

立法會
Legislative Council

LC Paper No. CB(1) 1314/04-05
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

**Minutes of meeting held on
Thursday, 24 March 2005, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon CHOY So-yuk (Chairman)
Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon CHEUNG Man-kwong
Hon LAU Kong-wah, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Patrick LAU Sau-shing, SBS, JP

Members absent : Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon WONG Yung-kan, JP
Hon Miriam LAU Kin-yea, GBS, JP
Dr Hon KWOK Ka-ki

**Public officers
attending** : **For item IV**

Environment, Transport and Works Bureau

Mr Raymond FAN
Deputy Secretary for the Environment, Transport and
Works (Environment) 1

Mr Raistlin LAU
Principal Assistant Secretary for the Environment,
Transport and Works (Environment) 1

Action

Drainage Services Department

Mr TSUI Wai
Assistant Director/Projects & Development

Mr MAK Ka-wai
Chief Engineer/Consultants Management

Mr CHUI Wing-wah
Chief Engineer/Harbour Area Treatment Scheme

Mr CHAN Pak-keung
Chief Engineer/Sewerage Projects

For item V

Environment, Transport and Works Bureau

Mr Roy TANG
Deputy Secretary for the Environment, Transport and
Works (Environment) 2

Mr Eric CHAN
Principal Assistant Secretary for the Environment,
Transport and Works (Environment) 4

Mr Norman HEUNG
Chief Assistant Secretary for the Environment, Transport
and Works (Works) 4

Agriculture, Fisheries and Conservation Department

Mr C C LAY
Assistant Director (Conservation)

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 (1)4

Action

I. Confirmation of minutes

(LC Paper No. CB(1) 1132/04-05 — Minutes of the meeting held on 28 February 2005)

The minutes of the meeting held on 28 February 2005 were confirmed.

II. Information paper issued since last meeting

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

(LC Paper No. CB(1) 1034/04-05 — Submission from the Kadoorie Farm and Botanic Garden Corporation expressing views on the Concept Plan)

III. Items for discussion at the next meeting

(LC Paper No. CB(1) 1133/04-05(01) — List of follow-up actions
LC Paper No. CB(1) 1133/04-05(02) — List of outstanding items for discussion)

3. Members agreed to discuss the following items at the next meeting to be held on Monday, 25 April 2005, at 2:30 pm -

- (a) Legislative amendments to facilitate the management of Marine Parks and Marine Reserve; and
- (b) Proposed legislation for implementation of the Cartagena Protocol on Biosafety

4. The Chairman informed members that the WWF Hong Kong had requested to meet with the Panel on Environmental Affairs (EA Panel) to exchange views on the proposed legislative amendments to the Fisheries Protection Ordinance (Cap.171).

(Post-meeting note: An informal meeting with the WWF Hong Kong was scheduled for 12 April 2005.)

5. The Chairman drew members' attention to the draft research outline on the "Management of municipal solid waste in selected cities" prepared by the Research and Library Services Division (RLSD) (LC Paper No. CB(1) 1152/04-05). Subject to any views from members before 31 March 2005, RLSD would proceed with the research in accordance with the agreed outline for completion in May 2005. The research report would be discussed in the context of management of municipal waste

Action

in Hong Kong scheduled for discussion at the regular Panel meeting in May 2005, during which interested parties would also be invited to express their views. The Chairman added that she had been advised by the Administration that the consultation paper on the technology options for development of large-scale waste treatment facilities to handle municipal waste could not be available until September 2005, but that should not affect the agenda for the Panel meeting in May 2005, taking into account the findings of the research study and the recent development on the introduction of levies on plastic bags and waste tyres. Ms Audrey EU said that the Administration should be asked to provide a paper explaining its strategies on management of municipal waste as well as sustainable development for the Panel meeting in May 2005, so that these could be taken into account together with deputations' views.

6. The Chairman said that arrangements were being made for a joint meeting with the Panel on Planning, Lands and Works (PLW Panel) in May 2005 to discuss the protection of trees and the problem of fly-tipping on agricultural land in the New Territories. Another joint meeting with the PLW Panel might also be required to discuss the Concept Plan for Lantau which involved reclamation of some 300 hectares of land in the Lantau Island.

IV. Composite paper on five sewage collection and treatment schemes

(LC Paper No. CB(1) 1133/04-05(03) — Paper provided by the Administration)

7. The Assistant Director of Drainage Services /Projects & Development (ADDS/PD) gave a power-point presentation on the following five sewage collection and treatment projects which would be submitted to the Public Works Subcommittee (PWSC) and subsequently to the Finance Committee for approval -

- (a) **4171DS** “North and South Kowloon sewerage, stage 2” at an estimated cost of \$53 million in money-of-the-day (MOD) prices;
- (b) **4204DS** “Wan Chai East and North Point sewerage, remaining works” at an estimated cost of \$214 million in MOD prices;
- (c) **4208DS** “Outlying Islands sewerage stage 1 phase 1 part 1 Ngong Ping village sewerage works” at an estimated cost of \$25 million in MOD prices;
- (d) **4215DS** “Yuen Long and Kam Tin sewerage and sewage disposal – Kam Tin trunk sewerage phase 1 and Au Tau trunk sewers” at an estimated cost of \$385 million in MOD prices; and

Action

- (e) **4229DS** “North District and Tolo Harbour sewerage, sewage treatment and disposal – high priority works - Expansion of Shek Wu Hui sewage treatment works and Ting Kok Road pumping station No. 5” at an estimated cost of \$264 million in MOD prices.

Admin

8. To facilitate a better understanding on overall sewerage infrastructure in Hong Kong, Mr Patrick LAU requested and the Administration undertook to provide the Sewerage Master Plans detailing the catchment areas, sewage connections, levels of sewage treatment and sewage discharge points for members’ reference. Mr LAU then enquired about the environmental improvement brought about by the sewage projects. The Principal Assistant Secretary for the Environment, Transport and Works (Environment) 1 (PAS/ETW(E)1) said that the expansion of Shek Wu Hui sewage treatment works (SWHSTW) would provide proper treatment to the sewage flows collected from the currently unsewered areas, thereby reducing the pollution load at Deep Bay. The four remaining projects were sewerage improvement projects which would help provide the necessary sewage connections to the nearby sewage treatment plants for proper treatment. ADDS/PD added that the proposed works under 4215DS would provide the residents of Nam Sang Wai with the needed sewer connections to the nearby sewage treatment works, so that they would no longer have to rely on septic tanks and soakaway systems for sewage treatment.

9. The Chairman enquired about the measures to be adopted for the removal of odour generated from SWHSTW and whether these could be applied to waste collection centres. The Chief Engineer/Sewerage Projects explained that the odorous units in SWHSTW would be enclosed and odorous gas would be maintained at sub-atmospheric pressure and extracted to pass through activated carbon deodorizing units before being released to the atmosphere. For odour control, modelling studies would be conducted and the operation of SWHSTW would be closely monitored to ensure compliance with the environmental standards set by the Environmental Protection Department (EPD).

10. Mr Patrick LAU was concerned about the disruptions arising from road opening works which were an inevitable part of sewerage projects. He stressed the importance of coordination with other utility undertakers in performing such works. ADDS/PD said that the Drainage Services Department (DSD) was well aware of the public concerns over the disruption associated with road opening works. Measures to reduce inconvenience to the public had been jointly worked out with the Transport Department (TD) and the Police. The relevant District Councils and the affected business operators would also be consulted on the proposed works. Where erection of hoardings was required during the construction period, these would be made of transparent materials with a view to minimizing the impact on the businesses of retailers. To enhance coordination among utility undertakers, the Highways Department had implemented a computerized utility management system (UMS), under which project proponents would need to coordinate with other utility undertakers in the road opening works before applying for an excavation permit.

Action

11. The Chief Engineer/Consultants Management (CE/CM) made reference to the drainage improvement projects in Wanchai, Central and Sheung Wan where a number of measures had been adopted in reducing inconvenience to the public. Under the excavation permit system, project proponents would have to liaise with the affected stakeholders, make proper investigation into the underground utility systems and resolve all associated problems before excavation. Project proponents would also be required to liaise with other utility undertakers on the underground utility works. In the case of the Wan Chai East and North Point sewerage project, DSD was entrusted by the Water Supplies Department to construct new water pipes in parallel with the installation of underground sewers so as to avoid repeated road opening works. Trenchless method for excavation would be used as far as possible. However, the trenchless method could not always be applied as the project involved the shallow branch sewers connecting to buildings and thus traffic disruptions were inevitable. Notwithstanding, the Administration would endeavour to minimize the inconvenience caused and consult relevant District Councils. As to whether the sewerage demand from the Wan Chai and North Point districts for the next decade would be met upon the completion of the Wan Chai East and North Point sewerage project, CE/CM replied in the affirmative and confirmed that this was the final phase of the sewerage improvement works for the districts.

12. Mr Patrick LAU enquired about the feasibility of adopting a common utility duct system for all utility pipelines to facilitate repair. CE/CM,DSD said that this might not be feasible in old developed districts like Wanchai and North Point. ADDSPD added that consideration was being given to providing a common utility duct system in new development like South East Kowloon Development. Given that sewers were the largest among all other underground pipes, Mr LAU failed to see why the Administration could not make use of the opportunity to include smaller utility pipelines above or alongside sewers in sewerage projects, thereby providing a common utility duct system to facilitate future repair works in both old and new districts. CE/CM,DSD said that it would be difficult to find space to accommodate large sewers in old developed districts and very often the sewers would have to be laid underneath other shallower utilities such as electricity cables and water pipes thereby already well utilizing the underground space. In doing so, the project proponents would need to coordinate very closely with all other utility companies in finding the space. Given the narrowness of roads and the complicated underground utility network, it might not be technically feasible to provide for a common utility duct structure in developed districts. Such structure would need to be purpose-built if it was to be applied in new districts under planning but road excavation works would still be required for its installation and other connections of branch sewers and the like.

13. Mr Jeffrey LAM shared the concern about the disruptions brought about by road opening works, particularly in busy commercial districts like Wan Chai and North Point. While appreciating the measures adopted in reducing disruptions to business operations, he considered that more should be done to minimize the inconvenience caused to the public. Noting that the five projects would proceed

Action

concurrently with completion dates ranging from 2008 to 2010, he enquired whether the long duration was attributable to insufficient manpower and if so, whether consideration could be given to undertaking one or two projects first so that more manpower resources could be devoted to each project to facilitate early completion. ADDS/PD advised that except for the Wan Chai East and North Point sewerage project which would take four and a half years to complete, each of the remaining four projects would take about two years to complete. The longer time required for the Wan Chai East and North Point sewerage project was attributed to the need to proceed with the works by stages to minimize the inconvenience associated with the road opening works. As for the Yuen Long and Kam Tin sewerage project, more time was needed as the construction works at Nam Sang Wai would have to be suspended during the period from April to October when the seasonal birds nested in the area. As such, the longer duration of works was not due to insufficient manpower but to the unique requirements of each project.

14. While acknowledging the Administration's explanation, Mr Jeffrey LAM requested that efforts should be made to further reduce the duration of works as far as possible. To minimize traffic disruptions as a result of road closure due to road opening works, he also suggested that these works should be conducted at night as in the case of the new flyover at Guangzhou which was completed within one year without causing much traffic disruption because of overnight works. ADDS/PD advised that DSD had been working closely with TD, the Police and Fire Services Department on measures to reduce traffic disruptions arising from road opening works. These included, among others, undertaking construction works during non-peak hours and suspending construction works during major events held in the vicinity. While overnight road works could be considered, care had to be taken to avoid causing noise nuisance to the neighbourhood. At the Chairman's request, the Administration undertook to include the traffic arrangements to be implemented during the construction phase of each of the five projects in the paper submitted to PWSC. However, it might take a longer time for compilation since these arrangements were still under negotiation.

Admin

15. Mr Martin LEE was concerned about nuisance associated with incessant road works. By way of illustration, the construction works at the narrow road in front of the Peak Tram Station had caused considerable inconvenience to the public, including tourists. He suggested that these works should be conducted at night when there was less traffic. He also stressed the importance of coordination among different departments in order to reduce the need for frequent road opening works. Expressing similar view, Mr Jeffrey LAM pointed out that road opening works were a source of environmental nuisance. Apart from noise pollution, these works also generated large amounts of construction waste to be disposed of. As such, concerted efforts from all utility undertakers, both in the private and public sectors, were required to further improve the situation. The Chairman echoed that the road works at North Point had been non-stop over the years and these were expected to continue for another few years with the implementation of the Wan Chai East and North Point sewerage project. She asked if it was possible to shorten the duration of works for

Action

the convenience of the public, albeit at a higher construction cost. She also enquired about the maximum time allowed for road opening works and the minimum time needed for such works.

16. In response, CE/CM,DSD said that every effort would be made to minimize inconvenience to the public and overnight works would be conducted where possible. Additional measures would be taken where applicable to reduce the duration of works, even if these would incur extra cost. The reason for road works to be continued in certain areas in North Point was that despite the adoption of the trenchless method in the construction of the trunk sewers, road opening works were still required for improving the branch sewers connecting the trunk sewers and individual buildings. Although the sewerage project would require about four years to complete, the duration of road works for individual locations would only be a few months, depending on the complexity of the underground utilities network. By way of illustration, the time taken for installation of a 50-metre long branch sewer would range from about three months in favourable ground and utility conditions to more than one year if there were unforeseen ground and utility conditions.

17. Before concluding, the Chairman asked and members agreed that they supported the proposal in principle except that more should be done to address the inconvenience caused by the road excavation works.

V. Progress report on the restoration of the Tung Chung Stream

(LC Paper No. CB(1) 1133/04-05(04) — Background brief on restoration of the damaged section of Tung Chung Stream

LC Paper No. CB(1) 1133/04-05(05) — Paper provided by the Administration)

18. The Principal Assistant Secretary for the Environment, Transport and Works (Environment)⁴ (PAS/ETW(E)⁴) briefed members on the progress of the restoration of Tung Chung Stream and the measures taken to strengthen the protection of natural streams and rivers in Hong Kong.

Reinstatement works and monitoring of ecological restoration

19. Noting that following the completion of the reinstatement works in April 2004, the Agriculture, Fisheries and Conservation Department (AFCD) had started a two-year ecological monitoring programme on the Tung Chung Stream, the Chairman enquired about the progress of ecological recovery of stream and whether further improvement could be achieved. The Assistant Director of AFCD(Conservation) (AD/AFC(C)) said that to measure the success of the programme, an undisturbed natural section of the stream immediately upstream of the reinstated section had been selected as a reference site. Samplings were carried out at both the reinstated section and the reference site. Preliminary results showed that the damaged section of the

Action

Tung Chung Stream had achieved about 80% ecological recovery and its water flow had reverted back to the original state. The Chairman opined that apart from providing for biodiversity, the stream itself should be protected.

20. Ms Emily LAU asked if green groups and other interested parties were consulted on the reinstatement works. PAS/ETW(E)4 confirmed that green groups were part of the Specialist Group set up to advise the Interdepartmental Task Force on the reinstatement works from an ecological perspective. AD/AFC(C) added that the Task Force had held regular meetings on the reinstatement works and paid site visits to observe the progress of restoration of the Tung Chung Stream. The recommendations of green groups had been incorporated in the subsequent stages of reinstatement works which had been proceeding with good progress.

New measures to protect natural streams and rivers

21. Mr Albert CHAN said that there were lessons to be learnt from the series of incidents leading to the damages of Tung Chung Stream which had revealed the lack of protection of natural resources, the absence of control over the source of materials to be used in construction projects and the abuse of authority by those in the public service. However, the remedial measures taken by the Administration might not have prevented similar recurrences given the rapid development in Hong Kong where economic interest would take precedence over nature conservation. As such, the Administration should take more proactive role in protecting natural rivers and streams from irreversible damage. PAS/ETW(E)4 said that following the Tung Chung Stream incident, the Administration had put in place a number of new measures, in addition to the on-going administrative and legislative measures, to enhance the protection of natural streams and rivers. These included –

- (a) an internal guideline circular updated by DSD setting out factors to be considered when planning and implementing drainage works on natural streams and rivers;
- (b) a technical circular entitled “Protection of natural streams/rivers from adverse impacts arising from construction works” providing guidance for the departments concerned to minimize and, if possible, avoid impacts of works projects on natural streams and rivers during the planning, design and construction stages;
- (c) workshops being organised for officers of the works departments to enhance their awareness on the protection of natural streams and rivers; and
- (d) a territory-wide ecological baseline study by AFCD which covered woodlands, freshwater wetlands, natural rivers and other important habitats. Over 200 streams and rivers had been surveyed since 2002. Of these, 33 natural streams and rivers located outside country parks

Action

were identified as ecologically important and priority would be given to protect these selected streams and rivers.

Admin At members' request, the Administration undertook to provide the number of works projects which AFCD had been consulted on and might affect natural streams and rivers, and the total length of the natural streams and rivers that might be affected by these projects.

22. Mr Albert CHAN held the view that no measures would be effective without the concerted efforts of government departments. He said that when he visited Cheung Sha last year, he was alarmed by the poor environment of a stream as a result of the damages from commercial activities in the vicinity. He sought the assistance of a number of government departments like the Lands Department, Home Affairs Department, DSD and AFCD but none of them could take charge of the case as each department had its own scope of responsibilities. In the absence of coordination, the situation had not improved but deteriorated since then. He considered that a designated department should be held responsible for coordinating efforts in the protection of streams and rivers, and that legislative control should be introduced. The Deputy Secretary for the Environment, Transport and Works (Environment) 2 (DS/ETW(E)2) said that there were existing legislation to deal with the protection of streams and rivers in Hong Kong. He also agreed to follow up on the Cheung Sha stream to see what actions could be taken to protect it from further damages.

23. Mr Martin LEE enquired if the Administration had considered introducing separate legislation to protect streams and rivers. DS/ETW(E)2 said that as stated in the Secretary for the Environment, Transport and Works' reply to a LegCo question raised on the subject, it was difficult to introduce separate legislation on the protection of streams and rivers because there was no internationally accepted definition for rivers which changed with the seasons. Besides, there were seven existing legislation which served the purpose of protecting streams and rivers from damage through activities such as illegal excavation, filling activities, waste and sewage disposal, illegal occupation and blockage etc. As such, the introduction of separate legislation to protect streams and rivers was considered not necessary. While rivers changed with the seasons, Mr LEE said that this had not prevented overseas countries from introducing legislation to protect their rivers. He queried why the same could not be applied to Hong Kong. DS/ETW(E)2 said that reference had been made to overseas legislation on the protection of streams and rivers but none of them were found suitable to apply directly to the unique situation in Hong Kong.

24. The Chairman noted that some green groups recommended the introduction of legislation to protect streams and rivers, but this had not been taken on board by the Administration. She could not agree with the Administration that it was difficult to define rivers. She suggested that consideration should be given to including the 200 streams and rivers identified in the territory-wide ecological baseline study within the confines of country parks so that they could be adequately protected. DS/ETW(E)2 said that at present, 43% of land in Hong Kong were already designated as country

Action

parks which was a very high percentage as compared to other developed countries. The Administration would need to consider whether the community would agree to further extend the country parks to cover all the 200 natural streams and rivers. Besides, the proposed inclusion of the streams and rivers would infringe land rights as some of the land involved might be under private ownership. Even if the streams and rivers were included within the confines of country parks, the Administration would not have the necessary resources to protect the streams and rivers in accordance with the provisions of the Country Parks Ordinance (Cap 208) (CPO).

25. The Chairman further enquired if the Administration was prepared to conduct a public consultation exercise to gauge public acceptance on the inclusion of the 33 streams and rivers which were identified as having high ecological value within the confines of country parks. DS/ETW(E)2 reiterated that as there were existing legislation to protect streams and rivers in Hong Kong, there was no need to further extend CPO to cover the selected streams and rivers. The Chairman held the view that the Administration had not performed its role in protecting streams and rivers from damages. It had not only failed to act on complaints about pollution of rivers, but also allowed channelization of a large number of rivers for flood prevention. As such, she might consider introducing a Member's Bill to amend CPO.

26. DS/ETW(E)2 said that monitoring and enforcement actions had been taken to protect rivers from damage. For the past two years, 96 prosecutions had been taken against vandalizing acts involving damage to rivers. As regards channelization, DS/ETW(E)2 said that this was part of the flood prevention programme to protect the community from floods. Following the Tung Chung Stream incident, DSD had been giving more consideration to the protection of the environment and preservation of nature habitats in planning and implementing flood prevention projects. The Administration had also worked out technical guidelines requesting works departments to consult EPD and AFCD on the protection of natural streams and rivers when undertaking works projects. Meanwhile, environmental impact assessments would be conducted on major projects and there would be more coordination in the implementation of works projects.

27. Ms Emily LAU sought elaboration on the workshops for officers of the works departments. The Chief Assistant Secretary for the Environment, Transport and Works (Works) 4 (CAS/ETW(W)4) advised that these workshops were aimed at enhancing awareness on the protection of natural streams and rivers. The workshops would provide an opportunity for works departments, such as the Highways Department, the Civil Engineering and Development Department as well as DSD, to share their experience on the protection of natural streams and rivers when implementing works projects. EPD and AFCD would also provide advice on ways to protect natural streams and rivers, for instance, through reduced reliance on concrete for lining of river beds. Engineers from the works departments would be encouraged to attend as far as possible. The workshops would be held starting from mid-2005 and members would be informed of the details of arrangements in due course.

Action

VII. Any other business

28. There being no other business, the meeting ended at 4:20 pm.

Council Business Division 1
Legislative Council Secretariat
21 April 2005