

立法會
Legislative Council

LC Paper No. CB(1) 1883/03-04
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

**Minutes of meeting held on
Monday, 26 April 2004, 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
Hon Martin LEE Chu-ming, SC, JP
Hon WONG Yung-kan
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, 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 Emily LAU Wai-hing, 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

Mrs Teresa WONG
Principal Assistant Secretary (Environment and Transport) E2

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Environmental Protection Department

Mr Benny WONG Yiu-kam
Assistant Director (Waste & Water)

Mr Richard ROOTHAM
Principal Environmental Protection Officer (Waste & Water
Management)

Marine Department

Mr Francis LIU Hon-por
Assistant Director / Planning and Services (Acting)

Mr Adam LAI Yu-wah
General Manager / Services

For item V

Environment, Transport and Works Bureau

Ms Doris CHEUNG
Deputy Secretary (Environment and Transport) E1

Mrs Teresa WONG
Principal Assistant Secretary (Environment and Transport) E2

Environmental Protection Department

Dr Ellen CHAN
Assistant Director (Waste Facilities)

Housing Department

Mrs Doris MA KONG Zee-wan
Assistant Director

Civil Engineering Department

Mr Henry CHAN
Chief Engineer / Port Works

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Planning Department

Mr K K LING

Assistant Director of Planning/Metro (Acting)

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

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

Miss Mandy POON
Legislative Assistant 4

I. Confirmation of minutes

(LC Paper No. CB(1) 1582/03-04 — Minutes of the meeting held on
22 March 2004)

1. The minutes of the meeting held on 22 March 2004 were confirmed.

II. Information paper issued since last meeting

2. Members noted that no information paper had been issued since last meeting.

III. Items for discussion at the next meeting

(LC Paper No. CB(1) 1587/03-04(01) — List of follow-up actions
LC Paper No. CB(1) 1587/03-04(02) — List of outstanding items for
discussion)

3. Members agreed to discuss the “Retrofitting pre-Euro diesel vehicles with emission reduction devices” at the next meeting scheduled for 24 May 2004 as suggested by the Administration.

4. The Chairman suggested to discuss the scoring system for assessing ecological value of sites. Meanwhile, Ms Cyd HO proposed to discuss the progress of decommissioning of the Cheoy Lee Shipyard as well as the formulation of a land contamination policy. It was agreed that the Administration should be requested to provide progress reports on these issues so that members could decide which subject should be discussed at the next meeting.

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5. The Chairman added that a special meeting might be held in May 2004 to discuss the “Trials and studies for the Harbour Area Treatment Scheme”.

IV. Waste oil from vessels

(LC Paper No. CB(1) 1587/03-04(03) — Paper provided by the Administration)

6. The Deputy Secretary for the Environment, Transport and Works (Environment and Transport) E1 (DSETW(ET)E1) briefed members on the latest developments of the waste oil recycling schemes for local vessels by highlighting the salient points in the information paper.

7. Referring to the pilot free waste oil collection service to local vessels (mainly fishing boats) at the Aberdeen Typhoon Shelter, Mr David CHU opined that the unsatisfactory response was mainly attributed to that the service was not convenient to local vessels. There was hence a need to consult vessel operators on alternative means, such as provision of plastic bags or containers, to facilitate the collection and disposal of waste oil. While agreeing to consult vessel operators through the Marine Department and the Agriculture, Fisheries and Conservation Department, DSETW(ET)E1 pointed out that one of the reasons for the low usage of the free collection service was that most fishing vessels operated outside Hong Kong waters and would have their waste oil disposed of in other places, for instance in the Mainland, during vessel maintenance.

8. The Chairman was also concerned about the problem of illegal disposal of waste oil generated from land-based sources. By way of illustration, some waste producers might try to put the waste oil in containers and dump them in landfills in an attempt to evade the high treatment cost. She enquired about the amount of waste oil generated from land-based sources and the amount of waste oil being dumped illegally, which could be worked out by deducting the amount of waste oil being treated or recycled from the amount of oil imported into Hong Kong. The Principal Environmental Protection Officer (Waste & Water Management) (PEPO (WM)) advised that of the 12 000 tonnes of waste oil collected in 2003, about 600 tonnes were generated by local vessels and the rest was from land-based sources. Disposal of waste oil was controlled under the Waste Disposal Ordinance (Cap. 354) (WDO) and there was no evidence indicating that there was a serious problem of illegal disposal of waste oil. At members' request, the Administration undertook to provide statistics on oil consumption as against waste oil generation and a breakdown on the quantities of waste oil which were recycled at licensed private chemical waste disposal facilities as well as those which were treated and disposed of at CWTC, including the residual waste oil resulting from the recycling process which was subsequently transported to CWTC for treatment and disposal.

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9. Noting that the Government had been heavily subsidizing the treatment of waste oil, the Chairman considered that there was a need to increase the treatment charges on waste producers to safeguard against abuse on the one hand and to uphold the polluter-pays principle on the other. Expressing similar view, Mr Henry WU was concerned that some waste producers might make use of Government's subsidy to import waste oil for treatment. Measures therefore should be introduced to prevent such abuse. DSETW(ET)E1 responded that while the treatment cost for waste oil at the Chemical Waste Treatment Centre (CWTC) was about \$8,000 per tonne, waste producers were only charged around \$2,950 per tonne, representing recovery of only 30% of the cost. This was not in line with the polluter pays principle. A review of the level of charges would be conducted and a study would be carried out to ascertain whether increase in charges should be implemented at one go or by phases. Members and the trades would be consulted as soon as the proposed charge levels were worked out. On import of waste oil, DSETW(ET)E1 advised that waste oil was classified as chemical waste under WDO, and that its collection and disposal were subject to regulatory and licensing control. She assured members that the situation would be closely monitored to prevent abuse.

10. Ms Cyd HO opined that the monitoring on disposal of waste oil, particularly by shipyards, was far from enough which had resulted in serious land contamination as in the case of the Cheoy Lee Shipyard. She considered that more proactive measures, such as frequent site inspection and testing of soil samples, should be carried out by the Administration to monitor the operation of shipyards. She then enquired about the measures to be taken against the shipyards at Ap Lei Chau as well as the measures to deal with the waste oil which had been accumulated at the sea bed of the Central Reclamation site as a result of the operation of the Star Ferry.

11. The Assistant Director of Environmental Protection (Waste and Water) (ADEP(WW)) explained that illegal disposal of waste oil from vessels at sea was prohibited under the Shipping and Port Control Ordinance (Cap. 313). In addition, waste oil was classified as chemical waste under WDO and its collection and disposal was subject to regulatory and licensing control. A "cradle to grave" approach had been adopted to deal with waste oil which was collected by private collectors licensed by Environmental Protection Department (EPD) under a trip ticket system and transported to CWTC or to licensed private chemical waste disposal facilities for treatment or recycling respectively. Shipyards which provided maintenance service for vessels would have to be registered with EPD as waste producers. They were subject to licensing control and regular inspections by EPD. Prosecutions would be taken against shipyard operators if they failed to meet licensing conditions. ADEP(WW) added that as the subject under discussion was on "Waste oil from vessels", information relating to land contamination was not readily at hand. He however agreed to find out more about the alleged contamination problem associated with the operation of the Star Ferry and provide members with the necessary information.

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V. Measures to prevent and minimize production of construction and demolition materials by private construction works

(LC Paper No. CB(1) 1587/03-04(04) — Paper provided by the Administration)

12. DSETW(ET)E1 highlighted the salient points in the information paper which set out the measures to prevent and minimize production of construction and demolition (C&D) materials by private construction works.

13. Given that the property market was much weaker in 2003 than in 1995, Ms Miriam LAU queried why the quantity of C&D materials produced in 2003 was higher than that in 1995. The Chief Engineer/Port Works, Civil Engineering Department (CE/PW) explained that larger quantity of C&D materials in 2003 was attributed to the production of 6 to 8 million cubic metres of excavated materials from the Jordan Valley and Choi Wan Road housing projects. Some of these excavated materials had already been recycled as building materials for construction works. Ms LAU said that if this was the case, the information on quantity of C&D materials given in paragraph 2 of the Administration's paper was misleading since excavated materials were not normally produced in building construction works. She opined that the Administration should not have overstated the quantity of waste in an attempt to justify the need for landfill charging. In this connection, the Administration was requested to provide a clearer trend of production of C&D materials in the past years.

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14. Referring to the Practice Note in paragraph 10 of the paper, Ms Miriam LAU asked if the submission of a waste management plan by contractors was a mandatory requirement and whether the plan would serve the purpose of reducing waste. CE/PW explained that the Practice Note issued by BD recommended the authorized persons/structural engineers to advise their clients to require the contractors to submit a waste management plan, which was a useful tool to ensure that measures were taken during the construction stage to reduce C&D materials. This however was by no means mandatory. For building demolition works which were considered unavoidable, the Government had been persuading the private developers and their contractors to plan the whole process in a thorough manner, with an aim to minimizing the amount of C&D materials requiring disposal. Recently, the Civil Engineering Department had sought the cooperation of a private sector construction company to adopt selective demolition in demolishing two defunct buildings in Quarry Bay.

15. Dr LAW Chi-kwong noted that the Urban Renewal Authority (URA) had also agreed to adopt selective demolition for its redevelopment projects as far as possible. He enquired whether selective demolition was acceptable to the building sector and if so, whether incentives should be introduced to encourage the adoption of such an arrangement so that it would become a standing practice to be included in building regulations. CE/PW explained that selective demolition involved the planning of

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sequences of demolition to allow for separation and sorting of C&D materials. Non-recyclable items such as windows and doors would be removed first and disposed of at landfills. The remaining cement structure could then be demolished and recycled for use as building materials. As selective demolition could effectively reduce the amount of waste to landfills albeit more time and resources were required, the Government would solicit the cooperation of the building sector, including the Real Estate Developers Association and the Hong Kong Institute of Architects, to adopt selective demolition in their building demolition works. DSETW(ET)E1 remarked that similar subjects were being discussed by the Bills Committee on Waste Disposal (Amendment)(No. 2) Bill 2003. Apart from the proposed introduction of a construction waste disposal charging scheme, the Administration also planned to set up two sorting facilities to allow for separation of C&D materials to facilitate recycling.

16. Given that the disposal charges would only form a small part of the development cost, Ms Miriam LAU opined that developers might not be keen to make extra efforts to reduce the production of C&D materials, particularly in a booming property market when timely delivery of units was crucial to huge profit gains. In order to achieve the objective of waste reduction, there was a need for mandatory measures, such as compulsory requirements for contractors to submit a waste management plan and to adhere to waste reduction practices. Ms LAU added that, irrespective of the waste disposal charging scheme, sorting facilities should be provided to assist in the separation and recycling of waste. She then enquired about progress in the provision of sorting facilities.

17. DSETW(ET)E1 said that the purpose of the waste disposal charging scheme was not meant to generate revenue but to reduce waste. Overseas experience revealed that the imposition of disposal charges was able to reduce the generation of waste by some 20%. The Administration's strategy had always been to promote waste avoidance and minimization. The proposed implementation of construction waste charging would provide an economic incentive for waste producers to reduce and recycle construction waste. The Administration would consider all measures on waste reduction and Ms LAU's suggestion of making the submission of waste management plan a mandatory requirement would be taken into account. As regards the provision of sorting facilities, DSETW(ET)E1 said that it would be ideal to have on-site sorting but this was not always possible as most of the construction sites in Hong Kong were too small to accommodate sorting facilities. The Administration therefore planned to make available two sorting facilities to tie in with the implementation of the construction waste disposal charging scheme. At members' request, the Administration undertook to provide more information on the Practice Note and to consider the feasibility of requiring contractors to apply selective demolition in their demolition projects.

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18. Noting that the proposal of demolishing the buildings in Hunghom Peninsula by the developers had aroused much public concern, Ms Cyd HO asked whether the Administration would condone such demolition and if not what measures could be taken to prevent the developers from doing so from a waste reduction point of view. She cautioned that the way in which the Administration would handle the Hunghom Peninsula case would set a precedent for other overhung Private Sector Participation Scheme (PSPS) and Home Ownership Scheme (HOS) flats.

19. DSETW(ET)E1 advised that the Director of Environmental Protection had written to the two developers of Hunghom Peninsula urging them to refrain from demolishing the buildings as this would be extremely undesirable from the waste management perspective. The reply from one of the developers revealed that a number of options were being considered and demolition was but one of them. A decision had yet to be reached on the way forward but should it be decided that buildings in Hunghom Peninsula were to be demolished, measures would be taken to develop a coordinated waste management strategy and recycle as much material as possible. The Assistant Director of Housing (ADH) supplemented that the Administration was equally concerned about the Hunghom Peninsula case but the proposal to demolish the buildings was still hypothetical at this stage as, up to the present moment, the Government had not received any application of such from the developer. According to the Outline Zoning Plan (OZP) of Hunghom, the Hunghom Peninsula site was designated for use as “Residential A1”. According to the Notes of the said OZP and the relevant land lease, the maximum domestic and non-domestic gross floor area (GFA) were 144 300 and 4 500 square meters respectively and the maximum building height was 120 meters above the Principal Datum. Any planning proposals which deviated from the said OZP would have to be submitted to the Town Planning Board (TPB) for approval and any lease modifications would need to have the prior approval of the Lands Department. Besides, as the existing Hunghom Peninsula development had already maximized the development potential of the site, any plans for redevelopment would unlikely be able to provide for additional gross floor area. It should be more cost effective to upgrade the current design of the development, such as combining two units into one or converting the carpark into a clubhouse, to make it more attractive to buyers. Developers should be well aware of the costs and risks, development constraints etc associated with the redevelopment and upgrading options and would certainly take into account all factors before making their commercial decisions.

20. Ms Cyd HO questioned the efficacy of the letter, saying that developers would endeavour to maximize their financial gains from a commercial point of view. More needed to be done in preventing the demolition of Hunghom Peninsula having regard to its effect on other overhung PSPS and HOS flats. Consideration could be given to setting out in future Conditions of Sale that new buildings should not be demolished within a specified period of time. The Assistant Director of Planning/Metro (Acting) (AD of Plan/M (Atg)) said that if the developers of Hunghom

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Peninsula were to apply for lease modification, they would have to go through a statutory procedure to amend the outline zoning plan which would involve a public consultation process through which the public could raise objection against the amendment. The developers would need to take these factors into consideration before submitting their application for lease modification. As regards other overhung PSPS and HOS projects, ADH said that the Administration would be negotiating with the developers concerned, including that of the Kingsford Terrace, on the way forward taking into account members' views. An updated progress report would be provided to the Panel on Housing in June 2004.

21. The Chairman said that she had been approached by a number of organizations expressing concerns about the demolition of Hunghom Peninsula. The Friends of the Earth had arranged for her to meet with students of the Ma Tau Chung Primary School regarding their concerns about the possible impact of demolition of Hunghom Peninsula which was adjacent to the school. According to the students, they had been exposed to noise and dust pollution for years during the construction of the Hunghom Peninsula and many of them had developed allergy and breathing problems. Furthermore, the construction noise was very disturbing and had affected their learning in classes. The noise problem was more serious in winter when windows need to be opened for ventilation. If the Hunghom Peninsula were to be demolished and redeveloped, the students would have to be exposed to further years of unrest. They had therefore urged the Administration to prohibit the demolition of the development.

22. The Chairman then made reference to a recent survey conducted by Greenpeace which indicated that 80% of the respondents had considered the demolition of Hunghom Peninsula unnecessary and wasteful. She opined that the Administration should endeavour to prevent demolition of the development which was against the principles of environmental protection and sustainable development. She further pointed out that developers had their social responsibilities, but it appeared that they were more concerned about financial gains and had not paid due regard to environment and transport needs in planning their developments. Hong Kong's image as an international city and financial centre would be tarnished if the Administration failed to deter environmentally unfriendly practices. The developers of Hunghom Peninsula should be condemned for failure to adhere to environmental protection principles if they decided to demolish the new buildings which would generate substantial C&D materials and the disposal of which would use up much of the needed landfill space.

23. In response, ADH reiterated that the Administration was well aware of members' concern but up till now, the developers of Hunghom Peninsula had not submitted any application for lease modification or whatsoever. While the future development of Hunghom Peninsula remained a commercial decision, it was believed that the developers should be well aware of their social responsibilities.

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AD of Plan/M (Atg) added that the Administration attached great importance to the need to protect the environment and improve living conditions in the planning of developments. As part of the urban renewal programme, efforts were being made to enhance building maintenance as this would effectively extend the service life of buildings and prevent the production of large amount of C&D materials arising from demolition. The Chairman said that the subject of environmental planning should be referred to the Panel on Planning Lands and Works for follow-up.

24. Referring to the recent LegCo motion debate on “Corporate social and environmental responsibility”, Ms Cyd HO remarked that there was a need to promote social responsibilities among corporations in Hong Kong. The introduction of waste disposal charges would not have much effect in reducing C&D materials since the charges were negligible as compared to the huge financial gains in property development. She considered that the Sustainable Development Unit should develop a set of guidelines on social responsibilities so that developers who did not perform well in this respect, such as indiscriminate demolition of their developments, would not be allowed to participate in tendering for public works projects and land auctions. The Chairman added that consideration should be given to de-listing those listed companies which failed to duly discharge their social responsibilities. AD of Plan/M (Atg) agreed that the promotion of social responsibilities to protect the environment was an important component in the concept of sustainable development. DSETW(ET)E1 added that as the issue straddled a number of policy bureaux, the Administration would need to consider how best to follow up.

VI. Any other business

25. There being no other business, the meeting ended at 3:55 pm.

Council Business Division 1
Legislative Council Secretariat
21 May 2004