. CB(1)2551/09-10(04) -- Submission from a member of the public (*Chinese version only*)
(*tabled at the meeting and issued via email on 14 July 2010*)
- LC Paper No. CB(1)2469/09-10(01) -- List of follow-up actions arising from the discussion at the meeting on 22 June 2010
- LC Paper No. CB(1)2469/09-10(02) -- Administration's response to CB(1)2469/09-10(01)
- FS27/09-10 -- Fact sheet on Mention of the presence of the South East New Territories Landfill in the sales brochures of the residential properties built near the facility prepared by Research and Library Services Division of the Legislative Council Secretariat)

2. The Subcommittee met with the Administration and deputations (Index of proceedings attached at **Appendix**).

Follow-up actions required to be taken by the Administration

3. The Administration was requested to provide information on the views and concerns expressed by members and deputations at the meeting and in the submissions as follows:

Proposed extension of the South East New Territories (SENT) Landfill

- (a) explain the effectiveness of existing and enhancement measures to address the environmental nuisance caused by the operation of the SENT Landfill, in particular odour nuisance, spattering of waste and odour emission from refuse collection vehicles, noise and congestion impact arising from associated traffic;
- (b) identify other source(s) of odour emission, if any, apart the SENT Landfill and devise corresponding measures;
- (c) regarding refuse collection vehicles,
 - (i) compare the design of local refuse collection vehicles to those of enclosed type used in Japan;
 - (ii) step up enforcement against non-compliance of the sanitary requirements for refuse collection vehicles;
 - (iii) consider imposing statutory requirement to use compressed and enclosed type of refuse collection vehicles for waste transportation; and
 - (iv) follow up on the concern about the nuisance arising from the parking of loaded refuse collection vehicles near the LOHAS Park.
- (d) justify the extension of the SENT Landfill as the amount of solid waste actually disposed of at the landfills had been decreasing steadily from 15 039 tonnes per day (tpd) in 2006 to 13 503 tpd in 2008, which was below the landfill space demand quoted under SENT Landfill Extension - Feasibility Study: Environmental Impact Assessment (EIA) Report, i.e. an estimated demand of around 200 million tonnes (or 27 397 tpd on average) from 2006 to 2025;
- (e) consider alternative(s) to extending the SENT Landfill, such as the eco-co-combustion system proposed by the Green Island Cement Co. Ltd, and disposing municipal solid waste in isolated islands;
- (f) advise whether and, if yes, how the LOHAS Park and other residential developments in the vicinity of the SENT Landfill had been taken into account in the strategic and EIA studies for the SENT Landfill extension, and whether any consultation with the affected residents, in particular those of LOHAS Park, on the proposed landfill extension had been conducted; and
- (g) advise whether the SENT Landfill would be further extended after the proposed extension.

Proposed excision of 5 hectares (ha) of land from the Clear Water Bay Country Park (CWBCP) and compensation

- (h) advise whether the excision of land from CWBCP for the SENT Landfill extension was proposed on grounds of lower financial costs implication and/or low ecology value when compared to other options;
- (i) provide the Administration's views regarding the High Court judgment in the *Lai Pun Sung case* (HCAL83/2009), in particular whether there was an overriding public need to excise 5 ha of land from CWBCP for landfill purpose;
- (j) advise whether the Country and Marine Parks Board had duly been informed of the allocation of 15 ha of land in the Tseung Kwan O Area 137 for extension of the SENT Landfill when it was consulted on the excision of land from CWBCP, and whether an additional 5 ha of land from Area 137 could be designated for landfill purpose thereby obviating the excision of land from CWBCP;
- (k) regarding the compensation for the proposed excision of 5 ha of land from CWBCP:
 - (i) advise whether there was a policy to compensate, under the "no net loss" principle, for the land loss in country parks;
 - (ii) provide information on the site options already explored for inclusion in CWBCP and the reasons for not adopting them, such as inaccessibility, and the progress updates on identifying alternative sites.
 - (iii) consider the land options suggested by Friends of Sai Kung: the coastline, hillsides and valley south of Nam Wai and Au Tsai Tsuen, East of New Hiram's Highway and North of Pik Shui San Tsuen and the Hong Kong University of Science and Technology, the area of which included trails, an ancient coastal boulder trackway and two beaches etc;
- (l) advise whether and when the Country Parks Ordinance (Cap. 208) would be reviewed as recommended by the Ombudsman in 1993 when the Administration was securing land from CWBCP for landfill purpose; and
- (m) explain how and the extent to which the extended SENT Landfill would be restored to its original state.

Date of next meeting

4. Members agreed to reschedule the next meeting from 23 July 2010 to Thursday, 29 July 2010, at 4:30 pm.

(*post-meeting note* : with the concurrence of the Chairman, the meeting time was subsequently changed to 5:00 pm in order not to clash with a case conference regarding issues relating to the regulation of private columbaria.)

III Any other business

5. There being no other business, the meeting ended at 6:40 pm.

Council Business Division 1
Legislative Council Secretariat
28 July 2010

**Proceedings of the second meeting of
the Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2010
on Tuesday, 13 July 2010, at 4:40 pm
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 001025	Chairman Administration	Welcoming remarks by the Chairman Confirmation of minutes of meeting on 22 June 2010 (CB(1)2492/09-10)	
001026 – 001250	Kadoorie Farm and Botanic Garden (KFBG)	Presentation of views (CB(1)2469/09-10(03))	
001251 – 001545	Designing Hong Kong Limited (DHKL)	Presentation of views (CB(1)2469/09-10(04))	
001546 – 001735	WWF - Hong Kong (WWWHK)	Presentation of views (CB(1)2469/09-10(05))	
001736 – 002142	Sai Kung District Council (SKDC)	Presentation of views (CB(1)2469/09-10(06))	
002143 – 002343	Mr LEUNG Koon-wah	Mr LEUNG Koon-wah expressed concern about the excision of land from the Clear Water Bay Country Park (CWBCP), and the lack of consultation with the local residents about the extension of the South East New Territories (SENT) landfill in CWBCP and the Tseung Kwan O (TKO) Area 137.	
002344 – 002518	The Conservancy Association (TCA)	Presentation of views (CB(1)2469/09-10(07))	
002519 – 002643	Choi Ming Court Management Office (CMCMO)	CMCMO expressed objection to the SENT landfill extension because: (a) it would in effect "encourage" the Government not to meet the targets of waste reduction under the "Policy Framework for the Management of Municipal Solid Waste (2005-2014)" (Policy Framework); and (b) the impact of odour emission and traffic flow from refuse collection vehicles arising from the operation of the SENT landfill would continue to worsen the living environment of nearby TKO residents.	
002644 – 002940	Hong Kong Bird Watching Society (HKBWS)	Presentation of views (CB(1)2469/09-10(08))	
002941 – 003247	Liberal Party (NT East) (LPNTE)	Presentation of views (CB(1)2469/09-10(09)). LPNTE also	

Time marker	Speaker	Subject(s)	Action required
		<p>(a) queried the need to take lands from both TKO Area 137 and CWBCP for the SENT landfill extension, in particular the Country and Marine Parks Board (CMPB) members might not know about the designation of land in Area 137 for landfill purpose when they were consulted on the excision of land from CWBCP;</p> <p>(b) requested the Government to require the use of compressed and enclosed type of refuse collection vehicles, so as to prevent wastes from spattering and emitting odour during transportation; and</p> <p>(c) urged Subcommittee members not to pass the Amendment Order.</p>	
003246 – 003627	Ocean Shores Owners' Committee (OSOC)	<p>OSOC expressed concern that</p> <p>(a) existing mechanism of handling related complaints by the Environmental Protection Department (EPD) was ineffective in addressing residents' concerns; and</p> <p>(b) the Government should consider other alternatives and new technologies to manage municipal solid waste (MSW), such as by incineration.</p>	
003628 – 003956	Hong Kong Green Nature Union (HKGNC)	<p>Presentation of views (CB(1)2503/09-10(01)). HKGNC further suggested that the Government should consider more initiatives to reduce food waste for landfill disposal, which would also be conducive to the development of environmental protection industries.</p>	
003957 – 004252	終極關閉將軍澳堆填區大聯盟 ("大聯盟")	<p>大聯盟 considered it unreasonable to extend the SENT landfill in the densely populated TKO district. It also conveyed concerns that:</p> <p>(a) landfill extension in CWBCP contradicted with the Government's conservation policy, in particular the extended landfill area would cover one of the two historic remains of volcano in Hong Kong;</p> <p>(b) complaints lodged with EPD about odour emission from the SENT landfill had doubled from 459 cases in 2007 to 943 in 2008, reflecting the ineffectiveness of odour mitigation measures; and</p> <p>(c) the Government should withdraw the Amendment Order and wait until SKDC had completed its independent study on odour emission before submitting the landfill extension proposal.</p>	
004253 – 004402	Owners' Committee of The Grandiose (OCTG)	<p>OCTG expressed concern that it was not a sustainable approach of waste management by extending the SENT</p>	

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		Landfill into the CWBCP, which would only impact on the ecological environment adversely.	
004403 – 004622	Owners' Committee of The Capitol (OCTC)	OCTC expressed objection to the SENT Landfill extension in view of the odour emission and spattering of waste from refuse collection vehicles running through the Wan Po Road and LOHAS Park, and ineffectiveness of existing measures to mitigate these concerns.	
004623 – 004907	Sai Kung Tseung Kwan O Environmental Association (SKTKOEA)	<p>SKTKOEA expressed objection to the SENT Landfill extension in view of its nuisance, including breeding of flies and mosquitoes, on the local residents. It also</p> <p>(a) queried the need to excise land from CWBCP for the purpose when 15.6 hectares of land at TKO Area 137 would be allocated for the same purpose. Using country park land for landfilling would also set a bad example in educating the younger generation;</p> <p>(b) suggested requiring the use of enclosed types of refuse collection vehicles to prevent spattering of waste and odour emission from them; and</p> <p>(c) the Government should consult the local residents in TKO on the afteruse of restored landfill.</p>	
004908 – 005224	HKFTU Tseung Kwan O District Service Department (HKFTU)	HKFTU expressed objection to the SENT Landfill extension at both TKO Area 137 and CWBCP due to the environmental nuisance arising from the landfill operation. It urged the Government to adopt more sustainable measures and technologies to reduce the size and amount of MSW, such as by way of incineration.	
005225 – 005540	Mr Andy NI Bing-wen	Mr Andy NI expressed concern that the feasibility study commissioned by EPD for the extension of the SENT Landfill had not taken into account its impact on the residents of the LOHAS Park with whom the Government had not consulted.	
005541– 005854	Mr William TIN Wai-ling	<p>Mr William TIN expressed concern about the severe odour nuisance arising from the some 1 000 refuse collection vehicles circulating in the vicinity of SENT Landfill daily. He suggested:</p> <p>(a) making reference to Singapore and the Maldives to dispose waste in isolated islands; and</p> <p>(b) imposing statutory requirement to use compressed and enclosed type of refuse collection vehicles for waste transportation.</p>	
005855 –	Friends of Sai Kung (FSK)	FSK supported the views of the green groups and urged	

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010203		<p>the Government to compensate for the excision of land for CWBCP under the no-net-loss principle. It suggested</p> <p>(a) as a compensation, designating the coastline, hillsides and valley in south of Nam Wai and Au Tsai Tsuen, East of New Hiram's Highway and North of Pik Shui San Tsuen and the Hong Kong University of Science and Technology as part of the CWBCP, the area of which included trails, an ancient coastal boulder trackway and beaches etc; and</p> <p>(b) building an isolated offshore landfill island for waste disposal as in Singapore.</p>	
010204 – 011607	Chairman Administration	<p>The Administration responded that:</p> <p>(a) two sites previously identified were considered unsuitable for addition to the CWBCP due to inaccessibility. Nevertheless, the total area of country parks in the territory was on the increase;</p> <p>(b) the Government was working towards the targets under the Policy Framework to manage MSW in a holistic manner, including introducing voluntary producer responsibility schemes, developing integrated waste management facilities (IWMF), etc;</p> <p>(c) even with effective reduction and recycling measures as well as commissioning of waste treatment facilities including IWMF, the SENT Landfill extension would still be needed to serve as the final repositories for residual waste after treatment;</p> <p>(d) the proposed landfill extension covering 15 ha of land in TKO Area 137 and 5 ha of land of CWBCP etc was recommended by the relevant environmental impact assessment (EIA) study to achieve the targeted capacity. Both CMPB and SKDC were duly informed of the allocation of land in Area 137 for landfill extension when they were consulted;</p> <p>(e) EPD regularly updated SKDC on the odour control measures for the SENT Landfill, including the installation of e-noses. It would further discuss with the industry on washing of refuse collection vehicles to reduce the odour nuisance; and</p> <p>(f) LOHAS Park had been taken into account in the EIA study for the SENT Landfill extension which was required to meet stringent odour control</p>	

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		standard and not to receive sludge for disposal.	
011608 – 012445	Chairman Ms Miriam LAU Administration	<p>Ms Miriam LAU objected to the SENT Landfill extension in CBWCP and TKO Area 137 at the expense of TKO residents. She expressed concern that:</p> <ul style="list-style-type: none"> (a) odour control measures for the SENT Landfill were ineffective and fell short of the residents' expectation. More effective measures should be put in place, such as imposing and enforcing sanitary requirements for refuse collection vehicles, and reducing disposal of food waste at landfills; (b) presence of the SENT Landfill was not mentioned in the sales brochure of The Capitol and Le Prestige of LOHAS Park; and (c) the Government should make reference to overseas practices of waste management, such as incineration treatment, and disposal in isolated islands. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) the additional odour control measures had yielded some effects in mitigating odour nuisance, especially in summer months; (b) the odour nuisance might be given rise by sources other than the SENT Landfill. SKDC was conducting an independent study, with EPD's input, in this regard; and (c) the Government was planning to develop organic waste treatment facilities in phases. 	
012446 – 013009	Chairman Ms Emily LAU Administration	<p>Ms Emily LAU urged the Government to</p> <ul style="list-style-type: none"> (a) mitigate the odour nuisance in question, in particular using enclosed type of refuse collection vehicles for waste transportation. She would not support the proposal if the odour problem associated with the SENT Landfill operation could not be resolved; and (b) proactively discuss with SKDC compensatory measures for district betterment. <p>The Administration responded that it would continue to identify odour sources and implement appropriate control measures.</p>	
013010 – 013822	Chairman Ms Cyd HO	Discussion on detection of sources of odour nuisance and regulation of refuse collection vehicles.	

Time marker	Speaker	Subject(s)	Action required
	Administration	Ms Cyd HO urged the Administration to step up enforcement against refuse collection vehicles non-compliant of hygienic requirements.	
013823 – 014351	Chairman Mr IP wai-ming Administration	<p>Mr IP Wai-ming expressed concern that the extension of SENT Landfill was not a sustainable approach of waste management. He opined that the Government should face up to and tackle the problem of odour nuisance from the landfill operation.</p> <p>The Administration highlighted the additional odour control measures for the SENT Landfill and explained that EPD would assist the district inter-departmental working group convened by the District Officer (Sai Kung) to enhance efforts in odour abatements.</p> <p>Discussion on regulation of refuse collection vehicles.</p>	
014352 – 014903	Chairman Administration	<p>Discussion on the compensation policy for excision of land in country parks, review of Country Parks Ordinance (Cap. 208) (CPO), further extension of the SENT Landfill after taking forward the proposal and the design of local refuse collection vehicles compared to those in Japan.</p> <p>The Administration was requested to provide further information on its views to the High Court judgment in <i>Lai Pun Sung v The Director of Agriculture, Fisheries and Conservation and CMPB</i> (HCAL83/2009).</p>	
014904 – 015033	Chairman KFBG	KFBG queried the criteria of accessibility for identifying suitable sites for inclusion in CWBCP as compensation.	
015034 – 015140	Chairman DHKL	DHKL urged to maintain the existing boundary of CWBCP and establish the no-net-loss principles for compensation of lost land, if any, in country parks. The Government should put more genuine efforts to identify suitable sites for inclusion in CWBCP.	
015141– 015234	Chairman HKBWS	HKBWS criticized the Government's claim that it was not bounded by CPO to conduct public consultation on landfill extension which was conducted until the proposal was challenged by green groups. The Government also appeared insincere in identifying suitable sites for compensation.	
015235 – 015340	Chairman SKDC	SKDC stressed that the Government should protect the country parks in accordance with CPO.	
015341 – 015454	Chairman LP(NTE)	LP(NTE) opined that the designation of land at Robin's Nest in North District as country park area could not compensate the land loss in CWBCP, since the area was	

Time marker	Speaker	Subject(s)	Action required
		a green area even before the designation. She also expressed concern about the parking of loaded refuse collection vehicles at Shek Kok Road near the LOHAS Park.	
015455 – 015614	Chairman 大聯盟	大聯盟 doubted the effectiveness of the additional odour control measures which were just “new wine in old bottles”, and the option of excising land from CWBCP was adopted due to its relatively lower cost implication. 大聯盟 highlighted the motion passed by SKDC expressing objection to the SENT Landfill extension before the landfill-associated environmental and traffic impact was mitigated.	
015615 – 015650	Chairman OCTC	OCTC requested the Government to mitigate the traffic impact associated with landfill operation in the TKO district.	
015651 – 015756	Chairman Mr Andy NI Bing-wen	Mr Andy NI queried whether the EIA recommendations had been closely followed up to mitigate environmental impact arising from landfill operation.	
015757 – 015902	Chairman Mr William TIN Wai-ling	Mr William TIN urged the Government to act on the suggestion of disposing waste in isolated islands and make reference to the design of refuse collection vehicles in Japan to mitigate odour nuisance from waste transportation.	
015903 – 020024	Chairman FSK	FSK emphasized that compensation had to be provided for the land loss in CWBCP, and the Government should consider lands in Sai Kung/TKO for the replacement before identifying sites in other areas.	
020025 – 020148	Chairman HKGNC	HKGNC stressed that the objectives of CPO should be upheld to protect the country parks as they could not be totally restored to their original state once used as a landfill. Lands should not be excised from CWBCP on grounds of low ecological value as these lands could serve as a buffer zone in the periphery to protect the country park from the nuisance of the landfill operation.	
020149 – 020749	Chairman Administration	<p>The Administration's overall response to the further views and concerns expressed by deputations:</p> <p>(a) the excision of land from CWBCP was not due to the relatively low ecological value of the site in question, nor was it adopted on lower cost implication. The decision was made after thorough consultation with CMPB, SKDC, Panel on Environmental Affairs of the Legislative Council, etc, and having regard to technical feasibility as confirmed by the relevant EIA;</p> <p>(b) the Government would continue to identify suitable</p>	The Administration to provide information/ response as requested in paragraph 3 of the minutes.

Time marker	Speaker	Subject(s)	Action required
		<p>sites as compensation for the excised country park land;</p> <p>(c) it would follow up with the District Officer (Sai Kung) about the parking of loaded refuse collection vehicles near the LOHAS Park; and</p> <p>(d) the projection of landfill space demand of 200 million tonnes from 2006 to 2025 was made based on earlier assumptions. As the actual MSW amount had subsequently decreased since the implementation of construction waste disposal charging scheme in 2006, the current proposal had taken into account an updated projection of landfill demand in relation to forecasts in population growth and gross domestic product.</p> <p>The Chairman advised that the Subcommittee would draw up a list of views and concerns expressed by members and deputations for the Administration's response.</p>	
020750 – 022123	Chairman Mr IP Wai-ming Ms Emily LAU	Meeting and site visit arrangements.	