

立法會
Legislative Council

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by the Administration)

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Panel on Environmental Affairs

Subcommittee on Issues Relating to Air, Noise and Light Pollution

Minutes of the meeting
held on Friday, 12 July 2013, at 10:45 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon Cyd HO Sau-lan(Chairman)
Hon Claudia MO
Hon Gary FAN Kwok-wai
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon KWOK Wai-keung
Hon Dennis KWOK
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP
Hon Tony TSE Wai-chuen

Members absent : Hon WU Chi-wai, MH
Hon Christopher CHUNG Shu-kun, BBS, MH, JP

Public Officers attending : **For item II**

Ms Christine LOH, JP
Under Secretary for the Environment

Miss Vivian LAU, JP

Deputy Secretary for the Environment

Miss Veronica WONG

Assistant Secretary for the Environment (Energy)³

Clerk in attendance : Ms Miranda HON
Chief Council Secretary (1)¹

Staff in attendance : Miss Lilian MOK
Council Secretary (1)¹

Miss Mandy POON
Legislative Assistant (1)¹

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I. Confirmation of minutes

(LC Paper No. CB(1)1471/12-13 — Minutes of the meeting held on
16 April 2013)

The minutes of the meeting held on 16 April 2013 were confirmed.

II. Current legislation and administrative measures on the control of light pollution and associated public expenditure

(LC Paper No. CB(1)1472/12-13(01) — Administration's paper on
"Current legislation and administrative measures on the
control of light pollution and associated public expenditure")

2. The Under Secretary for the Environment ("USEN") briefed members that the Task Force on External Lighting ("the Task Force") had been established to advise the Administration on the appropriate strategy and measures for tackling light nuisance and energy wastage problems caused by external lighting, having regard to international experience and practices. As reported at the meeting of the Panel on Environmental Affairs on 24 June 2013, the Task Force would conduct an engagement exercise within one to two months to consult stakeholders and the public on the specific implementation issues in relation to the proposed requirement to switch off external lighting after a preset time ("the switch-off requirement"). Upon completion of the

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engagement exercise, the Task Force would analyze the views collected and develop specific recommendations on the way forward for the Administration's consideration. It was tentatively expected that the Task Force would submit its report to the Environment Bureau in the autumn of 2013.

Introduction of legislation to regulate excessive street lighting and glass curtain walls

Admin 3. The Chairman and Dr Helena WONG expressed concern about the nuisance caused to nearby residents by reflected glare from glass curtain walls of buildings and excessive street lighting, and asked how the Administration would deal with the problems. USEN responded that the upcoming engagement process to be conducted by the Task Force would be focusing on the switch-off requirement proposed to be applied to lighting installations of decorative, promotional or advertising purposes that affected the outdoor environment instead of problems of excessive street lighting and reflected glare from glass curtain walls. Nevertheless, the Administration would provide information on the current regulations on excessive street lighting at district level and reflected glare from glass curtain walls for members' reference. The Chairman opined that the Administration should consider bringing the two problems under the control of the existing Buildings Ordinance (Cap. 123) ("the BO") such that the Buildings Department ("BD") would take them into account when vetting and approving building plans.

(Post-meeting note: The information provided by the Administration was circulated to members on 30 July 2013 vide LC Paper No. CB(1)1640/12-13(02).)

4. Mr Tony TSE pointed out that the BO aimed to regulate the planning, design and construction of buildings and associated works on private land, and there was no specific statutory control on external lighting. He proposed that the Administration should consider extending the scope of the BO to cover external lighting of buildings in order to regulate the lighting intensity and specify the operating hours of lighting installations. Likewise, the Administration should put in place control on lighting installations, such as advisement signboards with flashy lights, the owners of which were not required to prepare and submit building plans for prior approval by BD under the Minor Works Control System.

5. USEN advised that the Task Force which comprised members from a wide cross section of the community, including professional bodies, relevant trades, the academic community and green groups, had studied the regulatory regimes for external lighting adopted by overseas metropolises. After review, the Task Force had concluded that the proposed switch-off requirement would be the most tenable option. It had set out different implementation issues in

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relation to the proposed switch-off requirement for further deliberation by stakeholders and the public during the engagement process before finalizing its recommendations for submission to the Administration in the autumn of 2013.

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6. The Chairman and Mr TSE suggested that a comprehensive approach should be adopted for vetting and approving the installation of external lightings (e.g. advertisement signboards, decorative lightings, spot lights, video walls, display panel, etc.) so that lighting intensity and flashy light etc., which could cause light nuisances to residents nearby, could be taken into account. USEN agreed that the Administration would give views on the suggestion.

(Post-meeting note: The Administration's response was circulated to members on 30 July 2013 vide LC Paper No. CB(1)1640/12-13(02).)

7. Mr Gary FAN doubted the effectiveness of the various voluntary measures being implemented by the Administration to handle external lighting problems, and expressed support for an early introduction of legislation to regulate external lighting on account of its nuisance to the public. USEN responded that the issue of external lighting involved a wide range of stakeholders and the public's views were divergent. The question of whether or not legislation or mandatory requirement should be adopted to regulate external lighting might arouse heated debate in the community. The upcoming engagement exercise to be conducted by the Task Force would be an important means to encourage extensive discussion among different sectors of the community and to solicit public opinions on the appropriate way forward in addressing the problem of excessive external lighting.

8. The Deputy Secretary for the Environment ("DS/Env") supplemented that Hong Kong was densely populated with a high mix of commercial-residential activities. Having reviewed the technical parameters adopted by overseas regulatory regimes for tackling the problem of external lighting, the Task Force had agreed unanimously that the proposed switch-off requirement was the most tenable option as it was relatively straight forward and easier to implement. She further advised that according to the consultancy study on energy wastage and light nuisances of external lighting conducted in 2009, the cities surveyed varied widely in regulating external lighting. For example, Tokyo and Singapore did not adopt any mandatory regulation over the management of external lighting. While none of the cities surveyed had put in place full-blown mandatory regulation on external lighting both as a light nuisance and energy efficiency, some restricted the applicability of their regulatory framework to new lighting installations only, excluding the stock of existing installations.

9. Citing a light nuisance complaint as an example, Mr KWOK Wai-keung expressed support for introducing control on excessive external lighting. Since the Task Force had proposed that advertisement signboards on higher levels of a

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building would not be exempted from the switch-off requirement, he was concerned that shops on upper floors might consider erecting their advertisement signboards on the ground floor of their buildings or using other lighting installations, such as advertising light boxes, to display publicity materials on roadsides or at pedestrian crossings. Mr KWOK urged the Administration to be mindful of such on-street promotional activities, which might pose safety concerns to pedestrians or cause serious obstruction to traffic or road users, and to formulate control measures to regulate roadside lighting installations.

10. USEN acknowledged that the lighting installations of commercial properties for decorative, promotional or advertising purposes were increasingly a community concern. Although the Administration had not decided whether to legislate on the control of excessive external lighting, it would try to balance the needs of the trades and the community in dealing with the problems of light nuisance and energy wastage. She hoped that the Task Force's engagement exercise would facilitate discussion among relevant industries, business operators, and members of the public on the way forward in the regulation of excessive external lighting. The Chairman remarked that the Advertisements Regulation (Cap. 132B) provided for the control of advertisement signboards in terms of their impact on the environment and road traffic.

Light nuisance and energy wastage

11. In response to Ms Claudia MO's enquiry about the definition of light nuisance and the problem of energy wastage caused by excessive external lighting, DS/Env explained that the International Commission on Illumination ("CIE") had recommended standards and parameters to control the effects of light nuisance from external lighting, including light trespass, building façade and sign luminance, glare on residents, as well as glare on road users and pedestrians. Noting that the regulatory regimes for external lighting adopted by overseas metropolises were basically underpinned by a lighting zoning system and CIE had recommended the use of four lighting zones to classify different areas according to their prevailing environmental brightness, the Task Force had examined whether and how the various environmental lighting zones could be drawn up for Hong Kong. However, owing to the high density of buildings and co-existence of commercial and residential buildings, the Task Force considered it not feasible to draw up a lighting zoning map in Hong Kong.

12. As regards energy wastage of external lighting, DS/Env advised that New York and Los Angeles had adopted lighting environmental zoning systems to divide different lighting environment for different levels of commercial or residential activities to control outdoor lighting, and introduced legislation to regulate external lighting in order to prevent energy wastage of lighting installations. Given the absence of internationally recognized standards of

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excessive external lighting, the two cities used different standards for measuring energy wastage caused by external lighting installations.

13. Mr CHAN Han-pan considered that external lighting installations contributed to the safe environment of the city, promoted tourism and helped beautify Hong Kong, being a cosmopolitan city and the Pearl of the Orient. Given that different people would have different perception about what amounted to light nuisance, he opined that the definition of light nuisance would need to be carefully worked out if the Administration was to introduce statutory control on external lighting in future. While there was no legislation on external lighting at present, Mr CHAN urged the Administration to proactively liaise with light owners to solicit their cooperation in minimizing the extent of nuisance caused by their lighting installations to nearby residents. Mr CHAN further enquired about the international experience and practices to which the Task Force had made reference in trying to strike an appropriate balance between the need to preserve the spectacular night scene of Hong Kong on the one hand, and the need to tackle the problems of light nuisance and energy wastage on the other.

14. DS/Env responded that having reviewed the technical parameters adopted by overseas regulatory regimes to address the problem of external lighting, the Task Force had agreed unanimously that the proposed switch-off requirement would be the appropriate way forward for Hong Kong. The Task Force planned to consult the public and relevant stakeholders during the engagement exercise specifically on the implementation of such requirement, including the scope of regulation and exemptions as well as the implementation approach.

Setting up of lighting zones

15. Dr Elizabeth QUAT noted that most of the complaints against external lighting were about light nuisance, in particular from advertisement signboards, decorative lightings, or spot lights on the external wall of buildings. On the basis of the light nuisance complaints received, Dr QUAT pointed out that light nuisance was a localized problem, which mainly occurred in commercial-cum-residential areas like Mongkok. To suit the unique city fabric of Hong Kong, she enquired whether the Administration would consider categorizing different areas in the territory into various lighting zones and recommending different preset times for external lighting such that the problem of light nuisance in major or regional black spots could be addressed.

16. USEN assured members that the Task Force would carefully study different approaches for regulating excessive external lighting. In this connection, she considered it more desirable to have further deliberation on the problem of external lighting after the Task Force had submitted its report and recommendations to the Administration in the autumn of 2013.

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III. Date of next meeting and item(s) for discussion

17. The Chairman said that the next meeting of the Subcommittee was scheduled for 26 July 2013 at 10:45 am. She suggested that the meeting would be held if members wished to follow up any issues which had been discussed by the Subcommittee at its previous meetings. If members did not have any issue for discussion, the meeting would be cancelled. Members agreed.

(Post-meeting note: As no suggestion was received from members, the Chairman decided that the Subcommittee's meeting on 26 July 2013 be cancelled. Members were informed of the arrangement vide LC Paper No. CB(1)1562/12-13 issued on 17 July 2013.)

IV. Any other business

18. There being no other business, the meeting ended at 11:43 am.

Council Business Division 1
Legislative Council Secretariat
7 November 2013