

**Confirmed Minutes of the 130th Meeting of
the Advisory Council on the Environment
held on 30 November 2005 at 2:30 pm**

Present:

Prof LAM Kin-che, J.P. (Chairman)
Mr James GRAHAM
Prof Howard HUANG
Ms Goretti LAU
Mr Peter Y C LEE
Dr NG Cho-nam, B.B.S.
Mrs Mei NG, B.B.S.
Prof POON Chi-sun
Mr Markus SHAW
Ms Iris TAM, J.P.
Mr TSANG Kam-lam
Ms Josephine CHEUNG (Acting Secretary)

Absent with Apologies:

Prof HO Kin-chung, B.B.S.
Prof Paul LAM
Prof WONG Tze-wai
Prof WONG Yuk-shan, B.B.S., J.P.

In Attendance:

Mr K K KWOK, J.P.	Permanent Secretary for the Environment, Transport and Works (Environment)
Mr C C LAY	Assistant Director (Conservation) Agriculture, Fisheries and Conservation Department
Mr Jimmy LEUNG	Assistant Director/Technical Services Planning Department
Ms Monica KO	Principal Information Officer, Environmental Protection Officer (EPD)
Miss Sarah NG	Executive Officer (CBD), EPD

In Attendance for Agenda Item 3 :

Mr TSE Chin-wan	Assistant Director (Air Policy), EPD
Mr SHIU Lik-king	Senior Administrative Officer (Air Policy Division), EPD

In Attendance for Agenda Item 4 :

Dr Mike CHIU	Deputy Director of Environmental Protection (1), EPD
Mr Eric CHAN	Assistant Director (Conservation), EPD

In Attendance for Agenda Item 5 :

Dr Ellen CHAN	Assistant Director (Environmental Infrastructure), EPD
Mr David WONG	Principal Environmental Protection Officer (Cross Boundary), EPD

Action

Agenda Item 1 : Confirmation of the Draft Minutes of the 129th Meeting held on 12 September 2005

The draft minutes were confirmed without amendment.

Agenda Item 2 : Matters Arising from the Minutes of the 129th Meeting held on 12 September 2005

Para. 3 Emissions Inventory of Hong Kong Disneyland Fireworks Displays

2. The Chairman said that an information note attaching the reply from the project proponent had been issued to Members in response to Members' comments that it would be useful to get information on the emissions inventory of the Hong Kong Disneyland (HKDL) fireworks displays.

3. A Member commented that the data in the information note were highly technical. It would be more useful to have a comparison in relative terms between emissions of the HKDL fireworks displays and those of Victoria Harbour fireworks displays or other sources such as power stations. Nonetheless, he shared the Chairman's view that it would be more fruitful to address issues on the HKDL fireworks displays after receiving the report from the project proponent on the two-month actual air quality and noise data after the opening of the theme park requested by the Council in July 2005.

Para. 24 Green Construction – Measures Taken by the Hong Kong Construction Association Members

4. The Chairman informed Members that an information note summarizing the responses of relevant Government departments on enforcement against littering on construction sites had been issued to Members.

Agenda Item 3 : Proposed Control on Volatile Organic Compounds
(ACE Paper 27/2005)

5. Mr Tse Chin-wan briefed Members on the background of the regional emission reduction targets as well as the two-stage scheme to control emissions of volatile organic compounds (VOCs) proposed in 2004 and highlighted the salient features of the revised control programme.

6. Upon a Member's enquiry on the amount of VOC emissions in Hong Kong, Mr Tse Chin-wan said that the estimated annual VOC emissions in 1997 (the benchmark year) was about 54,000 tonnes. The annual emissions had been reduced by 23% in 2003 as a result of the implementation of a series of measures, including the control programmes on motor vehicles. The estimated reduction of 8,000 tonnes under the proposed control programme would constitute about 15% of that of the base year. In response to the Chairman's enquiry, Mr Tse said that with the introduction of the proposed control programme, continual implementation of existing measures and the exploration of other measures in the next 5-years, it was expected that the VOC emission reduction target of 55% by 2010, as agreed with the Guangdong (GD) Provincial Government in 2002, could be achieved.

7. In response to a Member's enquiry, Mr Tse Chin-wan said that there were some products in the foreign markets which could meet the VOC limits for supply to the local market. After implementation of the control programme, some manufacturers and importers had to reformulate or source alternative products for supply to the local market. For architectural paints, the cost implications would be minimal as most of them were manufactured in the region. For other consumer products, the cost implications would vary among different products.

8. A Member asked why the earliest implementation date for architectural paints would have to be as late as 2008 given the minimal cost implications. Mr Tse Chin-wan explained that the implementation dates had already followed the most stringent time schedule in California. Time was needed for manufacturers to find substitutes for paints and coatings and for research and reformulating paint products.

9. The Chairman said that a Member, who could not attend the meeting, had given his support for the proposed control programme. The

Member considered that it was important to review the effectiveness of the control measures themselves and asked whether there were data on the prevailing VOC concentrations in the environment for providing a baseline against which the effectiveness of the control measures could be assessed. Mr Tse Chin-wan referred to the mechanism to assess the effectiveness of the control programme and monitoring networks to assess the changes in air quality. As to the former, the working group mechanism would be maintained to review the effectiveness of the measures. Manufacturers and importers were required to submit sales information in order to assess the volume of reduction of VOCs. As to the latter, the local air monitoring network and the newly set up regional air monitoring network would provide data on the changes in air quality. In some of the stations, over 140 chemicals contributing to VOCs would be measured.

10. A Member asked about the ambient level of VOCs in the atmosphere. Mr Tse Chin-wan explained that VOC was not a single chemical but covered a large number of chemical elements. There was no measurement of the total VOC level in the atmosphere but over 140 chemical compounds under the VOC ambit would be measured. Also, most VOC chemicals were relatively harmless. The reason for controlling VOC emissions was the smog it would cause after chemical reactions with other air pollutants under sunlight.

11. The Chairman asked whether the revised proposal for not requiring mandatory registration and testing of VOC products by certified laboratories would undermine the effectiveness of the control programme. Mr Tse Chin-wan explained that nearly all consumer products sold in the local market were manufactured overseas and the manufacturers had information on their composition. The requirement for registration and local testing would duplicate the efforts and resources. The most important thing was for the importer to choose products for the local market that comply with the requirements. They still needed to produce information on the VOC content of products upon request. EPD would also conduct laboratory tests on samples selected for spot checks.

12. Upon a Member's enquiry on enforcement, Mr Tse Chin-wan said that the Environmental Protection Department (EPD) would conduct surprise surveillance and spot checks at the local market, with the assistance of the Customs and Excise Department at import points. Due to the wide range of products involved, enforcement would mainly be based on a policing concept. The proposed level of punishment would be a fine of \$200,000 plus six months' imprisonment.

13. A Member asked why the new regulation would not apply to products for export, re-export, transshipment or in transit. He was concerned about products exported to the GD area, which meant shifting the problem across the border and aggravating the problem of smog which was a regional

problem. Mr Tse Chin-wan explained that VOC was not a kind of toxic chemical. The purpose of the regulatory plan was to control VOC emissions in Hong Kong. The GD Provincial Government was also very concerned about the air pollution and smog problems and they had an air quality management plan and a series of measures to reduce the emissions of air pollutants as well as to achieve the reduction target of VOC emissions by 55% by 2010. Through the Special Panel on Pearl River Delta Air Quality Management and Monitoring, both sides would work closely and share experience and measures on the improvement of air quality in the region. EPD would share the VOC control experiences with GD.

14. A Member asked about the basis for estimating that the six largest emitting sources accounted for 80% of VOC emissions from consumer products. Mr Tse Chin-wan said that the estimation was based on the results of a market research conducted by a consultant and a questionnaire survey on VOC-containing products with the assistance of members of the Working Group on Regulatory Control of VOCs as well as a VOC emissions inventory established by the department.

15. The Chairman asked about the possibility of controlling consumer products which accounted for the remaining 20% of VOC emissions. Mr K K Kwok said that the 20% included a very wide range of consumer products, each contributing a very small amount of VOC emissions, such as cosmetic products. The gain in controlling them would be very insignificant but it would cause a lot of inconvenience to consumers and resistance from the trades. Mr Tse Chin-wan added that it would be more cost-effective to explore the possibility of controlling the use of industrial solvents for improving air quality in the long run.

16. A Member asked why the VOC standards in the United States or Europe were not used so that their products, which had complied with their standards, could enter the local market and this could reduce resources on policing. Mr Tse Chin-wan explained that California was the place with the most stringent VOC limits in the world for these products. In view of the serious smog problem in Hong Kong, the department decided to adopt the limits and timetable based on the Californian standards and practice. A lot of efforts had been made in convincing the local trades to accept the stringent standards and time table. In California, the labelling of VOC-containing products was a voluntary rather than mandatory requirement.

17. A Member considered that a promotional programme should be implemented in parallel to ensure that small retailers were aware of the control programme. Another Member considered that before the implementation of the scheme which required a few years' time from now, public education would be very important to encourage the use of products with less VOCs. It would be desirable for products to bear labels on their VOC contents to help consumers to choose. Mr Tse Chin-wan said that with the limits imposed, all

products with high VOC content would have been banned. A promotional programme would be launched to ensure that not only the suppliers and retailers but also the general public would be aware of the programme and work together to achieve the targets.

18. A Member said that he was still not fully convinced of the merits of controlling VOCs. As California was the only place in the world which had implemented a control programme, we might pay too high a price to follow suit. He was doubtful whether the reduction of VOCs would really improve the smog problem. The VOCs emitted due to the indoor use of consumer products would subside onto the ground before going outdoors. He believed that the outdoor smog problem was mainly caused by emissions from motor vehicles.

19. Mr Tse Chin-wan agreed that emissions from motor vehicles were a major source of VOCs which contributed to the smog problem. California and the United States had conducted a series of research and found that VOCs emitted from sources other than motor vehicles were also major reasons for smog formation. There was concrete experience in California to support the research results. Their air pollution index showed that the air quality had much improved after the implementation of the VOC control scheme on consumer products in the late 80s. EPD had conducted a three-year joint study with the GD Provincial Government which concluded that VOC emissions in the region were a major reason for smog formation. The study involved international experts and included a complex computer model specifically designed for the region and the results were consistent with those obtained in California. Hence the proposed VOC control programme was necessary.

20. A Member considered that it would be important to work on precautionary principles in reducing any contributing factor to the formation of smog. She considered it important to increase public awareness and promote education. She asked whether EPD would work with the Consumer Council to increase public awareness and work with the Department of Health for related research on environmental health. Mr Tse Chin-wan said the department had been working closely with the Consumer Council from time to time on various subjects such as identifying low VOC content materials for furniture products. Moreover, the department was cooperating with the departments of community medicine of two universities for studies on the association between air pollution and health. They would liaise with relevant organizations in the promotional programme with a view to achieving good results.

21. The Chairman concluded that –

- (a) the Council supported the proposed regulatory plan to control VOCs on grounds that –

- (i) VOCs were a major air pollutant causing the smog problem;
- (ii) it would contribute to the reduction programme for achieving the target of reducing regional emissions of VOCs by 55% by 2010 as agreed with the GD Provincial Government;
- (iii) the revised control programme would be more focused and cost-effective in terms of implementation;
- (b) a staggered programme instead of a two-stage scheme would be adopted which could be implemented sooner;
- (c) the Council considered that it would be essential to put in place in parallel a public education programme to encourage the use of products with less VOCs; and
- (d) the Council agreed that it would be important for EPD to maintain a partnership and dialogue with the trades and key stakeholders in the implementation stage.

Agenda Item 4 : Reorganization Plan for the Integration of Nature Conservation with Environmental Protection Functions
(ACE Paper 28/2005)

22. Dr Mike Chiu briefed Members on the Administration's plan to integrate the nature conservation function of the Agriculture, Fisheries and Conservation Department (AFCD) with the environmental protection function of EPD. The proposal also involved the reorganization of the Food and Environmental Hygiene Department (FEHD) and AFCD to enhance food safety and veterinary public health control in Hong Kong. The proposal was discussed at a joint panel meeting of the Legislative Council on 29 November 2005. Most members supported the reorganization plan in principle with regard to the integration of the nature conservation and environmental protection functions and the need to step up measures to ensure food safety and public health. However, noting the concerns of AFCD staff, the joint panel would hear the views of concerned parties and look into international practices before finalizing their views. EPD and AFCD had started the staff consultation process and a task force would be set up to sort out the detailed arrangements for the merger.

23. A Member considered that the establishment of a designated department to oversee food safety, inspection and quarantine functions was in line with the global trend. The current inspection certification mechanism of the local food industry lagged far behind international standards. The Government should take the opportunity to promote and develop the local food industry. He hoped that the country park and marine conservation functions,

which would be put under EPD, would be compatible with the future agricultural and fisheries policies which would be put under another department. The role of agriculture and fisheries as well as forestry functions would not be diminished after the reorganization. Another Member wondered whether the transfer of the agriculture and fisheries functions to another department would imply a change in the emphasis on these functions. Mr C C Lay said that the emphasis on the agriculture and fisheries functions would not be affected after the reorganization. The main rationale was to segregate the regulatory and facilitating roles of the agriculture and fisheries functions.

24. A Member said that he was very encouraged by the reorganization proposal. It would help resolve the conflict of interest as AFCD was currently taking up the dual role of regulation as well as facilitation of the fisheries industry. He hoped that the change would lead to more effective operation of the nature conservation function.

25. In reply to a Member's enquiry about the concern of AFCD staff on resources allocation, Dr Mike Chiu said that splitting of resources was always a sensitive issue. Management was liaising closely with parties concerned to sort out the matter as soon as possible. Another Member considered it important to ensure that resources allocated to the nature conservation function would not be reduced, including staffing resources such as professional grades and administrative staff from AFCD, so that services would not be adversely affected. He hoped that the reorganization would further strengthen the nature conservation function. Mr K K Kwok assured that the same level of resources would be maintained to ensure efficient discharge of both the environmental protection and nature conservation functions upon the merger.

26. A Member said that the business community had advocated that the Government should contain spending and enhance efficiency. The reorganization plan should also focus on these objectives by improving performance and diverting resources to the nature conservation programme to improve the environment. Mr K K Kwok emphasized that the Administration had no intention to take the merger as an opportunity to create new posts for the senior level. The merger would not involve any net creation of posts but would focus on integrating the two functions with a view to achieving more efficient and effective policy formulation and implementation.

27. A Member and the Chairman asked about the number and mix of staff involved in the merger. Dr Mike Chiu said that among the 1,110 AFCD staff to be transferred to EPD, there were 15 senior professionals, 42 professional officers, 466 technical grades staff and 587 general and common grades staff. Together with the existing staffing of about 1,600 in EPD, the expanded department would have some 2,700 staff.

28. Upon the enquiry of a Member about directorate posts, Mr K K Kwok said that the intention was that the post of Director of AFCD would be used to create the new post of Director of Department of Food Safety, Inspection and Quarantine (DFSIQ). The post of Deputy Director (DD) of AFCD to be transferred from AFCD to EPD would also perform the role of grade manager of the ex-AFCD staff on top of overseeing the functions of the two Assistant Directors (ADs).

29. A Member considered that the post of the AD responsible for nature conservation policy currently under DD(3) should be more appropriate put under the purview of DD(5) for better coordination of the nature conservation function from policy making to execution. Mr Eric Chan said that EPD's current nature conservation policy team worked well with AFCD's nature conservation and country/marine parks teams. After the merger, the two DDs would be in the same department under the command of the Director. They did not consider that putting these teams under one division was a prerequisite of achieving good coordination in the policy and executive functions. Nevertheless, they would review the organizational structure of the expanded department after it had operated for a certain period of time to see if there would be room for improvement. Mr Mike Chiu added that after the merger of EPD with the Environment Branch of the Environment, Transport and Works Bureau (ETWB), the policy team and executive team of the same functions such as waste management were also separate which had the merit of maintaining checks and balances.

30. A Member was concerned about the reaction of the existing AFCD staff to the reorganization proposal, in particular the change of the department's name. He hoped that the element of "conservation" would be incorporated in the name of the expanded department as soon as possible. This would not only address the sentiments of AFCD staff but also more importantly recognize the importance of nature conservation work. Another Member shared his view. A Member hoped that the department's name would highlight the importance of nature conservation and suggested the name of "自然環境資源保育署". Mr K K Kwok said that he fully appreciated Members' concern about giving recognition and identity to nature conservation in the department's name. Due to the lead time required for legislative and administrative procedures, the existing department's name would be adopted for administrative convenience at this stage. The Administration would take into account views of concerned parties before deciding on the name of the department which would suitably reflect the duties of the new organization.

31. A Member said that as a legal search had to be conducted for transferring legislative authorities of the Director of AFCD to other departments, the opportunity could be taken to effect the change of EPD's name. Mr Eric Chan explained that the change of EPD's name would involve not only a legal search of legislation under the purview of AFCD but also that of EPD which would involve a substantial amount of time and resources. In

view of the priority accorded to setting up the new DFSIQ, it would be more desirable for the Administration to first complete the necessary legislative and administrative procedures for the reorganization. They would in parallel consult staff members on the appropriate name of expanded department and after a consensus was reached, they would effect the name change as soon as possible under a separate legislative exercise.

32. A Member commented that the reorganization plan meant a degrading of the nature conservation function by subsuming it under environmental protection. Both conservation and environmental protection functions were equally important. She wondered whether the two functions would be in partnership or subsidiary relationship after the merger. Mr C C Lay said that the nature conservation function would not be degraded. He added that all staff directly involved in the conservation and country/marine parks functions would be transferred to the expanded department with their responsibilities remaining unchanged. As before, they would continue to maintain close cooperation with staff in the expanded department for the pursuit of organizational goals.

33. A Member and the Chairman asked about the consideration of other alternatives. Dr Mike Chiu pointed out that the original proposal submitted by the Health, Welfare and Food Bureau in October 2005 was to transfer the conservation and country/marine parks functions of AFCD to a new Agriculture, Environmental Hygiene and Conservation Department. This was apparently not a satisfactory approach for the nature conservation function. After the merger of EPD with the Environment Branch of ETWB, EPD had assumed policy responsibilities for country parks and marine conservation. It would be logical to bring these functions under one roof within the policy portfolio of ETWB. Mr K K Kwok added that the Administration had explored other possible options, such as the establishment of a separate department for the nature conservation function. However, as the policy function was currently under EPD and there would be limitation on the ranking of the directorate staff due to resources constraints, the setting up of a separate department would not be cost-effective.

34. The Chairman asked about the response of AFCD staff to different proposals. Mr C C Lay said that he gathered that the staff considered conservation and country/marine parks functions quite different from environmental hygiene functions. Moreover, the merger under the original proposal would be subject to a two-year review which would create uncertainty for staff members. They considered it more reasonable to integrate with EPD under the policy portfolio of ETWB. Two Members agreed that the revised plan would be more reasonable and logical than the original proposal.

35. A Member queried whether it was an appropriate timing to effect the reorganization, given the merger of EPD with the Environment Branch of

ETWB in April 2005. Dr Mike Chiu said that over the past eight months, the department had not only operated with increased efficiency but also made achievements in a number of new initiatives after the integration of the policy and executive functions.

36. Mr K K Kwok said that EPD had been responsible for the policy formulation of both environmental protection and nature conservation functions since the merger in April 2005. It was time to integrate the policy formulation with the executive arm of nature conservation under the same department. Environmental protection and nature conservation were two sides of the same coin, both working for the benefit of the environment and were equally important. The existing AFCD and EPD staff were working closely as a team to deal with various environmental issues such as water quality, environmental impact assessment and ecological studies. The merger aimed at bringing together expertise and resources to achieve synergy.

37. A Member considered that the Government should first set long-term targets before deciding on the organizational structure to achieve these goals. Instead of imposing control and penalties, more resources should be given to conserve the nature. The Chairman agreed that environmental improvement not only covered pollution control and environmental protection but also proactive measures to conserve the nature. However, the Administration should take the opportunity to integrate the environmental protection and nature conservation functions with a view to setting long-term targets for improving the environment.

38. A Member supported the merger. He agreed with another Member that it would be important for the department to set long-term targets after the merger. The Nature Conservation Subcommittee of the Council could contribute more inputs to outlining the long-term vision of the conservation function after the merger.

39. A Member considered the merger a wise move. He agreed that nature conservation and environmental protection were two sides of the same coin. The integration would facilitate the recovery of natural resources, such as water reuse in ecology and park management, which involved both AFCD and EPD. As far as resources allocation was concerned, it would be premature at this stage to consider achieving savings through the integration which might be possible in a longer period of time.

40. A Member appreciated that EPD took up the courage to effect the merger of two important functions under one roof. She hoped that with management's aspiration, improved efficiency and effectiveness could be achieved in delivering both functions in the future. Another Member supported the merger as environmental improvement should cover not only mitigation measures but also proactive ways to conserve the nature at the precautionary side. This was an important concept for public education. In

fact, many environmental impact assessment projects involved both AFCD and EPD.

41. A Member noted that staff in the agriculture and fisheries functions in AFCD had reservation about transfer to the new Department of Agriculture and Environmental Hygiene which might complicate the whole reorganization exercise. Another Member appreciated the sentiments of the AFCD staff as the department seemed to be segregated into different parts in the whole reorganization exercise by giving priority to the setting up of DFSIQ. Mr K K Kwok said that the Legislative Council joint panel meeting noted the concerns of staff members and would try to address their concerns.

42. The Chairman was pleased that the common objective of the discussion was to strive for a better environment for Hong Kong. He concluded that –

- (a) the Council supported the reorganization plan which would integrate all the policy and executive functions of environmental protection and nature conservation under one roof within the policy portfolio of ETWB and this was also in line with the international practices;
- (b) the Council considered that environmental improvement should cover not only pollution control and environmental protection at one end but also proactive measures to conserve nature on the other hand;
- (c) the Council hoped that the merger would not only be an organizational change but also achieve synergy and improved efficiency with vision for long-term targets;
- (d) the Council noted that time would be required for legislative and administrative procedures to change the department's name but hoped that the change would be effected as early as possible to truly reflect the functions of the expanded department and uphold the importance of nature conservation in the minds of the general public; and
- (e) the Council considered that resources for the two important functions should be maintained without affecting the efficiency and effectiveness of the services provided.

43. A Member registered her reservation on the reorganization plan due to insufficient information and lack of thorough analysis.

Agenda Item 5 : Any Other Business

Hunghom Peninsula – Waste Management Plan

44. A Member said that the Council had objected to the demolition of Hunghom Peninsula at a meeting held in December 2004. He would like to bring up the current development of the project as he noted that upgrading and alteration works had commenced but the waste management plan (WMP) was still outstanding.

45. Dr Ellen Chan informed Members that EPD had written to the developer requesting for a WMP for the upgrading and alteration works soon after their announcement not to demolish the buildings because construction waste would still be generated in the modification works. As the buildings were brand new, there were particular public concerns as to how the waste would be managed. EPD noted that a revised building plan was approved by the Buildings Department (BD) in end September 2005 and thus called for a meeting with the developer. During the meeting in November 2005, the representatives said that they had not prepared any WMP yet but said they had no problem with outlets for most of the materials removed since they were new. The developer replied in writing subsequently that BD exempted works were being carried out during the first stage and a WMP covering the current stage of work was being prepared and would be available for review in due course. However, the department learnt that the developer had already demolished and removed most, if not all, of the fittings. Thus, they wrote to the developer again in late November 2005 to urge for a comprehensive WMP as soon as possible.

46. Upon the Chairman's enquiry, Dr Ellen Chan said that the purpose of a WMP was to ensure that adequate measures would be taken to reduce the generation of construction waste requiring disposal, to manage construction waste properly and to reuse and recycle useful materials. Contractors of public works projects were required to submit a WMP but it was not a mandatory requirement for private sector projects. It was not a common practice for contractors of private sector projects to submit a WMP but quasi-government organizations would usually prepare WMPs.

47. A Member asked whether the project would come under the new construction waste disposal charging scheme. Dr Ellen Chan said that she had also alerted the developer to this issue. Projects with contracts signed before 1 December 2005 would be eligible for exemption from the scheme. She noted that the developer should have engaged a contractor as its representative attended the meeting in November 2005.

48. Mr K K Kwok said that while it was not a legal requirement for

the developer to submit a WMP, the department had impressed upon them that they should operate responsibly in respecting public opinion about the environmental impacts of the works. Regrettably, the developer had been less than forthcoming so far. The contractor and consultant engaged in the project were well experienced in public works projects and there should not be much technical difficulty for them to produce a WMP. It depended very much on the will of the employer. The department had been pressing for a WMP by both formal as well as informal means. The burden was very much on them to respond to the community's concerns, not as a statutory requirement but a moral obligation.

49. A Member said that the companies involved were renowned organizations in the industry. He suggested that the Council write to the top management appealing for their positive response to the community's concerns by providing a WMP or at the very least a summary of works done, so that the community knew what was going on.

50. A Member considered that the community had an interest in whether the waste would be managed properly. The Council should speak on behalf of the public to request a WMP. Moreover, the developer might feel that responding to a request from the Government would set a precedent but this would not be the case if the request came from the Council. Another Member supported and considered that it would be important that the case would not set a bad example for other private sector projects. There should also be a deadline for the submission of the plan as the works had been going on and they should give a detailed inventory on the disposed items.

51. A Member commented that responsible developers and contractors were trying to minimize waste and prepare WMPs which would not only help manage the projects but also have commercial benefits. Thus, encouragement for the private sector to implement WMPs would be more helpful than legislation.

52. The Chairman concluded that the Council should send a letter to the top management of the developer by pointing out that it would be in the interests of both the developer and the community to provide a WMP as early as possible.

Secretariat

Petrochemical Plant in Daya Bay and its Risk Management Measures

53. A Member drew Members' attention to the new petrochemical plant in Daya Bay, Huizhou which would be ready for start-up in late 2005. There would also be three more nuclear power plants planned in the region of the Huizhou Industrial Park. She expressed concern over the potential

environmental and risk impact on Hong Kong, the adequacy of the emergency plan and risk management measures adopted and whether the Government would be informed promptly in the event of an industrial accident or pollution incident. She hoped the Government would think ahead from the precautionary point of view. The Chairman said that given the large-scale operation of the plant and its proximity to Hong Kong, there were grounds for public concern.

54. Mr David Wong said that the Government had established arrangements with the Guangdong Environmental Protection Bureau (GDEPB) for handling emergencies arising from accident or pollution incidents. Under the Joint Working Group (WG) on Sustainable Development and Environmental Protection, EPD had direct communication channels with the counterparts in GDEPB and both sides liaised directly on reports of major pollution incidents. Under the WG, there were Special Panels to cover cooperation for water quality protection in the Pearl River Delta (PRD) area. The current mechanism would ensure that both sides would be promptly informed in the event of a pollution incident in the PRD. Regarding the petrochemical plant in Daya Bay, EPD met the representatives of the joint venture in late November 2005. The department understood that the plant operation would have to comply with the pollution control requirements of the environmental authorities in GD, including on-going monitoring of all air and water discharges from the plant upon full commissioning. On the emergency plan, EPD representatives raised specifically with the joint venture the need for prompt notification of all parties in the region, including Hong Kong, in the event of a pollution emergency. They responded positively and agreed to include EPD in their communication plan. Moreover, in case there was an incident involving spillage in the Mainland marine waters that might affect Hong Kong, there was also an additional notification channel with GD whereby the Marine Safety Agency-Harbour Superintendent of the region would notify the Marine Department which was the contact point of Hong Kong. On such notification, Hong Kong's internal response plan would be activated to prepare for immediate remedial actions.

55. A Member enquired whether there would be an independent mechanism to monitor the impact of possible pollution caused by the plant on Hong Kong. Mr David Wong explained that as the plant was located outside the Hong Kong territory, there would not be an independent mechanism to monitor directly the operation of the plant. Nonetheless, there was an established direct communication channel with GDEPB for handling emergencies.

56. A Member suggested that the Council be updated with periodical reports from EPD on the progress of the plant. Mr K K Kwok said that as the

plant located outside Hong Kong, the department could perform environmental monitoring of the local territory but would not have a separate mechanism to monitor the operation of the plant. The department would certainly maintain close liaison with their counterparts in GD.

57. A Member asked whether the joint venture had given the undertaking to include the HKSAR Government in their communication plan and whether the GD Provincial Government was aware and would approve this undertaking. Mr David Wong said that the joint venture responded positively to the request during the meeting and the department would have to follow this up with them as well as the GD counterpart. Mr K K Kwok said that the department had a well-established communication channel with the counterparts in GD and would be happy to take up the issue with the relevant authorities.

58. A Member asked whether the Government could request the GD authorities to update the Council if there were strategic plans to develop more plants of a similar nature. Mr K K Kwok said that it would be a double-edged sword as Hong Kong had to be prepared for similar requests from the other side. Nonetheless, with the close working relationship with the GD counterparts, they knew what the concerns of Hong Kong were. Both sides often took the initiative to bring up concerns on major development projects on a regular basis.

59. The Chairman suggested and Members agreed that while noting EPD would express the Council's concern through the established channel with the GD authority, the Council would send a letter to the corporation in parallel to express Members' concern and request that the HKSAR Government be notified promptly in the event of a pollution incident at the plant which might affect Hong Kong.

Secretariat

Proposal of Opening the Frontier Areas

60. A Member noted the recent proposal of developing the frontier area. He asked whether there would be a study on the proposal, whether the study would cover the environmental aspects and whether a strategic environmental assessment would be conducted. He would also like to know when the Council would be consulted. Another Member considered that the issue would have important environmental implications and the Council should be briefed and consulted before fundamental decisions were made. The Chairman requested the Secretariat to convey the Council's concern and enquiries to the relevant party.

Secretariat

Proposed meeting schedule for 2006

61. The proposed meeting schedule for 2006, which had been circulated to Members, was endorsed.

Tentative items for discussion at the next meeting

62. The agenda was being compiled. Members would be informed in due course.

Agenda Item 6 : Date of Next Meeting

63. The next meeting was scheduled for 21 December 2005.