

立法會
Legislative Council

LC Paper No. CB(4)1123/14-15
(These minutes have been
seen by the Administration)

Ref : CB4/SS/11/14

**Subcommittee on Merchant Shipping (Prevention of Pollution by
Garbage) Regulation and Merchant Shipping (Prevention of Pollution
by Garbage) Regulation (Repeal) Regulation**

**Minutes of the second meeting held on
Tuesday, 12 May 2015, at 9:00 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon Cyd HO Sau-lan, JP (Chairman)
Hon Albert CHAN Wai-yip
Hon Frankie YICK Chi-ming
Dr Hon Kenneth CHAN Ka-lok
Hon SIN Chung-kai, SBS, JP
Hon TANG Ka-piu, JP

Members absent : Hon Steven HO Chun-yin
Hon WU Chi-wai, MH

Public Officers attending : Agenda item I

Ms Jenny CHAN
Principal Assistant Secretary for Transport and
Housing (Transport)10

Miss Joyce CHAN
Assistant Secretary for Transport and Housing
(Transport)10C

Mr LEUNG Wing-hong
Assistant Director/Multi-lateral Policy (Ag.)
Marine Department

Mr CHENG Lung-tak
General Manager/ Services (Ag.)
Marine Department

Mr FONG Chung-yee
Senior Surveyor of Ships/Maritime Policy
Marine Department

Ms Francoise LAM
Senior Assistant Law Draftsman (Marine Legislation)
Department of Justice

Clerk in attendance : Ms Debbie YAU
Chief Council Secretary (4)5

Staff in attendance : Miss Evelyn LEE
Assistant Legal Adviser 10

Ms Shirley TAM
Senior Council Secretary (4)5

Ms Zoe TONG
Legislative Assistant (4)5

Action

I. Meeting with the Administration

- (LC Paper No. CB(4)955/14-15(01) -- List of follow-up actions arising from the discussion at the meeting on 27 April 2015
- LC Paper No. CB(4)955/14-15(02) -- Administration's response to issues raised at the meeting on 27 April 2015
- LC Paper No. CB(4)931/14-15(01) -- Letter dated 5 May 2015 from Hon Albert CHAN on the

Action

discharge of garbage from a number of ships in the Hong Kong waters (Chinese version only)

LC Paper No. CB(4)955/14-15(03) -- Administration's letter dated 8 May 2015 in response to the letter from Hon Albert CHAN on the discharge of garbage from a number of ships in the Hong Kong waters)

The Subcommittee deliberated (index of proceedings attached at the **Annex**).

Follow-up actions to be taken by the Administration

Admin

2. To facilitate further discussion, the Administration was requested to provide a written response on the following issues –

- (a) the number of prosecutions made in the past three years against any marine littering offences, involving both Hong Kong and non-Hong Kong ships, under section 4D of the Summary Offence Ordinance (Cap. 228), the existing Merchant Shipping (Prevention of Pollution by Garbage) Regulation, or other legislation relating to marine littering;
- (b) the study report issued by the Inter-departmental Working Group on Clean Shorelines established in 2012 under the coordination of the Environment Bureau to identify the sources of marine refuse, review existing measures, and formulate strategic policies to prevent and reduce marine refuse;
- (c) the information about the existing marine refuse scavenging and collection services engaged by the Marine Department ("MD"), including photos and descriptions of different kinds of vessels, the methods being used and relevant statistics for members to assess the service efficiency;
- (d) an elaboration on the details, examples and effectiveness of MD's daily routine duties in respect of enforcement actions against marine littering offenders, as well as its special anti-marine littering operations as outlined in the Administration's letter (LC Paper No.

Action

CB(4)955/14-15(03)); and

- (e) the management of marine refuse at seabed, including those close to seashore.

Legislative timetable and extension of scrutiny period

3. Members noted that the Chairman would move the relevant motion at the Council meeting of 13 May 2015.

(Post-meeting note: The 28-day scrutiny period for the Regulations expired at the Council meeting of 13 May 2015 as the meeting was unable to deal with the motion to extend the scrutiny period.)

Next meeting

4. Members agreed that a meeting should be held to receive public views on the discharge of garbage into the waters of Hong Kong.

(Post-meeting note: The said meeting was held on 26 May 2015 at 5 pm.)

II. Any other business

5. There being no other business, the meeting ended at 9:50 am.

Council Business Division 4
Legislative Council Secretariat
5 June 2015

**Proceedings of the second meeting of the Subcommittee on
Merchant Shipping (Prevention of Pollution by Garbage) Regulation and
Merchant Shipping (Prevention of Pollution by Garbage) Regulation (Repeal) Regulation
on Tuesday, 12 May 2015, at 9:00 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with the Administration			
000102 – 000611	Chairman Administration	<p>Opening remarks</p> <p>Discussion on Administration's response to an issue raised at the meeting on 27 April 2015 (LC Paper No. CB(4)955/14-15(02))</p> <p>Discussion on Mr Albert CHAN's letter and the Administration's response (LC Paper Nos. CB(4)931/14-15(01) and CB(4)955/14-15(03) respectively)</p>	
000612 – 001601	Chairman Mr Albert CHAN Administration	<p>Mr Albert CHAN was disappointed with the Administration's response and considered that 80% of marine refuse, including used syringes, found at beaches on Southern Lantau and in Lamma Island was mainly due to the discharge of garbage from ships. This prolonged problem was not resolved even with his repeated complaints made to the Marine Department ("MD") in the past decade or so. He also expressed doubts on the Administration's ability to enforce the Merchant Shipping (Prevention of Pollution by Garbage) Regulation ("the new Garbage Regulation").</p> <p>He urged the Administration to, instead of using a net scooper to collect floating refuse manually which could not fully collect small floating refuse, use modern equipment such as mechanical scooping device fitted on ships, for cleaning marine refuse. He also requested the Subcommittee to meet with deputations to discuss this matter.</p> <p>The Administration explained that the new Garbage Regulation was to govern the discharge of garbage from ships, in particular ocean going vessels, during normal operation. Marine littering, on the other hand, was regulated under section 4D of the Summary Offences Ordinance (Cap. 228).</p> <p>The Administration added that in order to clean up the marine refuse, an Inter-departmental Working Group on Clean Shorelines ("WG on Clean Shorelines") was established in 2012 under the coordination of the</p>	The Administration to follow up as per paragraph 3(a) & (b) of the minutes

Time marker	Speaker	Subject(s)	Action required
		<p>Environment Bureau ("ENB") to identify the sources of marine refuse, review existing measures, and formulate strategic policies to prevent and reduce marine refuse. The working group, with MD being a member, had recently issued a study report ("the Study Report") identifying that over 80% of marine refuse in Hong Kong waters originated from land-based sources, with shoreline and recreational activities being the predominant sources.</p>	
001602 – 002946	<p>Chairman Mr Frankie YICK Mr SIN Chung-kai Administration</p>	<p>Mr YICK noticed that marine refuse within the Victoria Harbour in the past two decades had been gradually reduced. He echoed Mr CHAN's views that the equipment being used for cleaning floating refuse was very outdated. As such, he suggested the Administration to consider engaging the tertiary sector to design and develop advanced mechanical equipment, such as rollers, to improve the efficiency of cleaning marine refuse.</p> <p>The Administration briefed members on the different kinds of vessels and methods being used under the existing marine refuse scavenging and collection services contracted by MD, as well as the cleanliness index system for measuring the contractor's performance. Nevertheless, the Administration undertook to consider Mr YICK's suggestion of replacing the outdated equipment with modern-day facilities with a view to improving the service efficiency.</p> <p>Noting the new Garbage Regulation was made to implement international convention, Mr SIN expressed concern on the overall strategies adopted by the Administration to enhance the cleanliness of the harbour and shore, including the collection of refuse at seabed.</p> <p>The Administration stressed that the Transport and Housing Bureau ("THB") introduced the new Garbage Regulation to keep the local legislation aligning with the latest standards in Annex V to the International Convention for the Prevention of Pollution from Ships, whereas ENB was responsible for ensuring the water quality in the Victoria Harbour. The Chairman suggested that ENB should also be invited to attend the Subcommittee's next meeting.</p>	<p>The Administration to follow up as per paragraph 3(c) of the minutes</p>
002947 – 003354	<p>Chairman Dr Kenneth CHAN</p>	<p>Dr CHAN considered that the matter of cleaning up floating refuse involved many issues, including the</p>	

Time marker	Speaker	Subject(s)	Action required
	Administration	effectiveness of the Administration's liaison with its contractor and the transparency on monitoring the latter's services. He informed the meeting that the Panel on Environmental Affairs ("the EA Panel") had scheduled to discuss legislative control on marine pollution (covering the report of the study commissioned by the WG on Clean Shorelines) in the 2014-2015 session, and members might consider whether they should join the discussion of the EA Panel or follow-up the matter themselves.	
003355 – 004940	Chairman Dr Kenneth CHAN Assistant Legal Adviser 10 Clerk Mr SIN Chung-kai Mr Albert CHAN Administration	Discussion on the way forward. Members agreed that the Subcommittee should continue to discuss related matter and meet with deputations and the Administration, including THB and ENB, at its next meeting.	The Administration to follow up as per paragraph 3(d) & (e) of the minutes
Agenda item II – Any other business			
004941 – 004951	Chairman	Closing remarks	