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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 2020-2021 Legislative Council ("LegCo") session. It will be tabled at the meeting of 20 October 2021 of the Council 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 13 members, with Hon Vincent CHENG Wing-shun and Hon Paul TSE Wai-chun elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix II**.

Major Work

Waste management

Waste management strategies

4. At the meeting on 25 January 2021, the Administration briefed the Panel on its strategies and work on waste management. The Administration further updated the Panel on the progress of strengthening waste reduction and recycling support at community level at the meeting on 27 September 2021.

Issues relating to waste management were also brought up when the Panel received briefings by the Secretary for the Environment on the Chief Executive's 2020 Policy Address at the meeting of 28 December 2020. Members generally agreed with the direction of the Administration's work on waste management and called on the Administration to set targets for different fronts of waste management in the new long-term strategy blueprint,¹ with a view to enabling an objective assessment of the effectiveness of relevant measures in future.

5. One major focus of members' concerns was the Administration's strategy to manage waste plastics and promote a "plastic-free" culture. Members suggested the Administration enhance the Plastic Shopping Bag ("PSB") Charging Scheme to further reduce PSB disposal and consider banning the sale of products containing microbeads. They also requested the Administration to step up publicity and public education on the use of reusable tableware, and cooperate with the retail and e-commerce industries in reducing the use of packaging materials.

6. The Administration advised that it was considering various ways to further reduce the use of PSBs, including tightening the scope of exemption under the PSB Charging Scheme. Moreover, the Administration had completed a consultancy study in March 2020 to review the international trend of controlling personal care and cosmetic products ("PCCPs") containing microbeads, collate and analyse relevant local market information, and recommend viable control options for Hong Kong. Based on the consultant's recommendations, the Administration would launch a two-year voluntary scheme in 2021 for phasing out PCCPs containing microbeads. The Administration would review the effectiveness of the voluntary scheme at a later stage to ascertain the need for introducing legislative control on microbead-containing products. As regards the producer responsibility scheme ("PRS") on plastic beverage containers ("PPRS"), subject to the consultation outcomes,² the Administration would proceed to draft the enabling legislation. Further, a Reverse Vending Machine ("RVM") Pilot Scheme was rolled out in January 2021 to test out the practical application of RVMs in Hong Kong, with the provision of instant rebate via e-payment to encourage the public to return their used plastic beverage containers.

¹ After the Panel meeting on 25 January 2021, the Administration announced on 8 February 2021 the Waste Blueprint for Hong Kong 2035 ("the Waste Blueprint"). Setting out the vision of "Waste Reduction·Resources Circulation·Zero Landfill", the Waste Blueprint outlines the strategies, goals and measures to tackle the challenge of waste management up to 2035.

² The Administration launched a three-month public consultation on PPRS in 2021.

7. Individual members had also suggested that the Administration should:
- (a) minimize adverse business impact when considering to tighten the scope of existing PRSs or introduce new ones;
 - (b) step up combat against illegal trading activities associated with import and export of waste plastics and other recyclables;
 - (c) establish more Recycling Stations, Recycling Stores and Recycling Spots under the new community recycling network; and enhance publicity of these facilities including the outlets of recyclables collected thereat;
 - (d) provide more resources to strengthen the community waste reduction and recycling support and the outreaching service, in particular for buildings which did not have an owners' corporations or any form of owners/residents organizations or engage a property management company (i.e. the so-called "three nil" buildings);
 - (e) nurture the development of local outlets for recyclables;
 - (f) expand the application of smart recycling technologies and associated facilities in the community recycling network;
 - (g) improve the design and management of recycling bins, develop more waste-to-energy facilities and enhance the environmental monitoring of landfills;
 - (h) explore with the Development Bureau ways to encourage the setting up of resource recovery facilities in new and existing domestic premises; and
 - (i) provide more support for the recycling industry to enhance their operation standards in the collection of recyclables, and provide price subsidies for recyclables as appropriate.

8. The Administration had taken note of members' suggestions above and stressed that it would continue to maintain close communication with the relevant trades and bureau/departments in taking forward recycling support measures and exploring new initiatives. It would also endeavour to provide continuous support to the recycling industry through the Recycling Fund.

Producer responsibility scheme on plastic beverage containers

9. At the meeting held on 22 March 2021, the Administration consulted the Panel on the proposed PPRS to require relevant parties in the supply chain of plastic-bottled beverages to take up the eco-responsibilities. The proposed recycling levy to be imposed on beverage suppliers has two components: (a) the recycling fee, to be calculated based on the litre-volume of beverage products, and (b) the rebate, to be offered to the public on return of used containers at return points. Expressing support for the implementation of the scheme, members enquired about the target recycling rate of plastic beverage containers.

10. The Administration advised that the key factors influencing the recycling rate of plastic beverage containers would include the rebate level and the coverage of the network of return points for used containers. The Administration would explore the feasibility of setting a target recycling rate at a later stage having regard to the outcomes of the public consultation, overseas experiences, etc. As observed, the recycling rates of plastic beverage containers ranged from about 50% to 90% in places with similar product eco-responsibility schemes.

11. Members noted that based on the initial guesstimates on the recycling fee projected by the government-appointed consultant, if the rebate level was set at \$0.1 per container, the recycling levy would be around \$0.5 to \$0.65 per 500-ml container (i.e. the recycling fee component would account for around \$0.4 to \$0.55). Some members expressed concern that the proposed rebate level at \$0.1 per container might not provide sufficient incentive for the return of used containers. There was a suggestion that the Administration might consider providing subsidies for the rebate, so as to minimize the impact that the additional costs arising from the recycling levy on beverage suppliers would be passed onto consumers. The Administration advised that it would carefully consider all relevant factors when determining the rebate level. In other places with similar product eco-responsibility schemes, the rebate mechanisms were generally simple, and it was not a common practice to provide government subsidy for the rebate.

12. Under the proposed PPRS, stores with retail floor area of not less than 200 sq m would be required to provide take-back and rebate redemption services (if pre-packaged plastic-bottled beverages were sold at those stores). Members noted that some members of the retail industry (including The Hong Kong Retail Management Association) opposed the proposal for reasons such as the high operating costs involved, potential environmental hygiene problems given rise by storage and transportation of used containers, and alternative locations such as domestic premises and roadside facilities for depositing plastic beverage containers. Members also sought justifications for introducing a rebate system

instead of a deposit-refund system (commonly referred to as "deposit-and-return" system).

13. The Administration advised that many retailers in Hong Kong were small and medium enterprises with rather limited shop space. It did not seem practicable to require these retailers to provide the take-back and rebate redemption services. It was therefore proposed that only stores with retail floor area of not less than 200 sq m be required to provide such services. The Administration would continue to explore the options for designated return points and discuss the arrangements with the retail sector. As regards the suggestion of putting in place a deposit-refund system, it would entail more complex back-end logistics and accounting challenges (especially for small and medium enterprises), considering that plastic-bottled beverages were usually consumed on the go, and used containers might not be returned to the same stores where the beverages were purchased from.

Voluntary Scheme for Phasing Out Personal Care and Cosmetic Products Containing Microbeads

14. At the meeting on 24 May 2021, the Administration updated the Panel on the progress of implementing a voluntary scheme for phasing out personal care and cosmetic products containing microbeads. The objective of the voluntary scheme is to encourage the trade to stop the production, importation and sale of such products, and to enhance public awareness on the subject.

15. While some members supported phasing out PCCPs containing microbeads by a voluntary approach, most other members queried the effectiveness of such approach in controlling the import/sale of PCCPs containing microbeads, in particular import/sale by parallel traders. These members considered that the Administration should impose legislative control on such products, given that the majority of imported PCCPs were free of microbeads and hence the business impact on relevant trades should be limited. There were concerns that Hong Kong might risk becoming a dumping ground for PCCPs containing microbeads in the absence of legislation for regulating such products when some other jurisdictions had already progressively implemented different forms of regulatory measures to control microbeads.

16. The Administration explained that similar schemes implemented in other jurisdictions had yielded highly positive results in phasing out products containing microbeads. The voluntary scheme was expected to encourage the trades to collaborate with the Administration in phasing out microbead-containing PCCPs progressively. The Administration could obtain the necessary market information on PCCPs during the implementation of the voluntary scheme and the experience gained would be useful for preparing the

future regulation of PCCPs containing microbeads if pursued. The regulatory approach would involve formulating the legislative and enforcement approach/scope, establishing testing standards, etc. In view of the complexity of the local market with parallel import trades and that there was no requirement on compulsory declaration and labelling of product ingredients at present, a long lead time would be required to implement a new legislative control. On balance, the voluntary scheme would be a more appropriate and expeditious arrangement. Nonetheless, the Administration would keep in view the results achieved through the voluntary scheme and would not rule out the possibility of introducing legislative control. The Administration also advised that given the limited shelf-life of PCCPs as well as the wide availability of microbead-free alternatives in the market, it was unlikely that the trades could take advantage of the legal vacuum and reap benefits by dumping PCCPs containing microbeads in Hong Kong or hoarding such products.

Scheme on Regulation of Disposable Plastic Tableware

17. The Administration launched a two-month public consultation on 9 July 2021 to consult the public, the trades and other relevant stakeholders on the Scheme on Regulation of Disposable Plastic Tableware ("the proposed regulation scheme"). The proposed regulation scheme will cover nine types of disposable plastic tableware ("DPT"), namely expanded polystyrene ("EPS") tableware, straws, stirrers, cutlery (e.g. forks, knives and spoons), plates, cups, cup lids, food containers (e.g. bowls and boxes), and food container covers. "Plastic substitutes" such as oxo-degradable plastics and biodegradable plastics would also be covered. The proposed scope of the first phase of the regulation scheme (expected to be launched in around 2025) includes (a) banning local sale of disposable EPS tableware to local end-consumers and provision of EPS tableware by catering premises to customers; (b) banning provision of DPT by catering premises to dine-in customers; and (c) banning provision of certain types of DPT by catering premises to customers for takeaway services. In the second phase, a complete ban would be imposed on the provision of all types of DPT for dine-in and takeaway services.

18. The Panel received a briefing on the proposed regulation scheme at the meeting on 23 August 2021. Members expressed support for the general direction of the scheme and urged the Administration to draw up clear standards for the types of DPT to be regulated as well as the alternatives that would be allowed to be provided to customers by catering operators ("acceptable alternatives") so that the trades could prepare well for the transition. Members also called on the Administration to ensure that non-plastic disposable tableware alternatives were available in the local market at reasonable prices before implementing the scheme; and to provide more information on the scheme's economic impact and long-term benefits in quantifiable terms.

19. The Administration advised that, as a general principle only products without any plastic content would be considered acceptable alternatives. The Administration had discussed with the catering trade and tableware suppliers, and they generally had clear understanding of the materials that were acceptable alternatives. The Administration would set out clear standards for acceptable alternatives under the scheme, with reference to the standards adopted by other jurisdictions for similar schemes, and the general practices of the local catering trade as well as other parties in the supply chain of tableware.

20. The Administration pointed out that non-plastic alternatives for disposable straws and stirrers cost about the same as their plastic counterparts. For other types of disposable tableware, while some of the acceptable alternatives cost more than DPT due to the smaller quantities manufactured and supplied to Hong Kong, it was envisaged that their costs would drop gradually as they became mainstream products with the implementation of the proposed regulation scheme. In addition, more consumers might reduce the use of disposable tableware after the scheme's implementation, which would lead to cost savings. In view of the above, the Administration considered that the business and economic impacts of the proposed regulation scheme would be within an acceptable range.

Extension of West New Territories Landfill

21. While the Administration aims to achieve, among others, the goal of "zero landfill" in the Waste Blueprint, Hong Kong still needs to have adequate landfill capacities to meet the waste disposal need in the short to medium term before sufficient waste-to-resources/energy facilities were made available. At the meeting on 22 February 2021, the Administration briefed the Panel on the proposals of extending the West New Territories ("WENT") Landfill as well as refurbishing and upgrading three refuse transfer stations ("RTSs"), i.e. West Kowloon transfer station, Island West transfer station and Island East transfer station.³

22. Members reckoned the need to take forward the WENT Landfill extension as currently the total treatment capacity of waste treatment and recycling facilities that were in operation or under development could not cope with all the municipal solid waste ("MSW") generated in Hong Kong each day. Members urged the Administration to reduce Hong Kong's reliance on landfilling.

³ The public works proposal covering the three RTSs were subsequently approved by the Finance Committee ("FC") on 24 March 2021 whereas the WENT Landfill extension was approved by FC on 10 September 2021.

23. The Administration advised that a key plank of the Administration's long-term strategies for waste management was to reduce reliance on landfilling through the development of waste-to-resources/energy infrastructure. The Integrated Waste Management Facilities (to be named as I•PARK) was under construction and expected to commence operation in 2025. The Administration would soon commence a study on the planning procedure for the development of new waste-to-resources/energy infrastructure. Assuming that waste-to-energy infrastructure with adequate treatment capacity would be in place, Hong Kong would no longer require landfills for direct disposal of MSW (save MSW that was non-combustible and could not be recycled or reused) by mid-2030s. The achievement of the "zero landfill" target would also depend on other factors, such as the degree of public participation in waste reduction and recycling initiatives and the development progress of other waste treatment or recycling facilities.

24. Members called on the Administration to minimize the environmental nuisances arising from the operation of the WENT Landfill, in particular by improving the transport networks connecting the WENT Landfill and enhancing the control of pollution from waste vehicles (especially those operated by private waste collectors).

25. The Administration advised that, as far as the WENT Landfill was concerned, the measures below had been/would be implemented to mitigate the environmental nuisances caused by waste vehicles:

- (a) the proportion of waste transported by sea to the WENT Landfill had reached about 90%, which was higher than the Administration's previous pledge of no less than 80%. The Administration would continue to explore the feasibility of increasing the proportion of waste transported by sea;
- (b) waste transported by road to the WENT Landfill was mainly odourless waste collected in the vicinity of Butterfly Beach and Tuen Mun. The number of waste vehicles passing through Lung Kwu Tan had been reduced by 100 vehicles per day to an average of about 180 vehicles per day;
- (c) cleaning of the road section between Lung Kwu Tan Village and the WENT Landfill had been stepped up, and deep cleansing at the roadsides of Lung Kwu Tan Road was conducted from time to time. The Administration would continue to strengthen inspection of the environmental hygiene conditions of the road sections concerned and enforcement against non-compliance; and

- (d) regarding enhancement of transport infrastructure in the vicinity of the WENT Landfill, the feasibility study for the upgrading of Deep Bay Road, Nim Wan Road (North) and Nim Wan Road (South) to a standard single two-lane carriageway had been completed, and the project would be carried out in phases.

Management of restored landfills

26. The Restored Landfill Revitalisation Funding Scheme ("the Funding Scheme") has been providing funding support to eligible organizations for development of recreational facilities or other suitable afteruses at restored landfills in Hong Kong, with a view to providing a practical alternative for the effective use of restored landfills. When the Panel discussed the public works proposal on the E-Co Village at Lot B of Tsueng Kwan O Stage I Landfill at the meeting of 23 November 2020,⁴ members exchanged views with the Administration on the implementation of the Scheme.

27. The Panel supported in principle the direction to utilize restored landfills effectively. Some members however observed that the Administration had not heeded suggestions to make use of restored landfills to address the more pressing needs of the community. In particular, these members urged the Administration to consider development of agricultural afteruses on restored landfills. Some other members advocated relocation of the Fanling Golf Course, so that the site could be used for housing development to ease housing shortage, while developing one of the three existing strategic landfills into a golf course in future.

28. The Administration advised that it had been endeavouring to identify suitable afteruses of restored landfills, with a view to fully utilizing the available land. In general, only flat areas, which constituted a small portion of restored landfills, were suitable for afteruse development. Therefore, restored landfills in Hong Kong were normally unsuitable for development into a large golf course. The Administration would continue to study afteruse options on the remaining undeveloped flat areas of restored landfills. While using restored landfills for large-scale farming was rare in other countries, the Administration was exploring the possibility of setting up garden plots on suitable restored landfills for small-scale farming activities.

⁴ The proposal was subsequently approved by FC on 25 June 2021.

Air quality

Clean Air Plan for Hong Kong 2035

29. To continuously improve air quality, the Government announced the Clean Air Plan for Hong Kong 2035 ("the Plan") in June 2021, which set out the vision of "Healthy Living • Low-carbon Transformation • World Class". Two major targets of the Plan are to transform Hong Kong into a more liveable city with air quality on par with major international cities by 2035, and meet the ultimate targets under the Air Quality Guidelines of the World Health Organization. There are six major areas of action under the Plan, namely green transport, liveable environment, comprehensive emissions reduction, clean energy, scientific management, and regional collaboration. At the meeting on 19 July 2021, the Administration briefed the Panel on the key measures of the Plan.

30. Members in general expressed support for the implementation of the Plan. They urged the Administration to continue to step up efforts to reduce air pollutant emissions from public transport vehicles, with a view to improving roadside air quality. For instance, the Administration should expedite the adoption of new energy vehicles ("NEVs") for public light buses ("PLBs"), set up franchised bus low emission zones in more areas, and study how to facilitate the application of hydrogen energy for transport in Hong Kong.

31. The Administration advised that its long-term goal was to achieve zero vehicular emission before 2050, and this necessitated the popularization of NEVs in place of conventional fuel-propelled vehicles. In pursuit of this goal and to progressively improve roadside air quality, the Administration would promote the general adoption of low-emission or zero-emission franchised buses in the entire territory, instead of within low emission zones only. The Administration had also put in a great deal of efforts to test out applications of NEVs in public transport, including a pilot scheme on electric PLBs. The technical guidelines for electric PLBs and associated charging facilities had been formulated. The Administration was in the process of identifying suitable routes for trial under the pilot scheme and potential manufacturer(s) for the vehicles. It was envisaged that the trial could be launched in 2023. Separately, since the announcement of the Hong Kong Roadmap on Popularisation of Electric Vehicles ("EV Roadmap"), a franchised bus company had indicated the plan to procure a few hundred double deck electric buses by 2025, while another franchised bus company would actively assess the feasibility of adopting hydrogen fuel cell buses. To support the trials and applications of hydrogen energy in Hong Kong, the Administration endeavoured to draw up relevant standards and regulations as soon as practicable.

Intelligent transport system

32. As traffic congestion exacerbated roadside air pollution, members considered that the Administration should step up efforts to develop intelligent transport systems, such as smart parking systems and smart traffic light systems. For instance, owners or operators of private car parks should be required to provide real-time vacancy/occupancy information of such car parks.

33. The Administration advised that provisions had been incorporated into new land leases as appropriate to require developers to provide the Transport Department with real time parking vacancy information after completion of relevant new development projects with car parks. The Transport Department would soon commence a traffic and transport strategy study, which would support the formulation of policies on the development of the public transport systems by 2050. Topics to be covered by the study would include, among other things, the development of smart traffic light systems and other methods to optimize traffic flow, and the use of innovative transport technologies. The Transport Department planned to conduct a public consultation on the first batch of relevant proposals by the third quarter of 2023.

Cleaner fuel for ocean-going vessels

34. Members enquired about the progress of facilitating or requiring the use of cleaner fuel by ocean-going vessels, and whether the Administration would consider promoting the introduction of liquefied natural gas ("LNG") heavy-duty vehicles into Hong Kong. Some members also expressed concern about the financial impact of the proposed tightening of sulphur content limit of marine light diesel (from not more than 0.05% to not more than 0.001%) on transport operators. Members cautioned the Administration that before launching any schemes to mandate the use of cleaner fuels or switch to new energy sources, it should ensure that there was effective market competition in the supply of those fuels/energy and related equipment.

35. The Administration observed that LNG would be widely adopted in ocean-going vessels across the globe. The Administration would actively explore the provision of offshore LNG bunkering facility for such vessels. If the local adoption of LNG in vessels was successful, it would likely to be feasible to extend the fuel's application to heavy-duty vehicles as well. The Administration adopted an open attitude towards potential applications of LNG in Hong Kong, and would study the issues involved. As regards the proposed tightening of the sulphur content limit of locally-supplied marine fuels, the Administration had discussed relevant issues with the trade in 2020 but had not set any timetable yet for the implementation of the initiative. When formulating the implementation proposal, relevant factors including the impact on the operating costs of transport operators would be taken into account.

Technical Memorandum for Allocation of Emission Allowances for Power Plants

36. To progressively reduce the emissions from power generation, the Administration has been issuing Technical Memoranda ("TMs") under section 26G of the Air Pollution Control Ordinance (Cap. 311) to allocate emission allowances for sulphur dioxide ("SO₂"), nitrogen dioxide ("NO_x") and respirable suspended particulates ("PM10"). At the meeting on 26 April 2021, the Administration consulted the Panel on the proposal to further reduce emission allowances for power plants starting from 1 January 2026 by way of issuing the Ninth TM.⁵ Compared to the Eighth TM, the Ninth TM would tighten the emission allowances for SO₂, NO_x and PM10 by 9%, 10% and 6% respectively for the entire electricity sector.

37. Members enquired about whether the achievement of the emission caps under the Ninth TM would involve additional capital investment by the power companies and the potential impact on electricity tariffs. The Administration advised that the two power companies had been implementing their respective Development Plans relating to the provision and future expansion of electricity supply systems, which were submitted to and approved by the Government in accordance with the Scheme of Control Agreements. The Development Plans covered, among other things, the construction of new gas-fired units and retirement of existing coal-fire units to increase the proportion of gas generation in the fuel mix for electricity generation. The Administration expected that compliance with the Ninth TM would not involve additional capital investment by the two power companies beyond the above Development Plans, or major change to the fuel mix. Therefore, the Ninth TM's impact on electricity tariffs should be insignificant. Nevertheless, it was premature at this stage to make any meaningful assessment on the impact, as the future levels of electricity tariffs would depend on a number of other factors.

Promoting the use of electric vehicles

38. The Administration briefed members on the key measures of the EV Roadmap at the meeting on 26 April 2021. The EV Roadmap set out the following targets and plans:

- (a) stopping new registration of fuel-propelled private cars ("PCs"), including plug-in hybrids and hybrids, in 2035 or earlier;

⁵ The Ninth TM was subsequently tabled before LegCo on 12 May 2021. No subcommittee was formed to study the Ninth TM.

- (b) conducting trials for electric commercial vehicles ("e-CVs"), with a view to setting out a more concrete way forward and timetable for the promotion of e-CVs around 2025; and
- (c) through the work of a task force, keeping abreast of high-end development of new decarbonization technologies globally for formulation of forward-looking policies.

39. Members in general expressed support for the EV Roadmap. There were views that the target dates for discontinuing new registration of fuel-propelled PCs and achieving zero vehicular emissions, which were before 2035 and before 2050 respectively, were too conservative. Individual members also opined that the Administration should:

- (a) assist the public in overcoming the financial and technical difficulties often encountered in the installation of EV charging facilities at parking spaces of existing private residential buildings, including the difficulty in obtaining the consent from other property owners for the installation works and sharing of the associated costs;
- (b) take the lead and promote the installation of EV charging infrastructure in, among others, the car parks of quarters for civil servants and police officers;
- (c) consider making arrangements with the two power companies to offer concessionary electricity tariffs for the charging of EVs;
- (d) encourage major property developers and landlords to provide more public charging facilities in their parking spaces; and
- (e) set a roadmap and targets for the adoption of e-CVs and work out innovative measures with reference to the experiences of neighbouring cities that had successfully electrified commercial vehicles on a large scale.

40. The Administration advised that in future reviews of the EV Roadmap, which would be conducted roughly every five years, the Administration would study the feasibility of advancing the relevant targets having regard to the development progress of NEV technologies. Subject to the development of e-CV technologies and results of the trials, the Administration would endeavour to formulate a more concrete way forward in the coming years for popularization of e-CVs.

41. On the provision of private charging facilities, the Administration advised that the EV-charging at Home Subsidy Scheme would help building owners overcome difficulties in the installation of EV charging-enabling infrastructure in their car parks, which in turn could facilitate the installation of chargers at individual parking spaces. The Administration would actively promote collaboration among relevant stakeholders, including landlords and property management companies, to enhance the provision of public EV charging facilities. It was expected that marketization of EV charging services would also encourage the private sector to provide additional public charging facilities. The Administration further advised that the two power companies were progressively replacing electromechanical metres with smart metres. The smart metres would enable the implementation of peak demand management measures for individual premises, which might include the offering of incentive tariff rates at specific hours for peak shifting.

Mandatory Energy Efficiency Labelling Scheme

42. The Administration has been progressively implementing the "Energy Saving Plan for Hong Kong's Built Environment 2015~2025+", the measures of which include the continued implementation of the Mandatory Energy Efficiency Labelling Scheme ("MEELS"). Currently, the products under MEELS are all electrical appliances. With a view to achieving further potential energy saving, the Administration has proposed to take forward Phase IV of MEELS, expanding the coverage to include gas cookers, gas instantaneous water heaters and light emitting diode ("LED") lamps ("the three product types"). During the transitional period, the test results of product models that have already been registered under the latest edition of the Voluntary Energy Efficiency Labelling Scheme ("VEELS") can be carried forward to MEELS upon application. MEELS Phase IV is expected to be fully implemented in the third or fourth quarter of 2024, upon expiry of the transitional period.

43. At the meeting on 19 July 2021, the Administration reported to the Panel the outcome of the public consultation on the proposed products for Phase IV of MEELS, and consulted the Panel on related legislative amendments. Members in general welcomed the introduction of MEELS Phase IV to help enhance the overall energy efficiency of target products in the market and assist consumers in making informed choices. Given that the three product types had been included in VEELS since at least seven years ago and the trade should be ready for the launch of MEELS Phase IV, some members queried the justification for putting in place a rather long transitional period (i.e. 15 to 18 months) as proposed by the Administration. The Administration was also requested to ensure a seamless transition from VEELS to MEELS for the three product types.

44. The Administration explained that a transitional period of 18 months had been provided during the implementation of each of the first three phases of MEELS. As it would be the first time for MEELS to include gas appliances, the trade had raised that the transitional period under Phase IV should be long enough for them to get prepared, including getting rid of the stock of product models of low energy efficiency. The Administration would continue to maintain close communication with the trade, with a view to expediting the full implementation of MEELS Phase IV.

45. On the transition from VEELS to MEELS, the Administration advised that VEELS for gas cookers and gas instantaneous water heaters was currently operated as a "recognition type" labelling system without differentiation of energy efficiency. The Electrical and Mechanical Services Department would progressively update the requirements under VEELS and adopt the "grading type" labelling system for gas cookers and gas instantaneous water heaters, so that the updated requirements under VEELS would be similar to the requirements under MEELS Phase IV, thereby facilitating a smooth transition of product models registered under VEELS to MEELS.

Nature conservation

Enhanced protection of Green Turtles

46. Green Turtles are one of the endangered species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and thus are protected by local legislation under the Protection of Endangered Animals and Plants Ordinance (Cap. 586). The sandy beach at Sham Wan on Lamma Island is the only site in Hong Kong and one of the few sites in South China Sea at which Green Turtles nest from time to time. In order to minimize disturbance to Green Turtles as well as their nests and eggs, the Administration gazetted the 0.5-hectare sandy beach at Sham Wan on Lamma Island as a restricted area ("Restricted Area") under the Wild Animals Protection Ordinance (Cap. 170) in 1999 to restrict public access to the area between 1 June and 31 October each year ("restricted period"). At the meeting on 23 November 2020, the Administration consulted the Panel on the legislative proposal to expand the Restricted Area and to extend the restricted period for strengthening the protection of Green Turtles.⁶

⁶ The Wild Animals Protection Ordinance (Amendment of Schedule 6) Notice 2020, which sought to expand the Restricted Area and to extend the restricted period, was gazetted on 11 December 2020. No subcommittee was formed by LegCo to study the subsidiary legislation. The subsidiary legislation has taken effect from 1 April 2021.

47. Panel members expressed support for enhancing the protection of Green Turtles and urged the Administration to allocate more resources to strengthening law enforcement of the Restricted Area, and use new technologies such as unmanned aerial vehicles and/or infrared cameras to detect unauthorized entry into the expanded Restricted Area. The Administration was also requested to step up efforts in combating illegal fishing and cleaning up marine refuse.

48. The Administration advised that after expansion of the Restricted Area, patrols would be conducted on the beach as well as in the waters at Sham Wan to combat unauthorized entry. The Agriculture, Fisheries and Conservation Department ("AFCD") had recently set up a dedicated enforcement team at sea with additional vessels and manpower resources for enforcement of regulations relating to fishery and marine parks. The dedicated enforcement team at sea would conduct patrols and take enforcement actions in the expanded Restricted Area during the restricted period if necessary. AFCD would also explore the deployment of remote control surveillance cameras to monitor the sea inlet of Sham Wan.

49. The Administration further advised that habitat management actions were carried out at Sham Wan before the nesting season every year, including clearing of refuse on the beach as well as removal of abandoned fishing nets from the sea inlet. After expansion of the Restricted Area, the Administration would monitor the cleanliness condition of the sea inlet and arrange for marine refuse clean-up operations if necessary. Through the Inter-departmental Working Group on Marine Environmental Management, which was under the steer of the Environment Bureau, the Administration had also strengthened interdepartmental cooperation on tackling marine refuse. To combat illegal fishing, AFCD would continue to strengthen patrols in Hong Kong waters and if necessary conduct joint enforcement actions with the Marine Region of the Hong Kong Police Force. AFCD would also engage local fishermen in publicity and public education activities as well as the gathering of intelligence relating to illegal fishing. After receiving reports of irregularities from local fishermen, AFCD would deploy enforcement staff to the locations concerned as soon as possible.

50. Members requested the Administration to assess and report the effectiveness of the legislative proposal and related measures based on quantifiable indicators after implementation. The Administration advised that as an ongoing measure, the number of Green Turtles nesting at Sham Wan as well as the numbers of eggs and hatchlings would be compared with the data collected in the past. If no nesting activities of Green Turtles were observed in the future 10 years or so, the Administration would review the need for maintaining Sham Wan as a Restricted Area.

Management of wild pigs

51. At the meeting on 28 June 2021, the Administration reported the latest progress of implementation of management plan for wild pigs. The measures included management of wild pig populations through the Capture and Contraception/Relocation Programme ("CCRP") launched in 2017, reduction of food attraction to wild pigs, public education on stop feeding wild animals as well as the promotion of public knowledge about wild pigs, etc.

52. Members requested the Administration to set clear-cut policy, objectives and implementation timetable on its management plan for wild pigs in Hong Kong. They also expressed concern about the small number of wild pigs vaccinated or sterilized for contraception under CCRP so far and urged the Administration to set targets and allocate more manpower resources for the programme.

53. The Administration advised that AFCD conducted a preliminary study in 2017 using infrared camera traps and statistical modeling to estimate the number of wild pigs in the countryside and gather more information for monitoring the population and movement of wild pigs. The scope of this study was extended in 2020 to cover more sites and different seasons and the study was expected to be completed by the end of 2021. AFCD would then discuss with the Wild Pig Management Advisory Group on the strategy to further control the population of wild pigs, including whether a target number should be set. The Administration further advised that since the launch of CCRP, more manpower resources had been allocated to enhance its operations and the number of wild pigs captured and vaccinated/sterilized had been on the rise, with some 300 wild pigs captured and vaccinated/sterilized in 2020-2021.

54. Currently, certain areas such as Kam Shan, Lion Rock and Shing Mun Country Parks were specified as feeding ban areas under the Wild Animals Protection Ordinance (Cap. 170). Any person feeding wild animals in the feeding ban areas was liable to a maximum fine of \$10,000. For feeding of wild animals outside the feeding ban areas, a fine of \$1,500 was imposable under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) if the feeding gave rise to hygiene problems. Members requested the Administration to review the penalties, with a view to imposing a heavier fine and/or imprisonment for more serious or repeated offences. Some members also suggested that the feeding ban be expanded to cover the entire territory.

55. The Administration advised that in considering the suggestion of a territory-wide feeding ban, a host of factors had to be taken into account including enforcement scope, strategy and manpower, as well as the collection

and establishment of evidence. The Administration had discussed related issues with the Wild Pig Management Advisory Group and took the view that it might not be practicable and effective to enforce a territory-wide feeding ban. The Administration considered it more appropriate to educate the public and promote no-feeding of wild animals. In this connection, AFCD had launched a consultancy study in 2021 to analyse the motivation of feeding wild pigs by some members of the public. It was anticipated that the study would be completed by the end of 2022. The Administration also indicated that the Environmental Protection Department ("EPD") would review the relevant penalties with AFCD when appropriate and necessary.

Incense Tree Species Action Plan

56. On 28 June 2021, the Panel received the Administration's briefing on the implementation of the Incense Tree Species Action Plan ("SAP") which was formulated to conserve Incense Tree in Hong Kong, including measures such as installation of tree guards and Infrared Sensor Camera Traps ("IRSCTs") to help prevent illegal felling of the species.

57. Members called on the Administration to continue to strengthen its efforts to protect Incense Tree. Noting that there were no prosecution case and only two arrested persons from 2018 to 2020 in relation to illegal felling of Incense Tree, members requested the Administration to study how to enhance its strategy for bringing illegal fellers to justice, including exploring the use of other methods or technologies for protecting Incense Tree.

58. The Administration advised that in the past, illegal fellers usually wounded the target trees first to induce resin formation and returned after some time to harvest agarwood. Nowadays, illegal fellers tended to indiscriminately cut down the trees to search for agarwood and would not go back to the sites afterwards, making it more difficult for the authorities to track them down and arrest them. This partly explained the reducing numbers of arrested persons and prosecution cases in relation to illegal felling of Incense Tree. Another major reason was enhanced protection for high-risk specimens due to the implementation of SAP.

59. The Administration further advised that since 2017, AFCD had installed over 50 IRSCTs at various strategic locations. Over 30 cases of suspected illegal felling of Incense Tree had been detected by using the systems. Tree guards and IRSCTs had been proved to be effective in deterring illegal felling of Incense Tree, as indicated by the significant reduction in the number of illegal felling cases. Nevertheless, there were still some illegal felling cases involving trees that were neither protected by tree guards nor covered by IRSCTs. AFCD would continue to install more tree guards and IRSCTs progressively to enhance

protection of Incense Tree, and study ways to install IRSCTs (which required electricity supply and Internet connection) at remote countryside. The Administration would also keep an eye on innovative methods for enhancing protection of Incense Tree.

Combat against illegal wildlife trade

60. On 22 March 2021, the Panel received a briefing on a Member's Bill proposed by Hon Elizabeth QUAT to amend the Organized and Serious Crimes Ordinance (Cap. 455) ("OSCO") by adding certain offences under the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) ("PESAPO") to Schedule 1 to OSCO, with a view to strengthening the combat against illegal wildlife trade. The following effects were expected to be achieved with the above amendments: (a) the enforcement agencies could utilize the powers under section 4 of OSCO to gain access to materials related to the investigation of wildlife crimes; (b) the court could confiscate the proceeds of wildlife crimes; and (c) the court could pass enhanced sentences for wildlife crimes charged under PESAPO when they were related to organized crimes. The Panel noted that the proposed Bill was supported by many local and overseas organizations in wildlife conservation, including the 16 members of the Hong Kong Wildlife Trade Working Group.

61. Members exchanged views with the Administration regarding enforcement difficulties under the existing regime of PESAPO. The Administration advised that to successfully prosecute a person for violating PESAPO, the prosecution must prove that the person had knowingly imported or arranged to import the controlled species into Hong Kong. As the consignees of illegal endangered species cargoes were usually shipping and logistics companies which arranged for re-export of the cargoes on the instructions of third parties, it was sometimes difficult to gather sufficient evidence to prove the mens rea of the consignees and track down the masterminds of the wildlife crimes if they were located in other jurisdictions. Noting the Administration's views and the merits of the proposed Bill, members supported the legislative proposal in principle to strengthen the Administration's enforcement capability for wildlife crimes.

62. The relevant bill, i.e. the Organized and Serious Crimes (Amendment) Bill 2021, was subsequently introduced into LegCo on 7 July 2021 and passed at the Council meeting of 18 August 2021. The Organized and Serious Crimes (Amendment) Ordinance 2021 has come into operation on 27 August 2021.

Enhancing quality of coastal waters of Victoria Harbour

63. The Administration commenced in 2016 a consultancy study on further enhancing the quality of coastal waters of Victoria Harbour. In December 2017, the Panel received a briefing on the initial findings and recommendations of the consultancy study. The Administration further briefed the Panel on 24 May 2021 regarding its proposed measures for enhancing the quality of coastal waters of Victoria Harbour and the implementation plan.

64. While members commended the Administration for its successful efforts to improve the overall water quality of Victoria Harbour, they observed that there were still frequent complaints about odour problems along coastal areas, such as the Tsuen Wan waterfront. Members suggested that the Environment Bureau/EPD should:

- (a) treat and disinfect water collected through the stormwater drainage system before discharging into the marine waters;
- (b) collaborate with the Food and Environmental Hygiene Department on publicity and public education, with a view to preventing pollutants from entering stormwater drains due to cleaning activities in public places and back alleys, such as dishwashing by eateries;
- (c) remove floating refuse trapped in seawalls;
- (d) strengthen interdepartmental coordination and community involvement in identifying and rectifying building sewer misconnections; and
- (e) expedite the implementation of pollutant interception projects (such as in areas near Tsuen Wan waterfront).

65. The Administration advised that large-scale pollutant interception facilities, projects of which had been/would be taken forward in different areas, had been proven effective in enhancing coastal water quality. The Administration would endeavour to complete the projects as early as practicable. The Administration was conducting trials of compact pollutant interception facilities at the stormwater drainage system near non-point pollution sources. If the facilities were confirmed by the trials to be effective, the Administration would consider installing them extensively near the non-point pollution sources of coastal areas.

66. The Administration further advised that the Buildings Department had enhanced the functions of its Building Condition Information System to more systemically monitor the progress of individual cases of suspected building sewer misconnection. The Buildings Department and EPD had also strengthened coordination through several measures, including establishing a joint inspection mechanism to enhance the efficiency of site inspections for identification of the sources of illegal discharge of foul water and locations of sewer misconnections in buildings. The Administration would also continue to step up publicity and public education on the proper way of discharging wastewater.

67. As regards tackling of marine refuse, the Task Force on Marine Refuse under the Inter-departmental Working Group on Marine Environmental Management (which was chaired by the Permanent Secretary for the Environment and comprised representatives of EPD and other relevant government departments) coordinated interdepartmental efforts to ensure timely removal of floating refuse and shoreline refuse. The task force also assessed the cleanliness of different coastal sites for implementation of targeted improvement measures.

Implementation of the Minamata Convention in Hong Kong

68. In order to regulate mercury trading as soon as possible for the purpose of implementing the Minamata Convention ("the Convention") (which was developed by the United Nations Environment Programme to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds) in Hong Kong, the Administration adopted a two-phase approach by first amending the relevant schedules of the Import and Export (General) Regulations (Cap. 60A) in 2020 under Phase One, followed by introducing the Mercury Control Bill in Phase Two to address those obligations of the Convention (such as prohibition of manufacture of mercury-added products and control of storage of mercury and mercury compounds) not enforceable under the existing regulatory or administrative frameworks of Hong Kong, and to prescribe the regulation of the import and export of mercury in greater detail.

69. On 25 January 2021, the Administration briefed the Panel on the Mercury Control Bill. Members supported the legislative proposal and discussed the regulatory scope of the Bill and its potential impact on the relevant trades in Hong Kong. They urged the Administration to maintain communication with the trades on the implementation of the Convention and step up education on recycling of mercury-added products.

70. The Administration advised that with the prohibition of manufacture, import and export of the Convention-listed mercury-added products under the Bill, it was envisaged that such products would be phased out in Hong Kong. The Bill would further prohibit the supply of such products three years after the Bill had come into effect so as to exhaust the existing stock of mercury-added products within a reasonable period of time. In view that there was no known local use of mercury in mercury-added products and manufacturing processes, and taking into account the widely available mercury-free alternatives for most of the mercury-added products in the market, the impact of the Bill on the general public as well as the relevant trades should be minimal. The Administration also advised that certain mercury-added products such as rechargeable batteries and compact fluorescent lamps/tubes were recyclables that could be collected and properly handled under existing recycling arrangements or programmes.

71. The Mercury Control Bill was subsequently introduced into LegCo on 5 May 2021 and no bills committee was formed to scrutinize the Bill. The Bill was passed at the Council meeting of 23 June 2021.

Management of environmental noise

72. On 23 August 2021, the Administration briefed the Panel on the existing legislation and management practices in controlling noise nuisance caused by shop keepers crying their wares in public places and noise from domestic premises, as well as the application of innovative technologies to improve the efficiency of environmental noise management by EPD. For instance, portable acoustic cameras have been introduced in 2021 to measure the noise levels of each noise source within the view of the acoustic camera, from construction sites, commercial or industrial premises. At the meeting on 27 September 2021, the Administration further briefed the Panel on its application of other innovative technologies in protecting the environment.

73. In relation to management of environmental noise, some members suggested the Administration review the Noise Control Ordinance (Cap. 400) comprehensively with a view to increasing the penalty level for offences related to noise nuisances, strengthen enforcement actions and develop a platform to facilitate collaboration among government departments concerned in enhancing the procedure for handling domestic noise complaints, and promote reconciliation between the parties in dispute.

74. The Administration advised that domestic noise complaints were usually more complicated than other types of noise complaints. One of the major reasons was that the intervention of a third party, especially law enforcement officers, might worsen the relationship between neighbours, leading to more

complicated and serious issues in future. The Administration had therefore adopted a strategy with a strong focus on public education. In this connection, the Administration had prepared a set of guidelines on reducing noise in domestic premises and would promulgate the guidelines to enhance public awareness of noise in everyday life and educate the public on the ways to avoid creating noise nuisances. The Administration would also reach out to property management companies, residents' associations and owners' committees (especially those of buildings with many noise complaints), and provide them with information and publicity materials on issues of noise in domestic premises and how to deal with such noise. The Administration would review the effectiveness of the above strategy and consider whether there was a need to amend the Noise Control Ordinance at a later stage. The Administration would also study whether the use of portable acoustic cameras could also enhance the efficiency of handling domestic noise complaints.

75. Apart from the application of innovative technologies to improve the efficiency of environmental noise management, members urged the Administration to make use of innovative technologies and enhance inter-departmental cooperation to better tackle other environmental problems, such as fly-tipping of construction and demolition waste, and odour nuisance given rise by emission of volatile organic compounds. The Administration took note of the members' views and suggestions.

Other issues

Public works proposals

76. Apart from the public works proposals mentioned in paragraphs 21 and 26 above, the Panel was also consulted on the following public works proposals during the session:

- (a) retrofitting of noise barriers on Po Lam Road North and Po Ning Road;⁷ and
- (b) North District, Lamma Island and Lantau sewerage, and the construction and rehabilitation of sewage rising mains in Yuen Long, Tai Po Kau and Yau Tong.⁸

⁷ The proposal was subsequently approved by FC on 21 May 2021.

⁸ The proposals were subsequently approved by FC on 21 May and 25 June 2021.

Meetings held

77. From 16 October 2020 to 12 October 2021, the Panel held a total of 13 meetings, including an informal meeting for policy briefing by videoconferencing. The Panel also conducted a visit to several waste treatment and recycling facilities on 17 August 2021 to under their latest development.⁹

Council Business Division 1
Legislative Council Secretariat
8 October 2021

⁹ The facilities visited include O·PARK1, T·PARK, Y·PARK and GREEN@TUEN MUN.

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 2020-2021 session*

Chairman Hon Vincent CHENG Wing-shun, MH, JP

Deputy Chairman Hon Paul TSE Wai-chun, JP

Members Hon WONG Ting-kwong, GBS, JP
 Hon CHAN Hak-kan, SBS, JP
 Hon Steven HO Chun-yin, BBS, JP
 Hon Frankie YICK Chi-ming, SBS, JP
 Hon KWOK Wai-keung, JP
 Hon Elizabeth QUAT, BBS, JP
 Ir Dr Hon LO Wai-kwok, GBS, MH, JP
 Dr Hon Junius HO Kwan-yiu, JP
 Hon SHIU Ka-fai, JP
 Hon Kenneth LAU Ip-keung, BBS, MH, JP
 Hon Tony TSE Wai-chuen, BBS, JP

(Total: 13 members)

Clerk Ms Angel SHEK

Legal Adviser Mr Mark LAM

* Changes in membership are shown in Annex.

Annex to Appendix II

Panel on Environmental Affairs

Changes in membership

Member	Relevant date
Hon IP Kin-yuen	Up to 20 October 2020
Dr Hon Fernando CHEUNG Chiu-hung	Up to 21 October 2020
Hon SHIU Ka-chun	Up to 21 October 2020
Prof Hon Joseph LEE Kok-long, SBS, JP	Up to 10 November 2020
Hon Charles Peter MOK, JP	Up to 10 November 2020
Hon HUI Chi-fung	Up to 11 November 2020
Hon Jeremy TAM Man-ho	Up to 11 November 2020
Hon James TO Kun-sun	Up to 12 November 2020
Hon Claudia MO	Up to 12 November 2020
Hon WU Chi-wai, MH	Up to 12 November 2020
Dr Hon Helena WONG Pik-wan	Up to 12 November 2020
Hon Andrew WAN Siu-kin	Up to 12 November 2020
Hon LAM Cheuk-ting	Up to 12 November 2020
Hon KWONG Chun-yu	Up to 12 November 2020
Hon Tommy CHEUNG Yu-yan, GBS, JP	Up to 23 November 2020
Hon CHAN Kin-por, GBS, JP	Up to 1 December 2020
Hon WONG Kwok-kin, GBS, JP	Up to 1 December 2020
Hon YIU Si-wing, SBS	Up to 2 December 2020
Hon Jimmy NG Wing-ka, BBS, JP	Up to 2 December 2020
Hon POON Siu-ping, BBS, MH	Up to 2 December 2020
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP	Up to 3 December 2020
Hon MA Fung-kwok, GBS, JP	Up to 3 December 2020
Hon Martin LIAO Cheung-kong, GBS, JP	Up to 6 December 2020
Hon Christopher CHEUNG Wah-fung, SBS, JP	Up to 6 December 2020
Hon Jeffrey LAM Kin-fung, GBS, JP	Up to 9 December 2020
Hon Wilson OR Chong-shing, MH	Up to 5 January 2021

For **changes in LegCo Membership**, please refer to the link below:

(<https://www.legco.gov.hk/general/english/members/yr16-20/notes.htm>)