

**Confirmed Minutes of the 123<sup>rd</sup> Meeting of  
the Advisory Council on the Environment  
held on 18 February 2005 at 2:30 p.m.**

**Present:**

Prof. LAM Kin-che, J.P. (Chairman)  
Mr. James GRAHAM  
Prof. Paul LAM  
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  
Mr. TSANG Kam-lam  
Prof. WONG Tze-wai  
Prof. WONG Yuk-shan, B.B.S., J.P.  
Mr. Eric Chan (Secretary)

**Absent with Apologies:**

Prof. HO Kin-chung, B.B.S.  
Prof. Howard HUANG  
Ms. Goretti LAU  
Ms. Iris TAM, J.P.

**In Attendance:**

Mr. K K KWOK, J.P.	Permanent Secretary for the Environment, Transport and Works (Environment)
Ms. Doris Cheung	Deputy Secretary for the Environment, Transport and Works (Environment)1
Mr. Roy TANG	Deputy Secretary for the Environment, Transport and Works (Environment)2
Mr. Rob LAW, J.P.	Director of Environmental Protection
Mr. C C LAY	Assistant Director (Conservation) Agriculture, Fisheries and Conservation Department
Mr. Jimmy LEUNG	Assistant Director/Technical Services Planning Department
Miss Brenda LEE	Secretariat Press Officer, Environment, Transport and Works Bureau (ETWB)
Ms. Polly LEUNG	Principal Information Officer Environmental Protection Department (EPD)
Ms. Josephine CHEUNG	Chief Executive Officer (E), ETWB
Miss Sarah NG	Executive Officer (E), ETWB

### **In Attendance for Agenda Item 3 :**

Mr. Raymond FAN	Deputy Secretary for Economic Development and Labour (Economic Development) <sup>3</sup> , Economic Development and Labour Bureau (EDLB)
Ms. Reddy NG	Senior Economist (Port, Maritime & Logistics), EDLB
Dr. Jonathan BEARD	Managing Director, GHK (Hong Kong) Ltd.
Mr. Michael CHALMERS	Director, Scott Wilson Ltd.

### **In Attendance for Agenda Item 4 :**

Mr. Eddy CHAN	Deputy Secretary for Health, Welfare and Food (Food and Environmental Hygiene), Health, Welfare and Food Bureau (HWFB)
Mr. Vincent LIU	Principal Assistant Secretary (Food and Environmental Hygiene) <sup>2</sup> , HWFB
Miss Wendy AU	Assistant Secretary for Health, Welfare and Food (Food and Environmental Hygiene) <sup>5</sup> , HWFB
Dr. Patsy WONG	Acting Assistant Director/Fisheries, AFCD

\*\*\*\*\*

### Action

The Chairman welcomed Mr. Eric Chan who would serve as the secretary of the Council and expressed a note of thanks to Ms. Doris Cheung who would be transferred out of the Bureau in early March 2005.

### **Agenda Item 1 : Confirmation of the draft minutes of the 122<sup>nd</sup> meeting held on 17 January 2005**

2. The draft minutes were confirmed subject to the following amendments –

(a) as proposed by a Member that –

- (i) “and her query on the possible land use of the eastern part of the Depot site” should be added after “Tung Chung new town area” in line 15 of paragraph 23; and
- (ii) the 2<sup>nd</sup> sentence of paragraph 26 should read as “Another Member suggested the Government to consider how the various proposals would benefit or affect the residents of Tung Chung new town.”

- (b) as proposed by another Member that “and to reuse construction and demolition waste as much as possible” should be added at the end of the 4<sup>th</sup> sentence of paragraph 20.

3. A Member requested revealing her name in paragraphs 6 to 15 under the item of “ACE Transparency and Open Meeting” in the confirmed minutes of meeting which would be uploaded onto the website. One member pointed out that this would involve a change of the Council’s agreed practice, and expressed his reservations on the partial disclosure of a particular member’s name for any item. He considered that a consistent approach should be adopted. A Member concurred and considered that the disclosure of members’ names would amount to opening up the meetings which contradicted the decision of the Council on the issue at the last meeting. Another Member agreed that this would inevitably cause confusion to the public and it was a rather fundamental issue that involved changing the system and practice of the Council. If a precedent were set, it would be difficult to refuse other members’ similar requests in future.

4. Noting the Member’s particular concern on the matter, a Member expressed no objection to disclosing an individual Member’s name on this particular occasion.

5. In response to a Member’s enquiry on the current practice of uploading the confirmed minutes of meetings onto the website, Mr. K K Kwok explained that names of individual members would be replaced by “A Member” or “Members” in the minutes. The purpose of the arrangement was to enable Members to express their views freely. It was a balance between making the Council’s discussion accountable to the public without putting individual members under undue pressure. It was for the Council to decide whether to maintain the current practice or to review it for future meetings. For the minutes of the last meeting, however, he did not recommend changing the practice with retrospective effect as the discussion had taken place on the basis of anonymity. The Member stressed that she just wanted to let the public know about her views on this issue and it was not her intention to put the Council under undue pressure. However, she considered the Council’s role as a watch dog of government policies equally important as providing quality advice on policies.

6. Taking into account the views of Members, the Chairman concluded that it was more appropriate to maintain the current practice in uploading the confirmed minutes.

7. As regards whether or not such practice should be changed for future meetings, the Chairman considered that if a majority of Members

agreed, the issue could be further discussed at a future meeting so that all Members could be properly informed in advance of the subject discussion. Two Members indicated their wishes to discuss the issue in the next meeting. However, a Member did not think it was necessary to discuss the issue again as it was related to the issue of opening up ACE meetings which had already been thoroughly discussed in the past and satisfactorily resolved at the last meeting. Two Members supported the Member's view. Another Member also agreed, and stressed that discussion of the Council should focus on environmental issues. Summing up the discussion, the Chairman concluded that it was the majority view that the Council should not discuss the issue further and the current practice should be maintained. The Member registered her disagreement and said that the Council was not only accountable to the Government but also to the public.

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

8. There was no matter arising from the minutes of the last meeting.

### **Agenda Item 3 : Hong Kong Port – Master Plan 2020** **(ACE Paper 2/2005)**

9. Mr. Raymond Fan briefed Members on the background and major objectives of the Study on Hong Kong Port – Master Plan 2020 (the Study). Dr. Jonathan Beard presented major findings and key recommendations of the Study. Mr. Fan stressed that the Hong Kong Port (HKP) was facing keen competition from neighbouring ports, the Shenzhen ports in particular, and our market share had decreased over the past few years. To maintain HKP's competitiveness, the most important task was to enhance productivity and efficiency of our existing port facilities and reduce road haulage costs so as to safeguard the sustainability of our port. The planning of a new container terminal (CT) and related facilities in the next decade would depend very much on the future demand for Hong Kong port facilities and the expansion plan of neighbouring ports. The Administration had yet to decide when and where the new CT would be built. However, there was a need to start an ecological study for the Northwest Lantau (NWL) option now to make sure that it was a feasible option before embarking on a full study, including EIA and other relating feasibility studies. As to why the proposed CT in NWL was not included in the Concept Plan for Lantau, Mr. Fan explained that it was mainly because the Government had not made any decision on the location of the future CT.

10. In response to the Chairman's questions on the estimated timeline for building the new CT based on the preferred C2 forecast scenario and the difference in the port cargo forecasts between the current study and the study conducted in 2001, Dr. Jonathan Beard explained that the indicative

timing was that three new container berths would be required by 2015 and three more by 2020. The projected throughput of port cargo forecast under C2 scenario in 2010 was almost two million TEUs fewer than that projected under the study in 2001 as shown in Table 9 of the Annex to the paper.

11. On the NWL option, a Member enquired what kind of infrastructures and link roads would be required in Lantau for the CT to be built on an artificial island of about 245 hectare. Mr. Raymond Fan and Mr. Michael Chalmers explained that the proposed CT would be on a self-contained island with all required infrastructure. The NWL option was developed on the assumption that the Hong Kong landing point of the Hong Kong-Zhuhai-Macao Bridge would be at Northwest Lantau and the only road access needed would be a short link northwards from the port island to connect with the Bridge.

12. A Member cast doubts on the future cargo projection and queried whether HKP could compete with Shenzhen ports in terms of costs. He considered that the Council should first address the fundamental issue of whether there was the need for a new CT as both Southwest Tsing Yi (SWTY) and NWL options would have substantial ecological impacts. Another Member shared his view. Mr. Raymond Fan agreed that HKP was losing its market share but pointed out that Hong Kong, with its deep natural harbour, would continue to be an important hub port and a transshipment centre in the region, especially for future mega vessels. It was important for HKP to maintain its attractiveness in terms of services and competitiveness. HKP was a very important asset of our economy and the Government had to ensure that it would continue to contribute to the local economy. Dr. Jonathan Beard pointed out that we should first improve our inland connectivity by removing various boundary regulatory measures to enhance efficiency. This would help reduce the road haulage costs to HKP and greatly improve our competitiveness with the Shenzhen ports – the objective was to create a more level playing field for competition between Hong Kong and other PRD ports and bring a greater market focus to port development that would enhance overall efficiency within the region. He highlighted that the new CT would be built by private investment and that market forces would determine whether investors would consider it a financially viable project. Mr. Raymond Fan added that expanded port facilities would help improve the competitiveness of HKP, enabling us to meet the increasing demand for cargo services in the West Pearl River Delta (PRD) region. With China's accession to the World Trade Organization, the volumes of exports and imports would see strong and significant growth. It was thus essential for Hong Kong to plan ahead now for its future port expansion.

13. A Member was pleased to learn the Government's plan for future port expansion. He considered that the Government should accelerate the expansion plan to capture anticipated increase demand for cargo services brought by the rapid development of the West PRD and the signing of Closer Economic Partnership Arrangement. To reduce the high terminal handling

charges (THC) imposed by the existing terminal operators, the Member suggested that the Government should bring in new operators for the future CT to enhance competition among the terminal operators. Mr. Raymond Fan noted the Member's concern and clarified that the high cost differential between HKP and Shenzhen Port involved both road haulage costs and THC. The Government would consider the possibility of introducing new operators for the future CT.

14. A Member commented that there was a lack of co-ordination within the Administration in proposing contradictory proposals on the development of Lantau. Tai O was proposed to be preserved as a fishing village and a tourist attraction spot under the Concept Plan for Lantau but was identified as a potential site for the future CT under the Study. Another Member shared his view and considered that consulting the public with conflicting proposals in parallel did create confusion. Mr. Raymond Fan stressed that the Government had not yet reached any conclusion on the location of the new CT and it was only prudent to exclude the development of the new CT in the Concept Plan for Lantau. The proposed ecological study for NWL was necessary to ascertain that NWL would not be a non-option for the new CT. The Administration would continue to involve the public and the industry before a decision was made.

15. A Member enquired why the West Tuen Mun (WTM) site, one of the four options that the Study had identified for future terminal expansion, was ruled out. The site was reasonably connected with road network and it seemed that the problems of sea traffic and ocean current were not insurmountable. Mr. Michael Chalmers explained that the major part of the approach channel would be situated outside Hong Kong waters which would involve substantial planning and operational difficulties. Moreover, WTM site also involved similar environmental issues as NWL, such as impacts on the white dolphin habitats.

16. A Member enquired whether the cost differentials stated in the paper had taken into account costs like impacts on health and air quality. Mr. Raymond Fan explained that the cost differentials only referred to the current economic cost differences between Hong Kong and neighbouring ports. As to the Member's enquiry on the basis used to estimate the port cargo forecast of neighbouring ports, Ms. Reddy Ng explained that the Administration maintained constant dialogue with the port authorities in the Mainland as well as other private operators. In preparing the forecasts, the Administration did consult the authorities and the operators in the Mainland to ensure that up-to-date market information was used.

17. A Member considered it more feasible to develop CT10, if required, at SWTY site than at NWL as it was more viable and acceptable from the planning and environmental points of view. SWTY was already an industrial area but the ecological impact on NWL would be irreversible. He was also concerned about the required backup facilities for the operation of the

new CT which would have significant environmental impacts. Mr. Raymond Fan reiterated that the Administration had yet to decide on the location of the future CT. However, the SWTY option also had its ecological and environmental problems such as the need to relocate the oil depots.

18. To minimize the impact of port development on air quality, a Member suggested assessing the positive environmental impact of including a rail link in the Hong Kong-Zhuhai-Macao Bridge. The Chairman also expressed concern on the air quality and hoped that the ecological study would address the possible impact on the air quality of Tung Chung new town and the whole Lantau Island.

19. Mr. K K Kwok hoped that Members' concern on the lack of compatibility on the possible development of a new CT at NWL and the other projects proposed in the Concept Plan for Lantau would be addressed. He suggested that the ecological study should also investigate the impacts of CT back-up facilities on the rural landscape. Concerning the possible impact of SWTY option on the Harbour Area Treatment Scheme (HATS), he requested that the feasibility study should take into account Government's commitment to proceeding with the HATS Stage 2 and ensure the SWTY option would be compatible with the HATS project.

20. Mr. Raymond Fan assured Members that their views and suggestions would be carefully considered. He pointed out that the ecological study for NWL site would mainly focus on the viability and possibility of developing the new CT at NWL. A separate feasibility study would be conducted on the selected site at a later stage to address a full range of issues like air quality, environmental impact of backup facilities and compatibility with HATS and other projects, etc.

21. A Member opined that the proposed ecological study was in fact a baseline study to collect data for assessing potential impacts. He suggested that the study should cover the cumulative ecological and environmental impacts of all the planned and committed projects. The data collected should also allow predictions under different scenarios.

22. A Member urged that a strategic environmental assessment should be conducted on the whole Lantau Island as impact on one part of the Island would have ripple effects on the whole Lantau. She hoped that the Council could be consulted again when there was a concrete plan on the development of the new CT.

23. The Chairman summarized the major concerns raised by the Members as follows –

- (a) the need to review the assumptions and projections to ensure that they were realistic;
- (b) the lack of co-ordination among government bureaux on the

- development of Lantau under the two different public consultation papers. It was difficult for the public to comprehend and provide useful feedback based on incomplete information;
- (c) problems in the choice of the future CT site at NWL as :
    - (i) the planning intention for preserving Tai O under the Concept Plan for Lantau would be significantly compromised;
    - (ii) it was not in line with the principle of sustainable development for Lantau;
    - (iii) the consequential effect of a new CT at NWL on other parts of Lantau would be significant;
    - (iv) there would be serious ecological and environmental impacts on the whole Lantau Island; and
  - (d) it was the majority view of the Council that NWL was not a viable option for the development of a new CT port from the ecological and environmental angle.

24. In response to a Member's suggestion to forward the views of the Council to EDLB in writing before the consultation deadline at the end of February 2005, the Chairman asked the Secretariat to follow it up.

The  
Secretariat

(Post-meeting note: The comments and views of the Council were forwarded to EDLB on 26 February 2005.)

**Agenda Item 4 : Consultation Paper on the Proposed Amendment of the Fisheries Protection Ordinance, Cap. 171 for the Establishment of a Regulatory Framework for Fishing Activities in Hong Kong Waters**  
(ACE Paper 3/2005)

25. Mr. Vincent Liu briefed Members on the background and details of the proposed regulatory framework for fishing activities in Hong Kong waters, which mainly involved the implementation of three management measures, namely the establishment of a fishing licence system; the designation of fisheries protection areas (FPAs); and the implementation of a territory-wide "closed season" for fishing.

26. A Member expressed his dissatisfaction that while the number of fishes in Hong Kong waters had been on a continuous decline over the past 25 years, AFCD had done little in protecting the fisheries resources and conserving the marine environment in Hong Kong. The Member showed a video about the serious destruction of the seabed caused by trawling activities and queried why AFCD did not draw public's attention to the seriousness of the matter. He said a consultancy study report commissioned by AFCD in 1998 clearly stated that fish stock in Hong Kong waters had declined to a critical state and urgent action was required. The study report recommended



that a number of management measures, such as introducing a fishing licence programme, designating nursery and spawning protection areas and banning trawling activities, should be implemented as soon as possible. The Member cautioned that comprehensive measures should be put in place immediately to protect our fisheries resources before it was too late.

27. The Member expressed his disappointment with the proposed regulatory framework, which he considered incomprehensive and could not help tackle the problem. He proposed that the whole of the Hong Kong waters should be zoned as FPA and all trawling activities should be banned because of its serious impact on the habitat. With a view to restoring the fisheries resources, the Member suggested that a really sizable “no-take zone”, e.g. about 10-20% of Hong Kong waters, should be designated and all commercial vessels (including P4 vessels) should be banned in the zone. He supported the idea of allowing recreational fishing and suggested the Government charge an annual licence fee as the economic benefits would outweigh the costs for allowing such activities. The Member also urged the Government to implement FPAs and annual territory-wide “closed season” proposals immediately. He considered no further public consultation necessary as the benefits of such measures had already been proved by similar measures adopted in the South China Sea since 1999. He said that the proposed legislative amendments could only confer the necessary legal and enforcement power on the Administration but the crux of the matter was to really exercise such power and take necessary action to tackle the problem. He hoped the Council would join him in urging the Government to implement measures immediately to protect the fisheries resources.

28. The Chairman pointed out that the Council had in fact proposed various measures when it was consulted on the consultancy study in 1998 and was alarmed to note that the trend of decline in fisheries resources had continued since then.

29. Mr. Eddy Chan expressed his understanding of Members’ concern that the proposed measures might not be far and quick enough. He stressed that the Administration wished to implement the protection measures as soon as practicable but it was important to first help the affected fishermen understand that these measures were also to their benefits. Mr. Chan pointed out that the Government was closely liaising with the trade to explore alternative fishing operations for those being affected by the proposed measures. For example, they were liaising with the Marine Department on how best to assist the 600 trawlers in Hong Kong to be affected by the closed season proposal to convert to more sustainable modes of operation such as recreational fishing. Mr. Chan informed the meeting that the provisions involved complicated legal issues that had taken the Government some time to

sort out. Besides, the Government had consulted the relevant parties before coming up with the regulatory framework. He explained that the Legislative Council Panel on Food Safety and Environmental Hygiene requested the Administration to conduct further public consultation, particularly with the trade, when the proposed regulatory framework was discussed at the Panel meeting in September 2003. The draft bill was now ready and the Government would further discuss with the fishing community on the implementation details in the near future. Mr. Chan assured Members that their valuable comments would be carefully considered. The proposed measures should accord a certain degree of protection for our fisheries resources and were essential steps to conserve the fisheries habitat.

30. A Member considered the proposal neither comprehensive nor effective. He suggested that the licence system should be based on a quota system of different fish species and a thorough survey should be conducted to collect comprehensive statistics on the fish stock of various species and their breeding cycles. Dr. Patsy Wong pointed out that the licence system, which was vessel-based, would specify the fishing tools used by a particular vessel. This would be an effective mechanism to control the growth of the fishing fleet and would enable the Administration to ban specific types of fishing operations which were found to cause serious damages to the fisheries habitat. Dr. Wong stressed that study on fish stock and species could be done in parallel with the implementation of the proposed scheme. Mr. Vincent Liu added that the proposed fishing licence would specify the conditions and particulars of the vessels like gear type, engine size of the fishing vessel, fishing area and operation mode. On the other hand, a quota system would be difficult to enforce. Moreover, AFCD would continue to conduct survey on fish stock in Hong Kong waters to assess the effectiveness of the proposed measures. The Member referred to the successful experience of New Zealand in adopting a quota system. He urged the Government to seriously consider adopting a similar mechanism. Dr. Wong explained that the circumstances in New Zealand were very different. New Zealand had much less fish species and its fishing fleet was small and mainly conducted by a few large fishing companies in a few major ports and were therefore much easier to control. In contrast, there were numerous fish species in Hong Kong. In addition, many Hong Kong fishing vessels fish in Hong Kong waters as well as in South China Sea and it was hard to identify which fishes were caught in Hong Kong waters.

31. Upon the Chairman's enquiry on the anticipated growth rate of fish stock after implementing the proposed measures, Mr. Vincent Liu said that it was anticipated that by designating 10% Hong Kong waters as FPA and implementing the proposed measures, the economic value of fisheries would be increased by 30% in 15 years' time. In response to the Chairman's

question on the sustainability assessment of the fishing industry after implementing the proposed measures, Mr. Liu said that as the economic value of the fisheries would continue to increase, it was expected that the fishing industry would be sustainable. As regards whether the fish population would be sustainable, Mr. Liu said that he had no such information in hand and would revert to the Council after the meeting.

HWFB

(Post-meeting note: HWFB indicated that based on available information, it was expected that the fish population would be sustainable after implementing the proposed measures.)

32. A Member said that she had been involved in vetting the proposed regulatory framework as a Member of the Country and Marine Park Board and fully understood the resistance of the fishing community on the proposed measures.

33. In response to a Member's question on whether there was any communication with the Mainland authority to tackle illegal fishing activities in Hong Kong waters, Mr. Eddy Chan said that there was currently no regulatory control on fishing activities in Hong Kong waters. With implementation of the licence system, fishing in the Hong Kong waters would be properly controlled and regulated. HWFB and AFCD would explain the proposed regulatory regime to the Mainland authorities and would work with them closely to tackle illegal fishing in Hong Kong waters. Dr. Patsy Wong drew reference to a successful prosecution of a Mainland fisherman for illegal fishing in a Hong Kong marine park, which resulted in a prison sentence. The Mainland authority was notified of the case and helped return the confiscated vessel. The case had a very strong deterrent effect in reducing illegal fishing by Mainland vessels in the marine park. Dr. Wong pointed out that there was an established channel between AFCD and the Mainland authority to deal with similar cases. She believed that illegal fishing throughout Hong Kong waters could be reduced with implementation of the licence system.

34. The Chairman asked whether there was any dialogue between Hong Kong and the Mainland authorities on how to tackle the problem of decline in fisheries resources and species as well as the impact of the "closed season" policy on South China Sea. Dr. Patsy Wong said that there was a constant dialogue with the Mainland authorities. AFCD had recently held a meeting with the Mainland side to discuss the appropriate assessment methodologies for the South China fisheries resources. The Chairman urged the Government to liaise with the appropriate Mainland authority for devising strategic long-term management measures for the region.

35. In reply to a Member's question on public education, Dr. Patsy Wong said that there was an on-going programme to educate the local fishing community as well as the general public on the protection and conservation of fisheries resources.

36. A Member was concerned about the worldwide decline in water quality which might affect the fisheries resources in Hong Kong. In response to the Member's question on whether there would be any proposed ceiling on the number of licences, Mr. Eddy Chan said that currently the Government had no such plan to impose a ceiling. Under the proposed licence system, DAFC could however impose a moratorium on the issue of further fishing licences should the situation warrant. The Chairman asked what action would be taken if the fish stock still declined after implementing the licence system. Mr. Eddy Chan said that the Government could stop renewing licences to certain fishermen under such extreme circumstances and would further review the licence system if necessary.

37. In response to a Member's question on the licence renewal mechanism, Dr. Patsy Wong said that if there was a continuous decline of fish stock, the Administration might, for example, not renew licences for trawlers if they were identified to be more damaging to the fish stock and the fisheries environment. The Member considered that AFCD should have sufficient information on the fish stock, fishing vessels and fishing operations in Hong Kong. As such, AFCD could base on such information to set a limit on the number of licences to be issued. A Member shared his view and considered that the Government should give more thought before launching the licence system. He opined that the available information on fish stock should provide objective criteria for the Government to determine the limit on number of licences to be issued. He had reservations on reducing the number of licences by administrative discretion. Mr. Chan reiterated that the Government had no plans for the time being to put a ceiling on the number of licences to be issued but could impose a moratorium on issuing of new licences if necessary. He emphasized that DAFC would only not renew a licence under exceptional circumstances. He explained that before a regulatory regime was put in place, it was difficult for the Administration to set a ceiling on the number of licences. A Member disagreed and considered that the authority should set a limit on the number of licences to be issued at the outset. Another Member shared his view.

38. Mr. K K Kwok commented that while Members considered the proposal was in the right direction, it did not go far enough in addressing their concern about protection of the marine ecology. Mr. Eddy Chan clarified that while there was currently no control on fishing activities in Hong Kong waters, the proposed measures would help regulate fishing operations in Hong Kong.

The proposed package would empower AFCD to tighten the control measures such as imposing additional conditions in the licence or banning certain destructive fishing methods if the decline of fish stock reached an alarming level in future.

39. A Member suggested that the fine for breaching licence conditions should be much higher than the proposed HK\$25,000 so as to deter non-compliance. She further asked whether the fine collected could be used for studies on fishing operations or relevant public education. Another Member considered that confiscation of fishing vessels was the only means to deter non-compliance. Mr. Eddy Chan emphasized that the level of penalty should be commensurate with the gravity of the offence committed. Noting Members' comments and concerns, he would discuss with the Department of Justice to consider the appropriate level of penalty.

40. The Chairman said that Members were disturbed to learn the further decline in fisheries resources to a dangerous level despite the Council had been consulted some years ago on the proposed measures of the consultancy study. He summarized Members' concerns and comments as follows -

- (a) the Government should act decisively and promptly without further delay;
- (b) the proposed framework was a good start in the right direction but did not inspire confidence. The measures were generally considered too late too little while the proposed framework did not accord the power or flexibility to the authority to adjust the management measures when it was found to be inadequate;
- (c) HWFB and AFCD should -
  - (i) monitor the fisheries resources closely so that the Government could assess the effectiveness of the measures and make adjustments when necessary;
  - (ii) co-operate and co-ordinate closely with Mainland authority at both strategic and operational levels;
  - (iii) further promote public education; and
  - (iv) review enforcement issues such as the level of penalty.

#### **Agenda Item 5 : Any Other Business**

41. The Chairman requested Members to inform the Secretariat in advance if they wished to discuss certain topics in future meetings.

42. A Member suggested that the co-ordination of environmental education launched by different bureaux or departments and their effectiveness should be discussed in future meetings.

43. In response to a Member's suggestion for discussing the topic of product responsibility, another Member informed the meeting that Product Responsibility Scheme had been discussed by the Waste Subcommittee in 2004 and would be further discussed in the Subcommittee again this year.

44. A Member pointed out that EDLB was conducting a public consultation on the post-2008 scheme of control in the electricity market and the consultation would end by April 2005. The Chairman agreed that there would be environmental impacts arising from the use of electricity in the pursuance of the future electricity market reform and requested the Secretariat to see how the Council could provide meaningful inputs on the matter.

The  
Secretariat

(Post-meeting note: EDLB agreed to brief the Council on "Future Development of the Electricity Market – Stage 1 Consultation" in the next Council meeting on 14 March 2005.)

**Agenda Item 6 : Date of Next Meeting**

45. The next meeting was scheduled for 14 March 2005.