

立法會
Legislative Council

LC Paper No. CB(1) 2418/02-03
(These minutes have been seen
by the Administration and cleared
by the Chairman)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

**Minutes of meeting held on
Tuesday, 22 July 2003, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon CHOY So-yuk (Chairman)
Ir Dr Hon Raymond HO Chung-tai, JP
Hon Martin LEE Chu-ming, SC, JP
Hon SIN Chung-kai
Hon WONG Yung-kan
Hon Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Dr Hon LAW Chi-kwong, JP
Hon Henry WU King-cheong, BBS, JP
Dr Hon LO Wing-lok, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon Cyd HO Sau-lan (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Hon LAU Kong-wah, JP
Hon LAU Ping-cheung
- Public officers attending** : **For item III**
Environment, Transport and Works Bureau

Ms Doris CHEUNG
Deputy Secretary (Environment and Transport) E1

Action

Mr Raistlin LAU
Principal Assistant Secretary (Environment and Transport) E1

Mr James CHAN
Chief Assistant Secretary (Works)

Electrical and Mechanical Services Department

Mr SHE Siu-kuen
Acting Assistant Director (Energy Efficiency)

Mr P W LAM
Acting Chief Building Services Engineer (Energy Efficiency)

Parsons Brinckerhoff (Asia) Ltd

Mr Vincent TSE
Managing Director

Mr Daniel HO
Assistant Vice President

Mr Alan MAN
Sub-consultant

Mr Derek SUN
Sub-consultant

Dr W K YAU
Sub-consultant

For item IV

Environment, Transport and Works Bureau

Mr Thomas CHOW
Deputy Secretary (Environment and Transport) E2

Ms Jessie WONG
Principal Assistant Secretary (Environment and Transport) E4

Action

Agriculture, Fisheries and Conservation Department

Dr WONG Fook-yee
Assistant Director (Country and Marine Parks)

For item V

Environment, Transport and Works Bureau

Dr Sarah LIAO
Secretary

Mrs Rita LAU
Permanent Secretary (Environment and Transport)

Mr Thomas CHOW
Deputy Secretary (Environment and Transport) E2

Ms Jessie WONG
Principal Assistant Secretary (Environment and Transport) E4

Agriculture, Fisheries and Conservation Department

Mr Thomas CHAN
Director

Mr C C LAY
Assistant Director (Conservation)

For item VI

Environment, Transport and Works Bureau

Mr Thomas CHOW
Deputy Secretary (Environment and Transport) E2

Mr C W TSE
Principal Assistant Secretary (Environment and Transport) E3

Environmental Protection Department

Dr Alain LAM
Principal Environmental Protection Officer (Air Policy)

Action

- Attendance by invitation** : **For item IV**
- Friends of Hoi Ha
- Mr David Edward NEWBERY
Secretary
- Mr Steven JOY
Member
- World Wide Fund for Nature Hong Kong
- Mr Tony TURNER
Chairman, Public Relations Committee
- Prof Paul LAM
Member, Mai Po Management & Development Committee
- Hong Kong Marine Conservation Society
- Dr John WONG
Chairman
- 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
-

- I. Confirmation of minutes**
- (LC Paper No. CB(1) 2230/02-03 — Minutes of the joint meeting with the Panel on Transport held on 23 June 2003
- LC Paper No. CB(1) 2229/02-03 — Minutes of the meeting held on 23 June 2003)

The minutes of the joint meeting with the Panel on Transport and the regular Panel meeting held on 23 June 2003 were confirmed.

II. Information paper issued since last meeting

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

LC Paper No. CB(1) 2196/02-03 — Submission from the Environmental Light Bus Alliance on the use of cleaner fuel by light buses and the Administration's reply

LC Paper No. CB(1) 2231/02-03(01) — List of follow-up actions

LC Paper No. CB(1) 2231/02-03(02) — List of outstanding items for discussion

3. The Chairman informed members that the Minister of the Environment of Canada, the Honourable David Anderson, would be visiting Hong Kong on 10 and 11 September 2003. Apart from meeting with the Chief Executive and the Secretary for the Environment, Transport and Works, the Minister would also like to meet with Panel members to exchange views on environmental issues of mutual concern. A meeting with the Minister was tentatively scheduled for 10 September 2003 at 2:30 pm. Members would be informed of the details of the meeting nearer the time.

4. The Chairman recalled that when the subject of "Decommissioning of Cheoy Lee Shipyard (CLS) at Penny's Bay" was discussed at the meeting on 23 June 2003, members suggested that a joint meeting with the Panel on Economic Services and Panel on Planning, Lands and Works be held to follow up the liability arising from the decommissioning project and issues relating to land contamination. According to the Administration, it should not engage in any open discussion on the case given the pending court case between the Government and the owners of former CLS. In order not to prejudice the legal interests of Government, members agreed that a joint meeting might not be appropriate at this stage. Nevertheless, the Administration was requested to brief the relevant Panels upon the conclusion of the court case. Meanwhile, the Clerk was requested to include the decommissioning of CLS in the outstanding items for discussion.

Admin

III. Territory-wide implementation of water-cooled air-conditioning systems

(LC Paper No. CB(1) 2231/02-03(03) — Paper provided by the Administration)

5. At the Chairman's invitation, Mr Daniel HO/Parsons Brinckerhoff (Asia) Ltd (PBAL) gave a power-point presentation on the "Territory-wide Implementation Study for Water-cooled Air Conditioning Systems (WACS) in Hong Kong" (the Study). He

Action

said that the objectives of the Study were to formulate plans, programmes and control requirements for the phased implementation of WACS in the whole territory and examine in detail the relevant environmental, health, regulatory, institutional, financial, technical and land administration issues. The Study covered three WACS schemes, namely, the Centralized Piped Supply System for Cooling Towers (Cooling Tower Scheme), District Cooling Scheme (DCS) and Centralized Piped Supply System for Condenser Cooling (Central Seawater Scheme). It was estimated that by 2020, the wider adoption of WACS schemes in the territory could help reduce electricity consumption by air-conditioning systems by 1 360 million kilowatt hours or about \$1.2 billion saving per year. The energy conserved could also be translated into reduction in greenhouse gas emission by 950 000 tonnes annually.

6. Ms Emily LAU recapitulated that the Public Accounts Committee (PAC) had urged for the use of energy efficient air-conditioning systems back in December 1999. She was disappointed that it took almost four years to complete the Study which eventually came up with an obvious conclusion that the implementation of WACS could help reduce electricity consumption by air-conditioning systems. She then enquired about the cost of the Study. The Deputy Secretary for the Environment, Transport and Works (Environment and Transport) E1 (DSETW(E&T)E1) advised that consequent upon the release of the “Preliminary Phase Consultancy Study on Wider Use of Water-cooled Air Conditioning Systems in Hong Kong” and with the support of the Panel, the Finance Committee approved in April 2000 funding of HK\$13.6 million for the conduct of the Study.. Mr Vincent TSE/PBAL explained that the long lead time for the Study was attributed to the need to analyze the characteristics of each zone so as to identify and prioritize suitable zones for implementation of WACS. In this connection, consultation with the relevant departments, such as the Planning Department, Lands Department, Environmental Protection Department, Drainage Services Department and Buildings Department etc, on the zoning was required. The installation of evaporative type cooling towers (i.e. those to be used under the Cooling Tower Scheme) would have implication on the water supply infrastructure and would require the consultation with the Water Authority. In addition, studies on measures to prevent the breeding of Legionnaire bacteria were necessary.

7. Dr LAW Chi-kwong sought elaboration on the financial implications arising from the implementation of WACS and the roles of the Government and the private sector in this respect. Mr Daniel HO/PBAL responded that having compared the financial viability, energy efficiency and infrastructure constraints of the types of WACS schemes, it was found that the Cooling Tower Scheme required the least initial infrastructure and equipment costs, except for the additional requirement for fresh water supply. It would take about five years to recoup the capital cost incurring from the switch from air-cooled to water-cooled air conditioning system. The financial viability of the Central Seawater Scheme and DCS was however more sensitive to pipeline wayleave charges for their huge and extensive dedicated supply and discharge pipeline infrastructure. It was expected that the number of suitable zones for implementation of Central Seawater Scheme and DCS would increase from five to 15

Action

if the wayleave charges were lifted by the Administration. Mr Vincent TSE/PBAL added that despite the relatively high outlay cost of the Central Seawater Scheme and DCS, these were worth pursuing as they were not only more environmentally friendly but also provided greater flexibility in building design.

8. Dr LAW however expressed concern that the question of infringement of rights to choice might arise if all non-domestic buildings within a suitable zone were required to adopt WACS. Mr HO/PBAL clarified that it was intended that participation in WACS schemes was entirely voluntary. The Acting Chief Building Services Engineer (Energy Efficiency) (ACBSE(EE)) added that cost saving would serve as incentive to the private buildings to use WACS and imposing mandatory adoption of WACS was not considered necessary. As an illustration, he informed members that in June 2000, the "Pilot Scheme for Wider Use of Fresh Water in Evaporative Cooling Towers for Energy-efficient Air Conditioning Systems" was launched for two years in six designated areas. The Scheme allowed the use of fresh water evaporative cooling towers in all new and existing non-domestic buildings within the designated areas. In view of the positive response, the Scheme was extended in May 2002 to last until 31 May 2004. The number of designated areas was also expanded to 45 in December 2002. So far, 46 applications had been received and 26 of which were from new buildings, comprising half of the total floor areas of new buildings in designated areas covered under the Scheme. While agreeing that participation of private buildings in WACS schemes should be voluntary, Ms Emily LAU opined that Government buildings should take the lead in implementing WACS schemes. ACBSE(EE) confirmed that utilizing seawater for condenser cooling in air-conditioning system had been adopted by Government buildings as far as practicable. These included those buildings along the seafront of Wanchai. At members' request, the Administration undertook to provide a list of Government buildings which had adopted various WACS schemes.

Admin

9. As all fresh wastewater from cooling towers could be used for toilet flushing, the Chairman noted that it would help to reduce dioxin emission in the event of incineration of sludge produced after sewage treatment. She enquired whether consideration would be given to requiring the use of fresh wastewater for flushing in new areas such as Southeast Kowloon. The Acting Assistant Director (Energy Efficiency) explained that under the pilot scheme referred to in the preceding paragraph, there was no separate sewerage system for fresh or saline flushing water, which would be mixed together with other foul water for treatment. ACBSE(EE) added that a new system comprising a piping network and a reservoir would be required if all wastewater from cooling system were to be reused for flushing within a designated area, which would incur substantial resources. On the possible increase in fresh water consumption as a result of implementation of WACS, the Chief Assistant Secretary for the Environment, Transport and Works (Works) advised that there would be a 4% rise in fresh water consumption.

Action

10. Mr Henry WU expressed concern about the traffic and environmental impacts arising from the implementation of WACS. By way of illustration, the impact of WACS in individual designated areas on the receiving waters might be acceptable but the combined effect of all these areas across the Victoria Harbour might not be sustainable. The need for installation of water pipes under roads would further aggravate the traffic problems in congested areas, such as Wanchai, Central and Tsim Sha Tsui, which was not conducive for environmental protection. He asked if comprehensive traffic impact and water quality assessments had been carried out in this regard.

11. In reply, Mr Alan MAN/PBAL confirmed that a mathematical model was adopted in assessing the impact of sea water cooled WACS on water temperature based on tidal movement in Victoria Harbour, Tolo Harbour and northwest part of Hong Kong. The assessment was made based on conservative assumptions that all non-domestic buildings under WACS would switch to water-cooled air conditioning system, and that they all used seawater for cooling purpose. The total floor area of these buildings was calculated using the projected area in 2020, including the Southeast Kowloon and former Wanchai reclamation projects. The model revealed that the impact of sea water cooled WACS on Victoria Harbour was minimal given the swift tidal movement but this might not be the case for Tolo Harbour. It was therefore recommended that sea water cooled WACS be implemented in areas across the Victoria Harbour. On traffic impact assessment, Mr MAN/PBAL acknowledged that the implementation of WACS might give rise to traffic problems since it involved the laying of large water pipes under major roads with heavy traffic. Proper mitigation measures, such as imposition of time limits on pipelaying work, use of trenchless excavation method and working at night time etc, would be implemented to minimize the disruption to the traffic and pedestrians. The Chairman however pointed out that trenchless excavation method was proved to be not feasible as no one could tell what exactly had been laid underground. Mr WU also enquired about the time frame within which the pipelaying work was expected to complete. To facilitate members' understanding, PBAL was requested to provide the results of the traffic impact assessments.

PBAL

12. In response to Ms Emily LAU's question on the way forward, DSETW(E&T)E1 advised that subject to members' views on the Study, the Electrical and Mechanical Services Department would upload the Executive Summary of the Study onto its website for public access and comment for a period of three months. In the light of the feedback received and having regard to the response rate to the Pilot Scheme for Wider Use of Fresh Water in Evaporative Cooling Towers for Energy-efficient Air Conditioning Systems, the Government would review the pace of expanding the Scheme to allow the wider use of fresh water for evaporative cooling towers in Hong Kong. The Administration would also consider how to involve the private sector in implementing DCS. At members' request, the Administration undertook to report to the Panel outcome of the consultation exercise in due course.

Admin

IV. Management of marine parks

Meeting with the Friends of Hoi Ha

(LC Paper No. CB(1) 2231/02-03(04) — Submission from Friends of Hoi Ha
(English version only)

13. Mr David Edward NEWBERY said that Hoi Ha Wan was designated as a Site of Special Scientific Interest in 1989 and was later gazetted as a Marine Park with the aims of promoting the conservation of an environmentally important and sensitive area while allowing its use as an area for recreation. However, these two aims were in conflict with each other and the problem was further aggravated with the recent increase in tourism in the area. He stressed that these visitors were not eco-tourists and over-exploitation by them had resulted in increased environmental damage to Hoi Ha Wan and degradation in the quality of life of the village residents in the area. It was irresponsible on the part of the Tourist Board to promote Hoi Ha Wan and other protected areas as tourist destinations with seemingly no regard to the environment and social impact resulting from increased tourism. Besides, the increase in number of visitors was not accompanied by an improvement in infrastructure, thereby overloading the existing carrying capacity of water supply and sewage facilities. He stressed that the majority of people living in Hoi Ha Wan did not make a living from tourism and even for those who did, they could not benefit from the increased tourism as the majority of the visitors did not spend money at Hoi Ha Wan. They would only stop-by for a short while and proceed to have lunch elsewhere.

14. To tackle these problems, Mr NEWBERY considered it necessary for the Administration to, among others things, involve village residents in the decision-making process such as the imposition of entry restrictions to Hoi Ha Wan, provide a sewage treatment plant to treat waste water from restaurants and houses, review the vehicle access system to Sai Kung Country Park, ban large fishing nets and conduct a study to determine the level of fishing that Hoi Ha Wan could sustain, appoint a resident warden and formulate a no-pollution policy for Hoi Ha Wan. He stressed that concerted efforts were required in the management of Hoi Ha Wan, and that consultation with stakeholders was essential with a view to working out a proper management strategy.

15. As regards the Hoi Ha Wan Marine Life Centre (the Centre) operated by the World Wide Fund (WWF), Mr NEWBERY expressed concern about the loopholes in the Environmental Impact Assessment (EIA) mechanism where developments under one hectare were not required to undergo EIA. He pointed out that had a proper EIA been conducted, the Centre would not have been built in its present form. He also found it worrying that the Administration was complacent with the existing mechanism, claiming that there was proper consultation and everything went well. However, in reality, the concerns of the villagers had not been duly addressed. He further added that if the Centre was meant to attract tourists, proper toilets with washing facilities should be built to replace the existing portable ones.

Meeting with the World Wide Fund for Nature Hong Kong (WWF)

(LC Paper No. CB(1) 2231/02-03(05) — Submission from the World Wide Fund for Nature Hong Kong (English version only)

16. Mr Tony TURNER said that the designation of the first three Marine Parks and one Marine Reserve in Hong Kong in 1996 had provided an excellent opportunity to extend conservation and environmental protection to the marine areas of high ecological value. However, the current infrastructure and supporting facilities at some Marine Parks were inadequate to meet the sudden surge in number of visitors. To balance the growing number of visitors and the need to maintain the ecological and cultural value of these Marine Parks, WWF suggested that a study be conducted to work out an effective management strategy to ensure the sustainable development of Marine Parks. Meanwhile, measures should be mapped out to address the following problems -

- (a) the impact of activities, both commercial and recreational, to the ecosystem of the Marine Parks;
- (b) the type of fishing gears to be used;
- (c) the effectiveness of existing regulations and ordinances; and
- (d) the long-term management plan for the Parks and Reserves.

17. As long-term protection of these marine sites would depend on greater public understanding of the value and benefits which marine conservation would bring to the local community, WWF considered that visitor centres should be established at each of the designated Marine Parks to promote greater awareness of Hong Kong's beautiful marine environment and to educate future generations on the need to conserve the precious natural heritage on the one hand and to help sustain tourism industry and economic growth on the other. However, this need to be done responsibly since unplanned developments could be socially, culturally and economically disruptive and would be detrimental to the fragile environment. Key principles, including the use of natural resources in a sustainable manner, elimination of unsustainable consumption, minimization of pollution, respect for local culture and need to provide economic benefits to local community, should be observed. To ensure that the future generations would enjoy the natural wonders that Hong Kong had to offer, WWF had been closely working with the relevant government departments, academics as well as marine and education experts to build the first Marine Life Centre at Hoi Ha Wan.

18. Mr TURNER said that the planning of the Centre dated back 12 years ago. The key objective of the Centre was to increase public awareness and appreciation of Hong Kong's marine environment. Upon the opening of the facility, it would provide

Action

marine education and awareness programmes to some 16 000 visitors per year, including primary and secondary students. WWF had worked hard to design the Centre and given the many challenges, it was well built although its appearance might not be acceptable to some. It was hoped that the Centre would blend in better with the environment over time. In hindsight, WWF might have neglected dialogue with key people, particularly the village residents, it would nevertheless renew its efforts to engage these people in further consultation. Professor Paul LAM added that as the EIA Ordinance (Cap. 499) was not in force when the Centre was being planned, no statutory EIA had been conducted for the Centre. WWF would assess the impact of the operation of the Centre and would try its best to co-operate with the local community so that the Centre would be able to achieve its intended purpose as an education centre for the benefit of the general public.

Meeting with the Hong Kong Marine Conservation Society

19. Dr John WONG said that the designation of Marine Parks was useful in protecting marine areas of high ecological value. With increased publicity on environmental awareness, the public was able to appreciate the importance of marine conservation. However, the increased number of visitors to the Marine Parks had resulted in environmental damage, such as sewage pollution, and had threatened the survival of marine species. By way of illustration, visitors to Tung Ping Chau had caused damage to the precious coral reefs in the area. The problems facing Hoi Ha Wan Marine Park would also likely recur in Tung Ping Chau Marine Park. There was hence a pressing need to step up management control over Marine Parks and strengthen enforcement against unauthorized fishing which was rampant in many parts of the Marine Parks. Efforts should also be made to encourage the public to report such illegal activities.

Meeting with the Administration

(LC Paper No. CB(1) 2231/02-03(06) — Paper provided by the Administration)

20. The Deputy Secretary for the Environment, Transport and Works (Environment and Transport)E2 (DSETW(E2)) said that consequent upon the outbreak of Severe Acute Respiratory Syndrome, there was a marked increase in the number of visitors to the countryside, including Hoi Ha Wan. While the increase in visitors was welcomed by the restaurateurs and store operators at Hoi Ha Village, some residents were concerned that the infrastructure in the area might not be adequate to support such a large number of visitors, thereby giving rise to traffic, environmental and other problems. To this end, relevant departments had stepped up law enforcement to ensure that sewage from restaurants was properly treated before discharge in accordance with the existing legislation. The Agriculture, Fisheries and Conservation Department (AFCD) also regularly monitored the water quality and the conditions of corals and other important marine life in the marine park. The results indicated that the marine life had not been adversely affected by the increased number of visitors to the area. AFCD had also stepped up patrols and enforcement against unlicensed

Action

fishing in the marine park. A number of measures had been worked out to improve the traffic situation in the area, including tightening the control over the issue of permits to private cars and coaches. In addition, AFCD together with other relevant departments were exploring the feasibility of identifying an alternative footpath that would enable visitors to bypass the Hoi Ha Village when walking to and from the Marine Park. As regards the opening of the WWF Hoi Ha Wan Marine Life Centre, the Administration held the view that this would help the public to appreciate the beauty of the natural environment and better understand the need for nature conservation. It would continue to work closely with the village residents and WWF to map out suitable measures to cope with the increased number of visitors while protecting the marine environment. It would also step up education and publicity to enhance public understanding of the importance of marine conservation.

21. Noting that the promotion of tourism fell under the purview of the Secretary for Economic Development and Labour, Ms Emily LAU questioned whether it was the proper forum to discuss the subject. She nevertheless pointed out that there was a need to limit the number of visitors to protect the marine parks on the one hand and to promote eco-tourism on the other. The provision of resident wardens might serve the purpose to guard against the removal of rare species of animals and plants within the parks by tourists. She agreed with the deputations that village residents should be consulted on the plan to manage the parks. Mr Martin LEE also thanked the deputations for their valuable views, particularly those from Mr NEWBERY. He was however disappointed that the Administration had not responded to the points raised, including the concern on the lack of meaningful dialogue between village residents and the Administration.

22. DSETW(E2) advised that the management of marine parks fell under the purview of the Environment, Transport and Works Bureau. On limiting the number of visitors to Hoi Ha Wan, he said that while this could be done through restricting the number of vehicles entering the Park, care had to be taken to ensure that the proposed restriction would not affect the residents currently living in the area and the general public would not be deprived of the chance to visit the Marine Park.. To this end, AFCD was examining the feasibility of limiting the number of tourist coaches entering the area on each day. It was also reviewing the existing permit system on accessibility to Hoi Ha Wan so that permit holders of other designated areas such as Wong Shek Pier would no longer be allowed to enter Hoi Ha Wan. On the consultation with village residents, DSETW(E2) said that the Tai Po District Office had convened working group meetings with all parties concerned, including village representatives of Hoi Ha Village, relevant Government departments and WWF, with a view to addressing residents' concerns. Continuous efforts would be made to strengthen communication.

23. Mr WONG Yung-kan said that the designation of Marine Parks was supported by the fishing trade on condition that local fishermen were allowed to fish in the area subject to the issue of permits. However, the system was abused by Mainland

Action

fishermen who were not only fishing illegally in Marine Parks, but stealing precious species of corals and plants from the area. Ironically, those who had been caught and charged for unauthorized fishing could return to Hong Kong waters soon after they were released. To strengthen enforcement against unauthorized fishing, Mr WONG suggested that the Administration should solicit assistance from the trade. DSETW(E2) said that AFCD had been stepping up patrols and enforcement against illegal activities within Marine Parks in accordance with the Marine Parks Ordinance (Cap. 476). Once Mainland fishermen were caught for unauthorized fishing in Marine Parks, their personal particulars would be sent to the Guangdong Provincial Bureau of Ocean and Fisheries (GPBOF) for follow-up action. According to AFCD's records, these Mainland fishermen were seldom found fishing in Marine Parks again.. He added that there was no evidence that the coral reefs were under threat as a result of unauthorized fishing. According to the results of coral monitoring, the corals found in the Marine Parks were in good and healthy condition.

24. While acknowledging the joint actions taken by the Administration and GPBOF, Mr WONG pointed out that these had not been effective in deterring unauthorized fishing given that offenders were only charged with fines of a few hundred dollars, after which they were released and could re-enter the Marine Parks within hours of arrest. It was also difficult if not impossible to exercise proper control over the large fleet of more than 100 000 Mainland fishing vessels. Hence, there was a need to review the existing legislation on the control of unauthorized fishing. DSETW(E2) assured members that the Administration would enhance cooperation with GPBOF on the means to control unauthorized fishing in Marine Parks by Mainland vessels. Meanwhile, AFCD would join force with the Marine Police in combating such activities. With the involvement of the Marine Police, more stringent action could be taken to deter unauthorized fishing, e.g., arresting the Mainland fishermen as illegal immigrants and handing over the seized vessels to the Mainland authorities.

25. Ms Miriam LAU opined that public support and involvement were essential to the effective management of marine parks. Noting that only 515 persons had been prosecuted for offences under the Marine Parks Ordinance since the designation of Marine Parks in 1996, she questioned if the Administration had done enough in managing the Marine Parks. Referring to her recent visit to the Tung Ping Chau Marine Park, Ms LAU said that she was appalled by the poor maintenance of the Park. The problem might be attributed to the fact that public transport was only available during Saturdays and Sundays, leading to an influx of tourists during the weekends, thereby overloading the carrying capacity of the Park and causing damage to the environment. A possible solution was to make transport available on weekdays to spread the flow of tourists provided that other facilities within the Park were available to meet the needs of visitors. She also pointed out that the problem of littering was serious in Marine Parks. To this end, consideration should be given to deploying enforcement officers, similar to those park rangers in overseas countries, to station in the parks to deter littering and other illegal activities. Ms LAU stressed that marine

Action

parks should be well managed and properly maintained so that eco-tourism could be sustained in the long run.

26. In response, DSETW(E2) said that AFCD staff patrolled Marine Parks on a daily basis at irregular intervals throughout the day to deter illegal activities, including unauthorized fishing and littering. They would issue warnings and prosecute offenders as appropriate. Apart from AFCD staff, there were also volunteers who assisted in patrolling the Parks during public holidays to ensure that the marine environment and marine lives were protected from threat. On the proposed extension of public transport service to Tung Ping Chau Marine Park on weekdays, he said that this would be a commercial decision depending upon market forces but in the case of Hoi Ha Wan, extension of public transport service on weekdays might not be welcome by some of the village residents as in their views, it might bring more disturbance during weekdays.

Admin

27. In concluding, the Chairman said that the Administration should conduct a comprehensive review of the management of marine parks and revert back to the Panel on measures to be taken to strengthen the management of these parks in the next LegCo session.

V. Public consultation on review of nature conservation policy
(Legislative Council Brief (Ref: ETWB(E)(CR)9/15/2))

28. The Secretary for the Environment, Transport and Works (SETW) gave a power-point presentation on the findings of the review of nature conservation policy, including the improvement proposals as set out in the Consultation Document.

29. Dr LAW Chi-kwong asked if the conservation of Marine Parks was included under the review. SETW explained that the review was meant to focus on ecologically important sites under private ownership that was the centre of debates over the past years. On the other hand, Marine Parks that were managed by AFCD were adequately protected. Mr WONG Yung-kan expressed disappointment that Marine Parks were not included in the review as the marine environment should also be protected from the adverse effects of development. Dr LAW enquired if the management agreements for managing the ecologically important land entered into between non-government organizations (NGOs) and landowners were legally binding and whether there was an established mechanism for vetting these applications. SETW said that the details of agreements and the vetting mechanism had to be worked out in consultation with the stakeholders.

30. Referring to the proposed scoring system, Dr LAW noted that some assessment criteria, such as habitat diversity and size, were quantitative while others, such as naturalness and degree of disturbance, were judgmental. He enquired whether a site with a high score for species rarity but a low score for other criteria, such as

Action

biodiversity and size, would be accorded with priority for enhanced conservation. SETW said that the proposed scoring system was worked out after drawing reference to international practices and the scoring would be based on the uniqueness of the habitat and biodiversity of individual sites. As it was not possible to assess all criteria in a pure quantitative way, some degree of professional judgement had to be made. She welcome members' views on the proposed scoring system.

31. Noting that the proposed scoring system would affect the priority of conservation of ecologically important sites and would likely have impact on the development potentials of these sites, Ms Emily LAU enquired about the operation of the system, details of the sites to be affected and whether prior discussion with the affected land owners had been held before publication of the Consultation Document. SETW said that the review had been underway for a number of years and was meant to provide the public an idea on the measures that had been taken to conserve some 40% of the land and improvement proposals to better achieve the nature conservation objective. The review had taken into account the views of different stakeholders and a separate consultation session with Heung Yee Kuk (HYK) would be held to brief the members on the proposals pertaining to the Consultation Document. The Chairman of HYK had indicated that the proposals needed to be further discussed.

32. SETW supplemented that there were some 20 sites which had been regarded by environmentalists as sites with high ecological importance and some of them were situated on private land. As regards the development of these sites, SETW clarified that not every piece of land would have potentials for development. Besides, there was difference between land ownership and development rights. Owners of agricultural land were not entitled to any development rights according to the land leases. Besides, in considering any application for change of land use, the Town Planning Board (TPB) would take into account the ecological value of the sites and other relevant factors. The proposed scoring system would provide both TPB and the landowners a reference on the relative ecological value of the sites. As it was clear that sites with a high ecological value would have a diminished chance for development, landowners would not have to spend large amount of resources in pursuing their cases further in court.

33. Noting that the Administration had already in mind the sites to be protected, Ms Emily LAU queried the need for the scoring system. SETW said that there were about 20 sites which were considered deserving for conservation by the environmentalists but the list of priority sites for enhanced conservation could only be drawn up after the scoring system had been finalized. The Administration would welcome views on the proposed scoring system which was meant to assist in assessing the priority for conservation. Ms LAU expressed concern about the interest of owners whose land had a diminished development potential due to its ecological importance. SETW said that the owners concerned could either enter into management agreements with NGOs or draw up private-public partnership proposals to develop the less ecologically sensitive part of the land on an agreed scale while undertaking to conserve

Action

the remaining part on a long-term basis. Non in-situ land exchange would also be considered on an exceptional basis.

34. While supporting the proposals in the Consultation Document as these would make clear to owners the limits of development of agricultural land with high ecological value, the Chairman worried that owners concerned might rush to apply for change of land use prior to the introduction of the proposed scoring system. In this connection, she suggested that all applications for change of land use of agricultural land should be frozen pending the outcome of the consultation exercise. SETW explained that applications for change of land use had to be accompanied by an environmental review and were subject to the approval of TPB. Hence, it was unlikely that such applications could be rushed through during the consultation period. As there was no pressing need for development of rural land given the over-supply of flats in the property market, the Administration considered it an opportune time to review the nature conservation policy and introduce the improvement proposals.

35. The Chairman was concerned that owners might destroy the ecological value of the sites in an attempt to reduce the score so that they could set aside the land to await the revival of the property market. To prevent landowners to resort to such extreme actions, Mr Martin LEE suggested that legislation be introduced so that approval for development would not be given to landowners even after they had destroyed the ecological value of their land. PSETW(ET) said that land development was subject to approval of TPB which would take into account a number of factors, including the provision of infrastructure, planning intention etc.. SETW said that artificial destruction of natural habitats was not new and had in fact taken place at Sha Lo Tung. The landowners concerned had ventured to pour cement over the stream but the Administration had managed to stop them. She added that while it was not an easy task to destroy the habitats given the wide span of these sites, the Administration would take on board members' suggestion of introducing legislation to prevent destruction of natural habitats of ecological importance.

36. The Chairman asked if conservation measures could be extended to some of the green belts in urban areas, which might not have a high ecological value in terms of biodiversity but were still worth protecting due to the prevalence of valuable species of old trees. SETW advised that while preservation of green belts did not fall within the nature conservation policy, these were protected areas and any changes of land use would require the approval of TPB as well as the Lands Department. Ms Emily LAU however pointed out that despite objection from TPB, a large number of trees along the scenic route of Castle Peak Road were felled during the construction of the road widening project. SETW explained that as the widening of the road was of public interest, some of the trees had to be felled to facilitate the implementation of the project.

Action

37. Mr WONG Yung-kan opined that conservation measures were often in conflict with farming activities. By way of illustration, the fish farms at Tin Shui Wai had become feeding grounds for the rare species of birds nesting in the area. The fish farmers had not only lost their fish harvest but also their rights to develop the land on account of its high ecological value. There was hence a need for the Administration to strike a balance between the interest of farmers and nature conservation. Otherwise, there would be strong objections against the conservation policy from farmers whose livelihood was likely to be affected.

38. Given the many legislation governing conservation of natural habitats and historical sites, the Chairman considered it necessary that a consolidated policy should be worked out to provide comprehensive control and monitoring over conserved sites. While agreeing that a holistic approach on conservation was desirable, SETW said that there was a pressing need for a more comprehensive nature conservation policy to protect sites with high ecological value, in particular those under private ownership and to strike a balance between development needs and protection of the natural environment. At members' request, the Administration undertook to report to the Panel the outcome of the public consultation exercise which would expire on 18 October 2003.

Admin

VI. A proposal to require installation of vapour recovery system at petrol filling stations

(LC Paper No. CB(1) 2231/02-03(07) — Paper provided by the Administration)

39. DSETW(E2) gave a power-point presentation on the proposal to require installation of vapour recovery system at petrol filling stations.

40. Mr Henry WU noted that as compared to the first phase of installation works associated with the recovery of vapour from the unloading of petrol from petrol tankers at petrol filling stations in 1999, the present exercise was much more complex as it would involve connecting the vapour recovery system to all the dispensing nozzles, which could range from four to more, with varying service lives in each petrol filling station. The petrol filling stations would have to empty their storage tanks and suspend their filling service for both petrol and liquefied petroleum gas (LPG) where applicable during the installation works. Given the limited number of LPG filling stations in Hong Kong, the suspension of service would cause undue inconvenience to drivers concerned. He considered that a coordinated plan should be worked out during the installation period to keep the inconvenience to a minimum. DSETW(E2) advised that to prevent disruption of service, a three-year period would be allowed for the installation of the vapour recovery system. The oil companies could arrange their petrol filling stations to conduct the installation work at different time schedules. There were about 180 petrol and LPG filling stations which were widely distributed in Hong Kong. The public should unlikely be inconvenienced as most petrol stations

Action

were operating in proximity to each other and drivers could always have the alternative of patronizing another station close by.

41. While it would be easy to install a vapour recovery system at a new petrol filling station, Mr WU cautioned that it would be much more difficult to retrofit an existing filling station to accommodate the system having regard to the safety hazard to the neighbourhood given the long lead time for retrofitting works. DSETW(E2) said that the public need not worry about the safety hazard as the retrofitting works would be undertaken by skilled professionals. Besides, petrol companies had to ensure that all the equipment was proper and well maintained. The Principal Assistant Secretary (Environment and Transport)E3 supplemented that the installation works would take one to two months' time depending on the size of the stations. As the service would be suspended, there would not be any safety hazard to the neighbourhood caused by petrol filling during the installation. The Chairman enquired about the amount of volatile organic compounds (VOC) to be reduced upon completion of the installation of vapour recovery system in all petrol filling stations in Hong Kong. DSETW(E2) advised that it would result in a reduction of 740 tonnes of VOC per year, representing a reduction of about 2% to 3% of the total VOC emitted.

42. Noting that the system would recover 95% of the petrol vapour which could be reused, Mr WU considered that there was room for reduction in the petrol price. DSETW(E2) advised that the revenue to be generated from the recovery of petrol vapour would offset partly the installation and operating costs of the vapour recovery system. However, the petrol price was determined by the petrol companies considering the market situations. In response to Mr WONG Yung-kan's enquiry about the costs of installation, DSETW(E2) said that the cost of installing a vapour recovery system would be around \$400,000 while the annual maintenance and operating costs would be around \$80,000 and the annual certification cost would be around \$20,000.

43. On consultation with the trade, DSETW(E2) said that the oil trade generally supported the proposal and welcomed the provision of a three-year installation period which was longer than the one-year period for the first phase of installation work in 1999. The vehicle trade also found the present proposal more acceptable than the option of installing vapour recovery system on petrol vehicles. Given the high installation and maintenance costs of the vapour recovery system, the inconvenience caused by the installation works and the penalty for non-compliance, Mr WONG Yung-kan questioned why the trade was supportive of the proposal. He considered that further consultation with the trade was necessary before introducing the proposal.

44. Mr Henry WU questioned the propriety of imposing jail sentence for non-compliance with the requirements under the proposed scheme. DSETW(E2) advised that the penalty level was in line with the Air Pollution Control (Petrol Filling Stations) (Vapour Recovery) Regulation (Cap. 311 sub, leg.) passed in 1999. So far, no prosecution action had been taken since the Regulation was passed.

Action

VII. Any other business

45. There being no other business, the meeting ended at 6:18 pm

Council Business Division 1
Legislative Council Secretariat
8 September 2003