

立法會
Legislative Council

LC Paper No. CB(1) 1032/99-00
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA/1

LegCo Panel on Environmental Affairs

Minutes of meeting
held on Monday, 20 December 1999, at 9:30 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
Prof Hon NG Ching-fai
Hon CHEUNG Man-kwong
Hon CHAN Wing-chan
Hon Mrs Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Hon LAW Chi-kwong, JP

Member attending : Hon NG Leung-sing

Members absent : Hon Margaret NG
Hon Ronald ARCULLI, JP
Dr Hon LEONG Che-hung, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon WONG Yung-kan
Hon LAU Kong-wah
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo

**Public officers
attending : For All Items**

Planning, Environment and Lands Bureau

Mr Kim SALKELD
Deputy Secretary (Environment)

For Item IV

Planning, Environment and Lands Bureau

Mr Gordon SIU
Secretary for Planning, Environment and Lands

Mrs Philomena LEUNG
Principal Assistant Secretary (Environment)3

Environmental Protection Department

Mr Rob LAW
Director of Environmental Protection

Mr Benny Y K WONG
Assistant Director (Waste & Water)

For Item V

Planning, Environment and Lands Bureau

Mr Howard CHAN
Principal Assistant Secretary (Environment)1

Miss Agnes KWAN
Assistant Secretary (Environment)

Environmental Protection Department

Mr Elvis W K AU
Assistant Director (Environmental Assessment & Noise)

Mr CHAN Kam-sun
Principal Environmental Protection Officer
(Noise Management and Policy)

For Item VI

Planning, Environment and Lands Bureau

Mrs Philomena LEUNG
Principal Assistant Secretary (Environment)3

Environmental Protection Department

Mr Benny Y K WONG
Assistant Director (Waste & Water)

Mr Patrick C K LEI
Principal Environmental Protection Officer
(Waste Policy and Services)

For Item VII

Planning, Environment and Lands Bureau

Mrs Philomena LEUNG
Principal Assistant Secretary (Environment)3

Drainage Services Department

Mr C H LAM
Assistant Director/Sewage Services

Mr David WU
Senior Chemist/Sewage Services

**Attendance by
invitation**

: For Item IV

Friends of the Earth

Mr Plato YIP
Assistant Director

Conservancy Association

Ms Kate CHOY
Campaign Officer

Dr HUNG Wing-tat

Director

Produce Green Foundation

Mr LAU Nai-keung
Chairman

Hong Kong Business Coalition on the Environment

Mr Norman Di Perno
Canadian Chamber of Commerce

Mr Eric Diers
French Chamber of Commerce & Industry

Clerk in attendance : Mrs Mary TANG
Chief Assistant Secretary (1)6

Staff in attendance : Ms Rosalind MA
Senior Assistant Secretary (1)9

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I. Confirmation of minutes of meeting
(LC Paper No. CB(1) 285/99-00)

The minutes of meeting held on 8 October 1999 were confirmed.

II. Date of next meeting and items for discussion
(LC Paper Nos. CB(1) 622/99-00(01) and (02))

2. Members agreed that the next meeting would be held on Friday, 7 January 2000 at 10:00 am in Conference Room A of the Legislative Council Building to discuss the following issues:

- (i) Indoor Quality Management Programme; and
- (ii) Amendment to Air Pollution Control (Motor Vehicle Fuel) Regulation.

3. Members also agreed on the following meeting arrangements:

- (i) A joint meeting with the Health Services Panel on Friday, 7 January 2000

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at 11:45 am immediately following the regular Panel meeting to continue discussion on Clinical Waste Control Scheme;

- (ii) Another joint meeting with the Transport Panel to be held on Thursday, 20 January 2000 at 2:30 pm to continue discussion on the control of diesel vehicle emission; and
- (iii) Advancing the regular Panel meeting in February 2000 to Thursday, 10 February 2000 at 4:30 pm.

III. Information papers issued since last meeting

4. Members noted the following information papers issued since last meeting:

- LC Paper No. CB(1) 507/99-00 - supplementary information paper on the sewerage improvements of Sham Tseng/Ting Kau and Cheung Chau; and
- LC Paper No. CB(1) 574/99-00 - the Administration's response to the concerns raised at the meeting on 5 November 1999 on the availability of motor vehicle maintenance manuals.

5. The Chairman sought members' views on whether the information provided by the Administration vide LC Paper No. CB(1) 507/99-00 could adequately address their concerns raised at the last Panel meeting held on 5 November 1999. She invited members to let the Secretariat know if they wished to discuss the issue further at the next Panel meeting.

IV. Strategic Sewage Disposal Scheme

(a) Meeting with green groups

- (i) Friends of the Earth (FoE)
(LC Paper No. CB(1) 622/99-00(03))

6. Mr Plato YIP, Assistant Director of the FoE, presented the findings of a survey conducted by FoE in November 1999 on the Strategic Sewage Disposal Scheme (SSDS). Among the 200 questionnaires sent out, 20 had been completed and returned. The respondents generally found SSDS unsatisfactory in terms of its effectiveness, cost estimation, project management and transparency.

7. On the work of the proposed International Review Panel (IRP), respondents considered that the sustainability of SSDS should be reviewed. Moreover, Stages I to IV as well as the design, environmental impact, financial viability and the

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engineering feasibility of the project should be included in the review. Alternative technologies for sewage treatment should be considered. In this connection, the respondents made a number of suggestions on the possible alternatives such as the use of ozone or ultra-violet light for disinfection, biological secondary treatment and recycling waste for energy generation. As regards the composition of the IRP, they opined that it should have a wide representation of expertise. However, views on the appointment of the members of the 1994-95 review panel to the new IRP were divided. Some respondents felt that the previous panel members should not be included to ensure impartiality and to enable new ideas to be introduced. Others thought that the inclusion of the previous members could serve to maintain continuity in the work of the IRP and enhance its efficiency. They agreed that the public should be kept informed of the progress and the result of the review.

- (ii) The Conservancy Association (CA)
(LC Paper No. CB(1) 622/99-00(04))

8. Dr HUNG Wing-tat, Director of CA, highlighted the main points of the information paper. The paper focused on views on the composition of the proposed IRP instead of possible alternatives to SSDS. On the composition of the IRP, CA suggested that members from the previous review panel should not be invited to participate in the new review. This would help in bringing in fresh ideas. The scope of the review should be broad enough to include the consideration of the trans-boundary nature of pollution in Hong Kong waters, the desirability of a higher level of treatment and the possibility of a distributed treatment of sewage. To increase the transparency of the IRP, all meetings with third parties i.e. government departments, professionals, industry, green groups and other interested parties, should be open to the public. These meetings should be documented and the records made available to the public.

- (iii) Hong Kong Marine Conservation Society
(LC Paper No. CB(1) 656/99-00(02))

9. Members noted the submission from the Hong Kong Marine Conservation Society tabled at the meeting.

- (iv) Produce Green Foundation

10. On the effectiveness of SSDS, Mr LAU Nai-keung, Chairman of the Produce Green Foundation (PGF), said that SSDS was mainly a sewage disposal scheme and was inadequate in its design for the treatment of sewage. The construction and maintenance cost of the underground tunnels built for transportation of sewage was very high. Moreover, the future operating cost would also be high taking into account the energy consumption for pumping the sewage through the tunnels. It was, therefore, not an environmentally friendly scheme in terms of the "three R principles" for environmental protection i.e. reuse, recycle and reduce. He suggested that sewage

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should be treated at the source of pollution. In other developed cities like Tokyo, sewage treatment facilities were provided within residential developments and the treated sewage was reused for flushing and plant-watering purposes. Similar sewage treatment facilities could be built for large residential developments in Hong Kong.

(b) Meeting with the Hong Kong Business Coalition on the Environment (HKBCE)

11. Mr Eric DIERS said that an urgent solution to the sewage treatment problem in Hong Kong was important for preventing further pollution to the harbour and protecting the international image of Hong Kong. Modern technology had enabled sewage to be treated at compact treatment plants with minimal space requirement. The provision of a number of these plants at different locations in the territory would achieve high standard of sewage treatment before disposal to the harbour. Therefore, large and extended outfalls for disposal of the treated sewage would no longer be required. The IRP should consider the alternative technologies available and consult relevant experts on the application of these technologies with a view to working out the most cost-effective strategy for sewage treatment. In addition, the business community considered that a more flexible mechanism should be adopted in the sewage treatment scheme so that alterations could be made when new technologies were available.

(c) Meeting with the Administration
(LC Paper No. CB(1) 622/99-00(05))

12. The Deputy Secretary for Planning, Environment and Lands (DS/PEL) said that the information paper aimed at dealing with members' concerns raised at the special Panel meeting held on 25 November 1999. On the composition of the IRP, members' suggestions of appointing a wider variety of experts had been considered carefully and it was now proposed that the membership of the IRP be expanded from five to seven. A marine ecologist as well as an economist would be appointed to the IRP. The paper also addressed members' concerns on the role of the local Chairperson, the terms of reference for the IRP, measures to avoid conflict of interest of IRP members and the impact of the review on Stage I works.

13. DS/PEL stressed that SSDS was not only a sewage disposal system. It provided a system for sewage treatment before disposal through extended outfall to the sea. The Chemically Enhanced Primary Treatment to be adopted would be able to treat sewage to a higher standard as compared with the primary treatment process. He agreed that the review process of the IRP should be open to the public and different interested groups in the community should have the opportunity to share their views with the IRP.

Discussion with members

Scope of the proposed review and possible impact on Stage I works

14. In response to the Chairman's question on whether the IRP would review the sustainability of SSDS, DS/PEL said that this would be included in the terms of reference of the IRP. The Chairman also sought clarification on the transparency of the review process. DS/PEL assured members that the public would have access to all the information available to the IRP and the review process would be open to views and participation from the community.

15. Miss Emily LAU welcomed a review conducted in an open and transparent manner. On the scope of review, she pointed out that the strategy of treating sewage at source was proposed by a number of green groups and enquired whether this alternative would be considered by the IRP. She also expressed concern over the possible impact of the review on Stage I works. In the event that the IRP recommended modifications to the treatment strategy or even a complete change to a new strategy, the works completed under Stage I might become obsolete. She asked the Administration to assess the financial implication and advise the liability on the part of the Government in compensating the affected parties.

16. DS/PEL explained that since the decision to implement SSDS was made ten years ago, new technologies had emerged during these years. This was one of the reasons for conducting a fresh review. There would not be any constraint on the alternative technologies to be considered by the IRP. However, when assessing the feasibility of an alternative, all related factors such as technology, costs and land requirement had to be taken into account. On the impact on Stage I works if changes to the treatment strategy was recommended, DS/PEL said that he was not in a position to advise members at this stage as the recommendations of the IRP were not known. Nevertheless, the works completed under Stage I would not be wasted since much of the investment was made on treatment facilities and pumping stations. These facilities would be required for all sewage treatment systems.

17. Miss Emily LAU opined that the Administration should make an assessment on the possible financial loss and legal liability in the event that Stage I works were to be modified or abandoned. She could not accept the Administration's stance that it could not provide any analysis in this respect. The Director of Environmental Protection (DEP) said that the Administration would be able to give an assessment on the possible financial impact of the modification/abandoning of the Stage I works when recommendations of the IRP were available. Much of the technologies available today was not in existence ten years ago when the decision on SSDS was made. The IRP would review SSDS in the light of available alternative technologies, and take into account all relevant factors such as financial and land requirements before arriving at a sensible recommendation on the best way forward.

18. In reply to Miss Emily LAU's enquiry on whether the Administration would set any financial constraint on the sewage treatment strategy to be recommended, DS/PEL

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said that the recommendation of any strategy had to take into consideration the amount of money the community was willing to pay. The work of the IRP would involve assessing the feasibility and merits of available technologies and advising the capital as well as recurrent cost likely to be incurred for each alternative so that a reasonable decision could be made. The basic requirement for Hong Kong to have a system for collection and treatment of sewage to an acceptable standard for the protection of environment must be fulfilled. Moreover, the cost for developing the system and the recurrent cost for maintaining its service must be acceptable to the community.

Role of local Chairperson

19. Mr Martin LEE raised concerns about the appointment of the Chairman of the Environmental Affairs Panel (EA Panel) as the local chairperson for public meetings for the review. He felt that the discussions during the review would be more fruitful if all members of the Panel would be involved instead of just the Chairman. Therefore, he was more in favour of the proposed arrangement set out in paragraph 8 of the paper i.e. public process to take place in the context of EA Panel meetings. The Chairman agreed with this arrangement in principle but pointed out that with the expiry of the term of office of the LegCo Members on 30 June 2000, there would not be any meeting for the EA Panel until October 2000. There might be unnecessary delay to the review if the public process was conducted in the context of Panel meetings. Mr LAW Chi-kwong opined that the presence of LegCo Members at public meetings of the review would become a disadvantage after 30 June 2000 as the press would have to avoid coverage on them during the election period.

20. DEP clarified that for the public process during the review, there would be a first meeting for all interested groups to air their views in the absence of the IRP. A report consolidating the views received would be provided to the IRP in advance. This would set the scene for all other public meetings between the IRP and interested groups. The Administration would be present at all these meetings so that there would be an opportunity for an exchange of views. Members of the public would be free to attend these meetings. The relevant papers and records of these meetings would be put on the Internet for public access.

21. The Secretary for Planning, Environment and Lands (SPEL) explained that the proposal of appointing the Panel Chairman as the local chairperson was made with an objective of making the process more open to the public. This was in line with the request made by members at the Policy Address briefing that an open review process should be as closely related to the Legislative Council as possible. Taking into account members' views, he proposed that the public process be conducted in the context of the EA Panel until 30 June 2000, to be continued in another format as agreed by Panel members if the process would have to go beyond the end of June 2000.

22. Miss Emily LAU disagreed with the proposal as the public process would likely go beyond the end of June and the handing-over of discussion from the Panel to another

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forum would be confusing to the public. She urged the Administration to reconsider the arrangement and come back with a better proposal which could involve LegCo Members while at the same time would not be affected by the expiry of their term of office on 30 June 2000. The Chairman suggested and members agreed that the Administration should identify another suitable individual to be the chairperson of public meetings. LegCo Members would be informed about the schedule of these meetings well in advance so that they could attend the meetings to express their views if they wished.

Time and cost required for the review

23. In reply to Miss Emily LAU's enquiry on the time and cost requirement of the new international review, DEP said that it was expected that the review would take at least nine months to complete and the estimated cost was \$9 to 10 million. He pointed out that as the membership of the IRP had been expanded from five to seven, more expenses would be incurred. However, the actual cost for the review could not be ascertained yet since the Administration was still liaising with potential members on their appointment to the IRP. The appointment of the IRP would probably be completed in January 2000.

Conflict of interest

24. Mr HUI Cheung-ching enquired about the arrangements to avoid conflict of interest on the part of an IRP member. DEP said that the Administration would request all potential members of the IRP to confirm in writing that they had no conflict of interest, whether real or apparent, with their duties as an IRP member. In addition, a clause would be included in the appointment agreement requiring that the member must declare, before and during the term of the appointment, any interest which was considered to be in real or apparent conflict with the duties to be performed. The agreement would also require that the member should not undertake any services which might give rise to a conflict of interest.

Discussion with deputations

25. Members noted FoE's concern over the impact of toxic chlorinated organic compounds which were released to the environment as by-products during the disinfection process of sewage treatment. In addition, the release of sewage nutrients might increase the level of phosphorus and bring about algae boom and red tides. The Administration should also consider measures of handling these unwanted substances in the sludge. DEP responded that these technical points relating to the method of sewage treatment would be addressed by the IRP. Moreover, these issues had been subjects of study under the Environmental Impact Assessment of SSDS, the outcome of which would be uploaded onto the website of the Government.

26. Through the Chair, Mr Norman Di PERNO of the HKBCE sought information

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on the extent to which the recommendations of the IRP would be taken up by the Administration. He urged all the interested groups participating in the review to evaluate the technical feasibility of alternative strategies within the context of Hong Kong so that a practicable recommendation could be worked out. In response, DEP said that the Administration had no legal obligation to take up all the recommendations of the IRP but it would have to provide strong justifications for not accepting the recommendations.

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27. In response to the Chairman, Dr HUNG Wing-tat said that CA supported the continuation of the Stage I works. He said that the facilities constructed under Stage I could be used as a back-up system for sewage collection and treatment even if a decentralized treatment system would be adopted in future. In addition, he opined that the IRP should put forward a number of alternative recommendations for the Administration and the public to consider. Mr LAU Nai-keung of PGF shared Mr HUNG's view on the continuation of Stage I works. He said that green groups were not requesting the total abandoning of the facilities constructed under Stage I of SSDS but were trying to work out the best use of these in case a decentralized treatment system was adopted. He commented that the Administration could consider private sector participation in the sewage treatment process. On the number of alternatives provided by the IRP, DEP said it may well be that the IRP would put forward a number of recommendations with comparisons on the merits and defects as well as the cost implications for consideration.

28. In conclusion, members accepted the arrangement proposed. The Administration was requested to proceed with the appointment of the IRP urgently and to provide the membership list as well as the curriculum vitae of the IRP members to the EA Panel by January 2000.

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V. Proposed amendments to the Noise Control Ordinance (NCO)
(LC Paper No. CB(1) 622/99-00(06))

Existing problems of NCO in deterring noise offences

29. Mr HUI Cheung-ching sought clarification on the reasons for the small percentage of conviction cases compared with the cases of noise complaints as stipulated in paragraph 11 of the information paper. He also enquired about the number of conviction cases which involved body corporate and the maximum penalty for a noise offence. The Principal Environmental Protection Officer (PEPO) replied that the number of conviction cases might not be in direct proportion to the number of complaint cases since some of the complaints could not be substantiated because the noise level had not exceeded the legally permitted level. Among the conviction cases in 1998, 80% involved body corporates. The maximum penalty for a first conviction was a fine of \$100,000 and for subsequent convictions the maximum fine would be double the amount. The Assistant Director of Environmental Protection (Environmental Assessment & Noise) (ADEP/EA&N) added that the problem of noise pollution from construction activities was particularly serious. Among the 410 conviction cases in 1998, 299 cases were on construction noise offences. 80% of these construction noise offences involved working without permits and of these, 80% were committed during Sundays or Public Holidays. 40% of these cases happened during mid-night or early morning. These had caused great disturbance to nearby residents and measures should be taken to deter the recurrence of these offences.

30. Miss Emily LAU cited the incident of the construction noise at the site of the Ministry of Foreign Affairs in which the nuisance continued despite residents' complaints. She asked whether the proposed amendments could help to deal with cases of similar nature. PEPO responded that the problem of the existing legislation was that only the body corporates were fined while the directors responsible for the management of the corporate were not held responsible. ADEP(EA&N) said that as reflected in figures of subsequent conviction cases, companies with sole proprietorship where the operators could be held personally liable for the noise offences had a much lower percentage of second conviction compared with that of body corporates (3% compared with 97%). Therefore, the proposed measure of holding the directors personally responsible should be an effective deterrent in preventing future offences. The Principal Assistant Secretary for Planning, Environment and Lands (Environment)1 (PAS/PEL(E)1) supplemented that the objective of the amendment to NCO was to increase the awareness among corporate management on the importance of adopting good practices to prevent violation to NCO by their corporations.

31. Mr Martin LEE expressed appreciation for the Administration's effort in the preparation of the information paper and commented that it was a good piece of work which could put together various issues of concern. He suggested that in addition to fines, the Administration should consider imprisonment sentences for second or subsequent convictions. Moreover, he opined that it would be of great help to the prosecution process if the Department of Justice could provide a team of prosecutors with expertise in dealing with noise offences under NCO.

Due diligence defence and draft code of practice

32. In response to Mrs Miriam LAU's concern over the extent of liability of the directors in comparison with other ordinances with similar provisions, ADEP(EA&N) explained that additional defence provisions were provided under the proposed amendment to NCO. It was a defence if the management could show that a proper system had been established and had been in effective operation to prevent the offence. Moreover, the Noise Control Authority would issue a Code of Practice to provide practical guidance on good management practices to prevent violation of the NCO. Compliance with the Code of Practice would constitute a ground for statutory defence. This was the first time in Hong Kong where a Code of Practice was introduced as statutory defence. While the definition of directors was not clearly made in other ordinances, this would be provided in the proposed amendments.

33. On the proposed arrangement of holding the directors responsible, Prof NG Ching-fai enquired whether the directors would only be held responsible upon the second conviction of the body corporate. ADEP(EA&N) explained that a warning letter would be issued to the directors of the body corporate upon the first conviction of the body corporate and they would be held responsible if the body corporate committed a second offence. There would be adequate notice for the management to take remedial actions to avoid further violation of NCO. Mr Martin LEE suggested that

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Admin. the Administration should issue a warning letter to the directors when the body corporate first committed the offence and it was undesirable to issue the letter only after the conviction of the offence, which might take a few months. The directors should be required to take immediate remedial actions. ADEP(EA&N) agreed with the suggestion and undertook to consider this in further detail.

Mechanism for lodging noise pollution complaints

Admin. 34. In response to Prof NG Ching-fai's enquiry on whether the public should lodge complaints of noise pollution to EPD or to the Police, PEPO said that the public could either call the 24-hour hotline of EPD or the nearby police station to lodge their complaints. Upon members' request, the Administration undertook to review the arrangements for a better coordination between EPD and the Police for more effective handling of noise pollution complaints.

Consultation with affected parties

35. Mrs Miriam LAU expressed concern about the Code of Practice mentioned in paragraph 6 of the paper and sought clarification on whether the affected trades had been consulted on the contents of the code. ADEP(EA&N) informed members that the Administration had discussed with the trades on the draft code and briefed them on the objective of the proposed amendments to NCO. Further discussions would be held to achieve a set of mutually agreeable Code of Practice before this would be put into effect. PAS/PEL(E)1 added that once the proposed amendments were enacted, reasonable time would be allowed for the trades to improve their management practices before commencement of the proposed amendments. The provision of a Code of Practice would help the trades in establishing good management practices to avoid violation of NCO.

36. Miss Emily LAU sought clarification on whether the developers and other affected parties were all consulted on the proposed amendments and the extent to which their views were taken by the Administration. This would be important for members to assess the degree of acceptance by all affected parties in the examination of the amendment bill. ADEP(EA&N) informed members that the Administration had consulted developers, construction industries, industrial sector, restaurant associations and public utilities companies. A list of parties consulted and summary of their views were given in an information paper presented to the EA Panel at its meeting on 29 March 1999. He advised that the proposed amendments had had the support of majority of the affected trades except for the construction contractors. The concerns expressed by the contractors had been carefully considered and many of these had been taken up by the Administration.

37. PAS/PEL(E)1 added that the Administration had recently met with the Hong Kong Construction Association. The Association had requested more time for its members to adjust and improve their operation. The Association was aware of the

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seriousness of the noise problem and had agreed to request its members to comply with the Code of Practice. However, it still had reservations about the implementation of the proposed legislative amendments as it had not been able to work out a proper compliance mechanism within the construction industry.

38. Mr Martin LEE said that the construction industry's objection to the proposed amendment would not have the support of the community if they continue to violate the noise requirements despite sufficient warning. He expressed support for the proposed amendment and requested the Administration to continue to liaise with the construction industry to work out a proper solution.

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39. Concluding the discussion, the Chairman said that the Administration should seek approval from the Executive Council and introduce the proposed amendments to the Legislative Council as soon as possible.

VI. Proposed amendment to the Dumping at Sea Ordinance (DASO)
(LC Paper No. CB(1) 622/99-00(07))

40. PAS/PEL(E)3 briefed members on the proposed amendment to DASO as set out in the information paper. It was proposed that section 8(2) of DASO be repealed such that operations authorized under the Foreshore and Sea-bed (Reclamations) Ordinance (FSRO) would no longer be exempted from the requirement of permits under DASO. Concurrently, an Order would be made by SPEL under section 11 of DASO to exempt operations authorized under FSRO or ordered under the Roads (Works, Use and Compensation) Ordinance (RWUCO), Cap 370, which were related to land formation and road works only.

41. In response to Miss Emily LAU's enquiry on the reason for such amendments, PAS/PEL(E)3 explained that the amendments were made in an attempt to tidy up the existing anomaly whereby the need for a permit for dredging and dumping activities was not spelt out in the legislation but was only an administrative requirement. She pointed out that under section 2 of FSRO, reclamation was defined as "any work over and upon any foreshore and sea-bed". This included both land formation works and dredging/dumping works. Indeed a substantial number of "reclamation" works authorised under FSRO were related to dumping rather than land formation activities. Since the Administration's intention was to exempt only land formation works from the permit requirement, the present section 8(2) of DASO need to be amended to reflect this intention. In addition, some reclamation works related to the construction of roads were ordered under subsection 17(1)(b) of RWUCO. Unlike reclamation works authorized under FSRO, they were at present not exempted under DASO. Opportunity would be taken to include the appropriate types of reclamation works ordered under the RWUCO as exempted operations under DASO.

42. As regards Mr Martin LEE's concern over the impact of the proposed

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amendments on the obligations of Hong Kong under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the London Convention), the Assistant Director of Environmental Protection (Waste & Water) said that the proposed amendments would bring about stricter legal control of dredging and dumping activities and would not therefore contravene the obligation under the Convention.

43. On the consultation of the proposed amendment with green groups and the construction industry, PAS/PEL(E)3 advised that the proposal had been endorsed by the Advisory Council on the Environment(ACE). She said that construction contractors had all along been required under current administrative practice to apply for permits for dredging and dumping activities. The proposed amendment would make permit application a legislative requirement. DS/PEL added that the membership of ACE comprised individuals from different sectors of the community which included green groups, academics and members of different trades and industries.

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44. In conclusion, members supported the proposed amendment to DASO and agreed that the Administration could proceed in accordance with the legislative timetable proposed.

VII. Proposed amendments to the Sewage Services Ordinance and the Sewage Services (Trade Effluent Surcharge) Regulation
(LC Paper No. CB(1) 622/99-00(08))

45. PAS/PEL(E)3 highlighted the major proposals in the paper for members' information. The major changes proposed included the introduction of revised procedures for reassessment of Chemical Oxygen Demand (COD) values and the adoption of a new sampling method, known as the "grab sampling" method, which was much simpler and less costly than the existing "flow-proportional composite sampling" method. The Drainage Authority would be entrusted with the responsibility of carrying out the sample-taking and testing work instead of private laboratories. A consumer who believed that the COD values of his trade effluent were lower than the generic values could file his application to the Drainage Authority for a reassessment by paying a prescribed charge. In addition, the Administration intended to introduce the following amendments to the Sewage Services Ordinance and the Sewage Services (Trade Effluent Surcharge) Regulation-

- (i) to extend the validity period of reassessed COD values;
- (ii) to allow for charging a consumer having mixed accounts;
- (iii) to require a consumer to notify the Drainage Authority if he changed his business to a trade effluent surcharge(TES) chargeable trade;

- (iv) to allow “group assessment”; and
- (v) to enable the Drainage Authority to initiate refund of sewage charge or TES to consumers.

46. On Mr HUI Cheung-ching’s enquiry on the number of reassessment cases and the amount of savings on the part of consumers, the Senior Chemist/Sewage Services advised that 307 restaurant operators had applied for reassessment, and some of them were able to reduce their TES charges significantly.

47. Mr HUI Cheung-ching was concerned that the subsequent changes in respect of a chain group business might render the assigned COD values for that chain group consumer invalid. The Assistant Director of Drainage Services (ADDS) advised that group reassessment would reduce the cost of chain group business, since the number of samples to be taken from each premises within the chain group would be less than that required under individual applications. The Drainage Authority would exercise discretion in deciding upon the validity of COD values where there were subsequent changes to the chain group business.

48. Miss Emily LAU supported the principles for the amendments but opined that the details of the proposals had to be further scrutinized. She sought information on the consultation with the affected trades and requested that their views be presented for consideration of the Legislative Council. PAS/PEL(E)3 said that the proposals were supported by ACE. The trades were consulted in the course of the review of the TES Scheme. The Senior Chemist/Sewage Services said that a number of meetings had been held to exchange views with the laboratory trades on the new sampling method. Upon members’ request, DS/PEL undertook to set out clearly the views from the trades and the Administration’s response to the views put forward when the amendment bill was submitted to the Council for consideration.

Admin.

VIII. Any other business

49. There being no other business, the meeting was adjourned at 11:55 am.