

**Confirmed Minutes of the 118th Meeting of
the Advisory Council on the Environment
held on 9 August 2004 at 2:30 p.m.**

Present:

Prof. LAM Kin-che, J.P. (Chairman)
Prof. Peter HILLS
Mr. Peter Y. C. LEE
Dr. NG Cho-nam, B.B.S
Prof. POON Chi-sun
Mr. Otto L. T. POON, B.B.S.
Mr. Michael J. D. RUSHWORTH
Ms. Iris TAM, J.P.
Prof. WONG Tze-wai
Ms. Jessie WONG (Secretary)

Absent with Apologies:

Prof. HO Kin-chung, B.B.S
Prof. LUNG Ping-yee, David, S.B.S., J.P.
Mrs. Mei NG, B.B.S
Mr. Markus SHAW
Prof. WONG Yuk-shan, B.B.S., J.P.

In Attendance:

Mr. K. K. KWOK, J.P.	Permanent Secretary for the Environment, Transport and Works (Environment)
Ms. Doris CHEUNG	Deputy Secretary for the Environment, Transport and Works (Environment)1
Mr. Roy TANG	Deputy Secretary for the Environment, Transport and Works (Environment)2
Mr. Mike STOKOE, JP	Acting Director of Environmental Protection
Mr. C. C. LAY	Assistant Director (Conservation) Agriculture, Fisheries and Conservation Department
Miss CHU Hing-yin	Acting Assistant Director/Technical Services Planning Department (Plan D)
Mr. Matthew LEUNG	Secretariat Press Officer, Environment, Transport and Works Bureau (ETWB)
Miss Natalia LEUNG	Senior Information Officer Environmental Protection Department (EPD)
Miss Petula POON	Chief Executive Officer (E), ETWB
Mr. Eddie CHENG	Executive Officer (E), ETWB

In Attendance for Agenda Item 4 :

Mr. C W TSE	Principal Assistant Secretary for the Environment, Transport and Works (Environment) 3, ETWB
Mr. Joe FONG	Senior Environmental Protection Officer (Environment) 3, ETWB

In Attendance for the item on the Import of Used Plastic Bottles for Handling in Hong Kong under Any Other Business :

Dr. Mike CHIU	Acting Deputy Director of Environmental Protection
Mr. K F TANG	Principal Environmental Protection Officer (Territorial Control), EPD

Action

On behalf of the Council, the Chairman thanked Mr. Mike Rushworth, who had tendered his resignation from the Council with effect from 1 September 2004, for his support and contributions in the past 11 years and wished him a happy retirement in the United Kingdom.

Agenda Item 1 : Confirmation of Minutes of the 117th Meeting held on 12 July 2004

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

(a) as proposed by a Member that -

- the last sentence in paragraph 14 should be amended to read “A Member considered that in order to mitigate the not-in-my-backyard syndrome, some attractive community facilities could be planned on top of an underground sewage treatment plant for the benefit of the residents in the district.”; and
- the words “For reappointment or new appointments for the next term, the Members should be made aware of the possibility of opening up of Council meetings to the public before acceptance of appointment.” should be added as the last sentence in paragraph 36; and

(b) as proposed by another Member that-

- the words “He emphasized that additional reclamation at Tseung Kwan O would be a lot less environmentally damaging than reclamation at Hei Ling Chau.” should be added as the third last sentence in paragraph 32.”

Agenda Item 2 : Matters Arising

Para. 20 Special meeting on the Harbour Area Treatment Scheme (HATS) **Stage 2**

3. The Chairman informed Members that subsequent to the discussion at the 117th meeting, a special meeting was scheduled for 6 September 2004, the date of the regular Council meeting in September. The main objective of the meeting was to enable Members to have a better understanding of the issues involved by exchanging views with the relevant experts/academics and green/interest groups before the Council formulated its views on the proposals. The special meeting would be open to the public. The Council would not hold any regular meeting in September unless there were urgent matters that required the deliberation of the Council. The list of guests invited to the meeting as well as the key issues to be discussed were tabled for Members’ information.

4. A Member suggested, and other Members agreed, that the guest list should be expanded to cover the Marine Biological Association of Hong Kong

(Post-meeting note : an invitation was sent to the Marine Biological Association of Hong Kong on 10 August 2004.)

Agenda Item 3 : Report on the 87th Meeting of the Environmental Impact Assessment Subcommittee ***(ACE Paper 26/2004)***

5. The Chairman of the Environmental Impact Assessment (EIA) Subcommittee, reported the discussion of the 87th EIA Subcommittee meeting held on 12 July 2004.

6. In response to a Member’s enquiry, the Subcommittee Chairman said that there was no decision on the suggestion to accord higher priority to compensation by area than compensation by function as each case had to be considered on its own merits under the EIA mechanism. Mr. C C Lay added that each mitigation proposal would be assessed according to the Technical Memorandum. The main consideration was whether the loss would be

adequately compensated by the proposed measures. In general, there would be no particular reference to whether the proposed mitigation/compensation was by area or by function.

Agenda Item 4 : A proposed scheme to require registration and mandatory labelling of the content of volatile organic compounds (VOC) in paints, printing inks and selected consumer products
(ACE Paper 27/2004)

7. The Chairman welcomed the presentation team to the meeting. Mr. C W Tse briefed Members on the proposed scheme.

8. In response to the Chairman's concern about the adequacy of the information included on the label, Mr. C W Tse said that under the proposal, the label should display the VOC content by weight and by percentage so that consumers could make an informed choice. In Stage 2, the Administration would consider setting up a benchmark or imposing a limit on the VOC content.

9. In reply to the Chairman's question, Mr. C W Tse confirmed that there were VOC free paints. Paints that gave a shiny effect would normally contain VOCs.

10. A Member pointed out that there were many kinds of VOCs with various levels of toxicity. The proposed labelling of the content of VOC would cause confusion among consumers. It would be more meaningful to label the toxic substances rather than the VOC content in consumer products. While agreeing that reducing VOC emission might reduce the formation of ozone and respirable suspended particulates (RSPs) in the atmosphere, he considered that consumer products' contribution to VOCs in ambient air was negligible. Another Member shared the Member's concern. In response, Mr. C W Tse clarified that the proposed scheme was to deal with a general pollution problem to reduce the total VOC emission rather than the problem of a specific type of VOC. When being emitted into the atmosphere and exposed to sunlight, VOCs would react with nitrogen oxides to form ozone and RSPs. A study conducted jointly with the Guangdong Authority indicated that if VOC emission could be reduced by 55%, smog and ozone problems could be resolved and the Air Quality Objectives could be achieved. As shown in paragraph 6 of the paper, the contribution to VOCs in the atmosphere from paints, printing industry and consumer products were around 30%, 13% and 24% respectively and hence they were significant sources of pollution. While the proposed labelling scheme was new to Hong Kong, it had been successfully implemented in other places such as California.

11. In response to a Member's question on the evaluation of the effectiveness of the Stage 1 programme, Mr. C W Tse explained that the programme would include a registration and reporting mechanism under which importers and manufacturers would be required to report the quantity of VOC products sold every year. The information collected would enable an accurate evaluation of the effectiveness of the Stage 1 programme as well as the development of more comprehensive information on different categories of VOC containing products than by relying on information collected by general surveys and import statistics.

12. A Member pointed out that the success of the proposed scheme would depend on consumer behavior and hence, a good education programme would be required. It would also be beneficial to repackage the issue by emphasizing the potential health concern as well so as to attract public attention. In response, Mr. C W Tse said that public education would be a major part of work in future after the implementation of the labelling scheme. He also agreed that VOC would constitute a health concern due to the formation of ozone and RSP in the atmosphere and would consider if a warning could be added in the label. Mr. K K Kwok agreed that public education would complement the proposed scheme because consumers who were aware of the VOC issue might choose products with no or lower VOC content.

13. In reply to a Member's query on the exclusion of household and office printing applications from the proposed scheme, Mr. C W Tse explained that the process of photocopying and inkjet printing in homes and offices emitted insignificant amount of VOCs only and were therefore not included.

14. In response to the Chairman's question, Mr. C W Tse said that the European Union was going to introduce a similar mandatory labelling scheme and related control requirements on paints. The range of products to be controlled in Hong Kong would be wider than that in the European Union but the approach was similar to that of California. Referring to paragraph 4 of the paper, the Chairman asked whether the VOC content of consumer products in Hong Kong in general exceeded the limits imposed in California. In response, Mr. Tse said that it would be difficult to make a direct comparison because the range of products as well as their use in the two places might be different. However, some products sold in Hong Kong could meet the standards in California.

15. Two Members raised concern on the use of VOCs in enclosed areas such as renovation works in shopping malls where workers were exposed to high level of VOCs. In response, Mr. C W Tse explained that workers and employees were protected under the Occupational Safety and Health

Ordinance based on which the Labour Department had specified protective measures and exposure limits for a wide range of works exposed to VOCs. In addition, the Indoor Air Quality (IAQ) objectives promulgated under the Indoor Air Quality Management Programme had included an indoor standard for VOCs. A Member said that as far as he was aware, many renovation workers were self-employed and were not covered by the Occupational Safety and Health Ordinance. In response, Mr. Tse explained that for cases outside the ambit of the Occupational Safety and Health Ordinance, enforcement actions could be taken under the Air Pollution Control Ordinance if there were violations. In response to another Member's comment that the IAQ objectives were not yet mandatory, Mr. Tse said that the IAQ objectives were benchmarks for indoor air quality. The Administration was implementing an IAQ Certification Scheme for Offices and Public Places to encourage building owners to improve indoor air quality. At present, the Administration was examining the feasibility of making regulations to control major sources of indoor air pollutants. In response to the Chairman's question, Mr. Tse confirmed that the IAQ Certification Scheme started to receive applications since September last year. The Administration was conducting a study on international controls and standards on emissions from indoor air pollution sources to help decide whether there was any need to draw up regulations to control specific sources of indoor air pollutants. The study would be completed towards the end of the year.

16. The Chairman concluded that the Council was in support of the proposed scheme and looked forward to receiving further updates on the subject in due course.

Agenda Item 6 : Any Other Business

Import of used plastic bottles for handling in Hong Kong

17. The Chairman welcomed the EPD representatives to the meeting. He referred Members to the newspaper cuttings tabled at the meeting that were related to a plastic bottles recycling operation at Lau Fau Shan. He also informed Members that a letter was received from a recycler but due to possible commercial interest involved, the letter would be distributed to Members after the meeting.

(Post-meeting note : the letter was circulated to Members on 10 August 2004.)

18. The Chairman of the Waste Subcommittee reported that the Subcommittee had discussed the issue and was concerned about the possible environmental impacts caused by such workshops. The Subcommittee wished to know whether the situation was temporary or on-going; whether

Hong Kong's import requirements were less stringent than those of the Mainland; whether the Government had a policy to encourage the recycling of imported waste; whether control measures had to be tightened up to protect the countryside; whether proper planning permissions had been granted to the recycler concerned, and whether the operation met the relevant control standards.

19. In response, Dr. Mike Chiu clarified that business involving the import and re-export of plastic waste had existed in Hong Kong for some time and such trades were allowed under the Basel Convention. Last year, Hong Kong imported 2.2 million tonnes of plastic waste and re-exported 1.6 million tonnes, of which around 90% were re-exported to the Mainland. The recent concern arose mainly because the Mainland had tightened up their import control and required the registration of operators. In the past, plastic bottles could be imported without any treatment but under the new arrangement, they had to be shredded and cleaned. Most operators in Hong Kong would shred the plastic bottles but few would clean them. The operation reported by Ming Pao involved on-site washing but there were water treatment facilities in the site to recycle the wastewater. The site was not as dirty as reported in the newspaper. Dr. Chiu also dispelled the worry that plastic wastes would be disposed of in landfills because they were useful materials that could be sold for about \$3,000 to \$4,000 per tonne. EPD's landfill records also confirmed that no such dumping had taken place. On the land issue, Dr. Chiu said that there were at present 46 recycling operations in the territory and most of them operated on private land. Plan D was checking the zoning of the sites concerned to see whether planning permissions were needed and had been given. The operation reported by Ming Pao had not obtained proper planning permission and Plan D had already issued a warning letter to the operator.

20. Mr. K K Kwok said that the Government shared Members' concern about possible environmental nuisance caused by such operations. There was close coordination among departments concerned and they kept a close watch on the matter to ensure that no environmental legislation was breached. Two inter-departmental meetings had been conducted after the media report was published, and EPD had identified 46 such establishments in the territory, mostly in Yuen Long and northern New Territories. Those operations mainly involved storage and shedding of plastic bottles and seldom involved washing. Where washing of bottles was involved, there were on-site wastewater treatment facilities and so far it seemed that no pollution had been caused to the watercourses. The shredding machines did emit some noise, but the establishments concerned were not located near to any noise sensitive receivers. Staff from the Food and Environmental Hygiene Department had inspected the sites and no stagnant water and breeding of mosquitoes was reported. As regards the visual impact, Mr. Kwok said that

those sites were unpleasant but the operations did not seem to cause any environmental problem. The Lands Department had checked the land status of those sites and confirmed that most of them were on private land. Plan D was investigating whether there was any contravention of the Town Planning Ordinance. As regards the worry that the rejected materials would be disposed of in landfills, Mr. Kwok said that EPD would closely monitor the situation and so far no such activities had been detected.

21. In response to a Member's question on the Government's stance on recycling industry, Ms. Doris Cheung said that the policy was to facilitate the development of the recycling industry. As most recyclers faced the problem of lack of land, the Government had helped the industry by providing short-term tenancies. In the long run, a recovery park would be set up in Tuen Mun to provide permanent working sites for recyclers. In reply to the Chairman's enquiry, Ms. Cheung said that an EIA study for the recovery park was underway and that the first phase of the recovery park would be expected to operate in late 2006 or early 2007.

22. A Member said that although there was no washing of plastic bottles on most of the sites, the storage of such bottles in open areas would result in the discharge of grease and organic substances during rainstorms. In his view, the economic return from such operations might not be able to cover the social and environmental costs the community had to bear. Those operations could only be regarded as initial handling of waste rather than waste recycling. In response, Dr. Mike Chiu informed the meeting that EPD staff had visited the sites. The findings were that the bottles were mainly water bottles and were, therefore, relatively clean. The Member was doubtful that all those bottles were clean, and considered that the discharge of effluent into watercourses was inevitable. For workshops that were not equipped with any proper drainage system, seepage of pollutants into the ground might occur. In response, Dr. Chiu elaborated that the bottles had been pressed and packed to reduce the volume before they were imported, and EPD's inspections showed that they did not contain much liquid, if any. In addition, EPD staff would inspect the sites from time to time to ensure that no environmental law would be breached. He added that the situation was not ideal and hence, the Government was working on the recovery park project. In the interim, certain flexibilities had to be allowed for the industry.

23. A Member was worried that Hong Kong would be turned into a dumping ground for rejected materials from the Mainland. Noting that only 1.6 million tonnes out of the 2.2 million tonnes of plastic waste were re-exported, he enquired the whereabouts of the remaining 0.6 million tonnes of waste. In response, Dr. Mike Chiu said that some of the plastic bottles were exported to the Mainland as raw materials. According to EPD's

records, there was not any single case in which the plastic waste was rejected by the Mainland. In fact, plastic bottles that were unclean would be rejected by the importers since they paid the same price for clean bottles. EPD had tracked a case in which the rejected plastic bottles were shipped to Taiwan. He reiterated that the plastic bottles would not be dumped in Hong Kong as they could be sold for money.

24. A Member pointed out that the Mainland was a market for plastic waste and recycling of plastic bottles was a profitable business. If a suitable site could be found, the recycling business in Hong Kong could become very successful.

25. While agreeing that there might be a need for better control if the recycling industry had grown rapidly, a Member considered that at present EPD was too strict with the recycling trade. He quoted a recycler's complaint of the difficulty in obtaining a licence for operating his machines to illustrate his point. In response, Dr. Mike Chiu explained that in addition to the requirements under the Basel Convention, EPD had to assess the noise impact on noise sensitive receivers before the licence application for operating machineries could be approved.

26. Apart from the site reported by Ming Pao, a Member asked whether the other 45 sites had obtained proper planning permission. She also pointed out that mitigation measures such as shielding and landscaping would help reduce the visual impact of such operations. In response, Miss Chu Hing-yin informed the meeting that as advised by EPD, plastic bottles recycling workshops were non-polluting. Under the statutory town plans, such workshops were regarded as a kind of "Rural Workshop", which was "a permitted use" in areas under the "Industrial (Group D)" zone and the "Open Storage" zone and did not require any planning permission from the Town Planning Board. Rural workshops operating outside those two zones had to obtain planning permission unless they were classified as "existing use". Workshops which were not "existing use" and without proper planning permissions were regarded as unauthorized developments, and Plan D would take enforcement actions against them. The workshop reported in Ming Pao was located on a site zoned "Recreation" and hence required planning permission. Plan D issued a warning letter to both the occupier and the landowner in early August for operating the workshop without the required planning permission. As regards the remaining 45 workshops identified by EPD, Plan D was checking their zoning status to determine whether any enforcement actions should be taken. Miss Chu pointed out that under the Town Planning Ordinance, statutory plans were prepared to control the land use or the development on the land but not the detailed operation process involved. For instance, Plan D had no authority over the detailed operation

process of plastic bottles recycling workshops such as cleansing and shredding of bottles, which should be controlled through other legislations and licensing systems. The Member requested, and Miss Chu agreed, to revert to the Council on the outcome of the checking on the 45 sites as to whether there was any contravention of the Town Planning Ordinance.

27. A Member expressed concern about classifying recycling facilities as non-polluting, since in his view some sort of pollution was inevitable during the recycling process. In response, Miss Chu Hing-yin clarified that she was not referring to all types of recycling facilities. Instead, she was referring to plastic bottles recycling workshops. Another Member agreed with the Member, and suggested that the effluent discharged by such workshops and the impact on nearby watercourses should be monitored.

28. In response to a Member's suggestion that the Government could impose requirements on the import of plastic bottles similar to those of the Mainland, Mr. K K Kwok explained that it would be difficult to impose a barrier on international transportation of materials which were permitted under the Basel Convention. A more viable solution would be to continue to monitor the situation closely and make sure that there was no unacceptable environmental nuisance.

29. A Member suggested setting up a tracking system on the import and export of plastic waste similar to that implemented for chemical waste. He also considered that since the Mainland authorities had tightened control over the import of plastic waste, Hong Kong had a good reason to follow suit. In response, Mr. K K Kwok explained that under the Basel Convention, only contaminated materials would require an import licence. If the materials were not hazardous, it would be difficult to impose a licensing requirement and to keep track of their whereabouts. In response to another Member's enquiry, Dr. Mike Chiu explained that the plastic waste figures were obtained from trade statistics.

30. The Chairman suggested, and Members agreed, that a visit to the recycling workshop in question should be arranged in September/October to enhance Members' understanding of the issue. He also suggested bringing up the case again in the October meeting so that the Administration could update the Council on the situation including the progress and the findings of the monitoring work conducted by Plan D and EPD. A Member suggested, and Members agreed, that if possible, the opportunity might be taken for Members to visit KCRC's ecological compensation site in Kam Tin as well.

Secretariat,
EPD and
Plan D

The possible demolition of the Hunghom Peninsula

31. The Chairman of the Waste Subcommittee reported that the Subcommittee discussed the possible demolition of Hunghom Peninsula at its meeting held in July. Members expressed grave concern as it would aggravate the problem of construction and demolition waste. The Subcommittee decided to write to the developers concerned and request for a meeting with them to discuss the issue including the feasibility of adopting selected demolition if demolition of the buildings could not be avoided.

Agenda Item 8 : Date of Next Meeting

32. The next regular meeting scheduled for 6 September 2004 would be replaced by the special meeting on the HATS Stage 2. The next regular meeting would be held on 11 October 2004.

ACE Secretariat
August 2004