

# 立法會 *Legislative Council*

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Ref : CB1/PL/EA

## **Report of the Panel on Environmental Affairs for submission to the Legislative Council**

### **Purpose**

This report gives an account of the work of the Panel on Environmental Affairs ("the Panel") during the 2017-2018 Legislative Council ("LegCo") session. It will be tabled at the meeting of the Council on 4 July 2018 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

### **The Panel**

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining Government policies and issues of public concern relating to environmental and conservation matters. The terms of reference of the Panel are given in **Appendix I**.

3. The Panel comprises 24 members, with Hon Tanya CHAN and Dr Hon Junius HO Kwan-yiu elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

### **Major Work**

#### Waste management

##### *Municipal solid waste charging*

4. On the basis of majority support revealed in the public consultation completed in 2012, the Administration affirmed the direction of introducing a quantity-based municipal solid waste ("MSW") charging system as a key policy tool to achieve waste disposal reduction. On 30 October 2017, the Administration briefed the Panel on the proposed modifications to the implementation arrangements for MSW charging ("proposed modifications") as follows:

- (a) the scope of application of pre-paid designated garbage bags would be extended to cover MSW disposed of by private waste collectors whose refuse collection vehicles were equipped with rear compactors;
- (b) private waste collectors using other types of waste collection vehicles that were not equipped with compactors would need to pay a gate fee at refuse transfer stations and landfills based on the weight of MSW disposed of; and
- (c) the transitional "bin-counting" arrangement, which was originally proposed for buildings using the Food and Environmental Hygiene Department's direct waste collection services, would be removed from the MSW charging proposal.

5. Members basically supported measures that would be effective in reducing MSW disposal at landfills and achieving the "polluter pays" principle, and provided suggestions to refine the implementation arrangements for MSW charging. One major suggestion was that the Administration should, apart from collecting MSW charges, introduce economic incentives that were related to the amount of waste reduced and/or recyclables collected so as to better drive behavioural changes in waste generation and hence reduce the overall waste disposal. Such incentives could be rebates on utility charges or government rates to individual households. In parallel, the Administration should also step up efforts to promote waste reduction at source, including enhancing support for recycling of domestic food waste. The Administration was also requested to allocate more resources, such as by making use of the revenue from MSW charging to support recycling and a sustainable development of the local recycling industry.

6. The Administration explained that MSW charging would not recover all costs incurred in the provision of waste collection and disposal services whereas spending on the promotion of recycling should not be pegged with the revenue that might be generated from MSW charging. As announced in the Chief Executive's 2017 Policy Address, the Administration would step up efforts in supporting waste reduction at source and clean recycling to complement the implementation of MSW charging. Relevant initiatives included, among other things, the setting up of an outreaching team to reach out to the 18 districts and provide residents and property management companies with on-site guidance and assistance to practise proper waste source separation and clean recycling. As suggested by Panel members, the Administration would endeavor to facilitate the public to purchase designated garbage bags at convenient locations, and explore with authorized retailers selling designated bags in lieu of their own plastic shopping bags to reduce the overall consumption of plastic bags arising from MSW charging. Meanwhile, the Steering Group on the Modification of

Recycling and Refuse Collection Facilities in Public Places was reviewing the existing designs and distribution of recycling bins, litter containers and refuse collection points, and to recommend modifications to those facilities as appropriate. The Administration was also developing a network of Organic Resources Recovery Centres in accordance with the strategies for food waste reduction, recovery and recycling. Members noted that the Administration aimed to implement MSW charging towards the end of 2019 at the earliest.

*Measures to assist the recycling industry to meet the Mainland's tightened requirements for import recyclables*

7. The Mainland authorities promulgated on 18 July 2017 the "Implementation Plan on Advancing Reform of the Administration System on Import of Solid Wastes through Prohibiting Import of Foreign Rubbish" ("Implementation Plan") which set out that the Mainland authorities would, starting from early 2018, bar the import of four categories of solid wastes including waste plastics from daily sources, unsorted scrap paper, discarded textile materials and Vanadium slag. On 27 November 2017, the Panel received a briefing on the Administration's measures to assist the local recycling industry in addressing Mainland's tightened requirements on imports of recyclables. The Panel further received public views on the subject at the meeting on 19 December 2017.

8. Members relayed concerns of local recyclers (waste paper recyclers in particular) about the impact of the Implementation Plan on the local recycling operations, and enquired about the Administration's measures to assist these recyclers as well as to strengthen collaboration with the Mainland authorities in order to obtain early information on the latter's plans/requirements concerning import of recyclables to the Mainland in future. Moreover, members considered it necessary to enhance the provision of land for the local recycling industries. There was also a view that specific targets should be set on reduction and recycling of waste paper and plastics in Hong Kong.

9. The Administration pointed out that it had been assisting local recyclers through the Recycling Fund and other initiatives to upgrade their machinery and to enhance their operations to meet the Mainland's import requirements. The Administration had also stepped up promotional efforts to educate the public on clean recycling, and was examining how to leverage on the land and ancillary facilities at the EcoPark to support the development of a local manufacturing industry using recycled materials, in particular local waste paper. In this connection, the Administration had launched a market sounding survey on the industry's interest in developing waste paper recycling and manufacturing businesses in Hong Kong. Based on the information collected from the survey, the Administration would consider whether it was possible to amend the relevant terms and conditions of tendering EcoPark lots. The Administration also

indicated that it was open to members' suggestion of developing a waste paper recycling plant to provide a business model to encourage the private sector to start business in this area. In the meantime, the Administration would continue to promote green procurement to increase the market demand for recycled products, and strengthen its efforts to assist local recyclers in tapping into export markets other than the Mainland.

*Enforcement against illegal land filling*

10. At the meeting on 26 March 2018, the Administration briefed the Panel on its enforcement actions to combat illegal land filling and fly-tipping of construction waste.

11. As the problem of illegal dumping continued to persist in the territory, members considered that more effective solutions, such as increasing the penalties for related offences so as to enhance the deterrent effect, should be put in place. They expressed disappointment about the small number of cases of prosecution and criticized that the planned number and coverage of surveillance camera systems were grossly insufficient to deter free-riding behaviours.

12. The Administration advised that in the past four years, the quantity of fly-tipped construction waste removed by the Government accounted for less than 0.05% of the total quantity disposed of at designated government construction waste reception facilities during the same period, indicating that the overall management of construction waste in Hong Kong was effective. Reports of illegal land filling on private land from members of the public had also decreased. To strengthen the monitoring of and enforcement against illegal dumping, the Administration adopted a multi-pronged approach as follows:

- (a) enhancing patrol inspection during and outside office hours and on holidays to catch fly-tippers on the spot;
- (b) installation of (i) more surveillance cameras at black spots in all districts and (ii) more Internet Protocol cameras at certain illegal disposal black spots (including refuse collection points); and planning to introduce surveillance cameras with smart technology in the trial installation of multi-functional smart lampposts; and
- (c) following up reports of illegal dumping activities from members of the public, and enhancing public awareness of and community involvement in combating illegal dumping, including encouraging members of the public to provide evidence and serve as witnesses.

13. The Administration considered that while there were difficulties in intercepting fly-tippers on the spot, installation of surveillance cameras at the black spots had proved to be effective to deter fly-tipping activities. As regards the penalties under the various legislation concerned, the Administration took the view that the existing levels were appropriate. Members noted that the Environmental Protection Department ("EPD") would continue to provide more information on the environmental impact caused by illegal land filling for reference by the courts for imposing appropriate penalties, and liaise with the Department of Justice on the appropriateness of filing appeals for imposing heavier penalties on the convicts where appropriate.

14. On the use of global positioning system ("GPS") devices on construction waste collection vehicles, the Administration advised that results of the second-stage trial had affirmed that the GPS technology was technically mature and reliable. To further ascertain the feasibility of adopting GPS devices on construction waste collection vehicles in the actual operating environment and to address the trades' concerns about the confidentiality and protection of the data collected, compliance cost and insurance coverage, the Government would take the lead by requiring its contractors to install GPS tracking devices in their construction waste collection vehicles under public works contracts. In the light of the experience gained, the Administration would consider whether to mandate the use of GPS devices on all relevant vehicles.

#### Nature conservation and marine conservation

##### *Setting up the Countryside Conservation Office*

15. At the meeting held on 19 December 2017, the Administration sought members' views on the setting up of a Countryside Conservation Office ("CCO") under EPD to promote sustainable development of remote countryside. In parallel, the Administration had earmarked \$1 billion for such conservation and revitalization efforts, as well as minor improvement works.

16. Members enquired about the scope of work of CCO. As different villages had their historical uniqueness, members sought whether only sites with ecological/conservation value would fall within the relevant work scope. Members stressed the importance of fostering collaboration with the rural community and non-governmental organizations, and engaging the villagers in taking forward conservation and revitalization projects funded by CCO.

17. The Administration advised that the priority task of CCO would be to implement a series of programmes to enhance the countryside revitalization at Lai Chi Wo and Sha Lo Tung. CCO would review the effectiveness of these projects from time to time and progressively extend its efforts to other remote countryside areas. An advisory committee involving non-officials would be set

up to advise on the funding applications received by CCO and monitor the implementation progress of the funded projects. Regarding the funding earmarked for the minor improvement works in remote countryside, priority would be given to areas with conservation value. In taking forward necessary conservation and revitalization work, CCO would coordinate with the departments concerned, non-government organizations and villagers. CCO would also strive to optimize the existing resources to avoid duplication of work among bureaux/departments.

18. As regards the concern about possible overlapping of structure and unclear delineation of responsibilities between CCO under the Environment Bureau ("ENB") and the Agriculture, Fisheries and Conservation Department ("AFCD"), the Administration clarified that within the proposed work of CCO, areas such as conserving the traditional culture of villages and assisting in villagers' livelihood, etc., were outside the work of AFCD. AFCD was responsible for ecological and environmental impact assessments, protection of endangered species and wetland conservation, conservation of biodiversity and implementation of the Biodiversity Strategy and Action Plan.

#### *Improving water quality*

19. During the policy briefing by the Secretary for the Environment on the major policy initiatives of ENB and EPD in the 2017 Policy Address on 30 October 2017, the Administration briefed members on, among other things, its ongoing initiatives to improve the water quality of Victoria Harbour and mitigate the nearshore odour problems. The Panel passed a motion urging the Administration to commence and complete Stage 2B of Harbour Area Treatment Scheme ("HATS") as soon as possible. At the meeting on 19 December 2017, the Administration updated members on water quality improvement in Hong Kong over the past three decades through a series of actions and programmes. Members noted the maintenance works by Drainage Services Department ("DSD") at the main pumping station of the Stonecutters Island Sewage Treatment Works ("SCISTW") under HATS Stage 1 in February 2018 ("the planned maintenance works") to sustain the long term water quality improvement effort.

20. Members enquired whether the fish culture zones near SCISTW would be adversely affected by the potential impact on water quality during the sewage bypass under the planned maintenance works. The Administration advised that the potential water quality impact of the proposed sewage bypass had been assessed by DSD through detailed water quality modelling by a consultant, which indicated that the dissolved oxygen and *E. coli* levels at the identified water sensitive receivers of beaches and fish culture zones would comply with the relevant assessment standards. The Administration would closely monitor the water quality during each bypass episode and the most up-to-date monitoring

results would be uploaded to DSD's website on a daily basis or as early as practicable. As regards members' concern about odour nuisance to local residents during the sewage bypass episodes, the Administration advised that DSD had been in close contact with the Hong Kong Observatory to take into account the prevailing wind direction during the period to prevent the spreading of odour to densely-populated areas. In addition, chemicals such as calcium nitrate would be added in the preliminary treatment works to ensure that the sewage would not become septic.

21. Members expressed concern about odour problems and fish kill incidents in Shing Mun River and Tolo Harbour. The Administration advised that it had conducted investigations and found that the problems arose occasionally due to natural conditions including climate and weather changes and the accumulation of sediments in the shallow river bed. Taking note of the public concerns, the Administration had strengthened control in source pollution, illegal sewage discharge and sewer misconnections. The Administration had also stepped up efforts in riverbed sediments treatment and sewerage work projects upgrade, and several proposed sewerage works project upgrades had been/would be submitted to the Panel for consideration.

#### *Protection of endangered species*

22. The Government protects endangered species of both animals and plants as set out in the three Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES") through the implementation of the Endangered Species of Animals and Plants Ordinance (Cap. 586). This Ordinance provides that, unless otherwise specified, a licence is required for the import, introduction from the sea, export, re-export, possession or control of the species (including their parts and derivatives) listed in Schedule 11 of the Ordinance. At the meeting on 28 May 2018, the Panel received a briefing by the Administration on the latest progress of the protection of endangered species, and received public views on the subject.

23. On the conservation of green turtles, members asked about the measures to reduce the number of yachts moored near the waters off the beach at the Sham Wan Restricted Area (which is the only site in which a very small population of green turtles has been recorded to nest regularly in Hong Kong) as well as the Administration's plan, if any, to expand the Sham Wan Restricted Area.

24. The Administration advised that the sandy beach at Sham Wan was a Restricted Area under the Wild Animals Protection Ordinance (Cap. 170). Access to the area was restricted during the period from 1 June to 31 October each year, during which patrols would be conducted to control unauthorized access or activities and to monitor any nesting activities of green turtles. Before the onset of the nesting season each year, AFCD also carried out

conservation management on the nesting site including removal of climbing plants and refuse, and arranged contractors to survey and remove ghost nets in Sham Wan bay as necessary. To enhance the monitoring of the Sham Wan Restricted Area, AFCD would deploy a surveillance camera system during the restricted period. This system would enable remote monitoring of the conditions of the beach and nesting activities of green turtles through an online platform so that additional manpower could be deployed promptly. In this connection, the Administration was requested to put in place this system as early as practicable. The Panel passed a motion at the meeting urging the Administration to expand the Sham Wan Restricted Area to the waters off the beach.

25. Currently, eight species of sharks are listed in Appendix II to CITES and scheduled under Cap. 586. All import/export/re-export of scheduled specimens must be accompanied with a valid CITES permit. Members urged the Administration to strengthen its measures to detect illicit import of shark fins into Hong Kong. The Administration advised that AFCD and the Customs and Excise Department had been working closely together to strengthen the detection of such illicit import. The two departments conducted joint operations from time to time to inspect seaborne container cargo of shark fins from overseas countries. The Administration would endeavour to better explain the impacts of the illicit trade in endangered shark species in the court documents so that the court might consider handing down higher penalties to the convicts. Members also noted that the Administration had initiated a legislative exercise to amend Cap. 586 to list four more shark species in Appendix II to CITES.

### Air quality

#### *Promoting the use of electric vehicles*

26. Electric vehicles ("EVs") have no tailpipe emissions and hence replacing conventional vehicles with EVs can help improve roadside air quality. During the Policy Briefing on 30 October 2017, the Panel noted that the Administration would continue to promote a wider use of EVs and enhance the public charging network for EVs. The Panel passed a motion urging the Administration to raise the current cap on the first registration tax concession for electric private cars ("e-PCs") and offer financial concessions for "one-for-one" replacement, so as to provide incentives for people to switch to purchasing e-PCs and promote the long-term development of the EV market. At the meeting on 26 February 2018, the Administration updated the Panel on the measures to promote the use of EVs in Hong Kong. The Administration advised that as commercial vehicles accounted for the majority of vehicular emissions of major air pollutants but the technologies for electric commercial vehicles ("e-CVs") were still under development, the Administration had accorded priority to promoting the use of



e-CVs through various initiatives, including the continued provision of full waiver for the relevant first registration tax ("FRT"). FRT for e-PCs was waived in full from 1994 to March 2017, and was waived up to \$97,500 from April 2017 to March 2018.

27. Members generally considered that the Administration should increase the FRT waiver to reduce the cost difference between e-PCs and conventional private cars. The Panel passed a motion requesting the Government to raise the FRT waiver and offer a "one-for-one replacement" concession to encourage private car owners to switch to e-PCs. The Administration explained that given the public transport-oriented policy, the objective of the FRT waiver was to encourage buyers to choose EVs in case private cars were to be acquired. The existing waiver of up to \$97,500 was comparable to the financial incentives offered in other places for e-PCs. Taking into account factors such as market situation and stakeholders' views regarding the FRT waiver for e-PCs, the Administration announced in the 2018-2019 Budget that FRT for e-PCs would continue to be waived up to \$97,500 until 31 March 2021; and a new "one-for-one replacement" scheme would be offered from 28 February 2018 to 31 March 2021, under which private car owners who purchased a new e-PC and scrap an eligible old private car they owned could enjoy a higher FRT waiver of up to \$250,000.

28. Members held that the EV charging network (including both private and public charging facilities) in Hong Kong should be greatly expanded to promote the wider use of e-PCs. They suggested the Administration mandate the installation of EV charging facilities in the parking spaces of new buildings, and offer more assistance to current/prospective EV owners as well as owners' corporations in installing EV charging facilities in existing buildings. The Administration advised that ENB had commenced a review of EV-related policies and measures in cooperation with other relevant bureaux/departments. It would consider members' suggestions, in particular those on promoting the installation of EV charging facilities on private premises. Members further noted that EPD was conducting a pilot scheme to test the reliability of outdoor charging facilities for EVs. Based on the findings, it would consider whether more outdoor charging facilities could be provided on government premises in future.

#### Introduction of Feed-in Tariff

29. During the Policy Briefing, the Panel noted that the Administration would continue to apply renewable energy ("RE") on a wider and larger scale in the coming years based on mature and commercially available technologies with the public sector taking the lead. Among other measures for the promotion of RE, Feed-in Tariff ("FiT") would be introduced under the post-2018 Scheme of Control Agreements ("SCAs") entered into between the Government and the two

power companies. At the meeting on 23 April 2018, the Administration briefed the Panel on the introduction of the FiT Scheme.

30. Members in general expressed support for the introduction of the FiT Scheme, and made the following suggestions on the implementation arrangements:

- (a) the power companies should be required to purchase electricity generated from each participating RE system for a fixed period;
- (b) all participants of the FiT Scheme should receive FiT for equal periods and at the same rates regardless of their timings of joining the Scheme;
- (c) the Administration and/or the two power companies should conduct pilot projects at New Territories exempted houses at the initial stage of implementing the FiT Scheme, and share the experience of the successful pilot projects to other potential participants;
- (d) guidance notes should be issued as early as possible to ensure building safety and legal compliance by RE developers; and
- (e) information on the different photovoltaic ("PV") panel models and RE system contractors should be provided to enable members of the public to make informed choices.

31. Taking note of the above suggestions, the Administration advised that the FiT rates applicable to new participants of the FiT Scheme would be reviewed annually. For each participating RE system, the FiT rate adopted at the time of joining the Scheme would remain unchanged throughout the entire lifetime of the system, or until the end of 2033 (i.e. the date when the post-2018 SCAs would expire), whichever was the earlier. Those who joined the Scheme early would have an "early-bird advantage" and receive FiT for a longer period, and might be able to make a return after the payback period. The Administration would keep in view of market developments and ensure that the annually-reviewed FiT rates could provide sufficient incentives to potential RE developers and owners.

32. The Administration further advised that ENB was coordinating with relevant bureaux/departments to collate information on the key legal requirements involved in the installation of distributed RE systems. The Electrical and Mechanical Services Department would revamp its website "HK RE Net" expeditiously and provide relevant information thereon. In addition, the Administration would maintain close communication with contractors of PV

systems and owners' corporations/committees with a view to enhancing their understanding of the related requirements. As regards other information such as PV panel models and RE system contractors, members of the public would be able to obtain such information from different channels, including EMSD's website and market participants.

33. The Panel passed a motion urging the Administration to strengthen coordination in vigorously promoting the use of solar energy for electricity generation in the New Territories small houses and to clarify the specifications for installing them. The Administration was also requested to provide sample or model installations, with a view to further encouraging the community to consider investing in distributed RE generation equipment.

#### Other issues

34. During the session, the Panel also received a briefing by the Administration on the latest progress of the Cleaner Production Partnership Programme, and on its proposed update of Indoor Air Quality Objectives under the "Indoor Air Quality Certification Scheme for Offices and Public Places". The Panel was also consulted on the following legislative/public works /establishment proposals:

- (a) tightening the emission standards of non-road vehicles under the Air Pollution Control (Non-road Mobile Machinery) (Emission) Regulation (Cap. 311z);
- (b) expansion of Sha Tau Kok Sewage Treatment Works and provision of village sewerage in Tong To, Lei Yue Mun Village and Peng Chau;
- (c) rehabilitation of trunk sewers in Tuen Mun;
- (d) retrofitting of noise barriers on Tai Po Road (Sha Tin Section);
- (e) upgrading of sewage pumping stations and sewerage along Ting Kok Road;
- (f) upgrading of Shek Wu Hui Effluent Polishing Plant;
- (g) rehabilitation of underground sewers and upgrading of Central and East Kowloon sewerage; and
- (h) creation of a permanent post of Administrative Officer Staff Grade C to head CCO which would also be responsible for nature conservation policy.

Meetings held

35. From 12 October 2017 to June 2018, the Panel held a total of ten meetings. The Panel has scheduled a meeting for 19 July 2018.

Council Business Division 1  
Legislative Council Secretariat  
25 June 2018

**Legislative Council**

**Panel on Environmental Affairs**

**Terms of Reference**

1. To monitor and examine Government policies and issues of public concern relating to environmental matters (including those on energy), conservation and sustainable development.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

**Panel on Environmental Affairs**

**Membership list for 2017-2018 session\***

**Chairman** Hon Tanya CHAN

**Deputy Chairman** Dr Hon Junius HO Kwan-yiu, JP

**Members**

Hon LEUNG Yiu-chung  
Hon WONG Ting-kwong, GBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Hon Kenneth LEUNG  
Hon KWOK Wai-keung, JP  
Hon Dennis KWOK Wing-hang  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon CHU Hoi-dick  
Hon SHIU Ka-fai  
Hon HUI Chi-fung  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Hon Gary FAN Kwok-wai  
Hon Tony TSE Wai-chuen, BBS

(Total : 24 members)

**Clerk** Ms Angel SHEK

**Legal Adviser** Mr Cliff IP

\* Changes in membership are shown in Annex.

## **Annex to Appendix II**

### **Panel on Environmental Affairs**

#### **Changes in membership**

<b>Member</b>	<b>Relevant date</b>
Hon MA Fung-kwok, SBS, JP	Up to 23 October 2017
Hon LAU Kwok-fan, MH	Up to 23 October 2017
Hon Wilson OR Chong-shing, MH	Up to 23 October 2017
Hon YUNG Hoi-yan	Up to 24 October 2017
Hon LEUNG Che-cheung, SBS, MH, JP	Up to 24 October 2017
Hon POON Siu-ping, BBS, MH	Up to 24 October 2017
Dr Hon CHIANG Lai-wan, JP	Up to 24 October 2017
Hon HO Kai-ming	Up to 24 October 2017
Hon LUK Chung-hung	Up to 24 October 2017
Hon Jeffrey LAM Kin-fung, GBS, JP	Up to 24 October 2017
Hon Paul TSE Wai-chun, JP	Up to 25 October 2017
Hon Tony TSE Wai-chuen, BBS	Since 21 March 2018
Hon Gary FAN Kwok-wai	Since 26 March 2018