

Minutes of the 4th Meeting in 2020
of the Environmental Protection, Fisheries, Agriculture,
Industries, Commerce, Food and Health Committee
of Tai Po District Council

Date: 15 July 2020 (Wednesday)
Time: 9:37 a.m. – 4:13 p.m.
Venue: Conference Room, Tai Po District Council (“TPDC”)

<u>Present</u>	<u>Time of Arrival</u>	<u>Time of Withdrawal</u>
<u>Chairman</u>		
Mr. LAU Yung-wai	Beginning of the meeting	End of the meeting
<u>Vice-Chairman</u>		
Mr. TAM Yi-pui	9:42 a.m.	End of the meeting
<u>Members</u>		
Mr. AU Chun-ho	11:10 a.m.	End of the meeting
Mr. AU Chun-wah	11:43 a.m.	End of the meeting
Mr. CHAN Chun-chit, Richard	Beginning of the meeting	End of the meeting
Ms. CHAN Wai-ka, Olive	Beginning of the meeting	3:53 p.m.
Mr. CHOW Yuen-wai	9:45 a.m.	End of the meeting
Mr. HO Wai-lam	Beginning of the meeting	3:54 p.m.
Mr. KWAN Wing-yip	9:47 a.m.	2:40 p.m.
Mr. LAM Ming-yat, Nick	10:03 a.m.	End of the meeting
Mr. LAM Yick-kuen	Beginning of the meeting	12:12 p.m.
Mr. LIN Kok-cheung, Dalu	9:38 a.m.	End of the meeting
Mr. MAN Nim-chi	Beginning of the meeting	End of the meeting
Mr. MO Ka-chun, Patrick	10:10 a.m.	1:26 p.m.
Mr. SO Tat-leung	Beginning of the meeting	End of the meeting
Mr. WONG Siu-kin	Beginning of the meeting	1:55 p.m.
Mr. WU Yiu-cheong	9:43 a.m.	End of the meeting
Mr. YAM Kai-bong	Beginning of the meeting	1:18 p.m.
Mr. YIU Kwan-ho	9:57 a.m.	End of the meeting
Mr. YIU Yeuk-sang	Beginning of the meeting	4:11 p.m.

Mr. CHENG Yui-shing	Senior Electrical Engineer / Maintenance 1 / Water Supplies Department (“WSD”)
Mr. TANG Ho-wai	Chemist / Resources Management 1 / WSD
Mr. LEUNG Chi-fung	Assistant Electrical Engineer / Projects 11 / WSD
Ms. LEE Ching-ye, Patty	Senior Liaison Officer (1) / TPDO / HAD
Ms. CHAN Sui-king, Madeline	Senior Executive Officer (District Management) / TPDO / HAD
Mr. LEE Yu-sau, Terence	Senior Executive Officer (District Council) / TPDO / HAD
Ms. WONG Sin-man, Mabel	Executive Officer (District-led Actions Scheme) / TPDO / HAD
Ms. LIN Pui-yi, Kate	Senior Campaigner / Greenpeace
Ms. YEUNG Hoi-shan, Frances	Senior Campaigner / Greenpeace

Opening Remarks

The Chairman welcomed participants to the fourth meeting in 2020 of the Environmental Protection, Fisheries, Agriculture, Industries, Commerce, Food and Health Committee (“EFAC”). He also said that in light of the epidemic, the agenda of this meeting would mainly cover the items put forward by Members for discussion, so as to shorten the meeting time and reduce risks. Each agenda item of this meeting would have a maximum of two rounds of questioning, and he asked Members to make their questions brief to allow the departments concerned to respond to them. If Members would like to have further discussion after two rounds of questioning, the agenda item would be followed up at the next EFAC meeting or in the Working Group. He said that the above arrangement was only applicable to this meeting, and he hoped that Members would understand.

2. The Chairman announced that Mr. SUEN Kwok-wai, Frankie would attend the EFAC meetings from now on in place of Mr. CHAN Wai-kuen who had been posted out.

I. Request to follow up on the animal trap issues in Tai Po District

(TPDC Papers No. EFA 47/2020 and No. EFA 48/2020)

3. The Chairman welcomed Mr. YIP Sin-hang, Wetland & Fauna Conservation Officer (Enforcement) of the AFCDC to attend the meeting for this agenda item.

4. Ms. CHAN Wai-ka, Olive outlined Paper No. EFA 47/2020.

5. Mr. YIP Sin-hang responded as follows:

- (i) The AFCDC has earlier asked the Society for the Prevention of Cruelty to Animal (“SPCA”) about the case in Kam Shan mentioned in Paper No. EFA 47/2020. To

his knowledge, the SPCA went to Kam Shan on the day of the case and helped the dog owner or volunteers look for the dog that they suspected was injured. Having found the dog, they noticed crush wounds on its legs suspected to be caused by animal traps. The SPCA did not find any hunting appliance at the scene. The AFCD also patrolled Kam Shan afterwards and did not find any hunting appliance either.

- (ii) Between January and June 2020, the AFCD had patrolled the hunting blackspots in the district ten times and seized 20 hunting appliances. If hunting appliance was found, the department would remove it immediately, and put up notices at the scene to remind members of the public that it might be against the law to set up hunting appliances. In addition, if the department had gathered enough evidence, it would prosecute people who had violated the law. The AFCD and SPCA carried out joint operations from time to time, so as to enhance the patrolling efforts at places where hunting appliances had been found in the past.

6. The Chairman opined that the areas where animal traps were found as mentioned by Ms. Olive CHAN in the above paper represented the tip of an iceberg only. He also believed that Members all wanted the AFCD to enhance its law enforcement efforts to crack down on the above problems. As such, he asked the AFCD to detail the work it had done to crack down on the above problems, as well as the ways to work with other organisations to enhance the effectiveness.

7. Mr. YIP Sin-hang responded as follows:

- (i) Upon receiving reports from members of the public about the discovery of hunting appliances, the AFCD would visit the scene as soon as possible and took enforcement action at the surrounding area. If hunting appliance was found, the department would remove it immediately, and see if there were any suspicious figures nearby.
- (ii) The section he belonged to was responsible for implementing the Wild Animals Protection Ordinance in areas other than the country parks in Hong Kong. Its duties included looking for hunting appliances, as well as carrying out joint operations with partners such as the SPCA to step up the patrolling efforts. For instance, the SPCA had helped the department take enforcement action at the hunting appliance blackspots around Alice Ho Miu Ling Nethersole Hospital. The department hoped that it could remove as many hunting appliances as possible, lest wild animals be injured.

8. Mr. LAM Yick-kuen opined that the presence of animal traps in the district could be attributed to the frequent appearance of wild pigs in the urban and rural area of the district. To

his understanding, wild pig problems were not exclusive to the New Territories, as Hong Kong Island and Kowloon were faced with the same problems as well. As such, he asked whether the AFCD had any special strategies to resolve them. He suggested the AFCD consider setting up facilities in country parks and put the wild pigs captured in the district there for rest. Many members of the public had complained to him about the presence of wild pigs, and some were almost knocked down by them. As such, he hoped that the AFCD would roll out policies to resolve the problems.

9. Mr. WONG Siu-kin's comments and questions were as follows:

- (i) Animal traps were not a threat for wild pigs only. As mentioned in the above paper by Ms. Olive CHAN, many dogs and cats would also be hurt by them, and baby animals might even suffer injuries and die having been crushed by them.
- (ii) The current penalty as stipulated by the law for illegally setting up animal traps was too lenient.
- (iii) Taking the Mainland as an example, the Regulation of Guangdong Province on the Protection of Wild Animals stipulated that anyone who had eaten wild animals belonging to the National Protection Class illegally had to pay a fine equivalent to 20 times the value of the wild animal concerned. In contrast, the penalty in Hong Kong was more lenient as those who had violated the Wild Animals Protection Ordinance would only be subject to a maximum penalty of \$100,000 fine and one-year imprisonment. He asked whether the AFCD had plans to review the penalty.
- (iv) From January 2019 to April 2020, the AFCD had patrolled a total of 17 times and seized 46 hunting appliances that had been set up illegally. In other words, two or more hunting appliances could be seized in each patrol. He opined that the department should step up the patrolling efforts.
- (v) The AFCD's staff would immediately remove the hunting appliances seized lest the animals be injured. He asked whether the AFCD would hand over the seized hunting appliances to the law enforcement departments, and investigate the people who had set up the hunting appliances illegally by other methods, such as allowing other departments to take fingerprints from the hunting appliances, so that the AFCD could successfully prosecute the people concerned.

10. Ms. Olive CHAN would like to know how the AFCD put up notices at the location where hunting appliance was found. She was also worried that the notices might be damaged by rain and members of the public could hardly see them. She asked whether the AFCD could put up banners near the location where hunting appliance was found, so as to make it easier for people to see them. In addition, she opined that the animal traps might well be set up by villagers. As

such, he asked whether the AFCD had visited the villages, as part of its publicity efforts, to tell them that setting up animal traps might be against the law.

11. Mr. MAN Nim-chi believed that the number of hunting appliances seized as mentioned by the AFCD above was not the same as the number of prosecutions, and he knew that a successful prosecution did not rely on gathering evidence alone. He hoped that the AFCD could provide the number of people convicted of setting up hunting appliances illegally, and asked the AFCD whether the figure was in an upward trend in the past ten years. He indicated that although eating the wild animals captured might not be the reason why people set up animal traps, as they might only want to reduce the population of wild animals, he was strongly against hurting wild animals this way.

12. Mr. CHAN Chun-chit, Richard said Mr. YIP Sin-hang just mentioned that partners would help take forward the AFCD's actions. To his understanding, to crack down on smoky vehicles, the EPD had rolled out the Smoky Vehicle Control Programme and Spotter Training programme, and recruited volunteers above the age of 21 and those who were willing to commit 30 hours per month to enrol in the training programme to become spotters. He suggested the AFCD follow the EPD's programme and officially launch a similar spotter training programme to allow spotters to help with the patrolling efforts and enhance the effectiveness of removing the animal traps. Such an arrangement would not only assist in the department's law enforcement efforts, but could also serve promotion purposes.

13. Mr. TAM Yi-pui, the Vice-chairman, opined that some members of the public might believe that since human beings were at the top of food chain, they could kill animals at will. As such, the AFCD should target at such beliefs and enhance the publicity efforts to members of the public about the risks of eating wild animals.

14. Mr. YIP Sin-hang responded as follows:

- (i) Management of wild pigs was under the purview of another section. To his knowledge, the AFCD had disbanded the civilian hunting teams, and dealt with the wild pig problems mainly by capturing, neutering or using contraceptives on the wild pigs, before releasing them to the rural area.
- (ii) Having gone through the cases dealt with by the department as regards the possession of hunting appliances or protected wild animals, he noticed that the fine ranged from \$30,000 to \$45,000. In a recent case that took place in 2018, the offender had captured a local big-headed turtle which was not only a protected wild animal in Hong Kong, but also belonged to an endangered species set out in Appendix I to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. As a result, the offender was sent to prison for three

months. According to the Hong Kong Biodiversity Strategy and Action Plan drawn up by the department, the AFCD would review the relevant legislations from time to time. However, it had not set any timetable for revising the Wild Animals Protection Ordinance.

- (iii) The department would once again patrol the locations where hunting appliances were found after a certain interval. If hunting appliances were found at these locations again, the department would patrol there again to monitor the situation.
- (iv) After removing the hunting appliances, the AFCD would put up notices which mainly served to inform those who set up the hunting appliances that the AFCD staff had inspected the area, which was now under the AFCD's surveillance. As such, the notices would not be too big. Meanwhile, the department did not recommend putting up sizable banners nearby either, as it would instead allow members of the public to know that wild animals appeared in the vicinity, thereby encouraging them to go there to capture these animals.
- (v) If hunting appliances were found near the villages, the AFCD would deploy staff to ask the villagers nearby for information.
- (vi) For the time being, he could not provide the number of people convicted of setting up hunting appliances illegally in the past ten years. However, he could provide the information for Mr. MAN Nim-chi after the meeting.
- (vii) He thanked Mr. Richard CHAN for his suggestion, and would ask the EPD about the details of its spotter programme. However, he said that villagers might prefer providing information for them in an anonymous manner, and did not want their identity to be made public.

15. Ms. Olive CHAN said that she did not suggest the AFCD put up banners at the locations where hunting appliances were found. Instead, they should be put up near village entrance to inform villagers that setting up animal traps might be against the law. In addition, she opined that even if AFCD staff would ask villagers for information, they might prefer keeping their mouth shut. Coupled with the loopholes in the current legislation, it was difficult for the AFCD to successfully prosecute the people concerned. She opined that the AFCD should take an even more proactive approach, such as handing out leaflets to villagers to ask them to remind each other, and educate members of the public about the impact of setting up animal traps.

16. Mr. LIN Kok-cheung, Dalu hoped that the AFCD would proactively consider amending the legislation and enhancing the penalty. He had learnt from a news report that in 2016, a person was fined \$30,000 and spent three months in prison for violating the Wild Animals Protection Ordinance due to his possession of hunting appliances and protected wild animals. The news report also mentioned that the person concerned was in possession of some hunting appliances,

while 28 pieces of monkey, wild pig and porcupine meat were also found in his freezer. He considered the offence serious, but the penalty way too lenient to have any deterrent effect. As such, he hoped that the AFCD would proactively consider enhancing the penalty to increase the deterrent effect. In addition, he asked about the effectiveness of the afore-mentioned AFCD's initiative of capturing, neutering or using contraceptives on the wild pigs, and then releasing them to the rural area.

17. The Chairman agreed that the AFCD should take a proactive approach to amend the relevant legislation. He also said that to his understanding, members of the public who had violated the Wild Animals Protection Ordinance were rarely sent to prison. As such, he suggested the AFCD consider enhancing the penalty, such as substantially raising the fine to increase the deterrent effect. He considered that as Hong Kong was getting more and more concerned with animal-friendly matters, the departments concerned should also keep up with times. He also agreed with Ms. Olive CHAN that the AFCD could put up banners at the villages, to remind members of the public that it was against the law to set up hunting appliances, and those who did so might be fined and sent to prison. Such an initiative might encourage the villagers to make anonymous reports that would help the AFCD successfully prosecute the offenders. He said that the EFAC was highly concerned with the above matters, and thus hoped that the AFCD representatives could forward its views to the department.

18. Mr. YIP Sin-hang responded as follows:

- (i) The AFCD was producing promotional leaflets that would deliver to the villagers messages such as the impact of setting up animal traps.
- (ii) Management of wild pigs was under the purview of another AFCD section. As such, he did not have the relevant information at the moment, but could provide it for the EFAC after the meeting.

19. The Chairman reiterated his hope that the AFCD representatives could forward the EFAC's views to the department, especially those on reviewing and amending the relevant legislations, rolling out spotter training and enhancing the patrolling efforts.

20. Mr. Richard CHAN suggested handing over this agenda item to the Working Group on Animal-Friendly Policies for continued follow-up actions.

21. Mr. WONG Siu-kin, Chairman of the Working Group on Animal-Friendly Policies, agreed with the above suggestion.

22. Mr. YIP Sin-hang said that he might have to invite staff from the relevant section of the department to attend the working group meetings, for discussion on wild pigs-related issues.

II. Discussion on four food waste recycling schemes: Sewage treatment works, O·PARK2, food waste in country parks and compost mapping in the community

(TPDC Papers No. EFA 49/2020, EFA 50/2020 and EFA 51/2020)

23. The Chairman welcomed the following departmental representatives to attend the meeting for this agenda item: Mr. LAU Yin-pong, Country Parks Officer (Central) of the AFCD; Mr. MA Sai-cheong, Mr. CHU Kim-chiu and Mr. CHAN Ka-hing, Senior Engineer / Research & Development 2, Senior Electrical & Mechanical Engineer / Sewage Treatment 1/1 and Electrical & Mechanical Engineer / Sewage Treatment 1/1/2 respectively of the DSD; as well as Mr. KWONG Pak-yiu, Patchill and Ms. NG Yuen-ching, Queenie, Senior Environmental Protection Officer (Strategic Facilities Development & Planning) 3 and Senior Environmental Protection Officer (Food Waste Recycling) 2 respectively of the EPD.

24. Mr. TAM Yi-pui, the Vice-chairman, outlined Paper No. EFA 49/2020.

25. Mr. MAN Nim-chi's comments and questions were as follows:

- (i) It was mentioned in the AFCD's reply (please refer to Paper No. EFA 50/2020) to Mr. TAM Yi-pui, the Vice-chairman, that the department would make use of simple facilities to convert food waste into soil conditioner. He asked the AFCD whether it was not suitable to set up these facilities in the urban area such as on the streets or in shopping malls.
- (ii) He would like to know the difference between food waste from household and those from commercial and industrial sources, as well as their difference in recyclability.

26. Mr. LAU Yin-pong responded as follows:

- (i) The AFCD always encouraged visitors who went hiking, picnicking, barbecuing and camping in country parks to bring along a suitable amount of food only, and to take away all the leftovers. However, it also knew that those who used the barbecue and camping sites might well produce a certain amount of food waste. To educate on and promote recycling and waste reduction among members of the public, the AFCD had set up food waste recycling facilities at some of the above sites since 2013 and shown the ways to recycle next to them, so as to tell members of the public how to treat food waste.

(Post-meeting note: The food waste recycling facilities and food waste treatment machines set up by the AFCD were all small equipment. If they were used in the urban area such as on the streets and in shopping malls, they would likely be overloaded.)

- (ii) As regards recycling the food waste for the villages near Ma On Shan barbecue sites as mentioned by Members, as the AFCD did not have the expertise and equipment to treat a substantial amount of food waste, it had not considered recycling domestic food waste for the villages near country parks for the time being.

27. Mr. Patchill KWONG responded as follows:

- (i) The Food Waste / Sewage Sludge Anaerobic Co-digestion Trial Scheme of Tai Po Sewage Treatment Works (“TPSTW”) was launched in May 2019, and would collect the industrial and commercial food waste produced by the food factories in Tai Po Industrial Estate and Tai Po District at the beginning. At present, an average of about 15 to 20 tonnes of food waste was collected every day, while the capacity of the recycling facilities of the trial scheme was up to 50 tonnes. Through recycling the industrial and commercial food waste produced by food factories, the trial scheme aimed at studying the feasibility of anaerobic co-digestion technology in Hong Kong and the technical requirements for food waste recycling. These requirements would be the basis for the department when drawing up the mid- and long-term development and action plans.
- (ii) The EPD was responsible for collecting food waste in the above scheme, and the challenges included the incompatibility among the operating hours of food factories, the time when food waste was produced, and the time when the department collected it. As such, the department had to accommodate all the factories and co-ordinate the time and order of collection, etc. In addition, the department also required the food factories to separate the food waste at source (i.e., removing contaminants such as packaging or metal, etc.), so that the food waste collected could undergo the anaerobic co-digestion process more effectively.

28. Mr. MA Sai-cheong responded that the food waste collected in the above scheme would be pre-treated at the EPD facilities near the TPSTW, and then sent to the anaerobic digester at the TPSTW by pipes to be mixed with the sludge in the digester for co-digestion. The DSD was responsible for the operation, repair and maintenance of the digester. Before rolling out the above scheme, the department had to carry out laboratory tests, analysis and assessment as regards the time needed for anaerobic co-digestion of food waste and sludge, as well as the mixing ratio. At the initial stages of the trial scheme, the department had to set the operation parameters

carefully to ensure that anaerobic co-digestion would go smoothly. The objective was to find out information such as the most suitable operation settings, etc., through various tests which would become the reference points when drawing up the policies, etc., in the future.

(Post-meeting note: The DSD indicated that the additional biogas produced during the anaerobic co-digestion process would provide fuel for the existing combined heat and power generators to produce renewable energy to be used by the facilities in the treatment works.)

29. The Chairman pointed out that the above scheme began in May 2019, and thus asked the departments concerned whether it was still at a trial stage.

30. Mr. Patchill KWONG responded that the trial scheme above would run for six years, and had been running for a year. During the period, the EPD and DSD would carried out tests on a continuous basis to study ways to make use of the food waste collected for anaerobic co-digestion with sludge. As mentioned by the DSD representative, the DSD was carrying out test to find out the reference and technical parameters, so as to come up with the best ratio between food waste and sludge for anaerobic co-digestion. As the above trial scheme was the first of its kind in Hong Kong, there was no precedent that could be referred to.

31. Ms. Queenie NG outlined the EPD's food waste collection work as follows:

- (i) To encourage the commercial and industrial sectors to recycle food waste properly and achieving the waste-to-energy purpose, the EPD launched the First Phase of the Pilot Scheme on Food Waste Collection on 1 July 2018. At this stage, it focused on collecting the industrial and commercial food waste produced by the public sector, which would be delivered to O·PARK1 for recycling. As the food waste from the industrial and commercial sectors was of large quantities, had low level of contamination and was easier to collect, the pilot scheme above would focus on collecting industrial and commercial food waste.
- (ii) Since the launch of the pilot scheme, participants had been responding positively and proactively, and were willing to continue to support and participate in it. As such, the department was proactively preparing to roll out the Second Phase of the Pilot Scheme at the end of 2020. The Second Phase of the Pilot Scheme would be even larger in scale. Apart from recycling industrial and commercial food waste, it would also gradually recycle domestic food waste and deliver it to the food waste treatment facilities to convert waste into energy. The Second Phase of the Pilot Scheme would gradually cover Hong Kong Island, Lantau, Kowloon, as well as the New Territories that included Tai Po District.

33. Mr. TAM Yi-pui, the Vice-chairman's comments and questions were as follows:

- (i) He thanked all the departments concerned to attend the meeting to discuss the captioned matters.
- (ii) He opined that food waste recycling had to be taken forward gradually, and was happy to see the good progress of the scheme in the departments' reports.
- (iii) He asked whether the ten to 20 tonnes of food waste mentioned by the EPD was the amount collected every day, and opined that the result was good.
- (iv) He had worked with others to launch a food waste recycling programme at his office. While the programme had been cancelled now, he had collected about a dozen buckets of food waste at that time and opined that the result was good. When he was running the programme, he had explained to the residents that only plant-based food waste could be recycled. As such, there was less contaminant in the food waste recycled. He opined that to ensure the quality of food waste collected, the departments concerned should impart knowledge to the public on food waste recycling before rolling out the domestic food waste recycling programme, and he was also happy to help the department promote to members of the public.
- (v) He encouraged the DSD to continue to carry out tests to find out the best mixing ratio between food waste and sludge for anaerobic co-digestion, and opined that only the European countries were the leaders in this aspect of work. As such, if the departments concerned managed to find out the ratio, they might garner worldwide acclaim. In addition, he also strongly supported the above work by the departments.
- (vi) He knew that the AFCD had set up food waste recycling facilities in country parks at places in his constituency such as Shui Long Wo, Wu Kau Tang and Wong Chuk Wan in Sai Kung. However, he noticed that visitors usually put all sorts of refuse into the food waste recycling facilities. As visitors might not go there often, they might not know how to use the food waste recycling facilities, and he found the situation not satisfactory. He opined that compared with country park visitors, there were more people living in the villages near country parks. As such, he suggested the department consider designating the villagers as the targets for food waste recycling, and convert food waste into soil conditioner. He had heard that soil conditioner could be used to put out hill fire or regenerate forests. As such, he also believed that there was a certain demand for it.
- (vii) Although the AFCD did not have the expertise and equipment to treat a substantial amount of food waste, he believed that the department could also resort to traditional ways to collect food waste as compost. To his knowledge, cow dungs were collected in Ko Tong as compost. As such, he opined that the AFCD should

consider converting waste in the rural area into useful materials for the rural area. Meanwhile, the department should have a better idea about the use of the food waste collected, and he would also like to know more about it.

- (viii) An organisation in his constituency would deliver the recycled food waste to O·PARK1. To his understanding, however, as the EPD had yet to roll out a food waste recycling scheme for the public, and O·PARK1 would only recycle the food waste delivered to it by designated vehicles, the said organisation could only apply for and entrust the food waste collection contractors to hand over the food waste to O·PARK1. He opined that as members of the public usually did not have any contact with food waste collection contractors, it would be difficult for them to deliver the food waste collected in the afore-mentioned manner for recycling. He suggested the EPD set up food waste collection buckets in places such as wet markets, so that members of the public could identify them and deliver the food waste, as the start of the food waste recycling scheme for the public. He knew that when choosing the locations for setting up food waste collection buckets, considerations had to be given as to whether public hygiene would be affected. However, he opined that as the EPD had already rolled out two food waste recycling schemes, it should also start thinking about the details of the food waste recycling scheme for the public.

33. Mr. Dalu LIN's comments and questions were as follows:

- (i) He knew that under the two food waste recycling schemes mentioned by the EPD above, the food waste collected would be converted into biogas and compost. As such, he asked what else could the food waste collected be used for. He opined that if it could only be used for agriculture, given the decreasing amount of agriculture land in Hong Kong, he was worried that the food waste recycled would not be put to good use.
- (ii) He asked the EPD how many companies from the industrial and commercial sectors, and how many public organisations had participated in the food waste recycling scheme.
- (iii) He knew that the departments concerned opted to collect food waste from the industrial and commercial sectors, as well as public organisations first to facilitate the launch of the pilot scheme. However, he opined that households were still the major source of food waste in Hong Kong. He heard from the EPD just now that the department would roll on the food waste recycling scheme in Hong Kong in phases, and Tai Po District was also included. As such, he would like to know how the department planned to recycle the food waste. As mentioned by Mr. TAM Yi-pui, the Vice-chairman, while the AFCD had set up food waste recycling

facilities in country parks, members of the public would discard various items other than food waste into the recycling facilities. Just like the “three-colour waste separation bins” implemented by the departments concerned years ago, the result was not satisfactory. It showed that the departments concerned failed to impart the relevant knowledge to members of the public who, in general, also had no idea about the recycling process.

- (iv) Although the departments concerned had rolled out a number of pilot schemes, he opined that Hong Kong was lagging behind many other places in environmental protection issues, such as waste charging, using less plastic bags, etc. He asked how the EPD’s environmental protection policies in the future would promote environmental protection. He also asked the EPD whether it would enhance the “three-colour waste separation bins” programme in the future, and about its future plans on food waste recycling.

34. Ms. Olive CHAN’s comments and questions were as follows:

- (i) The EPD just said that the First Phase of the Pilot Scheme on Food Waste Collection focused on collecting food waste from the industrial and commercial sectors, which included food factories. As Hong Kong was affected by the epidemic recently, she asked whether the afore-mentioned scheme of the EPD had run into any difficulties as a result of it.
- (ii) Recycling of domestic food waste was going to happen. She asked whether the EPD had set any target on the amount of domestic food waste recycled, and how to promote domestic food waste recycling to members of the public. To her knowledge, there were lots of restrictions on the food waste to be recycled, like it could not have any oily substance, and only uncooked food could be recycled, etc. She opined that the EPD had to make efforts to educate the public about recycling, and doubted whether it could be done in a short amount of time. She was also worried that the department could not collect a sufficient amount through recycling domestic food waste alone to carry out the studies concerned.
- (iii) She considered that many Tai Po District residents strongly supported environmental protection. However, due to limited space, it might be difficult for the residents to store a lot of food waste at home for recycling. As food waste would also give out a stench, she opined that the EPD had to consider ways to provide more facilities to facilitate members of the public, and to encourage them to collect food waste for recycling on a regular basis.
- (iv) Many sizable trees had been planted in Tai Po District, and the FEHD had some leaf collectors that looked like vacuum cleaners to collect the fallen leaves. She

asked whether the EPD would consider recycling the fallen leaves collected by the FEHD.

35. Mr. LAM Yick-kuen's comments and questions were as follows:

- (i) He was in the catering business and had had business in the United Kingdom ("UK"). Recycling of food waste was very common there. The local Government would send staff to collect food waste at the eateries every day, while the eateries would also have to pay food waste treatment fees to the Government. The UK began recycling food waste as early as 20 to 30 years ago. There were many food waste recycling companies, some of which even paid the eateries to collect their food waste. As a result, the eateries had become even more proactive in collecting food waste for recycling. He also pointed out that some of the established eateries or food courts there had even set up large-scale food waste recycling machines, and sell the food waste collected to the recycling companies.
- (ii) He suggested the Government refer to the afore-mentioned overseas initiatives and set up food waste recycling machines in shopping malls or hotels, etc. in Hong Kong. He also suggested the Government consider setting up food waste recycling facilities in major housing estates to focus on collecting food waste from the residents. In addition, when planning for shopping malls, hotels, established eateries and major housing estates, the Government could also suggest the premises recycle food waste, so that it could recycle food waste directly from the premises concerned.
- (iii) If the Government was going to recycle more food waste using the above methods, he asked the departments concerned whether the facilities to treat food waste at present had enough capacity to recycle more, and whether they would expand the scheme.

36. Mr. YAM Kai-bong's comments and questions were as follows:

- (i) The EPD said that O·PARK2 would commence operation in 2022. He believed that it would be welcomed by all Members, but was worried that the amount of food waste recycled might not meet the department's expectation. As such, he opined that the department should proactively consider ways to encourage members of the public, eateries and shops to recycle food waste. He knew that the EPD's pilot scheme was targeted at recycling food waste from the industrial and commercial sectors first, and eateries would also produce more food waste for recycling. However, he opined that the department still needed to promote the

recycling of domestic food waste in a proactive manner, and could recycle the food waste of major housing estates first.

- (ii) He suggested the EPD work with the FEHD to set up food waste recycling machines at the refuse collection points in the rural area, so as to make it easier for members of the public to recycle food waste, and reduce the impact of food waste collecting on the residents nearby.
- (iii) He would like to know more about the effectiveness on collecting food waste from the industrial and commercial sectors, including food factories, during the First Phase of the Pilot Scheme on Food Waste Collection, and pointed out that members of the public were often worried that recycling food waste might be inconvenient.
- (iv) He asked the AFCD what kinds of food waste were recycled in country parks, and whether only plant-based food waste or uncooked food could be recycled, as mentioned by a Member just now. He pointed out that members of the public mostly ate meat while barbecuing in country parks, and the food waste included bones. He asked whether this kind of food waste could not be recycled, and opined that if the AFCD could only recycle plant-based food waste or uncooked food in country parks or camping sites, etc., the result might not be satisfactory.

37. Mr. LAM Ming-yat, Nick's comments and questions were as follows:

- (i) He agreed that education was very important, and opined that the departments concerned had to impart knowledge on recycling to members of the public when they were young. Citing his personal experience, he pointed out that such knowledge was not covered by the curriculum at present. As such, he opined that the Education Bureau might have to review it and introduce the curriculum concerned to the secondary and primary school education in Hong Kong. He considered that Japan was highly successful in its education campaigns in this area, and that Hong Kong could learn from it.
- (ii) The District Council ("DC") had sponsored activities like carnivals. As such, he opined that these activities could also impart the knowledge on separation and recycling to the participants in different ways, such as through booth games, etc.
- (iii) The "three-colour waste separation bins" in Tai Po District were always full at present. If the EPD was going to roll out food waste recycling in the future, but the food waste recycling facilities were poor or remotely located, it would substantially affect the effectiveness of recycling. As such, he opined that the department needed to seriously examine the locations for recycling food waste.

38. Mr. Patchill KWONG responded as follows:

- (i) The EPD took forward the collection and recycling of food waste using a multi-pronged approach. Apart from the Food Waste / Sewage Sludge Anaerobic Co-digestion Trial Scheme, O·PARK1 under the department had commenced operation, while O·PARK2 was expected to commence operation in 2022.
- (ii) At present, the Food Waste / Sewage Sludge Anaerobic Co-digestion Trial Scheme mainly collected food waste from the industrial and commercial sectors, which included ten food factories in Tai Po Industrial Estate, major fast food shops, major catering groups, businesses producing soups, herbal teas, beverages, and sauces, etc. The afore-mentioned scheme had covered most of the food manufacturers in Tai Po Industrial Estate, and they were all willing to allow the EPD to recycle the food waste produced.
- (iii) The amount of food waste recycled had been affected by the recent epidemic. Recently, for instance, a lunchbox supplier did not provide the department with any food waste for recycling, as it had suspended the provision of lunchbox for schools due to school suspension. The department knew that the amount of food waste recycled would fluctuate, and that was one of the challenges faced by the department when rolling out the scheme. The reasons why the department recycled the food waste from the industrial and commercial sectors were to obtain the technical parameters to come up with the best mixing ratio between food waste and sludge for anaerobic co-digestion, and to reduce the amount of food waste dumped in landfills, so as to extend the lifespan of landfills and convert waste into energy.
- (iv) The food waste recycled by the department for the Food Waste / Sewage Sludge Anaerobic Co-digestion Trial Scheme would undergo anaerobic co-digestion with sludge to produce biogas, which would provide energy for the TPSTW under the DSD. Meanwhile, the sludge treated by the anaerobic co-digestion process also had certain uses.

39. Ms. Queenie NG responded as follows:

- (i) O·PARK1, which was under the DSD and located at Siu Ho Bay in Lantau, had commenced operation, while O·PARK2 would commence operation in 2022. These two organic resource recovery centres would carry out anaerobic co-digestion process on the food waste collected and turn it into biogas, which was a source of renewable energy. After supplying the electricity and heat required by the facilities, the remaining biogas could also generate electricity for uploading to the power grids of power companies. In addition, the residue that had been treated by the anaerobic co-digestion process would also be converted into compost

/ fertilisers for horticulture, greening and agriculture purposes. The department's main objective was to collect food waste and turn it into energy, as well as produce renewable energy and other useful materials.

- (ii) The First Phase of the Pilot Scheme on Food Waste Collection collected food waste from about 70 public organisations free of charge, while another 120 organisations carried out source separation and collection of food waste on a voluntary basis, and then deliver it to O·PARK1 for recycling. In 2019, the department collected about 90 to 100 tonnes of food waste under the above scheme every day. As she had mentioned earlier on, the response since the launch of the above scheme was good. The department planned to roll out the second phase of the above scheme at the end of 2020, and so far around 150 new organisations had expressed their interests in participating in it.
- (iii) She reiterated that source separation of food waste was very important for the above scheme. When the department rolled out second phase of the above scheme, it would also begin collecting domestic food waste, and would invite the private and public housing estates that had experience in source separation to participate in it.
- (iv) Through the First Phase of the Pilot Scheme on Food Waste Collection, the department hoped that it could gather the views of participants so as to improve the scheme. Some participants had told the department that larger scale food waste collection services could effectively encourage more organisations to separate and recycle food waste. According to the experience obtained from the pilot scheme, using tank vehicles as food waste collection vehicles could carry more food waste compared with vehicles with operating tail boards, and enhance the effectiveness of the collection and delivery of food waste. In addition, the time of food waste collection service also had to be adjusted according to the operation of various industrial and commercial organisations.
- (v) As for the collection of domestic food waste, the Government also planned to allocate the Recycling Fund to subsidise the housing estates that participated in the Second Phase of the Pilot Scheme on Food Waste Collection to use smart bins to collect food waste, so as to enhance the efficiency and safeguard environmental hygiene.
- (vi) The EPD expected numerous challenges when collecting domestic food waste. At present, the department encouraged members of the public to properly contain the food waste, such as leftovers, expired or deteriorated food (such as rice, noodles, meat, fruit peels, etc.) before and after meals every day with reusable containers, or wrap it with used paper, and put in in the food waste collection bin in the housing estate. However, such an arrangement required the co-operation

of the building's management company or owner's corporation. As such, the EPD had also provided the corresponding technical support and set up a service platform, so as to provide guidelines for the source separation and collection of food waste in housing estates. It was hoped that it could help prepare the households and property management staff for accommodating the operation of food waste collection contractors. In addition, the Guideline for Food Waste Source Separation, Collection, and Delivery to the Organic Resources Recovery Centres had also been uploaded onto the service platform's website, which she could forward to Members through the Secretariat after the meeting. The Guideline contained important information such as ways to carry out source separation and collection of food waste, and had provided support and assistance for the collection of domestic food waste.

(Post-meeting note: After the meeting, the EPD had forwarded the service platform's website to Members through the Secretariat, and followed up on ways to deal with fallen leaves with Ms. Olive CHAN.)

40. Mr. LAU Yin-pong responded as follows:

- (i) It was true that many other items discarded by visitors, such as tissues, aluminium cans and plastic bottles, etc., could be found in the food waste recycling facilities set up by the AFCD in country parks at present. As such, the department would also carry out screening first when dealing with it. The department had also put up brief notices near the facilities, detailing the types of food that could be recycled by the food waste recycling facilities.
- (ii) Since the AFCD had set up the food waste recycling facilities, the one in Hok Tau Campsite was the most effective. The department had learnt from the experience and reviewed ways to enhance the effectiveness of food waste recycling. For instance, if the food waste recycling facilities were set up near where most of the visitors would process the food (namely, washing basins outside the toilets), more food waste could be recycled.
- (iii) As mentioned by Mr. TAM Yi-pui, the Vice-chairman, as visitors might not go to the country parks on a frequent and repetitive basis, it was difficult for the AFCD to impart the knowledge on food waste recycling to the visitors on a consistent basis by the food waste recycling facilities alone. However, it hoped that it could provide a more conspicuous message near the food waste recycling facilities for the visitors, and tell them what kinds of food could be recycled by these facilities.
- (iv) At present, the AFCD used smaller food waste disposers (such as domestic food waste disposers) to treat the food waste collected, and the treated residue was mainly used for planting purposes. For instance, when planting trees, the

department would put a suitable amount of residue and soil near the planting area. In addition, the department had also tried the compost method, by mixing the organic materials collected in country parks and used them as compost. However, given the stench and mosquito problems that would give rise to, the department still needed time to study ways to make use of the treated food waste residue near recreational venues.

41. The Chairman said that at the previous meeting, the EFAC had already resolved to hand over the matters such as food waste and waste recycling, etc., to the working group for follow-up actions, and this agenda item could also be further discussed then. The Chairman suggested the departments concerned arrange for a site visit at the TPSTW and O·PARK1 for the EFAC after the epidemic had eased.

III. Request to designate the non-franchised bus pick-up / drop-off areas and the periphery of Tai Po Market Station as no smoking areas

(TPDC Papers No. EFA 52/2020 and EFA 52A/2020)

42. The Chairman said that prior to the meeting, the Secretariat had already invited the Department of Health (“DH”) and Transport Department (“TD”) to attend this meeting for the afore-mentioned issue. The TD replied that as smoking ban in public places (including public transport interchanges) was under the purview of the DH’s Tobacco and Alcohol Control Office (“TACO”), it had no information to provide and would not attend the meeting.

43. The Chairman welcomed Dr. NGAI Yik-hang, Jonathan and Mr. WONG Wai-leung, Edmond, Senior Medical & Health Officer (Tobacco and Alcohol Control Office) 2 and Chief Tobacco and Alcohol Control Inspector respectively of the DH to attend the meeting for this agenda item.

44. Mr. WU Yiu-cheong outlined Paper No. EFA 52/2020.

45. Mr. Nick LAM said some residents had told him that the second-hand smoke coming from the smokers in Tai Po Market MTR Station had spread all the way to the pedestrian subways. He hated second-hand smoke a lot, and had never smoked. He opined that while Mr WU Yiu-cheong’s afore-mentioned suggestion was well-intended, it was also necessary to maintain an area for the smokers. As such, he suggested the department consider identifying and designating smoking areas, so as to meet the demand of smokers and reduce the impact of second-hand smoke on pedestrians.

46. Dr. Jonathan NGAI responded as follows:

- (i) According to Section 3(1AB) of the Smoking (Public Health) Ordinance (Cap. 371), “the Director of Health may, by notice published in the Gazette, designate as a no smoking area the whole or a part of:
 - (a) any area that consists of the termini of two or more modes of public transport and is used for effecting and facilitating interchange between them; or
 - (b) any bus terminus of more than one specified route as defined in section 2 of the Public Bus Services Ordinance (Cap. 230)”.
- (ii) The DH’s designation of no smoking area was to reduce the impact of second-hand smoke on members of the public. However, it also had to strike a balance between the demand of smokers and non-smokers. When setting up no smoking areas, it had to clearly mark the boundaries so that members of the public could comply with the requirements, and the department could take law enforcement actions effectively.
- (iii) In light of Section 3(1AB) of the Smoking (Public Health) Ordinance (Cap. 371), the DH had reviewed the actual situation of Tai Po Market Station Public Transport Interchange and its vicinity, and would proactively consider expanding the no smoking area. The department had an on-site inspection on 29 June 2020, and noticed that the structure of Tai Po Market Station Public Transport Interchange (especially exits A2, A3 and B of the MTR station, as well as the taxi stand area) was rather complicated. As such, before designating the no smoking area, the department had to carry out surveying work so as to clearly mark the boundaries of the no smoking area.

47. Mr. YAM Kai-bong’s comments and questions were as follows:

- (i) He agreed with Mr. WU Yiu-cheong’s suggestion.
- (ii) He suggested expanding the no smoking area to exits A1 and A2 of Tai Po Market MTR Station, covering the area near the pedestrian subways leading to the bus terminus. He said that there was a statue next to the exit / entrance of the pedestrian subways, and the MTR Corporation Limited (“MTRCL”) would sometimes fence off that area. Many smokers smoked there. A lot of members of the public had complained to him that they would inhale second-hand smoke when walking past there or entering the pedestrian subways. As the MTRCL’s office was also located nearby, some MTRCL staff had also complained to him that the second-hand smoke would billow into their office and affected their work environment.
- (iii) He urged the DH’s staff to enhance their law enforcement efforts in the existing no smoking area. While many public transport interchanges or bus terminuses had

been designated as no smoking areas, many members of the public had complained to him that a lot of smokers were still smoking in bus terminuses, forcing others who were waiting for buses to inhale second-hand smoke. The locations concerned included Tai Po Market Station Public Transport Interchange, Tai Po Centre Bus Terminus and Fu Shin Estate Bus Terminus. He had seen TACO's staff patrol the area, but opined that as they did not do so during the time with higher pedestrian flow, it was difficult to prosecute the offenders. He hoped that the DH could deploy more staff and adjust its patrolling time so as to crack down on illegal smoking.

48. Mr. MO Ka-chun, Patrick said that according to a recent news report, TACO only had 79 staff responsible for law enforcement actions. The Office of the Ombudsman took follow-up actions afterwards, and the DH had employed around 30 people in addition. In other words, there was still only about 100 staff responsible for taking law enforcement actions, but there might be as many as 20 000 to 30 000 complaint cases about illegal smoking each year. He asked whether the DH's staff would take follow-up actions only after receiving complaints from members of the public, or they would carry out routine inspections. He also asked whether the department's existing manpower was enough to deal with the work concerned.

49. Mr. WU Yiu-cheong's comments and questions were as follows:

- (i) He was happy to see that the DH would proactively consider expanding the no smoking areas at the locations he had mentioned. According to the information provided by the TD, the non-franchised bus pick-up / drop-off areas outside Tai Po Market MTR Station was used by 15 housing estates and some 40 companies to pick up and drop off their residents and staff. Therefore, he believed that the pedestrian flow there might be even higher than some other public transport interchanges. As such, he hoped that the DH would expand the no smoking area to cover the area.
- (ii) The DH had just responded that the structure outside Tai Po Market MTR Station was complicated. He would like to have an in-depth understanding of the issues the department had to deal with before officially confirming the expansion of a no smoking area.
- (iii) He had suggested the MTRCL learn from Japan and set up designated areas inside MTR Stations for smokers to smoke. He knew that the Government had put forward a similar proposal years ago. However, as he understood that the proposal was highly controversial and many people were against it, it was not taken forward in the end. However, he opined that with the advance in technology, many ventilation systems nowadays had greatly improved and there were

technologies that could filter the air immediately. As such, he asked whether the DH would now consider learning from places like Japan and setting up designated indoor areas for smokers to smoke.

- (iv) TACO's law enforcement efforts in the past were only so-and-so due to insufficient manpower. He opined that the non-franchised bus pick-up / drop-off areas outside Tai Po Market MTR Station was an ideal place for publicity campaigns. As the FEHD had also set up street booths there to promote anti-rodent messages in the past, he suggested that the DH could also consider promoting information such as the hazards of smoking there.

50. Ms. Olive CHAN said that although Tai Wo Bus Terminus had been designated as a no smoking area, many residents still complained to her that smokers often smoked there. She urged the DH to deploy staff to inspect the area on a regular basis, and took proactive law enforcement actions against the illegal smokers. She had informed TACO of the problems, and its staff told her that when they inspected there at 9 a.m., they did not see any illegal smokers. She opined that as most members of the public were already at work before 9 a.m., it would be difficult for the department to initiate successful prosecution if they did not inspect the bus terminus until 9 a.m. She urged the DH to review the inspection time, like moving it forward, so as to enhance the effectiveness of its prosecution efforts.

51. Mr. TAM Yi-pui, the Vice-chairman's comments and questions were as follows:

- (i) As the pedestrian flow outside Tai Po Market MTR Station was always high, he also agreed to designate the area as a no smoking area. In addition to designating a no smoking area, he also suggested designating the area outside the pedestrian subways near Wan Tau Kok Playground as a smoking area, and putting up notices outside Tai Po Market MTR Station to advise smokers to smoke in the aforementioned smoking area, lest a lot of smokers gather at the covered pedestrian way and pedestrians be forced to inhale second-hand smoke.
- (ii) He agreed that the health warnings printed on cigarette packaging at present could effectively advise members of the public to quit smoking, and suggested putting up similar notices in public places as well.

52. Mr. MAN Nim-chi's comments and questions were as follows:

- (i) To his knowledge, there were indoor smoking rooms at the casinos in Macao, while smoking rooms were also available at the Hong Kong International Airport. As such, he believed that the ventilation and air-filtering technology at present was good enough for facilities such as indoor smoking rooms.

- (ii) He suggested the departments concerned install facilities like fans outside Tai Po Market MTR Station where smokers often gathered. He knew that his suggestion might only treat the symptoms but not the root cause of the problem, but it could at least reduce the impact of second-hand smoke on pedestrians.

53. Dr. Jonathan NGAI responded as follows:

- (i) The area near the entrance to the pedestrian subways outside the railings at Tai Po Market MTR Station was a smoking blackspot. The department had already noticed it when considering expanding the no smoking area.
- (ii) The DH had stepped up its law enforcement efforts at Tai Po Market Station Public Transport Interchange since the turn of the year. In 2020, the department had inspected the statutory no smoking area near Tai Po Market Station Public Transport Interchange 30 times, which was around 50% more than the 40 inspections carried out in the entire 2019. In addition, the department had also inspected the area that had not been designated as no smoking areas outside Tai Po Market eight times in 2020, which was equivalent to the total number of inspections in the previous two years combined.
- (iii) Part of the Tai Po Market Station Public Transport Interchange was managed by the MTRCL. As such, the DH had to discuss and mark the no smoking area with the MTRCL before the surveying work. As the area concerned would also affect the law enforcement rights of the DH's staff in the future, time was needed to carry out discussions with the MTRCL.
- (iv) The DH would follow up on each and every complaint on illegal smoking and arrange for corresponding blitz inspections, which included inspections in the early hours, in the evening and on public holidays. Apart from following up on complaints, the DH would also take the initiative to inspect the areas with serious smoking problems, and visit the sites under its purview with other law enforcements departments such as the FEHD, Leisure and Cultural Services Department ("LCSD"), Housing Department ("HD"), etc., for joint actions and blitz inspections, etc.
- (v) Since 2018, the DH had recruited a designated team consisted of retired disciplined service officers to enhance its law enforcement efforts in the early hours, in the evening and on public holidays. The department had also carried out inspections at 9 a.m. (i.e., when members of the public went to work), and had inspected Tai Wo Bus Terminus at about 7 a.m. The number of staff responsible for law enforcement action in TACO's approved establishment under the department had increased from 106 in 2017/18 to 147 in 2020/21. Between January 2019 and May 2020, TACO had received some 20 000 illegal smoking complaints, carried

out about 47 100 inspections, and issued over 10 700 fixed penalty notices to illegal smokers. During the afore-mentioned period, the department had carried out a total of 1 310 inspections in Tai Po District, and issued 311 fixed penalty notices to illegal smokers.

- (vi) He agreed with Members that publicity efforts should be stepped up at places where many people gathered to smoke, so as to encourage smokers to quit smoking. The DH was subsidising a number of non-governmental organisations to promote smoking cessation and provide smoking cessation services. For instance, the department worked with Tung Wah Group of Hospitals in 2020 to provide smoking cessation services throughout the territory, carry out publicity campaigns at smoking blackspots, and provide smokers with smoking cessation medication on-site so that they could experience smoking cessation. In addition, the department also worked with United Christian Nethersole Community Health Service to set up a smoking cessation clinic in Tai Po District. The department had rolled out a series of smoking cessation publicity programmes since late May 2020 to urge smokers to quit smoking. The department would strive to carry out smoking cessation publicity campaigns, so as to further lower the smoking prevalence in Hong Kong.
- (vii) As for designating smoking areas or setting up smoking rooms, there was not enough evidence at present that could prove that any filtering system could totally filter second-hand smoke or completely remove the hazards of tobacco smoke. As the setting up of smoking areas might go against the Government's anti-tobacco policy objectives, the department had not considered it for the time being.

54. The Chairman said that a number of Members had expressed their hope that the DH would not only step up its law enforcement efforts at Tai Po Market Station Public Transport Interchange, but also at Tai Po Centre Bus Terminus, Tai Wo Bus Terminus and Fu Shin Estate Bus Terminus. As such, he urged the department to step up the law enforcement efforts at these locations as well. In addition, he asked whether the DH could provide the timetable for expanding the no smoking areas in the vicinity of Tai Po Market MTR Station, so as to respond to Mr. WU Yiu-cheong's request.

55. Ms. Olive CHAN asked the DH about the number of inspections at Tai Wo Bus Terminus each month.

56. Dr. Jonathan NGAI responded as follows:

- (i) As the suggestion put forward by the DH in 2020 to designate public transport interchanges as no smoking areas had proceeded to the gazetting stage, no action

could be taken in 2020 to designate the above locations as no smoking areas. However, the department had launched the surveying work, expected to implement the matters concerned in 2021, and consult the TPDC at that time. As he had mentioned, the department had deployed staff to inspect the captioned locations in late June 2020, and was closely monitoring and following up on the matters concerned.

- (ii) As at 30 June 2020, the department had inspected Tai Wo Bus Terminus 24 times, and had issued 10 fixed penalty notices to illegal smokers.

57. The Chairman asked the DH what the earliest date in 2021 would be to take forward the expansion of no smoking areas at the captioned locations.

58. Dr. Jonathan NGAI responded that as the Food and Health Bureau, Department of Justice and TPDLO were all involved in the gazetting work, he could not tell what the earliest date in 2021 would be to take forward the suggestion for the time being. However, the department would update the TPDC.

IV. Discussion on the floating photovoltaic system at Plover Cove Reservoir

(TPDC Papers No. EFA 59/2020 and EFA 60/2020)

59. The Chairman said that prior to the meeting, the Secretariat had invited the EPD, WSD and Greenpeace to attend the meeting for the captioned matter. The Environment Bureau (“ENB”) replied that as the pilot projects of floating solar power system at Plover Cove Reservoir was taken forward by the WSD, and the WSD would send representatives to the meeting to explain its implementation details to Members, the ENB would not send any representative to the meeting. The ENB’s reply had been set out in Paper No. EFA 60/2020.

60. The Chairman welcomed the following departmental representatives to attend the meeting for this agenda item: Mr. CHENG Yui-shing, Mr. TANG Ho-wai and Mr. LEUNG Chi-fung, Senior Electrical Engineer / Maintenance 1, Chemist / Resources Management 1 and Assistant Electrical Engineer / Projects 11 respectively of the WSD; as well as Ms. LIN Pui-yi, Kate and Ms. YEUNG Hoi-shan, Frances, both Senior Campaigners of Greenpeace.

61. Mr. HO Wai-lam outlined Paper No. EFA 59/2020.

62. Mr. CHEUNG Yui-shing thanked the EFAC for inviting the WSD to brief on the floating solar power system at Plover Cove Reservoir, and said that in light of the greenhouse effect and climate change, the WSD had strived to take forward various energy-saving initiatives, and looked into applying renewable energy in the water supply system. In the past few years, Japan, France

and Singapore had all set up large-scale solar power systems, while the WSD also strived to look into the potential of setting up floating solar power systems at the reservoirs in Hong Kong. To test the feasibility and effectiveness of such construction, the WSD had implemented solar power system pilot projects at Shek Pik Reservoir and Plover Cove Reservoir, each of which was designed for a generation capacity of 100 kilowatts (“kW’s”).

63. Mr. LEUNG Chi-fung outlined the floating solar power system at Plover Cove Reservoir to Members by way of a PowerPoint presentation (see Paper No. EFA 60A/2020).

64. Mr. YAM Kai-bong’s comments and questions were as follows:

- (i) He commended the WSD’s introduction.
- (ii) Some academics had suggested filling up Plover Cove Reservoir for housing construction. He found the suggestion ridiculous, and agreed to make use of Plover Cove Reservoir to develop renewable energy. Setting up a floating solar power system at Plover Cove Reservoir would neither affect the country parks nearby, necessitate the felling of trees to release land for the construction of power system, nor affect the water quality of Plover Cove Reservoir. As such, he rendered his support, and hoped that when the solar power system pilot project was completed, the WSD would continue to develop the programme.
- (iii) The WSD had just mentioned that photosynthesis was needed for the growth of algae in water. The solar panels set up at Plover Cove Reservoir at present were covering the water surface, and therefore had suppressed the growth of algae and helped improve water quality. However, he opined that other creatures like fish were also in the reservoir. As such, he asked the WSD whether the solar panels would affect the ecology of the reservoir.
- (iv) The above WSD pilot projects had been running for almost three years. He asked how the WSD repaired the power system. He said that since 2017, Hong Kong had been under the attack of two super typhoons, namely Mangkhut and Hato. He asked the WSD whether the typhoons and torrential rain had damaged the power system facilities, and whether any damaged parts had fallen into the reservoir and thus affected water quality.
- (v) He knew that the equipment procured for the pilot projects might cost more. As such, he would like to know the fixed and operating costs of the floating solar power system at Plover Cove reservoir at present, so as to find out the cost-effectiveness of the pilot projects.

65. Mr. TAM Yi-pui, the Vice-chairman’s comments and questions were as follows:

- (i) He supported the above project, and agreed that it was innovative and could make good use of the space at the reservoirs.
- (ii) He would like to know the repair interval of the afore-mentioned solar power system, as well as the cost of repair.
- (iii) Had the afore-mentioned facilities been damaged by typhoons?
- (iv) He would like to know the cost-effectiveness of the afore-mentioned power system. The WSD indicated that the afore-mentioned scheme could generate about tens of thousands kW of electricity. He asked the WSD about the value of the electricity generated and, having deducted the daily expenses such as repair cost, how long it would take for the afore-mentioned power system to break even. He indicated that he was not only taking into account the pecuniary benefits of the afore-mentioned scheme. Instead, he opined that the WSD could inform the public of the information, and that cost-effectiveness was one of the factors to determine whether the afore-mentioned scheme could be implemented on a continued basis.
- (v) Apart from Plover Cove Reservoir, he asked whether the WSD would consider setting up floating solar power systems at the surface of inner waters, like Three Fathoms Cove, etc., so as to generate electricity for the street lamps and villages in the vicinity.

66. Ms. Olive CHAN said that the pilot projects above had been running for almost three years. She asked the WSD whether the capacity of the floating solar power system had been affected by the algae that had grown on it, as well as the damages suffered by the system since it began operation. In addition, she asked the WSD how long it expected the afore-mentioned power system would operate, and how the department would deal with the system's equipment once the operation period had expired.

67. Mr. WU Yiu-cheong's comments and questions were as follows:

- (i) He supported the above power system, and said that a number of places, including the Mainland, had launched this kind of power system on a large-scale basis. As such, he hoped that it could be developed in Hong Kong in a proactive manner, and implemented at more locations throughout the territory.
- (ii) To his understanding, the cost of developing renewable energy facilities was often very high.
- (iii) Hong Kong was vulnerable to typhoons due to its geographical location. He asked the WSD how to continue to develop the floating solar power system, how to ensure the system's facilities would not be damaged by typhoons, and whether

the floating solar panels would affect the drainage and water level, resulting in flooding in other areas.

68. The Chairman said that Members were mostly concerned with the cost-effectiveness of the power system, as well as how it withstood the effects of typhoons, etc.

69. Ms. Kate LIN opined that members of the public mostly supported the afore-mentioned power system. The WSD had just said that when it was procuring for the setting up of the power system, it had already drawn up various safety standards and requirements to ensure that water quality would not be affected. However, she pointed out that some members of the public might be worried that the floating solar panels might release chemicals and micro-plastics, thus affecting drinking water safety. She asked how the WSD monitored water quality on a regular basis. If leakage of substance was found, how would the department deal with it and repair the facilities?

70. Mr. CHEUNG Yui-shing responded as follows:

- (i) The cost of the afore-mentioned power system was indeed higher, and therefore needed more than 20 years to break even. However, as the WSD's main objectives to implement the scheme were to support environmental protection and respond to climate change, they would also be the main objectives of the department's scheme.
- (ii) When designing the solar panels to be installed at Plover Cove Reservoir, the WSD hoped that their appearance could fit in with the environment of Plover Cove Reservoir. As such, the solar panels looked like a vessel, symbolising a vessel setting sails and matching the Chinese name of Plover Cove Reservoir.
- (iii) The parts of solar panels of the afore-mentioned scheme that were in constant contact with water body were made of materials that met the relevant requirements of British Standard BS 6920. The parts concerned would neither affect the safety standard of drinking water, nor affect the water quality and ecology of Plover Cove Reservoir.

71. Mr. TANG Ho-wai responded as follows:

- (i) The WSD had been taking water samples from Plover Cove Reservoir on a regular basis to test the physical (such as water temperature, viscosity), chemical (such as dissolved oxygen, pH value and metallic elements) and bacterial parameters. Results from regular water quality monitoring showed that the water quality of Plover Cove Reservoir remained stable and normal. The WSD would also take water samples near the solar panels, and results of water quality monitoring showed

that the water quality there was more or less the same as other locations at Plover Cove Reservoir. In other words, it was also stable and normal.

- (ii) For the floating platform that contained the solar panels, the material used for the parts that were in constant contact with water body met the relevant requirements of British Standard BS 6920. The parts concerned would not affect drinking water safety. According to the information provided by the floating platform's manufacturer, it was made of a durable and stable material, which was also ultraviolet-proof ("UV-proof"). As such, the department opined that the daily wear and tear of the floating platform was minimal.

72. Mr. LEUNG Chi-fung responded as follows:

- (i) According to the information provided by the power system supplier, there was a lot of room in the floating platform for solar panels, and the entire platform would not totally cover the water surface. These room would allow air to go inside the water surface, and inject oxygen into the water surface that had been covered. This kind of solar panels had been installed at fish ponds in many places around the world. As such, the department opined that the design of the floating solar panels had taken into account ways to prevent impacting the ecology.
- (ii) The afore-mentioned solar panels had been in operation since 2017, and had survived the attack of typhoon Hato unscathed. However, when typhoon Mangkhut hit Hong Kong, they could not withstand the storm and deluge. However, the department opined that having these experiences had met the pilot projects' objectives, and allowed the department to find out how these solar panels could be improved, such as the anchoring system, etc. When the department repaired the solar panels afterwards, it had strengthened the anchoring system, so as to enhance its defence against typhoon in the future.
- (iii) The afore-mentioned solar power system was of low maintenance, which only required the brushing and cleaning by rainwater in rainy days. While bird faeces and dirt might accumulate on the floating solar panels, as the department opined that the floating solar panels had to fit in with the surrounding environment and would like to strike a balance between them, it did not want to shoo away the birds near the solar panels, or disturb the birds resting on the floating platform. The department had looked into the electricity-generating capacity, and found that bird faeces covering the solar panels would only slightly reduce the power output, and the departments' power generation efficiency would still be met.

73. Mr. HO Wai-lam's comments and questions were as follows:

- (i) He would like to know, in approximate terms, the routine maintenance cost of the above power system.
- (ii) The WSD's pilot projects had been in operation for years. He asked whether the department would expand the projects afterwards.

74. Mr. CHOW Yuen-wai said that he was pleased to see the WSD's brief. He asked what material was used for the above floating platform, and opined that Members were more concerned with the floating solar panels' impact on the water quality of Plover Cove Reservoir. As such, he would like the WSD to explain in greater details.

75. Mr. WONG Siu-kin's comments and questions were as follows:

- (i) He agreed that the afore-mentioned solar power system could promote environmental protection.
- (ii) Although the WSD had stated earlier on that the floating solar panels at Plover Cove Reservoir looked like a vessel, so as to fit in with the landscapes of Plover Cove Reservoir, he found the appearance rather peculiar, and asked the WSD whether the linear structure at the back of the solar panels was connected to the land for workers to reach the power panels, or for any other purposes.
- (iii) He asked why the WSD opted to install floating solar panels at reservoirs rather than the coasts.
- (iv) He asked whether the WSD had plans to implement hydropower.

76. Mr. Richard CHAN's comments and questions were as follows:

- (i) As mentioned by the WSD earlier on, the floating solar panels installed at Plover Cove Reservoir at present could not only protect the reservoir, but also promote environmental protection and generate electricity. As such, he found the above power system worth supporting.
- (ii) The above floating solar panels only took up one-10 000th of the entire area of the reservoir, and there was still a lot of room in the reservoir to expand the power system. As such, he hoped that the WSD would expand the programme in the future.
- (iii) He suggested incorporating the WSD's presentation into Paper No. EFA 60A/2020 and uploading it onto the DC's website.

77. The Chairman said that earlier on, he had also asked the Secretariat to upload departments' presentations that had not been included in meeting papers onto the website for Members' reference. As such, he agreed with Mr. Richard CHAN's suggestion.

78. Mr. SO Tat-leung would also like to know the operation period and cost of the above floating solar power system, so as to find out the cost-effectiveness of the power system.

79. Mr. TAM Yi-pui, the Vice-chairman's comments were as follows:

- (i) If the WSD could not provide information such as the cost of the power system for the time being, it could do so after the meeting.
- (ii) He opined that whether the floating solar panels looked good was subjective. He also suggested the WSD set up signs or notice boards, etc., to tell the visitors more about the floating solar panels.
- (iii) He was pleased to see the WSD say that the material used for the floating platform of solar panels was UV-proof, and opined that notwithstanding human factors, plastics being left outdoors would easily age and crack due to direct sunlight. He said that he was interested in knowing more about it, and hoped that the WSD could provide him with a copy of the information regarding the floating platform for solar panels for reference.

80. The Chairman indicated that a number of Members would like to know the cost of the floating solar power system, and the WSD had just said that it might take up to 20 years to break even. As such, he opined that the department had calculated various data, such as the cost, as well as annual operation and repair expenditures of the power system, as well as the revenue or deficit of generating electricity, etc. Therefore, he hoped that the WSD could provide such information for Members.

81. Mr. YAM Kai-bong's comments and questions were as follows:

- (i) Even though it would take rather long to break even, he still agreed with investing in the development of renewable energy.
- (ii) The WSD said that the floating solar panels at Plover Cove Reservoir only took up one-10 000th of the entire area of the reservoir. He suggested the WSD, when expanding the projects and installing larger floating solar panels in the future, install them at locations frequented by more visitors, so as to let members of the public know that the department had been proactive in making good use of the space in reservoirs to develop renewable energy.

- (iii) He would like to know the cost of setting up the afore-mentioned power system, and opined that if the department told members of the public how much it cost, and if members of the public found the amount acceptable, it would garner greater public support in setting up that power system. Other relevant departments of the Government were proactively calling for members of the public to install solar panels on the rooftop or at the outer walls of buildings, while other power companies also encouraged members of the public to upload self-produced electricity to the power grids. As such, he opined that the Government should make public how much it cost to install solar panels, so as to promote to members of the public the development of renewable energy more effectively.
- (iv) To his understanding, the water level of reservoirs might change from time to time, and he had seen Kowloon Reservoir dry up a couple of years ago. He asked the WSD whether the insufficient amount of water in the reservoir would affect the afore-mentioned solar panels, and how the department would deal with it.

82. Ms. Olive CHAN's comments and questions were as follows:

- (i) He opined that Members were all interested in the afore-mentioned power system, and thus suggested the EFAC having a site visit at Plover Cove Reservoir.
- (ii) The WSD said that the afore-mentioned power system could provide electricity for the air compressor house of Plover Cove Reservoir. She asked whether the WSD would consider expanding the floating platform of the floating solar power system at Plover Cove Reservoir, installing more solar panels to enhance the electricity output, and selling the additional electricity produced to the power companies to subsidise the expenditure for maintaining the power system on a daily basis and lower the cost.

83. Mr. CHEUNG Yui-shing responded as follows:

- (i) The floating solar power system at Plover Cove Reservoir needed to transfer the electricity produced onshore to be used by the waterworks. The linear structure at the back of the floating solar panels that a Member had referred to was a cable. The cable would transfer the electricity produced by the floating solar panels to the air compressor house on shore, and convert direct current into alternating current to be used by the waterworks.
- (ii) The floating solar panels at Plover Cove Reservoir were at the southeast of the reservoir at present. It was closed to the WSD's waterworks, so as to make it easier for the electricity produced to power up the waterworks immediately.

- (iii) According to the requirements at present, the electricity produced by government properties could not be sold to power companies. As such, the WSD mainly planned to use the electricity produced by the afore-mentioned system on the department's facilities.
- (iv) The department calculated the cost at about HK\$1 per kW, and the tariff might vary among districts. At HK\$1 per kW, as the department had spent over \$3 million to set up the floating photovoltaic system, it would take 25 to 30 years to break even. As for daily maintenance, the floating solar panels had been in operation for about three years. They did not require any cleaning by the department, and mainly relied on wind and rain to blow or wash away the dirt, bird faeces and dust on them. The part on solar panels that required cleaning was tempered glass, which could be cleaned by rainwater. In the past three years, the power output of the afore-mentioned power system had always met the department's expectation, and the department would also continue to monitor the power output.
- (v) In the past three years, the Government had also mentioned in the policy address that it would look into the provision of large-scale floating solar power system at reservoirs, and study the feasibility of selling the remaining electricity to the power grids of power companies after providing electricity for waterworks. The Government would refer to the experience obtained in the pilot projects of the floating solar power system, and study the feasibility of setting up a large-scale floating solar power system at Plover Cove Reservoir.
- (vi) The plastic material used for the afore-mentioned floating platform for solar panels was high-density polyethylene ("HDPE"). According to the information provided by the manufacturer, HDPE had a lifespan of over 20 years, was UV-proof, and in line with the drinking water safety.
- (vii) The afore-mentioned floating platform for solar panels was connected to the concrete anchor at the bottom of the reservoir by steel cables. If the water storage level of the reservoir went down, the floating platform would go down with the water level. If the reservoir dried up, the floating platform would sit at the bottom of the reservoir and not suffer any damage because of it.

84. Mr. LEUNG Chi-fung responded as follows:

- (i) When designing the floating solar power system at Plover Cove Reservoir, the department had made reference to the data relating to changes in water level, so as to ensure that when the water level of Plover Cove Reservoir went down due to a low storage level, the floating platform for the solar panels would not be drifting in the reservoir and hit the side of the reservoir.

- (ii) As the afore-mentioned power system was of a pilot nature, and the solar panels and floating platform were smaller in size and had less components, the appearance or shape of the floating platform for solar panels was also rather monotonous. Having learnt from the experience in installing floating solar panels at Shek Pik Reservoir, the WSD would like to change the appearance of the floating solar panels at Plover Cove Reservoir so as to fit in with it. With all the limitations, it had therefore converted the solar panels at Plover Cove Reservoir into a vessel shape, instead of a rectangular shape like the ones at Shek Pik Reservoir. When expanding the programme and installing larger floating solar panels in the future, the department hoped that there would be more room to improve the appearance and design of the floating solar panels.

85. Mr. Dalu LIN opined that the main purpose of the floating solar panels was to develop renewable energy so as to promote environmental protection, and how it looked was not the most important factor for a power system. He understood that the solar panels' appearance was subject to the materials and technology, and it was difficult to fully integrate with an organic natural environment like a reservoir. However, he did not believe that it was a big problem, as long as it could serve its function.

86. Mr. Richard CHAN indicated that Mr. WONG Siu-kin had asked the WSD why it opted to set up a floating solar power system at Plover Cove Reservoir instead of at the coast, but the department had not responded to it. He said that to his understanding, Plover Cove Reservoir was the biggest but shallowest reservoir in Hong Kong. As such, a lot of water had been lost due to evaporation. As the floating solar panels set up by the WSD covered the water surface and helped prevent evaporation, he also agreed with the WSD to install even larger solar panels. In addition, he said that the dam of Plover Cove Reservoir covered an extensive area. As such, he asked whether the WSD would also consider installing solar panels at the dam so as to enhance the power generation efficiency.

87. Mr. HO Wai-lam strongly supported the above programme of the WSD, and hoped that the department would consider the post-pilot project development as soon as possible, and update DC Members with the latest information.

88. The Chairman indicated that some Members had proposed visiting Plover Cove Reservoir to inspect the power system. As such, he asked the WSD to make the arrangement after the epidemic had eased. In addition, he asked the WSD when the above pilot projects would be completed, and when a review would be carried out.

89. Mr. LEUNG Chi-fung responded as follows:

- (i) When taking forward the afore-mentioned pilot projects, the WSD had always been obtaining data to review the effectiveness.
- (ii) Installation of solar panels at the dam of Plover Cove Reservoir might be subject to the dam's structure, and affect the members of the public who had outdoor activities there. As such, the department had no plans to install solar panels at the dam for the time being. However, he would forward the above views to the relevant sections of the department for consideration.

90. Mr. CHENG Yui-shing responded that the WSD opted to install floating solar panels at reservoirs because reservoirs covered an extensive area, and the lack of covers made it easier for solar panels to receive sunlight, and helped prevent the evaporation of water in the reservoirs. In addition, due to the lack of land resources in Hong Kong, the department would like to make good use of the unused space in reservoirs. Meanwhile, the WSD would also be willing to arrange for a visit at Plover Cove Reservoir for Members, to inspect the floating solar power system there.

V. Discussion on the capability to deal with climate crisis and the implementation of an alert mechanism in Tai Po District

(TPDC Papers No. EFA 61/2020, EFA 62/2020 and EFA 62A/2020)

91. The Chairman said that apart from the permanent representatives of the departments, he also welcomed Ms. FUNG Choi-sim, Angela, Engineer / District 1 of the CEDD to attend the meeting for this agenda item.

92. Mr. HO Wai-lam outlined Paper No. EFA 61/2020.

93. Ms. Frances YEUNG and Ms. Kate LIN outlined to Members the challenges faced by the district due to climate crisis by way of PowerPoint presentation (see Paper No. EFA 62A/2020). Ms. Kate LIN made a correction to the above presentation, where "Current Storm Surge Spots" under "Current Flooding Situation in Tai Po District" should be changed to "Current Flooding Blackspots" instead.

94. Mr. TAM Yiu-pui, the Vice-chairman's comments and questions were as follows:

- (i) When typhoon Mangkhut hit Hong Kong, there was serious flooding in a number of coastal locations in his constituency (namely Sai Kung North constituency). He opined that the challenges brought about by climate change to Hong Kong might not be as serious as the other areas. However, phenomenon such as flooding could enhance Hong Kong peoples' understanding of climate change, so as to encourage them to change their living habits and save energy.

- (ii) He considered it necessary for the Government to continue to improve its early alert system for inclement weather.
- (iii) There had been seawater inundation in Tseng Tau Tsuen, which had led to flooding in the village houses and affected the residents. He knew that an early alert system might not be of much help to the villagers as it was difficult to prevent seawater inundation. Instead, building breakwaters might help prevent the above situation.
- (iv) He agreed with some Members' views put forward at other committee meetings that water gauges should be installed at pedestrian subways to monitor the water level and flooding situation.

95. Mr. HO Wai-lam would like to know if there was an early alert system for inclement weather in Tai Po District at present, and how the system operated. He said that the HKPF had texted members of the public. As such, he suggested the relevant departments also text members of the public if they knew that inclement weather, such as typhoon, was about to arrive.

96. Mr. AU Chun-wah's comments were as follows:

- (i) He would also like to know the details of the early alert system for inclement weather in Tai Po District.
- (ii) When typhoon hit Hong Kong in the past, some villagers from the villages in the district, such as Care Village, had told him that the water level increased rapidly as water came surging into their houses. As a result, it had led to a power outage in their homes, and they had lost telecommunications signals and could not call the police for help. It was such a dangerous situation. Subsequently, villagers could only inform him of the situation via telecommunications software. He called the police for the villagers, but the police could not get there immediately due to inclement weather either. He knew that the situation would change rapidly under inclement weather, and opined that the relevant departments should set up a proper early alert system. For instance, when they knew that the water level had risen to a certain level, they should immediately inform and remind villagers to get out of possible flooding spots.

97. Mr. KWAN Wing-yip's comments were as follows:

- (i) Citing his personal experience, he said that he could truly feel the changes in the environment due to climate change, and pointed out that unlike in the past, cold weather warning was seldom issued in Hong Kong in recent years. In addition, he said that there were often news reports about the melting or even disappearing

of glaciers around the world that had affected the ecology, as well as frequent flooding around the world that had resulted from the rise in sea water level. These all showed that the impact of climate change and global warming was imminent. Although the situation was not optimistic, he opined that members of the public should still strive to change their living habits to improve climate change, such as reducing the use of air-conditioning to save energy, etc.

- (ii) Some residents in the district had told him that the water level of Lam Tsuen River near Yuen Chau Tsai connecting the ocean was getting lower and lower during low tides, and it had led to the accumulation of sand and mud there. In addition, sand and mud was often accumulated in Lam Tsuen River as well, and there also was a fallen tree trunk at the speedboat parking spot under the vehicular bridge at Kwong Fuk Estate near Church of Christ in China Fung Leung Kit Memorial Secondary School. To reduce the impact of flooding caused by inclement weather on the residents in the district, he had asked the departments concerned, at other committee meetings, to clear the sludge in Lam Tsuen River as soon as possible. He also hoped that the departments concerned could check the waters of Lam Tsuen River near Yuen Chau Tsai connecting to the ocean to find out whether the water level there was indeed getting lower, so as to prevent seawater inundation.
- (iii) He did not have a clear idea about the early alert system for inclement weather set up by the departments concerned for the district at present. He also pointed out that the Government had carried out drainage and stormwater storage works in other areas such as Tai O or Western only, so as to reduce the impact of inclement weather on the afore-mentioned areas vulnerable to flooding, but had overlooked the improvement to the early alert system. As such, he opined that the departments concerned should set up a proper early alert system to help resident deal with inclement weather.

98. Ms. Angela FUNG responded as follows:

- (i) The CEDD commissioned consultants to undertake a feasibility study entitled “Study on Coastal Hazards under Climate Change and Extreme Weather and Formulation of Improvement Measures” in April 2019. At present, the consultants had more or less identified the low-lying coastal or windy locations (including Tai Po District) in Hong Kong, and had collected the geographical information of the coastal areas, including coastline, coastal topography, bathymetry, seawall structure and drainage system, etc. The consultants had also considered the weather information, such as the information of the past tropical cyclones (including super typhoon Mangkhut) that had seriously affected Hong Kong, sea water levels, storm surges, and wind and wave conditions, etc. They

had also carried out computer modelling analysis and studied the impact of extreme weather on the low-lying coastal and windy locations. Upon completion of the data analysis, the consultants would explore and evaluate different defence and response measures for protecting the low-lying coastal or windy locations for stakeholders' reference, with due consideration of cost-effectiveness, and the impact on navigation channels, environment and regional areas etc. The consultants expected that the initial findings of the study could be submitted by the end of 2020.

- (ii) As regards the climate change information Greenpeace had talked about just now, when drawing up the defence measures concerned, the CEDD had to take into account various factors, such as cost-effectiveness, impact on the surrounding environment, etc. Apart from enhancing the capability of marine infrastructure to deal with extreme weather, management measures were very important as well, such as enhancing the early alert system and contingency measures, etc. By taking various defence and response measures, the department hoped that it could enhance the capability of coastal locations to deal with the impact brought about by extreme weather.

99. Mr. MA Hon-chiu responded that in response to the risks brought about by climate change, the Government was implementing the Contingency Plan (“the Plan”) for Natural Disasters at present. Members could refer to it on the internet. The Plan had stipulated the contingency measures that should be taken by various departments in the event of inclement weather. The FEHD was mainly responsible for the recovery work, such as clearing the parts of tree trunks sawed off by the LCSD left on the roads, as well as the refuse in surface channels and those blocking the gullies. In the case of typhoon Mangkhut, for instance, the FEHD helped other departments remove the sawed-off tree trunks in the New Territories.

100. Mr. NG Wing-hung responded as follows:

- (i) The DSD updated the Stormwater Drainage Manual in early 2018, and had incorporated the impact of climate change into it, so as to enhance the drainage standard.
- (ii) The DSD was currently carrying out the investigation for drainage improvement works in Tai Po District, and would incorporate the impact of climate change into it.
- (iii) While there was no official storm surge spot in Tai Po District, when typhoon Mangkhut hit Hong Kong in September 2018, there was a storm surge in Sam Mun Tsai. As such, the department set up an early alert system for storm surge for Sam

Mun Tsai in May 2019, and carried out annual drills for the early alert system with the TPDO and Hong Kong Observatory (“HKO”) in May 2019 and May 2020.

- (iv) The DSD would discuss with other departments concerned and set up another early alert system for storm surge, so as to cope with the flooding at the pedestrian facilities and cycle tracks near Lam Tsuen River and Tai Po River due to the rise in their water level during inclement weather. The departments would begin their discussion in late July, and would report on the latest development to the DC in due course.
- (v) The early alert system would set out how to inform members of the public and DC Members when the water level was expected to reach the cautionary level.

101. Ms. Angela FUNG responded that the CEDD would clear the sludge in Lam Tsuen River on a regular basis. She could provide the details concerned after the meeting.

102. Mr. CHENG Wun-chee said that the HyD had set up a flooding warning system in pedestrian subways. When flooding arose, the system would inform the Electrical and Mechanical Services Department and HyD. He would forward Members’ views about informing the residents of flooding by text messages to the department, and discuss with the departments concerned. The HyD would also collaborate with the early alert systems of the DSD, HKO, TPDO and other departments concerned, so as to deal with the flooding problems caused by storm surge.

103. Ms. CHAN Sui-king, Madeline responded as follows:

- (i) The TPDO took on a co-ordinating role during typhoons and in other district matters. When red or black rainstorm warning signal, landslip warning, or typhoon signal number eight or above was in effect, the TPDO would set up a District Emergency Control Centre with 24-hour manning to receive information about incidents and co-ordinate the rescue efforts of the departments concerned. In addition, the TPDO would also open temporary shelters for people in need to stay for a while, and to provide them with the support needed.
- (ii) During extremely cold and hot weather, the TPDO would also open the temporary cold shelters or temporary night heat shelters located at Tai Po Community Centre.
- (iii) As mentioned by the DSD just now, when the HKO announced an early alert for storm surge, and expected that the water level in Sam Mun Tsai would rise to about 3.3 metres above the Chart Datum, the TPDO, once being informed by the HKO, would contact the village representatives so as to take the precautionary measures as soon as possible.

104. Ms. Olive CHAN asked whether the TPDO could provide the EFAC with the contact list of the afore-mentioned District Emergency Control Centre.

(Post-meeting note: The TPDO would contact the departments concerned to provide ways for members of the public to contact them in the event of emergency, and would provide the EFAC with the information concerned later on.)

105. Mr. MAN Nim-chi's comments and questions were as follows:

- (i) The TPDO had just said that it would contact the village representatives after being informed by the HKO to prepare for the inclement weather. He found such an approach rather passive. In addition, to his understanding, the HKO would categorically issue a Special Announcement on Flooding in the northern New Territories in light of upcoming flooding in northern New Territories.
- (ii) He had doubts about the accuracy of the warnings issued by the HKO in the past, and opined that the warnings issued by the HKO in response to inclement weather might not reflect the actual situation in Tai Po District. He considered that it was not enough for the department to use Sam Mun Tsai as the only monitoring station in the district. He pointed out that due to the unique geography of Lam Tsuen River, its water level would be affected by the upper stream and Tolo Harbour. As such, he suggested the departments concerned also use Yuen Chau Tsai and the upper stream of Lam Tsuen River as monitoring stations, so as to reflect the actual situation of Tai Po District in a more comprehensive manner, and let the residents know about it.

106. Mr. SO Tat-leung's comments were as follows:

- (i) He was pleased to know that the DSD had identified Sam Mun Tsai as a storm surge spot.
- (ii) Sam Mun Tsai residents often told him that when typhoons hit Hong Kong in the past, there was always serious flooding in Sam Mun Tsai. To his understanding, the departments concerned would provide the residents with sandbags as requested. However, some residents had told him that flood barriers would be used in Tai O to prevent flooding. He had written to the DSD about it, but it said that flood barriers were not applicable in this district. Nevertheless, as Greenpeace had talked about just now, the water level in the district was on an increasing trend. It had posed an even bigger threat to Sam Mun Tsai, making the residents extremely worried. As such, he hoped that the DSD could consider setting up flood barriers for Sam Mun Tsai.

107. Mr. HO Wai-lam's comments were as follows:

- (i) When typhoon Mangkhut hit Hong Kong, he did not receive the typhoon information in a timely manner. The information was not clear, and the post-typhoon recovery work by the departments concerned was not satisfactory either. He had proposed setting up an inter-departmental working group at the Planning, Housing and Works Committee meetings to promote the communication among departments. He was happy to see that the DSD had responded at that time that it would set up the working group, and that the HyD had just responded that it would consider sending flooding information to the residents through text messaging.
- (ii) The DC would send the inclement weather information to the residents. As such, he suggested setting up the Community Work and Weather Change Working Group, to allow all the departments to discuss with DC Members ways to deal with the impact of inclement weather.

108. Mr. Patrick MO's comments were as follows:

- (i) According to the HKO's website, there were two tide gauge stations in Tai Po District, namely in Tai Po Kau and Ko Lau Wan. Members of the public could find out the real-time tidal positions from the above website.
- (ii) The HKO's website also had the information of highest water level during typhoons since it started recording such information in 1962. He hoped that the departments concerned would make good use of the information, and suggested the HKO set up cameras at the afore-mentioned tide gauge stations to let members of the public know about the real-time situation.
- (iii) He also suggested the HKO, when detecting that the water level at the afore-mentioned tide gauge stations had reached a record-breaking level, immediately inform the TPDO and relevant departments to prepare for contingency work, and promulgate the relevant information through radio stations, etc., so that members of the public could be informed of the latest situation as soon as possible.

109. Mr. Dalu LIN's comments were as follows:

- (i) To his understanding, the Special Announcement on Flooding in the northern New Territories mentioned by Mr. MAN Nim-chi just now had nothing to do with the rainstorm warning signals. That announcement was only for informing members

of the public of the current or possible flooding locations. As such, he found the HKO's arrangement inappropriate.

- (ii) On 7 June 2020, the rainfall recorded in Tai Po and Island District was as high as 80 to 108 millimetres, which had exceeded the HKO's threshold for issuing a black rainstorm warning signal. However, as the HKO made the calculation according to the average throughout the territory, it did not issue the black rainstorm warning signal at that time. He considered that the importance of the rainstorm warning system lay in the guidelines drawn up by the HKO for different warning signals, so that members of the public could take the appropriate measures to protect their safety. However, when the HKO did not issue the black rainstorm warning signal at that time, it had failed to truthfully reflect the situation in Tai Po District. As a result, residents of Tai Po District could not take the appropriate measures. He opined that the HKO should carefully look into the standard for issuing rainstorm warning signals to be aligned with the actual situation of Tai Po District, and review the guidelines concerned to ensure the safety of members of the public.
- (iii) He opined that the threats of inclement weather owing to climate change were increasing. As such, he agreed with Mr. HO Wai-lam's suggestion of setting up the ad hoc working group. He also suggested discussing the matters concerned together with North DC and Sha Tin DC, etc.

110. The Chairman indicated that the working group quota under the EFAC had been used up. As such, the EFAC could set up an additional ad hoc working group, and its terms of office would be no longer than eight months. He asked Mr. HO Wai-lam whether there were any proposed terms of reference for the working group he had proposed to set up, and whether he would like the DC, TPDO or other relevant departments to set up the working group, for discussing the relevant matters with DC Members.

111. Ms. LEE Ching-yee, Patty said that as the matters mentioned by Members above covered an extensive area and involved a number of government departments, she asked whether the EFAC planned to convene a special meeting for the matters above.

112. The Chairman opined that the above matters required regular follow-up actions, and hoped that the TPDO would convene the meeting in response to Members' concerns.

113. Mr. HO Wai-lam asked whether it was possible to set up the afore-mentioned working group first, and decide on its terms of reference later.

114. Mr. Nick LAM agreed with Mr. Dalu LIN that the HKO's warning signal system could not cater for the actual situation of Tai Po District. He also cited his personal experience and pointed

out that while Hong Kong was small, the weather situation in different districts might vary, and members of the public might not be able to go to work due to the inclement weather in their district of residence. As the HKO did not consider the actual situation of every district and promulgate the information accordingly, it was often difficult for employees to prove to employers that the weather at their district of residence was bad.

115. The Chairman said that the situation mentioned by Mr. Dalu LIN and Mr. Nick LAM was extremely common, and the DC also expressed its displeasure to the HKO years ago. Citing his own experience, he pointed out that the HKO's rainstorm warning system needed improvement, and considered that flooding in Tai Po District was often more serious than in other districts. As such, he opined that the HKO should review the rainstorm warning system in light of the actual situation of Tai Po District.

116. Mr. NG Wing-hung responded that in July, the departments would discuss the early alert system as regards the rising water level in Lam Tsuen River and Tai Po River. At that time, they would also refer to the early alert systems of other districts, and report on the progress to the DC in a timely manner. In addition, the TPDO would take on a co-ordinating role during typhoons, and find out the situation of the district so as to decide on the defence measures. Meanwhile, he would discuss with Mr. SO Tat-leung about setting up flood barriers after the meeting.

117. The Chairman said that the preliminary results of feasibility study undertaken by the consultants commissioned by the CEDD, as mentioned earlier on, would be available at the end of 2020. He suggested, after setting up the ad hoc working group for the agenda item, handing over the afore-mentioned CEDD issues to the working group for continued follow-up actions. The Chairman also opined that they could set up the ad hoc working group first, and decide on its name afterwards.

118. Mr. Richard CHAN hoped that the EFAC could set up the ad hoc working group at this meeting, and confirm its name.

119. Mr. KWAN Wing-yip suggested naming the afore-mentioned ad hoc working group the Working Group on Prevention and Preparedness of Climate Disaster.

120. The EFAC agreed to set up the afore-mentioned ad hoc working group.

VI. Testing tear gas as harmful organic chlorides

(TPDC Paper No. EFA 56/2020)

121. Mr. TAM Yi-pui, the Vice-chairman, outlined the above paper.

122. The Chairman said that the EPD paper that had been tabled (see Annex 1) talked about the “air quality monitoring stations (“AQMSs”) near the area when tear gas had been deployed since June 2019”. To his understanding, for Tai Po District, tear gas were mainly deployed at the area of Tai Po town centre and Tai Wo Road, which were not close to any of the AQMSs. He asked about the location of the AQMS that was closest to where tear gas had been deployed.

123. Ms. LUK Wai-yun, Connie responded as follows:

- (i) Generally speaking, the EPD analysed the data of all AQMSs throughout Hong Kong on a regular basis, and would upload the relevant data and locations of AQMSs (including those in Tai Po District) onto the EPD’s website. According to the AQMSs’ data, no abnormality had been found. Having compared the changes of different AQMSs before and after tear gas had been deployed, the EPD had not noticed an obvious increase in the concentration of particulates either.
- (ii) The main component of tear gas was 2-chlorobenzalmalononitrile (“CS”), a particulate consisting of chlorine and nitrogen particles. In theory, burning something consisting of chlorine and nitrogen might produce toxic substances such as dioxin and cyanide, etc. The EPD also noticed that as tear gas would remain at a high temperature for a short period of time during explosion, it would give out relatively less toxic substances. The department had referred to international studies, and found that CS, in different temperatures, would disintegrate into different chemical substances but not dioxin. In addition, tear gas would only produce minimal amount of cyanide, which would dissipate in a short period of time. As tear gas burned for a short period of time occasionally, and would dissipate in the air quickly, the department had not set out to monitor it.
- (iii) For the several locations where tear gas had been deployed, such as the Chinese University of Hong Kong (“CUHK”) and the Hong Kong Polytechnic University (“PolyU”), sampling had been carried out at various locations on campus, which included the testing of air, soil and water samples. According to the test results, the amounts of dioxin and cyanide in the air, soil and samples were all lower than the relevant international and local limits, and were in line with the safety standard. In general, as mentioned by the tabled EPD paper, the department had no plans to monitor these chemical substances again.

124. Mr. MAN Nim-chi’s comments and questions were as follows:

- (i) The EPD said that tear gas burned for a very short amount of time. As such, he asked how long did the tear gas had to burn before cyanide was produced. At the

scenes of conflict in Tai Po back in those days, tear gas was deployed so frequently that it was smoky everywhere and people could not see anything more than five metres away. It was particularly serious for the CUHK during the second week of November. The EPD said that as tear gas burned for a very short amount of time, it would not produce cyanide. As such, he asked whether it could provide data for tear gas being deployed frequently.

- (ii) He asked the HKPF whether the composition and functions of tear gas produced by different countries were different. He had inhaled the tear gas produced in China, which had made him so dizzy that it took him a while to recover from it. He was even vomiting and suffering from diarrhoea that evening. On the other hand, tear gas made in the United States and the United Kingdom would not make people too uncomfortable.

125. Mr. Richard CHAN said that the tabled EPD paper was merely providing self-justifications. The first sentence of the paper talked about the main components of tear gas, which meant that the department had confirmed the composition of the tear gas deployed by the HKPF. In fact, however, the EPD did not know whether the tear gas deployed by the HKPF was indeed tear gas. Only if the EPD stated that it knew for sure what gas the HKPF had deployed could it find out its composition, whether it would lead to pollution, and what pollution it would lead to. In addition, the EPD had not clarified in the paper whether it knew what gas had been deployed by the HKPF. Citing international studies, the department's paper pointed out that CS would disintegrate into various chemical substances. It was also an assumption that the HKPF had deployed CS. He asked the department based on what information and evidence it had learnt the matters concerned. He opined that the EPD had made a wrong assumption, which had led to mistakes in its deductions afterwards. The department said that it had taken samples on CUHK campus to analyse how dioxin and cyanide were polluting the air. However, as the department did not know what kind of gas had been deployed by the HKPF, it had no way to know whether it might contain other substances that would lead to pollution. In addition, although the HKPF claimed that the tear gas was made in China, it had never provided the EPD with any samples for testing. As such, he had doubts about where it was actually made. Therefore, it was impossible for the department to say that there was no pollution by ruling out the several pollutants above.

126. Mr. TAM Yi-pui, the Vice-chairman's comments and questions were as follows:

- (i) The department said that tear gas would dissipate in the air. However, as the HKPF had deployed tear gas indoors, it would not dissipate easily. He asked whether such actions could be strictly banned.
- (ii) Deploying tear gas at a certain location frequently would result in an extremely high concentration of tear gas in a short period of time. As there were unknown

components in tear gas, and tear gas made in China would burn at a higher temperature, there would be a higher concentration of cyanide, nitrate and organic chloride, etc. As such, he opined that tear gas would have immediate effects, and would affect the residents nearby. If tear gas was deployed near people's homes, even if members of the public were not at the scene of social movement, they would also be affected, like what had happened to the residents of Tai Po Centre. Did the EPD test at the scene where the HKPF had deployed thousands of canisters of tear gas whether the concentration of various substances had exceeded the limits? The HKPF could easily deploy thousands of canisters of tear gas at present. It was not only wasting public money, but also polluting the environment seriously. Could the department work with the HKPF to analyse the concentration of chemicals so as to find out the limit of tear gas that could be deployed, restrict the number could be deployed, or ban it altogether? In addition, could the department deploy staff to the scenes where a lot of tear gas had been deployed for monitoring, so as to safeguard the health of the nearby members of the public and reporters covering the story at the scenes?

127. Ms. Connie LUK responded as follows:

- (i) The EPD was mainly responding to the paper and motion of Mr. TAM Yi-pui, the Vice-chairman. As he was worried that CS might contain CS, he hoped that the department could test for the substances concerned. As such, the department had responded in its reply that according to literature, the main component of tear gas was CS, or a particulate, and no obvious change in its concentration could be seen in daily monitoring. Based on the information gathered by the department, the sampling work carried out by Hong Kong Science and Technology Parks Corporation ("HKSTP") at the Hong Kong Science and Technology Park, as well as the samples taken in CUHK and PolyU, there was neither abnormality, nor any needs to continue to monitor other chemical substances. During general atmospheric monitoring, the EPD had always been monitoring the particulates at various locations.
- (ii) As regards the composition and place of origin of tear gas, there would be supplementary information and responses from the departments concerned.

128. Mr. LAU Ka-yip opined that Members' questions might involve the procurement details of the equipment used by the HKPF and its operation arrangements. To avoid affecting the HKPF's operations in the future, such matters should not be revealed, and he hoped that Members would understand.

129. Mr. YIU Kwan-ho's comments and questions were as follows:

- (i) He wondered why making public the place of origin of tear gas would affect the HKPF's operation arrangements, and found such a claim illogical.
- (ii) The HKPF had deployed tear gas at CUHK non-stop for several minutes, and the burning time was very long. Did this situation still fit the EPD's claim that the shorter the burning time, the less toxic substances it would produce?
- (iii) How long after the tear gas had been deployed did the HKSTP, CUHK and PolyU carried out the tests? The department said that the amounts of dioxin and cyanide in the air, soil and water samples were all below the relevant international and local limits. He asked whether the amounts of these substances were higher than the relevant limits after tear gas had been deployed.
- (iv) He visited Pak Shek Kok a week after HKPF had deployed tear gas at CUHK, and could still smell the tear gas and his eyes still had stinging sensation. Deploying tear gas near people's homes would definitely have an impact.

130. Mr. WU Yiu-cheong said that the EPD had not responded to whether it had obtained the information about the actual composition and place of origin of the tear gas deployed by the HKPF. If it had not, the written response submitted by the department and its response just now were groundless, and they were merely providing self-justifications. The department made an explanation based on the composition of tear gas claimed by one party only, or could only visit where tear gas had been deployed to carry out indirect sampling and testing. As the EPD did not have any information about the actual composition and place of origin of tear gas, why did it not obtain tear gas from different places of origin from the HKPF for testing? The department had published a lot of data obtained from different locations. Why could it not make public the composition of tear gas? He did not understand why such an action would affect the HKPF's operations either. Was it because once the composition of tear gas had been made public, members of the public could produce an antidote that could render tear gas useless? He opined that even if the composition of tear gas had not been made public at present, members of the public already knew how to minimise its immediate impact. Even if the HKPF was unwilling to make the composition of tear gas public, could it send all the information it had at present to the EPD for testing? If there were problems in the test result, its uses should be avoided. If the HKPF deployed tear gas to disperse crowds of people, rather than to kill anyone or give them after-effects, it should have sent the tear gas-related information to the EPD for testing. He hoped that the HKPF and EPD could directly respond to the composition of tear gas.

131. Mr. HO Wai-lam said he was extremely disappointed that the EPD still could not provide the test report on the tear gas deployed by the HKPF. Organic chloride, a low-cost pesticide, was known for its persistence in the environment. It could not be washed away or detected easily either. He asked whether there was any equipment that could detect organic chloride, and how

the EPD detected the substance. In addition, most of the victims living in the hardest hit area had developed skin diseases. He asked whom these people could pursue damages from.

132. Mr. MAN Nim-chi said that the HKPF representative just said that procurement matters were operation details. He did not understand how to find out the tear gas procured by the HKPF would be used in which operation. As such, he opined that the HKPF representative was lying. At the TPDC meeting in May, he had gifted Mr. LEE Kwok-chung the Chinese idiom of “Why do thou fair beauties become thieves”. He opined that the HKPF was no different from thieves. When Members were asking about the composition and place of origin of tear gas, the HKPF responded that they were operation details. He hoped that the police officers’ children could tell them how shameful it was to have police officers as their parents.

133. Mr. Richard CHAN opined that there should not be a limit of two rounds of comments for Members in this agenda item. Instead, they should be allowed to speak if necessary.

134. The Chairman said that due to the epidemic, he mentioned just now that Members could have two rounds of comments in this agenda item. He suggested adding another round of comments after the departments’ responses, and opined that if the departments’ frontline officers failed to provide any meaningful response, there would be not much difference no matter how many rounds of comments Members could have.

135. Mr. WU Yiu-cheong opined that no such precedent should be set to limit the number of comments Members could have on the excuse of the epidemic. Meanwhile, the number of comments Members could have should not depend on whether the department’s staff would give a response either. If such an approach was taken, every meeting would need one round of comments only. He had attended a number of meetings in the past, and opined that no officials would really answer the questions. They would reveal a bit of information only after being continuously asked for half an hour to an hour or so, and make improvements at the next meeting.

136. The Chairman said that such an approach was targeted for this meeting only, and he did not want to set any precedent. He had been allowing Members to say whatever they wanted to, and had no intention to stop them doing so. As he had pointed out earlier, he proposed the limit because of the epidemic, as he hoped that it would shorten the meeting time as much as possible and limit the interactions, so as to reduce the risks. He would deal with the matter in an impartial manner, and would allow Members who would like to voice their views to speak after the HKPF had responded.

137. Mr. Richard CHAN’s comments and questions were as follows:

- (i) Based on the EPD's reply just now, he opined that the department did not know the composition of the tear gas deployed by the HKPF. The department should have simply said it did not know, instead of being evasive.
- (ii) He did not understand what the HKPF's response meant, and asked the HKPF to explain clearly why making public the procurement information was in breach with the HKPF's operations. He asked whether Mr. LEE Kwok-chung was the superior of the HKPF representatives in attendance, and who was in command. He hoped that the HKPF would explain the composition of the tear gas deployed.

138. Ms. Connie LUK said that according to the EPD's information, the tear gas procured by the HKPF had passed the safety tests, which ensured that the stability and safety of the ammunition had met the requirements. She had no further information at hand that she could provide.

139. Mr. LAU Ka-yip said that he was fulfilling his duties in a proactive manner by responding to Members' questions. However, he found himself being offended and treated impolitely just now, and would like to Chairman to rule on it. In addition, the HKPF had a statutory duty to maintain public safety and order. As regards the locations where tear gas was deployed in response to violence and unlawful behaviours, it depended on where those people who resorted to violence and offenders had carried out such actions, but not the HKPF. As for using tear gas, the HKPF would continue to use tear gas safely according to the factory's and its internal guidelines.

140. The Chairman asked the HKPF how it would like him to rule on it. He said that he had been pelted with deafening curses by police officers, and some of them even targeted him when deploying tear gas on footbridges. Even though he only wanted to protect members of the public on that day, and asked the HKPF to allow members of the public to use the footbridges, he did not ask the HKPF to rule on it either. He hoped that the HKPF would respond to Members' questions as long as it was attending the meeting.

141. Mr. Richard CHAN's comments and questions were as follows:

- (i) If members of the public felt unwell after inhaling the gas deployed by the HKPF, the EPD should be held accountable for it. As the HKPF was unwilling to provide the composition of tear gas, the EPD did not know the composition of the tear gas deployed by the HKPF. As such, it could not merely test for substances such as dioxin and cyanide, etc., but should have carried out comprehensive tests to find out the composition of matters of the entire environment.

- (ii) He would like the HKPF to explain clearly which sentences Members had just said were impolite and offending to the HKPF. Otherwise, it would have been a false accusation against the DC.
- (iii) He would like the HKPF to explain the content of the guidelines that had just been mentioned.

142. Mr. TAM Yi-pui, the Vice-chairman, said that the reason behind moving the motion was that the EPD never treated the matters concerned seriously. As CUHK and PolyU very much cared about the tear gas residues on their campuses, they had carried out tests on their own. However, for districts where tear gas had been deployed (such as Tai Po), members of the public did not have the testing techniques concerned. As such, the EPD should not leave the work to others. If the department had a heavy workload and had no manpower to do the tests, it could have enlisted other organisations to carry out tests throughout the territory. The EPD's vision was "of a Hong Kong which enjoys an environment that is both healthy and pleasant". However, tear gas had led to skin diseases among members of the public, turning Hong Kong into an unhealthy environment. As such, he hoped that the department would consider allocating funding or deploying staff to carry out tests on its own. If tear gas was deployed again, DC Members could seek the department's help to visit the scene to check the concentration, so that members of the public would know whether it was harmful to human body, and whether there was a healthy environment in Hong Kong. That would be the only way to convince members of the public, and it should not carry out tests days after tear gas was deployed. In addition, the HKPF had not yet answered his question about deploying tear gas indoor. He considered that if tear gas was deployed indoor, it would be difficult for the gas to dissipate. It required members of the public who cared to visit the scene to clean up and carry out the recovery work for the HKPF.

143. Mr. WU Yiu-cheong's comments and questions were as follows:

- (i) Mr. LAU Ka-yip had just set a good example which he strongly agreed with. If we felt that we were being treated unreasonably, we should seek a third party for a ruling. That was exactly why members of the public had been calling for an independent investigation all along, and that was exactly what Mr. LAU Ka-yip had done. When members of the public felt that they had been treated unreasonably, but the HKPF rejected their complaints, they should seek a third party for a ruling. As such, he opined that the Chairman should rule on it, so as to show how important an independent investigation was.
- (ii) The HKPF just said that the locations where tear gas was deployed was beyond the HKPF's control, and depended on where the incidents took place. However, the HKPF should have safety guidelines, instead of deploying tear gas randomly. No wonder the HKPF opined that there was no problem using real firearms either.

Regardless of the weapons, such as real firearms or tear gas, etc., there should be safety guidelines setting out where they could and could not be used, the suitable distance to deploy them, and the distance within which excessive injuries would be caused, etc., so that the HKPF was not allowed to make random decisions on how to deploy them. However, he opined that it was difficult for the HKPF to control the frontline police officers, and it would be meaningless for him to voice his views.

- (iii) The HKPF said that it could not make public the composition of tear gas. If the EPD asked the HKPF for the composition and samples of tear gas for testing, would the HKPF provide them? He had asked this questions several times at this meeting, and hoped that the HKPF would not dodge it again.

144. Mr. MAN Nim-chi said that if the HKPF representatives felt that they were being offended at the meeting, they should have pointed it out clearly. In the entire HKPF, if someone knew that protestors were raped or battered at police stations, they should have reported them as well. At the DC meeting on 5 May, Mr. LEE Kwok-chung claimed that some DC Members had said something offending to him, but he did not get what he wanted either. He pointed out that police officers abused power, made indiscriminate arrests and lacked credibility, and what he said just now had lived up to his own conscience.

145. Mr. HO Wai-lam's comments and questions were as follows:

- (i) The EPD had yet to respond to his earlier question about ways to test for organic chloride. The department said that it did not have any information about tear gas, but pointed out that the tear gas had passed the safety tests. He asked how it knew that the tear gas was safe in the absence of any information.
- (ii) The HKPF said that it was offended. He asked to whom DC Members could complain if they were offended and attacked. The HKPF said that it was fulfilling its duties. However, he opined that although the HKPF was attending the meeting, it had neither answered the questions nor fulfilled its duties properly. In addition, if the HKPF had guidelines on deploying tear gas, why did it deploy tear gas at MTR stations and people's homes?

146. Ms. Olive CHAN opined that the EPD's reply to Members was perfunctory. The paper tabled by the department pointed out that tear gas would dissipate in the air very quickly, and had limited impact on people's health. However, the HKPF continuously deployed tear gas in a concealed environment where people gathered. Even if the gas could dissipate in a short period of time, it could still be inhaled by someone. In that situation, would it affect human body? After every large-scale activity or social movement, DC Members would notice problems during their continuous monitoring efforts, and informed the EPD about them, hoping that it would carry

out tests. However, the department kept passing the buck. She suggested that in the event of further social movement, the EPD should send staff to the scene so as to immediately obtain data for tests, and respond to how the matters concerned would affect human body.

147. Ms. Connie LUK responded as follows:

- (i) As regards the testing methods for organic chloride, she would hand over the question to the responsible officers of the department after the meeting, and provide supplementary information.
- (ii) The EPD was mainly responsible for monitoring air quality. In addition, it always stated that as tear gas was a particulate that was heavier than air, it was expected to spread to a limited area only. According to the data analysis carried out before and after tear gas was deployed, there was no obvious increase in the relevant substances in the air. As such, the department found it unnecessary to further monitor that chemical substance.

148. The Chairman said that at the locations where tear gas had been deployed, such as the alley between Tai Po Mega Mall and Tai Po Centre, members of the public could still smell the tear gas a week later. He opined that it did not make any sense for the EPD to prove that there was no problem in the vicinity by referring to the data of a single monitoring spot only. He asked whether the department had deployed staff to carry out surveys or collect samples for tests at the locations concerned. He believed that Mr. TAM Yi-pui, the Vice-chairman, hoped that the department would take the afore-mentioned action, instead relying on the data of monitoring stations as the indicator of whether there was any problem. Members had asked the department on numerous occasions whether it would send staff to the locations concerned to collect information and samples, but the department had never responded. As such, he was extremely unhappy with the EPD's response.

149. Mr. LAU Ka-yip indicated that he respected the Chairman's views, but would not respond to certain Members' comments. He reiterated that the HKPF had responded on the composition of tear gas on various occasions and in press conferences. As it involved the HKPF's operation arrangements, he could not provide the information concerned. The HKPF's guidelines on the use of force stipulated that police officers could use the minimum amount of force only if there was no way to or if they had to accomplish a lawful mission. If the minimum amount of force had to be used, they would immediately stop using it once the goal had been reached.

150. Mr. TAM Yi-pui, the Vice-chairman, cited the Chernobyl nuclear plant incident as an example, and said that the former Soviet Union dealt with by blocking the information and not carrying out any tests. As tests were carried out only decades or centuries later, the substances concerned would of course have dissipated, and the result would should that it would not have

any impact on human body. He opined that the proper ways to deal with the Chernobyl nuclear incident were to deal with it and make it public as soon as possible, and inform the residents as quickly as possible when environmental disasters emerged. As it was not dealt with quickly, it had eventually led to the dissolution of the former Soviet Union, and serious impact on the economy and members of the public. The EPD should be responsible for the environmental disasters caused by the HKPF at present. As to what should be done under the control of a Communist Government, it was up to the department to decide. As environmental disasters evolved at a high speed, they should be dealt with quickly, and members of the public should be informed of it as well. Otherwise, it would be difficult to cater to their demand.

151. Mr. WU Yiu-cheong indicated Mr. LAU Ka-yip had said that the HKPF had responded publicly on numerous occasions, but it had only responded on whether it would make public the composition of tear gas. He asked the HKPF just now, if the EPD asked the HKPF for the composition and samples of tear gas for tests, whether the HKPF would provide them. The HKPF needed not make public the composition, and the EPD only had to announce whether tear gas was safe. He hoped that the HKPF would give a response and explanation.

152. Mr. LAU Ka-yip indicated he had noted Mr. WU Yiu-cheong's questions, and would hand it over to the relevant sections for follow-up actions.

153. Mr. Richard CHAN said that he would like the HKPF to clarify whether it would withdraw the earlier complaint when it asked the Chairman to make a ruling. He had earlier asked the HKPF representative which sentence, he felt, was offending and impolite. If the HKPF representative withdrew the complaint, he hoped that he would apologise to Members for making a false accusation. If not, the HKPF could go ahead with the accusation, and point out clearly which sentence was impolite. In addition, the HKPF said that there were guidelines on the use of force, and it would stop using force once the goal had been reached. He asked, if the guidelines were breached, how the HKPF would deal with it.

154. Mr. CHOW Yuen-wai said that earlier on, the HKPF representative asked the Chairman to make a ruling, but had stopped short of saying what he meant. As such, he would like to know the sentence that was offending to the HKPF representative, so as not to offend the HKPF in the future. He had stood outside Tai Po Civic Centre watching the police officers carry out law enforcement actions. Although he had not said anything, he was pepper sprayed directly in the eyes by a police officer who did not display his unique identification number. He was not sure if that police officer wanted to force him away from the scene and stop watching the HKPF carry out law enforcement actions. He understood the HKPF representative's work was so meaningless that he had to repeat the same comment time and again. He did not want to fight with anyone. He only wanted the HKPF to stop the meaningless comments so as not to recall his bad memory.

155. Ms. Connie LUK indicated that she would bring up Members' comments and suggestions as regards monitoring to the department. If members of the public suspected that their homes had been affected by tear gas, they should clean up. In addition, the DH had also uploaded the health information and reference materials on tear gas onto the Centre for Health Protection's website for public reference.

156. Mr. LAU Ka-yip said that he would no longer comment on the personal views of Members. If there were problems in the work and procedures involving police officers, they would be dealt with according to the existing complaint mechanism. If there were any complaints involving the HKPF, the Complaints Against Police Office ("CAPO") would deal with them in a fair, just and open manner.

157. Mr. Nick LAM said that the HKPF dared not make public the composition of tear gas and provide the EPD with the information, while the EPD dared not carry out any investigation for fear of the consequences. It was so obvious and clear to everyone that it was meaningless to continue to play on words when making a response. When the HKPF said that it had noted Mr. WU Yiu-cheong's comments, it was like "taking the advice without changing the attitude". It was not the first time Members had put forth such a request. As such, the HKPF should have an answer in mind by simply saying yes or no, rather than saying it had noted the comments and would carry out studies. It was difficult to convince anyone.

158. Mr. Richard CHAN said that even if the HKPF had no comments or questions about the views put forward by Members, it still had to answer his questions. He asked whether the HKPF would withdraw the accusation just now. If yes, it would have to apologise, because when the HKPF representative accused the DC of offending him but then withdrew the accusation, it meant that the DC did not offend him. People attending the meeting had to be held responsible for their comments at the meeting, and should not say anything without careful thoughts. If he needed to withdraw his comment, he should apologise and admit to his mistakes. He wondered how a police officer could lead his subordinates if he did not admit to his mistakes. If the HKPF could point out clearly what the accusation was, the Chairman would make a ruling.

159. Mr. LAU Ka-yip indicated that some Members had said something impolite just now, and the Chairman opted not to make a ruling. As such, he opined that the matter should end right there. If Members insisted on arguing, it would be meaningless. He respected the Chairman's stance that the comments concerned were the personal views of Members, and he would make no further comments.

160. Mr. Richard CHAN said he had just asked the HKPF to state clearly what the accusation was.

161. Mr. LAU Ka-yip said that he would not repeat the comment concerned. As it was an impolite comment, he did not think that he should be the one to say it.

162. Mr. Richard CHAN said that the HKPF's response was so childish that it was like someone had claimed that he or she had been raped, but chose not to raise any evidence when recording a statement, and simply asked the HKPF to make an arrest. If the HKPF insisted on refusing to clarify the accusation concerned, it should apologise to the DC for making a false accusation.

163. Mr. LAU Ka-yip said that he would not respond to it.

164. Mr. HO Wai-lam said that the EPD representative needed not talk about the cleaning guidelines anymore. If the department had no idea about the composition of tear gas, how could it say for sure that the cleaning guidelines could help clear substances such as organic chloride that had a long residence time effectively? The department did not find it necessary, but the residents disagreed. Otherwise, the agenda item would not have been proposed. Members were not talking about police brutality, but an issue about people's health. However, the HKPF was still unwilling to give an answer. Members were highly concerned with people's health, and would like to have communication with the HKPF, but the HKPF refused to disclose the information. At present, it could also be seen that although frontline police officers were in breach of the guidelines, they were not held accountable for it. As a result, members of the public did not know where to lodge the complaint.

165. Mr. WU Yiu-cheong said that as the HKPF had earlier said that it would note his comments, he officially requested the EPD to ask the HKPF for the composition and samples of tear gas for detailed tests, and subsequently submit a paper to the EFAC in place of the groundless paper that had been tabled at present. As such, he would like to move an impromptu motion and hoped that the EPD would respond as to whether it would take such an action.

166. Mr. MAN Nim-chi indicated what he said about how Mr. Richard CHAN stated his viewpoints and how the HKPF representative chose to apologise or respond was also his personal comment. The reason why the HKPF representative was scolded while making his report at the meeting was that the HKPF had done so many frustrating things in the past. For instance, he said that on 21 July 2019, the HKPF condoned the attack of civilians by the white-clad people in Yuen Long MTR Station. At the DC meeting in May, he asked Mr. LEE Kwok-chung to remove the police officers who had been following him on the streets. He did not know if the HKPF had condoned police officers following anyone else, as well as raping or assaulting anyone in police stations. If the HKPF found his accusations inaccurate, it could correct them. He did not agree that there were "white (clean) cops". Instead, there were only "grey (half-dirty) cops", namely the police officers who condoned the behaviour of "black (dirty) cops".

167. Mr. Dalu LIN said that the paper submitted by Mr. TAM Yi-pui, the Vice-chairman, also talked about TPDC Paper No. 3/2020, “Request to set up an inter-departmental working group as soon as possible to deal with issues concerning chemical residues in the community”. The request was made by DC Members in early 2020, and the paper was written by him. At that time, it did not only ask to deal with tear gas, but also the various weapons used by the HKPF in 2019, including the water coming from water cannon vehicles, the composition of which remained unknown as at present. As pointed out by Mr. WU Yiu-cheong, it was the EPD’s responsibility to deal with the substances that would impact the environment (especially the human body), but the department had not fulfilled its duties. The EPD said that CS was heavier than air and would sink to the ground. He pointed out that if the substance had sunk to the ground, it could be cleaned by street washing vehicles. However, if it had sunk to the soil, the EPD should be held responsible for it, and had to deal with it. All the questions posed at this meeting had been mentioned in TPDC Paper No. 3/2020, yet the department could not and was unwilling to respond to them at that time. The EPD should fulfil its duties by asking the HKPF for the data, so as to find out what had been done during the procurement process. If it could not provide the data, it should be forthright about it, and he asked why the EPD could not fulfil its duties.

168. Ms. Connie LUK said that apart from making a written reply, the EPD had also done its best to answer the questions at the meeting. She would forward Members’ comments and questions to the responsible officers for follow-up actions.

169. Mr. Dalu LIN said Mr. WU Yiu-cheong has just asked the EPD whether it would proactively ask the HKPF for information, but the department only said that it had noted his comments. As such, it would be meaningless for Members to keep voicing their views.

170. Ms. Connie LUK said that she had noted Members’ comments.

171. Mr. WU Yiu-cheong indicated that even if the EPD could not give a response immediately, it still needed to submit a written explanation at the next meeting. If a written explanation could be submitted, please set out the relevant progress. Otherwise, please state the reasons, like whether it was because the HKPF was unwilling to provide the information, whether the department was unwilling to ask for it, or if was hiding something. He would like to have a clear idea about the reasons, not just a mere reply that his comments had been noted.

172. Mr. HO Wai-lam said that he agreed with Mr. WU Yiu-cheong’s comments. At a meeting where tear gas was discussed, the EPD had said that it would provide DC Members with the information. However, it did not do so at the end.

173. The Chairman asked the EPD to make up for the information concerned, and make a written reply to explain the situation and reasons as regards the questions put forward by Members just now.

174. Ms. Olive CHAN indicated that she had also asked the EPD earlier whether it would deploy staff to the scene, in the event of large-scale activities in the future, to gather samples so as to obtain the most authentic data without having to ask the HKPF for any information. After completing the analysis, it should also fulfil its duties by telling members of the public how much impact each activity would have on those in attendance.

175. The Chairman asked the EPD to submit a reply on Ms. Olive CHAN's questions.

176. The Chairman outlined the motion moved by Mr. TAM Yi-pui, the Vice-chairman, as follows:

“The Environmental Protection Department should test tear gas as a harmful organic chloride instead of a regular particulate”. The motion was seconded by Mr. Dalu LIN.

177. No Members proposed any amendment.

178. The Chairman asked Members to vote on Mr. TAM Yi-pui, the Vice-chairman's motion. DC Members agreed to vote by open ballot and the results were as follows:

For:	15 votes	Mr. AU Chun-ho	Mr. AU Chun-wah
		Mr. Richard CHAN	Ms. Olive CHAN
		Mr. CHOW Yuen-wai	Mr. HO Wai-lam
		Mr. KWAN Wing-yip	Mr. Nick LAM
		Mr. Dalu LIN	Mr. MAN Nim-chi
		Mr. SO Tat-leung	Mr. TAM Yi-pui, the Vice-chairman
		Mr. WU Yiu-cheong	Mr. YIU Kwan-ho
		Mr. YIU Yeuk-sang	
Against:	0 vote		
Abstain:	0 vote		
Present without voting:	1 vote	Mr. LAU Yung-wai, the Chairman	
Absent without voting:	4 votes	Mr. LAM Yick-kuen	Mr. Patrick MO
		Mr. WONG Siu-kin	Mr. YAM Kai-bong
Total:	20 votes		

179. The Chairman announced that Mr. TAM Yi-pui, the Vice-chairman's motion had been carried.

180. The Chairman outlined the impromptu motion moved by Mr. WU Yiu-cheong as follows:

“The EFAC requests the Environmental Protection Department to ask the Hong Kong Police Force for the composition and samples of the tear gas used in Hong Kong for detailed tests, so as to find out whether it would be harmful to human body, and then submit a report to the EFAC afterwards”. The motion was seconded by Mr. MAN Nim-chi.

181. The Chairman said that Pursuant to Order 17 of the TPDC Standing Orders (“Standing Orders”), unless agreed by the Chairman, DC Members who would like to move a motion had to inform the Secretariat ten clear working days before a meeting. As this agenda item was of an urgent nature, and a number of Members had expressed their concerns about it, he exercised his discretionary power to allowed to proceed with the motion.

182. No Members proposed any amendment.

183. The Chairman asked Members to vote on Mr. WU Yiu-cheong's impromptu motion. DC Members agreed to vote by open ballot and the results were as follows:

For:	15 votes	Mr. AU Chun-ho	Mr. AU Chun-wah
		Mr. Richard CHAN	Ms. Olive CHAN
		Mr. CHOW Yuen-wai	Mr. HO Wai-lam
		Mr. KWAN Wing-yip	Mr. Nick LAM
		Mr. Dalu LIN	Mr. MAN Nim-chi
		Mr. SO Tat-leung	Mr. TAM Yi-pui, the Vice-chairman
		Mr. WU Yiu-cheong	Mr. YIU Kwan-ho
		Mr. YIU Yeuk-sang	
Against:	0 vote		
Abstain:	0 vote		
Present without voting:	1 vote	Mr. LAU Yung-wai, the Chairman	
Absent without voting:	4 votes	Mr. LAM Yick-kuen	Mr. Patrick MO
		Mr. WONG Siu-kin	Mr. YAM Kai-bong
Total:	20 votes		

184. The Chairman announced that Mr. WU Yiu-cheong's motion had been carried.

185. The Chairman outlined the motion moved by Mr. YIU Yeuk-sang as follows:

“Strongly censure the Environmental Protection Department for neglecting public health by withholding the composition of tear gas on purpose”. The motion was seconded by Mr. YIU Kwan-ho.

186. The Chairman said that Pursuant to Order 17 of the Standing Orders, unless agreed by the Chairman, DC Members who would like to move a motion had to inform the Secretariat ten clear working days before a meeting. As this agenda item was of an urgent nature, and a number of Members had expressed their concerns about it, he exercised his discretionary power to allowed to proceed with the motion.

187. No Members proposed any amendment.

188. The Chairman asked Members to vote on Mr. YIU Yeuk-sang's impromptu motion. DC Members agreed to vote by open ballot and the results were as follows:

For:	15 votes	Mr. AU Chun-ho	Mr. AU Chun-wah
		Mr. Richard CHAN	Ms. Olive CHAN
		Mr. CHOW Yuen-wai	Mr. HO Wai-lam
		Mr. KWAN Wing-yip	Mr. Nick LAM
		Mr. Dalu LIN	Mr. MAN Nim-chi
		Mr. SO Tat-leung	Mr. TAM Yi-pui, the Vice-chairman
		Mr. WU Yiu-cheong	Mr. YIU Kwan-ho
		Mr. YIU Yeuk-sang	
Against:	0 vote		
Abstain:	0 vote		
Present without voting:	1 vote	Mr. LAU Yung-wai, the Chairman	
Absent without voting:	4 votes	Mr. LAM Yick-kuen	Mr. Patrick MO
		Mr. WONG Siu-kin	Mr. YAM Kai-bong
Total:	20 votes		

189. The Chairman announced that Mr. YIU Yeuk-sang's motion had been carried.

190. Mr. Dalu LIN said that he was very angry moments ago. He did not want to vent his anger on police brutality by pretending that he was blaming the EPD. Instead, he was putting the blame squarely on the EPD. He told all the government departments that if they still believed in the system, all departments should work together and fulfil their duties. The motion he moved in early 2020, as well as the motion put forward by Mr. TAM Yi-pui, the Vice-chairman, just now were both about environmental issues, which were under the purview of the EPD. If the department could not fulfil its duties, it should explain why. If the EPD had done its share of duties, no one would blame it. He had no idea why the department could not take the initiative to obtain from the HKPF the composition that would impact the environment of the weapons procured. If it was because of the pressure of someone, it would show that the system in Hong Kong was in tatters at present. It was not caused by a single incident. Instead, it was caused by the willingness of everyone at the meeting to give up on the system. If the department could show that tear gas, gas and harmful substances would lead to problems in the environment, it would at most indirectly show that there were problems when using the weapons. He did not believe that investigating the matters could no longer maintain the so-called dignity and credibility of the Government. He hoped that the EPD could fulfil its duties.

191. Mr. Richard CHAN said that he really had to speak out about the gestures and eye expressions of the HKPF representatives at the meeting. He opined that there had to be a sad story for those who were hated. From the HKPF representatives' eye expressions, he could also see that they felt miserable and wronged, and could not hold their heads high. They might have big ambitions when joining the HKPF at the beginning, but had turned into rats emerging from the gutter at present. He opined that the Chinese idiom of "Why do thou fair beauties become thieves" mentioned by Mr. MAN Nim-chi was extremely fitting for the HKPF. This once honourable profession that was tasked with protecting this piece of land had earned them good salary, as well as the recognition and respect from members of the public. However, it all changed in less than a year. He said that flaunting their authority was not a responsible behaviour. If necessary, they should seek help from the psychiatrists.

VII. The departments concerned – Reports on the street management and environmental hygiene issues in Tai Po District

(TPDC Papers No. EFA 57/2020 and EFA 58/2020)

192. Mr. Nick LAM outlined Paper No. EFA 58/2020.

193. Ms. WONG Sin-man, Mabel outlined Paper No. EFA 57/2020.

194. Mr. MA Hon-chiu outlined Paper No. EFA 57/2020.

195. In addition to the regular reports by the TPDO and FEHD, the Chairman also asked the departments concerned to report.

196. Reports of the departments concerned were summarised as follows:

- (i) The operation details of the HKPF had been set out in Paper No. EFA 57/2020.
- (ii) During the two inter-departmental joint operations in May and June 2020, the TPDLO did not find any shops at Lane Square in Tai Po that had set up immovable decking at public places.
- (iii) The HyD participated in the afore-mentioned inter-departmental joint operations, during which it did not find any problems that had to be resolved.
- (iv) During the afore-mentioned inter-departmental joint operations, the BD did not find any retractable canopies that required immediate action.
- (v) The EPD participated in the inter-departmental joint operation on 21 May 2020 to deal with the hawking noise from the shops at Lane Square in Tai Po. During the afore-mentioned inter-departmental joint operation, the department noticed one violation. It would initiate prosecution against the chain vegetable store in question, and continue to monitor closely the hawking noise from the shops in Tai Po District.

197. Mr. Nick LAM's comments and questions were as follows:

- (i) He considered the manpower in the FEHD's Hawker Section insufficient. From what he had noticed, when the department's staff was dealing with the problems of a certain shop, there were similar problems in the shops nearby as well. However, the department's staff could not deal with all the shops that had problems. As such, he opined that there should be a substantial manpower increase in the FEHD's Hawker Section. He inspected Lane Square in Tai Po at 11:00 a.m. on 27 June. It was very crowded and the shops were leaving their goods everywhere. However, perhaps because it happened to be the time to change shifts, no signs of the department's staff could be seen. He opined that it should also deploy manpower to deal with the problems even when it was time to change shifts.
- (ii) If the shops had left their goods over the boundary or on pedestrian ways, the department's staff could ask them to move them back to suitable places. However, if there were many workers in the shops, they could deploy some of them to deal with the requests of the department's staff, while the others could continue to sell. Such a way to deal with the problem had no deterrent effects. Even if the shops were dealing with the obstruction problems of their goods slowly, they

had nothing to lose. As such, they would deal with them neither immediately nor quickly. He opined that if a shop had left its goods over the boundary and had serious obstruction problems, the department should stop its business. It would cost the shop customers, and could really crack down on the problems. Shops left their goods everywhere probably for convenience and saving transportation cost. If the way to punish them would cost them more than what they could earn from it, it would stop such behaviours. If the way to deal with the problems was not improved, it would be useless no matter how many additional manpower was recruited.

- (iii) The number of arrests was included under Hawker Management in the FEHD's work report. He asked whether it meant that the department would keep the shop's goods in custody. If yes, under what circumstances would such action be taken? Considering the fact that only seven arrests had been made and 49 kilogrammes ("kg") of goods confiscated in the past two months, he opined that there were definitely way more goods obstructing the streets every day. If the department took stringent prosecution action, the numbers would substantially increase. To his understanding, police stations had warehouses that could keep store the goods temporarily. As such, he asked whether more prosecution actions could be taken. In addition, he also asked about the details of special operations.
- (iv) A member of the public had complained that on 2 July, some FEHD staff allowed shops to leave their goods outside the red boundary, and said that their superiors had indicated that only one prosecution could be initiated every day. It was a very serious accusation. However, as that member of the public did not provide any audio recording, it was difficult to prove if it had really happened. However, if the accusation was true, it meant that it was not the case that frontline staff was unwilling to take law enforcement actions. Rather, their superiors were condoning such behaviours, showing major problems in the system. When the department's senior officials talked about the need to take law enforcement actions in a stringent manner, they had to properly pass the message to the frontline staff. The department had to pay serious attention to the problems, instead of muddling through and refuse to monitor them.
- (v) As there were fewer people in the evening, the goods left on the streets had less impact on the pedestrians. He would like to follow up on the issues brought up at DC meeting. For instance, if shops had left foam boxes on the carriageways overnight, which department should be responsible for dealing with them? The HKPF was supposed to deal with the goods left on the carriageways. As such, he asked whether the FEHD could deal with such behaviours. In addition, some shops would leave entire boxes of vegetables overnight, and they had attracted a lot of rodents and pests to scavenge for food. Some shops would even leave

baskets of vegetables on the drains, and bits and parts that had fallen into the drains had become the food for rodents. Even if a lot of anti-rodent work had been done and a lot of rodenticide applied, it was all for naught as they had never dealt with the root of the problem. Leaving the goods in an unlawful manner would not only obstruct the streets, but also lead to environmental hygiene issues. As such, stringent law enforcement actions should be taken.

198. Mr. YIU Kwan-ho's comments and questions were as follows:

- (i) In recent weeks, a goods vehicle often appeared on Fo Chun Road, because some residents had bought vegetables on Mainland websites, and the vegetables would then be sent to Mayfair By The Sea for distribution. It had led to several problems. For instance, residents who did not buy an entire box of vegetables would leave foam boxes on the ground. Meanwhile, the goods distribution process was also seriously obstructing the roads and led to hygiene issues. These vegetables, as well as food such as crayfish, came from the Mainland, and he had no idea if they had undergone quarantine. He had asked the Centre for Food Safety ("CFS") about it, and was told that not all food entering Hong Kong via Man Kam To would undergo quarantine. Although the name of the vegetable company was printed on the foam boxes carrying the vegetables, he could not find that company from the website of traders supplying vegetables to Hong Kong provided by the CFS. He had asked a number of departments about it, including the FEHD's Hawker Section, but no one said that it was responsible for the law enforcement actions. He asked which department was supposed to be responsible for the matters concerned.
- (ii) The paper submitted by the FEHD included "Prosecutions to prevent the obstructions to scavenging operations (Form 1A)". He asked under what circumstances would prosecution be initiated using that document.

199. Mr. AU Chun-wah's comments and questions were as follows:

- (i) He showed those who were at the meeting the pictures taken on 10 July, and said that these pictures had been forwarded to the departments concerned. The pictures showed the street obstruction by different shops. He pointed out that some shops would leave foam boxes and vegetable baskets on the pedestrian ways and next to the carriageways. If these items fell onto the carriageways, it would be extremely dangerous. However, as these items were not on the carriageways, they could only be managed by the FEHD. In addition, the goods of some shops had even occupied most of the pedestrian ways, and they had also left items such as foam boxes, goods, forklifts, etc., at the opposite pedestrian way. Although

that area was wider, they should have been dealt with. According to the unwritten rules, the department allowed the shops to put their goods all the way up to the red bricks on the ground. However, a fruit stall next to a carriageway had left many goods across the boundary, and at the alley next to it as well. Although it had been mentioned many times that these situations would not be tolerated, the problems remained unresolved. In addition, a lot of goods were also left in front of the fire services gate near Tai Po Complex. Although the Fire Services Department (“FSD”) had said that it would not have any impact, he opined that it would be difficult to clear the goods if a fire broke out. As the shops could keep their goods without having to pay any rent, they had made profits without any capitals, and it was unfair.

- (ii) Some shops often discarded foam rubber, refuse, dirty water and vegetable leaves next to the drains, and poured dirty water in the foam boxes into the drains. He asked whether the DSD, HyD or EPD was supposed to deal with such matters.
- (iii) The FEHD’s law enforcement efforts were lax. Although the paper tabled by the department indicated an increase in the number of inspections, as well as the warnings and warning notices issued, the amount of goods confiscated, as well as the number of fixed penalty notices issued and prosecutions initiated remained at a low level. He had indicated a number of times in the past that if the department would like to improve on its work, it should initiate prosecution at least once a day. There were six fruit stalls, as well as three to four vegetable stalls, at Lane Square in Tai Po. If prosecution was initiated once a day, the number of prosecutions should be way higher than the number set out in the FEHD’s work report. If the department would like to effectively deter the shops from committing breaches, staff from the Hawker Section and Cleansing Section should visit the scene together once in the morning, once in the afternoon and once in the evening to initiate prosecution and confiscate the unclaimed goods. If the Hawker Section and Cleansing Section initiated three prosecutions every day each, and let’s say there were 30 days in each month, a total of 180 penalty notices would be issued altogether. If a shop was prosecuted 90 times every month and had its goods confiscated, it would have to consider whether it could afford the expenditure involved. That would be the only way to deter the breaches.
- (iv) In the past half a year, he did not see any improvement as regards the breaches committed by shops. The FEHD had an undeniable responsibility for it. However, if it was clear that the department could not cope with it, the HKPF and TPDO should also provide assistance. He opined that a permanent inter-department working group, spearheaded by the TPDO with members coming from the FEHD, HKPF, LCSD, TPDLO, BD, DSD, EPD, HyD and TD, should be set up to discuss the solutions together. They should not merely attend a meeting

every two months, listen to his complaints, and then simply say that they would continue to work hard. Between the bi-monthly meetings, he would also take pictures at Lane Square in Tai Po and Jade Plaza, and forward them to the FEHD and HKPF. He opined that while the department's staff had been working hard to deal with the problems, their efforts were still not enough.

- (v) The FEHD had said that it had to educate the shops, but had been educating them from the previous term DC to the current term DC. He had also said that enough time had been spent on education, and stringent crackdowns were needed at present. Shortly after the new FEHD Superintendent had assumed office, DC Members had invited him to inspect the district, and he agreed to it. That inspection was done without any prior clean-up work. As a result, those who participated in it could witness the real situation, while the Superintendent could also find out how appalling the real situation was. DC Members of the previous and current terms all totally supported the department to deal with the street obstruction by shops. If the department was worried that the shops would seek the help of other DC Members and asked the department to relax its law enforcement efforts, he would later move an impromptu motion, in which the DC would ask the department to take stringent law enforcement actions and provide support for the department. As it was a community and municipal matter, and related to the DC, the department had an undeniable responsibility and could not pass the buck.
- (vi) An inter-departmental working group not under the DC should be set up because, as far as the daily law enforcement actions were concerned, the DC was not a stakeholder and would not participate in the operations. Being the chief executive of the district, the District Officer should maintain close liaison and co-operation with the district heads of all departments, and took on the co-ordinating role. If the co-ordinating role was taken up by the FEHD, some departments might opine that the FEHD's Superintendent was not at a high enough level and thus were unwilling to co-operate.
- (vii) Apart from setting up an inter-departmental working group, the EFAC should also hold inter-departmental special meetings in a timely manner, where all the departmental heads would be invited to attend to have focus discussions on the matters concerned. Due to time constraints, every time the EFAC was discussing the agenda item, it could only have brief but not detailed and in-depth discussions.
- (viii) There was a step outside Jade Plaza. The area above the step belonged to Jade Plaza, and the area below was government land. If shops left their goods below the step, that would be against the law, and it was very clear. In the past, the FEHD's Superintendent had cracked down hard on the breaches committed by the shops in Jade Plaza, and even breaches by a matter of millimetres would not be

tolerated. Meanwhile, there was also zero tolerance against shops leaving foam boxes and goods at the roadside. Such law enforcement efforts had lasted for a year and were indeed highly effective. However, things had changed. After the Superintendent and staff at various levels had been replaced, law enforcement efforts had become lax. When the shops noticed that the law enforcement efforts had become lax, they tried to gradually expand the area for keeping their goods, and it had led to the situation in Jade Plaza today. He opined that the department should make the rules clear at the beginning and be lenient afterwards. It should invite all the shops for a meeting, inform them that since some of the shops had broken the rules by gradually expanding the area for keeping goods, it would no longer tolerate it, and let them know when it would start cracking down on it. It would only allow the shops to sort out their goods before 8 a.m. or 6 p.m., and would not allow them to leave their goods all over the place. Based on the experience in Jade Plaza, this approach was feasible. However, the departments had to discuss whether it could be applied at Lane Square in Tai Po as well. He opined that his suggestion was highly detailed, and hoped that the department would take it forward. Otherwise, having discussions, submitting papers and moving impromptu motions at the meeting every other month meant that we were still at the stage of discussion, and that would be meaningless. If the department did not have the intention to resolve the problems, it would never succeed. If it did, it should take action instead of merely continuing the discussions at the meetings.

200. Mr. AU Chun-ho's comments and questions were as follows:

- (i) When the new FEHD Superintendent assumed office, DC Members immediately invited him for a site inspection. During the inspection, they also asked whether the department had enough manpower, and the Superintendent said at that time that they had enhanced the manpower and set up an additional prosecution team. In the past two months, however, he had inspected Jade Plaza and Lane Square in Tai Po, and noticed that the situation had not improved, but worsened instead. Some foam boxes were left on the pedestrian ways and carriageways, such as the carriageway outside the Baptist Church at Lane Square in Tai Po, and the situation was appalling. He asked the department whether there was a limit for the number of prosecutions that could be initiated by the prosecution staff every day. If no, he asked whether it would consider cracking down on the situation even harder by prosecuting the shops once they had committed any breaches, as that would be to only way to have any deterrent effect. In addition, there were so many foam boxes at Lane Square in Tai Po and Jade Plaza that they could be piled mountain high. He hoped that the department would step up the clean-up efforts by

confiscating the boxes regardless of whether there were goods in them, and prosecuting those who claimed them. He asked the FEHD to crack down hard on shops leaving goods on government land, and required the shops to keep all their goods inside the shops.

- (ii) Mr. Nick LAM had just said some FEHD staff told him that their superiors only allowed them to initiate one prosecution every day. He was worried that some department's staff had taken bribes.

201. Ms. Olive CHAN said that Tai Wo Neighbourhood Community Centre had recently become the breeding ground for a lot of mosquitos and bugs, and hoped that the department would deal with it. A lot of water would accumulate at one of the roofs of Tai Po Plaza after rain. As it was close to Oi Wo House and many residents would walk past there, many residents had complained to him about mosquito bites. She had informed Link Asset Management Limited ("Link") about it. However, as she opined that it was also a public health-related situation, he hoped that the FEHD would contact Link after the meeting so as to monitor and follow up on how Link dealt with it. In addition, she also hoped that the FEHD staff responsible for dealing with air-conditioning issues would contact her after the meeting.

202. The Chairman's comments and questions were as follows:

- (i) According to the paper tabled by the FEHD, the joint operations cracked down on the street obstruction and hygiene issues caused by shops. He noticed that the paper had set out the item of "Goods confiscated", which meant that the FEHD could deal with street obstruction by shops using that option. However, the figures under that item were all zero. He asked the FEHD when it could deal with street obstruction by confiscating the goods.
- (ii) Some Members had just said that if the department could simply confiscate the goods so that the shops had nothing to sell, it would bring about a direct impact. He pointed out that in the Destruction of opium at Humen years ago, all the goods were confiscated by the Government, and the offenders were sentenced to death. Even though the offenders would not be sentenced to death nowadays, confiscating the goods was also an effective way to deal with similar problems. He asked whether the department could deal with street obstruction this way.
- (iii) This problem had been around for a long time. The department wanted to be flexible in the past, and had resorted to various ways such as education, warning and reminders to deal with it. However, it had yet been tackled at root. As such, the department should deal with it in another way. What was going on in Tai Po Market was like a patient who needed to take medications threes time per day on a regular basis. If the FEHD and the relevant law enforcement departments could

take law enforcement actions at least three times per day, he believed that it could, to a great extent, resolve the problem we could see at present. The FEHD could clear 200 kg of refuse, issue over 100 warning notices, made about 20 verbal warnings and gave out fixed warning notices every other day. However, even though the department worked for around a dozen days every month, it was still ignored by the shops. As such, it could be seen that it should step up its efforts and carry out more operations, so as to deal with the problem we were facing at present. Members worked really hard to take pictures, and put forward questions to the department at every meeting, but the problem still existed. It simply did not make sense. Perhaps it showed that the department still was not determined to improve on the problem. He hoped that the departments concerned could work together to resolve the problem.

203. Mr. Dalu LIN indicated that it was reasonable to have more verbal warnings. However, why was the number of warning notices zero most of the time, but over 100 during certain periods of time out of the blue? He would like to know the criteria of issuing warning notices. In addition, he opined that shops were not afraid of being fined. Instead, confiscating their goods was more efficient. However, it had never been done. He asked the department's staff about the criteria to determine how to deal with the problem at the scene.

204. Mr. MA Hon-chiu responded as follows:

- (i) He introduced Mr. SO Tak-wo, the new Chief Health Inspector responsible for the Hawker and Markets Sections. He also said that he himself was responsible for the Cleansing Section, and the staff of Cleaning and Hawker Sections often carried out joint operations at Lane Square in Tai Po, and dealt with the problems at Lane Square in Tai Po and Jade Plaza together. Mr. SO Tak-wo would answer the questions related to hawkers.
- (ii) The department also dealt with the presence of a substantial amount of foam boxes in a serious manner, and had asked the department's staff, if they noticed stacks of foam boxes, to deal with and clear them as soon as possible. They would also carry out blitz actions, without prior notice, to follow up on and immediately clear the foam boxes that had caused serious obstruction problems.
- (iii) As for the violation on Fo Chun Road, it involved a number of departments and FEHD sections. He would continue to follow up on it once he had obtained further relevant information. The department might deploy special squads to carry out ambush operations, and would initiate prosecutions immediately once the goods vehicles were distributing the goods or discarding the refuse. It would be even more efficient.

- (iv) When the Cleansing Section knew that the situation had deteriorated, it had stepped up the inter-section joint operations with the Hawker Section, and discuss ways to enhance the law enforcement efforts.

205. Mr. SO Tak-wo responded as follows:

- (i) The FEHD's Hawker Section had sufficient manpower at present. He would immediately deploy staff to the locations with more serious problems, so as to enhance the law enforcement efforts and carry out joint operations.
- (ii) Prosecution referred to prosecuting and arresting hawkers, which meant that the department would arrest the unlicensed hawkers.
- (iii) The FEHD had impound warehouses for the confiscated goods, and could store the goods on a temporary basis.
- (iv) As for prosecution, the department would see if the persons concerned had committed any breaches. If they had, it would prosecute them.
- (v) He agreed that the street obstruction problems were not good. As such, the department would step up its law enforcement efforts, and hoped that it could enhance the deterrent effect through the inter-departmental joint operations, so as to reduce the street obstruction by shops.
- (vi) The department would carry out special operations during specific time periods. As warning notices would also be issued on purpose during some operations, its number had increased.
- (vii) The current legislation allowed the confiscation of goods. The department's staff would decide whether to do so depending on how the goods were kept and the nature of violation.

206. The Chairman said that, from the pictures shown by Mr. Nick LAM and Mr. AU Chun-wah just now, it could be seen that street obstruction was very serious. However, the number of confiscation remained zero, which meant that the department had not taken any confiscation action. Although the department could confiscate the goods, under what circumstances would it choose to do so? What were the criteria?

207. Mr. SO Tak-wo indicated that if the keeping of goods was related to hawkers, such as unlicensed hawkers, the department's staff would carry out confiscation action. If the hawker left the scene during an operation and had left behind his goods, the department would also confiscate them. If the goods belonged to a shop's extension, they would not be confiscated, and the department would take law enforcement actions by issuing fixed penalty notices instead.

208. The Chairman asked whether it meant that the department could not confiscate the goods even if the shops had left them outside the shops.

209. Mr. SO Tak-wo said that if the goods belonged to a shop's extension and had an owner, they would not be confiscated by the department.

210. Mr. Nick LAM's comments and questions were as follows:

- (i) The department had not answered his questions, and he was not happy with some of the answers either.
- (ii) A lot of people and Members believed that the FEHD's Hawker Section did not have sufficient manpower. However, the department said that it did. He asked the department how to determine whether it did or did not. From what he had noticed, when the FEHD staff were dealing with the breaches of a certain shop, other shops could continue to commit breaches at will. It did not happen at Lane Square in Tai Po only, but also on Fu Shin Street, and it was difficult for the department's staff to deal with a number of locations at the same time. In addition, when he visited Lane Square in Tai Po at 11:00 a.m. on 27 June, he did not see any FEHD staff there. He wondered if it was because there was insufficient manpower. The situation above clearly showed that the FEHD's Hawker Section did not have sufficient manpower. As such, he did not understand why the department still said that it did.
- (iii) There were many workers in a shop. The department allowed the shop to deploy just one or two to deal with the goods that were obstructing the streets, while others could continue to sell. Such a way to deal with the problem did not have enough deterrent effect. He asked whether the department, when it noticed that there were breaches in the shop, could immediately suspend the business operation of the entire shop, until the problem had been sorted out. However, the department did not respond to it.
- (iv) The department said that it would only confiscate the goods of hawkers, but not those of shops. However, he opined that these two kinds of goods had the same objective effects. Regardless of whether the goods belonged to a hawker or a shop, they would still obstruct the pedestrians. As such, he did not understand why there was a double standard. Confiscating the goods would not only immediately improve the street obstruction, but also had a deterrent effect. Keeping the goods illegally did not result in any punishment or losses. However, confiscating the goods would cost them. Goods were money, and the shops would calculate the profits and losses, evaluate the situation and stop obstructing the streets.

- (v) The department did not set out the details of special operations. The department's staff initiated only one prosecution every day. Was it because of the superior's instruction, or they had received bribe money? The procedures were rather complicated to prove that public officials had received bribe money. If members of the public or DC Members noticed that the department's staff had failed to meet the requirements or had violated the guidelines, was there a complaint mechanism for them to lodge a report?
- (vi) He considered that more stringent actions could be taken to deal with street obstruction by shops. When a shop had committed breaches for a certain number of times, it would have to suspend operation or have its licence revoked. He opined that the department's action had to be severe enough to have a deterrent effect. When the daily turnover of a shop could be as much as millions of dollars, a fine of several thousand dollars, or even being prosecuted hundreds of times, would still mean nothing to it. On the other hand, if a shop had to suspend operation or had its licence revoked on a temporary basis, it would choose to comply with the rules after calculating its losses. He opined that apart from the shops, no one supported street obstruction. As such, there was nothing controversial about it. He did not understand why the department was so scared of dealing with this problem. Was it because the shops belonged to large consortia which had so much power that the department's staff were worried that the shops would take revenge on them and threaten their personal safety if they dealt with the problem in a stringent manner? If yes, the FEHD should communicate more with the HKPF, or carry out law enforcement actions in the company of police officers.
- (vii) He had brought up in previous meetings that some shops would remain open later in the evening. The FEHD had promised to deploy staff to patrol early in the evening. From what he could see, however, no department's staff patrolled during that time period. If the department had done so, please provide details. Some shops would keep their goods next to the drains early in the evening and at night, and bits of refuse would fall into the drains. Had the department patrolled during that time period, it should have seen it.
- (viii) The department just said that if it saw foam boxes on the streets, it would deal with and clear them as soon as possible. However, it was in effect clearing refuse for the non-compliant shops. Keeping foam boxes in an illegal manner was wrong and deserved punishment, rather than a free clean-up by the department which condoned such a behaviour. He knew that the department might not be able to find out the shop that discarded the foam boxes on every occasion. However, it could initiate prosecution on site when the shop was discarding refuse.

211. Mr. AU Chun-ho said that he would like to know the respective manpower of the FEHD's Cleansing and Hawker Sections. Very often, when he made a complaint about foam boxes in mid-day, the department's staff would not send him pictures showing that they had been cleaned up until about 9:00 p.m. to 10:00 p.m. Did it show that the department did not have sufficient manpower?

212. Mr. MAN Nim-chi opined it was very fitting for the paper submitted by Mr. Nick LAM to describe the street obstruction by shops as "blatant", which showed that the FEHD's law enforcement efforts were not stringent enough. In addition, some vehicles carried out recycling operations at the lay-by outside Chung Mei House of Chung Nga Court. He asked whether the EPD could prosecute the vehicles concerned according to Motor Vehicle Idling (Fixed Penalty) Ordinance. He had brought up the situation to the HKPF on numerous occasions at the meetings of Traffic and Transport Committee, as well as the Planning, Housing and Works Committee. However, the HKPF said that as there was someone in the vehicles, and the vehicles would be driven away upon advice, no prosecution could be initiated. The situation there was not as bad as at Lane Square in Tai Po and Jade Plaza. Someone would use cage carts there to carry out recycling operations, which included removing wires from electric appliances, taking out the usable parts, and discarding the useless ones (such as plastics, components, etc.) into the planters. Such disposal work would happen about ten days each month, and the caged carts were also obstructing the pedestrians. As a DC Members who had assumed office not for long, he did not know how to deal with this situation. As such, he would like to ask the department about the feasible ways to deal with it. He asked the FEHD whether the afore-mentioned recycling operations were trade practices and could be dealt with. He agreed that education was the first step when faced with breaches. The relevant departments should arrive at the scene to educate the people concerned, like reminding them to prevent obstructing the pedestrians, turn off the engines when parking their vehicles, and not to discard refuse, etc. If education did not work well, he agreed that they should crack down hard on it.

213. Mr. YIU Kwan-ho asked "Prosecutions to prevent the obstructions to scavenging operations (Form 1A)" would be used under what circumstances. In addition, he would contact the FEHD about the situation on Fo Chun Road after the meeting.

214. The Chairman indicated that the problem about the recycling vehicle on Chui Yi Street had been brought up before but remained unresolved, and he hoped that the departments concerned would continue to follow up on it. If the situation could not be improved through education efforts, they should consider dealing with it in another way. In the past couple of days, he even saw the vehicle parked there around the clock. As such, he opined that asking it to be driven away might not resolve the problem, and he hoped that the departments could deal with it. In addition, the FEHD just said that as the goods kept outside the shops belonged to the shop owners, they could not be confiscated. However, the shops had indeed occupied government land to keep

their goods. He asked, if the goods that were occupying government land were for hawking, could the department confiscate them?

215. Mr. SO Tak-wo responded as follows:

- (i) The FEHD did not have the authority to stop the shops from making transactions. When the department's staff was initiating prosecution, the shop could continue with its business, and there was no legislation that had given the department the authority to stop the shop from operating.
- (ii) If the goods that were obstructing the streets were suspected of violating the hawkers-related ordinances, they could be confiscated. As regards the sale of goods kept in public places, if the goods extended from the shop to the public places, the department would not confiscate them, and the special operations referred to the blitz inspections of the hawking of unlicensed hawkers.
- (iii) The department had not drawn up any guidelines stipulating that only one prosecution could be initiated every day. If there were breaches, the department's staff could initiate prosecution., while members of the public could also call the 1823 hotline for complaints.
- (iv) The FEHD had deployed staff to patrol early in the evening. If breaches were noticed, it would step up its law enforcement efforts. Meanwhile, the department would also step up its law enforcement efforts and carry out joint operations.

216. Mr. MA Hon-chiu responded as follows:

- (i) If items (like sizable items such as baby prams, etc.) were left in public places and were obstructing the scavenging operations, the department's staff would first put up notices according to Section 22(1)(a) of the Public Health and Municipal Services Ordinance to require the persons concerned to remove them within four hours. If the department's staff noticed that the items concerned had not been removed after four hours, they would remove and confiscate them, and initiate prosecution using Form 1A for "Obstructions to scavenging operations" when the persons concerned claimed the items.
- (ii) If the department's staff saw that someone had discarded foam boxes as refuse, they would initiate prosecution by using the fixed penalty notices. If the shops stacked up the foam boxes and waited for the recycling vehicles to take them away, the department would discard the foam boxes so as to inflict losses on them. The department was not providing them with free services.

- (iii) The department would not limit the number of prosecutions initiated by its staff. Instead, it would like them to initiate more so as to maintain the environmental hygiene.
- (iv) If someone discarded refuse at public places while carrying out recycling operations, the department could deploy its special squad for ambush operations. If they noticed that someone was littering, or did not recycle the items discarded on the streets, it would prosecute them using the fixed penalty notices. He would later follow up on the situation brought up by various Members, such as the recycling vehicles, and the locations infested with mosquitoes in the district, etc.
- (v) The work of the Cleansing Section of Tai Po District was carried out by a contractor which had over 200 staff. As Tai Po District covered an expansive area, the number of manpower at Lane Square in Tai Po depended on the hygiene situation at a particular time.

217. Mr. SO Tak-wo said that to his understanding, no one from the department had received any bribe money. If such a situation was found, the relevant legislation would be enforced in a stringent manner. In addition, there were over 60 workers in the Hawker Section, and they were divided into two shifts.

218. Mr. Richard CHAN said that the HKPF's work report had set out the number of law enforcement actions in May and June 2020. He hoped that the department could provide the respective numbers of law enforcement actions in May and June, so as to make it easier for Members to compare the law enforcement efforts in different months.

219. Mr. AU Chun-wah's comments and questions were as follows:

- (i) The department said that complaints could be lodged through various channels. However, calls made to the 1823 hotline would not be dealt with until days later. Even if Members could immediately send the pictures to the department's staff, the problem would not be dealt with until hours later either. He opined out that the fruit stall at Jade Plaza often kept its goods from the shop all the way to the outside, and the department also had to spend hours to deal with them. As for the vegetable stall inside Jade Plaza, the department's staff were often stationed in the vicinity as well. Splitting the 60 staff of the Hawker Section into two shifts, there should be around 20 staff throughout Tai Po District, even excluding those who were on leave and on shift duties. In some blackspots, three to five staff were supposed to be stationed there around the clock. Sometimes, he could only see the department's staff standing and watching near the non-compliant shops, while the shops continued their operation and kept their goods in an unlawful manner.

It gave people the impression that the department was condoning unlawful behaviour or had failed to fulfilled its duties. There was no co-ordination between the FEHD's Hawker and Cleansing Sections. He often said that the two sections should carry out joint operations to resolve the problems together. Although the department said that they had carried out joint operations, nothing had been achieved in the four years of the previous term DC and half a year in the current term. He knew that the Superintendent position of the Hawker Section had been vacant for a while, and had finally been filled at present. However, even if the Superintendent position had been left vacant, its subordinates should have been working as well, and it did not make sense that work could not be done because a management position had been left vacant.

- (ii) There were rumours that the department's staff would only initiate one prosecution every day, which was tantamount to condoning breaches. He would not comment on anything not supported by facts. However, as the saying went, "When there was smoke, there was fire". As such, the department should look deep into why there were such rumours. He opined that it could be attributed to the people's doubts about the FEHD's law enforcement efforts, as well as similar incidents in the past. In addition, although the department's staff were standing near the shops, they were not seen doing anything, and the shops continued their breaches as a result. Even if DC Members had said that they were willing to support the department's work, the department had yet to respond whether it was willing to make the first step.
- (iii) He asked what problems the departments had that were obstructing their work. They should not think that the matters concerned were related to the FEHD and HKPF only. Every department had its share of responsibilities, and that was not limited to making a report at the meetings. He had talked about a number of departments in detail just now, and hoped that they would respond proactively what legislations could be used to deal with the problems under their respective purview. For instance, he had just talked about many vegetable leaves falling into the drains. Was it related to the EPD? As drains were managed by the DSD or HyD, they should provide an answer. In addition, every time he would talk about someone discarding refuse in the gullies. As such, he asked whether the department had initiated any prosecution in this regard, as well as the number of prosecutions that had been initiated, and the amount of fine levied. He asked the departments not to think that they had nothing to do with the afore-mentioned matters, as the EPD was also responsible for dirty water flowing into the drains, not to mention discarding refuse into the drains. The situation he had mentioned only took place between 6:00 a.m. and 7:00 p.m., but it did not mean that there was no street obstruction from 7:00 p.m. to midnight. In fact, the situation was even worse.

Nevertheless, since there were fewer pedestrians in the evening, he would not pay particular attention to it. Rodents appeared in the evening, biting and walking on food. If customers who bought the food and did not wash it thoroughly afterwards, it would give rise to hygiene problems. In addition, the FSD could not attend this meeting, and the TPDO would forward Members' comments to it. He said that some shops would leave their goods in the middle of the road and stack them in front of the fire services gate every evening. However, every time he forwarded the FSD the pictures showing the situation concerned, the FSD would say that these goods were not obstructing the fire access. He opined that in the event of fire at Lane Square in Tai Po, fire engines could not enter, and firemen would not be able to move away the substantial amount of goods immediately either. He asked the departments not to shirk their responsibilities and pass the buck.

220. Mr. Nick LAM's comments and questions were as follows:

- (i) The department had just said that the current legislation could not deal with many of the requests put forward by Members. He wondered, even if the current legislation could not suspend the shops' operation, whether the department's staff could ask the shops to co-operate in a proactive manner. For instance, they could ask the shops to deploy all the workers to deal with the breaches immediately and as quickly as possible. By doing so, it could achieve the objective effect of suspending the shops' operation. If only one worker was deployed to deal with the problem, it meant that the shops were not co-operating in a proactive manner, which was not in line with the guidelines.
- (ii) Mr. AU Chun-wah had just calculated that there were around 20 staff throughout Tai Po District in the Hawker Section in each shift. However, there were more than four to five blackspots in Tai Po Market alone, and they had to deal with other locations in the district as well. As such, he did not understand why the department still insisted that it had sufficient manpower.
- (iii) If members of the public would like to complain about a department's staff, could they do so by calling the 1823 hotline only? Were there other dedicated lines, or would the complaints be dealt with by a mechanism similar to CAPO's?
- (iv) The department said that it had patrolled early in the evening. He hoped that the department could provide details of it.

221. Mr. LAU Ka-yip indicated that he had noted the issues relating to a recycling vehicle on Chui Lok Street and Chung Nga Road mentioned by the Chairman and Mr. MAN Nim-chi just now, and would take follow-up actions in a proactive manner. In addition, he would set out the law enforcement figures by month in the work report for the next meeting for the sake of clarity.

222. Mr. SO Tak-wo responded as follows:

- (i) The department would deploy and arrange for manpower wherever possible.
- (ii) It could try asking the shops to remove the goods that were causing an obstruction. In addition, the 1823 hotline would also receive complaints against its staff, while complaints against staff's attitude received through different channels would all be forwarded to the FEHD's Complaints Management Section for further action. That section was dedicated to deal with complaints against staff's attitude.
- (iii) The department's staff would be stationed there from 6:00 p.m. to 7:00 p.m. every evening. Depending on manpower deployment, there would be an average of two to four staff on duty.
- (iv) He supported and agreed with launching joint operations to assist the law enforcement efforts and keep the situation at Lane Square in Tai Po under control. The department would also enhance the joint operations of the Hawker and Cleansing Sections, so as to enhance the efficiency in initiating prosecution against and deter the shops that kept their goods and foam boxes illegally.

223. Ms. Connie LUK said that discarding refuse and dumping water into the drains were environmental hygiene-related issues, and it would be more effective for the FEHD to take law enforcement actions. The Water Pollution Control Ordinance, implemented by the EPD, was mainly for cracking down on illegal discharge of sewage, and had a high prosecution threshold. Three litres of water sample had to be collected, and it was necessary to show that the water sample was unpolluted water. As regards the situation mentioned by Members just now, under the current prosecution standard, the likelihood of a successful prosecution was not high. If the EPD could gather sufficient evidence, it would take law enforcement actions within its purview.

224. Mr. MA Hon-chiu indicated that as for the dumping of refuse into the drains as mentioned by Members, the department had deployed its dedicated squad for a number of ambush operations, but did not see anything dumped there. Otherwise, it would have initiated prosecutions. The department would continue with these operations and clean the gullies more frequently, so that refuse would not accumulate there and lead to blockade.

225. Mr. MAN Nim-chi said that for the problems of the recycling vehicle he had just mentioned, he had provided its plate number for the HKPF and EPD. While the vehicle was stationary, its engine had operated for over 60 minutes on a number of occasions. According to the law, the HKPF and EPD could take law enforcement actions if the engine of a vehicle had operated for more than three minutes in aggregate within any continuous sixty-minute period while the vehicle was stationary. As the HKPF did not ticket the vehicle or ask it to be driven away, it had blatantly continued with such a behaviour. As such, the department should pay more attention to situation like this that would pollute the environment.

226. The Chairman asked the HKPF to follow up on the situation.

227. The Chairman said that Pursuant to Order 17 of the Standing Orders, unless agreed by the Chairman, DC Members who would like to move a motion had to inform the Secretariat ten clear working days before a meeting. As this agenda item was of an urgent nature, and a number of Members had expressed their concerns about it, he exercised his discretionary power to allowed to proceed with the motion.

228. The Chairman outlined the impromptu motion moved by Mr. AU Chun-wah as follows:

“The Environmental Protection, Fisheries, Agriculture, Industries, Commerce, Food and Health Committee of Tai Po District Council strongly request the Tai Po District Officer to co-ordinate an inter-departmental working group (including the Food and Environmental Hygiene Department, Hong Kong Police Force, Leisure and Cultural Services Department, District Lands Office, Tai Po, Buildings Department, Drainage Services Department, Environmental Protection Department, Highways Department and Housing Department) to deal with the street obstruction by shops in the district, and implement the relevant legislations in a stringent manner”. The motion was seconded by Mr. Nick LAM.

229. No Members proposed any amendment.

230. The Chairman asked Members to vote on Mr. AU Chun-wah’s impromptu motion. DC Members agreed to vote by open ballot and the results were as follows:

For:	12 votes	Mr. AU Chun-ho	Mr. AU Chun-wah
		Mr. Richard CHAN	Mr. CHOW Yuen-wai
		Mr. Nick LAM	Mr. Dalu LIN
		Mr. MAN Nim-chi	Mr. SO Tat-leung
		Mr. TAM Yi-pui,	Mr. WU Yiu-cheong
		the Vice-chairman	
		Mr. YIU Kwan-ho	Mr. YIU Yeuk-sang

Against:	0 vote		
Abstain:	0 vote		
Present without voting:	1 vote	Mr. LAU Yung-wai, the Chairman	
Absent without voting:	7 votes	Ms. Olive CHAN Mr. KWAN Wing-yip Mr. Patrick MO Mr. YAM Kai-bong	Mr. HO Wai-lam Mr. LAM Yick-kuen Mr. WONG Siu-kin
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Total:	20 votes		

184. The Chairman announced that Mr. AU Chun-wah's motion had been carried.

VIII. Any other business

(i) **Request for TPDC to follow up on matters concerning increase of Members' roadside display spots**

232. The Chairman said that the EFAC was scheduled to have a discussion on following up on matters concerning increase of Members' roadside display spots. However, he had discussed with the Secretariat prior to the meeting, and opined that it would be more appropriate to hand it over to the TPDC for follow-up action. As such, he suggested handing it over to the TPDC meetings for further discussions on the matters concerned.

233. Members agreed with the above arrangement.

(ii) **Endorsing the membership lists of working groups under the EFAC**

234. The Chairman said that the Secretariat, prior to the meeting, had invited Members to join the working groups under the EFAC, and had drawn up the membership lists of all working groups (please refer to Annex 2) upon receiving Members' replies. He asked Members to refer to the membership lists that had been tabled, and consider endorsing them.

235. Members endorsed the above lists.

(iii) **Matters relating to abandoned motorcycles**

236. Mr. AU Chun-ho said that there used to be two abandoned motorcycles outside Tai Yuen Estate off NTWJWA Christian Remembrance of Grace Primary School. He had informed the TPDLO about it, and the TPDLO told him that one of the motorcycles was located at a location under its purview and had been removed. However, the TPDLO said that the other motorcycle was located somewhere else, and the HyD should be responsible for it. He had informed the HyD about it, but the HyD said that it was not responsible for the other motorcycle. He lodged his complaint to the departments concerned almost four months ago, but the motorcycle had not been taken care of, and the departments were passing the buck. He hoped that the departments concerned or the TPDO could help deal with it as soon as possible.

237. Ms. Patty LEE said that she could find out more about the situation after the meeting.

IX. Date of next meeting

238. The next meeting would be held at 2:30 p.m. on 9 September 2020 (Wednesday).

(Post-meeting note: The next meeting had been postponed due to the epidemic.)

239. There being no other business, the meeting was adjourned at 4:13 p.m.