

**Confirmed Minutes of the 177th Meeting of
the Advisory Council on the Environment
held on 11 April 2011 at 2:30 pm**

Present:

Prof Paul LAM, JP (Chairman)
Prof CHAU Kwai-cheong, JP (Deputy Chairman)
Ms Teresa AU
Mr Oscar CHOW
Prof FUNG Tung
Ms Betty HO
Mr Michael JEBSEN, BBS
Mr Edwin LAU, MH
Prof Joseph LEE
Ir Dr LO Wai-kwok, BBS, MH, JP
Dr MAN Chi-sum, JP
Mr TSANG Kam-lam, JP
Ms Pansy YAU
Dr YAU Wing-kwong
Dr Ray YEP
Prof Ignatius YU
Mr Carlson K S CHAN, JP (Secretary)

Absent with Apologies:

Dr Dorothy CHAN, BBS
Prof LI Xiang-dong
Miss Yolanda NG
Dr Alfred TAM
Dr Carrie WILLIS, SBS, JP
Prof WONG Ming-hung
Mr Simon WONG, JP

In Attendance:

Ms Anissa WONG, JP	Permanent Secretary for the Environment
Mr Y K CHAN	Acting Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department
Mr LAU Sing	Assistant Director/Technical Services, Planning Department
Ms Esther LI	Principal Information Officer, Environmental Protection Department (EPD)
Ms Josephine CHEUNG	Chief Executive Officer (CBD), EPD

Mr Steve TSOI Executive Officer (CBD), EPD
Miss Kim KWAN Executive Manager (CBD), EPD

In Attendance for Agenda Item 3:

Miss Katharine CHOI Principal Assistant Secretary for the Environment
(Energy), Environment Bureau
Mr WONG Sek-cheung Chief Engineer/Energy Efficiency A, Electrical and
Mechanical Services Department (EMSD)
Mr LO Kam-cheung Senior Engineer/Energy Efficiency A1, EMSD

In Attendance for Agenda Item 4:

Mr C W TSE, JP Assistant Director (Environmental Assessment), EPD
Mr Joseph SHAM Assistant Director (Country and Marine Parks), AFCD
Mr H M WONG Principal Environmental Protection Officer (Strategic
Assessment), EPD
Mr Dick CHOI Senior Marine Conservation Officer/West, AFCD

Action

Agenda Item 1 : Confirmation of the draft minutes of the 176th meeting held on 17 January 2011

The draft minutes were confirmed without amendments.

Agenda Item 2 : Matters arising from the minutes of the 176th meeting held on 17 January 2011

2. There were no matters arising from the minutes of the last meeting.

Agenda Item 3 : External lighting in Hong Kong
(ACE Paper 4/2011)

3. Miss Katharine Choi briefed Members on the findings of the consultancy study commissioned in 2009 on external lighting from the perspective of energy wastage and light nuisance as well as the proposed way forward in addressing concerns over external lighting.

4. A Member considered that while reference could be made to the experience of other metropolises in tackling energy wastage and light nuisance caused by external lighting, Hong Kong had the chance of taking the spearheading role rather than as a follower in view of the unique city landscape with high building density and clusters of residential-cum-commercial areas. With increasing energy cost and availability of energy-efficient devices, there was room for Hong Kong to take a leading role in this aspect. Another Member agreed that a unique approach should be adopted to tackle the problem of excessive external lighting in Hong Kong with a unique urban landscape.

5. A Member agreed that Hong Kong should take the leading role in dealing with the problem. Hong Kong was distinct with a heavy mix of commercial and residential buildings in densely-populated areas. There were interface problems between residents and glare from commercial signboards. Specific measures should be taken having regard to the unique local circumstances, such as long operating hours of illuminated signboards. Miss Katharine Choi agreed that a dedicated approach to cope with the local situations and constraints would be required in view of Hong Kong's unique circumstances. Guidelines and standards adopted in other metropolises would serve as a reference only.

6. A Member welcomed the proposal. He considered that Hong Kong, unlike other metropolises, was a sophisticated three-dimensional city with lots of high-rise buildings. Zoning of different land uses was not distinct. While the study found that light nuisance was a localized problem which mainly occurred in commercial-cum-residential areas, cumulative impacts should also be assessed in formulating the guidelines and regulations. In view of the lack of detailed studies on the subject, especially from the perspective of cumulative impacts, it would be useful to conduct further studies. Another Member suggested that a comprehensive assessment of the impacts of excessive external lighting be conducted, including impacts on the quality of life of sensitive receivers.

7. A Member considered that while the consultancy study set out in the paper had shed some light on the problem, the results were not comprehensive enough. The findings of the study were constrained by limited sampling size of only six areas. Compared with other metropolises, the ambient light level in Hong Kong was very high as many lighting installations were not switched off

after midnight. She suggested gathering more views from different District Councils as many districts faced similar problems. Another Member agreed that the problem was not confined to certain districts. Friends of the Earth had received many complaints from residents in different districts such as Tseung Kwan O. Even in residential areas, it was common to have large advertisement signboards in shopping malls facing residential units.

8. Miss Katharine Choi explained that the importance of collecting views from various District Councils was well recognized. They had scheduled meetings with Wanchai and Yau Tsim Mong District Councils to brief them on the proposal and seek their comments.

9. Two Members supported the setting up of a Task Force as soon as possible to advise on the way forward, such as the development of technical standards and related supplementary parameters specific to local circumstances. One of the Members considered that a timetable should be put in place to ensure prompt actions in handling the problem. Another Member shared the importance of setting out a concrete timetable as setting up a Task Force was often perceived by the public as a delaying tactic.

10. On membership of the Task Force, two Members suggested including members from District Councils, in particular those districts being seriously affected. One of the Members considered that participation of light sensitive receivers who were severely affected would also be useful.

11. A Member supported the proposal to address concerns over external lighting. In reply to his enquiry about the structure and administration of the Task Force, Miss Katharine Choi explained that the Task Force would be set up under the Environment Bureau which would provide secretarial support. The Task Force would be chaired by an independent non-official and its recommendations would be tendered to the Bureau.

12. A Member considered that apart from tackling the problem from the angles of energy wastage and light nuisance, the issue should also be considered from a wider perspective of climate change. The encouraging response of the annual lights-out events proved the increasing public awareness of the problem of energy wastage in the context of climate change. Moreover, the proposed way forward was not aggressive enough. More stringent guidelines and mandatory

requirements should be taken on board. Relying on voluntary measures to address the problem would not be effective.

13. A Member welcomed the move to address the problem. He considered, however, the proposed guidelines were not adequate. He suggested rephrasing the major mission of the Task Force to exploring the possibility of statutory control on external lighting to show the Administration's determination to tackle the problem. While the Task Force would advise on the way forward along this direction, it would not pre-empt the Government's consideration of the possible option of statutory control.

14. A Member noted that it was stated in the 2008-2009 Policy Address that the Government would assess the problem of energy wastage of external lighting and study the feasibility of tackling the problem through legislation. Moreover, government departments had already set examples by taking appropriate measures to address the problem of excessive external lighting, such as adjusting the beam angle of floodlights in sport grounds. He urged the Administration to introduce legislation to control the problem, especially in the commercial sector. The example of levy on plastic shopping bags showed that the introduction of legislative framework was much more effective than voluntary measures.

15. A Member suggested a mix of voluntary guidelines and mandatory requirements to achieve more efficient and effective control on external lighting in view of the high population density in Hong Kong. For the commercial sector, there was keen competition on the use of advertisement signboards among different brands to attract public attention. Voluntary guidelines could not provide any incentive to them for reducing the use of external lighting. While recognizing that external lighting helped beautify the city and attract tourists, setting requirements on switching off external lighting, say after mid-night, would not affect tourism. The use of voluntary guidelines and mandatory requirements in parallel would not only provide a level-playing field for the commercial sector, but also reduce their operating costs and contribute to carbon reduction.

16. A Member pointed out that in setting out the guidelines and regulations, consideration should be given to the fact that advertisement signboards, to some building owners, were a source of revenue by keeping them on rather than a matter of reducing electricity tariff by switching them off.

17. Miss Katharine Choi explained that the process of introducing a legislative framework would be lengthy yet it was clear that public called for immediate measures. The introduction of guidelines was the first step to address the problem and the possibility of introducing statutory control would not be ruled out in the longer term. The proposed Task Force would examine ways to raise awareness and understanding of the commercial sector on the seriousness of the problem and to solicit their support in reducing excessive use of external lighting. There were divergent views from the community on the the best way to control external lighting. At the district level, residents tended to consider that external lighting created nuisance. Nonetheless, some members of the Legislative Council (LegCo) expressed at meeting of the Panel on Environmental Affairs concerns over the potential impacts of statutory control, especially on tourism and commercial sector. A balanced approach would therefore be required in mapping the way forward.

18. A Member said that he had touched base with some property developers and they welcomed statutory control on external lighting as it would help stop the vicious cycle of competition of advertisement signboards in terms of size and operating hours. He considered that the Task Force should focus on formulating a regulatory framework, such as the duration and angle of external lighting installations. Limiting external lighting until 11 pm in residential districts and until mid-night in commercial-cum-residential districts was reasonable. Controlling the angle of lighting of advertisement signboards would avoid nuisance from spill light to nearby residents. As regards public education, the Tasks Force could leave it to non-governmental organizations to launch creative educational campaigns such as the lights-out events to raise public awareness.

19. The Chairman considered that limiting operating hours of external lighting could motivate the commercial sector to use external lighting more creatively within the limited time. He also noted that apart from the complaints on light nuisance, there was a high percentage of respondents in the survey considering that external lighting helped beautify the environment, boost Hong Kong's image as a "dynamic metropolis", promote tourism and contribute to the safe environment. The Administration had to adopt a balanced approach in controlling external lighting. A Member said that it would be important to make it clear that providing a safe environment by street lightings should be the responsibility of the Government rather than the commercial sector.

Advertisement signboards were not expected to serve the purpose of providing a safe environment.

20. A Member considered that a more positive approach should be adopted in highlighting the benefits of regulatory measures, such as energy saving, carbon reduction and sustainable development, rather than only focusing the negative side of energy wastage and light nuisance. Another Member considered that more effort should be put on public education about the impacts of external lighting. In particular, information should be publicized about the sources of light nuisance, appropriate level of lighting for different installations in residential and commercial areas, savings to be achieved by reducing lighting and control measures.

21. In reply to the Chairman's enquiry about the timing of implementing the proposed guidelines on industry best practices for external lighting installations, Miss Katharine Choi explained that stakeholders would be invited to give views on the draft guidelines in the coming months. The draft guidelines together with the views collected would then be submitted to the Task Force for consideration. Subject to the decision of the Task Force, the plan was to roll out the guidelines in the latter half of 2011.

22. The Chairman summarized Members' views as follows –

- (a) the Council welcomed the Administration's move to address concerns over external lighting which would help enhance energy efficiency and minimize the extent of nuisance caused by external lighting;
- (b) the Council considered that Hong Kong should take a leading role rather than as a follower in tackling the problem of excessive external lighting in view of its unique urban landscape and high population density. Hong Kong should develop its own approach in tackling the problem taking account of local circumstances;
- (c) the Council supported setting up a Task Force to advise on the way forward in tackling the problem. The Task Force should be set up as early as possible with a table time on the way forward to show the Administration's commitment to tackling the problem. The

membership of the Task Force should include members of District Councils, especially those districts seriously affected by the problem, as well as light sensitive receivers;

- (d) the Council considered that a more forceful and aggressive approach should be adopted by introducing more stringent guidelines and mandatory requirements. Apart from guidelines, the Task Force should explore the possibility of imposing statutory measures, such as controlling the duration and angle of lighting installations, by adopting a balanced approach having regard to concerns of different sectors in the community;
- (e) the Council considered that further studies on the subject should be conducted, including the cumulative impacts and impacts on quality of life, in view of the lack of detailed studies on the subject; and
- (f) the Council considered that more efforts should be made on public education on the impacts of excessive external lighting, not only from the perspectives of energy waste and light nuisance, but also from the perspective of climate change.

Agenda Item 4: Report on the 116th Environmental Impact Assessment Subcommittee meeting

(ACE Paper 5/2011)

23. The Chairman informed Members that the paper reported on the recommendation of the Environmental Impact Assessment (EIA) Subcommittee on the EIA report on “Development of Integrated Waste Management Facilities (IWWMF) Phase 1” submitted by the Nature Conservation and Infrastructure Planning Division of the Environmental Protection Department (EPD).

24. A Member declared that her company was involved in a consultancy service for the public engagement exercise related to the development of IWWMF. The meeting agreed that she should abstain from the meeting to avoid any potential conflict of interest as she did at the EIA Subcommittee meeting. She left the meeting at this juncture.

25. The Chairman informed Members that the public inspection period of the EIA report was from 17 February to 18 March 2011. As an administrative arrangement, public comments received by the EPD before the EIA Subcommittee meeting were circulated to Subcommittee members for reference before the Subcommittee meeting. Public comments received after the Subcommittee meeting were circulated to all Council members for reference before the meeting. Separately, submissions addressed to the Council regarding the EIA report were circulated to members for information before the meeting.

26. The Chairman of EIA Subcommittee reported on the recommendations of the Subcommittee on the EIA report, which included three assessment scenarios based on two potential sites, namely –

- (a) developing an IWWMF at the Middle Tsang Tsui Ash Lagoon (TTAL) in Tuen Mun alone;
- (b) developing an IWWMF at an artificial island near Shek Kwu Chau (SKC) alone; and
- (c) developing an IWWMF at each of the two potential sites (co-existence scenario).

27. A Member sought clarifications on the scope of the “first phrase of the IWWMF” under proposed recommendation item (d) of the TTAL site and recommendation item (e) of the SCK site in paragraph 13 of the paper. He re-collected that members at the Subcommittee meeting urged the project proponent to learn from the experience of the first IWWMF before building the second one. The Chairman of EIA Subcommittee said that his understanding was that the first phase referred to any of the three scenarios covered by the EIA report. Another Member said that the project proponent did not rule out the possibility of the co-existence scenario during the discussion at the Subcommittee meeting.

28. Mr C W Tse said that his understanding during the discussion at the Subcommittee meeting was that the project proponent would build one facility prior to another even if the co-existence scenario was adopted. Ms Anissa Wong said that as set out in the paper to the LegCo Panel on Environmental Affairs on the latest progress of waste management strategies, the target in terms of waste treatment facilities under active planning was to take forward one IWWMF, two Organic Waste Treatment Facilities and one Sludge Treatment Facilities.

29. After discussion, the meeting agreed to rephrase “the first phase of the IW MF” to “the first facility built” under recommendation item (d) of the TTAL site and recommendation (e) of the SCK site in paragraph 13 of the paper.

30. A Member said that it was stipulated in section 3.1 of Annex 16 to the Technical Memorandum on the EIA Process (TM) that “any project that is likely to result in adverse ecological impacts in areas of ecological importance shall not normally be permitted unless the project is necessary; it has been proven that no other practical and reasonable alternatives are available, and, adequate on-site and off-site mitigation measures are to be employed”. For the IW MF project, it was clear that an alternative site at TTAL with less ecological impacts was available. As the target under active planning was to build one IW MF, only the IW MF at TTAL should be endorsed under Phase 1. Another Member agreed that a comparison of the two sites in terms of environmental impacts should be made in the light of the clause stated in the TM.

31. A Member said that the Subcommittee, in considering its recommendations, was aware of its remit of giving advice on the environmental acceptability of all the three scenarios, rather than a preferred site. Regardless of which site would be selected for the first IW MF, it could not rule out the possibility of having the need to go ahead with the second one in the longer term.

32. The Chairman of EIA Subcommittee said that he noted that the consideration of selection of sites had to take into account a number of factors, apart from environmental concerns, as shown in the case of the Sheung Shui to Lok Ma Chau Spur Line project. Mr C W Tse said that the judgment on the appeal on the Spur Line project included a section on the assessment of alternatives which stated that “Clearly, the primary consideration [of the EIA] is whether applying the precautionary principle the project is environmentally acceptable. But, of many matters which must be weighed in assessing ‘practical and reasonable’ included are adverse impacts, engineering constraints, extra-time involved, additional cost and even government policy (accepting it as a fact). No alternative is likely to be practical if government policy will not enable it”.

33. A Member informed other Members that he had expressed reservation, at the Subcommittee meeting, on the scenario of developing the IW MF on the artificial island near SKC in view of the visual impacts of the development on the natural landscape and permanent loss of marine habitat. He

would like to register his reservation again at the full Council meeting. He considered that with the rolling out of more waste reduction and recycling measures and the plan to construct one IWWMF at this stage, the site with less ecological impacts should be selected.

34. The meeting agreed the recommendations of the EIA Subcommittee on the EIA report, subject to rephrasing “the first phase of the IWWMF” to “the first facility built” under recommendation item (d) of the TTAL site and recommendation item (e) of the SCK site in paragraph 13 of the paper. The Chairman concluded that the Council endorsed the EIA report with conditions set out in paragraph 13 of the paper. The Council also made some recommendations on the EIA report as set out in paragraph 13 of the paper, subject to the amendment agreed.

35. A Member was concerned about the comments raised by some Cheung Chau residents regarding the applicability of the proven technology of incinerators with smaller scales in Japan to that of Hong Kong with a larger scale of operation. He considered that response should be provided to them to clarify the fact that there were some large scale incinerators in Japan, similar to the one proposed in Hong Kong, with well-proven technology. Moreover, the smaller scale operation of incinerators in Japan was not due to technical constraints but district administration in waste management.

36. A Member agreed that the concerns of Cheung Chau residents should be properly addressed to ease their worries. The Administration should provide information on the proven technologies to support the proposed size of IWWMF in Hong Kong. Moreover, she noted that the classification of waste at source in overseas countries had great impacts on the effectiveness of waste recycling. Information on related measures in Hong Kong should also be disseminated to the public. Another Member shared her views.

37. The Chairman explained that the role of the Council was to provide advice to the Administration on matters related to environmental protection and nature conservation. While public comments and submissions would be referred to members for reference, members would provide their inputs from a professional and objective perspective after considering these comments. As regards the clarifications to Cheung Chau residents, the Administration should consider the need to provide information and make clarifications to address their

concerns.

38. A Member noted some media coverage about the challenge against the compliance with the EIA process in handling the EIA report. Mr C W Tse explained that they noted the queries raised and explained that the content of the EIA report was in line with the EIA Ordinance (EIAO) and TM. The purpose of the EIA process, as stated in the EIAO, was to provide for assessing the impact on the environment of certain projects and proposals, for protecting the environment and for incidental matters. As stipulated in the TM, an EIA study brief might cover more than one designated project. The detailed objectives and contents of an EIA report were also stipulated in the TM which did not include the identification or recommendation of a preferred option for a project development.

39. Mr C W Tse noted that there was also a query saying that the co-existence scenario of incinerators at TTAL and SKC sites was not included in the Project Profile and Study Brief of the EIA report. He explained that it was common that the scope or design of a project might change after submission of the Project Profile. Clause 6.2 of the EIA Study Brief for the IWMF project required that “If there is any key change in the scope of the project mentioned in this EIA Study Brief and in Project Profile, the Applicant must seek confirmation from the Director in writing on whether or not the scope of issues covered by this EIA Study Brief can still cover the key changes, and the additional issues, if any, that the EIA study must also address. If the changes to the project fundamentally alter the key scope of the EIA study brief, the Applicant shall apply to the Director for a fresh EIA Study Brief”. In accordance with the requirements, the project proponent sought advice from the Authority in October 2010 on the need for a new Study Brief for the coexistence scenario. After considering the information supplied, the Authority advised that the requirements of the original Study Brief could cover the environmental issues to be assessed for the co-existence scenario. A new Study Brief was not necessary.

40. A Member considered that notwithstanding the constraints in terms of procedural requirements under the EIAO, the Council could voice its opinion on the preference over the selection of sites in terms of environmental impacts. Another Member considered that by endorsing the EIA report, the Council had endorsed the three scenarios under the EIA report, including the co-existence scenario. In this particular project, it would be difficult to separate the two sites

in the consideration.

41. The Chairman considered that the advice made by the Council on the EIA report was given within the framework of the EIAO. Nonetheless, individual member would have their own views on the preference of sites. At this stage, it might be pre-mature for the Council to discuss on the site selection. He suggested the Council inviting the Administration to brief members on the rationale and considerations in taking a view on the site selection and the Council could then give advice and put forth views on the site selection and other issues outside the framework of the EIAO with more updated and comprehensive information.

42. A Member supported the Chairman's suggestion. He considered it important to make it clear that the consideration of the Council on the EIA report was made on technical grounds without giving stance on the preference of sites at this stage. There were still a series of steps that the project proponent would have to take and the public would have opportunities to put forth their views on the site selection.

43. A Member supported the Chairman's suggestion. Moreover, he hoped that the recommendations on the EIA report, especially the one on Woodland Enhancement Plan for the TTAL site, could be given equal weighting as the conditions though the recommendations would not be bound by the Environmental Permit.

44. A Member reiterated that there would be expectations from the public that the Council should have its opinion on preference of the sites either collectively or individually from the perspective of environmental impacts. The Council should not be exposed to criticisms for not addressing the issue. Another Member said that while he shared the Member's concern, indicating preference on a site might raise unrealistic expectations of the community. He considered that the Council should give advice on the environmental aspect under the EIAO framework at this stage. Other aspects, such as site selection, land use and political considerations, would have to be tackled by other parties.

45. The Chairman of EIA Subcommittee said that the issue was considered at the Subcommittee and the conclusion was that the Subcommittee

was required to give comments on the acceptability of the three scenarios, rather than a preferred site. He acknowledged that each member would have their preferred option in mind and it would be difficult for the Council to reach a consensus.

46. A Member agreed that the Council had to fulfil its role within the statutory EIAO framework in scrutinizing EIA reports. Nonetheless, the Council could go further to express views on the preference of site selection. The public would expect the Council to put forth its views on broader issues from the environmental perspective.

47. A Member said that members at the Subcommittee meeting agreed on the need of an IWWMF as part of the waste management strategies to tackle the imminent problem. In terms of site selection, the Subcommittee was briefed about the site selection process from an initial list of 21 sites to eight potential sites and then narrowing down to two potential sites. As regards the final site selection, the Subcommittee had included a condition that the project proponent should set up community liaison group(s) comprising representatives of concerned and affected parties. This condition would enhance the public consultation process which would include a host of factors, apart from environmental concerns.

48. A Member supported the Chairman's suggestion. He said that the Subcommittee had considered the need of discussing a preferred site and he agreed that it was not appropriate to highlight any preference on the site selection. In the long run, it would be unrealistic to go for one IWWMF with a design capacity of 3,000 tonnes per day to cope with municipal solid waste generated by seven million people.

49. A Member said that preference of individual members would be recorded. He would find it difficult to make a decision on the site. While the TTAL site seemed to have less impact in terms of ecology, consideration had to be given to the cluster of unpleasant facilities in the district. It would not be fair for the Council to have a stance unless a unanimous view could be reached. He supported the Chairman's suggestion.

50. A Member considered that the policy on marine conservation should have been more forthcoming, notwithstanding which scenario would be adopted. The Administration should have a firm commitment on the designation of the

marine park should the SCK site be selected for the construction of the IWMF. The Chairman of EIA Subcommittee said that there was a condition under the SKC site that the project proponent should advance the preparation works for the designation of the marine park in the waters between SCK and Soko Islands on the understanding that the designation of the marine park would immediately follow completion of the project construction work.

51. Ms Anissa Wong said that the assessment of the EIA report under the EIAO was only the first statutory process in taking forward the project. Views from stakeholders, including District Councils concerned, resident groups and interest groups, would be taken into account in considering the approval of the EIA report and selection of site. Other procedures, such as seeking of funds from the LegCo, would be required. It would be a great challenge to meet the target time frame of commissioning the IWMF before the landfills reached their maximum capacities. During the process, the Administration would count on the advice of the Council and would update the Council or its Waste Management Subcommittee the progress of the IWMF in the context of the overall waste management strategies.

Agenda Item 5: Any other business

EIA report of non-selected project

52. The Chairman of EIA Subcommittee reported that since the last Council meeting, the EIA Subcommittee had received the Executive Summary of the EIA report on “Central Police Station Conservation and Revitalisation Project” submitted by the Jockey Club CPS Limited. The project was not selected by the EIA Subcommittee for discussion. The hardcopy of Executive Summary of the EIA project was circulated to EIA Subcommittee members and relevant hyperlinks were circulated to non-EIA Subcommittee members.

Tentative items for discussion at the next meeting

53. The Chairman informed Members that the agenda was being compiled and Members would be informed in due course.

Agenda Item 6 : Date of next meeting

54. The Chairman informed Members that the next meeting was scheduled for 16 May 2011.

ACE Secretariat

April 2011