

立法會
Legislative Council

LC Paper No. CB(1)2821/09-10
(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 third meeting held on
Thursday, 29 July 2010, at 5:00 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Tanya CHAN (Chairman)
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

Members absent : Hon WONG Yung-kan, SBS, JP
Hon CHAN Hak-kan

Public Officers attending : Agenda item II

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

Mr LEUNG Chi-hong
Senior Country Parks Officer 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 LUI Ping-hon
Principal Environmental Protection Officer
Environmental Protection Department

Ms Lonnie NG Wah-chi
Senior Government Counsel
Department of Justice

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

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

Mr Franco KWONG
Council Secretary (1)1

Action

I Confirmation of minutes of meeting

(LC Paper No. CB(1)2650/09-10 -- Minutes of meeting held on 13 July 2010)

The minutes of the meeting held on 13 July 2010 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1)2647/09-10(01) -- List of follow-up action arising from the discussion at the meeting on 13 July 2010

LC Paper No. CB(1)2647/09-10(02) -- Administration's response to CB(1)2647/09-10(01))

2. The Subcommittee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions required to be taken by the Administration

3. The Subcommittee requested the Administration to provide written response to members' concerns and requests raised at the meeting -

- (a) consider closing the two public car parks near the LOHAS Park and designating an area within the South East New Territories (SENT) Landfill for loaded refuse collection vehicles to park overnight;

- (b) consult private waste collectors, manufacturers of refuse collection vehicles and relevant government departments on improvements to the design and maintenance of refuse collection vehicles with a view to preventing spattering of waste and dripping of leachate during transportation and revert back to the Subcommittee on the outcome of the consultation;
 - (c) advise the measures to be taken to enhance the cleanliness of Wan Po Road;
 - (d) encourage the general public and the users of waste collection services to use thicker rubbish bags for collecting waste, in particular food waste, and to tie them properly before disposal to avoid dripping of leachate;
 - (e) consider ceasing disposal of sludge from sewage treatment works at the SENT Landfill with immediate effect;
 - (f) consider partnering with social enterprises in redistributing leftover food for the needy to reduce the amount of food waste;
 - (g) advise the potential sites, if any, that would be considered by the Administration and the Country and Marine Parks Board in the coming two months for designation as country park area as compensation for excised area of the Clear Water Bay Country Park; and
 - (h) consider withdrawing the Amendment Order and re-introduce it after the measures taken to address the odour problem were proved to be effective and the Sai Kung District Council and local residents had given their support.
4. The Subcommittee agreed to hold the next meeting on Monday, 27 September 2010, at 10:45 am.

III Any other business

5. There being no other business, the meeting ended at 7:00 pm.

**Proceedings of the third meeting of
the Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2010
on Thursday, 29 July 2010, at 5:00 pm
in conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000052 – 000409	Chairman	<p>The Chairman's introductory remarks</p> <p>Confirmation of minutes of meeting on 13 July 2010 (CB(1)2650/09-10))</p>	
000410 – 004129	Chairman Administration	<p>The Administration briefed members on its response to the concerns raised at the meetings on 22 June and 13 July 2010 (CB(1)2469/09-10(02) and CB(1)2647/09-10 (02)). It also highlighted that: -</p> <p>(a) in addition to covering the tipping face with a thicker layer of soil at the end of the daily waste reception process during the rainy season, posi-shell would be sprayed on top of the soil as an additional odour control measure;</p> <p>(b) the Administration would follow up with the trade during the regular Landfill Users Liaison Meeting in August on the concerns about nuisance arising from the waste spattered and leachate dripped from refuse collection vehicles at the Wan Po Road as well as parking of loaded refuse collection vehicles near the LOHAS Park;</p> <p>(c) the Government was studying the suggestion for country park designation proposed by the green groups, and initial findings revealed that the area involved private lots and old burial grounds;</p> <p>(d) regarding the High Court judgment in the <i>Lai Pun Sung case</i> (HCAL83/2009) and whether there was an overriding need to excise land from the Clear Water Bay Country Park (CWBCP) for landfill purpose, the Administration was of the view that there was an essential need to extend the SENT Landfill and the proposed option with an encroachment of about 5 hectares (ha) of land of CWBCP would provide the highest void capacity for meeting the future need; and</p> <p>(e) upon evaluation conducted at the recommendation of the Ombudsman in 1993, the Administration came to the view that the Country Parks Ordinance (Cap. 208) did not require a comprehensive review. In 2002, the Agriculture, Fisheries and Conservation Department (AFCD) had drawn up a new administrative guideline to deal with applications for development projects inside country park areas.</p>	
004130 – 005145	Chairman Ms Miriam LAU Administration	<p>Ms Miriam LAU expressed grave concern that the Administration should have taken appropriate measures when the extension proposal first emerged in 2008 to combat the odour problem to the satisfaction of the affected residents</p>	

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		<p>before introducing the Amendment Order. She had difficulties in supporting the subsidiary legislation as the actual effect of the various measures taken or to be taken to address environmental nuisances arising from the operation of the SENT Landfill and the compensation for the loss of country park area were uncertain. She was concerned about the current stance of the Sai Kung District Council (SKDC).</p> <p>The Administration expressed that they understood the view from members of SKDC that if the odour problem remained unresolved, they would not support the SENT Landfill Extension project. To enhance public understanding on the operation of the SENT Landfill and its extension scheme, an outreach programme for Tseung Kwan O (TKO) District had been in operation since 2008. According to the post landfill visit questionnaire surveys, many TKO residents and students opined that the SENT Landfill was operating effectively and they had changed their view about landfills after visiting it. Some residents considered that the odour was mild when compared to the place they lived which implied that there might be other source(s) of odour emission. Moreover, it was noted that the odour problem in TKO areas was less serious than before. This might have reflected the effectiveness of the additional odour control measures at SENT Landfill as well as the improvement measures resulted from the joint-effort by various government departments. On compensation for the excised area, the Government and the CMPB had considered two potential sites, and they welcomed suggestions for country park designation from the community, including the green groups, which would be assessed against the established criteria.</p>	
005146 – 005353	Chairman Ms Miriam LAU Administration	<p>Ms Miriam LAU urged the Administration to withdraw the Amendment Order and re-introduce it after the measures taken to address the odour problem were proved to be effective.</p> <p>The Administration advised that to address the imminent problem in waste treatment and disposal, it was necessary to complete the planning work in time so that the proposed extension could be commissioned immediately after the exhaustion of the SENT Landfill in around 2013-2014.</p>	The Administration to provide information as requested in paragraph 3(h) of the minutes.
005354 – 010029	Chairman Ms Emily LAU Administration	<p>Ms Emily LAU expressed grave concern/ requested that</p> <ul style="list-style-type: none"> (a) Hong Kong, being a cosmopolitan city exploiting new and advanced technologies, was unable to identify the source(s) of odour nuisance; (b) it was an erroneous planning for new residential developments to be built near the SENT Landfill; and (c) the Administration should consider closing the public car parks near the LOHAS Park and designating an area within the SENT Landfill for the loaded refuse collection vehicles to park overnight. <p>She reiterated that Members belonging to the Democratic Party</p>	The Administration to provide information as requested in paragraph 3(a) and 3(h) of the minutes.

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		<p>could not give their support if SKDC and residents of the LOHAS Park and Ocean Shores remained concerned about the persistent odour problem. Under that circumstance, Ms LAU considered that the Administration should withdraw the Amendment Order.</p> <p>The Administration advised that –</p> <p>(a) the source(s) of odour emission could not be easily traced due to various constraints and SKDC was conducting an investigation to identify odour sources in the area by an independent consultant; and</p> <p>(b) the parking need of loaded refuse collection vehicles would be followed up by the inter-departmental working group led by the District Officer of Sai Kung.</p>	
010030 – 010530	Chairman Mr Albert CHAN Administration	<p>Mr Albert CHAN highlighted the Government's previous erroneous planning of developing the Riviera Garden next to the Tsuen Wan Slaughterhouse which was still generating pig odour nuisance, and its failure in meeting the undertaking to develop the Gin Drinkers Bay Landfill into a town park for Kwai Chung after restoration. He urged the Administration to first obtain the support of SKDC before continuing discussion with the Subcommittee on the proposed extension of the SENT Landfill.</p> <p>The Administration advised that the Gin Drinkers Bay Landfill had been developed into a BMX Park. While appreciating that obnoxious facilities such as landfills were generally unwelcomed by local communities, the Administration would continue to address the concerns from SKDC members and TKO residents with a view to securing the support of SKDC, and a meeting between its Housing and Environmental Hygiene Committee and the Administration would be held on 15 September 2010. The Administration reiterated the need to complete the planning for the extension of the SENT Landfill to meet the anticipated demand for additional landfill capacity.</p>	The Administration to provide information as requested in paragraph 3(h) of the minutes.
010531 – 011009	Chairman Mr IP Wai-ming Administration	<p>Sharing the view that it was an erroneous planning for residential developments to be built so close to the SENT Landfill, Mr IP Wai-ming echoed that Members belonging to the Hong Kong Federation of Trade Union could hardly support the proposal as nearby TKO residents had to bear the odour nuisance from the SENT Landfill until 2020 despite the Administration's claim that there might be other potential source(s) of odour in TKO area. He agreed that the Administration should withdraw the Amendment Order.</p> <p>The Chairman asked the Environmental Protection Department (EPD) to reflect members' grave concern about the erroneous planning to relevant departments.</p>	The Administration to provide information as requested in paragraph 3(h) of the minutes.

Time marker	Speaker	Subject(s)	Action required
011010 – 011750	Chairman Ms Cyd HO Ms Miriam LAU Administration	<p>Discussion on the design and maintenance of refuse collection vehicles operated by private sector, and public education in using thicker rubbish bags for collecting waste, in particular food waste to avoid dripping of leachate.</p> <p>Ms Cyd HO requested the Administration to consider partnering with social enterprises in re-distributing leftover food for the needy to reduce the amount of food waste. She also urged the Administration to make use of the next two months to secure the support of SKDC and local communities by drawing up concrete odour abatement measures with implementation timetable. If the Administration could not obtain the required support, the Subcommittee might consider repealing the Amendment Order.</p> <p>Members noted that the deadline for giving notice of amendments to the Amendment Order was 6 October 2010.</p>	The Administration to provide information as requested in paragraph 3(b), 3(d) and 3(f) of the minutes.
011751 – 012335	Chairman Ms Cyd HO Administration	<p>The Chairman requested the Administration to revert before mid September 2010 the progress of replacing existing waste collection vehicles with new ones fitted with tailgate covers, the measures to be taken to ensure the cleanliness of Wan Po Road having regard to the strong odour in the area and the potential sites considered for country park designation.</p> <p>The Administration responded that –</p> <ul style="list-style-type: none"> (a) EPD would consult the Electrical and Mechanical Services Department and manufacturers of refuse collection vehicles on the feasibility of installing tailgate covers for these vehicles; (b) to enhance the cleanliness of Wan Po Road, the Administration would consider using high pressure jets for washing the street to ensure stubborn dirt giving out strong odour would not remain on the road; and (c) AFCD would make effort to select suitable sites for designation as country park for consideration of the CMPB at the next meeting on 21 September 2010. 	The Administration to provide information as requested in paragraph 3(b), 3(c) and 3(g) of the minutes.
012336 – 012930	Chairman Ms Miriam LAU Administration	<p>Ms Miriam LAU considered that the Administration should encourage the public to use thicker rubbish bags for collecting waste to avoid dripping of leachate. She also enquired whether the Administration would cease to dispose sludge from sewage treatment works at the SENT Landfill with immediate effect to minimize the odour nuisance.</p> <p>The Administration responded that all three strategic landfills needed to receive sludge which would be mixed with municipal solid waste and construction waste at a ratio of 1:10 to avoid adversely affecting the stability of landfill slopes. To minimize the odour nuisance at the SENT Landfill, arrangements had been made to dispose secondary treated sludge, which was less odorous, to a manageable level at the landfill. Moreover, the arrival times of sludge transportation vehicles were spread out evenly to minimize the time of their</p>	The Administration to provide information as requested in paragraph 3(d) and 3(e) of the minutes.

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		exposure before mixing with solid waste. The Administration further advised that the EIA recommended a number of mitigation measures for the SENT Landfill extension, which included no disposal of sludge from sewage treatment works.	
012838 – 012944	Chairman Ms Miriam LAU Ms Emily LAU	Date of next meeting	

Council Business Division 1
Legislative Council Secretariat
9 September 2010