

1. The meeting was resumed at 3:10 p.m. on 13.12.2011.

2. The following Members and the Secretary were present at the resumed meeting:

Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. K.Y. Leung

Mr. B.W. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Paul K.S. Lam

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Deputy Director of Environmental Protection

Mr. Benny Wong

Director of Lands

Miss Annie Tam

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 998th Meeting held on 25.11.2011

[The meeting was conducted in Cantonese.]

3. The minutes of the 998th Meeting held on 25.11.2011 were confirmed without amendment.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

4. There were no matters arising.

Agenda Item 3

[Closed Meeting (Deliberation only)]

Consideration of Representations and Comment to the Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/19

R1, R2(part), R3(part), R4(part) and C12

(TPB Paper No. 8940)

[The meeting was conducted in Cantonese.]

5. The Chairman briefly recapped the background of the Outline Zoning Plan (OZP) amendments and the representations and comment in respect of it. He said that the amendment was related to the rezoning of a site to the south of the Tseung Kwan O (TKO) sewage treatment works in Area 85, TKO, from “Other Specified Uses” annotated “Sewage Treatment Works” (“OU(STW)”) to “Government, Institution or Community (9)” (“G/IC(9)”) for the proposed RTHK new broadcasting house and undesignated Government, institution or community (GIC) uses (i.e. Amendment Item A). There were four valid representations relating to Amendment Item A (i.e. R1, R2(part), R3(part) and

R4(part)). R1 (Designing Hong Kong Ltd.) supported the southern part of the “G/IC(9)” zone for use as RTHK’s new broadcasting house but objected to the northern part of the “G/IC(9)” zone for undesignated GIC uses. R2(part), R3(part) and R4(part) (submitted by Mr Tim Lo; Mr Chau Yin Ming, Francis (Sai Kung District Councillor); and Ms Fong Kwok Shan (Sai Kung District Councillor) respectively) supported the “G/IC(9)” zone for the RTHK new broadcasting house and undesignated GIC uses. He said that no representer or commenter attended the hearing on 9.12.2011. As sufficient notice was given to all the representers and the commenter, Members proceeded with the hearing in their absence and heard the presentations of the government representatives at the meeting on 9.12.2011.

6. As requested by the Chairman, the Secretary elaborated on the background of the zoning amendment in respect of the northern part of the “G/IC(9)” zone for undesignated GIC uses to which R1 objected. She said that the whole “G/IC(9)” site was originally reserved for the expansion of the TKO sewage treatment works and was zoned “OU(STW)” on the previous draft TKO OZP No. S/TKO/18. However, as advised by the Director of Environmental Protection (DEP), the site would no longer be required for future upgrading or expansion of the sewage treatment works. It was therefore proposed that the site be rezoned from “OU(STW)” to “G/IC(9)”. Having regard to the site context, the southern part of the “G/IC(9)” site was identified as suitable for development of the proposed RTHK new broadcasting house and the northern part of the site was reserved for undesignated GIC uses. Subject to further assessments, the site could also be considered for information technology and telecommunications-related uses due to its proximity to areas for broadcasting, innovation and technology industries in TKO. This option was put under Column 2 of the Notes to the OZP.

7. The Secretary further said that R1 (Designing Hong Kong Ltd.) objected to the undesignated “G/IC(9)” site and proposed to retain the “OU(STW)” zoning. R1 opined that the area around the representation site had potential to become a media hub for attracting talents in media, digital technology, visual arts and creative industries, and that the planning permission application system should provide a more effective and flexible mechanism for deciding the future land use of the site based on market interest. She recapped PlanD’s views as stated in paragraph 5.6 of the Paper that the site was no longer required for future upgrading or expansion of the sewage treatment works, and hence

retaining the “OU(STW)” zoning was considered not necessary. Instead, rezoning the site to “G/IC(9)” to meet future GIC uses and also information technology and telecommunications-related uses would aptly reflect the latest planning intention. It was considered that the current “G/IC(9)” zone would better facilitate usage of the site for media, information and telecommunications-related and creative industries. A number of uses, including ‘Broadcasting, Television and/or Film Studio’, ‘Education Institution’, ‘Research, Design and Development Centre’ and ‘Training Centre’ were Column 1 uses, i.e. uses always permitted, and ‘Information Technology and Telecommunications Industries’ were Column 2 uses which might be permitted in the “G/IC(9)” zone on application to the Board. Members noted and agreed to PlanD’s view.

8. After deliberation, Members noted the support of R2(part), R3(part) and R4(part) on Amendment Item A and that of R1(part) regarding the southern part of the said amendment item. Members agreed not to uphold the remaining part of R1 regarding his objection to the northern part of the “G/IC(9)” zone for undesignated GIC uses. Members then went through the reasons for not upholding the representations in paragraph 7.2 of the Paper and considered that they were appropriate.

Representations No. R2(part), R3(part) and R4(part)

9. After further deliberation, the Board noted the support of Representations No. No. R2(part), R3(part) and R4(part) on Amendment Item A.

Representation No. R1

10. After further deliberation, the Board noted the support of Representation No. R1(part) regarding the southern part of Amendment Item A but decided not to uphold the remaining part of Representation No. R1 for the following reasons:

- (a) the site was not required for future upgrading or expansion of the sewage treatment works. The planning intention of the “OU(STW)” zone to provide land for the said purpose was no longer relevant. Rezoning the site to “G/IC(9)” reflected the latest planning intention to reserve the site

for unforeseen GIC and information technology and telecommunications-related uses;

(b) there were no provisions for development of media, information and telecommunications-related uses and for creative industries under the “OU(STW)” zoning; and

(c) the “G/IC(9)” zoning was more appropriate in that the media, information and telecommunications-related and creative industries uses were either uses always permitted or uses that might be permitted on application to the Board. The area’s potential of attracting media, information technology and telecommunications-related industries had already been reflected in the Explanatory Statement (ES) of the Plan for the “G/IC(9)” zone, i.e. due to proximity of this sub-area (“G/IC(9)” zone) to the areas for broadcasting, innovation and technology industries in TKO, information technology and telecommunications-related uses might be permitted in this sub-area on application to the Board.

[Mr. Benny Wong left the meeting at this point.]

Agenda Item 4

[Closed Meeting (Deliberation 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, C167(part) to C205

(TPB Paper 8939)

[The meeting was conducted in Cantonese.]

11. The following Members had declared interest on this item:

Mr. Benny Wong - the proposed South East New Territories
(as the Deputy Director of Landfill extension (SENTLFX) project was

Environmental under the purview of Environmental
Protection) Protection Department (EPD)

Dr. C.P. Lau - Tuen Mun District Council Member and one
of the three strategic landfill sites was
located in Tuen Mun

12. Members agreed that Dr. C.P. Lau's interest was remote and indirect and that he should be allowed to stay at the meeting. Members also noted that Mr. Benny Wong had already left the meeting.

13. The Secretary invited Members to note the following documents and letters tabled at the meeting:

- (i) a letter of 12.12.2011 from the Chairman of Le Prestige Owners Sub-Committee requesting for deferral of the TPB meeting on 9.12.2011 to 24.12.2011;
- (ii) a letter of 6.12.2011 from the Chairman of The Capitol Owners Sub-Committee inviting the Board to visit the area and attend a meeting at the community hall of LOHAS Park on 17.12.2011; and
- (iii) statistics about falling objects from vehicles travelling within TKO tunnel control area in the past three years provided by Transport Department to address the Board's inquiry at its meeting on 9.12.2011.

Request for Deferral of Meeting

14. The Chairman invited Members to consider the request for deferral of the meeting on 9.12.2011 to 24.12.2011 from the Chairman of Le Prestige Owners Sub-Committee as stated in his letter of 12.12.2011. The reason for deferral was that some of the representers were not able to attend the meeting on 9.12.2011 to participate in the Question and Answer (Q & A) session of the hearing for draft TKO OZP No. S/TKO/18.

15. The Chairman explained that, as agreed by Members, adequate opportunities had been provided to the representers and commenters to make presentations to the Board

at the various sessions of the hearing. After the completion of the presentation sessions which lasted for about 50 hours, the Q & A session of the hearing was held on 9.12.2011. However, no representer or commenter turned up for that session. The Board then decided that, as sufficient notice had been given to all the representers and commenters, the Board would proceed with the Q & A session of the hearing in their absence. He said that it was not possible for the Board to accommodate the schedules of all individual representers and commenters.

16. A Member pointed out that the letter submitted by the Le Prestige Owners Sub-Committee was dated 12.12.2011 and received by the Board on the same day which was after the meeting on 9.12.2011. The Secretary said that as the presentation and Q & A sessions for the hearing had already been completed on 9.12.2011, according to the hearing procedures, the Board should proceed with the deliberation session at this meeting. The request made by the Chairman of Le Prestige Owners Sub-Committee on 12.12.2011 had therefore come too late.

17. After discussion, Members agreed that since the presentation and Q & A sessions of the hearing for draft TKO OZP No. S/TKO/18 had already been completed on 9.12.2011, the Board could not accede to the request of the Le Prestige Owners Sub-Committee. Members also agreed that the reason for deferral as stated in the letter should not be accepted and they decided not to accede to the request for deferral from the Chairman of Le Prestige Owners Sub-Committee. The Secretariat was requested to reply to his letter of 12.12.2011 accordingly.

[Mr. Felix W. Fong arrived to join the meeting at this point.]

Request for Site Visit

18. The Chairman asked Members to consider the letter of 6.12.2011 from the Chairman of The Capitol Owners Sub-Committee inviting the Board to visit the area and attend a meeting at the community hall of LOHAS Park on 17.12.2011 for the purpose of better understanding the adverse impacts of the landfill on the residents. He said that during the hearing process, some representers and commenters had also invited Members to visit the TKO area. He asked Members to consider whether a site visit should be

conducted by the Board before deliberating on the representations and comments.

19. The Chairman suggested that Members should consider whether they had sufficient knowledge and understanding of the area and the issues involved, and whether a site visit would assist them in making the decision. For himself, he said that he was familiar with and had been to the TKO area a few times as there were projects of the government department in which he previously served in the TKO area. He had also just recently paid a visit to the area, and went to LOHAS Park, the existing South East New Territories Landfill (SENTLF) at Area 101 and the surrounding area of Area 137 together with one of the Board Members.

20. The Vice-Chairman considered that a site visit might, to a certain extent, help some Members understand the issues and problems associated with the proposed landfill extension site. Nevertheless, he considered that it might not be useful for the purpose of considering the representations and comments to attend the proposed meeting at the local community hall to listen to the residents' views. The hearing for the representations and comments of the draft TKO OZP had been completed and there would not be any further hearing session. Besides, given the strong public sentiment, meeting the residents after the hearing session would not add much to better understand the issues involved. He said that he was personally familiar with the area as he had relatives living in TKO and, from time to time, he also attended functions in the TVB City which was next to the landfill site. During his previous visits which were at non-peak hours, he had not experienced any traffic problem or dropping of debris from dump trucks or refuse collection vehicles (RCVs) along Wan Po Road. As for malodour, he noticed some smell during his visits and he understood that the smell was from the existing landfill at Area 101 and was therefore irrelevant to the proposed landfill extension (SENTLFX) at Area 137 which was the subject of the hearing.

21. A Member said that attending the meeting with the residents was not appropriate as the presentation and Q & A sessions had been completed. Noting the misbehaviour of some of the representers and commenters during the hearing, a Member said that it would be difficult for the Board to handle the order of the meeting at the local community hall. This Member therefore considered that a site visit would not assist Members to better understand those problems mentioned in the letter of The Capitol

Owners Sub-Committee, namely, malodour, dust, mosquitoes/insects and poisonous suspended particulates that could be generated by construction waste that the proposed landfill extension would receive. This Member pointed out that the current problem of malodour was one of the existing SENTLF in Area 101, but the proposed SENTLFX at Area 137 had not happened. Moreover, suspended particulates, which were mentioned in the letter, would be too small to be seen in a site visit. The dust and mosquitoes/insects problems were in fact a landfill management matter. Two other Members agreed that the current malodour and hygiene problems, if existed, could be due to unsatisfactory management of the existing SENTLF at Area 101. Another Member said that the residents should lodge their complaints regarding the malodour and suspended particulates that might be caused by the existing landfill directly with the responsible government departments including EPD and Department of Health, instead of the Board.

22. Two Members opined that the Board should focus its consideration on the possible impacts of the proposed SENTLFX at Area 137 on local residents, instead of the existing SENTLF at Area 101. Hence, a site visit to the existing SENTLF at Area 101 would not assist the Board's deliberation on the proposed SENTLFX at Area 137. For the proposed landfill extension at Area 137, the above Members considered that the Board had already acquired a good understanding of the issues involved and the possible impacts of the landfill extension through the presentations of the representers and commenters, and presentations and responses provided by government representatives in the previous sessions.

23. Two Members shared the same view that a site visit was not necessary for the deliberation of the representations and comments. Noting that some Members had already visited the area before and the Board had also listened to the presentations and responses provided by both the government representatives and the representers and commenters, one of the Members considered that the Board was capable of making an informed decision on the representations and comments. Another Member agreed and added that since ample opportunities had been provided to the representers and commenters to voice out their concerns at the hearing, it was not necessary for the Board to attend the proposed meeting at the community hall to listen to the views of the local residents.

[Ms. Julia Lau arrived to join the meeting at this point.]

24. After listening to the views of the Members and noting that a number of Members had visited TKO before, the Chairman invited Members to consider if they had sufficient knowledge and a reasonably good understanding of the issues involved and the situation of the TKO area in relation to the SENTLFX for their deliberation of the representations and comments without arranging a site visit. The Secretary suggested that Members should consider whether there was any matter they needed to clarify through a site visit after hearing the presentations of representers, commenters and government representatives and considering the submissions made (including written submissions, videos and photos by the representers and commenters). She said that if Members had any doubt on any specific matters, they had the responsibility to inquire.

25. Members confirmed that after hearing the representations and comments and the presentations and responses of the government representatives, they were confident that they had sufficient knowledge and a reasonably good understanding of the issues involved and the situation of the TKO area in relation to the proposed landfill extension for their deliberation of the representations and comments, and that the arrangement of a site visit to the area was not necessary. Hence, the Board decided not to accede to the request from the Chairman of The Capitol Owners Sub-Committee. The Secretariat was asked to reply to the letter of 6.12.2011 accordingly.

Deliberation on Draft TKO OZP No. S/TKO/18

26. The Chairman invited Members to consider the representations and comments taking into account all the written submissions and the oral presentations and clarifications made at all sessions of the hearing. He said that recordings of all the hearing sessions had been provided to Members on 6.12.2011 and 12.12.2011 prior to the deliberation session at the current meeting.

Malodour Problem

27. The Chairman invited Members to consider the malodour problem that could be generated by the proposed landfill extension, which was one of the key concerns

raised by the representers and commenters. By way of recapitulation, he said that, unlike the existing SENTLF at Area 101, EPD had confirmed that the proposed SENTLFX at Area 137 would only receive construction waste which was odourless. EPD had also advised the Board at the hearing that, for the term “construction waste”, there was a clear definition under both the Waste Disposal Ordinance (the WD Ordinance) and the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (the WD Regulation). According to the WD Ordinance, “construction waste” meant “any substance, matter or thing defined as construction waste by regulations made under section 33, but does not include chemical waste”. Under the WD Regulation, “construction waste” meant “any substance, matter or thing that is generated from construction work and abandoned, whether or not it has been processed or stockpiled before being abandoned, but does not include any sludge, screenings or matter removed in or generated from any desludging, desilting or dredging works”. The WD Regulation also provided a clear definition on what constituted “construction work”. As to enforcement control, Section 4 of the Waste Disposal (Designated Waste Disposal Facility) Regulation empowered the public officer to inspect the loads of a vehicle and seek clarification from relevant parties to verify the type of waste being delivered to designated waste disposal facility. In case the officer had doubt, he was empowered to refuse to accept any waste for disposal at the facility. It was an offence if a person provided incorrect information in the course of delivery of construction waste.

28. A Member said that the representers’ grievances on the malodour problem generated by the existing SENTLF at Area 101 were fully understood. However, the proposed SENTLFX at Area 137 would only receive construction waste and there was already a clear definition on “construction waste” under the relevant legislation/regulations. This Member considered that the malodour problem at the existing landfill was a matter of management for the relevant government departments, which was outside the purview of the Board.

29. The Vice-Chairman shared the same view and considered that, provided that there would be an effective monitoring system on the construction waste to be dumped, there should not be any malodour problem in the proposed SENTLFX at Area 137. As for the possible problems caused by the existing landfill, he suggested that, despite that the Board did not have jurisdiction over how the existing landfill was to be managed, the

Board should strongly request the relevant government departments to actively step up their enforcement actions against non-compliance with the statutory requirements.

30. Another Member said that when the existing SENTLF at Area 101 which accepted all kinds of wastes, including municipal solid waste (MSW), was planned, an assessment would have been carried out on the impacts of the malodour problem on the surrounding area. If the existing situation was found to have exceeded the acceptable level in the original assessment, EPD should be responsible to take appropriate action to resolve the problem. At this point, the Chairman reminded Members to focus the deliberation on the proposed SENTLFX at Area 137, which was the subject of the OZP amendment, instead of the existing SENTLF at Area 101.

31. Noting that the issue of malodour problem and other environmental issues were within the ambit of EPD and EPD had already explained to Members the details of the Environmental Impact Assessment (EIA) and other related assessments on the SENTLFX, a Member opined that the Board should take the information provided into account unless they considered that the information should be challenged. This Member was more concerned on why Area 137 was chosen for the proposed landfill extension and suggested that the Board discuss the site selection issue in the first instance. Members agreed.

Site Selection

32. By way of recapitulation, the Chairman said that EPD had explained at the previous sessions of the hearing that Hong Kong was facing an imminent waste management problem. Even with waste reduction and recovery measures as well as modern incineration facilities, landfills were still required for waste not treated by the Integrated Waste Management Facilities (IWMF) as there would still be unavoidable non-recyclable waste, non-combustible waste and incineration ashes. He invited Members to consider whether the proposed SENTLFX at Area 137 was an appropriate location for the landfill extension taking into consideration all relevant factors.

33. The Vice-Chairman said that during the Q & A session, EPD provided comprehensive explanation when responding to his written enquiries as to (i) why there

was an overriding need and urgency for the landfill extension; (ii) why landfill extension was the only feasible option to address the waste management problem in Hong Kong; and (iii) why the proposed SENTLFX at Area 137 was identified for the landfill extension instead of the other two landfill sites (i.e. West New Territories Landfill (WENTLF) at Nim Wan and the North East New Territories Landfill (NENTLF) at Ta Kwu Ling). He said that it was a pity that no representer or commenter turned up for the Q & A session to listen to EPD's explanation but that, in any case, the information provided would be properly recorded in the minutes of the session and would be available to the public including the representatives and commenters.

34. Noting EPD's explanation that due to the imminent waste management problem in Hong Kong, landfill extension would be required for all the three strategic landfill sites, a Member asked why SENTLF, which was the one nearest to residential development, should be the first one to be extended. This Member said that EPD should review the sequence of landfills to be extended taking into account the impacts on nearby residents. For instance, a quantitative assessment could be conducted to assess the risk and impact of each landfill extension on residents taking into account the distance between the respective landfill extension and the neighbouring residential development. This Member considered that the landfill extension should first be undertaken in WENTLF in Nim Wan instead of the SENTLF in TKO (Area 137), as the latter was in closer proximity to residential developments.

35. A Member said that the Advisory Council on the Environment (ACE) had carefully considered the option of landfill extension at more remote locations instead of Area 137 in TKO. Members of ACE noted EPD's advice that the three strategic landfills were required to serve their respective catchment areas. If all the waste was disposed of at landfill sites in remote areas, it would involve longer travelling distance by dump trucks and RCVs, which would create nuisance to people in a much wider area. After taking into account EPD's assurance that the SENTLFX would only receive odourless construction waste, ACE accepted the proposed SENTLFX at Area 137. The Chairman supplemented that according to EPD, all three strategic landfills had to be extended to deal with the waste disposal problem in Hong Kong and the current sequence of implementation of the landfill extension programme had taken into account a range of factors. EPD had also advised that, after taking account of the concerns of TKO residents,

the SENTLFX at Area 137 would only receive construction waste which should not generate a malodour problem.

36. Another Member said that even though SENTLFX would receive construction waste only, it would still have adverse impacts on the residents in TKO as dump trucks and RCVs visiting the landfill site would have to share the use of local infrastructure, i.e. Wan Po Road in the TKO area. This Member wondered if EPD had given a full explanation on why the landfill extension was not proposed at more remote locations, e.g. less populated area in the Northern district.

37. A Member said that according to EPD, there was a need to extend all the three strategic landfills in view of the imminent waste management problem as practically there was insufficient time for the Government to search for the 4th landfill site or to build an incinerator. This Member considered that the use of the proposed SENTLFX at Area 137 for construction waste was only a compromised option. According to EPD, there were currently about 1,000 vehicle trips to the existing SENTLF each day. If the SENTLFX would only be used for the dumping of construction waste, the number of vehicle trips visiting SENTLFX would reduce to 500 per day. The remaining 500 vehicle trips would then have to be diverted to the other two landfills. If the SENTLFX was not pursued, all the 1,000 vehicle trips would have to be diverted to the other two landfills. This Member considered that due to the long travelling distance, this would create nuisance to other parts of the territory, despite that some operators might choose to use marine transport as an alternative.

38. To reduce the frequency of land transport and to mitigate adverse impact on local residents, another Member suggested that EPD could explore the possibility of using marine transport for waste to SENTLFX.

39. A Member said that it was EPD's original intention that the existing SENTLF at Area 101 would be closed after saturation and the existing Wan Po Road would no longer be used by RCVs. The surrounding areas were planned mainly for residential development. However, by proposing the SENTLFX at Area 137, it seemed that the Government had then changed its original intention just for the sake of convenience. This Member urged the Board to carefully consider whether it was more important to have the

landfill extension at a convenient location at Area 137, or to divert the waste disposal to the other landfill sites so that the burden could be more widely shared out.

40. The Chairman said that the Board should consider the landfill extension at Area 137 from a land use planning perspective. He referred Members to the TPB Paper, which mentioned that the White Paper on “Pollution in Hong Kong – A Time to Act” issued on 5.6.1989 pointed out that the SENTLF was strategically located to minimize pollution and transportation cost to serve its catchment area. The “Policy Framework for the Management of MSW (2005-2014)” published in December 2005 and the multipronged approach to waste management announced by the Government on 4.1.2011 stressed that, despite the waste reduction initiatives and the proposed modern waste treatment facilities, Hong Kong still needed landfills to cater for unavoidable waste. The Government policy had evolved to take account of changes in circumstances.

41. A Member said that the Board should consider if the site at Area 137 was suitable for landfill extension from the planning perspective. This Member pointed out that the SENTLF and the TVB City were already there before the surrounding residential development, i.e. LOHAS Park, was built. The residential development was part of the railway development project for subsidizing the railway development. It was the Government’s original intention to close the SENTLF at a certain point in time but with the evolvement of the Government’s policy and other considerations, the Government had to extend SENTLF. This Member considered that the Government had to a certain extent addressed the key concern of the local residents by allowing only the receipt of construction waste, and also thereby reducing the vehicle trips by half of the original amount. The current environmental and traffic problems caused by the existing landfill site was due to unsatisfactory management by private contractors of the daily operation of the existing landfill. Even if the landfill were moved to another area, the same problem would still occur unless the management was improved. Hence, the Board should focus on whether Area 137 was suitable for the landfill extension. If the proposed SENTLFX could not go ahead, it would have an impact on the overall waste disposal strategy.

42. A Member considered that the waste disposal problem was a territorial issue rather than a local issue in TKO. Apart from the extension of SENTLF, there were also local objections to the extension in other landfill sites, e.g. NENTLF. This Member noted

that some residents alleged that the Government did not keep its promise to close the SENTLF but considered that the Government's promise should not be a relevant consideration in relation to the subject OZP amendment as the issue before the Board was the planning perspective of the proposal. This Member pointed out that EPD had already advised the residents that there was at present no definite time frame for the closure of the SENTLF and that would be subject to a range of factors, e.g. the effectiveness of the waste reduction and recycling policy. Noting that the landfill extension would only receive odourless construction waste and the vehicle trips would be reduced by half, this Member agreed that other than the SENTLFX, there was no better alternative given the current situation.

43. A Member asked other Members to consider if Area 137 was the most suitable site for the landfill extension given its close proximity to residential developments. This Member said that residents who had moved into the area expected that the SENTLF would be closed at a certain time. This Member wondered why the local residents should bear the consequence of the change in the Government's policy. It was not certain if the Government had made its best effort to search for the 4th landfill site as an alternative to the proposed landfill extension. This Member said that the main consideration for the subject amendment was whether Area 137 was the most suitable site for the landfill extension, even for construction waste only, having regard to the relevant issues such as traffic and noise impacts on the residents.

44. On the search for alternative site, Members noted that, as mentioned in paragraph 5.18 of the TPB Paper, the feasibility of identifying potential sites for new landfills had been investigated in the study "Extension of Existing Landfill and Identification of Potential New Waste Disposal Sites" carried out by the EPD in 2000. The study also explored technologies that could maximise the utilization of the landfills. The study, which was completed in 2003, concluded that the technologies explored (e.g. mechanical/biological pretreatment, compaction and recirculation of leachate) could not effectively extend the life span of the existing landfills. Based on the results of the study, it was considered that the extension of the existing landfills, including SENTLF, was the most viable urgent task to tackle the waste disposal problem before the construction and commissioning of bulk waste reduction facilities, and to provide adequate final repositories for residual waste that would be generated from these facilities and wastes that could not

be recycled or treated. If SENTLFX were not implemented, the pressure would not disappear but would only be transferred to the other two strategic landfills.

45. A Member appreciated the grave concern of the local residents on the landfill extension in Area 137 as they were currently suffering from the adverse impact of the existing landfill in Area 101 and had a high expectation that the SENTLF would soon be closed. Although the study conducted by EPD indicated that the SENTLFX would not generate adverse impacts, it was difficult for the residents to accept that. This Member wondered whether the SENTLFX was the last resort to address the waste disposal problem and whether the extension at the other two landfills which were at more remote locations could go ahead first.

46. Some Members recalled that EPD's representatives explained at the Q & A session that the study "Extension of Existing Landfill and Identification of Potential New Waste Disposal Sites" completed in 2003 had already assessed the options for new landfills including marine sites (outlying islands and artificial islands) and land sites. However, no suitable site at outlying islands was considered suitable after taking into account all relevant considerations. Based on the Study, there was a need to extend the three existing landfills in the medium-term to tackle the imminent waste disposal problem in Hong Kong while the construction of a landfill on an artificial island would be retained as a long-term option. The proposed SENTLFX at Area 137 would maximise the synergy with the existing infrastructure and facilities of SENTLF at Area 101 and the lifespan of landfills would last until 2020 and could tide over the gap until the new permanent waste management facilities were built and commissioned. The Secretary for the Environment had announced a comprehensive waste management strategy to tackle the imminent waste problem in Hong Kong and the landfill extension at Area 137 was an indispensable element of the overall waste management strategy.

47. Noting that many residents had expressed their grievances brought about by the SENTLF in their presentations, a Member said that it was worth considering what the best use of the site at Area 137 would be from land use planning perspective. This Member considered that, given its close proximity to the existing SENTLF in Area 101, the site in Area 137 was certainly not suitable for residential development. Hence, the proposed SENTLFX, which could on the one hand address the territorial waste

management problem and on the other hand be restored for open space use in the long-term future, could be a suitable use for the site. Furthermore, noting the malpractice of some dump truck and RCV drivers, this Member agreed that EPD should step up its enforcement and prosecution actions against improper handling and disposal of waste.

48. The Chairman said that after considering all the relevant studies and assessment, the Board should decide whether the site at Area 137 was suitable for the proposed SENTLFX from land use planning perspective. As regards the enforcement action, he said that EPD should ensure that the handling of waste within the landfill sites complied with the statutory requirements in the environmental protection-related statutes while problems such as the dropping of objects and dripping of waste water by RCVs and dump trucks on roads should be controlled under the Public Health and Municipal Services Ordinance. On the closure of the SENTLF, EPD's representatives had explained at the hearing that it was difficult for the Government to have a definite timetable at this juncture, as the closure would be subject to a range of factors, e.g. the effectiveness of the reduction and recycling policy.

49. The Vice-chairman said that the Board should examine whether an indispensable and overriding need for the landfill extension in Area 137 should be the main factor to consider. He said that the Board should treat Area 101 and Area 137 as two different cases. The existing landfill in Area 101 would be closed after it was filled up and it would be restored for other uses (e.g. open space and recreational uses) by phases. For the proposed landfill extension in Area 137, he noted that it would be better than the existing landfill in Area 101 in terms of size, the type of waste received, and the environmental and traffic impacts. There seemed to be inadequate ground for alleging that Area 137 was chosen just for the sake of convenience. On the contrary, the Government had to actively pursue the proposed SENTLFX despite strong local objection because there was an indispensable and overriding need for landfill extension. If indeed the Government wished to find an easy way out, it would have chosen a remote outlying island with sparse population for a new landfill. The fact was that EPD had already undertaken detailed studies on site selection before deciding to pursue the proposal in Area 137.

50. Another Member considered that the Board should focus on the suitability of

the proposed landfill use on the site at Area 137 from the planning perspective, rather than considering other issues such as the urgency and overriding need of landfill extension for waste disposal, which were not established policy considerations within the purview of the Board.

51. Noting the diverse views of the Members, the Chairman said that the statutory function of the Board was to prepare plans under the Town Planning Ordinance (TPO). He said that over the years, EPD had undertaken a number of studies on the different ways of waste management and the studies had concluded that even with the use of new technologies, there was still the need to extend the three strategic landfills. Apart from SENTLFX, extension to the two other landfill sites would also need to go through the statutory planning process. In this regard, the Board should consider if there was sufficient justification to refute the findings and recommendations of the studies undertaken by EPD. If not, the Board had to accept the findings and recommendations of the studies that there was a practical and indispensable need for the proposed landfill extension. In making its decision, the Board should act in the overall interest of the whole community.

52. The Secretary reminded Members of the Court's ruling under the judicial review in respect of the Central Reclamation Phase III. It was stated in the judgment that the Chief Executive in Council (CE in C) was 'the fountainhead' of planning matters according to the TPO. The CE in C might direct the Board to prepare a draft plan, and CE in C also had the power to revoke in whole or in part any approved plan or to refer any approved plan to the Board for amendment. In this respect, the Board was an administrative, not a policy-making, body. For the subject case, it was the Government's policy to carry out a comprehensive waste management strategy to tackle the imminent waste management problem in Hong Kong and Area 137 was identified for the proposed landfill extension. Given this Government policy, the Board's role was to consider whether the site at Area 137 was suitable for landfill extension, taking into account the possible impacts on the surrounding areas. The issue of environmental policy was outside the purview of the Board.

53. The Chairman said that the Board's main function, as laid down in the TPO, was to undertake "the systematic preparation of draft plans for the layout of such areas of

Hong Kong as the CE may direct, as well as for the types of buildings suitable for erection therein with a view to the promotion of the health, safety, convenience and general welfare of the community". Hence, the Board had a duty to take into consideration the interest and welfare of the community as a whole, not just that of a local community.

54. A Member noted the Chairman and the Secretary's clarification and agreed that environmental policy was outside the purview of the Board and that the Board should make its decision taking into consideration the findings and recommendations of the studies undertaken by government departments, as well as the information and views presented and expressed during the hearing. However, this Member noted that all the data produced by government departments had proved that the SENTLFX at Area 137 was acceptable while most of the objections raised were concerns and grievances of local residents without the support of scientific data. The Chairman said that the impacts that the proposed landfill extension would have on the local residents was a relevant consideration of the Board and that Members should take all information presented into account.

55. A Member said that the site selection for the landfill extension had been thoroughly discussed and considered at the ACE and the Country and Marine Parks Board (CMPB). During the consideration, members of the ACE and the CMPB criticised EPD for not implementing the waste reduction measures effectively and the Government for not planning ahead even when the three existing landfills were to be exhausted soon. In response, EPD explained in detail the current situation, e.g. the amount of waste needed to be handled in Hong Kong, the effectiveness of the reduction and recycling policy, the current capacity of the landfill sites and the time required to plan for and implement the 4th landfill site, etc. for ACE and CMPB's consideration. After considering the relevant information, members of ACE and the CMPB noted that there was a time gap between the saturation of the three existing landfills and the commissioning of the IWMF and agreed that extension to the existing three landfill sites was the most practical solution to tackle the imminent waste disposal problem and to tide over the gap. This Member said that the current proposal to use the landfill extension in Area 137 only for the dumping of construction waste was a practical compromise taking into account the possible impacts on the local residents in TKO.

56. The Chairman said that while the Government had been actively promoting initiatives to reduce waste generation and promote waste recycling, there was often a long lead time in implementing the waste reduction measures (e.g. the polluter responsibility schemes, plastic shopping bags levy, etc.) due to the need to engage the public and the relevant trades in the process, and to seek funding and to prepare the relevant legislation. Based on the findings in EPD's studies that there was a practical need for the landfill extension and the result of the EIA, he invited Members to consider if the proposed use at Area 137 was acceptable from the planning perspective.

57. A Member said that even if there were a compelling and overriding need for the landfill extension, Members needed to be satisfied that Area 137 was the best location instead of the other sites. The Secretary said that, as explained by EPD during the hearing, since there were existing infrastructure and facilities at SENTLF in Area 101, the proposed extension at Area 137 could then maximise the synergy with these facilities and help tide over the gaps before bulk disposal facilities were in place under the overall waste management strategy. The Chairman recapped that, according to EPD, the Government had already undertaken a number of studies which confirmed that there was a strategic and practical need for the extension of the three landfill sites even with the introduction of new waste reduction measures and modern incineration facilities. In view of the proximity to the residential area, the Government had already decided that only construction waste would be received by the proposed SENTLFX at Area 137.

58. The same Member said that as the Government had made a promise that the SENTLF in Area 101 would be closed after saturation, the proposed landfill extension at Area 137 could be considered as against the expectation of the residents. The Chairman recapped EPD's explanation given at the hearing that no commitment had been made by the Government on the time of closure of the SENTLF. The Secretary said that the same question had been raised by Members during the Q & A session on 9.12.2011 and Mr. Lawrence M.C. Lau of EPD had explained that the closure of the SENTLF in 2018 was only mentioned by a sub-contractor of the SENTLF and it was not a statement made by the Government. The need for landfill extension had been stated in the study "Extension of Existing Landfills and Identification of Potential New Waste Disposal Sites" completed in 2003 and the EIA Report approved in 2008. The population intake at LOHAS Park only started after 2008.

59. A Member said that from the planning angle, there was no good reason to reject the proposal given that all the technical assessments and findings presented by EPD had demonstrated that the proposed landfill extension at Area 137 was acceptable. The Director of Environmental Protection (DEP) had approved the EIA for the proposed SENTLFX in May 2008 and granted an environmental permit for the proposed SENTLFX on 5.8.2008.

60. While noting that the Board's function was to prepare plan to facilitate the implementation of the Government's policies, a Member said that the Board also had a duty to take into account public views so as to achieve a balanced decision in the plan-making process. This Member said that, given the concerns raised by a large number of representers and commenters on the landfill extension proposal, the Board should consider what mitigation measures should be undertaken by the relevant government departments to address the local concerns.

61. A Member considered that an understanding on the site selection exercise was the most fundamental factor in determining whether the proposed SENTLFX at Area 137 was acceptable. Despite that EPD had completed a number of studies on the impact of the proposed landfill site and concluded that the current extension proposal was the most practical solution, this Member considered that EPD had not succeeded in using the results of the assessments to solicit the support of the public and professional bodies during the consultation process. This Member advised that in pursuing similar proposals in future, EPD should consider enhancing its public consultation strategy so as to rally support from the public and professional bodies on their proposals.

62. Another Member said that since government departments owned all the information pertaining to the assessments of their proposals, they should use it to effectively seek public support. Having said that, this Member considered that government departments had already provided their objective findings to the Board for the subject case and hence, this Member had no objection to the proposed SENTLFX at Area 137. The Chairman said that since the Board comprised Members from different sectors of the community, the Board should have the necessary knowledge and experiences to assess the information provided by relevant government departments as well as the views

of the representers and commenters in making its decision.

63. The Vice-chairman considered that the current landfill extension proposal was already an improvement as compared with the original proposal under the approved EIA, in that the scale of the extension would be reduced and only construction waste would be accepted. This showed that public view and the view of ACE had been taken into account during the consultation process. Similarly, the Board had an important role to play on the subject case. After listening to the views of the representers and commenters, the Board should consider requesting EPD to step up its enforcement action and introduce mitigation measures so as to alleviate public concern.

64. Taking into account Members' views on the site selection issue, the Chairman concluded and Members agreed that the Board generally agreed that there was a practical need for the proposed landfill extension in Area 137 for tackling the imminent waste disposal problem for the interest and need of the community as a whole in Hong Kong. After considering the relevant papers and technical assessments and listening to the explanation of government representatives at the hearing, Members generally agreed that the findings and recommendations of these assessments were not refutable. On this basis and taking into account the practical need for the proposed landfill extension, Members agreed that the proposed SENTLFX at Area 137 was acceptable from land use planning perspective. Members noted that the findings of the EIA were important to demonstrate that there would be no insurmountable environmental impacts on the surrounding areas. The EIA had already covered the impacts on the LOHAS Park and hence it was not necessary for EPD to redo the EIA.

Waste Management Measures

65. Members noted that the Government had been actively pursuing initiatives to reduce waste generation and promote waste recycling. Members agreed that waste management strategy which related to the Government's policy on environmental protection was outside the purview of the Board.

Environmental Issues

66. The Chairman invited Members to consider the environmental impacts that would be generated by the proposed landfill extension, and whether the findings and recommendations of the EPD's studies were acceptable.

Mosquitoes and Eagles

67. The Chairman referred to the table containing the monthly dengue vector surveillance in 2010 compiled by the Food and Environmental Hygiene Department which was tabled at the meeting. The figures contained in the table showed that the monthly rates in TKO were very low as compared with the other districts in Hong Kong. Members agreed.

68. Two Members noted that the EIA report for the SENTLFX had been approved and Environmental Permit (EP) had been granted. In this regard, they did not consider that there was any deficiency in the EIA. These Members also considered that the residents' concern on the adverse impacts associated with the eagles in the area was unfounded as eagles were commonly found also in other parts of Hong Kong and were not necessarily attracted by the landfill. Besides, one of the Members noted that the residents' allegation that their eyes were infected due to the presence of landfill sites was not supported by medical assessment.

69. Noting the low rates of the monthly dengue vector surveillance in TKO, a Member considered that mosquitoes should not be a particular problem in the TKO area. This Member pointed out that mosquitoes were commonly found in areas with stagnant water rather than at the landfill site. For the concern on the eagles, this Member said that they were commonly found also in other parts of Hong Kong and should not be a major consideration of the Board in the subject case.

70. The Chairman noted that one of representers had presented photos showing there were birds around uncovered RCVs in a public car park and that was related to hygiene problems arising from the landfill site. He said that the problem seemed to be

one of illegal parking and hygiene problem of such RCVs in those car parks rather than the existing landfill, and those problems should be resolved through enforcement action by the relevant government departments. Members agreed.

Environmental Impact on LOHAS Park

71. A Member noted the environmental concern raised by the residents in LOHAS Park and pointed out that the TKO MTR line was gazetted in 1998 and completed in around 2002. LOHAS Park, being a property development of the TKO MTR line project, should have already been taken into account in the EIA report undertaken by EPD in 2008. On this point, the Secretary said that EPD had explained at the previous sessions of the hearing on two main points. First, it was incorrect for the representers to allege that the EIA report did not cover LOHAS Park. As pointed out by EPD, the EIA report approved in 2008 had then already taken into account the impact on the planned development in LOHAS Park and other adjacent residential and Government, institution or community uses, and the findings were covered in Section 4 of the EIA report. Second, there was a complaint from the representers that the EIA report should be redone given the revised SENTLFX proposal. EPD had clarified that under the approved EIA, the proposed SENTLFX covered a larger area and was proposed to receive both MSW and construction waste. As the area of the revised proposed SENTLFX had been reduced and only construction waste would be received, the potential environmental impacts that the SENTLFX was expected to have on the surrounding area should be less than those of the original proposal. As such, according to the requirement stipulated in the Environmental Impact Assessment Ordinance (EIAO), there was no requirement to redo the EIA.

72. Members noted that in paragraphs 5.7 and 5.8 of the TPB Paper, it was mentioned that the “TKO Area 86 Planning Study” completed in 1997 had concluded that Area 86, where LOHAS Park was presently located, was suitable for residential development. Although the study identified that there were a number of constraints in the vicinity of Area 86, including landfill, they were not considered to be technically insurmountable. The study also noted that the landfill had been designed and engineered to avoid any insurmountable adverse impacts on the general public.

73. In response to a Member’s enquiry on whether EIA needed to be undertaken

for the LOHAS Park development, the Secretary said that the site for LOHAS Park was zoned “Comprehensive Development Area” on the OZP under which planning permission for the development was required from the Board. An environment assessment report had been submitted to substantiate the planning application which concluded that though there was constraint, the environmental impact was acceptable. Another Member supplemented that as LOHAS Park development was not a designated project, no EIA was required under the EIAO.

Environment Impact by Construction Waste

74. A Member asked if it was correct for EPD to assume that the potential environmental impacts that the proposed SENTLFX (with reception of construction waste only) would create would be less than those under the original proposal (with reception of both MSW and construction waste) on grounds that there would be a reduction of vehicle trips from 1,000 to 500 per day. This Member said that although there would be no more vehicle trips for handling MSW, there might be more vehicle trips for construction waste visiting the SENTLFX. Therefore, EPD would have to assess the resultant environmental problem to be generated by the vehicle trips for construction waste of over 500. The Secretary clarified that the original SENTLFX proposal under the approved EIA in 2008 was 20.6 ha which included reception of both MSW and construction waste. With the excision of the 5 ha country park land from the landfill extension and the scaling down of the proposed SENTLFX in Area 137 from 15.6 ha to 13 ha, the capacity of the landfill extension had been substantially reduced. Hence, the reduction in vehicle trips for handling MSW would not lead to a corresponding increase in vehicle trips for handling construction waste. The Chairman said that the approved EIA had already taken into account the impact of construction waste and the EP had been granted. Another Member also said that the approval of the EIA meant that the impact of the construction waste was within the acceptable environmental standard.

Noise Impact

75. On noise impact, Members noted that the approved EIA had already taken into account the noise impact and concluded that no noise barrier was required to mitigate the noise impact generated by the proposed landfill site.

Dust Nuisance

76. As to dust nuisance, a Member considered that provided that dust control measures and good site practices were properly implemented, dust nuisance should not be a problem in the proposed landfill extension.

Health Concerns

77. Regarding health hazard, Members noted that the environmental consultant of EPD had already explained at the Q & A session of the hearing that assessment had indicated that the gases and air pollutants generated from the proposed landfill extension would be all within acceptable standards. In this regard, Members accepted that the proposed landfill extension should not have unacceptable health impacts on residents.

78. On some representers' concern on the methane emission, a Member said that it was unrelated to the proposed landfill extension in Area 137.

79. In respect of the suspended particulates (PM_{2.5}) being tiny polluting particles present in the air, Members noted that the approved EIA had already provided scientific studies on its impact on human health and had no comment on this aspect.

80. As to the representers' concern on paint residues in construction waste which might have adverse impact on human health, Members noted EPD's clarification at the hearing that paint residues from demolished buildings were no longer volatile materials and would not generate adverse environmental impacts.

81. After the deliberation, the Chairman concluded and Members generally agreed that the approved EIA had already ensured that there would be no unacceptable adverse environmental impacts arising from the proposed landfill extension.

Impact on Property Value

82. Regarding the concern of some representers and commenters that the proposed

SENTLFX would adversely affect the value of their properties, Members agreed that this was an irrelevant consideration for the Board in the subject case.

Encroachment onto Country Park

83. Members noted that the concern of some representers on the encroachment onto the Country Park had already been addressed by the Government's decision to excise the 5 ha of country park land from the original proposed landfill extension.

Traffic Impact

84. Regarding the traffic impact, Members noted that the estimated number of vehicle trips generated by the landfill sites would be reduced by 50% from the current 1,000 vehicle trips (to the existing SENTLF) each day to about 500 vehicle trips (to the proposed SENTLFX). On the dropping of debris from dump trucks at Wan Po Road, Members noted the figures provided by TD which were tabled at the meeting. The figures showed that in the past three years (from 1.1.2009 to 30.11.2011), the number of recorded cases of objects falling from vehicles travelling within the TKO Tunnel Control Area was not high. Members also noted that, apart from the dump trucks/RCVs going to the landfill, other dump trucks/RCVs also used the TKO Tunnel in serving the construction sites and developments in the area. A Member said that even assuming that all the falling objects were coming from vehicles visiting the landfill site, the percentage was still very low.

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

“Open Space (2)” (“O(2)”) Zoning

85. The Chairman said that some representers complained that the proposed “O(2)” zone could not truly reflect the existing landfill and its extension since the open spaces would not be realised in the many years to come taken into account some 20-30 years for decommissioning and restoration of landfill. The Secretary said that as stated in the Notes and ES, the “O(2)” zone was intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local

residents as well as the general public after the decommissioning and restoration of the landfill site, while permitting landfill use in the interim. Hence, she suggested that Members should consider whether the “O(2)” zone was appropriate for the existing SENTLF and proposed SENTLFX to allow them to be used as landfill in the interim and to reflect the long-term planning intention to turn the landfill into a public open space for enjoyment of the local residents and the general public at large. Members also noted that the Government would carry out restoration plan for open space or recreational uses after the landfill site was decommissioned. Hence, Members considered the proposed “O(2)” zoning appropriate.

Consultation with Sai Kung District Council (SKDC)

86. Regarding some representers’ claim that SKDC did not actually support the SENTLFX proposal, the Chairman said that Members had already read through the SKDC minutes on 3.5.2011 which were tabled at the meeting on 9.12.2011. Members noted that at the SKDC meeting, the Chairman of the SKDC concluded that most SKDC members present at that meeting supported the revised plan for the landfill extension and that since SKDC members had fully expressed their views on the Government’s revised plan, there was no need for the SKDC to pass any motion on the subject matter at the meeting. Members noted what was recorded in the SKDC meeting minutes and agreed that they had taken that into account in the consideration of the subject OZP amendment.

Representers’ Proposals

87. The Chairman said that most of the proposals were related to the waste management strategy, the actual management of waste disposal, in particular the day-to-day operation and control measures of landfill, public engagement and compensation of country park land. Members agreed that those were not relevant to the amendment items, and that they fell within the purviews of the relevant government departments and were beyond the ambit of the Board.

Enforcement Control and Mitigation Measures

88. In view of representers’ concern on the impacts of the existing landfill,

Members agreed that, despite that how the existing landfill should be managed was outside the purview of the Board, the Board should nevertheless strongly request EPD to step up its management and enforcement actions against non-compliant activities related to the existing landfill. This would give the local residents more confidence in how the proposed landfill extension, if implemented, would be managed. The Chairman invited Members to give views on this aspect.

89. A Member considered that the current environment problem of the existing landfill at Area 101 was due to unsatisfactory management and inadequate enforcement control on the handling and disposal of waste, and the slack behaviour of some dump truck and RCV drivers using Wan Po Road. This Member considered that EPD should devise a comprehensive management and enforcement plan against non-compliant activities.

90. The Chairman said that according to EPD, the transportation of refuse and construction waste was subject to control under relevant regulations. When dump trucks left construction sites, they should be properly covered, or otherwise, they would be against the law if nuisance was caused by them when travelling on roads. The dropping of refuse and dripping of waste water by RCVs and dump trucks on roads were also controlled under the Public Health and Municipal Services Ordinance. He understood that an inter-departmental task force led by District Officer/Sai Kung (DO/SK) had also been set up to monitor and improve the condition of Wan Po Road.

91. A Member noted that while there was adequate control under the relevant Ordinances/regulations against illegal activities, there was a lack of coordination among different departments on the implementation of enforcement control. This Member suggested that the Government designate a single government department to coordinate and take lead on the matter.

92. Another Member agreed and suggested that the Government should devise a mechanism specifically for coordinating the enforcement control for the SENTLFX. However, this Member stressed that detailed implementation measures and concrete proposals should be worked out by the relevant government departments rather than proposed by the Board as those departments should know their operations the best.

93. A Member shared the same view and further suggested the setting up of a local liaison group comprising representatives from Owners' Committees and the SKDC members for better monitoring the enforcement control of the landfill and to work out the implementation details. This would allow local residents to reflect their concerns and to closely monitor the situation. The Vice-chairman strongly supported this suggestion.

94. A Member commented that the EPD should closely monitor the handling and disposal of waste from large construction sites to ensure that the dump trucks and RCVs were properly covered before leaving these sites as this would have an overall environmental and traffic impact on the surrounding areas.

95. The Vice-chairman also pointed out that dust pollutant would be a major environmental problem associated with the landfill, particularly if dump trucks and RCVs using the road were not properly covered. Hence, he requested EPD to actively step up its enforcement action on this aspect.

96. A Member noted some residents' concern that construction waste might be mixed with other wastes when disposed at the landfill extension if implemented. He suggested that the relevant government department should strengthen the monitoring and enforcement control on this aspect. Furthermore, noting that EPD could only undertake enforcement action within the landfill, this Member suggested that EPD should extend their control area to roads connecting the landfill site in view of the significant impacts on the residents.

97. At this point, a Member reiterated that it was outside the Board's purview to propose detailed implementation measures to address the waste management problem. The Board should only express its concern on the issue while leaving detailed implementation measures to be worked out by concerned government department. Members agreed.

[Ms. Anita W.T. Ma left the meeting at this point.]

98. A Member said that EPD should also be requested to undertake more stringent enforcement control against illegal placing of skips and parking of uncovered dump trucks

and RCVs on streets and car parks since they would cause significant environmental impacts and nuisance to the local residents. This Member also noted some representers' claim that the site currently designated by the Government for the placing of skips and overnight parking of dump trucks in TKO was not commonly used by the operators. Hence, EPD should be requested to review the suitability of the site or find an alternative site which would be more convenient to the operators.

99. Another Member suggested that EPD should consider installing additional monitoring stations near the residential developments, e.g. LOHAS Park, apart from the existing monitoring stations at the landfill, in order to closely monitor the situation.

100. After discussion, the Chairman concluded that the Board had noted and thoroughly considered the views of representers and commenters expressed at all previous hearing sessions, including all photos and videos presented, and fully appreciated their concerns on the environmental and traffic impacts generated by the existing SENTLF in Area 101. The Board's current consideration was on the SENTLFX at Area 137 and the Board agreed that there was a need to ensure the same problem in Area 101 would not occur in Area 137. After hearing the views of the representers, commenters and government representatives, the Board agreed that there was a practical and indispensable need for the proposed SENTLFX at Area 137 to address the imminent waste management problem in Hong Kong, the scale of the extension proposal had already been reduced and the reception of the odourless construction waste only had also duly addressed the concern on malodour problem. Members noted that based on the approved EIA, the environmental and health impacts that the proposed landfill extension would create would be within acceptable levels.

101. Members also noted that the existing environmental and traffic impacts generated by the existing SENTLF at Area 101 were due to unsatisfactory management and inadequate enforcement control against non-compliant activities. In order to ensure that the same problem would not occur in the proposed SENTLFX at Area 137 and to alleviate local concern, the Board agreed that EPD should be strongly requested to actively follow up on the following items and report to the Board as appropriate:

- (a) to devise a comprehensive and systematic improvement/implementation

programme to address local concerns on the impacts that the landfill had on the surrounding area;

- (b) to actively step up enforcement action against activities which do not comply with the relevant legislation/regulation (e.g. handling and disposal of waste, behaviour of RCVs and dump trucks along Wan Po Road, illegal placing of skips and parking , etc);
- (c) to increase the percentage of random checks to ensure that construction waste dumped at the landfill site comply with the legislation/regulations;
- (d) to increase the number of monitoring stations at sites near LOHAS Park; and
- (e) to form a local liaison group comprising local residents and government representatives to allow residents to reflect their concerns and to monitor the situation.

102. After deliberation, Members noted that part of R6, R1314 to R1341, R1343 to R2302 and R2468 (i.e. the proposals/oppositions (a) to (g) as stated in paragraph 2.1.2 of the Paper) were not related to any of the amendments and they considered them to be invalid. Members also noted the support of part of R1 in respect of Amendment Items A1, A2 and A3. Members agreed to uphold Representations No. R2459, R2470 to R2474 and partially uphold Representations No. R2 to R7, R968 to R981, R983 to R1122, R1124 to R1127, R1129 to R1341, R1343 to R2323, R2326 to R2455, R2458, R2460 to R2469 and R2475 to R2479 regarding opposition to the use of the country park for the proposed SENTLFX (Amendment Item A2) by excluding the some 5 ha of country park land concerned from the planning scheme area of the draft TKO OZP, taking into account the directive given to the Board by the Secretary for Development on 1.3.2011 under the delegated authority of the CE in accordance with section 3(1)(a) of the Ordinance. Moreover, Members also agreed to partially uphold Representations No. R2 to R458, R460 to R468, R470 to R498, R500 to R681, R683 to R700, R702 to R981, R983 to R1122, R1124 to R1127, R1129 to R1341, R1343 to R2323, R2326 to R2458, R2460 to R2469 and R2475 to R2479 regarding opposition to use of land in Area 137 for the proposed SENTLFX (Amendment Item A1) by reducing the “O(2)” in Area 137 to 13 ha and reverting the area resulted from the reduction to “Other Specified Uses” annotated “Deep Waterfront Industry” (“OU(DWI)”) zone for special industries.

103. Members further agreed not to uphold the remaining part of Representations No. R2 to R458, R460 to R468, R470 to R498, R500 to R681, R683 to R700, R702 to R981, R983 to R1122, R1124 to R1127, R1129 to R1341, R1343 to R2323, R2326 to R2458, R2460 to R2469 and R2475 to R2479 with respect to Amendment Items A1 and/or Amendment Item A3 regarding opposition to the use of the remaining 13 ha of land in Area 137 for the proposed SENTLFX and the existing SENTLF; and the remaining part of Representations No. R4, R2458, R2461, R2477 and R2478 objecting to the “O(2)” zoning and/or their proposals regarding the “O(2)” zone for the SENTLF and the proposed SENTLFX. Members then went through the reasons for not upholding the remaining part of the representations in paragraph 7.5 and 7.6 of the Paper and considered that they should be suitably amended.

Representations No. R6, R1314 to R1341, R1343 to R2302 and R2468

104. After further deliberation, the Board decided that part of R6, R1314 to R1341, R1343 to R2302 and R2468 were invalid as they were not related to any of the amendments.

Representation No. 1

105. After further deliberation, the Board noted the support of part of R1 in respect of Amendment Items A1, A2 and A3.

Representations No. R2459, R2470 to R2474

106. After further deliberation, the Board decided to uphold Representations No. R2459, R2470 to R2474 regarding opposition to the use of the country park for the proposed SENTLFX (Amendment Item A2) by excluding the some 5 ha of country park land concerned from the planning scheme area of the draft TKO OZP.

Representations No. R2 to R458, R460 to R468, R470 to R498, R500 to R681, R683 to R700, R702 to R981, R983 to R1122, R1124 to R1127, R1129 to R1341, R1343 to R2323, R2326 to R2458, R2460 to R2469 and R2475 to R2479

107. After further deliberation, the Board decided to partially uphold Representations No. R2 to R7, R968 to R981, R983 to R1122, R1124 to R1127, R1129 to R1341, R1343 to R2323, R2326 to R2455, R2458, R2460 to R2469 and R2475 to R2479 regarding opposition to the use of the country park for the proposed SENTLFX (Amendment Item A2) by excluding the some 5 ha of country park land concerned from the planning scheme area of the draft TKO OZP and Representations No. R2 to R458, R460 to R468, R470 to R498, R500 to R681, R683 to R700, R702 to R981, R983 to R1122, R1124 to R1127, R1129 to R1341, R1343 to R2323, R2326 to R2458, R2460 to R2469 and R2475 to R2479 regarding opposition to use of land in Area 137 for the proposed SENTLFX (Amendment Item A1) by reducing the “O(2)” in Area 137 to 13 ha and reverting the area resulted from the reduction to “OU(DWI)” zone for special industries.

108. After further deliberation, the Board decided not to uphold the remaining part of Representations No. No. R2 to R458, R460 to R468, R470 to R498, R500 to R681, R683 to R700, R702 to R981, R983 to R1122, R1124 to R1127, R1129 to R1341, R1343 to R2323, R2326 to R2458, R2460 to R2469 and R2475 to R2479 with respect to Amendment Items A1 and/or Amendment Item A3 regarding opposition to the use of the remaining 13 ha of land in Area 137 for the proposed SENTLFX and the existing SENTLF for the following reasons:

On Environmental Policy

- (a) while formulation of environmental policy fell outside the purview of the Board, it was noted that the 2005 Policy Framework for the Management of MSW (2005 to 2014) (“the Policy Framework 2005”) had already set out a comprehensive waste management strategy for ten years ending 2014. The latest comprehensive waste management strategy and action plan (“the Updated Initiatives”), which were a multipronged approach to waste management included a number of initiatives to reduce waste at source and to recycle, coupling with modern waste treatment facilities and extension of landfills. Both “the Policy Framework 2005” and “the Updated Initiatives” confirmed that waste avoidance and reduction at source, waste recovery, bulk reduction of waste and development of Integrated Waste

Management Facilities (IWMF) together with landfill extensions were essential components of a modern waste management strategy;

- (b) both ‘the Policy Framework 2005’ and ‘the Updated Initiatives’ had confirmed the need of landfills for unavoidable and non-combustible waste (such as construction waste) and incineration ashes;

On Site Search

- (c) taken into account the White Paper “Pollution in Hong Kong – A Time to Act” issued on 5 June 1989, the SENTLF was strategically located to minimize pollution and transportation cost to serve its catchment area. It was located closest to the urban area and was mostly used by the private sector. It was considered that the SENTLF was still required as there would be a lot of works projects in the coming years, including the urban renewal/redevelopment projects;
- (d) the strategic study “Extension of Existing Landfills and Identification of Potential New Waste Disposal Sites” completed in 2003 concluded that the technologies explored could not effectively extend the life of the existing landfills. The study had also looked at both marine sites (including outlying islands and man-made islands) and land sites. Based on the results of the study, it was considered that the extension of existing landfills was the most viable urgent task to tackle the waste disposal problem in the short to medium term. The marine site identified was considered only suitable for longer term development as this proposal required further assessments of the complex technical issues;
- (e) locating landfills in more remote areas would involve longer travelling distance and create environmental impacts (e.g. carbon footprint, greenhouse gas emission, noise, traffic flow etc.) to a larger geographical area;

- (f) the location of the proposed SENTLFX was considered acceptable by the EIA report approved under EIAO in 2008, which concluded that with the implementation of the recommended mitigation measures, the potential air quality (including odour and dust), ecology, noise, water quality, waste management, landfill gas hazards as well as the landscape and visual impacts would be acceptable and would meet the relevant requirements under the EIAO and its Technical Memorandum;

On Validity of EIA Reports with respect to Landfill Extension

Comprehensiveness and independency

- (g) the EIA covered all uses (such as residential and GIC) adjacent to the proposed SENTLFX, including LOHAS Park, Heng Fa Chuen, and Island Resort. The EIA, approved in 2008, confirmed that even under the worst case scenario, the proposed SENTLFX would not have significant adverse impacts on the environment of nearby areas and public health;
- (h) apart from the EIA, developments in the area, such as the LOHAS Park in TKO Area 86 had also conducted their own environmental assessments to confirm that the proposed uses in the locality would not be subject to significant adverse environmental impacts;

Traffic and traffic data used

- (i) with the restriction of the proposed SENTLFX to disposal of construction waste only, it was envisaged that the daily number of trucks visiting the landfill would drop to about 500. As the proposed SENTLFX would only be in operation after the exhaustion of the existing SENTLFX, the actual area of landfill would not be increased (i.e. not SENTLFX plus SENTLFX) and hence with the reception of only construction waste at the proposed SENTLFX, the total number of construction waste collection vehicles visiting SENTLFX was estimated to be around 500 based on the current trend;

- (j) Wan Po Road had been designed for normal safe use by different users. According to TD's record, there were about 12,000 vehicle trips per day at Wan Po Road, which was a two-way four-lane road. Wan Po Road still had sufficient capacity to meet the extension of SENTLF. The traffic on Wan Po Road was considered low when compared with other roads of the same design standard;
- (k) to address the concern on road safety, TD was considering other traffic control measures, such as reducing the speed limit from 70 km/h to 50km/h for the section of Wan Po Road in front of LOHAS Park, when there was further population intake in LOHAS Park;

Health hazards

- (l) the EIA report included a cancer health risk assessment and a non-cancer health assessment. According to the air quality assessment, the predicted health risks were considered insignificant. In addition, the contribution of fine particulates from landfill operation was insignificant;
- (m) regarding the concern on emission of toxic gases, the approved EIA had addressed the health impacts of volatile organic compounds (VOCs) found in landfill gas. According to the assessments in the EIA, the predicted cumulative key VOC pollutants were well below the levels set by the international chronic/acute reference and health risk guidelines;
- (n) only odourless construction waste would be disposed of in the proposed SENTLFX. Construction waste was clearly defined in the Waste Disposal Ordinance and the Waste Disposal (Charges for Disposal of Construction Waste) Regulation. All construction waste disposal would be closely monitored by EPD, who would also step up enforcement and prosecution actions against non-compliance;

- (o) it should be noted that certain hazardous components such as asbestos in demolition waste were legally classified as chemical waste and not construction waste. As such, they would not be allowed to be disposed of together with construction waste at the proposed SENTLFX. There were statutory requirements regarding disposal of asbestos and chemical waste;

On Impacts of existing SENTLFX

Noxious gas

- (p) the approved EIA report indicated that the VOCs (including methane) generated were well within international standards and below trigger levels;
- (q) there were gas flaring facilities (flares) to burn off methane generated from landfills. The flares were continuously monitored to ensure complete destruction of landfill gas with emission of only water vapour and carbon dioxide which would not cause any impact to residents nearby. The flares were also closely monitored to prevent any migration of landfill gas to the surrounding areas. The safety limit of methane by volume was 1% and a range of 0 to 0.002% was measured at restored landfills which showed that they were safe for afteruse;

Nuisance caused by RCVs and dump trucks

- (r) EPD would continue to work closely with other departments (including the inter-departmental working group chaired by DO/SK) to upkeep the cleanliness of Wan Po Road;
- (s) there was close contact and liaison with the waste collection trade to encourage good practice, such as washing dump trucks before leaving construction sites, covering up trucks carrying waste and emptying waste water/leachate tanks of RCVs to avoid spillage on the road etc;

On Land use planning

- (t) to ensure that the proposed residential sites in TKO Areas 86 and 85 would not be subject to undue adverse environmental impacts, they had been zoned “Comprehensive Development Area” (“CDA”) and “Residential (Group E)” (“R(E)”) under which residential developments needed to obtain planning permission from the Board. Permissions for residential developments in Areas 85 and 86, TKO had taken into account the findings of relevant technical assessments, including environmental assessments. With the implementation of the appropriate environmental mitigation measures identified in the technical assessments, undue adverse environmental impacts were not anticipated to be caused to the developments; and
- (u) the EIA for the proposed SENTLFX had included LOHAS Park as a sensitive receiver. The EIA report concluded that with the implementation of the recommended mitigation measures, the potential impacts caused by the proposed extension would be acceptable and would meet the relevant requirements under the EIAO and its Technical Memorandum.

109. After further deliberation, the Board decided not to uphold the remaining part of Representations No. R4, R2458, R2461, R2477 and R2478 objecting to the “O(2)” zoning and/or their proposals regarding the “O(2)” zone for the SENTLFX and the proposed SENTLFX for the following reasons:

- (a) since there was still a need for landfills in Hong Kong and the SENTLFX was strategically located to minimize environmental impact and transportation cost to serve its catchment area, the “O(2)” zone was appropriate for the existing SENTLFX to allow it to be used as landfill in the interim and to reflect the long-term planning intention to turn the landfill into a public open space for enjoyment of the local residents and the general public at large. As the “O(2)” zone was to reflect the ultimate use of the

areas for open space use and the interim use of the area for 'Landfill' was considered acceptable technically and environmentally, zoning both the SENTLF and SENTLFX "O(2)" and putting 'Landfill' under Column 1 use of the "O(2)" zone were thus appropriate. Zoning the proposed SENTLFX "O(2)" was also in line with the scheme described in the approved EIA of the proposed SENTLFX ; and

- (b) Hong Kong still needed landfills for unavoidable waste even with continuous efforts in waste reduction and recycling as well as inclusion of modern incineration facilities, the 13 ha of land for the proposed SENTLFX in the interim in Area 137 could not be rezoned for other uses.

110. In respect of the above, the Board agreed that the proposed amendments to the draft TKO OZP No. S/TKO/19 and the Notes of the "O(2)" zone for incorporation into the Notes of the Plan as shown at Plan H-11 and Annex X of the Paper were suitable for publication for further representations in accordance with the provisions of section 6C(2) of the Ordinance on 16.12.2011, and the revised Explanatory Statement at Annex XI of the Paper was suitable for publication together with the Plan.

111. The Chairman then suggested and Members agreed that more time should be provided to the Secretariat for the preparation of the minutes in view of the long duration of the hearing and the numerous views expressed by representers and commenters as well as Members at the sessions.

Agenda Item 5

[Open Meeting]

Any Other Business

[This item was conducted in Cantonese.]

112. A Member shared with other Members two overseas case studies on how engagement, negotiation and mediation processes could help to build public consensus when government pursued their infrastructure projects, namely, the Central Connector Project in Florida and the Allagash Wilderness Waterway in Maine. In both cases, the government

appointed independent third-party mediators and engaged key stakeholders at the early stage of the mediation process. For the Florida case, a final consensus agreement on a transportation plan had been reached after mediation and the following lessons were learnt: i) working with an impartial mediator could help provide the negotiating parties with confidence that the playing field would be level; ii) using group-generated criteria to evaluate options helped negotiators reach a consensus recommendation; and iii) when ground rules required designated representatives to communicate with their constituencies during the deliberations, it was easier to gain broad-based support for the process and its results. For the Allagash case, a consensus agreement for preserving the waterway was reached after a two-day retreat participated by all stakeholders and all parties claimed that their essential interests were addressed. By making reference to the real case studies, this Member considered that it was time for the Government to review its existing public consultation procedures when pursuing their projects.

113. There being no other business, the meeting closed at 5:50 pm.