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Report of the Panel on Environmental Affairs for submission to the Legislative Council

Purpose

This report gives an account of the work of the Panel on Environmental Affairs (“the Panel”) during the Legislative Council (“LegCo”) 2023 session. It will be tabled at the meeting of 6 December 2023 of the Council in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007, 2 July 2008 and 26 October 2022 for the purpose of monitoring and examining Government policies and issues of public concern relating to environmental matters, energy matters (including energy supply and safety), conservation, sustainable development and weather information services. The terms of reference of the Panel are given in **Appendix 1**.

3. The Panel comprises 20 members, with Hon Elizabeth QUAT and Hon Kenneth LAU Ip-keung elected as Chairman and Deputy Chairman respectively. The membership list of the Panel is in **Appendix 2**.

Major Work

Waste management

Implementation of municipal solid waste charging

4. Based on the progress of various preparatory work, the Administration’s original plan was to implement municipal solid waste (“MSW”) charging by end of 2023. Nonetheless, some sectors, such as the cleansing service providers, appealed for postponing the implementation, in view of the expected large quantity of waste that would be disposed of around Christmas and Chinese New

Year, as well as the manpower shortage during Chinese New Year. At the meeting on 14 July 2023, the Administration briefed the Panel on the progress of preparatory work for implementing MSW charging, arrangement for distribution of free designated bags (“DBs”) during the initial implementation stage, as well as the legislative proposals on adjustments to construction waste disposal charges and commencement of MSW charging on 1 April 2024.¹

5. Members generally supported the policy objectives of MSW charging to encourage the community to reduce waste at source. In view that an 18-month preparatory period had been provided since the passage of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 in August 2021, some members expressed disappointment at the postponement of commencement of MSW charging to 1 April 2024. These members suggested the Administration re-consider commencing MSW charging earlier, say before the said festive occasions.

6. The Administration advised that in the 18-month preparatory period for MSW charging, the Environmental Protection Department (“EPD”) had been preparing Best Practice Guides jointly with working groups comprising stakeholders from trades such as property management and environmental hygiene, and enhancing stakeholder engagement through operational briefings and specialized trainings. It was only until recently that relevant trades reflected their concerns about insufficient frontline manpower around the year end. In the few months towards end of 2023, these trades would need to adjust their frontline operations and arrange training for frontline staff in relation to implementation of MSW charging. It was therefore not possible for the trades to get prepared before the end of 2023.

7. Some members expressed support for the Administration’s proposal to supply free DBs to households of public rental housing (“PRH”) estates, three-nil buildings and rural village houses during the initial stage of implementation of MSW charging. Some other members however doubted the need to make such arrangement, given the number and coverage of trial projects and Community Involvement Projects already implemented in different sectors, which covered PRH estates, in the past few years. There were also views that:

¹ The Waste Disposal (Charging for Municipal Solid Waste)(Amendment) Ordinance 2021 (Commencement) Notice 2023) and the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedules) Notice 2023 were subsequently published in the Gazette and introduced into LegCo in October 2023 for negative vetting. A subcommittee was formed to study the two items of subsidiary legislation. This subcommittee was also tasked to study the Waste Disposal (Specified Requirements for Designated Bag and Designated Label)(Amendment) Notice 2023 which sought to amend the designs for DBs.

- (a) the proposed provision of only 20 free DBs to target households per month (i.e. less than one DB per day) might not be adequate to meet their needs;
- (b) the Administration might consider distributing free DBs only to needy persons such as elderly tenants and low-income households in PRH; and
- (c) the Administration should collaborate with Heung Yee Kuk and Rural Committees in the distribution of free DBs to households of rural village houses.

8. The Administration advised that in the trial projects on MSW charging carried out previously in some PRH estates, rural villages, etc., dummy DBs were provided for participants to get first-hand experience of the quantity-based charging arrangements. Having regard to the experiences gained from these projects, the Administration considered that providing free DBs during the initial implementation stage would effectively help residents in PRH estates, three-nil buildings and rural village houses understand and adapt to MSW charging. Apart from low-income households and the elderly, other PRH households, who were mainly grassroots families, might also need some time to adapt to MSW charging and adjust their waste disposal habits. Providing DBs to only certain households in PRH blocks would increase complexities in the distribution process. The Administration pointed out that supplying less than 30 DBs a month could better encourage waste reduction. Households might purchase DBs from retail outlets at their own cost if they needed more. The Administration would follow up members' suggestion of seeking rural organizations' advice or assistance in the distribution of free DBs in rural villages.

Food waste collection and treatment

9. On 21 April 2023, the Administration briefed the Panel on the progress of implementing food waste collection initiatives and the construction of Organic Resources Recovery Centre ("ORRC") Phase 2 (O-PARK2). In view of the proximity of O-PARK2 at Sha Ling, North District to the proposed Northern Metropolis and the boundary overlooking Shenzhen, as well as the need to facilitate passenger/cargo flow and development of modern service industries in the "Shenzhen-Hong Kong Boundary Control Points Economic Belt", some Members opined that the Administration should carefully consider the medium to long-term positioning of O-PARK2 and other relevant waste treatment facilities under development or planning. The Administration was also requested to explain the way forward for developing ORRC Phase 3 (O-PARK3).

10. The Administration pointed out that assessments/studies had been conducted to confirm that the potential traffic and environmental impacts arising from the operation of O-PARK2 would be within acceptable range. Environmental mitigation measures including planting/greening proposals had been incorporated in the project. As regards the interface of O-PARK2 with other strategic developments in the vicinity, the Administration would maintain communication with Members and other relevant parties on related issues. The relevant feasibility study had revealed that the proposed site at Shek Kong of Yuen Long was not suitable for developing O-PARK3 due to, among other things, the challenging site conditions (e.g. streams running through site, steep gradient and the lack of infrastructural support) that would require stream diversion and site formation works of a relatively larger scale. Besides, food waste pre-treatment facilities and food waste/sewage sludge anaerobic co-digestion technology were considered more cost-effective and required less land. Hence, the Administration would in future focus on developing food waste pre-treatment facilities and food waste/sewage sludge anaerobic co-digestion facilities for treating food waste.

11. Members enquired about the rationale for setting the target quantity of food waste handled per day at only half of the food waste disposed of at landfills daily (i.e. about 1 500 tonnes) by mid-2030s. The Administration explained that drawing reference from the experience of some other cities, on average about half of the total food waste generated could be collected for treatment. The situation might vary depending on factors such as whether food waste separation and recovery was a mandatory or voluntary requirement and public education and publicity to encourage the public to change their habits in support of this cause. As Hong Kong generated about 3 000 tonnes of food waste per day, the Administration's initial planning target was to equip Hong Kong with adequate capacity by mid-2030s to treat some 1 500 tonnes of food waste per day. The Administration would review the target having regard to, among others, the situation of food waste disposal/recovery after commencement of MSW charging.

Improvement measures for North East New Territories Landfill

12. On 30 January 2023, the Administration reported to the Panel on the improvement measures that had been progressively implemented since mid-2021 for enhancing the operation of the North East New Territories Landfill ("NENT Landfill"), and the results of its enhanced monitoring works. The Administration also briefed members on the early restoration and landscape works to enhance the visual and landscape appearance of NENT Landfill, and other measures on livestock waste treatment to be implemented with a view to further reducing the potential odour sources from NENT Landfill.

13. Members noted that the Administration had been monitoring the levels of hydrogen sulphide and odour intensity in areas close to the Hong Kong-Shenzhen boundary and villages close to NENT Landfill, and the measurement results met the relevant National Standards of the People's Republic of China ("the National Standards"). They sought explanation on the National Standards. Members expressed concern that residents' perception of odour might not be accurately represented by the readings of air monitoring devices, as the odour level and dispersion could be affected by seasonal wind direction and other factors, and the devices might be placed at locations that were relatively remote from human activities. There was a suggestion of installing odour detection devices on drones to enhance odour monitoring.

14. The Administration stressed that it attached great importance to odour management at NENT Landfill and had engaged the Hong Kong Productivity Council for independent monitoring of odour levels. The Administration also worked closely with the Shenzhen authorities on joint air monitoring exercise to align the methodology on air monitoring between the two parties with a view to identifying the possible odour source. Under the National Standards, the limits for hydrogen sulphide and odour intensity at site boundary were 0.06 mg per m³ and 20 units respectively. At these levels, odour was barely detectable but not completely absent. Drones had rather limited loading capacities, and odour data collected at the ground level using existing devices should be more suitable than aerial data for assessing the general odour impact.

15. Members expressed concern that the continued use of NENT Landfill and its expansion project might hinder the development of the Northern Metropolis and the Shenzhen-Hong Kong Boundary Control Points Economic Belt, as well as the formation of an ecological corridor between Hong Kong and Shenzhen. The Administration advised that it had advanced final restoration and greening works of NENT Landfill to improve its visual appearance progressively. Operational areas where landfilling had been completed were capped with permanent impermeable liners, which would be followed by restoration works (such as the installation of drainage systems) and plantation. In addition, EPD had temporarily planted grass sprigs by way of hydroseeding at some locations to achieve a quick greening effect. In the long run, a visually-harmonious natural landscape would be formed on the site after the landfill's closure. It was envisaged that the final restoration and greening of NENT Landfill could complement the establishment of Robin's Nest Country Park, which would be a part of the Hong Kong-Shenzhen ecological corridor.

Development of waste-to-energy facilities

16. Members strongly urged the Administration to expedite the development of waste-to-energy ("WtE") facilities, so that Hong Kong could move away from

reliance on landfills as early as possible. They suggested the Administration streamline procedures relating to WtE facilities' development, and increase the design treatment capacities of planned WtE facilities.

17. The Administration advised that its current goal was to cease using landfills for direct disposal of MSW in around 2035, subject to the development of adequate WtE facilities. The Administration endeavoured to explore different methods to expedite WtE facilities' development for early achievement of this goal. It was envisaged that NENT Landfill could completely cease receiving MSW after the commissioning of I-PARK2, i.e. the second modern WtE incinerator to handle MSW, which was planned to be developed at Tsang Tsui, Tuen Mun and commissioned in 2032.² The Administration was proactively exploring alternative development options, such as public-private partnership, with a view to expediting the development programme. Feasibility of increasing the design treatment capacity of I-PARK2 would also be explored.

18. Members noted that the Administration would continue to identify a suitable site in the Northern Metropolis for the development of a modern WtE incinerator. As the Northern Metropolis was positioned as a new engine for growth with an industry-oriented approach as policy priority, some members queried whether a WtE facility would be compatible with other developments in the Northern Metropolis. The Administration pointed out that according to the experiences of other cities (such as Shenzhen), advanced waste incineration facilities did not pollute the surrounding environments and could be harmonized with neighbouring residential and/or commercial areas. Therefore, even if there was a need to construct a modern WtE incinerator in the Northern Metropolis, there should not be any concern about a mismatch between the plant and the overall development strategy for the Northern Metropolis.

Promoting the development of the recycling industry

19. The Panel received briefing by the Administration on 26 June 2023 regarding the policy principles and objectives, as well as main policy measures, in promoting the development of the recycling industry.

20. Members sought elaboration on the Administration's measures to facilitate the development of a high value-added recycling industry in Hong Kong, and increase the supply of affordable land for recycling operations, so that market players would be more confident in making additional investments to upgrade their operations. As many recyclers operating on brownfield sites were/would be displaced by land resumption and clearance exercises, members called on the

² I-PARK1 near Shek Kwu Chau is under construction and will commence operation in 2025.

Administration to assist these recyclers in relocating their operations, with a view to promoting a healthy development of the recycling industry as a whole.

21. The Administration advised that the implementation of producer responsibility schemes (“PRSs”) could generally enhance the quality and quantity of collected recyclables and recycled products, and requirements on various aspects of the collection and recycling processes could be imposed through PRSs. The Administration was considering amending the law so that new PRSs could be introduced and implemented more efficiently. A multipronged approach was adopted to increase land supply for the recycling industry. The Administration would endeavour to reserve land in different new development areas for use by environmental facilities and green industries, including the recycling industry. The Administration had also identified a few potential short-term tenancy sites that might be suitable for recycling operations. Meanwhile, the feasibility of reserving land for the expansion of EcoPark in the New Territories North New Town and Man Kam To Development and the use of restored landfill sites for recycling operations were being explored.

Air quality monitoring

Guangdong-Hong Kong-Macao Greater Bay Area air quality laboratory and meteorological monitoring supersite

22. The Administration proposed to establish a Guangdong-Hong Kong-Macao Greater Bay Area (“Greater Bay Area”) air quality laboratory and meteorological monitoring supersite (“Supersite”) in Hong Kong. The project was jointly implemented by EPD and the Hong Kong Observatory. The Supersite, which was expected to be fully commissioned in the first half of 2027, was aimed to enhance Hong Kong’s capability in dealing with complex air quality issues, monitoring and forecasting regional air pollution, and forecasting extreme weather and related risks that were exacerbated by climate change. The Administration consulted the Panel on the proposal at the meeting on 30 January 2023. Members expressed in-principle support for the Supersite’s establishment.

23. Given that a major objective of the Supersite project was to strengthen regional collaboration in meteorological monitoring, members asked whether the suggested location for the Supersite (i.e. Tsim Bei Tsui) could enable the achievement of maximum synergistic effect with Shenzhen, while avoiding overlap between the functions and effective area of the Supersite and those of similar facilities in Shenzhen.

24. The Administration explained that Tsim Bei Tsui was at the centre of the Pearl River Estuary and close to the centre of the Greater Bay Area. This

location would enable the Supersite to capture the impacts on Pearl River Delta's air quality caused by northerly winds in the wintertime and southerly winds in the summertime, which could help monitor air transport routes in different weathers, thereby providing comprehensive and representative data on regional air pollution and meteorology. In addition, the proposed project site was within the Frontier Closed Area with a sparse population and without any major pollution sources nearby, which could effectively avoid interference by local pollutants to the regional monitoring work. There was currently only one similar facility in Shenzhen, which was located at the north of Shenzhen Bao'an International Airport. The monitoring area of the Shenzhen facility would not overlap with that of the Supersite.

25. Members enquired whether air quality monitoring data were shared between Hong Kong and Shenzhen in real time, and whether cities in the Greater Bay Area would adopt an aligned mechanism for disseminating air pollution-related information to the public.

26. The Administration advised that EPD and the Guangdong and Macao authorities had jointly established a regional air quality monitoring network, which comprised 23 air monitoring stations, including four in Hong Kong. Information gathered by the monitoring stations was shared among the parties and published on the Internet for public reference in real time. At present, air pollution-related information was published for public reference in the forms of Air Quality Health Index in Hong Kong and air quality index in the Mainland. The Administration would discuss with relevant authorities in Guangdong and Macao the feasibility of developing an aligned standard in future.

Popularization of electric vehicles

27. On 21 April 2023, the Administration briefed the Panel on the overall strategies for electric vehicle ("EV") charging; the progress of expanding the charging networks for electric private cars ("e-PCs") and various types of electric commercial vehicles ("e-CVs"); and proposed enhancements to the New Energy Transport Fund. Related issues were also discussed when the Panel received briefing by the Secretary for Environment and Ecology on 30 October 2023 regarding initiatives related to environmental protection in the Chief Executive's 2023 Policy Address.

28. Members expressed support for marketizing EV charging services. They urged the Administration to take forward the initiative expeditiously and roll out relevant business facilitation measures. Members also enquired about measures for promoting the installation of EV chargers at existing private residential buildings not covered by the EV-charging at Home Subsidy Scheme ("EHSS").

29. The Administration advised that the Environment and Ecology Bureau (“EEB”) would coordinate with relevant government bureaux/departments on issues relating to the marketization of EV charging services, and provide one-stop service to interested investors. The aim to marketize EV charging services was to encourage the private sector to install more chargers at car parks to provide paid EV charging services. As EV charging cost was significantly lower than auto-fuel cost, it was expected that the marketization initiative could lead to a win-win situation for EV owners and EV charging service providers. As observed, paid EV charging services were already gaining traction. Some owners or operators of private shopping malls had started to install more EV chargers in their car parks. EV charging service providers had also been promoting installation and charging services to housing estates.

30. Members asked whether the Administration would set a territory-wide target ratio of public charging facilities to EVs, as well as target numbers of medium and quick chargers in each district. The Administration was also requested to consider installing charging facilities at on-street parking spaces and smart lampposts.

31. The Administration advised that under its overall strategies for EV charging, e-PCs should mainly be charged at the owners’ homes, work places, or places they frequented. The main purpose of public charging facilities was to provide ad hoc top-up charging services for e-PCs in case of need. Taking into account all measures for promoting the installation of private charging facilities, it was expected that over 200 000 parking spaces would be charging-enabled in the current term of Government. The Administration would endeavour to achieve a reasonable distribution of charging facilities across different districts. While it was technically feasible to install medium chargers at on-street parking spaces, the crux of the matter was how to ensure that such parking spaces would be appropriately used by EVs but not fuel-propelled vehicles. The Administration would consider the provision of EV chargers at on-street parking spaces and smart lampposts after the number of EVs had reached a critical mass.

32. Members enquired whether the Administration would inject additional funding to EHSS and accept more applications so as to meet the demand for such facilities and encourage more private car owners to switch to EVs. The Administration advised that in July 2023, EPD had reminded the public that applications for installation of EV charging-enabling infrastructure under EHSS continued to be handled on a first-come-first-served basis until the funding was used up, and private residential buildings and estates interested in participating in EHSS should submit their applications as soon as possible. The Government had no plan to further inject funding into EHSS at this stage.

33. The Administration took note of the following suggestions raised by members for promoting wider adoption of EVs or other new energy vehicles:

- (a) the power companies should enhance their power supply networks to support the installation of EV charging facilities;
- (b) time-of-use tariff might be introduced to incentivize EV charging in off-peak hours;
- (c) subsidies should be provided to relevant transport operators as appropriate to encourage them to switch to EVs;
- (d) the Administration should promote the import of more e-PC models from the Mainland to broaden consumer choices; and
- (e) consideration might be given to introducing green number plates for new energy vehicles and allowing only such vehicles to use certain roads, with a view to further promoting adoption of new energy vehicles.

Hydrogen applications

34. Members expressed support for developing hydrogen applications in Hong Kong and requested the Administration to promote innovations in hydrogen technologies, as well as cooperation between Hong Kong and Mainland cities in the Greater Bay Area so as to achieve complementarity of advantages. Members enquired about how the Administration would assist enterprises in setting up hydrogen energy businesses in Hong Kong pending the establishment of a regulatory framework for hydrogen energy; and the progress of the study commissioned by the Electrical and Mechanical Services Department on the operation of hydrogen fuel cell vehicles in tunnels.

35. The Administration advised that promoting the development of green industries, including the hydrogen industry, was a policy focus of the current term of Government. It would discuss regional cooperation on hydrogen industry development with Mainland cities in the Greater Bay Area, as well as the Central Government if necessary. The Administration planned to introduce an amendment bill into LegCo in 2025 to establish a legal framework for the production, storage, transportation and application of hydrogen energy. Meanwhile, the Administration had already formulated interim standards for trial projects on hydrogen fuel technologies. The same approach (i.e. the use of interim standards) could be adopted for other hydrogen-related businesses/operations if necessary. As regards the operation of hydrogen fuel

cell vehicles in tunnels, it would mainly require the establishment of safety standards and operational guidelines. The Administration would determine the way forward after the completion of the relevant study.

Control of volatile organic compounds

36. On 26 June 2023, the Administration consulted the Panel on its proposals to tighten the volatile organic compound (“VOC”) content limits for 22 types of regulated architectural paints; and extending the VOC control to seven types of cleaning products, with effect from January 2025. Members expressed support for the overall direction of the legislative proposals.

37. Members sought explanation for prohibiting the import and local manufacture of non-compliant products, but not the retail and use of such; and how the Administration would ensure effective enforcement of the control.

38. The Administration explained that it was a common practice in many jurisdictions to prohibit the import and manufacture of products exceeding the VOC content limits. As control at the source of supply was already effective in ensuring compliance, it would not be necessary to impose legal liabilities on retailers and users. EPD conducted inspections at retail points and sample checks of regulated products to monitor the compliance situation. From 2020 to 2022, 1 300 inspections were conducted and 150 samples of regulated architectural paints were analysed through laboratory tests. Over 98% of tested products were found to comply with the VOC content limits. If a non-compliant product was found, EPD would investigate the product’s source and take enforcement actions against the importer/manufacturer. The Administration would enhance public awareness of the control through public education, and encourage members of the public to report suspected non-compliance to the authorities.

39. As regards the Administration’s plan for expanding the scope of the Air Pollution Control (Volatile Organic Compounds) Regulation (Cap. 311W) (“VOC Regulation”) to cover even more products, the Administration advised that the VOC Regulation had been implemented in phases since 2007. Product categories with higher content of VOCs were dealt with first, so as to make a greater impact at an early stage. Hence, printing inks, adhesives and sealants, etc. had already been included. Generally speaking, it would be appropriate to regulate the VOC content limit of a product category if there was sufficient supply of alternative compliant products at reasonable cost in the local market. The Administration would continue to monitor market situations and study the feasibility of expanding the coverage of the VOC Regulation.

Review of air quality objectives and tightening of the control on vessel fuel and industrial fuel

40. At the special meeting held on 17 October 2023, the Panel discussed the Administration's air quality improvement strategies and the legislative proposals to:

- (a) amend the Air Pollution Control Ordinance (Cap. 311) to implement various new air quality objectives ("AQOs");
- (b) amend the Air Pollution Control (Marine Light Diesel) Regulation ("the MLD Regulation") and the Air Pollution Control (Fuel Restriction) Regulations ("the FR Regulations") to tighten the statutory cap on the sulphur content of both locally supplied MLD and industrial diesel to 0.001%;
- (c) introduce new provisions in the MLD Regulation to allow MLD importers and suppliers to continue to supply MLD with sulphur content higher than 0.001% but not exceeding 0.05% ("the restricted MLD") to ocean-going vessels ("OGVs"); and
- (d) remove the relevant provisions in the FR Regulations regarding the requirements on restricting the use of liquid fuel and solid fuel in the Sha Tin Fuel Restriction Area.

41. Members in general supported the above proposals. Noting that the Administration proposed to tighten the 24-hour AQO for fine suspended particulates ("PM2.5") with the number of exceedances allowed decreased from the current 35 to 18 times per year, members enquired about the compliance or otherwise with the prevailing AQO for PM2.5 and whether it was practicable to meet the proposed new parameter in future.

42. The Administration advised that over the past decade, the annual number of exceedances for the 24-hour AQO for PM2.5 had been more than 35 times and had reached the highest level in 2019 due to frequent occurrence of meteorological conditions that were favourable for pollutants dispersion. To assess the scope for tightening this AQO, the consultants commissioned by the Government used 2019 as the base year, and conducted the assessment by inputting the corresponding meteorological conditions and the forecasted 2030 emission data in Hong Kong, the Greater Bay Area, Guangdong Province and other regions outside Guangdong to the air quality model in order to simulate the transport and chemical reaction of air pollutants and project the air quality conditions in 2030. The assessment had also taken into account the future implementation of relevant emission reduction measures in these regions. According to the assessment results, the Administration considered it appropriate

to set the number of allowable exceedances for the 24-hour AQO for PM2.5 at 18 times per year.

43. Regarding the Administration's proposal to tighten the statutory cap on the sulphur content of both locally supplied MLD and industrial diesel to 0.001%, members noted the relevant trade's concern that the retail price of MLD with sulphur content at 0.001% was higher than that at 0.05% by more than 40% in Sai Kung for instance, and the fuel switch might increase the operating costs significantly on operators of local vessels such as pleasure boats and kaito ferries. The Administration was requested to take into account the difference in the retail prices of locally supplied MLD and implement appropriate measures, such as providing subsidies, to cushion the impact. The Administration indicated that it would discuss with the trade in this regard.

Nature conservation

Proposed amendments to Wild Animals Protection Ordinance

44. The Panel was consulted on 22 May 2023 regarding the Administration proposal of amending the Wild Animals Protection Ordinance (Cap. 170) ("WAPO") to achieve the following main purposes: (a) prohibiting the feeding of feral pigeons, (b) increasing the maximum penalty for illegal feeding of wild animals and feral pigeons, and (c) introducing a fixed penalty system for illegal feeding of wild animals and feral pigeons.³

45. Members expressed concerns about how the Administration would ensure effective enforcement of the feral pigeon feeding ban. They enquired how law enforcement officers would determine whether an act constituted the proposed feral pigeon feeding offence under WAPO or littering offence under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570), and how the Administration would regulate feral pigeon feeding in residential premises. The Administration was requested to consider using innovative technologies, such as drones, to monitor illegal feeding activities and gather evidence, and strengthen enforcement effectiveness through interdepartmental coordination and enhanced patrol at black spots.

46. The Administration explained that in determining whether a person had committed an offence in relation to feral pigeon feeding or littering, law enforcement officers would take into account actual circumstances such as the time and location of the act, whether feral pigeons were present at the location, whether the food given was usually consumed by feral pigeons, how the food was

³ The Administration had introduced the relevant amendment bill into LegCo in November 2023.

given (in animal feeding containers or scattered around), ecological impact of the act, whether the public place had been dirtied by the act, etc. The Administration would provide guidelines and training to law enforcement officers. If necessary, the Department of Justice would be consulted on relevant issues, including whether an act would be deemed to be illegal feral pigeon feeding and littering at the same time.

47. The Administration advised that the areas in which feeding of any wild animals was prohibited (“Feeding Ban Area”) had been expanded to cover the entire territory of Hong Kong. Under the current proposal, the feral pigeon feeding ban would be effected by specifying that the Feeding Ban Area also applied to feral pigeons (even though feral pigeons did not fall within the definition of “wild animals” under WAPO). In other words, feeding of feral pigeons in residential premises would also be prohibited after the legislative amendment. If there were suspected acts of illegal feeding in residential premises, the Administration would conduct investigations accordingly. Section 17B of WAPO provided for the powers to enter premises by authorized officers with a warrant. Members of the public were encouraged to provide information to the Administration to facilitate enforcement. The Administration further advised that:

- (a) the Agriculture, Fisheries and Conservation Department (“AFCD”) had commenced discussion with relevant government departments, such as the Food and Environmental Hygiene Department, the Housing Department and the Leisure and Cultural Services Department on the proposal of empowering them to take corresponding law enforcement actions against illegal feeding at locations under their purview throughout Hong Kong through redeployment of internal resources. A risk-based law enforcement strategy based on intelligence and reports received would be adopted under the proposal; and
- (b) the Administration would consider installing surveillance camera systems at feral pigeon feeding black spots. It would also keep in view the development and applications of innovative technologies in the market, and consider adopting suitable technologies to enhance enforcement efficiency and effectiveness.

Protection of endangered species

48. On 14 July 2023, the Administration consulted the Panel on its proposed amendments to the Schedules to the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) (“PESAPO”) to reflect the latest decisions of the Conference of Parties (“CoP”) to the Convention on International Trade in

Endangered Species of Wild Fauna and Flora (“CITES”).⁴ Members enquired about the outcome of consultation on the proposed legislative amendments. They also sought information on:

- (a) whether and how the inclusion of Carcharhinidae species (commonly known as requiem sharks) in CITES Appendix II would affect the stakeholders engaged in the trading of shark fins;
- (b) how the Administration would ascertain whether imported shark fins were fins of the requiem sharks species listed in CITES Appendix II; and
- (c) the Administration’s collaboration with overseas law enforcement agencies and airlines in the combat against smuggling of specimens of endangered species into Hong Kong.

49. The Administration advised that the relevant trades had been consulted on the possible listing of the species in CITES Appendices I and II in October 2022. After CoP made the relevant decisions in November 2022, the Administration notified these stakeholders of the adopted amendments to CITES Appendices and the proposed legislative amendments to PESAPO. Traders generally understood that the control would be the international obligation of Hong Kong under CITES and did not have any objection to the proposal. There was no need to apply for import/possession licence from AFCD for local trading of fins of requiem sharks. When inspecting shark fins upon import, authorized officers from relevant government departments might conduct DNA testing of randomly sampled shark fins for verification of whether they were fins of the shark species listed in CITES Appendix II.

50. The Administration further advised that Hong Kong was not a source or consumer place of endangered species, but might be used by smugglers as a transit base for trade in specimens of such species. The Administration would continue to combat these smuggling activities through co-operation and intelligence exchange with Mainland and overseas law enforcement agencies. In 2016, the Administration had set up a “Wildlife Crime Task Force”, comprising representatives from EEB, AFCD, the Customs and Excise Department and the Police. The task force’s work included developing strategies and protocols for enforcement operations, gathering and exchanging intelligence for more effective and targeted actions, and co-ordinating major joint enforcement operations with other national and international agencies.

⁴ The relevant subsidiary legislation was subsequently published in the Gazette and tabled before LegCo in October 2023 for negative vetting. No subcommittee was formed to study the subsidiary legislation.

Noise control

Control of noise arising from renovation of domestic units

51. At the meeting on 27 February 2023, the Panel discussed the Administration's proposal of controlling domestic renovation noise, which covered measures such as prohibiting the use of percussive breakers with a mass of above 10 kg, prohibiting the use of percussive breakers and percussive drills on Saturdays, Sundays and general holidays, and introducing a notification system and limiting the number of permitted working days for the use of compliant percussive breakers. A new regulation would be made under the Noise Control Ordinance (Cap. 400) ("NCO") to provide for the new regulatory regime.

52. Members expressed support for tightening the control on domestic renovation noise and promoting the use of quiet renovation tools. They suggested that the Administration should also consider imposing the ban based on the noise level generated by domestic renovation activities as this was a more objective criterion than equipment mass for gauging noise nuisance. Such an approach could flexibly cover other tools, if any, that would generate excessive noise nuisance when used for domestic renovation.

53. The Administration explained that its current proposal had already taken into account all common domestic renovation activities with structure-borne noise impact and all common tools used for such activities. Percussive breakers with a mass of above 10 kg were normally used at construction sites, but were also used occasionally for domestic renovation by some renovation workers. When used for domestic renovation, these tools might generate excessive noise nuisance (at levels above 90 dB(A)). In comparison, percussive breakers with a mass between 6 kg and 8 kg, which were commonly used for domestic renovation, generated a maximum noise level of about 80 dB(A) at nearby households. As there would be difficulties in investigating the level of noise generated by a case of domestic renovation on the spot, the Administration considered it more practicable to impose the regulation based on the type and mass of tool used for domestic renovation.

54. Members expressed concern about how the Administration would ensure effective enforcement of the proposed new regulation. They enquired which government department(s) would be responsible for enforcement, and whether additional enforcement manpower would be required; whether enforcement actions would be taken outside office hours; and how enforcement officers would determine whether a non-compliant tool had been used in a case, and which party would be held liable for a breach of the regulation.

55. The Administration advised that both EPD and the Police were empowered to take enforcement actions in relation to domestic renovation noise. Enforcement duties in connection with the proposed new regulation would be taken up through internal manpower redeployment. EPD operated a 24-hour hotline to receive domestic renovation noise complaints and would take enforcement actions during office hours. According to past experience, such complaints were rarely received outside office hours. This was because domestic renovations were normally carried out in the daytime on weekdays only, in accordance with deeds of mutual covenant and the decisions of owners' corporations. When investigating a domestic renovation noise complaint, enforcement officers would give consideration to witness accounts, circumstantial evidence (e.g. whether the tool was heated up), etc., to determine whether a non-compliant tool had been used in the premises and which party should be held liable for the breach of regulation. The Administration would continue to study measures for enhancing investigation and enforcement efficiency, including considering the use of advanced equipment to ascertain the type of tool used in a case of domestic renovation.

Water quality management

56. On 27 February 2023, the Administration briefed the Panel on the application of advanced smart technologies in water quality management, including measures such as establishment of a Smart Water Science Centre to strengthen the development and application of smart technologies in water quality monitoring, modelling and data visualization; and development of a new three-dimensional regional hydrodynamic and water quality model for Hong Kong using the Delft3D Flexible Mesh ("DFM") technology, which enabled a more realistic and refined simulation of the coastal hydrodynamic and water quality conditions in a much shorter time frame compared with the existing Delft3D structured grid model. The DFM model would be adopted as the standard modelling tool for future environmental impact assessment ("EIA") studies.

57. Members expressed support for the use of advanced smart technologies to improve water quality monitoring and asked how the Administration would facilitate public understanding of water quality monitoring data. The Administration advised that it endeavoured to provide water quality information to the public through annual water quality monitoring reports in forms that were easy to understand, such as indices, gradings and compliance rates of Water Quality Objectives. For example, a Water Quality Index was developed to classify river water quality into five categories (from "excellent" to "very bad") according to the level of organic pollution. EPD would use a similar method to provide predicted water quality grading for gazetted beaches via the Beach Water Quality Forecast System. As regards members' enquiry on whether the DFM model could predict the rapid multiplication of algae, phytoplankton, or certain

types of aquatic microorganisms, the Administration advised that there were technical difficulties in predicting the formation of an algal bloom or red tide. Nevertheless, the DFM model would be able to predict the dispersion and movement of a red tide after it was formed, based on the hydrology and current of the concerned water body.

58. The Administration took note of the following suggestions made by members:

- (a) the Administration should provide open access to the monitoring data and update geographical water quality information regularly, so as to expedite EIA studies and facilitate the development of Hong Kong into a smart city;
- (b) more smart technologies should be adopted to enhance protection of marine life; and
- (c) the Administration should expedite its implementation of various “Smart Environment” initiatives.

Power supply

Electricity tariff

59. At the meeting on 27 March 2023, the Administration and the two power companies (i.e. CLP Power Hong Kong Limited (“CLP”) and The Hongkong Electric Company, Limited (“HEC”)) met with the Panel to explain the relationship between international fuel prices and their Fuel Clause Charges in electricity tariff. The Administration then consulted the Panel on 22 May 2023 regarding the interim review of the Scheme of Control Agreements (“SCAs”) signed between the Government and the two power companies. At the meeting on 26 June 2023, the Panel discussed with the Administration and HEC issues arising from the power supply incident in some areas on Hong Kong Island on 19 April 2023.

60. Members expressed dissatisfaction that the two power companies had continued to earn handsome profits during the recent energy crisis and the economic downturn, while electricity users had taken the full brunt of fuel price spikes. They urged the Administration to play a more proactive role in containing tariff increases and alleviating the financial burden on the public, and suggested that the Administration should:

- (a) introduce a new mechanism such that annual adjustment to electricity tariffs would be capped at a certain rate (e.g. Hong Kong's inflation rate for the year), and any excess chargeable by the two power companies as permitted by SCAs would be met by government subsidies;
- (b) take the opportunity of the interim review of SCAs to modify its terms with a view to enhancing the profit control and/or monthly fuel cost adjustment ("MFA") mechanisms; and
- (c) introduce more competition to the electricity market by opening up grid access so that potential new entrants could use the transmission and distribution grids of the two power companies; setting up a mechanism to allow for the selling of electricity at the wholesale level to facilitate competition from new suppliers; and enhancing power grids interconnection within Hong Kong as well as between Hong Kong and the Mainland.

61. Members also expressed serious concern that under the existing Customer Performance Incentive/Penalty Mechanism in SCAs, the two power companies might be entitled to "supply restoration" incentives following power outage incidents in which the companies were at fault. They urged the Government to update the mechanism and introduce penalties for major power outage incidents to better safeguard public interest. On 22 May 2023, the Panel passed a motion urging the Administration to improve the contents of SCAs, including revisiting the mechanism of performance-based incentives/penalties for power outages and supply restoration.

62. The Administration advised that it would review, among others, the incentive and penalty arrangements during the SCA interim review and increase penalties for major power outage incidents. While the Administration would request modifications to SCAs during the interim review, all changes would have to be mutually agreed between the Government and the power companies. Any fundamental changes to the regulatory regime for the electricity market should be introduced in the next regulatory period. The Administration would examine the need to revise the regulatory regime to enhance competition in the run-up to 2033.

63. The Administration pointed out that Hong Kong's electricity supply was among the most stable in the world, and its electricity tariffs remained competitive among comparable economies, even during the energy crisis. In contrast, due to surging fuel costs and their limited abilities to recover the costs from customers, some electricity providers in other economies had faced operating difficulties, which had resulted in power supply interruptions or required government intervention. These reflected the merits of Hong Kong's regulatory framework

for electricity supply as effected through SCAs. Under this framework, the Government critically examined capital expenditures of the power companies to avoid excessive or unnecessary investments. At the same time, as the power companies were entitled to reasonable returns on their investments, they were obliged to make sufficient investments to ensure service reliability and operational safety. Despite the above, the Administration recognized that the recent energy crisis had exposed a limitation of the MFA mechanism, which allowed the power companies to fully pass the impact of global fuel price spikes onto consumers. To address the issue, the Administration would explore with the two power companies a proposal to request the companies to shoulder more social responsibility and absorb part of fuel cost increases in case of extreme volatility of the global fuel market.

Other issues

Public works proposals

64. The Panel was also consulted on the following public works proposals during the session:

- (a) provision of sewerage network in Sai Kung and North District, construction and rehabilitation of sewage rising mains in Cheung Sha Wan and Southern District, and rehabilitation of underground sewers in other districts; and
- (b) construction of dry weather flow interceptors at Hung Hom, Causeway Bay and Tsuen Wan.

Work of the Subcommittee to Study Policy Issues Relating to Municipal Solid Waste Charging, Recovery and Recycling

65. In the session, the Subcommittee to Study Policy Issues Relating to Municipal Solid Waste Charging, Recovery and Recycling (“the Subcommittee”) formed under the Panel deliberated issues in the following areas: (a) preparatory work for the implementation of MSW charging and related waste reduction and recycling initiatives; (b) food waste treatment facilities; and (c) PRSs. The Subcommittee completed its work in May 2023 and reported to the Panel in June 2023.⁵

⁵ Please refer to the [report](#) of the Subcommittee for details.

Meetings held

66. From 30 January 2023 to 30 October 2023, the Panel held a total of 10 meetings. The Panel has scheduled two meetings for 28 November 2023 and 11 December 2023. From 31 January 2023 to 8 May 2023, the Subcommittee held three meetings.

Visits

Visit outside Hong Kong

67. The Panel conducted a duty visit from 7 to 9 August 2023 to several Mainland cities of the Greater Bay Area to obtain first-hand information about the latest developments of these cities in areas including adoption of new energy transport, clean energy and renewable energy, and technologies for turning waste to energy/resources.⁶

Local visit

68. The Subcommittee conducted a visit to ORRC Phase 1 and Phase 2 (i.e. O-PARK1 and O-PARK2) on 2 May 2023.

Council Business Division 1 and Public Complaints Office
Legislative Council Secretariat
24 November 2023

⁶ Please refer to the [report](#) of the duty visit for details.

Legislative Council

Panel on Environmental Affairs

Terms of Reference

1. To monitor and examine Government policies and issues of public concern relating to environmental matters, energy matters (including energy supply and safety), conservation, sustainable development and weather information services.
2. To provide a forum for the exchange and dissemination of views on the above policy matters.
3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.
4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.
5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Panel on Environmental Affairs

Membership list for 2023 session

Chairman Hon Elizabeth QUAT, SBS, JP

Deputy Chairman Hon Kenneth LAU Ip-keung, SBS, MH, JP

Members Hon CHAN Hak-kan, SBS, JP
Hon Steven HO Chun-yin, BBS, JP
Hon Frankie YICK Chi-ming, GBS, JP
Hon KWOK Wai-keung, JP
Ir Dr Hon LO Wai-kwok, GBS, MH, JP
Dr Hon Junius HO Kwan-yiu, BBS, JP
Hon LAU Kwok-fan, MH, JP
Hon Tony TSE Wai-chuen, BBS, JP
Dr Hon Hoey Simon LEE, MH, JP
Hon Robert LEE Wai-wang
Hon CHAN Yuet-ming, MH
Hon CHAN Pui-leung
Hon Judy CHAN Kapui, MH, JP
Ir Hon CHAN Siu-hung, JP
Ir Hon Gary ZHANG Xinyu
Prof Hon LAU Chi-pang, BBS, JP
Hon Carmen KAN Wai-mun
Hon Adrian Pedro HO King-hong

(Total: 20 members)

Clerk Ms Angel SHEK

Legal Adviser Mr Alvin CHUI