

立法會
Legislative Council

LC Paper No. CB(1)1066/12-13
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

Minutes of meeting
held on Monday, 25 February 2013, at 2:30pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon Cyd HO Sau-lan (Chairman)
Hon Christopher CHUNG Shu-kun,
BBS, MH, JP (Deputy Chairman)
Hon Vincent FANG Kang, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Hon Albert CHAN Wai-yip
Hon Claudia MO
Hon Steven HO Chun-yin
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Dr Hon Elizabeth QUAT, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen

Members attending : Hon James TO Kun-sun
Dr Hon CHIANG Lai-wan, JP

Member absent : Ir Dr Hon LO Wai-kwok, BBS, MH, JP

Public Officers attending : **For item IV**

Mr WONG Kam-sing
Secretary for the Environment

Ms Michelle AU
Political Assistant to Secretary for the Environment

Mr Albert LAM, JP
Deputy Director of Environmental Protection (2)
Environmental Protection Department

For Item V

Mr WONG Kam-sing
Secretary for the Environment

Ms Michelle AU
Political Assistant to Secretary for the Environment

Mr Albert LAM, JP
Deputy Director of Environmental Protection (2)
Environmental Protection Department

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 VI

Ms Christine LOH
Under Secretary for the Environment

Ms Michelle AU
Political Assistant to Secretary for the Environment

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

Mr David WONG
Assistant Director (Environmental Compliance)
Environmental Protection Department

Ms Olga LAM, JP
Assistant Director (Estate Management)
(Lands Administration Office/Headquarters)
Lands Department

Mr Eric YUE
Assistant Director/Special Duties (Acting)
Planning Department

Mr CHAN Wing-wing
Chief Town Planner/
Central Enforcement and Prosecution (Acting)
Planning Department

For Item VII

Ms Christine LOH
Under Secretary for the Environment

Ms Michelle AU
Political Assistant to Secretary for the Environment

Mr Andrew LAI, JP
Deputy Director of Environmental Protection (3)
Environmental Protection Department

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

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

Clerk in attendance : Ms Miranda HON
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)568/12-13 — Minutes of the meeting held on
18 December 2012)

The minutes of the meeting held on 18 December 2012 were confirmed.

II. Information paper issued since last meeting

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

III. Items for discussion at the next meeting

(LC Paper No. CB(1)569/12-13(01) — List of outstanding items for
discussion)

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for Monday, 25 March 2013, at 2:30 pm -

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- (a) Provision of sewerage in Tolo Harbour and the North District; and
- (b) Proposed injection into Environment and Conservation Fund.

4. The Chairman indicated that as there should be enough time to allow for an additional item to be included for discussion at the next regular meeting, she would liaise with the Administration on the item to be included.

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, the discussion on the proposed injection into the Environment and Conservation Fund was deferred to a future meeting while an additional item on "Upgrading the quality of local marine light diesel" was included in the agenda of the next regular meeting.)

IV. Visit to South Korea on waste management

(LC Paper No. CB(1)590/12-13(01) — Administration's paper on "Visit to South Korea on waste management"

LC Paper No. CB(1)590/12-13(02) — Paper on "Arrangements for undertaking overseas duty visits by committees of the Legislative Council" prepared by the Legislative Council Secretariat)

5. The Chairman briefed members on the background to the proposed visit. She said that at the start of the current legislative session, members of the Panel on Environmental Affairs ("the Panel") had agreed on the need to undertake overseas visits to learn from the experience of other cities in environmental policies and practices and to do so together with the Administration. In this way, both members and the Administration would be able to gain first-hand information on the overseas experience, although their views and stance on the subject could be quite different. The Environment Bureau had advised members of its plan to visit Seoul, Republic of Korea, between 2 and 5 April 2013, to learn more about the city's experience in various aspects of waste management, including waste reduction, waste recycling and treatment infrastructure. It had also invited the Panel to consider whether to conduct a similar visit. In consultation with the Deputy Chairman of the Panel, it was considered worthwhile to pay such a visit in view of the upcoming discussion on waste charging and other waste management measures. The visit would enable members and the Administration to see for themselves the experience of

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Seoul in waste management and to facilitate future discussion on the waste management strategy in Hong Kong.

6. The Chairman stressed that the delegation of the Panel would be independent from that of the Administration. The Panel delegation would start the visit one day ahead of the Administration (i.e. on 1 April 2013) and would meet with the relevant committee of the Seoul Metropolitan Council in charge of waste management as well as non-governmental green groups, such as the Green Peace and Korea Zero Waste Movement Network, to exchange views on waste management on 2 April 2013. The Panel delegation would have the same visit programme as that of the Administration from 3 to 5 April 2013. The cost of local transportation and translation service would be shared out between the two delegations.

7. At the invitation of the Chairman, the Secretary for the Environment ("SEN") explained the purpose of the proposed visit to Seoul. He said that the Administration was planning to publish a waste management blueprint which would lay out the comprehensive approach to waste management premised on the "waste hierarchy" widely adopted internationally. The blueprint would contain a full range of initiatives on reduction, reuse, recycling, recovery, treatment and landfilling. The Administration planned to visit Seoul on account of its remarkable achievement in waste reduction which would provide good reference for Hong Kong. The Political Assistant to SEN ("PA/SEN") explained that the Administration would like to gather experience on waste management from Seoul, which was able to achieve a 60% waste reduction over the past 20 years through measures such as waste charging and producer responsibility schemes. She took members through the outline programme at the Annex to the Administration's paper, detailing the programmes from 3 to 5 April 2013 which covered various aspects of waste reduction, waste recycling and treatment infrastructure. SEN added that a briefing on waste management would be provided by the Ministry of Environment of the Republic of Korea on 3 April 2013.

8. The Clerk explained the arrangements for undertaking overseas duty visits by committees of the Legislative Council by highlighting the salient points of the information paper at LC Paper No. CB(1)590/12-13(02). She said that if the Panel decided to conduct the proposed visit, the proposal would be submitted to the House Committee ("HC") for consideration at its meeting on 1 March 2013.

9. The Chairman sought members' views on the proposed visit. Dr Kenneth CHAN said that he would support conducting the proposed visit although he might not have time to participate. As the Panel delegation would be arriving one day ahead of the government delegation, he requested that the itinerary and the estimated cost be set out in the Panel's paper to HC. Ms Claudia MO agreed on the need for the visit which should be conducted

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independently from the Administration, adding that the meeting with non-governmental organizations would be useful in collecting views from the community.

10. The Chairman sought members' views on whether the membership of the delegation should be open to non-Panel members. She said that it was hoped that each political party could be represented in the delegation as the visit would study overseas experience in waste charging and incineration which were very controversial issues.

11. Mr Vincent FANG was of the view that the delegation should be of a manageable size to facilitate in-depth exchange with the receiving organizations. As he reckoned that there would be quite a number of Panel members who would be interested in participating in the visit, he would support confining the membership of the delegation to Panel members only. Ms Claudia MO shared Mr FANG's views on the understanding that those who were interested in environmental matters should have already joined the Panel. Mr Tony TSE said that it might be useful to find out the number of Panel members who were interested in participating in the visit and if there were already too many of them, consideration should not be given to opening the membership to non-Panel members. The Chairman suggested capping the number of participants at 22, being the membership size of the Panel, such that Panel members who could not participate in the visit could nominate their party members to join in his/her place. Mr WU Chi-wai said that a reasonable membership size should be within 12 to facilitate fruitful exchange of ideas. Mr CHAN Kin-por said that a manageable size of the delegation would be below 20 and consideration could be given to drawing lots if there was over-subscription.

12. The Chairman noted members' intention of keeping the delegation to a manageable size but she was of the view that all members of the Panel should be allowed to participate if they so wished. Mr Vincent FANG said that there would not be a need to set a cap on the membership of the delegation if such was confined to Panel members only. The Chairman concluded that as members had indicated their preference to confine the delegation membership to Panel members only, non-Panel members would not be invited to join the visit.

13. The Chairman further said that as the standard air passage for overseas duty visits was economy class for short flights where the flying time was less than six hours, the delegation would travel on economy class. Members who wished to upgrade to business or first class would have to bear the extra costs of the air fare. She also said that while the media were welcomed to pay a similar visit to report on the activities of the delegation, they would have to bear the cost of the trip.

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14. As no objection was raised on the proposed arrangements, the Chairman instructed the Clerk to prepare a paper to HC for consideration at its meeting on 1 March 2013. She also said that a circular would be issued shortly to invite Panel members to indicate interest in joining the visit.

(Post-meeting note: The proposed duty visit to Seoul was endorsed by HC at its meeting on 1 March 2013. It was agreed that the membership of the delegation should be open to non-Panel members as well.)

V. Public Consultation on a Producer Responsibility Scheme on glass beverage bottles

(LC Paper No. CB(1)569/12-13(04) — Administration's paper on "Public Consultation on a Producer Responsibility Scheme on glass beverage bottles"

LC Paper No. CB(1)569/12-13(05) — Background brief on "Introduction of a new producer responsibility scheme for glass beverage bottles" prepared by the Legislative Council Secretariat)

15. SEN briefed members on the Public Consultation on a Producer Responsibility Scheme ("PRS") on glass beverage bottles ("the Scheme") by highlighting the salient points of the discussion paper. In brief, the proposed PRS on glass beverage bottles would require retailers of glass-bottled beverages to provide consumers with information relating to the recycling of waste glass beverage bottles. Licensing control for the treatment of waste glass beverage bottles would be introduced to ensure that safe and environmentally sound processes were employed and the relevant technical specification requirements for the recycled glass were met. To this end, a glass management contractor ("GMC") would be selected through open tender to arrange both collection and treatment services. A recycling fee would be imposed on beverage suppliers who supplied glass-bottled beverages for local consumption in Hong Kong so as to finance the PRS under the "polluter pays" principle. The suppliers may recover the recycling fee wholly or partially from consumers and other stakeholders in the supply chain.

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Funding of the Scheme

16. Noting that the recycling fee collected from the PRS on glass beverage bottles would be used to finance its operation under the "polluter pays" principle, Dr Elizabeth QUAT enquired about the financing arrangements for the Scheme and whether the excess funds arising from the Scheme could be used to set up a fund to finance other waste recycling initiatives. Mr CHAN Hak-kan expressed support for the "polluter pays" principle and he hoped that the levies collected from all PRSs could be used to fund environmental initiatives, as in the present case where the recycling fee collected would be used to finance the Scheme. Ms Claudia MO indicated support for Green Power's suggestion of setting up a public "recycling fund" to finance recycling projects.

17. Dr Kenneth CHAN said that members of the Civic Party would support the direction of the PRS on glass beverage bottles. There was a need for more information on the Scheme, in particular the recycling fee to be levied and whether such would be sufficient to finance the operation of the Scheme. Mr WU Chi-wai enquired if the recycling fee collected under the Scheme would be used to fund the recycling of waste glass materials. He also enquired about the financing arrangements for the Scheme if it turned out that the recycling fee collected was inadequate to fund the operation of the Scheme. SEN agreed that the collection of recycling fee was meant to finance the PRS on glass beverage bottles but not to generate revenue and as such, there would unlikely be any excess funds arising from the Scheme. As to the level of recycling fee, SEN said that the indicative figure was \$1 per litre and the exact level would be worked out taking into account the operating costs of GMC as revealed by the tender. The level of recycling fee would be adjusted in line with the operating costs under a cost recovery basis.

Coverage of the Scheme

18. Mr SIN Chung-kai noted that the Administration had proposed not to include other types of beverage containers under the mandatory PRS at this stage. He was concerned that with the levy of recycling fee on glass-bottled beverages, consumers would tend to shift to beverages which were sold in aluminium cans, plastic bottles and carton boxes. SEN responded that about 85% of glass-bottled beverages were alcoholic drinks which would unlikely be sold in aluminium cans and plastic bottles. As waste glass beverage bottles could potentially be reused after suitable processing for the manufacturing of other construction materials, the mandatory PRS would assist in creating a circular economy by providing an outlet for waste glass materials. As there was already a vibrant private market for the collection of waste aluminium cans, a mandatory PRS on aluminium cans would unlikely create further major environmental benefits. PA/SEN added that, given the high transportation costs of waste glass beverage bottles, incentives were needed to encourage their

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recovery and recycling.

19. Mr KWOKWai-keung shared the concern that with the levy of recycling fee on glass-bottled beverages, consumers would prefer to buy beverages (such as beers) which were sold in aluminium cans rather than glass bottles. He said that while beverage suppliers who had put in place a deposit-refund system might be excluded from the recycling fee, consumers might not take the trouble of returning empty bottles on account of the small amount of refund but would dispose them as waste. In this connection, he enquired if there would be any sorting arrangements for waste glass beverage bottles so that they would not be deposited at landfills. He also enquired if the Administration would consider requiring suppliers running a deposit-refund system to increase the amount of deposit in an attempt to incentivize the recovery of glass bottles.

20. SEN responded that suppliers might have different means to incentivize the return of glass bottles, e.g. by way of publicity and increased collection points. A landfill ban on waste glass beverage bottles would be difficult to implement because it would be necessary to distinguish the targeted bottles from other bottles not included in the proposed PRS at landfills or other waste reception facilities. The Administration would consider imposing a ban on waste producers who disposed of glass beverage bottles in bulk.

21. Mr Vincent FANG stated that as the PRS would focus on waste glass beverage bottles, the bulk of which were wine bottles, the PRS appeared to target at wine dealers. Given that beverage suppliers who had put in place alternative recycling arrangements on their own comparable to the PRS (such as a deposit-refund system) would be exempted from the recycling fee, he enquired if recycling fee would be charged for the ultimate disposal of such glass bottles. SEN replied that recycling fee would not be charged because exempted beverage suppliers should have proper arrangements for the ultimate disposal of glass bottles at their own costs.

22. Ms Claudia MO questioned why the PRS was targeted at waste glass beverage bottles and not other glass food/sauce bottles. As pointed out by green groups, the Administration should take the opportunity to include other glass bottles as well. SEN said that while glass food/sauce bottles would not be covered under the proposed PRS as such bottles should be properly cleansed before they could be effectively recycled, consumers were welcomed to separate such bottles and dispose them in waste segregation bins to facilitate recycling.

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Collection and recycling of waste glass beverage bottles

23. As there would be five pilot community green stations to enhance logistics support at the community-level recycling, Mr CHAN Hak-kan suggested that the stations should be provided at districts with prevalence of restaurants, bars and clubs, such as Wan Chai and Tsim Sha Tsui. The Deputy Director of Environmental Protection (2) ("DDEP(2)") responded that the five pilot community green stations would be located in different districts to enhance logistics support and reduce the transportation costs of recyclers, particularly for the collection of waste glass materials which were comparatively heavy.

24. Mr Vincent FANG enquired about the existing recycling arrangements for waste glass beverage bottles and the amount of waste glass which had been recovered and processed as eco-pavers, i.e. glass-containing paving blocks. He opined that with the levy of recycling fee, there was a need to ensure that the waste glass beverage bottles should be properly utilized for recycling purposes to allow for the development of a circular economy. Mr CHUNG Kwok-pan said that while recycling fee would be collected from beverage suppliers, the waste glass beverage bottles would be disposed of by consumers. He considered it necessary that the targeted bottles under the Scheme should be separated at source by consumers to facilitate recycling.

25. SEN said that the Administration would seek cooperation from waste recyclers on the collection of waste glass beverage bottles from bars and restaurants, as well as residential developments, and it was expected that over 70% of the targeted bottles could be collected. Consumers would have more incentive to separate waste with the introduction of waste charging. More publicity and public education would be provided on the need for source separation of waste. DDEP(2) added that despite the absence of incentives, a 49% recycling rate had been achieved with the use of the three-coloured segregation bins. With the engagement of GMC for both collection and treatment of waste glass beverage bottles, coupled with publicity and education efforts, it was expected that a much higher recycling rate could be achieved for glass beverage bottles.

26. Mr WU Chi-wai asked if the established recycling network would still be engaged in the collection and recycling of waste glass beverage bottles. Given the successful experience in the recycling of aluminum cans, he said that consideration should be given to modeling the Scheme on the recycling of aluminum cans by providing a price tag for collection of waste glass beverage bottles. SEN said that the recycling of waste glass beverage bottles was quite different from that of aluminum cans in that the recycling value of aluminum cans was much higher while the transport cost was much lower on account of their weight. A vibrant market was already in place for the recycling of

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aluminum cans. As for waste glass beverage bottles which were much heavier and would incur high transportation costs in the collection and recycling process, logistics support was needed to encourage and facilitate their recycling. There would be cooperation between GMC and other waste recyclers in the recycling of waste glass beverage bottles.

Appointment of GMC and the identification of outlets for waste glass materials

27. Dr Elizabeth QUAT enquired about the monitoring mechanism for GMC to ensure a level playing field with other waste glass recyclers and to prevent monopolization of services. She also sought elaboration on the means to assist waste glass recycling operators who might have to incur significant investments in terms of land and resources. SEN responded that assistance as necessary would be provided to waste recyclers in their operations. Details on the monitoring of GMC would be worked out to ensure fair competition with other waste glass recyclers. DDEP(2) added that consultation would be held on GMC's mode of operation and a target recycling rate would be set on its operation. Efforts would be made to identify the potential reuse of waste glass materials.

28. Ms Claudia MO expressed concern about the appointment of only one GMC through open tender as she considered that more GMCs, preferably one each in Hong Kong, Kowloon, the New Territories and outlying islands, should be provided to facilitate recycling and to avoid monopolization of services. Noting the increased supply of waste glass materials arising from the Scheme, Mr Vincent FANG enquired about the scale of operation required of GMC and the outlets for waste glass materials. He also sought details on the mode of operation of GMC, adding that any monopolization of services should be avoided. Dr Kenneth CHAN sought elaboration on the tender arrangements for GMC, its mode of operation and whether it would be given the autonomy to identify outlets for waste glass materials, including exporting them overseas, the latter of which might not be conducive to the development of the local recycling industry.

29. SEN welcomed members' views on the tender of GMC to avoid monopolization of services. He stated that the Administration would strive to ensure that the waste glass materials arising from the Scheme would be properly recycled to enable the development of a circular economy. Subject to further testing and drawing up of specific technical specifications, waste glass beverage bottles could potentially be reused after suitable processing for the manufacturing of other construction materials. The scope for reuse of waste glass beverage bottles as construction materials (including in public works) was fairly broad and it was reasonable to aim for conversion of waste glass beverage bottles recovered from the waste stream into reusable materials for reuse in Hong Kong after treatment. The Administration would have a leading role to

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play in identifying outlets for waste glass materials recycled from the Scheme and it was confident that these materials could be gainfully reused locally in both public and private construction projects. Meanwhile, GMC would be mainly engaged in the collection and treatment of waste glass beverage bottles to facilitate their reuse.

30. Mr KWOK Wai-keung sought more information on the tender requirements for GMC. He was concerned that the GMC would not be able to attract workers given the poor working conditions. SEN said that various factors would be taken into account in the tender assessment for GMC and tender price would not be the only consideration.

31. Noting the limited usage of the recycled glass-containing paving blocks which were only used for road-paving and not other construction purposes on account of their texture, Mr CHAN Hak-kan was concerned that there would not be sufficient demand for such blocks if produced on a large scale by GMC under the Scheme. In order to provide a market for locally manufactured recycled products, he considered it necessary that priority be given to the procurement of such products under the Government's procurement policy. SEN said that there were continuous efforts to increase the demand for waste glass materials by identifying their potentials for reuse in the construction sector. Meanwhile, consideration would be given to according priority to the procurement of recycled products and materials which were generated or manufactured locally.

32. The Chairman shared the concern that the GMC might deprive existing waste recyclers of their business and employment opportunities. She enquired about the number of bottlers in Hong Kong which provided a deposit-refund system for glass beverage bottles. She also sought members' views on the need to hold a further meeting to invite deputations' views on the Scheme. Dr Kenneth CHAN supported holding another meeting to receive deputations' views and to discuss the business model of GMC. Dr Elizabeth QUAT considered it necessary that the Administration should provide more information on the use to be made of the recycling fee collected from the Scheme, the measures to assist local waste recycling industry as well as the outlets for waste glass materials.

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VI. Measures to tackle fly-tipping of construction and demolition waste and illegal land filling

(LC Paper No. CB(1)569/12-13(06) — Administration's paper on "Measures to tackle fly-tipping of construction and demolition waste and illegal land filling"

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LC Paper No. CB(1)569/12-13(07) — Updated background brief on "Depositing of inert construction and demolition materials on government and private land" prepared by the Legislative Council Secretariat)

33. The Under Secretary for the Environment ("USEN") briefed members on the measures to tackle fly-tipping of construction and demolition waste ("C&D") and illegal land filling. She also explained the background to the proposal to amend the Waste Disposal Ordinance (Cap. 354) ("WDO") which was meant to enhance the enforcement against unauthorized depositing of abandoned C&D materials on private land. The proposed amendments to WDO would introduce a new procedure under which the Environmental Protection Department ("EPD") would be notified of the authorization for depositing of C&D materials on private land in advance of the activity and such authorization would be given in writing by all owners of the private land concerned. With such a new procedure, planning, lands and other authorities might also be alerted of such activity.

34. Mr KWOK Wai-keung said that while the proposed amendments to WDO would serve to combat large-scale waste depositing activities in the rural areas, he was concerned whether such amendments could resolve the small-scale fly-tipping of C&D waste left in heaps at roadsides during odd hours. He enquired if enhanced efforts could be made to resolve the fly-tipping problem. USEN responded that while the proposed amendments to WDO would facilitate enforcement against unauthorized depositing of abandoned C&D materials in rural areas, they might not be able to tackle the small scale fly-tipping of C&D waste at roadsides. Actions could be taken against the offenders for fly-tipping if they were caught on the spot.

35. The Assistant Director of Environmental Protection (Waste Management Policy) ("ADEP(WMP)") said that under the existing provisions of WDO, a person would commit an offence if he deposited or caused or permitted to be deposited waste (including C&D waste) in any place except with lawful authority or excuse, or except with the permission of any owner or lawful occupier of the place. The proposed introduction of the new procedure would enhance the enforcement against unauthorized depositing of abandoned C&D materials on private land.

36. Mr SIN Chung-kai noted that there were a number of reported private land filling sites which had been monitored closely as they fell within the conservation-related zonings, such as "Coastal Protection Area" and "Green Belt". He enquired about the measures to deal with such and other private land filling sites pending the introduction of amendments to WDO. ADEP(WMP) said that the reported private land filling sites within the conservation-related

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zonings were dealt with under the Town Planning Ordinance (Cap. 131). The Assistant Director of Planning/Special Duties (Acting) ("AtgADP/SD") added that prior approval had to be sought from the Town Planning Board for landfilling activities within sites which are zoned "Coastal Protection Area" or "Green Belt" on the Development Permission Area Plans. Planning enforcement actions would be taken against any unauthorized landfilling activities in these zones under the Town Planning Ordinance.

37. Mr CHAN Han-pan said that he had raised the subject for discussion on account of the fly-tipping incident at Ma Tong Village, Chuen Lung, Tsuen Wan, which involved the depositing of asbestos. He pointed out that while the problem was identified as early as 2011, no action had been taken. It was only until early 2013 that the problem had drawn public attention as complaints were received on the depositing of asbestos. He was concerned about the lack of enforcement against such unauthorized depositing activities. There was a need for more efforts to identify the offenders and prosecute them to deter future recurrences. As it was difficult to collect sufficient evidence in a suspected fly-tipping case within the statutory time frame of six months for initiating prosecution, the time frame should be suitably extended.

38. ADEP(WMP) explained that the root cause of the problem was not the statutory time limit for initiating prosecution. The main obstacle was the uncertainty in land ownership and the difficulty to find the owners. The proposed amendments to WDO requiring a notification procedure to EPD would facilitate enforcement against unauthorized depositing activities. The Assistant Director Environmental Protection (Environmental Compliance) said that EPD would collect evidence and conduct investigation on fly-tipping incidents. On the present case involving the depositing of asbestos, he said that as asbestos was commonly found in aged buildings, it was difficult to identify the source.

39. Dr Helena WONG noted with concern the rising number of complaints on fly-tipping activities, which had increased from 6 153 in 2010 to 6 287 in 2011, and 6 699 in 2012. At the same time, the number of prosecutions was much less, with the highest number being 87 in 2011. For cases involving depositing of small quantity of C&D wastes, EPD and the Food and Environmental Hygiene Department enforcement officers would issue Fixed Penalty Notices of \$1,500 to offenders. The low level of penalty and the low prosecution figures had failed to deter unauthorized depositing activities. She enquired if the Administration was prepared to increase the penalty level so as to increase the deterrent effect. Mr Tony TSE shared the concern about the need to increase the maximum penalty level for unauthorized depositing activities so that the courts would take this into account upon conviction. USEN responded that it would be up to the courts to decide on the penalty to be imposed on convicted cases of unauthorized depositing activities. Members

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might wish to consider the need to increase the maximum penalty for unauthorized depositing activities when the proposed amendments to WDO were introduced. At Dr Helena WONG's request, the Administration would provide the number of joint site inspections conducted by the relevant government departments against fly-tipping and unauthorized land filling activities, as well as the results of the inspections.

40. Mr Tony TSE enquired about the reporting mechanism on fly-tipping and unauthorized depositing activities. ADEP(WMP) explained that members of the public could report the incidents by phone or other means. The proposed amendments to WDO requiring the depositor to display in a conspicuous place of the land the original or a copy of the acknowledged specified form of owners' authorization would help inform the public that permission had been granted for the depositing activities.

41. Mr WU Chi-wai asked about the justifications for exempting small-scale depositing activities. He also enquired whether depositing activities on private land with the consent of owners were allowed, if such had given rise to environmental nuisances. USEN said that depositing activities would be allowed with the consent of the owners concerned. The proposed amendments to WDO would require the authorization of all owners before commencing the depositing activities. The nuisances associated with the depositing activities would be dealt with under other legislation. ADEP(WMP) added that during the public consultation, it was found that there might be circumstances under which depositing of C&D waste on private land should be exempted from the proposed notification procedure based on the principle of reasonableness. The circumstances that were considered relevant would be: (i) the depositing was carried out as part of any building works commenced in accordance with the Buildings Ordinance or the Buildings Ordinance (Application to the New Territories) Ordinance. The exemption under this category would deal with cases of small developments, which were previously proposed in the public consultation stage to exclude depositing that involved an aggregate area of deposition of 100 m², or (ii) the total area of depositing of C&D materials was small, say less than 20 m².

42. The Chairman stated that at a recent meeting with the Hong Kong Dumper Truck Drivers Association ("HKDTDA"), she was informed that a trial was conducted on the application of the global positioning system ("GPS") to track dump trucks to prevent illegal dumping. HKDTDA members had enquired whether they would be given priority over others in winning government service contracts if their dump trucks were installed with GPS and if so, there would be an incentive for them to do so. She said that the installation of GPS in dumper trucks might also be regarded as a good practice which could be given more favourable consideration by the Administration in the award of government contracts. USEN said that the transport trades should

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make efforts to ensure that waste materials were properly disposed of. The use of equipment for tracking purposes would be useful for monitoring the movement of waste materials but there were privacy and other issues which had to be dealt with.

43. The Chairman said that she was aware of the difficulties in taking enforcement actions against unauthorized depositing activities as offenders had to be caught red-handed. Besides, it would not be easy to obtain authorization by all owners concerned given the uncertainties in land ownership. As the affected owners would have to pay the cost of removing the deposited materials, there might be a need for the provision of assistance to such owners, who were the victims of unauthorized depositing activities.

VII. Review of the Air Pollution Index Reporting System

(LC Paper No. CB(1)569/12-13(02) — Administration's paper on "Review of the Air Pollution Index Reporting System"

LC Paper No. CB(1)569/12-13(03) — Background brief on "Air pollution index reporting system" prepared by the Legislative Council Secretariat)

44. USEN explained the proposed plan to replace the existing Air Pollution Index ("API") by a new health-based Air Quality Health Index ("AQHI") to tie in with the implementation of the new Air Quality Objectives ("AQOs") by highlighting the salient points of the discussion paper.

45. Dr Kenneth CHAN said that members of the Civic Party would welcome the introduction of the new AQHI for the protection of public health. There was a need for the Administration to consult relevant stakeholders on the formulation of the AQHI bands which were reported in a scale from 1 to 10+. He enquired if members of the public would be able to know the risk of exposure on days with poor AQHI, particularly in busy commercial districts with high roadside pollution such as Causeway Bay and Mongkok, or at schools in the polluted Tung Chung. He also enquired about the contingency measures associated with the implementation of the proposed AQHI.

46. The Deputy Director of Environmental Protection (3) ("DDEP(3)") explained that air quality was being monitored by 11 general air quality monitoring stations and three roadside stations. With the tightening of AQOs and the implementation of the new AQHI, the number of days in the unacceptable categories at general air quality stations would increase. The

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public could make reference to the air quality readings as reported by the air quality monitoring stations in their respective districts and take the precautionary measures as appropriate. As regards the contingency measures to be taken, he said that following the heavy sandstorm which affected Hong Kong three years ago, guidelines had been formulated by an inter-departmental group to help relevant government departments advise vulnerable groups under their purview such as schools to take the necessary precautionary measures if API had exceeded or was expected to exceed 100 over a prolonged period of time. The streets would be cleansed at more frequent intervals if the concentration of respirable suspended particulates were particularly high. The guidelines would be updated with the implementation of the proposed AQHI system.

47. Mr SIN Chung-kai questioned the scale of the existing API system which ranged from 1 to 500. He also suggested the use of colours for the grading of air quality, similar to the grading system for rainstorms. The Assistant Director of Environmental Protection (Air Policy) ("ADEP(AP)") explained that the scale of the existing API was modelled on the then Pollution Standard Index system adopted in the United States. He further said that while colours had been used to differentiate between different API bands, the public was more concerned about the air quality when API exceeded 100 and the precautionary measures to be taken. As for the proposed AQHI bands, they were reported in a scale from 1 to 10+ and were grouped into five health risk categories, namely, low, moderate, high, very high and serious. Specific health advice would be issued to people with different susceptibility to air pollution when AQHI reached high or above categories.

48. Mr CHAN Hak-kan welcomed the introduction of the AQHI system, in particular, the associated health advice. Referring to the severe sandstorms occurring in the Mainland which had adversely affected the air quality in Hong Kong years ago, he recalled that there had been requests for the suspension of classes and outdoor activities for the protection of students and workers respectively in such days. However, he noted that there were no such provision under the proposed AQHI system for days with extremely poor air quality, and enquired whether the Administration would consider introducing such provision. ADEP(AP) said that as students staying home or attending schools would be exposed to similar air quality, there might not be a need to suspend classes on days with poor AQHI, but consideration should be given to reducing outdoor physical exertion at schools. For days with poor roadside air quality, schools which were located near to roads with heavy traffic would need to reduce outdoor activities to the minimum. Guidelines would be worked out advising school authorities on the precautionary measures to be taken on days with poor air quality.

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49. Mr CHAN Hak-kan also said that under the current API system, there were over 100 days, or close to a third of a year, when the general air quality stations had recorded unacceptable air quality. He enquired about the expected number of days that would be in the unacceptable categories recorded by air quality stations with the introduction of the proposed AQHI system.

50. USEN responded that at the ambient level, the proposed AQHI system would increase the number of days in the unacceptable categories at general air quality stations. ADEP(AP) explained that when the health risk was low or moderate, normally no response was required except that individuals experiencing respiratory illness symptoms were advised to consider reducing outdoor physical exertion. When AQHI was "Very High", people susceptible to air pollution (e.g. children and the elderly, those with existing heart or respiratory illnesses) should reduce to the minimum outdoor physical exertion, and to reduce to the minimum the time of their stay outdoor, especially in areas with heavy traffic. Outdoor physical exertion should be avoided when AQHI was "Serious". For outdoor workers, their employers were advised to assess the risk of outdoor work, and take appropriate preventive measures to protect the health of their employees. When AQHI was at "Very High", employers of outdoor workers performing heavy manual work were advised to take appropriate preventive measures to protect the health of their employees through such means as reducing outdoor physical exertion and reducing the time of their stay outdoor, especially in areas with heavy traffic. When AQHI was "Serious", employers of all outdoor workers were advised to take appropriate preventive measures to protect the health of their employees through such means as reducing outdoor physical exertion and reducing the time of their stay outdoor, especially in areas with heavy traffic.

51. The Chairman said that she would welcome the use of local air pollution and health data for reporting the health risks of air pollution under the proposed AQHI system. While most members of the public were supportive of the suspension of classes and the reduction of outdoor activities for children and the elderly who were sensitive to air pollution, they might not agree on the need to suspend outdoor activities for workers as this might adversely affect the completion schedule. As a member of the Labour Party, she was concerned about the health risks of outdoor work on days with poor air quality, particularly in hot summer months. There was a need to amend the labour laws for the protection of outdoor workers on days with poor air quality.

52. DDEP(3) said that relevant government bureaux/departments had been consulted on the health advice to be given under the proposed AQHI system. Given the vast range of outdoor work and the differences in their nature, there would be operational difficulties in requiring the suspension of outdoor work across the board. Under the Occupational Safety Health Ordinance (Cap. 509),

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employers were required to ensure the safety and health of all employees at work. It would be for employers and employees themselves to decide on the precautionary measures to be taken on days with poor air quality, taking into account the nature of outdoor work. USEN added that briefing sessions would be provided to relevant stakeholders to explain the AQHI system and the associated health advice. The AQHI system would be used as a tool to communicate the health risks associated with air pollution to the public. It remained the employers' responsibility to ensure the occupational safety and health of their employees. ADEP(AP) said that the Environment Bureau/Environmental Protection Department had worked closely with the Labour Department on the proposed AQHI system, particularly on the guidelines on the protection of outdoor workers for employers to follow during poor AQHI days.

53. Dr Kenneth CHAN pointed out that Hong Kong's air quality had received wide attention from the international community. More consultation should be held with stakeholders, including international trade associations, on the efforts made to improve air quality in Hong Kong. USEN responded that international trade associations were keen to see improvements to the air quality in Hong Kong. Continuous efforts would be made to consult relevant stakeholders on the proposed AQHI system. The Administration hoped that the introduction of the proposed health-based AQHI system could tie in with the implementation of the new AQOs.

VIII. Any other business

54. There being no other business, the meeting ended at 4:50 pm.