

立法會
Legislative Council

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**Report of the Panel on Environmental Affairs
for submission to the Legislative Council**

Purpose

This report gives an account of the work of the Panel on Environmental Affairs during the Legislative Council session 2003-04. It will be tabled at the meeting of the Council on 7 July 2004 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000 for the purpose of monitoring and examining Government policies and issues of public concern relating to environmental and conservation matters. The terms of reference of the Panel are at **Appendix I**.

3. The Panel comprises 13 members, with Hon CHOY So-yuk and Hon Cyd HO Sau-lan elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is at **Appendix II**.

Major Work

Directorate structure of the Environment, Transport and Works Bureau

4. In March 2004, the Panel was briefed on a proposal to rationalize the directorate structure of the Environment and Transport Branch (ETB) of the Environment, Transport and Works Bureau (ETWB). The Administration proposed to create a new post of Permanent Secretary for the Environment, Transport and Works (Environment) (PSE) in addition to the two Permanent Secretary posts in ETWB. Under the then organizational structure, the Permanent Secretary for the Environment, Transport and Works (Environment and Transport) (PSET) assisted the Bureau

Secretary in the formulation and implementation of policy matters under the environment and transport portfolios. Since the establishment of ETWB in July 2002, various new long-term policy initiatives with specific targets had been added to the duty list of PSET. These included the implementation of a new regional air quality management plan in collaboration with the Guangdong Provincial Government, new comprehensive nature conservation policy and programme, possible merger of the MTR Corporation Limited and Kowloon-Canton Railway Corporation, Hong Kong-Zhuhai-Macao Bridge and Express Rail Link. In view of the level of responsibility and the importance and wide span of duties involved, the Administration proposed to split ETB into an Environment Branch and a Transport Branch each to be headed by a dedicated Permanent Secretary. The cost incurred from the creation of PSE would be offset by the savings achieved from the amalgamation of the Civil Engineering Department (CED) and the Territory Development Department (TDD). The existing PSET would be re-titled to Permanent Secretary for the Environment, Transport and Works (Transport).

5. Members had diverse views on the proposal. While some members supported that more resources should be earmarked for the protection of the environment and to facilitate timely and effective implementation of approved policies, others questioned the rationale for splitting the Environment and Transport portfolios given that the original proposal of putting the two portfolios under one Permanent Secretary was initiated by the Administration with a view to achieving greater integration of these two portfolios. They also did not agree to the use of savings achieved from the amalgamation of CED and TDD for the creation of the new PSE post. It was pointed out that under the prevailing economic situation when the Government was suffering from a fiscal deficit, the public was very sensitive about any proposal to create additional posts, in particular directorate posts, within the Government. Nevertheless, the relevant funding proposal was subsequently submitted to and approved by the Establishment Subcommittee and the Finance Committee on 28 April and 14 May 2004 respectively.

Central Reclamation Phase III (CRIII) and Wanchai Development Phase II

6. The Panel continued to vigilantly monitor the impact of the harbourfront reclamation works under CRIII, which was the fourth of the five phases of the Central and Wanchai Reclamation. CRIII was aimed at providing land for transport infrastructure, including the Central-Wanchai Bypass (CWB) as well as Road P2 network, and re-provisioning of the existing waterfront facilities, such as pumping stations providing cooling water for buildings in Central, Star Ferry piers and Queen's Pier. Also recommended in CRIII would be a military dock for the People's Liberation Army (PLA) and the future North Hong Kong Island Line and an overturn tunnel for the Airport Railing and Tung Chung Line. In response to objections, the proposed area of reclamation was reduced from 38 hectares to 23 hectares. The Finance Committee approved funding for detailed design and construction of CRIII on 28 April 2000 and 21 June 2002 respectively. A works contract was awarded on 10 February 2003 for the reclamation of 18 hectares of land.

7. In February 2003, the Society for Protection of the Harbour Limited (SPH) applied for a judicial review (JR) of the Town Planning Board's decision in respect of the draft Wan Chai North Outline Zoning Plan (final phase). In September 2003, it also applied to the High Court for a JR of the Government's decision in relation to CRIII and demanded an interim injunction over CRIII works. This had given rise to much controversy over the impact of reclamation on the Harbour. In light of public concern, the Panel jointly held a series of meetings with the Panel on Planning, Lands and Works to discuss the issue. Views from engineering professionals, green groups and transport trades were also invited.

8. The Panel noted that most of the deputations did not object to the construction of CWB under CRIII in order to relieve the traffic load at the Connaught Road Central/Harcourt Road/Gloucester Road on condition that the extent of reclamation would be minimized. There were however queries on the need for CWB having regard to the not very high anticipated traffic load. Members suggested to the Administration that instead of reclaiming the Harbour to provide land for CWB, consideration should be given to relieving the traffic load through other traffic management measures, such as equalization of toll charges of the three cross harbour tunnels and implementation of the Electronic Road Pricing system. To further reduce the extent of reclamation, Panel members suggested that efforts should be made to reduce the size of reclaimed land for the cooling water pumping station and the military dock for PLA which was expected to take up four hectares of land. Consultation with PLA should also be made to ascertain the need for the berth.

Impact of construction works on rivers in Hong Kong

9. The environmental damages to the streams at Tung Chung and Sha Kok Mei as a result of excavation and channelization respectively had aroused much public concern on the impact of private developments and flood prevention projects on the natural habitat of streams. The Panel jointly met with the Panel on Planning, Lands and Works on 23 February 2004 to discuss the restoration plans for the damaged sections of the streams as well as the measures to prevent recurrence of similar incidents. Deputations were also invited to attend for discussion of the subject. Members noted that there were concerns that the use of channelization of streams to prevent flooding would threaten the survival of a number of rare species of freshwater fish which were close to extinction, and that many of the channelization projects were overly designed. Some members suggested that a more comprehensive approach, such as retention of wetlands and planting of vegetation to improve drainage, should be adopted in the long run. Other members however considered that channelization was effective but care should be taken to strike a balance between flood prevention and ecological protection. The Administration was urged to consider providing channelization in the more populated areas while adopting more ecologically friendly measures in uninhabited areas. Enforcement against illegal activities which might cause irreparable damages to the natural habitat of streams should be stepped up and the Administration should also encourage the public to report such illegal activities.

Management of marine parks

10. The Panel was briefed on the progress being made to further improve the management of marine parks. While agreeing that the proposal to arrest and repatriate Mainland fishermen who were caught fishing illegally in marine parks while retaining and handing over the fishing vessels to the Mainland authorities was a step forward in the right direction, some members opined that consideration should be given to prosecuting these Mainland fishermen in accordance with the laws in Hong Kong to achieve greater deterrent effect. Effort should also be made to solicit co-operation of local fishermen in the enforcement against unauthorized fishing in marine parks. On the management of marine parks, members held the view that additional staff should be deployed to step up patrol duties, and that enforcement should be strictly taken against visitors of marine parks who were found to have caused damages to corals and other important forms of marine life.

Waste management

11. There were in existence three landfills to meet the need of waste disposal. They occupied 270 hectares of land and cost \$6 billion to build as well as \$400 million a year to operate. When planned in the 1980s, these landfills were expected to serve the waste disposal need till 2020. However, as the amount of waste requiring disposal had been increasing, the landfills had been filling up much faster than expected. In 2003, about 6.5 million tonnes of waste were disposed of in the three landfills. About 53% of the waste were municipal solid waste, 38% were construction and demolition (C&D) waste and 9% were special waste such as sludge and animal carcasses. If waste continued to grow at the current trend, the existing landfills would only last for seven to 11 years. In this connection, the Panel conducted a series of meetings to discuss measures to tackle different types of waste, including municipal solid waste and C&D waste.

12. In examining the management of C&D materials, members noted that there was no demand for such materials in Hong Kong as a result of the lack of reclamation projects. To this end, the Administration was requested to explore with the Mainland authorities and private contractors on the feasibility of exporting these C&D materials. Another possible means to encourage the recycling of C&D materials was to prevent disposal of these materials at landfills. Members therefore supported the early implementation of landfill charging but the Administration had to consult the trades, particularly waste haulers, with a view to reaching a consensus on issues such as the charging arrangement.

13. The Waste Disposal (Amendment) (No. 2) Bill 2003 which sought to effect the Construction Waste Disposal Charging Scheme was presented to the Panel at its meeting on 24 November 2003. Under the Scheme, C&D waste disposed of at landfills, sorting facilities and public fill reception facilities would be charged at \$125, \$100 and \$27 per tonne respectively. Major C&D waste producers would pay the

landfill charge direct to the Government while waste haulers would be responsible for collecting landfill charge for waste arising from ad hoc renovation works. While expressing in-principle support for the Bill, members noted that waste haulers were still opposed to the charging arrangement on grounds that the requirement for them to collect disposal charges from minor waste producers might give rise to cash flow and bad debt problems. Some members opined that such a requirement was at variance with the “polluter-pays” principle since waste haulers were not waste producers but only involved in the delivery of waste. Some members questioned the basis upon which the disposal charges were arrived at while others cautioned that the implementation of the charging scheme might aggravate the problem of fly-tipping. They nevertheless agreed that details of the Bill should be examined by the relevant Bills Committee.

14. The possible demolition of the new building blocks in Hung Hom Peninsula by the developers aroused much public concern on the need for measures to prevent and minimize the production of C&D materials by private construction works. While acknowledging that the Administration had issued a letter to the developers concerned urging them to refrain from demolishing the buildings which would be extremely undesirable from the waste management perspective, members questioned the efficacy of the letter as developers would endeavour to maximize their financial gains from a commercial point of view. They also expressed concern that 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. To this end, consideration should be given to promoting social responsibilities among corporations in Hong Kong. The Sustainable Development Unit should formulate a set of guidelines on social responsibilities so that developers who did not perform well in this respect, such as indiscriminate demolition of buildings, would not be allowed to participate in tendering for public works projects and land auctions.

15. On measures to promote the prevention and recovery of municipal solid waste, members welcomed the Administration’s efforts in strengthening support for waste separation and recovery, making available land for waste recovery operations, enhancing community participation and involvement, enhancing publicity and public education, fostering closer cooperation with the business sector and District Councils. Members however found these measures piecemeal and not capable of tackling the waste problem in a holistic manner. They therefore urged the Administration to expedite the review of the waste management policy.

16. In the course of examining two funding proposals on the continuation of post-completion environmental monitoring work at six urban landfills, members expressed concern about the high recurrent cost for monitoring of the restored landfills. In this connection, the Administration was requested to work with the landfill operators to see if there was room for further cost reduction. Effort should also be made to better utilize the methane generated from the urban landfills which were conveniently located, rendering connection to gas companies much easier. The ultimate solution

was to promote reduction and recycling of waste to reduce the reliance on landfills. Members also considered it necessary for the Administration to put suitable restored landfill sites into beneficial uses such as provision of space for the much needed recreational facilities.

Harbour Area Treatment Scheme

17. In June 2004, the Consultation Document for the Harbour Area Treatment Scheme (HATS) Stage 2 was released to gauge public opinions on the Administration's preferred option to expand and upgrade the existing Stonecutters Island Sewage Treatment Works (SCISTW) to provide centralized chemical treatment for sewage from the whole HATS catchment, and to build a new biological treatment plant. In view of the uncertainties about the future population build-up in the harbour area, the high cost and additional land requirement for the biological treatment plant and the water quality to be achieved through the provision of chemical treatment and disinfection for the whole HATS catchment, the Administration recommended that HATS Stage 2 would be built in two phases. Under the first phase (HATS Stage 2A), deep tunnels would be built to bring sewage from the northern and western areas of Hong Kong Island to SCISTW, which would be expanded to provide centralized chemical treatment for all sewage from the whole of the HATS catchment with fast track provision of disinfection. Under the second phase (HATS Stage 2B), a new biological treatment plant would be built on a site adjacent to the existing SCISTW.

18. Given the importance and far-reaching implications of HATS Stage 2, members urged the Administration to consider extending the proposed four-month consultation period from 21 June to 20 October 2004 to end 2004. To facilitate future deliberation on the subject, it was also decided that interested parties, including green groups, should be invited to exchange views with members. A special meeting had been scheduled for that purpose.

Air quality

19. For the purpose of improving air quality, the Administration put forward a proposal of retrofitting emission reduction devices on pre-Euro diesel heavy vehicles of which engines had to be kept running for operational reasons while the vehicles remained stationary. Under the proposal, \$70 million (about \$20,000 for each of the 3 500 vehicles) would be earmarked to cover the installation cost. While welcoming the proposal, members urged the Administration to consider allowing vehicle owners to have a choice between retrofitting their vehicles with emission reduction devices and replacing their vehicles with the more environmentally friendly new Euro III models. The latter would be more effective in improving air quality without the need for additional financial resources.

20. To achieve a quicker reduction in the particulate and nitrogen oxide emissions from diesel motor vehicles, the Administration had made the Euro III unleaded petrol specification the statutory standard and the Euro III motor vehicle emission standard

the statutory minimum for newly registered motor vehicles since 2001 in step with the European Union (EU). As EU would tighten the motor fuel specifications to Euro IV with effect from 1 January 2005 to prepare for the implementation of the Euro IV motor vehicle emission standards in January 2006, the Administration proposed to make the Euro IV unleaded petrol specification the statutory standard with effect from 1 January 2005 in step with EU. While supporting the proposal from an environmental point of view, members were concerned that this might result in an increase in product cost. The Administration was therefore requested to make its best endeavour to ensure that upgrading of the specification for unleaded petrol would not result in any increase of the pump price as in the case of previous upgrading exercises.

21. The Panel was briefed on the Administration's plan to introduce legislative amendments to require registration and mandatory labelling of the content of volatile organic compounds (VOCs) in paints, printing inks and selected consumer products for sale in Hong Kong. The plan was in fact part of the regional air quality management plan to reduce the regional emission of VOCs by 55% by 2010, using the emission levels at 1997 as a base. While indicating in-principle support for such a registration and labelling scheme, members stressed the need to consult the affected trades as registrants would be required to produce relevant testing reports, product information and other data as required to support their registration. Besides, non-compliance would be subject to penalty from a fine of \$50,000 to \$100,000 and to imprisonment for up to six months. Concern was also raised that the testing cost coupled with the registration fee might push up the product price which would have to be absorbed by consumers.

Others

22. The Panel was briefed on the Central, Western and Wan Chai West Sewerage, Stage 2 Phase 2B Works, application of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety to Hong Kong Special Administrative Region and waste oil from vessels.

23. From October 2003 to July 2004, the Panel held a total of 17 meetings, including five joint meetings with the Panel on Planning, Lands and Works.

**Legislative Council
Panel on Environmental Affairs**

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to environmental and conservation matters.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Legislative Council
Panel on Environmental Affairs**

Membership list

Chairman Hon CHOY So-yuk

Deputy Chairman Hon Cyd HO Sau-lan

Members Dr Hon David CHU Yu-lin, JP
Hon Martin LEE Chu-ming, SC, JP
Hon WONG Yung-kan, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, 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 LAU Ping-cheung, SBS
Hon Audrey EU Yuet-mee, SC, JP

(Total : 13 Members)

Clerk Miss Becky YU

Legal Adviser Miss Monna LAI

Date 2 July 2004