

立法會
Legislative Council

LC Paper No. CB(1)1690/12-13
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

Minutes of special meeting
held on Friday, 14 June 2013, at 10:45 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon Cyd HO Sau-lan (Chairman)
Hon Christopher CHUNG Shu-kun,
BBS, MH, JP (Deputy Chairman)
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
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members attending : Hon TANG Ka-piu

Members absent : Hon Vincent FANG Kang, SBS, JP
Hon CHUNG Kwok-pan

Public Officers attending : **For item I**

Ms Christine LOH, JP
Under 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 Edmond HO
Principal Environmental Protection Officer
(Mobile Source Control)
Environmental Protection Department

For item II

Ms Christine LOH, JP
Under Secretary for the Environment

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

Miss Amy YUEN
Assistant Director (Water Policy)
Environmental Protection Department

Mr Peter MOK
Chief Engineer (Fill Management)
Civil Engineering and Development 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. Retrofitting franchised buses with selective catalytic reduction devices

(LC Paper No. CB(1)1269/12-13(01) — Administration's paper on "Retrofitting franchised buses with selective catalytic reduction devices"

LC Paper No. CB(1)1269/12-13(02) — Background brief on "Retrofitting franchised buses with selective catalytic reduction devices" prepared by the Legislative Council Secretariat)

The Under Secretary for the Environment ("USEN") briefed members on the findings of the trial of retrofitting selective catalytic reduction devices ("SCRs") on Euro II and III franchised buses and sought members' support to put forward the funding proposal to the Finance Committee ("FC") to fund the franchised bus companies for the capital costs of the retrofitting exercise.

2. Mr CHAN Kin-por said that he would support the proposal as it could improve roadside air quality for the protection of public health. Noting that there were some 5 700 franchised buses in Hong Kong which accounted for up to 40% of the traffic flow in busy corridors, he enquired if the number of franchised buses could be reduced following the completion of the Mass Transit Railway ("MTR") lines in 2015-2016 in an attempt to reduce roadside air pollution. USEN responded that the Transport and Housing Bureau had been working with the districts concerned on the rationalization of bus routes. It was hoped that with the retrofitting of SCRs on franchised buses and the replacement of Euro II and III franchised buses by new Euro V buses, the

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pollution from franchised buses in busy corridors would be significantly reduced. The Chairman pointed out that the District Councils would need to be consulted on the rationalization of bus routes. The Deputy Director of Environmental Protection (3) ("DDEP(3)") said that with the commissioning of new MTR lines, a review would be conducted by the Transport Department on the transport services to be provided, including franchised bus and public light bus services.

Number of buses for large-scale retrofit

3. The Chairman noted from Annex A to the discussion paper that there were about 4 600 Euro I, II and III buses as at April 2013. However, according Annex B, only 1 384 buses were selected for retrofit. She sought explanation on what would be done to the remaining 3 000 franchised buses. Sharing similar concerns, Mr Steven HO sought clarification on the number of franchised buses to be retrofitted with SCRs. DDEP(3) explained that there were altogether 5 707 franchised buses as at end April 2013 and of these 749 were Euro I buses which were due to retire by 2015. While there were over 3 800 Euro II and III buses, not all of them were suitable for retrofitting with SCRs. In accordance with the Director of Audit's Report No. 59, the buses selected for the retrofit should have a reasonable service life to justify the cost of retrofit. As there were 1 800 Euro II and III buses with remaining service lives of less than two years, they would be excluded from the retrofit. There were another 280 buses which had to be excluded due to their lack of space to accommodate the SCR devices. As it would be more effective to confine the retrofit programme to six major bus models, about 400 buses of other models with relatively small bus numbers were also excluded, leaving 1 384 buses to be retrofitted.

4. The Chairman enquired if the Administration would consider deploying the remaining 3 000 Euro I, II and III buses to run on highways instead of busy corridors in order to reduce the pollution in urban areas. DDEP(3) said that arrangements were being worked out with franchised bus companies on the deployment of buses to pilot low emission zones in Causeway Bay, Mongkok and Central whereby the ultimate objective was that only buses with Euro IV performance standards could be allowed to enter those zones by late 2015.

Pre-qualification trial

5. Mr Albert CHAN said that while he supported in principle measures to reduce vehicular emissions, he was concerned about the high cost of the retrofit programme which would amount to \$400 million. He pointed out that there

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might be other alternatives which were more cost-effective in reducing roadside emissions and these would include subsidies for bus-bus interchanges. He remained to be unconvinced about the cost-effectiveness of the retrofit programme given that there would be increased fuel consumption arising from the retrofit, thereby causing more pollution. There might also be other problems associated with the use and disposal of SCRs. DDEP(3) explained that to ensure that SCRs were of the right design for individual bus models which was critical to their satisfactory performance afterwards, there would be a need to identify qualified SCR suppliers through a pre-qualification trial on the selected bus models before inviting tenders for the large-scale retrofit. Tentatively, the pre-qualification trial would last for about 12 months. At the end of the pre-qualification trial, the franchised bus companies would undertake a tender exercise to select suitable SCR suppliers.

6. Mr Albert CHAN considered that it would be putting the cart before the horse in undertaking the pre-qualification trial. He opined that instead of identifying qualified SCR suppliers through a pre-qualification trial, SCR suppliers should be invited to demonstrate the competence of their SCRs by way of tender. Funding for the retrofit programme should only be sought upon confirmation of its feasibility. DDEP(3) responded that SCR was a proven technology and Hong Kong was not the first city to adopt such technology. Some European countries and cities (e.g. Barcelona, Belgium and Sweden) had retrofitted some of their buses with SCRs. While a one-year trial had already been conducted on six retrofitted buses, it was considered prudent to conduct a pre-qualification trial to identify qualified SCR suppliers before inviting tenders for the large-scale retrofit. Mr CHAN stated that he would not support the proposal.

Use of SCRs

Operational performance

7. Mr Tony TSE enquired whether the SCR retrofit would affect the service lives of buses which were at present replaced before reaching the age of 18. As the retrofit programme was expected to be completed by late 2016 but new technologies might have emerged during the interim, he asked if there would be flexibility in the retrofit programme to cater for advancement in technologies.

8. DDEP(3) responded that under the bus replacement programme agreed between the Government and franchised bus companies, franchised buses had to be replaced before reaching 18 years old. The SCR retrofit would not affect the replacement age of franchised buses. Franchised bus companies would consider the need for bus replacement taking into account the performance of buses and the cost-effectiveness of maintenance. In any case, the buses would have to be replaced before the age of 18. He further said that SCRs were introduced some

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years ago and their performance in reducing nitrogen oxide emissions had been proven. Some European countries and cities had retrofitted some of their buses with SCRs while others were making preparation for a similar retrofit. Agreement had been reached with the franchised bus companies in Hong Kong for retrofitting their buses with SCRs. While there might be advancement in emission reduction technology in future, there was an urgent need to improve roadside air quality by reducing emissions from the existing franchised bus fleet which mainly comprised Euro II and III models.

9. Mr CHAN Kin-por enquired whether the teething problems associated with the SCR retrofit had been resolved. DDEP(3) said that together with three franchised bus companies, the Administration had started a small-scale trial to ascertain the technical feasibility and effectiveness of retrofitting Euro II and III buses with SCRs and to assess the impact on their normal operation. The trial involved three major bus models. Two SCR suppliers participated in the trial which commenced in September 2011 and February 2012 respectively. Six buses from these three models took part in the trial during which their emission and operational performance were monitored. By end-February 2013, all six buses had been in operation with SCRs for 12 months or more. The trial results demonstrated that the SCR retrofit was technically feasible for the three selected bus models though some maintenance and operation problems had emerged which required remedial actions and more frequent maintenance/servicing.

Monitoring mechanism

10. Mr SIN Chung-kai enquired about the monitoring mechanism on the maintenance and performance of franchised buses retrofitted with SCRs. The Assistant Director of Environmental Protection (Air Policy) ("ADEP(AP)") said that the Environmental Protection Department would monitor the progress of the retrofit and the Transport Department would monitor the operational performance of the retrofitted buses.

11. Mr KWOK Wai-keung expressed concern about the adequacy of the maintenance of retrofitted SCRs which were paid for by the Government and installed at its request, as the service lives of these devices would likely be shortened if the bus companies did not maintain them properly. He enquired whether the proceeds from the sale of used SCR devices could be used to subsidize the operating costs. USEN replied that SCR was a proven technology and vehicle manufacturers had started incorporating SCRs when producing Euro IV and Euro V vehicles. Once retrofitted into the buses, SCRs would become part of the bus and help to reduce emissions. Franchised bus companies would need to maintain these devices properly to ensure the operational performance of their buses. DDEP(3) added that franchised bus companies would be keen to upkeep their SCRs because the lack of proper maintenance would adversely affect the performance of their buses and disrupt bus schedules.

12. Mr CHAN Han-pan was concerned about the possible deterioration in the performance of SCRs after a number of years. He also enquired how the Administration would monitor the maintenance and performance of retrofitted franchised buses, and whether there would be penalties for the improper use and maintenance of SCRs. He was particularly concerned that in the absence of proper monitoring and penalties, the franchised bus companies might remove the SCRs. USEN responded that if SCRs were not functioning properly, they would adversely affect the operational performance of buses. DDEP(3) agreed to provide information to explain the mechanism put in place by the Transport Department and franchised bus companies to monitor the maintenance and performance of franchised buses to be retrofitted with SCRs.

Warranty and replacement of SCRs

13. Mr Tony TSE indicated support for the retrofit programme but was concerned about its implications on operating cost and bus fares, given that the maintenance and subsequent replacement of SCRs had to be borne by the franchised bus companies. DDEP(3) replied that as Euro II buses were due for replacement by 2019, the need for replacement of SCRs after retrofitting in 2015-2016 would not arise given the proposed 4-year warranty for SCRs. As for Euro III buses which were due for replacement in 2026, there might be a need for SCRs to be replaced during their service lives but the number of such replacement would be relatively small.

14. Noting that Euro II and III buses would be fully retired by 2019 and 2026 respectively and that a four-year warranty would be provided by the SCR suppliers, Mr TANG Ka-piu asked if the franchised bus companies would be paying for the maintenance of SCRs upon expiry of the warranty period. He also enquired about the additional operating cost associated with the SCR retrofit given that the average consumption rates for urea and fuel would both increase as a result. DDEP(3) said that the average service life of SCRs was about five to six years. Upon expiry of the four-year warranty provided by the SCR suppliers, the franchised bus companies would be responsible for the subsequent operational, maintenance and replacement costs of SCRs for the remaining serviceable life of the retrofitted buses.

15. Mr TANG Ka-piu shared the concern about the need to monitor the maintenance of SCRs. He also enquired about the authority to decide on the need for replacement of SCRs after the four-year warranty had expired. ADEP(AP) said that the Transport Department would be monitoring the maintenance programmes of franchised buses as inadequate maintenance might affect the operational performance of buses and disrupt bus schedules.

16. Mr Steven HO said that given the need for replacement of SCRs, he was

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concerned about the disposal of these devices and whether such would cause environmental problems. He also shared the concern about the need to ensure proper maintenance and timely replacement of SCRs. DDEP(3) said that the SCRs which were retrofitted into franchised buses would become part of the buses. As with other engine parts of the buses, the franchised bus companies would have the responsibility to properly dispose of SCRs according to the prevailing rules and practices.

Cost implications

17. Mr SIN Chung-kai said that members of the Democratic Party would support the proposed retrofitting of franchised buses with SCRs. He was however concerned about the inclusion of a 15% contingency in the budget which appeared to be on the high side. He also enquired about the time taken to retrofit the 1 400 Euro II and III franchised buses with SCRs. USEN explained that a 15% contingency was allowed for the retrofit programme on account of its scale. Three other bus models would be tried out under this large-scale retrofit, along with the buses selected for pre-qualification trial. ADEP(AP) said that a 15% contingency was included in the budget to cater for possible inflation and fluctuations in foreign currencies and prices of precious metals. As regards the time taken for the retrofit programme, ADEP(AP) said that about three days would be required for retrofitting a bus with SCR. Given that there were about 1 100 buses from Kowloon Motor Bus Company (1933) Limited ("KMB") to be retrofitted, it would have to retrofit about 50 buses a month to complete the retrofit before end 2016, which was a significant number.

18. Mr CHAN Kin-por enquired about the cost implications of the proposed retrofitting of SCR on franchised bus and its impact on bus fares in the future. DDEP(3) said that on the basis that the large-scale retrofit would cover a total of some 1 400 buses from KMB, Citybus Limited ("CTB"), New World First Bus Services Limited ("NWFB") and Long Win Bus Company Limited ("LW"), the urea consumption and extra fuel as well as increased maintenance could cost about \$131 million and \$19 million for KMB/LW and CTB/NWFB respectively over the remaining serviceable life of the buses to be retrofitted. The additional operating cost of about \$13 million per year for KMB would be insignificant as compared to its \$5 billion annual operating cost.

19. Mr KWOK Wai-keung was concerned that while the Administration had all along advocated the user-pays principle, the franchised bus companies would not be required to pay for the proposed retrofit programme as this was funded by the Government. Despite the profits made, franchised bus companies would not be required to shoulder the additional operating cost arising from the SCR retrofit as this would be transferred to passengers through increases in bus fares. As such, he considered it necessary that the franchised bus companies should bear the costs for maintenance and replacement of SCRs without reflecting them

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in the bus fares. USEN said that franchised bus companies would be absorbing part of the operating cost associated with the SCR retrofit. They would also be responsible for the subsequent operational and maintenance costs.

20. Mr KWOK Wai-keung reiterated that it was necessary to ensure that the franchised bus companies would not transfer the additional operating cost arising from the SCR retrofit to passengers in terms of increased bus fares. DDEP(3) responded that the Government would be funding the initial capital cost of the retrofit programme for the selected buses on a one-off basis. The franchised bus companies would be responsible for the subsequent operational, maintenance and replacement costs associated with the SCR retrofit, including the additional operating cost arising from increased urea and fuel consumption. While the franchised bus companies would absorb these costs as part of their operating costs, there could be pressure on bus fare increases, as operating cost was one of the six factors under the Fare Adjustment Arrangement for franchised buses which the Government would take into consideration. At Mr KWOK's request, the Administration would provide information on the cost implications of the proposed retrofitting of SCRs on franchised bus and its impact on bus fares in the future.

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21. The Chairman sought members' views on the submission of the proposal to FC. Five members indicated support for the proposal to be submitted to FC for consideration while Mr Albert CHAN objected.

II. Controlling the impact of dumping and dredging activities on the marine environment

(LC Paper No. CB(1)1269/12-13(03) — Administration's paper on "Controlling the impact of dumping and dredging activities on the marine environment"

LC Paper No. CB(1)1269/12-13(04) — Background brief on "Dumping at sea and dredging activities in Hong Kong" prepared by the Legislative Council Secretariat)

22. USEN explained the regulatory and management controls currently put in place to minimize the impact on the marine environment arising from dredging and sediment dumping activities in Hong Kong waters. With a power-point presentation, the Chief Engineer/Fill Management, Civil Engineering and Development Department ("CE/FM") explained the management of marine mud disposal facilities in Hong Kong while the Assistant Director of Environmental

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Protection ("Environmental Compliance") ("ADEP(EC)") explained the regulatory control on marine dumping and dredging activities as well as Government measures to tackle marine refuse.

(Post-meeting note: A set of power-point presentation materials was circulated vide LC Paper No. CB(1)1302/12-13(01) on 14 June 2013.)

Regulatory control on marine dumping and dredging activities

23. Mr Albert CHAN said that illegal dumping activities had been reported by fishermen since the 1990s and the environmental impact arising from these activities was particularly serious along the seabed from Central to Cheung Chau. He was also concerned that the dumping contractors had failed to abide by the requirement to enclose the sediment disposal areas with nets for the protection of surrounding waters when dumping. The dumping activities had adversely affected the fishery resources and the livelihood of fishermen and had been subject to complaints from fishermen. While dumping vessels were required to be installed with automatic recording equipment with Global Positioning System, the effectiveness of such equipment remained questionable. As the present statutory control on dumping activities by way of permits was not effective, he considered it necessary that legislative amendments should be introduced to increase the penalties for illegal dumping activities.

24. Mr Steven HO said that fishermen objected to dumping activities on account of their adverse impact on the marine environment. The provision of sediment disposal facilities, which required dredging of pits in the existing seabed, would have affected the marine ecology in the area, not to mention the dumping and capping processes. He was concerned that dumping contractors had not complied with the rules and practices required of dumping activities. He enquired if the Administration had any long-term plans and/or newer technologies to deal with dumping activities. He also sought explanation on the difference between open and confined marine disposal facilities and their impact on the surrounding marine environment. Although ex-gratia payments were offered to affected fishermen for the loss of fishing grounds due to infrastructural developments, he was concerned that the payments were not made in a timely manner.

25. In response to Mr HO's concerns, USEN suggested that it would be useful to take photographs of the dumping activities which were not carried out in accordance with requirements to facilitate the Administration in taking follow-up actions against the malpractices. CE/FM shared the concern about the sustainability of marine mud disposal at designated areas in the long run. The provision of disposal sites at an artificial island could be a possibility to be explored. The Administration would keep under review newer technologies for mud disposal which could help to reduce the environmental impact in

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surrounding waters. He also explained that open sea disposal facilities were used for the disposal of uncontaminated sediments while confined marine disposal facilities were used for the disposal of contaminated mud. The latter facilities were situated in areas with slow current and capping with uncontaminated mud would be performed after disposal to isolate the contaminated mud from the environment.

26. Ir Dr LO Wai-kwok noted from Annex E to the discussion paper concerning the "Review of Environmental Monitoring & Audit ("EM&A") Data of the Confined Marine Disposal Facility in the East of Sha Chau ("the ESC facility")" that the levels of dissolved oxygen measured at the Impact and Reference stations between February 2007 and February 2012 were on the rise. However, these data were at variance with the water quality monitoring results of the North Western Water Control Zone which had shown a decline in compliance rates on the overall Water Quality Objectives ("WQO") from 2009 to 2012, as mentioned in the power-point presentation. He also enquired about the effectiveness of the monitoring mechanism on dumping activities, in particular those the scale of which was not large enough to justify as designated projects under the Environmental Impact Assessment Ordinance ("EIAO") (Cap. 499).

27. In response, the Assistant Director of Environmental Protection (Water Policy) ("ADEP(WP)") explained that Annex E to the discussion paper was focused on the EM&A data of the ESC facility and it set out the levels of suspended solids and dissolved oxygen measured at the Impact and Reference stations. On the other hand, the water quality monitoring results referred to in the power-point presentation reflected the general compliance rates on WQOs at the North Western Water Control Zone. USEN added that the water quality at the ESC facility and the general water quality of water control zones were separately monitored. At the requests of Mr Steven HO and Ir Dr LO Wai-kwok, the Administration would provide a map showing the locations of monitoring stations and coverage of the ESC facility and the North Western Water Control Zone. It would also provide a paper to explain the parameters used in assessing the compliance rates on WQOs of the North Western Water Control Zone, the reasons for the decline in the compliance rates and the measures to improve the situation.

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28. Mr KWOK Wai-keung shared the concern about the deteriorating water quality at the North Western Water Control Zone given that the overall compliance rates on WQOs had declined from 94.4% in 2009 to 72.2% in 2012. ADEP(WP) explained that the parameters for assessing the overall compliance rates on WQOs included dissolved oxygen, both at the bottom of the sea and depth-averaged, and total inorganic nitrogen. The main parameter affecting the compliance rates was the levels of total inorganic nitrogen, which was affected by the inflow from the Pearl River. The decline in the overall compliance rates

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could also be attributable to the population growth in Tung Chung and Ma Wan. Improvements were made to the sewerage system to enhance sewage treatment.

29. Mr KWOK Wai-keung further said that as the Confined Marine Disposal Facility was located in East Sha Chau where Chinese White Dolphins ("CWDs") were often found, he was concerned about the impact of dumping activities on their survival. He also enquired whether there were measures to protect the marine habitat in the area, in particular the rare and endangered species such as CWDs. ADEP(WP) responded that protection of the natural habitat would be examined as a part of the Environmental Impact Assessment ("EIA"). CE/FM explained that EIA studies were performed on the ESC facility. While CWDs were found in East Sha Chau, it was not a main habitat for CWDs. With the use of uncontaminated mud to cap the disposal pits, the marine habitat could be restored within a year. Studies on fishery resources conducted in the vicinity of the ESC facility had revealed that there was not much change following the dumping activities in the area.

30. Noting that one of the objectives of the EIA process was to identify suitable mitigation measures for incorporation into the design works so as to avoid, minimize and mitigate impacts to acceptable levels, Mr Dennis KWOK enquired about the meaning of "acceptable levels" under the Technical Memorandum to EIAO. He stated that there should be a clear understanding on the acceptable levels in order to assess the acceptability of impacts. ADEP(EC) said that project proponents were required to conduct EIA to predict the nature and extent of impacts arising from dredging works. He agreed to provide information on the acceptable levels under the EIA process.

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31. Mr WU Chi-wai enquired whether there were other measures to reduce the impact of dumping activities apart from the capping of contaminated mud, as he recalled that a number of measures had been proposed when the sediment remediation project at Kowloon Bay was discussed. He was also concerned about the impact of dumping activities on marine ecology at the seabed. CE/FM responded that the bioremediation used for the in-situ treatment of sediment in Shing Mun River and the Kai Tak Approach Channel was targeted at organic pollutants. As the contaminated marine mud generated from various projects to be disposed might contain heavy metals in addition to organic contents, the use of in-situ bioremediation might not be appropriate. Therefore, the capping method was applied in the ESC facility. To avoid the impact of dumping contaminated mud on the marine ecology of the seabed, the disposal pits would be covered with a minimum of three meters of uncontaminated mud to isolate the contaminated mud from the environment. Apart from closely monitoring the dumping and capping activities, the Administration would also conduct studies on fishery resources to assess the impact of dumping activities on marine ecology.

Government measures to tackle marine littering

32. Mr Albert CHAN was concerned about the need for measures to tackle marine littering and marine refuse, in particular, used syringes thrown out from vessels. He opined that instead of relying on joint operations by government departments or volunteers from green groups to clear the marine refuse accumulated at foreshores and ungazetted beaches, a designated department should be assigned to clear the marine refuse. USEN responded that most of the marine refuse was originated from land and joint operations with government departments had been carried out to clear the refuse accumulated at foreshores and beaches. Assistance had also been sought from green groups and non-government organizations in the clearance.

33. The Chairman was concerned about the pollution problems caused by the spillage of oil and other debris from vessels, as in the earlier case of the spillage of white pellets from container vessels which had caused much damage to fishery resources. She enquired about the adequacy of existing legislation for holding ship owners liable for the damages done to the marine environment. She also considered it necessary that the ship owners concerned should be required to take immediate remedial actions to tackle the pollution problems caused by spillages.

34. ADEP(WP) said that ship owners were required to notify the Marine Department of any relevant incident. The Department of Justice and the Marine Department were still following up with the ship owner and concerned parties regarding the expenditure arising from the spillage of white pellets. USEN added that appropriate actions would be taken against the parties responsible for the spillage. She also said that if members would like to follow up on the subject of marine littering, another meeting could be held to enable more focused discussion. The Chairman suggested and members agreed to include the "Legislative control on marine pollution" in the list of outstanding items for discussion by the Panel so that members could be further briefed on the legislative control on marine pollution arising from oil spillage, marine littering and floating refuse.

III. Any other business

35. There being no other business, the meeting ended at 12:43 pm.