

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1219/11-12  
(These minutes have been seen  
by the Administration)

Ref : CB1/PL/EA/1

**Panel on Environmental Affairs**

**Minutes of meeting**  
**held on Thursday, 19 January 2012, at 8:30 am**  
**in Conference Room 1 of the Legislative Council Complex**

**Members present** : Hon CHAN Hak-kan (Chairman)  
Hon Audrey EU Yuet-mee, SC, JP (Deputy Chairman)  
Hon James TO Kun-sun  
Hon Miriam LAU Kin-yee, GBS, JP  
Hon Andrew CHENG Kar-foo  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Hon KAM Nai-wai, MH  
Hon Starry LEE Wai-king, JP  
Hon CHAN Kin-por, JP  
Hon IP Wai-ming, MH  
Hon Tanya CHAN

**Members attending** : Hon LEE Cheuk-yan  
Hon Tommy CHEUNG Yu-yan, SBS, JP

**Members absent** : Hon WONG Yung-kan, SBS, JP  
Hon LEE Wing-tat  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon Cyd HO Sau-lan

**Public officers attending** : **For item IV**  
  
Mr Edward YAU  
Secretary for the Environment

Miss Linda CHOY  
Political Assistant to Secretary for the Environment

Mr Samson LAI  
Assistant Director (Waste Management Policy)  
Environmental Protection Department

Dr Alain LAM  
Principal Environmental Protection Officer (Waste  
Management Policy)  
Environmental Protection Department

**For item V**

Dr Kitty POON  
Under Secretary for the Environment

Mr Carlson K S CHAN  
Deputy Director of Environmental Protection (3)

Mr MOK Wai-chuen  
Assistant Director (Air Policy)  
Environmental Protection Department

Mr PANG Sik-wing  
Principal Environmental Protection Officer (Air  
Policy)  
Environmental Protection Department

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

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

Miss Mandy POON  
Legislative Assistant (1)1

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**I. Confirmation of minutes**

(LC Paper No. CB(1) 853/11-12 — Minutes of the meeting held on 28 November 2011)

The minutes of the meeting held on 28 November 2011 were confirmed.

**II. Information paper issued since last meeting**

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

LC Paper No. CB(1) 888/11-12 — Referral from the Public Complaints Office dated 16 January 2012 regarding the extension of the South East New Territories Landfill (Restricted to Members)

3. The Chairman drew members' attention to the submission from the Coalition on the Closure of the Tseung Kwan O Landfill which was tabled at the meeting. He added that according to the list of outstanding items for discussion by the Panel, the subject on Waste Management Strategy was tentatively scheduled for discussion in March 2012. Ms Audrey EU and Miss Tanya CHAN suggested that deputations should be invited to express views on the subject. Ms Miriam LAU considered that there should be separate discussion on the extension of Tseung Kwan O Landfill. The Chairman advised that the subject of landfill extension had already been included in the list of outstanding items for discussion. After deliberation, it was decided that the subject on Waste Management Strategy would be discussed at the regular meeting in March 2012, and that deputations would be invited to attend for discussion.

**III. Items for discussion at the next meeting**

(LC Paper No. CB(1) 855/11-12(01) — List of follow-up actions  
LC Paper No. CB(1) 855/11-12(02) — List of outstanding items for discussion)

4. Members agreed to discuss the following items at the next regular meeting scheduled for Monday, 27 February 2012, at 2:30 pm -

- (a) Control on the emissions of non-road mobile sources;
- (b) Measures to strengthen the control of emissions from petrol and liquefied petroleum gas vehicles; and

- (c) Upgrading of Mui Wo sewage treatment works and provision of sewerage in Mui Wo and Kau Lung Hang.

#### IV. Public Consultation on Municipal Solid Waste Charging

(LC Paper No. CB(1) 819/11-12(01) — Consultation Document on "Strengthening Waste Reduction: Is Waste Charging an Option?" provided by the Administration

LC Paper No. CB(1) 855/11-12(05) — Administration's paper on Public Consultation on Municipal Solid Waste Charging

LC Paper No. CB(1) 855/11-12(06) — Paper on management of municipal solid waste in Hong Kong prepared by the Legislative Council Secretariat (updated background brief))

5. The Secretary for the Environment (SEN) highlighted the salient points in the Consultation Document on Municipal Solid Waste (MSW) Charging (the Consultation Document). The Assistant Director of Environmental Protection (Waste Management Policy) (ADEP(WMP)) briefly explained the four broad approaches of MSW charging, namely, quantity-based system, proxy system, fixed charge, and partial charging.

6. While acknowledging that MSW charging should have been implemented in 2007 according to the Policy Framework for the Management of MSW (2005-2014) published in 2005, Ms Audrey EU said that the delay was advantageous in this case as the public had become more receptive to MSW charging over the years. She was however disappointed that apart from some fundamental questions, the Consultation Document failed to provide certain requisite information, inter alia, the level of MSW charge given that the public had already been charged for MSW collection. It also failed to set out measures to be taken to improve the collection, segregation and reuse of MSW. She opined that the Administration should provide a supplementary document setting out the requisite information. Mr LEE Cheuk-yan echoed that the Consultation Document lacked information on the supporting infrastructure to be provided for waste recycling which was crucial to the success of MSW charging. In parallel with the introduction of MSW charging, Members

belonging to the Hong Kong Confederation of Trade Unions considered that incentive schemes should be put in place to promote waste recycling, starting with public housing estates to be followed by private developments. These incentives schemes, coupled with the supporting recycling facilities, would not only create job opportunities for local workers but also provide financial benefits to needy families. There was also a need for proper waste food treatment and possibly mandatory waste segregation. Expressing similar concerns, Miss Tanya CHAN opined that a waste reduction target should be set as part of the waste management strategy. She enquired about the time table and road map for implementation of MSW charging.

7. In response, SEN said that the Consultation Document had set out the different approaches of MSW charging and the experience of selected jurisdictions. The four approaches were all practicable solutions but different complementary measures would be required and different degrees of waste reduction would be achieved. He pointed out that the proxy system and the fixed charge would be easier to implement, but since the waste charge was not directly linked to the quantity of waste generated, these approaches would be seen as a revenue-generating measure and might be subject to challenge. The partial charging system was more flexible as MSW charging could apply to selected sectors where charging was more feasible. Some quarters of the community, say green groups, were in favor of a quantity-based system to provide a direct linkage between the charge and the quantity of waste. Pending the outcome of the consultation, the Administration maintained an open mind on the approach to be adopted at the current stage. Meanwhile, continued efforts would be made to reduce and recycle waste.

#### Quantity-based system

8. Mr CHAN Kin-por agreed that different supporting infrastructure would be required for different approaches of MSW charging. By way of illustration, there might be a need to withdraw public litter bins from the streets to prevent illegal dumping if the quantity-based system were to be adopted. However, such arrangement might not be practicable in areas frequented by tourists. ADEP(WMP) said that reference could be made to the experience of Taipei City in considering the complementary measures that would be required if the quantity-based system were to be implemented in Hong Kong. In general, more complicated complementary measures would be required for such a charging approach but at the same time it could achieve greater results in waste reduction. As stated in the Consultation Document, the per-bag MSW charging scheme in Taipei City was premised upon the "Keep Trash Off The Ground" policy. MSW generated from households and small commercial establishments were handed over to municipal waste collection fleet in designated garbage bags at designated times and venues. Neighbours and property management had been mobilized to perform intense surveillance and policing against illegal

dumping. Taipei City had gone farther to have progressively closed the conventional refuse collection points (RCPs) and withdrawn public litter bins to prevent illegal dumping. ADEP(WMP) said that there would be sufficient complementary measures to ensure that recyclables separated from the waste stream would be properly recycled. While acknowledging that there were cost implications in implementing environmental initiatives, Mr CHAN said that these were worth supporting. Given the huge fiscal surplus, the Administration should provide more incentives to encourage waste reduction and recycling.

9. Mr Andrew CHENG strongly supported the need to introduce MSW charging. Despite the divided views on MSW charging, the Administration should be undaunted and should take decisive actions based on majority views for the benefit of Hong Kong people and future generations. A stepwise approach should be adopted, starting with public education to be followed by legislation to mandate separation of waste at source and to ban unauthorized disposal of MSW. On the choice of option for MSW charging, he considered the quantity-based system adopted in Taipei City a fair arrangement. However, it might be difficult for the public to accept the withdrawal of public litter bins and closure of RCPs. Expressing similar concerns, Mr KAM Nai-wai asked how the management of RCPs would be dealt with if the quantity-based system were to be adopted. He also agreed that the public would need to be educated on the measures to reduce MSW. SEN said that subject to views collected through the public consultation, the Administration would decide on the way forward for MSW charging. Meanwhile, efforts would continue to be made to educate the public on waste reduction. In response to Mr CHENG's view on the need to maintain the cleanliness of refuse collection vehicles to reduce the odour nuisance arising from the course of waste delivery, SEN said that the Food and Environmental Hygiene Department had been making efforts, including retrofitting refuse collection vehicles with covers, to ensure the cleanliness of these vehicles.

10. While supporting in principle the quantity-based system which was in line with the "polluter pays" principle, Miss Tanya CHAN asked if the Administration would look into the feasibility of adopting a mixed approach having regard to the difficulties in applying per-bag MSW charging for multi-storey buildings. ADEP(WMP) said that a mixed approach was adopted in Taipei City whereby households in multi-storey buildings could use ordinary garbage bags. However, waste generated by households in the same building had to be bundled together and put into designated bags by cleansing service operators for collection by the municipal service at designated times and venues. While such an approach could resolve some of the operational difficulties in multi-storey buildings, it would weaken the economic incentive to reduce waste. With the prevalence of multi-storey buildings in Hong Kong, the practicality of the mixed approach would need to be assessed. The outcome of the present public consultation would be analyzed and reported to the Panel within the year.

Miss CHAN said that consideration should be given to encouraging the use of degradable garbage bags. She also requested for supplementary information on the existing waste collection charges as well as the management of RCPs.

11. Ms Audrey EU enquired about the changes to the existing waste collection mechanism if a quantity-based system were adopted. SEN drew members' attention to Chapter 5 of the Consultation Document which set out the current MSW collection system. He pointed out that the four approaches of MSW charging would have different degrees of impacts on the current waste collection mechanism, including cost as well as efficiency and quality of services being enjoyed by the public. As such, the successful implementation of any charging option would have to be premised on the support from the community.

12. While supporting the quantity-based system, Mr LEE Cheuk-yan held the view that recyclables collected by members of the public should not be subject to MSW charging to encourage waste segregation. Incentives should also be provided for the collection of recyclables, including food waste, as these would not only help reduce waste but also create job opportunities.

#### Partial charging

13. Mr Jeffrey LAM considered it opportune to introduce new waste management strategy with the gradual changes in waste disposal habits within the community, starting with options which were easier to implement. While acknowledging that the key advantage of a partial charging system was the flexibility with which MSW charging could be put in place in those more feasible sectors, he was concerned about the operational issues in implementing partial charging in Hong Kong given the prevalence of composite buildings where both domestic and commercial premises were located within the same neighborhood, resulting in mixed waste. Besides, the increase in commercial and industrial (C&I) waste was probably attributed to the replacement of equipment with more compact and energy-efficient models. SEN said that there were divided views on whether partial charging should be applied to C&I establishments as the recycling rate of C&I waste already stood at 60%, which was much higher than that of domestic waste. It was worth noting that effectiveness of different approaches of MSW charging adopted in different cities varied depending on the individual circumstances of those cities. He reiterated that the Administration was open on the approach to be adopted at the stage of public consultation and would encourage in-depth deliberation on the pros and cons of each option before reaching a decision on MSW charging. Meanwhile, there were ongoing efforts to educate the public on the need for waste reduction and recycling.

Level of charge

14. Miss Tanya CHAN asked if the Administration had an initial thinking on the criteria and level for MSW charge as some green groups had estimated that the average MSW charge per household would be around \$35 to \$45 per month. Given that the present public consultation only aimed to gauge public views on the way forward for MSW charging, there should be a second round of public consultation on the modus operandi, including implementation details of the charging mechanism. As the level of charge formed an integral part of MSW charging, Mr KAM Nai-wai reiterated that this should have been set out clearly in the Consultation Document. He also pointed out the need for more emphasis on the practicality and charging details of the quantity-based system, which was the only option with the needed financial incentive to reduce waste.

15. SEN responded that while the focus of the Consultation Document was more on the practicality of the different approaches of MSW charging than the levels of charges, reference had been made to the charging levels in selected jurisdictions. He also took note of members' concern about the rates. ADEP(WMP) added that MSW charging was not meant to raise revenue but to create economic incentives for waste reduction and recovery. As different charging approaches would require different complementary measures, there was a need to first identify the charging approach most suitable to Hong Kong before working out the details for MSW charging, including the appropriate level of the waste charge. Mr KAM Nai-wai said that if MSW charging was not meant to raise revenue, Members belonging to the Democratic Party suggested using a revenue neutral approach to offset the MSW charge by a corresponding reduction in rates (or rents in the case of public rental housing). This would provide the needed economic incentive for waste reduction.

16. Ms Starry LEE said that political parties as well as the community would not support MSW charging unless the level of charge was known. Upon completion of the present public consultation, the Administration should work out the level of charge as soon as practicable for the next stage of consultation. Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong would support a stepwise approach, starting with options which were easier to implement. To facilitate the community to get used to the new charging scheme, consideration should be given to distributing free garbage bags at the initial stage of MSW charging. Economic incentives should be introduced to encourage reduction and recycling of waste. Measures should also be taken to deter littering and fly-tipping, particularly from buildings without owners' corporations. SEN said that baseline studies had been carried out to collect information on waste generation and management practices of different C&I establishments. Concerted efforts from the community and relevant stakeholders were required in reaching a consensus on the practical way forward on MSW charging. There was also a need for behavioral changes by the community to ensure the successful implementation of MSW charging.

17. While there was general support for waste reduction, Mr IP Wai-ming said that the public would need to know the level of MSW charge, without which it was like signing a blank cheque for approval. ADEP(WMP) said that under the quantity-based system, the charge would have direct linkage with the quantity of waste which could be assessed through different mechanisms, including the mandatory use of prepaid garbage bags. As for partial charging, C&I establishments would engage private waste collectors to collect wastes and a gate fee with reference to the weight of waste would be levied at the disposal facilities. The proxy system linked the waste charge to an indirect indicator of waste generation, such as water consumption. As for fixed charge, each waste producer within the same category would pay an identical rate regardless of how much waste they produced. Mr IP opined that the Administration might need to consider providing subsidy to the needy families to alleviate their financial burden as a result of the implementation of MSW charging. He added that the MSW charge collected should be ploughed back to improve the environment of different districts. SEN said that while it was not a general policy to hypothecate Government revenues for any specific purpose, he took note of members' view on the need to allocate more resources to district councils to enhance waste management at district level.

18. Mr Tommy CHEUNG recalled that when the Trade Effluent Surcharge and the Sewage Charge were first introduced in 1995, he was strongly opposed to the charges which were considered divisive. As the charges for waste collection had already been included in the rates, the Administration would need to deduct such charges from the rates before introducing MSW charging, the details of which should be worked out carefully and in consultation with the public. He considered it inappropriate to apply overseas experience on MSW charging to Hong Kong direct without taking into account the uniqueness of the local situation.

19. The Chairman supported a stepwise approach of MSW charging, starting with options which were easier to implement. He also shared the views on the need to offset MSW charge through a corresponding reduction in rates (for private flats) or rents (for public rental housing flats) to avoid double charging. Incentives should be provided to encourage waste reduction and recycling. Proper waste recycling facilities should also be provided to facilitate recycling of waste, particularly food waste since the current food waste facilities did not have sufficient capacity to treat food waste in Hong Kong. The revenues generated from MSW charging should be used for environmental purposes.

### Enforcement

20. Given the prevalence of multi-storey and multi-tenant buildings in Hong Kong, Mr IP Wai-ming expressed concern about the difficulties in enforcing MSW charging and the problem of illegal dumping which would have adverse

impacts on environmental hygiene. He enquired about the means through which MSW charging could be properly enforced. ADEP(WMP) said that overseas experience showed that the implementation of a quantity-based system might induce littering and fly-tipping. In Taipei City and Seoul, neighbours and property management had been mobilized to perform intensive surveillance and policing against illegal dumping. Taipei City had gone farther to have progressively closed the conventional RCPs and withdrawn public litter bins so as to avoid illegal dumping.

**V. Proposal for banning all forms of asbestos**

(LC Paper No. CB(1) 855/11-12(03) — Administration's paper on proposal for banning all forms of asbestos

LC Paper No. CB(1) 855/11-12(04) — Paper on banning all forms of asbestos prepared by the Legislative Council Secretariat (background brief))

21. The Chairman said that the proposal for banning all forms of asbestos was last discussed at the Panel meeting on 4 April 2011 as part of the public consultation exercise on the proposed ban. Apart from the submission from the Alliance on the Banning of Asbestos provided by Mr LEE Cheuk-yan, members also noted a submission from Hong Kong Workers' Health Centre, both of which were tabled at the meeting.

*(Post-meeting note: The two submissions were circulated to members vide LC Paper Nos. CB(1) 908/11-12(02) and (03)) on 19 January 2012.)*

22. The Under Secretary for the Environment (USEN) briefed members on the outcome of consultation on the proposal for banning all forms of asbestos by highlighting the salient points in the information paper.

Findings of the consultation with stakeholders

*Relocation of existing equipment with embedded parts containing asbestos*

23. Mr IP Wai-ming enquired about the overseas experience in protecting workers from exposure to asbestos, particularly with respect to those who were operating asbestos-containing equipment in the power sector. The Assistant Director Environmental Protection (Air Policy) (ADEP(AP)) said that in line with international practice, special applications for exemption would be considered where asbestos-free alternatives were not available. During the consultation, the local power sector had suggested that their steam boilers,

particularly the old ones, could have parts involved in high pressure and temperature applications that might not have asbestos-free alternatives and should that be the case, they would require exemption for bringing in these parts.

24. Referring to the request from the power sector for blanket exemption for existing equipment with parts containing asbestos embedded inside because no reliable asbestos-free alternatives were available, Mr LEE Cheuk-yan was concerned about the health risk associated with the use of asbestos-containing equipment. He remained of the view that asbestos-free alternatives should be adopted as far as practicable. He enquired about the criteria in assessing whether exemption should be granted. ADEP(AP) stressed that exemption would not be normally granted. It would only be considered when there were no asbestos-free alternatives. In the case of the use of special asbestos gaskets for high pressure and temperature steam boilers for power generation, a special exemption would only be granted should asbestos-free alternatives not exist. Operators were required to take precautionary measures to ensure that asbestos fibres would not be released to the environment during the replacement of these gaskets.

25. Mr CHAN Kin-por said that the insurance industry would welcome the proposal for banning all forms of asbestos as substantial compensation had been paid out to workers who suffered from health problems associated with exposure to asbestos over the past 20 to 30 years. Noting that asbestos-containing materials were commonly used in construction years ago and could still be found in aged buildings, he enquired about the measures to deal with these cases. ADEP(AP) said that asbestos-containing materials in aged buildings which were well-kept should not pose a health hazard. If these buildings were to be demolished, the owners concerned would need to engage registered qualified asbestos professionals to submit demolition plans to the Environmental Protection Department to ensure that the asbestos particles would not be released into the environment.

26. Mr LEE Cheuk-yan asked if the engagement of registered qualified asbestos professionals was also mandatory for small-scale demolition of building structures with asbestos-containing materials, and whether contractors involved in these demolition processes were required to report to the relevant departments. To facilitate proper monitoring, consideration should be given to conducting a survey on the presence of asbestos in buildings for reference of the building industry. Expressing similar views, Mr KAM Nai-wai enquired about the monitoring mechanism for demolition of building structures involving asbestos-containing materials. He was concerned that some contractors might not be aware of the presence of asbestos-containing materials while others might be reluctant to take the necessary precautionary measures because of the additional cost incurred.

27. In response, USEN said that there were about 15 000 buildings aged over 20 years, including village houses, which might have asbestos-containing construction materials. The demolition of these aged buildings would be monitored by relevant departments, and demolition plans were required for asbestos-containing buildings/houses before the works could proceed. The Hong Kong Construction Association and the construction workers associations, such as Hong Kong Construction Industry Employees General Union, were advised about the necessary procedure and precautionary measures to be taken in handling asbestos-containing materials. Meanwhile, there were ongoing publicity efforts to educate construction workers and the public on the proper handling of asbestos-containing materials. ADEP(AP) supplemented that much effort had been made in promoting public awareness on the health hazard associated with exposure to asbestos. Codes of practice on the proper handling of asbestos had been issued to the building industry. In addition, letters had been issued to owners of village houses in the New Territories that redevelopment would be imminent, advising them to take precautionary measures in the demolition of village houses which might contain asbestos.

28. Mr IP Wai-ming asked if the Administration would consider compiling a list of the some 15 000 buildings aged over 20 years which might have asbestos-containing construction materials such that contractors and workers could be better prepared for the necessary precautionary measures in the demolition of these buildings. USEN said that no risk would arise if the asbestos-containing construction materials remained intact within the building structures. It was only hazardous when the building structures were demolished and the asbestos fibres were released into the environment. The construction industry was well aware of the need for proper handling of asbestos-containing materials when carrying out demolition works. Nevertheless, special attention and precautionary measures would be taken in major demolition works, particularly the removal of unauthorized building structures containing asbestos in aged buildings.

*Chinese herbal medicines*

29. Mr LEE Cheuk-yan supported the exclusion of some forms of proprietary Chinese medicine containing asbestos from the proposed ban. Mr IP Wai-ming enquired the rationale for the Chinese Medicine Council of Hong Kong (the Council) to support including the import and use of Chinese herbal medicines containing asbestos in the proposed ban on the one hand while excluding proprietary Chinese medicines on the other. ADEP(AP) said that as some Chinese herbal medicines might contain special forms of asbestos, such as tremolium and actinolium, the Council supported banning the import and use of these Chinese herbal medicines. However, proprietary Chinese medicines with tremolium and actinolium formulated in a finished dose form should be allowed because there was no scientific evidence showing that ingestion of these

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asbestos-containing materials would be harmful to health. The view was also shared by the Department of Health. Hence, these registered proprietary Chinese medicines were excluded from the control regime under the revised proposal.

*Existing stocks*

30. Mr CHAN Kin-por enquired about the amount of existing stock of asbestos-containing materials kept in Hong Kong, and whether there were plans to replace these with asbestos-free alternatives. USEN said that there was only limited stock of existing asbestos-containing materials in Hong Kong. Owners of these materials had been advised to arrange for proper disposal of the existing stock.

**VI. Any other business**

31. There being no other business, the meeting ended at 10:32 am.