

**Confirmed Minutes of the 102<sup>nd</sup> Meeting of  
the Advisory Council on the Environment  
held on 13 January 2003 at 2:30 p.m.**

**Present:**

Prof. LAM Kin-che, JP (Chairman)  
Prof. Peter HILLS  
Prof. HO Kin-chung  
Mr. Peter Y. C. LEE  
Mr. LIN Chaan-ming  
Prof. LUNG Ping-yee, David, SBS, JP  
Dr. NG Cho-nam  
Mrs. Mei NG  
Mr. Otto L. T. POON  
Mr. Michael J. D. RUSHWORTH  
Ms. Iris TAM, JP  
Prof. WONG Tze-wai  
Prof. WONG Yuk-shan, JP  
Miss Alex YAU  
Ms. Jessie WONG (Secretary)

**In Attendance:**

Dr. Sarah LIAO, JP	Secretary for the Environment, Transport and Works
Mrs. Rita LAU, JP	Permanent Secretary for the Environment, Transport and Works (Environment)
Mr. Donald TONG	Deputy Secretary (E)1, Environment, Transport and Works Bureau (ETWB)
Mr. Thomas CHOW	Deputy Secretary (E)2, ETWB
Mr. Rob LAW, JP	Director of Environmental Protection
Mr. C CLAY	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department
Mr. TAM Po-yiu	Assistant Director (Technical Services), Planning Department
Dr. Constance CHAN	Assistant Director, Department of Health
Mr. Roy TANG	Administrative Assistant to Secretary for the Environment, Transport and Works
Mrs. Belinda HUI	Chief Information Officer, ETWB
Ms. Polly LEUNG	Principal Information Officer, Environmental Protection Department (EPD)
Miss Petula POON	Chief Executive Officer (E), ETWB
Mr. Eddie CHENG	Executive Officer (E), ETWB

**In Attendance for Agenda Item 4 :**

Ms. Annie CHOI Principal Assistant Secretary (Environment)2,  
ETWB  
Mr. Henry CHAN Chief Engineer/Port Works, Civil Engineering  
Department  
Mr. Lawrence LAU Principal Environmental Protection Officer, EPD

**In Attendance for Agenda Item 5 :**

Mr. CHAN Yau-ning Senior Marine Officer/Legislation and Prosecution,  
Marine Department

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The Chairman wished everybody a Happy New Year and welcomed Dr. Sarah Liao, Secretary for the Environment, Transport and Works and her Administrative Assistant, Mr. Roy Tang, to the meeting. He also welcomed Prof. David Lung and Prof. Wong Tze-wai who had newly joined the Council.

Policy Agenda

2. Dr. Liao referred to the Chief Executive's Policy Agenda which had been sent to Members before the meeting and briefed them on the environmental portfolio. The main issues discussed included a closer working relationship with Guangdong on environmental and transport matters; introduction of a pilot emissions trading scheme; implementation of the polluter pays principle and introduction of a landfill charging scheme for construction and demolition waste; introduction of a pilot scheme on wet-and-dry garbage sorting; promulgation of a comprehensive nature conservation policy and a wider application of renewable energy. Dr. Liao also explained that the Council for the new term had been reduced in size to facilitate more in-depth discussions so that in addition to examination of environmental impact assessment (EIA) reports, it could play a more significant role in advising the Government through her on environmental policies.

3. The Chairman expressed concerns on cross-border issues, in particular problems arising from the different fuel standards adopted in Hong Kong and the Mainland and the practice that separate EIA reports were prepared for cross border projects according to different requirements of the two governments. Some Council Members also expressed the wish to have access to EIA reports on cross border projects prepared by the Mainland side. In response, Dr. Sarah Liao explained that it would take some time for the Mainland authorities to adopt the ultra-low sulphur fuel because some of the vehicles in the Mainland were not up to the required standard. Nonetheless,

a programme was in place in the Mainland to lower the sulphur content of the fuel. In addition, Hong Kong vehicles would not be able to use substandard fuel once they had been retrofitted with a catalytic converter as such fuel would damage the converter. That could help to deter use of fuel of inferior quality. As regards EIA, the Central People's Government had recently passed a regulation to enhance the transparency of the EIA process. They would draw references from the EIA mechanism in Hong Kong where appropriate.

4. A Member commended Dr. Liao for her efforts in promoting the interest of Hong Kong people. On waste reduction, he suggested using some of the vacant lands in the New Territories as venues for converting municipal waste into fertilizer and conducting other recycling work. He also pointed out that it would be wasteful to use construction and demolition materials for reclamation projects because there might be demand for such materials for construction projects in other places. In response, Dr. Liao pointed out that EPD was considering using new technologies to convert municipal waste into fertilizer but to avoid causing nuisance to nearby residents, setting up such kind of processing facilities would require careful planning. The Government was planning to set up a Recovery Park to facilitate waste recycling and would strive to reuse C&D materials in public works projects as far as practicable.

5. A Member pointed out that the proposed bridge linking Hong Kong, Macao and Zhuhai should be implemented as soon as possible as it was crucial to the development of the three places. Dr. Liao agreed with the Member's views and asked Members to support the project and help clarify misconceptions about its environmental aspects reported by the press.

6. Pointing out that some past consultancy studies conducted by consultants were rather expensive and not always cost effective, a Member suggested that, where possible, Government should make use of its own experts in departments and academics in local universities for such studies. Another Member agreed with the Member's proposal in light of the budgetary situation of both the Government and universities. He also suggested establishing a centralized database on the baseline conditions of the environment of Hong Kong and that the information should be shared among different studies so as to save cost and manpower. A third Member supplemented that in the past few years, local universities had been doing researches for EPD and other Government departments at a modest charge. In response, Dr. Liao said that the Government had been cooperating with the academics on various environmental programmes. Departments would also strengthen their professional input as far as possible.

7. In response to a Member's enquiry on the indoor air quality

programme, Dr. Liao said that she was reviewing the proposed indoor air quality standards and aiming at launching a voluntary certification soon.

8. A Member commended that the Policy Agenda had set out a lot of environmental initiatives. He was concerned that with increasing cross border infrastructural projects and the development of the logistics industry, the lack of sufficient back-up areas for containers would become more serious. More vacant lands in the New Territories might be used as storage areas and the environment would be adversely affected. Dr. Liao agreed that the lack of back-up areas for containers had caused considerable environmental problems in the New Territories. The Bureau would work closely with the Housing, Planning and Lands Bureau to make sure that there would be more stringent control on the land use in the New Territories.

9. A Member remarked that some issues considered by the Council involved several Policy Bureaux. He was pleased to see that the policies on the environment, transport and works had come under one bureau so that the decision making process would be more efficient. Dr. Liao shared the views and added that since the implementation of the accountability system, the Principal Officers were meeting every morning to discuss issues including cross-bureau issues. As a result, issues that required input of different policy bureaux could be dealt with more efficiently.

10. A Member pointed out that greening and landscaping were important aspects of environmental protection. The Government should consider enhancing the greening efforts in Hong Kong and, if possible, involving the recipients of Comprehensive Social Security Assistance to achieve a dual purpose. In response, Dr. Liao said that an inter-departmental working group chaired by the Works Branch and involving several landscape architects had been formed to formulate measures to enhance greening of Hong Kong as well as the cost-effectiveness of landscape improvement projects. A scheme to encourage private corporations to improve the landscaping of areas in the vicinity of their premises was also under consideration.

11. A Member informed the meeting that the Urban Renewal Authority was considering a strategy on the greening of urban areas and would submit a paper to ETWB in due course.

12. A Member welcomed the plan to introduce a comprehensive nature conservation policy. She considered that the information on ecologically important habitats should not be made confidential so that developers could avoid those sites as far as possible. Furthermore, the issue should not be considered in isolation from land administration because land

use zoning alone was not effective in conserving private land that was ecologically important. Active management measures might be required if Government wanted to better preserve ecologically important habitats that fell within private lots. In response, Dr. Liao explained that it was necessary for information on ecologically important habitats to be kept confidential so as to avoid vandalism on those areas before effective conservation measures were put in place. The Bureau would consult Members on the policy review within 2003 once it was ready.

13. A Member said that a 3% reduction in waste after implementing the waste recycling programme showed that more could be done in that area. The Government should educate the public on reducing and reusing waste. In response, Dr. Liao said that the Government would implement the polluter pays principle and introduce a landfill charging scheme to reduce C&D waste. With the polluter pays principle, parties concerned would need to pay a price for using materials that were not environmentally friendly. Waste would be reduced when people realized that in addition to the goods they purchased, they would also need to pay a cost for the packaging.

14. The Chairman thanked Dr. Liao for briefing Members on the environmental initiatives set out in the Policy Agenda.

### **Agenda Item 1 : Confirmation of Minutes of the 101<sup>st</sup> Meeting held on 5 December 2002**

15. The draft minutes were confirmed without amendment.

### **Agenda Item 2 : Matters Arising**

#### **Para. 3: New term of office – schedule of meetings in 2003 and membership of the EIA Subcommittee**

16. Members endorsed the proposed schedule of meetings for the Council in 2003 which was circulated prior to the meeting.

17. The Chairman informed Members that eight Members had joined the EIA Subcommittee. The membership list was tabled for Members' information. Those that had not signed up were welcome to join any time in future. The Chairman suggested and Members agreed that the Chairman and Deputy Chairman of the EIA Subcommittee would be elected at the first meeting of the Subcommittee. Its meeting schedule would also be considered at that meeting.

#### **Para. 24: Site visit to the Sewage Treatment Works at Stonecutters Island**

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18. The Chairman informed Members that the Secretariat would arrange another visit to the Sewage Treatment Works at Stonecutters Island and notify Members of details in due course.

Secretariat

Para. 31: Provision of additional information on the HATS project

19. The Chairman informed the meeting that the information on the composition of the science assessment team had been forwarded to Members. Other requested information would be provided to Members once available.

20. A Member asked for early submission of the written statement regarding the backwash of the Biological Aerated Filter System. In response, Mr. Donald Tong agreed that the information would be provided to Members once available.

ETWB

Para. 34: The Council's views on the level of fines imposed on flytipping offenders

21. The Chairman reported that the Secretariat had conveyed Members' views on the level of fines imposed on flytipping offenders to the Judiciary.

Para. 38: Clarification on the prosecution of flytipping offences

22. Mr. Tam Po-yiu clarified that within areas covered by Development Permission Area Plans or Rural Outline Zoning Plans, enforcement and prosecution actions could only be taken against pond filling under the Town Planning Ordinance based on the "material change of use" or unauthorized development of the land rather than on the flytipping activities per se.

Para. 41: Information on flytipping offenders

23. The Chairman informed Members that the information would be forwarded to Members once available.

Para. 51: To invite Hospital Authority to brief Members on green management

24. The Chairman informed Members that the Secretariat had invited the Hospital Authority to brief Members on green management. Arrangements would be made once the Hospital Authority was ready for the presentation.

25. Upon a Member's suggestion, Mr. Donald Tong said that the Secretariat would request the Hospital Authority to cover the subject of the handling of clinical waste when they briefed Members on green management.

Secretariat

**Agenda Item 3 : Report of the Environmental Impact Assessment Subcommittee**

*(ACE Paper 1/2003)*

**Outlying Islands Sewerage, Stage I, Works Phase 1 – Ngong Ping Sewage Treatment Works and Sewerage – Environmental Assessment Report for Tung Wan Option and Final Risk Assessment Report**

26. The former Subcommittee Chairman presented the report of the EIA Subcommittee. He informed Members that the two assessment reports in question were circulated to the Subcommittee Members for consideration as a follow-up to the discussion of the EIA report on the Ngong Ping Sewage Treatment Works and Sewerage. The Subcommittee Members endorsed the reports without any conditions.

27. A Member expressed concern about the operation of the sewage treatment plant and its possible impact on water quality. She requested the project proponent to submit a report on the effectiveness of the sewage treatment facilities after the plant had been put into operation.

28. Members endorsed the two assessment reports and supported the above Member's proposal on the understanding that the request should not be taken as a condition of Members' endorsement.

DSD

**Agenda Item 4 : Management of construction and demolition materials**  
*(ACE Paper 2/2003)*

29. The Chairman welcomed the presentation team to the meeting. Ms. Annie Choi presented the progress of the management of C&D materials.

30. In reply to the Chairman's enquiry, Ms. Choi said that the three existing landfills were estimated to have a lifespan of 10 to 15 years if C&D materials could be diverted away from them. Otherwise, their lifespan would be shortened to about five to seven years.

31. In response to the Chairman's further enquiry, Ms. Choi said that Government projects were estimated to produce about half of the total C&D materials. However, in recent years the Works Branch and works

departments had implemented a whole range of measures to reduce the generation of C&D materials.

32. The Chairman asked whether the Administration would expect a decrease in C&D materials as a result of the economic downturn. In response, Ms. Choi pointed out that according to the statistics currently available, the amount of C&D materials generated had not decreased despite the sluggish economic conditions. The amounts of C&D materials generated, measured in million tonnes, were 13.5, 13.8, 14.2 and 15.8 for the years 1999, 2000, 2001 and 2002 respectively. The cause of the upward trend was unclear. One possible reason was the increase in the number of large-scale infrastructure projects during the period mentioned. A Member supplemented that another possible reason was the increase in renovation works as a result of the increasing trend to move offices to areas with lower rentals. Also, many shops changed hands under sluggish economic conditions.

33. A Member suggested that the Government should encourage the use of steel frames instead of bamboo scaffolds in construction projects for the sake of waste reduction. In response, Ms. Choi said that the Bureau would explore the feasibility of the proposal and any other alternative measures that would generate less waste. The Government would take the lead in adopting construction methods that produced less C&D materials. However, those measures would only reduce the amount of C&D waste and there were still problems with soft inert materials such as soil, earth and slurry. A Member suggested the Building Department and other works departments provide incentives to their contractors for using steel frames. Another Member also pointed out that using hard wood as formwork would have serious ecological impacts as many trees had to be felled. A third Member, however, did not support the proposal to replace bamboo scaffolds because it was a traditional construction tool and had provided many job opportunities in the past. While agreeing that steel frames might be more environmentally friendly, he considered it inappropriate for the Government to intervene in such matters.

34. A Member pointed out that the lifespan of reinforced concrete buildings, even with good maintenance, would be limited to about 90 years only. The Government would eventually need to find spaces to accommodate materials or wastes arising from the demolition of such buildings. Another source of demolition materials was new housing units, as owners would usually replace fixtures such as basins and bathtubs provided by developers. The Government should encourage developers to provide empty-shell flats or offer buyers with different options. Another Member shared the Member's views. A third Member reiterated his reservation on direct Government intervention in such matters and pointed

out that very few people would spend money in renovation works at times of economic downturn.

35. Ms. Choi agreed that the empty-shell scheme would help reduce waste generated from subsequent renovation works. She pointed out that the Housing Authority had been implementing a pilot empty-shell scheme for their Home Ownership Scheme flats since 1999. The pilot scheme was stopped only because of the suspension of the sale of Home Ownership Scheme flats.

36. A Member was pleased that the Government had adopted various measures to reduce C&D materials. However, a large amount of those materials was still being disposed of in landfills. Priority should be given to reducing C&D materials instead of finding a place to stockpile them. He suggested three measures to reduce C&D materials namely, to promote good practices in the construction industry by encouraging developers to obtain the ISO 14000 accreditation, to set up an environmental management system and appoint green managers; to implement the landfill charging scheme; and to encourage developers in the Mainland to use C&D materials exported from Hong Kong. Another Member supported the Member's views.

37. A Member considered that the polluter pays principle would be a driving force in promoting waste reduction. The Waste Reduction Committee was also seriously considering the concept of producer responsibility. Ms. Choi emphasized that Government would take the lead to implement waste reduction measures. At present, contractors of Government works projects must work out a Waste Management Plan and the relevant specifications would be further tightened in the coming months. The Bureau was also studying whether waste management should be included in the Pay for Safety Scheme so as to provide financial incentives for implementation of Waste Management Plans. The Buildings Department had published Practice Notes for authorised persons in respect of waste reduction for the private sector. With the introduction of the landfill charging scheme, it was expected that the construction industry would adopt more waste reduction methods to save cost. As regards the proposal to reuse inert materials in Mainland projects, Government had carried out an Expression of Interest exercise in the previous year. A total of 19 proposals had been received and eight proposals were short-listed after initial screening. However, it was necessary for the Government to ascertain whether those projects had the necessary approval documents and EIA studies. Discussion with Mainland Authorities was in progress.

38. Noting that Hong Kong continued to generate a large amount of C&D materials though at a reduced rate, a Member called for a long-term

solution such as forming an artificial island to accommodate the materials. In response, Ms. Choi informed the meeting that the Civil Engineering Department had initiated a study to examine long-term arrangements to accommodate inert C&D materials in the coming three decades. The findings of the study would be reported to the Council once available.

39. A Member commented that although reclamation had negative impacts on the environment, it was an effective way in disposing of inert C&D materials. He suggested raising the level of future reclaimed areas by, say a few metres, so as to accommodate more C&D materials. Another Member queried why marine sand instead of C&D materials were used in recent reclamation projects such as the Disney Theme Park. He also pointed out that some minor road works (such as the re-surfacing of concrete pavements with bricks) were unnecessary. A third Member echoed the second Member's observation on reclamation projects and urged the Government to use C&D materials for future reclamation projects, such as South East Kowloon Development. In response, Ms. Choi clarified that the situation quoted by the second Member happened only in a few special projects with time constraints. At present, for most reclamation projects over 70% of the materials used were inert C&D materials.

40. The Chairman thanked Ms Choi and her team for the presentation and answering Members' questions.

**Agenda Item 5 : Consequential amendment to the Waste Disposal (Charges for Disposal of Chemical Waste) Regulation (ACE Paper 3/2003)**

41. The Chairman welcomed Mr. Chan Yau-ning to the meeting. Mr. Chan then briefed Members on the paper.

42. In reply to a Member's enquiry about residues produced by the processing of fish on board fishing vessels, Mr. Rob Law explained that unless some forms of chemical processing were involved, the residues so generated as described by the Member should not be regarded as chemical waste. The Chairman further clarified that the present proposal would not change the definition of chemical waste as provided under the Waste Disposal Ordinance.

43. A Member asked for the reason for amending the regulation and sought clarifications on points such as the amount and the nature of toxicity of chemical waste that would be exempt from the regulation under amendment and whether vessels that were jointly owned by local and overseas owners would be covered by the Merchant Shipping (Local Vessels) Ordinance. In response, Mr. Chan explained that the new Merchant

Shipping (Local Vessels) Ordinance aimed to combine and update a set of existing regulations governing the safety and operation of local vessels so that parties concerned could in future refer to one set of regulation only. Upon the implementation of the new Ordinance, the existing regulations concerned would be repealed and one of them was Part IV of the Shipping and Port Control Ordinance. Since the Waste Disposal (Charges for Disposal of Chemical Waste) Regulation made reference to Part IV of the Shipping and Port Control Ordinance, it had to be amended so as to avoid referring to a regulation that no longer existed. The proposed amendment, being a straight forward consequential amendment, was technical in nature and would not result in any change to the Waste Disposal (Charges for Disposal of Chemical Waste) Regulation in substance.

44. A Member asked whether opportunity would be taken to tighten the control of dumping of chemical wastes from vessels. In response, Mr. Donald Tong reiterated that the present proposed amendment was a consequential amendment that was purely technical in nature. The Bureau had no intention at the moment to make any other amendments to the Waste Disposal (Charges for Disposal of Chemical Waste) Regulation.

45. Mrs. Rita Lau proposed that the subject officers explain to the two Members the implications of the proposed amendment in greater detail.

ETWB

(Post-meeting notes: ETWB has written to the Members concerned explaining to them the background and implications of the amendment exercise in further details.)

46. Members endorsed the proposed amendment and agreed with Mrs. Lau's proposal.

### **Agenda Item 6 : Any Other Business**

#### **Declaration of Interest**

47. The Chairman briefed Members on the existing one-tier system on declaration of interest which had been adopted by the Council since 1994. ACE Paper 57/1994, which contained details about the system, had been re-circulated to Members for reference before the meeting. The present system required Members to declare interest as and when a need arose and depending on the merits of each case, the Chairman would decide whether the Member concerned could continue to participate in discussion or attend the meeting.

48. A Member had reservation on the current system. She recalled occasions that the Chairman continued to chair the meeting and

some Members continued to participate in discussion after declaring interest. She also queried whether the current system should be applied to informal dialogues; whether the Council should accept written views from Members who had declared interest; and whether there were ways to prevent confidential papers from reaching Members who might have conflicts of interest in a certain project

49. In response, the Chairman stressed that Members and he himself should be mindful of the sensitivity of the issue and the need to maintain the integrity and credibility of the Council. When a Member declared interest, he would determine to what extent the Member could continue to participate in the meeting and would consult other Members in case of doubt. Mrs. Rita Lau pointed out that the present system worked on a trust basis. It provided an avenue for Members to declare interest and where necessary seek abstention or even absence from discussion. A Member said that he had served on other boards and committees and most of them adopted a similar system in handling declaration of interest. He supported maintaining the current system.

50. On the handling of written views submitted by Members who had declared interest, the Chairman indicated that the Council should have access to views expressed by Members including those who had declared interest. But in so doing, the Council should bear in mind the context in which the comments were made.

51. In response to the examples quoted by in paragraph 48, a Member said that it was inappropriate for the Chairman to continue to chair the meeting after declaring interest. However, she recalled occasions in the past that the Chairman, after declaring interest, handed over the chairmanship to another Member. Another Member suggested that if the conflict in interest was related to the organization that the Member represented, the Member concerned should be allowed to participate in the discussion. However, if the interest was personal in nature, the Member should abstain from any discussion on the subject.

52. After further discussion, Members agreed to maintain the current system on declaration of interest.

#### Tentative items for discussion at the next meeting

53. The Chairman informed the meeting that four items were tentatively scheduled for the next meeting, namely emissions trading; renewable energy; beach water quality of Hong Kong in 2002 and proposed amendments to the Ozone Layer Protection Ordinance.

54. A Member suggested that Members should revisit the issue of whether Council meetings should be open to the public. Another Member said that Dr. Sarah Liao should be present when the issue was discussed, as the role of the Council was to advise the Government on environmental policies through her. A third Member also suggested the Council review its remit so as to cover a wider scope of issues. Another Member did not support the third Member's suggestion and pointed out that to avoid unnecessary duplication with other advisory committees, the Council should stick to its own remit. The meeting agreed that it would not be appropriate for the Council to change its own remit.

55. The Chairman invited Members to notify him if they wished to discuss any items in future meetings.

**Agenda Item 7 : Date of Next Meeting**

56. The next meeting was scheduled for 11 February 2003.

**ACE Secretariat  
January 2003**