

**Confirmed Minutes of the 104<sup>th</sup> Meeting of  
the Advisory Council on the Environment  
held on 10 March 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:**

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
Miss CHU Hing-yin	Chief Town Planner/Technical Services, Planning Department
Mrs. Belinda HUI	Secretariat Press Officer (Environment, Transport and Works), 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 :**

Mr. C W TSE	Principal Assistant Secretary (Environment)3, ETWB
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Mr. HA Kong

Senior Environmental Protection Officer (Motor Vehicle Emissions), EPD

**In Attendance for Agenda Item 5 :**

Ms. Annie CHOI

Principal Assistant Secretary (Environment)2,  
ETWB

Dr. Lawrence WONG

Principal Environmental Protection Officer  
(Facilities Planning), EPD

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Action

**Agenda Item 1 : Confirmation of Minutes of the 103<sup>rd</sup> Meeting held on 11 February 2003**

A Member proposed that the third sentence in paragraph 39 of the draft minutes should be amended to read “Their study evaluated the usefulness of various indicators of swimming-related illness including virological indicators. Turbidity was found to be most strongly associated with the incidence of swimming-related illnesses.”

2. The draft minutes of the last meeting were confirmed subject to the proposed amendments.

**Agenda Item 2 : Matters Arising**

Para. 4: Site visit to the Sewage Treatment Works at Stonecutters Island

3. The Chairman informed Members that two site visits were held on 25 and 26 February 2003 and five Members had joined the visit. He thanked the Drainage Services Department for the arrangements made.

Para. 5: To invite the Hospital Authority to brief Members on green management and handling of clinical waste

4. The Chairman informed Members that the Hospital Authority had confirmed that the briefing to be conducted at the next Council meeting on 14 April 2003 on green management would cover the handling of clinical waste.

Para. 46: The Foreshore, Sea-bed and Roads (Amendment) Bill 2003

5. The Chairman referred to the Legislative Council brief on the Foreshore, Sea-bed and Roads (Amendment) Bill 2003 that the Secretariat had earlier circulated to Members. A Member suggested and other

Members agreed that since the Legislative Council brief had already reflected the Council's objection to the proposal to shorten the public objection period, there was no longer a need to write to the Bills Committee concerned.

**Agenda Item 3 : Opening up of ACE meetings to the public**  
***(ACE Paper 8/2003)***

6. Ms Jessie Wong, the Secretary, briefed Members on the paper. The Chairman said that the primary function of the Council was to advise the Government on policies related to the environment. Members should consider the subject matter on the basis of the functions and the terms of reference of the Council.

7. A Member pointed out that since the main function of the Council was to give professional advice to the Government on environmental issues, the quality of the advice was of utmost importance. The present arrangement enabled Members to speak freely whereas opening up meetings to the public would politicize Members' discussion. Since the Council had already adopted sufficient measures to enhance its transparency and there were various channels for the public to forward their views on environmental issues to Government, there was no need for the Council to open up its meetings.

8. A Member said that Members could continue to offer quality advice even if meetings were opened to the public because views on environmental matters should be objective. The Council should be accountable to the community for its decision and the public's right to know should be respected. Closed-door meetings might result in misinterpretation of Members' views by the media. Furthermore, the public would understand better the difficulties in the work of the Council if they could observe how issues were debated. In addition, the meetings could be opened up by phases. For instance, the meetings of the Environmental Impact Assessment (EIA) Subcommittee could be opened up first. She said that the Country and Marine Park Board held open meetings and had been working very well free from stakeholder disturbance although not many people were interested to attend as observers. Another Member concurred with the Member that the quality of the advice given by Members and the efficiency of the meetings should not be affected if meetings were opened up. Another Member considered that whilst formal EIA Subcommittee or council meetings could be opened to the public, informal brainstorming sessions could be held behind closed door so as to facilitate discussion on policies or controversial issues at the early stage.

9. A Member supported enhancing the Council's transparency

but cautioned that opening up Council meetings might not be beneficial to the operation of the Council because some of the views expressed at the meetings could be preliminary views only and making them known to the public might cause confusion. Two other Members agreed with the Member that it would have harmful effects if preliminary ideas were disclosed prematurely to the public.

10. A Member said that the Council's term of reference was to advise the Government on environmental issues instead of collecting views from the public. Members had no obligation to justify to the public their advice to Government. He also disagreed with the idea of opening up EIA Subcommittee meetings, as EIA issues could be very controversial. Members would be overwhelmed by the stakeholders who might try to take part in the discussion if EIA Subcommittee meetings were held in public. In fact, most of the issues discussed at meetings, including the papers and the minutes of meetings were uploaded to the Council's website. It was a matter of timing only, and there was only a slight delay in the public getting access to the information. With the reduction in the size of the Council in 2003, the pressure on individual Members from the media had increased compared to the past. The pressure would further increase if Council meetings were to be opened to the public. Another Member concurred with the Member and was concerned that interested parties would petition to the Council at meetings if they were opened to the public.

11. A Member pointed out that if an issue discussed at a meeting involved the interests of a third party and the identity of the third party was divulged at an open meeting, the Members concerned might be liable to legal actions that the third party might take. In response, the Chairman said that in the past, the Council rarely named firms or companies in discussions. Members might sometimes refer to a certain technology but that technology was usually available from more than one source.

12. A Member supported opening up Council meetings but he would respect the views of other Members if they found it difficult to give advice at open meetings. In his view, the Council could hold closed-door meetings on confidential issues.

13. A Member said that the existing system was working well and Members could provide advice freely by exercising their professional judgment. He therefore supported maintaining the status quo.

14. A Member pointed out that the main functions that the Administration would like the Council to discharge should be the main deciding factor. In the past, the Council mainly discussed the recommendations of the EIA Subcommittee on EIA reports and hence was

seen as part of the public participation process under the EIA Ordinance. Had the past system continued, he would support opening up the Council's meetings. However, as the Council's membership had evolved to one of appointment on an individual basis, he considered it acceptable to hold closed-door meetings when policy matters were discussed.

15. A Member said that the Council was accountable to the public. As there was increasing demand for transparency and in view of the existing practice of Government to involve the public at the initial stage of policy making, she supported opening up the Council's meeting to the public. Furthermore, EIA was a planning tool to ensure proper land and infrastructure developments which the public were concerned about.

16. Mrs. Rita Lau stressed that the Council was set up to advise the Government on environmental issues and was accountable to the Government. In her view, it was most important that Members were provided with an environment whereby they could express their minds freely.

17. As there was no consensus on the matter, the Chairman suggested maintaining the status quo so that individual Members' wish to speak and provide advice under closed door would be respected. A Member counter-proposed that a vote should be taken on the matter. Another Member proposed and Members agreed to take a vote on whether they would support maintaining the status quo and that if the majority agreed to open up meetings, another vote would be taken to decide on the detailed arrangements for opening up the meetings. Voting was conducted with the majority of eight Members voting in support of maintaining the status quo. To enhance the Council's transparency, Members supported the Chairman's proposal to hold an annual meeting/forum to facilitate communication between the Council and the public. The Secretariat would submit a proposal in this regard for the Council's consideration in due course.

Secretariat

**Agenda Item 4 : Proposed amendments to Air Pollution Control (Vehicle Design Standards) (Emission) Regulations, Air Pollution Ordinance (Cap. 311) – Emission standards for newly registered liquefied petroleum gas (LPG) light buses, diesel buses and LPG taxis (ACE Paper 9/2003)**

18. The Chairman welcomed the presentation team. Mr. Tse Chin-wan briefed Members on the proposed legislative amendments.

19. In response to the Chairman's enquiry, Mr. Tse explained that if the amendments were not passed by the Legislative Council, the emission standards would not become statutory requirements and vehicles imported in future would not be required to meet the standards. He added that vehicles

that met the Euro III emission standard emitted 30% less particulates and nitrogen oxides than Euro II vehicles.

20. A Member said that Hong Kong was ahead of other countries in respect of vehicle emission standards, as many vehicles in Hong Kong were already in compliance with the proposed Euro III standards. However, although there had been considerable improvements in vehicle emission standards, air pollution was still a problem that had to be tackled.

21. Upon the Chairman's enquiry, Mr. Tse explained that the on-board diagnostic (OBD) system was an on-board computer system that would automatically diagnose the problems of the vehicle and alert the driver accordingly. It was a new technology designed mainly for petrol vehicles. At present, LPG vehicles were exempt from the requirement to be fitted with an OBD system in the European Union. The Administration proposed to exempt also LPG light buses from the OBD requirement.

22. In response to a Member's question on paragraph 6 of the paper, Mr. Tse explained that since there were no Euro III level emission standards in European countries for petrol vehicles of a design weight over 3.5 tones, the Japanese standards for that type of vehicles were adopted. In reply to the Chairman's enquiry, Mr. Tse clarified that the "equivalent standards" mentioned in paragraph 7 of the paper referred to standards that were equivalent to the Euro III vehicle emission standards.

23. A Member expressed concern that instead of leading the market, the Government was being led by the manufacturers because legislation was introduced after most vehicles in the market had complied with the new standard. In response, Mr. Tse explained that at present the Euro III standard was the most stringent standard in terms of vehicle emission. For practical reasons, Government could not introduce legislative amendments before the required types of vehicles could be made available in the market. The Government was in fact leading the market by informing the vehicle suppliers well before the new standards were adopted. A Member concurred with Mr. Tse and pointed out that Hong Kong was among the first places in the world to adopt the Euro III vehicle emission standards.

24. In reply to a Member's enquiry on the effectiveness of the incentive scheme for replacing diesel light buses with LPG or electric ones, Mr. Tse said that as at present, about 400 diesel light buses had been replaced by LPG light buses. Also, about 80%-82% of newly registered light buses were LPG light buses. The scheme was therefore considered successful.

25. A Member expressed concern that the new standard might

result in an increase in the prices of vehicles concerned. He asked if there were any schemes to help the taxi and light bus operators. In response, Mr. Tse said that the Administration considered it feasible to tackle air pollution through controlling the emission level of vehicles. Although the research cost for lowering the vehicle emission level was considerable, the increase in vehicle price was not substantial because of economy of scale. For example, the current price of a Euro III light bus was lower than the price of certain Euro II light buses at the time when Euro II was still the prevailing standard. The price of vehicles was subject to market factors more than the emission standards. A Member supplemented that LPG, which cost about \$2.28 per litre, was cheaper than diesel, which cost about \$6.80 per litre. The fuel cost for LPG vehicles was therefore much lower than diesel vehicles.

26. A Member supported the proposed legislative amendments and hoped that the Government could speed up the exercise. Another Member also supported the proposal and said that according to a health impact assessment study conducted by him recently on toxic chemicals, diesel accounted for a high number of cancer cases in Hong Kong. Controlling the vehicle emission levels would significantly improve public health.

27. In response to a Member's question on the incentive scheme for heavy vehicles, Mr. Tse reported that in December 2002 the Administration introduced a programme to retrofit 41,000 heavy diesel vehicles with catalytic converters which would reduce the vehicle emission level by 30%. The programme would be completed next year.

28. The Chairman concluded that the Council was in full support of the proposed legislative amendments.

**Agenda Item 5 : Measures to promote the prevention and recovery of municipal solid waste in Hong Kong**  
(*ACE Paper 10/2003*)

29. The Chairman welcomed the presentation team. Ms. Annie Choi briefed Members on the progress of measures that the Government had taken to promote the prevention and recovery of municipal solid waste (MSW) in Hong Kong. Mr. Lin Chaan-ming declared interest, as the Productivity Council was the developer of the plastic compactors mentioned in paragraph 21 of the paper.

30. A Member commented that despite the various measures, the amount of MSW generated remained at the same level. Having regard to the 4% reduction in the amount of MSW disposed of at landfills after the

introduction of the 3-bin waste separation programme, MSW had actually increased by 4 % per year, which was roughly the same as before. While commending the effectiveness of the recycling programmes, she suggested the Government focus more on waste reduction, in particular the reduction of packaging waste. In response, Ms. Choi said that the initial target of containing the growth of MSW had been met but she foresaw that the road ahead would be much more difficult. Waste prevention and recycling had always been the focus of Government in tackling the waste problem and the theme of related campaigns and education programmes. One possible approach to reduce packaging waste was to introduce the product responsibility schemes. At present, EPD was conducting an impact assessment study to examine the possible implications of the proposal on the economy. The Bureau would consider the way forward once the findings of the study were available. Another Member supported product responsibility schemes and said that it should be implemented as soon as possible, lest the problem of waste would worsen.

31. A Member referred to the increase in MSW despite the economic downturn and asked if that reflected a change in social behaviour and whether it was possible to reduce waste by encouraging customers to buy products with less packaging. Another Member pointed out that the waste problem was in fact getting worse if the decrease of population in the summer of 2002 was taken into account. A third Member said that the increasing popularity of bottled water was probably a reason for the increase in MSW. Another Member suggested conducting a study to find out the causes for increase in MSW. A Member considered that instead of interfering with commercial operations, the Government should do more research on biodegradable packaging materials. Another Member pointed out that the increase in MSW was probably due to the flourishing of fast food business and therefore great increase in dispensable utensils in recent years. In response to Members' comments, Ms. Annie Choi explained that the possible reasons for the increase in MSW were the population growth of 0.9% in recent years and changes in the behaviour of the community at large. As regards packaging materials, Ms Choi said that while Government had often encouraged the reduction of package materials, any proposal to impose mandatory measures must be examined with extreme caution.

32. A Member suggested that the effectiveness of the various environmental campaigns organized should be reviewed. Another Member requested the Environment and Conservation Fund (ECF) and the Environmental Campaign Committee to report to the Council on the effectiveness of the funded programmes. In response, Ms. Annie Choi explained that measures to monitor the effectiveness of ECF-funded projects had been set out in the submission to the LegCo Finance Committee before it approved the \$100m to the ECF. A report would be submitted to the



Council in due course.

33. A Member said that green groups had intended to organize more environmental education campaigns but they lacked funding. At present, ECF only subsidized 25% of the administrative expenditure for organizing those activities. Unlike political parties which had other sources of funding, green groups had difficulties in funding the remaining 75% of administrative expenses. She wondered how the activities of other groups had been funded. Mr. Donald Tong clarified that the same assessment criteria and funding guidelines were applied to all ECF applications regardless of the nature of the organizations applying for the Fund. Ms. Annie Choi supplemented that for waste recovery projects, the rule of funding 33% of the staff cost only applied to project coordinators. This had been discussed and agreed by the Finance Committee. However, the wages of those who were actually performing waste recovery duties would be fully funded. The funding criteria were subject to regular review and the Member's points would be taken into account in future reviews.

34. In reply to a Member's comments, Ms. Annie Choi said that the benefits of the various measures adopted by the Government on the prevention and recovery of MSE would be constantly reviewed.

35. In reply to a Member's enquiries, Ms. Annie Choi said that the Bureau was working very closely with the Housing Department in monitoring the waste separation programme in public housing estates. The cleansing contracts of the Housing Department required the contractors to deliver all recyclable materials collected to recyclers in the presence of the Department's staff. Apart from requiring documentary proof of the deliveries, the Housing Department would also conduct surprise checks. Contractors that failed to comply with the requirement would be warned and their contracts would be terminated in cases of repeated offences.

36. As regards community waste recovery projects, Ms. Choi explained that the objective was to involve local groups in waste recycling work because they knew better the type of programmes that would best suit their locality.

37. A Member asked whether there would be recycling programmes for ferrous metals and whether the existing waste separation programme in public housing estates would be extended to private housing estates. In response, Ms. Annie Choi said that waste paper, plastic bottles and aluminum cans had been selected as the targeted materials for recycling because they were commonly generated from households. In the industrial sector, ferrous metals had always been recovered as the recycling value was high. At present, about 1200 housing estates participated in the waste

separation programme and 1,000 of them were private housing estates. A special task force comprising private property management companies had also been set up to promote waste recovery in private housing estates.

38. A Member criticized the Government for not using biodegradable waste such as leaves collected from roadside for compost purpose and for using clay tiles for pedestrian pavements. He also suggested placing utility pipes such as water pipes and gas pipes in underground tubes to facilitate maintenance and reduce the number of road-opening works. In response, Ms. Annie Choi said that the Government had set up a task force to coordinate waste reduction efforts by bureaux and departments. As regards tiles for pavements, Ms. Choi said that the Bureau was working closely with the Hong Kong Polytechnic University and the construction sector to test the use of recycled aggregates in paving blocks. The Works Branch of the Bureau was also studying the feasibility and the cost-effectiveness of adopting the approach suggested by the Member in dealing with underground utility pipes in newly developed areas to reduce road-opening works. However, the suggested approach might not be feasible in developed areas since the utility pipes already existed.

39. A Member said that her organization had in the past joined hands with EPD in recycling the foam boxes used in fish markets. However, the programme encountered a lot of practical difficulties because it required a lot of manpower resources. The trial programmes of using compactors to compress plastic bottles as mentioned in paragraph 21 of the paper might face similar problems. In response, Ms. Annie Choi said that the Member's case illustrated the difficulties faced by most recycling programmes. Hence, the Government had to implement pilot projects for different waste types or recovery systems with a view to identifying problems as well as practical solutions.

40. In response to a Member's enquires, Ms. Annie Choi clarified that electrical and electronic wastes were normally regarded as MSW. The increase in the domestic waste recovery rate mentioned in paragraph 4(c) of the paper had taken into account the 3-bin waste separation programme and the community waste recovery programmes but not the dry-and-wet waste sorting programme. Ms. Choi also undertook to provide the cost figures for collecting plastic bottles from the 340 housing estates.

ETWB

41. A Member said that unless the polluter pays principle was adopted, the amount of waste generated would continue to grow. If the implementation of the landfill charging scheme was to be deferred to 2004 which would be an election year, the issue might be politicized and it would be difficult to have the support of the Legislative Councilors. In response,

Ms. Annie Choi clarified that the Administration had all along planned to submit the legislative proposals to the Legislative Council in 2003. Taking into account the time needed for the scrutiny of the bill and draft regulations, it was expected that the scheme would be implemented in 2004. Mr. Donald Tong added that the Bureau attached great importance to the polluter pays principle. The landfill charging scheme for construction and demolition materials would only be the first step in that direction.

42. Noting that the major supermarket chain stores supplied over 50% of the consumables to consumers in Hong Kong, a Member said that senior officials should take the lead to lobby the senior management of supermarkets to adopt more rigorous measures in waste reduction. In response, Ms. Choi said that the senior directorate of the Bureau and EPD had been in touch with the supermarket chains on waste reduction programmes. In fact, a number of supermarkets and chain stores were involved in waste reduction programmes, including the plastic bags recycling programme and plastic bags reduction programme.

43. A Member pointed out that the public might not be aware of the fact that landfills in Hong Kong would be used up in 10 years' time. The Government should step up publicity in that respect. As regards subsidies for the recycling industry, he considered it acceptable as long as the amount would not be greater than the cost for disposing the waste at landfills. Mr. Donald Tong agreed that there was a need to impress upon the community about the remaining lifespan of the landfills. The Administration had launched large-scale publicity campaigns to arouse public awareness in waste reduction, including the broadcast of publicity programmes and Announcements of Public Interest on the television and radio.

44. A Member also pointed out the opportunity to cooperate with the Mainland on waste recycling. For instance, glass bottles could be treated initially in Hong Kong and then transported to the Mainland for turning into useful glass products. Another Member informed other Members that Nanhai would soon set up a recovery park. It was time to see how Hong Kong and the Pearl River Delta could work together on waste recovery matters. Mr. Donald Tong agreed that there could be more collaboration between Hong Kong and the Mainland. He pointed out, however, that there was understanding between the authorities concerned that Hong Kong could not export waste directly to the Mainland unless the waste was used for recycling.

45. In response to the Chairman's concern about the possible confusion caused by the new dry-and-wet waste sorting project when the 3-bin waste separation programme was still on-going, Ms. Annie Choi

explained that the former project was a pilot scheme implemented only in four housing estates in Eastern District. The pilot scheme would provide information on the cost-effectiveness of that type of waste recovery method. The initial result of the pilot scheme would be available several months later.

46. The Chairman thanked the presentation team for the briefing.

**Agenda Item 6 : Any Other Business**

**Meeting with the Legislative Council Panel on Environmental Affairs**

47. The Chairman informed Members that the Council would have an informal meeting with the Legislative Council Panel on Environmental Affairs on 6 May 2003 from 9:30 am to 10:30 am. The Secretariat would issue a circular inviting Members to attend the meeting in due course.

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

48. The Chairman informed the meeting that three items were tentatively scheduled for the next meeting, namely proposed amendments to the Ozone Layer Protection Ordinance, briefing on green management by the Hospital Authority and proposed amendments to the Waste Disposal Ordinance to facilitate control over management of clinical waste.

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

49. The next meeting was scheduled for 14 April 2003.

**ACE Secretariat**  
**March 2003**