

**Confirmed Minutes of the 155th Meeting of
the Advisory Council on the Environment
held on 8 October 2008 at 2:30 pm**

Present:

Prof WONG Yuk-shan, BBS, JP (Acting Chairman)
Mr Edwin LAU
Dr MAN Chi-sum, JP
Dr NG Cho-nam, BBS
Prof POON Chi-sun
Mr Markus SHAW
Mr TSANG Kam-lam
Mr Simon WONG, JP
Prof WONG Tze-wai
Dr YAU Wing-kwong
Mr Carlson K S CHAN (Secretary)

Absent with Apologies:

Prof LAM Kin-che, SBS, JP (Chairman)
Dr Dorothy CHAN, BBS
Mr James GRAHAM
Ms Betty HO
Prof Howard HUANG
Prof Paul LAM, JP
Ms Goretti LAU
Mr Eddie WONG

In Attendance:

Ms Anissa WONG, JP	Permanent Secretary for the Environment
Miss Linda CHOY	Political Assistant to the Secretary for the Environment
Mr C C LAY	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr P Y TAM	Assistant Director/Technical Services, Planning Department
Ms Monica KO	Principal Information Officer, Environmental Protection Department (EPD)
Ms Josephine CHEUNG	Chief Executive Officer (CBD), EPD
Mr KWAN Chung-kit	Office Manager (CBD), EPD
Ms Loletta LAU	Executive Officer (CBD), EPD

In Attendance for Agenda Item 3

Ms Betty CHEUNG	Principal Environmental Protection Officer (Community Relations), EPD
Ms Angie WAN	Assistant Secretary (Community Relations), EPD
Mr LEE Chi-hung	Chief Curriculum Development Officer (Personal, Social and Humanities Education), Education Bureau

In Attendance for Agenda Item 4:

Mr C W TSE, JP	Assistant Director (Environmental Assessment), EPD
Mr Vincent TANG	Assistant Director (Nature Conservation & Infrastructure Planning), EPD
Miss Florence CHAN	Senior Administrative Officer (Nature Conservation), EPD

Action

Prof Wong Yuk-shan informed Members that Prof Lam Kin-che, the Chairman, was out of town and he would chair the meeting as the Acting Chairman.

Agenda Item 1 : Confirmation of the draft minutes of the 154th meeting held on 14 July 2008

2. The draft minutes were confirmed without amendment.

Agenda Item 2 : Matters arising from the minutes of the 154th meeting held on 14 July 2008

3. There were no matters arising from the minutes of the last meeting.

Agenda Item 3 : Public awareness and education on environmental protection

(ACE Paper 23/2008)

4. Ms Betty Cheung briefed Members on the current strategies and initiatives implemented by the Environmental Protection Department (EPD) to promote environmental protection in Hong Kong and the way forward for enhancing public environmental awareness. Mr Lee Chi-hung briefed

Members on the work currently undertaken by the Education Bureau (EDB) on the promotion of environmental protection in school education in Hong Kong and the way forward.

5. A Member enquired about concrete actions to reduce the use of disposable lunch boxes in schools. He considered that this was an important step for educating students by real life examples. Ms Betty Cheung said that a Green Lunch Campaign was launched last year to promote the reduction of use of disposable lunch boxes and other green lunch practices in schools. A seminar cum launching of the video promo on green lunch was held and VCDs were produced for dissemination to schools. Discussions were being held with school principals and district councillors to encourage them to implement the green lunch practices in their districts. Efforts were also made to promote food saving when serving food to students. Funding resources from the Environment and Conservation Fund (ECF) were provided for setting up necessary facilities, such as washing facilities for utensils, equipment for central portioning of food and food composting machines. With concerted efforts, it was expected that more schools would implement green lunch practices.

6. Mr Lee Chi-hung said that the EDB had issued circulars to urge school authorities to implement the green lunch scheme. Relevant parties reflected that implementing green lunch measures was not an easy task due to constraints in school facilities and concerns about hygiene and food safety. The Bureau had taken a persuasive approach and provided support to facilitate implementation of the scheme. On the problem of foam lunch boxes, efforts were being made to source more environmental-friendly containers.

7. A Member suggested that a task force be set up to implement the scheme by a more comprehensive and strategic approach. The bargaining power of individual school to liaise with suppliers would not be strong. He learnt that there were suppliers for biodegradable plastic boxes and some catering companies could provide lunch with reusable utensils and cleansing services. Mr Lee Chi-hung said that the issue of green lunch would be raised from time to time for discussions at the school council meetings. The suggestion of setting up a task force would be seriously considered.

8. A Member considered that the Government should be more decisive in taking proactive actions in implementing the green lunch scheme by setting a target time frame. He agreed that a task force comprising

representatives from relevant Government departments and parties should be set up to help schools implement the scheme by concrete measures. Systems should be worked out to require the use of reusable utensils and provide a choice of food portion to avoid wastage.

9. A Member enquired about means to assess the effectiveness of the publicity or education programmes. Ms Betty Cheung said that attitude surveys were usually conducted before and after the launching of an individual programme organized by the Environmental Campaign Committee (ECC) to assess the effectiveness of the programme. For projects funded by the ECF, the organizing parties were required to conduct the attitude surveys. The focus of education programmes had been shifted from awareness to behavioural change. It was observed that there had been a significant increase in public awareness for environmental issues. The general public was more willing to accept behavioural change for a greener lifestyle in the quest for a better environment. The “I Love Hong Kong, I Love Green” campaign launched last year promoted clear action-oriented messages targeted at behavioural change and the campaign was well received.

10. A Member queried that the surveys covered only those participated in the campaigns and this group of people was more prepared to accept behavioural changes. It was necessary to have more scientifically-based surveys to cover also those who did not participate in the campaigns. He observed that a vast majority of the public were still not aware of the importance of leading a green life, such as the serious implications of waste generation. It would be useful for EPD to conduct some baseline surveys with wider coverage to gauge information on the effectiveness of environmental campaigns as a whole and point the way forward for future direction.

11. A Member considered that cultivating green value and attitude in the minds of youngsters was very important which would influence their behaviour in the whole life. He suggested that an attitude survey by a third party, such as a university, be conducted every two to three years to collect information, assess the effectiveness and review the education programmes.

12. The Acting Chairman agreed that attitude and behavioural change was fundamental for environmental education. People had to accept more inconvenience for adopting a green lifestyle, such as the inconvenience of using reusable cutleries. He observed that some education activities or

environmental campaigns were not very environmental-friendly as a lot of waste was generated during the process of organizing the activities. With the injection of one billion into the ECF, more resources should be put to inculcate a change in culture and lifestyle rather than organizing piece-meal activities.

13. A Member enquired about the difficulties currently encountered by schools in promoting environmental education. Mr Lee Chi-hung said that one of the major difficulties was that the school authorities had to face competing demands in prioritizing resources and new elements of learning since the curriculum reforms in 2000. They were required to promote learning elements, such as environmental education, equality education, personal financial management education, national education, retirement planning education, etc. Out of these new learning elements, environmental protection had been accorded high priority by schools. This could be seen from the participation rate of the Hong Kong Green School Awards Scheme. 182 out of 500 secondary schools had participated in the Scheme, whereas most other campaigns only attracted about 30 to 50 schools. Other difficulties included heavy administrative workload for teachers and difficulty to take a hard line in the mandatory implementation of green measures, such as the green lunch scheme.

14. The Acting Chairman suggested that in view of the resources constraints in schools, a system could be worked out for different schools to focus on different key areas of environmental education. For example, a group of schools could focus on the implementation of green lunch scheme, some on waste reduction, some on green extra-curricular activities and some on teaching outside schools. Experience could be accumulated and good practices could be shared.

15. A Member asked whether there were targets in the school curriculum for attaining a certain level of achievement in terms of environmental education. Another Member suggested taking a more down-to-earth approach by including more local environmental issues in the school curriculum to arouse students' interest and encourage proactive participation of environmental campaigns.

16. Mr Lee Chi-hung said that the curriculum design for most subjects included three knowledge contexts of similar proportion, i.e. the local, national and global contexts. Students would acquire knowledge about environmental

issues and problems in Hong Kong. Moreover, environmental education was part of moral and civic education programmes for cultivation of positive values and attitude. Based on findings of key learning area surveys and focus group discussions, promotion of environmental protection was accorded high priority with encouraging results.

17. A Member noted that the Student Environmental Protection Ambassadors (SEPAs) Scheme jointly organized by EPD, EDB and ECC was quite successful. The scheme provided a well-established system to imbue students with values for leading a green life for the ambassadors throughout their primary and secondary education. He learnt that students joining the scheme treasured the opportunity and had developed good green habits. The scheme should be further developed to cover more students. Ms Betty Cheung said the number of SEPAs was approaching 18,000 in current school year. A capacity building programme was launched for the more experienced SEPAs, who were referred to green groups to perform voluntary service for practising what they learnt in the aspect of environmental protection.

18. A Member suggested that proactive steps should be taken to engage groups and organizations, such as uniform teams and religious groups, in disseminating messages and organizing educational campaigns. These groups and organizations had large number of members as well as strong teams with well-established systems and mechanisms to provide support.

19. A Member considered that the most effective way to make someone to be a conservationist was to make him a nature-lover. Learning outside classroom would provide good opportunities for students to expose to the beauty of nature. Most of the students in Hong Kong lived in the crowded urban areas but there were plenty of beautiful countryside in Hong Kong. Another Member agreed to the benefits of learning outside classroom but considered that adequate support should be provided to ensure the students' safety. Mr Lee Chi-hung said that life-wide learning through learning outside classroom was one of the highlights in the curriculum reform. Field work was included as a component of public examination for some subjects. Moreover, visiting the countryside was not confined to academic field studies. There was a wide range of outdoor activities, such as clubs and societies within and outside schools, for students to participate and learn. Ms Betty Cheung informed Members that a new series of "Announcement in the Public Interest" would be launched in late 2008 to promote the appreciation of nature and importance of

conservation.

20. A Member considered that a clearer definition of green lifestyle rather than abstract concepts would be useful for educating the youngsters. Another Member agreed that more concrete and scientifically-based facts and information would be useful to teach the youngsters about what green lifestyle was and the implications of a wasteful lifestyle. For example, energy saving in terms of tonnes of carbon for using air-conditioning, paper consumption in terms of number of trees felled and specific implications to landfills by using disposable materials and plastic bags. Through this informative approach, students could have more concrete concepts on how and to what extent they could contribute through specific actions towards environmental protection. While it might not be easy to define what environmental-friendly lifestyle was, concrete statistics would be a useful tool to support environmental education actions.

21. The Acting Chairman summarized Members' views as follows –

- (a) public awareness and education were fundamental for reducing the impacts of environmental problems and implementing environmental protection initiatives and measures;
- (b) the change in value, attitude and behaviour to adopt a green lifestyle was the key to achieve protection of the environment in a sustainable manner;
- (c) the focus of environmental education should be changed from knowledge transfer and awareness building to action-oriented targets, such as the green lunch scheme and learning outside schools;
- (d) abstract concepts of green lifestyle should be supported by scientifically-based data and effectiveness of environmental education programmes should be assessed by scientifically-based surveys; and
- (e) while the school authorities were facing competing demands and resources constraints, efforts should be made and resources should be provided to accord high priority to environmental education

and a strategic approach should be adopted to facilitate the implementation.

Agenda Item 4 : Report on the 104th and 105th Environmental Impact Assessment subcommittee meetings

Report on the 104th Environmental Impact Assessment Subcommittee meeting (ACE Paper 24/2008)

22. The Acting Chairman informed Members that the paper reported the recommendations of the Environmental Impact Assessment (EIA) Subcommittee on the Environmental Assessment (EA) report on “Pilot Project for Public-private Partnership (PPP) Conservation Scheme, Sha Lo Tung Valley, Tai Po” submitted under the New Nature Conservation Policy.

23. A Member, Chief Executive Officer of the Green Power, declared interest as the Green Power was the conservation partner of the Sha Lo Tung (SLT) proposal. The Acting Chairman suggested and Members agreed that the Member should abstain from the meeting.

24. The Chairman of EIA Subcommittee reported on the recommendation of the Subcommittee on the EA report. He highlighted that the project was not a designated project under the EIA Ordinance. On the recommendation of the Council, the project proponent agreed to go through the same public inspection and consultation process using the same standards and criteria under the EIA Ordinance, including seeking advice from the Advisory Council on the Environment (ACE). The Subcommittee recommended that the EA report could be endorsed with the proposed conditions in paragraph 9 of the paper. As no Environmental Permit (EP) would be issued by the EPD for the project, the conditions should be spelt out in a legally-binding agreement between the project proponent and the Government.

25. A Member was concerned about the enforcement of the proposed conditions as the project was not a designated project under the EIA Ordinance. He queried how the conditions could be enforced through the contractual arrangement. He also noted that there were concerns from members of the public about the legal status of the project. Mr Vincent Tang explained that the legally binding agreement would be made between the project proponent and the Government. The EPD was working closely with the Department of Justice to

work out the details. The current idea was to require the project proponent to provide a performance bond by depositing a certain amount of money to ensure compliance. Should there be any breach, the Government could call the bond partially or fully as a penalty or even taking legal actions against the project proponent.

26. Referring to paragraph 28 of Annex B to the paper which stated that the project proponent owned 236 building lots out of 240 and they would surrender the rights for development in these building lots, a Member asked how this information related to the demand from eligible indigenous villagers and their descendents to apply for building small houses in the SLT Valley under the Small House Policy (SHP). There were still “Village” (“V”) zones inside the SLT Valley where village houses could be built by eligible indigenous villagers or their descendents.

27. Mr P Y Tam shared a Member’s concern about the practicability of the implementation mechanisms. Mr Tam said that he had pointed out at the Council meeting in April that there were statutory, administrative as well as contractual mechanisms in implementing certain projects and that a combination might be warranted. In the subject case, where a lot of emphasis was placed on the developer’s negotiation with the villagers, it was important to ensure that the contractual arrangement would be enforceable. To his understanding, any male descendant of eligible indigenous villagers attaining the age of 18 had the right to apply for building a small house once in his life time irrespective of whether he owned any land. If he did not own any land, he might apply for building a small house in another village of the same “Heung”, if there was no objection from the villagers there. Regarding the SHP, it was a land policy matter. Lands Department should be consulted on the land implications. He could only estimate that for the 240 building lots, the building status was either due to the existence of houses on those sites long before the SHP was in place, or that the villagers had exercised their rights to build small houses there. If they had not yet exercised their rights, the pressure was still there. The pressure of demand for building small houses would depend on the current number of outstanding eligible male descendants of the concerned villages as well as their respective demand of their descendants in future.

28. Mr Vincent Tang drew Members’ attention to paragraph 28 of Annex B to the paper and highlighted that information from the Lands Department showed that the majority of eligible indigenous villagers in SLT

Valley were applying for building small houses outside SLT Valley. While the SLT Road would be improved, it would still be a single track road which would not be extended to provide access to the “V” zones. Accessibility to the “V” zones would not be improved. It was expected that there would not be significant change after the implementation of the PPP scheme in the SLT Valley. Mr P Y Tam referred to the statement in paragraph 28 of Annex B to the paper about the surrender of the rights of majority of building lots to the developer and said that it might not be something enforceable by the Government to prevent eligible applicants from exercising their rights under the SHP in due course since the Government was not a party to the contract.

29. A Member considered that the beauty of the PPP scheme was to conserve the areas with high ecological value. The Ecological Reserve in the SLT Valley would be preserved under the scheme. Nonetheless, the possibility of small house development remained a potential problem. Mr Vincent Tang explained that the project proponent had reached agreements with majority of the eligible indigenous villagers in the SLT Valley not to apply for small house development inside the SLT Valley. A large influx of applications from their descendents was not anticipated.

30. Ms Anissa Wong said that the applications submitted under the SHP would be subject to approval by the relevant authorities. As regards Members’ concern about whether the conservation principle of the PPP scheme would be compromised with the retention of “V” zones in the SLT Valley, the concerns could be brought to the attention of relevant authorities, including the Town Planning Board (TPB) and Lands Department, when the project went through the town planning and related processes. The concerned authorities could take a strategic view in light of the Council’s concerns and consider whether and how to address the concern on the compatibility issue, including the option of adjusting the existing “V” zones in the SLT Valley.

31. A Member asked whether the rezoning of “V” zones in the SLT Valley could resolve the potential problem of small house development. Mr P Y Tam briefed Members the usual practice of designation of “V” zones on outline zoning plans (OZPs) and the difference of “V” zone from “village environs (VE)” under the lands policy. To his understanding, when planning for the rural New Territories, the extent of the “V” zones on the OZPs were usually smaller than the “VE” (the “VE” being a circle of 300 feet radius drawn from the last small house built before the SHP). The relatively smaller

“V” zone would generally encourage building of a compact village, and would thus already avoid developments prematurely extending to and damaging the wider rural hinterland. He also drew Members’ attention to the heritage preservation considerations in the subject OZP. In the SLT OZP, the Notes of the “V” zone were more stringent than the Notes of “V” zones on other OZPs. It would require planning permission for demolition of structures and house re-building. This reflected the recognition of the group value of the historical village houses for heritage preservation reasons.

32. A Member said that the Subcommittee had discussed the issue and was also concerned about the presence of “V” zones in the SLT Valley and the rights of eligible indigenous villagers’ descendents to build small houses in the future. Moreover, the area was a Hakka village with a history of 300 years and there were some village houses with heritage value. The absolute deletion of “V” zones would not be a good solution to address Members’ concern. The key was to prevent uncontrolled development of small houses. The Subcommittee considered the project mainly from the perspective of environmental impacts. The issues of land use and heritage conservation were outside the remit of the Subcommittee.

33. A Member suggested that the concerns of the Council should be reflected in the recommendations when endorsing the EA report so that the issues could be flagged up for the consideration of relevant authorities. Another Member agreed and considered that it was important for the relevant authorities to ensure that control mechanisms would be put in place for enforcement. Mr P Y Tam reiterated his concern about the yet unresolved potential pressure for small house developments. He also said that as he had pointed out at the Council meeting in April, the Government should consider setting up institutional mechanisms such as a high level committee comprising representatives of relevant bureaux and departments, including EPD, Development Bureau and Lands Department, to steer and monitor the process and lay down effective administrative measures to guide and control the development. He acknowledged that ACE’s focus was on nature conservation, and not heritage preservation and land administration matters, but he was of the view that the Government, as a partner in an intended PPP project, should seek to achieve a complete solution in the negotiation with the developer, so that the nature conservation objective as well as the heritage preservation objective could both be achieved successfully.

34. After deliberation, the meeting agreed that the EA report could be endorsed with the conditions proposed by the Subcommittee as stated in paragraph 9 of the paper. On top of these conditions, the Council recommended that the relevant Government approving authorities should ensure that no new village house would be allowed in the SLT Valley, including the existing “V” zones, to ensure that the integrity of nature conservation would be maintained. For the existing old houses with heritage value in the Valley, they should be preserved for heritage conservation.

Report on the 105th Environmental Impact Assessment Subcommittee meeting (ACE Paper 25/2008)

35. The Acting Chairman informed Members that the paper reported the recommendations of the EIA Subcommittee on the following two EIA reports –

- (a) Proposed Development at Fung Lok Wai, Yuen Long at Lot 1457 R.P. in D.D. 123; and
- (b) Harbour Area Treatment Scheme (HATS) Stage 2A – Investigation.

36. A Member, the Chairman of the World Wide Fund for Nature Hong Kong (WWF), declared interest as the WWF was the conservation partner of the Fung Lok Wai development proposal. The Acting Chairman suggested and Members agreed that the Member should abstain from the meeting. Another Member, Chief Executive Officer of the Green Power, declared interest as the Green Power had received some donations from one of the parent companies of the project proponent but had no direct involvement in the proposal. The Acting Chairman suggested and Members agreed that the Member could stay and take part in the discussion.

37. The Chairman of EIA Subcommittee informed Members that after the Subcommittee meeting, one Member registered his disagreement to endorse the EIA report in view of the cumulative impacts of the current and future developments in the area on the birds, potential risk of outbreak of bird flu on nearby residents, visual impact and public access control to the Wetland Nature Reserve (WNR).

38. A Member expressed concern about the cumulative impacts of the current and future development as the project site was located in an ecologically sensitive area in close proximity to the Ramsar Site (a Wetland of International Importance under the Ramsar Convention). High-rise buildings would be built in the residential portion of the project. The endorsement of the current project would set a precedent for future applications for developing high-rise buildings along the edge of the Ramsar Site. Another Member asked whether the proposed high-rise buildings would comply with the zoning requirements of the area which was zoned as “Other Specified Uses (Comprehensive Development and Wetland Enhancement Area)”, allowing only limited low-density private residential/passive recreational development.

39. A Member considered that development control of the private land was mainly a planning issue which had been discussed by the relevant authorities for years. The project site was rezoned from “Conservation Area” to “Other Specified Uses (Comprehensive Development and Wetland Enhancement Area)” in 2000. Maintaining the privately-owned fishing ponds and artificial wetland as “Conservation Area” would not be beneficial to their long-term conservation as regular maintenance was required for the deteriorating site. Under the zoning of “Other Specified Uses (Comprehensive Development and Wetland Enhancement Area)”, low density private development was allowed in exchange for committed long-term conservation and management of the remaining fish ponds or wetland within the development site. The “no net loss of wetland” principle under the Town Planning Board guidelines was a key development criterion for the project. As regards the building height, a balance had to be struck between the building height and space available for conservation purpose. The example of Fairview Park showed that while the residential buildings were low-rise, not much space was left for conservation. The example of the Hong Kong Wetland Park, on the other hand, illustrated that while residential buildings in the adjacent area were relatively high, much more room was left for wetland conservation. From the perspective of EIA, the focus was to consider whether the environmental impacts arising from the development were acceptable. The Acting Chairman considered that the proposed project was a compromise between development, i.e., meeting the landowner’s aspirations, and conservation, i.e., restoring and enhancing the deteriorating fishing ponds and wetland.

40. A Member sought clarifications on the standards of “low density”. Another Member said that to his understanding, the density referred to the plot

ratio in relation to the whole development site. The proposed residential development under options 1A and 1B would meet the permitted plot ratio requirement.

41. A Member considered that the 14 to 18-storey buildings under option 1A was visually intrusive against the rural landscape. It would be acceptable if the buildings were trimmed down to 3 to 4 storeys within the existing footprint. Mr C W Tse informed Members that under the Technical Memorandum on Environmental Impact Assessment Process (TM), the Planning Department (PlanD) was the authority to advise on the aspects of visual and landscape impacts of development proposals. For the current EIA report, the PlanD confirmed that options 1A and 1B were acceptable in terms of visual impacts. As stipulated in section 7.6 of the TM, any refusal of EP should only be on environmental grounds in accordance with the EIA Ordinance and TM, not on land use grounds.

42. Mr P Y Tam informed Members that the decision to approve the project would rest with the TPB and not the PlanD. The assessment of the PlanD on the visual impacts was based on the preliminary drawings available from the project proponent. The TPB might have views on the building height and detailed layout plan. In their submission to the TPB, the project proponent should provide more detailed drawings, such as physical models or 3D animations, for consideration of the TPB. He referred to the last line of paragraph 5 of Annex A to the paper which stated that “there was a slight preference for option 1A over 1B”. He noted that this should be based on ecological considerations rather than from the perspective of visual impacts.

43. A Member was concerned about public access to the WNR and the WNR should not become the backyard of residents in the proposed development. The Acting Chairman said that a nature reserve should be different from a park and access to the nature reserve would usually be limited to ensure minimal disturbance for conservation purpose.

44. Mr C W Tse advised that paragraph 2.7.1 of the Executive Summary of the EIA report had stipulated that the residents in the residential development would not have privilege over the general public for access to WNR. In paragraph 2.7.2, it was stated that whilst conservation was the prime objective of the WNR, limited public access would be allowed on a restricted basis so as not to create disturbance to birds. Occasional guided tours and

some educational facilities could be contemplated.

45. A Member said that management of the WNR would be monitored by an Environmental Monitoring Committee with membership to be endorsed by the ACE and relevant Government departments. To achieve the purpose of research and conservation education purposes, the WNR would be opened to the public in a controlled manner with guided tours. This was to ensure that the ultimate purpose of wetland conservation for bird habitat would not be compromised. To address Members' concern on the public access, he suggested and Members agreed that the undertakings by the project proponent on the public access be added to the conditions.

46. A Member asked whether the issue of cumulative impacts of the current and future projects could be discussed by the Council. Mr C W Tse explained that the EIA study of a certain project had to take into account the cumulative impacts of existing projects. Thus, the EIA study of future development project had to take into account the cumulative impacts of the current project or other existing projects in the study area at that point in time. Nonetheless, it was not feasible for the EIA study of the current project to assess the cumulative impacts of future projects without any details. A Member said that for the overall planning of the Ramsar Site, there had been discussions over past years, including the Ramsar Site management plan, rezoning proposals, surveys on fish ponds. The former Wetland Advisory Committee was the appropriate forum for discussing the issues. The Wetland Advisory Committee was now subsumed under the ACE as the current Nature Conservation Subcommittee.

47. A Member pointed out that the project proponent had agreed at the Subcommittee meeting that the requirements of using organic-based or biodegradable chemicals in the residential development could be included in contractual agreements to ensure that the ecological principle of the project would be upheld as stated in paragraph 22 of Annex A to the paper. He suggested and Members agreed to incorporate this requirement into the conditions under paragraph 9(g) of the paper.

48. Mr P Y Tam noted that the EIA report included an EM&A Manual which recommended an EM&A programme. He enquired about the monitoring mechanisms in ensuring the compliance of the conditions, such as completion of the WNR before the residential development for the current

project. Mr C W Tse explained that the submission of EM&A reports was a requirement of the EP issued under the EIA Ordinance for the application. While the implementation schedules were more flexible and might be subject to changes, if the project proponent was found to have breached the conditions in the EP or other environmental-related Ordinances, enforcement and legal actions would be taken. Regarding the completion of the WNR, the Subcommittee had discussed the issue and the project proponent would recover and complete the works on the WNR before commencing works on the residential development. The project proponent was also required to submit the final Habitat Creation and Management Plan to the ACE, EPD and AFCD for endorsement before the construction of the WNR.

49. A Member informed Members that the Subcommittee recommended that EPD should follow up with the project proponent (Mutual Luck Investment Ltd.) to provide an undertaking to ensure that the parent company of the project proponent would take up the responsibility mentioned in paragraph 9(a) of the paper if the project proponent failed to do so. It was noted that the parent company of the project proponent was a consortium comprising three companies. He asked whether there would be anticipated problem in arranging the undertaking as the parent company was not a single company. Mr C W Tse said that the project proponent offered at the Subcommittee meeting to provide an undertaking to ensure that the parent company would take up the responsibilities. Given that the parent company was in the form of a consortium, it would take some time for the three companies to sort out the apportionment of liabilities before working out the precise format and details of the undertaking.

50. The Acting Chairman concluded that the Council endorsed the EIA report with the conditions and recommendations in paragraphs 9 and 10 of the paper. On top of these conditions and recommendations, the following additional conditions would be included –

- (a) the requirements of using organic-based or biodegradable chemicals should be included in contractual agreements to ensure that the ecological principle of the project would be upheld; and
- (b) residents in the residential development of the project should not have privilege over the general public for access to the WNR. Whilst conservation is the prime objective of the WNR, limited

public access should be allowed on a restricted basis so as not to create disturbance to birds. Well-managed guided tours and educational programmes should be allowed for research and conservation education purposes.

51. A Member registered his concern and disagreement with regard to the assessment of the visual impacts of the residential development.

52. The Chairman of EIA Subcommittee reported on the recommendation of the Subcommittee on the EIA report on “Harbour Area Treatment Scheme (HATS) Stage 2A - Investigation”. The meeting agreed that the EIA report could be endorsed without condition.

Agenda Item 5 : Any other business

Tentative items for discussion at the next meeting

53. The agenda was being compiled. Members would be informed in due course.

Agenda Item 6 : Date of next meeting

54. The next Council meeting was scheduled for 10 November 2008.

**ACE Secretariat
October 2008**