

立法會
Legislative Council

LC Paper No. CB(2)1604/99-00
(These minutes have been seen
by the Administration)

Ref : CB2/PL/EA

LegCo Panel on Environmental Affairs

Minutes of Meeting
held on Thursday, 10 February 2000 at 4:30 pm
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 Fred LI Wah-ming, JP
 - Prof Hon NG Ching-fai
 - Hon Margaret NG
 - Hon CHAN Wing-chan
 - Hon WONG Yung-kan
 - Hon Emily LAU Wai-hing, JP
 - Hon CHOY So-yuk
 - Hon LAW Chi-kwong, JP
 - Dr Hon TANG Siu-tong, JP
- Members Absent** :
- Hon Martine LEE Chu-ming, SC, JP
 - Hon Ronald ARCULLI, JP
 - Hon CHEUNG Man-kwong
 - 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 Andrew CHENG Kar-foo
- Public Officers Attending** :
- For Item III
- Mrs Lily YAM
 - Secretary for the Environment and Food
 - Mrs Philomena LEUNG

Action

Principal Assistant Secretary for the Environment
and Food (Environment)

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

Mrs Ava NG
Deputy Director of Planning/Territorial

Mr C C LAY
Assistant Director (Conservation) (Ag),
Agriculture, Fisheries and Conservation Department

For item IV

Mrs Lily YAM
Secretary for the Environment and Food

Mr Steve BARCLAY
Principal Assistant Secretary for the Environment and Food

Mr Roger LAI
Deputy Director of Electrical and Mechanical
Services/Regulatory Services

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

For item V

Mrs Lily YAM
Secretary for the Environment and Food

Mrs Philomena LEUNG
Principal Assistant Secretary for the Environment
and Food (Environment)

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

Action

Dr Malcolm BROOM
Principal Environmental Protection Officer
(Water Policy and Planning),
Environmental Protection Department

Mr George LAI
Assistant Director/Projects and Development,
Drainage Services Department

Mr W T YEUNG
Chief Engineer/Consultants Management,
Drainage Services Department

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 meeting

[LC Paper Nos. CB(1)696/99-00 and CB(1)711/99-00]

The minutes of the joint meeting with the Panel on Transport held on 5 November 1999 and the special meeting held on 25 November 1999 were confirmed.

II. Date of next meeting and items for discussion

[LC Paper Nos. CB(2)1020/99-00(01) and (02)]

2. The Chairman informed the meeting that the Council had approved the expanded terms of reference of the Panel to cover environmental hygiene matters, and the Panel now had 20 members. She then welcomed the two new members, Mr Fred LI and Dr TANG Siu-tong, to the meeting.

3. As regards the items for discussion at the next Panel meeting, the Chairman said that the Administration had proposed to discuss "Managing construction and demolition material disposal" and "Review of the implementation of Water Pollution Control (Sewerage) (Amendment) Regulation 1998". Members agreed.

Action

(*Post-meeting note* : The Administration subsequently proposed to replace the second agenda item by "Energy Efficiency and Conservation Initiatives for 2000-01".)

Setting up a subcommittee on environmental hygiene matters

4. On the question of how the Panel should follow up environmental hygiene matters after the establishment of a new administrative structure for the provision of municipal services, the Chairman suggested that a subcommittee be established under the Panel to deal with such matters, and that the subcommittee would make reports to the Panel. Mr Fred LI, Miss CHOY So-yuk and Miss Emily LAU expressed support for the suggestion. Nevertheless, Dr TANG Siu-tong indicated his preference for the Panel instead of a subcommittee to discuss such issues. The Chairman therefore ordered a vote to be taken on the suggestion of setting up a Subcommittee under the Panel to follow up matters relating to environmental hygiene. Six members voted for and one member voted against the proposal. Two members abstained.

5. The Chairman concluded that the majority was in favour of establishing a subcommittee on environmental hygiene matters. The following members indicated that they would join the Subcommittee : Miss Christine LOH, Dr TANG Siu-tong, Messrs Fred LI, CHAN Wing-chan and WONG Yung-kan. The Chairman said that the Clerk would issue a circular to call for membership of the Subcommittee.

(*Post-meeting note* : A circular calling for membership of the Subcommittee on matters relating to environmental hygiene was issued to Panel members on 14 February 2000. The Subcommittee held its first meeting on 25 February 2000.)

III. Protection of wetland

[LC Paper Nos. CB(2)1011/99-00(01) and (02)]

6. At the invitation of the Chairman, Deputy Director of Planning/Territorial (DD/Planning) briefed members on the key findings and recommendations of the Study on the Ecological Value of Fish Ponds in the Deep Bay Area (the Study) and the revised Town Planning Board Guidelines for Application for Developments within the Deep Bay Area (TPB Guidelines) arising from the Study.

7. DD/Planning said that the primary objective of the Study was to establish the ecological value of the fish ponds in the Deep Bay Area to wildlife. The findings were intended to serve as a basis for reviewing the planning and development control concept for the Deep Bay Area. The Study commenced in

Action

1995 which included, amongst others, 12-month field investigations to identify the number of birds that could be supported by the fish ponds and to make necessary recommendations. The Study findings substantiated that the birds utilizing the fish ponds were not intrinsically different from those utilizing Mai Po Marshes Nature Reserve (MPNR). The fish pond habitat supported at least half of the number of waterbirds of the MPNR and one-tenth of the number of the entire Deep Bay Area. The similarity in the bird composition for both habitats suggested that the fish pond habitat and MPNR should be treated as part of the same ecosystem. The most significant factors contributing to higher bird usage were larger area of ponds and increasing distances from human disturbance. In the light of the findings, the Study recommended the adoption of a precautionary approach to maintain the principle of no-net-loss of the existing fish pond. This implied that no decline in ecological functions served by the ponds should occur. Based on the principle, the Study made the following recommendations -

- (a) all existing and contiguous fish ponds in the Study Area should be conserved and zoned as Wetland Conservation Area (WCA) where the principle of "no-net-loss of wetland function" would be strictly applied;
- (b) a 500m wide Wetland Buffer Area (WBA) along the boundary of WCA should be provided to protect the ecological integrity of WCA. Limited low density residential/recreational development proposals supported by ecological impact assessments might be considered within the WBA; and
- (c) new residential/recreational developments within the WBA which could remove the existing open storage or container back-up uses on degraded areas and to restore some of the lost wetland habitats would be given sympathetic consideration.

8. DD/Planning said that while supporting the Study recommendations, the Administration acknowledged that the Study had focused mainly on the ecological aspects. To strike a balance between development and conservation, the Administration had decided to recommend a modified approach to serve as a basis for planning and development control in the Deep Bay Area. The major modifications made by the Administration were as follows -

- (a) to exclude some fish ponds in certain village settlements from the Conservation Area so as to make provision for Small House development in these excluded areas to meet the housing demand of indigenous villagers;
- (b) to adopt the 500m-wide WBA but with its boundary rationalized to follow existing major roads and physical features;

Action

- (c) to allow limited private development on a small portion of wetland in exchange for an enhancement scheme and/or a better management of the remaining wetland within the development site; and
- (d) new development/redevelopment within the WBA would need to be supported by ecological impact assessment to demonstrate that there was no adverse impact on WCA. Applications for new open storage or container back-up uses would not be supported, except in areas in close proximity to the Lok Ma Chau crossing where approval might be granted on a case-by-case basis.

Designation of WBA and WCA

9. Mr WONG Yung-kan declared that he was a member of the Wetland Advisory Committee. Mr WONG Yung-kan said that the fish pond owners in the vicinity had raised strong objection to the designation of all contiguous fish ponds as "Conservation Area". Although the Administration had procured some 200 000 fish fry for birds feeding in the Area every year, the stocking of fish in fish ponds had decreased drastically as a result of the increasing bird population in the Area. He said that the preventive measures introduced by the Administration were ineffective in deterring the birds from feeding on the fish ponds which had now become the feeding ground for birds. As a result, owners of the fish ponds in the Conservation Area (which covered around 20 000 acres) suffered financial loss of some \$2 million a year. Mr WONG therefore asked whether the Administration would consider compensating the affected fish pond owners.

10. Acting Assistant Director of Agriculture, Fisheries and Conservation (Conservation) (AD/AFCD (Ag)) responded that the Administration had procured fish fry for birds feeding to support the bird habitat in the Area. He said that only trash fish, which were of low economic value, were available for birds feeding in the fish ponds in the North West New Territories. In addition, AFCD had advised the fish pond owners concerned on measures to prevent their fish ponds from becoming a feeding ground for birds, so that the bird habitat would be confined to MPNR and those fish ponds with fish fry supplied by AFCD. Based on AFCD's observation, most bird species did only feed on trash fish and fish fry in the conserved fish ponds. AD/AFCD(Ag) added that the North West New Territories was an attractive site for the bird habitat irrespective of whether the Area had been designated as the Ramsar site.

11. Mr WONG Yung-kan reiterated that the preventive measures introduced by AFCD were ineffective. AD/AFCD(Ag) responded that the use of coloured strip in fish ponds had proved to be effective in deterring birds from feeding on experimental fish ponds.

Action

12. Dr TANG Siu-tong expressed disappointment with the Study recommendations. He said that members of the Yuen Long District Council and the Rural Committee objected to the proposed designation of WCA and WBA. He noted that the proposal would further expand the Conservation Area which would occupy about 30% of the total usable area in the Yuen Long district. As about 40% of the Yuen Long area was hilly terrain, the proposal would further reduce the land supply in the district to meet the demand for development. He suggested the Administration consider tree-planting along the boundaries of the Ramsar site in order to confine the bird habitat to the Area. In view of the adverse impact of the proposal on the development of fish ponds and economic development of the Area, Dr TANG urged the Administration to seriously consider making compensation to the affected land owners.

13. Principal Assistant Secretary for Planning and Lands (Planning) (PAS(P)) responded that Dr TANG's suggestion would have significant policy implications. He explained that it was existing Government policy that for land which was subject to planning and development control, Government would not provide compensation to the land owners if there was a change in the land value. He added that the Administration was currently reviewing this policy and if there were any changes to this policy, the public would be widely consulted. PAS(P), however, pointed out that the land leases of the wetland in question had expressly stated that the area could only be used as farmland or fish ponds, and that there was no provision for residential development. The original rights of the land owners were therefore not affected under the new planning control. He added that the recommendations of the Fish Pond Study was far more stringent such that no development would be permitted on the wetlands, but the TPB was now prepared to consider limited private development on the Area subject to ecological impact assessment confirming no-net-loss in the wetland function. TPB had already approved one application for development within the Wetland Conservation Area since the promulgation of the revised TPB Guidelines.

14. In response to Dr TANG Siu-tong's enquiry about the criteria for delineating the 500m wide WBA, DD/Planning said that the boundary of WCA was delineated with reference to overseas experience, and that the boundary of WBA had already been rationalized to make way for existing major roads and physical features.

15. Dr TANG Siu-tong pointed out that according to the definition of "wetland" adopted in the Ramsar Convention, "wetland" meant marshes, muddy land and mudflats of less than 6 metres deep when the tide ebbed. Areas listed as wetland did not necessarily include fish ponds. He commented that the coverage of the Conservation Area proposed in the Study was much larger than that required by the Ramsar Convention.

Action

16. PAS(P) clarified that two different conservation zones were proposed in the Study in respect of the Deep Bay Area, i.e. WCA and WBA. He reiterated that the TPB was prepared to consider limited low-density residential/recreational development at the landward fringe of the WCA and new development/redevelopment within the WBA, if these were supported by ecological impact assessment that there would be no adverse impact on the Area. In addition, TPB would positively consider applications for residential/recreational development which could remove the existing open storage or container back-up uses on degraded areas and/or restore lost wetland within the WBA. The Administration had no intention to prohibit all developments in the Deep Bay Area entirely.

17. Miss Emily LAU disagreed with Dr TANG, saying that the Administration had already made too much compromise in this respect. However, she agreed that the Administration should devise a formula to compensate those persons who suffered a loss arising from the implementation of the Study recommendations.

18. Miss CHOY So-yuk indicated support for the need to establish the WCA. However, she questioned the Administration's argument that the affected fish pond owners had suffered no financial loss on the ground that the trash fish in the fish pond habitat had no economic value and would serve as birds feeding anyway. She urged the Administration to consider compensating the affected fish pond owners.

Admin 19. The Chairman advised that the issue of compensation for affected fish pond owners in the Area could be followed up by the Wetland Advisory Committee.

Exemptions from the requirement of ecological impact assessment

20. Miss Emily LAU referred to Appendix A of Annex 2 in the Administration's paper and sought clarification on the criteria for exemptions from the requirement of ecological impact assessment for development within the WBA. She commented that some of the uses in the list were beyond the basic needs of the residents in the Area. She was of the view that the Administration should consider tightening the granting of exemptions.

21. In response, DD/Planning explained that the uses as set out in Appendix A of Annex 2 in the information paper were presently the approved items under the New Territories Exempted Houses for indigenous Small House development. These uses should only be part of the existing small house buildings and should not occupy the whole free-standing building. PAS(P) added that apart from fish ponds, there were some existing Small Houses within the WBA Area. The provision of facilities as listed in Appendix A was to meet the daily necessity of the residents in the Area.

Action

22. Miss CHOY So-yuk accepted the Administration's explanation and expressed support for the exemption of the developments for some local and minor uses within the WBA from the requirement of ecological impact assessment.

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23. Miss Emily LAU considered that the problem was given rise by the Small House Policy. She therefore urged the Administration to expedite its review of the Small House Policy and report to the relevant Panel of the Legislative Council as early as possible. PAS(P) said that as far as he was aware, the Small House Policy was now under review, and he agreed to relay members' concern to his colleagues within the bureau.

IV. Energy Efficiency and Conservation Initiatives for 2000-2001 [LC Paper No. CB(2)1020/99-00(03)]

Water-cooled Air Conditioning Systems Implementation Studies

24. Mr Fred LI noted that the Administration proposed to commission a territorial study on the implementation of Water-cooled Air Conditioning Systems (WACS) in October 2000, a district cooling system study in December 2000 and a WACS implementation study in 2001 for Causeway Bay and Wanchai. As there were obvious benefits to substitute existing non-domestic air-cooled air conditioning systems with WACS, he queried why the Administration still needed to commission consultancy studies on the subject instead of implementing the plan in newly developed area right away. He also asked about the need for commissioning so many different consultancy studies on the use of WACS.

25. Chief Engineer, Electrical and Mechanical Services Department (CE/EMSD) responded that the district studies to be commissioned for the South East Kowloon Development in December 2000 and for Causeway Bay and Wanchai in early 2001 were to examine ways to overcome the problems and constraints for implementing WACS in a new reclamation district and an existing district. It was expected that over 30% of energy consumption could be saved after the use of WACS in the districts. As for the territorial study, the objective was to study the viability for the wider use of WACS particularly in older districts, based on data collected from the study. The Administration had initially identified five districts which had adequate water supply and proper sewerage treatment systems for a trial use of WACS. CE/EMSD added that the Administration was also studying the viability of relaxing the use of fresh water for WACS in some districts, and the findings would be available soon. Before encouraging a wider use of WACS, the Administration had to ensure that other energy saving alternatives would not be overlooked before coming to the

Action

conclusion that the use of fresh water for WACS would be the most cost-effective approach.

26. Mr Fred LI asked what actions would be taken against some 12 000 existing non-domestic WACS using illicit fresh water. In response, CE/EMSD said that as far as he was aware, the Buildings Department had drawn up a programme to relocate outdoor WACS to indoor. The Administration was also studying the feasibility of monitoring WACS. A trial scheme would be implemented in 5 districts including South Wanchai and the section of Nathan Road which was adjacent to Waterloo Road before a decision was taken on extending the monitoring to other districts.

27. While supporting the commissioning of a 12-month territorial study, Miss CHOY So-yuk expressed doubt about the need for several district studies. She suggested the Administration to carry out pilot schemes on a district basis instead of commissioning consultancy studies. CE/EMSD explained that the two district studies were on implementation strategies rather than feasibility studies, and the scope would cover system design, tender specifications, and the capital investment involved.

Admin

28. At the request of the Chairman, CE/EMSD agreed to provide more details of the consultancy studies, in particular the objectives, scope and benefits of the proposed studies.

Comprehensive energy policy

29. Mr LAW Chi-kwong asked whether the Administration would give consideration to formulating a comprehensive energy policy or strategy plan for Hong Kong. Principal Assistant Secretary for the Environment and Food (PAS(EF)) said that the Economic Services Bureau was responsible for the policy of energy supply while the Environment and Food Bureau was responsible for energy efficiency conservation. The two bureaux worked closely on areas of mutual interests and concerns.

30. Mr LAW Chi-kwong expressed disappointment about the absence of an overall energy policy. He urged the Administration to give serious consideration to formulating a comprehensive energy policy. Deputy Director of Electrical and Mechanical Services said that the Administration was adopting a multi-approach to improve energy efficiency as far as practicable.

31. The Chairman and Miss Emily LAU echoed the view expressed by Mr LAW Chi-kong. They urged the Administration to take the opportunity to review the need for formulating a comprehensive energy policy and requested the two policy bureaux to work together to achieve the purpose. At the request of the Chairman, SEF agreed to consider the suggestion and report progress to the

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Action

Panel before the end of this session.

Other energy efficiency and conservation initiatives

32. Mr LAW Chi-kwong noted that the Administration spent \$6,417 per tonne for disposal of used oil. He asked whether the Administration would consider using recycled energy, such as lubricating oil. He also asked whether there was any incentive to encourage voluntary participation in the Energy Efficiency Registration Scheme for Buildings.

33. PAS(EF) responded that the Administration was examining the feasibility of using recycled lubricating oil by the government fleet. As regards energy initiative measures, PAS(EF) said that the Administration considered that a payback period of three to five years would provide sufficient incentive particularly for new buildings to participate in the Energy Efficiency Registration Scheme for Buildings.

34. In response to Mr HUI Cheung-ching, CE/EMSD said that the Administration had made reference to overseas experience in drawing up the proposed Energy Efficiency Labelling Schemes for Vehicles. He said that the European Union member states would formulate their implementation plans within this year and determine their implementation timetable. A successful voluntary scheme had also been carried out in Canada. In Australia, public consultation on the proposed mandatory labelling requirement was underway. As regards the feedback from the local vehicle trade, CE/EMSD said that the Administration had two meetings with representatives of the trade. The trade had expressed some reservations about the proposal as they considered that the vehicle specifications had already provided vehicle buyers with sufficient information on the fuel efficiency of the vehicles. The Administration had explained that the introduction of Energy Efficiency Labelling Scheme would arouse public awareness about opportunities for greater fuel efficiency. The Administration would decide the way forward around mid-2000 and announce the implementation details by late 2000.

Energy Efficiency Office (EEO)

35. In response to Dr TANG Siu-tong, DD/EMSD said that the proposed additional posts for EEO would be permanent posts in view of the long-term commitment to matters relating to promoting the use of WACS, examining renewable energy sources and formulating mandatory energy efficiency and conservation requirements.

36. Miss Emily LAU said that she remained to be convinced of the need and cost-effectiveness of the consultancy studies on WACS since a new division was to be created for similar purposes. She said that the Administration should

Action

provide further information to the Panel and consider deferring the submission of the proposal to the Establishment Subcommittee (ESC) and the Finance Committee.

37. On the benefits to be derived from the staffing proposal, CE/EMSD said that since the introduction of energy efficiency labelling schemes for domestic air-conditioners, the annual savings in energy consumption amounted to several millions dollars. More savings could be achieved if more energy initiatives could be formulated by EEO.

38. Miss Emily LAU requested the Administration to provide more information on the savings achieved by EEO since its establishment in August 1994 and the anticipated benefits of the staffing proposal. The Chairman advised the Administration to provide further information to the Panel as members were yet to be convinced of the proposal.

39. SEF said that the Administration would like to secure the Panel's support before putting forward its proposal to the ESC . She undertook to provide further information on the need and benefits for commissioning various implementation studies on the use of WACS and the justifications for additional staff for the EEO of EMSD before the next Panel meeting.

Admin

(Post-meeting note : The Panel continued discussion of Energy Efficiency and Conservation Initiatives for 2000-01 at its next meeting scheduled for 2 March 2000.)

V. Outlying Islands Sewerage Stage 1 Phase 1, Ting Kau Sewerage Stage 1 and Sham Tseng Sewerage Stage 2 Phase 2
[LC Paper Nos. CB(1)243/99-00(03) and (04), CB(1)507/99-00 and CB(1)575/99-00]

40. SEF said that in view of members' concerns during previous discussions on the proposal for implementing sewage treatment systems in Cheung Chau and the Sham Tseng/Ting Kau, she would like to secure members' support before submitting the proposal to the Public Works Subcommittee (PWSC) for consideration on 16 February 2000.

41. Miss Emily LAU noted that the Administration had provided additional information on the treatment methods to be adopted for beaches in the Sham Tseng/Ting Kau area. She agreed that the Administration could forward its proposal to the PWSC for consideration. Nevertheless, she urged the Administration to adopt improvement measures to upgrade the water quality of the other five beaches in the Sham Tseng/Ting Kau area as soon as possible.

Action

42. Mr LAW Chi-kwong expressed support for improvement works to be carried out to enhance the water quality of the beaches as soon as possible. However, he was concerned that the Administration had yet to address the problem of the remaining five beaches which did not meet the water quality objectives for gazetted bathing beaches. He said that the Administration should provide justifications in the PWSC paper on the cost-effectiveness of the proposed sewerage works and whether any improvement measures would be introduced for the remaining five beaches so that these beaches could be re-opened for swimming.

43. The Chairman expressed support for the proposal and requested the Administration to report to the Panel before the end of this session the improvement works for the remaining beaches.

Admin

44. SEF responded that as pointed out in its supplementary information paper for members (LC Paper No. CB(1)507/99-00), a 1.9% risk of minor illness in respect of bathing beaches was considered acceptable according to overseas standard. She said that the Administration had already put in place some sewerage improvement measures for the remaining beaches in the Sham Tseng/Ting Kau area. She agreed to address members' concerns in its PWSC paper and provide a progress report to the Panel.

VI. Any other business

45. The Chairman invited members to make suggestions on overseas visits by the Panel. As members made no suggestion at the meeting, the Chairman said that members might forward their suggestions to the Clerk later.

Clerk

46. The Chairman informed the meeting that the Research and Library Service Division had, at the request of the Panel, conducted a study on the quality of Dongjiang water and the overseas experience in protection of water sources. The report would likely be completed in early March 2000 for discussion by the Panel. Miss Emily LAU said that as the Public Accounts Committee (PAC) would continue its hearing on the Agreement for the Supply of Dongjiang Water in late February 2000, she would request a copy of the draft research report for reference by the PAC members. The Chairman agreed.

47. The meeting ended at 6:25 pm.