

## **Appendix A2**

### **Correspondence relating to LYT04**

## MEMO

From Director of Environmental Protection

Ref. in EP2/N7/23 Pt.34

Tel. No. 2835 1123

Fax. No. 2591 0558

Date 6 October 2006

To CE/DP, DSD

(Attn: Mr. CHAN Kin-kwong)

Your Ref. ( ) in DP/8/4119CD

Dated 12.9.2006 Fax. No. 2827 8700

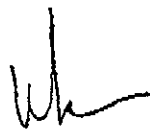
Total Pages 1

PWP Item No.4119CD  
Drainage Improvement in Northern New Territories - Package CReview of LYT04 as Designated Project

I refer to your above referenced memo.

2. Based on the revised project information with respect to the scope and design of the LYT04 project given in your memo, please be advised that the works is not regarded as Designated Project under the EIA Ordinance and hence would not be subject to the provision of the Ordinance. Nevertheless, I note that you will still prepare an environmental study report on the works to identify mitigation measures to alleviate potential environmental impact from the works.

3. In preparing the EIA report for the "Drainage Improvement in Northern new Territories - package C", please ensure that details of changes in design of the LYT04 and the reason of not being considered as a Designated Project should be included. Moreover, any cumulative environmental effects with the project should be considered in the EIA study.

  
(K.H. TO)Senior Environmental Protection Officer  
for Director of Environmental Protection

BY FAX ONLY

MEMO

From CE/DP, DSD  
Ref. ( ) In DP/8/4119CD  
Tel. No. 2594 7400 Fax. No. 2827 8700  
E-mail kkchan@dsd.gov.hk  
Date 12 September 2006

To DEP  
(Attn.: Mr K H TO)  
Your Ref. in  
dated Fax. No. 2591 0558  
Total Pages 2 + encl.

PWP Item No. 4119CD  
Drainage Improvement in Northern New Territories – Package C

Review of LYT04 as Designated Project

ACTION	
FILED	Dec
FILE	2486/
RECEIVED	DATE
TO SEE	

I refer to the recent discussion amongst EPD (Messrs KH TO and Alex TANG), DSD (Messrs BK KWOK and SS POON) and Consultants - Black & Veatch HK Ltd (Messrs PK LEE and HT POON) concerning the captioned subject.

2. In accordance with Drainage Master Plan Study in the Northern New Territories completed in 2002, a new open channel LYT04 was proposed adjacent to an existing village access near Ma Wat Wai in Fanling and connected to a tributary of Ma Wat River. It discharges into an area within 300m of the "Entrance Tower of Ma Wat Wai", site of cultural heritage, and therefore classified as a Designated Project (DP) under Category I.1(b)(ii) in Schedule 2 of EIAO. However, upon completion of the public consultation in early 2006, the design of LYT04 was changed from an approximated 100 m long open channel to a similar length box culvert underneath the existing access.

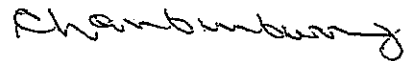
3. As the scheme of LYT04 has been changed significantly after the issue of the EIA Study Brief No. ESB-103/2002 in June 2002, the Consultants have reviewed the meaning of "drainage channels" and "rivers" under the context of Category I. 1(b)(ii) in Schedule 2 of EIAO. The Consultants advised that the revised form of LYT04 should not fall within the meaning of "drainage channels" or "rivers" under Category I. 1(b)(ii) in Schedule 2 of EIAO. A copy of the Consultants' letter ref.382486-1776 dated 8 September 2006 detailing their review findings is enclosed.

4. We agree <sup>to</sup> the Consultants' arguments detailed in their above letter that the revised LYT04 should not fall within the meaning of "drainage channels" or "rivers" under Category I. 1(b)(ii) in Schedule 2 of EIAO. As such, the revised LYT04 should not be regarded as DP under EIAO and an EIA Report for the revised LYT04 would not be

required. Subject to your agreement on the above, we shall-

- a. re-defining the proposed works at LYT04 as a non-Designated Project; and
- b. removing LYT04 from EIA study and incorporating it into the ES study.

5. In view of the tight schedule, please give your response on or before 21 September 2006.



( CHAN Kin-kwong )  
Chief Engineer/Drainage Projects  
Drainage Services Department

c.c.

Black & Veatch Hong Kong Ltd (Attn: Mr P K LEE)

EPD\_1



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ENERGY WATER INFORMATION GOVERNMENT

Our reference 382486-1776

Your reference

**BY FAX & BY HAND**

Chief Engineer/Drainage Projects,  
Drainage Services Department,  
45/F., Revenue Tower,  
5 Gloucester Road,  
Wan Chai, Hong Kong.

8 September 2006

For the attention of Mr. S. S. Poon

Dear Sir,

**Agreement No. CE 6/2002 (DS)  
Drainage Improvement in Northern New Territories – Package C  
Investigation, Design & Construction**

**Review of LYT04 as Designated Project**

We refer to the discussions at the Progress Meeting No. 35 held on 6 September 2006, regarding the above.

As discussed at the meeting, we have further reviewed the proposed drainage improvement works at LYT04 with respect to its Designated Project status and would like to provide you the background information and our views on this matter for your consideration.

Please note that in the Northern New Territories Drainage Master Plan (DMP) Study, the proposed drainage improvement works LYT04 was classified as a Designated Project (DP) under Category I.1(b) (ii) in Schedule 2, Part 1 of the Environmental Impact Assessment Ordinance (EIAO) (Cap.499) as the “drainage channel or river training work” discharges into an area which is less than 300m from the nearest boundary of an existing site of cultural heritage, the Entrance Tower of Ma Wat Wai (declared monument).

The proposed channel LYT04 running in a north-south direction is located west of Ma Wat Wai in Lung Yeuk Tau, Fanling, Northern New Territories. Upgrading of the existing underground single-cell box culvert is proposed to convey flows from upland catchment to the tributary of Ma Wat Channel near Ma Wat Wai. In the DMP Study and PPFS stage, an additional open drainage channel has been proposed in the field along the existing access road connecting Ma Wat Wai and Shung Him Tong to provide additional section for increase in flow capacity of the existing box culvert. The downstream interfaced section of Ma Wat Channel and its tributary have already been rehabilitated as grasscrete lined trapezoidal channel.

Cont'd / 2 ...

COPY



Our reference 382486-1776

Your reference

-2-

The open channel scheme indicated in the enclosed Figure No. 382486/REV/017C was however objected by village representatives during public consultation and the design was thus reviewed and revised according to the comments received. In the recommended improvement works, the existing single-cell box culvert will be replaced by a new twin-cell box culvert of internal cell size, 2.3m wide by 2.3m high, underneath the existing access road connecting Ma Wat Wai and Shung Him Tong area, as shown in the attached Figure No. 382486/REV/LYT04-1.

As the scheme at LYT04 has been changed significantly after the issue of the EIA Study Brief in June 2002, the status of LYT04 as Designated Project should therefore be reviewed.

LYT04 was classified as a Designated Project due to its open channel design, which clearly falls within the definition of "drainage channel or river training work", at the time of preparing the EIA Study Brief. However, whether the current box culvert scheme still falls within the meaning of the same category is doubtful.

Please note that detailed descriptions of drainage channels and rivers have been given under paragraphs 5 and 6 of ETWB TC(W) No. 5/2005 and are copied below for your easy reference:

- a. A natural stream/river refers to a natural channel with natural water fed from upper terrains, which covers both perennial stream/river with water flowing throughout the year as well as intermittent ones with water-flow only during the wet season. The streambed is natural and not manmade, which could consist of mixtures of bedrock, boulders, cobbles, gravels, sand, silt or clay. The banks are also largely natural and defined, covered with bank-side and riparian vegetation.
- b. Examples of engineered **drainage channels** are Tin Shui Wai Main Nullah, Yuen Long Nullah, Tuen Mun Nullah, engineered sections of Shing Mun River, or concrete U-channels for collection of surface runoff.

The design has been changed to box culvert underneath the existing access road. Based on the above definition, we consider that the proposed works at LYT04 should NOT fall within the meaning of "drainage channels" or "rivers" under Section I.1 in Part I of Schedule 2 of the EIA Ordinance and should not be regarded as Designated Project. We therefore recommend, subject to agreement of EPD,

- 1) re-defining the proposed works at LYT04 as a non-Designated Project, and
- 2) removing LYT04 from EIA study and incorporating it into the ES Study.

Cont'd / 3 ...



Our reference 382486-1776

Your reference

-3-

Should you have any queries on this matter, please contact the undersigned or our Mr. Felix Poon at 2061 1000.

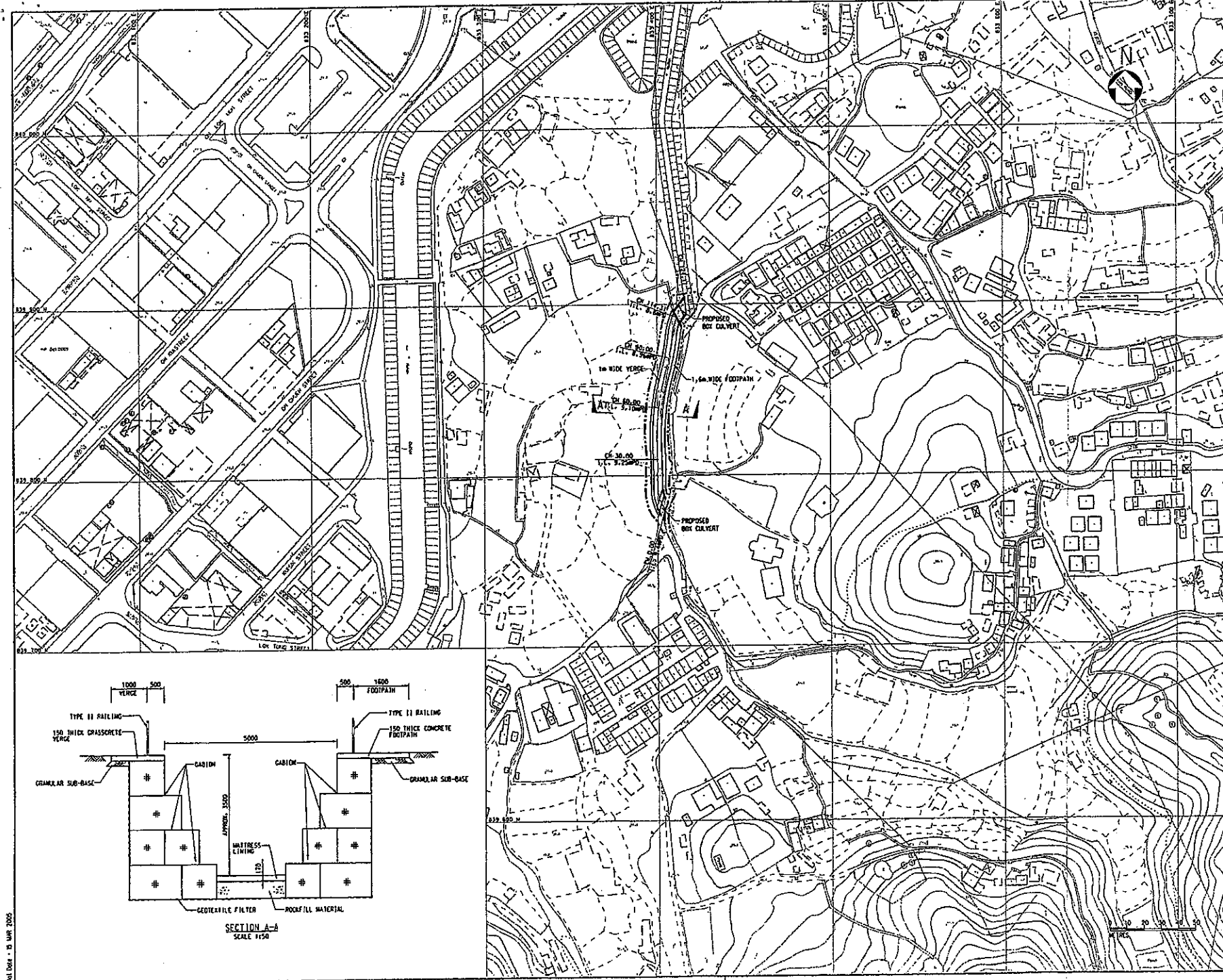
Yours faithfully,  
for and on behalf of  
BLACK & VEATCH HONG KONG LIMITED

A handwritten signature in black ink, appearing to be 'P.K. Lee', written in a cursive style.

P.K. LEE  
PROJECT MANAGER

Encl.

8 of 8



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**NOTES:**

1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE INDICATED.
2. ALL LEVELS ARE IN METRES ABOVE PRINCIPAL DATUM (PD).
3. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.
4. THE CHANNEL WIDTH SHOWN IS THE AVERAGE ALONG THE CHANNEL.
5. FIGURED DIMENSIONS IN REFERENCE TO SCALED DIMENSIONS.

**LEGEND:**

- CENTER LINE
- PROPOSED CHANNEL
- - - SITE BOUNDARY
- CH CHANNEL
- I.L. PROPOSED INVERT LEVEL

Revision	Date	By	Checked	Drawn	Checked
1	09/04	CSL	CSL	P.S.	CSL

Approved: \_\_\_\_\_

Agreement no. CE 6/2002 (DS)

Contract title  
DRAINAGE IMPROVEMENT IN  
NORTHERN NEW TERRITORIES -  
PACKAGE C  
INVESTIGATION, DESIGN AND CONSTRUCTION

Figure title  
GENERAL ARRANGEMENT FOR  
PROPOSED CHANNEL AT  
LUNG YU-KAU (LYK)

Figure no. 382486/REV/017C Scale 1:1000

**THE GOVERNMENT OF THE  
SPECIAL ADMINISTRATIVE REGION  
DRAINAGE SERVICES DEPARTMENT**

**BLACK & VEATCH HONG KONG LIMITED**  
黑域工程顧問有限公司



A black and white photograph showing a wooden bridge with a railing crossing a small stream. The bridge is surrounded by dense trees and foliage, creating a natural setting. The image is framed by a thick black border.

Discharge point of proposed  
twin-cell box culvert



Entrance Tower of Ma Wat Wai

300m BOUNDARY FROM  
THE DISCHARGE POINT  
OF THE PROPOSED WORKS

SITE OF CULTURAL HERITAGE  
 THE ENTRANCE TOWER OF  
 MA WAT WAT (DECLARED MONUMENT)

PROPOSED BOX CULVERT LYTO4.



Existing single-cell box culvert  
underneath access road

Revision	Desc	Description	Initial
	Design	CMC&S	CMC&S
Initial	CMT/JL	CSL	CSL
Date	09/04	09/04	09/04

Approved

CE 6/2002 (DS)

DRAINAGE IMPROVEMENT IN  
NORTHERN NEW TERRITORIES -  
PACKAGE C  
INVESTIGATION, DESIGN AND CONSTRUCTION

Figure 1110

PROPOSED BOX CULVERT AT  
LUNG YEUK TAU (LYT04)  
IN RELATION TO THE SITE OF  
CULTURAL HERITAGE

Figure no.

382486/REV/LYT04-1 A3 1:2500

**香港特別行政區政府渠務署**  
THE GOVERNMENT OF THE  
HONG KONG  
SPECIAL ADMINISTRATIVE REGION  
DRAINAGE SERVICES DEPARTMENT

  
BLACK & VEATCH HONG KONG LIMITED  
黑域工程顧問有限公司