

1. The meeting was resumed at 9:30 a.m. on 7.12.2011.
  
2. The following Members and the Secretary were present in the morning session of the resumed meeting on 7.12.2011:

Mr. Thomas Chow Chairman

Mr. K.Y. Leung

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Ms. Julia M.K. Lau

Mr. Roger K.H. Luk

Director of Lands

Miss Annie Tam

Director of Planning

Mr. Jimmy C.F. Leung

**Agenda Item 2**

[Open Meeting (Presentation Session only)]

Consideration of Representations and Comments to the Draft

Tseung Kwan O Outline Zoning Plan No. S/TKO/18

Group 2 : R1 (Part) to R2467, R2468 (Part) to R2479,

C1 (Part) to C66, C67 (Part) to C163, C164 (Part) to C166 and C167 (Part) to C205

(TPB Paper No. 8939)

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[The hearing was conducted in Cantonese.]

**Presentation Session**

3. The following representatives of the Planning Department (PlanD), the Environmental Protection Department (EPD) and Transport Department (TD) were invited to the meeting:

- Mr. Ivan M.K. Chung - District Planning Officer/Sai Kung and Islands, PlanD
- Mr. Wilfred C.H. Cheng - Senior Town Planner/Tseung Kwan O, PlanD
- Mr. Stephen K.S. Lee - Town Planner/Tseung Kwan O, PlanD
- Dr. Ellen Y.L. Chan, JP - Assistant Director (Environmental Infrastructure), EPD
- Mr. Lawrence M.C. Lau - Principal Environmental Protection Officer (Waste Facilities), EPD
- Mr. Tommy K.L. Lai - Senior Environmental Protection Officer (Waste Facilities), EPD
- Ms. Heidi M.C. Lam ] Environmental Protection Officer (Waste Facilities), EPD
- Mr. Wallace Y.M. Yiu ]
- Mr. Ma Kwai Loeng - Senior Engineer/Housing and Planning/New Territories East, TD

4. The following representers, commenters and their representatives were invited

to the meeting:

R3 (Owners Committee of The Grandiose)

Mr. Lui Kim Ho - Representer's representative

R253 (Cheung Shan Shan)

Ms. Cheung Shan Shan - Representer

Ms. Yim King Lam - Representer's representative

R254 (Sung Tsz Ching)

Mr. Au Kai Wing ] Representer's representatives

Mr. Ringo Ng/ Mr. Ga ]

[Post-meeting note: Mr. Ga indicated that he was Mr. Ringo Ng during the afternoon session of the hearing on 7.12.2011.]

R257 (Wong Shu Wah)

Ms. Law Yuk Lin - Representer's representative

R547 (Leung Shiu Man)

Mr. Leung Shiu Man - Representer

R739 (Hung Hing Shek)

Mr. Hung Hing Shek - Representer

R883 (Wong Yuk Fong)

Mr. Tim Lo - Representer's representative

R885 (Yeung King Wai)

Mr. Yeung King Wai - Representer

R902 (Tsang Sing Hung)

Tsang Sing Hung - Representer

R904 (Yu Suk Chun)

Ms. Yu Suk Chun - Representer

R1103 (Chu Sau Fong)

Chu Sau Fong - Representer

R2330 (Zhu Hai Long)

Mr. Zhu Hai Long - Representer

R2464 (Fong Kwok Shan, Sai Kung District Councillor)

Ms. Fong Kwok Shan - Representer

Ms. Chai Lei ]

Chow Tze Mei ]

Cheng Suk Yin ]

Eric Cheung ]

Cheung Mei Hung ]

Cho Hak Shing ]

Chong Shuk Hing ]

Fong Yu Ching ]

Hui Yuet Han ] Representer's representatives

Ms. Law Po Lin ]

Li Oi Ling ]

Ng Mei Lan ]

Po Sui Fong ]

So Yuen Ching ]

Wan Kwok Yiu ]

Wong Kwai Mei ]

Yim Ka Yi ]

Ms. Yim King Lam ]

Mr. Timothy Chui ]

Mr. Tin Wai Ling, William ]

R2478 (Shaw Brothers (Hong Kong) Ltd.)

Mr. Lau Chun Kong - Representer's representative

C14 (Lau King Nam)

Mr. Lau King Nam - Commenter

C110 (Lee Tak Lun)

Mr. Lee Tak Lun - Commenter

Mr. Tsui Hok Leung - Commenter's representative

C151 (Ng Chui Mei)

Ng Chui Mei - Commenter

Law Ching Nor ]

Chung Shuk Hing ] Commenter's representatives

Ms. Becky Tse ]

Mr. Lee Tak Lun ]

[Mr. K.Y. Leung left the meeting temporarily at this point.]

5. The Chairman extended a welcome and said that the meeting was resumed to continue with the Group 2 hearing of the representations and comments to the draft Tseung Kwan O (TKO) Outline Zoning Plan (OZP) No. S/TKO/18. He said that Members had discussed about the arrangement for the remaining hearing on 2.12.2011. Members generally considered that the hearing had lasted for about 30 hours already and the comments made by the representers, commenters and/or their representatives in the previous sessions of the hearing had been clearly presented before the Town Planning Board (the Board). Members noted that many of the comments and concerns raised were repetitive. To ensure a smooth and efficient conduct of the hearing, Members agreed that for those representers/commenters present but had not yet made their presentations in the previous sessions of the hearing, each of them would be allowed a maximum of ten minutes for their presentation. The Chairman had the full discretion to allow an extension of time where justified. After completion of all the presentations, Members would ask the government representatives or the representers/commenters questions. This arrangement would be applicable to the remaining hearing for the draft TKO OZP. The Chairman continued and said that he would invite the representers and then the commenters to make presentation in turn according to the sequence of the

representation/comment number. Notwithstanding that, the Chairman asked if any attendees had to leave earlier and would like to make the presentation first.

6. Ms. Fong Kwok Shan said that it was a working day and hence there must be some attendees who had to leave earlier. Regarding the arrangement of the remaining hearing, she said that there had not been any restriction on the presentation time in the previous sessions of the hearing since 16.11.2011. It was therefore unfair to limit the time for the presentations of those who had not yet made presentations before the Board to ten minutes each for the remaining hearing. The Chairman then reiterated the reasons for the arrangement as decided by the Board after discussion.

7. As R2478's representative indicated that he had to leave earlier, the Chairman invited him to elaborate on his representation.

R2478 (Shaw Brothers (Hong Kong) Ltd.)

Mr. Lau Chun Kong (representative)

8. Mr. Lau Chun Kong made the following main points:

- (a) he had only attended the hearing on 16.11.2011. It was hoped that his presentation would not repeat the points that had been raised by other attendees. He would also keep his presentation short and succinct;
- (b) the Government adopted the White Paper "Pollution in Hong Kong – A Time to Act" and the waste disposal strategy published in 1989 as the policy basis in the planning of the area. At that time, the TKO New Town had not yet been developed. However, the planning circumstances of the area had changed significantly since then. Many residential developments and other land uses had been developed in the TKO New Town. In this regard, the 1989 policy was outdated and could not reflect the existing situation of the TKO New Town; and
- (c) when the residents and other users moved in to the TKO New Town, they should be aware of the presence of landfill in the district. However, they

did not expect that the area of the landfill would be further increased and the life span of the landfill would be extended. The Government should review the waste disposal plan for the area.

9. Upon completion of Mr. Lau Chun Kong's presentation, Ms. Fong Kwok Shan interjected that not all attendees could attend every session of the hearing and hence they would not be able to know if their presentations had repeated the points raised by other attendees. The Chairman said that he would alert the attendee where that was the case. He then invited the next attendee to make the presentation.

R2330 (Zhu Hai Long)

Mr. Zhu Hai Long

10. With the aid of a Powerpoint presentation, Mr. Zhu Hai Long made the following main points:

- (a) the public consultation conducted by the Board was a serious waste of resources causing environmental pollution. The production of a piece of A4 paper (8.27 inch x 11.69 inch) which weighed 4g would generate 6.6g of carbon emission and 400g of sewage. A copy of TPB Paper No. 8939 which had about 1,000 pieces of A4 paper would thus generate 6.6kg of carbon emission and 0.4 tonnes of sewage. The TKO New Town had a population of about 450,000 persons or about 10,000 households. If each TKO household received a copy of TPB Paper No. 8939, this would require a total of 400 tonnes of paper, the production of which would generate 660 tonnes of carbon emission and 40,000 tonnes of sewage. Moreover, 8,000 trees occupying a total of 1,280,000 sq.ft. of woodland would have to be felled. This was equivalent to 18 soccer pitches or two-thirds of the area of Victoria Park. If 250 copies of TPB Paper No. 8939 were issued, 1.65 tonnes of carbon emission and 100 tonnes of sewage would be generated and 20 trees had to be felled. However, only 0.25% of the households in the TKO New Town could receive the TPB Paper;

- (b) assuming that the Board conducted 100 consultations per year, a total of 100 tonnes of paper would be used, the production of which would generate 165 tonnes of carbon emission and 10,000 tonnes of sewage. Moreover, 2,000 trees would be felled; and
- (c) a large quantity of paper was used in producing the TPB Papers. This would not only cause tree felling problem, but generate waste that needed to be collected, transported and disposed of at the landfills. The transportation of waste to the landfills would cause various problems such as noise, gas emission, sewage disposal, consumption of fuel, etc. The landfills themselves also had a malodour problem. The consultation conducted by the Board had therefore caused much damage to the environment.

11. The Chairman reminded Mr. Zhu that he had already used 13 minutes. Mr. Tim Lo said that Mr. Zhu had got a lot of information to present before the Board and he had not repeated the points raised by other representers/commenters. At this point, Ms. Fong Kwok Shan read out the names of all the Members present at the meeting one by one and said that not all of them had attended all the different sessions of the hearing previously. The views of each attendee were different and hence Members should be patient to listen to the presentation of each attendee. The Chairman said that the reasons for limiting the presentation time had been explained at the beginning of the hearing session. Notwithstanding that, he would exercise his discretion and give Mr. Zhu five more minutes.

12. Mr. Zhu Hai Long continued and made the following main points:

- (a) to save the environment, the Board should promote the use of new electronic means, e.g. powerpoint and iPad, and release information through the internet;
- (b) to improve the dissemination of information and increase the public participation rate, Members should go to the district concerned to conduct consultation and answer questions from the local residents;

- (c) he suspected that the Board was operating in a “black-box”. For instance, the background and appointment of Members were unknown and it was not clear if Members had conflict of interests and pre-determined stance on the subject matter under consideration. In legal proceedings, the Court would not appoint a person involved in the case as a juror to avoid conflict of interest. Moreover, Members should not be influenced by the Government and disregard the public interest; and
- (d) to address the above issues, a brief account on the background of each Member, e.g. their name and position, should be released to the public. Each Member should also declare that they did not have conflict of interests in the matters that came before the Board. Moreover, they should listen to and respect the majority views of the representations/comments received. Among the 2479 representations received on the draft TKO OZP No. S/TKO/18, there was only one representation in support of the landfill and its extension.

13. Mr. Zhu Hai Long stopped his presentation at this point to allow some representers to put up a banner at the back of the conference room. Ms. Fong Kwok Shan said that the banner contained the signatures of many workers at the TKO Industrial Estate who were against the landfill extension in Area 137 and it was only one of the banners containing the signatures of the workers. The Chairman said that Members could take a closer look at the banner during the break.

14. The Chairman took the opportunity to remind Mr. Zhu that he had used eight minutes more and reminded him that his presentation should be relevant to the amendment items of the OZP under consideration. He said he would give Mr. Zhu another three minutes to complete his presentation.

15. Mr. Zhu asked whether Members had any conflict of interests in the subject amendment item. The Chairman said that the Board had an established set of procedures and practices that governed the declaration of interests of Members. He also reminded

Mr. Zhu that the Board should only listen, rather than respond, to questions of representers during the presentation session. He asked Mr. Zhu to continue his presentation.

16. Mr. Zhu Hai Long continued and made the following main points:

- (a) the Board had focused on the procedures and method of undertaking consultation but had forgotten that its function which was to serve the residents of Hong Kong. If that was the case, it was a faked consultation;
- (b) Members should not consider themselves as elites of society and thought that they could fool the public. The Board should not ignore the residents' views and allow the landfill extension in Area 137. That would arouse the discontent of the TKO residents.

17. At this point, an attendee took out a camera and was seen to be taking pictures. The Chairman said that photography was not allowed at the hearing inside the conference room. In response to Ms. Fong Kwok Shan and Mr. Tim Lo's queries, the Chairman said that this was the rule set by the Board. He also said that Mr. Zhu Hai Long had already presented for 25 minutes and that he was repetitive. Hence, he asked Mr. Zhu to stop his presentation. Mr. Zhu concluded with a Chinese saying "官逼民反，民不得不反" and said that it meant that residents had no choice but to rebel if they were forced by the Government to do so. He said that the TKO residents were clever and would know what the Government had done.

C110 (Lee Tak Lun)

Mr. Tsui Hok Leung (representative)

18. Mr. Tsui Hok Leung made the following main points:

- (a) he used to work in Shanghai for over ten years and planned to return to Hong Kong after retirement. As such, he bought a flat at LOHAS Park three years ago. After living in LOHAS Park, he and his wife did not feel well and had cough and itchy eyes most of the time. Initially, he

thought that it was due to the colder weather in Hong Kong, but he found that their unhealthy conditions persisted. He had then returned to live in Shanghai and would only stay in Hong Kong for about two months in a year. It was not certain if the Government had looked into whether the landfill would cause the above symptoms;

- (b) apart from the malodour problem, the decomposition of waste at the landfill would release methane which was even more harmful to human beings. The TKO New Town had a population of about 500,000. It was not clear if the Government had examined the impact of methane on the residents' health and whether medical professionals had been involved in the assessment;
- (c) there was a flare for the burning of methane released from the landfill at a site adjacent to the Shaw Brothers (Hong Kong) Ltd. It was located across the road opposite to where the residents were living. While the existing landfill had not yet been filled up, the Government was already planning for its extension. A large amount of methane would be released from the landfill. He wondered whether the TKO residents had a legal right to apply for an injunction against the landfill if their health was affected;
- (d) EPD claimed that only construction waste would be disposed of at the proposed South East New Territories Landfill Extension (SENTLFX). However, it was doubtful if the Government would be able to monitor the types of waste to be dumped in the proposed SENTLFX to ensure that no harmful substances would be contained in the waste; and
- (e) the Government should make more efforts to improve the air quality, particularly on the fine suspended particulates PM 2.5.

19. Mr. Tsui Hok Leung asked about the functions of the Board. The Chairman said that the functions of the Board were clearly stipulated in the Town Planning Ordinance. He also explained that according to the hearing procedures, this part of the

hearing was for the representers, commenters and/or their representatives to make presentation. After the completion of the presentation, Members would then pose questions to the government representatives, the representers, commenters and/or their representatives. Mr. Tsui said that the Chairman was bureaucratic and even the national leaders of China would respond to residents' questions.

20. Mr. Tsui Hok Leung asked whether any Members of the Board lived in TKO. The Chairman said that during the presentation session, Members would not answer questions from representers. Mr. Tim Lo interrupted and said that according to the practices of the Board, Members had a responsibility to declare any conflict of interests. The Chairman said that Mr. Lo should not interrupt the presentation of Mr. Tsui and asked Mr. Tsui to continue with his presentation.

21. Mr. Tsui Hok Leung said that he was disappointed with the Government. He continued and made the following main points:

- (a) the Government had, on the one hand, sold land in TKO for high-density residential development, and on the other hand, allowed the extension of landfill next to the residential areas. The methane problem caused by the landfill would persist for many years. In other countries, pipes were installed to collect and burn the methane released from landfills. However, there was only one flare in TKO to burn the methane and the flare was located very close to the residential areas. Methane was odourless and hence was more dangerous to the residents as it was not noticeable. The Government should examine the long-term impact of the landfill, including the emission of methane, on the residents' health; and
- (b) the Government and the Board had a duty to improve the living environment of the people of Hong Kong. It was important not only to ensure that a proposal was technically justified and complied with the law, but also that the local views would be taken into account. It had been suggested that Members should conduct a site visit to experience the problems arising from the landfill and to talk to the local residents.

Even the leaders of the Central Government and the Chief Executive candidates would visit the local district to listen to the views of the residents.

22. At this point, Ms. Fong Kwok Shan said that Mr. Tsui's eyes were reddened and his health, like many other residents in TKO, had been affected by the landfill. She asked Members to take a closer look at Mr. Tsui's eyes.

23. Mr. Tsui Hok Leung continued and made the following main points:

- (a) sprinkler-like devices were installed by the Government to release fragrance to neutralize the malodour caused by the landfill and refuse collection vehicles (RCVs). However, this device was not considered effective as the smell was even worse with the addition of the fragrance; and
- (b) it was hoped that the Government could provide responses to the above issues.

24. Mr. Leung Shiu Man (R547) indicated that he would like to make a presentation. The Chairman noted that Mr. Leung had already made presentation in the previous session of the hearing. Mr. Leung said that some workers of the Television Broadcasts Limited (TVB) City in the TKO Industrial Estate could not attend the hearing. The Chairman exercised his discretion and said he would give Mr. Leung five minutes to make a presentation.

R547 (Leung Shiu Man)

25. Mr. Leung Shiu Man made the following main points:

- (a) the malodour problem of the landfill was serious. He had tolerated the malodour for eight years and had been suffering from nasal sinusitis for several years. The Government had misled the public by indicating that the proposed SENTLFX was about 250m away from the TKO Industrial

Area but in actual fact, it was very near to their working place; and

- (b) the location of the proposed SENTLFX should not be near TVB City as many workers had to work outdoor. They had to suffer from the malodour and the germs and suspended particulates caused by the landfill. It was hoped that the Board would carefully consider the concerns of the workers in the TKO Industrial Estate.

26. The Chairman then invited the next representer/commenter to make a presentation and Mr. Lee Tak Lun indicated that he was representing C110 and would like to speak. The Chairman said that the representative of C110, Mr. Tsui Hok Leung, had already spoken in the hearing. He said that if a representer/commenter was present at the meeting, the presentation should be made by the representer/commenter instead of his/her representative. Regardless of how many persons there were, the time of presentation for each representer/commenter would be ten minutes. Mr. Lee then said that he was also the representative of C151. In response to the Chairman's question, Mr. Lee confirmed that he was the only representative of C151 who would make the presentation.

27. At this point, Ms. Fong Kwok Shan said that, regarding the ten-minute rule for presentation by each representer/commenter, before the hearing, the Secretariat of the Board had allowed the registration of a large number of representatives for each representer and commenter and hence those registered should be allowed to make presentation. The Chairman explained that the purpose of registration was to record which persons had turned up at the meeting. Each representer/commenter would have ten minutes to make presentation and each of them could invite a representative to present on his/her behalf within the ten-minute limit. Ms. Fong did not agree to the setting of restriction on the presentation time and said that she would ignore the ten-minute rule. Mr. Tim Lo said that he had brought a book written by Professor Jeffrey Sachs of Columbia University. He said that he intended to read out part of the book paragraph by paragraph in the hearing and he should be given enough time to do so. The Chairman reiterated that Members had discussed and agreed to limit the presentation time of each representer/commenter to ten minutes. Nevertheless, he could exercise his discretion to allow an extension of time, if justified. When it came to C2464's turn to present, he would take stock of the number of representatives of C2464 and would allow an

appropriate time for the presentation. Ms. Fong noted that not all Members were present at the hearing and queried if the above hearing arrangement had been discussed and agreed by Members. The Chairman said that the Members' decision was made on 2.12.2011. He then invited Mr. Tak Lun Lee to make a presentation.

C151 (Ng Chui Mei)

Mr. Lee Tak Lun (representative)

28. With the aid of a video and some photos, Mr. Lee Tak Lun made the following main points:

- (a) at the hearing on 3.12.2011, EPD's representative advised that the RCVs and construction waste collection vehicles to the landfill had to be covered. However, according to the video taken by a TKO resident, this requirement was not complied with. As a result, debris was found dropping off and dirty waste water was found dripping from the RCVs and construction waste collection vehicles. The debris dropped might contain asbestos and energy-saving light bulbs with mercury inside. The RCVs and construction waste collection vehicles travelling on the road also caused dust emission problem;
- (b) the actual distance between the landfill and residential areas was only 10m. He and his wife had moved from Kornhill at Quarry Bay to TKO because there was a balcony at the flat in TKO which could be used for drying clothes. However, he could not even open the windows due to the dust problem;
- (c) in July and August 2011, the malodour problem of the landfill was serious. He and his wife therefore drove to the landfill site to find out the source of the malodour. On the way to the landfill, they noticed that many RCVs and construction waste collection vehicles were not covered. The RCVs and construction waste collection vehicles travelling on the road were the source of the dusts. The situation was reflected by the look of the "TV Buddy" at the TVB City which was covered with dust;

- (d) when they came close to the landfill site, the malodour was more serious. Though air freshening devices provided by the Government were constantly releasing fragrance, the malodour of the landfill was still serious;
- (e) when they arrived at the landfill site, they noticed that all the RCVs and construction waste collection vehicles were not covered;
- (f) at present, the only access to the South East New Territories Landfill (SENTLF) and its extension was via Wan Po Road. The Government should explore other means of transportation of waste to the landfill, e.g. sea transport;
- (g) he did not know how many years it would take before the landfill site could be restored and used for open space development. Even if an open space was eventually developed upon restoration of the landfill site, it would not be safe for the open space users as the waste underneath would release toxic gases; and
- (h) when the TKO residents bought their properties, they noted from the Government that the SENTLF would be closed by 2012. Though they might tolerate an extension to 2014 if the SENTLF was not saturated by 2012, the Government should not allow any further extension as the TKO residents had suffered from the landfill problems for many years.

R257 (Wong Shu Wah)

Ms. Law Yuk Lin (representative)

29. Ms. Law Yuk Lin made the following main points:

- (a) if the Government intended to extend the landfill in Area 137, residential developments should not be allowed in the adjacent area. Many RCVs and construction waste collection vehicles visited the landfill site via

Wan Po Road every day and those vehicles were not covered. Although Wan Po Road was cleansed eight times a day, the road and trees on the roadside were dirty and covered with dust. The landfill operated till late night and the traffic noise generated by the RCVs and construction waste collection vehicles was so serious that the windows facing Wan Po Road could not be opened. Last Sunday, Ms. Law went to TVB City and found that the malodour problem was more serious as she got nearer to the landfill. The residents affected by the landfill were not confined to those living in LOHAS Park, but also those living along Wan Po Road, e.g. Oscar by the Sea and the residential development currently under construction in Area 85;

- (b) according to Annex 12 of the Paper, the environmental impact assessment (EIA) report for the proposed SENTLFX was submitted to the Government in December 2007. At that time, LOHAS Park was not yet occupied, and hence the EIA could conclude that only a few people would be affected by the proposed SENTLFX and its environmental impacts would be acceptable;

[Mr. Roger K.H. Luk left the meeting temporarily at this point.]

- (c) according to the information available on the internet, EPD commissioned a consultancy study on the identification of site for landfill extension in January 2008. Under the study, several potential sites, including Area 137, were examined. As the landfill extension at Area 137 would directly affect the residents in LOHAS Park as well as those living in Siu Sai Wan, Chai Wan and Hang Fa Chuen on Hong Kong Island, the study concluded that Area 137 should not be subject to further study;
- (d) although the proposed SENTLFX would only receive construction waste, it did not mean that the landfill extension would not cause any adverse impacts on the surrounding areas, particularly when LOHAS Park was located about 10m away from the landfill;

- (e) the landfill and its extension should not be located too close to the residential areas. She had doubts whether the Board had performed its function of promoting the health, safety, convenience and general welfare of the community;
- (f) when the TKO residents bought their properties, they believed that the landfill would be closed by 2012. They were, however, deceived by the Government as the closing of the existing landfill would be deferred to 2014 and it would be further extended. This was unfair to the TKO residents. The whole of Hong Kong, instead of TKO only, should shoulder the responsibility for waste disposal; and
- (g) she noted that waste collected on the Hong Kong Island was transported to the SENTLF for disposal as it was the closest landfill site. Following this logic, should a landfill be located right next to one's house?

[Mr. Roger K.H. Luk returned to join the meeting at this point.]

30. At this point, Ms. Fong Kwok Shan said that her legal representative, Cheung & Choy Solicitors, wrote to the Board on 7.12.2011 complaining about the improper procedures of the hearing. However, the Secretariat of the Board had refused to provide a copy of the letter to Members. The Chairman noted that the letter was just received by the Secretariat. He asked the Secretariat of the Board to arrange photocopy of the letter for Members' consideration. Ms. Fong also exhibited the letter on the visualiser and read out the letter, as follows:

- (a) the function of the Board was to promote the health, safety, convenience and general welfare of the community. However, the Chairman of the Board had stopped the residents' presentation many times at the hearing for the reason that the grounds of representation were repeating the views of other attendees. This had violated the Board's function as the Board had not listened carefully to the representations and hence

could not make any decision on them. The Board was requested to respect the representers' right to make presentations and to allow sufficient time for the representers to present;

- (b) there were many objecting representations from the residents of LOHAS Park who were affected by the draft TKO OZP. The Owners' Committees concerned had written to the Board inviting its Members to visit the surrounding environment of the landfill, e.g. LOHAS Park and the TKO Industrial Estate, before making a decision. The Board was requested to accede to the request of the TKO residents;
- (c) apart from the TKO residents, other parties, e.g. Shaw Brothers (Hong Kong) Ltd. and the employees working in the TKO Industrial Estate, had expressed their views at the hearing. The views expressed also represented the views of other Hong Kong people, e.g. those living on Hong Kong Island and in the Clear Water Bay area, who could not attend the hearing due to work but were also affected by the landfill. Members were requested again to conduct a site visit before making any decision;
- (d) when the Board decided on the date of resuming the hearing, the representers should be informed of the hearing date 14 days before the hearing. Sufficient time should also be given to the representers to prepare for the next hearing session as they might need to apply for leave from work or reschedule their itineraries. One TKO resident attended the hearing on 3.12.2011 after he had received a telephone call from the Secretariat of the Board. Such a practice was considered a waste of government resources. While the Chairman claimed that the representers had been notified in writing of the hearing scheduled for 30.11.2011 and 1.12.2011, how could the hearing be resumed on 2.12.2011 and 3.12.2011? The public's right to know was deprived. It was hoped that the hearing would not be conducted for the sake of the hasty approval of the draft OZP. The Board should carefully consider the views of various stakeholders;

- (e) the Board had not obtained the latest EIA report from the Environment Bureau. As the EIA report of the proposed SENTLFX was undertaken in 2008, the data contained in the report might not reflect the existing situation. It was not appropriate for the Board to make any decision in respect of the landfill extension at this stage;
- (f) paragraph 5.7 of the TPB Paper No. 8939 stated that there were a number of constraints in the vicinity of Area 86, including landfill, which were not considered to be technically insurmountable. Notwithstanding, the concerned study report had not been provided to the Board and the TKO residents. Again, it was not appropriate for the Board to make any decision in respect of the landfill extension before all relevant documents were made available to the representers as well as Members; and
- (g) the Board was requested to carefully consider the above issues. If the draft OZP was approved and the concerned procedures involved any unfairness, Ms. Fong, as an affected party, would consider lodging a judicial review to quash the decision in respect of the landfill extension on the draft OZP.

31. The Chairman said that the letter dated 7.12.2011 from Cheung & Choy Solicitors to the Board had then been tabled at the meeting. The letter would also be sent to Members who were not attending the present hearing session. If it was considered that the hearing procedures were improper, the concerned party could seek redress through other means including the lodging of a judicial review. The Chairman also explained that after the current presentation session, Members would ask the government representatives, the representers, commenters and their representatives questions. The Board would then deliberate after the completion of the presentations and questioning session. As such, the Board had not yet made any decision with respect to the draft TKO OZP.

32. Ms. Fong said that apart from the letter of her legal representative, two Owners' Corporations in TKO had written to the Board requesting Members to conduct a site visit before making any decision on the subject matter. The subject of landfill extension would affect the well-being of a large number of residents, including those living

in areas other than TKO, e.g. Hong Kong Island. The Board should consider adjourning the hearing to consider the residents' request and give a reply to the residents. The Chairman said that Members had discussed and agreed to consider the residents' invitation for a site visit during the deliberation session, after which a reply would be made. Regarding the letter from the legal representative of Ms. Fong, the Department of Justice would be consulted before the Board would make a reply. Having explained the above procedure, the Chairman said that the hearing would continue.

33. The Chairman then invited the next attendee to make a presentation. Ms. Yim King Lam, the representative of R2464, said that she had made presentation in the previous hearing session. The Chairman said that as Ms. Yim had already made her presentation, she should not be allowed to present again. The Chairman noted that over 20 persons who were the representatives of R2464 had already made presentations in the previous hearing sessions. Notwithstanding that, the Chairman said he would exercise his discretion to allow Ms. Yim to present. Ms. Fong said that several thousands of TKO residents had submitted representations raising objection against the landfill and its extension in respect of the draft TKO OZP No. S/TKO/19. However, the Board considered that the amendment in respect of the above OZP was only about the Radio Television Hong Kong Broadcasting House site and hence ruled those objections as invalid. As a result, Ms. Fong had to authorize a large number of TKO residents as her representatives so that they could express their objections before the Board. She added that the Secretariat of the Board had indicated that a representer could authorize others as his/her representatives.

34. The Chairman said that the reasons for deciding that those representations which were not relevant to the amendment items of the draft TKO OZP No. S/TKO/19 were invalid had been explained to the attendees many times before. If the concerned representers considered that the decision was improper, they could consider lodging a judicial review against the Board's decision. Ms. Fong said that she had many representatives who would like to express their own views instead of presenting her views. The Chairman said that according to the hearing procedures, the presentation by a representative of a representer/commenter should be made in the capacity of that representer/commenter. The Chairman then asked how many representatives of R2464 would like to present. Mr. Tim Lo said that as R2464 needed to discuss with her

representatives about that, he would like to present at this moment as representative of R883. The Chairman said that two representatives of R883 had already made their presentations. Nevertheless, he said he would exercise his discretion to allow Mr. Lo to present for ten minutes.

R883 (Wong Yuk Fong)

Mr. Tim Lo (representative)

35. Mr. Tim Lo made the following main points:

- (a) He was in the United States (US) attending a conference on environmental matters in the last two weeks. Therefore, he could not attend the previous sessions of the hearing. He read two books when he was in the US;
- (b) the first book, “Spent”, written by Geoffrey Miller, was about the way of life of the residents in developed countries. Though not directly related to landfill, the book was concerned about the resident’s desire for a quality living environment. Miller stated that “basic survival goods are cheap whereas ... social displayed products are expensive. Living does not cost much, but showing-off does”. This meant that while a simple living did not cost much, an extravagant way of life could be expensive. He said that the living of the TKO residents was originally simple if not because of the hearing. The residents needed to pay the transportation cost to attend the meeting and they had to make phone calls to liaise with one another about their attendance at the hearing. The complicated arrangement had increased their cost of living;
- (c) the second book, “The Price of Civilisation: Reawakening American Virtue and Prosperity”, written by Jeffrey Sachs, talked about two social movements against the building of new infrastructure, namely “Not in My Backyard” (“NIMBY”) and “Built Absolutely Nothing Anywhere Near Anybody” (“BANANA”). Sachs explained that the rise of the movements was caused by a number of reasons including the lack of

long-term government policy or the absence of assessment/data produced by the Government to support the need of the new infrastructure, or “eminent domain” which meant compulsory purchase/resumption of private property. For the case of the proposed SENTLFX, the Government did not provide adequate justifications and data to solicit the support of the local residents. Even the approved EIA for the proposed SENTLFX was outdated. There was also no long-term strategy on waste disposal in Hong Kong. The Government kept finding sites for landfilling without exploring the option of incineration. The TKO residents who had suffered from the landfilling problem for over 20 years had no choice but to raise their objection. This would not have happened if EPD had a better plan for waste disposal;

- (d) Mike Davis wrote a book called “Planet of Slums” about the environmental and wealth disparity problems in the third world countries. In the book, Davis stated that both environmental efficiency and public affluence required the preservation of a green matrix of ecosystem and open spaces. Cities also had to form allies with nature to recycle waste products into usable inputs for farming, gardening and production. Davis pointed out that unfortunately, urbanization and pollution problems in the third world countries were systematically destroying their crucial environmental support system;
- (e) in Hong Kong, the average income per person was US\$31,758 in 2010. Yet, the situation in Hong Kong was similar to that of the third world countries as described by Mike Davis. For instance, residents of Park Central intended to apply for subsidy for the Environment and Conservation Fund to rent a machine to recycle food waste but the subsidy was only for a 2-year period and there was no guarantee that the subsidy would be granted again after this period. Such impractical arrangement had led to a failure of the food waste recycling project. There was a lack of long-term strategy for waste disposal. The failure in waste reduction and recycling and the lack of an incinerator meant that all the waste had to be dumped at the landfills. The Government should

consider other initiatives to tackle the waste disposal problem.

36. Mr. Tim Lo asked if he still had time to present. The Chairman said that he had presented for 17 minutes already and reminded him to keep his presentation succinct.

37. Mr. Tim Lo continued and made the following main points:

(a) Jeffrey Sachs stated that the human impact on the environment could be calculated by using the following formula:

$$(i) = (p) \times (a) \times (t)$$

where

(i) was the human impact on the environment;

(p) was the total population;

(a) was affluence; and

(t) was the environmental impact per dollar of income;

(b) Jeffrey Sachs also stated that the environmental impact per dollar of income could be replaced by technology and the formula for calculating the human impact on the environment would become :

$$(i) = (p) \times (a) / (s)$$

where

(i) was the human impact on the environment;

(p) was the total population;

(a) was affluence; and

(s) was the sustainable technology;

(c) Jeffrey Sachs indicated that “the world population is on the business-as-usual track to rise by roughly 40% by 2050 and the world’s income per person is on the business-as-usual track to rise perhaps sixfold. The human impact on the environment with an unchanged set

of technology will therefore also be sixfold. Since the human impact on the environment today is already unsustainable, a sixfold increase in impact would be devastating”.

38. The Chairman said that Mr. Lo had presented for more than 20 minutes already. The Chairman said that Mr. Lo’s views on the inadequacy of the environmental policy and planning had already been clearly presented to the Board, and the academic theories mentioned in the presentation were not directly relevant to the subject representations. The Chairman reminded Mr. Lo that two representatives of R883 had already presented before the Board and he had exercised his discretion to allow Mr. Lo to present for ten more minutes. He would exercise his discretion for the last time and would give five more minutes for Mr. Lo to present. Mr. Lo said that he would ignore the five-minute limit. The Chairman requested Mr. Lo to co-operate and continue with his presentation. Otherwise, he might consider inviting Mr. Lo to leave the conference room so that the hearing could continue.

39. Mr. Tim Lo continued and made the following main points:

- (a) Jeffrey Sachs stated that “in other words, we shall never achieve the target economic growth because it would be frustrated by the environmental catastrophe”. To tackle the environmental problems, Sachs suggested raising the technology level. On the contrary, Hong Kong was still using landfill which was not an environmental friendly method to tackle the waste disposal problem;
- (b) Jeffrey Sachs stated that for a good economic and environmental development of a society, it had to overcome four hurdles: (i) adequate domestic saving; (ii) competitive export sector; (iii) a financially strong government that could finance the needed infrastructure; and (iv) the ability to adapt international technology to local needs. The first three hurdles could be overcome in Hong Kong, but not the last one. Although EPD’s representatives had visited countries such as Japan and Taiwan to study their experiences in waste management and disposal, no new initiatives had been actively promoted in Hong Kong. Instead, the

Government continued to use landfill which was a kind of low technology and low cost method of waste disposal. This had reflected the deficiency of the environmental policy in Hong Kong. It was disappointing that the Government did not adopt a new mind set to tackle the waste disposal problem; and

- (c) assuming the Chairman or his family lived in LOHAS Park, how they would feel about the extension of the landfill and suffering they would have to endure from the malodour and other problems of the landfill every day. The landfill was only about 10m away from the residential areas. It was hoped that the Government could understand the problems from the residents' perspective.

40. The Chairman said that Mr. Lo had already presented for another five more minutes and he would only allow for the last time five more minutes for Mr. Lo to finish his presentation.

41. Mr. Lo continued and said that Members should consider the proposed SENTLFX from the residents' point of view. He had provided a lot of information from a number of renowned authors and he hoped that Members would listen and make a good decision. The Chairman said that Members would continue to listen attentively to the presentations of the attendees.

R253 (Cheung Shan Shan)

Ms. Yim King Lam (representative)

42. Ms. Yim King Lam made the following main points:

- (a) She queried whether PlanD had carefully considered the overall planning for the TKO New Town. While TKO was planned as a beautiful new town with the provision of different facilities such as soccer pitches, water activity centre and waterfront promenade, it was unreasonable to locate a landfill just next to the residential area. The landfill generated malodour problem and 90% of the vehicles in the area were RCVs and

construction waste collection vehicles; and

- (b) many TKO residents had expressed their objections against the landfill extension. She would not repeat them again. The residents requested the Government to provide the justifications for the proposed SENTLFX.

43. Mr. Lui Kim Ho (R3) indicated that he would like to make a presentation. The Chairman said that Mr. Lui had already made presentation. Mr. Lui said that his presentation was made at the hearing held last week. The Chairman explained that the hearing was adjourned last week and this session was a continuation of the hearing of the same item. Although Mr. Lui had already presented in the previous session of the hearing, the Chairman said he would exercise his discretion and give five minutes for Mr. Lui to present.

R3 (Lui Kim Ho)

Mr. Lui Kim Ho

44. Mr. Lui Kim Ho made the following main points:

- (a) the TKO Tunnel was the only access connecting the TKO New Town and the other areas of Hong Kong. If the RCVs and construction waste collection vehicles had any traffic accident in the tunnel control area, the traffic in the town centre area of TKO would also be adversely affected. The traffic impact brought about by the landfill should be duly considered by the Board;
- (b) many RCVs and construction waste collection vehicles visiting the SENTLFX were not properly covered. The emission from the RCVs and construction waste collection vehicles contained nitrogen oxide (NO<sub>x</sub>) which was harmful to human beings. Under the sunlight, NO<sub>x</sub> would generate a kind of gas which could affect the respiratory system and cause irritation to the eyes and throat of the residents. The TKO residents having such symptoms had to consult doctors and take medicine. This was an unnecessary burden on the residents as they

should not have suffered from the landfill problems in the first place; and

- (c) a few days ago, a news report in Beijing indicated that the suspended particulates in the air had increased to a level which was harmful to human beings. Members should note that the last EIA conducted for the proposed SENTLFX was already outdated and could not reflect the existing situation of the TKO area. The Government should re-conduct a new and detailed EIA.

#### C14 (Lau King Nam)

Lau King Nam

45. Mr. Lau King Nam made the following main points:

- (a) Hong Kong was an advanced city. However, in the past twenty years, Hong Kong had relied solely on landfills and not any other method to tackle the waste disposal problem. In terms of waste disposal, Hong Kong fell behind the neighbouring Asian cities which were less developed than Hong Kong. It was doubtful why landfill was adopted as the only way to dispose of its waste as the land resources in Hong Kong were very valuable. A comprehensive waste disposal strategy was required to tackle the waste disposal problem in Hong Kong;
- (b) nearly all RCVs and construction waste collection vehicles entering the SENTLF were not covered. Many of them were over-loaded. Some drivers had even put metal/wooden sheets on both sides of the waste containers so that they could load up as much waste as possible in the construction waste collection vehicles. The overloaded waste would be easily exposed outside the waste containers. As the RCVs and construction waste collection vehicles usually travelled at high speed, the cover would not be able to prevent the waste from dropping off the vehicles. The speed limit of 50 km per hour set up at various sections of Wan Po Road was ineffective to prevent speeding as the drivers of the RCVs and construction waste collection vehicles were aware of the

locations of speed detectors;

- (c) Mr. Lau lived in LOHAS Park. One day, when he drove to LOHAS Park, a big stone dropped off from a construction waste collection vehicle in front of his car. He could not stop his car or change to another lane as there were a construction waste collection vehicle behind him and two other construction waste collection vehicles on the adjacent lane. At the end, his car hit the stone and was damaged. Fortunately, he was not hurt in the accident. The TKO Tunnel had to be closed for over 15 to 20 times a day in order to remove the debris dropped off from the RCVs and construction waste collection vehicles. There were over 400,000 residents living in TKO, whose safety was seriously affected by the RCVs and construction waste collection vehicles;
- (d) he was even more worried when he learnt that only construction waste would be dumped at the proposed SENTLFX. Construction waste could contain toxic substances which were odourless, and could be more dangerous as residents would not be aware of the presence of toxic substances in the air;

[Ms. Maggie M.K. Chan left the meeting temporarily at this point.]

- (e) as the Government had failed to work out a strategy on waste disposal, the TKO residents had to suffer from the landfill problems for some 20 years. With the landfill extension, the residents had to suffer for many more years in future. This was unfair to the TKO residents; and
- (f) when the Sai Kung District Council (SKDC) was consulted on the revised landfill extension scheme on 3.5.2011, Mr. Lau was present at the meeting. He noted that about 30 SKDC Members attended the meeting and over two-thirds of them had expressed their views. While about 11 to 12 SKDC Members supported the landfill extension in Area 137, more than 12 SKDC Members raised objection. Nevertheless, the Chairman of the SKDC had already had a pre-determined stance and concluded that

the SKDC supported the revised landfill extension scheme without conducting any voting. The purpose of conducting such consultation was doubtful.

[Ms. Maggie M.K. Chan returned to join the meeting at this point.]

46. Mr. Lau King Nam said that he attended the hearing session on 16.11.2011. He presented a photo and said that the photo was taken on 16.11.2011. He said that the photo indicated that a piece of paper with some drawings was found on the desk of a Member during the hearing. He said that the TKO residents had come all the way from TKO to North Point to attend the hearing and he hoped that Members would respect them. He said that although the residents were angry, they were only trying to express their views in a rational manner. The Chairman said that he would follow up on the matter. He added that Members attending the hearing were very attentive to the presentations made by the representers and commenters.

47. An attendee said that he had not attended the hearing before and would like to present a video and some photos to Members. Upon the Chairman's enquiry of his representation number and name, the attendee replied that his representation number was R254 and his name was Mr. Ga. The Chairman said that according to the Secretariat's record, R254 was not named Mr. Ga and none of her representatives was named Mr. Ga. Nevertheless, the Chairman said he would exercise his discretion and allow Mr. Ga to present.

[Ms. Julia M.K. Lau left the meeting at this point.]

R254 (Sung Tsz Ching)

Mr. Ga (representative)

48. With the aid of a video, Mr. Ga made the following main points:

- (a) the video was taken a year ago at the hiking trail near the SENTLF. As shown in the video, many eagles were found flying above the landfill;

- (b) during the tipping of waste from the RCVs and construction waste collection vehicles onto the landfill, a large amount of dust was stirred up. The dust, which might contain fine suspended particulates PM 2.5 or NOx, would be spread to Wan Po Road and further to LOHAS Park by the south-easterly wind; and
- (c) compartments for storing waste (or commonly known as “skips”) were found near SENTLF. As shown in the video, many construction waste collection vehicles and skips were not covered up.

49. With the aid of photos, Mr. Ga continued and made the following main points:

- (a) many RCVs and construction waste collection vehicles were parked in the open air car park near Chun Cheong Street. Some RCVs were parked there for several days without having the waste unloaded. Waste water was also found in the car park area. After the dumping of waste, the RCVs and construction waste collection vehicles were not properly cleansed before they left the landfill;
- (b) many eagles looked for food from the waste dumped inside the landfill. Small birds were found feeding on the waste found in the RCVs and construction waste collection vehicles parked in the streets. Between January and March each year, over 1,000 eagles could be found in the area near LOHAS Park and Oscar by the Sea;
- (c) a skip loaded with waste was found uncovered at the same parking space for several days. Birds would look for food from the waste inside the skip. LOHAS Park was located only about 500m away from the parking area of RCVs, construction waste collection vehicles and skips. Dead birds were sometimes found at LOHAS Park;
- (d) the road signs in the area were dirty and covered with dust. Many trees and flowers along Wan Po Road were not healthy and some were dying. Objects such as stones and scissors, which fell off from

RCVs/construction waste collection vehicles, were found on Wan Po Road;

- (e) many of the photos showed that the RCVs and construction waste collection vehicles were either uncovered or partly covered. In fact, about 15% - 20% of the RCVs/construction waste collection vehicles visiting the landfill were uncovered. Given that there were about 5,000 to 7,000 vehicle trips to the landfill every day, the total number of RCVs/construction waste collection vehicles that were uncovered could be substantial. It was also noted that the containers of some construction waste collection vehicles were overloaded with waste, making it more difficult to have the construction waste collection vehicles covered;
- (f) the RCVs and construction waste collection vehicles would emit pollutants, e.g. suspended particulates. Although the Government had provided subsidies for vehicles to install catalytic converter to minimize vehicle emissions in previous years, the catalytic converter would become ineffective after running for about two to three years. The life span of catalytic converter for commercial vehicles such as mini-buses and taxis was even shorter at about 18 months. Notwithstanding, it might be better to have mini-bus/taxi rather than RCVs/construction waste collection vehicles on Wan Po Road as their engines were smaller;

[Mr. K.Y. Leung returned to join the meeting at this point.]

- (g) the effectiveness of street washing vehicles was doubtful. There were still debris and dust found on the road after street washing. It was because some street washing vehicles did not eject enough water out to clean the road or the brushes did not even touch the road surface. They were just travelling along the designated routes without actually doing the job;
- (h) a photo showing a street cleaner covering his/her whole body from top to

bottom with a face mask, hat, long-sleeved clothes and long trousers was shown. Another photo was presented showing a street cleaner who collected steel products from the dumped waste. Mr. Ga said that the steel product collected was for sale; and

[Mr. B.W. Chan arrived to join the meeting at this point.]

- (i) more photos showing that the RCVs and construction waste collection vehicles along Wan Po Road were uncovered or partly covered were presented to Members. It was estimated that in an half-hour period, at least several hundred RCVs and construction waste collection vehicles passing by were not covered. It was believed that Wan Po Road had the highest concentration of fine suspended particulates PM 2.5 to PM 10 in Hong Kong, which were harmful to human beings. Even the mini bus stop stand thereon was covered with dust. If an air quality monitoring station was set up there, the level of air pollutants (e.g. suspended particulates or NOx) would definitely exceed the standard level.

50. The Chairman noted that Mr. Ga had shown a video and many photos to Members. He said that if Mr. Ga had more photos to show to Members, it would be better for him to leave the photos for circulation among Members. Mr. Ga said that he did not just want to show the photos to Members, he would like to explain to Members and other attendees the problems generated by the RCVs/construction waste collection vehicles with the aid of the photos. Upon the Chairman's enquiry, Mr. Ga said that he required an additional hour for the presentation. The Chairman said that his presentation had already lasted for 33 minutes, despite that only ten minutes were originally allowed. The Chairman also noted that the information presented was already repetitive. Mr. Ga said that other attendees had been given an hour to present and there was no reason why his presentation had to be shorter. The Chairman said that the hearing had already been held for over 30 hours, and it was the decision of the Board that attendees who had not presented in the hearing be given ten minutes for presentation.

51. At this point, Mr. Tim Lo shouted whether the Chairman intended to rush through the hearing. He said that a lot of time had been spent to take the photos, and if

the photos were only circulated to Members, Members might not be able to understand the message behind each photo. The Chairman said that the messages behind the photos were repetitive, as they generally revolved around a few themes including the dirty streets in TKO, dying plants in the neighborhoods, ineffective street cleaning, uncovered RCVs and construction waste collection vehicles, and the parking of unclean RCVs and construction waste collection vehicles in public vehicle parks. Members had noted them. Mr. Ga said that the fine suspended particulates PM 2.5 could enter the blood vessels and lungs. If they contained harmful substances like dioxin or carcinogenic substances, the health of a person inhaling these fine suspended particulates could be affected. He asked whether the Chairman understood this point. The Chairman said that this point had already been covered in the presentations of other representers/commenters. Nevertheless, he said he would agree to give ten more minutes for Mr. Ga to finish his presentation.

52. With the aid of photos, Mr. Ga continued and made the following main points:

- (a) it was observed that many RCVs and construction waste collection vehicles travelling on the road leading to the landfill and at the entrance of the landfill;
- (b) there was illegal dumping of construction waste on street. It was believed that the place where the photo was taken was a hot spot as there was a government notice at about 4m away indicating that illegal dumping of waste was not allowed. More photos showing the illegal dumping of waste on street were shown to Members; and
- (c) there were three strategic landfills in Hong Kong. The West New Territories Landfill (WENTLF) was separated from the Tuen Mun town centre by Castle Peak which was about 300-400m in height. Wind coming from the WENTLF to Tuen Mun town centre would be blocked by the mountain. Moreover, waste would be sent to the refuse transfer stations for compression and packed into containers before they were transported by sea to the WENTLF. However, for SENTLF, all the waste was transported by road traffic on RCVs and construction waste collection vehicles via Wan Po Road.

53. At this point, Mr. Tsui Hok Leung interrupted and asked about the distance between LOHAS Park and the landfill. Mr. Ga said that the distance between LOHAS Park and the existing SENTLF was less than 1 km whereas the distance to the proposed SENTLFX was about 2 km. Although the WENTLF was also about 2 km away from the Tuen Mun town centre, the situation in TKO was worse. The residential areas in TKO were on the downwind side of the landfill and its extension. In the summer time, the wind coming from the south passed across the landfill towards the residential area in the north, and hence the malodour problem was most serious. Mr. Tsui said that several decades ago, there were very few developments near the landfill in TKO. However, due to flawed planning policies, there were currently many residential developments in TKO and the landfill was located near the residential areas of TKO.

54. With the aid of photos and a plan, Mr. Ga continued and made the following main points:

- (a) the WENTLF and power plant were located along the northern shore of the North West New Territories. They were separated from the Tuen Mun town centre by mountain ranges of about 600m high which acted as a natural buffer. In the summer, the malodour from the WENTLF would be carried through the southerly, south-easterly and south-westerly prevailing winds to the Nam San area in Shenzhen. As such, the residents in Tuen Mun town centre were not affected by the WENTLF;
- (b) the situation in Cheung Chau was similar to that in Tuen Mun. The Integrated Waste Management Facilities in Shek Kwu Chau would not cause much impact on Cheung Chau which was located to the east as the southerly and easterly winds were prevailing wind in summer and winter respectively. Instead, Sea Ranch on Lantau Island which was located to the north of Shek Kwu Chau would be affected by the Integrated Waste Management Facilities in Shek Kwu Chau;
- (c) for the North East New Territories Landfill (NENTLF) at Ta Kwu Ling, the malodour of the landfill would be spread to Liantang in Shenzhen

during the summer time. While the neighbouring village houses would also be affected by the NENTLF, they were only low-density developments;

- (d) the SENTLF was located at about 2 km away from LOHAS Park. During summer when the south-easterly wind was prevailing, the malodour would be spread from the landfill to Wan Po Road and further to some of the residential areas in TKO, including LOHAS Park and Ocean Shores;
- (e) in the past, the waste at the SENTLF was covered by a layer of soil with a depth of about one foot. The layer of soil was now reduced to a depth of 1.5 inches only. Eagles could pierce through the thin layer of soil and feed on the waste underneath the soil;
- (f) the prevailing southerly or south-easterly wind in summer would carry the malodour of the SENTLF to LOHAS Park. The residents in Sai Kung were separated from the SENTLF by mountain ranges with a highest height of 344m and an average height of about 200m. They would not smell the malodour and hence they would not object to the SENTLF and its extension;
- (g) a plan showing the locations of the three strategic landfills in Hong Kong was shown to Members. The yellow spots on the plan showed the refuse transfer stations where the waste was compressed and packed inside containers before sending to the landfills. Sea transport was used to send the waste to the WENTLF. Waste to the NENTLF was also packed into containers in two refuse transfer stations before the waste was sent over. Hence, the impact of the landfill to the surrounding residents was minimized. For the SENTLF, if the waste was packed at the refuse transfer station and was sent by sea transport, the impact on the TKO residents would be reduced;
- (h) about ten years ago, the Government required vehicle owners to install

catalytic converters in their vehicles to reduce emissions. The catalytic converter was developed by the Hong Kong Polytechnic University. It was ineffective and nowadays no one used it. For this reason, the Government announced last month that it would subsidize owners of commercial vehicles to adopt a new version of catalytic converters. The “electronic nose” was also introduced by the Hong Kong Polytechnic University. It was similarly ineffective as the “electronic nose” could not detect what he could smell with his own nose; and

- (i) according to a satellite photo, Hong Kong had very high level of fine suspended particulates PM 2.5 in the air. Although Beijing also had a high level of PM 2.5, its Government had announced that it would stipulate control on PM 2.5. He did not understand why the outdated air quality standards which were adopted in 1987 were still in use in Hong Kong.

55. Mr. Ga concluded by showing another video which was a 10-minute extract of a TV programme (“Hong Kong Connection” produced by RTHK) to Members. The video could be summarised as follows :

- (a) in the first three quarters of this year, the roadside air monitoring stations in Hong Kong recorded that the level of air pollution was high to very high for an average of 90% of the time. The exhaust gas emitted from vehicles was the main source of roadside air pollution. To improve air quality, the Government had adopted various measures, including the promotion of electric car, and the introduction of ultra low sulphur diesel and liquefied petroleum gas (LPG) taxi and mini-bus;
- (b) in the past, diesel vehicles generated large amount of exhaust gases. However, with improved technology, the carbon emission of diesel vehicles was better than that of petrol and LPG vehicles. Moreover, vehicular emission was of a lesser concern in Europe as the development was less dense there. As such, the use of diesel vehicles was more popular in Europe. In 2000, about 30% of vehicles in Europe were

diesel vehicles. The percentage increased to about 40% in 2001; and

- (c) on the contrary, it was difficult to get a licence for diesel vehicles in Hong Kong. For instance, TD stipulated that newly-registered diesel vehicles had to comply with the same set of emissions standard for petrol vehicles.

56. Mr. Ga said that most of the RCVs and construction waste collection vehicles that travelled on Wan Po Road were Euro I and II models. As far as he knew, the catalytic convertor installed in vehicles would become ineffective after about two to three years. The exhaust gases were odourless and colourless but it did not mean that they were not toxic.

57. Mr. Ga continued to show the video which was summarised below :

- (a) the replacement of catalytic converter installed in vehicles was expensive, and yet the vehicles could still be used even if the catalytic converter was ineffective. Moreover, the law had not stipulated a requirement for replacement of the catalytic converter. As a result, not many drivers were willing to replace the catalytic converters in their vehicles.

58. Mr. Ga said that the horsepower of taxi and mini-bus was 2000 c.c. and 3,600 c.c. respectively whereas the horsepower of construction waste collection vehicles was about 10,000 to 14,000 c.c. Although catalytic converters were installed in the construction waste collection vehicles which were of Euro I and II models, they were ineffective after being in use for some years. Nevertheless, the engine of mini-buses/taxis was smaller than that of the RCVs/construction waste collection vehicles. As such, it was preferred to have mini-buses/taxis rather than RCVs/construction waste collection vehicles travelling on Wan Po Road. If an air-quality monitoring station was installed in TKO, the level of air pollutant measured would be high.

59. Mr. Ga continued to show the video which was summarised below :

- (a) all vehicles emitted exhaust gases which would increase the level of

carbon monoxide on roadside. Last month, EPD published a consultation document on the replacement of catalytic converters in vehicles to take forward a measure announced by the Chief Executive in his Policy Address; and

- (b) however, the transportation trade had reservation on the proposed measure as the replacement of a catalytic converter could cost over \$10,000 and it had to be replaced in one to two years.

60. Mr. Ga said that the Government proposed to subsidize owners of vehicles to replace the catalytic converters in their vehicles. The new catalytic converters would give out signals when they had to be replaced. The life span of catalytic converters was generally about one to two years only. Construction waste collection vehicles were less heavily used than other commercial vehicles, but their catalytic converters would still need to be replaced in about three years' time. However, the catalytic converters were very expensive and hence no one would replace them. Mr. Ga then concluded his 75-minute presentation by showing the remaining segment of the video in which a driver questioned who should be responsible for the costs of environmental protection, while a government official said that vehicle owners should be responsible for the maintenance of their vehicles.

61. The Chairman said that the meeting was adjourned for lunch break and would be resumed at 2:45 p.m. The government representatives, the representers, commenters and their representatives all left the meeting at this point.

62. The meeting was adjourned for lunch break at 1:40 p.m.

63. The meeting was resumed at 2:45 p.m. on 7.12.2011.

64. The following Members and the Secretary were present in the afternoon session :

Mr. Thomas Chow Chairman

Mr. Walter K.L. Chan

Mr. K.Y. Leung

Mr. Timothy K.W. Ma

Professor P.P. Ho

Professor Edwin H.W. Chan

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Dr. W.K. Yau

Director of Lands

Ms. Annie Tam

Director of Planning

Mr. Jimmy Leung

**Agenda Item 2**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the  
 Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/18  
 Group 2 : R1 (Part) to R2467, R2468 (Part) to R2479,  
 C1 (Part) to C66, C67 (Part) to C163, C164 (Part) to C166 and C167 (Part) to C205  
 (TPB Paper No. 8939)

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[The hearing was conducted in Cantonese and English.]

**Presentation Session**

65. The following representatives of the Planning Department (PlanD), the Environmental Protection Department (EPD) and Transport Department (TD) were invited to the meeting:

- |                        |   |  |
|------------------------|---|--|
| Mr. Ivan M.K. Chung    | - | District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD   |
| Mr. Wilfred C.H. Cheng | - | Senior Town Planner/Tseung Kwan O, PlanD                           |
| Mr. Stephen K.S. Lee   | - | Town Planner/Tseung Kwan O, PlanD                                  |
| Dr. Ellen Y.L. Chan    | - | Assistant Director (Environmental Infrastructure), EPD             |
| Mr. Lawrence M.C. Lau  | - | Principal Environmental Protection Officer (Waste Facilities), EPD |

- Mr. Tommy K.L. Lai - Senior Environmental Protection Officer (Waste Facilities), EPD
- Ms. Heidi M.C. Lam - Environmental Protection Officer (Waste Facilities), EPD
- Mr. Wallace Y.M. Yiu - Environmental Protection Officer (Waste Facilities), EPD
- Mr. Ma Kwai Loeng - Senior Engineer/Housing & Planning/New Territories East, TD

66. The following representers, commenters and their representatives attended the afternoon session of the meeting.

R3 (Owners Committee of The Grandiose)

- Mr. Lui Kim Ho - Representer's representative

R 6 (Ocean Shores Owners' Committee)

- Mr. Chan Kai Wai - Representer

R 24 (Mak Yuk Chun)

- Ms. Mak Yuk Chun - Representer

R195 (Ms. Lam)

- Ms. Lam Wing Sze - Representer

R207 (Mrs. Sin)

R853 (Ho Hei Fung)

- Mrs. Sin Ho Hei Fung - Representer

R252 (Tsoi Man Wa)

- Mr. Tsoi Man Wa - Representer
- R253 (Cheung Shan Shan)  
Ms. Cheung Shan Shan - Representer
- R61 (Sang, Scarlet)  
R254 (Sung Tsz Ching)  
R255 (Sung Lap Mo)  
Mr. Ringo Ng ] Representers' representative
- R256 (Sung Tan Ling)  
Mr. Au Kai Wing - Representer's representative
- R749 (So Kwan Yee Lily)  
Ms. So Kwan Yee Lily - Representer
- R753 (Lee Tsz Yiu)  
Mr. Ni Bing Wen Andy - Representer's representative
- R791 (Leung, Gordon)  
Mr. Wong Ka Ki - Representer's representative
- R801 (Tam Tak Sang)  
Mr. Tam Tak Sang - Representer
- R883 (Wong Yuk Fong)  
R1103 (Chu Sau Fong)  
C113 (Po Sui Fong)  
Mr. Tim Lo - Representers' and Commenter's  
representative
- R904 (Yu Suk Chun)

Ms. Yu Suk Chun - Representor

R1531 (Or Kin Lung)

Mr. Or Kin Lung - Representor

R1987 (Tsui Kit Wai)

Mr. Kwan Lok Keung ] Representor's representatives

Ms. Wan Pui Ling Polly ]

R2004 (Wong, Helena)

Ms. Helena Wong - Representor

R2005 (Yip Yiu Fai)

Mr. Yip Yiu Fai - Representor

R2067 (Chu Hon Kwong)

Mr. Chu Hon Kwong - Representor

R2430 (Yeung Chi Kwong)

Mr. Yeung Chi Kwong - Representor

R2446 (Yip Chi Shing)

Mr. Yip Chi Shing - Representor

R2453 (Ho, Maggie)

Ms. Maggie Ho - Representor

R2464 (Fong Kwok Shan, Sai Kung District Councillor)

Ms. Fong Kwok Shan - Representor

Ms. Au Yeung Ching Yi ]

Ms. Cheung Man Fong ]

Mr. Chui Timothy ]

Mr. Chung Po Chung ]

Ms. Law Kwai Sim	]	
Mr. Law Kwok Hing	]	Representer's representatives
Ms. Lee Mei Lin	]	
Mr. Li Kin Wah	]	
Ms. Poon Yuk Lan	]	
Ms. Yim Ka Yi	]	
Mr. Yip Shun Hang	]	
Ms. Lee Wai Chun	]	
Mr. Ho Kam Tim	]	
Ms. Liang Sun Yin	]	
Ms. Lai Siu Chee Alice	]	

R2468 (Chan Kai Wai, Sai Kung District Councillor)

Mr. Chan Kai Wai - Representer

C32 (Tse Kwok Tung)

Mr. Tse Kwok Tung - Commenter

C139 (Lai, W.C.)

Ms. Wong Kwai Kung - Commenter's representative

C141 (Cheng, C.W.)

Dr. Lam Chi Hung Louis - Commenter's representative

C151 (Ng Chui Mei)

Ms. Chung Shuk Hing - Commenter's representative

C183 (Li, Winnie)

Ms. Winnie Li - Commenter

[The attendees joined and left the meeting at different times.]

67. The Chairman extended a welcome and said that the subject hearing to

consider the representations and comments to the draft Tseung Kwan O (TKO) Outline Zoning Plan (OZP) No. S/TKO/18 was a statutory procedure under the Town Planning Ordinance (the Ordinance). In the morning session of the meeting, a Mr. 'Ga' claiming himself to be the authorized representative of R254 had made a presentation. However, the Secretariat had no record indicating that R254 had authorized a Mr. 'Ga' to attend the hearing. The Chairman indicated that the Secretariat would follow up the case, as appropriate.

68. The Chairman continued and said that Members had discussed about the arrangement of the hearing. Members noted that the hearing had already been going on for about 30 hours by then, and the comments/concerns raised by the representers and commenters in the previous sessions of the hearing had been clearly presented to the Board. However, Members also noted that many of the comments/concerns had been repeatedly raised in various sessions of the hearing. To ensure a smooth and efficient conduct of the hearing, Members agreed that for those present who had not yet made their presentations in the previous sessions of the hearing, each representer and commenter would have 10 minutes to present their case. The Chairman then invited the next representer or commenter to present.

69. Ms. Lai Siu Chee Alice, a representative of R2464, indicated that she would like to make her presentation before the Board. The Chairman enquired whether Ms. Fong Kwok Shan, R2464, authorized Ms. Lai to speak on her behalf on the representation. Ms. Fong Kwok Shan said she disagreed and said that Ms. Lai would present her own comments on the proposed South East New Territories landfill extension (SENTLFX). The Board should not deprive Ms. Lai of her right to make her comments.

70. Ms. Fong Kwok Shan said that many representers had submitted objections against the proposed SENTLFX in respect of the draft Tseung Kwan O (TKO) Outline Zoning Plan (OZP) No. S/TKO/19. However, since the Board had ruled these representations invalid, the concerned representers had lost the opportunities to elaborate on their objections before the Board. Although they were the representatives of R2464, they should be allowed to elaborate on their own comments. Ms. Lai Siu Chee Alice said that she had submitted her objection letter and would like to make her own

presentation.

71. The Chairman said that he had already explained at previous sessions of the hearing that the representations should be related to the proposed amendments shown on the OZP. Since the representations and comments mentioned by Ms. Fong in paragraph 70 were not relevant to the amendments incorporated in the TKO OZP No. S/TKO/19, they were considered as invalid. The Chairman said that if R2464 authorized Ms. Lai Siu Chee Alice to elaborate on the representation, Ms. Lai could start her presentation. Mr. Tim Lo said that the Chairman had pointed out that this was a collective hearing of representations and comments. The representer should be allowed to appoint numerous representatives. Ms. Fong Kwok Shan added that the Secretariat allowed the representers to authorize a number of TKO residents to make their comments at previous sessions of the hearing. Although the residents represented representer R2464, they in fact expressed their own comments on the proposed SENTLFX.

72. The Chairman once again repeated the arrangement for the remaining of the hearing agreed by the Members on 2.12.2011. It was also noted that Ms. Lai Siu Chee Alice had already elaborated on her comments at previous sessions of the hearing. The Chairman said that if Ms. Fong Kwok Shan, R2464, authorized Ms. Lai to elaborate on the representation, Ms. Lai could start her presentation. Ms. Lai then asked if she could elaborate on her own comments, but not R2464. The Chairman said that only the relevant representers and commenters had a right to elaborate on their representations at the hearing.

[At this point, some attendees shouted loudly that it was unreasonable to deprive Ms. Lai Siu Chee Alice and other attendees of their rights to make their comments at the meeting.]

73. Ms. Lai Siu Chee Alice then discussed with the other attendees and said that R2004 had authorized her to make the presentation. The Chairman said that Ms. Helena Wong, R2004, had already made her presentation. Ms. Helena Wong, R2004, argued that she had only made comments on the hearing arrangements, but not on the SENTLFX.

74. In response to Mr. Tim Lo's query as to whether the said hearing arrangement

had been agreed by Members, the Chairman said that he had made it very clear several times that Members had discussed and agreed to the said hearing arrangement. He explained again that the hearing of the representations and comments had lasted for many hours already by then and the comments/concerns raised by the representers and commenters in the previous sessions of the hearing had been clearly presented before the Board. However, Members also noted that many of the comments/concerns had been repeatedly raised in various sessions of the hearing. To ensure a smooth and efficient conduct of the hearing, Members agreed that for those who had not yet made their presentations in the previous sessions of the hearing, each representer and commenter would have 10 minutes to present. If representers or commenters considered that the hearing arrangements/procedures were improper, the concerned party could seek redress through other means including the lodging of a judicial review.

75. Ms. Fong Kwok Shan argued that the hearing arrangement was unreasonable. It was not fair as there were no such restriction at previous sessions of the hearing. She reiterated that about 5,700 representations had submitted their objections against the proposed SENTLFX under the draft TKO OZP No. S/TKO/19. However, as the Board ruled these representations as invalid, the concerned representers had lost the opportunities to express their comments and concerns before the Board. She noted that the previous sessions of the meeting were attended by different number of TPB Members. For this meeting, there were only five non-official members attending the meeting and the rest were official members. Ms. Fong said that such mechanism was not trustworthy. The Chairman explained again the reasons for the hearing arrangement as he had mentioned before and confirmed that the number of Members attending the meeting met the statutory quorum for the TPB meeting as stipulated in the Ordinance. In response to Ms. Fong's question on the timing of the enactment of the Ordinance, the Chairman said that it was irrelevant to the current hearing of the representations and comments.

[At this point, Ms Maggie Ho and Mr. Tim Lo shouted out disrespect remarks intermittently to interrupt the Chairman's clarification on the procedural arrangements.]

76. The Chairman asked again whether any representer or commenter would like to elaborate on their representations at that juncture. Ms. Fong Kwok Shan asked the

Chairman whether Mr. Stanley Y.F. Wong, the Vice-chairman, would attend the meeting that day. The Chairman replied that Mr. Wong had tendered his apology for not being able to attend that day's hearing. The Chairman said that 15 minutes had passed and he enquired whether there were any representers or commenters who would like to make their presentations. Mr. Tim Lo said that R1531 had authorized him to make the presentation.

R1531 (Or Kin Lung)

Mr. Tim Lo (representative)

77. Mr. Tim Lo said that although Mr. 'Ga' had shown many photographs in the morning session of that day's hearing to illustrate the problems of the existing SENTLF, the Board and PlanD still failed to recognize the adverse impacts of dumping garbage in the area. By referring to the book 'Common Wealth' written by Jeffery Sachs, Mr. Lo made the following main points:

- (a) In this book, Mr. Jeffery Sachs wrote about 'Disease Ecology' and pointed out that 'heavy disease would frustrate economic development in countless ways'. The Government, Development Bureau, TPB and EPD focused on economic development in Hong Kong. However, it should be noted that improper waste disposal would cause disease which would have negative impacts on economic development.
- (b) According to the author, 'illness would impair productivity and cause pre-mature mortality'. More importantly, 'childhood disease could lead to life-time adverse health problem'. Besides, 'in places where children died in large proportion, the transition from high fertility rate to low fertility rate, parents are likely to reduce the family size if they are less confident that each one of their children would survive beyond the first few years of life.'
- (c) In LOHAS Park, there were many young couples and young children. As the landfill would have negative impact on the

health of the children, young couples might decide not to have children. This was not in line with the Government's policy as the Chief Executive had encouraged the Hong Kong people to raise more children.

- (d) In addition, it was stated in the book that 'regions prone to disease are unlikely to attract tourists, skilled migrants and foreign investments'. It was noted that a watersports centre would be provided at Area 77. However, it was doubtful whether people would still visit the watersports centre in view of the proposed SENTLFX at Area 137.
- (e) The book also mentioned about the 'inter-temporal environmental curve'. Resources in the world were limited. The landfill extension proposal had utilized the scarce land resource (13 ha) that should be retained for the next generations. The Government should make good use of the land to provide a green environment for the next generations.
- (f) It was noted that the existing golf course at the site just opposite to the Bauhinia Garden needed to be relocated to Area 68 which was planned for a central park. The Board should consider relocating the golf course to Area 137 to provide more greenery for the residents of LOHAS Park and the workers of TVB City.
- (g) Landfill could not solve the waste disposal problem in the long term. The Government should explore other alternatives such as reducing waste at source and encouraging recycling of waste.
- (h) The Board had wasted a large quantity of papers in performing its functions. To inform the residents to attend the hearing, the Secretariat had sent letters to them by fax and by post. The Secretariat could have informed them via e-mails or phone calls.

Government departments should explore ways to reduce the consumption of papers.

- (i) Hong Kong was a developed country as the average income per person per year was over US\$30,000. Yet, the Government's waste disposal method was primitive.

78. The Chairman said that the Secretariat still could not trace the record of Mr. 'Ga' who had claimed himself to be the authorized representative of R254 and made a presentation in the morning session of that day's hearing. In view of this incident, the Chairman said that the representatives of representers/commenters should submit the letters from the representers/commenters authorizing them as their representatives to the Secretariat for verification and record purpose.

R853 (Ho Hei Fung)

Mr. Tsoi Man Wa (representative)

79. Mr. Tsoi Man Wa made the following main points:
- (a) The Board should make a fair judgment and should not be biased towards the comments given by EPD.
  - (b) Members should assess the legitimacy of the proposed SENTLFX. The EIA was outdated and had not taken into account the latest developments in the area. The approval of the proposed SENTLFX based on an outdated EIA would be subject to legal challenge. TPB should seek legal advice on the validity of the EIA.
  - (c) It was not suitable to locate a landfill for construction wastes within 800m of a residential neighbourhood. If the Board still insisted to approve the unreasonable landfill extension, this would be widely reported by the media and made known to overseas organizations. If the overseas media and organisations had

adverse comments on the proposal, this would certainly discredit the business environment of Hong Kong.

- (d) It was noted that Lee Kum Kee, with drying/sunning yard for sauces, and the fresh food centre of Wellcome were located in close proximity to the landfill. The air pollutants from the landfill would pollute the food products, just like the recent incident of 'Meiji Milk Powder' in Japan. It was learnt that the concerned milk powder was polluted by radiation in the air during the drying process. For the same reason, people would cast doubt on the quality of food provided by Lee Kam Kee and Wellcome as they were close to the landfill. Besides, the health of their workers would also be adversely affected by the landfill. In addition to Lee Kam Kee and Wellcome, other businesses in the area would also be affected. Eventually, these businesses had to be relocated out of TKO.
- (e) Land was a scarce resource. The Government was exploring the feasibility of relocating certain GIC facilities in caverns so as to release the GIC sites for urban development. It was very difficult to understand why Area 137 was proposed for dumping of garbage. This was not in line with the Government's policy. Land in Area 137 should be put to better uses.
- (f) If the Board approved the proposed SENTLFX, the residents of TKO, in particular, LOHAS Park and Clear Water Bay Peninsula would raise strong objection and take radical action, such as lodging a protest of driving slowly along Wan Po Road which would block the refuse collection vehicles (RCVs)/dump trucks from entering the landfill.
- (g) The Board should be fair and reasonable in considering the comments and concerns of the residents.

80. The Chairman invited the next representer or commenter to make their presentations. Ms. Maggie Ho said that she represented an attendee who was the representative of R2464 to make her presentation. The Chairman explained again the hearing arrangement as he had mentioned before and said that if Ms. Fong Kwok Shan authorized Ms. Maggie Ho to exercise the right of R2464 to elaborate on the representation, Ms. Ho could start her presentation. Ms. Maggie Ho argued that the number 'R2464' was given to her by the Secretariat and the said representative of R2464 had not yet made a presentation before the Board. The Chairman replied that as R2464, Ms. Fong Kwok Shan, had not authorized Ms. Ho to elaborate on the representation, she could not make the presentation for R2464. Ms. Maggie Ho complained that the arrangement was not fair. Ms. Yu Suk Jun, R904, then authorized Ms. Maggie Ho to make the presentation for her.

[Mr. Walter K.L. Chan arrived to join the meeting at this point.]

R904 (Yu Suk Jun)

Ms. Maggie Ho (representative)

81. Ms. Maggie Ho made the following main points:
- (a) Area 137 was far from the existing SENTLF. It was misleading to say that it was an extension of the SENTLF. It was also misleading to say that the construction waste would not have malodour problem. This site should be considered as a new landfill and should be fully justified by a new EIA. Members should ask EPD to clarify the EIA requirements in respect of a new landfill vs an extension of the existing landfill.
  - (b) EPD failed to perform its duty in solving the waste disposal problem. More efforts should be made to reduce waste at source. EPD should not put the burden on TKO's residents in solving the waste disposal problem for the whole territory.

[Professor S.C. Wong arrived to join the meeting at this point.]

R2067 (Chu Hon Kwong)

Mr. Chu Hon Kwong

82. Mr. Chu Hon Kwong made the following main points:

- (a) Mr. Chu had attended all previous sessions of the hearing on the consideration of representations and comments, and agreed with the Chairman that representers and commenters had made similar comments. It was because the malodour and environmental pollutions caused by the landfill were faced by all residents of TKO.
- (b) Asking TKO residents to shoulder the responsibility of solving the waste disposal problem for the whole territory was a selfish action. It was just like the dumping of electronic waste by the US in China. The waste disposal responsibility should be equally shared by each district in Hong Kong similar to the Chief Executive's proposal of providing columbarium in each of the 18 districts.
- (c) Each of the 18 districts should explore the best way in their area to address the waste disposal problem, e.g. recycling and incineration of waste and using carven for filling of waste. If waste was disposed within its own district, there was no need for the RCVs/dump trucks to travel a long distance to the landfill site. This would substantially reduce the fuel consumption. This approach was fair and environmental-friendly.
- (d) The imposition of environmental levy was not a proper way to solve waste disposal problem. As the Government imposed charges on disposal of municipal solid waste at the landfill, many people just dumped the solid waste along road sides to avoid the

charges.

- (e) The EIA was not conducted by independent consultants. The assessments and findings had not reflected the actual situation.
- (f) He supported the comments raised by Mr. Chan Kai Wai at the meeting held on 16.11.2011 that the Government should follow the example of the West Kowloon Cultural District project by ceasing all the current procedures for the SENTLFX and start the planning procedures afresh.
- (g) PlanD should 'think outside the box' in planning the future land uses for the territory. For example, the feasibility of having an integrated development with columbarium at basement levels and commercial and residential uses on the ground and upper floors should be explored.
- (h) Members should make a fair judgment. If Members blindly supported the landfill extension proposal, they would regret for the rest of their lives.

R749 (So Kwan Yee Lily)

Ms. So Kwan Yee Lily

83. Ms. So Kwan Yee Lily made the following main points:

- (a) Many TKO residents had attended the prolonged hearing to express their objections against the proposed SENTLFX. The attendees had taken such a radical approach because the TKO residents had been suffering from the adverse impacts of the SENTLFX for over 10 years. They expected that the SENTLFX would be closed by 2012 as scheduled. The residents had been cheated by the Government. Many residents felt frustrated and

suffered from mental depression. The problems mentioned by the attendees were all true facts.

- (b) The residents had done a lot to fight against the proposed landfill extension. She had participated in a number of petitions against the proposal in the last two years. She and Ms. Fong Kwok Shan had submitted a petition letter to Dr. Ellen Chan during the Secretary for Environment's visit to the SENTLF. It was not fair for the residents of TKO to have a landfill extension in Area 137.
- (c) Landfill could not solve the waste disposal problem in the long term. It was not fair for TKO to shoulder the waste disposal problem for the whole territory. Even if the Board approved the proposed landfill extension, the residents of TKO would continue their objection and fight against the landfill.

84. Mr. Chan Kai Wai said that he would like to elaborate on behalf of R6, Ocean Shores Owners' Committee. The Chairman said that Mr. Chan Kwok Keung, a representative of R6, had already made a presentation at the previous hearing session. However, given that Mr. Chan Kai Wai was the Chairman of the Ocean Shores Owners' Committee, the Chairman said he would exercise his discretion and allow Mr. Chan Kai Wai to elaborate on the representation.

R 6 : Ocean Shores Owners' Committee

Mr. Chan Kai Wai (representative)

85. Mr. Chan Kai Wai said that the power and duty of the Board was 'to promote the health, safety, convenience and general welfare of the community by making provision for the systematic preparation and approval of plans for the lay-out of areas of Hong Kong ....' However, the proposed SENTLFx at Area 137 would not promote the health, safety, convenience and general welfare of the TKO community. As such, approving the proposed extension was against the power and duty of the Board. Mr. Chan commented that the information provided by the relevant government departments

was misleading.

86. Mr. Chan continued and said that the SENTLFX proposal had been discussed at various meetings of the Sai Kung District Council (SKDC), its sub-committees and working groups. Mr. Chan then read out the minutes of the SKDC meeting held on 18.7.2008 in relation to the SKDC(M) Paper 76/08. The main points were:

- (a) the malodour problem caused by the SENTLFX had adversely affected the residents of TKO. Although DEP had proposed various mitigation measures to resolve the problem and spent over HK\$ 2 million for implementing these measures, the malodour problem remained. There had also been an increase in the number of complaints on the malodour problem which had extended from TKO South to Hang Hau.
- (b) The malodour problem was particularly serious during rainy days and at mid-nights. Mr. Chan Kai Wai had recorded the frequency of the malodour problem and found that malodour was detected for eight days in June (i.e. 14<sup>th</sup>, 15<sup>th</sup>, 21<sup>st</sup> to 24<sup>th</sup>, 28<sup>th</sup> and 30<sup>th</sup>) and six days in July (i.e. 8<sup>th</sup>, 9<sup>th</sup>, 12<sup>th</sup> to 14<sup>th</sup> and 16<sup>th</sup>). EPD had confirmed that they also detected the malodour problem on some of these days. In this regard, Mr. Chan Kai Wan had suggested EPD to extend the operation hours of the malodour complaint hotline and work with the Sai Kung District Councillors in identifying the source of the malodour. SKDC had set up the ‘深宵臭味關注臨時小組’ to follow up the malodour problem.
- (c) According to the Sai Kung District Officer, a working group with representatives from EPD, Drainage Services Department (DSD) and Food and Environmental Hygiene Department (FEHD) would be set up to address the problem.

- (d) In response to the enquiry raised by the Chairman of SKDC on whether the other two landfills in Tuen Mun and the North District had similar malodour problem, the representative of DEP replied that these two landfills were located relatively far from residential development. In this regard, Mr. Chan Kai Wai commented that the problem of the SENTLF was that it was too close to the residential developments in TKO.
- (e) At the SKDC meeting, a few District Councillors commented that as the existing malodour problem had not yet been resolved, the Government should abandon the extension proposal.

87. Mr. Chan Kai Wai continued and made the following main points:

- (f) In 2010, the Chief Executive visited the landfill in Shibuya of Japan, where no residential development was allowed within 4km of the landfill. The Japanese government took more than 10 years to restore the landfill, which could only be reused for a number of restricted uses.
- (g) The Phase 1 restoration of the SENTLF was handed over to the SKDC for conversion to a pet park. Due to the ground settlement problem, the SKDC was advised not to carry out piling works and lay water pipes on the site. The future use of the site for open space was constrained.

88. Mr. Chan Kai Wai said that Ms Anissa Wong, Permanent Secretary for Environment/Director of Environmental Protection, attended the Sai Kung District Council meeting on 17.3.2009. He then read out a few paragraphs of the minutes of the said DC meeting. The main points were:

- (a) The existing three landfills in TKO had a total area of about 150 ha, which was 10 times of the area of Victoria Park. The existing SENTLF had generated about 3,600 vehicular trips per day. The proposed SENTLFx would generate an addition of

about 1,800 vehicular trips per day. As the Cross Bay Link would only be completed by 2016, the proposed landfill extension would have significant adverse traffic and noise impacts on the area.

- (b) EPD received about 400 complaints against the SENTLF in 2007 and the number of complaints increased to more than 700 in 2008. Although the Government had committed to install two sets of 'electronic nose' in the SENTLF to monitor the malodour nuisance within that year, the effectiveness of the measures was not clear. As the malodour problem had not yet been resolved, the proposed SENTLFX was not supported. Landfill could not solve the problem of waste disposal in the long term. The Government should consider other alternatives of waste disposal such as incineration.
- (c) Ms. Anissa Wong replied at the SKDC meeting that EPD noted the problems of the SENTLF and had been closely working with DSD and FEHD to address the malodour problem. The existing monitoring system and the new facilities of 'electronic nose' would help collect the relevant information and monitor the situation so as to identify the source of the malodour and tackle the problem.

89. The Chairman reminded Mr. Chan Kai Wai that he had already presented for more than 15 minutes. The Chairman said that he would allow two more minutes for Mr. Chan to finish his presentation. The Chairman advised Mr. Chan that, instead of reading out the minutes of the SKDC meetings, a copy of the said minutes could be submitted for Members' information.

90. Mr. Chan Kai Wai continued and said that the information contained in the TPB Paper was not correct. Paragraph 4.13 of the TPB Paper No. 8939 stated that 'The SKDC Chairman concluded that the Government had positively responded to the

malodour problem of TKO and recommended support to the proposed revised scheme. ...' In fact, the SKDC did not move any motion to support the SENTLFX at its meeting on 3.5.2011. In response, the Chairman said that this issue had been raised at the previous hearing sessions and Members would ask for clarification in the Question and Answer (Q & A) session.

91. Mr. Chan Kai Wai made reference to several letters in relation to Ombudsman complaints on malodour problem in TKO. The Chairman enquired whether Mr. Chan would provide a copy of the concerned letters for Members' information. Mr. Chan replied that since the letters were under confidential cover, he would not provide a copy to the Board. However, he would show them at the visualizer for Members' information.

92. Mr. Chan then referred to a letter issued by EPD stating that in view of the increase of public complaints on malodour problem of the SENTLF, the operation hours of EPD's complaint hotline were extended. Hence, EPD had admitted that the malodour problem was caused by the SENTLF. However, EPD had also indicated to the Board that the landfill was not the source of the malodour and the mitigation measures had addressed the problem.

93. Mr. Chan referred to another letter issued by EPD and said that EPD had confirmed in the letter that SENTLF was one of the sources of the malodour problem after analyzing the wind speed and direction as well as the facilities of the housing estates. In the third letter, EPD also advised that the SENTLF was one of the sources of the malodour problem. Mr. Chan Kai Wai said that in all these three letters highlighted by him, EPD had admitted that the SENTLF had caused malodour problem in TKO and mitigation measures had failed to resolve the problem.

94. Mr. Chan Kai Wai then referred the Board to two letters issued by the Ombudsman. In one of the letters, EPD explained that due to a lack of resources, phone calls made by the public to the EPD's complaint hotline were not answered. In this regard, Mr. Chan said that due to the above reason, the number of public complaints received by EPD was much less than the number of complaints made by the public and hence did not truly reflect the seriousness of the problem. EPD also stated that the

independent on-site engineer found that the concentration level of the malodour in the TKO Industrial Estate was not high enough to cause nuisance to the area. Mr. Chan disagreed with EPD's statement. Mr. Chan said that in another letter related to the Ombudsman case, DEP said that after summarizing and analyzing the collected information, the SENTLF was the source of the malodour problem. Mr. Chan Kai Wai opined that as indicated in all these letters, it was a hard fact that the SENTLF had caused the malodour problem in TKO.

95. Mr. Yip Yiu Fai, R2005, said that he would like to make a presentation before the Board. The Chairman said that R2005 had already made a presentation on 1.12.2011. Notwithstanding, the Chairman said that he would exercise his discretion and allow Mr. Yip to supplement his representation for five minutes.

R2005 (Yip Yiu Fai)

Mr. Yip Yiu Fai

96. Mr. Yip Yiu Fai made the following main points:

- (a) The SENTLF and the proposed SENTLFx brought shame on Hong Kong. TKO was named 'Junk Bay' during the Qing Dynasty. When Hong Kong came under the British Administration, the Hong Kong Government did not allow further waste disposal in the area to preserve its beautiful scenery. The history of TKO was reported in the 'Junk' magazine (in London) in 1973. The proposed SENTLFx would be an international laughing stock.
- (b) He visited the landfill twice and found that the malodour problem was unbearable.
- (c) He referred to the information provided by Mr. Chan Kai Wai (which was shown at the visualizer) and said that the capital cost for the existing landfill was only HK\$50 per tonne of waste as compared to HK\$350 per tonne of waste for a new landfill. The

Government should not recommend the SENTLFX simply due to the lower capital cost incurred. The health of the TKO residents should also be taken into consideration. There should be other ways to reduce the capital cost of a new landfill.

97. In response to Mrs. Lam's enquiry on whether she could make a further presentation, the Chairman said that she had already made a number of presentations at the previous sessions of the hearing. Mr. Tim Lo asked whether he could make a supplementary representation on behalf of R1531. The Chairman said that R1531 had already made the presentation at the previous hearing sessions. R1103, Ms. Chu Sau Fong, then authorized Mr. Tim Lo to make the presentation for her.

R1103 (Chu Sau Fong)

Mr. Tim Lo (representative)

98. Mr. Tim Lo said that the SENTLFX proposal was not supported by any independent assessment. Referring to two researches, namely, an Oxford Journal on 'Health Hazard and Waste Management', and 'Review of the Study of Landfill on Human Health', Mr. Tim Lo made the following main points:

- (a) 'Health Hazard and Waste Management' had covered various assessments of the landfills in Love Canal of the New York State, New Jersey and California.
- (b) For the study on Love Canal, it was found that large quantity of toxic chemicals had been deposited in the landfill in 1930s and 1940s. Houses and a school were then built in the area around the landfill in the 1950s. In the mid-1970s, chemicals leaking from the landfill were detected in the soil, local streams and air in the houses. The situation of the LOHAS Park was similar to that of the Love Canal, i.e. toxic materials had been disposed of in the existing landfill and residential blocks were built in the adjacent area. If EPD examined the soil, water and air in the adjacent

area of the landfill, it would find that the pollution levels far exceeded the safety standards.

- (c) The Oxford Journal pointed out that according to the research undertaken for the landfill in New Jersey, landfill had caused birth defects, reproductive disorder, low birth rate, miscarriages, infant mortality, etc. The residents living within the radius of 1 km of the landfill had low birth rate, particularly from 1971 to 1975. LOHAS Park was located within 1km of the landfill. The landfill extension, if implemented, would definitely have negative health impacts on the residents.
- (d) The study on the landfill in California showed that low birth rate and high natal death might have correlation with the presence of large quantity of hazardous waste. The study also showed that landfill might be a cause for significant health problems, including different kinds of cancer, skin and eye problem, psychological disorder, etc.
- (e) ‘Review of the Study of Landfill on Human Health’ had summarized the researches on 38 landfills sites in the New York State as well as the research undertaken by the US Environmental Protection Agency on landfill in 1989. It was found that residents living near landfills had a higher incidence of contracting cancers. All these were renowned international researches undertaken by independent researchers.

99. The Chairman said that Mr. Tim Lo had presented for more than 13 minutes already and he would allow two more minutes for Mr. Lo to finish his presentation. Mr. Lo then shared with the Board the experience of his mother who once suffered from cancer. Mr. Lo said that his mother received medical treatment in the US and planned to return to Hong Kong after her recovery. However, the environmental problems in Hong Kong and the landfill in TKO had badly affected his mother’s health. The doctor

advised his mother that if she stayed in Hong Kong, she could not live for more than one year. Mr. Lo said that the Government was destroying the environment. It was beyond doubt that the landfill in TKO had adverse impacts on physical and mental health of its residents, in particular cancer patients. This was not fair for the residents of TKO. He urged the Board not to approve the proposed SENTLFX.

100. At this point, an attendee, Mrs. Ho, said that she was an ex-cancer patient. She moved to TKO because of its clean air and the fact that the existing landfill would be closed by 2012. When she learnt that there was a proposal to extend the existing landfill, she was so upset that she could not sleep at night. Residents in TKO, in particular those ex-cancer patients, were worried that the chemicals released from the landfills were cancerous. Due to financial constraints, she was unable to move out from TKO. She urged the Board to note her concerns and not to extend the landfill.

101. At this point, an attendee interrupted and said that Members were devils if they decided to approve the proposed SENTLFX, but were angels if they decided to reject it. Residents of TKO would appreciate the Board's decision.

102. Mr. Ni Bing Wen Andy, Chairman of The Capitol Owners Sub-committee (in LOHAS Park), said that he represented R753, Lee Tsz Yiu. The Chairman enquired whether Mr. Ni had obtained the authorization letter from Mr. Lee Tsz Yiu. At this point, Ms. Fong Kwok Shan interrupted and said that the Secretariat should be facilitating by providing samples of authorization letter to the representers and commenters. She continued and pointed out that some representers and commenters had authorized her to present their representations before the Board. She received telephone calls or voice mails from these representers and commenters, and learnt that they had faxed their authorization letters to the Secretariat of the Board. However, when she requested the Secretariat to provide her with a copy each of the concerned authorization letters, her request was declined for the reason that the authorization letters were addressed to the Board. She said that this was unreasonable and asked for a copy of the authorization letters at the meeting. The Chairman said that the concerned representers and commenters authorizing her to present on their behalf should have copied the authorization letters to her directly. Ms. Fong did not consider it a fair arrangement as

the said letters had been faxed to the Secretariat of the Board. She continued and said that according to Mr. Ivan Chung, DPO/SKIs, and the relevant TPB Paper, there were over 2,000 representers and 200 commenters objecting to the proposed SENTLFX. However, only a number of the representers and commenters had attended the hearing. This was because many representers and commenters had authorized some key persons like her to attend the hearing on their behalf, but the Secretariat refused to let her have the relevant information. This was 'false consultation'. The Chairman took note of Ms. Fong's complaint and said that as the purpose of the meeting was to consider the representations and comments of the OZP No. S/TKO/18, the Chairman appealed to Ms. Fong's co-operation and not to disrupt the hearing. Despite the Chairman's repeated warning, Ms. Fong kept on arguing that the Secretariat should provide her with a copy of the authorization letters received. This argument continued for about 10 minutes. The Chairman said that in order to enable the resumption of the hearing, he agreed to ask the Secretariat to check the relevant information for Ms. Fong. He then invited Mr. Ni Bing Wen Andy to start his presentation. Ms. Fong interrupted again and said that upon the confirmation on the details of the authorization letters, she might need to contact the concerned representers and commenters to solicit their comments.

103. At this point, Mr. Chan Kai Wai also requested the Board to note that he also received a number of telephone calls from some representers and comments informing him that they had authorized him to attend the meeting. Upon the request of Mr. Chan, these representers and comments had sent their authorization letters to the Secretariat of the Board. Mr. Tim Lo added that the letter sent by the Secretariat had only requested the representers or commenters to indicate whether they would attend the meeting. The Secretariat should provide tailor-made reply slip to facilitate the representers or commenters to authorize their representatives to attend the TPB meeting. Mr. Lui Kim Ho said that the Secretariat had requested the representers and commenters to indicate whether they would attend the morning or afternoon session of the meeting held on 30.11.2011 in writing. He commented that the Secretariat had not taken any follow-up action to confirm the logistic arrangements with the representers and commenters.

104. The Chairman reiterated that the hearing was to consider the representations and comments to the OZP and requested the representers and commenters to make use of

the time to make their presentations.

R753 (Lee Tsz Yiu)

Mr. Ni Bing Wen Andy (representative)

105. In response to the enquiry raised by Mr. Ni Bing Wen Andy on the purpose of holding the public consultation, the Chairman said that the meeting was not a public consultation on the proposed SENTLFX. The Chairman explained that this was a hearing under statute of the representations and comments in respect of the amendments to the TKO OZP. Mr. Ni asked whether the Board understood the concerns of the representers and commenters regarding the proposed SENTLFX. It was a torture for the representers and commenters to attend such prolonged hearing sessions. As so many representers and commenters had expressed their strong objections against the proposed SENTLFX, there was no need for the Board to further consult the attendees on the proposal. The Chairman said that the Board had noted the comments and concerns raised by the representers and commenters. He stressed that this was the presentation session and the Board had not yet made its decision on the representations and comments. He reiterated that the presentation session had been dragged on for a long time because many comments/concerns were raised repeatedly. To ensure a smooth and efficient conduct of the hearing, Members agreed that for those present who had not yet made their presentations, each of the representers and commenters would have 10 minutes to present. Upon the completion of the presentation session, the Board would then start the Q & A session. Mr. Ni Bing Wen Andy said that many representers and commenters had already made their case. He doubted whether Members could remember all the concerns raised and should start asking questions. The Chairman said that according to the Guidance Notes on Hearing of Representations/Further Representations, the hearing procedure was that the representers and commenters would make presentations first, followed by the Q & A session. To facilitate Members' discussion, all relevant information would be provided to Members for consideration and sufficient time would be allowed for Members to go through the information.

106. Mr. Ni Bing Wen Andy said that he heard that the Secretariat had invited a representer/commenter by phone to attend the meeting on 3.12.2011. He raised concerns

on this improper arrangement and the reason for soliciting the comments of that particular representer/commenter. He continued and said that the comments expressed by one representer/commenter could not represent the others. The Chairman explained that the presentation session had not yet been completed and the representers and commenters had their rights to make presentations before the Board.

107. The Secretary explained that before the adjournment of the meeting held on 1.12.2011, the Chairman had already announced the resumption of the meeting on 2.12.2011 at 10:00 a.m. Some attendees informed her then that they might not be able to attend the meeting and requested the Board to change the meeting schedule. They requested the Secretary to relay their request to the Members. Upon further discussion with Members, the Secretary proposed the option of having the hearing for OZP No. S/TKO/19 in the morning of 2.12.2011 before reverting to the hearing for OZP No. S/TKO/18 in the afternoon. However, this arrangement was declined by the attendees. After further discussion with Members on that night, she informed a few attendees who had not left the conference room that it would be agreeable to also resume the meeting at 9 a.m. on 3.12.2011. However, the attendees left the conference room without agreeing on a definite meeting date. The hearing was resumed on 2.12.2011, but no representer or commenter showed up. As it had been mentioned to some attendees that the hearing would be resumed on 3.12.2011, Members agreed that the hearing should also be resumed on 3.12.2011. The Secretary continued and said that on 2.12.2011 evening, a 'Mr. Chung' telephoned the Secretariat to enquire whether the hearing would be resumed on 3.12.2011. There were three persons including Mr. 'Chung' attending the hearing session held on 3.12.2011. At the hearing session held on 3.12.2011, Members considered that the latest arrangements of the hearing had not been clearly disseminated on 1.12.2011 and agreed that the presentation session should further be resumed on 7.12.2011 so that all the representers and commenters could make their presentations before the Board. Despite that this would be a resumption of the hearing starting on 30.11.2011, Members considered it worthwhile to issue letters to all the representers and commenters informing them the meeting schedule. Letters were then issued in the afternoon on 3.12.2011. It should be put on record that the Secretariat had not contacted any particular representer to invite him/her to attend the hearing session on 3.12.2011. Mr. Ni Bing Wen Andy said that the surname of the commenter was not 'Chung' as

mentioned by the Secretary. Upon clarification, the Secretary said that the commenter who called the Secretariat on 2.12.2011 and enquired about the meeting schedule was Mr. Tse Kwok Tung, C32.

[Dr. W.K. Yau left the meeting at this point.]

108. Mr. Ni Bing Wen Andy said that the hearing arrangement was improper. Many representers and commenters had given their comments. However, the Board would only give their comments or responses after the completion of all the presentations. He doubted whether Members could remember all the comments and concerns raised by the attendees. He considered that Members should ask questions or give their views/comments during the presentation session. The Chairman repeated the procedures set out in the Guidance Notes on Hearing of Representations/Further Representations. He stressed that all relevant information would be made available to Members to facilitate their deliberation on the case. Mr. Ni replied that he had reservation on this arrangement and said that Members had not paid full attention to the presentations made by the attendees. He had made a complaint about a Member drawing pictures in the meeting held on 16.11.2011. As many representers and commenters had made efforts in preparing the presentations to illustrate the adverse impacts of the landfill for Members' consideration, the Board should not just make simple responses without studying the issues in detail.

109. Ms. Fong Kwok Shan said that the arrangements for the sessions of the meeting held on 1<sup>st</sup> to 3<sup>rd</sup> of December 2011 were confusing. It was unreasonable for the Secretariat to invite a representer to attend the hearing by telephone. The Chairman said that the Secretary had already made the clarification. Ms. Fong continued and said that as the representers and commenters would have other commitments, a 14-day prior notice should be given to the representers and commenters. In this regard, her legal representative had sent a letter to the Board. In response, the Chairman said that the Board had received the said letter and a formal reply would be provided to Ms. Fong. Ms. Fong said that Members who attended this hearing session were different from those who attended the previous sessions of the hearing. She enquired whether the minutes of the meeting would be provided to the Members, representers and commenters. The

Chairman replied that all relevant information would be provided to Members for consideration and sufficient time would be allowed for Members to go through the information. The hearing on that day was a resumption of the meeting which had been adjourned. The hearing arrangement had followed the established practice and was reasonable. The Chairman said that the meeting was for the consideration of representations and comments in respect of the TKO OZP and the hearing was not a forum to discuss the procedural arrangements of the Board which had been agreed by Members.

110. In response to Ms. Fong Kwok Shan's request to obtain the minutes of the previous sessions of the meeting, the Chairman said that the minutes of the meeting would be issued after the completion of the hearing. Mr. Tim Lo said that the hearing of Group 1 representations with respect to the Fire Services Training School cum Driving Training School and the proposed private hospital in TKO Area 78 had been completed. He asked whether the Board could provide the minutes of that part of the meeting. The Chairman said that the hearing of the representations and comments in respect of TKO OZP had not yet been completed. The consideration of representations and comments under Group 1 was only one of the agenda items of the meeting. The minutes of the meeting would be prepared upon completion of the whole hearing process and would be issued for public information.

111. Mr. Chan Kai Wai said that there was insufficient time for the notification of the meeting. The Chairman clarified that the representers and commenters were invited to the hearing by a letter from the Secretariat dated 17.10.2011, which complied with the four-week notification period. As the current meeting was the resumption of the hearing session adjourned on 3.12.2011, the four-week notification was not applicable to resumption of this hearing session. Mr. Chan said that the Secretariat only issued the letters on 3.12.2011 informing the representers and commenters the resumption of the hearing on 7.12.2011. Some of the representers and comments had not received the said letter until 5<sup>th</sup> or 6<sup>th</sup> of December 2011. Due to the short notice, many representers and commenters were unable to attend the current hearing session. He said that the hearing arrangement should be improved. Mr. Tin Wai Ling suggested that to facilitate the representers and commenters to make their presentations, the Secretariat should provide a

summary of the key comments presented by the other representers and commenters at the previous sessions of the hearing.

112. Ms. Fong Kwok Shan asked whether the Secretariat could confirm the number of representers and commenters who had authorized her to attend the hearing. The Secretary said that according to the Secretariat's record, letters from eight representers and six commenters authorizing Ms. Fong to speak on their behalf were received. Ms. Fong complained that the Secretariat should have informed her of the authorization before the meeting. It was not fair for her not to have such information. The Chairman said that he could not agree with that and said that it should be the responsibility of the concerned representers and commenters to inform her about the authorization. Ms. Fong said that some representers and commenters informed her via the phone about the authorization, but she did not have the details of the authorization. She requested the Board to provide her with a copy each of the authorization letters. The Chairman agreed to ask the Secretariat to do so.

[Professor Edwin H.W. Chan left the meeting at this point.]

113. In response to the Chairman's enquiry, about 10 attendees indicated that they would like to elaborate on their representations. The Chairman reiterated that only those representers and commenters who had not yet made their presentations before would be invited to make their presentations and each would have 10 minutes to present. Ms. Maggie Ho voiced her grievance as the procedures of the meeting were dictated by the Chairman. The Chairman said that if any representer or commenter was not satisfied with the Board's hearing procedures, he/she could seek redress from other channels. The Chairman said that if Ms. Ho continued to disrupt the hearing, he would have to invite her to leave the conference room. Ms. Maggie Ho then used derogatory remarks to insult the Chairman. The Chairman requested Ms. Ho to withdraw her remarks, otherwise these would be recorded in the minutes.

114. Mr. Tim Lo said that the meeting should be adjourned for a dinner break as some attendees were hungry. The Chairman said that it was only 5:30 pm then. To allow more time for presentations, the dinner break would be scheduled from 7:30 to 8:30

p.m. Ms. Fong Kwok Shan said that she had other commitments. Besides, she had just been informed that eight representers and six commenters had authorized her to make presentation. The Chairman said that he could not agree with Ms. Fong and said that it should be the responsibility of the concerned representers or commenters, rather than the Secretariat, to inform Ms. Fong of the authorization. The Chairman then invited those who indicated their wish to speak to start the presentation. Ms. Fong Kwok Shan interrupted again and said that she felt sorry for the civil servants and security guards who had to work overtime due to the prolonged hearing. According to the Labour Ordinance, all employees should be allowed to have adequate rest time. The Chairman said that staff arrangement was not an issue to be considered at the meeting. He reiterated that in order to allow more time for the attendees to make presentations, the dinner break would be scheduled from 7:30 to 8:30 p.m. Individual attendees could have dinner earlier, if they so wished. The Board would suitably arrange the presentation sequence.

[Some attendees grumbled that the hearing should be adjourned for a dinner break.]

115. As no attendees responded to the Chairman's invitation, the Chairman remarked that if no more representers and commenters would like to make their presentations, the presentation session would end. Ms. Fong Kwok Shan said that she was awaiting the Secretariat to provide her with a copy each of the authorization letters. The Chairman said that as Ms. Fong had submitted the representation No. 2464, she could start her presentation, instead of waiting for the authorization letters. Ms. Fong said that as a district councillor, she would allow the residents to make their presentations first. As Ms. Fong declined to make her presentation, the Chairman then asked again if any of representers or commenters present would like to make presentation.

[Mr. Timothy K.W. Ma left the meeting temporarily at this point.]

C183 (Winnie Li)

Ms. Winnie Li

116. Ms. Winnie Li made the following main points:

- (a) She was a mother of two boys, one born in the 1980's and the other in 1990's. Her sons queried the lack of public consultation on the proposed SENTLFX which would have significant impacts on TKO.
- (c) When she purchased her property in TKO, she was informed that the existing landfill would be closed by 2012. She did not know about the proposed SENTLFX.
- (d) Due to the lack of information on the proposed SENTLFX, a lot of TKO residents had no knowledge of the project and failed to submit their representations during the statutory publication period.

[Ms. Anita W.T. Ma arrived to join the meeting at this point.]

- (e) Using landfill for waste disposal was not sustainable because of its adverse impacts on the environment. The Government should be forward looking in exploring other better alternatives such as reducing waste at source and incineration.
- (f) Many residents had already elaborated on the adverse impacts of the landfill extension and there was no need for her to repeat again. The validity of the EIA completed in 2008 was doubtful.
- (g) The Board and EPD should make more efforts to provide a quality living environment for the next generations.

117. Ms. Chung Shuk Hing said that she would like to make her presentation on behalf of C151. The Chairman said that Mr. Lee Tak Lun, a representative of C151, had already made presentation in the morning session of that day's hearing. At this point, some attendees shouted loudly that such hearing arrangement was not reasonable. The Chairman reiterated the reason for not allowing those who had already made presentations to the Board to present again.

118. An attendee said that Ms. Chung Shuk Hing had attended the previous hearing sessions and only in this hearing session that she had the courage to give her comments before the Board. Some other attendees shared this view and requested the Chairman to give sympathetic consideration to her request. The Chairman said that he agreed to allow Ms. Chung to present.

C151 (Ng Chui Mei)

Ms. Chung Shuk Hing (representative)

119. Ms. Chung Shuk Hing said that EPD had provided inaccurate data. The adverse impacts of the landfill were very obvious and the Board should not support the landfill extension. In view of the significant adverse impacts of the landfill extension on the residents of the adjacent area, she had to voice her objection. It was the hope of the TKO residents to have a safe home. The Board should not make an unjust decision.

120. Ms. Mak Yuk Chun, R24, said that she would like to supplement her comments. The Chairman said that Ms. Mak had already elaborated on her representation at the previous hearing sessions.

121. Ms. Fong Kwok Shan said that Mr. Stanley Y.F. Wong, the Vice-Chairman of the Board had indicated to her that he had a number of questions to ask the government departments regarding the proposed landfill extension. Ms. Fong enquired about the arrangement of the Q & A session. She said that sufficient prior notice on the arrangement should be given. The Chairman said that the Q & A session would only start after the presentation session had been completed. In this regard, the Vice-chairman had already passed his questions to the Secretary who would raise them on behalf of the Vice-Chairman. The Chairman said that the comments and concerns raised by the representers and commenters had been noted. However, as many of the comments and concerns raised at the current hearing session were repetitive, he requested the representers and commenters to keep their presentations succinct.

122. Ms. Fong Kwok Shan said that there were just a few non-official members

attending the meeting. The Chairman confirmed again that the quorum for the TPB meeting was met.

123. Mr. Tim Lo said that he would like to make a presentation on behalf of Ms. Po Sui Fong, C113. As he would like to present his comments in English, he requested the Secretariat to provide simultaneous interpretation for the other attendees. The Chairman clarified that simultaneous interpretation was available throughout the meeting.

[The staff of the Secretariat distributed the headphones to the attendees.]

C113 (Po Sui Fong)

Mr. Tim Lo (representative)

124. Mr. Tim Lo read out some paragraphs of an article, 'Urban Solid Waste Management : Waste Reduction in Developing Nations' written by Olar Zerbock and M.S. Candidate in April 2003, as follows:

- (a) 'Solid Waste is broadly defined as including non-hazardous industrial, commercial and domestic refuse including household organic trash, street sweepings, hospital and institutional garbage, and construction waste'.
- (b) 'The overall problem of MSW (municipal solid waste) is obviously multi-faceted; many organizations, including the United Nations and various non-governmental organisations advocate an integrated approach to MSW management by identifying key stakeholders'.
- (c) 'Before one can examine individual problems in MSW management, it is important to understand the political and economic framework in which governments must frequently work in developing countries. ....some municipal governments spend up to 50% of their revenues on waste-related issues. With increased urbanisation, demand for services will undoubtedly increase. Municipal tax and

fee revenues, however, are not likely to rise as quickly as the population’.

- (d) ‘A major problem is that of development at or on top of landfills; many shantytowns are built from disposed of waste and in some cases entire neighbourhoods are sited on top of existing landfills. For example, the Smoky Mountain dump in Manila, Philippines had as many as 10,000 families living in shacks on or adjacent to the dump site. Aside from the obvious health implications, these concentrations of people further complicate transport and unloading procedures and presented numerous safety and logistical concerns’.
- (e) ‘There are some human health risks associated with solid waste handling and disposal in all countries to some degree, but certain problems are more acute and widespread in underdeveloped nation. Cointreau (1982) has classified these into four main categories: 1) presence of human faecal matter, 2) presence of potentially hazardous industrial waste, 3) the decomposition of solids into constituent chemicals which contaminate air and water systems, and 4) the air pollution caused by consistently burning dumps and methane release’. .....’Industrial waste can pose significant health risks for those involved in the collection and ultimate disposal of solid waste’.....‘A major environmental concern was gas release by decomposing garbage. Methane was a by-product of the anaerobic respiration of bacteria, and these bacteria thrive in landfills with high amounts of moisture. Methane concentrations could reach up to 50% of the composition of landfill gas.....’. ‘A second problem with these gases is their contribution to the so-called greenhouse gasses which are blamed for global warming’.

125. By making reference to the article, Mr. Tim Lo said that if the Government had planned to have the landfill extension, it would be unreasonable to allow the residential development, LOHAS Park, at the adjacent area. When the owners bought the flats of

LOHAS Park, they were advised by the developer that the residential development was planned and developed as a 'garden city'. However, now the LOHAS Park would be right next to a landfill extension. The adverse impacts of the landfill would affect the residents of LOHAS Park.

126. The Chairman said that Mr. Tim Lo had already presented for 13 minutes. He then invited the next representer or commenter to make the presentation. Mr. Lo asked whether he could make another presentation if he got the authorization from other representer or commenter. The Chairman replied that other representers and commenters should be given the right to elaborate on their comments first.

R791 (Gordon Leung)

Mr. Wong Ka Ki (representative)

127. Mr. Wong Ka Ki said that he just learnt that the representatives of EPD had made responses to the comments of the representers and commenters. The Chairman clarified that the presentation session covered two parts. The first part covered the presentations made by the representatives of government departments, including EPD. The second part covered the presentations made by the representers and commenters. After the completion of the presentation session, there would be the Q & A session. Mr. Wong enquired about the reason of not allowing the representers and commenters to attend the session when the representatives of EPD made their presentation. The Chairman replied that the representers and commenters had been invited to attend the presentation session. Mr. Wong Ka Ki said he noted.

128. Mr. Wong Ka Ki then made the following comments:

- (a) The information contained in the EIA regarding the SENTLFX in TKO was not updated. According to the information contained in the report, there was no assessment on the RTHK development and a biodiesel production workshop (生物柴油廠). The production process of biodiesel, including the transportation of raw material, production of the biodiesel and storage of the product, would have significant impacts on the health of the residents. EPD should be

requested to make comments on this concern.

- (b) The residents of TKO had attended the prolonged hearing sessions because they wanted to protect their homes. TKO was a good community. The supporting facilities had been provided by phases to serve the increasing population. He could not understand why the Government would provide a landfill extension in Area 137 which was contrary to good planning.
- (c) He had been living in TKO for a long time, during which he had stayed in different places of TKO. He commented that the malodour could be smelled in many places of TKO. The landfill had adversely affected the health of the residents. The Board should act for the general welfare of the community.

C139 (W.C. Lai)

Ms. Wong Kwai Kung (representative)

129. Ms. Wong Kwai Kung made the following main points:

- (a) It was learnt from the presentation made by Mr. Tsui Hok Leung in the morning session of that day's hearing that Mr. Tsui and his wife suffered from coughing and itchy eyes after living in LOHAS Park. Her husband also had similar eye inflammation problem. Ms. Wong noted that both families were living in the same block of Capitol. The common health problem suffered by them was probably caused by the pollutants from the chimney of the existing landfill which was adjacent to the residential block.
- (b) Ms. Wong had lived at LOHAS Park for two years and Ocean Shores for five years. She recalled that when she lived at Ocean Shores, the Government had taken prompt actions against the 'red imported fire ants' (紅火蟻) found at a site near Ocean Shores. She was curious why the Government turned a blind eye to the

problems caused by the landfill. TKO was beautiful but smelly.

- (c) The Board should promote the general welfare of the community. She urged the Board to take into consideration the concerns of the residents.

[At this point, attendees raised questions on the procedures again and this went on for about 30 minutes.]

130. Mr. Tse Kwok Tung, C32, said that he would like to make a presentation. The Chairman said that Mr. Tse had already made his presentation on 3.12.2011. Mr. Tse said that only one commenter attended the hearing on 3.12.2011. He queried the hearing arrangement as the representers and commenters had no information on the said meeting. Mr. Tim Lo said that as most of the representers and commenter had not attended the hearing on 3.12.2011, it was not sure whether the presentation made by Mr. Tse had been probably recorded. Mr. Tse should be allowed to make his presentation again. The Chairman confirmed that the presentation made by Mr. Tse would be recorded in the minutes of the meeting. The Chairman requested Mr. Lo not to disrupt the proceeding of the hearing. The Chairman then invited the next representer or commenter to make their presentations.

131. In response to Mr. Chan Kai Wai's enquiry on the hearing arrangement, the Chairman repeated once again that Members had discussed about the arrangement of the remaining sessions of the hearing. The hearing had already lasted for about 30 hours so far. Many of the comments/concerns raised by the representers and commenters in the hearing had been repeatedly made. To ensure a smooth and efficient conduct of the hearing, Members agreed that for those present who had not yet made their presentations, each representer and commenter would have 10 minutes to present. The Chairman would exercise his discretion to allow a longer presentation, if justified.

132. Mr. Chan Kai Wai requested to have the information regarding the representers and comments who had authorized him to attend the hearing. In response, the Chairman said that the Secretariat had received a total of six authorization letters from respective

representers and commenters authorizing Mr. Chan to attend the hearing.

133. Ms. Fong Kwok Shan said that it was unreasonable to have prolonged hearing. As it was already quite late in the evening, she enquired whether the Board would adjourn the hearing and resume it tomorrow. Ms. Fong also said that the Board should give sufficient notice to the attendees for attending the hearing. Due to the belated notification of the meeting schedule provided by the Board in the night of 1.12.2011, Mr. Tse Kwok Tung had to make a phone call enquiry to the Secretariat and eventually only three persons attended the hearing session on 3.12.2011. The Chairman said that as the representers and commenters had not yet finished their presentations, it was premature to decide on the date of the next hearing session. He would further discuss with Members on the arrangement after the dinner break. The Chairman urged the attendees to make use of the time to make their presentations.

134. Mr. Kwan Lok Keung, a representative of R1987, said that he had just arrived to join the hearing. Mr. Kwan continued and said that he had high blood pressure and had just been discharged from the hospital a few days ago. He had already authorized Ms. Fong Kwok Shan to represent him at the hearing and queried why the Chairman did not allow Ms. Fong to make the presentation. The Chairman clarified that he had invited Ms. Fong to make her presentation several times. He then invited Ms. Fong to start her presentation. Ms. Fong said that as a district councillor, she would allow the residents to make their presentations first. Besides, the Secretariat had only provided her with copies of the authorization letters an hour ago. She considered that such arrangement was improper. The Chairman said that Ms. Fong's allegation was not acceptable because it should be the responsibility of the representers and commenters to inform Ms. Fong if they wished to authorize Ms. Fong to represent them at the hearing.

135. Mr. Tim Lo said that he would like to represent R2468 to make a presentation. The Chairman noted that R2468 was Mr. Chan Kai Wai. He enquired why Mr. Chan did not make the presentation himself. Mr. Tim Lo shouted loudly at the Chairman and queried why he could not represent R2468, Mr. Chan Kai Wai, to elaborate on the presentation. Mr. Chan Kai Wai then explained to the Chairman that he was not feeling well and would like to ask Mr. Lo to make a presentation for him. The Chairman then

invited Mr. Lo to start his presentation. However, Mr. Lo said that he could not make the presentation at this juncture as his neck was very painful.

136. At this point, Ms. Fong Kwok Shan requested the Chairman to adjourn the hearing for a dinner break. The Chairman replied that since there was still 15 minutes left before the dinner break, he enquired whether Ms. Fong Kwok Shan would like to make her presentation at this juncture. At this point, Mr. Kwan Lok Keung said that although he had high blood pressure, he still joined the hearing. He said that Ms. Fong Kwok Shan, as the district councillor, should have the ability and duty to speak for the residents. The Chairman asked if Mr. Kwan would authorize Ms. Fong to elaborate on his presentation for him. Mr. Kwan replied that as he had already arrived to join the meeting, he would like to make the presentation himself. However, he needed to take a rest first. The Chairman noted.

137. Ms Fong Kwong Shan said that Mr. 'Ga' had just arrived to join the afternoon session of the meeting and would like to make a presentation. The Chairman said that Mr. 'Ga' had already made his presentation in the morning session of that day's meeting. In this regard, Mr. 'Ga' claimed that he was the authorized representative of R254. The Chairman said that the Secretariat had no record indicating that R254 had authorized a Mr. 'Ga'. He requested Mr. 'Ga' to clarify the issue. Mr. 'Ga' said that his real name was Ringo Ng, and his pen-name was 'false consultation' (假諮詢). The Chairman said that the hearing to consider the representations and comments was a statutory procedure under the Ordinance. The Secretariat would seek legal advice on the issue.

[Some attendees interrupted the Chairman's request for Mr. 'Ga' to clarify his identity. Some attendees also shouted that the presentation made by Mr. 'Ga' was very impressive and should be allowed to make his presentation again. A few attendees requested the Chairman to adjourn the meeting for a dinner break. ]

138. At this point, the Chairman said that as it was already 7:25 p.m., the meeting would be adjourned for a dinner break. He informed the attendees that the hearing would be resumed at 8:30 p.m.

[The meeting was adjourned for a dinner break.]

139. The meeting was resumed at 8:30 p.m.

[Professor P.P. Ho and Mr. Timothy K.W. Ma returned to join the meeting at this point.]

140. The Chairman said that he would like to take stock of how many attendees had to make their presentations. He said that the Secretariat had checked with the attendees to confirm the number of representers and commenters who would like to make a presentation at the meeting. R1987 and R2446 had registered with the Secretariat that they would like to make their presentations. Both Mr. Chan Kai Wai and Ms. Fong Kwok Shan had some representers and commenters authorized them to attend the meeting. The Chairman asked again if other attendees would like to make a presentation. There was no response from the attendees.

141. Mr. Chan Kai Wai requested the Secretariat to confirm the number of representers and commenters who had authorized him to represent them at the hearing. The Chairman replied that he had already advised Mr. Chan before the dinner break that the Secretariat had received six authorization letters from respective representers and commenters authorizing Mr. Chan to attend the hearing.

142. The Chairman enquired again whether there was any more representer and commenter who would like to make a presentation at the meeting. As there was no response from the attendees, the Chairman then read out the list of attendees who would make their presentations. The Chairman said that R1987 and R2446 would have 10 minutes each to make their presentations. For R2464, Ms. Fong Kowk Shan, taking into account that 20 odd representatives of R2464 had already made their presentations in the previous sessions of the meeting, and eight representers and six commenters had authorized Ms. Fong to represent them at the meeting, the Chairman decided to allow 30 minutes for Ms. Fong to make the presentation. The Chairman said that he would exercise his discretion to allow time extension as appropriate. The Chairman said that this approach also applied to Mr. Chan Kai Wai's presentation.

143. Given that there were four outstanding presentations to be made, i.e. R1987, R2446, Ms. Fong Kwok Shan and Mr. Chan Kai Wai, the Chairman said that the remaining presentation would probably last for about 1.5 hours. Upon the completion of the presentation session, the Board would proceed to the Q & A session which would be after 10:00 pm. In view of this, the Chairman informed the attendees that the Q & A session would be held at 11:00 a.m. on 9.12.2011.

144. Mr. Tim Lo interrupted that R2468 had not yet made his presentation.

145. Ms. Fong Kwok Shan said that her legal representative had already written to the Board requesting for a reasonable advance notice, i.e 14 days, before the hearing. Ms. Fong continued and said that a representer R195, Ms. Lam Wing Sze, who could not attend the previous sessions of the hearing, had just arrived to join the hearing after work and would like to make a presentation. The TKO residents had sacrificed their time to meet the hearing schedules. Ms. Fong Kwok Shan then used derogatory remarks to insult the Chairman for giving such a short notice for the next hearing session scheduled on 9.12.2011 (Friday). The Chairman requested Ms. Fong to withdraw her remarks. Ms. Fong did not respond.

146. Ms. Fong Kwok Shan said that she had only received a copy each of the authorization letters from the Secretariat at around 6:00 p.m. She said that she would meet with representers and commenters who had authorized her at 11:00 p.m. at TKO to solicit their comments. Ms. Fong said that the hearing arrangement was unfair. In any case, she could not finish her presentation within 30 minutes. It would be up to the Chairman to decide how to proceed with the hearing. Ms. Fong reiterated that the Chairman should give a 14-day notice for the next hearing session. Her request of a 14-day notice was reasonable as compared to the six-month extension for submitting the draft OZP to the CE in C and the postponement of the Board in hearing the representations and comments which was more than one year. The Chairman said that he had already explained the procedural issue many times and he would not repeat it again. The Chairman then invited R1987, R2446, R2468, Ms. Fong Kwok Shan and Mr. Chan Kai Wai to make their presentations. Mr. Kwan Lok Keung, the representative of R1987 said that he could not make the presentation as he needed to take a rest. The Chairman

then invited R2446 to make the presentation. Despite the Chairman's repeated invitation, there was no response from the attendees.

147. Mr. Chan Kai Wai interrupted and requested the Secretariat to provide him a copy each of the authorisation letters. The Secretariat then provided a copy each of the authorization letters to Mr. Chan.

148. Ms. Fong Kwok Shan said that R195, Ms. Lam Wing Sze, could not attend the previous sessions of the hearing, which were held during office hours, as she needed to work. The Chairman replied that it was impossible for the Board to accommodate the individual schedules of all representers and commenters. Ms. Fong enquired whether the Chairman implied that it was impossible to hear the comments of all representers and commenters. The Chairman said that the Board had already made reasonable arrangements for the hearing of the representations and comments.

149. An attendee said that C139 had authorized Mr. Ringo Ng to make a supplementary presentation. The Chairman said that C139 had also made his presentation at the previous session of the hearing. In response to an enquiry from another attendee, the Chairman reiterated that upon the completion of the presentation session today, the Q & A session would be held at 11:00 a.m. on 9.12.2011. The Chairman then invited R2468 to start his presentation. Mr. Tim Lo, the representative of R2468, said that he would like to make his presentation in English. He requested the Chairman to allow more time for him to make the presentation as he could not speak too fast. Otherwise, the simultaneous interpreter of the Secretariat could not provide timely interpretation for the other attendees.

150. An attendee said that Mr. Ringo Ng would like to make a presentation first. The Chairman reiterated that Mr. Ringo Ng had already made a presentation of more than one hour in the morning session of that day's hearing. In response, the attendee said that R255 had authorized Mr. Ringo Ng to make a presentation for him. The Chairman noted.

151. The Chairman said that the representers, commenters or their representations

who had indicated to the Secretariat that they would like to make a representation were R1987, R2468, R255, Ms. Fong Kwok Shan and Mr. Chan Kai Wai. After their presentations, the presentation session would be completed. R195, Ms. Lam Wing Sze, said that she had already passed her request to the Secretariat for making a presentation. Dr. Lam Chi Hung also said that he represented C141 (Mr. Cheng) and would like to make a presentation. The Chairman took stock and said that R1987, R2468, R255, R195, C141, Ms. Fong Kwok Shan and Mr. Chan Kai Wai would make their presentations.

152. Mr. Chan Kai Wai said that he would like to put on record that R1458, R1490, R1620, R1622, R1831 and R2090 had authorized him to represent them at the meeting. Ms. Fong Kwok Shan also said that C99, C114, C139, C141, C142, C143, R22, R215, R230, R508, R698, R2357, R2431 and Ms. Wan/Mr. Cheung (the representation number had not been indicated in the authorization letter). Ms. Fong said that she needed to leave the meeting to meet some of the concerned representers and commenters who had authorized her.

R255 (Sung Lap Mo)

Mr. Ringo Ng (representative)

153. With the aid of some photographs and videos (which had been shown in the morning session of today's meeting), Mr. Ringo Ng made the following main points:

- (a) As shown in the video, about 800 eagles were found flying in the sky above the landfill.
- (b) Many RCVs and dump trucks were parked in the open air car park near Chun Cheong Street, some of which had been parked there for several days. Waste could still be found on the RCVs and dump trucks which were parked on street. There was also waste water left on the ground where the RCVs were parked.
- (c) While eagles looked for food from the waste at the landfill, smaller birds fed on the waste found in the RCVs parked on street. Apart

from eating waste, the birds drank the waste water dripped from the RCVs.

- (d) A skip loaded with waste was placed at the same parking space for several days. The skip was just like a big rubbish bin and the Government had not imposed any requirement on covering the rubbish within it.
- (e) Road signs along Wan Po Road were dirty and covered with dust. Many trees and flowers were also dying. Moreover, different objects such as stones and blades of scissors dropped from the RCVs/dump trucks were left on the road;
- (f) At around 6:00 p.m., there were still many RCVs and dump trucks going to the SENTLF. As shown in many photos, the RCVs and dump trucks were uncovered. He estimated that about 10% to 20% of the RCVs/dump trucks to the landfill were uncovered and the percentage would increase to 30% at night time.
- (g) He learnt that some officers of TD took record on the number of RCVs and dump trucks in the open-air car park at Wan Po Road this afternoon. There were about 5,000 to 7,000 RCVs/dump trucks to the landfill each day.
- (h) Wan Po Road had the highest concentration of fine suspended particulates PM 2.5 to PM 10, which were harmful to human beings. The level of air pollutants (e.g. suspended particulates or NO<sub>x</sub>) in TKO had exceeded the relevant standards.
- (i) Suspended particulates PM 10 and PM 2.5 could enter the blood vessels and lungs. The Government should test whether the dust in TKO contained any harmful substances like NO<sub>x</sub>, dioxin, carbon monoxide, nitrogen dioxide or nitrogen oxide, which would

adversely affect the health of TKO residents.

154. The Chairman reminded Mr. Ringo Ng that he had already presented for more than 10 minutes. Mr. Ng replied that he would finish his presentation shortly. He continued and said that the street washing vehicles had not used water to clean the road and the washing brushes did not even touch the ground of the road. Hence, the effectiveness of these street washing vehicles in cleaning the road was doubtful. After washing, there were still debris and dust found on the road. When the dust dried up after a while, they would be blown to the residential areas. According to his understanding, the street washing vehicles were equipped with GPS system so that the concerned company could check which streets had been visited by the street washing vehicles and for how many times. However, it would not be able to check if the street washing vehicles had really washed and cleaned the road. He showed the meeting a photograph showing a street cleaner covering the whole body, including his/her face, with clothes, face mask and hat.

155. The Chairman reminded Mr. Ringo Ng that he had presented for more than 10 minutes already and the concerned photographs had already been shown in his presentation in the morning session earlier on. Upon the request of Mr. Ringo Ng, the Chairman said that he would allow one more minute for Mr. Ng to finish his presentation. Mr. Ng said that according to the EIA of the proposed SENTLFX, the relevant data were collected by the consultants during the period from end November to early December. It should be noted that the prevailing strong northern wind during the winter season blew away the pollutants and malodour from the landfill to the Island Resort on the Hong Kong Island. However, most of the complaints on the landfill were lodged by the public from March to September. The consultants should collect the relevant data during this period to assess the negative impacts of the landfill. He commented that the timing for collecting the data samples were incorrect.

C141 : C.W. Cheng

Dr. Lam Chi Hung Louis (representative)

156. Dr. Lam Chi Hung Louis made the following main points:

- (a) Dr. Lam had been engaged in the study of wind power (風力) in Hong Kong since 1969. During the period from March to September when the south-easterly or southerly wind was prevailing, the malodour and pollutants would be blown from the existing SENTLF to the LOHAS Park. Since the wind was relatively weak, there was a high concentration of malodour and pollutants in the area.
- (b) The information provided by EPD was not reliable. During the outbreak of the atypical pneumonia (SARS) in Hong Kong in 2003, EPD had participated in a study on the Amoy Gardens to assess the dust problem therein and its relationship with the nearby construction site. In this regard, Dr. Lam had prepared a report and presented it for the Central Policy Unit and at a seminar at the University of Hong Kong. He had also made an appointment to meet Dr. Sarah Liao, the former Secretary for the Environment, Transport and Works. Dr. Lam was surprised to note that EPD had no equipment to measure the Respiratory Suspended Particulates (RSP) in 2003. The RSP referred to the suspended particulates of five micrometers in the air. He was not sure whether EPD had any equipment to measure the RSP now. The RCVs and dump trucks had caused dust nuisance. With no available equipment to measure the RSP, the Government had indicated that there was no such impact.
- (c) According to the international documentary, there were four kinds of gases that caused cancer. EPD should provide detailed information on the release of the poisonous gas from the landfill such as its concentration level.
- (d) Members had the responsibility to enquire whether EPD had the equipment to measure the possible impacts of the landfills, whether the information provided by EPD was reliable and whether such

information was outdated.

R195 (Ms. Lam)

Ms. Lam Wing Sze

157. Ms. Lam Wing Sze made the following main points:

- (a) Ms. Lam could not attend the previous sessions of the hearing which were held on weekdays as she needed to work. She enquired whether the hearing sessions could be held on Saturday or Sunday. It seemed that the Board was creating hurdles to prevent the representers or commenters from attending the meeting.
- (b) The Secretariat had sent a voluminous TPB Paper of four to five inches thick to her. She noted that 100 odd copies of the Papers had been deposited at the ground floor of her residential block. The issuance of such thick Paper was a waste of paper and not environmental-friendly.
- (c) The SENTLF was scheduled to be closed in 2012. As the Government proposed to provide a landfill extension in the area, there was no point for the Chief Executive to visit Japan to learn the waste disposal measures. The Government should follow the approach adopted in some overseas countries such as siting landfills on remote islands. In fact, relying on landfills for waste disposal was not a sustainable means and the Government should explore other options to address the waste disposal problem.
- (d) TKO already had a landfill. If there was a need to have another one, it should be in somewhere else and not in TKO.
- (e) As indicated in the photographs shown by another representer, the dump trucks were often uncovered and construction waste would fall onto Wan Po Road. This would cause safety problem for drivers. The data

provided by EPD in the EIA was biased and the assessment was not undertaken in a proper manner.

R1987 (Tsui Kit Wai)

Mr. Kwan Lok Keung (representative)

158. Mr. Kwan Lok Keung made the following main points:

- (a) He appreciated the efforts made by other residents of TKO in undertaking researches and taking photographs to demonstrate the adverse impacts of the landfill before the Board.
- (b) Mr. Leung Chun Ying once said in the television that only about 7% of the land in Hong Kong was developed and 93% of the land was left vacant. He doubted why it was so difficult for EPD to find a suitable location for the landfill.
- (c) According to the census statistics, TKO would have a very rapid population growth in the next eight years (up to 2018) and its growth rate was probably the highest amongst all districts of Hong Kong. TKO also had a higher population density than many other places in Hong Kong.
- (d) If there was a need to provide a new landfill/landfill extension, a better option was to locate the facility in a sparsely populated area so that less people would be affected. Lantau and outlying islands were possible options. One might argue that if the landfill was located in the remote islands, the RCVs would need to travel longer distance to the landfill which incurred higher transportation cost. In this regard, it would be more appropriate to locate the landfill in Repulse Bay and Deep Water Bay which had a much lower population density.

- (e) The whole territory should be held responsible to address the waste disposal problem. As TKO had already accommodated the SENTLF, it would be unreasonable to locate the landfill extension in TKO. It was unfair and unjust to the TKO residents.
  
- (f) The hearing arrangement was not satisfactory. At the previous sessions of the hearing meeting, representers and commenters were allowed to make their presentations for more than one hour. However, the Chairman changed the rules half-way through. Some TKO residents had authorized Ms. Fong Kwok Shan to attend the meeting. He learnt that the Chairman had only allowed Ms. Fong to make one presentation for eight proxies. This was extremely unfair.

159. An attendee said that Mr. Ringo Ng would like to make a supplementary presentation. The Chairman said that Mr. Ringo Ng had presented for more than one hour already. Some attendees requested the Chairman to allow Mr. Ng to make a short supplementary presentation. The Chairman said he agreed to exercise his discretion to allow Mr. Ringo Ng to supplement his presentation for two minutes.

160. Mr. Ringo Ng said that he suffered from sinusitis and he knew that quite a number of residents in TKO also had the similar illness. During the days of bad weather, the air quality in LOHAS Park was very poor and he needed to use nasal sprays containing steroid. However, the medication had adversely affected his health. To avoid taking the nasal sprays, he had to leave LOHAS Park to have cleaner air. However, as the air quality in TKO town centre was not very good, he would either walk to Area 137 or the waterfront which did not have any pedestrian walkway. The area around LOHAS Park was just like a prison. He would even walk via the hiking trails to Sai Kung where the air quality was better. However, the walk would take about 1.5 hours. Mr. Ng said that while he was able to leave LOHAS Park, the elderly and the infants who were home-bound would inhale the dust in the air. He urged the Members to pay a visit to the landfill to experience the problems elaborated in his representation.

R2468 (Chan Kai Wai, Sai Kung District Councillor)

Mr. Tim Lo (representative)

161. Mr. Tim Lo read out some paragraphs of an article, 'Urban Solid Waste Management : Waste Reduction in Developing Nations', as follows:

- (a) 'The placement of solid waste in landfills is probably the oldest and definitely the most prevalent form of ultimate garbage disposal. From the outset, it must be recognized that many "landfills" are nothing more than open, sometimes controlled, dumps. The difference between landfills and dumps is the level of engineering, planning, and administration involved'.
- (b) 'Open dumps are characterized by the lack of engineering measures, no leachate management, no consideration of landfill gas management, and few, if any, operational measures such as registration of users, control of the number of "tipping fronts" or compaction of waste'.
- (c) 'In an examination of landfills throughout the developing world in 1997-1998, Johannessen (1999) found varying amounts of planning and engineering in MSW dumping; among the various regions visited, African nations (with the exception of South Africa) had the fewest engineered landfills, with most nations practicing open dumping for waste disposal; waste managers in Asian and Latin American nations were more likely to be aware of environmental effects of improper landfill design and were much more likely to design and implement some control measures, however limited in scope'.
- (d) "'Sanitary' landfills, on the other hand, are sites where waste is allowed to decompose into biologically and chemically inert

materials in a setting isolated from the environment. Cointreau (1982) outlined the four features that must be present in order for a landfill to be considered as sanitary.

- i) *Full or partial hydrogeological isolation* through the use of liners to prevent leachate infiltration into the soil and groundwater; collection and treatment infrastructure should be used where leachate is expected to be generated.
  - ii) *Formal engineering preparations* with an examination of geological and hydrological features and related environmental impact analysis, waste tipping plan and final site restoration plan.
  - iii) *Permanent control*, with trained and equipped staff to supervise construction and use.
  - iv) *Planned waste emplacement* and covering, with waste and soil placed in compacted layers as well as daily and final soil cover to reduce water infiltration and reduce odours and pests’.
- (e) ‘Other practical and social considerations must be addressed when planning landfills, especially in the context of developing nations..... One of the most important is the siting of landfills in proximity to urban areas. Naturally, there are few people who would be excited by having a landfill in their backyard, however it is important to realize that landfills must be located within a reasonable distance to population concentrations along a good road system. If they are located too far from collection points and transfer stations, waste transport could become prohibitively expensive due to the distance the waste is transported. In the poorest nations, development agencies may finance all or part of landfill construction. However, if it is sited far from the urban

area, without regard to the ability of the government to transport waste with its limited finances, scattered unregulated dumping will become financially attractive....’

- (f) ‘It was obvious that a proper, engineered landfill is more expensive to design, implement and maintain. This is naturally the main constraint in developing countries, and therefore landfill construction is a focus of development assistance by World Bank and many other aid organisations. Although the costs may be defrayed and technical assistance given, in the long term it will be the responsibility of local and national governments to ensure proper waste disposal is a practical and viable option’.

162. By making reference to the article, Mr. Tim Lo then made the following points :

- (a) It was not sure whether EPD realized the difference between ‘landfill’ and ‘open dump’. Landfill involved planning and administration.
- (b) For the SENTLF, there was no planned waste emplacement and covering. As showed in the photos provided by Mr. Ringo Ng, the landfill in TKO was just an ‘open dump’.
- (c) Landfill required a good road system. It was doubtful whether Wan Po Road (which had only two lanes) could be classified as a good road system. The road was congested with many RCVs and dump trucks. In Los Angeles, the landfill was connected to the highway by a 3km road. The dump trucks would use this dedicated road to reach the landfill. However, the TKO tunnel and Wan Po Road were jointly used by private cars, RCVs and dump trucks. The garbage dropped from the RCVs and dump trucks would cause traffic accidents.

- (d) When compared to the developing countries, Hong Kong was a developed city. The average yearly income of the working population in Hong Kong was US \$30,000 per worker. However, the landfill in TKO was badly implemented and maintained. It was an international joke.

163. The Chairman reminded Mr. Tim Lo that he had presented for 10 minutes already and said that he would give Mr. Lo two more minutes to finish his presentation. Mr. Lo said that Hong Kong was a world class city and EPD should improve their management of the landfills. In view of the poor management of the SENTLF in TKO, the proposed SENTLFX would be an international joke.

164. The Chairman then invited Mr. Chan Kai Wai and Ms. Fong Kwok Shan to make their presentations. An attendee said that Ms. Fong Kwok Shan was not in the conference room. Mr. Chan Kai Wai informed the Chairman that he could not locate his papers and needed to look for them before making his presentation. The Chairman said that as Mr. Chan Kai Wai was not yet ready to make his presentation, the meeting would be adjourned for a 2-minute break. An attendee said that Mr. Au Kai Wing, a representative of R256, would like to make a presentation. Upon clarification, the Secretary confirmed that the Secretariat had received the authorization letter of R256. The Chairman then invited Mr. Au Kai Wing to make his presentation.

R256 (Sung Tan Ling)

Mr. Au Kai Wing (representative)

165. Mr. Au Kai Wing made the following main points:
- (a) He had attended the morning session of the hearing that day and learnt about the significant adverse impacts of the landfill which were illustrated in the presentations of other attendees. He doubted whether Area 137 was a suitable location for the landfill extension. He and four other residents visited the existing landfill in TKO this afternoon. He was surprised to find that there were many negative impacts of the landfill on the

environment and ecology of the area.

- (b) The proposal to extend the landfill in TKO to the country park had just been rejected by the Legislative Council last year. There was no reason for the Government to put forward the landfill extension proposal within such a short time.
- (c) The proposed SENTLFX at Area 137 could not solve the waste disposal problem in the long term. It would affect the economic development, ecology and environment of TKO. The proposal was a shame to Hong Kong. The Government should explore other options such as reducing waste at source and incineration.
- (d) The residents of LOHAS Park were rational people and the actions taken by them were not radical. The Government should not ignore the residents' objections and insist to carry out the landfill extension. This would affect the harmony of society.
- (e) The environmental problem of the existing landfill and the proposed landfill extension would affect the property value of the LOHAS Park.
- (f) As the residents had clearly informed the Board about the adverse impacts of the existing landfill and the proposed extension, it was not reasonable for the Board to approve the proposed SENTLFX in Area 137. The government representatives had only presented the good points of the proposal before the Board. However, the photos shown in the representations had demonstrated the serious problems of the landfill. The Board should not rush to approve the project and there should be further discussion on the proposed landfill extension.

166. The Chairman then invited Mr. Chan Kai Wai to make his presentation. Mr.

Chan said that he had prepared a summary of issues to be presented at the hearing. However, the said information which was put on the table might be mistakenly taken away by an attendee. As such, he could only make a summary of the information that he had prepared. The Chairman said that he would first allow 30 minutes for Mr. Chan to make his presentation. At this point, Mr. Chan Kai Wai requested the Secretariat to confirm the number of representers and commenters who had authorized him under the names of 'Ocean Shores Owners' Committee', 'Mr. Chan Kai Wai, Sai Kung District Councillor' and 'Joining Group for Closing Tseung Kwan O Landfill Area' to attend the hearing. He learnt from the TKO residents that there should be over 100 proxies.

[At that time, a few attendees started packing-up their belongings. Ms. Maggie Ho talked loudly with the other attendees that as they previously agreed to leave the meeting at around 10:00 p.m., she enquired whether it was time to leave. A few attendees said that they had already been tortured for a few days and the hearing arrangement was not fair and was dictated by the Chairman. The attendees started leaving the conference room at this point. Some attendees also requested Mr. Chan Kai Wai to leave together.]

167. The Chairman invited Mr. Chan Kai Wai again to start his presentation. Mr. Chan Kai Wai said that the other attendees were already leaving the meeting. In any case, he could not finish his presentation in 30 minutes. He would leave it to the Chairman to make the decision on the subject. The Chairman reminded Mr. Chan that he had given Mr. Chan the right to make a presentation and Mr. Chan decided not to exercise his right.

168. As all the representers, commenters and their representatives had left the conference room at this point, the Chairman said that the presentation session of Group 2 representations and comments to the draft TKO OZP No. S/TKO/18 had been completed. The Q & A session would be held at 11:00 a.m. on 9.12.2011.

169. The meeting was adjourned at 10: 20 p.m.