

**Confirmed Minutes of the 190th Meeting of
the Advisory Council on the Environment
held on 29 January 2013 at 2:30 pm**

Present:

Prof Paul LAM, JP (Chairman)

Prof CHAU Kwai-cheong, JP (Deputy Chairman)

Dr Gary ADES

Dr Dorothy CHAN, BBS

Prof FUNG Tung

Dr Billy HAU

Dr HUNG Wing-tat, MH

Prof LI Xiang-dong

Mr Anthony LOCK

Prof John NG

Miss Yolanda NG

Prof Nora TAM, BBS, JP

Dr Alfred TAM

Dr Eric TSANG

Mr Luther WONG

Prof Jonathan WONG, MH

Ms Pansy YAU

Prof Ray YEP

Dr Eric YIP

Prof Ignatius YU

Mr Andrew LAI (Secretary)

Absent with Apologies:

Mr Oscar CHOW

Dr Carrie WILLIS, SBS, JP

In Attendance:

Ms Anissa WONG, JP

Permanent Secretary for the Environment/Director of
Environmental Protection

Mr Y K CHAN

Assistant Director (Conservation), Agriculture,
Fisheries and Conservation Department (AFCD)

Mr LING Chi-tack

Assistant Director of Planning/Technical Services,
Planning Department (PlanD)

Dr Teresa LI	Principal Medical and Health Officer, Department of Health (DH)
Dr Albert AU	Senior Medical and Health Officer (Environmental Health and Toxicovigilance), DH
Ms Esther LI	Principal Information Officer, Environmental Protection Department (EPD)
Miss Evelyn LEUNG	Chief Executive Officer (CBD), EPD
Ms Joanne CHIN	Executive Officer (CBD), EPD
Ms Daicie TONG	Executive Manager (CBD), EPD

In Attendance for Item 2:

Mr K S WONG	Secretary for the Environment, Environment Bureau (ENB)
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Action

Item 1 : Welcoming remarks

The Chairman first thanked Mr K S Wong, Secretary for the Environment to join the meeting. He welcomed Dr Gary Ades, Dr Billy Hau, Dr Hung Wing-tat, Mr Anthony Lock, Prof John Ng, Prof Nora Tam, Dr Eric Tsang, Mr Luther Wong, Prof Jonathan Wong and Dr Eric Yip who newly joined the Advisory Council on the Environment (ACE) in January 2013. He also registered the Council's sincere thanks to the ten Members who had retired from the Council for their valuable contributions to ACE in the past years. The retired members were Ms Teresa Au, Ms Betty Ho, Mr Michael Jebsen, Mr Edwin Lau, Prof Joseph Lee, Dr Lo Wai-kwok, Dr Man Chi-sum, Mr Tsang Kam-lam, Mr Simon Wong and Dr Yau Wing-kwong.

2. Members briefly introduced themselves at the meeting.

Item 2 : Briefing by the Secretary for the Environment on the key initiatives on environmental protection and conservation announced in the 2013 Policy Address

3. Mr K S Wong used a power-point presentation to brief Members on the key initiatives on environmental protection and nature conservation announced in the 2013 Policy Address. He highlighted four priority areas in the environmental initiatives, namely air quality, resources sustainability, green

buildings and nature conservation. He said that the Government was determined to implement the various environmental initiatives in the coming years and lead Hong Kong to become a sustainable and liveable green community. Members were invited to give their comments on these initiatives.

4. A Member opined that with the Government's proposed injection of \$5 billion into the Environment and Conservation Fund (ECF), it was timely for the Fund to expand its scope of funding support. He proposed the ECF to fund non-government organizations (NGOs) to conduct independent environmental impact assessments (EIA) on particular niche areas of major development projects, e.g. ecological impact on marine creatures. The research could provide a second expert opinion in parallel with the EIA studies conducted by project proponents, and thereby enable the Council to make a more balanced and informed decision on the EIA studies. This could also allow the NGOs to engage in more objective debates and better contribute to a consensus-building mindset on discussions of public policies. Besides, the ECF should offer more research relating in nature conservation.

5. Mr K S Wong responded that the proposed new funding category on EIA studies by the Member would have major implications on the work of ACE. He suggested the Council to have detailed discussions first on the proposal and its implications. The Chairman said that the Council should have some preliminary discussions on the proposal before relaying a solid suggestion to the ECF Committee for consideration.

6. Ms Anissa Wong supplemented on the operation of the ECF. ECF funding applications were vetted and approved by the ECF Committee or its subcommittees. Applications must be related to environment and conservation issues and submitted by non-profit-making organizations. If eligible organizations were interested in relevant research studies, they could apply for ECF funding. Having regard to the proposed new funding injection into the ECF as announced in the 2013 Policy Address, the ECF Committee would also conduct a review of its relevant funding guidelines, robustness in the prioritization and selection of projects to be funded as well as the subsequent monitoring of funded projects. The suggestion of having a dedicated funding category for research studies on ecology could be conveyed to the ECF Committee for consideration.

7. A Member offered his experience as a former member of the ECF Committee. He commented that a non-profit making organization could apply

for funding from the ECF for organizing environment-related activity or conducting research in a particular area in relation to environment protection and conservation. Given ACE's role as the key adviser to the Government on issues relating to environmental protection and nature conservation, he considered it not appropriate for the Council to propose or conduct research studies of this nature on its own. Another Member shared this view. He pointed out as there had not been many research projects on ecology, the ECF Committee should step up its publicity on the availability and operation of the ECF funding to encourage more applications from the wider community.

8. A Member commended the Government for earmarking substantial public funds in improving the environment. She supported the various measures to reduce emissions from diesel commercial vehicles by encouraging owners to change to Euro V vehicles. Nevertheless, Hong Kong was still lagging behind some European cities in improving the vehicles' mix. She quoted the example of London where its government had set a target of changing the whole fleet of taxis to electric vehicles in five years. On waste management, she remarked that the former policy secretaries on environment had repeatedly advocated the use of incineration as the final solution in handling solid wastes. She considered that the Government should give a firm commitment on the waste management strategy and be bold enough to implement necessary measures to improve the environment in Hong Kong. She also supported the promotion of green buildings as a substantial portion of carbon emission and electricity consumption were from buildings. While she recognized that it would take time to work out improvements for existing buildings, she suggested the Government to introduce mandatory green standards for new buildings to be designed or built. This was important with the anticipated increase in new housing supply in the coming years as committed by the Chief Executive. All these work required clear directions and guidelines from the Government for town planners, developers and architects alike to take forward the concept.

9. A Member remarked that the Government should take a balanced approach between nature conservation and development. While there was a strong demand from the community for more land for housing development, the Government should avoid venturing into areas of high biodiversity.

10. A Member welcomed the Government's initiative to introduce more public resources in the various environmental initiatives. He opined that the proposals, such as control on external lighting, should be accompanied by

concrete implementation schedule to show the Government's determination in the measures. He remarked that while there were arrangements for the franchised bus companies to procure six hybrid buses and 36 electric buses for the trial scheme, the number of trial buses was too small to demonstrate the improvement required in tackling roadside air pollution. He urged the Government to impose a minimum proportion of green buses in the overall bus fleet as one of the conditions when the bus companies renewed their franchises.

11. A Member was encouraged by the Government's effort in promoting green buildings, but he considered that this should be complemented by improvement to the built environment in the surrounding. He elaborated that it would be difficult to advocate green buildings in terms of designs, e.g. incorporating natural daylight and natural ventilation, if such green features could not be matched with the immediate built environment. The subject should be broadened to "green community". The Government should consider adopting green designs in both buildings and the built environment in the planning of new towns in northeast and northwest of the New Territories and the Kowloon East development areas. These areas could be used as models of low carbon living.

12. A Member noted the Government's target of achieving the new Air Quality Objectives (AQOs) in Hong Kong by 2020. He hoped that with the anticipated improvement in air quality, the Government would align the AQOs with the Air Quality Guidelines (AQGs) of the World Health Organization by that time. The Member also supported the suggestion for franchised bus companies to have a better rationalization of bus routes as buses were one of the major contributors to roadside pollution. It was expected that the rationalization would bring about an immediate improvement to roadside air quality in busy corridor routings.

13. A Member echoed that a more concrete timeline for implementing the various proposals was essential. He shared his experience in overseeing construction projects for his university as he was constrained in the introduction of comprehensive green features in new buildings due to budgetary constraints. He suggested that more funding should be provided for putting in green features into new public buildings.

14. A Member said that both education on sustainability and outreaching to the public on green lifestyle were important for achieving a sustainable liveable environment. The Government should deploy resources to these two

aspects of work.

15. Mr K S Wong thanked Members for their valuable comments. He agreed that Hong Kong was behind some cities like London and New York in turning taxis electric, probably due to the different types of vehicles in operation. He would look into the issue and map out the required improvement measures. On waste management, Mr Wong said that the Government would publish a blueprint that would set out the target, timeline and all the necessary measures to address public concerns including waste treatment facilities in the first quarter of 2013. On green buildings, he agreed that the subject would encompass both the built environment and the buildings. He said that the new housing developments would provide ample opportunities in promoting green buildings and green lifestyle. Apart from energy-related legislations, various green building labeling schemes had been put in place to encourage better energy performance in buildings. Mr Wong shared a Member's concern on the funding of public and quasi-government construction projects. He advised that Government's requirement and funding allocation in relation to green buildings would come under review. On biodiversity, Mr Wong said that the Government would have a full action plan in relation to the Convention on Biological Diversity in two years' time.

16. Mr K S Wong stressed that the Government acknowledged the urgency of implementing the various improvement measures announced in the Policy Address. The Government had clear targets and roadmaps in implementing the initiatives in the aspects of air quality, waste, biodiversity and green community. A new legislation would be enacted to phase out aged diesel commercial vehicles. The Committee on External Lighting planned to submit its progress report in mid-2013 and would probably come up with proposals of new legislation to regulate external lighting. On air pollution caused by franchised buses, rationalization of bus routes would be a challenging issue. He would work with other relevant bureaux to appeal for support from the District Councils. The current focus was to introduce new cleaner buses and to upgrade the emission performance of the existing ones by retrofitting with selective catalytic reduction device. Hybrid and electric buses would be put on trial in 2014, and the Government would review the situation thereafter. Regarding air quality, Mr Wong said that the legislation on the new AQOs would soon be put to the Legislative Council and would be enacted by early 2014. The Government was committed to reviewing the AQOs every five years. With regard to public education, Mr Wong said that the Government was launching a pilot scheme "Community Green Station" in five districts as an

initial step to promote and build up community green initiatives in districts.

17. Mr Y K Chan supplemented that AFCD had started to work on a biodiversity strategy and action plan (BSAP) based on the principles of the Convention of Biological Diversity and would take into account local needs and priorities. A public engagement exercise would be conducted to seek views from the relevant stakeholders and the public in the preparation of the BSAP before it was put into implementation in 2015 as called for under the Convention. AFCD was also developing education programmes to enhance public awareness of the importance of biodiversity.

18. The Chairman thanked Mr K S Wong for his briefing on the environmental initiatives announced in the Policy Address and his response to the comments and concerns raised by Members at the meeting.

Item 3 : Confirmation of the draft minutes of the 189th meeting held on 10 December 2012

19. The draft minutes were confirmed without amendments.

Item 4 : Matters arising from the minutes of the 189th meeting held on 10 December 2012

20. With regard to paragraph 37, 42, 43, 44 and 45 of the last meeting minutes, a Member sought clarification on the latest position of the items discussed. The Secretary reported the following for information of Members –

Para. 37 – Information relating to the waste statistics

The statistics provided by Mr Samson Lai had been included in the post-meeting note. Members who wished to have other data on waste could approach the Secretariat for follow up.

Para. 42 – Transparency of ACE and the EIA system

At the last meeting on 10 December 2012, Members had raised some suggestions and proposals regarding the Council's discussion on transparency of ACE and the EIA system. Considering that the meeting was the last one of the term, the Chairman suggested to bring up the subject for discussion by the new-term ACE at a suitable opportunity.

Para. 43 – Health Impact Assessment for Proposed Third Runway

The Health Impact Assessment had been included in the Study Brief of the Third Runway project and would be covered in the EIA study conducted by the Airport Authority Hong Kong (AAHK). The study would be presented to the Council when the EIA report was completed.

Para. 44 – Sha Lo Tung EIA Report

The Sha Lo Tung EIA report was last discussed by ACE in July 2012. EPD had conveyed the questions and concerns from Members to the project proponent in August 2012 and was awaiting his reply. The Council would be informed and consulted when there were additional information or updates.

Para. 45 – Invitation from the Environmental Campaign Committee

The item would be dealt with under “Any other business”.

Item 5: Any other business

Election of Chairmen/Deputy Chairman of the three subcommittees

21. The Chairman informed Members that there were three subcommittees under ACE, namely the EIA Subcommittee, the Nature Conservation Subcommittee and the Waste Management Subcommittee. The Chairman noted that 14 Members had signed up for the EIA Subcommittee, 10 for the Nature Conservation Subcommittee and 10 for the Waste Management Subcommittee.

22. The Chairman informed Members that the Subcommittee Chairpersons would be elected among Members. As an established practice, there would also be a Deputy Chairman for the EIA Subcommittee in view of the statutory role of ACE under the EIA Ordinance.

23. The Chairman called for nominations for the chairmanship of the three subcommittees and presided over the election process.

24. After the elections, the Chairman declared the election results of the three subcommittees as follows –

	<u>Chairman</u>	<u>Deputy Chairman</u>
EIA Subcommittee	Dr Dorothy Chan	Dr Hung Wing-tat
Waste Management Subcommittee	Prof Jonathan Wong	--
Nature Conservation Subcommittee	Prof Chau Kwai-cheong	--

25. The Chairman said that the chairmanship/deputy chairmanship of the three subcommittees would be from January 2013 to December 2014. The membership lists would be uploaded on the ACE's website for information of the public.

House rules of ACE

26. The Chairman gave a general briefing on the house rules of ACE which were circulated to Members on 3 January 2013 before the meeting. The rules included the functions of ACE, meeting and voting arrangements, open meeting sessions, and issues relating to observance of confidentiality and declaration of interests.

27. The Chairman reminded Members to keep confidentiality of the discussion especially at the EIA Subcommittee meetings as comments and recommendations on the EIA reports had to be reported to the full Council for further deliberations and endorsement before ACE tendered its comments to the Director of Environmental Protection (DEP). The Chairman remarked that undue public pressure might be levied on Members if the proposed decision of the EIA Subcommittee was prematurely revealed to the media before the full Council met and made decisions on the EIA reports.

28. A Member enquired if Members were allowed to give opinion in their personal capacity without quoting the opinions of other Council Members at the meeting. The Chairman replied that Members could express their views about matters in general as they were independent professionals in their own right. The principle was that Members should not make reference to details of the deliberations at the meeting and reveal what other members expressed at the meetings.

29. A Member was concerned if Members could reach a consensus on what should or should not be revealed to the media. She said that it would look

odd if individual Members expressed their individual opinions on matters relating to ACE discussions while the Chairman had given press briefings immediately after the Council meetings.

30. For reference of new Members, the Chairman advised that it was a standing practice for him and the Deputy Chairman to hold a press briefing after each Council meeting. He would give a brief summary on matters discussed at the meeting and answer questions from the media. He would refer further media enquiries to the Secretariat for follow up as necessary. He said that the media might approach individual Council Members for their views in their own right on matters that might have been discussed at ACE meetings. The Chairman stressed that Members had to exercise their judgement as on whether and how to respond to the media in their own capacity while not compromising the role of ACE.

31. A Member expressed, and echoed by another Member, that the Chairmen of the Council or the Subcommittees should speak on behalf of the full Council or the respective Subcommittees after the meetings, while individual Members could express views in their personal capacity.

32. A Member observed that Members' views sometimes could be misquoted or misunderstood by the media. He alerted Members to remind the media that they spoke in their own capacity but not on behalf of ACE when they were interviewed.

33. A Member enquired if Members were allowed to express their opinion in their personal capacity if they held a different view with the Council's decision. Another Member suggested to follow the general principle of other advisory boards and committees that Members should keep their disagreement within the meeting and not to express any "dissenting" views explicitly to the public under the capacity of a Council Member in order to avoid any untoward confusion. Members could also refer media enquiries to the Chairman or the Secretariat who should answer on behalf of the Council.

34. The Chairman supplemented that Members could state their stance or disagreement for record in the minutes of meetings. When the minutes were uploaded to the Council's website, names of Members would be deleted to facilitate candid exchange of views at the meetings. This arrangement had proved to be running smoothly.

35. A Member opined that transparency of the Council and the Subcommittees was the root of the issue. The media would be less interested to approach individual Members if the Council was transparent enough to allow the public to have a full understanding of its proceedings. She enquired if ACE could set up a session to discuss the transparency issue and the degree of opening up its meetings, and whether Members could be provided with information about similar practices of other advisory bodies as reference to facilitate an informed decision by the Council.

36. The Chairman advised that the issue of transparency of ACE was also raised at the last meeting in December 2012. The meeting then decided that it would be better for the matter to be discussed by the new-term Council with new Members coming on board. He said that the Secretariat had been invited to conduct a research on the opening up arrangements of other comparable advisory bodies to assist the Council in the discussion. The Chairman suggested and Members agreed to discuss the matter in the coming meeting.

Secretariat

(Post-meeting note: As there was no imminent issue to be discussed in the meeting scheduled on 18 February 2013, the meeting was cancelled. The brainstorming on the opening up arrangement of ACE would be discussed in the meeting in late March when the EIA Subcommittee discussed the first EIA report in this term.)

Invitation from the Environmental Campaign Committee

37. The Chairman informed Members that he had received an invitation from the Environmental Campaign Committee (ECC) to nominate an ACE Member to join the ECC's Awards Committee on Hong Kong Awards for Environmental Excellence (HKAEE) for a term of two years from January 2013 to December 2014. With the nomination of a Member and support of other Members, the Chairman announced that Prof Ray Yep would join the Awards Committee as the representative of ACE.

Item 6 : Date of next meeting

38. The Chairman informed Members that the next meeting was tentatively scheduled on 18 February 2013 (Monday). Members would be informed of the agenda in due course.

(Post-meeting note: The February meeting was cancelled. The next Council

meeting would be held on 18 March 2013.)

39. Members were reminded that a farewell-cum-welcome dinner for serving and retired Members would be held in Gloucester Luk Kwok Hong Kong that would start at 7:00 pm.

ACE Secretariat
February 2013