

立法會
Legislative Council

LC Paper No. CB(2)2569/99-00
(These minutes have been seen by
the Administration and cleared
with the Chairman)

Ref : CB2/PL/EA

LegCo Panel on Environmental Affairs

Minutes of Meeting
held on Friday, 2 June 2000 at 10 am
in Conference Room A of the Legislative Council Building

Members Present : Hon Christine LOH (Chairman)
Ir Dr Hon Raymond HO Chung-tai JP
Hon Martine LEE Chu-ming, SC, JP
Hon Fred LI Wah-ming, JP
Hon CHEUNG Man-kwong
Hon CHAN Wing-chan
Dr Hon LEONG Che-hung, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon LAU Kong-wah
Hon Mrs Miriam LAU Kin-yea, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, JP

Non-Panel Member

Hon LEE Wing-tat

Members Absent : Hon HUI Cheung-ching (Deputy Chairman)
Prof Hon NG Ching-fai
Hon Margaret NG
Hon Ronald ARCULLI, JP
Hon WONG Yung-kan

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Public Officers : For Item III
Attending

Mr Kim SALKELD
Deputy Secretary for the Environment and Food

Mr Steve BARCLAY
Principal Assistant Secretary for the Environment
and Food (B)

Mr David WONG
Principal Environmental Protection Officer (Corporate Services)
Environmental Protection Department

Dr F Y WONG
Assistant Director (Country and Marine Parks)
Agriculture, Fisheries and Conservation Department

Mr K K LAM
Senior Engineer/Energy Efficiency
Electrical and Mechanical Services Department

For item IV

Mr Kim SALKELD
Deputy Secretary for the Environment and Food

Mr Howard CHAN
Principal Assistant Secretary for the Environment
and Food

Mr Wilson FUNG
Principal Assistant Secretary for Planning and Lands
(Planning)

Mr Brian LO
Principal Assistant Secretary for Transport

Mr Elvis W K AU
Assistant Director (Environmental Assessment and Noise)
Environmental Protection Department

Mr CHAN Kam-sun
Principal Environmental Protection Officer
Environmental Protection Department

Mr LEE Yan-ming
Chief Traffic Engineer/NT West
Transport Department

Mr WAI Chi-sing
Chief Highway Engineer/Research and Development
Highways Department

For item V

Mr Kim SALKELD
Deputy Secretary for the Environment and Food

Mr Howard CHAN
Principal Assistant Secretary for the Environment
and Food

Mr Eddie POON
Principal Assistant Secretary for Health and Welfare

Mr TSE Chin-wan
Assistant Director (Air)
Environmental Protection Department

Dr LAM Kwok-lun, Alain
Principal Environmental Protection Officer (Air Policy)
Environmental Protection Department

Mr KWAN Wing-ki
Senior Building Services Engineer
Electrical and Mechanical Services Department

Dr LO Wai-kee
Occupational Health Consultant
Labour Department

Mr POON Chin-mun
Senior Occupational Hygienist
Labour Department

Dr Cindy LAI
Principal Health and Medical Officer
Department of Health

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Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2) 2

Staff in Attendance : Miss Betty MA
Senior Assistant Secretary (2) 1

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I. Confirmation of minutes of meeting on 7 April 2000
[LC Paper No. CB(2)2181/99-00]

The minutes of the meeting held on 7 April 2000 were confirmed.

II. Report of the Subcommittee on matters relating to environmental hygiene
[LC Paper No. CB(2)2178/99-00(01)]

2. Dr TANG Siu-tong, Chairman of the Subcommittee on matters relating to environmental hygiene, briefed members on the Subcommittee's report. He said that the Subcommittee had held four meetings since February 2000 to discuss various issues relating to environmental hygiene. As the new administrative structure for the provision of municipal services was put in place in January 2000, discussion of many major policy issues had to await policy review by the Government. The Subcommittee would have to continue monitoring those outstanding issues on environmental hygiene.

3. The Chairman thanked the Subcommittee for its contribution. She said that the Subcommittee's work would be incorporated into the Panel's report to be presented to the Council on 21 June 2000.

III. Fees and charges proposals
[LC Paper No. CB(2)2178/99-00(02)]

4. Principal Assistant Secretary for Environment and Food (B) (PAS(EF)B) explained the background for the fees and charges proposals. He said that at the meeting of the Panel on Financial Affairs on 13 April 2000, Members were consulted on the proposals to revise various fees and charges for services not directly affecting people's livelihood or general business activities. Members were then of the view that individual fee revisions should be discussed by the relevant Panels and the suggestion was endorsed by the House Committee. The proposed revision of the relevant fees and charges under the purview of the

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Environment and Food Bureau was therefore set out in the information paper for discussion by the Panel on Environmental Affairs. He highlighted that fee reduction was proposed for some items as a result of savings achieved from the Enhanced Productivity Programme (EPP).

Adjustments to fees and charges

5. Mr Fred LI noted that a decrease was proposed for 30 fee items. He considered that as users had been over-charged in previous years, the Administration should consider refunding the over-charged amount to the users.

6. PAS(EF)B explained that the costing exercise for fees and charges was conducted every four years and the last revision was made in 1996-97. Since then, there had been changes in costing factors and in the Government Consumption Expenditure Deflator. Moreover, savings from the EPP would only materialize after a period of time, therefore a time lag in fee adjustment was inevitable. To better reflect costing changes, the Administration might consider shortening the cycle for costing reviews. As regards Mr LI's suggestion of repayment of over-charged fees, PAS(EF)B said that as users would not be required to pay back the difference of under-charged items, no refund would be made to the over-charged items.

7. Mr LEE Wing-tat queried why certain fees were over-charged in previous years. Principal Environmental Protection Officer (Corporate Services), Environmental Protection Department (PEPO(CS)/EPD) said that since the last costing exercise conducted in 1996-97, the Environmental Protection Department (EPD) had streamlined its procedures and had achieved significant improvement in efficiency. He clarified that service users had not been over-charged as many services to encourage environmental improvements were still heavily subsidized. For example, the fee proposed for item 28 relating to water pollution control in villages would only attribute to 20% of the target cost recovery rate, despite the proposed 64% decrease.

8. Mr Andrew CHENG inquired the costing principles and methodology and ways to avoid over-charging in future.

9. PAS(EF)B explained that Government was committed to maintaining the costs at a low level by improving efficiency in the delivery of services through EPP and other initiatives. DS(EF) reiterated that as costing exercise was carried out every four years, it would not be possible to reflect changes in cost levels in the interim period. However, to increase the frequency of costing exercises would add administrative costs which would also affect the fee level. The present costing methodology therefore represented a fair trade-off over a four-year period.

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10. On the phased increase of fees relating to environment and food, Mr CHAN Wing-chan asked whether there were items which would achieve full-cost recovery in seven years.

11. PEPO(CS)/EPD advised that most fee items under EPD would achieve full cost recovery by phases in the next three years, whereas application fees for construction noise permits would achieve full cost recovery in five years. Assistant Director (Country and Marine Parks), Agriculture, Fisheries and Conservation Department added that as most fees under Agriculture, Fisheries and Conservation Department (AFCD) achieved 90% cost recovery, only a slight adjustment in fees would be necessary to reach full cost recovery. It was therefore not necessary to take as long as seven years to achieve 100% cost recovery as far as AFCD was concerned.

Full-cost recovery principle

12. Mr LEE Wing-tat expressed support for recovering the full cost of services provided for environmental protection. He urged the Administration to advance the timetable for achieving the target.

13. Mr Martin LEE suggested a more flexible approach in fee adjustments as the full-cost recovery principle might not be applicable to certain services. To encourage the development of environmental protection industry, he said that the Administration might consider increasing or reducing the relevant fees as appropriate.

14. Mrs Sophie LEUNG expressed support for a flexible approach for fees relating to environmental protection. For example, the dyeing industry might require special treatment or assistance in developing technologies to reduce pollution. As Government might not be abreast of the latest development in environmental protection technologies, she suggested that Government should consider providing incentives to encourage the industry to adopt new environmental protection measures.

15. DS(EF) responded that the general charging principle was 100% cost recovery, while certain services were currently subsidized on social grounds. If members were of the view that the pace for achieving full-cost recovery should be accelerated, the Environment and Food Bureau (EFB) would be prepared to consider the proposals.

16. Mr Fred LI considered that in addition to the principle of full cost recovery, the Administration should take into account social and health costs in determining the fee levels. He suggested that surcharge or penalty could be imposed on activities which caused air or noise pollution. For instance, the use of percussive piling should be discouraged as it caused nuisance to nearby residents.

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Consideration should also be given to introducing incentive and penalty schemes to encourage environmental protection.

17. While agreeing with Mr Fred LI that incentives could be provided to encourage new technologies for environmental protection, DS(EF) clarified that the current fee proposals only covered those administrative charges such as issue of licences and permits rather than services directly affecting people's livelihood or general business activities. Fee proposals for the latter categories would be finalized in the next few months. As regards percussive piling, DS(EF) said that consideration was being given to adopting other alternatives in the construction industry.

18. Mr Martin LEE stressed the need for incorporating an environmental protection philosophy in the charging policy. He considered that consistency in applying the "polluters pay" principle was more relevant than the equity principle in determining fees relating to environmental protection.

19. Dr LEONG Che-hung supported using fees and charges as a means to promote a good environment.

20. Mrs Sophie LEUNG held the view that the Administration should study the feasibility of new environmental protection methods or technology before resorting to penalty or surcharge schemes to discourage pollution.

21. DS(EF) responded that the Administration fully accepted the users-pay principle and agreed that a consistent approach be adopted in setting fees and charges. He noted that when previously debated in the Legislative Council (LegCo), Government had had to provide 50% subsidy from public funds for sewage treatment. As yet, there was no charging scheme in respect of municipal waste disposal.

22. The Chairman said that while the Panel generally supported the fee proposals in the Administration paper, the Administration should review the overall philosophy. She opined that fiscal incentives should be introduced to promote good environment and to stimulate better environmental behaviour. She therefore urged the Administration to conduct a comprehensive review of the fee policy on environmental protection.

23. In response, DS(EF) said that it was necessary to instil understanding of the value of the environment in the community. Fiscal incentives and penalty schemes were tools for doing this. In this respect, the Administration would introduce into LegCo early in the next term the landfill charge proposals after consultation with the trade.

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IV. Problem of noise pollution

[LC Paper No. CB(2)2178/99-00(03)]

24. Assistant Director (Environmental Assessment and Noise), Environmental Protection Department (AD/EPD) conducted a power-point presentation on the general control measures in respect of noise nuisance generated by construction activities and road traffic. He said that noise generated by construction activities was regulated by means of a "Construction Noise Permit" under the Noise Control Ordinance. Percussive piling was prohibited under the Ordinance during restricted hours, while general construction works were subject to tight noise limits during specified hours. To further control noise nuisance, the Administration had proposed amendments to Noise Control Ordinance and was reviewing the need for tightening control of construction noise during daytime. It was expected that the review would be completed in 2000-01.

25. On the control of traffic noise, AD/EPD said that new vehicles were required to comply with the noise emission standard. Apart from the land use planning and new road policies, suitable road sections would also be re-surfaced with low noise materials. Moreover, construction of new roads was subject to Environmental Impact Assessment as regards the impact on existing and planned sensitive receivers and the practicability of direct remedies to reduce noise at source. Mitigation measures would be considered if the residual noise impact still exceeded the established criteria. AD/EPD also provided several local and overseas examples on noise mitigation measures. At the request of the Chairman, AD/EPD agreed to provide members with a copy of the presentation material after the meeting.

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(Post-meeting note : The presentation material was circulated to members vide LC Paper No. CB(2)2261/99-00 on 8 June 2000.)

Control measures on traffic noise of existing roads

26. Mr LEE Wing-tat commented that the Administration's paper had not addressed the problem of traffic noise of existing roads. Referring to a press report that the Administration would provide noise barriers along 16 existing roads, Mr LEE expressed dissatisfaction that the Administration had not briefed the Panel on the proposal beforehand. He was of the view that the Administration should not submit new road proposals to the Public Works Subcommittee unless a comprehensive noise control programme was introduced for existing roads.

27. DS(EF) clarified that the Administration had provided information on the plan for the 16 existing roads in question in response to a LegCo question last

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year. He undertook to re-circulate the information for members' reference if necessary. AD/EPD supplemented that the Administration attached great importance to the problem of traffic noise of existing roads. EPD had commissioned a territory-wide study on the technical viability of retrofitting noise barriers and enclosures on existing roads a few years ago. The study was completed in early 1999. Given the complexity of the problem, an inter-departmental working group had been set up to study the findings. The following factors were taken into account in examining the feasibility of mitigation measures -

- (a) whether there was sufficient space along the affected roads for the provision of mitigation facilities;
- (b) whether the mitigation facilities would obstruct fire-fighting facilities in the vicinity;
- (c) whether the mitigation measures would have any impact on the business of the shops along the roads; and
- (d) the effectiveness of such measures in abating noise impacts.

28. AD/EPD said that the Administration was formulating a policy on mitigation measures for existing roads. If it was infeasible to take technical measures for certain roads, the Administration might consider other measures such as traffic control. The Administration would consult LegCo and the District Councils concerned.

29. Mr LEE Wing-tat opined that technical problems could be resolved and it appeared to him that funding was the major problem faced by the Administration. Mr LEE considered that social costs, such as the nuisance caused to nearby residents, should be taken into account in assessing the cost-effectiveness of the mitigation measures. Given that the study on noise control of existing roads had been completed, Mr LEE urged the Administration to expedite action in drawing up a concrete timetable for the implementation of mitigation proposals.

30. DS(EF) responded that after finalizing the recommendations of the feasibility study, the Administration would draw up proposals for areas where technical measures were found not feasible. A package of measures and recommendations would be put forward to LegCo as early as practicable, probably early in the next session.

31. Noting that there were new residential developments along Tsing Tsuen Road, Mr Fred LI asked about the current policy for developments along existing roads. Principal Environmental Protection Officer, EPD (PEPO/EPD) explained that new residential developments proposed along existing roads involving

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change of land use or rezoning would be handled in the planning process. They may be allowed as developers could adopt measures, such as construction of podium and noise barrier, to reduce the impact of traffic noise.

Other sources of noise nuisance

32. Mr Fred LI asked about the control measures for noise nuisance generated from pumping stations and lift shafts inside buildings, particularly in public housing blocks, as he had received many such complaints. The Chairman asked whether this could be addressed during the building design stage.

33. AD/EPD responded that noise from domestic premises and public places were regulated by the Noise Control Ordinance. The Architectural Services Department (ArchSD) had also issued guidelines to building management offices on ways to reduce noise nuisance in buildings. Enforcement actions would be taken if noise nuisance inside domestic premises exceeded the noise levels specified in the Noise Control Ordinance. Mr Martin LEE suggested that the Administration might consider specifying noise control requirements for building plans, and incorporating a design and height clause in the terms for land sale.

34. Responding to Mr Martin LEE's concern about the noise nuisance generated by indoor renovation, AD/EPD said that the Administration was aware of the concern and was preparing a consultation paper on the subject. EPD was discussing with the industry and relevant bodies on the different options and the paper would be ready for public consultation in a few months.

35. Mr LEE Wing-tat expressed concern about the nuisance caused by marine traffic in the Rambler Channel, particularly the improper use of loudhailers by the crew on board the vessels at night. Since such vessels would have left the scene when the enforcement authorities arrived, no enforcement action had been taken against the vessels causing the nuisance. The problem therefore remained unsolved for many years and had affected more than a hundred thousand residents in the vicinity.

36. PEPO/EPD said that improper use of loudhailers was liable to prosecution by the Police. However, he admitted that there had been enforcement difficulties in this respect.

Impact on health

37. Miss Emily LAU said that the impact of noise nuisance on public health and productivity should warrant specific study. She inquired whether the Administration had researched on the loss of productivity and medical costs

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arising from noise pollution. DS(EF) replied that as far as he was aware, there was no readily available data in this area.

38. Miss Emily LAU was dissatisfied that the Administration had played a passive role in collecting medical data related to noise pollution. The Chairman advised that the Administration should obtain the relevant information from the Department of Health.

39. Dr LEONG Che-hung remarked that it might be unfair to criticize the Administration for the slow progress in combatting noise pollution as the Administration was currently heavily committed to improving air quality. However, he was surprised to learn that the Administration had no data on the health impact of noise pollution. He urged the Administration to step up its efforts in this area.

40. DS(EF) said that the Administration had researched on the noise problem before introducing the Noise Control (Amendment) Bill 1999 which was supported by empirical data.

41. AD/EPD added that there were research findings in Hong Kong and overseas about the impact of noise pollution on health. However, the community in Hong Kong was more concerned about the nuisance generated from noise rather than its impact on health. Moreover, it was difficult to establish a direct relationship between noise levels and productivity loss. Nevertheless, the Administration had introduced control measures on construction and traffic noise where appropriate.

42. Dr LEONG Che-hung maintained the view that the Administration should endeavour to collect relevant data on the impact of noise pollution on health. The Chairman suggested that the Panel could follow up discussion of noise control measures in the next session.

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Progress of the Noise Control (Amendment) Bill 1999

43. Miss Emily LAU said that it would not be possible for LegCo to scrutinize the Noise Control (Amendment) Bill 1999 (the Bill) before the end of its current term on 30 June 2000. She therefore asked what the Administration would plan to deal with noise pollution in the meantime. The Chairman also expressed disappointment that the Administration had not accorded priority to the Bill despite repeated requests made by the Panel on early enactment of the Bill. Dr LEONG Che-hung advised that Government determined its own priority for the scrutiny of Government bills introduced into LegCo, and the policy bureau concerned should reflect to Government if a certain bill required priority treatment.

44. DS(EF) thanked Dr LEONG for his advice. He explained the background of the Bill which sought to create a management system involving both the top management and all layers of contractors to put in place practicable measures to abate construction noise. He said that during previous consultation with LegCo Members on the draft Bill, some Members had expressed concern about enforcement difficulties. The construction industry also did not support the legislative proposal at that time.

45. Principal Assistant Secretary for the Environment and Food (PAS(EF)) added that the Administration was also discussing with the construction industry on drawing up a code of practice to control construction noise. AD/EPD said that the Panel had been briefed on the draft code of practice last year and positive feedback had been received from the construction industry.

46. Miss Emily LAU stressed that Members were in support of early scrutiny of the Bill. She considered that the Administration should conduct open consultation on matters relating to noise control, in addition to consulting the industry.

47. Mr Martin LEE said that Members belonging to the Democratic Party were in support of the legislative proposal. As far as he was aware, only one Member had expressed strong opposition to the legislative proposal when the draft Bill was discussed by the Panel. In his view, the Bill would only require minor amendments to address the industry's concerns. The Chairman reiterated that the Panel had urged for early introduction of the Bill. She regretted that the Bill could not be scrutinized by LegCo in the current session.

48. DS(EF) thanked members for their support of the legislative proposal. He explained that due to the many commitments of EFB, it had not been possible to accord top priority to the Bill in the 1999-2000 session.

Vehicular access in villages

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49. Miss Emily LAU referred to a complaint on noise generated from the container trailer park in Yuen Long, for which the Administration's response was still awaited. She said that the major reason for the complaint was that there had been inadequate consultation on private land use in rural areas. In this case, the relevant District Council and local residents affected had not been fully consulted. She urged the Administration to learn from experience and improve the consultation on land use.

50. Principal Assistant Secretary for Planning and Lands (Planning) responded that the problem of traffic noise in villages was related to the land use in rural areas. In general, the use of village development areas for container trailers/tractor park purposes required approval from the Town Planning Board (TPB). The relevant District Office would consult the local residents and members of the District Council on the planning applications where appropriate. TPB would consider the applications having regard to, amongst other factors, the local views received and the possible impact on transport and the nearby residents.

Staffing support in EFB

51. Responding to Miss Emily LAU, DS(EF) said that two additional Administrative Officer posts would be created in EFB to deal with pollution issues including noise pollution.

V. Indoor air quality management programme

[LC Paper No. CB(2)2178/99-00(04)]

52. PAS(EF) briefed members on the progress of the Indoor Air Quality (IAQ) Management Programme. In view of comments received during public consultation, the Administration would propose the following revision to the programme -

- (a) to advance the review of legislative control on IAQ;
- (b) to consider extending the ban on smoking to other indoor workplaces;
- (c) to develop a set of professional practice code for the control of IAQ in public transport facilities within this year; and
- (d) to remove Level 3 Objectives from the IAQ Management Programme.

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PAS(EF) said that the Appendix to the information paper set out the implementation plan of the IAQ Management Programme.

Air quality at workplaces and public places

53. Mr LEE Wing-tat considered that in view of the strong relationship between IAQ at workplaces and workers' health, the Administration should expedite the implementation plan of the IAQ Management Programme. Instead of promulgating a voluntary IAQ certification system, Mr LEE suggested that the Administration should impose mandatory requirements on the building management to improve the ventilation and air-conditioning systems.

54. PAS(EF) advised that further extension of the voluntary IAQ Management Programme would depend very much on the support and expectation of the community. Occupational Health Consultant, Labour Department added that air quality at workplaces was already regulated by the Occupational Safety and Health Ordinance (OSHO). Where the air quality level at workplaces had exceeded the Occupational Exposure Limits, enforcement actions would be taken by the Labour Department. The Occupational Exposure Limits were based on similar international standards.

55. Mr LEE Wing-tat said that as the Administration now proposed to remove the Level 3 Objectives from the Programme, there would not be prosecution under OSHO. He considered that the Administration should review the IAQ level in OSHO in the light of the revisions to the IAQ Management Programme. PAS(EF) said that the review of legislative control on IAQ would include all relevant legislation including those under OSHO.

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56. Mr LEE Wing-tat said that the poor ventilation systems at workplaces were also harmful to workers' health. He suggested the Administration to review the present building requirements so that more windows could be provided instead of relying on air-conditioning. Mrs Sophie LEUNG shared similar views. She said that more windows should be provided in hospitals as unnecessary use of air-conditioning was unhealthy and environmentally unfriendly.

57. PAS(EF) agreed to relay members' views on building design to the Building Department. Senior Building Services Engineer, Electrical and Mechanical Services Department added that provision of air-conditioning in hospitals was mainly based on operational needs to control the quality of indoor air within prescribed ranges. He advised that a properly designed and maintained air-conditioning system should be able to provide air-conditioning to the building all year round, and opening of windows for ventilation was not necessary.

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58. Mr Fred LI expressed concern about the poor air quality in public markets and public transport interchanges (PTI) and asked what improvement measures would be put in place.

59. Assistant Director (Air), EPD (AD(Air)/EPD) responded that the Administration would take the lead by implementing an IAQ Certification Scheme which includes an IAQ survey of government buildings including public markets. Improvement proposals for public markets would be drawn up afterwards. Improvement measures for public markets were included in the comprehensive improvement plan for IAQ in government buildings. As regards the poor air quality in PTIs, AD(Air)/EPD advised that EPD was fully aware of the problem and had commissioned a survey in 1996. Based on the survey findings, EPD had conducted a trial scheme to improve the ventilation systems of Lam Tin PTI. A phased improvement programme was being carried out for the ventilation systems in other PTIs. Five projects had since been completed, two projects were underway and some others were pending funding approval.

60. Mr Fred LI considered the slow progress in improving the air quality of PTIs unacceptable. He asked whether there was a designated department responsible for the maintenance of ventilation systems in PTIs. Mrs Miriam LAU shared similar concern.

61. AD(Air)/EPD advised that there were different legislation governing the IAQ standards in different public places, but there was no specific legislation on IAQ in PTIs. EPD was responsible for setting the air quality guidelines and TD was responsible for co-ordinating improvements on air quality in PTIs. PAS(EF) said that the management responsibility of IAQ in PTIs was not as clearly defined as he had hoped and the Inter-departmental IAQ Management Group would pursue the matter. DS(EF) added that the Administration had commissioned a study on air quality in PTIs and would brief the Panel on the study findings when available.

62. Responding to Miss Emily LAU, AD(Air)/EPD said that a few overseas countries had legislation on control of IAQ. In Japan, the control of IAQ was incorporated in the building sanitary requirements. In Europe and the United States, there were different legislation and standards for different buildings. However, it was a global trend to standardize building standards as far as possible. The Administration would review the existing legislation to strengthen and standardize control of IAQ.

Passive smoking

63. Mr LAW Chi-kwong expressed concern about the problem of passive smoking at workplaces, particularly offices with central air-conditioning

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systems. He asked whether there were any concrete plans to implement smoking ban in workplaces. He also urged the Administration to critically re-examine the need to introduce legislative control of smoking in offices.

64. Principal Assistant Secretary for Health and Welfare (PAS(HW)) advised that the Administration planned to set up a Tobacco Control Office to enforce the Smoking (Public Health) Ordinance which prohibited smoking in food premises and shopping arcades. The target was to work closely with the management staff of these premises on the enforcement of the legislation. The Administration was also seeking legal advice on empowering the inspection team to take prosecutions. In addition, civic education programmes were launched by the Hong Kong Council in Smoking and Health to enhance the awareness about the control of environmental tobacco smoke. As regards the policy and legislative control on smoking in office areas, PAS(HW) said these would be considered at a later stage.

65. Mr LAW Chi-kwong welcomed the proposal to empower the inspection team to enforce the Smoking (Public Health) Ordinance. However, he noted that no prosecution had been taken in the past eight months after enactment of the legislation. He therefore inquired how the legislation was being enforced.

66. PAS(HW) explained the existing enforcement arrangements. He said that health inspectors of the Food and Environment Hygiene Department were required to inspect, during their routine inspections of food premises, whether the smoking ban in designated no smoking areas was complied with. Verbal or written warnings would be issued for breaches of the requirement and the health inspector would follow up the progress. If there were no improvements, the health inspector would refer the case to the Police for further action. At the request of members, PAS(HW) undertook to provide statistics of verbal and written warnings issued.

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67. Mr LAW Chi-kwong was of the view that the main duties of health inspectors were not to enforce the anti-smoking legislation. He considered it necessary to establish a dedicated team for the purpose and he urged the Administration to expedite actions in this direction.

68. PAS(HW) advised that the Administration was now finalizing the strategy and scope of the work of the Tobacco Control Office which he hoped could start operation in 2000.

Voluntary IAQ certification system

69. Miss Emily LAU noted that participation of IAQ Management Programme was on a voluntary basis. She asked about the initial feedback of private management companies as participation in the Programme would

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increase operating costs. She also expressed reservation about the effectiveness of the proposal to display IAQ certificates at prominent places inside those buildings which complied with the target IAQ objectives.

70. PAS(EF) responded that government buildings would participate in the IAQ certification scheme in the first stage, while private sector buildings would be invited to participate in the second half of 2000. Some buildings adopting good management practice had already expressed interest to participate. The certification scheme aimed at promoting good indoor air quality and experience-sharing among private building managements.

Other concerns

71. Responding to Mr Martin LEE, PAS(EF) said that he understood that the Smoking (Public Health) Ordinance was not applicable to the inbound and outbound flights from Hong Kong.

VI. Any other business

[LC Paper Nos. CB(2)2178/99-00(05) and (06)]

72. As this was the last regular meeting of the Panel in the 1999-2000 session, the Chairman thanked representatives of the Administration and members for their support to the work of the Panel. On behalf of all members of the Panel, Mr Martin LEE also thanked the Chairman for her dedication and hard work in promoting a good environment for Hong Kong.

73. DS(EF) also expressed thanks on behalf of the Administration for the support and advice of the Chairman and members of the Panel.

74. The meeting ended at 12:45 pm.

Legislative Council Secretariat

6 September 2000