立法會
Legislative Council

LC Paper No. CB(1) 2305/01-02
(These minutes have been seen by the Administration)

Ref: CB1/PL/EA/1

LegCo Panel on Environmental Affairs

Minutes of meeting held on Monday, 22 April 2002, at 2:30 pm in Conference Room A of the Legislative Council Building

Members present	**:**	Hon CHOY So-yuk (Chairman) Hon Cyd HO Sau-lan (Deputy Chairman) Ir Dr Hon Raymond HO Chung-tai, JP Hon CHAN Yuen-han, JP Hon SIN Chung-kai Hon WONG Yung-kan Hon LAU Kong-wah Hon Miriam LAU Kin-yee, JP Hon Emily LAU Wai-hing, JP Hon LAW Chi-kwong, JP Hon Abraham SHEK Lai-him, JP Hon Henry WU King-cheong, BBS Hon Tommy CHEUNG Yu-yan, JP Hon Michael MAK Kwok-fung Dr Hon LO Wing-lok Hon LAU Ping-cheung Hon Audrey EU Yuet-mee, SC, JP
Member absent	**:**	Hon Martin LEE Chu-ming, SC, JP
Public officers attending	**:**	**For item IV** Environment and Food Bureau Mr Donald TONG Deputy Secretary (B)

Ms Annie CHOI
Principal Assistant Secretary (B)2

For item V

Environment and Food Bureau

Mr Donald TONG
Deputy Secretary (B)

Mr Raistlin LAU
Principal Assistant Secretary (B)1

Environmental Protection Department

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

Mr Michael TSING
Senior Environmental Protection Officer
(Waste Policy and Services)

Civil Engineering Department

Mr WONG Chung-keung
Chief Geotechnical Engineer (Fill Management)

Attendance by invitation : **For item V**

Greenpeace

Mr HO Wai-chi
Executive Director

Ms Miranda YIP
Campaigner

Green Power

Dr HO Kin-chung
Program Leader in Environmental Studies
The Open University of Hong Kong

Clerk in attendance : Miss Becky YU
Chief Assistant Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Assistant Secretary (1)2

I Confirmation of minutes of previous meeting

(LC Paper No. CB(1) 1519/01-02 — Minutes of the meeting held on 25 February 2002
LC Paper No. CB(1) 1520/01-02 — Minutes of the meeting held on 20 March 2002)

The minutes of the meetings held on 25 February and 20 March 2002 were confirmed.

II Information paper issued since last meeting

2. Members noted that no information was issued since the last meeting.

III Date of next meeting and items for discussion

(LC Paper No. CB(1) 1521/01-02(01) — List of follow-up actions arising from discussion
LC Paper No. CB(1) 1521/01-02(02) — List of outstanding items for discussion)

3. Members agreed to discuss the following subjects at the next regular meeting on 27 May 2002 -

(a) Proposed designation of South West Lantau and Soko Island Marine Parks; and

(b) Proposed Landfill Charging Scheme.

4. The Chairman remarked that the Panel might need to hold a special meeting to discuss air quality, covering issues which included control of idling engines, progress on light buses using clean fuel and the Guangdong-Hong Kong Joint Study on Air Quality in Pearl River Delta Region.

(*Post-meeting note:* At the request of the Administration and with the concurrence of the Chairman, an additional item on "Proposed amendments to the Waste Disposal (Refuse Transfer Station) Regulation and Waste Disposal (Designated Waste Disposal Facility) Regulation" was subsequently included for discussion at the next meeting.)

5. The Chairman also reminded members of the informal meeting to be held on 6 May 2002, the purpose of which was to exchange views with the affected trades on the proposed amendments to the Technical Memorandum on effluent standards under the Water Pollution Control Ordinance, Cap 358.

IV Injection of funding into Environment and Conservation Fund

(LC Paper No. CB(1) 1521/01-02(03) — Information paper provided by the Administration)

6. The Deputy Secretary for the Environment and Food(B) DSEF(B) explained the background and details of the Administration's proposal to inject $100 million into the Environment and Conservation Fund (ECF) by highlighting the salient points in the information paper.

Proposed use of ECF

7. Dr LO Wing-lok enquired whether the injection of $100 million would cover the administrative cost of the ECF Committee which was responsible for the allocation and management of ECF. DSEF advised that the administrative cost of the ECF Committee would continue to be absorbed by the Environment and Food Bureau rather than being covered by the ECF. On the need for the proposed injection of $100 million which was much higher than past injections of $50 million in 1994 and 1998, DSEF(B) explained that the past injections of $100 million together with the total interest of $20 million accrued over the past eight years had been fully committed to finance worthwhile projects. To support new waste recycling initiatives and other educational research projects and to achieve the target waste recovery rate of 40% by 2007, more funds should be injected into ECF. Based on the number and scale of approved projects in the past years, it was considered that $100 million should be sufficient to fund ECF applications in the coming few years.

8. Referring to paragraph 7 of the information paper, DSEF(B) clarified that the projected percentages of funding for community waste recovery projects, educational projects as well as research and technology demonstration projects were meant to be an indicative distribution of funds only. The ECF Committee would regularly review the allocation to each category and make adjustments as and when necessary so that no worthwhile projects in any category would be rejected because of the lack of funds.

9. On ***community waste recovery projects***, Mr MAK Kwok-fung noted that most of these projects appeared to have been carried out in public housing estates by public organizations. He asked if the low participation rate in private housing developments was attributed to the lack of publicity. DSEF(B) advised that publicity programmes for waste recycling were not only targeted at public housing estates. In fact, substantial resources had been allocated for the promotion of recycling activities in private housing developments by community organizations and green groups. The Principal Assistant Secretary for the Environment and Food (B)2 (PAS/EF(B)2) added that efforts had been made to encourage residents in private housing to take a more active role in waste recycling activities. Of the 1 100 housing estates which had participated in the waste recycling campaign organized by the Environmental Campaign Committee (ECC) with ECF funding, over 900 were private housing estates while the remaining were public housing estates. The ECC intended to extend the waste recycling programmes to cover 1 400 public and private housing estates within 2002-2003.

10. While agreeing that more emphasis should be put on waste recovery projects, the Chairman opined that efforts should also be made to promote the separation of dry and wet domestic waste since the former could be easily recycled. DSEF(B) agreed to relay the Chairman's view to Environmental Protection Department (EPD) and the ECC for consideration. As regards the Chairman's suggestion of providing more spaces in public housing estates to facilitate waste recovery and recycling, PAS/EF(B)2 confirmed that the Housing Authority had issued guidelines to housing managers of public housing estates on providing assistance to organisations that required premises for recycling projects funded by ECF. DSEF(B) added that the Administration would provide assistance as far as possible in the leasing of premises under the management of Housing Authority.

11. On ***educational, promotional and community involvement projects***, Ms Cyd HO asked if funding would be provided for promotional projects on the use of environmentally friendly or recycled products. Miss CHAN Yuen-han also pointed out that the mismatch between waste recovery and reuse was a typical example of the inconsistency in environmental policies. DSEF(B) agreed that there was room for improvement, and that the Administration had already taken proactive steps in synchronizing its environmental policies. In fact, additional resources had been provided to EPD in identifying outlets for recovered materials. Mr Tommy CHEUNG asked if consideration would be given to establishing a market for recycled materials so that they could be reused. DSEF(B) assured members that sorted materials would not be disposed of in landfills and would be used for recycling. He was reasonably optimistic that the target waste recovery rate of 40% could be achieved by 2007.

12. On ***research and technology demonstration projects***, Mr MAK Kwok-fung enquired about the nature of research that would be funded by ECF. DSEF(B) said that it would be for the project proponents to decide although research on waste recycling would be most welcomed. Ms Cyd HO asked if funding would be provided

for minor research projects such as household waste segregation initiatives. PAS/EF(B)2 said that funding applications would be considered by the ECF Committee on a case-by-case basis.

13. Ms Audrey EU asked if ECF would focus on small-scale research projects on the promotion of waste recycling or environmental industry. DSEF(B) clarified that research projects funded by ECF were not necessarily associated with waste recycling and could be related to other subjects such as water and air pollution. For instance, one of the 68 research projects currently funded by ECF was on the compression of plastic bottles to help reduce the volume of the waste. PAS/EF(B)2 added that projects, such as studies on conservation-related subjects, which were of interest from an environmental point of view and might not be able to obtain support from other sources of Government funding, could apply for ECF. Mr Tommy CHEUNG enquired about the progress on recycling of used cooking oil from the catering industry. DSEF(B) said that project proponents were welcomed to apply for funding to carry out research into the subject.

Vetting of funding applications

14. DSEF advised that the ECF Committee was set up under the ECF Ordinance (Cap. 450) to advise on the use of ECF. ECF applicants were well aware of the funding guidelines and they would be suitably advised when there were uncertainties about the funding process. PAS/EF(B)2 added that apart from detailed application guidelines, standard format would also be provided to project proponents to facilitate the preparation of progress reports. Noting that the vetting bodies only met once every two months to consider applications, Miss CHAN Yuen-han expressed concern that this might delay the timely implementation of projects. PAS/EF(B)2 advised that the meeting schedules of the vetting bodies were set at the beginning of the year. To enhance transparency of the vetting process, ECF applicants would be informed of the timetable for vetting of applications and the estimated date of decision.

15. While supporting in principle the proposed injection of funds into ECF since Hong Kong was lagging behind most major cities in waste recovery and recycling, Ir Dr Raymond HO emphasized the need to avoid overlapping of projects and allocation of fund to the same organizations which would impede diversification of projects and wider participation of different parties. Apart from projects funded by ECF, the Administration should also continue its efforts to promote waste recycling initiatives. DSEF(B) took note of Ir Dr HO's view and assured members that the Administration would take active steps in implementing educational programmes and environmental initiatives on waste reduction, such as recycling of car tyres and glass bottles. In deciding on the allocation of ECF, the ECF Committee would take into account the latest development in waste management and other funding applications which had already been approved.

16. Mr Tommy CHEUNG expressed concern about the possible overlapping of ECF and other Government funds such as the Innovation and Technology Fund. PAS/EF(B)2 said that the ECF Committee Secretariat would maintain close contact with other funding agencies to prevent duplicate funding of projects. No funding from ECF would be allowed if a project had received support from a separate source of government funding.

17. Noting that 253 out of 900 funding applications were either rejected or withdrawn since March 2002, Mr WONG Yung-kan enquired about the reasons for refusal and whether withdrawals were made on grounds of duplication. PAS/EF(B)2 said that there were various reasons for rejection and withdrawal. While some applications were withdrawn by applicants of their own accord, others were rejected on grounds of insufficient information or justification. In general, funding applications would be vetted according to the merits, cost-effectiveness and practicability of the projects. As regards the range of funding for projects, PAS/EF(B)2 advised that of the 647 approved projects, over 480 were educational or promotional projects undertaken by schools or community organizations. Most of these projects cost less than $150,000. For projects costing more than $150,000, they were mainly research projects and pilot community waste recovery projects which required a longer implementation period.

18. Ms Emily LAU noted that a number of green groups had received funding from ECF to support their projects. She asked if it was a common practice in overseas countries since this might affect the independence of green groups and make them less critical of the Government. DSEF(B) said that it was very unlikely that green groups would become less critical of the Government upon receipt funding from ECF as evidenced by past experience. PAS/EF(B)2 said that green groups could apply for funding for their projects like any other organizations. As funding under ECF was on a project basis, the participation in the funded projects by green groups would not undermine their independence.

Assessment criteria

19. Ms Cyd HO noted from Annex D to the paper that both non-profit making organizations and local incorporated companies might also apply for funding for technology demonstration projects. She was concerned that ECF funding would be used to finance projects which should otherwise be funded by the companies concerned for their own benefit. In reply, PAS/EF(B)2 quoted the project regarding compression of plastic bottles to illustrate the operation of the funding arrangement. She said that the project was jointly undertaken by a hotel and an industry support organization with a view to working out an alternative to reduce the volume of plastic bottles since the conventional compressors were both noisy and space consuming. Although the hotel was a profit-making organization, the intention of the project was non-profit-making by nature. The funding application for identification of suitable compression technology for plastic bottles was approved by ECF on condition that the project proponents had to share their experience with other organizations through

publicizing the outcome of the project.

20. Ms HO questioned why there was no ceiling for the monthly salaries of research assistants engaged in environmental research and technology demonstration projects. PAS/EF(B)2 explained that in an attempt to be brief, the paper had not set out in detail the remuneration for research assistants. In fact, the ECF Committee had set ceilings, for salaries of research assistants, which followed those of tertiary institutions. In the event that a project demanded a higher requirement for its research assistants, the project proponent would have to provide justification for such a need.

Monitoring mechanism for funded projects

21. Declaring interest as a member of the ECC and the Chairman of the Vetting Subcommittee for educational projects, Mr Henry WU said that there was a need to closely scrutinize funding applications to ensure that funds were well spent. While agreeing to the need for monitoring, Ms Emily LAU asked if there were sufficient manpower resources to conduct the surprise checks. PAS/EF(B)2 confirmed that staff of the secretariats would carry out random checks, especially for the larger projects. At members' request, the Administration undertook to provide regular progress reports on ECF projects to the Legislative Council.

V The new dredged/excavated sediment disposal management framework

Meeting with Greenpeace
(LC Paper No. CB(1) 1521/01-02(04) -- Submission from the Greenpeace)

22. Mr HO Wai-chi said that Greenpeace was concerned about the new classification system for dredged/excavated sediment which was applied to all construction projects that commenced on or after 1 January 2002. The major difference between the 1992 Sediment Classification System (1992 System) and the new classification systems was the basis of decision making. The ultimate decision on the disposal of dredged sediments under the new classification system was based on biological screening while the 1992 System used chemical screening which was more conservative and secure. As the biological test was based on the toxicity measured according to the contaminant bio-availability, which was affected by a number of factors such as pH variation and salinity etc, it would actually level down the toxicity level of dredged materials. As a result, a large amount of moderately or even highly contaminated dredged sediments which would otherwise be dumped in confined disposal sites under the 1992 System would now be disposed of at open sea. Another concern was the non-availability of local species and protocols for biological screening to ascertain the effect of contaminated dredged sediments on the local marine environment in the longer term. He stressed that in order to follow the spirit of the London Convention 1972 (LC), Hong Kong should promote the effective control of all sources of pollution of the marine environment, and take all practicable steps to prevent pollution of the sea by dumping of waste that was liable to create hazards to

human health, living resources and marine life.

Meeting with Green Power

23. Dr HO Kin-chung said that as dredging formed an integral part of infrastructure development, there was a need to identify suitable technology, sites and management framework for the disposal of dredged sediments. The introduction of biological screening under the new sediment management framework was to supplement the 1992 System which only adopted chemical screening in assessing dredged sediments. The new framework followed closely the spirit of the 1996 Protocol to LC. From an environment point of view, chemical screening was only an indirect method to gauge the potential harmful effects of dredged sediments to the environment as it did not consider the biological effect of sediments. In fact, heavy metals would only have adverse impact on marine organisms and the environment if they were readily taken up and assimilated by living organisms. Therefore, biological testing was a more useful means to determine the impact of sediment disposal on the marine environment. While agreeing with other green groups that the use of local species for biological screening would provide a more accurate assessment of the impact of dredged sediments on local ecosystem, Dr HO pointed out that the use of overseas species and protocols for testing would provide a standard for comparison. Irrespective of the choice of species, the testing technology should be regularly updated to meet the latest standards. To this end, consultation with academics was required. He also considered it necessary to appoint independent reviewers to monitor the situation to ensure effective management of sediment disposal and to prevent illegal dumping.

24. The Chairman also drew members' attention to the following submissions from organizations not attending the meeting-

LC Paper No. CB(1) 1521/01-02(05)	-- Submission from the World Wide Fund for Nature Hong Kong
LC Paper No. CB(1) 1544/01-02(01)	-- Submission from the Friends of the Earth

Meeting with the Administration

(LC Paper No. CB(1) 1521/01-02(06) -- Information paper provided by the Administration)

25. With the consent of the Chairman, DSEF(B) took the opportunity to respond to some of the points raised by the deputations. He said that Government discouraged unnecessary dredging of sediments and would not normally allocate disposal capacity for a project unless the project proponent could satisfactorily demonstrate a clear need for dredging. By way of illustration, bio-remediation methods rather than dredging had been adopted to treat the sediments at Shing Mun River. Studies were also being conducted on the feasibility of carrying out on-site treatment for the contaminated soil

at the old Kai Tak Airport. He concurred with Dr HO Kin-chung that dredging was an integral part of infrastructure development, and that there was a need to identify a suitable management framework for disposal of the sediments.

26. The Principal Environmental Protection Officer (Waste Policy and Services) (PEPO(WPS)) added that the Government had introduced separate Practice Note and Technical Circular for private and public sector projects requiring disposal of dredged sediments. Project proponents would need to demonstrate a clear need for dredging before consideration would be given to the allocation of disposal facilities. Dedicated sites had been designated by the Administration for the disposal of dredged sediments which had passed the biological screening test. An environmental monitoring and audit programme would be performed at these sites to ensure that the disposal would not cause an unacceptable impact to the marine environment. To prevent similar recurrences of fish kills in Ma Wan resulting from dredging works at Penny Bay which had subsequently led to compensation to the affected fishermen, Ms Emily LAU stressed the need for effective environmental monitoring. DSEF(B) advised that as an additional precautionary measure, the Administration would identify dedicated sites for disposal of dredged sediments which had passed the biological screening, would conduct environmental monitoring on these sites and would take remedial actions if necessary.

27. As regards Greenpeace's allegation that the new sediment management framework would allow for open sea disposal of some contaminated dredged sediments which would otherwise be dumped in confined disposal sites under the 1992 System, DSEF(B) clarified that this was not the case. According to the sediment quality reports of those projects which would require marine dumping in the period 2002 to 2004, the disposal arrangements of 90% of the samples tested would remain unchanged after the implementation of the new framework. In response to Ms Emily LAU's enquiry on the situation of the disposal arrangements of the remaining 10% of samples, DSEF(B) advised that one-third would change from open sea disposal to confined marine disposal as a result of the more stringent biological screening criteria and vice versa for the remaining two-thirds. He added that where the dredged sediments contained a mixture of contaminated and non-contaminated materials which might cause biological effects, the Administration would dump these in the confined disposal site for the sake of safety.

28. Noting that the confined disposal site which would not be covered until it was filled, Dr LO Wing-lok expressed concern that the contaminated sediments might be dispersed to the surrounding area by water currents during disposal. PEPO(WPS) explained that the dredged sediments were usually delivered to the disposal site using barges for conveying the sediments to the deep trenches of the seabed constructed for the purpose. Another possible way which had yet to be tried out would be using suction dredgers which were equipped with devices for direct conveyance of sediments to the trenches through a pipe. These trenches would be sealed when the sediments reached a level of five to seven metres below the seabed. In selecting the site for confined disposal, care had been taken to ensure that the water currents in the area

were slow, thereby reducing the risk of sediment dispersal. Environmental monitoring at the confined disposal site for the past years had confirmed that the disposal of dredged sediments had not given rise to unacceptable impact on the surrounding environment, including the survival of white dolphins. In fact, the same disposal practice had been adopted by many overseas countries.

29. On ***the use of biological screening to assess dredged sediments***, DSEF(B) advised that this had already been adopted in many overseas economies, including the United States, Canada and Australia. Given that China was also a contracting party to LC, it was expected that Hong Kong would follow the spirit of the 1996 Protocol to LC after it had been ratified by the Mainland. He stressed that biological screening was used as an additional means to supplement rather than dispensing with chemical screening in assessing dredged sediments.

30. Noting that biological screening would only be performed on three species of marine organisms which included amphipod, polychaete and bivalve/echinoderm, Dr LO Wing-lok questioned if the screening could effectively reflect the biological response of other marine species such as white dolphins as well as the health impact on humans. PEPO(WPS) said that in selecting the species for biological screening, the Environmental Protection Department had made reference to overseas experience in United States and Canada. These marine organisms were able to provide immediate (acute toxicity) and long-term (chronic toxicity) biological response to the contaminants. As to how the screening was carried out, PEPO(WPS) explained that the selected marine organisms would be placed in contact with the dredged sediments for observation. If the fatality rate of the organisms had exceeded the permitted level of 20%, the dredged sediments would have failed the biological screening test. Separate tests on the same species using clean sediments would be conducted for control purpose. To ascertain the longer-term effects of the dredged sediments, the growth and development of marine organisms would be observed over a prolonged period of time. A duration of ten days would be adopted for assessing short-term effects while 20 days for longer-term effects.

31. Mr HO Wai-chi/Greenpeace remained concerned that biological screening was not able to assess the possible long-term effects of bio-accumulation of toxic substances in marine organisms which might be harmful to human if these organisms entered into the food chain. He pointed out that some contracting parties to LC like Holland were looking into alternatives to marine disposal of sediments, including land disposal. He hoped that the Administration would adopt the same approach. Through the chair, DSEF(B) reiterated that the Administration would not allow marine disposal of dredged sediments unless there was a clear need for dredging. While welcoming views from the public on possible alternatives to marine disposal, he pointed out that the proposed land disposal option was not practicable given the limited capacity of landfills. Besides, the proposal would only transfer the problem rather than resolving it. In the light of the promulgation of the 1996 Protocol to LC, DSEF(B) considered that Hong Kong should follow the direction set out in the Protocol, viz using both biological and chemical screening in the sediment

management framework, with a view to improving protection of its marine environment.

32. On ***the use of local species for biological testing***, DSEF(B) advised that the Environmental Protection Department had been working with two local universities to identify indigenous marine organisms, and to develop testing protocols if local species were found suitable for routine screening test. He however pointed out that as local species were accustomed to the more polluted environment in Hong Kong, they would be less sensitive to biological screening as compared to overseas species. In fact, Australia was also using overseas species in biological screening.

VI Any other business

33. There being no other business, the meeting ended at 4:33 pm.

Legislative Council Secretariat
17 July 2002