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**The Management of
Municipal Solid Waste in Hong Kong:
A Study of Civic Engagement Strategies**

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Capstone Project Report submitted in partial fulfillment of
the requirements of the Master of Public Administration

Department of Politics and Public Administration

The University of Hong Kong

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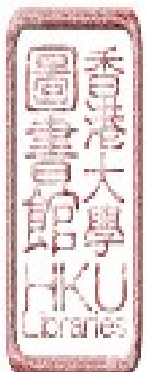
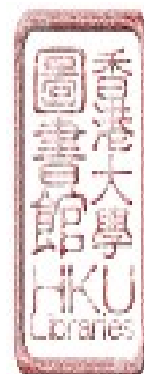
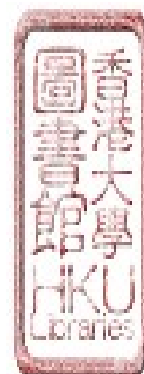


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Declaration

We declare that this Capstone Project Report, entitled “The Management of Municipal Solid Waste in Hong Kong: A Study of Civic Engagement Strategies”, represents our own work, except where due acknowledgement is made, and that it has not been previously included in a thesis, dissertation or report submitted to this University or any other institution for a degree, diploma or other qualification.



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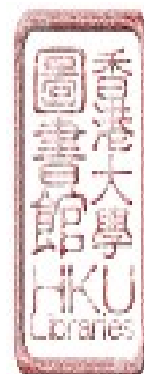
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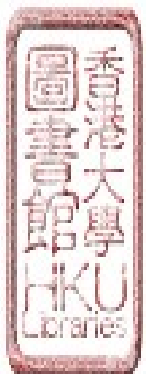


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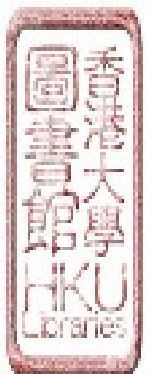
We would like to express our gratitude to Professor Ian THYNNE for his patience and guidance throughout the course of this capstone project. We are also thankful to the selfless support from the teammates in producing this report which has marked a memorable experience to our study in the MPA programme.



Abstract

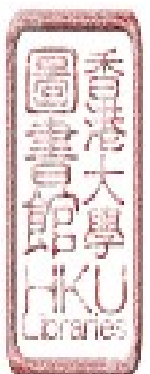
This capstone project studies the civic engagement strategies adopted by the Hong Kong SAR Government in respect of the management of municipal solid waste (MSW).

An analytical framework is devised in Chapter Two for this project to analyze different civic engagement strategies of the Government from two interrelated elements of “levels of public involvement” and “degrees of inclusiveness”. The levels of public involvement, adapted from the Public Participation Spectrum of International Association for Public Participation (2007), represent the intentions of the civic engagement strategy, which contain categories of “inform”, “consult”, “involve”, “collaboration” to “empower”. The perspective of inclusiveness, mainly adapted from The Participant Selection Method of Fung (2006), measure the coverage of the civic engagement strategy in the civil society, which consists of six degrees namely “elected representatives”, “professional stakeholders”, “lay stakeholders”, “selective recruiting”, “self-selected” and “diffuse public sphere”. The assumption and general understanding of this project are that the higher the level of public involvement as well as degree of inclusiveness, the higher the legitimacy and standard of social justice, the better the policy outcome and the smoother the implementation could



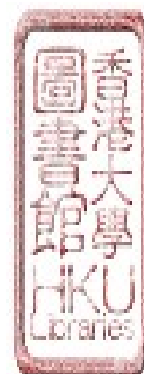
be achieved for the policy initiatives or schemes.

In Chapter Three and Four, the development of MSW policy in Hong Kong, the Government's choices of civic engagement strategy, the reasons of the Government's choices, and their effectiveness, from (i) the colonial era, (ii) the first eight-year period after handover, to (iii) the second eight-year period up to the current term of Government, are discussed and evaluated by the analytical framework. Problems and disadvantages of the conventional strategies and public consultation system are then identified. Three major civic engagement strategies, namely (i) the establishment of a dedicated council of waste management; (ii) better use of technologies; and (iii) the future generations oriented approach, are proposed in Chapter Five to address the problems / institutional disadvantages with a view to strengthening the Government's civic engagement system and complementing to other new / traditional strategies. Lastly, four principles of developing more sophisticated civic engagement strategies in the foreseeable future are suggested in the final chapter as the conclusion of this project.



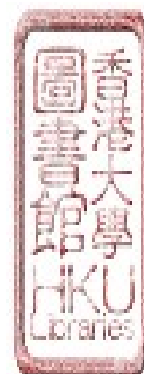
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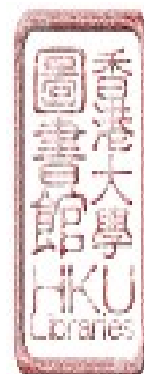
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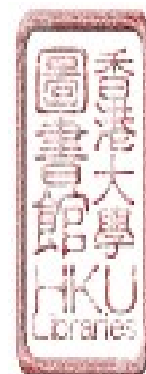


Acronyms

Term	Abbreviation
Advisory Council on the Environment	ACE
Advisory Group on Waste Management Facilities	The Advisory Group
Bauhinia Foundation Research Centre	BFRC
Chief Executive	CE
District Council	DC
Environmental Campaign Committee	ECC
Environment and Conservation Fund	ECF
Education Bureau	EdB
Environment Bureau	EnB
Environmental Impact Assessment	EIA
Environmental Protection Department	EPD
Environmental Protection Unit	EPU
Environmental Pollution Advisory Committee	EPCOM
Executive Council	ExCo
Food and Environmental Hygiene Department	FEHD
Government of Hong Kong Special Administrative Region	The Government
Gross domestic product	GDP
Hong Kong Special Administrative Region	HKSAR
Housing Department	HD
International Association for Public Participation	IAP2



Term	Abbreviation
Information and Communications Technology	ICT
Integrated Waste Management Facilities	IWMF
Legislative Council	LegCo
Legislative Council Question	LCQ
Municipal Solid Waste	MSW
North East New Territories Landfill	NENT
Non-governmental Organization	NGO
Organization for Economic Co-operation and Development	OECD
Planning, Environment and Lands Branch, the Government Secretariat	PELB
Policy Framework for the Management of Municipal Solid Waste	The Policy Framework
Principal Officials Accountability System	POAS
Producer Responsibility Schemes	PRS
Refuse Transfer Station	RTS
Council for Sustainable Development	SDC
South East New Territories Landfill	SENT
University of Hong Kong, The	HKU
Waste Disposal Ordinance	WDO
Waste Reduction Framework Plan	WRFP
West New Territories Landfill	WENT
White Paper “Pollution in Hong Kong – A Time to Act”	The 1989 White Paper



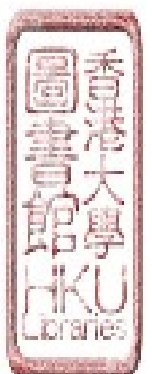
Chapter One : Introduction

Focus, Objectives and Background of the Project

This project addresses the nature and effectiveness of the civic engagement strategies employed by the HKSAR Government in implementing policy for the management of Municipal Solid Waste (MSW). It recognizes that in Hong Kong, due to an increasingly hostile political environment and a rising civil society, traditional public consultation is considered insufficient to cope with contemporary community expectation in policy implementation.

By addressing specified research questions and propositions, the objective of this project is to evaluate the mechanism of civic engagement being adopted by the Government on tackling MSW. Due to changing socio-political factors, this project is also aiming to reveal some evidences from empirical data so as to elaborate if there is any room for enhancing the strategies on MSW through civic engagement. It proposes enhancement measures to the civic engagement strategies adopted so as to improve the overall legitimacy and the outcome of the MSW policy.

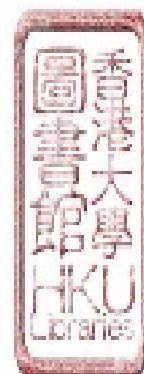
Supported by rapid economic growth in the past decades, Hong Kong people



are enjoying a relatively high standard of living. At the same time, the amount of waste generated in the city has been increasing drastically. The existing MSW management system in Hong Kong relies mostly on end-of-pipe treatment – disposal at the three strategic Government landfills in the New Territories. These three strategic landfills occupy almost 270 hectares of land. They cost about \$6 billion to construct and \$400 million each year to operate ¹. All of these costs are covered by the Government using tax-payers' money. The public, though paying taxes, are not required to pay directly for the cost of managing the waste they generate, so most of the local community members are quite apathetic towards the waste problem. In 2011, more than 13,000 tonnes of solid waste were disposed of at the landfills every day, a majority of which (i.e. about 66%) was MSW ². Basically, MSW is defined as domestic solid waste (collected from residential buildings and public litter bins), commercial solid waste (produced by shops, restaurants, hotels and offices) and industrial solid waste (produced from the general industrial sector, excluding construction and demolition waste, chemical waste or other special waste). The Government anticipates that the local waste generation rate will remain high in coming years.

If there is nothing done, the three strategic landfills are very likely to be exhausted

-
- 1 EPD. (2005). *A Policy Framework for the Management of Municipal Solid Waste (2005 – 2014)*. Retrieved from <http://www.epd.gov.hk/epd/msw/htm_en/ch02/main.htm> (ch.2)
 - 2 EPD. (October 2012). *Monitoring of Solid Waste in Hong Kong: Waste Statistics for 2011*. Retrieved from <<https://www.wastereduction.gov.hk/en/materials/info/msw2011.pdf>> (p.2)



by mid to late 2010s ³. Since the expansion of existing landfills or creation of new ones will incur a huge cost for the Hong Kong society and inevitably attracts strong public opposition, landfilling can hardly be regarded as a sustainable way ⁴ for waste disposal. There is hence a pressing need for the Government to develop a sustainable waste management policy to tackle the MSW problem in a holistic manner.

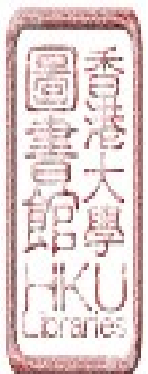
Actually, both environmental officials and local non-governmental organizations (NGOs) have been advocating to tackle the local waste problem by emphasising more on reduction of waste and proper disposal (i.e. waste separation for easy recycling), rather than figuring out how to process the waste efficiently. The Government is putting tremendous effort in organizing green campaigns to mobilize the community to take more environmentally sustainable actions and adopt a “use less, waste less” lifestyle ⁵. With an aim to develop an up-to-date comprehensive waste management plan and promote a new social contract with the community to conserve resources and reduce waste, the Government has turned on the engine of civic engagement so as to foster an environmentally

3 EPD Website. (22 May 2012). *Hong Kong's Environment: Waste*. Retrieved from <http://www.epd.gov.hk/epd/english/environmentinhk/waste/waste_maincontent.html>

4 According to the World Commission on Environment and Development, sustainable development should meet the needs of the present without compromising the ability of future generations to meet their own needs. Source from:

The World Commission on Environment and Development. (1987). *Report of the World Commission on Environment and Development: Our Common Future*. Retrieved from <<http://www.un-documents.net/our-common-future.pdf>> (p.16)

5 EnB. (May 2013). *Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022*. Retrieved from <<http://www.enb.gov.hk/en/files/WastePlan-E.pdf>>. (p.3)



sustainable culture in the city. By introducing a combination of new legislations, innovative policy, targeted campaigns, investment in infrastructure and partnering with green NGOs, the Government would like to induce a behavioural change in the community. A specific target is set with a view to reducing the amount of MSW for disposal by 40% on a per capita basis by 2022 ⁶.

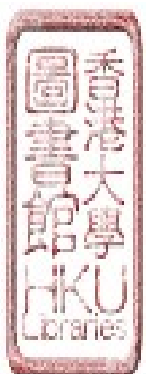
Research Questions and Related Propositions: Theory and Practice

The following research questions are addressed in this project:

- (a) What strategies of civic engagement are available to a government when developing policies and taking action in response to issues of significant community concern?
- (b) What particular strategies of civic engagement has the Hong Kong Government adopted in relation to the issue of MSW management – and why?
- (c) How effective have these strategies been?
- (d) How could these strategies be strengthened and/or complemented by the adoption of other potentially more effective strategies?

These questions lead into the background, rationale and time lines for

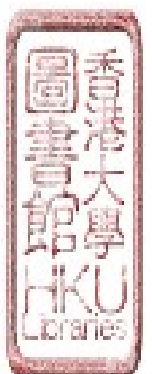
⁶ EnB. (May 2013). *Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022*. (p.18)



developing the strategies on MSW in Hong Kong. By addressing the above-mentioned questions, evidences are gathered to develop insights for further enhancement of the Government's current strategies on tackling MSW with reference to today's political atmosphere.

A properly administrated MSW management system can contribute to the long-term welfare of the local community. Given the impending exhaustion of the three strategic landfills, strong opposition from the community to continue to rely heavily on landfills, and reluctance among the general public in adopting incineration in treating MSW, the goals of the Government are to address these concerns by providing policy alternatives for the public to consider, guiding the community to reach consensus on the way forward, and have it done so within a timeframe acceptable to the community at large. In this respect, civic engagement is considered as a necessary process to attain such goals.

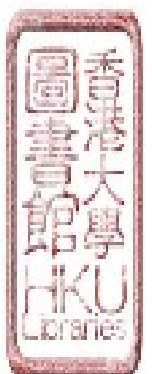
The Government is increasingly expected to engage the community as early as possible in developing policies. Various strategies can be adopted so as to address the interests and values of different stakeholders. There is always room for such strategies to be refined and enhanced to ensure legitimacy, policy outcome, justice and smooth implementation.



Overview of the Analytical Framework

In Chapter Two, an analytical framework is devised for the project in terms of level of participation and coverage of community members (i.e. degrees of inclusiveness) according to a number of public administration literatures. The framework acknowledges that, for modern societies like Hong Kong, civic engagement is an indispensable element of policy formulation and implementation. The level of public participation can significantly affect the policy outcome.

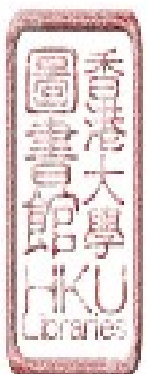
There are different interpretations of the terms of civic engagement. Conceptually, it may be referred to the composition of the participants being engaged. At other times, it may be the process that involves seeking inputs from the public, and that policymakers and the public work together to devise a policy to resolve a social problem. There is a close relationship between various levels of public involvement and degrees of inclusiveness. For a given public policy like the management of MSW discussed in this project, policymakers need to select the most appropriate level of participation and degree of inclusiveness so as to effectively formulate and implement the policy under different scenarios or social contexts.



Research Methodology

In this project, empirical analysis is based primarily on desktop research on reports published by universities, NGOs, and research institutions such as the Bauhinia Foundation Research Centre (BFRC), the Organization for Economic Co-operation and Development (OECD) and the World Bank. Papers published by the Government were studied. Research information that was available in the public domain, either through journal articles or the Internet was collected. Articles from newspapers and magazines were also referenced. This report analyzes the mechanism and evaluates the effectiveness of different civic engagement strategies being employed by the Government. As the timelines, sequence of events and rationales for the various consultations / civic engagement activities employed are properly documented in the sources of research, no primary survey is conducted.

To study a major Governmental policy area with implication involving a wide range of stakeholders, it is considered more cost effective to use secondary data instead of conducting quantitative research or to collect primary data by members of this project. On the other hand, using existing data available from the Government, civic group and mass media which had been guided by professionals and experts in the fields allows members to examine wide variety of



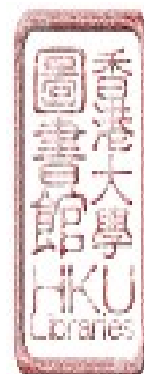
legitimized responses and information of the stakeholders and the Government on formulating the policy on MSW. Members need not identify and make direct contact with any target interviewees. In this research project, by using such unobtrusive data collection method, members took the advantage of the available data in-hand which is considered appropriate particularly for project lacking resource to conduct large scale research to collect primary data. Actually, the Government and a variety of research organizations had already provided massive amount of data which is usually longitudinally in nature. Over the past years, the Government has been working closely with different organizations with a view to formulating policy alternatives. A number of studies subsequently have been carried out ⁷ to aim at attaining consensus in the community to tackle the waste management problem in Hong Kong.

Chapter Outline

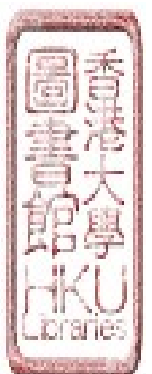
This report consists of six chapters, including this introduction as Chapter One.

In Chapter Two, various definitions of civic engagement suggested by different

7 (i) Centre for Civil Society and Governance, HKU. (2007). *From Consultation to Civic Engagement: The Road to Better Policy Making and Governance in Hong Kong*. Hong Kong: The Bauhinia Foundation Research Centre. (ch.5)
(ii) Lee, Eliza WY; Chan, Elaine YM; Chan, Joseph CW; Cheung, Peter TY; Lam, Wai-fung; Lam, Wai-man. (2013). *Public Policymaking in Hong Kong: Civic Engagement and state-society relations in semi-democracy*. Oxon: Routledge. (ch.6)



scholars / organizations are studied. The operational definitions and indicators of civic engagement for the analytical framework of this project, which forms the backbone of this report guiding the discussion in subsequent chapters, are derived from the reference literatures. Then, by applying the analytical framework, Chapters Three, Four and Five give a detailed account of various strategies of civic engagement in place, analyze their effectiveness, examine the factors affecting the effectiveness and propose improved civic engagement strategies. Finally in Chapter Six, a conclusion is made to summarize the research findings and make suggestions on the principles for continual strengthening of civic engagement in the future.



Chapter Two : Analytical Framework

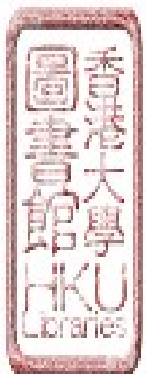
Introduction

An analytical framework is established in Chapter Two by looking into civic engagement models proposed by different scholars. Based on these models, the subsequent chapters follow to analyze how effective the HKSAR Government has been in engaging the public for MSW management policy. The framework recognizes that, when looking back at the actions taken by the Government in how it proposed policy related to the management of MSW, public consultation in form of consultation papers was usually the first step. Recent trends revealed that in-depth civic engagement should be conducted in preliminary stage.

What is Civic Engagement?

There is a wide range of definitions on civic engagement from different scholars. Ehrlich (2000) defines civic engagement as “working to make a difference in the civic life of our communities and developing the combination of knowledge, skills values and motivation to make that difference”⁸. This definition leads us

8 Ehrlich, Thomas. (2000). *Civic Responsibility and Higher Education*. Westport: Oryx Press. (p.iv, Preface).

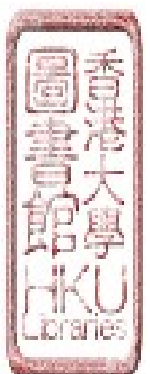


to focus on (i) better “outcome” as well as (ii) combination of “knowledge and skills”. The World Bank (1992) defines civic engagement as “the participation of private actors in the public sphere, conducted through direct and indirect interactions of civil society organizations and citizens-at-large with government, multilateral institutions and business establishments to influence decision making or pursue common goal”⁹. This leads us to concentrate on (c) collaboration between the Government and the civil society and (d) the common goal for closing various divides. These four definitions are highly relevant to the four major functions of civic engagement as introduced in the OECD report (2009)¹⁰. They are further portrayed in the coming sections.

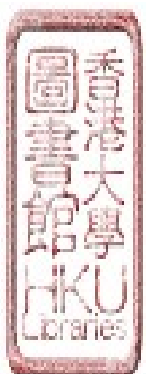
Why Should the Government Adopt Strategies of Civic Engagement?

Various civic engagement strategies of different governments can be derived from the following universal scenarios. In Malka’s conceptual terms (2010)¹¹, they are:

-
- 9 World Bank Website. (August 2013). *What is Civic Engagement?* Retrieved from <<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTPCENG/0,,contentMDK:20507541~menuPK:1278313~pagePK:148956~piPK:216618~theSitePK:410306,00.html>>
 - 10 OECD. (2009). *OECD Studies on Public Engagement: Focus on Citizens – Public Engagement for Better Policy and Services*. Retrieved from <<http://www.iadb.org/intal/inalcdi/pe/2009/03785.pdf>> (p.23-24)
 - 11 Kopell, Malka R. (2010). Civic Engagement: Bringing in the Real Experts – A Commentary on the Shaping America’s Youth Initiative. *Pediatrics* 126(s2): 90-94. (p.91-92)



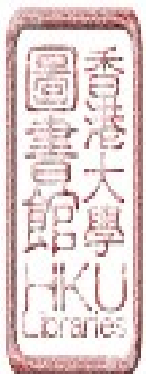
- Working with limited resources: Limited resources are one of the points that trigger the collaboration between stakeholders to solve the problem collectively. For example, in this research subject (i.e. the management of MSW), there is no urgent need if the capacity of the existing landfills is unlimited.
- New Relationship between the Government and the Public: Traditionally, if considered necessary, the Government adopts somewhat like a top-down approach in drafting a policy proposal by key officials or committee. Then the Government seeks opinions from the community for refinement before implementation. In the case of waste management, due to changes in social context, people are becoming more aware of the environmental impact caused by waste management. They are also better informed of the alternatives that are available and getting vocal in demanding the Government to adopt their preferred choice of action.
- Complicated Problems Required Complicated Solutions: Furthermore, to tackle the waste management problem, a combination of legislation or schemes is required to drive behavioural change. Enormous amount of resources is required to mobilize the community, as the new policy / schemes will have a direct impact on the daily living of each citizen. At present,



people just put the waste in the rubbish bag, then the estate management and the Government follow it up. With the implementation of new waste management policy (e.g. MSW charging), citizens will need to change their behaviour under the system that they will be charged proportionally according to the amount of waste they generated. Citizens in different social sectors may have different concerns, sometimes conflicting opinions. More effective strategies on civic engagement thus are required in order to make the views of the community members be heard and incorporate their ideas in the policy being formulated.

According to the definition of civic engagement above, traditional public consultation should be switched to more comprehensive civic engagement involving the following objectives, which echo with the OECD report (2009):

- (a) To achieve better outcome and improve policy performance / democratic performance.
- (b) To leverage knowledge and resources, increase innovative solutions.
- (c) To facilitate collaboration between government agencies and the civil society.
- (d) To close social, economic, cultural and political divides by addressing to citizens' interests and needs.



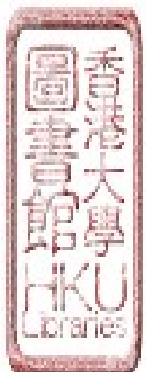
- (e) To build public trust and generate legitimacy.
- (f) To reduce policy compliance costs and administrative costs of the agencies.

As enlightened by the BFRC report, different from consultation which only collects feedback from citizens before implementation, “civic engagement is an organized process where a government has taken the initiative to involve citizens in all stages”¹². In the coming sections, this report adopts Fung’s (2006) “combination of democracy”¹³, “democratic innovations” of Smith (2009)¹⁴, the “public participation spectrum” from the International Association for Public Participation (IAP2) (2007)¹⁵ and the “ladder of citizen participation” of Arnstein (1969)¹⁶ as indicators. This project not only concentrates on whom are involved, but also the level of impact of the civic engagement with regard to the management of MSW.

What Strategies of Civic Engagement are Available to Governments?

In this project, an integrated basis is formed based on two interrelated elements,

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- 12 Centre for Civil Society and Governance, HKU. (2007). *From Consultation to Civic Engagement: The Road to Better Policy Making and Governance in Hong Kong*. Hong Kong: The Bauhinia Foundation Research Centre. (p.5)
 - 13 Fung, Archon. (2006). Varieties of Participation in Collaborative Governance. *Public Administration Review* 66(s1): 66-75.
 - 14 Smith, Graham. (2009). *Democratic Innovations: Designing Institutions for Citizen Participation*. New York: Cambridge University Press. (p.26)
 - 15 IAP2. (2007). *IAP2 Public Participation Spectrum*. Retrieved from <http://www.iap2.org/associations/4748/files/IAP2%20Spectrum_vertical.pdf>
 - 16 Arnstein, SR. (1969). A ladder of citizen participation. *Journal of the American Institute of Planner* 35(4): 216-224.



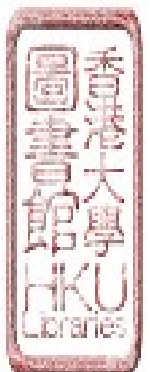
which are the “levels of public involvement” and the “degrees of inclusiveness” for addressing civic engagement strategies. They provide the principles and guidance to governments to work out the available strategies of civic engagement.

Levels of Public Involvement

Figure 1 and 2 highlight the different levels of public involvement and how they may influence the effectiveness of civic engagement, as well as the policy itself. The levels of public involvement refer the extent to which the public is involved in social, political and policy activities and how governments engage the public in the process. In essence, the two Figures constitute a lens for policymakers to analyze the civic engagement strategies adopted in different policy areas and to evaluate their effectiveness, as in the case of MSW management policy in this project.


The International Association for Public Participation (IAP2) presents a spectrum of public participation (Figure 1) with five categories, ranging from inform, consult, involve, collaboration to empower¹⁷. As one moves from informing, consultation, involvement to collaboration, the level of public involvement increases gradually enabling community members to take an

17 IAP2. (2007). *IAP2 Public Participation Spectrum*. Retrieved from <http://www.iap2.org/associations/4748/files/IAP2%20Spectrum_vertical.pdf>



increasingly more active role in public affairs. On the furthest end of the spectrum, empowering the public to make decisions represents the highest level of public participation implying the highest level of public impact and power.

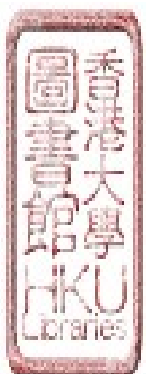
Figure 1 : Levels of Public Involvement

Inform	Consult	Involve	Collaborate	Empower
To provide the public with balanced and objective information	To obtain public feedback on analysis, alternative and decisions	To work directly with the public throughout the process	To partner with the public in each aspect of the decision	To place final decision making in the hands of the public
 <p>Increasing Public Involvement</p>				

Source : The International Association for Public Participation. (2007). *IAP2 Public Participation Spectrum*.

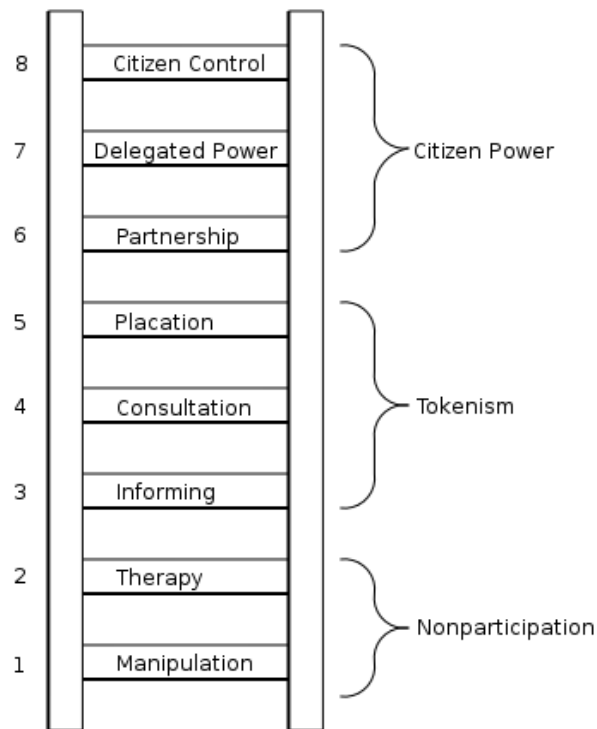
On the other hand, Arnstein (1969) considers citizen participation as a ladder with eight levels, including manipulation, therapy, informing, consultation, placation, partnership, delegated power and citizen power (see Figure 2) ¹⁸.

18 According to Arnstein, the first and second ladders, namely manipulation and therapy, present the non-participation with a view to educating or pacifying the participants. The third and fourth ladder, namely informing and consultation, is a level of tokenism allowing to have-nots to hear and to have a voice. The fifth level of placation, is a higher level tokenism, that have-nots are allowed to give advice, but the right of decision making is still remained in the hands of power holders. The sixth to eighth levels represent citizen power, in which the public is empowered to make decision. Source from: Arnstein, SR. (1969). A ladder of citizen participation. *Journal of the American Institute of Planners* 35(4): 216-224.



This model of eight levels of citizen participation echoes the participation spectrum of the IAP2.

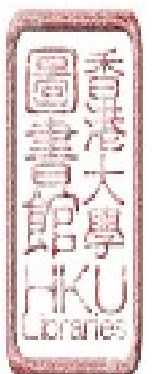
Figure 2 : A Ladder of Citizen Participation



Source : Arnstein, SR. (1969). A ladder of citizen participation. *Journal of the American Institute of Planners* 35(4): 216-224.

Degrees of Inclusiveness

The degrees of inclusiveness refer to the group of people who can participate in the civic engagement process. According to OCED, inclusive means “the effort to include as wide variety of citizens’ voices into the policy making process as



possible”¹⁹. In practice, the act of inclusion is to lower the barrier of entry (e.g. providing multilingual information and various channels for participation), so that the people, who are willing but unable, can participate in the policy making process²⁰. Also, it means to appeal people, who are able but unwilling to participate, to express their views during the civic engagement process²¹.

This project examines the participant selection mechanism adopted by the HKSAR Government in identifying and selecting participants for engagement to see whether all citizens have equal opportunities and channels to gain access to information, be consulted, participate and affect policy decisions.

Fung (2006) suggests eight selection mechanisms, which can range from the most inclusive to the most exclusive, as shown in Figure 3. According to Fung, participation mechanism should be shifted to the more inclusive end of the spectrum so as to increase legitimacy of the decisions, achieve justice and minimize political inequality²².

19 OECD. (2009). *OECD Studies on Public Engagement: Focus on Citizens – Public Engagement for Better Policy and Services*. Retrieved from <<http://www.iadb.org/intal/intalcdi/pe/2009/03785.pdf>> (p.13&24)

20 OECD. (2009). *OECD Studies on Public Engagement: Focus on Citizens – Public Engagement for Better Policy and Services*. (p.14&24)

21 OECD. (2009). *OECD Studies on Public Engagement: Focus on Citizens – Public Engagement for Better Policy and Services*. (p.14&24)

22 Fung, Archon. (2006). Varieties of Participation in Collaborative Governance. *Public Administration Review* 66(s1): 66-75.

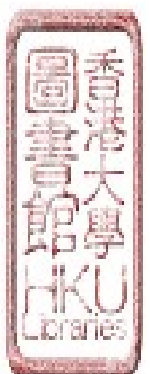
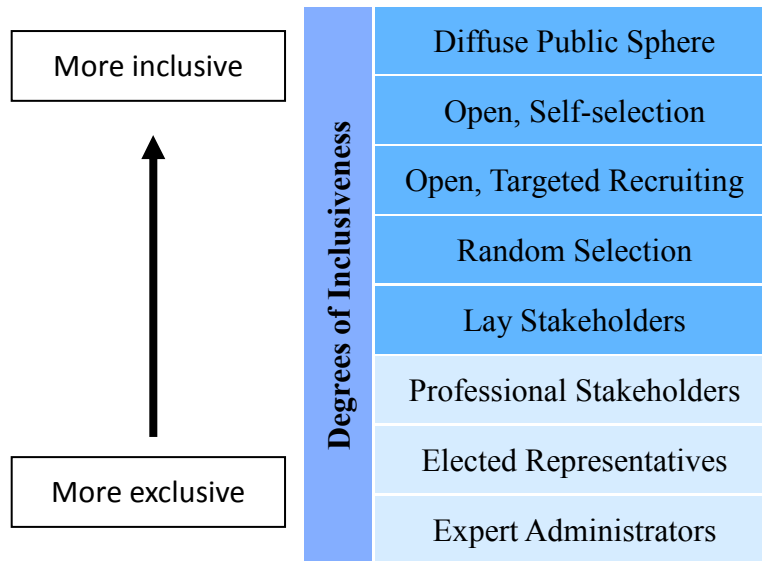


Figure 3 : Participant Selection Method

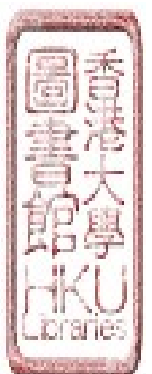


Source : Fung, Archon. (2006). Varieties of Participation in Collaborative Governance. *Public Administration Review* 66(s1): 66-75.

This concept matches with the first democratic goods of inclusiveness suggested by Smith to evaluate the institution design of the civic engagement process. Smith considers that the democratic goods of inclusiveness is to address the problem of uneven participation in which political equality is realized in two aspects of participation: “who has the right to participate” (presence) and “do participants have equal opportunities to express, be heard and affect the output of discussion” (voice) ²³.

In addition, with more inclusive and interactive civic engagement process,

²³ Smith, Graham. (2009). *Democratic Innovations: Designing Institutions for Citizen Participation*. New York: Cambridge University Press. (p.21-22)



the participation of citizens from across different social groups may bring their innovative ideas and solutions into the policy proposals ²⁴, thus contributing to better policy outcome and building civic capacity. However, including everyone in civic engagement process is impractical and inefficient in real life. The Government needs to consider a range of factors (e.g. the nature and complexity of the policy concerned, the diversity and range of people affected) in deciding the suitable degree of inclusiveness.

Assessment of Civic Engagement Strategies

Figure 4 comprising two interrelated elements (levels of public involvement and degrees of inclusiveness) provides an integrated basis for assessing civic engagement strategies.

As shown in Figure 4, the spectrum of IAP2 and the ladder of citizen participation suggested by Arnstein are modified into three levels of public involvement, which moves from informing to empowerment. It provides a useful image of the levels of public involvement and the role of the public in the civic engagement process. It also highlights the concept of gradual public

24 OECD. (2009). *OECD Studies on Public Engagement: Focus on Citizens – Public Engagement for Better Policy and Services*. Retrieved from <<http://www.iadb.org/intal/intalcdi/pe/2009/03785.pdf>> (p.266)

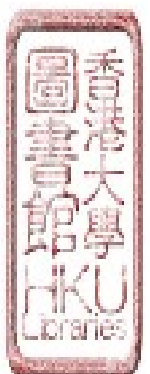
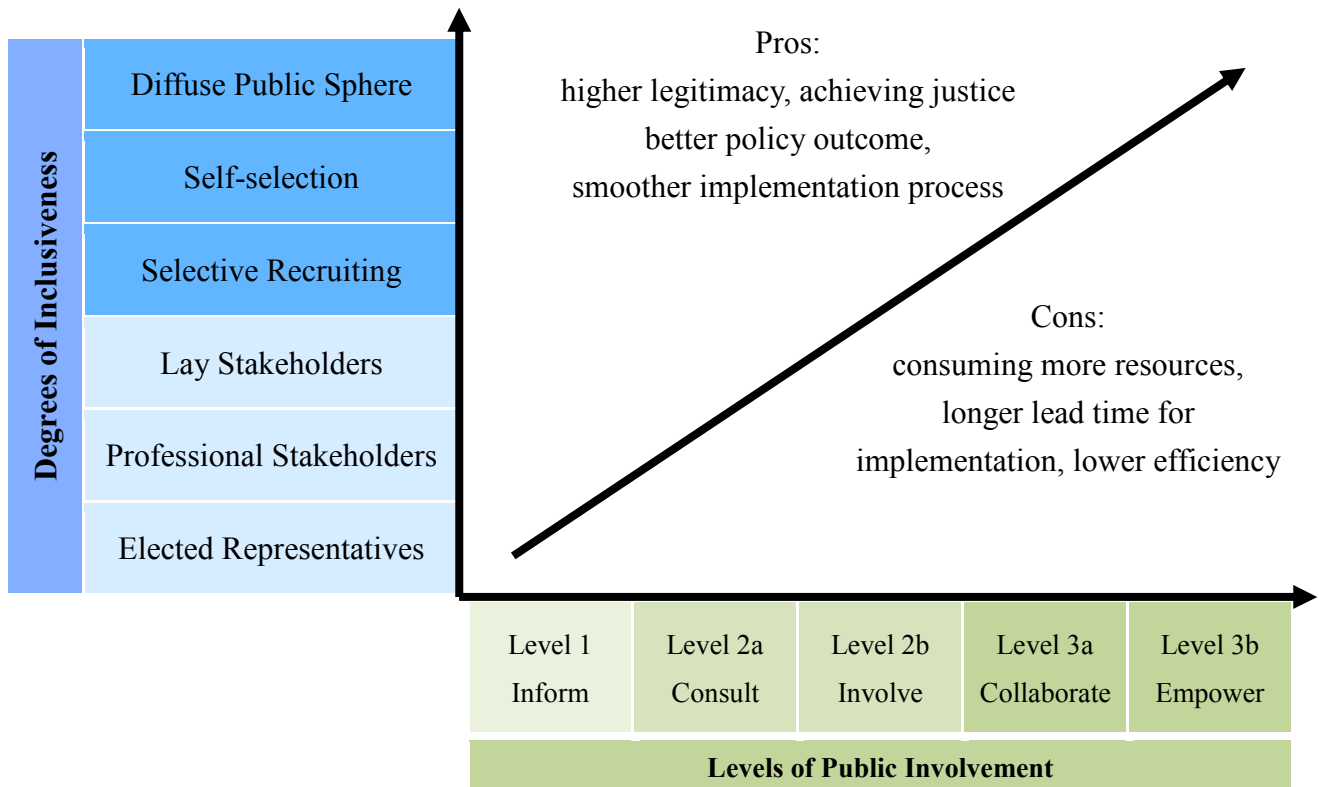


Figure 4 : An Integrated Basis for Addressing Civic Engagement Strategies

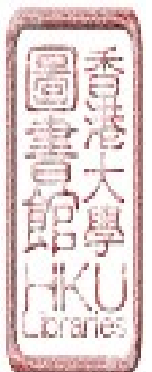


Source : Adapted from (i) The Public Participation Spectrum of International Association for Public Participation (2007) for the “Levels of Public Involvement”; and (ii) The Participant Selection Method of Fung (2006) for the “Degrees of Inclusiveness”.

Note:

X-axis : Levels of Public Involvement

- ✓ “Inform” is to engage the public by providing them with the required information and notifying them of the policy context.
- ✓ “Consult” and “Involve” are to engage the public by developing a consultative relationship and working directly with them in the policy development process.
- ✓ “Collaborate” and “Empower” are to engage the public by having them involved as co-contributors or decision makers in the policy development as well as the implementation stages.



**Figure 4 : An Integrated Basis for Addressing Civic Engagement Strategies
(Continue)**

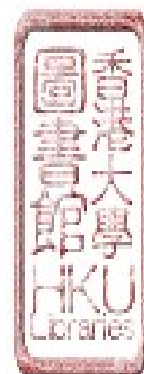
Y-axis : Degrees of Inclusiveness

- ✓ Diffuse public sphere (e.g. general public participation through mass media and informal venue of discussion)
- ✓ Self-selected (e.g. general public participation in public consultation exercise)
- ✓ Selective recruiting (e.g. statutory and advisory bodies)
- ✓ Lay stakeholders (e.g. civil society groups, general NGOs)
- ✓ Professional stakeholders (e.g. green groups, academics, professional and social elites)
- ✓ Elected representatives (e.g. LegCo, District Councils)

participation, and reflects on the fact that each level of public involvement builds on the previous one. Also, Figure 4 describes the nature of the interaction at each level of involvement, and provides the goal and the kind of promise to the public at each level.

For the degrees of inclusiveness, the participant selection method suggested by Fung is simplified with six tiers and is adopted to help examine the contents of the civic engagement strategies in addressing the MSW problem (as illustrated in Figure 4).

In essence, each strategy is evaluated by using the above two elements. When all strategies are analyzed, a clear picture can be seen on how the HKSAR Government engages the public when developing policy related to the management of MSW.



The Effectiveness of Civic Engagement Strategies

Effectiveness measures the degree to which an activity is successful in achieving the intended objectives ²⁵. In this project, the most effective civic engagement strategy can be identified as one that can bring about the desired results, which include contribution to the legitimacy of the policy, improvement in policy outcome, minimization of participatory inequity and facilitation of policy implementation. Thus, four evaluation criteria, (1) legitimacy, (2) policy outcome, (3) justice and (4) implementation are used to supplement the evaluation of the effectiveness of civic engagement strategies.

The first evaluation criterion is legitimacy, which concerns the social acceptance of a policy or decision ²⁶. It can be considered as a measure of “rightfulness” of a policy to the public, meaning the extent to which it is accepted by the public or participant. The focus of legitimacy is deontology or procedures. The concept of legitimacy has to be related to rules, beliefs and norms ²⁷.

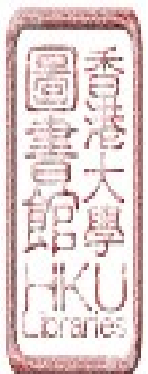
Secondly, policy outcome concerns whether new policy proposals made by

25 Salamon, LM. (2002). *The Tools of Government*. New York: Oxford University Press.

26 Lord, C. (2000). *Legitimacy, Democracy and the EU: When abstract questions become practical policy problems*. Brighton: Sussex European Institute. (p.3)

27 (i) Beetham, D. (1991). *The Legitimation of Power*. London: Macmillan.

(ii) Scott, Ian. (2010). *The Public Sector in Hong Kong*. Hong Kong: Hong Kong University Press. (p.21)

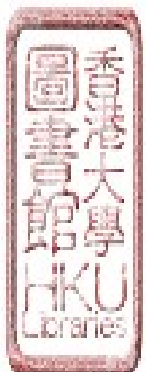


the Government as a result of the civic engagement processes brings improved policy quality. Effective civic engagement strategies help to make the public aware of forthcoming policy development, and incorporate public's views into the policy proposals. As a result, the participants involved in the process are more likely to be satisfied with the process, thus reducing public opposition.

Another criterion to judge on the effectiveness of civic engagement strategies is justice or equity. Justice implies a fair and reasonable process, which means all citizens should have equal rights to be informed and consulted. They should have equal chance to contribute their ideas and views to the policy development, so as to form a proper basis for justice and equitable decisions.

Yet, even when civic engagement strategies enable a given policy proposal to be perceived as legitimate, to be of good quality and is just, the Government may still not be able to implement it if the public does not believe it will work. Thus, another criterion to assess civic engagement strategies is to examine whether the strategies can facilitate a smooth policy implementation.

In the coming chapters, evaluation for effectiveness is conducted to see (i) whether the civic engagement process could build up public trust towards the Government and enhance the credibility of the policy; (ii) whether the policy proposals made by the Government as a result of the civic engagement processes



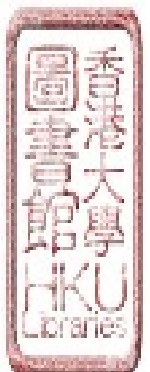
have improved policy quality and can be implemented effectively; and (iii) whether all community members being affected by the policy have equal opportunities to express, be heard and influence the Government's decision. Actually, gauging the effectiveness of civic engagement strategies is not an easy task as it varies with circumstances, such as changing political and socio-economic contexts. When formulating appropriate strategies, it is important to consider the nature of the circumstances and capture the right timing in carrying out civic engagement. In addition, civic engagement is usually used to deal with complex policies or social problems. Therefore, it is difficult to assess and predict the results in advance. Besides, administrative costs, resources and time are expenses inevitable in organizing civic engagement activities (e.g. discussion panel, workshop and advisory groups). The most effective civic engagement strategy may not be efficient²⁸. Smith includes the goods of efficient to evaluate the institutional design of the civic engagement process²⁹. In addition, OECD countries state that "they face challenges of resources, time and a lack of evaluation in engaging the public in policy making"

³⁰. To address the practicability of civic engagement strategies and determine the

28 Salamon, LM. (2002). *The Tools of Government*. New York: Oxford University Press.

29 Smith, Graham. (2009). *Democratic Innovations: Designing Institutions for Citizen Participation*. New York: Cambridge University Press. (p.26)

30 OECD. (2009). *OECD Studies on Public Engagement: Focus on Citizens – Public Engagement for Better Policy and Services*. Retrieved from <<http://www.iadb.org/intal/intalcdi/pe/2009/03785.pdf>> (p.35)

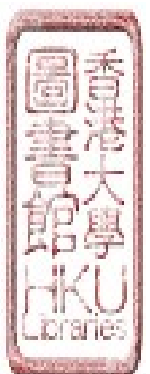


appropriate level of civic engagement, the cost and resource implications of the strategies are also discussed.

Concluding Comments

Civic engagement is an essential component in the formulation and implementation of policies in all areas of activity managed by a government. A government needs to work with its citizens in the policy formulation and implementation processes, which aims at reaching consensus and working out an optimal solution.

The analytical framework presented here constitutes a condensed way to assess the civic engagement strategies adopted by the Government in managing MSW. The levels of public involvement and the degrees of inclusiveness have been identified as the evaluation criteria. This project also assesses how effective the civic engagement strategies are based on four criteria, which are legitimacy, policy outcome, justice and implementation. At the end, the project makes suggestions to strengthen and/or complement the current strategies being adopted.



Chapter Three : Policy and Organizational Context

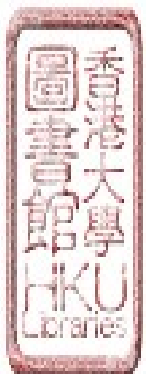
Introduction

The analytical framework established in Chapter Two serves to structure and inform an assessment of public involvement and the variety of citizen's view in the course of public governance and policymaking. As context for the assessment, this chapter addresses the policy and organizational context when developing policy for the management of MSW in Hong Kong, as well as the strategies of civic engagement adopted by the Government in relation to the issues concerned.

Handling Solid Waste in the Colonial Era

Early Development of Solid Waste Management Policy

Not until 1980s, solid waste problems, especially for MSW, were viewed largely from the perspective of public health and hygiene. Two municipal councils and their executive departments were tasked to provide services including street cleaning, collection and removal of refuse from street-level rubbish bins and



refuse collection points ³¹. Treatment and disposal facilities comprising incinerators and landfills which were regarded as controlled tips ³² operated by the colonial government were provided as a final handling process for MSW to avoid adverse public health consequences. Regulatory control was mainly focused on littering by enforcing the Summary Offences Ordinance (Cap. 228) and the Public Health and Municipal Services Ordinance (Cap. 132) enacted in 1933 and 1960, respectively ³³.

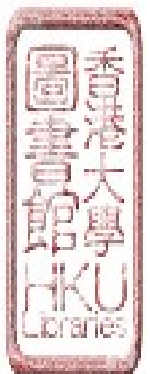
It was typical at the time of the colonial government that general public were not involved in policy formulation. The whole policymaking process was controlled by the Governor and a group of elected representatives who either joined the colonial government as administrative officials or being appointed as members of the Executive Council (ExCo) and Legislative Council (LegCo). The colonial government empowered the elected representatives because it believed that these social elites from business and professional sectors were considered to have in-depth experience and range of community interests that could rigorously examine government policies before implementation so that

31 The two municipal councils, namely Urban Council and Regional Council, were responsible for providing municipal services, in the urban areas and the New Territories respectively, including environmental hygiene, public health, cultural services, recreational programmes and facilities. Source from:

Government Information Services. (1991). *Hong Kong 1990 Annual Report*. (p.28-30)

32 Government Information Services. (1984). *Hong Kong 1983 Annual Report*. (p.229)

33 Department of Justice. (August 2013). *Bilingual Laws Information System*. Retrieved from <<http://www.legislation.gov.hk/eng/home.htm>>



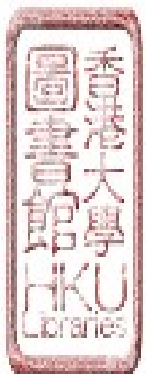
potential problems could be identified and ironed-out to reflect public aspirations and concerns before introduction to the legislature³⁴. Though LegCo had the statutory obligation to enact legislation, including the legislation for the appropriation of public funds thus monitoring the implementation of government policies, it was teased to be a rubber stamp on passing proposals as most of the members were appointed by the colonial government. Until 1991, a minority of directly-elected LegCo members was present in LegCo. Some of them were also appointed as ExCo members.

In this junction, what required from the citizens at large in MSW management was to pay the cleansing services provided by the municipal councils, pay tax to cover the costs of treatment and disposal facilities, and comply with the law for not littering. Nonetheless, according to Cheung (2011)³⁵, the members of the two municipal councils, who were directly elected from the districts, met the public regularly to deal with their complaints on relevant matters. This arrangement provided a formal and decent channel at local level for the citizens to participate in public affairs.

Setting up a Dedicated Team and Developing Comprehensive Legal Measures

34 Government Information Services. (1991). *Hong Kong 1990 Annual Report*. (p.25)

35 Cheung, Peter TY. (2011). Civic Engagement in the Policy Process in Hong Kong: Change and Continuity. *Public Admin. Dev.* 31: 113-121.

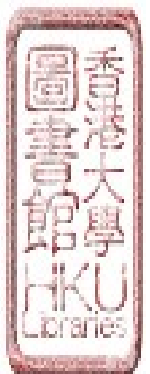


It then came to the point that the colonial government saw a growing demand to look into environmental control and protection work for Hong Kong in a comprehensive approach ³⁶ where the Environmental Protection Unit (EPU) was set up in 1977 comprising a small group of environmental specialists within the Government Secretariat. EPU was further transformed into the free-standing Environmental Protection Agency in 1981 to assume a central coordinating role in developing and executing environmental policy as well as formulating related legislation with the priority rested on legislation, consultation and the organization of resources ³⁷. In 1986, Environmental Protection Department (EPD) was established as the principal executive body on environmental matters to enforce environmental legislation, develop environmental protection strategies and undertake planning and development of waste disposal facilities. The Planning, Environment and Lands Branch (PELB) of the Government Secretariat was established on 1 September 1989 to replace the Health and Social Welfare Branch as the policy branch for environmental matters to better integrate environmental issues into the policy planning system ³⁸.

36 EPD Website. (18 July 2013). *Milestones in Hong Kong Environmental Protection*. Retrieved from <http://www.epd.gov.hk/epd/english/resources_pub/history/history_hkep.html>

37 Government Information Services. (1984). *Hong Kong 1983 Annual Report*. (p.225-227)

38 PELB. (5 June 1989). *White Paper: Pollution in Hong Kong – A Time to Act*. Retrieved from <http://www.epd.gov.hk/epd/english/resources_pub/policy/files/White_Paper-A_time_to_act.pdf> (p.4)



The Waste Disposal Ordinance (WDO) (Cap. 354), enacted in 1980, was the first piece of contemporary MSW management policy ³⁹. It provides a comprehensive statutory framework for controlling waste from its collection, treatment and disposal, and its provision also ascertains different types of waste be directed to suitable facilities for final disposal in an environmentally acceptable manner. It also specifies the statutory authorities responsible for each duty over waste collection and disposal ⁴⁰.

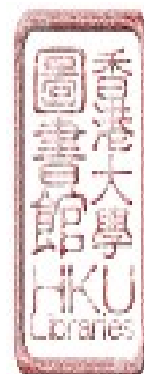
The Urban Council and the Regional Council, before dissolution in 1999, were the statutory municipal authorities for urban area and the New Territories respectively. The councils' chief executives, who managed the operations of the Urban Services and Regional Services Departments, were responsible for implementing the policies made by the councils and providing services of street cleansing, refuse collection and etc. Together with the Director of Environmental Protection, they were stipulated in the WDO as the collection authorities ⁴¹.

The WDO also contains a provision in Section 33 that the Government is mandatorily required to consult the Advisory Council on the Environment (ACE)

39 The list of active environmental legislation related to the management of MSW in Hong Kong in effect as at 1 August 2011 are at [Appendix III](#).

40 PELB. (5 June 1989). *White Paper: Pollution in Hong Kong – A Time to Act*. (p.9)

41 The collection authority was amended to the Director of Food and Environmental Hygiene after the dissolution of the two municipal councils on 31 December 1999.



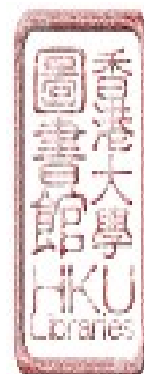
on formulation of its regulations. ACE, formerly known as the Environmental Pollution Advisory Committee (EPCOM), has been being the principal advisory body for the Government on legislative proposals of pollution control, policy initiatives on environmental protection and nature conservation. The setup of ACE is a typical “administration absorption of politics”⁴², where its members are professional stakeholders (e.g. experts in environmental affairs, representatives of major green groups including Green Power, Conservancy Association, Friends of the Earth and World Wide Fund for Nature Hong Kong, as well as trade and industry associations) appointed by the Government. While the degree of inclusiveness had slightly improved, the level of public involvement was still limited to consultation and involvement to a certain extent.

Inviting Public Feedback in the Publication of Waste Disposal Plan and its Implementation

The WDO required the Government to prepare and publish waste disposal plans.

The draft plan was issued in 1989 for consultation with the municipal councils

42 The administrative absorption of politics is a process through which the governing elites co-opt or assimilate the socio-economic elites into the political-administrative decision-making bodies, thus, attaining an elite integration on the one hand and a legitimization of political authority on the other. Source from: Jin, Yaoji. (May 1973). *The administrative absorption of politics in Hong Kong, with special emphasis on the City District Officer scheme*. Hong Kong: Social Research Center, the Chinese University of Hong Kong.



and EPCOM⁴³. Consultation was extended to the diffuse public sphere which was ended on 18 September 1989⁴⁴. On 12 December 1989, the Governor-in-Council approved the gazettal of Hong Kong's first waste disposal plan⁴⁵.

Aside from disposal strategies for other waste types, the disposal plan for MSW was to phase out the old waste treatment and disposal facilities with new and cost-effective facilities that could achieve higher environmental standards. The new facilities include three strategic landfills and a network of urban refuse transfer stations (RTS) constructed and operated by the private sector under a contracting-out arrangement⁴⁶. The operators, on one hand, could bring in advanced landfill technology from overseas to respond to the more demanding environmental requirements; on the other hand, they had to observe local environmental legislation and comply with relevant licensing conditions to fulfill the contractual obligation.

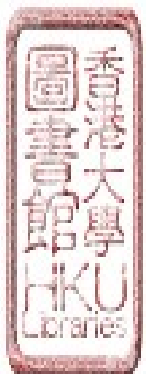
The consultation in 1989 covered the participation from the general public, but exactly how many feedbacks were received and how far of the comment was

43 PELB. (5 June 1989). *White Paper: Pollution in Hong Kong – A Time to Act*. (p.9)

44 It was the end date of the consultative period has been marked in the Draft Waste Disposal Plan for Hong Kong.

45 PELB. (May 1991). *Saving our Environment: First Review of Progress on the 1989 White Paper*. Retrieved from <http://www.epd.gov.hk/epd/english/resources_pub/policy/files/White_Paper-A_time_to_act-1st_review.pdf> (p.3)

46 PELB. (May 1991). *Saving our Environment: First Review of Progress on the 1989 White Paper*. (p.3)



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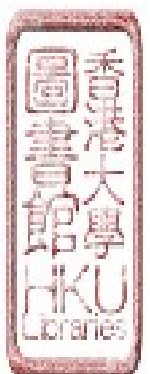
Informing Public through Publication of the White Paper: Pollution in Hong Kong – A Time to Act and its subsequent Reviews from 1989 to 1996

As environmental issues involved complicated problems and required complicated solutions, it is understandable that the colonial government issued a white paper for consultation on the subject so as to steer people's support on the policy alternatives of waste management. The first white paper "Pollution in Hong Kong – A Time to Act" (the 1989 White Paper) that was published on the World Environment Day of 5 June 1989 set out a 10-year programme to attain the policy objectives of (i) waste management with the provision of cost-effective and environmentally satisfactory disposal facilities; and (ii) the enforcement of legislation to safeguard the community from adverse environmental effects associated with storage, collection, treatment and disposal of all wastes. It also explored measures to encourage waste limitation, recovery and recycling ⁴⁷.

The first review on the 1989 White Paper in 1991 summarized progress during the first 2 years of the programme and noted some delays regarding the commissioning of strategic landfills and RTSs.

The second review of the 1989 White Paper published in 1993 was a more

47 PELB. (5 June 1989). *White Paper: Pollution in Hong Kong – A Time to Act*.



comprehensive document than the first review. In addition to review the progress of the programme, it was intended to educate and inform the public about the Hong Kong's environment that protecting and sustaining the environment were not the sole responsibility of others but of all of us. It raised the point that Hong Kong should adopt a holistic approach for environmental protection beyond combating pollution to embrace sustainable development with the consideration of polluter pays principle in the context of internalizing environmental costs ⁴⁸.

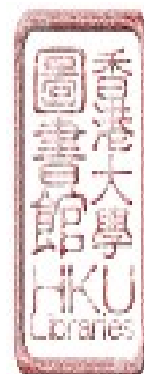
The third review titled "Heading towards Sustainability" in 1996 reported on progress of commissioning of new strategic landfills and RTSs, and the decommissioning of old incinerators and the controlled tips stipulated in the waste disposal plan ⁴⁹. It recognized the need of dealing with the shortcomings of outdated disposal facilities to meet the modern environmental standards, but also pointed to the direction of waste avoidance and minimization, recovery and recycling as well as bulk waste reduction before final disposal.

48 PELB. (November 1993). *A Green Challenge for the Community: Second Review of Progress on the 1989 White Paper*. Retrieved from

<http://www.epd.gov.hk/epd/english/resources_pub/policy/files/White_Paper-A_time_to_act-2nd_review.pdf>

49 PELB. (March 1996). *Heading towards Sustainability: Third Review of Progress on the 1989 White Paper*. Retrieved from

<http://www.epd.gov.hk/epd/english/resources_pub/policy/files/White_Paper-A_time_to_act-3rd_review.pdf>



Interaction between the Government and the Civil Society in MSW Management from 1997 to 2005

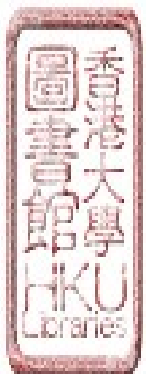
Launching of Waste Reduction Framework Plan and Public Awareness Programmes

A waste reduction study was commissioned in February 1994 by EPD to review the existing waste generation and collection pattern in Hong Kong, to identify ways to facilitate waste avoidance, minimization, recovery and recycling, and evaluate waste reduction technologies⁵⁰. The study recommended four categories of measures for an integrated strategy for waste reduction⁵¹:

- (a) Voluntary participation: To allow much flexibility for participants and section to implement waste management measures that would involve less administration and be more acceptable to public at large;
- (b) Positive encouragement: To provide some “carrots” in the form of financial or other support to get off the start of some initiatives;
- (c) Persuasion measures: To be enacted by the Government as “sticks”, such as charging at the landfill, to more forcefully push to adopt the waste reduction measures; and

50 PELB. (March 1996). *Heading towards Sustainability: Third Review of Progress on the 1989 White Paper*. (p.15)

51 PELB. (14 March 1996). *Waste Reduction Study: Consultants’ Findings and Recommendations*. (p.9-10)

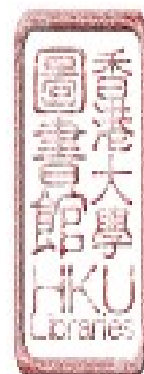


- (d) Provision of bulk waste reduction technologies: To reduce the volume and weight of residues required for final disposal at landfill.

The Waste Reduction Framework Plan (WRFP) was launched in November 1998 to enhance the overall MSW recovery rate, and to reduce the generation of construction and demolition waste⁵². It intended to achieve the waste reduction targets over a 10-year period by integrating three programmes:

- (a) Prevention of Waste Programme: To reduce the amount of waste generated at source and to increase the amount of waste material that could be recovered, recycled or re-used, building on systems which already exist in Hong Kong;
- (b) Institutional Programme: To set up a Waste Reduction Committee within EPD, task forces within various sectors of the community to co-ordinate voluntary waste reduction activities; to prepare legislative measures to effect mandatory participation of some waste reduction measures, to implement the charging schemes; and to improve the arrangements for the collection and transport, bulk transfer and disposal of wastes, for efficiency and cost effectiveness; and
- (c) Waste Bulk Reduction Programme: To develop waste-to-energy incinerators and composting plants to reduce the bulk of waste requiring final disposal.

52 EPD Website. (28 April 2006). *Waste Reduction Framework Plan*. Retrieved from <http://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/wrfp_doc.html>



At the community level, the Environmental Campaign Committee (ECC)⁵³, a government appointed committee, has been carrying out environmental education, awareness programmes and campaigns to promote waste separation and recycling in housing estates, schools and in the Environmental Resource Centres since 1990. The Waste Reduction Committee and a dedicated waste reduction website was subsequently setup in 1999⁵⁴. Not until 2005, the first legislation on charging scheme – the Construction Waste Disposal Charging Scheme – has come into operation.

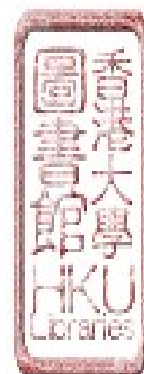
Setting up of Dedicated Advisory Group on Waste Management Facilities and Conducting Focus Engagement Workshops

To follow-up with the recommendations in the WRFPP on waste bulk reduction programme, EPD had invited expressions of interest submissions from local and international organisations on technologies in relation to waste-to-energy incinerators for processing and disposal of MSW. An advisory body, the Advisory Group on Waste Management Facilities⁵⁵ (the Advisory Group), comprised almost entirely of non-official was formed in 2002 to consider the

53 ECC Website. (January 2013). *About Us*. Retrieved from <http://www.ecc.org.hk/english/about_us/about_us.php>

54 EPD Website. (18 July 2013). *Milestones in Hong Kong Environmental Protection*. Retrieved from <http://www.epd.gov.hk/epd/english/resources_pub/history/history_hkep.html>

55 EPD Website. (August 2013). *Environment Hong Kong 2003*. Retrieved from <<http://www.epd.gov.hk/epd/misc/ehk03/textonly/eng/waste/>>



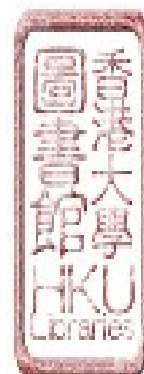
submissions. It had set up five sub-groups to assist in assessing the submissions in the areas of environmental impacts, economic viability, technological feasibility, social impacts and consumer preference. The selectively recruited advisory group and sub-groups had representation from green groups, academia, business community and general community.

The public of “self-selected” was consulted on the best options recommended by the Advisory Group and three engagement workshops⁵⁶ which were organized in September 2005 for the general public on the development of the Integrated Waste Management Facilities (IWMF) in Hong Kong.

- Workshop 1: “Our Environment Today: IWMF and the Environment”
- Workshop 2: “Working for a Better Tomorrow: Options for Integrated Waste Treatment Technologies”
- Workshop 3: “Building for Future: Community Expectation on the IWMF”

After all, the Advisory Group put forward their recommendations on the IWMF to the Government to formulate the Policy Framework for the Management of Municipal Solid Waste (2005 – 2014) (the Policy Framework). It had conducted a new mode of civic engagement exercise that the chairpersons were allowed to openly recruit their group members that facilitated free exchange

56 EPD Website. (13 August 2010). *Public Engagement*. Retrieved from <http://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/iwfm_web_publicengagement.html>



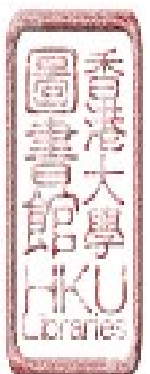
of views ⁵⁷ and achieved a higher degree of inclusiveness in the policy formulation process.

Significant Organizational Changes in the Administration Framework

In 2002, Mr. Tung Chee-kwa was re-elected as the Chief Executive (CE) and he introduced the Principal Officials Accountability System (POAS) that 14 new principal officials on 1 July 2002 assumed the duties of top secretaries of different policy portfolios. Dr. Sarah Liao, a veteran environmental scientist took up the environmental policy portfolio. In April 2005, EPD merged with the Environment Branch of the then Environment, Transport and Works Bureau and was subsequently re-organized on 1 July 2007 to Environment Bureau (EnB) ⁵⁸. This significant change of organizational arrangement has induced a more active interaction in the civic engagement strategies of the Government which was evident in the Advisory Group and the formation of Support Group on Solid Waste Management (the SDC's Support Group) that are further elaborated below with an aim to attain higher legitimacy for better policy outcome.

57 Centre for Civil Society and Governance, HKU. (2007). *From Consultation to Civic Engagement: The Road to Better Policy Making and Governance in Hong Kong*. Hong Kong: The Bauhinia Foundation Research Centre. (ch.5)

58 EPD Website. (30 October 2012). *About Us: History & Structure*. Retrieved from <http://www.epd.gov.hk/epd/english/about_epd/history/history.html>

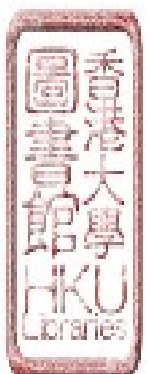


Setting up the Council for Sustainable Development and its Support Groups

The Council for Sustainable Development (SDC) was established by the CE in 2003 to promote sustainability in Hong Kong and foster partnership between the Government, citizens and businesses⁵⁹. In other words, it was expected to assist in closing social, economic, cultural and political divides on waste issues by addressing to citizens' needs and interests. All members are appointed by the CE to include people with experience and expertise in the environmental, social and commercial sectors and senior Government officials.

In order to formulate a sustainable development strategy on MSW management for Hong Kong, SDC has formed a Support Group on Solid Waste Management through its Strategy Sub-committee to develop a series of engagement process to involve the stakeholders and the people in the diffuse public sphere. Its term of reference includes: (i) to identify key issues in priority area with reference to international experience and best practice; (ii) to collect and compile an "Invitation and Response" document; (iii) to implement the public involvement stage for discussion; (iv) to facilitate interactive discussion by stakeholders with a view to building consensus among major groups; and (iv) to

59 SDC Website. (July 2013). *About the Council for Sustainable Development*. Retrieved from <<http://www.susdev.gov.hk/html/en/council/index.htm>>



collate responses and make proposal⁶⁰. Based on comments received from the community, SDC compiled a report with suggestions to the Government, which was turned out in the subsequent Policy Framework. According to Lee et al. (2013)⁶¹, the Support Group involved the diffuse public sphere in the formal public engagement on policies in relation to promoting sustainability in Hong Kong. Another support group under SDC, namely Support Group on Municipal Solid Waste Charging has been formed to commence another round of civic engagement⁶².

Evolution of MSW Management Policy beyond 2005

Launching the Policy Framework for the Management of MSW (2005-2014)

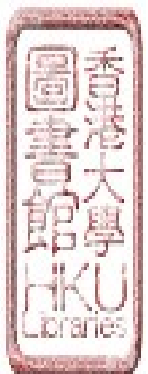
The MSW management strategy, that has based on the collaboration with the public from different degrees of inclusiveness in the Advisory Group and the SDC's Support Group, was considered as a revolution as presented in the Policy Framework⁶³. It set out a multi-pronged approach for MSW management in

60 SDC Website. (9 January 2009). *Support Group on Solid Waste Management*. Retrieved from <http://www.susdev.gov.hk/html/en/council/ssc_swmsg.htm>

61 Lee, Eliza WY; Chan, Elaine YM; Chan, Joseph CW; Cheung, Peter TY; Lam, Wai-fung; Lam, Wai-man. (2013). *Public Policymaking in Hong Kong: Civic Engagement and state-society relations in semi-democracy*. Oxon: Routledge. (ch.6)

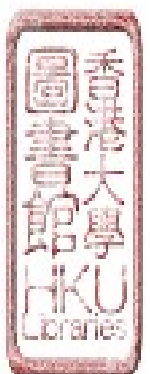
62 SDC Website. (3 July 2013). *Support Group on Municipal Solid Waste Charging*. Retrieved from <http://www.susdev.gov.hk/html/en/council/ssc_mswc.htm>

63 EPD. (2005). *A Policy Framework for the Management of Municipal Solid Waste (2005 – 2014)*. Retrieved from <http://www.epd.gov.hk/epd/msw/htm_en/content.htm>



Hong Kong in the upcoming 10 years to 2014. In the three areas of (i) avoidance and minimization; (ii) reuse, recovery and recycling; and (iii) bulk reduction and disposal, the Policy Framework set a target to achieve several objectives by 2014 (i.e. a reduction of MSW generation by 1% per annum based on the 2003 levels; an increase in MSW recovery rate to 45% by 2009 and 40% by 2014; and a reduction of total MSW disposed of in landfills to less than 25%). Various policy measures and facilities were set out to achieve these targets:

- (a) Avoidance and minimization: To implement the “polluter-pays” principle through the introduction of producer responsibility schemes (PRS) and waste charging to change people’s behaviour, and enhance environmental education;
- (b) Reuse, recovery and recycling: To introduce PRS and waste charging, to launch a territory-wide waste recovery programme to facilitate waste separation at the household level, to provide land on short-term tenancies for running recycling industry locally at the EcoPark and to impose landfill disposal bans to tie in with PRS; and
- (c) Bulk reduction and disposal: To commission the multi-technology IWMF and extensions of the three existing landfills.

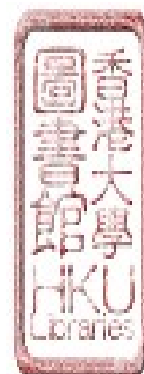


The Product Eco-responsibility Ordinance (Cap. 603)⁶⁴ was eventually enacted in July 2008 to provide a legal framework for PRSs and the associated legislation control of the Product Eco-responsibility (Plastic Shopping Bags) Regulation started in 2009 was the first scheme to be implemented to impose an economic incentive to encourage people to avoid and minimize waste in the beginning of the consumer chain.

ACE and its Waste Management Subcommittee

Being the Government's principal advisory body, ACE has been taking an active role to draw experience from overseas visits on MSW facilities. Its Waste Management Subcommittee established in 2004 focuses in PRS, waste disposal charging and measures to assist the waste recycling trade. Three workshops attended by selectively recruited community members were held in 2005 to look into MSW charging, PRS and domestic waste recovery. They were attended by representatives from the green groups, the academic and the relevant trades. Food and Environmental Hygiene Department (FEHD), Housing Department (HD) and Consumer Councils had sent representatives to attend the workshops to share experience. Open forums for the public were also organized by the ACE in 2006

⁶⁴ The list of active environmental legislation related to the management of MSW in Hong Kong in effect as at 1 August 2011 are at [Appendix III](#).



and 2012 on “the Policy Framework”⁶⁵ and Sustainable Waste Management – MSW Charging⁶⁶ respectively to discuss and exchange views with stakeholders, concerned groups and members of the public.

Launching the Hong Kong Blueprint for Sustainable Use of Resources 2013-2022

On 20 May 2013, a new 10-year programme known as “Hong Kong Blueprint for Sustainable Use of Resources 2013-2022”⁶⁷ was unveiled to analyze the challenge and opportunities of waste management, and map out a comprehensive strategy, policy, targets and action plans for the waste management up to year 2022. The blueprint aimed to reduce the MSW per capita disposal rate by 40% by 2022.

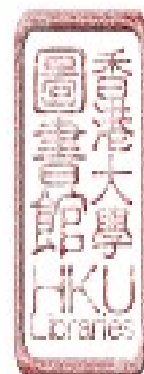
Three areas of policy and actions were proposed for the Government:

- (a) To undertake multiple and concurrent actions, including waste charging and PRS to drive behavioural change to reduce waste at source through policy and legislation;

65 EPD Website. (January 2006). *Advisory Council on the Environment Open Forum on Policy Framework for the Management of Municipal Solid Waste*. Retrieved from <http://www.epd.gov.hk/epd/textonly/english/boards/advisory_council/files/ace_open_forum_noticee.pdf>

66 EPD Website. (March 2012). *Advisory Council on the Environment Public Forum on Sustainable Waste Management – Municipal Solid Waste Charging*. Retrieved from <http://www.epd.gov.hk/epd/textonly/english/boards/advisory_council/files/notice_public_forum_eng.pdf>

67 EnB. (May 2013). *Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022*. Retrieved from <<http://www.enb.gov.hk/en/files/WastePlan-E.pdf>>.

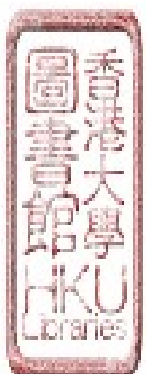


- (b) To roll out targeted territory-wide waste reduction campaigns on food waste reduction and glass beverage bottle recycling; and
- (c) To allocate resources to enhance waste-related infrastructure, including organic waste treatment facilities, waste-to-energy IWMF and landfill extensions.

Concluding Comments

This chapter gives an account of policy and organizational context of MSW management, and various strategies of civic engagement adopted by the Government in relation to the issue. As shown in chronology at Appendix I, Hong Kong's MSW policy over the past 30 years has been evolved much more than just from the public health and hygiene considerations that relied only on the end-of-pipe disposal at landfills to a holistic environmental management approach from cradle to grave taking the local environmental conditions into account.

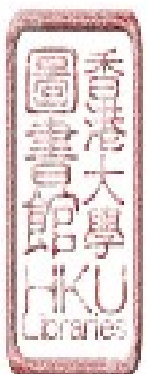
There are components in the MSW management framework that cannot be managed solely by the Government, especially in the control of waste generation, such as waste reduction, waste separation at source, reuse of waste resource. Local communities are not bound to accept siting new waste treatment plants and extending existing disposal facilities in their vicinity. These MSW management



measures are characterized by high per capita cost and low per capita benefit of entrepreneurial politics⁶⁸. The Government realizes that if it implements the measures based on traditional top-down approach without reaching consensus from the community, the MSW policy could result in social discontent and strong resistance. It therefore has adopted various civic engagement strategies throughout the development of MSW policy. In the cases of setting up the Advisory Group and SDC, the Government has tried to embrace a higher level of inclusiveness, but the level of public involvement has yet to go beyond collaboration.

Despite the presence of civic engagement, the decision making power mainly rests in the hands of professional stakeholders in the advisory bodies and the elected representatives in ExCo / LegCo, not to mention that the Government ultimately controls which policy or schemes could implement under the executive-led political system of HKSAR. As demonstrated in the recent cases of extension of landfills and siting of the IWMF, the Government still has to confront many challenges from the civil society.

68 Lee, Eliza WY; Chan, Elaine YM; Chan, Joseph CW; Cheung, Peter TY; Lam, Wai-fung; Lam, Wai-man. (2013). *Public Policymaking in Hong Kong: Civic Engagement and state-society relations in semi-democracy*. Oxon: Routledge. (p.91)

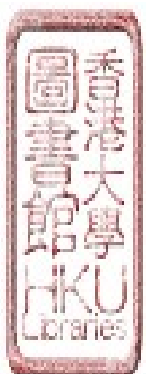


Chapter Four : Analysis of the Current Civic Engagement Strategies for the MSW Management System

Introduction

Having gone through the policy and organizational context in the previous chapter, the effectiveness of the civic engagement strategies for MSW management policy that the Government has adopted in the past is analyzed in this chapter by the analytical framework devised in Chapter Two. Based on the types of civic engagement strategy adopted in different periods, as well as their effectiveness, discussion and analysis are divided into three periods, namely:

- 1980 – 1997: Civic engagement strategies adopted by the colonial government at the time had the characteristics of low public involvement and low public inclusiveness. Nevertheless, the effectiveness of these strategies was quite high.
- 1997 – 2005: Civic engagement strategies adopted by the early HKSAR Government during this period had moderate public involvement and moderate public inclusiveness. This was a step forward as compared to the colonial government era. However, with a growing civil society, the effectiveness of these strategies was only moderate.



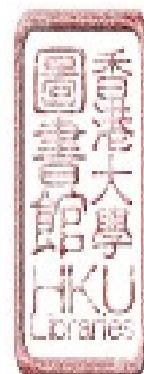
- 2005 – 2013: The Government continued to adopt civic engagement strategies with moderate public involvement and moderate public inclusiveness. Unfortunately, against the backdrop of a more mature civil society, the effectiveness of these strategies had deteriorated to a rather low level.

1980 – 1997 : Low Involvement, Low Inclusiveness, Highly Effective

The Waste Disposal Ordinance (WDO) (Cap. 354), enacted in 1980, was considered as the first piece of contemporary policy on MSW management covering from collection, treatment to disposal. ExCo and LegCo, who deliberated and approved the piece of legislation, were generally made up of business and professional elites appointed by the Governor.

A step forward in terms of civic engagement was that the WDO stipulated the Government to prepare and publish a waste disposal plan, which the Government done so in 1989. The plan called for new and more cost effective facilities that can meet higher environmental standards be built to treat MSW, this included the construction of the three strategic landfills ⁶⁹ and a network of RTSs.

⁶⁹ The three strategic landfills namely West New Territories (WENT) Landfill, South East New Territories (SENT) Landfill and North East New Territories (NENT) Landfill, are the key disposal sites for Hong Kong. Source from: EPD Website. (13 August 2010). *Strategic Landfills*. Retrieved from

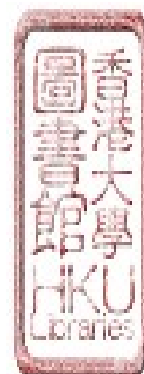


The waste disposal plan was drafted in consultation with the two municipal councils and EPCOM.

The municipal councils were independent bodies, with members directly elected from various districts. The public was able to meet the councilors regularly to participate in public affairs at local level. EPCOM, on the other hand, was the government's advisory body on environmental and conservation policies. Its members included experts in environmental affairs, representatives from major green groups, and representatives from the trade and industry associations. Nevertheless, EPCOM members were all appointed by the government. The public was also invited in the 1989 consultation, but consultation results were not available in the public domain.

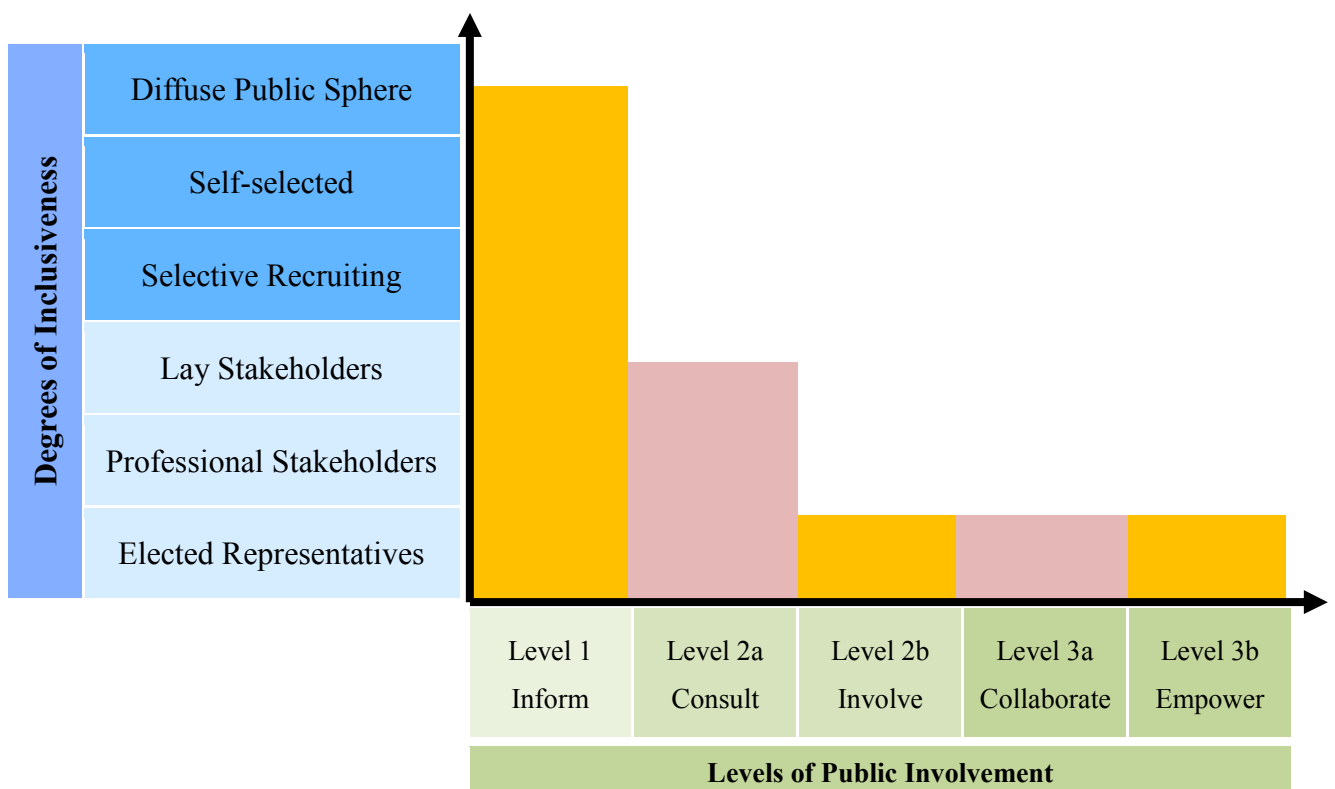
As mentioned in Chapter Three, the colonial government published the 1989 White Paper to set out a 10-year program to achieve the ultimate goal of building a greener future for Hong Kong. It listed out systematically the works the government required to do to achieve the goal, from drafting new legislation to introducing tighter regulations; from building new treatment facilities to enhancing public education. Three review papers were subsequently published in 1991, 1993 and 1996 to update the public on the progress of work of the

<http://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/msw_strategic.html>

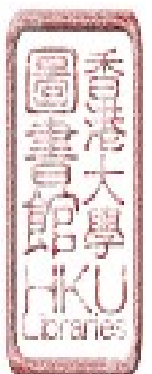


government. New directions in building a greener Hong Kong were discussed. Although the 1989 white paper and its subsequent reviews quite comprehensively listed out the works the government did, or would do, their main purpose was just to keep the public informed, rather than to consult or engage the public in deliberating the work program together.

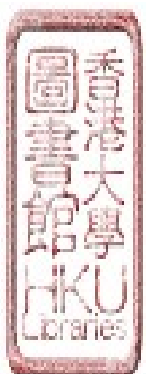
Figure 5 : Analysis of the Civic Engagement Strategies for the MSW Policy of the Colonial Government (1980 – 1996)



Source : Adapted from Figure 4: An Integrated Basis for Addressing Civic Engagement Strategies.



Therefore, using the framework in Figure 5 to analyze the above civic engagement strategies adopted by the colonial government, it was evident that the scoring for both the level of public involvement and the degree of inclusiveness were low, as only the elected representatives (e.g. ExCo and LegCo members, albeit many of them were actually appointed by the Governor rather than being elected) were empowered as decision makers. The lay stakeholders and the professional stakeholders (e.g. the municipal councilors and EPCOM members) were only being consulted. The general public, representing the group of the highest level of inclusiveness, was essentially only being informed of the plan. The public was put at the lowest end of the involvement scale. Figure 5 depicts the analysis graphically. Despite the low scoring in public involvement and inclusiveness, the effectiveness of the civic engagement strategies was actually quite high, according to the analytical framework. The public largely accepted the proposal to build the three strategic landfills and a collection of RTSs, and agreed that it was the way forward in managing MSW in Hong Kong (i.e. gained legitimacy and justice). The three landfills and RTSs were finally constructed without strong public opposition and are in use today (i.e. smooth implementation and policy outcome achieved).

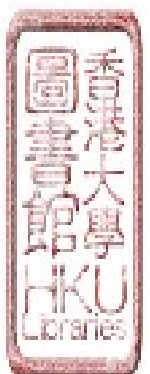


1997 – 2005 : Moderate Involvement, Moderate Inclusiveness, Moderately Effective

Against the backdrop of a growing civil society after the handover, the Government was making steps forward in engaging the public on MSW management policy proposals. In 1998, WRFPP was published aiming to enhance the overall MSW and domestic waste recovery rate, and to reduce the rate of construction and demolition waste generation. One step forward in terms of public engagement was that the Government's appeal to the whole community to change people's wasteful habits as stated in the foreword of WRFPP by the CE that:

“...[the plan] [would] succeed if everyone [took] part – at work, school, home or play – to make a conscious and concerted effort to reduce waste”⁷⁰. Mr. Bowen Leung, the Secretary for Planning, Environment and Lands at the time, also stated in the launching ceremony of WRFPP that “apart from the Government, the plan [would] also need the contribution of the business sector, environmental groups and the community to make it successful. WRFPP [would] give simple guidance to different sectors on what they [could] do to avoid and reduce waste, as well as providing facilities to make it easier for waste separation, recycling and reuse to

70 EPD Website. (28 April 2006). *Foreword by the Chief Executive the Honourable Tung Chee-hwa*. Retrieved from
<http://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/wrfp_foreword.html>



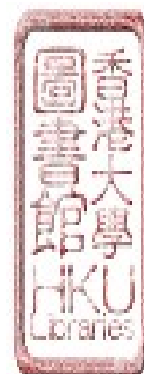
take place”⁷¹. These assertions to embrace the community in the management of MSW were in stark contrast to the ones given by the colonial government a few years ago. For instance, the second review on the 1989 White Paper issued in 1993 mentioned that its purpose was “to inform Hong Kong people about the environment, as well as to bring them up to date on current and planned programs to protect the environment”⁷². Besides the rhetoric, the WRFP had dedicated chapters in listing out specific ways for the private sector, NGOs and the community at large to contribute to the management of MSW. Although some of these ways were rather trivial, such as purchasing goods with recycled or recyclable contents, or avoid purchasing goods with unnecessary or non-recyclable packaging, they were already considered a leap forward in how the Government was embracing the community in tackling the MSW problem. In contrast, the actions proposed in the 1989 White Paper⁷³ were mostly government-led.

Furthermore, as recommended in the WRFP, the Advisory Group was setup under EPD. Its function was to advise the Government on the criteria for

71 Info.gov.hk. (5 November 1998). *Daily Information Bulletin: Government launches Waste Reduction Framework Plan*. Retrieved from <<http://www.info.gov.hk/gia/general/199811/05/1105084.htm>>

72 PELB. (November 1993). *A Green Challenge for the Community: Second Review of Progress on the 1989 White Paper*. Retrieved from <http://www.epd.gov.hk/epd/english/resources_pub/policy/files/White_Paper-A_time_to_act-2nd_review.pdf> (p.10)

73 For example, the construction of a Chemical Waste Treatment Centre, the commissioning of RTSSs.



selecting the most appropriate proposals for building waste management facilities including site selection and technologies to be used. It was significant as the WRFPP represented a new mode of civic engagement by the Government. Members of the Advisory Group, and its sub-groups, were representatives from green groups, academia, the business community and the general public. While the Government selected the chairpersons for the sub-groups, the chairpersons were able to select their own sub-group members whom they believed could facilitate discussions. EPD officials were acting only as resources to the Advisory Group ⁷⁴. When a consensus on the recommended options in the development of IWMPF was reached among members, three engagement workshops were organized in 2005 to further seek views from the public. Afterward, it gave a final recommendation to the Government, which was incorporated into the later published Policy Framework.

Another significant development in civic engagement for MSW management after the handover was the establishment of SDC in 2003. It was considered as a formal recognition of the need for partnership between the Government, businesses and the general public in dealing with the issues of MSW. SDC devised a five-stage engagement process: (i) identifying pilot areas (i.e. solid

74 Lee, Eliza WY; Chan, Elaine YM; Chan, Joseph CW; Cheung, Peter TY; Lam, Wai-fung; Lam, Wai-man. (2013). *Public Policymaking in Hong Kong: Civic Engagement and state-society relations in semi-democracy*. Oxon: Routledge. (ch.6)

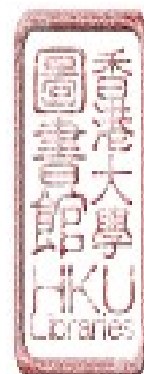
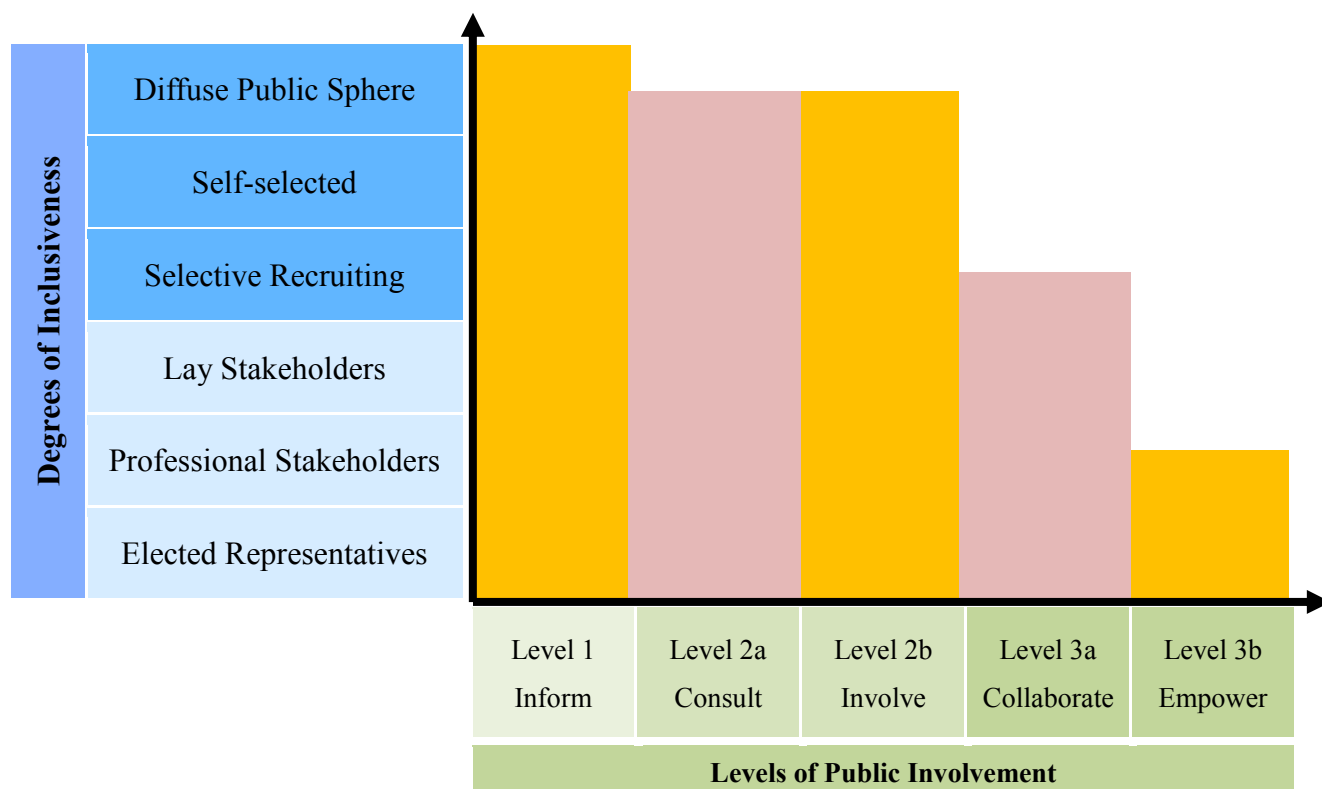


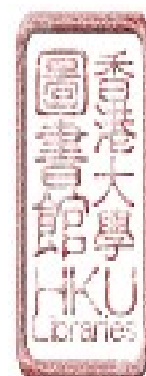
Figure 6 : Analysis of the Civic Engagement Strategies for the MSW Policy of the HKSAR Government (1997 - 2005)



Source : Adapted from Figure 4: An Integrated Basis for Addressing Civic Engagement Strategies.

waste management, renewable energy, and urban living space); (ii) compiling Invitation and Response documents; (iii) involving the public in the discussion; (iv) composing a report; and (v) inviting the Government to act ⁷⁵. SDC was basically composed of members with experience in the environmental field. Members from the business and grassroots organizations, such as the Business

75 Lee, Eliza WY; Chan, Elaine YM; Chan, Joseph CW; Cheung, Peter TY; Lam, Wai-fung; Lam, Wai-man. (2013). *Public Policymaking in Hong Kong: Civic Engagement and state-society relations in semi-democracy*. Oxon: Routledge. (ch.6)

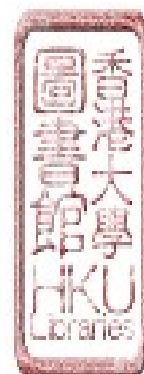


Environment Council, the Hong Kong Council of Social Service and the Hong Kong People's Council for Sustainable Development, were also engaged as partners, so as to seek broader views.

According to the civic engagement analytical framework, it was revealed that the strategies adopted in the first eight-year period since the handover had moved up the ladder, both in terms of level of public involvement and degree of inclusiveness as depicted in Figure 6. Through the channels of ACE, the Advisory Group, SDC and engagement workshops, it was more accessible for the public to voice out their opinions. The public was able to exert greater influence in shaping the Government's MSW policy (e.g. The Advisory Group's proposal on the IWMF). The Government was also more openly responding to the recommendations through these channels (e.g. reports were all made available online).

In terms of effectiveness in adopting these enhanced civic engagement strategies, the results were mixed. It was encouraging that some goals of the MSW policy had been achieved, such as the domestic waste recovery rate had increased from 14% in 2004 to 40% in 2010⁷⁶ (i.e. achieving policy outcome in the effectiveness assessment criteria from Chapter Two). There also was a

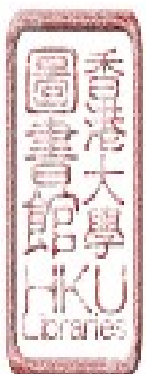
76 EPD. (2011). *Environment Hong Kong 1986-2011*. Retrieved from <http://www.epd.gov.hk/epd/misc/ehk11/pdf/EHK1986-2011_en.pdf> (p.66)



growing consensus among the community that the resolving of the MSW problem in Hong Kong required not only efforts from the Government, but also behavioral change among all citizens (i.e. gaining legitimacy and justice in the effectiveness criteria). This was evident by the successful implementation of the more intrusive policy of the Construction Waste Disposal Charging Scheme in 2005. In spite of its limited policy scope, it was nonetheless the first waste charging scheme. However, these enhanced civic engagement strategies failed to bring consensus in the community on more controversial issues like the construction of IWMF, extension of landfills, implementation of MSW charging. Sadly, despite the repeating efforts by the Government to engage the civil society, there was a worrying trend emerged in the years after 2005 that the Hong Kong society was more divisive than before on these hotly debated issues.

2005 – 2013 : Moderate Involvement, Moderate Inclusiveness, Low Effectiveness

Hong Kong civil society continued to mature that citizens have been becoming increasingly vocal in voicing their opinions on Government policies. As alluded in the previous section, there appeared to be a growing trend in recent years that the civic engagement strategies adopted by the Government, though already a

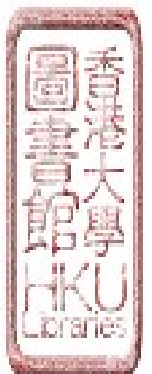


great step forward as compared to the colonial era, were not able to satisfy the stakeholders, thus making it difficult to achieve consensus in the community on critical policy related to MSW management.

Take the construction of the IWMF as an example. Back to 2005, the Government published the Policy Framework listing out comprehensively the actions that it intended to take in managing MSW in Hong Kong, which included, among others, the construction of IWMF. Subsequently between 2005 and 2009, public engagement workshops, seminars, roving exhibitions, forums, focus group meetings and delegation visits were usually held to seek views from various stakeholders, including environmental experts, green groups, industry associations, local residents, District Councilors, as well as the public at large ⁷⁷. Relevant issues were also discussed at ACE which comprised of members from experts in environmental affairs, green groups and industry associations.

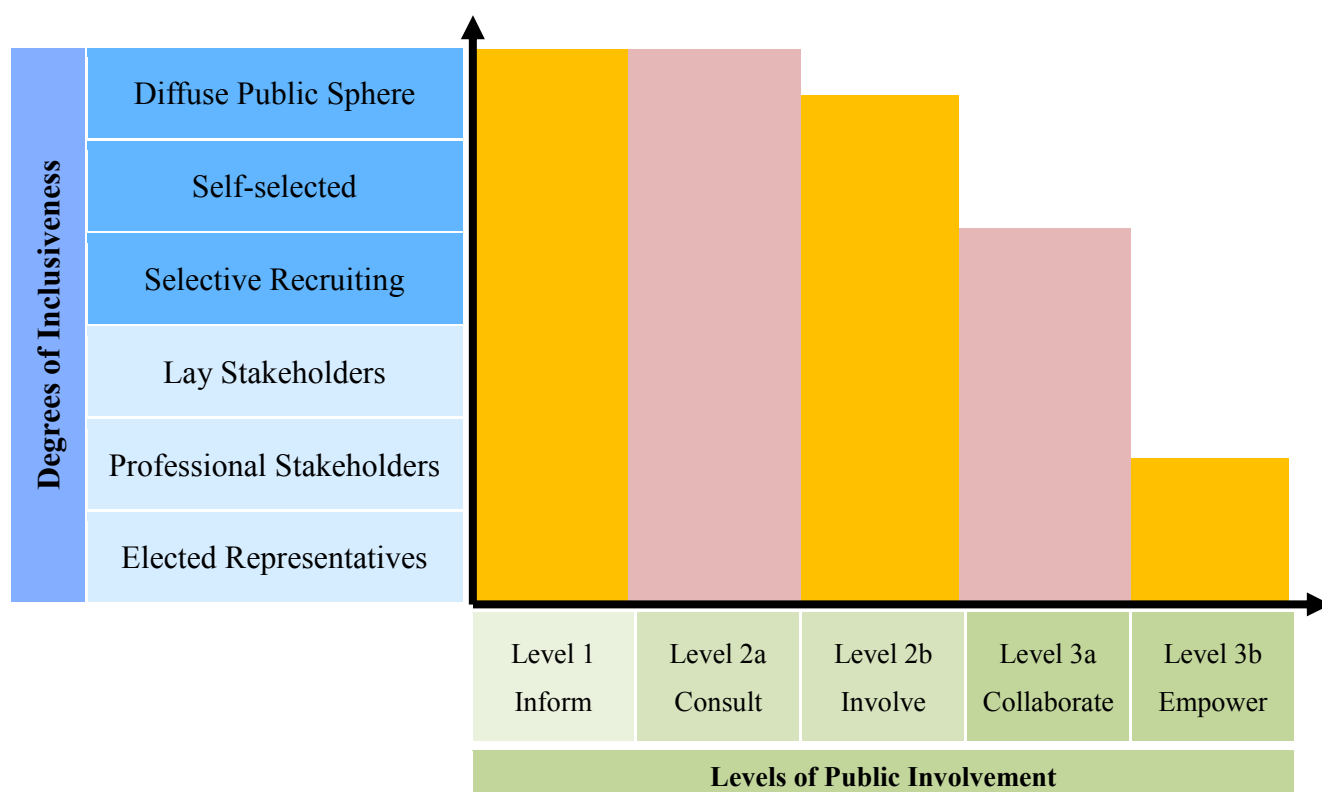
Support from ACE was sought in December 2009 for the proposal to construct the IWMF. In January 2011, the Environmental Impact Assessment (EIA) study was completed on the two potential sites for the incinerator, one in Tuen Mun and the other in Sek Kwu Chau. One month later, after due consideration, the Government announced Sek Kwu Chau as the preferred site for

77 EPD Website. (24 October 2011). *Public Participation*. Retrieved from <http://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/WFdev_IWMF_public.html>



the IWMF, and a proposal was prepared and submitted to LegCo for discussion in February 2011⁷⁸.

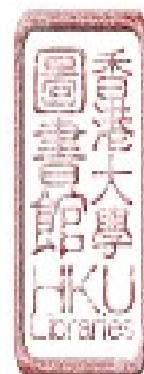
Figure 7 : Analysis of the Civic Engagement Strategies for the MSW Policy of the HKSAR Government (2005 – 2013)



Source : Adapted from Figure 4: An Integrated Basis for Addressing Civic Engagement Strategies.

While the public involvement level and degree of inclusiveness were further

78 (i) Panel on Environmental Affairs, Legislative Council. (February 2011). *Development of the Integrated Waste Management Facilities, a brief prepared by EPD for the Panel Meeting on 28 February 2011*. Retrieved from <<http://www.legco.gov.hk/yr10-11/english/panels/ea/papers/ea-epd201102-e.pdf>>
(ii) Environmental Protection Department. (March 2011). *Explanatory Booklet for the Proposed Integrated Waste Management Facilities*. Retrieved from <http://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/files/Booklet_IWMF_English.pdf>



improved as depicted in Figure 7, the Government still failed to build a consensus for the IWMF project nowadays in the community (i.e. low legitimacy, poor outcome, and limited implementation). The proposal submitted to LegCo attracted wide spread media attention and criticism on the subject. Fishermen from Cheung Chau staged a seaborne demonstration, denouncing the construction of the IWMF in Shek Kwu Chau ⁷⁹. An advocacy group called “No Incinerator Alliance” emerged, protesting against the IWMF. Its rationales were similar to other groups that the Government should put more effort on fostering a culture to reduce and separate waste at source for recycling, rather than to build the IWMF to treat MSW. It argued if the community did not change its wasteful habit, Hong Kong would only have to build more incinerators in the future ⁸⁰. The alliance mobilized community support on their stance through demonstrations and petitions. Moreover, there was even a judicial review lodged against the Government to challenge, from the legal perspective, the legality of the green light given by the IWMF’s EIA report ⁸¹. Against the growing social discontent,

79 Yau, Elaine. (19 July 2012). Islanders sail into Central to march against incinerator. *SCMP*. Retrieved from

<<http://www.scmp.com/article/740871/islanders-sail-central-march-against-incinerator>>

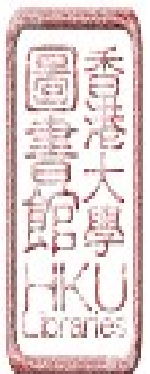
80 No Incinerator Alliance Website. (August 2013). *To the Legislative Council members*. Retrieved from

<<http://incineratorhk.wordpress.com/%E8%81%AF%E7%9B%9F%E7%AB%8B%E5%A0%B4%E6%9B%B8/to-the-legislative-council-members/>>

81 Chiu, Austin. (16 November 2012). Lawyer slams government impact report on offshore incinerator.

SCMP. Retrieved from

<<http://www.scmp.com/news/hong-kong/article/1083308/lawyer-slams-government-impact-report-offshore-incinerator>>

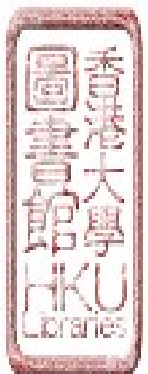


the Government in 2012 attempted to seek approval from the LegCo's Panel on Environmental Affairs on the funding proposal for the incinerator, but unfortunately it was rejected utterly that the Government had to temporarily abandon the IWMF proposal⁸². Even the High Court rejected the judicial review to suspend the IWMF project on 26 July 2013⁸³, the Government seems not to plan to re-submit the proposal in the meantime in order not to antagonize the community members.

Socio-Political Context in Respect of the Hong Kong Waste Problem

Before responding to the research question of “how could these strategies be strengthened and/or complemented by the adoption of other potentially more effective strategies?”, the nature of local waste problems has to be first discussed so that the strengthened civic engagement strategies proposed in coming chapter could properly address these problems. As addressed in Chapter Three, the original intent of the old MSW treatment strategy was to improve the city hygiene,

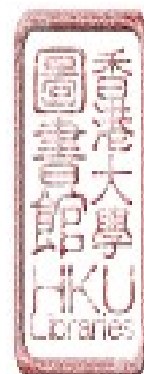
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- 82 (i) Panel on Environmental Affairs, LegCo. (2012). *Minutes of special meeting dated 26 March 2012*. Retrieved from <<http://www.legco.gov.hk/yr11-12/english/panels/ea/minutes/ea20120326a.pdf>> (item I)
(ii) Panel on Environmental Affairs, LegCo. (2012). *Minutes of meeting dated 26 March 2012*. Retrieved from <<http://www.legco.gov.hk/yr11-12/english/panels/ea/minutes/ea20120326.pdf>> (item IV)
(iii) Panel on Environmental Affairs, LegCo. (2012). *Minutes of special meeting dated 20 April 2012*. Retrieved from <<http://www.legco.gov.hk/yr11-12/english/panels/ea/minutes/ea20120420.pdf>> (item I)
- 83 News.gov.hk. (26 July 2013). *KS Wong hails court ruling*. Retrieved from <http://www.news.gov.hk/en/categories/environment/html/2013/07/20130726_174804.shtml>



safeguard the health and welfare of the community by properly storing, collecting, treating and disposing the wastes ⁸⁴. Landfills, which were considered cost effective and environmentally satisfactory, have been widely being used to facilitate the removal of waste from the city area. The development of a sustainable waste management system was not a top priority in the colonial era. This mode of waste treatment might probably be able to meet the needs in the good old days when did not cause serious problems, as the Hong Kong society was less wealthy. People had to better utilize their purchased items generating less MSW, not to mention that they showed little concerns on environmental issues, tended not to complain against the waste facilities, or perhaps their voices were simply ignored by the officials under a non-democratic regime creating an illusion of achieving a desirable policy outcome with minimum civic engagement. Since 1989, the Government had started phasing out the old incinerators for better air quality and all of them ceased operation in 1990s ⁸⁵, so landfills were left as the remaining option for disposing of MSW. In addition, Hong Kong's economy has been growing rapidly since 1990s. The city has been becoming more

84 PELB. (5 June 1989). *White Paper: Pollution in Hong Kong – A Time to Act*. Retrieved from <http://www.epd.gov.hk/epd/english/resources_pub/policy/files/White_Paper-A_time_to_act.pdf> (s.2.5)

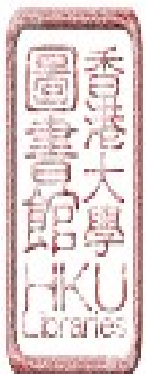
85 EPD. (2012). *Strengthening Waste Reduction: Is Waste Charging an Option? Consultation Document*. Retrieved from <<http://www.gov.hk/en/residents/government/publication/consultation/docs/2012/MSW.pdf>> (para.2.2)



densely populated with a vibrant economy⁸⁶. The high standard of living of people prompts an exceptionally high rate of waste generation because the consumers tend to purchase a lot and discard the residue. Owing to people's rising concerns on environmental issues, ever-rising quantity of MSW generated, surging land values and shortage of potential sites, it is obvious that the city nowadays can no longer entirely rely on landfills.

Although the Government fully understands that the city's reliance on the three strategic landfills is unsustainable⁸⁷, landfills in Hong Kong seem to be regarded by the general public as a cheap public service that it is the duty of the Government to run them like public good. Probably to encourage people to keep the city clean, ordinary polluters are not charged according to the amount of waste they generated under the present system despite the huge construction and operation costs of the landfills⁸⁸. With all the expenses being settled by general tax-payers' money, polluters are not required to directly pay the "real cost" and

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- 86 (i) As at mid-2012, Hong Kong had a population of 7.15 million and a density of 6,620 persons per square kilometer. Source from:
Hong Kong: the Facts. (July 2013). *Population*. Retrieved from
<<http://www.gov.hk/en/about/abouthk/factsheets/docs/population.pdf>>
(ii) Hong Kong is the world's 10th largest trading economy with a GDP per capita of HK\$ 266,026 in 2011. Source from:
Gov.hk. (January 2013). *Hong Kong – the Facts*. Retrieved from
<<http://www.gov.hk/en/about/abouthk/facts.htm>>
- 87 EPD. (2012). *Strengthening Waste Reduction: Is Waste Charging an Option? Consultation Document*. (para.3.4)
- 88 The strategic landfills cost the tax-payers about HK\$ 6 billion to build and around HK\$ 400 million annually to operate. Source from:
EPD Website. (January 2013). *An Overview on Challenges for Waste Reduction and Management in HK*. Retrieved from
<http://www.epd.gov.hk/epd/english/environmentinhk/waste/waste_maincontent.html>

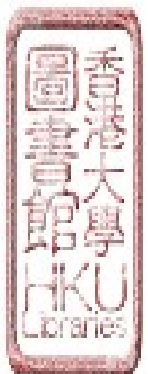


thus, have no incentive to reduce waste.

The daily local domestic waste generation rate per capita in 2011 has reached 1.36 kg, which was significantly higher than other Asian cities⁸⁹. The original mission of the old MSW treatment policy had largely been accomplished, but its success has led to the problems for the present generation. Having a convenient system in place for such a long time, the public are accustomed to the current waste disposal arrangements and take the cheap services for granted.

From the discussion in the previous sections, it is noticeable that the civic engagement for MSW schemes before 2005 was considered pretty effective not because the engagement process successfully solicited community support but actually merely easy-going voluntary items under the WRFPP were proposed for implementation. The Government touched little on the controversial projects / schemes (e.g. MSW charging, incineration), thus minimum vested interests were damaged resulting in minimum opposition from the public. Until in the past few years, the landfill capacity in Hong Kong continues to diminish in an alarming rate as those voluntary schemes are obviously inadequate to improve the sustainability of the overall MSW management system, so the Government has to escalate its action by introducing the critical but controversial proposals in the

89 EnB. (May 2013). *Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022*. Retrieved from <<http://www.enb.gov.hk/en/files/WastePlan-E.pdf>> (p.5)

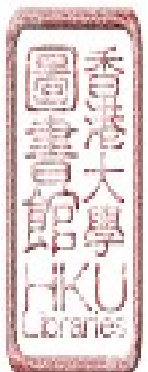


WRFP. Besides proposing to construct the incinerator and implement the MSW charging scheme, recently it also prepared to seek a funding approval from LegCo of HK\$ 9 billion to extend the strategic landfills to accommodate the ever-increasing volume of waste ⁹⁰. More aggressive civic engagement strategies have been adopted by the Government in view of the sensitive and complicated nature of the issue, but the overall results were very disappointing.

The challenge ahead is that MSW matters can be classified as “entrepreneurial politics ⁹¹” that almost every single community member, to a certain extent, is a valid stakeholder with vested interests whom has long been indulged for their wasteful bad habits. The NIMBY attitude of the people living in the vicinity of waste facilities is another hot potato to be handled. Even sustainable MSW policy initiatives (e.g. MSW charging, mandatory waste separation at source) could be endorsed by LegCo and implemented, numerous factors and uncertainties would affect people’s degree of compliance, which would adversely affect the policy outcome. In other words, the target people of

90 Lee, Ada. (26 June 2013). Tseung Kwan O landfill expansion faces defeat. *SCMP*. Retrieved from <<http://www.scmp.com/news/hong-kong/article/1268868/tseung-kwan-o-landfill-expansion-faces-defeat>>

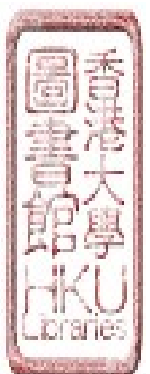
91 Entrepreneurial politics happens when the costs are heavily concentrated on one or a few groups of people, while the benefits are spread over many if not all people. The affected group has a strong incentive to oppose the policy while the recipients of the benefits have little incentive to do so. Source from:
Lee, WY Eliza; Chan, CW Joseph; Chan, YM Elaine. (2013). Public policymaking in Hong Kong: Civic engagement and state-society relations in a semi-democracy. London: Routledge. (p.13)



the MSW policy are extremely heterogeneous and the requisite degree of individual aggregate compliance is high for meaningful attainment of the policy goals. Weaver (2009) categorizes six different factors leading to people's non-compliance behaviour, namely incentive and sanction problems (incentives do not suffice to ensure compliance), monitoring problems (the targets are difficult or costly to monitor), resource problems (the targets lack the resources to comply), autonomy problems (the targets do not have the power to make decisions to comply), information problems (the targets lack the information for complying) and attitude and objectives problems (the targets are hostile / mistrustful toward the Government)⁹². Many of the public might have well perceived the gravity of these impacts and the cost implications to their daily life to be brought by the Government's proposals. Not to mention that the costs in terms of time, labour, finance and administration can vary from sectors, age groups, districts of residence and business areas. This can explain the reasons that in the previous consultation exercises, many community members have expressed serious concerns, provide vigorous, sometimes irrational, feedbacks on the Government's plans.

Furthermore, the political environment in Hong Kong has been becoming

92 Weaver, R Kent. (September 2009). Target Compliance: The Final Frontier in Program Implementation (Abstract). *Issues in Governance Studies*, Number 27. Retrieved from <http://www.brookings.edu/~media/research/files/papers/2009/9/30%20compliance%20weaver/0930_compliance_weaver.pdf>



very complicated after 1997. According to Cheung (2011)⁹³, subsequent to a couple of political incidents caused by a series of vigorous protests⁹⁴, the civil society in Hong Kong is usually very hostile to the principal Government officials resulting in more obstacles for enacting new laws and implementing new policy initiatives. Without mutual trust between the people and the Government, the officials responsible for formulating policy on MSW management can hardly achieve a timely breakthrough to win solid public support for their plans.

On the other hand, the conventional civic engagement strategies and consultation approaches of the Government⁹⁵ are also problematic that usually put it in a difficult position. LegCo member Hon James Tien, on 26 June 2013, raised a question regarding the Government's plan to extend the landfills in Hong Kong. The reply of the Secretary for the Environment⁹⁶ reflected the inadequacies of those strategies.

Firstly, the traditional consultation exercises are unable to systematically

93 Cheung, Peter TY. (2011). Civic Engagement in the Policy Process in Hong Kong: Change and Continuity. *Public Admin. Dev.* 31. (p.113-121)

94 For example, the protests against the policies of national security legislation in 2003 and national education in 2012.

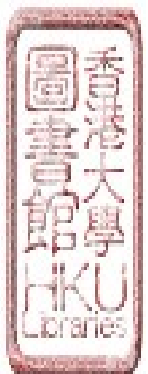
95 The conventional public involvement approaches include: (a) conducting statutory EIA; (b) consultation of the District Councils (DC) and Rural Committees concerned by presenting reports to them regularly and inviting their members to join the working group organized by the Government; (c) consultation of ACE, green groups, professional bodies and institutions concerned; and (d) organization of community programmes for the district members concerned such as site visits to landfills, roving exhibitions and outreach programmes for schools and residents to introduce the landfill extension project to the local community.

Source from:

News.gov.hk. (26 June 2013). *LCQ18: Extension of landfill*. Retrieved from

<<http://www.info.gov.hk/gia/general/201306/26/P201306260311.htm>>

96 News.gov.hk. (26 June 2013). *LCQ18: Extension of landfill*.



collect the views of the possible beneficiaries under the new MSW policy / schemes. Perhaps having taken the opportunity cost to be borne in the civic engagement process into consideration, the beneficiaries with rational choice tend to remain silent to free-ride the outcome without genuine contribution. From the perspective of the analytical framework in Figure 4, both the “level of public involvement” and “degree of inclusiveness” are unsatisfactory. But unlike the old problem of excluding the right people, the Government actually has ignored those might respond positively to its policy proposals.

Secondly, the present consultation and engagement system, as shown in Figure 8, works like a lobbying platform that the responsible officials have to persuade the potentially suffering community members to accept the Government’s proposals. Rational stakeholders should have no difficulty to recognize that this is an excellent opportunity of rent-seeking that the Government has limited option but to provide advantages to please them if they express negative opinions during consultations. It has therefore become a norm for people to oppose to Government’s plans in most occasions. The more vigorously they oppose the more likely for them to obtain greater benefits. It is best illustrated in this case of landfill extension ⁹⁷ that the Government seems to

97 Extension of the landfills near Tseung Kwan O and Ta Kwu Ling by 13 and 70 hectares respectively. Source from: Cheung, Tong; Cheung, Chi-fai. (10 July 2013). Sweeteners offered to win support for

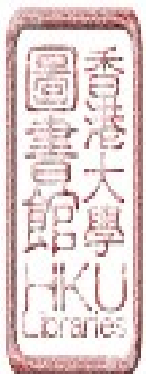
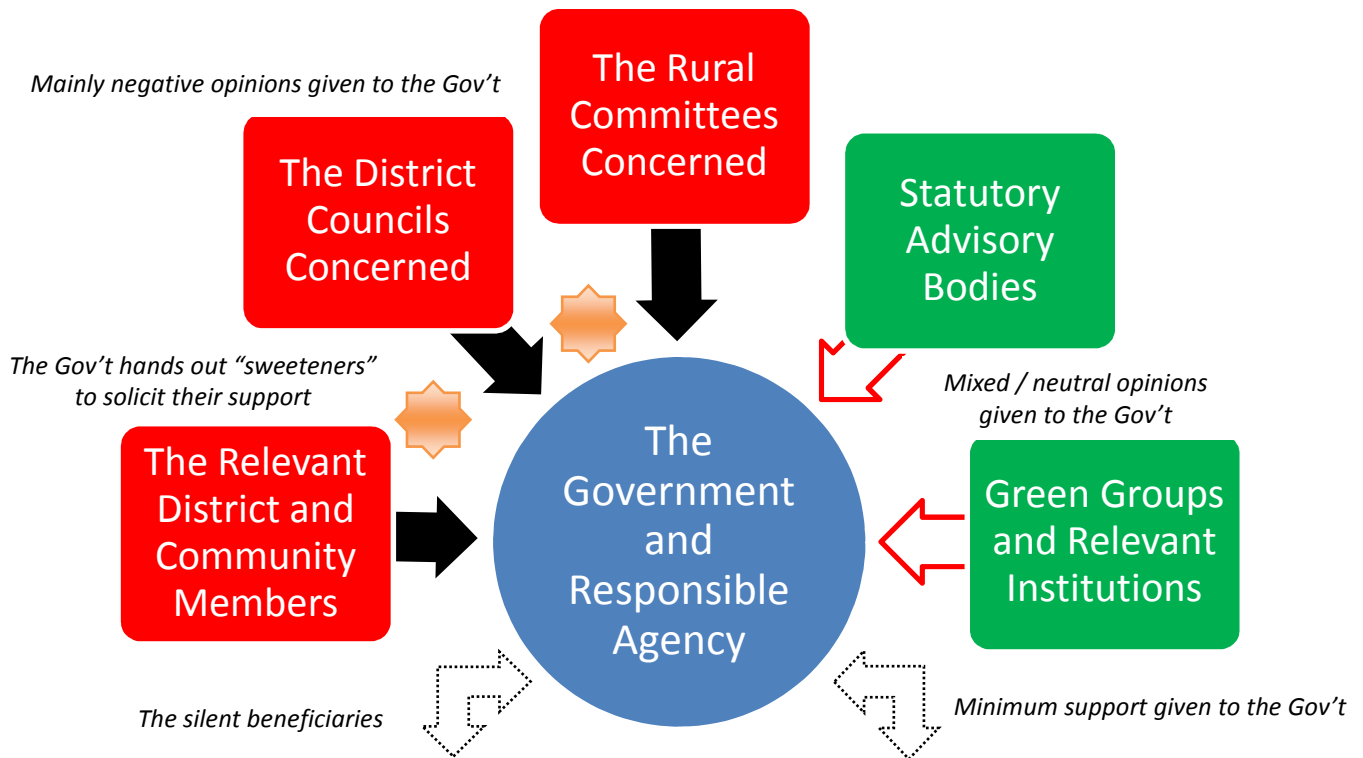






Figure 8 : Common Phenomena in the Hong Kong Political Arena Because of Ineffective Civic Engagement Strategies

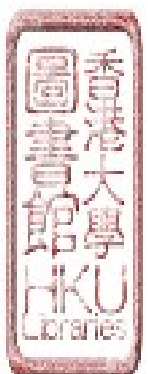


The Possible Beneficiaries in the Society of Hong Kong

Legend:

-  The sweeteners such as improving local leisure, cultural and transport facilities to solicit stakeholders' support.
-  The negative opinions from the stakeholders to be adversely affected by the Government's proposals.
-  The mixed / neutral opinions from advisory bodies.
-  Minimum support given to the Government from the beneficiaries.

landfill expansions. *SCMP*. Retrieved from <http://www.scmp.com/news/hong-kong/article/1266257/sweeteners-offered-win-support-landfill-expansions>

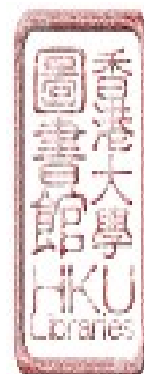


to always get prepared to offer “sweeteners” in the form of improving local leisure, cultural and transport facilities to secure people’s support for the landfill extension proposal at district level ⁹⁸. Actually it is pretty fair for the Government and the beneficiaries in the community to compensate the loss of sufferers of the waste facilities, but the interests of the whole community will be hijacked by particular interest groups if those rampant rent-seeking activities have become out of control. Not only the taxpayers have to bear a higher cost but also the subject Government officials have to take up substantially increased political risks in the process.

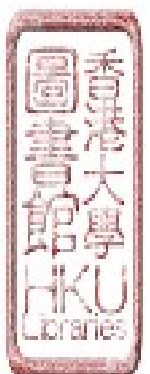
Concluding Comments

The current civic engagement strategies are considered unable to unleash the potential of the civil society to attain a better policy outcome. In spite of the difficulties discussed in the preceding sections, decisions still have to be made and actions must be taken, as the longer the waste problems remained not tackled, the direr situation will be faced by the future generations. Having regard to the city’s socio-political context, the Government has to collaborate with and empower the civil society to make collective decisions, not merely consult them.

98 Cheung, Tong; Cheung, Chi-fai. (10 July 2013). Sweeteners offered to win support for landfill expansions. *SCMP*.



The Government's objectives are to encourage the right stakeholders and the beneficiaries with vested interests to make agreements and concessions on critical environmental matters. It may eventually face less resistance and attain a higher level of compliance from the public for a smoother implementation of various MSW schemes. One point worth noting is that the suffering community members, like the one being adversely affected by the landfills or the incinerator under planning, might be more willing to cooperate with the Government to take action to alleviate the waste problems. It presents an opportunity that the Government can mobilize support to its new initiatives or schemes from them if better civic engagement strategies could be adopted. Strengthened civic engagement strategies to be proposed in Chapter Five, which emphasize on collaboration and empowerment, aim at addressing these shortcomings in the present system.

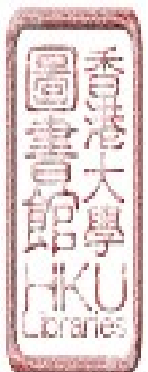


Chapter Five : Proposals for Strengthening Civic Engagement Strategies for Hong Kong MSW Management System

Introduction

Despite the potentially positive effect that could be brought by better civic engagement strategies, the real world is never ideal that the costs always have to be taken into account to determine the better way forward and the appropriate modes of civic engagement. There is always trade-off between good policy initiatives that the community has to make tough choices in many occasions. As discussed in Chapter Two and the OECD report (2009), even the democratic OECD governments expressed that they face challenges of resources, time and a lack of evaluation in engaging the public in policy making ⁹⁹. The Government and the public, therefore, are not only required to reach agreements on the policy contents but also how the civil society should be engaged. Smith (2009) argues that democratic innovations require citizens and officials to participate in new political practices and as such will involve civic costs as well as benefits, so the administrative costs and the burden placed on citizens can thus be a feasibility

99 OECD. (2009). *OECD Studies on Public Engagement: Focus on Citizens – Public Engagement for Better Policy and Services*. Retrieved from <<http://www.iadb.org/intal/intalcdi/pe/2009/03785.pdf>> (p.35)

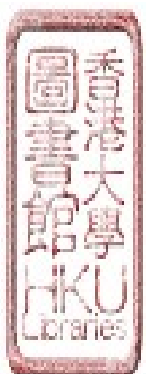


constraint¹⁰⁰. As a result, apart from legitimacy, policy outcome, implementation and justice, costs to be incurred for participants and the Government should be taken into consideration in the strengthened strategies. Otherwise, stakeholders will be discouraged to engage, bombarded by enormous amount of information pushing all parties into prolonged discussion and arguments, refraining key players from making meaningful decisions and eventually having nothing actually happened. If the injustice problem becomes severe, the good intentions and the benefits to be brought by civic engagement will be jeopardized, so all parties in the engagement arena should bear the responsibility together to ensure that a meaningful and effective civic engagement process could operate.

In view of the limitations of the present civic engagement strategies, the Government is recommended strengthening the public engagement system for the MSW policy by the following approaches:

- (a) Establishment of a Dedicated Waste Management Council;
- (b) Better Use of Technologies; and
- (c) Adopting the Future Generations Oriented Approach.

100 Smith, Graham. (2009). *Democratic Innovations: Designing Institutions for Citizen Participation*. New York: Cambridge University Press. (p.26)



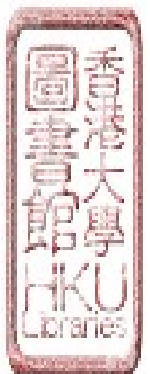
Establishment of a Dedicated Council of Waste Management

To revamp the civic engagement system, the Government should start from reorganize its environmental advisory bodies and establish a separate Dedicated Council of Waste Management (the Dedicated Council) as a core component of civic engagement for MSW management matters. Under the present system, submitting proposals of new policy initiative to advisory bodies is a prevailing consultation mechanism of the Government to engage the public in public affairs. For the policy related to environment, there are several active statutory councils / committees and non-statutory bodies (as listed in Appendix II) to give advice and assist in reflecting public opinions to the Government which might later incorporate their ideas into its policy proposals. Though an open-ended approach is assured by the Government for the engagements related to waste problems ¹⁰¹, the community has yet to reach consensus on critical issues as demonstrated in the recent cases regarding the extension of landfills ¹⁰² and the construction of incinerator ¹⁰³.

101 Lee, Eliza WY; Chan, Elaine YM; Chan, Joseph CW; Cheung, Peter TY; Lam, Wai-fung; Lam, Wai-man. (2013). *Public Policymaking in Hong Kong: Civic Engagement and state-society relations in semi-democracy*. Oxon: Routledge. (p.21).

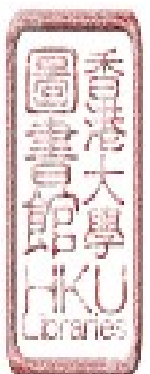
102 Panel on Environmental Affairs, LegCo. (2013). *Minutes of meeting dated 27 May 2013*. Retrieved from <<http://www.legco.gov.hk/yr12-13/english/panels/ea/minutes/ea20130527.pdf>> (p.16)

103 Panel on Environmental Affairs, LegCo. (2012). *Minutes of special meeting dated 20 April 2012*. Retrieved from <<http://www.legco.gov.hk/yr11-12/english/panels/ea/minutes/ea20120420.pdf>> (p.10)



By looking into the membership composition and formation of these organizations, some clues can be found why the present system is unable to function as expected. First, the members of these organizations are usually appointed with a term for two years by the CE according to their backgrounds, experience or expertise. The general community has little say on the selection of members in these advisory bodies, thus limiting its ability to bridge the opinion divides among the Government, environmental professionals, interest groups and the general public. The public can hardly recognize their status and have faith in them. These institutional arrangements merely encourage the members to give technical advices to the Government, creating an impression that they are a rubber stamp in the establishment just to serve the interests of the Government rather than the public, or functioning like an ivory tower where the intellectuals exchange grand ideas that have little connection to the lay people and their daily life. Even they might have performed their duties faithfully, the results are usually recorded in long papers, minutes or reports full of text and technical jargons which could neither attract the attention of commoners nor convince them to accept the rationale behind the policy initiatives.

Another problem is that these environmental advisory bodies have duplicated roles and functions. This is an inefficient institutional arrangement as similar

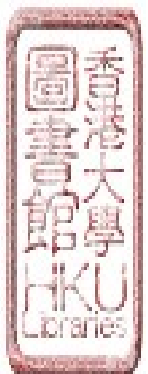


issues and agenda items may have been discussed by different advisory bodies where valuable time and resources are consumed. Moreover, management of MSW is only one of the many aspects of environmental policy that the members in these organizations might not have put the MSW matters on their top priority, possessed the social network for resolution of differences or paid adequate attention to sensitive issues related to waste management arrangements.

In this regard, the Government should set up the proposed Dedicated Council, which can be the cornerstone in the improved civic engagement system. The roles and functions related to MSW management of the existing advisory bodies should be transferred to the new one.

Whether the Dedicated Council could properly perform its duties in a desirable manner always depends on the attitude of key players including the officials as well as the representatives from the civil society. The Centre for Civil Society and Governance suggests two lessons that are imperative for the effective functioning of a civic engagement system ¹⁰⁴:

104 Centre for Civil Society and Governance, HKU. (2007). *From Consultation to Civic Engagement: The Road to Better Policy Making and Governance in Hong Kong*. Hong Kong: The Bauhinia Foundation Research Centre. (p.175-176)



Lesson One: In public engagement, genuine Government commitment to an open-ended process is essential to its success. Such exercises, if well planned and executed, can do much to build public consensus and help Government develop policies that can win support from stakeholders and the public.

Lesson Two: Successful committee engagement depends to a significant extent on whether official and unofficial members of a committee can develop a shared understanding of the issues to be addressed or the goals to pursue. The Government's attitude is crucial to the development of shared understandings.

According to the two lessons, to foster trust and understanding among all participants, the Government should not take for granted that the civil society would fully cooperate while members from the civil society should not expect the Government to fulfill their unrealistic desires. To build mutual trust among the players, setting fair house rules that are endorsed by all participants would be the first step for creating a positive atmosphere. In this respect, the Government has to commit to the Dedicated Council by empowering it with a legal foundation, that it has an obligation to implement the proposals and new policy initiatives which are supported by the Dedicated Council.

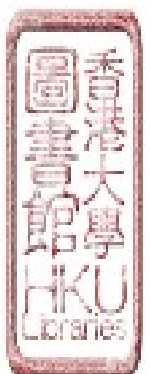
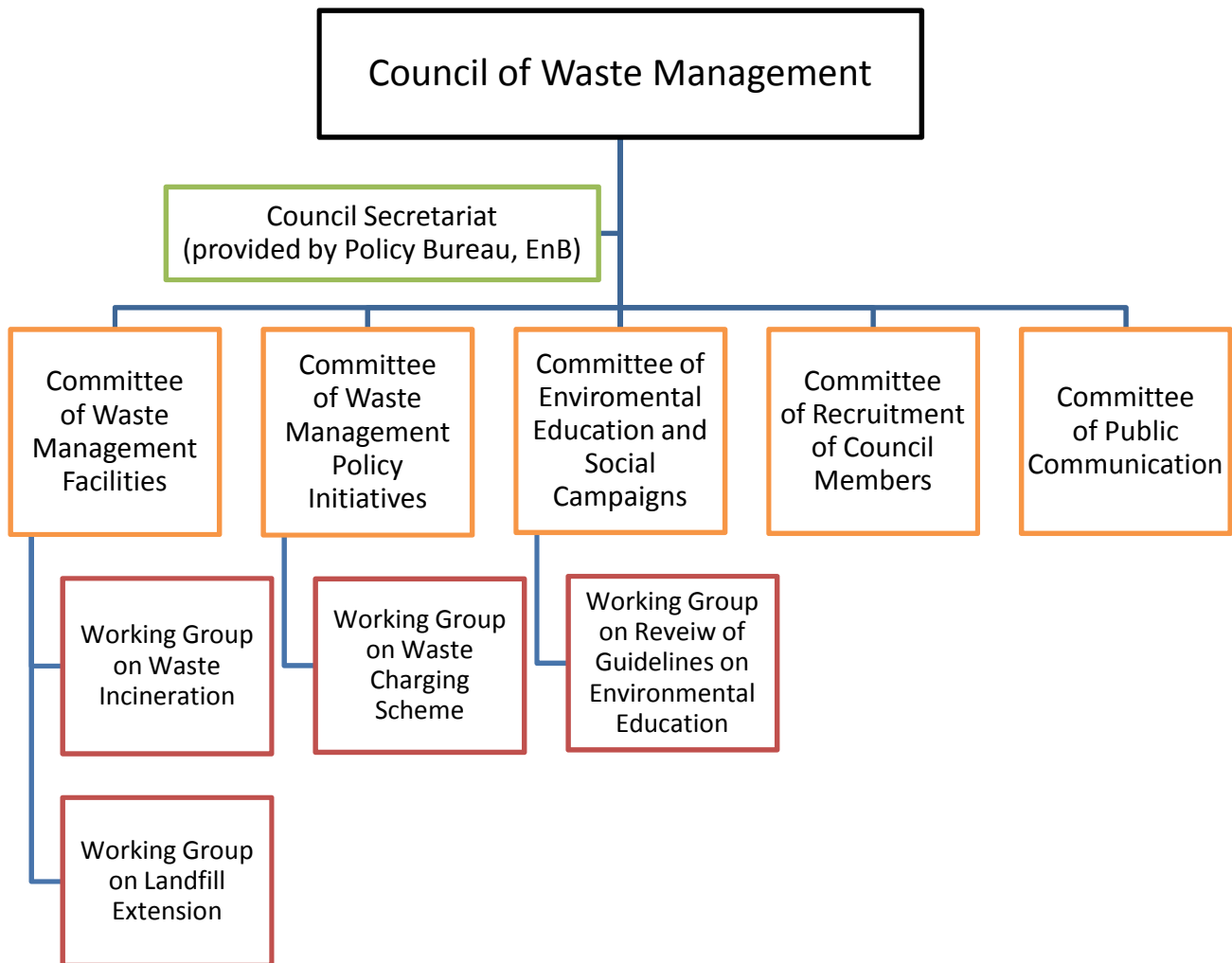
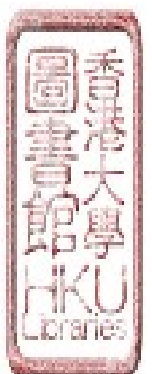


Figure 9 : The Proposed Organizational Structure of the Dedicated Council of Waste Management



Council members should also be empowered to decide on the agendas ¹⁰⁵ and work with the officials to deliberate innovative policy, schemes or programmes. The prevailing practice in the existing systems that almost all of

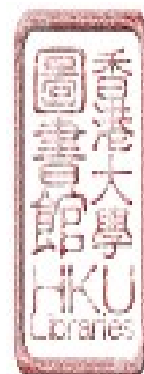
105 Lee, Eliza WY; Chan, Elaine YM; Chan, Joseph CW; Cheung, Peter TY; Lam, Wai-fung; Lam, Wai-man. (2013). *Public Policymaking in Hong Kong: Civic Engagement and state-society relations in semi-democracy*. Oxon: Routledge. (p.5-6)



the policy proposals are prepared by the Government bureaus and then submitted to the advisory bodies for consultation, probably due to their overwhelmingly abundance of resources, has to be changed. The Council members have to be given with the authority to influence the direction of studies of the Government in the preliminary stage. Separate committees or working groups with specific functional areas can be formed under the Dedicated Council (as suggested in Figure 9) enabling the participants to concentrate on respective subjects such as the development of MSW facilities, new policy initiatives and education programmes (details to be elaborated in later section).

On the other hand, besides giving advice on technical matters for policy formulation, the Dedicated Council are required to cooperate with the Government more at operational level, ranging from addressing stakeholders' concerns, managing the political risks, fostering partnership, to determining the timeframe and the mode of consultation exercises, so as to facilitate the Hong Kong society to reach consensus on difficult issues related to MSW management. It is the commitment that Council members should demonstrate to the Hong Kong people and the Government.

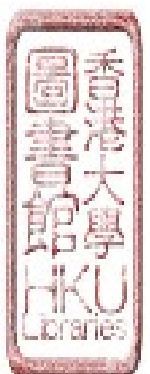
Furthermore, under the house rules, standard procedures and mediation system have to be developed for resolving disputes and disagreements. This



arrangement aims at enabling the beneficiaries and the sufferers under the present MSW management system to bargain rationally to find a way out, develop justified compensation schemes for suffering parties and balance the competing interests of all stakeholders. With a clear vision and mission, in addition to fair house rules and the commitment from all major participants, people's expectations could be manageable. The next issue is how should the composition of the Dedicated Council be decided to ensure its effectiveness? An innovative appointment system could be the answer.

A satisfactory level of legitimacy can enhance the Dedicated Council's capacity to perform its duties more effectively and efficiently. The conventional approach of forming the Dedicated Council by nomination (i.e. selectively recruited persons, either from the CE or the prominent figures of the advisory bodies) could no longer be satisfactory. The approach of election similar to those of LegCo and DC is unrealistically costly. Instead, an open appointment system, in which the Council members from the civil society are selected by open recruitment (i.e. self-selected persons) like the one of civil servants, might be a feasible alternative.

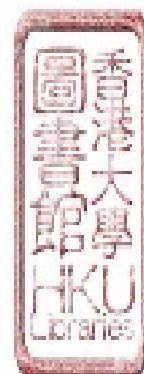
The Government and the Dedicated Council can jointly determine the recruitment criteria and the number of seats allocated to individual stakeholder



groups. Only submissions from candidate whom can meet the application requirements, including professional qualifications, experience in relevant sectors, acquisition of adequate number of nomination from particular interest groups, should be considered. The objective of this arrangement is to recruit quality “policy brokers” and “policy entrepreneurs” with adequate knowledge, skills, experience, social network and passion for engagement ¹⁰⁶. The selected Council members should also merely be allowed to serve for a fixed term, say four years and re-appointment for once. More participation opportunities can hence be offered to other people with good potential to bring in new ideas and resources. After the appointment, regular assessment for the Council members’ performance can be conducted, for instance, by peer-evaluation, to motivate them to adhere to the established rules / principles, endeavour to meaningful participation, contribute by making workable proposals and make concession on difficult issues deemed necessary.

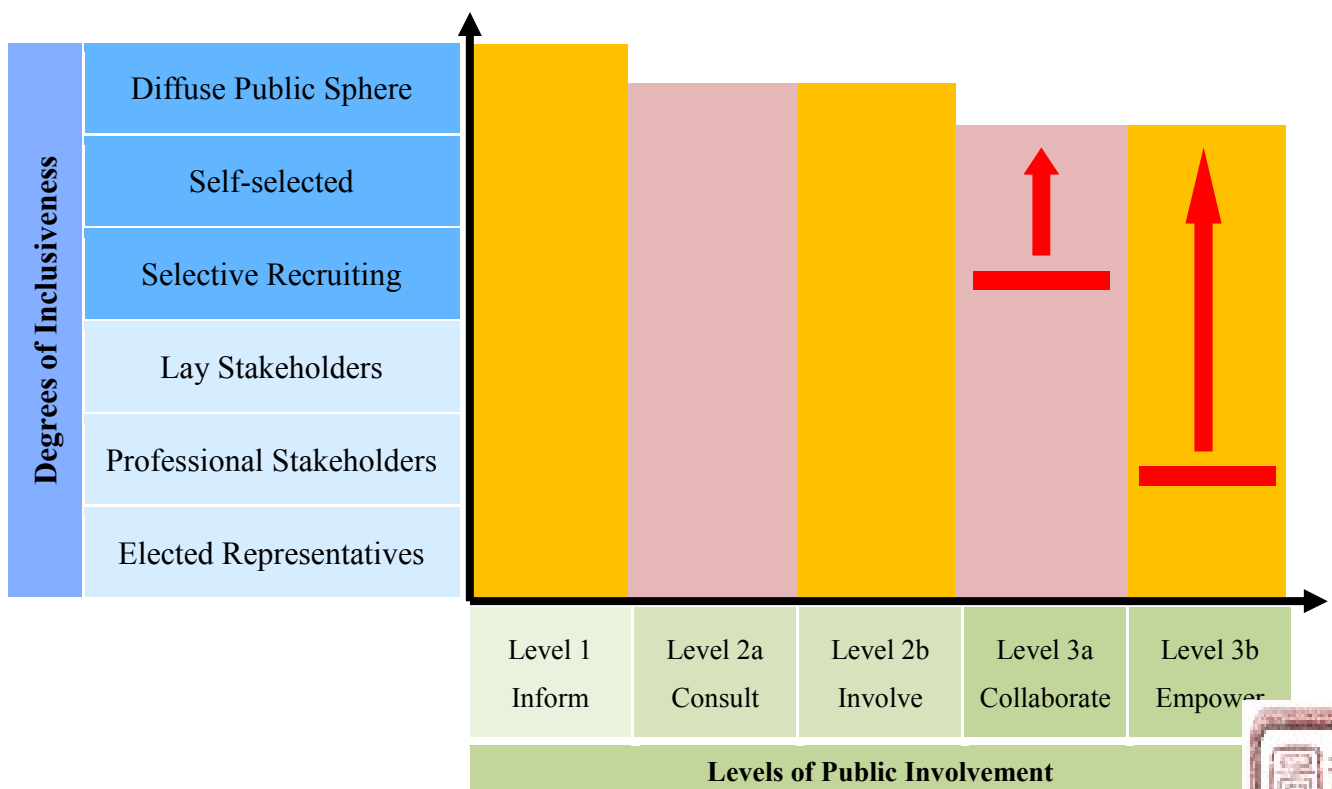
Last but not least, the Dedicated Council has to publish regular reports, not just in form of official documents full of text but TV programmes, pamphlets, booklets, RSS feeds through the social media (details to be discussed in following

106 Policy brokers and policy entrepreneurs refer to the people who mediate and bridge the gaps between expectations on the two sides, and those are able to seize opportunities to push for changes, respectively. Source from: Centre for Civil Society and Governance, HKU. (2007). *From Consultation to Civic Engagement: The Road to Better Policy Making and Governance in Hong Kong*. Hong Kong: The Bauhinia Foundation Research Centre. (p.145)



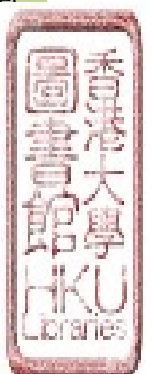
section) with precise and concise information to present its achievements and work results to the public and LegCo, which can hold it accountable. Besides maintaining its transparency and accountability, publicity can also act as a significant inducement for participants to come to public-spirited, rather than self-interested ¹⁰⁷. Differences in the Dedicated Council might be settled more efficiently.

Figure 10 : Expected Civic Engagement Outcome of the Dedicated Council of Waste Management



Source : Adapted from Figure 4: An Integrated Basis for Addressing Civic Engagement Strategies.

107 Smith, Graham. (2009). *Democratic Innovations: Designing Institutions for Citizen Participation*. New York: Cambridge University Press. (p.26)

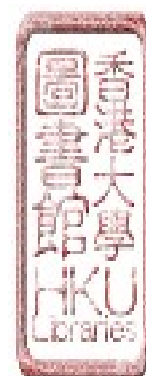


As presented in Figure 10, the Dedicated Council can enable the diffuse public sphere be well informed and most of them including the self-selected persons be consulted (e.g. through public consultation exercises carried out by the Dedicated Council). The selectively recruited / self-selected Council members are heavily involved and empowered to collaborate with the Government to contribute. The formation and composition of the Dedicated Council could be arranged under a recruitment open system with minimum supervision from the Government. Seats are limited in order to keep the discussion group at reasonable size for genuine exchange among members (i.e. the consideration of cost), but the downside is that some passionate citizens are inevitably excluded. Nonetheless, the spirit of this strategy is to institutionalize the civic engagement framework so as to build public trust towards the system as suggested in the OECD report (2009) ¹⁰⁸.

Better Use of Technologies

Civic engagement usually involves a huge number of participants and thus needs to process abundant amount of information. A systematic collection, analysis

108 OECD. (2009). *OECD Studies on Public Engagement: Focus on Citizens – Public Engagement for Better Policy and Services*. (p.232)

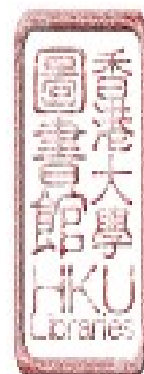


and presentation of information are imperative for effective and successful civic engagement which can enable the Government or responsible agency to draw legitimate conclusions from the views of the mass. Extensive utilization of suitable tools – advanced ICT, Web 2.0 system, social media and mobile apps – seems to be indispensable nowadays for a legitimate civic engagement process. It is also a strategy of civic engagement that could complement the limitations of the Dedicated Council.

According to Kaplan and Haenlein (2010), social media is defined as a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of user-generated contents¹⁰⁹. Blogs, social networks and Internet forums are examples of Web 2.0 tools that prevail in Hong Kong. By the Web 2.0 technologies, Internet users and individuals are enabled to gain access and contribute to web contents by creating and publishing on their own¹¹⁰. If they are effectively utilized, Web 2.0 and relevant technologies can assist the Government and the Dedicated Council in reporting their work results to the public, carrying out educational programmes and conducting public consultations

109 Kaplan, Andreas M; Haenlein, Michael. (2010). Users of the world, unite! The challenges and opportunities of social media, *Business Horizons*, Vol. 53, Issue 1. (p.61)

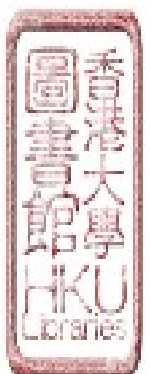
110 Veljkovic, N; Bogdanovic-Dinic, S; Soimenov, L. (2011). Web 2.0 as a Technological Driver of Democratic, Transparent, and Participatory Government. *Web 2.0 technologies and Democratic Governance: Political, Policy and Management Implications*. Edited by Reddick, CG and Aikins, SK. London: Springer. (p.140)



to understand people's views on critical issues like the construction of the IWMF, implementation of MSW charging and the extension of strategic landfills. The facts and problems, the ugly reality that Hong Kong encounters, and the possible solutions could be presented through the social media and mobile apps. Stakeholders can be well informed with the first hand information direct provided by the responsible agency in a user-friendly way. Moreover, since the data or opinions are gathered in digital format, it would be pretty cost-effective to analyze the information collected, generate reports, and present the results systematically to conclude what is the preference of the majority. Crucial interest groups and people's hidden concerns might also be unveiled thus enabling the agency to tackle and address them in a timely manner.

Nevertheless, to ensure the legitimacy and effectiveness of this civic engagement strategy, the Government and the Dedicated Council should: (i) have a pledge and commitment to the community; (ii) specify the conditions that they has to respond; (iii) set clear rules for participation; (iv) explain frankly about the problems; and (v) list the constraints and issues that must be taken into account.

With clear user conditions and objectives, in conjunction of a suitable level of user restrictions imposed (e.g. registration of one user account for each participant), the online platform would be protected from being abused by



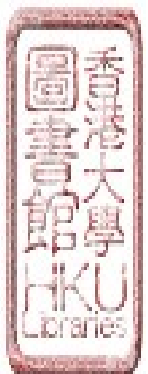
activists for their own political benefits. In conjunction with suitable technique of choice architecture ¹¹¹, people will not just to give their views like making unrealistic wishes to the jinn of the lamp, but be guided to make a choice among the realistic, perhaps less ideal, options.

The White House of US demonstrates how to utilize Web 2.0 technologies to establish a new relationship with its people in the online world. The website of “We the People: Your Voice in Our Government” has been set up where people are empowered to create new petitions on the online platform. Clear rules are promulgated with a legal foundation that if an online petition can get a hundred thousand signatures in 30 days, the White House is committed to and has an obligation to conduct review and respond to the people’s request that everyone who has signed the petition will get a reply by email from the White House on the subject ¹¹². If similar online platform could be developed, it could significantly enhance the capacity of the Dedicated Council and the Government in understanding peoples’ opinions, preferences and interests.

The Dedicated Council mentioned in the preceding section should work with

111 The theory of choice architecture considers that people will make better choices if they are given a clear and well-designed set of options that acknowledge and offset human idiosyncrasies. When designing these options, the choice architects have the responsibility for organizing the context in which people make decisions and take into account what behavioral science has taught us about ourselves. Source from: Thaler, RH; Sunstein, CR. (2009). *Nudge: Improving decisions about health, wealth, and happiness*. New York: Penguin Books.

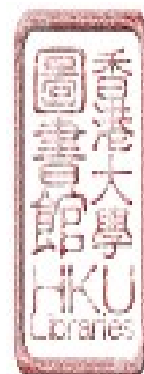
112 Whitehouse.gov. (August 2013). *We the People: Your Voice in Our Government*. Retrieved from <<https://petitions.whitehouse.gov/how-why/step-step-guide>>



the Government to deliberate proposals and conduct public consultations (either by conventional approach or through the Internet). After the completion of the consultation exercises or examination of proposals, stakeholders' opinions could be consolidated that the responsible agency can present a list of viable policy options to the community members, and invite them to make the final choice via an open online platform. It can function like an online referendum or e-democracy that empowering all relevant stakeholders / community members to make a collective decision equally and fairly ¹¹³. General community members, including those non-selected candidates of the Dedicated Council, can have the opportunity (i.e. matters of legitimacy and justice) to make genuine decisions. Environmental issues which are imperative for the whole Hong Kong society will be less likely to be dominant by particular interest groups.

Besides making collective decisions and strengthening civic engagement at policy level within the establishment, the Dedicated Council and the Government should also take the lead to activate the collaboration at community / district level between the civil society and the private market to manage MSW more appropriately, i.e. proper disposal of waste to facilitate recycling and reuse. Collaboration with relevant stakeholders to develop an open online platform or

113 Smith, Graham. (2009). *Democratic Innovations: Designing Institutions for Citizen Participation*. New York: Cambridge University Press. (p.29)

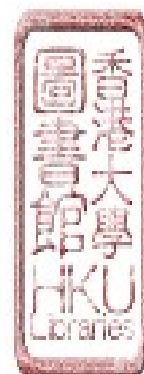


mobile apps with Web 2.0 characteristics, which serve as a medium for exchanging information among the waste producers, garbage collectors, building management offices, environmental NGOs and recyclers to collect recyclable waste more efficiently, is worth being explored. If more MSW is properly disposed and separated at the source, it is envisaged that the city will be less dependent on landfills. The social impact induced by landfills could be minimized, thus the community will be less anxious about them.

The experience of Family Goods Store operated by the Salvation Army is very inspiring. The NGO, which originally collects second hand clothes to help the poor people in the city, run a recycling programme in Hong Kong ¹¹⁴. They have created a reputable brand to collect used clothes and goods through its own network and generated annual revenue of about HK\$ 27 million in 2011-2012 by reselling the undistributed stuff ¹¹⁵. The lucrative business of the Salvation Army recycling programme hence attracts a lot of private competitors. In fact, it is not the only available recycling programme managed by NGOs in the city. Some of them are purely for charity. For instance, since December 2003, the People's Food Bank of the St. James' Settlement has been providing the local poor people with temporary free food assistance, most of which are donated by

114 HK Salvation Army Website. (August 2013). *Recycling Programme*. Retrieved from <http://www.salvationarmy.org.hk/en/services/news_and_schemes>

115 HK Salvation Army. (2012). *Serving for Good: The HK Salvation Army Annual Report 2011 – 2012*. Retrieved from <http://www.salvationarmy.org.hk/get_doc/file/130> (p.37)



the society or private sector ¹¹⁶.

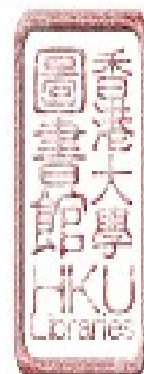
The local recycling market is definitely full of business opportunity. In 2012, the city recovered about 3 million tonnes of waste generating revenue of HK\$ 8.2 billion ¹¹⁷. Promoting the development of the local recycling industry and better coordination between recycler NGOs and the private recyclers are worth being studied by the Government. The market force, probably with some assistance from the Government as lubricant, should be allowed to prevail, then the garbage collectors and recyclers will have a very strong economic incentive to do their “business” and reduce the city’s waste volume to be ended up in landfills. Meanwhile, the Government is conducting a study to provide subsidies and policy support (e.g. funding support, provision of free / cheap lands, etc.) to the local recycling industry ¹¹⁸, but facilitation of information exchange and active interaction among the polluters, waste collectors and recyclers should be placed on the top priority.

Modern ICT might be the policy leverage for improving the local MSW management system. At community level, there are numerous recycling

116 St. James’ Settlement Website. (August 2013). *Introduction of the People’s Food Bank*. Retrieved from <<http://foodbank.sjs.org.hk/en/page.action?id=43>>

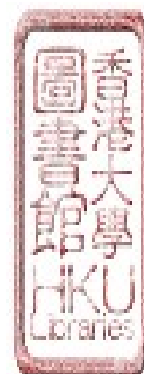
117 Cheung, Chi-fai. (3 July 2013). Rubbish recyclers may get subsidies in waste policy overhaul. *SCMP*. Retrieved from <<http://www.scmp.com/news/hong-kong/article/1274142/rubbish-recyclers-may-get-subsidies-waste-policy-overhaul>>

118 Cheung, Chi-fai. (3 July 2013). Rubbish recyclers may get subsidies in waste policy overhaul. *SCMP*.



programmes co-managed by local residence associations and environmental NGOs in Hong Kong. These programmes usually merely rely on the physical community network (i.e. by districts, by living regions, by housing estates) for implementation. If an online platform of Web 2.0 and mobile apps could be developed for open use, recycling programmes will not be just bounded by physical locations and be extended. The business model of alibaba.com and ebay.com could be a good reference. Trade unions, business coalitions and social groups, which produce similar types of waste or face similar waste problem, will be easier to be connected, cooperate with the recyclers and operate like waste management co-operative societies.

Furthermore, by analyzing the transaction data, the needs of stakeholders, the market trend and the real contributors in the system can be identified more easily. Tailor-made arrangements (e.g. collection of specific types of waste at specific time at particular places) or better target-oriented payment systems will be gradually developed that effective participants and recycling operators could be rewarded more substantially. Non-profit NGOs could also acquire more support from the civil society to provide its social services. A virtuous cycle will emerge that with more revenue generated, the waste collection and recycling industry will have more resources to invest for further enhancement of their capacity. The



positive externalities brought by the recycling industry will become a core component of a sustainable MSW management system.

In this mode of civic engagement, the roles of the Government will be redefined, moving back dramatically from being the facilitator / coordinator to working with the civil society as a platform administrator or an ordinary participant. Members from the civil society including those in the private market (i.e. self-selected persons plus part of the diffuse public sphere) do not just get involved, but are enabled to make their own decision to collaborate with each other with minimum intervention from the Government and are empowered to participate in the frontline operations. More potential of civil society can be unleashed.

As presented in Figure 11, modern ICT can strengthen civic engagement and complement the limitations of other strategies. The diffuse public sphere can be better informed and consulted. Web users are just required to bear a very affordable cost of time, labour and money to voice out their views and be involved in the process. Voluntary collaboration and empowerment are optional for the community members if they intend to take a more active role in making decisions and conducting recycling business.

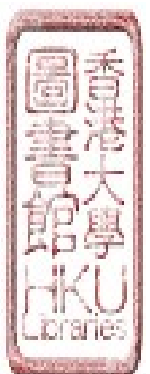
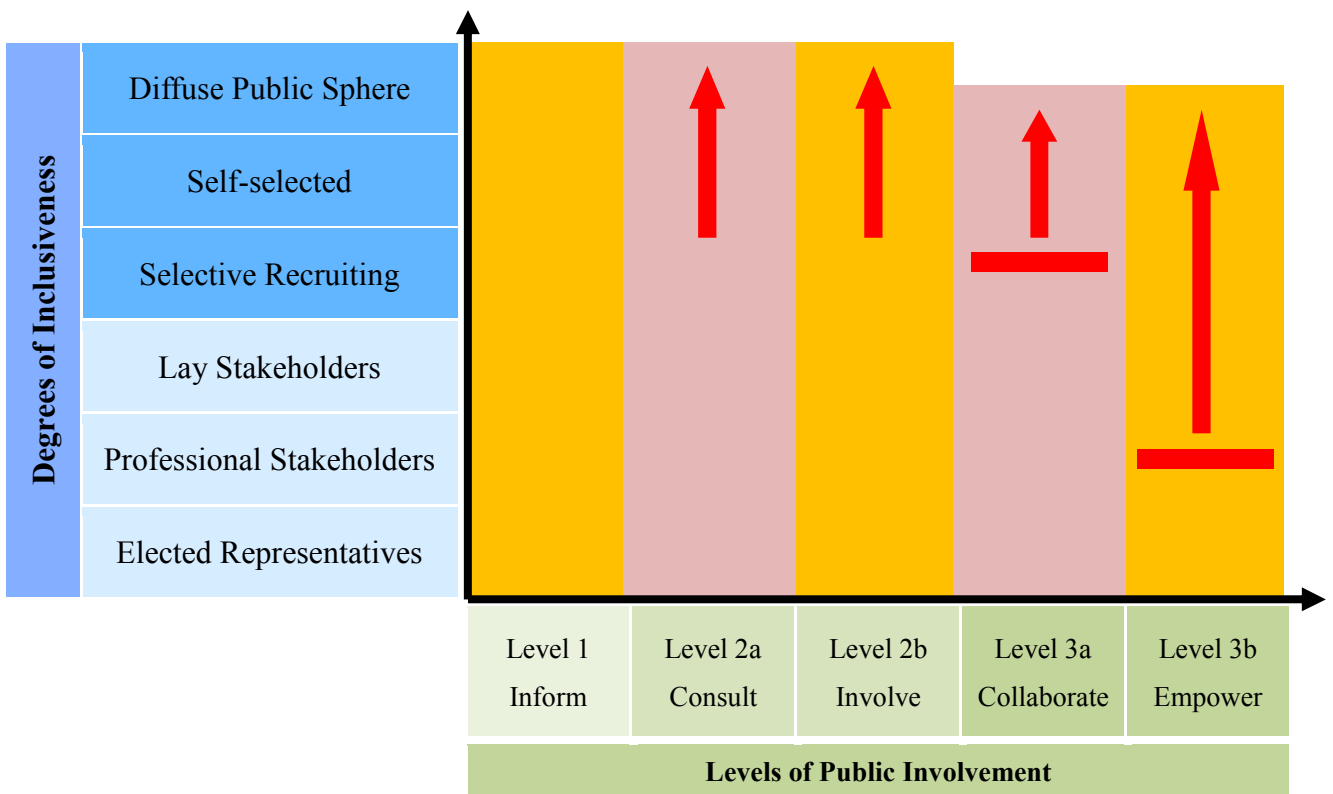


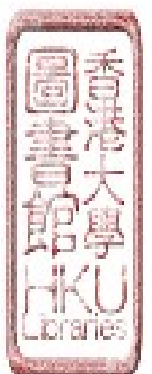
Figure 11 : Expected Civic Engagement Outcome of Better Use of Technologies



Source : Adapted from Figure 4: An Integrated Basis for Addressing Civic Engagement Strategies.

Despite the advantages of modern ICT, its effective coverage for engagement varies from sectors to sectors in the community. It is particularly appealing to the youth as OECD noticed the importance of engaging young people by leveraging technologies ¹¹⁹. But senior citizens and disabled persons might be unable to participate in the online system owing to insufficient knowledge or physical constraint, which can be an obstacle for them to be involved.

119 OECD. (2009). *OECD Studies on Public Engagement: Focus on Citizens – Public Engagement for Better Policy and Services*. (p.240-241)

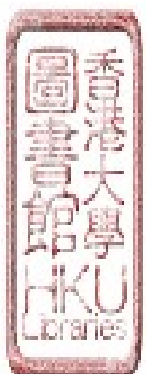


Conventional engagement platforms such as consultation papers, public forums and workshops still have to be in place as complement.

Adopting the Future Generations Oriented Approach

To engage the civil society in public affairs, the Government usually is required to approach stakeholders with diverse backgrounds. This is always very costly that composite tools and channels should be used to cater for the needs of different individuals. Moreover, after soliciting people's views and support for new policy initiatives, the public might has to adapt to the new rules and change their old habits at the stage of implementation, which is another extremely difficult mission for public executives.

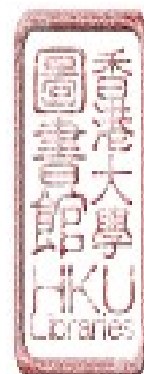
Nonetheless, the demography in Hong Kong is continuously changing as new people (e.g. new born babies and immigrants) are joining it while some are leaving (e.g. decease of senior citizens and emigrations). The engagement of the future generations – children and youngsters – can induce a longer lasting effect on the society. People who have received comprehensive environmental education since their childhood might be less insisting on protecting their interests for the sake of environment. When the number of people sharing the same value / belief on environmental protection accumulates to a certain level reaching a



critical mass, a considerable force will exist to assist in improving the MSW management system. As a result, the future generations are considered as a very special group, worth being set as the main targets in the civic engagement strategies if the Government and the Dedicated Council aim at securing long-term public support to perform their duties.

People in the community usually express grave concerns about social issues that affect the welfare of the children probably out of their love. Since the young people represent the hope of many people, community members, especially the parents, are more willing to sacrifice their short-term interests to promote the well-being of their next generations. It is an opportunity for the Government to ride on this sentiment to cooperate with the parties concerned (the primary engagement targets as the means) to influence the values of the children (the secondary engagement targets as the ends). It can be the policy leverage for the Government to maneuver.

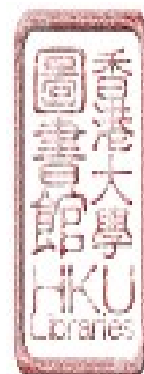
ECC, EPD and the Education Bureau (EdD) have been playing an important role in local environmental education programmes. The Guidelines on Environmental Education in Schools was issued in 1992 that a cross-curricular approach of environmental education in local school system has been recommended. Under the latest policy recommendations from the Curriculum



Development Council, local schools are encouraged to adopt a holistic approach in promoting environmental education through both the formal and informal curricula. The guidelines first issued in 1992 are being reviewed and will include new ideas such as the concept of sustainable development ¹²⁰.

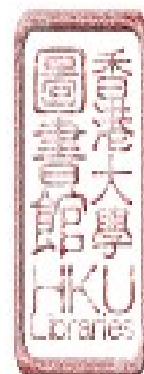
The review exercise for the guidelines and the environmental education programmes could have more stakeholders involved. Formation of a committee / working group under the Dedicated Council with the primary engagement targets mentioned above from the education sector, the social service sector, environmental NGOs and parent associations, all of which are self-selected participants, to undertake this assignment would be an excellent idea. The Government should relinquish taking a leading role in deciding the final products, but collaborate with and empower the civil society to determine the direction of environmental education. The theme of the programme should emphasize on promoting common goods instead of localized interests so as to advocate civic engagement through collaboration (level 3a). Particular attention could be paid to issues regarding refuse management and waste reduction in the revised guidelines. Not limited to traditional classroom lessons, promotion activities, social campaigns, voluntary work and involvement of parents in the programmes

120 EPD Website. (April 2006). *Environmental Education (EE) in Hong Kong*. Retrieved from <http://www.epd.gov.hk/epd/english/boards/advisory_council/ace_paper9903.html>



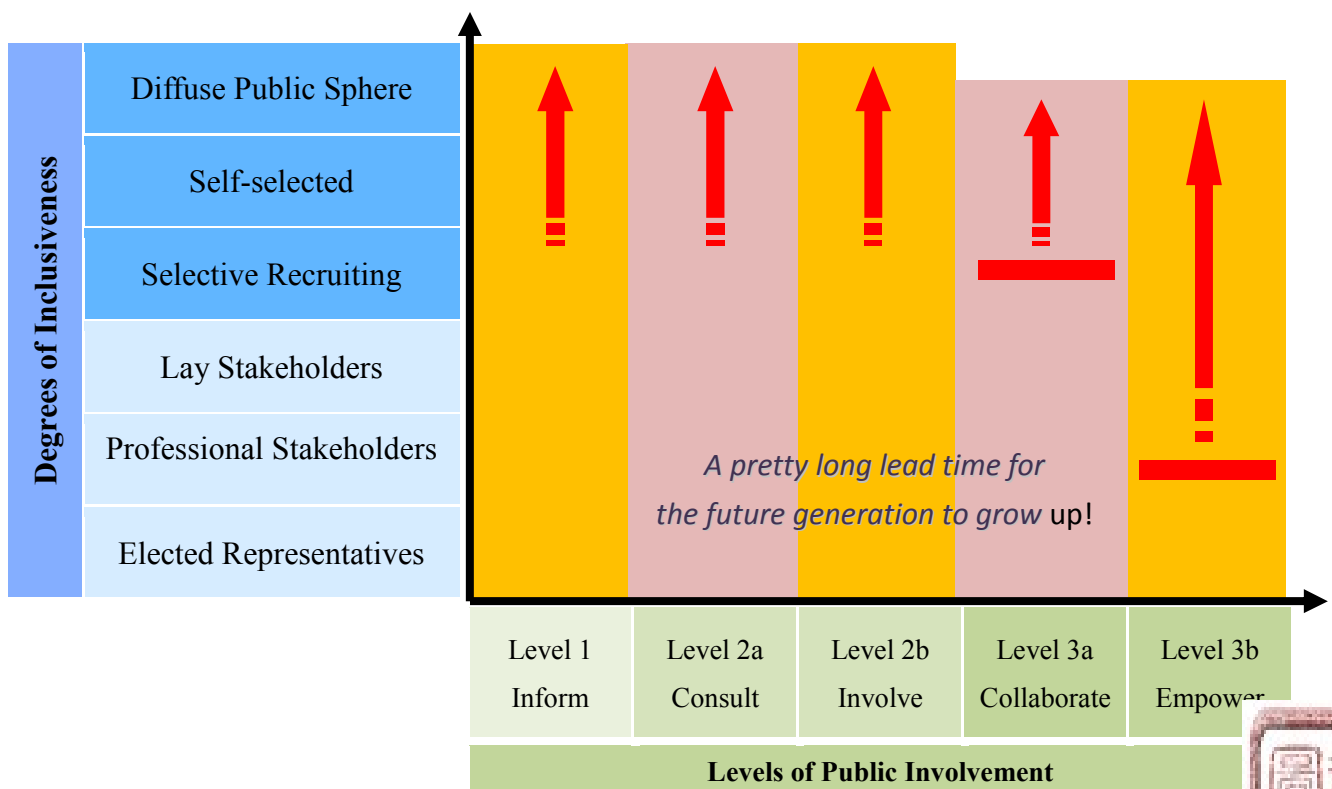
can be added into the new school curricula. The responsible committee should also conduct regular review on the guidelines to update the arrangements and introduce new elements into them. A long-term partnership and cooperation between the Government and the civil society consisting of parents, teachers, social workers, environmental activists and the students will perpetuate.

This strategy of civic engagement will neither end after the completion of each round of review nor require the stakeholders to immediately agree any controversial proposals from the Government. The result of engagement is envisaged to create a long-lasting effect for the secondary engagement targets that the attitude towards sustainability among the young people and participants around the environmental education programmes will be changed incrementally. The school curricula will run like a training programme, or a mandatory capacity building process, enabling the youngsters and the participants to acquire experience and develop skills such as proper disposal and separation of different types of waste at source, all of which are imperative for the effective functioning of a sustainable MSW management system. After a series of training and exercise, the green concepts could be imbedded in the mind of the youths and inspiring them. Short-term results might neither be obvious nor trigger a revolution, but some years later when the young people become adults, they may



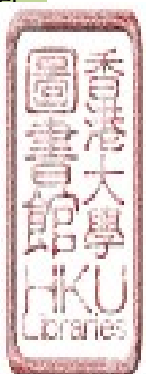
become active community members with a strong aspiration for environment protection, and are more willing to follow what the Government advocates. They may even contribute innovative ideas for further improvement of the city’s MSW management system. The spirit of ECC’s first slogan in 1990 – “environmental protection starts with me”¹²¹, in which the “me” represents every single common member in the diffuse public sphere, could come into reality.

Figure 12 : Expected Civic Engagement Outcome of the Future Generations Oriented Approach



Source : Adapted from Figure 4: An Integrated Basis for Addressing Civic Engagement Strategies.

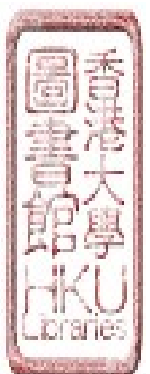
121 ECC Website. (19 June 2013). Retrieved from <<http://www.ecc.org.hk/english/index.php>>



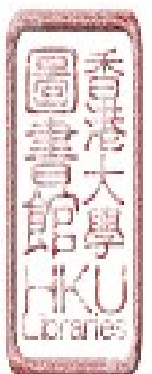
By investing resources in the future generations, who are taught and trained to get prepared to live under the new MSW management regime, all participants work as a team to promote changes. The civil society are not merely informed (or instructed) or consulted to do so, but heavily involved and empowered to collaborate with the responsible agency to bring genuine changes in the environmental education programmes. As presented in Figure 12, immediate effect might not be observed, but the idea of this civic engagement strategy is to pursue for better outcome in the future which is a long-term investment.

Concluding Comments

The three strategies recommended in this chapter aim at addressing the shortcomings of the existing civic engagement system identified and also the characteristics of the Hong Kong's social-political context discussed in Chapter Four. They are expected to be able to reinforce the civic engagement system holistically and facilitate the civil society and the Government to work on difficult MSW issues together (i.e. collaboration and empowerment) by setting up an engagement framework or platform for bargaining, settling differences, making decisions and developing long-term partnership.



Meanwhile, traditional strategies such as consultation papers, public forums, open workshops, visits and exhibitions should continue as they are still effective in many occasions. The Government or responsible agency can arrange a right combination of various strategies, individual of which should be complementary to each other, to cater for the needs of the society and different stakeholders with its available resources. The choices of strategy and the mode of civic engagement are nonetheless subject to the leadership, vision, commitment and determination of the officials-in-charge of the MSW policy.



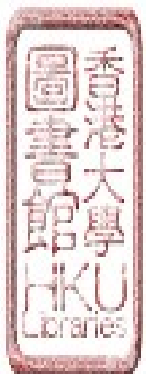
Chapter Six : Conclusions

Introduction

Hong Kong is a fully developed community. Citizens are usually more aware of defending their rights and readily to voice out their opinions reflecting their values and interests. The limitation of delivering public services solely by the Government has become more explicit that it can no longer alone make critical policy decisions, like those regarding the management of MSW which have impact across the society.

The importance of civic engagement is fully recognized by the Government. However, under a semi-democratic political system, officials should go beyond informing or consulting their fellow citizens by conventional approaches to address the needs of a rapidly changing society and get prepared to work with them jointly in details during the stages of policy formulation and implementation¹²². More comprehensive civic engagement strategies consisting of features of involvement, collaboration and empowerment of stakeholders can facilitate the people to come to consensus on critical social issues more efficiently. Viable

122 Lee, Eliza WY; Chan, Elaine YM; Chan, Joseph CW; Cheung, Peter TY; Lam, Wai-fung; Lam, Wai-man. (2013). *Public Policymaking in Hong Kong: Civic Engagement and state-society relations in semi-democracy*. Oxon: Routledge. (p.1&9)



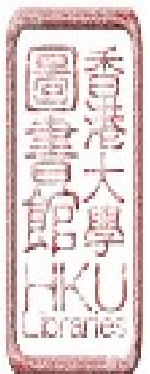
solutions which could balance the competing interests might be identified. The administrative burden of officials will be relieved once solid public trust could be built towards the institution in the long run.

The three proposed strategies of strengthening civic engagement are never the ultimate options. Innovative solutions might be discovered by the future generations or brought by the advancement of technologies. For developing more sophisticated civic engagement strategies in the foreseeable future, four principles of effective engagement are suggested below as the conclusion of this project.

Principles of Effective Civic Engagement

The first principle: a dynamic, flexible and adaptive civic engagement framework should always prevail. Public executives can never be bounded by their paradigm when deciding the engagement framework, as determining the desirable mode of civic engagement is not an easy task because it depends on a range of factors, such as political and socio-economic contexts, the type and nature of the policy, its impact and complexity, and resources implications ¹²³. In the case of

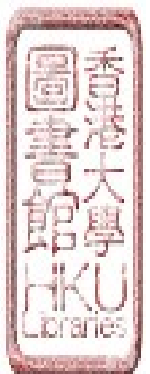
123 City of Fremantle. (March 2010). *Community of Engagement Framework*. Retrieved from <http://www.google.com.hk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC0QFjAA&url=http%3A%2F%2Fwww.fremantle.wa.gov.au%2Ffiles%2F8c652756-7aec-4e55-8085-9dc700bc2538%2FCEFramework_June_2010.pdf&ei=I2HyUa2TL5CuiQeRvYC4DA&u>



MSW management, the Government should not only collaborate with the civil society to work on the MSW matters but also empower the community members to choose the appropriate engagement model to cater for the changing needs of the society. The people might be no expert of the technical matters but usually understand how the community or business networks work. With their input, right stakeholders can be involved properly.

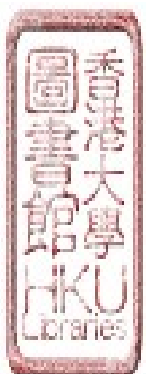
The second principle: the most appropriate civic engagement strategies shall be time-bound in parallel to contemporary multiple socio-political and economical environments. Successful civic engagement must capture the most up-to-date public views, values and interests. However, an extremely long lead time for formulating new policies is a common phenomenon that new policies usually take years or even decades to come into effect and implement. Prevailing views are pretty tricky to be captured that the Government is required to take actions of civic engagement at suitable junctures and response to the changing preferences of stakeholders swiftly. It is always the case that without a sense of urgency, community members can hardly be persuaded to face the looming crisis. Conversely, social sentiments and opinions captured during a crisis or after a series of eye-catching events cannot hold long for paving the way

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for the agency to act. When time flies, people's memory fade and the values of the public change, the consensus and the majority views obtained years ago may become irrelevant. As a result, timing is deemed critical for effective civic engagement that if the Government intends to implement new MSW related policy initiatives with reference to out-dated community agreements, a drastic failure can be anticipated.

The third principle: the power of the silent majority should never be underestimated while the influence of the vocal minority should never be overestimated. This is because there are opportunity costs for stakeholders to bear in the civic engagement process that people tend to remain silent to free-ride the outcome without contribution until they recognize that their interests are at stake. On the other hand, the vocal minority usually desires to seek more support from the neutral parties to join them and influence the plans of the Government by acting extravagantly. If the responsible agency get confused and please the vocal minority too much or at the expenses of the majority, very bad precedent cases will be established that the Pandora's box will open and rent-seeking activities will be rampant in the civic engagement system probably jeopardizing its legitimacy and the social justice. Not to mention that the beleaguered Government has to risk antagonizing the silent majority after they

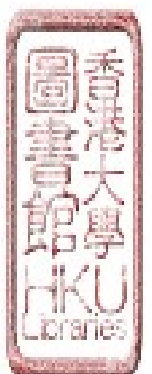


turn vocal, which is always devastating. As a result, it is vital for the Government or responsible agency to develop open rules and principles to develop compensation schemes for stakeholders being affected and analyze the overall opinions of participants to draw legitimate conclusions. Clear institutional arrangements can at least keep those rent-seeking activities manageable so that the participants will act responsibly and ethically.

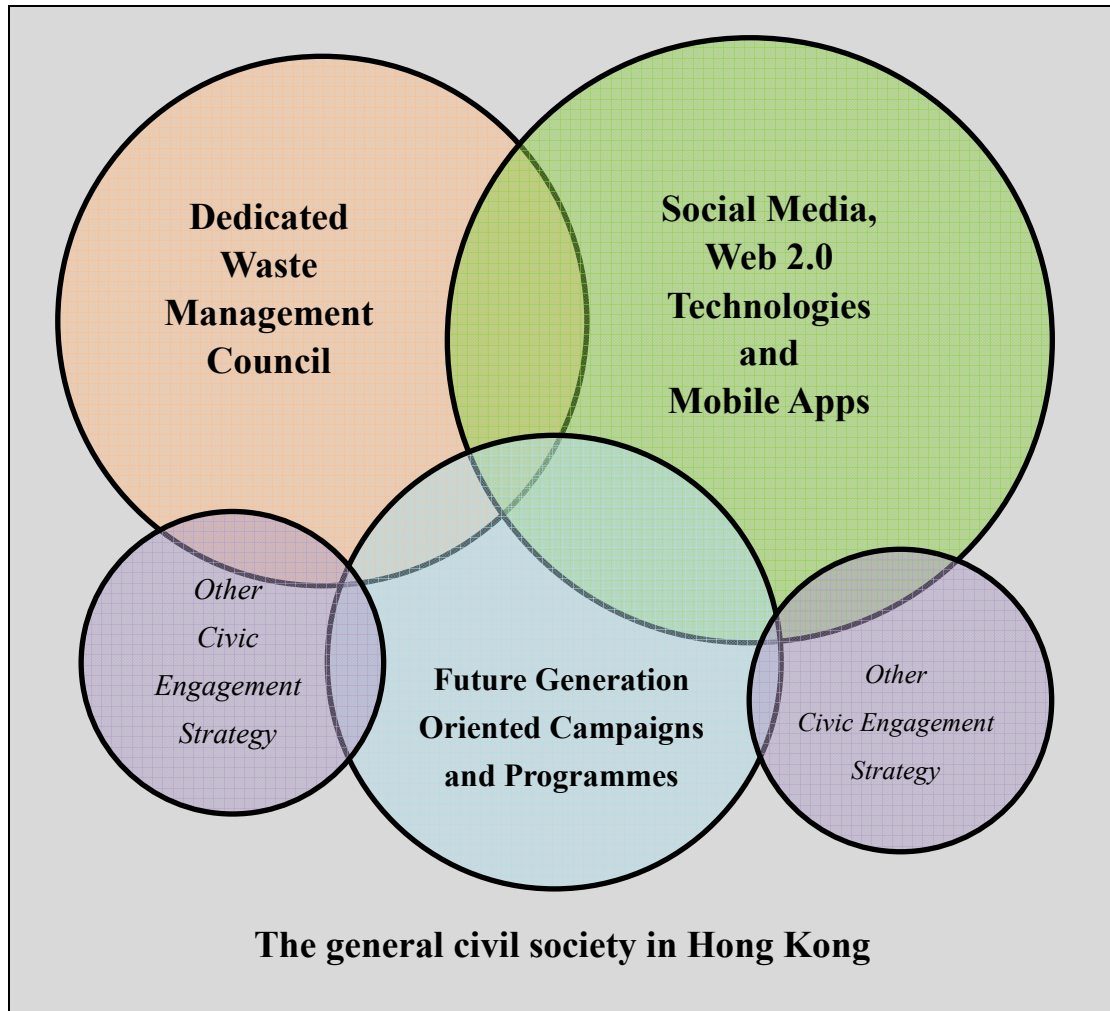
The last principle: adopting composite or multiple civic engagement strategies, if resources are available, is really desirable. Every single civic engagement strategy has its limitation and effective coverage in respect of the social context. Reliance on a single tool inevitably leads to a higher margin of error and thus undermines the legitimacy of the whole civic engagement system. Different modes of civic engagement might obtain different results which can assist the Government in verifying its findings for better capturing the full picture of people's preference in the community.

Concluding Observations

Strategies can be complementary to each other as illustrated in Figure 13. Using diverse civic engagement tools for MSW management matters will definitely enhance the Government's capacity to properly get the civil society engaged and

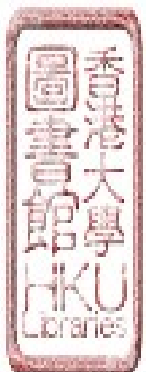


**Figure 13 : Notional Effective Coverage of
Different Civic Engagement Strategies**



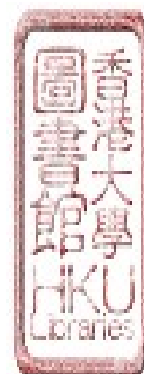
achieve the desirable outcome in the long run. Dimensions of the capacity of civil society include its human and material resources, its ability to build intra- and cross-sector collaboration, frame issues and make claims, come up with strategies, and build linkage between the state and society ¹²⁴. The civil society

124 Lee, Eliza WY; Chan, Elaine YM; Chan, Joseph CW; Cheung, Peter TY; Lam, Wai-fung; Lam, Wai-man. (2013). Public Policymaking in Hong Kong: Civic Engagement and state-society relations in semi-democracy. Oxon: Routledge. (p.14)



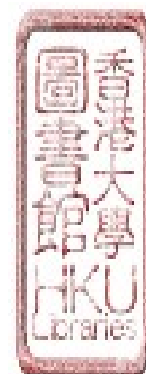
is always full of potential that the Government should explore to utilize them for more effective public governance. In “Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022” (the summary of the blueprint is at Appendix IV), the Government proposes a new social contract with the community and aims to reduce Hong Kong’s MSW disposal rate on a per capita basis by 20%, from 1.27 kg per day to 1 kg or below by 2017, and then further down to 0.8 kg or below, representing a 40% from 2011 ¹²⁵. To achieve this objective, strengthening civic engagement to foster a closer partnership between the Government and the civil society on MSW management issues is deemed necessary. It is definitely a very long-term joint assignment for both of them.

125 EnB. (May 2013). *Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022*. Retrieved from <<http://www.enb.gov.hk/en/files/WastePlan-E.pdf>> (p.24)



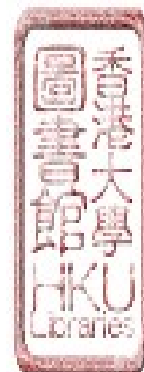
Chronology of the Development of MSW Management System in Hong Kong

Date	Developments
1980	The Waste Disposal Ordinance was enacted to provide statutory powers over waste collection and disposal.
5 June 1989	White Paper: Pollution in Hong Kong – A Time to Act was published setting out the first comprehensive 10-year policy framework to solid waste management among others for Hong Kong.
12 December 1989	The Governor-in-Council approved the gazettal of Hong Kong’s first Waste Disposal Plan outlining the municipal waste disposal strategy of developing three very large landfill sites with a network of refuse transfer stations after public consultation.
May 1991	Saving our Environment, First Review of Progress on the 1989 White Paper Pollution in Hong Kong – A Time to Act was prepared.
November 1993	A Green Challenge for the Community, Second review of the 1989 White Paper Pollution in Hong Kong – A Time to Act was prepared.
14 March 1996	Waste Reduction Study: Consultants’ Findings and Recommendations was issued to drastically cut the amount of waste.
March 1996	Heading towards Sustainability, The Third Review of Progress on the 1989 White Paper Pollution in Hong Kong – A Time to Act was prepared.
5 November 1998	Waste Reduction Framework Plan was launched to enhance the overall municipal solid waste and domestic waste recovery rate and to reduce the construction and demolition waste generation.
December 2005	A Policy Framework for the Management of Municipal Solid Waste (2005-2014) was issued setting out a multi-pronged approach for waste management.
July 2008	The Product Eco-responsibility Ordinance was enacted to provide a legal basis for introducing mandatory producer responsibility scheme.
July 2009	The environmental levy on plastic shopping bags under the Product Eco-responsibility (Plastic Shopping Bags) Regulation was enacted.
4 June 2010	The Country Parks (Designation) (Consolidation) (Amendment) Order 2010 was gazetted to excise the area in Clear Water Bay Country Park to be affected by the proposed extension of the SENT Landfill from the original approved map for negative vetting at LegCo on 9 June 2010.



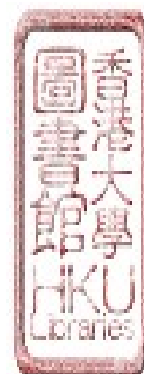
Date	Developments
13 October 2010	Legislative Council repealed an Executive Order made by the Chief Executive in allowing the five-hectare expansion of the SENT Landfill to tip into Clear Water Bay Country Park.
January 2011	The Government decided not to seek a judicial review on the powers of LegCo to repeal the Executive Order on landfill expansion and announced to press ahead with waste reduction, recycling and disposal plans, including the public discussion on MSW charging.
21 February 2011	The Government issued a LegCo Brief ⁱ on the development of IWMF, including the completion of the Environmental Impact Assessment and the identification of an artificial island near Shek Kwu Chau as the preferred site for developing the first modern IWMF.
13 May 2011	The Town Planning Board announced amendments to the draft Tseung Kwan O Outline Zoning Plan and opened for any person may make written representations in respect of the amendments to the Secretary of the Board on or before 13 July 2011 ⁱⁱ .
10 October 2011	The Chief Executive delivered his 2011 – 12 Policy Address.
January 2012	EPD launched a three-month consultation on the introducing of MSW charging, it ended on 10 April 2012.
26 March 2012	EPD sought support from the Environmental Affairs Panel of the LegCo for the extension of existing landfills and construction of an IWMF, but was declined.
20 April 2012	Secretary for Environment announced that the Administration would abandon the funding request for the extension of existing landfills and construction of an IWMF in the remaining tenure after the proposals were rejected again by the Environmental Affairs Panel of the LegCo ⁱⁱⁱ .
November 2012	A judicial review challenging decisions by the Town Planning Board and the Director of Environmental Protection to build an incineration at Shek Kwu Chau ^{iv} .

- i Panel on Environmental Affairs, LegCo. (February 2011). *Development of the Integrated Waste Management Facilities, a brief prepared by EPD for the Panel Meeting on 28 February 2011*. Retrieved from <<http://www.legco.gov.hk/yr10-11/english/panels/ea/papers/ea-epd201102-e.pdf>>
- ii Info.gov.hk. (13 May 2011). *Press Releases: Draft Tseung Kwan O Outline Zoning Plan amended*. Retrieved from <<http://www.info.gov.hk/gia/general/201105/13/P201105130227.htm>>
- iii SCMP. (24 April 2012). Recycling the key to waste policy. Retrieved from <<http://www.scmp.com/article/999071/recycling-key-waste-policy>>
- iv Chiu, Austin. (16 November 2012). Lawyer slams government impact report on offshore incinerator. *SCMP*. Retrieved from



Date	Developments
3 December 2012	Food Wise Hong Kong Steering Committee set up chaired by Secretary for the Environment to formulate and oversee the implementation strategies of the Food Wise Hong Kong Campaign with an aim to promote public awareness of food waste problems and coordinate efforts within the Government and public institutions in food waste reduction ^v .
7 February 2013	EnB released a consultation document on the implementation of a mandatory producer responsibility scheme (PRS) for glass beverage bottle for 3-month public consultation ^{vi} .
18 May 2013	A territory-wide food waste reduction campaign – the Food Wise Hong Kong Campaign was officially launched to encourage the entire community to avoid and reduce food waste generation ^{vii} .
20 May 2013	EnB unveiled Hong Kong Blueprint for Sustainable Use of Resources 2013-2022 to analyze the challenge and opportunities of waste management and map out a comprehensive strategy, targets, policy and action plans for the waste management for the coming 10 years ^{viii} .
12 July 2013	The Finance Committee of LegCo deferred the consideration of funding request for the study of WENT and NENT Landfills extension ^{ix} .
26 July 2013	The Court of First Instance upheld the Director of Environmental Protection's decision on the EIA report and the Environmental Permit for the IWMF ^x .

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- <<http://www.scmp.com/news/hong-kong/article/1083308/lawyer-slams-government-impact-report-offshore-incinerat>>
- v Info.gov.hk. (3 December 2012). *Press Releases: Food Wise Hong Kong Steering Committee set up*. Retrieved from <<http://www.info.gov.hk/gia/general/201212/03/P201212030497.htm>>
- vi Info.gov.hk. (7 February 2013). *Press Releases: Public consultation begins on new producer responsibility scheme for glass beverage bottles*. Retrieved from <<http://www.info.gov.hk/gia/general/201302/07/P201302070408.htm>>
- vii Info.gov.hk. (18 May 2013). *Press Releases: Food Wise Hong Kong Campaign launched*. Retrieved from <<http://www.info.gov.hk/gia/general/201305/18/P201305180667.htm>>
- viii Info.gov.hk. (20 May 2013). *Press Releases: Blueprint for sustainable use of resources maps out Hong Kong's comprehensive waste management strategy for coming 10 years*. Retrieved from <<http://www.info.gov.hk/gia/general/201305/20/P201305200432.htm>>
- ix Lee, Ada; Cheung, Chi-fai. (13 July 2013). LegCo's Finance Committee defers votes on landfill extensions. *SCMP*. Retrieved from <<http://www.scmp.com/news/hong-kong/article/1281438/legcos-finance-committee-defers-votes-landfill-extensions>>
- x Info.gov.hk. (26 July 2013). *Press Releases: EPD responds to judgment in respect of judicial review on Integrated Waste Management Facilities Phase I*. Retrieved from <<http://www.info.gov.hk/gia/general/201307/26/P201307260590.htm>>



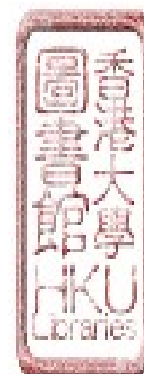
Active Advisory Bodies Responsible for the MSW Management Matters

I : Council for Sustainable Development (SDC)

<p><i>Organizational objectives</i></p> <ul style="list-style-type: none"> ● To promote sustainability in Hong Kong. ● A forum for exchanging views on key issues related to Hong Kong's long term sustainability.
<p><i>Terms of reference</i></p> <ul style="list-style-type: none"> ● To advise the Government on the priority areas it should address in promoting sustainable development; ● To advise on the preparation of a sustainable development strategy for Hong Kong that will integrate economic, social and environmental perspectives; ● To facilitate community participation in the promotion of sustainable development in Hong Kong through various means, including the award of grants from the Sustainable Development Fund; and ● To promote public awareness and understanding of the principles of sustainable development.
<p><i>Membership and formation</i></p> <ul style="list-style-type: none"> ● Appointed by the Chief Executive ● Re-appointment for every two years
<p><i>Dedicated subcommittees that are responsible for MSW management issues</i></p> <ul style="list-style-type: none"> ● Education and Publicity Sub-committee ● Support Group on Municipal Solid Waste Charging ● Support Group on Solid Waste Management
<p><i>Secretariat support</i></p> <ul style="list-style-type: none"> ● Environment Bureau

Source : The official website of SDC ^{xi}

xi SDC Website. (July 2013). *About the Council for Sustainable Development*. Retrieved from <<http://www.susdev.gov.hk/html/en/council/index.htm>>



II : Advisory Council on the Environment (ACE)

Terms of reference

- To keep under review the state of the environment in Hong Kong; and
- To advise the Government, through the Secretary for the Environment, on appropriate measures which might be taken to combat pollution of all kinds, and to protect and sustain the environment.

Membership and formation

- Appointed by the Chief Executive
- Re-appointment for every two years

Dedicated subcommittee that is responsible for MSW management issues

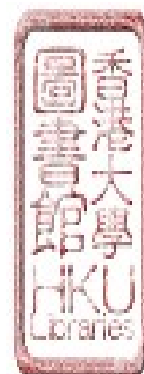
- Waste Management Subcommittee

Secretariat support

- Environmental Protection Department

Source : The website of EPD ^{xii}

xii EPD Website. (June 2011). *Advisory Council on the Environment*. Retrieved from <http://www.epd.gov.hk/epd/english/boards/advisory_council/maincontent.html>

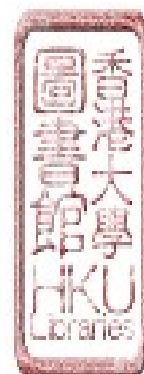


III : Environmental Campaign Committee (ECC)

<p><i>Organization background</i></p> <ul style="list-style-type: none">● A non-statutory body formed by the Government.● To promote public awareness of environmental issues and encourage the public to contribute actively towards a better environment.
<p><i>Terms of Reference</i></p> <ul style="list-style-type: none">● To keep environmental issues constantly before the public with the objective of fostering more enlightened attitudes and more responsible behaviour towards the environment;● To keep under review the impact and effectiveness of publicity and educational programmes on environmental issues and, where appropriate, to follow up the findings of such reviews;● To advise the government on community environmental education issues;● To mobilize and manage resources for the purposes of promoting environmental awareness in Hong Kong in collaboration with environmental groups and other organizations;● To encourage and, where necessary, provide coordination of various publicity activities undertaken by non-government bodies and by government departments; and● If funds permit, to plan and implement environmental activities for any environmental protection events as the Committee may decide.
<p><i>Membership and formation</i></p> <ul style="list-style-type: none">● Appointed by the Chief Executive● Re-appointment for every two years
<p><i>Dedicated subcommittee that is responsible for MSW management issues</i></p> <ul style="list-style-type: none">● Nil
<p><i>Secretariat support</i></p> <ul style="list-style-type: none">● Environmental Protection Department
<p><i>Fund being managed</i></p> <ul style="list-style-type: none">● Environment and Conservation Fund (ECF) for environmental education and community action projects

Source : The official website of ECC ^{xiii}

xiii ECC Website. (January 2013). *About Us*. Retrieved from <http://www.ecc.org.hk/english/about_us/about_us.php>

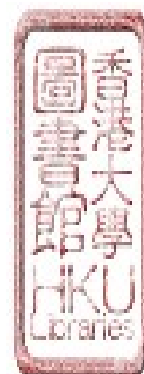


IV : Food Wise Hong Kong Steering Committee

<p><i>Organizational objectives</i></p> <ul style="list-style-type: none">● To formulate and oversee the implementation strategies of the Food Wise Hong Kong Campaign, so as to reduce food waste to be disposed of at landfills.
<p><i>Terms of reference</i></p> <ul style="list-style-type: none">● The Food Wise Hong Kong Steering Committee is to formulate and oversee the implementation strategy of the Food Wise Hong Kong Campaign to accomplish the objectives of the Campaign.
<p><i>Membership and formation</i></p> <ul style="list-style-type: none">● Chaired by the Secretary for the Environment● Members appointed by the Government from the relevant sectors including catering, hotels, retail, property management, education, academia, green groups, food recipient organizations and relevant government departments.● Initially last for three years
<p><i>Dedicated subcommittees that are responsible for MSW management issues</i></p> <ul style="list-style-type: none">● Subcommittee on Food Waste Reduction Good Practices in Institutions and Commercial and Industrial Establishments● Subcommittee on General Publicity and Education
<p><i>Secretariat support</i></p> <ul style="list-style-type: none">● Environment Bureau

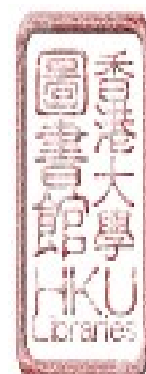
Source : The official website of Food Wise HK Steering Committee ^{xiv}

xiv Food Wise HK Website. (June 2013). *About Us*. Retrieved from <<http://www.foodwisehk.gov.hk/en/about-us.html#background>>



**List of Active Environmental Legislation Related to
the Management of MSW in Hong Kong (in Effect as at 1 August 2011)**

Legislation	Description of Control
Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations 2008	Requires the provision of refuse storage and material recovery room on every floor of new domestic buildings and the domestic part of new composite buildings.
Waste Disposal Ordinance (Cap. 354) 1980	Provides for the licensing of collection services and disposal facilities for waste, the prohibition of livestock keeping in urban areas, the control on livestock keeping in restriction areas, the control on discharge or deposit of livestock waste in designated control areas, the control scheme on chemical waste, the control on illegal dumping of waste, the control on import and export of waste and for the establishment of a system whereby disposal of specified wastes must be notified to the relevant authority who may give directions as to the method of disposal. The authority may also require the production of a comprehensive plan for the collection and disposal of wastes.
Waste Disposal (Refuse Transfer Station) Regulation 1998	Extends the services of Government-owned refuse transfer stations to private waste collectors and requires payment of service charges.
Public Health and Municipal Services Ordinance (Cap. 132) 1960	Provides for prevention and control of waste. It also provides for removal of litter or waste from any places.
Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) 2001	Provides for fixed penalty for offences including littering, spitting, unauthorized display of bills or posters, and dog fouling in public places. EPD is empowered to enforce the scheduled offence "unlawful depositing of waste".
Country Parks Ordinance (Cap. 208) 1976	Provides for control on littering in country parks.



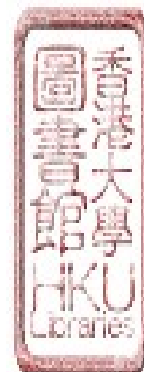
Legislation	Description of Control
Marine Parks Ordinance (Cap. 476) 1995	Provides for control on littering in marine parks and the marine reserve.
Summary Offences Ordinance (Cap. 228) 1933	Contains provisions related to littering offences including marine littering.
Town Planning Ordinance (Cap. 131) 1939	Provides for control over land use including waste management uses.
Buildings Ordinance (Cap. 123) 1956	Allows the Building Authority to require adequate waste treatment facilities in any new building. Provides for control over the design of refuse chutes within buildings and oil storage facilities.
Buildings Ordinance (Application to the New Territories) (Cap. 121) 1987	Similar provisions to Cap. 123.

Amendments Made to the Waste Disposal Ordinance and its Subsidiary Legislations in relation to MSW Management

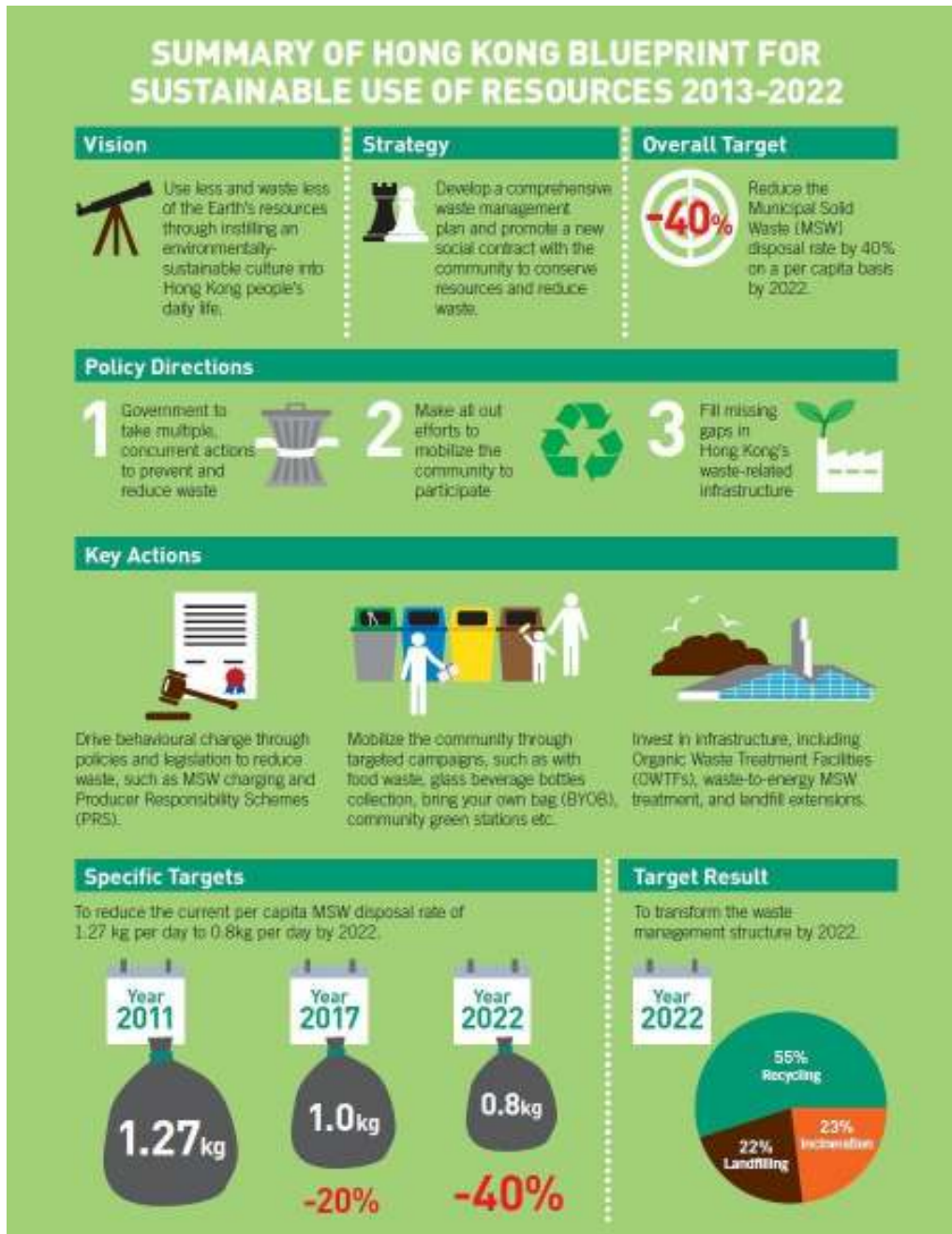
Legislation	Description of Control
Waste Disposal (Amendment) Ordinance 1997	Expands the regulation making powers for implementation of various waste disposal charging schemes and repeals section 28 which is inconsistent with the Hong Kong Bill of Rights Ordinance (Cap. 383).
Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004	Adds provisions for operations at the Designated Waste Disposal Facilities for implementation of the revised charging scheme.

Source : The website of EPD ^{xv}

xv EPD Website. (15 May 2012). *Laws & Regulations: Environmental Legislation*. Retrieved from <http://www.epd.gov.hk/epd/english/laws_regulations/envir_legislation/leg_waste.html>

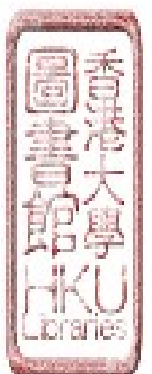


Summary of Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022



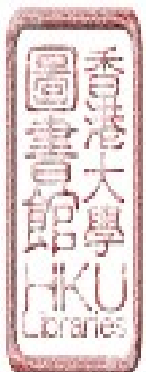
Source : Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022 ^{xvi}

xvi EnB. (May 2013). *Hong Kong Blueprint for Sustainable Use of Resources 2013 – 2022*. Retrieved from <<http://www.enb.gov.hk/en/files/WastePlan-E.pdf>>. (p.2)

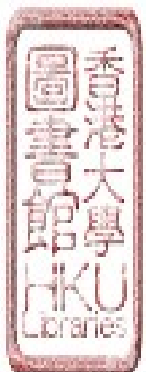


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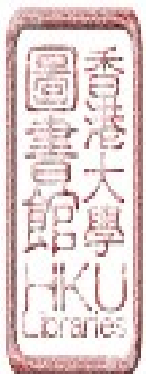
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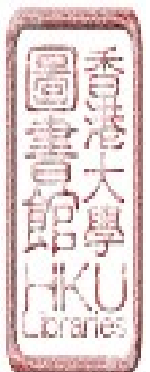
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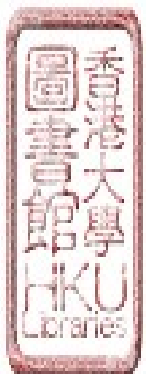
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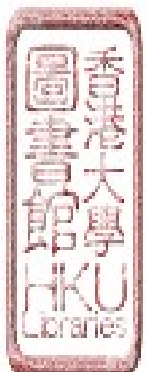
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