

立法會
Legislative Council

LC Paper No. CB(1) 2191/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

Minutes of meeting
held on Monday, 28 March 2011, at 2:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon CHAN Hak-kan (Chairman)
Hon Audrey EU Yuet-mee, SC, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon WONG Yung-kan, SBS, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon CHAN Kin-por, JP
Hon IP Wai-ming, MH
Hon Tanya CHAN
Hon Albert CHAN Wai-yip

Member absent : Prof Hon Patrick LAU Sau-shing, SBS, JP

Members attending : Hon Vincent FANG Kang, SBS, JP
Hon Paul TSE Wai-chun

Public officers attending : **For item IV**
Dr Kitty POON
Acting Secretary for the Environment

Ms Katharine CHOI
Principal Assistant Secretary for the Environment
(Energy)
Environment Bureau

Mr WONG Sek-cheung
Chief Engineer/Energy Efficiency A
Electrical and Mechanical Services Department

For item V

Dr Kitty POON
Acting Secretary for the Environment

Mr Benny WONG
Deputy Director of Environmental Protection (1)
Environmental Protection Department

Ms Betty CHEUNG
Principal Environmental Protection Officer
(Community Relations)
Environmental Protection Department

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

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

Miss Mandy POON
Legislative Assistant (1)1

Action

- I. Confirmation of minutes**
(LC Paper No. CB(1) 1509/10-11 — Minutes of the meeting held
on 24 January 2011)

The minutes of the meeting held on 24 January 2011 were confirmed.

II. Information paper issued since last meeting

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

LC Paper No. CB(1) 1542/10-11(01) — Referral by the Bills Committee on Motor Vehicle Idling (Fixed Penalty) Bill regarding the retrofitting of separate air-conditioning system for vehicles while engines are switched off

III. Items for discussion at the next meeting

(LC Paper No. CB(1) 1673/10-11(01) — List of follow-up actions
LC Paper No. CB(1) 1673/10-11(02) — List of outstanding items for discussion)

3. Members agreed to discuss the following items at the next regular meeting scheduled for Wednesday, 20 April 2011, at 10:45 am -

(a) Refurbishment and modification of Island West and West Kowloon transfer stations; and

(b) Proposal for banning all forms of asbestos.

4 Ms Audrey EU said that she had been approached by green groups requesting for discussion on the development of nuclear energy. She suggested holding a meeting to discuss the subject and to invite deputations to express their views. Mr KAM Nai-wai and Miss Tanya CHAN supported Ms EU's proposal. After consultation with members, the Chairman agreed to include the subject in the agenda for the next meeting on 20 April 2011, the duration of which would be extended by half an hour in order to allow sufficient time for discussion.

(Post-meeting note: At the request of the Administration and after consultation with members, it was agreed that the subject on development of nuclear energy should be taken out from the agenda for the meeting on 20 April 2011. Instead, a special meeting would be held on 29 April 2011 at 2:30 pm to discuss the item on "Impacts of the development of nuclear energy for local power generation on Hong Kong". Deputations would be invited to express their views on the subject.)

IV. External lighting in Hong Kong

- (LC Paper No. CB(1) 1673/10-11(03) — Administration's paper on external lighting in Hong Kong
- FS16/10-11 — Paper on supplementary information on the regulation of outdoor lighting in selected places prepared by the Legislative Council Secretariat (fact sheet)
- LC Paper No. CB(1) 1708/10-11(01) — Submission from Designing Hong Kong (English version only)
- LC Paper No. CB(1) 1708/10-11(02) — Referral arising from the meeting between Legislative Council Members and Wan Chai District Council members on 13 January 2011 regarding the noise and light nuisances generated by outdoor video walls (Chinese version only) (Restricted to Members)
- LC Paper No. CB(1) 1719/10-11(01) — Administration's paper on external lighting of The ONE and Hopewell Centre)

Relevant papers

- IN08/08-09 — Information note on "Light pollution and the regulation of outdoor lighting in selected places" prepared by the Research and Library Services Division
- LC Paper No. CB(1) 271/09-10(01) — Referral arising from the meeting between Legislative Council Members and Yau Tsim Mong District Council members on 4 June 2009 regarding the light pollution problem in urban

LC Paper No. CB(1) 1956/09-10(01) — area (Restricted to Members)
Referral arising from the meeting between Legislative Council Members and Wan Chai District Council members on 29 April 2010 regarding the noise and light nuisance from outdoor television wall screens (Chinese version only) (Restricted to Members)

5. The Acting Secretary for the Environment (Atg SEN) briefed members on the findings of the consultancy study on external lighting, and the proposed way forward from the perspectives of energy wastage and light nuisance. The Principal Assistant Secretary for the Environment (Energy) (PASE(E)) gave a power-point presentation on the subject.

(Post-meeting note: A set of power-point presentation material was circulated to members under LC Paper No. CB(1) 1751/10-11(01) on 29 March 2011.)

Draft Guidelines on Industry Best Practices for External Lighting Installations

6. Mr Vincent FANG agreed that light nuisance in Hong Kong was a “localized” problem mainly occurring in commercial-cum-residential areas, such as Mongkok and Causeway Bay, with high building density and intermingling of shops, entertainment venues and residential buildings. He therefore supported in principle the promulgation of the draft guidelines to enhance the awareness of the trades on the need to regulate external lighting. Noting that there was no standardized way in dealing with light pollution in all the metropolises under study, he considered that voluntary measures were a better alternative than mandatory regulation over the management of external lighting at the present stage. In fact, the trades had been very responsive to complaints about light nuisance as evidenced by the actions taken by the management of The One and the Hopewell Centre in reducing the intensity of their external lighting installations. While supporting the proposals in the draft guidelines, such as switching off of the external lighting after certain time at night, Mr FANG stressed the need for the Administration to solicit cooperation from the trades, and to closely monitor the effectiveness of these measures. Atg SEN said that the draft guidelines were drawn up with a view to facilitating discussion among interested parties on the subject. Though the draft guidelines were not exhaustive, they would provide a platform for deliberation

of views and refinement in the light of feedback of all stakeholders in respect of operating hours for lighting, automatic controls for lighting, light pollution control measures, energy efficiency measures, lighting project design planning, prevention of glare to road users, and advertising signs. Stakeholders, including management of commercial properties, residents' groups, District Councils, green groups and other concerned groups, as well as relevant industries (such as advertising, lighting installations, tourism, retails etc.), would be invited to comment on the draft guidelines before they were finalized.

7. Mr Paul TSE held the view that the problem of light nuisance from external lighting was a result of poor planning to allow intermingling of residential and commercial buildings. Given that neon lights were one of the tourist attractions in Hong Kong, the proposal to switch off lights after certain time at night (say after 11pm) might affect the night life in Hong Kong and reduce its attractiveness. In assessing the problem of external lighting in Hong Kong, reference should be made to experiences in cities like Las Vegas, Shenzhen and Macau where bright neon lights were used to demonstrate their vivacity and to attract tourism. Consultation should also be held with the affected trades, including the tourism trades. Meanwhile, appropriate assistance should be given to those who were affected by external lighting but could not afford to move to residential districts, such as dwellers of bedspace apartments. Consideration should be given to strengthening control on the quality of lighting to reduce excessive glare and energy wastage. In the absence of consensus, he supported that a more cautious approach should be adopted in the control of external lighting, particularly in commercial districts and tourist areas.

8. While acknowledging that lighting played an important role in attracting tourism and promoting economic activities in Hong Kong, Ms Audrey EU stressed the need for the Administration to tackle the nuisance caused by external lighting. To demonstrate its commitment, the Administration should introduce control measures, such as licensing control on the intensity and duration of animated lighting, and provision of shields for spotlights etc. The Chairman echoed that interim measures should be introduced to mitigate the impact of external lighting in redeveloped areas, such as Tsim Sha Tsui and Tsuen Wan, pending the completion of work of the Task Force on the development of technical standards and related parameters to tackle nuisance caused by and energy wastage of external lighting in 2012. He also enquired if the Hong Kong Jockey Club racecourse would follow suit of the Administration to switch off the decorative and promotional external lighting at 11pm. Atg SEN said that practical measures could be taken to reduce the impact of external lighting on residents, such as using cut-off lanterns and light shields. Cooperation would be sought from owners of lighting installations to reduce the intensity and/or shorten the duration of lighting as was the case of The One which had reduced the brightness and frequency of flashing lights on its rooftop

signboard upon receipt of complaints from nearby residents. Publicity and educational efforts would also be stepped up to enhance public awareness of the draft Guidelines after promulgation.

9. Mr Albert CHAN agreed that the Administration should take the lead in reducing the environmental problems arising from external lighting. To start with, it should reduce the intensity of street lights in close proximity to residential developments as these had been a source of light nuisance to residents. The same would apply to the excessive lighting in underpasses and pedestrian footbridges. Given the many complaints from residents against excessive glare from external lighting, he would support in principle the introduction of statutory control on external lighting, in terms of both light nuisance and energy wastage. Mr WONG Yung-kan however pointed out the need for an appropriate level of street lighting in rural areas, as the street lights in villages were too dim and sparsely located. Atg SEN acknowledged the different requests from residents for lighting in urban and rural areas. The Task Force would take this into account in developing the technical standards and related parameters. She emphasized that the Administration would not rule out imposing statutory control on external lighting. In doing so, there might be a need to introduce first appropriate light zoning of districts or local areas.

10. Mr KAM Nai-wai questioned the effectiveness of the draft guidelines which were voluntary in nature and applicable only to new lighting installations. Following the Fukushima incident, there was an imminent need to reduce excessive lighting in order to conserve energy. Ms Cyd HO echoed that there was a need to differentiate between essential lighting and decorative lighting, the former was aimed to provide for a safe environment while the latter was to promote business. Miss Tanya CHAN also pointed out that the draft guidelines were not comprehensive as these did not provide for the parameters in assessing light intensity. Expressing similar concerns, Ms Audrey EU opined that the draft guidelines were not only vague in the absence of standards on light intensity, but also toothless and non-enforceable without a mechanism to handle disputes. While acknowledging that external lighting helped beautify the environment and provided for a safe environment, this would cause light nuisance and energy wastage. Since the Administration had rejected the request for inclusion of external lighting installations in the Buildings Energy Efficiency Bill during the course of examination of the Bill, she considered that there might be a need to introduce a licensing system for owners of lighting installations who wished to use animated lighting and/or external lighting of and above certain intensity for extended operating hours, similar to that of liquor licence. She was skeptical that the Administration was using the draft guidelines and the Task Force as an excuse to procrastinate statutory control on external lighting. Atg SEN said that the Task Force was expected to develop technical standards and related supplementary parameters on appropriate

lighting levels acceptable to local circumstances, and look into the need for legislation to control external lighting. The Task Force to be set up in the second quarter of 2011 would complete its work in early 2012.

Statutory control on external lighting

11. Mr KAM Nai-wai said that Members belonging to the Democratic Party were supportive of statutory control on external lighting. He recalled that the Chief Executive had set out in his Policy Address 2008 that the Administration would assess the problem of energy wastage of external lighting, and study the feasibility of tackling the problem through legislation. It was disappointing that no progress had been made after all these years, except that the Administration would not rule out statutory control on external lighting. It would appear that the Administration was backing out from its commitment to tackle the problem of light pollution through legislation. He pointed out that the lack of a standardized way of control in the eight metropolises under study should not be used as an excuse for not introducing statutory control on external lighting in Hong Kong. He enquired about the circumstances under which statutory control on external lighting would be considered. Expressing similar views, Ms Cyd HO enquired if there was a time frame for introducing legislative control if the draft guidelines turned out to be ineffective in regulating external lighting. Miss Tanya CHAN said that Members belonging to the Civic Party would support the early introduction of statutory control on external lighting, in particular on the establishment of a lighting environmental zoning system to divide different lighting environment for different levels of commercial or residential activities to control external lighting.

12. Atg SEN responded that in determining the way forward, it was important to ensure the enforceability of the regulatory approach, particularly in designing the standards of excessive external lighting that were in line with the needs of Hong Kong as a business centre, tourism destination, as well as a safe and livable city. According to the consultancy study, the average assessed values on glare, sign luminance and building façade luminance were all within recommended limits in the surveyed areas except Mongkok. There was also a difference in acceptance levels for light intensity among residents of different districts. The Task Force comprising residents, green groups, professional bodies and relevant Government departments would develop technical standards and related supplementary parameters on appropriate lighting levels acceptable to local circumstances, and recommend on the need for statutory control on external lighting. PASE(E) said that the consultancy study revealed that light nuisance mainly occurred in commercial-cum-residential areas like Mongkok and Causeway Bay. In other areas where the use was predominately commercial or residential and in new towns, light nuisance might not be a prevalent problem. As light pollution was often associated with multiple sources, the apportionment of responsibilities among different light sources

might further complicate enforcement.

13. Mr LEE Wing-tat said that he was disappointed that the Administration was inclined to use the draft guidelines rather than legislation to control external lighting. Given the long lead time for consultation with the trades before promulgation of the draft guidelines, it might take a decade before statutory control could be introduced given the anticipated opposition from the trades. To expedite the legislative process, consideration should be given to setting standards for appropriate lighting levels which were acceptable to local circumstances now. Atg SEN agreed to the need for standards for external lighting, taking account of overseas experience and local circumstances. These standards had to be set before statutory control on external lighting could be introduced. The Administration would consult all stakeholders and invite their comments in the next three months before finalizing the draft guidelines for promulgation. The Task Force was expected to advise the way forward in tackling nuisance caused by external lighting.

V. Proposed capital injection into the Environment and Conservation Fund

(LC Paper No. CB(1) 1673/10-11(04) — Administration's paper on proposed capital injection into the Environment and Conservation Fund

LC Paper No. CB(1) 1673/10-11(05) — Paper on Environment and Conservation Fund prepared by the Legislative Council Secretariat (updated background brief))

14. Atg SEN briefed members on the proposed capital injection of \$500 million into the Environment and Conservation Fund (ECF) by highlighting the salient points in the information paper.

Cooperation with the business sector

15. Ms Miriam LAU said that when the funding of \$1 billion was injected into ECF in 2008, she had hoped that this would enhance cooperation and partnership with the business sector. However, judging from the progress so far, not much had been achieved in this respect. Instead, conflicts were more apparent in the community as in the case of loss of development rights due to conservation needs. It appeared that ECF only provided funding to green

groups and non-governmental organizations (NGOs) in implementing environmental initiatives, without taking into account the interest of the business sector. She opined that more funding should be provided to environmental projects which were conducive to creation of business and employment opportunities, as in the case of the conservation project at Long Valley. Atg SEN said that there were a number of ECF projects which were jointly undertaken with the business sector. The Principal Environmental Protection Officer (Community Relations) said that the Environmental Campaign Committee (ECC) was tasked to advise the Administration on community environmental education matters. ECC had worked closely with the ECF Committee to pursue a wide range of environmental programmes to enhance community involvement of various key stakeholder groups, including the business sector. By way of illustration, ECC had launched in 2008 the Hong Kong Awards for Environmental Excellence (HKAEE), which was an all-round environmental scheme for companies to benchmark their environmental performance and to uphold environmental excellence as an essential element of business success. The highlight of HKAEE was the Sectoral Awards, which was an annual competition for companies under the respective sectors to compete for the highest honour under a conscientious and all-round assessment process of environmental performance, green culture and policy. The number of participants in the Sectoral Awards per annum had grown from 366 to 468 from 2008 to 2010. With the funding from ECF, the Hong Kong Federation of Restaurant Trade Association was developing a voluntary environmental management scheme aiming to enhance the environmental performance and competitiveness of the trade. Through these programmes and activities, the business sector could improve resource conservation and green business operation, and also cultivate green corporate culture and shape low carbon business opportunities.

Treatment of food waste

16. Miss Tanya CHAN commended the efforts made in reducing food waste through on-site meal portioning in schools. Having regard to the successful experience in the recycling of food waste into compost by a residential development at Ma Wan, she opined that such experience should be shared with the community, and that more trials on on-site treatment of food waste should be implemented in private housing developments. She enquired about the time-table for installation of treatment facilities for food waste at residential developments, and the progress in identifying outlets for compost generated from food waste. Atg SEN said that Park Island at Ma Wan was one of the successful examples of on-site treatment of food waste. This could not have been achieved without the concerted effort of residents and the property management company. It was hoped that more residential developments could participate in on-site treatment of food waste. Subject to the approval of the proposed injection into ECF, a new pilot scheme would be

introduced to facilitate housing estates to set up on-site treatment facilities for food waste. In addition to implementing food waste collection and recycling, the proposed scheme would also aim to strengthen educational messages on food waste reduction and separation at source and recycling. On outlet of compost, it was anticipated that the resultant compost could be used for greening within the residential estates. At members' request, the Administration undertook to provide more information on the progress of on-site treatment of food waste in residential developments when making the submission of funding proposal for Phase II of the Organic Waste Treatment Facilities in due course.

Admin

17. While supporting the setting up of a \$50 million funding scheme to facilitate housing estates to treat food waste at source, Ms Miriam LAU remained concerned about the outlet for the surplus compost generated from treatment of food waste. She considered it necessary to develop a market for the compost. Atg SEN said that implementation details would need to be worked out before launching the funding scheme. Compost generated from on-site treatment of food waste could be used for greening purposes within the developments and for use by relevant government departments.

Nature conservation

18. Mr CHEUNG Hok-ming noted with concern that ECF had only provided funding for two conservation projects at two of the priority sites, namely Fung Yuen and Long Valley, since the introduction of the New Nature Conservation Policy (NNCP) in 2004. He recalled that at the motion debate on the review of the policy on nature conservation on 8 December 2010, Members reached a consensus on the need for a mechanism to compensate owners of private land lots whose development rights had been frozen due to nature conservation. The Administration should also consider setting up a nature conservation fund with a start-up capital injection of \$1 billion from the proceeds from land sales. However, no follow-up actions had been taken by the Administration on the proposed compensatory mechanism and the nature conservation fund. He was also disappointed to learn from the Administration that the arrangements for preservation of King Yin Lei did not apply to conservation of land in the New Territories. Atg SEN said that under NNCP, a Management Agreement scheme had been rolled out to provide funding for NGOs to initiate nature conservation projects at the 12 identified sites with ecological importance. The Administration was seeking further injection of \$500 million into ECF to continue to provide funding support to worthwhile projects. At members' request, the Administration agreed to provide a written response regarding its views on the setting up of a nature conservation fund proposed by Members.

Admin

19. Mr WONG Yung-kan said that as a result of conservation, Long Valley and the wetlands at Tin Shui Wai had become a haven for birds which fed on vegetables and fishes from the farms in the proximity of the conservation areas, causing much loss and damage to the farmers. The problem was further aggravated by bird watchers. There was hence a need to compensate the farmers for the loss and damage arising from the conservation projects. Atg SEN said that the proponents of conservation projects were required to take steps to reduce any adverse impact on farmers. Nevertheless, efforts would be made to examine the situation and assist the affected farmers. Mr WONG invited representatives of the Administration to visit the two conservation areas so that they could see for themselves the extent of the problem and identify ways to resolve it.

20. In concluding, the Chairman said that members did not raise objection to the proposal being submitted to the Finance Committee.

VI. Any other business

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