

立法會
Legislative Council

LC Paper No. CB(1) 2547/10-11
(These minutes have been seen
by the Administration)

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Panel on Environmental Affairs

Minutes of meeting
held on Wednesday, 20 April 2011, at 10:45 am
in the Chamber 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 Miriam LAU Kin-yee, GBS, JP
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 Tanya CHAN

Members absent : Hon WONG Yung-kan, SBS, JP
Hon Andrew CHENG Kar-foo
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon IP Wai-ming, MH
Hon Albert CHAN Wai-yip

Public officers attending : **For item IV**

Dr Kitty POON
Acting Secretary for the Environment

Dr Ellen CHAN
Assistant Director (Environmental Infrastructure)
Environmental Protection Department

Mr Lawrence LAU
Principal Environmental Protection Officer (Waste
Facilities)
Environmental Protection Department

Mr CHEN Che-kong
Officer i/c (RTS Development)
Environmental Protection Department

For item V

Dr Kitty POON
Acting Secretary for the Environment

Mr Carlson K S CHAN
Deputy Director of Environmental Protection (3)

Mr MOK Wai-chuen
Assistant Director (Air Policy)
Environmental Protection Department

Mr PANG Sik-wing
Principal Environmental Protection Officer (Air
Policy)
Environmental Protection Department

Mr SHE Wai-hon
Senior Environmental Protection Officer
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 Jacqueline CHUNG
Council Secretary (1)1

Miss Mandy POON
Legislative Assistant (1)1

I. Confirmation of minutes

(LC Paper No. CB(1) 1912/10-11 — Minutes of the meeting held on 28 February 2011)

The minutes of the meeting held on 28 February 2011 were confirmed.

II. Information paper issued since last meeting

2. Members noted that no information paper had been issued since last meeting.

III. Items for discussion at the next meeting

(LC Paper No. CB(1) 1913/10-11(01) — List of follow-up actions
LC Paper No. CB(1) 1913/10-11(02) — List of outstanding items for discussion)

3. Members agreed to discuss the following two items at the next regular meeting scheduled for Monday, 23 May 2011, at 2:30 pm -

(a) Lam Tsuen Valley and North District sewerage; and

(b) Public consultation on the extension of the Environmental Levy Scheme on Plastic Shopping Bags.

4. Ms Audrey EU noted that the discussion on "Review of the Environmental Impact Assessment (EIA) system" had been delayed for a long time pending the outcome of a related judicial review. As the court had ruled against the Director of Environmental Protection's decision to issue an environmental permit for the Hong Kong-Zhuhai-Macau Bridge project in the absence of standalone analysis on the likely environmental impacts, the judgment would have impact on the existing EIA mechanism which was based on cumulative rather than standalone effect. Given the serious implications of the EIA mechanism on development projects, she suggested discussing the "Review of the EIA system" at the next Panel meeting so that the Administration could clarify its stance on EIA system. Sharing similar views, Mr KAM Nai-wai pointed out that the existing EIA mechanism was outdated as it failed to adopt the World Health Organization's air quality standards. He supported that the present EIA system be reviewed.

5. As the Administration might need more time to decide whether to appeal against the court's decision or not, the Chairman sought members' views on the propriety of discussing the "Review of the EIA system" at the next meeting on 23 May 2011. Ms Cyd HO held the view that discussion on the subject by the Panel would not prejudice any actions being contemplated by the Administration so long as the discussion did not touch on the court case. In fact, there were precedents where the Legislative Council had discussed issues relating to court cases in action. Ms Audrey EU considered that the Panel could discuss the subject without having to await the Administration's appeal which might take a long time. She said that the Administration should explain its stance on the way forward on the EIA mechanism.

6. The Acting Secretary for the Environment (Atg SEN) said that the discussion on the "Review of the EIA system" had to be delayed pending the outcome of Judicial Review of the court case involving the granting of environmental permit for the Hong Kong-Zhuhai-Macau Bridge project. As the court had made a ruling on the case, the Administration would need time to decide on the actions to be taken. Under the circumstances, it might not be appropriate for the Administration to discuss the subject at this stage lest this might prejudice future court proceedings. She suggested deferring discussion on the subject until finalization of the court case.

7. Ms Audrey EU said that she did not accept that the Panel should defer discussion on "Review of the EIA system" until finalization of the court case which might take years to complete. Besides, there were precedents where protests were held by political parties on cases pending trial. It was unlikely that the discussion would affect judgement of the courts. Miss Tanya CHAN said that she did not see how the discussion could affect judicial independence. Mr LEE Wing-tat added that the Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man had encountered similar problems when a law suit was filed by one of the witnesses in the course of inquiry. The Select Committee had nevertheless continued its work since according to the legal advice, the inquiry could continue so long as it did not touch on the court case. He therefore could not accept Atg SEN's view that discussion could not be held on a subject pending judicial proceedings. While acknowledging the concerns about subjudice, Mr CHAN Kin-por held the view that the Panel could discuss the subject on "Review of the EIA system" as long as it adhered to policy issues rather than the court case. He agreed to the need for the Administration to explain its stance on the matter.

8. Atg SEN reiterated that the legal advice obtained confirmed that it was not appropriate to discuss the "Review of the EIA system" when court proceedings were ongoing. Nevertheless, she would seek further legal advice in this respect. Ms Cyd HO cautioned that members might consider invoking

the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to summon the attendance of Government officials, if considered necessary.

9. As the majority of members supported the discussion of the "Review of the EIA system", the Chairman instructed that the subject should be included in the agenda of the next meeting on 23 May 2011. To allow sufficient time for discussion, the starting time of the meeting would be advanced from 2:30 pm to 2:00 pm.

10. Ms Cyd HO considered it necessary for the Environment Bureau to brief the Panel on the planning of financial provisions for new environmental initiatives so that members could give views in advance on the estimated expenditure to be incurred from the environment portfolio in the 2012-2013 Budget. The discussion on the subject should be held before the end of the current legislative session in July 2011.

11. Ms Miriam LAU opined that priority for discussion should be accorded to "Promoting green economy", given that three related motions were carried at the Council meetings. While supporting early discussion on the subject, Ms Audrey EU suggested that a joint meeting with the Panel on Economic Development should be held, and that deputations should be invited to express views. To facilitate discussion, the Administration should provide an information paper setting out its vision and mission in promoting green economy for members' reference prior to the meeting. Her views were shared by Mr Jeffrey LAM.

12. The Chairman reminded members of the special meeting on 29 April 2011 to discuss the "Impacts of the development of nuclear energy for local power generation on Hong Kong". In view of the large number of deputations attending the meeting, he had decided to extend the meeting time by one hour until 5:30 pm. Ms Audrey EU noted that the Secretary for the Environment had led a delegation on a visit to Beijing to exchange views with the National Nuclear Safety Administration of the Ministry of the Environmental Protection on the safety and development of energy, as well as monitoring of environmental radiation levels and safety measures at nuclear facilities in the Mainland following the recent nuclear incident at Fukushima in Japan. As the purpose of the delegation closely related to the subject under discussion at the meeting on 29 April 2011, she considered it necessary for the Administration to provide a summary of deliberation of the delegation to the Panel to facilitate discussion.

IV. Refurbishment and modification of Island West and West Kowloon transfer stations

(LC Paper No. CB(1) 1913/10-11(03) — Administration's paper on 5174DR – Refurbishment and modification of Island West transfer station

LC Paper No. CB(1) 1913/10-11(04) — Administration's paper on 5175DR – Refurbishment and modification of West Kowloon transfer station)

13 Atg SEN briefed members on the Administration's proposal to upgrade **5174DR** - Refurbishment and modification of Island West transfer station (IWTS) and **5175DR** - Refurbishment and modification of West Kowloon transfer station (WKTS) to Category A at an estimated cost of \$99.7 million and \$105.4 million respectively. Subject to members' view, the proposal would be submitted for consideration by the Public Works Subcommittee (PWSC) in May 2011, with a view to seeking approval from the Finance Committee (FC) in June 2011.

14. Mr CHAN Kin-por noted that at present, 520 and 2 240 tonnes of municipal solid waste (MSW) were delivered to IWTS and WKTS for compaction and containerization per day respectively. He enquired if the two refuse transfer stations (RTSs) had reached their maximum design capacities and if so, whether the proposed refurbishment could increase their treatment capacities or more RTSs would need to be built to handle the increasing amount of MSW. The Assistant Director of Environmental Protection (Environmental Infrastructure) (ADEP(EI)) said that the design capacity of 1 000 tonnes of IWTS was sufficient to cater for the increased demand in the western part of Hong Kong Island. While WKTS was close to its design capacity of 2 500 tonnes and there was not much room for expansion, the future demand of the districts concerned had been taken into consideration in planning for the refurbishment works.

15. Noting that IWTS and WKTS would continue to operate for another 10 years after refurbishment while the three strategic landfills were approaching the end of their service lives, Mr CHAN Kin-por enquired whether more landfills would need to be built in the coming years. Atg SEN said that the current operation of IWTS and WKTS was under a 15-year "Design, Build and Operate" (DBO) contract given the huge start-up cost. Following a review of the operation of IWTS and WKTS, the Administration planned to implement the proposed refurbishment works and the follow-on operation under a DBO contract with an operation period of 10 years. As regards the existing three landfills, Atg SEN said that these were strategically located to facilitate disposal

of waste. As the three strategic landfills would be saturated in 2014, 2016 and 2018, efforts were being made to expand these landfills which would still be required as the final depository for waste even with the introduction of incineration facilities.

Enhancement and upgrading of wastewater treatment system

16. Miss Tanya CHAN enquired about the upgrading of wastewater treatment at the two RTSs, and whether water for washing refuse collection vehicles (RCVs) could be recycled for other uses. ADEP(EI) said that wastewater treatment facilities were installed for treating both wastewater generated from washing RCVs as well as leachate generated from the waste received. The Officer i/c (RTS Development) added that the water used for cleaning RCVs would be recycled as far as possible.

17. Ms Miriam LAU declared that she represented the refuse collection trade which had succeeded in securing vehicle washing facilities at landfills for cleansing of RCVs. Similar facilities should also be provided at RTSs to abate odour nuisances arising from transfer of waste, in particular food waste which would generate a large amount of leachate. While welcoming the Administration's plan to enhance the environmental performance of the two RTSs during the refurbishment works, she enquired if this included disposal of leachate and cleanliness of RCVs leaving the stations. ADEP(EI) confirmed that the leachate generated by the waste loads would be treated before discharge. The vehicle washing facilities at the two RTSs would be improved to ensure cleanliness of RCVs leaving the stations. A code of practice would be worked out in consultation with the trades to improve the overall hygienic condition of RCVs. Meanwhile, private waste collectors would be encouraged to retrofit their RCVs with tailgate cover and wastewater sump tank.

18. As IWTS was situated very close to residential developments, Mr KAM Nai-wai noted that residents had complained about the nuisances associated with the transfer of waste, particularly odour from RCVs. He enquired if there was a mechanism to monitor the operation of RCVs as otherwise the investments made in the refurbishment and modification of RTSs would be futile. He considered it necessary that equipment should be installed at the entrance/exit of the waste transfer area to abate odour from waste transfer. Atg SEN said that the Administration was aware of the concerns of residents regarding nuisances associated with RCVs. At present, about 85% of in-house RCVs operated by the Food and Environmental Hygiene Department (FEHD) were of an enclosed type design with tailgate cover to prevent spillage of waste and leachate. It was expected that all in-house RCVs of FEHD would adopt the enclosed type design by 2013. Meanwhile, all contractors under FEHD's new contracts outsourced from April 2011 onwards would be required to use

RCVs of enclosed type design as well. As for RCVs operated by private waste collectors, a trial on the feasibility of retrofitting them with tailgate cover and wastewater sump tank would be conducted with a view to addressing the odour problem. ADEP(EI) added that the feasibility of expediting the provision of air curtains at the entrance/exit of the waste transfer area at the two RTSs or other measures was being explored to reduce odour associated with waste transfer.

Upgrading of grease trap waste treatment facility

19. The Chairman noted that the grease trap waste facility in WKTS treated about 470 tonnes of grease trap waste from restaurants and food processing establishments per day. The oil and grease recovered were further processed to produce an alternative energy source (e.g. biodiesel as at present) or as an additive in other manufacturing processes. He enquired if the recovered oil and grease were given to recyclers free of charge, and the amount of biodiesel that could be generated. ADEP(EI) said that the treatment facility would separate the oil and grease from the grease trap waste. The recovered oil and grease would be sold to recyclers at a cost as an incentive for the operator of WKTS to enhance recycling. The Principal Environmental Protection Officer (Waste Facilities) added that as grease trap waste contained over 90% of water, only a few tonnes of oil and grease per day could be extracted from the grease trap waste facility at WKTS. They were now sold to a recycler at the EcoPark for processing into biodiesel.

Landscaping works

20. Mr KAM Nai-wai enquired if vertical greening and photovoltaic panels could be applied to the administrative building of the Environmental Protection Department (EPD) inside IWTS. ADEP(EI) said that the Central and Western District Council had been consulted on the preliminary vertical greening plan at IWTS, and there was general support for the proposal. Suitable types of plants would be selected for vertical greening and a more cost-effective drip-line type irrigation system would be adopted. Other environmental improvement measures, such as green roof and photovoltaic panels for the administration building, would also be considered. Financial provisions for these measures were not included in the present funding proposal for IWTS, and separate funding would be sought as part of the improvement plan for the administrative building.

21. In concluding, the Chairman said that members did not raise objection to the submission of the proposal to PWSC.

V. Proposal for banning all forms of asbestos

- (LC Paper No. CB(1) 1913/10-11(05) — Administration's paper on proposal for banning all forms of asbestos)
- FS18/10-11 — Paper on asbestos ban in Hong Kong prepared by the Legislative Council Secretariat (fact sheet))

22. Atg SEN brief members on the proposal to amend the Air Pollution Control Ordinance (APCO) (Cap.311) to extend the current ban on import and sale of blue and brown asbestos to all other forms of asbestos, and to ban the supply and new use of all forms of asbestos.

23. Noting that the import of white asbestos into Hong Kong had substantially decreased from 577 tonnes in 1996 to 35 tonnes in 2010 when control of asbestos under APCO became effective, Mr CHAN Kin-por questioned why the 35 tonnes of white asbestos could not be replaced with non-asbestos alternatives. The Assistant Director of Environmental Protection (Air Policy) (ADEP(AP)) said that these might be imported for sale and/or re-export.

The proposed controls

24. Mr CHAN Kin-por supported the proposal since asbestos was a proven carcinogen. Noting that the Authority might grant exemptions to the proposed control to cater for special situations, he enquired about the circumstances under which exemptions would be granted. ADEP(AP) explained that laboratories might need to import asbestos as reference materials for their asbestos checking or research work. As the asbestos used for these purposes was usually in small amount and would unlikely lead to health risk to the community, its import was allowed under such circumstances.

25. Miss Tanya CHAN enquired about the procedures to be followed in the import of asbestos in special situations, and the protective measures to be taken to avert the release of asbestos fibres to the ambient environment. ADEP(AP) said that application for exemption from the proposed controls could be made to the Authority by setting out the reasons for exemption, and the protective measures to be adopted. Approval could be granted if the Authority was of the view that the exemption was warranted, and that it would unlikely lead to a health risk to the community.

26. Ms Miriam LAU enquired if the proposed controls would apply to transshipment of asbestos which might only involve loading and unloading,

without any repackaging or tampering of contents. She said that banning of transshipment of asbestos with consignment remained intact would need to be justified. ADEP(AP) said that details on the proposed removal of the current exemption for transshipment goods under section 80(6) of APCO would be worked out to avoid potential health hazard due to possible release of asbestos fibres into the environment in the course of loading, unloading and repackaging. As for goods in transit, the proposal would retain the current arrangement not to apply the ban to them. The trades would be consulted on the proposed removal of the current exemption for transshipment of asbestos.

27. Miss Tanya CHAN supported the proposed ban on all forms of asbestos. Referring to the submission from the Hong Kong Workers' Health Centre, she shared the concern about the possible release of asbestos fibre into the environment during demolition of aged buildings and village houses for redevelopment. She enquired about the preventive and enforcement actions taken in avoiding the release of asbestos fibres in the course of demolition. ADEP(AP) said that much effort had been made in promoting public awareness on the health hazard associated with exposure to asbestos. Codes of practice on the proper handling and disposal of asbestos had been published. Letters had also been issued to owners of village houses in the North-East New Territories, where major developments were about to take place, advising them to take precautionary measures in the demolition of village houses which might contain asbestos. The Senior Environmental Protection Officer said that there were 52 cases of prosecution against improper handling of asbestos waste under APCO in 2010.

Legislative time-table

28. Noting that the Administration intended to implement the proposed ban by end of 2012, Miss Tanya CHAN enquired about the legislative time-table for the relevant legislation. Atg SEN said that, with the support from the Panel, the Administration would start consultation with stakeholders on the details of the proposed controls. It would finalize the proposal and prepare the necessary legislation upon completion of consultation with a view to implementing the proposed controls by end of 2012.

VI. Any other business

29. There being no other business, the meeting ended at 12:00 noon.