

**Confirmed Minutes of the 232nd Meeting
of the Advisory Council on the Environment (ACE)
held on 8 October 2018 at 2:30 pm**

Present:

Mr Stanley WONG, SBS, JP (Chairman)
Prof Nora TAM, BBS, JP (Deputy Chairman)
Ir Cary CHAN, JP
Dr Billy HAU
Dr HUNG Wing-tat, MH
Dr Michael LAU
Mr Andrew LEE
Prof Kenneth LEUNG, JP
Mr Anthony LOCK
Ir MA Lee-tak, SBS
Prof John NG
Ir Michelle TANG
Mr Simon WONG, JP
Mr Luther WONG, JP
Prof WONG Sze-chun, BBS, JP
Ir Conrad WONG, BBS, JP
Mrs Alice CHEUNG, JP (Secretary)

Absent with Apologies:

Prof LAU Chi-pang, JP
Ms Julia LAU
Prof Albert LEE
Ir Prof Irene LO, JP
Dr Eric TSANG
Prof Jonathan WONG, MH, JP

In Attendance:

Mr Donald TONG, JP	Permanent Secretary for the Environment/Director of Environmental Protection
Ms Lily YAM	Assistant Director of Planning/Technical Services, Planning Department (PlanD)
Mr Simon CHAN	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Miss Heidi LIU	Principal Information Officer, Environmental Protection Department (EPD)

Ms Becky LAM	Chief Executive Officer (CBD), EPD
Miss Dora CHU	Executive Officer (CBD) 1, EPD
Miss Carman LEUNG	Executive Officer (CBD) 2, EPD

In Attendance for Item 2:

Mr Paul WONG	Principle Assistant Secretary for the Environment (Energy), Environment Bureau (ENB)
Ms Fanny CHEUNG	Assistant Secretary for the Environment (Energy)1, ENB

Action

The Chairman welcomed Members to the meeting. Apologies of absence had been received from Prof Lau Chi-pang, Ms Julia Lau, Prof Albert Lee, Ir Prof Irene Lo, Dr Eric Tsang and Prof Jonathan Wong.

Item 1 : Matters arising (Closed-door session)

2. The Chairman advised that the minutes of the 231st meeting held on 4 June 2018 were confirmed by circulation on 31 August 2018. There were no matters arising from the minutes of the last meeting.

Item 2 : Progress Report on the Promotion of Charter on External Lighting (ACE Papers 10/2018 and 11/2018)

3. The Chairman informed that *ACE Paper 10/2018* briefed Members on the progress of implementing the Charter on the External Lighting (the Charter), and a background note on the subject matter (i.e. *ACE Paper 11/2018*) prepared by the secretariat had been circulated to Members before the meeting.

4. Upon the invitation of the Chairman, a Member declared that he was a member of the Working Group on External Lighting (WGEL). The meeting agreed that the Member could stay on and continue participating in the discussion.

[Post-meeting note: A Member informed the secretariat after the meeting that he was also a member of the WGEL.]

[The subject team joined the meeting at this juncture.]

Presentation cum Question-and-Answer Session (Open session)

5. Mr Paul Wong briefed Members on the Progress Report on the Promotion of the Charter on External Lighting (the Charter), including the background and implementation progress of the Charter. He advised Members that ENB had been taking proactive actions to promote the Charter, and had reorganised the Working Group on the Promotion of the Charter on External Lighting (the Working Group) into the WGEL with a view to reviewing the effectiveness of the Charter and advising the Government on the proposed way forward.

Recruitment of Charter participants and monitoring compliance

6. A Member enquired whether there was any target on the number of Charter participants to be recruited and Mr Paul Wong replied that the Task Force on External Lighting (the Task Force) had not specified a target when it recommended the Government to launch a voluntary scheme.

7. In reply to a Member's question regarding the scale of the compliance check, Mr Paul Wong said that the on-site compliance checks were conducted on all Charter participants. He stressed that the compliance checks were conducted unannounced and the compliance rate was high (more than 99%).

8. A Member further enquired whether there were any other monitoring measures adopted to ensure compliance with the switch-off requirement. Mr Paul Wong replied that another round of on-site compliance checks would be conducted in early 2019 and ENB would also investigate if the complaints concerning external lighting received by EPD involved any of the Charter participants.

9. As regards a Member's question on the resources deployed in handling the work of the Charter, Mr Paul Wong replied that ENB had been utilising existing resources to take forward the relevant tasks, hence it was not possible to provide a breakdown. While expressing appreciation towards ENB's efforts in monitoring the compliance of the Charter participants, the Member was concerned that there might not be adequate resources to ensure consistent compliance given that compliance checks were only conducted once a year. He considered that there was a need to set up a dedicated office or team to handle the implementation work of the Charter and enhance the sustainability of the Charter.

10. Mr Paul Wong advised that ENB would continue to implement relevant tasks with resources available, which were subject to Government's resources allocation mechanism.

11. The Chairman considered that as most of the Charter participants should have equipped their external lighting installations with automatic control, such as timer switches, he trusted that the compliance situation should be consistent throughout the year. However, since the Charter was a voluntary scheme, it would have limited effect on controlling light nuisances. Subject to the result of the review, he commented that the introduction of legislation to control nuisance caused by external lighting should be considered.

Effectiveness of the Charter

12. In response to a Member's question regarding the review of the Charter, Mr Paul Wong advised that the Task Force recommended in its report to the Government in 2015 that the effectiveness of the Charter should be reviewed two years after its implementation. Having launched the Charter in 2016, the Government had taken forward the recommendation of the Task Force by reorganising the Working Group into the WGEL in 2018. Apart from promoting the Charter, the WGEL would review the effectiveness of the Charter and advise on measures to better manage external lighting. Additional resources would be deployed to support the review of the effectiveness of the Charter.

13. A Member considered that apart from the number of Charter participants, other parameters such as the complaints statistics could be used as indicators for assessing the effectiveness of the Charter.

14. Mr Paul Wong advised that the level of compliance of Charter participants was one of the indicators showing the effectiveness of the Charter. The on-site compliance checks conducted in the past two years showed that over 99% of the participants had been able to meet the pledge. He further advised that a survey would be conducted to gauge the public perception of external lighting, and the business sector would also be consulted on their current operations and arrangements of existing external lighting installations. Furthermore, overseas regimes and experience in regulating external lighting would be studied to assess whether they could be applied to Hong Kong. Subject to the results of the review, the WGEL would formulate recommendations on the way forward.

15. To objectively assess the effectiveness of the Charter with a view to determining whether there was a need for mandating a statutory switch-off requirement, a Member considered that quantitative data should be obtained, such as referring to satellite images, using the portable light sensing device namely the “Sky Quality Meter” developed by the University of Hong Kong to measure and monitor the night time light intensity, or making use of drones to take photos to measure the light intensity level.

16. Mr Paul Wong advised that the WGEL had considered similar suggestions put forward by its members. It was pointed out that the use of portable light sensing device might not be able to record a reliable and consistent reading given the existence of multiple light sources, and the WGEL was exploring options for an objective assessment of the effectiveness of the Charter.

Complaints against external lighting

17. In reply to a Member’s enquiry about the complaints statistics, Mr Paul Wong advised that 335 and 355 complaints were received in 2016 and 2017 respectively. The complaints statistics for 2018 was yet to be available.

18. A Member considered that the number of complaints should be presented as a percentage to the total number of external lighting installations. It could serve as a possible indicator for reviewing the effectiveness of the Charter. The Chairman further asked whether the percentage of 5,000 Charter participants out of all the external lighting installations was available.

19. Mr Paul Wong explained that as external lighting installations were currently not required to be registered, there was no available data to enable the computation of these ratios.

20. With reference to the findings of the opinion survey commissioned by the Government in 2009, a Member recalled that more than 70% of the respondents had the impression that there was light pollution in Hong Kong. She opined that the survey should be conducted again in order to assess the effectiveness of the Charter. Mr Paul Wong advised that a survey on public perception of the extent of light nuisance and the Charter would be conducted as part of the review of the Charter.

21. With regard to a Member's enquiry regarding the energy usage data, Mr Paul Wong said that the amount of energy used by external lighting installations was estimated to be insignificant according to the findings of a consultancy study on energy wastage and light nuisance of external lighting commissioned in 2009. The Charter thus mainly focused on measures to minimise the light nuisance to nearby residents.

22. Addressing enquiries from two Members on the handling of complaints received by EPD, Mr Paul Wong said that upon the receipt of complaints about light nuisance caused by external lighting, EPD would relay the complainants' concerns to the persons responsible for the lighting installations in question, invite them to sign up to the Charter, and advise them to refer to the Guidelines and take appropriate measures to minimise the impact of the lighting installations on the residents in the vicinity. The experience of EPD was that most of those responsible for the lighting installations had responded positively to its advice and adopted measures to minimise light nuisance as far as practicable.

23. The Chairman remarked that the timing of the light nuisance should be regarded as one of the important factors for consideration. A Member suggested ENB provide a breakdown of the complaint statistics with a view to assessing the validity of the complaints, concerned districts and timing of the light nuisance. This could help determine whether there was a need for imposing a statutory switch-off requirement.

24. Mr Paul Wong thanked Members for their suggestions and advised that an update would be provided to Members in due course after the completion of the review by the WGEL.

Conclusion

25. The Chairman summarised the views of Members and thanked the subject team for its presentation.

[The subject team left the meeting at this juncture.]

Internal Discussion Session (Closed-door session)

26. A Member remarked that Hong Kong was known for being the "Pearl of the Orient" for its beautiful night view, and considered that external lighting

installations should be acceptable if they would not cause excessive nuisance to sensitive receivers. Owners or responsible persons should make an assessment having regard to the need to minimize nuisance to sensitive receivers before installing the external lighting installations and opt for the optimal position and orientation for such installations that would minimise such nuisance. He suggested the WGEL consider setting targets for the Charter. He also suggested that reference be made to the overseas experience with a view to identifying objective indicators for assessing the effectiveness of the Charter.

27. A Member considered that the number of complaints was on the very low side when compared with the total number of external lighting installations and suggested the Government assess the severity of light pollution in considering the need to mandate the switch-off requirement by legislation. Having regard to the Chairman's observation that external lighting complaints were particularly prominent at certain districts such as the mid-levels and the Yau Tsim Mong, the Member said that district-based measures might be more cost-effective than conducting large scale promotions and/or imposing legislation in tackling lighting nuisance.

28. A Member was of the view that as there was currently no law to empower the Government to take enforcement actions against owners/responsible persons whose lighting installations had caused nuisance, the public might consider filing complaints an ineffective way to address the problem. As such, he considered that the complaints statistics themselves might not be a reliable and objective assessment of the severity of light pollution although it should still be useful to analyse the complaint statistics with regard to the locations and the timing of the light nuisances. The Member opined that any regulations on external lighting should be based on the severity of light pollution.

29. As a member of the Yau Tsim Mong District Council, a Member shared that the problem caused by external lighting installations in the Yau Tsim Mong district was particularly severe. She was of the view that many residents were unaware of the Charter and could not see significant improvements after its implementation. She suggested the Government consider introducing more incentives to encourage owners and responsible persons of external lighting installations to join the Charter and introducing legislation should there be a public consensus for mandating the switch-off requirement.

30. As a member of the WGEL, a Member shared the difficulties of enforcing legislation on external lighting in overseas regimes given that there might be more than one light source in close vicinity affecting the sensitive receivers. He echoed the views of some Members that objective measurements, such as the difference in light intensities before and after 11 pm, could be useful for assessing the external lighting problem.

31. Mr Donald Tong advised that the Task Force recommended in 2015 that a review of the effectiveness of the Charter should be conducted about two years after its implementation in 2016. Accordingly, the Government appointed the WGEL in August 2018 to take forward the task. A consultant would be engaged to formulate strategies to conduct the large-scale survey to gauge the public's views and perception on external lighting for consideration by the WGEL. The WGEL would also seek the views of relevant Government advisory committees, trade bodies and District Councils. Having regard to the findings of the review and the recommendations by WGEL, the Government would consider the next step, including whether legislation should be introduced to control nuisance caused by external lighting, Mr Tong further advised that as the review would be completed by 2020, the Charter would continue to play over the next few years an important role in handling problems arising from external lighting. Council members and members of the public were welcome to provide their views and suggestions to WGEL for consideration.

32. Regarding the setting of targets for the Charter, Mr Donald Tong said that the number of signatories recruited might not be a reliable indicator of the effectiveness of the Charter. There had been withdrawals from the Charter, for example, owing to the changes in signee's business operations. He stressed that the Government had been proactively promoting the Charter and recruiting signatories by a multi-pronged approach, which included engaging the District Councils and launching the partnership scheme.

33. As regards complaints, Mr Donald Tong agreed that the complaints statistics themselves might not be a reliable indicator to assess the effectiveness of the Charter, given that an increase in the number of complaints might be related to possibly higher public awareness rather than an intensified light pollution. EPD would try to compile a breakdown of the complaints for Members' reference as far as practicable. He mentioned that large companies usually responded positively to address the complaints received by EPD, while smaller establishments and those businesses that operate around the clock might have difficulties in adhering to the

switch-off requirement.

34. Mr Donald Tong said that the Government would continue to step up the efforts to promote the Charter where external lighting complaints were prominent. He thanked Members for their suggestions and assured them that the suggestions would be relayed to the WGEL for consideration. He also reiterated that ENB would continue to report progress to the ACE on the latest developments on external lightings.

Item 3 : Report of the 143rd Environmental Impact Assessment Subcommittee Meeting (Closed-door session)

35. On the invitation of the Chairman, a Member, the Chairperson of the Environmental Impact Assessment (EIA) Subcommittee, reported that *ACE Paper 12/2018* had summarized the discussion and recommendations of the EIASC meeting held on 17 September 2018 on the EIA report on the “Lei Yue Mun Waterfront Enhancement Project”.

36. Having regard to the findings of the EIA reports, EIASC recommended the full Council to endorse the EIA report with three conditions and eight recommendations. With no further comments from Members, the Chairman concluded that the meeting agreed to recommend the Director of Environmental Protection (DEP) to endorse the EIA report with the conditions and recommendations as set out in paragraph 9 of the *ACE Paper 12/2018*.

Item 4 : Any other business (Closed-door session)

EIA Report not selected by EIASC for submission to ACE

37. The Chairperson of the EIASC informed that the EIA reports on “Proposed Interim Sewage Treatment Plant and Effluent Reuse Facility at Wo Shang Wai, Yuen Long” and “Intermodal Transfer Terminal – Bonded Vehicular Bridge and Associated Roads” were not selected by the Subcommittee for discussion. Given that the EIA reports had not been selected by EIASC for presentation and discussion, EPD would take that ACE had no adverse comments on the two EIA reports.

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

Item 5 : Date of next meeting (Closed-door session)

39. The next ACE meeting was scheduled on 5 November 2018 (Monday). Members would be advised on the agenda in due course.

**ACE Secretariat
November 2018**