

## LCQ21: Light nuisance

Following is a question by Dr Hon Elizabeth Quat and a written reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (November 14):

Question:

It has been reported that quite a number of outdoor signboards and advertising screens emit dazzling light, giving rise to serious light pollution as well as causing nuisance to the residents nearby and harm to their health. Although the Environment Bureau released the Guidelines on Industry Best Practices for External Lighting in 2012 and launched the Charter on External Lighting (the Charter) in 2016 inviting owners/persons-in-charge of external lighting installations to sign up for the Charter, the light pollution problem has persisted. In this connection, will the Government inform this Council:

(1) of (a) the number of complaints received about light nuisance, with a breakdown by (i) whether the complainee is a public organisation or a private organisation, and (ii) type of follow-up actions taken by the authorities, (b) the number of such complaints in respect of which advice was given to the complainee and, among such cases, the number of those in which the nuisance was subsequently mitigated, and (c) the targeted measures taken against those persons who had repeatedly been alleged to have caused light pollution, in each of the past five years;

(2) of the number of inspections conducted on the black spots of light pollution by government officers in each of the past five years, as well as the Government's short, medium and long term measures to mitigate the impacts of light pollution on the residents;

(3) whether it knows when the Working Group on External Lighting will (i) complete the review of the effectiveness of the Charter and (ii) release the findings and recommendations of the review;

(4) of the respective numbers of occasions in each of the past five years on which government officers (i) participated in the activities held by community organisations on reduction of light pollution and (ii) liaised with such organisations to collect their views, as well as the views collected; and

(5) as the Charter is not legally binding, whether the Government will, by making reference to the relevant regimes and experience of other jurisdictions in regulating external lighting, step up the regulation of external lighting, including considering the enactment of legislation to that effect; if so, of the details and timetable; if not, the reasons for that?

Reply:

President,

The Government set up the Task Force on External Lighting (the Task Force) in 2011 to advise on the strategy and measures for tackling issues relating to nuisance and energy wastage caused by external lighting.

Having thoroughly considered the views collected during the public engagement exercise, the Task Force submitted its report to the Government in April 2015, and pointed out that the views collected were diverse, and there was a lack of consensual view. While some called for immediate legislation, others objected to any form of regulation, including voluntary measures.

Therefore, the Task Force recommended the adoption of a multi-pronged approach, including implementing a voluntary charter, reviewing effectiveness of the charter two years after its introduction, and re-launching the Guidelines on Industry Best Practices for External Lighting Installations (the Guidelines). The Environment Bureau (ENB) subsequently launched the Charter on External Lighting (the Charter) in 2016 to invite responsible persons for external lighting installations to sign the Charter, and switch off lighting installations with decorative, promotional or advertising purposes that affect the outdoor environment during the preset time (i.e. 11pm or midnight to 7am on the following day).

My reply to the question raised by Dr Hon Elizabeth Quat is as follows:

(1), (2) and (4) The numbers of complaints received by the Environmental Protection Department (EPD) about external lighting in the past five years are set out in the Annex. The EPD conducted more than 2 000 on-site inspections in relation to light nuisance complaints during the same period.

Upon receipt of complaints about light nuisance, the EPD will relay the complainants' concerns and requests to the persons responsible for the lighting installations in question, invite them to sign up to the Charter, refer them to the Guidelines for taking appropriate measures (e.g. lowering the lighting intensity where appropriate, adjusting the angle of spot lights to avoid nuisances from spilled light, or switching off non-essential lights at an earlier time) to minimise the impacts of the lighting installations on the residents in the vicinity as far as practicable. Most of the persons and organisations responsible for the lighting installations would adopt the EPD's advice and take improvement measures. The EPD however does not maintain any statistics and breakdown on the follow-up actions taken.

The Government is striving to implement the multi-pronged measures recommended by the Task Force, promote the Charter and encourage owners of and responsible persons for external lighting installations to switch off lighting installations with decorative, promotional or advertising purposes that affect the outdoor environment during the preset time. As for districts with more complaints about light nuisance, we have conducted on-site investigations and collected information of external lighting installations in Wan Chai, Yau Tsim Mong, Central and Western, Eastern, Kowloon City and Tsuen Wan, as well as invited relevant business establishments to sign up to the Charter.

Since the Charter took effect in April 2016, nearly 5 000 participants

from different sectors (including building management, property development, hotels and catering, retail, laundry, banking, telecommunications and real estate agencies, as well as schools, public utilities and public/non-governmental organisations) have signed up to the Charter. Although the Charter is a voluntary document, most of the participants take their pledge seriously. Our on-site compliance checks conducted in 2017 and 2018 show that over 99 per cent of the participants have been able to follow the switch-off requirement.

As to encouraging the trades to adopt the good practices in the Guidelines, the ENB has organised 30 seminars to appeal to about 100 public and private organisations (including relevant professional organisations and trade bodies) to observe the Guidelines when planning for, installing or managing their external lighting installations and to adopt the good practices provided in the Guidelines.

The ENB also supports the Earth Hour event organised by the World Wide Fund for Nature and call on bureaux and departments to turn off unnecessary lights under their management during the event.

(3) and (5) As recommended by the Task Force, the Government plans to review the effectiveness of the Charter two years after implementation. To this end, the Government has reorganised the Working Group on the Promotion of the Charter of External Lighting into the Working Group on External Lighting (WGEL), and expanded its scope of work to include promotion of the Charter, reviewing its effectiveness and advising the Government on more options to effectively manage external lighting. To engage different sectors in the review, members of the WGEL are drawn from professional bodies, relevant trades, academia, green groups and District Councils in the hopes that the WGEL will be a good platform to forge stronger community consensus.

To commence the review, the WGEL agreed that two consultancies to be engaged by the ENB to conduct an opinion survey to gauge the views of various sectors towards the current situation and regulation of external lighting; and to look into regulatory arrangements adopted by other economies and cities for external lighting installations and considering whether there are any outside experiences, measures and standards that Hong Kong can learn from. The opinion survey is expected to commence and be completed in 2019.

The WGEL expects to be able to complete the review and submit recommendations to the Government in the first half of 2020. Having regard to the WGEL's review findings and recommendations, we will consider the next step, including whether legislation should be introduced to control nuisance caused by external lighting.

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# Special traffic arrangements for race meeting in Happy Valley

Special traffic arrangements will be implemented in Happy Valley today (November 14). The arrangements will come into effect one and a half hours before the start of the first race and will last until the crowds have dispersed after the race meeting.

## A. Traffic arrangements before the commencement of the first race

### 1. Road closure

Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp outside Hong Kong Jockey Club (HKJC) will be closed except for vehicles heading for Aberdeen Tunnel.

### 2. Traffic diversions

- Southbound Wong Nai Chung Road between Village Road and the up-ramp outside HKJC will be re-routed one way northbound;
- Vehicles from eastbound Queen's Road East heading for Wan Chai and Happy Valley will be diverted to turn left to Morrison Hill Road;
- Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via Sports Road and Wong Nai Chung Road;
- Traffic along Queen's Road East cannot turn right to Wong Nai Chung Road except for vehicles heading to Aberdeen Tunnel;
- Traffic from Cross Harbour Tunnel heading for Queen's Road East will be diverted via the down-ramp leading from southbound Canal Road flyover to Morrison Hill Road to turn right at the junction of Wong Nai Chung Road and Queen's Road East; and
- Traffic from Cross Harbour Tunnel heading for Happy Valley or Racecourse will be diverted via the down-ramp leading from southbound Canal Road flyover to Canal Road East, southbound Morrison Hill Road, Sports Road and Wong Nai Chung Road.

## B. Traffic arrangements before the conclusion of race meeting

### 1. Road closure

The following roads will be closed from 35 minutes before the start of the last race:

- The up-ramp on Wong Nai Chung Road outside HKJC leading to Aberdeen Tunnel;
- Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp leading to Aberdeen Tunnel;
- Southbound Wong Nai Chung Road between Village Road and the Public Stands of HKJC;
- Westbound Leighton Road between Wong Nai Chung Road and Canal Road East; and

- Southbound Morrison Hill Road between Leighton Road and Queen's Road East.

In addition, southbound Wong Nai Chung Road between the up-ramp leading to Aberdeen Tunnel and the Public Stands of HKJC will be closed from about 10 minutes before the start of the last race.

## 2. Traffic diversions

The following traffic arrangements will be implemented from 35 minutes before the start of the last race:

- Eastbound Queen's Road East at its junction with Morrison Hill Road will be reduced to one-lane traffic heading for northbound Canal Road flyover;
- Vehicles from Cross Harbour Tunnel heading for Wan Chai will be diverted via the down-ramp leading from Canal Road East, U-turn slip road beneath Canal Road flyover, Canal Road West and Hennessy Road;
- Vehicles from Cross Harbour Tunnel heading for Happy Valley will be diverted via the down-ramp leading from Canal Road East, eastbound Leighton Road and Wong Nai Chung Road;
- Traffic on southbound Morrison Hill Road will be diverted to turn left to eastbound Leighton Road;
- Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via eastbound Leighton Road and Wong Nai Chung Road; and
- Traffic along westbound Leighton Road will be diverted to Wong Nai Chung Road.

## C. Learner drivers prohibition

Learner drivers will be prohibited to turn left from Caroline Hill Road to Leighton Road between one and a half hours before the start of the first race and one hour after the last race. In addition, learner drivers will be prohibited from accessing the following roads within the above period of time:

- Shan Kwong Road between Yik Yam Street and Wong Nai Chung Road;
- Village Road between its upper and lower junctions with Shan Kwong Road;
- Percival Street between Hennessy Road and Leighton Road;
- Canal Road East; and
- The service road leading from Gloucester Road to Canal Road flyover.

## D. Suspension of parking spaces

Parking spaces on southbound Wong Nai Chung Road between Sports Road and Blue Pool Road will be suspended from 11am to 7pm during day racing, from 4.30pm to 11.59pm during evening racing, and from 5pm to 11.59pm during night racing.

Any vehicles found illegally parked within the precincts of the above affected areas will be towed away without prior notice.

Actual implementation of road closure and traffic diversion will be made by the Police at the time depending on traffic conditions in the areas.

Motorists should exercise tolerance and patience, and follow the instructions of Police on site.

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## Office of The Ombudsman announces result of direct investigation (with photo)

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Connie Lau, today (November 14) announced the completion of a direct investigation into the regulation of illegal burials outside permitted burial grounds (burials outside PBGs) by the Home Affairs Department (HAD) and the Lands Department (LandsD).

This is the Office's second direct investigation into the issues regarding management of PBGs by government authorities, following the direct investigation report on "Management of Permitted Burial Grounds" published in 2015.

In this investigation, the Office focused on examining the inadequacies in the regulation of burials outside PBGs by the HAD and the LandsD. The investigation found that the departments did not have effective measures in place to ensure that indigenous villagers buried the deceased within PBGs. As there are no boundary markers for most PBGs, and the departments would not verify on-site the burial locations before approving the burial applications, incidents of burials outside PBGs have occurred from time to time.

The HAD may revoke the Burial Certificate for cases of burials outside PBGs, but this would entail the removal of the remains of the deceased. In practice, the departments concerned would take into account the fact that relocation of a grave is against the tradition of letting the deceased rest in peace. As a result, in dealing with burials outside PBGs, the departments concerned would only repeatedly advise the offenders to relocate the graves to PBGs without any further enforcement actions, thereby acquiescing to continued illegal occupation of government land without any consequences. The Office considered that the departments should introduce punitive measures against the offenders, so as to avoid giving the public an impression that some offenders in illegal burial cases received preferential treatment and were not required to pay any price for illegal occupation of government land.

To sum up, this investigation report has revealed that the departments concerned have the following three major inadequacies in the regulation of burials outside PBGs:

(1) failing to formulate comprehensive and effective measures to ensure that

the burial locations are correct;

(2) a lax attitude in following up on cases of burials outside PBGs; and

(3) allowing offenders to continue to violate the stipulated conditions at no cost.

In light of this, the Office has recommended that the HAD and the LandsD formulate specific measures to ensure that indigenous villagers are, before burying the deceased, fully aware of the boundaries of PBGs, and conduct site inspections with the holders of Burial Certificates in order to confirm the burial locations in advance. The departments should also explore introducing punitive measures to make those who illegally occupy government land pay for their misdeeds.

The investigation report has been uploaded to the Office of The Ombudsman website at [www.ombudsman.hk](http://www.ombudsman.hk) for public viewing.



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## [Correctional officers stop assault on remand person in custody](#)

Correctional officers stopped three remand persons in custody from assaulting another remand person in custody at Lai Chi Kok Reception Centre yesterday (November 13).

At 2.06pm yesterday, three male persons in custody attacked another male person in custody inside the exercise yard. Officers at the scene immediately stopped the assailants.

The victim sustained head injury. After examination and treatment by the medical officer of the institution hospital, he was transferred to a public hospital for further treatment.

The case has been reported to the Police for investigation.

The three assailants were remanded for the offence of murder and trafficking in dangerous drug respectively.

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## Red flag hoisted at Silverstrand Beach

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (November 14) that due to big waves, red flag has been hoisted at Silverstrand Beach in Sai Kung District. Beach-goers are advised not to swim at the beach.