

立法會
Legislative Council

LC Paper No. CB(2)1241/99-00
(These minutes have been seen
by the Administration)

Ref : CB2/PL/EA

LegCo Panel on Environmental Affairs

Minutes of Meeting
held on Friday, 7 January 2000 at 10:00 am
in Conference Room A of the Legislative Council Building

- Members Present** :
- Hon Christine LOH (Chairman)
 - Hon HUI Cheung-ching (Deputy Chairman)
 - Ir Dr Hon Raymond HO Chung-tai JP
 - Hon Martin LEE Chu-ming, SC, JP
 - Hon Margaret NG
 - Hon CHEUNG Man-kwong
 - Hon CHAN Wing-chan
 - Hon Mrs Sophie LEUNG LAU Yau-fun, JP
 - Hon Mrs Miriam LAU Kin-yea, JP
 - Hon CHOY So-yuk
 - Hon Andrew CHENG Kar-foo
- Members Absent** :
- Prof Hon NG Ching-fai
 - Hon Ronald ARCULLI, JP
 - Dr Hon LEONG Che-hung, JP
 - Hon WONG Yung-kan
 - Hon LAU Kong-wah
 - Hon Emily LAU Wai-hing, JP
 - Hon LAW Chi-kwong, JP
- Public Officers Attending** :
- For Item III
- Mr Howard CHAN
Principal Assistant Secretary for the Environment and Food

 - Mr Dave HO
Assistant Secretary for the Environment and Food

Action

Mr Eddie POON
Principal Assistant Secretary for Health and Welfare
(Medical) 3

Mr Jeffrey CHAN
Assistant Secretary for Health and Welfare (Medical) 8

Dr Cindy LAI
Principal Medical and Health Officer, Department of Health

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

Dr LO Wai-kee
Occupational Health Consultant, Labour Department

Mr POON Chin-mun
Senior Occupational Hygienist, Labour Department

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

For item IV

Mr Howard CHAN
Principal Assistant Secretary for the Environment and Food

Mr Dave HO
Assistant Secretary for the Environment and Food

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

Attendance by : Hong Kong Council on Smoking and Health
Invitation

Professor A J HEDLEY
Chairman

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

Action

Staff in Attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Miss Betty MA
Senior Assistant Secretary (2) 1

I. Confirmation of minutes of meeting

[LC Paper Nos. CB(1)551/99-00 and CB(1)575/99-00]

The minutes of the special meeting held on 28 October 1999 and the meeting held on 5 November 1999 were confirmed.

II. Date of next meeting and items for discussion

[LC Paper Nos. CB(2)772/99-00(01) and (02)]

2. The Chairman informed the meeting that the Administration had proposed an agenda item "energy efficiency and conservation initiatives for 2000-2001" for the next regular meeting scheduled for 10 February 2000. Members agreed. Members also agreed to discuss the protection of wetland at the next meeting.

3. Some members expressed concern that the Panel had held special meetings rather frequently. The Chairman said that special meetings were held on a need basis and subject to members' agreement. The Panel could review its workload and meeting arrangements after the Legislative Council had decided on the re-distribution of Panel business following the establishment of a new administrative structure for the provision of municipal services.

III. The Indoor Air Quality Management Programme

Meeting with Hong Kong Council on Smoking and Health (COSH)

[LC Paper No. CB(2)772/99-00(03)]

4. At the invitation of the Chairman, Professor HEDLEY of COSH conducted a presentation on the health problems arising from passive smoking in Hong Kong and its impact on indoor air quality.

Action

Indoor pollutant - Environmental Tobacco Smoke

5. Professor HEDLEY said that tobacco smoke in the form of environmental tobacco smoke (ETS) was an extremely poisonous mixture of chemical compounds. It was evidenced by the findings of worldwide medical reports that passive smoking was hazardous to health and it was directly related to lung cancer and coronary heart disease. He then quoted the findings of some overseas studies, e.g. the United States Environmental Protection Agency 1992 Report, the UK Scientific Committee on Tobacco and Health in 1998 and the National Institutes of Health National Cancer Institute of California Environmental Protection Agency in 1999.

6. On the adverse impact of passive smoking in Hong Kong, Professor HEDLEY said that children were extremely sensitive to ETS. Studies on the health effects of passive smoking on children revealed that exposure to passive smoking had led to chronic respiratory symptoms in children and higher risk of hospitalization. Consequently, passive smoking increased the financial burden of these children's families on health care and medical expenses. The findings were confirmed by the World Health Organization. Research findings also showed a strong association between the time exposed to ETS in the workplace and the need for medical consultation and sick leave. It was believed that prevention of passive smoking at work could save 17% of medical consultation and 39% of sick leave. In California, USA, the respiratory health of catering workers improved significantly following smoking bans in their workplaces. Moreover, these smoke-free restaurants did not suffer a drop in business.

7. In the light of the scientific evidence on the adverse health effects caused by ETS and the numerous complaints received by COSH about ETS, Professor HEDLEY urged the Administration to introduce new legislation and strictly enforce the existing legislation in respect of air quality in transportation, shopping and recreational venues and restaurants. He further said that the Administration should endeavour to prevent passive smoking at home by launching public educational programme to increase public awareness of health problems arising from passive smoking. On preventing passive smoking at work, Professor HEDLEY urged the relevant authorities, such as Labour Department, Occupational Safety and Health Council, Department of Health and enforcement agencies, to revise and strengthen the Guidance Notes for the management of Indoor Air Quality (IAQ) in offices and public places immediately. He also urged the Administration to give priority to the formulation of a Code of Practice on Indoor Air Quality and new legislation to prevent passive smoking because voluntary efforts did not work.

Action

8. Professor HEDLEY opined that a voluntary IAQ management programme would not be effective particularly when there was no concrete plan to implement the Guidance Notes. Professor HEDLEY stressed that the Administration should accord priority to formulate an action plan with specific targets and deadlines to prevent passive smoking in order to improve indoor air quality.

9. Referring to Professor HEDLEY's comments, the Chairman said that the Administration's consultation paper had not adequately addressed the problem of ETS. She asked Professor HEDLEY whether COSH had discussed its concerns with the Administration.

10. Professor HEDLEY responded that COSH had put forward its views to the Administration, recommending greater emphasis on the risks of indoor air pollutants in relevant sections in the consultation report. He said that the Administration's recommendations in the consultation paper had been too permissive and the latest information in the field was not taken into consideration. The consultation paper also failed to recommend changing the culture of smoking in the workplace. He was of the view that the Administration should demonstrate a much stronger drive for promoting the prevention of passive smoking in the workplace.

11. In response to the Chairman, Principal Assistant Secretary for the Environment and Food (PAS(EF)) said that the Administration had discussed with COSH about their comments on the consultation paper. Due consideration had been given to tobacco smoking and that a section was included in the Guidance Notes highlighting the adverse health effects of ETS and the improvement measures. Nevertheless, the Administration would continue to work closely with COSH when revising the Guidance Notes relating to ETS. He added that an inter-departmental Indoor Air Quality Management Group had been set up comprising representatives of the Environmental Protection Department, the Department of Health and other relevant departments and bureaux to co-ordinate the various activities and programmes related to IAQ. The IAQ Management Group would study in detail all comments and suggestions collected during consultation.

12. The Chairman further asked whether the Administration would agree that, compared with other types of indoor pollutants, ETS was an indoor pollutant which could be easily removed by prohibiting smoking indoor. Principal Assistant Secretary for Health and Welfare (PAS(HW)) responded that the Administration was aware of the harmful effect of ETS on public health. It would be the Administration's long term target to have indoor air free from ETS. However, the progress would depend on the following factors being adequately addressed -

Action

- (a) the relevant departments would need to agree on the definition of "indoor workplaces" which at present carried different meanings in the existing employment and health legislation;
- (b) the community support for a total ban on indoor smoking; and
- (c) a cultural and behaviour change towards smoking indoor as there had been difficulties in enforcing the existing anti-smoking legislation in designated non-smoking areas in public places.

13. Professor HEDLEY disagreed with the Administration's argument that it would need a consensus to introduce anti-smoking legislation. He considered that the prevention of the hazardous effect of ETS on public health was a matter of ethical principle that no person had the right to harm other people.

14. Miss Margaret NG asked whether COSH had any information on successful lawsuits in other countries against passive smoking. She said that the overseas experience could form the basis to assess the feasibility of instituting similar actions in Hong Kong. Professor HEDLEY responded that COSH had not studied tobacco control on grounds of passive smoking. The primary objective of COSH was to promote the awareness of local workers of their health at workplaces. As far as he was aware, there had been a successful case against passive smoking in which the cabin crews of a US airline were awarded some US\$300 million.

Meeting with the Administration

[LC Paper Nos. CB(1)314/99-00, CB(2)772/99-00(04)-(05), and CB(2)778/99-00(01)]

Smoking in government offices

15. In response to Mr Martin LEE, PAS(HW) said that all government offices had been designated no smoking areas under the Smoking (Public Health) Ordinance, and that no person was allowed to smoke inside government premises. The respective heads of departments had the primary responsibility for ensuring compliance of the anti-smoking regulation.

Indoor air quality in public transportation

16. Mr CHEUNG Man-kwong noted from paragraph 37 of the consultation paper that there was no existing legislation governing IAQ for transport facilities, and that the guidelines for these transport facilities would be made in the form of professional practice notes. Mr CHEUNG questioned why the Administration had to wait until 2003 to review the need for introducing legislation governing

Action

IAQ for transport facilities. He considered that the IAQ for transport facilities should be an independent study.

17. Assistant Director of Environmental Protection (Air) (AD/EPD) said that the Administration shared members' concerns that an acceptable IAQ objective should be set for transport facilities to safeguard public health. In view of the time and resources required for carrying out the improvement measures by individual transport services providers to meet the IAQ objective, the Administration considered it more appropriate to invite these organizations to participate in a trial programme before formulating specific IAQ objective and the implementation plan. However, the Administration would not rule out the possibility of introducing legislation in this respect.

18. Mr CHEUNG Man-kwong disagreed with the Administration's explanation. He opined that making legislation to enforce IAQ in public transportation should be much easier than enforcing similar legislation on existing buildings. He reiterated that he saw no reason why the Administration could not advance its timetable for introducing legislation governing IAQ for transport facilities.

Implementation plan

19. The Chairman drew members' attention to the submissions from the Democratic Party [CB(2)772/99-00(05)] and the Citizens Party [CB(2)778/99-00(01)]. She said that the submissions generally considered that the Administration was adopting a passive approach to deal with the problem of IAQ and they had pressed for early legislation to enforce the IAQ management programme.

20. PAS(EF) explained that the existing IAQ levels varied greatly amongst buildings in Hong Kong. The Administration therefore proposed to implement the IAQ management programme by phases over a 3-year period, to allow sufficient time for the owners and the management of private buildings to make the necessary arrangements and to employ qualified personnel for implementation. He stressed that the Administration was open-minded and welcomed views and suggestions on the consultation paper. A detailed implementation plan for IAQ management programme would be drawn up having regard to the views collected.

21. In response to Mr HUI Cheung-ching's enquiry about the schedule for the implementation of IAQ management programme, AD/EPD took members through Table 3 in the consultation paper which summarized the implementation plan. As regards consultation with private sector buildings on the IAQ management programme, PAS(EF) said that the Administration would invite

Action

private building management companies to participate in the IAQ management programme.

22. Mr CHEUNG Man-kwong expressed concern about the improvement plans for about one-third of the office buildings in Hong Kong which were identified as "sick" buildings with substandard IAQ. Mr CHEUNG did not agree that the Administration would need to wait until 2003 to conduct a comprehensive review of the effectiveness of IAQ management programme, and that there was no concrete timetable for introducing legislation on IAQ. To speed up the process, Mr CHEUNG considered it technically feasible for the Administration to introduce legislation on IAQ allowing a grace period for existing buildings to adopt improvement measures to meet the minimum statutory requirements on IAQ levels.

23. The Chairman and Miss Margaret NG echoed Mr CHEUNG's views. Miss Margaret NG pointed out that it was usual practice for a new piece of legislation to come into operation by phases. The Chairman said that the earlier the IAQ legislation was introduced, the more buildings could be brought under regulation.

24. PAS(EF) said that the Administration would take into account the views of Members and others in the community when considering the way forward. However, it would be premature to conclude at the present stage that new legislation was required. For the time being, the Administration considered it more appropriate to adopt a self-regulation approach together with a public education and publicity campaign to promote the awareness of IAQ.

25. Miss Margaret NG expressed reservations about the effectiveness of implementing the proposal on the basis of voluntary participation or administrative measures. She would prefer legislation if it could be established that there was a genuine need for legislation, and that the proposed legislation was enforceable and the proposed penalty was appropriate. As there was presently legislation governing building safety and fire safety, she wondered why the Administration was reluctant to introduce legislation on IAQ.

26. PAS(EF) explained that public health in an indoor environment was adequately protected under existing legislation governing fire safety requirements, ventilation standards and the air quality at workplaces. He pointed out that the consultation paper on managing IAQ was to further protect public health in indoor environment and to promote public awareness of the importance of IAQ. The IAQ Management Group would examine whether it was necessary to consolidate the relevant provisions on IAQ into one single piece of legislation. Responding to Miss Margaret NG, PAS(EF) said that a summary of the different ordinances related to IAQ was given in Table 1 in the consultation paper.

Action

27. Mr CHEUNG Man-kwong disagreed that the public health in an indoor environment was adequately safeguarded under existing legislation, as the consultation paper had pointed out that 32% of existing buildings were identified as "sick" buildings.

28. Mr Andrew CHENG commented that the Administration's strategy on indoor air pollution control was in the opposite direction from the advocacy of environmental protection in the Chief Executive's Policy Address 1999. He pointed out that it was Government responsibility to safeguard public health. Given the serious problem of "sick" buildings in Hong Kong, Mr CHENG was unconvinced that a comprehensive review of the need of introducing legislation on IAQ should take place as late as 2003. He also expressed doubt on the effectiveness of the self-regulation approach to deal with the problem of indoor air pollution.

29. Miss CHOY So-yuk commented that the Administration was making slow progress in IAQ management. She strongly supported early enactment of the IAQ legislation. With regard to the voluntary participation in IAQ management programme, she said that the Administration might consider introducing an incentive scheme on IAQ to encourage participation.

30. PAS(EF) said that the Administration would make every effort to encourage owners and property management of private buildings to participate in the programme.

31. Mr CHEUNG Man-kwong stressed that the main difference between the Panel and the Administration was the need for legislation on IAQ and the timing for the comprehensive review. He urged the Administration to revise its implementation plan having regard to the views expressed by members and the community.

32. The Chairman concluded that the Panel was of the view that the Administration should expedite its implementation timetable for IAQ management programme, in particular the introduction of legislation to regulate IAQ in indoor environment and public transportation. She requested the Administration to revert to the Panel when the findings of the consultation exercise were available.

33. PAS(EF) responded that he anticipated the analysis of views collected in the public consultation exercise would be completed in the first quarter in 2000. The Administration should be in a position to finalize the implementation plan and report back to the Panel in the second quarter of 2000. PAS(EF) stressed that the Administration was open-minded and was adopting a progressive approach to deal with the problem of IAQ. The Administration considered it more appropriate to review the effectiveness of the IAQ management programme after

Adm

Action

Adm

a period of operation. He assured members that the Administration would take into account members' views when formulating the implementation plan.

IV. Amendment to Air Pollution Control (Motor Vehicle Fuel) Regulation [LC Paper No. CB(2)772/99-00(06)]

Sources of benzene

34. Noting that petrol was a major source of benzene, Mr HUI Cheung-ching asked whether Government had any plan to reduce the benzene content in other resources, particularly in the industrial sector. AD/EPD responded that the proposed reduction in the benzene content in unleaded petrol was to enhance public health protection. As far as he was aware, benzene was used as a solvent in the industrial sector but it was now unpopular in Hong Kong. Tobacco was another source of benzene.

Enforcement of the legislative proposal

35. In response to Mr Andrew CHENG, AD/EPD said that it would be the responsibility of the oil companies to ensure that the benzene content in unleaded petrol was no more than 1% in respect of each shipment of unleaded petrol. EPD would collect fuel samples randomly from filling stations from time to time to ensure compliance with the new requirement.

36. Mr Andrew CHENG enquired about the number of cases in which excessive benzene content in petrol was discovered and the penalty awarded. AD/EPD said that there was no such report as far as he could recall. In case of a violation of the benzene limit, the oil company could be prosecuted under the Air Pollution Control Ordinance and a heavy fine could be imposed.

Effect on fuel prices

37. Mr Andrew CHENG noted that only one oil company had indicated to the Administration that the increase in fuel prices could be about 1%- 2% as a result of the proposed amendment. Mr Andrew CHENG asked whether other oil companies had commented on the impact of the proposed legislation on fuel prices. AD/EPD said that changes in local fuel price were usually determined by oil companies having regard to commercial factors such as the global oil prices. Experience in 1997 revealed that a reduction in the lead content had no impact on the fuel prices.

Proposed amendment

Action

38. Given the dense population and the congested traffic condition in Hong Kong, Dr Raymond HO asked whether the Administration would consider adopting a more stringent benzene limit than that in overseas countries. AD/EPD responded that there was no available medical report to support that an ambient concentration of benzene at a level of more than 2.6 microgrammes per cubic metre was hazardous to public health. Nevertheless, the Administration considered that the ambient concentration of benzene in Hong Kong should be reduced as far as practicable as benzene was a confirmed human carcinogen. A further tightening of the benzene limit was not necessary at the moment.

39. Responding to the Chairman, AD/EPD said that the proposed reduction of the benzene content in unleaded petrol from 5% to no more than 1% was the universal minimum benzene level in unleaded petrol. The Administration might propose further tightening of the limit in line with international standard.

Consultation

40. Responding to Mr CHAN Wing-chan, AD/EPD said that in addition to the oil industry, the Administration had also consulted the Hong Kong Automobile Association. The latter had raised no objection to the proposal.

41. There being no other business, the meeting ended at 11:40 am.

Legislative Council Secretariat

14 February 2000