

立法會
Legislative Council

LC Paper No. CB(2)2181/99-00
(These minutes have been seen by
the Administration)

Ref : CB2/PL/EA

LegCo Panel on Environmental Affairs

Minutes of Meeting
held on Friday, 7 April 2000 at 9:00 am
in the Chamber 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 Martine LEE Chu-ming, SC, JP
Hon Fred LI Wah-ming, JP
Prof Hon NG Ching-fai
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon CHAN Wing-chan
Dr Hon LEONG Che-hung, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon WONG Yung-kan
Hon LAU Kong-wah
Hon Mrs Miriam LAU Kin-yeet, 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 Edward HO Sing-tin, SBS, JP
Hon LEE Wing-tat
Hon LEE Kai-ming, SBS, JP
Hon NG Leung-sing

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Members : Hon Ronald ARCULLI, JP
Absent Hon Emily LAU Wai-hing, JP

Public Officers : *For Item IV*
Attending

Mr Kim SALKELD
Deputy Secretary for the Environment and Food

Mrs Philomena LEUNG
Principal Assistant Secretary for the Environment
and Food

Dr F Y WONG
Assistant Director, Agriculture, Fisheries and
Conservation Department

For item V

Mr Kim SALKELD
Deputy Secretary for the Environment and Food

Mrs Philomena LEUNG
Principal Assistant Secretary for the Environment
and Food

Mr Raymond CHEUNG
Deputy Director of Drainage Services

Mr Y T D CHEUNG
Chief Engineer/Consultants Management,
Drainage Services Department

Miss K L LI
Senior Engineer/Consultants Management,
Drainage Services Department

Mr K C KWOK
Engineer/Consultants Management,
Drainage Services Department

Mr Benny Y K WONG
Assistant Director (Waste & Water),
Environmental Protection Department

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For item VI

Mr Kim SALKELD
Deputy Secretary for the Environment and Food

Mrs Philomena LEUNG
Principal Assistant Secretary for the Environment
and Food

Mr Raymond CHEUNG
Deputy Director of Drainage Services

Mr Y T D CHEUNG
Chief Engineer/Consultants Management,
Drainage Services Department

Miss K L LI
Senior Engineer/Consultants Management,
Drainage Services Department

Mr K C KWOK
Engineer/Consultants Management,
Drainage Services Department

For item VII

Mrs Lily YAM
Secretary for the Environment and Food

Mr Kim SALKELD
Deputy Secretary for the Environment and Food

Mrs Philomena LEUNG
Principal Assistant Secretary for the Environment
and Food

Mr Rob LAW
Director of Environmental Protection

Mr Benny Y K WONG
Assistant Director (Waste & Water),
Environmental Protection Department

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For item VIII

Mrs Lily YAM
Secretary for the Environment and Food

Mr Kim SALKELD
Deputy Secretary for the Environment and Food

For item IX

Mrs Lily YAM
Secretary for the Environment and Food

Mr Kim SALKELD
Deputy Secretary for the Environment and Food

Mr Rob LAW
Director of Environmental Protection

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

Mr M J T ROWSE
Commissioner for Tourism

Mr W K TAM
Deputy Director of Civil Engineering

Mr Douglas MORELAND
Vice President,
Hong Kong International Theme Parks Limited

Mr Rick MORSE
Vice President,
Hong Kong International Theme Parks Limited

Mr Arul KAMARASAN
Associate,
Scott Wilson (HK) Ltd

Mr Julio FIGUEIRAS
Director,
Shankland Cox

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Mr Kieran O'NEILL
Senior Landscape Architect,
Shankland Cox

Mr Timothy J PEIRON-SMITH
Technical Director,
Environmental Resources Management

Mr Steve LAISTER
Executive Director,
Environmental Resources Management

Mr Freeman CHEUNG
Deputy Managing Director,
Environmental Resources Management

Mr Robin KENNISH
Principal Consultant,
Environmental Resources Management

Mr Josh LAM
Principal Consultant,
Environmental Resources Management

Mr Craig ALLERY
Senior Consultant,
Environmental Resources Management

Attendance by : *Item IX*
Invitation

The Hong Kong Institute of Architects

Mr Barry WILL
President

Mr K S WONG
Chairman, Committee on Environment and
Sustainable Development

The Conservancy Association

Dr NG Cho-nam
President

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Friends of the Earth

Mr Plato YIP
Assistant Director

Ms Sonia LO
Campaign Officer

Green Lantau Association

Mr Bill LEVERETT
Executive Committee Member

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

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

I. Confirmation of minutes of meetings

[LC Paper Nos. CB(1)765/99-00, CB(1)1032/99-00, CB(1)1231/99-00, CB(2)1604/99-00 and CB(2)1605/99-00]

The minutes of the joint meetings held on 9 December 1999 and 20 January 2000 and the minutes of the Panel meetings held on 20 December 1999, 10 February and 2 March 2000 were confirmed.

II. Date of next meeting and items for discussion

[LC Paper Nos. CB(2)1607/99-00(01) and (02)]

2. The Chairman informed the meeting that the Administration had proposed the following agenda items for the next regular meeting scheduled for 5 May 2000 -

- (a) Dioxin review;
- (b) Shatin Sewage Treatment Works - stage III extension; and
- (c) Tightening of Motor Vehicle Fuels and Emission Standards :

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- (i) Amendments to the Air Pollution Control (Motor Vehicle Fuel) Regulations;
- (ii) Amendment to the Air Pollution Control (Vehicle design Standards) (Emission) Regulations.

3. Members also agreed that the research report prepared by the Legislative Council Secretariat on the quality of Dongjaing water and the overseas experience in protection of water source be included in the agenda for the meeting. In view of the lengthy agenda, members agreed that a special meeting would be scheduled for mid-May to facilitate in-depth discussion on the proposed items. The Chairman advised that the Panel Clerk would liaise with the Administration to finalize the agenda of meetings.

Clerk

4. The Chairman said that the Administration had also proposed to discuss the progress report on the following control of diesel vehicle emission at a joint meeting with the Panel on Transport -

- (a) proposed incentive scheme for LPG taxis; and
- (b) proposed legislative amendments to tighten regulation of motor vehicle fuel.

Members agreed.

(Post-meeting note : A joint meeting of the Panel on Environmental Affairs and Panel on Health Services would be held on 5 May 2000 to discuss the dioxin review. For the regular meeting in May 2000, "Designation of Tung Ping Chau Marine Park" was added to the agenda, while items relating to vehicle fuels and emission standards in "Tightening of Motor Vehicle Fuels and Emission Standards" were included in the agenda for the joint meeting with the Panel on Transport on 12 May 2000.)

III. Information paper(s) issued since last meeting

[LC Paper Nos. CB(2)1576/99-00 and CB(2)1483/99-00]

5. Members noted that the Administration's paper on the North and South Kowloon Sewerage Stage I Phase II which would be discussed by the Public Works Subcommittee (PWSC) on 12 April 2000.

IV. Extension of North Lantau Country Park

[LC Paper Nos. CB(2)1580/99-00(01) and CB(2)1607/99-00(03)]

6. Principal Assistant Secretary for the Environment and Food (PAS(EF)) briefed members on the proposed designation of the Lantau North (Extension) Country Park. She said that it was Government's established policy to designate countryside areas which were of high ecological value as country parks which were managed by the Agriculture, Fisheries and Conservation Department. The proposed extension of the North Lantau country park would cover an area of approximately 2 000 hectares, most of which was undeveloped land. The Administration was consulting relevant parties on the proposed designation with a view to gazetting the draft map of the proposed country park in June 2000 and designating the proposed country park in early 2001.

Boundary of proposed country park

7. Mr CHAN Wing-chan noted from the map attached to the Administration's paper that some areas would be excluded from the proposed country park. He asked about the reasons for the proposed exclusion. Assistant Director of Agriculture, Fisheries and Conservation (AD/AFCD) explained that following consultation with Lands Department and Home Affairs Department, it was discovered that some areas were private land which was suggested to be excluded from the proposed country park extension.

8. The Chairman sought clarification on the proposed boundary of the country park extension which was different from the draft map presented in 1999. AD/AFCD said that the boundary of the proposed country park extension had been revised on the advice of the Planning Department and Home Affairs Department, and the country park now covered areas of high ecological value and excluded areas of private land.

Public views on proposed designation of country park

9. Mr Martin LEE asked whether the Administration was aware of any dissenting views on the proposed extension. AD/AFCD said that the Islands District Council (DC) had raised objection during consultation on the grounds that the proposed extension would have adverse impact on future development and the prospect of constructing a road link between Tai Ho and Mui Wo. The green groups were in support of the proposed extension of the country park.

10. Responding to the Chairman, AD/AFCD advised that the proposed construction of a road link across the country park had yet to satisfy the statutory EIA process although an Environmental Impact Assessment (EIA) study had been conducted.

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11. Mr LAU Kong-wah said that overseas experience had revealed that there was no conflict between road construction and designation of country parks as vehicular access would facilitate visits to country parks. The issue was how to balance the needs of the two. He expressed concern as to how government departments concerned would address the objections expressed by the Islands DC given that the Administration intended to gazette the draft map of the proposed country park extension in June 2000.

12. AD/AFCD replied that the designation of country park and road construction within the country park were separate issues. Nevertheless, the Administration would strike a balance between environmental protection and providing necessary infrastructure to facilitate visits to country parks. He added that the Country and Marine Parks Authority could revise the boundary of the proposed country park after consultation and before the draft map was gazetted. Even after the draft map of the proposed country park extension had been gazetted, certain projects could be allowed after consulting the Country and Marine Parks Board in accordance with the established procedures.

13. Deputy Secretary for the Environment and Food (DS(EF)) supplemented that the Administration had met with representatives of Lantau residents to discuss their need for a road link between South and North Lantau. There was no conflict in principle between the provision of a road link and the proposed designation of country park. He explained that the Administration only did not want developments to be planned in the area before completion of the statutory EIA procedures. DS(EF) also explained the benefits of extending the boundary of the country park which was drawn up after careful studies. Under the current delineation, no residential development or village areas were included within the country park boundary. As the vegetation within the proposed country park area was often damaged by hill fires, putting the country park under the management of the Administration would enable the provision of recreational facilities and better protection and conservation of natural resources. There were at present no restrictions on development in South Lantau and that the planning issues in South Lantau were being examined by the Planning, Lands and Works Bureau. The latter would also address the need for development and transport link in South Lantau and ensure that facilities were compatible with the proposed recreational facilities.

14. At the request of Mr LAU Kong-wah, the Administration agreed to provide the record of discussion at the Islands DC meeting on the proposed country park extension.

(Post-meeting note : Extract of draft minutes of the Islands DC meeting on the proposed country park extension was subsequently provided by the Administration and circulated to members vide LC Paper No. CB(2)1670/99-00(01) on 12 April 2000.)

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15. Mr CHAN Wing-chan asked whether the Administration would revise the boundary of the proposed country park extension having regard to the objection raised by the Islands DC. DS(EF) reiterated that the concern of the Islands DC was about the transport link between South and North Lantau and the DC was not opposed to the boundary of the country park.

16. Mr CHEUNG Man-kwong questioned why the Administration did not incorporate the dissenting views in its information paper for the Panel. While he had no objection to the proposed extension of the boundary of the country park, he considered that the Administration should address the objection of the residents in the locality.

17. The Chairman advised that members might consider whether it was necessary to follow up the concerns of residents in Lantau after receiving the relevant minutes of the Islands DC meetings. DS(EF) clarified that the information paper was to explain the gazettal procedures for the proposed designation of the Lantau North (Extension) Country Park. The Administration would continue to address the residents' concern in the meantime.

18. Mr CHEUNG Man-kwong expressed support for the Chairman's suggestion but he emphasized that Members belonging to the Democratic Party would examine the reasons for objections and assess whether the proposal was in the public interest.

19. The Chairman noted that there were some villages near the Tai Ho River. She envisaged that local residents and green groups might give different views on the proposed designation when the plan was gazetted.

Role of Town Planning Board

20. Mr Edward HO wondered whether the Town Planning Board (TPB) had already drawn up an Outline Zoning Plan for the area. He was concerned that the proposed designation of the country park would pre-empt the work of TPB if the Outline Zoning Plan was yet to be drawn up.

21. AD/AFCD said that the proposed area of the country park was delineated on the basis of the recommendations of the Territorial Development Strategy Review in 1993. Under normal circumstances, areas within the boundary of a country park would be excluded from development. PAS(EF) reiterated that the proposed country park embraced most of the undeveloped land which had no designated use at the moment. In the event that a revision of the boundary of country park was considered necessary, the Administration would have to conduct further consultation on the proposed modification. The Chairman requested and DS(EF) agreed to provide further information on the procedures

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for TPB and the Country and Marine Parks Board in delineating the boundary of the proposed country parks extension at North Lantau.

V. Outlying Islands Sewerage Stage I Phase IC

[LC Paper No. CB(2)1580/99-00(02)]

22. Assistant Director (Waste & Water), Environmental Protection Department (AD/EPD) conducted a power-point presentation to explain why a unified sewage treatment standard was not adopted in Hong Kong as raised by members at previous Panel meetings. As water was used for a variety of purposes ranging from drinking water to navigation, different quality of water were required. The water quality objectives (WQO) were therefore specific to the types of water according to their uses. In determining the treatment level for different sewerage works, the Administration had to take into account factors such as the WQO, the characteristics of receiving water and the quantity of discharge. AD/EPD said that in general there were three major strategies for sewage treatment. For discharges to highly sensitive waters with poor assimilative capacity, treated effluent would have to be diverted away to another water body. For waters with medium assimilative capacity and relative small volume of wastewater, biological treatment would be required. Lastly, chemical treatment plus disinfection would be provided for discharges to fast moving waters with high assimilative capacity. In brief, there was no single or unified sewage treatment standard in Hong Kong as each case had to be considered in its own merit, taking into account the factors described above.

23. Chief Engineer/Consultants Management, Drainage Services Department (CE/DSD) then briefed members on the proposal to upgrade the Siu Ho Wan sewage treatment plan as set out in the information paper. The proposal would be forwarded to the Finance Committee for funding approval. The proposal sought to increase the design capacity of the plant from 120 000 cubic metres to 180 000 cubic metres each day and to upgrade the treatment level to chemical treatment with disinfection. The upgrading works included the construction of one detritor, sedimentation tanks, disinfection facilities, sludge dewatering facilities and related facilities. Although the "Outlying Islands Sewerage Master Plan" in 1994 and the Environmental Impact Assessment study in 1997 suggested that primary treatment level would be adequate for meeting the discharge standard, the Administration now proposed to upgrade the treatment level to chemical treatment with disinfection in order to better protect the marine environment and aquatic life (such as the Chinese White Dolphins) of the receiving water bodies. The upgrading proposal would reduce the Biochemical Oxygen Demand, suspended solid levels and bacteria by 50%, 75% and 99.9% respectively. The Advisory Council on Environment had indicated support of the proposal.

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24. CE/DSD further said that the Administration intended to commence construction works in February 2001, aiming at completion in August 2004. During the construction stage, the Administration would adopt environmental mitigation measures, such as waste management plan, landscaping, and monitoring of water quality in the areas, in order to minimize the environmental impacts. The estimated capital cost of the proposed works was \$794.4 million in MOD prices.

Comprehensive plan for upgrading sewage treatment works

25. Mr LAU Kong-wah asked whether the proposed upgrading works would improve the water quality within the North Western Water Control Zone where the Chinese White Dolphins lived, particularly when there would be an anticipated increase in discharge following developments such as the Disneyland project in the area. He also asked about the interim mitigation measures to prevent further deterioration of the receiving water bodies of the Chinese White Dolphins.

26. AD/EPD responded that there were altogether three sewage treatment plants discharged into the North Western Water Control Zone. Preliminary treatment was adopted in the sewage treatment plants in Siu Ho Wan, Pillar Point and San Wai. The Administration would propose to upgrade the treatment level of the latter two plants to chemical treatment under a separate timetable. The water bodies in the zone would be suitable for Chinese White Dolphins upon completion of all upgrading works.

27. Mr LAU Kong-wah asked about the comprehensive plan and timetable for upgrading the other two sewage treatment plants discharged into the water areas. He considered that the water quality could not be improved unless a comprehensive plan was put in place for the zone.

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28. CE/DSD responded that the Administration had conducted studies on the upgrading of sewage treatment plants in other areas. He undertook to provide information on the timetable to members separately. DS(EF) added that the Administration had undertaken to upgrade existing sewage treatment to improve water quality and protect the marine environment and ecology, especially in new town/ development areas.

29. Mr WONG Yung-kan enquired whether the proposed project would involve dredging and trenching works under water. He was concerned that such works would increase the suspended solid levels leading to further deterioration of the marine ecology in the vicinity. He considered that there should be a comprehensive sewage treatment strategy for the entire Lantau region.

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30. Deputy Director of Drainage Services (DD/DSD) explained that as submarine pipelaying was not required for the proposed project, no dredging and trenching works under water would be carried out.

31. Mr HUI Cheung-ching noted that Siu Ho Wan sewage treatment plant would reach its full capacity in 2011 even after expanding the design capacity. He asked why the Administration did not wait till the completion of the "Outlying Islands Sewerage Master Plan stage 2 review" at the end of 2000, as the review included a study on further expansion of Siu Ho Wan sewage treatment plant. DD/DSD said that apart from increasing the capacity of the Siu Ho Wan sewage treatment, the project would also upgrade the treatment level to chemical treatment with disinfection for better protection of the marine environment and ecology.

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32. The Chairman urged the Administration to expedite its timetable for other sewage treatment upgrading projects. She also advised the Administration to include the timetable for all upgrading works planned for the Lantau region in the PSWC paper on the proposed upgrading of Siu Ho Wan sewage treatment plant.

Job opportunities arising from the project

33. Mr CHAN Wing-chan sought clarification as to whether the 230 additional posts created for the project would be filled by local professionals and workers. DD/DSD replied that most of these additional posts were required for construction and would be filled by local workers. Overseas experts were not required for the project, while a few consultants might be engaged for project design.

Recurrent expenditure

34. Mr CHAN Wing-chan noted that the recurrent cost of providing sewage services would be increased by about 4.6% upon completion of the project. He expressed concern about the possible impact on sewage charges as this would increase the financial burden on the public and the commercial sector, particularly the catering industry. He asked about the Administration's proposals to reduce the recurrent costs.

35. DD/DSD responded that the Department would make its best endeavours to reduce manpower and operating costs. The projected increase in the recurrent expenditure was the minimum additional costs necessary for the operation and maintenance of the sewage treatment works, and these included charges for electricity, chemicals and sludge disposal.

VI. Wan Chai East and North Point Sewerage Stage 2 Works

[LC Paper No. CB(2)1580/99-00(03)]

36. CE/DSD briefed members on the background, the scope of works and the justifications for the proposed improvement works at Wan Chai East and North Point as set out in the information paper. He said that the proposed stage 2 works would include construction of trunk sewers (of larger diameters) in North Point and their associated branch sewer connections, re-construction of the inlet pumping station, and other associated ancillary works. The construction works would be carried out at steeper gradients and at deeper levels to avoid existing underground utilities. The project would take a longer time to complete because of the need to complete the trunk sewers in stages due to traffic consideration and diversion of utilities at the shaft sites. The Administration intended to submit the proposal to PWSC in May 2000, so that the project could start in January 2001 and complete by January 2006. The capital cost of the project was estimated to be \$1,476.9 million in MOD prices. He stressed that mitigation measures would be introduced during construction, and there would be landscaping and tree planting in the project area.

37. Responding to Mrs Sophie LEUNG, DD/DSD said that measures would be put in place to ensure that construction waste and effluent would not be discharged into stormwater drains during the construction stage.

38. In concluding the discussion, the Chairman said that members had no objection to the proposal as there was an urgent need to provide adequate sewerage facilities to the area. Members noted that the Administration would submit the funding proposal to PWSC in May 2000.

VII. Progress of the international review panel on the Strategic Sewerage Disposal Scheme

[LC Paper No. CB(2)1580/99-00(04)]

39. DS(EF) briefed members on the process of the review of Strategic Sewage Disposal Scheme (SSDS), and the progress of the international review panel. He said that a panel comprising six members would be set up to conduct the review according to the timetable as set out in paragraph 5 of the Administration's paper. The original proposal was to appoint a review panel with seven international and local experts in wastewater treatment, marine biology, tunnelling and financial analysis. However, as the International Water Association could not nominate an expert in biological nutrient removal processes, the Administration would now invite a leading expert in the field from South Africa to submit an independent report on biological nutrient removal processes. DS(EF) stressed that the panel would conduct independent interviews and all information would be made available to the public.

Composition of the review panel

40. Mr Martin LEE expressed concern that the Administration had to request a South African expert working miles away to provide a report on biological nutrient removal processes in Hong Kong. He questioned whether it was the usual practice for other panels to rely on a non-panel member to give input by submitting a report, instead of holding face-to-face discussions to exchange views.

41. DS(EF) agreed that the present arrangement was not ideal, but many panels also had the practice of seeking expert advice from external sources in conducting reviews. He pointed out that there were few experts in biological nutrient removal processes. Moreover, the panel members should not have close connection with the contract involved. There were therefore only limited choices and it had been extreme difficult, if not impossible, to arrange for a larger group of international experts to get together in Hong Kong to hold discussions and to meet the public. The present arrangement was therefore the best way to proceed with the review without further delay.

42. AD/EPD supplemented that the South African expert would advise on the latest development of the biological nutrient removal processes technology and its applicability in other jurisdictions. It was not necessary for the expert to prepare the report in Hong Kong. The present arrangement was a compromise in view of the difficulties in arranging meetings of the panel. He said that the panel could seek clarification from the expert if necessary.

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43. The Chairman and Mr LAW Chi-kwong considered that the problem of meeting time could be solved by satellite or video conferencing. AD/EPD said that the Administration would consider the suggestion.

44. Prof NG Ching-fai then asked whether the Administration would consider appointing the South African expert in biological nutrient removal processes to the panel if the meeting problem could be solved. He said that expert advice in the field was important to the review. AD/EPD said that if the meeting problem could be solved, there would be no problem to include the South African expert into the panel. However, he reiterated it had been most difficult to arrange even two meetings with six members.

45. Secretary for the Environment and Food (SEF) said that the time taken for drawing up the composition of the review panel was due to difficulties in arranging meetings for the panel which comprised experts from different areas. She pointed out that there were a number of considerations in appointing panel members. For example, panel members should be experts of high professional standing in sewage treatment, they should have no conflict of interests with the

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contracts involved and they must be available to attend meetings, site visits and the proposed public forum in Hong Kong. SEF said that the expert nominated by the International Water Association had no objection to being appointed to the review panel but he had indicated that he would not be able to attend meetings in Hong Kong during the period. The Administration was concerned that appointment of a member who could not attend discussion in Hong Kong might lead to criticism that some panel members lacked thorough understanding of the situation and problems in Hong Kong. Subject to the agreement of the Panel on Environmental Affairs, the Administration could consider appointing the South African expert as a member of the review panel. SEF stressed that the Administration would need some degree of flexibility in deciding on the membership of the review panel.

46. Director of Environmental Protection (DEP) supplemented that some experts had made clear their professional position that they would not agree to the appointment of a panel member if the appointee could not participate in the discussions of the panel. The appointment of the South African expert in biological nutrient removal processes would therefore be subject to the agreement of other panel members as well. He reiterated the need for Government to have flexibility in deciding whether to appoint the South African expert to the panel.

47. Mr Martin LEE, Prof NG Ching-fai and Dr LEONG Che-hung agreed that Government should have some flexibility in administrative matters while Legislative Council (LegCo) Members were only to monitor but not direct the work of Government. The Chairman concluded that members had no objection that Government could decide the appointment of the South African expert. She advised that the Administration might need to explain to the public the rationale for the composition of the review panel.

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Timetable for review

48. Mr HUI Cheung-ching asked whether two meetings of the review panel would be sufficient for the review. SEF responded that the two visits by overseas members of the review panel were only proposed for consideration by the review panel. It would be up to the review panel to decide on the way forward. DS(EF) added that the Administration would provide every assistance to the review panel in its work.

49. Dr LEONG Che-hung asked whether the six panel members had agreed to make themselves available in Hong Kong during the review process proposed by the Administration. He considered it important for the whole panel to attend public forums and discussions. If some panel members could not be available during the proposed period, he would suggest the Administration to revise the timetable.

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50. DS(EF) said that the Administration had informed the prospective panel members of their commitments. The Administration would try to finalize in the next few weeks the timetable for visits and meetings of the review panel. The Administration had proposed that the panel would meet in Hong Kong in late May this year, and then discuss with Legislative Councillors and the public during the review period. The panel would come to Hong Kong again later this year to present their findings after they had discussed amongst themselves. Further meetings would be arranged during the period if necessary.

51. SEF informed members that the Administration would publish a press notice on 10 April 2000 to announce the formal commencement of the review process and to invite written submissions/proposals to the review panel from 10 April to 10 June 2000, a further notice announcing the dates for holding the public forums would be published once details were finalized.

Terms of reference of the review

52. While supporting the terms of reference of the review as described in paragraph 7 of the Administration's paper, Miss CHOY So-yuk asked what information would be provided to facilitate the study of the review panel. She was concerned that the review panel would only be provided with Government's views before panel members had the chance to meet LegCo Members and the Community.

53. DS(EF) assured members that Government would provide all relevant background information on SSDS to the review panel including the debates in LegCo. The review panel would have ample opportunities to receive views from interested parties during their stay in Hong Kong.

Progress of the Strategic Sewage Disposal Scheme

54. The Chairman noted from the Annex of the information paper that the tunnelling works in respect of the tunnel from Tsing Yi to Stonecutters Island was making slow progress. DS(EF) responded that as major fault lines were discovered in the project areas, the project had to be carried out with great care.

[The Chairman ordered a break of ten minutes and the meeting resumed at 11:15 am.]

VIII. Fixed penalty for smoky vehicles

55. SEF said that in view of the wide public concern especially in the past few days over the air pollution problem arising from vehicle emission in Hong Kong,

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she would like to brief members generally on the progress of improvement measures in this respect. She would propose to discuss details of these measures at a joint meeting of the Panel on Environmental Affairs and Panel on Transport to be scheduled for May 2000.

(Post-meeting note : A joint meeting of the Panels on Environmental Affairs and Transport were scheduled for 12 May 2000 to discuss the incentive scheme for LPG Taxi, and legislative amendments to tighten control of diesel vehicle emission, motor vehicle fuels and emission standards.)

56. DS(EF) then briefed members on the progress of various measures to reduce vehicle emission -

- (a) the Working Group on Vehicle Maintenance Services comprising representatives of the trade and Government had met several times to recommend immediate and long term measures to improve vehicle maintenance;
- (b) as regards training programmes on vehicle maintenance and dynamometer tests to detect smoking vehicles, the Vocational Training Council had organized four such courses since March 2000. It would organize another four courses for vehicle mechanics and the annual training capacity would be about 2 000 places. The passing rate of course participants had improved significantly as a result of training provided by the Environmental Protection Department staff at the dynamometer testing centres;
- (c) on making available the vehicle maintenance manuals to the public, the Motor Traders Association was considering releasing the relevant parts of the vehicle service manuals of LPG taxis;
- (d) for light buses, the trial of LPG and electric light buses would be completed within year 2000, following which Government would make a recommendation on the future direction;
- (e) the particulate trap trials had been completed and the scheme would be implemented following funding approval from the Finance Committee;
- (f) as for the implementation of the LPG taxi conversion scheme, the Administration would propose the incentive scheme for funding approval by the Finance Committee within this legislative session. The Administration would have to provide sufficient LPG filling facilities in convenient locations before increasing the supply of

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LPG taxis to ensure smooth implementation of LPG taxi conversion scheme. Five dedicated LPG filling stations were now under construction and would be completed in November 2000. Construction works in five other stations had also commenced to provide LPG filling facilities. It was envisaged that the LPG filling capacity would be able to support some 18 000 LPG taxis running on the roads;

- (g) the catalyst trials for heavy diesel vehicles were underway and would be completed by the end of 2000. The voluntary participation scheme for franchised bus companies had also started; and
- (h) the Administration intended to introduce legislation within the current session to increase the fixed penalty for smoky vehicles.

Fixed penalty for smoky vehicles

57. The Chairman expressed serious concern about the timetable for introducing the legislative proposal to increase the fixed penalty for smoky vehicles. Mr Martin LEE echoed similar concerns as the current legislative session would end on 30 June 2000. SEF responded that the Administration intended to move a resolution in the LegCo to increase the fixed penalty for smoky vehicles during the current session.

58. Mr CHEUNG Man-kwong expressed disappointment that the Administration had taken such a long time to introduce the legislative proposal. He said that members would need time to scrutinize the legislative proposal. Since the legislative term would expire in two months, he urged the Administration to introduce the legislative proposal to the LegCo as early as possible.

59. SEF pointed out that while the Administration would make every endeavour to solve the air pollution problems, sufficient time should be allowed for affected parties to take preparatory measures and to arrange maintenance and repair for their vehicles before the Administration proposed an increase in penalty for smoky vehicles. As discussed at a previous Panel meeting, the Administration had undertaken to provide a six-month grace period for the industry to take appropriate actions on vehicle maintenance and repair in order to meet the emission standards.

60. As regard the incentive scheme for LPG taxis, SEF said that the Administration would have to provide sufficient LPG filling stations. It was envisaged that the current problem could be resolved around November 2000 as the Administration had provided sites for five dedicated LPG filling station,

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which were now under construction. To tie in with the availability of these LPG filling stations in November 2000, the Administration proposed to approach Finance Committee for funding of the incentive scheme for LPG taxis in May 2000 and would recommend a commencement date for the increased penalty on 1 December 2000 to provide a six-month grace period for the industry.

61. Mr CHAN Wing-chan opined that the legislative proposal for increasing the fixed penalty for smoky vehicles should only become effective after a grace period for vehicle owners to take improvement measures for their vehicles. Mr CHAN also expressed concern whether professional drivers should be held legally liable for smoky vehicles. He considered it unreasonable if the drivers had to pay the fine because vehicle maintenance should be the responsibility of vehicle owners.

62. Mrs Miriam LAU shared Mr CHAN Wing-chan's concern. She said that the Administration should state clearly in the proposed legislation the legal responsibility of the vehicle owners and drivers. She said that smoky vehicles might occur due to improper vehicle maintenance/repair or poor driving skill of the drivers concerned. She also urged the Administration to provide specific timetable for each improvement measure proposed in paragraph 56, such as the incentive scheme for LPG taxi conversion and the timetable for making available the maintenance manuals for vehicle maintenance.

63. SEF said that she had provided an update of measures adopted to tackle the vehicle emission problems when delivering her speech at the resumption of the Second Reading debate of the Appropriation Bill 2000 on 5 April 2000. At the request of the Chairman, SEF agreed to provide a copy of her speech to members.

(Post-meeting note : The speech delivered by SEF at the resumption of the Second Reading debate of the Appropriation Bill 2000 on 5 April 2000 was circulated to members vide LC Paper No. CB(2)1670/99-00(02) on 12 April 2000.)

64. Dr LEONG Che-hung drew the Administration's attention that Members might request the Administration to withdraw the resolution on the proposal to increase fixed penalty on smoky vehicles if there was insufficient time for Members to scrutinize it.

65. The Chairman urged the Administration to expedite actions to introduce the legislative proposal having regard to the fact that the legislative session would end on 30 June 2000. The Chairman also requested the Administration to incorporate members' concerns in the information paper for the joint meeting with the Panel on Transport scheduled for May 2000.

IX. Follow-up discussion on the Environmental Impact Assessment Study of the Hong Kong Disneyland project

[LC Paper Nos. CB(1)1228/99-00(03), CB(2)1607/99-00(04) to (07)]

66. The Chairman welcomed representatives of the Administration, the consultants and deputations to the meeting. Discussion of the Panel on Environmental Affairs on the EIA report submitted by the Civil Engineering Department on Construction of an International Theme Park in Penny's Bay of North Lantau and its Essential Associated Infrastructure (the EIA report) was summarized below.

The Hong Kong Institute of Architects

[Paper No. CB(2)1607/99-00(04)]

67. At the Chairman's invitation, representatives of the Hong Kong Institute of Architects (HKIA) referred to their submission, highlighting the following -

- (a) in view of the project scale and site nature, HKIA considered that a full and comprehensive EIA should be carried out;
- (b) HKIA was supportive of the proposals such as using electric passenger trains to minimize local air emissions and at source separation programme to reduce transportation of recyclable and compostable wastes; and
- (c) the project should adopt a more comprehensive environmentally friendly approach taking into account the planning, construction, building design and operation aspects.

68. The HKIA considered the EIA not comprehensive enough in generic term and on the transportation aspect. The EIA process should be expanded to cover not only the construction but also the operation of the Theme Park, including the impact of the proposed infrastructure. The HKIA urged for a holistic approach for the EIA process in order to bring about an innovative project with environmentally responsive and sustainable designs as a showcase to the world.

Conservancy Association

69. The Conservancy Association was opposed to any large scale reclamation unless it was absolutely necessary such as for building purpose. The Association considered that there should be minimal damage to the environment by using construction and demolition (C&D) material throughout the reclamation process. The Association also highlighted the following concerns on the EIA report -

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- (a) the proposed large scale reclamation in the Penny's Bay was not environmentally friendly because only 2.5% of C&D waste would be used for Phase 1 construction and the waste generated from sea dredging would not be treated on site because of the tight reclamation and construction schedule;
- (b) there would be serious impact on the marine ecology in the vicinity due to the sea dredging and reclamation activities;
- (c) there were insufficient ecological mitigation measures in the project area as the effectiveness of artificial reefs was questionable. To provide preventive measures, the Association suggested that the small islands adjacent to the project area should be prohibited from development to provide habitat for the White-bellied Sea Eagles affected by the project; and
- (d) the ecology in the vicinity of the Penny's Bay would be further deteriorated if the container port was to be constructed nearby.

Friends of the Earth

[Paper No. CB(2)1607/99-00(05)]

70. Representative of the Friends of the Earth expressed dissatisfaction that the EIA report was hastily compiled within a period of only two months and that there seemed to be a pre-judgment that the existence of a shipyard in the vicinity would not have any adverse impact on the project. The organization had therefore lodged a complaint to the Ombudsman in respect of the approach adopted by Government departments in the EIA process.

71. On the EIA report, the Friends of Earth had raised some 50 questions with the EIA Subcommittee of the Advisory Council on Environment (ACE). Apart from issues concerning preservation of heritage, marine ecology and fisheries, the following concerns were highlighted at the Panel meeting -

- (a) the choice of site for the International Theme Park was not ideal as there were unknown liabilities nearby, i.e. the existence of the Penny's Bay Gas Turbine Plant and the Cheoy Lee Shipyard. It was also uncertain as to the land use of the reserved area in front of the site, for example, whether a container port would be constructed on the location; and
- (b) the air quality would be a serious concern particularly with regard to the smoke generated by the fireworks. The EIA report had failed to address the worst scenario by adopting the assumption of an average wind speed of 10 metres per second which was only found

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in Hong Kong when a typhoon signal no. 3 was hoisted. Due to the unique landscape and seasonal winds, air current would be trapped in Penny's Bay and the situation would be worst in December, while the EIA analysis was based on data during July-October 1999. The EIA report had not adequately addressed the dispersion characteristic of fireworks, as well as other air quality problems such as ozone and respirable suspended particles.

72. The Friends of the Earth therefore considered the EIA report unacceptable on the grounds that it was incomplete and that its conclusion was inconsistent with its findings and analyses. They suggested that supplementary information was required to support the EIA assessment.

Green Lantau Association

[Paper No. CB(2)1642/99-00(02)]

73. The Green Lantau Association tabled a submission and expressed deep disappointment with the EIA report. The representative of the Association gave his comments as in the submission at Paper No. CB(2)1642/99-00(02).

Discussion of the Panel

Site selection

74. Mr Martin LEE said that he had the impression that the EIA report was rushed to support the decision of constructing an International Theme Park in Penny's Bay. He wondered whether there was any overseas example that an EIA study for such a large project could be completed in two months.

75. On the site selection, Commissioner for Tourism (C for Tourism) said that for practical reasons, the construction of a theme park must be on a location which was sufficiently secluded from the real world but at the same time sufficiently close to mass population accessible by mass transportation system. The Government and the Hong Kong International Theme Park Limited had therefore been identifying suitable sites along the railways in Hong Kong. As Penny's Bay was comparatively more secluded than other possible sites and was in close proximity with the Airport and railway, the site had been selected for the construction of the Theme Park. The project had the benefit that the construction of a container terminal in the locality had already gone through the process of an EIA study, and this offered valuable lessons for the reclamation for the Theme Park.

76. Technical Director, Environmental Resources Management (TD/ERM) added that the EIA study for the construction of container terminal in Penny's Bay was conducted in 1993 and was approved by then Environmental Pollution

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Advisory Committee. Preparation of the EIA studies for the Northshore Lantau Development Feasibility Study (NLDFS) and the construction of an International Theme Park at Penny's Bay had the benefit of making reference to the 1993 EIA report since the proposed site for the Theme Park was almost identical to the proposed container terminals no. 10 and no. 11. For the present EIA study, some data in the 1993 report had been updated.

77. Mr Martin LEE was of the view that the Administration had already decided on the Theme Park since the EIA study was based on previous EIA findings rather than fresh studies. He believed that even if the study result was not favourable, there would be no alternative site for the Theme Park.

78. C for Tourism disagreed with Mr LEE's comments. He said that the 1993 EIA study covered many aspects in relation to reclamation in the Penny's Bay, and the current EIA study extracted useful information from the 1993 EIA study that was applicable to reclamation. For areas not covered in the 1993 study such as firework display, the consultants and departments concerned had conducted fresh and thorough studies. He stressed that the Administration had not made any commitment to hand over the site to the Hong Kong International Theme Park Limited by any deadline. It was a misconception that the Administration was rushing the EIA due to time constraints. He clarified that the contract documents had only specified two dates, i.e. 31 January 2000 as the deadline for inviting tenders and 30 April 2000 as the deadline for awarding the reclamation contract. Even if the Administration failed to complete the EIA study by the specified date, the Administration indeed had another three months to do so. Should the Administration fail to complete the EIA study after three months, the contract would be scrapped without any penalty on either side. C for Tourism said that the two specified dates in the contract were laid down after consulting the relevant parties on the time required for completing the EIA study. He emphasized that the Administration would strictly adhere to the statutory EIA procedures.

79. TD/ERM supplemented that the EIA study for NLDFS started in June 1998 originally on the feasibility of port development in Penny's Bay. The study on the land use in Penny's Bay had subsequently been changed from port related facilities to a recreational and tourism area following a decision in March 1999. The viability of a theme park was included in the scope of the EIA study in June 1998. Very detailed assessments and cumulative surveys had been carried out for the study. An enormous amount of work including surveys and use of modelling techniques had been carried out in the EIA studies.

Methodology for completing the EIA study

80. Mr LEE Wing-tat inquired how the Administration would deal with the different findings from green groups which might have adopted assumptions, mathematical modelling or simulation methods which were different from that

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used in the EIA report. The public was concerned that the EIA consultants might be too optimistic in their assumptions, such as the dispersion models, in its study. He asked whether the Administration would request all parties concerned including the consultants to explain their methodologies and present their views or findings to the ACE for making a decision.

81. C for Tourism responded that the Administration was aware of dissenting views on the EIA study. A number of representations had been made to DEP during the public consultation period of the EIA report. At the end of the consultation period, DEP had the statutory responsibility to respond to all comments received. On the role of the ACE, C for Tourism pointed out that the EIA Subcommittee of ACE would hold two meetings in April 2000 to study the EIA report before consideration by the ACE for a decision on the issuance of an environmental permit for the various works.

82. With regard to the methodology adopted in the EIA report, TD/ERM said that as stipulated in the Technical Memorandum under the EIA Ordinance, the model would require prior agreement with the relevant authorities. A conservative model or approach should always be adopted for assessment. In some cases, the worst scenario which would not occur in reality had been adopted, for example, detailed physical modelling had been carried out for assessing the air quality impact of firework display in the EIA study.

83. On air quality modelling, Deputy Managing Director, Environmental Resources Management (DMD/ERM) explained that the consultant had adopted different assumptions and modelling techniques to assess pollution emissions in accordance with the Technical Memorandum under the EIA Ordinance. He said that a high wind speed situation would normally be used to simulate the pollution emission from a power station, therefore a wind speed at 10 metres per second (the worst case for emission arising from the Penny's Bay Gas Turbine Plant) was used in the assessment. For vehicle emission, the lowest acceptable level of 1 metre per second was used. The consultant had also used one year's meteorological data to simulate the impact of emissions from firework in the study area. He stressed that different techniques and models had been used to address different problems.

84. Professor NG Ching-fai noted that the Friends of the Earth expressed reservation about the assumption made in the EIA study, in particular the air quality aspect. He inquired why a wind speed at 10 metres per second was selected for the study and whether a lower wind speed would be simulated.

85. DMD/ERM explained that the aerodynamic model used in the EIA study for the Penny's Bay Gas Turbine Plant could only test wind speed within a range of 3-5 metres per second to 15 metres per second, and different wind speeds acceptable by the model had been simulated. In windy situation, emission from

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chimney would reach the ground level at a faster speed. To assess the worst situation of the impact of firework emission on the ground, a wind speed at 10 metres per second was therefore adopted for assessment.

86. Representative of Friends of the Earth commented that the EIA study should not base on historical data and analyses. He considered that a fresh study should be carried out, particularly the assessment on air quality which should include secondary pollution as well as vehicular emissions.

Impact on marine ecology

87. Mr WONG Yung-kan expressed concern about the adverse impact on the marine ecological resources and the fisheries industry in the project area as a result of the proposed construction works, in particular the reclamation works and dredging of seabed. He said that the adverse impact would not only be confined to the shoreline along Penny's Bay, but also the waters some 1 000 yards from the Theme Park site including Ma Wan and the busy water channel between northeastern Lantau and Tsuen Wan. He asked whether it was possible for all sand to be supplied from the mainland so that no dredging was required for the project.

88. Deputy Director of Civil Engineering (DD/CE) said that the EIA study had covered a detailed study on the water quality in the vicinity of the waters near the Theme Park. The study revealed that reclamation or dredging of seabed would have no adverse impact on the water quality if sufficient mitigation measures were put in place. He assured members that there would be sufficient EIA monitoring measures in respect of the water quality in the area.

89. TD/ERM pointed out that a detailed hydrodynamic study had been carried out under the EIA study for NLDFS. The assessment concluded that reclamation work would have no adverse impact on the marine ecology in the area. Mitigation measures would be recommended if required. The study also made recommendations on the control and audit of construction works. In addition, it recommended the setting up of an environmental project office to monitor the impact of the construction work throughout the period to ascertain the effectiveness of mitigation measures in protecting the marine ecology. He said that such mitigation measures would be included in the contract documents.

90. Mr WONG Yung-kan remained concerned that it would be difficult to hold a particular party responsible for the damage after the construction work was completed. While not opposing to the construction of a Theme Park, Mr WONG said that the marine ecology and fisheries would be seriously affected if the EIA study and monitoring measures were not properly carried out.

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91. Mr WONG Yung-kan also pointed out that Chinese white dolphins were found near the waters of the Penny's Bay throughout the year instead of confining to a few months as described in the EIA report.

92. Principal Consultant, Environmental Resources Management (PC/ERM) said that a critical evaluation on Chinese white dolphins had been carried out based on the latest works [of 1997] by Dr Tom Jefferson, a dolphin expert in Hong Kong, and supplementary research afterwards. It was found that few white dolphins were found in South Lantau in autumn and winter and that South Lantau was not regarded as important to Chinese white dolphins in spring and summer. The EIA study had recommended that mitigation measures should be taken to protect white dolphins in waters near the proposed Theme Park in winter. Moreover, there would be monitoring of the Chinese white dolphins during the land reclamation and project construction phases, while construction works would be designed and implemented to minimize any potential harm on dolphins.

93. The Chairman asked the consultants to confirm the following citation from Dr Jefferson's report on the habitat of dolphin in Hong Kong:

"Most dolphins in Hong Kong do not appear to use the East Lantau area. However, of those that do, some individuals may use the East Lantau area as a very important part of their range.... some animals do appear to use the East Lantau area heavily and many of these are young animals that may be more susceptible than older, more experienced animals. Death, injury or serious disturbance to these individuals could have a deleterious effect on future recruitment to the population."

94. PC/ERM clarified that the citation was from Dr Jefferson's 1997 report which was based on a 18-month study when information on Chinese white dolphin was limited at that time. He pointed out that Dr Jefferson had revised his report recently after taking nearly five years to research into the area. He stated that there were only about three and four to five Chinese white dolphins in the waters near the Penny's Bay respectively in autumn and winter. Dr Jefferson's updated report on Chinese white dolphin habitat had been annexed to the EIA report.

95. Responding to the Chairman, Director of Environmental Protection (DEP) said that DEP could add conditions to an environmental permit. He also explained the statutory EIA process that the public could forward written comments on the EIA report to DEP before expiry of the public inspection period which was 11 April 2000 in the present case. The ACE would give its comments on the EIA report to DEP within 60 days in parallel to the 30 days for public inspection. After this period, DEP would have to take a decision as to whether an environmental permit should be issued. Before DEP made a decision, the project

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proposer would normally be required to respond to comments put forward by the public and ACE.

96. The Chairman said that the comments of deputations and members would be forwarded to DEP by 11 April 2000 for consideration under the statutory EIA process. She thanked all representatives for attending the discussion.

97. The meeting ended at 1:00 pm.

Legislative Council Secretariat

31 May 2000