

立法會
Legislative Council

LC Paper No. CB(2)2223/06-07

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Ref : CB2/PL/FE

**Panel on Food Safety and Environmental Hygiene and
Panel on Home Affairs**

**Minutes of Joint Meeting
held on Tuesday, 8 May 2007, at 3:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Members of the Panel on Food Safety and Environmental Hygiene

Hon Tommy CHEUNG Yu-yan, JP (Chairman)
Hon Fred LI Wah-ming, JP (Deputy Chairman)
Hon WONG Yung-kan, JP
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, JP
Hon WONG Kwok-hing, MH
Δ Dr Hon Joseph LEE Kok-long, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Members of the Panel on Home Affairs

Hon CHOY So-yuk, JP (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon CHEUNG Man-kwong
Hon Albert CHAN Wai-yip
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man

Members attending : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP

Members absent : Member of the Panel on Food Safety and Environmental Hygiene

Δ Hon Andrew CHENG Kar-foo

Members of the Panel on Home Affairs

Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Daniel LAM Wai-keung, SBS, JP
Hon LI Kwok-ying, MH, JP
Dr Hon Fernando CHEUNG Chiu-hung

(Δ Also members of the Panel on Home Affairs)

Public officers attending : Representatives from the Administration

Mr CHEUK Wing-hing
Deputy Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)

Miss Wendy AU Wan-sze
Assistant Secretary for Health, Welfare and Food
(Food and Environmental Hygiene)⁵

Dr LEUNG Siu-fai
Assistant Director (Fisheries)
Agriculture, Fisheries and Conservation Department

Mr LEE Yuk-shing
Chief Project Manager 301
Architectural Services Department

Mr Lawrence NGO Kwok-keung
Senior Environmental Protection Officer (Strategic Assessment)²
Environmental Protection Department

Ms Rhonda LO Yuet Yee
Assistant Director (Operations)³
Food and Environmental Hygiene Department

Mr Kenneth CHAN Siu-yum
Assistant District Officer (Tuen Mun)
Home Affairs Department

Mr CHUNG Siu-man
General Manager (Planning, Development & Port Security)
Marine Department

Mr Wilson CHAN Wai-shun
Senior Town Planner (West)
Planning Department

Mr LEE Yan-ming
Chief Engineer/Traffic Engineering (NTW)
Transport Department

Allied Environmental Consultants Ltd

Miss Grace KWOK May-han
Director

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Ms Alice LEUNG
Senior Council Secretary (2)1

Miss Kiwi NG
Legislative Assistant (2)2

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I Election of Chairman

Mr Tommy CHEUNG was elected Chairman of the joint-Panel meeting.

II. Proposed joint-user complex and wholesale fish market in Area 44, Tuen Mun

Presentation by the Administration

2. With the aid of powerpoint, Assistant Director (Fisheries) of Agriculture, Fisheries and Conversation Department (AD(Fisheries)/AFCD) briefed members on

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the Administration's development proposal in Tuen Mun Area 44 for reprovisioning the temporary Castle Peak Wholesale Fish Market (CPWFM) and providing community facilities in the Tuen Mun District, with details as set out in the Administration's paper [LC Paper No. CB(2)1743/06-07(01)]. He advised that the scope of the project comprised the construction of a four-storey joint-user complex to accommodate a WFM, a community hall, a dragon boat spectator stand, a marine park management office, a refuse collection point, a public toilet and a marine refuse collection point.

3. AD(Fisheries)/AFCD said that, in response to the concerns of residents, fishermen and traders about the hygienic and environmental problems caused by the temporary CPWFM, the then Tuen Mun District Board (TMDB) passed a motion in December 1996, urging the Government to relocate the fish market as soon as possible. After a number of site visits and detailed discussions, the then Tuen Mun Provisional District Board (TMPDB) in January 1999 agreed that the Government should proceed with the design work of the complex at Area 44, pending completion of the Environmental Impact Assessment (EIA) Report. In view of the concerns of some residents, TMPDB proposed that WFM should be shifted northward by 20 metres, thereby maximising the distance from Yuet Wu Villa, the nearest residential estate to the proposed site. He further said that the Tuen Mun District Council (TMDC) discussed the case again in September 2006 and maintained its support for the decision in 1999. He added that the Town Planning Board (TPB) had approved the planning application for the proposed development, with a minor encroachment onto the adjoining "Open Space" zone due to the 20 metres northward shift in February 2007.

4. AD(Fisheries)/AFCD further said that the EIA study on the proposed works project had been completed in 2003. The Administration would implement all the environmental mitigation measures as recommended in the EIA report and a summary of measures to be implemented to minimise the impact to residents was set out in Appendix VI to the Administration's paper. The Administration intended to make a submission to the Public Works Subcommittee (PWSC) to upgrade the proposed project to Category A of the Public Works Programme in June 2007 and to seek funding approval from the Finance Committee.

(Post-meeting note: The powerpoint materials were issued to members by Lotus Notes vide LC Paper No. CB(2)1818/06-07 on 10 May 2007.)

Noise and odour nuisances

5. Mrs Selina CHOW said that local residents in Area 44 were concerned about noise nuisance caused by the operation of WFM and horns from fishing vessels during the peak-hour operation period of the market, in particular 3:00 am to 5:00 am in the early morning. She asked whether the EIA study had assessed the noise impact during the early hours of the morning. She further said that residents were also worried that

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the problem would be aggravated as fishing vessels would use the Western entrance of the typhoon shelter when approaching and leaving the market when it was relocated to Tuen Mun Area 44.

6. DS(FEH) responded that the EIA study had evaluated and assessed noise impact during the peak-hour morning period (i.e. from 3:00 am to 5:00 am) in view that it was the normal operation hours of the market. He said that, according to a site survey conducted by the Administration, there were around 25 fishing vessels using the existing CPWFM in Tuen Mun Area 27 for unloading fish catches every day. Since the proposed WFM in Area 44 was to replace the existing CPWFM in Area 27, the operation characteristics at the proposed market would be similar to that of the existing one. Therefore, the relocation of WFM would not generate additional vessel traffic within the typhoon shelter. DS(FEH) pointed out that fishing vessels normally arrived by the early evening and berthed directly at WFM for unloading their fish catches to the market in the early morning on the next day. According to the observations by the Administration, there were only around ten fishing vessels approaching the typhoon shelter for unloading fish catches in WFM during the busiest trading hours of the market from 3:00 am to 5:00 am. DS(FEH) said that, to address the concerns of residents of Yuet Wu Villa, Miami Beach Towers and Marina Garden, the Administration would consider putting in place a registration system for fishing vessels using the proposed WFM and requiring fishing vessels to continue to use the Eastern entrance of the typhoon shelter for approaching or leaving the market.

7. On the Administration's response, Mrs Selina CHOW said that, given that many of the ancillary facilities were in Area 27, fishing vessels would have to make their trips back and forth Area 27 and Area 44. This would inevitably increase marine traffic and associated marine traffic noise. She asked whether honking noise generated from fishing vessels were regulated by the laws.

8. In response, AD(Fisheries)/AFCD said that the Administration had put efforts in educating fishermen in the proper use of the whistles fitted in the vessels. There were not many complaints received by the Government departments about noise nuisance caused by honking noise from fishing vessels in Area 27 recently. In view that the existing CPWFM was very close to nearby residential housing estates, fishermen were very co-operative in refraining from using horns unless in case of emergency. He further said that a management committee would be set up by the operator of the proposed WFM to closely supervise the operation of WFM and to follow-up on environmental complaints about the operation of WFM. The management committee would consider formulating rules/guidelines on using loudhailers and whistles at WFM.

9. AD(Fisheries)/AFCD explained again the operation mode of fishing vessels in WFM. He said that fishing vessels would normally arrive by the early evening and then berth at WFM so that they could unload their fish catches in WFM in the early morning on the next day. Fishermen would normally use sampans for replenishing

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their supplies on shore or sometimes they would replenish their supplies in the Mainland when they picked up their Mainland deckhands.

10. Director of Allied Environmental Consultants Ltd supplemented that the EIA study had been conducted with reference to the operation of the existing CPWFM in assessing the potential noise impact due to the operation of the proposed WFM on the surroundings. The study had taken account of the peak-hour operation period of WFM and assessed the potential noise impacts arising from the marine traffic, including fishing vessels and sampans, using the proposed WFM in evaluating any potential nuisance to nearby residents.

11. Dr KWOK Ka-ki enquired about the law enforcement actions when there were contraventions of the relevant legislation in regulating noise nuisance. He said that he hoped that the law enforcing departments including the Police and the Environmental Protection Department (EPD) would step up their efforts in taking law enforcement actions in respect of noise nuisance caused by the operation of WFM when it came into operation. He opined that the Administration's undertaking in this regard would help ease residents' concern.

12. Referring to Appendix VI to the Administration's paper, DS(FEH) said that an environmental monitoring and audit programme on odour and marine traffic noise would be conducted during the peak operating hours from 3:00 am to 6:30 am at a frequency of no less than once a week during the first 12 months of the operation of WFM. When there were contraventions of the legislation on noise control, EPD would take enforcing actions accordingly. He reiterated that the Administration would consider requiring fishing vessels using the Eastern entrance to the proposed WFM at Area 44 and imposing this requirement as an additional condition for fishing vessels using the proposed market.

13. Pointing out that TMDC maintained its support for the decision in 1999 on relocating CPWFM to Area 44 in September 2006, Mr WONG Yung-kan remarked that Members should respect the decision of TMDC. He considered that Area 44 could be developed into a tourist area. The beautiful scenic beaches along the coastal areas of Tuen Mun could make Tuen Mun district an attractive destination for tourists. He said that he was supportive of the Administration's proposal. Mr WONG further said that, when fishermen were not making trips outside Hong Kong waters for fishing, they would normally berth their fishing vessels at the typhoon shelter. If they wanted to make trips to the shore or within the typhoon shelter, they would use sampans or small boats. On the residents' concern about noise nuisance, he further said that the Administration was discussing with the fishermen on the vessel traffic routing arrangement for entrance and exit from the typhoon shelter when the proposed WFM was relocated to Area 44. Regarding the other possible sites for WFM, he pointed out that the wind and currents were very strong in Tuen Mun Area 38 and Area 40 which were not suitable for building a WFM. If additional breakwaters were to be built, the width of the access channels to the typhoon shelter would become too

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narrow for safe navigation.

14. Mr TAM Yiu-chung said that, as pointed out by residents of Yuet Wu Villa, there was a Public Cargo Working Area in Area 16 and many river trade vessels were approaching and leaving the area from the Western entrance. If CPWFM was relocated to Area 44, the marine traffic would become very busy and the problem of honking noise generated from vessels would be even more serious. The residents were also concerned about the marine traffic noise caused by sampans at night in the vicinity of WFM.

15. The Chairman expressed similar views on the concerns of residents. He asked whether the Administration had taken account the vessel traffic in Area 44 if the existing temporary WFM was relocated there.

16. AD(Fisheries)/AFCD clarified that the Public Cargo Working Area in Area 16 was far away from the proposed WFM in Area 44 so it would not increase the marine traffic in Area 44. The EIA study had taken into consideration the marine traffic associated with the operation of the Public Cargo Working Area in Area 16. He also pointed out that there was ambient background noise arising from the activities of fishing vessels and pleasure boats in the typhoon shelter. In conducting the EIA study, a background noise survey was carried out to investigate the existing noise levels in the vicinity of the proposed WFM. He reiterated that the Administration would consider requiring fishing vessels using the WFM to use Eastern entrance to enter or leave the typhoon shelter during the early morning period.

17. General Manager (Planning, Development & Port Security) of Marine Department (GM(PD&PS)/MD) supplemented that the operation hours for the Public Cargo Working Area in Area 16 and the proposed WFM at Area 44 were not the same. The public loading/unloading area in Area 16 would close at 9:00 pm. He added that, as the Tuen Mun Typhoon Shelter was built recently, the layout and features were better and the fairways were wider and clearly marked by buoys.

18. Mr Albert HO said that some local residents raised objection to the Administration's proposal for the re-provisioning of CPWFM in Area 44 because of their worries about noise and odour nuisances caused by the operation of WFM and the increased marine traffic in Area 44. He enquired about the actions that could be taken by residents when there was noise nuisance.

19. Referring to Annex VI to the Administration's paper, DS(FEH) reiterated that a management committee would be set up by the operator of WFM to closely supervise the operation of WFM and to follow-up on environmental complaints about the operation of WFM. The Administration would consider introducing a registration system for fishing vessels using the proposed WFM.

20. AD(Fisheries)/AFCD supplemented that the Police and EPD would follow up

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on the complaints about noise nuisance. In response to the Chairman's suggestion, he said that the management committee could consider providing a hotline service for handling enquiries/complaints about noise nuisance caused by the operation of WFM.

21. As regards the Chairman's suggestion of inviting a representative of local residents to join the management committee, AD(Fisheries)/AFCD said that the composition of the management committee was not yet decided.

22. Referring to the Administration's paper, Dr Joseph LEE said that he failed to see any concrete measures to be put in place to alleviate the noise nuisance problem by the Administration. On the Administration's proposal for accommodating a community hall, refuse collection point and WFM in the same building, he expressed concern about the possible adverse impacts on the environmental hygiene due to such a design.

23. DS(FEH) responded that, to address residents' concerns, the EIA report for the proposed project for the joint-user complex and WFM in Area 44, which was approved by the Director of EPD in 2003, had recommended that a number of environmental mitigation measures be implemented. The details of the administrative and management measures to be put in place to mitigate the environmental nuisances were provided in Appendix VI to the Administration's paper. For example, the junction at Wu Shan Road for vehicle access to WFM would be designed to prohibit traffic from entering and leaving the building from the south Wu Shan Road, so as to prevent traffic noise from affecting nearby residents. On sea traffic, he said that the Administration would consider putting in place some administrative arrangements on designating the marine route for fishing vessels entering and leaving the typhoon shelter and WFM and restricting the use of loudhailers and horns by fishing vessels except in emergency during the early morning period.

24. DS(FEH) said that the proposed refuse collection point was planned to serve the western part of Tuen Mun. Specifically, it would be used to hold waste collected from WFM, the joint-user complex and the cleansing beats within the area, which were currently collected in the road-side bin sites at Wu Tai Circuit and the car park entrance at Butterfly Beach Park. This would help improve the hygienic condition of the two sites. He pointed out that the proposed refuse collection point was an "enclosed" type of design and would be finished with easy-to-clean material and provided with de-odourised scrubber system.

25. Chief Project Manager 301 of the Architectural Services Department (CPM 301/ASD) supplemented that the entrance of the community hall would be facing south whereas the entrance of the proposed WFM facing north. The refuse collection points were of an "enclosed" type of design with double doors. It would be installed with de-odourised scrubber system and the odour level would be kept within five odour units according to EIA guidelines. On the concern of residents about noise nuisance, CPM 301/ASD said that, according to EIA report, the predicted mitigated

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noise level would not exceed the statutory limit. He reiterated that a number of measures, as detailed in Appendix VI to the Administration's paper, would be implemented to mitigate noise nuisance to nearby residents. These measures included the construction of a five-metre wide and 90-metre long canopy along the waterfront to provide screening for the noise emitted from loading/unloading activities and from berthed vessels and the setting up of a management committee to closely supervise the operation of WFM and to follow up on environmental complaints about the operation of WFM.

26. Mr Frederick FUNG said that, when the Administration was planning the reprovisioning of CPWFM, Area 44 was still zoned for industrial use and it was therefore considered appropriate for reprovisioning the market. However, Area 44 had now become a residential area with the northern migration of industries. In view that the proposed WFM was not far away from nearby residential housing estates, the Administration should have expected that local residents would raise objection to the proposed development project due to their concerns about the nuisances caused by the operation of WFM and fishing vessels using the proposed market. Mr FUNG further said that the environmental nuisances caused by the WFM in Sham Shui Po had lasted for many years and yet remained unsolved. The use of Western entrance by fishing vessels as access to and from the proposed WFM at Area 44 would exacerbate the noise nuisance problem in Area 44. He opined that the noise nuisance problem could not be resolved by administrative measures. He also expressed doubt as to whether the Police would be able to handle effectively future complaints on noise nuisance caused by marine traffic.

27. DS(FEH) reiterated that the Administration would put in place a number of mitigation measures as set out in Appendix VI to the Administration's paper. He pointed out that when the land was rezoned from industrial use to residential use in the Tuen Mun Outline Zoning Plan (OZP) in 1987, it was clearly indicated that there would be a WFM in the neighbourhood. The residents of Yuet Wu Villa should have been informed of the location of the new WFM before they moved in. According to the experience in managing other markets, administrative measures were proved to be effective in regulating the operational activities of the markets. DS(FEH) further said that, according to the EIA study, the predicted marine traffic noise levels during the peak hour of operation of WFM was in the range of 36dB(A) to 48dB(A). In view that the highest predicted marine traffic noise level was within the background night time noise level of about 57db(A), it was anticipated that the marine traffic noise arising from the operation of the proposed WFM would not pose adverse impact on nearby residents.

28. Mr Albert CHAN said that he had been urging the Administration to relocate the existing CPWFM to another site for a long time as it caused hygienic and environmental problems to residents of Sam Shing Estate and Hanford Garden in its neighbourhood. He commented that the problems were attributable to the poor planning by the Administration in approving residential development in the vicinity of

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WFM. It was unreasonable to transfer the problem from one area to another without a proper solution. Regarding the proposal for re-provisioning CPWFM to Area 44, he expressed grave concern about the noise disturbance caused by loudhailers and horns from fishing vessels. He was of the view that the EIA report did not address the noise nuisance problem. On the follow-up of complaints about noise nuisance caused by marine vessels, Mr CHAN said that, according to his experience, it was the marine police responsible for handling the complaints about noise nuisance caused by marine traffic. He asked whether there were any effective measures to regulate and monitor noise nuisance caused by marine vessels. Mr CHAN further said that, to address members' concerns, the Administration should provide information on the routing arrangement and measures to monitor and regulate noise nuisance to Members before submitting proposal to PWSC. He further said that he would reserve his position on the Administration's proposal pending the information to be provided by the Administration.

29. Regarding the vessel traffic routing arrangement, Professor Patrick LAU said that, given that the temporary WFM was to be relocated from Area 27 to Area 44, the shortest navigation path taken by fishing vessel to access the proposed WFM would be the Western Fairway. He wondered why fishing vessels would be encouraged to use the Eastern Fairway to enter and exit from the proposed WFM in Area 44.

30. In response to the views of Mr Albert CHAN and Professor Patrick LAU, DS(FEH) explained that, in view that there were residential estates alongside the waterfront near the Western entrance of the typhoon shelter (i.e. Miami Beach Towers and Marina Garden), fishing vessels using the proposed WFM were encouraged to use the Eastern entrance to access and exit from the typhoon shelter during the early morning period. He reiterated that the Administration would consider putting in place administrative measures to restrict the honking of whistles and horns by fishing vessels associated with the operational activities of WFM. DS (FEH) said that the Administration would provide information on the routing arrangement in its submission to FC.

31. On the Administration's response, Mr Frederick FUNG said that he had reservations about the Administration's proposal. He suggested the Panels to arrange a visit to the proposed site. In response to Mr FUNG's suggestion, the Chairman said that, in view that the members of the Panels did not consider that there was such a need, he suggested the Administration to arrange a visit for Mr FUNG and Mr Albert CHAN, if necessary.

Location of wholesale fish market

32. Noting from the Administration's paper that local residents in Area 44 had requested the Administration to consider re-provisioning the temporary WFM in other areas e.g. Area 27 and Area 40, Dr KWOK Ka-ki enquired about the reasons for not choosing alternative sites.

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33. DS(FEH) responded that it was not easy to identify a suitable site in Tuen Mun which must be near the sea and have sufficient space to re-provision the temporary WFM and accommodate the government/community facilities. He explained that in-situ re-provisioning of WFM was not feasible given that the site was too small and there was a public housing estate very close to the existing CPWFM. The Administration had studied a number of proposed sites for the development of the new fish market in consultation with the then TMDB. After a series of site visits and detailed discussions, the then TMPDB in January 1999 agreed that the Government should proceed with the design work of the complex in Area 44, pending completion of the EIA report. DS(FEH) said that the distance between the nearest point from Yuet Wu Villa (i.e. Block 15 of Yuet Wu Villa) and the joint user complex was over 100 metres. He stressed that a number of noise and odour mitigation measures as listed out in Appendix VI to the Administration's paper would be implemented. For examples, the building of WFM would be a fully-enclosed design with openings along the waterfront to allow unloading of fish catches from vessels. The external wall of WFM along Wu Shan Road and facing Yuet Wu Villa would be a blank façade with no opening except for fixed windows and pedestrian entrance at street level which would be designed with double doors and a lobby so as to minimise emitting of noise from WFM.

34. Noting that the then TMDB agreed that the temporary CPWFM should be re-located to Area 44 in April 1997, Mr CHEUNG Hok-ming asked why the proposal for the re-provisioning of CPWFM had not yet finalised. He said that some of the concern groups of the Tuen Mun residents held the view that the Administration's decision on accommodating a community hall and the re-provisioned WFM in the same joint-user complex was merely for the purpose of maximising the land use ratio. The residents were worried that the original planning of building a community hall in Lung Mun Oasis would be postponed or put in abeyance.

35. DS(FEH) explained that, in view of the worries of some residents in Area 44 that the environmental and hygienic problems would be brought over to their neighbourhood, the relevant Government departments, in consultation with the TMDB, studied a number of sites proposed for the development of the new WFM. After site visits and detailed discussions, the then TMPDB in January 1999 agreed that the Government should proceed with the design work of the complex at Area 44. To address residents' concerns, TMPDB proposed that WFM should be shifted northward by 20 metres, thereby maximising the distance from Yuet Wu Villa. TPB approved the planning application for the proposed development, which involved primarily a minor encroachment onto the adjoining "Open Space" zone due to the 20 metres northward shift in 2007. He added that, as the proposed project was a designated project under the EIA Ordinance (Cap.499), an EIA study had to be conducted. The EIA report was approved under the EIA Ordinance in 2003.

36. As regards the planning of a community hall in Lung Mun Oasis, DS(FEH)

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said that the Administration was open-minded about this planning proposal. In considering whether to build a community hall, the Administration would take into account, among other factors, the need of local residents. Notwithstanding this, the Administration would also have to give due regard to the full utilisation of land resources. Referring to a recent Director of Audit's Report, he pointed out that the Administration was urged to optimise the use of the sites of the Cheung Sha Wan Wholesale Food Market Phase 2. DS(FEH) further said that the distance between the joint user-complex in Area 44 from the nearest station of Light Rail Transit was about 200 metres. Furthermore, the community hall comprising a multi-purpose hall with a seating capacity for 450 persons, a stage and its ancillary store and facilities would provide a convenient venue for community activities, especially to the two schools in the vicinity.

37. On the Administration's response, Ms TAM Heung-man said that the Director of Audit's Report had commented that the development of the Cheung Sha Wan Wholesale Food Market Phase 2 project and the Yau Ma Tei Fruit Market was long overdue. As regards the Administration's proposal for the development of a joint-user complex in Area 44, Ms TAM commented that ten years had passed since the then TMDB's decision on relocating WFM to Area 44 and circumstances had changed. She wondered whether the Administration had assessed the impacts to residents in the vicinity of WFM in Area 44 having regard that the existing CPWFM had caused noise and odour nuisances to nearby residents in Area 27.

38. Regarding the Director of Audit's report on Yau Ma Tei Fruit Market, DS(FEH) responded that the Secretary for Health, Welfare and Food had announced earlier about the plan to resolve the problems relating to Yau Ma Tei Fruit Market. The Administration would discuss with the relevant District Council, fruit traders and related trades on the proposal.

39. With regard to the proposal for relocating WFM in Area 44, DS(FEH) said that there was practical difficulty in finding a site in Tuen Mun that had to be near the sea and sufficient space to accommodate a community hall, a WFM as well as other community facilities. He reiterated that, in view of residents' concerns, the proposed WFM had been shifted northward by 20 metres to maximise the distance from Yuet Wu Villa. A number of measures would be implemented to reduce odour and noise nuisances to local residents such as a "fully-enclosed" design for the proposed WFM, with openings along the waterfront to allow unloading of fish catches from vessels. He stressed that the Administration would consider putting in place administrative measures in encouraging the use of the Eastern entrance of the typhoon shelter by fishing vessels using the WFM during the early morning period.

40. The Chairman enquired about the land use for the site, which was originally proposed for building a community hall, in Lung Mun Oasis. He asked whether EPD received any complaints about noise nuisance caused by the existing CPWFM in Area 27 during 3:00 am to 5:00 am in the past two years.

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41. In response, Assistant District Officer (Tuen Mun) of Home Affairs Department (ADO(Tuen Mun)/HAD) said that the site originally reserved for building a community hall near Lung Mun Oasis in Tuen Mun Area 18 had been used for accommodating a school affected by the construction of West Rail. There was at present a piece of vacant Government land near Lung Mun Oasis and the Housing Department had proposed to develop public housing estates there. In the Housing Department's proposed development plan, part of the site would be reserved for building communities facilities.

Admin 42. Senior Environmental Protection Officer (Strategic Assessment)2 of EPD said that he did not have information on the number of complaints about noise nuisance in Area 27 in hand and would provide the requested information after the meeting.

(Post meeting note: according to EPD's complaint record, there was no complaint about the noise nuisance caused by the existing CPWFM received in the past two years. However, EPD received seven environmental complaints against the operation of the existing CPWFM in the past.)

43. On the possible sites identified and studied by the Administration, Mr Albert HO said that he recalled that one of sites studied was a land in Area 27. The reason for not choosing this site was due to the worries of the problem of sinking as this land was in a reclamation area. In view that ten years had passed, he enquired whether this was still a concern.

44. Senior Town Planner (West) of Planning Department (STP(West)/PD) said that, when the Administration studied alternative sites for reprovisioning WFM, one of the possible sites identified was a proposed reclamation area in Area 27. However, according to the Tuen Mun OZP at that time, this site was zoned for commercial and residential uses. Application for re-zoning the site for WFM use had to be approved by TPB in accordance with its established procedures. Furthermore, the Administration had yet to decide on the timetable for reclamation in Area 27. He further said that, according to the advice from the Works Department, a vertical seawall would need to be built to provide marine frontage for vessel berthing and cargo handling. However, the breakwater in Area 27 was a sloping one. STP(West)/PD added that there was a lawn bowling green and tennis court adjacent to the proposed WFM which could act as a buffer area between the proposed WFM and the nearby residential developments in Area 44.

Design of joint-user complex

45. Mr Albert HO said that he was concerned whether local residents would patronise the community hall if it was accommodated in the same complex with a WFM. He wondered whether there was any similar design of joint-user complex accommodating community facilities as well as a WFM.

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46. DS(FEH) reiterated that the building of WFM would be a "fully-enclosed" design with openings along the waterfront to allow unloading of fish catches from vessels. The external wall of WFM along Wu Shan Road and facing Yuet Wu Villa would be a blank façade with no opening except for fixed windows and pedestrian entrance to street level which would be designed with double doors and a lobby so as to minimise outbreak of noise from WFM. He stressed that WFM and the community hall were separate.

47. ADO(Tuen Mun)/HAD supplemented that, according to the EIA Report approved by the Director of Environmental Protection, the construction and operation of the different units of the multi-purpose complex would not have adverse impact on the environment, with the implementation of suitable environmental mitigation measures. He added that TMDC was supportive of the proposal for providing a community hall as part of the complex, pointing out that there was presently no community hall in Area 44 and the utilisation rate of Butterfly Bay Community Hall in 2006 was as high as 93.3%.

48. In response to the Chairman's enquiry, Mr Albert HO said that the Democratic Party was supportive of the proposed project when it was discussed by TMDC. He stressed that the decision was made after serious consideration of the proposal as well as the concerns of the residents.

49. Professor Patrick LAU held a strong view that the architectural design of the joint-user complex was inappropriate. He criticised that, given that community facilities, WFM and refuse collection point were of different uses, it would cause environmental nuisances to the residents if they were accommodated in the same building. He said that he would not support the Administration's proposal if the community hall and the proposed WFM were housed in the same complex.

50. DS (FEH) stressed that the design of the complex had taken into consideration the recommendations in the EIA report with a view to mitigating the environmental nuisances. Moreover, the proposed design for building a joint-user complex to accommodate the community hall and WFM was to optimise land use.

51. The Chairman said that Members of the Liberal Party were concerned about noise and odour nuisances caused by the operation of the proposed WFM and the marine traffic routing arrangement in Area 44. He urged the Administration to finalise the routing arrangement as early as possible and implement measures to monitor noise nuisance caused by loudhailers and horns from fishing vessels.

52. In concluding the discussion, the Chairman urged the Administration to take note of members' views and concerns about the environmental nuisances and the design of the joint-user complex. He noted that Members of the Democratic Alliance for Betterment of Hong Kong and Progress of Hong Kong, the Liberal Party and the

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Democratic Party were supportive of the Administration's proposal. However, Mr Frederick FUNG had reservations about and Professor Patrick LAU did not support the proposal, whereas Mr Albert CHAN had reserved his position.

III. Any other business

53. There being no other business, the meeting ended at 5:13 pm.

Council Business Division 2
Legislative Council Secretariat
20 June 2007