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Panel on Environmental Affairs

Special meeting on 14 June 2013

Background brief on "Dumping at sea and dredging activities in Hong Kong" prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on dumping at sea and dredging activities in Hong Kong.

Background

2. Regular dredging in Hong Kong waters and river channels is necessary to ensure unobstructed fairways and anchorages, and sufficient flood protection for river channels. However, infrastructure projects and maintenance dredging of harbour fairway, rivers and drainage channels will generate contaminated sediments that need proper disposal. Despite that the Government has implemented a mechanism to minimize contaminated sediment disposal and introduced measures to manage sediments generated from infrastructure developments and fairway/river/drainage maintenance works, there will be substantial quantities of contaminated sediments requiring disposal. The legislation for control of marine dumping and dredging practices are summarized in the ensuing paragraphs.

Environmental Impact Assessment Ordinance (Cap. 499) ("EIAO")

3. The Government exercises stringent control on marine works including mud dredging and disposal. Under EIAO, environmental impact assessment ("EIA") is required for all marine dredging operations of designated projects in Hong Kong, such as the laying of submarine sewage pipelines and gas pipelines, in order to provide in-depth assessment of the potential environmental impacts of the projects and recommend mitigation measures and environmental monitoring programme. Project proponents are required to implement the

mitigation measures and environmental monitoring programme as recommended in EIA reports.

4. EIA generally includes an assessment on the potential environmental impacts (including impacts on the fisheries industry and fisheries resources) of the works and makes recommendations for improvement. The existing EIA process requires project proponents to implement an appropriate environmental monitoring and audit programme. The latter also has to propose the best arrangements (including design) to minimize the impacts of the marine works on the marine environment, ecology, fisheries resources and fishing operations.

Dumping at Sea Ordinance (Cap. 466) ("DASO")

5. To protect the marine environment, DASO, which came to operation in 1995, provides for control on marine dumping, extends control on marine pollution, and gives legal effect to the Marine Dumping Action Plan which was launched in 1991 to strengthen control over marine dumping operations and deter marine dumping offences.

6. Following the spirit of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, DASO empowers the Director of Environmental Protection ("DEP") to control the disposal and dumping of substances and articles from vessels, aircraft and marine structures in the sea and under the sea-bed and the related loading operations. Under DASO, a permit from DEP is required for the disposal of regulated substances within and outside Hong Kong waters. The permit is valid for specific periods of time, and contains terms and conditions as listed below –

- (a) type and quantity of substances to be dumped;
- (b) location of the disposal grounds;
- (c) requirement of equipment for monitoring the disposal operations;
and
- (d) environmental monitoring requirements.

7. Before an application of a marine dumping permit is made, the project proponent should have fulfilled the requirements stipulated in "Environment, Transport and Works Bureau Technical Circular (Works) No. 34/2002" as applicable or "Buildings Department Practice Notes for Authorized Persons and Registered Structural Engineers No. 252" regarding dredged sediments testing and allocation of dumping capacity. The Government will conduct environmental monitoring at all designated sediment disposal areas to ensure that dumping at those areas has no adverse impact on the marine environment and ecology outside those areas.

8. Currently, all dumping vessels have to be approved in a marine dumping permit issued under DASO. Each of the vessels has to be installed with an automatic recording equipment, namely the Front End Mobile Unit ("FEMU"), which is a key component of the Real Time Tracking & Monitoring of Vessel ("RTTMV") System of the Environmental Protection Department ("EPD"). FEMU transmits self-monitoring data direct from the barge at sea to the Control Centre at EPD through the General Packet Radio Service (commonly referred to as "GPRS") mobile communication network.

Other environmental legislation for water quality management

9. Apart from EIAO and DASO, there are additional provisions on water quality management in other pieces of legislation. For instance, the Water Pollution Control Ordinance (Cap. 358), enacted in 1980, is the main legislation for controlling discharges in the 10 designated water control zones in Hong Kong, and for achieving and maintaining water quality objectives through a licensing system. The Summary Offences Ordinance (Cap. 228) also contains provisions relating to littering offences including marine littering. Oily wastes from ships are subject to the control of the relevant legislation on merchant shipping.

Latest development

Dumping at Sea (Exemption) (Amendment) Order 2013

10. To meet the forecast demand for disposal of contaminated sediment arising from local projects in Hong Kong waters up to 2018, the Dumping at Sea (Exemption) (Amendment) Order 2013 ("the Amendment Order") was gazetted on 15 February 2013 and laid before the Legislative Council ("LegCo") for negative vetting on 20 February 2013 to impose regulatory controls under DASO on a new sediment disposal facility situated in an area to the south of The Brothers ("Area"). The Amendment Order has taken effect from 1 May 2013 and a permit under section 8 of DASO is required for any dumping operation in that Area¹.

¹ Unless the dumping operation is exempt, anyone who dumps substances or articles at sea without a permit commits an offence and is liable on a first conviction to a fine of \$200,000 and to imprisonment for 6 months, or on a second or subsequent conviction to a fine of \$500,000 and to imprisonment for 2 years, and to a further fine of \$10,000 for each day the operation has continued.

Council question

11. Hon Cyd HO raised a question relating to mud dredging and disposal at the Council meeting on 6 May 2009. Details of the Council question are hyperlinked in the **Appendix** for ease of reference.

Relevant papers

12. A list of relevant papers is set out in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
11 June 2013

List of relevant papers

Council/ Committee	Date of meeting	Paper
Panel on Development	29 March 2011	Administration's paper on "5737CL – Dredging, management and capping of contaminated sediment disposal facility to the south of The Brothers" (LC Paper No. CB(1)1668/10-11(06)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/dev0329cb1-1668-6-e.pdf Minutes of meeting (LC Paper No. CB(1)2531/10-11) http://www.legco.gov.hk/yr10-11/english/panels/dev/minutes/dev20110329.pdf
Panel on Development	24 April 2012*	Administration's response to the follow-up actions arising from the discussion at the meeting on 29 March 2011 (LC Paper No. CB(1)1684/11-12(01)) http://www.legco.gov.hk/yr10-11/english/panels/dev/papers/dev0329cb1-1684-1-e.pdf
Legislative Council Brief	--	Legislative Council Brief issued by the Environmental Protection Department in February 2013 http://www.legco.gov.hk/yr12-13/english/subleg/brief/15_brf.pdf
House Committee	22 February 2013	Legal Service Division Report on Subsidiary Legislation Gazetted on 15 February 2013 (LC Paper No. LS25/12-13) http://www.legco.gov.hk/yr12-13/english/hc/papers/hc0222ls-25-e.pdf Minutes of meeting (LC Paper No. CB(2)701/12-13) http://www.legco.gov.hk/yr12-13/english/hc/minutes/hc20130222.pdf

*Date of issuance of papers

Hyperlink to relevant Council Question:

Date	Council Question
6 May 2009	Council question raised by Hon Cyd HO http://www.info.gov.hk/gia/general/200905/06/P200905060147.htm