

**Confirmed Minutes of the 206<sup>th</sup> Meeting of  
the Advisory Council on the Environment (ACE)  
held on 8 June 2015 at 2:30 pm**

**Present:**

Prof Paul LAM, SBS, JP (Chairman)

Prof CHAU Kwai-cheong, BBS, JP (Deputy Chairman)

Ir Cary CHAN

Prof FUNG Tung

Dr Billy HAU

Dr HUNG Wing-tat, MH

Dr Michael LAU

Ir Prof Irene LO

Mr Anthony LOCK

Ir MA Lee-tak, SBS

Prof John NG

Miss Yolanda NG, MH

Dr Eric TSANG

Dr Carrie WILLIS, SBS, JP

Ir Conrad WONG, BBS, JP

Prof Jonathan WONG, MH, JP

Mr Luther WONG

Ms Pansy YAU

Miss Evelyn LEUNG (Acting Secretary)

**Absent with Apologies:**

Prof Albert LEE

Prof Nora TAM, BBS, JP

Mr Stanley WONG, SBS, JP

**In Attendance:**

Ms Anissa WONG, JP

Permanent Secretary for the Environment /  
Director of Environmental Protection

Mr CHAN Kin-fung, Simon

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

Mr Wilson CHAN

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

Ms Esther LI

Principal Information Officer, Environmental  
Protection Department (EPD)

Ms Joanne CHIN  
Ms Daicie TONG

Executive Officer (CBD), EPD  
Executive Manager (CBD), EPD

**In Attendance for Item 3:**

Mr LIU Ming-kwong, Vincent, JP	Deputy Secretary for the Environment, Environment Bureau (ENB)
Mrs MA CHOW Pui-fun, Dorothy	Principal Assistant Secretary for the Environment (Energy), ENB
Dr CHAU Wai-lap, Albert	Chairman, Task Force on External Lighting

**In Attendance for Item 4:**

Mr TANG Kin-fai	Assistant Director (Environmental Assessment), EPD
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The Chairman informed Members that apologies of absence had been received from Prof Albert Lee, Prof Nora Tam and Mr Stanley Wong.

**Item 1 : Confirmation of the draft minutes of the 205<sup>th</sup> meeting held on 11 May 2015**

2. The draft minutes were confirmed subject to the proposed amendment by a Member in para. 17 of the draft by revising the second sentence to read “..... the Government to enhance its efforts on strengthening the demand side management on electricity supply *in particular during the peak usage period* as that could help relieve the pressure of building new power generation units. ”

**Item 2: Matters arising**

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

**Item 3 : Report of the Task Force on External Lighting**  
***(ACE Paper 7/2015)***

4. The Chairman said that the paper set out the recommendations made by the Task Force on External Lighting (the Task Force) in its report submitted to the Government in April 2015 on the strategy/measures in tackling light nuisance and energy wastage problems caused by external lighting, and the Government’s

response to the Task Force's recommendations. The discussion would be divided into the Presentation and Question-and-Answer Sessions which was open to the public while the Internal Discussion Session would remain closed. There was no declaration of interest from Members.

*[The presentation team joined the meeting at this juncture.]*

### **Presentation and Question-and-Answer Sessions (Open Session)**

5. Mr Vincent Liu introduced the background of setting up the Task Force to advise the Government on the appropriate strategy/measures for tackling nuisance and energy wastage problems caused by external lighting having regard to international experience and practices. Dr Albert Chau briefed Members on the work of the Task Force and the views gathered from the public engagement exercise conducted in 2013 relating to the proposed switch-off requirement of lighting installations of decorative, promotional or advertising purposes affecting the outdoor environment after a preset time, as well as the Task Force's recommendations to the Government of adopting a multi-pronged approach covering six measures to raise public awareness of the external lighting issues and to bring about changes in an incremental way. Mr Vincent Liu reported on the Government's response to the Task Force's recommendations. He said that the Government would soon commence the preparatory work for implementing the voluntary charter scheme, re-launching the Guidelines on Industry Good Practices for External Lighting Installations (the Guidelines) in the design, installation and operation of external lighting installations as well as rolling out public education and publicity campaigns. Progress reports would be submitted to this Council on the implementation of these administrative measures and monitoring work in future.

6. A Member expressed his support to the recommendations of the Task Force and opined that the Government should step up efforts in narrowing down the divergent views in the community on the external lighting issues as identified in the Task Force's report, in particular the need of regulation through legislative means. The Member was concerned about the role of ACE regarding the proposal for this Council to receive progress reports on the implementation and monitoring work. He suggested that the reports should include the number of complaint cases with analysis of their locations, brief facts of the complaints and response of the party being complained, as well as the progress of implementing the administrative measures viz. the charter scheme, award scheme, promotion on good practices and

public education and publicity campaigns. He also suggested that the reports should be made on a bi-annual basis for this Council to timely review the effectiveness of the multi-pronged approach of the Government. Other Members generally shared the Member's suggestion on the role of ACE with regard to the Government's reports to this Council on the external lighting issues.

7. A Member asked about the assessment criteria for evaluating the effectiveness of the administrative measures which would form the basis for the Government to decide whether to introduce mandatory regulation for external lighting in Hong Kong. He opined that the Government should target to conclude the assessment within two years. The Member also asked about efforts by the Government to iron out the prolonged resistance from the business sector towards mandating the switch-off requirement and changing their mindset to pave way for the possible legislative process upon conclusion of the assessment.

8. A Member expressed reservation on regulating light nuisance on a voluntary basis as the nuisance had been a persistent problem reported in some districts like Wanchai and Yau Tsim Mong, and that the problem was worsening. The Government should have records on substantiated complaints warranting enforcement actions. The setting up of the Task Force should pave the way for enacting a new legislation to tackle the problem but the opportunity had been lost. She said that some of the corporations would not fulfill their social responsibility unless the switch-off requirement was made mandatory. She cited her recent experience that new lighting installations were set up in building façade of shopping arcades immediately right after the Government announced the adoption of the voluntary charter scheme in lieu of legislation on external lighting. The Member opined that in the absence of any legislative requirements, there was little impetus for the business sector to switch off their excessive lighting installations. She asked about the criteria that the Government would adopt to assess the effectiveness of the administrative measures and whether regulatory control on external lighting would be warranted in the next phase.

9. In response, Mr Vincent Liu advised that the Government aimed to launch the charter scheme within 2015 and to submit a report to ACE in a year's time after the launch. The one-year framework proposal was made with reference to other similar local charter schemes, e.g. the Energy Saving Charter on Indoor Temperature, as it would take time to recruit charter participants and to build up the momentum for widening the network of participants. As regards the scope of the progress reports, Mr Liu said that the reports would cover the latest position of the

administrative measures, statistics and analysis on complaints received in different districts and the list of signatories in the charter scheme. When analyzing the effectiveness of the administrative measures, the Government would likely take into account responses of the public and the participating organizations to the charter scheme, the effectiveness of handling complaints and the public perception of the light nuisance problem etc.. Mr Liu however pointed out that the number of complaints alone might not be a reliable and objective yardstick for assessing the effectiveness of the scheme as that might prompt those supporting legislation to lodge complaints. Regarding the incentive for owners or management of the lighting installations to join the charter scheme, Mr Liu said that more corporations could be attracted to sign up to the charter over time in view of the growing importance of corporate social responsibility in the business sector. In fact, the corporations would also benefit from the saving in electricity expenses. With experience gained in other charter schemes, Mr Liu expected that the participation rate would improve over time when more public education and publicity programmes were organized.

10. A Member echoed his support for the charter scheme as the community was not yet ready for rigorous regulation and that immediate legislation was difficult to implement at this stage. Another Member opined that the Government should adopt a “carrot and stick” approach when implementing the charter scheme, i.e. while there should be acknowledgement to signatories for good practices, penalty should be imposed on those found with bad practices. Quantitative and objective targets should be set up on energy saved or reduction in the number of complaints received. A Member added that the evaluation could also be quantified by measuring light intensity level of the lighting installations. In view of the complexity of the issue, Another Member suggested the Government to conduct scientific research on the impact of lighting on human health which could help set the scene for more in-depth discussions on the way forward. A Member supported the suggestion.

11. A Member shared the Task Force’s observation on the difficulties for immediate legislation to regulate external lighting and that clear assessment criteria should be adopted for implementing the charter scheme such as monitoring light intensity and the number of signatories joining the charter scheme. Citing the example of a charter scheme on food waste reduction in the United Kingdom, he suggested that the Government should map out a clear framework proposal and concrete targets to be achieved with different milestones to assess the effectiveness of the administrative measures and to consider whether mandatory regulation

should follow. Another Member noted the large number of stakeholder groups including some 17 000 food catering licencees to be targeted in the charter scheme. He stressed the importance of raising their awareness through enhanced public education and publicity programmes as well as engaging relevant groups including small and medium enterprises to enhance their understanding and voluntary observance of the switch-off requirement.

12. Mr Vincent Liu said that the public largely considered the external lighting issues more in terms of nuisance caused to the neighbourhood than on energy wastage problem. He advised that the Government had announced in the Energy Saving Plan for Hong Kong's Built Environment 2015~2025+ to achieve the energy intensity reduction target by 40% by 2025. They would continue to liaise with the two power companies on introducing further energy saving measures under the Scheme of Control Agreements (SCAs) and promoting public awareness on energy saving measures. Concerning the impact of lighting on human health, Mr Liu said that they had consulted the Department of Health which advised that there were no conclusive findings on the health impact arising from external lighting. It also confirmed that the World Health Organization had not published any academic/research study to establish any correlation in this regard. On the work of engaging stakeholder groups, Mr Liu said that they would roll out promotional programmes including the use of Announcements of Public Interest (APIs) for the purpose. They would also set up a working group comprising relevant stakeholders such as property management, business and commercial associations and members of local communities to help promote the charter scheme. While the Government would assess the effectiveness in two to three years' time, there was no public consensus for mandating the switch-off requirement nor a timeframe for legislation. In response to a Member's enquiry, Mr Liu confirmed that EPD had been handling complaints on external lighting.

13. A Member considered that the administrative measures were necessary to address the problems caused by external lighting. He opined that the Government could consider disseminating information on bad practices in the industry so as to give pressure on businesses to implement improvement measures. In handling complaints on light nuisance, another Member asked whether there would be measures to strengthen the follow-up actions and mediation between the parties in dispute. He also suggested that there should be further deliberation regarding the exemptions for shop-front signs on ground level given that the lighting could still cause nuisance to residents living on lower floors.

14. A Member commented that there were overlapping concerns amongst environmental protection, human health and green building design. Given the absence of worldwide study on the impact of lighting on human health as well as the high density of high-rise buildings and the unique cityscape of Hong Kong, he reiterated his suggestion for the Government to conduct scientific research on the matter, which in turn would provide a strong basis to convince the business sector on the need to control lighting installations and to rationalize the Government's strategy/measures in tackling the light nuisance problem.

15. Mr Vincent Liu referred to the Department of Health's advice that there was no conclusive finding nor research outcome on the impact of lighting on human health. As for the promotion of good practices, the Government would re-launch the Guidelines to provide practical advice on the design, installation and operation of lighting installations to minimize light nuisance. Mr Liu said that on receipt of a complaint, enforcement staff of EPD would contact the concerned parties. Experience showed that most of the complaints could be resolved by improvements made by the party being complained. Regarding the exemptions for shop-front signs on ground level, Mr Liu stressed that a careful balance should be struck between the concerns of residents and operational needs of the business sector. At present, the Government would first focus on alleviating light nuisance on rooftops/higher levels as those installations had drawn both a large number and persistent complaints from residents in nearby premises.

16. Dr Albert Chau said that the Task Force had noted the divergent views from the community on whether to go for legislation in tackling the external lighting problems. Views that were against regulation considered that there were a lot of issues to be resolved, including difficulties in defining statutory offences given different perceptions of light nuisance as well as issues related to enforcement. It would also take considerable time to take forward the legislative process if deemed necessary. The charter scheme could fill the gap by immediate implementation. It could also help pave way for legislation by giving useful reference for setting parameters in the subsequent legislative process. On evaluating the effectiveness of the multi-pronged approach recommended in the report, while the Government should monitor the situation and review in due course, the Task Force considered it not appropriate to set fixed targets or review parameters at this stage. Dr Chau explained that, for instance, an increase in the number of complaints could reflect an enhanced awareness of the issue as a result of strengthened public education and publicity programmes rather than a worsening of the problem. As the Task Force had completed its terms of office, ACE as a

standing advisory body to the Government on environmental policy was proposed to take up the subsequent monitoring role by reviewing the progress reports submitted by the Government on the implementation of these administrative measures.

17. Dr Albert Chau further said that with a view to driving behavioural change in the business sector, the Task Force's report also suggested the Government to invest more resources in public education to raise the community's awareness on the matter. He was confident that with growing recognition in the community, the business sector would be more receptive to the switch-off requirement and hence less resistant to the regulatory control if and when the Government worked for legislation in future. As for the charter scheme, the Task Force had proposed to include exemptions of shop-front signs on ground floor for shops that would remain open after the preset time. There should also be a mechanism for making response to complaints against these exempted signs, as well as a removal clause in case a participating organization failed to respond to valid complaints. It was hoped that the acknowledgement mechanism would give impetus for owners and property management of the lighting installations to make the necessary improvements.

18. In response to a Member's question, Dr Albert Chau clarified that the Task Force had not recommended a new legislation at this stage, but rather suggested the Government to make preparation such as setting relevant milestones so as to expedite the process in case a regulation was considered necessary after reviewing the operation of the charter scheme.

19. A Member remarked that for nuisance caused by external lighting, apart from the number of light signs, intensity of the lighting, size of the light source and their locations relative to the affected parties should also be monitored. He suggested that the Government could focus its publicity efforts and work for improvement at those localities which had received persistent complaints. That could help address the concerns of having no immediate legislative control at this stage. Another Member echoed that the Government should set clear targets and benchmarks for the charter scheme. In reply, Mr Vincent Liu advised that the Government would consider focusing its publicity efforts in several districts reported with high incidence of light nuisance. The Government would provide implementation details of the charter scheme to ACE before the launch.

20. In response to a Member's enquiry about the mechanism for handling



individual complaints under the charter scheme, Mr Vincent Liu said that EPD would follow up on individual complaints while the charter scheme would provide a territory-wide promotion of good practices in the industry in respect of lighting installations. The Member considered that the charter scheme did not seem to be able to address the issue under complaint by individuals affected by external lighting. Another Member echoed that the voluntary charter scheme would have little effect on the light nuisance problem if the shop owners concerned had not joined the scheme. She suggested the Government to advise these shop owners on the practical measures to resolve/alleviate the lighting problem under complaint, e.g. incentive to encourage them to switch off lights of decorative or promotional purpose after the preset time.

21. A Member reiterated his proposal for the Government to prepare reports to ACE on the progress of the administrative measures on a bi-annual basis so that Members could provide timely advice on room for improvement. He also considered that the Government should include some specific and objective targets in the report to facilitate review by this Council.

22. The Chairman concluded that Members were supportive of the multi-pronged approach proposed by the Task Force, and considered that clear and objective benchmarks were required for assessing the effectiveness of the administrative measures. There should also be clear milestones for the monitoring work.

*[The presentation team left the meeting at this juncture.]*

### **Internal Discussion Session**

23. The Chairman summarized Members' views that there should be objective benchmarks for Members to assess the effectiveness of the administrative measures, such as the number of signatories to the charter scheme, light intensity level and the volume of electricity consumption. The latter two would reduce if the measures were effective. He suggested the Government to provide bi-annual reports to ACE, and to meet with the Council on an annual basis or as necessary. Two Members suggested that the Government should include an analysis on the handling of individual complaint cases in the reports. That would give an overall picture on whether the signatories had fulfilled the requirements under the charter scheme, which in turn would facilitate ACE's assessment on the effectiveness of the scheme.

24. Ms Anissa Wong said the Task Force had considered implementing the switch-off requirement after a preset time to be the way forward for Hong Kong. There was also a recommendation that all non-static signs, being one of the major source of complaints, to be switched off after 11:00 pm. As the perception on lighting was very subjective, it was difficult to set objective benchmarks and devise a regulatory regime that would be widely acceptable to the community for enforcement purpose. For instance, while some people would prefer a stronger lighting which would give a sense of security, others might be annoyed by the same level of lighting. The Government planned to start with a charter scheme which would be more readily acceptable in the community, to arouse public awareness on the issue and to induce gradual behavioural change in the business sector. The charter scheme could also be enhanced with increasing acceptance by different sectors in the community in an incremental manner. Apart from the switch-off requirement, there were also the Guidelines on the design, installation and operation of lighting installations. The Government would re-launch the Guidelines and report progress to this Council in due course.

25. The Chairman suggested and Ms Anissa Wong agreed that the details of the charter scheme would be submitted to ACE for information. The Government would submit bi-annual progress reports on the development of the charter scheme to ACE, and attend meetings of this Council as and when necessary for in-depth discussion.

26. A Member opined that the handling of individual complaints had not been adequately addressed in the Task Force's report. He suggested that apart from assessing the administrative measures by objective criteria, there should also be a qualitative assessment which might be conducted by an expert panel, which could run on a similar mode as the Advisory Committee on the Appearance of Bridges and Associated Structures on the architectural and lighting assessments in respect of design of bridges. The qualitative assessment should be people-oriented and convey a clear message to the public that the Government was looking into the problem from a human perspective. It could also provide data for research into the correlation between subjective criteria and objective measurements in assessing the external lighting problem.

**Item 4 : Report on the 129<sup>th</sup> Environmental Impact Assessment Subcommittee meeting**

*(ACE Paper 8/2015)*

27. The Deputy Chairman of the Environmental Impact Assessment (EIA) Subcommittee, reported on the recommendations of the EIA Subcommittee on the EIA report on “Comprehensive Development and Wetland Protection near Yau Mei San Tsuen”.

28. After discussion, the meeting agreed to endorse the EIA report with the conditions and recommendations as set out in paragraph 10 of the paper and to forward the views to DEP.

**Item 5 : Any other business**

29. There was no other business for discussion at the meeting.

**Item 6 : Date of next meeting**

30. The next ACE meeting was scheduled on 13 July 2015 (Monday). Members would be advised on the agenda in due course.

**ACE Secretariat**  
**June 2015**