

LCQ1: Marine incident

Following is a question by the Hon Steven Ho and a reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (February 20):

Question:

A few marine incidents have occurred in recent years, polluting the ecosystem of Hong Kong waters and causing far-reaching impacts on the fisheries resources. For instances, a large quantity of polypropylene plastic pellets were spilled into the sea from a container vessel during the onslaught of a typhoon in Hong Kong in 2012, 9 000-tonne palm oil was leaked following the collision of cargo vessels in 2017, and an explosion and a fire occurred in a cargo vessel in the waters off the Lamma Island in January this year. In this connection, will the Government inform this Council:

(1) given that subsequent to the aforesaid incident of plastic pellets spilling into the sea, the party concerned reached a settlement agreement with the Marine Department (MD) and agreed to pay a sum to the Government to compensate for the expenditure it incurred on the clean-up operations, how MD determined if the amount of compensation was reasonable; as public interest was involved in the incident, why MD agreed to keep the compensation amount confidential and did not pursue the responsibilities of the party concerned for polluting the marine ecosystem;

(2) whether it will set up an ad hoc committee in the wake of each marine incident to investigate the impact of the incident on the fisheries resources as well as the marine ecosystem and to prepare a report, which may form the basis for the affected persons to make compensation claims; and

(3) given that mariculturists affected by marine incidents often give up compensation claims as they cannot afford the high legal costs or are ineligible for legal aid, of the mechanism put in place by the Government to provide them assistance?

Reply:

President,

The Government is very concerned about the impact of marine incidents on the environment. Various Government departments will endeavor to take all necessary emergency response actions with a view to mitigating the impacts on the marine environment and ecosystem caused by the incidents.

In consultation with the relevant bureaux and departments, the consolidated reply to the question raised by the Hon Steven Ho is as follows:

(1) During the passage of typhoon Vicente in July 2012, seven containers fell off from a cargo vessel, leading to massive spillage of polypropylene plastic pellets into the sea. A number of government departments worked closely

together to conduct clean-up operations at sea and along shorelines, monitor the effects on local marine environment and announce the monitoring results through press releases. After detailed negotiations, the party concerned agreed to pay a sum to the Government to compensate for the costs incurred by the Government in cleaning up the plastic pellets. In light of the complex legal issues involved, the Government, having taken full consideration of the evidence and sought independent legal advice, considered the compensation amount agreed to be paid by the party concerned reasonable, realistic and acceptable. Furthermore, reaching settlement on the issue through negotiation could avoid spending tremendous amount of public money on litigation action. A settlement agreement was eventually reached between the Government and the party concerned, with an announcement made to the public through press release on April 8, 2014. As the settlement agreement adopted a usual confidentiality clause, the Government could not further disclose the content of the agreement.

(2) & (3) To enable more effective marine environmental management, the Government revamped the Inter-departmental Working Group on Clean Shorelines that was only responsible for coordinating efforts on handling marine refuse in the past and renamed it as Inter-departmental Working Group on Marine Environmental Management (the Working Group) in January last year, with its terms of reference expanded to tackle all marine environmental incidents under the coordination of the Environment Bureau. The Task Force on Emergency Response to Marine Environmental Incidents (the Task Force) is set up under the Working Group, with members comprising various departments including the Agriculture, Fisheries and Conservation Department (AFCD), the Marine Department (MD), the Environmental Protection Department, the Department of Health, the Fire Services Department, the Food and Environmental Hygiene Department, the Government Flying Service, the Government Laboratory, the Hong Kong Police Force and the Leisure and Cultural Services Department. The Task Force assumes a coordination role, and will conduct investigation and assess impact on the environment and ecosystem according to the nature of the incident and initiate appropriate mitigation and preventive measures.

As regards support to mariculturists, in normal circumstances, once the MD officers are aware of the occurrence of a marine environmental incident, they will immediately notify the concerned departments, implement contingency measures and monitor the situation of the waters nearby. The departments concerned will maintain close communication with the relevant stakeholders regarding the incident and provide support to them. For example, upon receiving reports of marine incidents, AFCD will take the initiative to alert mariculturists in the nearby fish culture zones (FCZs) that may be affected, and inspect the FCZs concerned to assess the potential impacts on the cultured fish. Having regard to the actual situation of an incident, AFCD will endeavour to provide assistance to affected mariculturists and closely monitor the water quality of the FCZs, with a view to minimising the impacts.

In the circumstance of a person claiming compensation in respect of a marine incident through civil litigation procedure, it is an individual decision and action. The Government is not a party in the litigation procedure. At present, Legal Aid Schemes are put in place by the Legal Aid

Department to provide legal representation for the legal proceedings to eligible applicants with lack of means. Moreover, AFCD will provide affected mariculturists or other individuals with environmental monitoring data and/or fish test results as they may need. Similarly, depending on the situations, MD can furnish details such as the timing, location and vessels involved in marine incidents. Marine accident investigation reports of serious and very serious accidents together with lessons learnt are also made available on the website of MD for public viewing with the aim of avoiding or reducing similar accidents in future. Mariculturists or other individuals could make reference of the information from these sources.

In addition to the above measures, to keep the public abreast of the latest situation, we will provide the public with the updates of an incident through press releases and other channels in a timely manner. Such information includes the latest development of the incident, affected waters, monitoring results, whether the environment and ecosystem are affected and the follow-up actions taken by various departments.

Finally, I would like to clarify one point – the first paragraph of the question mentioned an oil tanker spilling 9 000 tonnes of palm stearin after a collision incident in August 2017. Based on investigation results, the amount of palm stearin spilled in the incident was about 1 000 tonnes.

Thank you, President.