

**Confirmed Minutes of the 106th Meeting of
the Advisory Council on the Environment
held on 9 June 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-ye, 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
Ms. Jessie WONG (Secretary)

Absent with Apologies:

Prof. WONG Yuk-shan, JP

In Attendance:

Mrs. Rita LAU, JP	Permanent Secretary for the Environment, Transport and Works (Environment and Transport)
Ms. Doris CHEUNG	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. Jimmy Leung	Assistant Director/Technical Services Planning Department
Dr. Constance CHAN	Assistant Director, Department of Health
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 3 :

Ms. Annie CHOI

Principal Assistant Secretary for the Environment,
Transport and Works (Environment & Transport)E2,
ETWB

Dr. David HA

Senior Environmental Protection Officer, Waste
Policy and Legislation, EPD

In Attendance for Agenda Item 4 :

Mr. K F TANG

Principal Environmental Protection Officer
(Departmental Review), EPD

Action

**Agenda Item 1 : Confirmation of Minutes of the 105th Meeting held on
14 April 2003**

The draft minutes were confirmed without amendment.

Agenda Item 2 : Matters Arising

**Para. 5: Hospital Authority's briefing on green management and handling of
clinical waste**

2. The Chairman informed Members that due to the heavy workload arising from the fight against atypical pneumonia, the Hospital Authority would like to further postpone their briefing on green management to September 2003.

Para. 37: Suggested items for discussion at future ACE meetings

3. The Chairman informed Members that the Secretariat had contacted the subject officers and would arrange discussion of the suggested items at future meetings when they were ready.

Agenda Item 3 : Waste Disposal (Amendments) Bill 2003

Proposed Waste Disposal (Clinical Waste) (General) Regulation

**Proposed Waste Disposal (Charges for Disposal of Clinical Waste)
Regulation**

**Consequential Amendments to the Waste Disposal (Chemical Waste)
(General) Regulation (Cap. 354C) and Waste Disposal (Permits and
Licences) (Forms and Fees) Regulation (Cap. 354D)**

(ACE Paper 17/2003)

4. The Chairman welcomed the presentation team. Ms. Annie Choi briefed Members on the paper.

Clinical waste

5. In reply to the Chairman's enquiry, Ms. Choi explained that the legislative proposals were related to the control over the handling of clinical waste only and would not affect the integrated waste management facility(ies) which would deal with the treatment of municipal solid waste. At present, an Advisory Group comprising mainly non-Government officials was examining in detail the various proposals received during the expression-of-interest exercise for the integrated waste management facility(ies). The Administration would certainly consult the Council on the way forward when the Advisory Group had submitted its recommendation to the Administration.

6. A Member pointed out that the PVC content in clinical waste might turn out to be higher than the estimated 3% mentioned in the paper in view of the increase in the use of masks and protective clothing in hospitals during the recent atypical pneumonia outbreak and might eventually result in the release of more dioxin which was a highly toxic chemical. In response, Ms. Choi clarified that most clinical waste arising from hospitals and clinics did not contain PVC. Furthermore, the 3% estimate referred to clinical waste generated by hospitals. The percentage of clinical waste with PVC content generated by clinics would be lower.

7. A Member pointed out that the environmental impact assessment (EIA) study on the use of the Chemical Waste Treatment Centre (CWTC) for treating clinical waste was conducted five years ago and since then there could have been changes in the EIA practices as well as general requirements in handling clinical waste. He hoped that the Government could update Members on the amount and composition of clinical waste, as well as the technologies available to treat clinical waste. Ms. Choi agreed to update Members on the amount and composition of clinical waste. As regards the treatment technologies, the Chairman of the Working Group on Health Care Waste of the International Solid Waste Council had carried out a thorough review, and the report had been reported to Members in 2002. There was little change as far as the treatment technologies were concerned. Mr. Rob Law added that information on those areas had already been presented to Members, and those information remained more or less the same at the present moment. The Member undertook to provide more specific description on the information required.

The Member

8. In response to the Chairman's enquiry, Ms. Choi confirmed that the exact fee to be levied on handling clinical waste had yet to be determined. She added that the estimated incineration cost was \$7.7 per kg and based on a recovery rate of 31% of the operating cost, the fee would be

about \$2.4 per kg. The major parties affected would be hospitals and clinics and they were aware of the approximate fee level.

9. In response to a Member's enquiry on whether the budget of \$51 million for retrofitting the storage and handling facilities of CWTC was sufficient in view of the new requirements arising from the atypical pneumonia outbreak, Ms. Choi explained that all clinical waste, whether it was related to atypical pneumonia or not, would be handled similarly. Hence, the storage and handling facilities would not be affected by the atypical pneumonia outbreak and the original budget should be sufficient.

10. A Member supported the Government's plan to include the small producers of clinical waste into the control scheme. However, he considered that the fee of \$2,387 per tonne for handling clinical waste was too high. Since the CWTC was in a monopolistic position, the Government should closely monitor the fee level to see if it was set at a reasonable level. In response, Ms. Choi pointed out that the current fee level charged by CWTC was the outcome of an international tender and should therefore be very competitive. Nonetheless, EPD would constantly review the fee level by comparing it with that of other places.

11. In response to the Chairman's enquiry, Ms. Choi said that the CWTC contract would end by April 2008. A Member suggested that it was time for the Administration to consider whether to renew the contract, call for another tender or simply look for other new technologies. She considered that in the long term the Government should set up a designated facility to treat clinical waste and it was time to conduct a study in that respect. In response, Ms. Choi said that the use of CWTC to treat clinical waste was a short-to-medium term measure. In the longer term, the Administration would keep abreast of international developments and look for alternative approaches at a later stage.

12. In response to a Member's question regarding licensed disposal facility and authorized collection points mentioned in paragraph 4(b) of the paper, Ms. Choi clarified that the licensed disposal facility was actually referring to CWTC. Private healthcare practitioners could transport clinical waste of no more than 5 kg to CWTC by themselves. To provide further flexibility, several private practitioners could gather their clinical waste in authorized collection points set up by waste collectors or by one practitioner so as to reduce the collection cost.

Non-hazardous waste

13. In reply to the Chairman's question on the amount of imported non-hazardous waste being disposed of in Hong Kong, Ms. Choi said that

out of the 2.5 million tonnes of non-hazardous waste imported or traded through Hong Kong last year, about 130 tonnes of them were disposed of in the landfills. Although the percentage was relatively low, the prosecution of such offences was extremely difficult because the Government would need to establish the offenders' intent to deceive at the time of importation and only five out of the 28 suspected cases were successfully prosecuted last year. Hence, one of the proposed legislative amendments was to plug the loophole by making it an offence to dispose of imported non-hazardous waste without prior authorization from DEP. Mr. Rob Law supplemented that although the amount of non-hazardous waste disposed of in landfills was relatively low at present, the amount would likely increase since some overseas countries had introduced new recovery legislation and it might be cheaper for waste producers in those countries to export waste than to recycle them at home.

Basel Ban

14. A Member pointed out that some waste exporters might make false declaration of the content of the imported waste. She asked how such problems would be tackled. Dr. David Ha responded that EPD had put in place an intelligence network with overseas countries and would carry out checking of suspicious waste with the assistance of the Customs and Excise Department. In case irregularities were found, they would liaise with the country concerned and request the exporter to take back the waste.

Conclusion

15. The Chairman concluded that the Council supported the legislative proposals.

Agenda Item 4 : Building partnerships with regulated trades and industries

(ACE Paper 18/2003)

16. The Chairman welcomed Mr. K F Tang to the meeting. Mr. Tang briefed Members on the partnership programme and circulated copies of pamphlets and booklets on the programme to Members for viewing. The Chairman and several Members commended EPD on its initiative to help the various trades to improve their environmental performance.

17. In response to the Chairman's question on the feedbacks of the participants of the partnership programme and the adoption rate of the various measures and devices suggested by EPD, Mr. K F Tang said that the response from the trades concerned was very positive. The Department was planning to set up a dedicated team to promote the programme. As regards

the adoption rate, about 500 restaurants had installed the electrostatic precipitators. The Department would continue to encourage more restaurants to adopt the recommended measures and devices though it would take some time to change people's mindset.

18. In reply to a Member's enquiry about repeated offenders, Mr. K F Tang explained that they would publish the names of the repeated offenders in press releases and the Department's website with a view to exerting pressure on them to make improvements. As regards vehicle repair workshops, they would send ambassadors to warn the repeated offenders and take prosecution actions where appropriate until they complied with the law.

19. In response to a Member's concerns about environmental problems caused by the construction industry, Mr. K F Tang admitted that the problem was rather complex because of the sub-contracting system of the industry. Hence, apart from taking enforcement actions, the Department, in conjunction with the Construction Industry Training Authority, had put much effort on educating the workers. In addition, the Department would work closely with developers and other agents so that contractors would set up proper environmental control mechanisms.

20. A Member pointed out that some developers drew up contracts that did not allow time for inclement weather conditions and as a result contractors had to work outside the permitted hours if they were behind schedule because of the weather or other reasons. He suggested that the partnership programme should involve developers so that they would draw up contract conditions in a more sensible way. Mr. K F Tang agreed with the Member and said that they were planning to involve works departments as well as developers to make sure that works contracts would have realistic construction programmes and sufficient time for installation of environmental measures and hence reduce environmental problems during construction. In that regard, it was noted that there was an increasing trend in the industry to adopt the construction design management concept which would bring developers, designers and contractors together to discuss possible problems before commencement of construction works.

21. In response to a Member's comments on the low popularity of EPD's complaint hotline, Mr. K F Tang pointed out that the hotline received hundreds of calls a day. He clarified that the hotline mentioned in his presentation was set up specifically for the partnership programme. As the effectiveness of the partnership programme would be affected by the membership of the trade associations concerned, the Department was encouraging those associations to recruit more members so that the Department could reach out more effectively.

22. A Member cautioned that the downward trend of the complaint figures should not be taken as a proof of the success of the partnership programme because other factors could also contribute to the decreasing number of complaints. For example, the poor economic conditions over the past five years might have resulted in a smaller number of food establishments. Mr. K F Tang agreed with the Member's observations. Yet for Members' information, he pointed out that contrary to the common perception, the number of food establishments, especially those smaller ones, did increase over the past few years. Smaller restaurants usually caused more environmental problems, as they were closer to residential areas and less motivated to comply with environmental requirements. Another Member shared the above Member's views and hoped that the effectiveness of the partnership programme could be assessed more scientifically and he could offer advice in that aspect if necessary.

23. A Member pointed out that it was difficult to rely solely on voluntary compliance by the trades. A recent example was that not many food operators were willing to adopt the wastewater treatment system developed by Hong Kong Productivity Council (HKPC) for food establishments. Mr. K F Tang agreed that operators in general had little incentive to improve their environmental performance because they knew that EPD could not patrol each and every premise due to resources constraint. Therefore to promote a certain system/device, they had to demonstrate that the proposal would bring about a reduction in operating cost, apart from helping them to comply with the law. As regards the wastewater treatment system developed by HKPC, the operating cost of the first model was rather high and thus it was not popular among operators. Recently, HKPC had improved the cost-effectiveness of the system and hopefully it would be more widely adopted. A Member declared interest for being a staff member of HKPC. He agreed that it would be easier to motivate small and medium enterprises (SME) to implement improvement measures by working closely with them and giving them technological advice.

24. A Member commented that it was important for SMEs to maintain their environmental performance. He suggested giving recognition to those SMEs that had done well in that aspect. In response, Mr. K F Tang said that they were considering setting up specific awards to promote good examples of pollution reduction measures. He referred Members to one of the pamphlets being circulated which showed the plans to set up the green restaurant award and green garage award.

25. A Member pointed out that environmental protection and control should be implemented in an integrated manner. It would be

undesirable if the operators could control their wastewater discharge effectively but the emission of air pollutant worsened. Mr. K F Tang agreed with the Member and said that they had adopted an integrated approach and operators were encouraged to minimize pollution in all aspects. Likewise, EPD's local control office had adopted a similar approach by integrating teams of different specialties and staff would be trained to acquire general knowledge in all environmental aspects.

26. In response to a Member's suggestion of promulgating the environmental management system (EMS) among SMEs, Mr. K F Tang said that EPD had established a very close link with the construction industry and many construction companies had incorporated the ISO14000 or EMS into their corporate policy. As for other SMEs, improvements had to be adopted in a step-by-step approach. Initially they would help them overcome environmental problems so as to meet the law requirements. The next stage would be to encourage the trade associations concerned to recruit more members so that EPD the programme's coverage could be expanded and hence implemented more effectively.

27. A Member suggested training environmental managers to help SMEs to implement EMS and assist them to set up environmental targets and audit systems. Mr. K F Tang thanked the Member for the suggestion but he pointed out that the proposal would involve a lengthy process and would require additional resources on the part of both the Department and the operators.

28. A Member said that one of the researches conducted by his students indicated that although the initial cost for setting up an EMS was rather high, it could well be offset within five years by not having to pay any fine. He hoped that such finding could help promote the setting up of EMS.

29. In response to a Member's enquiry on whether unlicensed food establishments operating in residential units would be included in the partnership programme, Mr. Tang explained that at present the programme targeted at food establishments which were members of the relevant trade associations. As the food establishments in question were not members of the trade associations, they were not included in the partnership programme for the time being.

30. A Member pointed out that in certain old industrial areas, factories co-existed with residential units and food establishments in the same building, resulting in serious environmental as well as hygiene problems. He considered that only better land use planning could prevent such problems from occurring again. Mr. K F Tang said that the problem was very complex and could not be solved by legislation alone. It required

the concerted efforts of many departments and might best be handled at the bureau level. EPD would do its best and work with other departments to arrive at more effective measures. Another Member said that the type of planning mentioned by the above Member, though associated with certain problems, had its own advantages. For instance, restaurants near residential areas were very convenient to the local residents and vehicle workshops in those areas could provide job opportunities to the neighbourhood. Although she agreed that more could be done to improve the overall town planning, there were many social factors that should be considered.

31. The Chairman concluded that the Council supported the partnership programme and he thanked Mr. Tang for briefing the Council. He asked Members to approach the Secretariat if they wished to have a copy of the pamphlets and booklets.

Agenda Item 6 : Any Other Business

Informal meeting with the LegCo Environmental Affairs Panel

32. The Chairman reported that the above informal meeting with the LegCo Environmental Affairs Panel was held on 6 May 2003. Nine Members joined the meeting and the subjects discussed included the polluter pays and producer responsibility principles, the accessibility of cross-border EIA information, environmental governance and environmental industry. To enhance communication between the Panel and the Council, it was agreed that such informal meetings would be held once every six months.

Tentative items for discussion at the next meeting

33. The Chairman informed Members that two items were tentatively scheduled for the next meeting, namely the 2002 review of the Third Comprehensive Transport Study and a proposal to require installation of vapour recovery systems at petrol filling stations under the Air Pollution Control Ordinance.

34. A Member suggested and the Chairman agreed that the Kowloon-Canton Railway Corporation should be invited to brief the Council on the progress of the Sheung Shui to Lok Ma Chau Spur Line project before the commencement of the tunneling work in September. The Chairman suggested that a site visit should also be arranged in parallel.

Secretariat

35. Having regard to the recent press reports on some alleged misconducts of the contractors of the Cheoy Lee Decommissioning project, a Member suggested and the Chairman agreed that the project proponent should be invited to brief Members on the incidents concerned, the

Secretariat

environmental monitoring mechanism and the operation of the thermal desorption plant at To Kau Wan.

Agenda Item 7 : Date of Next Meeting

36. The next meeting would be held on 14 July 2003.

ACE Secretariat

June 2003