

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1998/02-03  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/EA/1

**Panel on Environmental Affairs**

**Minutes of meeting held on**  
**Monday, 26 May 2003, 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)  
Dr Hon David CHU Yu-lin, JP  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon Martin LEE Chu-ming, SC, JP  
Hon SIN Chung-kai  
Hon LAU Kong-wah  
Hon Emily LAU Wai-hing, JP  
Dr Hon LAW Chi-kwong, JP  
Dr Hon LO Wing-lok  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent** : Hon WONG Yung-kan  
Hon Miriam LAU Kin-yee, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon LAU Ping-cheung

**Public officers attending** : **For item IV**  
Environment, Transport and Works Bureau  
  
Ms Doris CHEUNG  
Deputy Secretary (Environment and Transport) E1  
  
Ms Annie CHOI  
Principal Assistant Secretary (Environment and Transport) E2

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Environment Protection Department

Mr Alex NG  
Principal Environment Protection Officer (Facilities  
Development)

**For item V**

Environment, Transport and Works Bureau

Mrs Rita LAU  
Permanent Secretary (Environment and Transport)

Mr Thomas CHOW  
Deputy Secretary (Environment and Transport) E2

Mrs Angela LO  
Principal Executive Officer (Environment and Transport)  
Resource Management

**For item VI**

Environment, Transport and Works Bureau

Mr Thomas CHOW  
Deputy Secretary (Environment and Transport) E2

Environment Protection Department

Mr Elvis AU  
Assistant Director (Environment Assessment and Noise)

Mr K S CHAN  
Principal Environmental Protection Officer (Noise  
Management and Policy)

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

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

Miss Mandy POON  
Legislative Assistant 4

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**I. Confirmation of minutes**

(LC Paper No. CB(1) 1694/02-03 — Minutes of the meeting held on 28 April 2003)

The minutes of the meeting held on 28 April 2003 were confirmed.

**II. Information paper issued since last meeting**

2. Members noted the following information papers which had been issued since last meeting -

LC Paper No. CB(1) 1582/02-03 — Proposed Amendments to Air Pollution Control (Vehicle Design Standards)(Emission) Regulations (Cap. 311 sub. leg. J)  
Emission Standards for Newly Registered Liquefied Petroleum Gas Light Buses, Diesel Light Buses and Liquefied Petroleum Gas Taxis

LC Paper No. CB(1) 1711/02-03 — 2002 Implementation Report of the Waste Reduction Framework Plan

**III. Items for discussion at the next meeting**

(LC Paper No. CB(1) 1699/02-03(01) — List of follow-up actions

LC Paper No. CB(1) 1699/02-03(02) — List of outstanding items for discussion)

3. Members agreed to discuss the subject of “Territory-wide implementation of water-cooled air-conditioning systems” at the next meeting on Monday, 23 June 2003, at 2:30 pm.

*(Post-meeting note: At the instruction of the Chairman, the item had been replaced by “Impact of the Integrated Co-combustion Cement Production Facility on the environment and the recycling industry” and “Decommissioning of Cheoy Lee Shipyard at Penny's Bay”. With the concurrence of Hon CHOY So-yuk, Chairman of Panel on Environmental Affairs and Hon Miriam LAU, Chairman of the Panel on Transport, a joint meeting was scheduled for Monday, 23 June 2003, at 2:30 pm to discuss “Tolo Highway Widening — the Use of noise barriers from the Tolo Highway Widening Project”. The regular meeting of the Panel on Environmental Affairs on the same day was subsequently deferred to start at 3:30 pm.)*

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4. The Chairman informed members that a joint meeting with the Panel on Economic Services will be held on Monday, 23 June 2003, at 9:45 am to continue discussion on the subject of “Development of renewable energy in the context of the 2003 Scheme of Control Agreement Interim Review”.

**IV. PWP Item 45DR — Restoration of Pillar Point Valley Landfill**

(LC Paper No. CB(1) 1755/02-03(01) — Paper provided by the Administration)

5. The Deputy Secretary for the Environment, Transport and Works (Environment and Transport)E1 (DSETW(ET)E1) briefed members on the Public Works Project Item 45DR “Restoration of Pillar Point Valley Landfill (PPVL)” to be submitted to the Public Works Subcommittee (PWSC) for upgrading to Category A. The estimated cost for the project was \$463.2 million in money-of-the-day prices.

6. Ir Dr Raymond HO supported in principle the proposed restoration project. Noting that PPVL would be restored to meet the latest standards in landfill gas and leachate management, he asked whether the same standards would apply to landfills which had been restored before. The Principal Assistant Secretary for the Environment, Transport and Works (Environment and Transport)E2 (PASETW(ET)E2) advised that PPVL was the only one among the 13 closed landfills in Hong Kong that had yet to be fully restored. Proper landfill gas and leachate management systems were provided in all the other 12 landfills. Apart from strengthening the leachate management system to minimise pollution, there was also a need to monitor the differential settlement of the landfill’s surface to ensure slope stability at landfills.

7. As landfill gas was a source of energy, Dr LAW Chi-kwong enquired about the amount of landfill gas produced at PPVL and how this could be put to effective use. The Principal Environment Protection Officer (Facilities Development) PEPO(FD) said that about 3 000 cubic metres of landfill gas were currently produced at PPVL per hour and half of these would be used for generating electricity and thermal energy for use by the landfill office, leachate treatment system etc. The remaining half would be flared to minimise pollution to the environment. Dr LAW considered it a waste of energy resources to burn the landfill gas, and that efforts should be made to optimize the use of landfill gas. In this connection, the Administration should actively explore the feasibility of supplying the landfill gas to the China Light and Power Limited for electricity generation taking into account the capital investment involved in the provision of gas connection systems. While affirming that the Administration would endeavour to optimize the use of landfill gas, PASETW(ET)E2 said that if no other alternative use could be identified, flaring of the surplus gas would have to be carried out. The Chairman however remarked that there would be no incentive for landfill operators to make effective use of landfill gas in the absence of such a requirement in the contract. To facilitate members’ understanding, the Administration was requested to provide information on the amount of landfill gas produced at PPVL, the amount of electricity that could be generated and the amount of landfill gas that would be burnt when submitting the proposal to PWSC.

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*(Post-meeting note: The Administration clarified that when the restoration works were completed in 2006, two-thirds of the landfill gas produced at PPVL would be used on-site, and only one-third would be surplus gas that had to be flared.)*

8. The Chairman expressed concern about the high cost of post-commissioning works which amounted to \$104.1 million for a period of seven years. PASETW(ET)E2 explained that after the commissioning of restoration works, it would still be necessary to monitor the progress of restoration, mainly in regard to landfill gas migration and leachate pollution, as well as the settlement situation. New facilities, including a landfill gas management system and a leachate management system, would also require regular environmental control and maintenance during the entire restoration period which might last more than two decades. The cost of post-commissioning works was just an estimate using a smaller-scale project at Gin Drinkers Bay as the basis. The post-commissioning works for the Gin Drinkers Bay project was about \$70 million. According to past experience, the cost would tend to decrease with time. While the costs, including post-commissioning works, of the restoration project had yet to be finalised, efforts would be made to reduce the costs wherever possible. To achieve savings, the Chairman enquired if facilities in other landfills could be re-used in PPVL. PASETW(ET)E2 answered in the negative as all facilities were designed for the use of specific landfills for the entire restoration period. It was also not convenient to have any shared use of facilities given the remote location of PPVL.

9. Referring to the experience in the United States where upheaval of landfills was required due to serious leachate pollution, Ms Cyd HO asked if the Administration had conducted any studies to ascertain the degree of groundwater infiltration by leachate in Hong Kong. She further enquired about the measures which the Administration would take in the event that the cost of mitigating leachate pollution became insurmountable. DSETW(ET)E1 advised that the Civil Engineering Department had been closely monitoring leachate pollution to minimize any possible environmental problems during the operation of PPVL. Following the closure of PPVL, the Environmental Protection Department had been monitoring the pollution arising from leachate at PPVL and so far, the results indicated that the leachate had not given rise to pollution to the surrounding underground water. Upheaval of PPVL due to serious leachate pollution would therefore unlikely be necessary. On maintenance cost of the leachate management system and service life of the waterproof material used in capping the site, PEPO(FD) advised that judging from past experience, the pollution level of leachate would reduce with time. Besides, the waterproof material was made of very durable material and could be used for a considerable length of time. PASETW(ET)E2 added that bored holes would be drilled to monitor the extent of groundwater infiltration by leachate. It was expected that with the reduction in the pollution level, the maintenance cost of the leachate management system would decrease in subsequent years. As regards the Chairman's question on the long-term financial commitment in restoring the landfills which might last more than two decades (could be up to 30 years in some cases), PASETW(ET)E2 said that the Administration would carry out a review every five years, starting from the commissioning of the restoration works, to determine if the landfill was completely

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restored and whether further post-commissioning works would be necessary.

10. The Chairman said that while members supported in principle the need for restoration of closed landfills, they considered that more efforts should be made to optimize the use of landfill gas as a source of energy. She requested the Administration to provide information on how landfill gas produced at PPVL could be put to use, the total financial commitment in restoring PPVL and the unit restoration cost of the waste disposed of at PPVL if the costs of the restoration and post-commissioning works were included.

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**V. Staffing proposal**

(LC Paper No. CB(1) 1699/02-03(04) — Paper provided by the Administration)

11. The Permanent Secretary for the Environment, Transport and Works (Environment and Transport) (PSETW(ET)) briefed members on the Administration's proposal to create two permanent posts of Permanent Secretary for the Environment, Transport and Works (Environment and Transport) and Deputy Secretary for the Environment, Transport and Works (Environment and Transport)E2; and to delete three permanent posts of the former Secretary for Environment and Food, the former Secretary for Transport and the Principal Executive Officer (Works) Resource Management in the Environment, Transport and Works Bureau. The Administration intended to submit the proposal to the Establishment Subcommittee (ESC) for consideration at its meeting on 28 May 2003.

12. Ms Emily LAU said that at an earlier meeting of the seven political parties, it was decided that the creation of additional directorate posts would not be supported unless this was offset by a corresponding deletion. The parties would meet again on 30 May 2003 to discuss whether there was a need to further tighten the criteria for creation of posts in parallel with the Administration's announcement to downsize its establishment in the coming years. She also reiterated her stance that the present arrangement for individual bureaux to submit staffing proposals on the creation of directorate posts under the accountability system to ESC was not desirable. A better approach would be for the Secretary for Constitutional Affairs (SCA) to coordinate these proposals for submission ESC so that Members could have an overview of the changes to the establishment following the introduction of the accountability system. Her views were shared by Dr LAW Chi-kwong. In this connection, the Clerk was instructed to relay to the Clerk to ESC members' request for SCA to provide a consolidated staffing proposal after consultation with respective bureaux.

13. PSETW(ET) affirmed that she had relayed Ms LAU's suggestion to the Constitutional Affairs Bureau. It remained the Administration's intention to report on the implementation of the accountability system before June 2003. Notwithstanding, she considered it justified for individual bureaux to submit their own staffing proposals since they were in a better position to explain the policy responsibilities of the posts. Moreover, the Administration was streamlining its working procedures with a view to improving efficiency. It was well aware of the

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need to reduce Budget deficits and would be adopting cost saving measures to meet the 10% reduction in expenditure. The amalgamation of the policy portfolios of the environment, transport and works had resulted in better coordination, especially among the different departments. The staffing proposals in question had also met the criteria of the seven political parties in that no additional directorate posts at D8 grade had been created.

**VI. Noise Control (Amendment) Ordinance 2002 Codes of Practice on Good Management Practice**

(LC Paper No. CB(1) 1699/02-03(03) — Paper provided by the Administration)

14. The Deputy Secretary for the Environment, Transport and Works (Environment and Transport)E2 (DSETW(ET)E2) briefed members on the draft Codes of Practice (CoP) to be issued under the Noise Control (Amendment) Ordinance 2002 (NCAO) for providing practical guidance to industries on good management practice for preventing violation of the Noise Control Ordinance (Cap. 400) (NCO).

15. While supporting the early implementation of CoP, Ms Emily LAU noted that the Hong Kong Construction Association (HKCA) had raised quite a number of concerns on the draft CoP. She asked how the Administration would deal with these concerns. DSETW(ET)E2 said that when the Noise Control (Amendment) Bill (the Bill) was first introduced, he held a number of meetings with HKCA which initially indicated support for the Bill subject to certain amendments. As a result, amendments such as changes to the system of warning were made. However, HKCA later changed its stance and rescinded its support when the Bill was resumed Second Reading debate. He pointed out that the concerns raised by HKCA were not new and had been clarified by the Administration. By way of illustration, the Administration had made it clear that body corporate need not worry about the increased penalty under NCAO which was only pinpointed at repeated offenders. He stressed that the purpose of CoP was to provide guidance on good management practice, and that compliance was voluntary and non-compliance would not in itself give rise to any breach of the NCO. The management of the body corporate was free to adopt alternative management practices and operate its own system to prevent violation of NCO.

16. Ms Audrey EU sought clarification on HKCA's comments that the draft CoP departed substantially from the one published and provided to LegCo in the course of deliberation of the Bill. DSETW(ET)E2 advised that this was not the case. ADEP(EAN) said that the main difference compared with the one agreed by the Task Force of which HKCA was a member in 2002 was the inclusion of the definition on director in the draft CoP which was made at the request of the Bills Committee after a lengthy deliberation. As to the concern that the draft CoP would conflict with the Bill of Rights, ADEP(EAN) said that according to the advice of the Department of Justice, the strict liability offences created as a result of the amendment to NCO were in conformity with the human rights provisions of the Basic Law. As the draft CoP only contained practical guidance on the appropriate measures to be adopted in order

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to establish the “due diligence” defence under section 28A(3) of NCO, no concern of human rights would arise.

17. Referring to new section 28(1)(d)(i) of NCO, Ms EU opined that the scope of the Chinese version of the section appeared to be wider than that of the English version. The Administration might need to clarify the provisions so that the industries would know what they were expected to do. ADEP(EAN) explained that the Chinese version was the translation of the English version, and that it would be difficult to amend the section now after NCAO had been passed. Notwithstanding, DSETW(ET)E2 agreed to review the drafting of the definition in CoP with a view to improving the clarity of the provisions.

18. Mr Martin LEE said that Members of the Democratic Party supported the draft CoP. Referring to new section 28A(3) and (4) of NCO which provided a defence for those who had established a proper system to prevent the commission of the offence, he asked if the compliance with CoP would constitute a “proper system”, thereby providing a defence against the charge. If so, consideration should be given to providing an explicit defence for those who had substantially adhered to CoP. DSETW(ET)E2 agreed to consult the Department of Justice on how the provisions could be drafted to reflect the legislative intent.

19. Given that many organizations had commented on the draft CoP, the Chairman considered it necessary for the Administration to conduct another round of consultation with a view to addressing their concerns. The Assistant Director of Environmental Protection (Environment Assessment and Noise) (ADEP(EAN)) reiterated that the points raised were not new and the Administration had in fact been consulting the construction industry since 1999. A number of seminars had been held before the introduction of NCAO and continuous efforts had been made to establish partnership with the industry. Notwithstanding, the Administration agreed to consult the trades and industries concerned and provide the Panel with a report on the outcome of consultation.

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**VII. Any other business**

20. There being no other business, the meeting ended at 3:40 pm

Council Business Division 1  
Legislative Council Secretariat  
19 June 2003