

**Confirmed Minutes of the 104th Meeting of
the Environmental Impact Assessment Subcommittee
held on 8 September 2008 at 4:00 pm**

Present:

Dr NG Cho-nam, BBS (Chairman)
Mr TSANG Kam-lam (Deputy Chairman)
Ms Betty HO
Prof Paul LAM, JP
Mr Edwin LAU
Dr YAU Wing-kwong
Prof LAM Kin-che, SBS, JP (ACE Chairman and non-EIASC Member)
Ms Josephine CHEUNG (Secretary)

Absent with Apologies:

Dr Dorothy CHAN, BBS
Prof POON Chi-sun
Mr Simon WONG, JP

In Attendance:

Mr C W TSE, JP	Assistant Director (Environmental Assessment), Environmental Protection Department (EPD)
Mr C C LAY	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr KWAN Chung-kit	Office Manager (CBD), EPD
Ms Loletta LAU	Executive Officer (CBD), EPD

In Attendance for Agenda Item 1:

Mr Vincent TANG	Assistant Director (Nature Conservation & Infrastructure Planning), EPD
Miss Florence CHAN	Senior Administrative Officer (Nature Conservation), EPD
Mr Maurice YEUNG	Principal Environmental Protection Officer (Assessment & Noise), EPD
Dr P M SO	Senior Conservation Officer (Biodiversity), AFCD
Mr Richard CHAN	Senior Nature Conservation Officer (Central), AFCD
Mr Phill BLACK	Director, Pro-Plan Asia Ltd.
Mr S L NG	Director, LLA Consultancy Ltd.
Mr Alex WANG	Senior Engineer, Ove Arup & Partners Hong Kong Ltd. (Ove Arup)

Mr Don SHUM	Senior Engineer, Ove Arup
Mr Peter AUSTIN	Technical Director, Environmental Resources Management Ltd. (ERM)
Mr Terence FONG	Principal Consultant, ERM
Mr Kenneth TO	Managing Director, Kenneth To & Associates Ltd.
Miss Meeling YAU	Director, Eco-System Ltd.
Dr Eric TSANG	Chairman, Green Power
Dr MAN Chi-sum, JP	Chief Executive Officer, Green Power
Mr Joe FONG	Director, Sha Lo Tung Development Company Ltd.

Action

Agenda Item 1 : Pilot Project for Public-private Partnership Conservation Scheme at Sha Lo Tung Valley, Tai Po (ACE-EIA Paper 5/2008)

Internal Discussion Session

The Chairman informed Members that agenda item 1 would be divided into the following four sessions –

- (a) Internal Discussion Session
- (b) Presentation Session
- (c) Question-and-Answer Session
- (d) Internal Discussion Session

The Presentation Session and Question-and-Answer Session would be opened to the public. Internal Discussion Sessions of agenda item 1 and all other sessions of the meeting would remain closed.

2. The Chairman informed Members that a Member had declared interest before the meeting as the Green Power, in which he served as the Chief Executive Officer, was the conservation partner of the Sha Lo Tung (SLT) proposal. In view of the personal and direct involvement in the proposal being considered, the meeting agreed that the Member should abstain from the meeting. Members noted that the Member would join the presentation team in presenting the proposal. A Member declared interest as her company was engaged as a planning consultant for the Mui Tsz Lam & Mau Ping proposal under the Public-private Partnership (PPP) Conservation Scheme and the Conservancy Association, in which she served as the

Chairman, was the conservation management partner of the proposal. As the Member had no direct involvement in the SLT proposal being considered, the meeting agreed that she could stay and continue to take part in the discussion.

3. Members noted that the SLT project was one of the proposals submitted under the Pilot Scheme for PPP under the New Nature Conservation Policy. At the meeting of the Advisory Council on the Environment (ACE) on 14 April 2008, the Council discussed the report of the Nature Conservation Subcommittee regarding the proposals submitted under the PPP Scheme. The Council concluded that the SLT proposal should be supported from the nature conservation angle. However, some implementation issues would need to be addressed if the proposal was to be taken forward. In the absence of statutory Environmental Impact Assessment Ordinance (EIAO) procedures, the project proponent should be advised to make public its environmental impact assessment study and to submit it to the EIA Subcommittee for advice. Robust and legally binding measures should be formulated to ensure the continuing compliance of any pledged measures on environmental and nature conservation by the proponent.

4. Members noted that while the project was not a designated project under the EIAO, the project proponent agreed to go through the same public inspection and consultation process using the same standards and criteria under the EIAO, including seeking advice from the ACE. Nonetheless, no Environmental Permit would be issued by the Environmental Protection Department (EPD).

5. The Chairman informed Members that the public inspection period of the Environmental Assessment (EA) report on the SLT project was from 5 August to 3 September 2008. Eight sets of public comments were received by the EPD during the public inspection period and one set of comments was received after the period. All of them were circulated to Members for reference before the meeting. Two Members and a non-EIASC Member had raised some questions and comments on the EA report. Response from the project proponent was circulated to Members for reference before the meeting. Separately, the project proponent also tabled a set of response to major comments made by the public for Members' information.

6. Members agreed that the discussion should focus on conservation management, potential human disturbance to the Nature Reserve, traffic impact assessment and traffic management, tree felling impacts, water quality impacts, landscape and visual impacts, heritage conservation, development pressure of

village houses, operation of the Columbarium and Nature Reserve, provision of Environmental Monitoring and Audit (EM&A) Manual.

(The project proponent team joined the meeting at this juncture.)

Presentation Session (Open Session)

7. Mr Phill Black introduced the background and purpose of the project. Mr Terence Fong briefed Members on the findings of the EA study.

Question-and-Answer Session (Open Session)

Conservation management

8. The Chairman enquired about the scope of study for the project. Mr Phill Black said that the project boundary included the Ecological Reserve, the Columbarium Development and the SLT Road as shown in Figure 1 of the EA report. He also confirmed that the conservation management plan covered the whole SLT Valley, including private land owned/partially owned by Sha Lo Tung Development Company (SLTDC), Government land and unpurchased land. The unpurchased land was only about 4% of the private land or about 1 to 2 % of the whole SLT Valley.

9. Two Members enquired about the possibility of acquiring the remaining unpurchased land within the Ecological Reserve to ensure that all land would be under the ownership of either the Government or SLTDC. Mr Joe Fong said that while it was their intention to continue acquisition of the remaining private land within the Ecological Reserve area, some lots were complicated in ownership and it was difficult to trace the owners at this stage. Mr Phill Black said that they anticipated that the proportion of unpurchased land would gradually decline as more owners opted to sell their land lots when the PPP Scheme was implemented. Even if some of the owners refused to sell the private lots, there would not be adverse impacts on the conservation plan as the current statutory land use control mechanisms were adequate to regulate land use on these residual private lots. The majority of the unpurchased land was located within the Site of Special Scientific Interest (SSSI) zone and Conservation Area on which small house development was prohibited. The complications in such ownership would not undermine the integrity of the conservation management plan.

10. A Member enquired about the future ownership of the land. Mr Vincent Tang advised that the Ecological Reserve would be under the ownership of the Government (except the unpurchased land) after the SLTDC surrendered all the land it owned in the SLT Valley to the Government. The Green Power (conservation partner of the project) would be entrusted with the responsibility of managing the Ecological Reserve and Nature Interpretation Centre. The Development Site in the Green Belt would be under the ownership of the SLTDC after implementation of the land exchange. The SLT Road would remain a public road but the SLTDC would be entrusted to manage the road.

11. The Chairman enquired about the role of the proposed Conservation Management Board (CMB). Mr Vincent Tang advised that the CMB would be set up by the Government with the responsibility of overseeing the future management of the whole project, including the Ecological Reserve, the Development Site and SLT Road.

12. In response to a Member's enquiry about the composition of the CMB, Mr Vincent Tang advised that the members would be appointed by the Government. The membership would include the project proponent and the Green Power as well as academics, representatives of relevant government departments (such as EPD, Agriculture, Fisheries and Conservation Department (AFCD), Transport Department (TD) and the Police) and relevant bodies (such as Tai Po District Council and green groups).

Potential human disturbance to the Nature Reserve

13. A Member expressed concern about potential human disturbance to the Nature Reserve, especially during the festival days, in view of the limited carrying capacity of the SLT Road and the Development. Mr S L Ng explained that special traffic arrangements would be implemented on festival days to control the number of vehicles and people to the Development Site. The "festival days" referred to the days of Ching Ming Festival and Chung Yeung Festival as well as Sundays immediately preceding and after these two days (i.e. a total of six days in a year). Buyers of Class A niches (20,000) might visit the Columbarium at any time but prior booking would be required during the festival days. Access to the Development Site by vehicle during the festival days would be limited to shuttle coach services provided by the SLTDC. Only eligible ticket holders with prior

booking would be allowed to take the shuttle. Buyers of Class B niches (40,000) would not be allowed to visit the Columbarium during the festival days. Control points would be set up and visitors who walked up the SLT Road without valid tickets would not be allowed to enter the Columbarium.

14. The Chairman was concerned about the interface problem on the co-existence of a nature reserve near a columbarium setting which would invite visitors to an ecologically sensitive site. On the potential disturbance to the Ecological Reserve from visitors who entered the reserve after their stay in the Columbarium, Mr Phill Black explained that visitors would be allowed to stay in the Columbarium for about 2 hours to ensure proper timetabling of shuttle coach services. Mr Kenneth To said that the Development Site would include open space of about 3.5 ha which should be able to accommodate the visitors with valid tickets wishing to relax within the site after visiting the niches. Mr Terence Fong added that sufficient staff would be deployed by the project proponent in the Columbarium for crowd control purpose.

15. A Member was concerned about the control of undesirable activities (such as enjoying edible worship offerings) in the Ecological Reserve after paying ancestor worship in the Columbarium. Mr Phill Black explained that all visitors to the Ecological Reserve would need to observe certain standards of behaviour and sufficient on-site staff would be provided to monitor such behaviour, in particular on festival days. The setting up of the Ecological Reserve would enhance public education on appropriate behaviour in caring for the nature. Mr Kenneth To added that the mode of worshipping was changing in view of the relatively smaller size of nowadays columbarium settings in Hong Kong as compared with traditional larger cemeteries and graveyards. Fewer people were bringing bulky worship offerings to the columbaria. In any case, the Development Site would have ample space for visitors to hang around and relax without having to “spill over” to the Nature Reserve.

Traffic impact assessment and traffic management

16. The Chairman expressed concern about the possible under-estimation of the number of visitors in the Traffic Impact Assessment (TIA). He queried the use of traffic survey data at Lions Nature Education Centre, which was not located near country parks or hiking trails, as a reference for visitors to the SLT Nature Interpretation Centre. He also queried the use of survey data at Ching Chung Sin

Yuen on a weekday on 20 July 2005 which should be a hot and humid day as a reference for estimating visitation on weekdays to the SLT Columbarium. Mr S L Ng explained that the Lions Nature Education Centre had similar features as the Interpretation Centre. A day in July was chosen as it was a day during the summer holiday and visitation was expected to be more than normal weekdays. The TIA had been submitted to the TD which had no adverse comments.

17. A Member queried the use of Ching Chung Sin Yuen, which was a relatively old columbarium development accessible by public transport, as a basis for projecting visitation to the SLT Columbarium. The visitation to the Ching Chung Sin Yuen was expected not as frequent as that of the recently built columbarium developments. The Junk Bay Columbarium was considered a more appropriate reference. The Chairman considered that the trip pattern to SLT Development would be different as buyers of Class A niches, having paid more, would have a higher propensity for visiting on festival days and thus trip demand from this group of buyers on festival days would be much higher. Mr Joe Fong explained that the Ching Chung Sin Yuen was used as a reference as all the niches there were sold out and it was easily accessible. Visitation was expected to be higher than other columbaria, such as the Junk Bay Columbarium, which was not easily accessible by public transport. In the past, a number of traffic surveys were conducted for a period of few days on several occasions between 2003 and 2007.

18. The Chairman queried the use of 940 trip attraction (in-flow) per peak hour rather than 1,220 trip generation (out-flow) (in Table 5-3 of the EA Report) as the basis for projecting the number of visitors to the SLT Columbarium on festival days. Consideration should not be only focused on traffic management for visitors going to the Development Site, but also crowd control within the Development Site as well as traffic management for outgoing visitors. Mr S L Ng explained that TD was concerned about the traffic flow to the Development Site especially possible congestions at the pick-up points. Thus, the figure of 940 trip attraction was used. Nonetheless, measures could be taken to increase the frequency of shuttle coach service in case the number of outgoing visitors increased to the level of 1,220 trip generation per peak hour. At the same time, the 1,220 visitors was a peak hour demand and not 1,220 visitors were waiting shuttle coach service at the same time. Dr Man Chi-sum added that a crowd control management plan, including crowd control inside the Development Site, had been prepared. The ample space within the Development Site, including the open car park, which would be closed for parking during festival days, would be adequate to cater for visitors for shuttle

coaches.

19. A Member enquired about the traffic arrangement of non-festival days. Mr S L Ng confirmed that the general public could drive to the Development Site on non-festival days. On the pattern of visitation to other columbaria, survey findings showed that the level of visitation on Sundays immediately preceding and after Ching Ming Festival and Chung Yeung Festival was about 50% of that on these two days while the level of visitation on Saturdays immediately preceding and after was about 10% of that on these two days.

20. Mr Phill Black explained that the crux of the matter in terms of traffic and crowd control on festival days was that a cap would be set on the number of visitors from buyers of Class A niches. By setting a quota of 7,400 per day on the six festival days, the traffic demand would be contained. The cap was estimated having regard to the capacity of infrastructure of the Development and pattern of visitation to columbaria of similar size. The Chairman considered that while a cap would be imposed on the number of visitors on festival days, there might be frustrations from buyers of Class A niches who could not visit the Columbarium during the festival days as they had paid a higher price with the expectation of being able to visit the Columbarium on festival days. Mr S L Ng further explained that Class A niches would have to make prior arrangement with the SLTDC for making visit on festival days. This arrangement could help the SLTDC monitor the expected visitors on the festival days and adjust the special traffic arrangement required.

21. A Member noted that the detailed arrangements of access to the Development Site would still be subject to consultations with the Police, TD and CMB. Mr S L Ng explained that the consultations referred to operational arrangements, such as details of pick-up/drop-off points and number of helpers. Mr Vincent Tang advised that a working group, including the Police and TD, had been set up to examine traffic management and control issues. The project proponent was required, as part of their undertakings, to prepare a detailed traffic management plan to the satisfaction of the Police and TD.

22. A Member enquired about the management responsibility of traffic arrangement. Mr Phill Black explained that the SLTDC would be responsible for operating the shuttle coach service, traffic control of the SLT Road and access control to the Development Site while the Green Power would be responsible for

access control to the Ecological Reserve. The Police and TD would render assistance in monitoring the traffic situation on festival days and special occasions. Dr Man Chi-sum added that for daily operations, agreement from the Tai Po Police Station had been secured to offer assistance for law enforcement when needed.

Tree felling impacts

23. A Member was concerned about the large number of trees to be felled for this conservation project and its impacts on the Fung Yuen SSSI. Mr Peter Austin explained that the number of trees to be felled would be about 41 (out of 505) trees within the Development Site and about 327 (out of 672) trees along the SLT Road. No tree would be felled within the conservation area. The upgrading of SLT Road was essential from the public safety point of view. The felling of trees would be performed by phases. Most of the tree felling activities would be carried out at the right side of the SLT Road uphill. Most of the trees on the left side of the road would be retained which could partially screen the construction activities. Studies showed that the impacts of the road works on Fung Yuen would be minimal.

24. In reply to the Chairman's enquiry about the possibility of minimizing the scale of tree felling activities, Mr Peter Austin said that the estimation was the worst-case scenario and they were confident that the number of trees to be felled could be further reduced during detailed engineering design. Moreover, trees felled in the Development Site would be compensated by planting at a ratio of 5:1. Those along the SLT Road would be compensated at a ratio of 3:1. Soft landscaping would be provided after the completion of road works.

25. In reply to a Member's enquiry about the compensatory planting, Mr Terence Fong advised that native species would be used as far as practicable. In response to a Member's enquiry, Mr Peter Austin said that while there was sometimes shortage problem for sourcing some special species in the local market and that in the Mainland, it was envisaged that the supply of native woodland species for the project would not be a problem.

Water quality impacts

26. A Member was concerned about the possible surface runoff from SLT Road to Fung Yuen. Mr Terence Fong said that surface runoff from the

Development Site would be intercepted, collected and stored in a water storage tank with sufficient capacity to cater for 1 in 200 years heavy rainfall. The surface runoff would not affect Fung Yuen.

27. The Chairman enquired about the possible hydrological changes to the SLT Stream which was located to the north of the Development Site (Figure 5.3 of the EA report refers) and possible impacts on catchment field. Mr Terence Fong explained that the SLT Valley had two basins, namely Drainage Basin 11 and Drainage Basin 15. During the construction phase, the surface runoff from the whole Development Site would be collected and discharged along the SLT Road to the Tai Po area southwards. During the operational phase, only surface runoff from the paved area of the Development Site would be so collected and discharged. It was envisaged that the loss of surface runoff to Basin 11 (i.e. where SLT Stream was located) would be not more than 2.8% during the construction and operational phases.

28. The Chairman was concerned about the impacts arising from the loss of catchment area on the streamflow and aquatic ecology in the local tributary of the area caused by the development, in particular in dry seasons. Mr Terence Fong explained that there was no watercourse passing through the Development Site but only one gully-like natural drainage path. Surface runoff along the path would be collected by a separate drainage system with underground drainage pipe passing through the Development Site and then discharged directly to the stream. The hydrological change and reduction in catchment field were anticipated to be minimal.

Landscape and visual impacts

29. The Chairman enquired about the possibility of minimizing the visual impacts of structures in the Development Site as there were concerns, such as from hikers, about the visual intrusion of the Development which would destroy the natural landscape of SLT Valley. Mr Peter Austin explained that the structures would be small-scale low buildings and the Columbarium would be two-storey buildings surrounded by trees. While the structures would be seen from a number of locations outside the SLT Valley, the visual impact on sensitive receivers was considered acceptable. Residents of Fung Yuen were screened off from the Development in view of the topography and most of other sensitive receivers were relatively remote. From the landscape and architectural points of view, the key

was to blend the development into the natural surroundings. Mr Phill Black added that the footprint would only cover about 27% of the Development Site. Landscaping and planting would be carried out in the remaining areas. Detailed design of the Columbarium and other structures would be further refined to minimize visual impacts.

Heritage conservation

30. The Chairman enquired about the preservation of certain village structures with Grade II status (such as Cheung Uk) in the SLT Valley. Mr Phill Black explained that the potential for heritage conservation within the “V” zones was recognized. However, the current PPP project was nature conservation based which was in line with the Nature Conservation Policy. Future proposals for heritage conservation were not prejudiced by the intended conservation management, but the details and implementation of any future heritage conservation proposal for the graded buildings in the SLT Valley would need to be undertaken under the Built Heritage Conservation Policy.

31. A Member pointed out that heritage conservation was also an important issue. The state of structures with high heritage value in the SLT Valley would deteriorate if no plan was put in place to preserve them. Mr Phill Black agreed that such deterioration should be prevented but that such action, especially the adaptive re-use of the small house structures conserved, should be carefully considered and taken up under built heritage policy mechanisms.

Development pressure of village houses

32. A Member expressed concern about the development pressure of village houses within the SLT Valley in view of the enhanced road access. Mr Phill Black explained that out of the 1 to 2 % of unpurchased land within the SLT Valley, only very small strips of scattered areas were located within the “Village” (“V”) zones (as indicated in Figure 1 of the EA report). The majority of these private lots were outside the “V” zones. The chance for building small village houses within the SLT Valley was very slim.

33. A Member asked whether there were any sustainable measures to address future demand from eligible indigenous villagers’ descendents for building small village houses within the SLT Valley under the Small House Policy.

Mr Phill Black explained that the SLTDC had very good rapport with villagers in the area and incentives would be provided to the land owners to build village houses outside the SLT Valley. Moreover, the Government would consider the applications for small house development within the SLT Valley under the Small House Policy from a strategic perspective. Mr Kenneth To supplemented that there were currently 240 building lots in the “V” zones and 236 of them were owned by the project proponent. Under the PPP Scheme, the project proponent would surrender the rights for development in these building lots. This had already released a major part of development pressure in the “V” zones. Mr Vincent Tang advised that information from the Lands Department showed that majority of the 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.

34. The Chairman considered that from the planning perspective, there would still be uncertainty in the potential pressure for small house development in the future if the “V” zone was not re-zoned under the statutory process. On the contrary, development might be allowed in the Green Belt subject to the approval of the Town Planning Board. Mr Phill Black explained that the PPP Scheme did not preclude the option of rezoning the “V” zones in future but such was not intended under the project, as it concerned traditional rights/cultural affiliation and wider policy issues. As for the planned development in the Green Belt, it was in line with the principle of the PPP Scheme as it was an ecologically less sensitive area at the entrance to the Ecological Reserve and was necessary to fund conservation operations. The development plans would be subject to town planning approval and further public comments as the area had to be rezoned.

Operation of the Columbarium and Nature Reserve

35. In response to the Chairman’s enquiry about the proposed number of 60,000 niches to be built in the Columbarium, Mr Phill Black explained that assessment had been conducted on different scenarios on the number of niches to be accommodated. A balance had to be struck having regard to many considerations, such as the availability of sufficient funding for future conservation operations, potential impact of different development potential and capacity constraints, visual impact, technical feasibility and sustainability.

36. A Member enquired about the burning of effigies, paper offerings and incenses during the operation of the Columbarium. Mr Terence Fong confirmed that burning of effigies and paper offerings would be prohibited as stated in section 3.3.6.1 in the EA report. Mr Joe Fong said that while extensive burning of incenses and candles would not be allowed, one incense would be lit up in the Multi-Cultural Education Retreat which was designed for promotion of religious education.

37. A Member enquired about measures to prohibit activities, such as wargames and race by four-wheel drive, which would destroy the natural beauty of SLT Valley. Mr Phill Black explained that while the Ecological Reserve would be opened to the public, it would be managed by the Green Power. There would be staff to monitor the site day and night. The number of people entering the Ecological Reserve would be controlled. No party could enter the Ecological Reserve for activities which were inconsistent with the nature conservation principles.

38. In response to the Chairman's enquiry about the provision of toilet facilities in the Ecological Reserve, Mr Terence Fong explained that visitors could make use of the public toilets at the Interpretation Centre.

Provision of EM&A Manual

39. The Chairman said that some Members noted that the EM&A Manual for the project was not provided together with the EA report. Mr Terence Fong explained that the EM&A requirement and programme were presented in Section 12 of the EA report. A detailed EM&A Manual would be submitted to the CMB prior to the commencement of construction works as the details had to be firmed up at a later stage.

40. Mr C W Tse advised that according to the Technical Memorandum on the Environmental Impact Assessment Process (TM), the need and scope of the EM&A requirement should be identified in the EIA report. The EM&A Manual could be submitted before the issue of Environmental Permit or before the commencement of construction works. According to past records, about 30 % of the EIA reports of which the EM&A Manuals were submitted after the approval of the EIA reports.

Other issues

41. The Chairman noted some concerns in the public comments that the EA report failed to address the importance of SLT Valley as a significant breeding site for wild bird species in Hong Kong. The Hong Kong Nightbird Survey of 2000-01 showed that SLT Valley was one of the best sites in terms of total numbers of nightbirds detected and species diversity. Members considered that attention should be paid to this aspect in minimizing disturbance to the birds.

(The project proponent team left the meeting at this juncture.)

Internal Discussion Session

42. A Member expressed concerned about the possible overloading of the SLT Road, not only during the six “festival days” but also Saturdays preceding and after Ching Ming Festival and Chung Yeung Festival as well as other weekends preceding and after these two days.

43. Mr Vincent Tang advised that regular reviews would be conducted by the CMB in collaboration with relevant government departments. Traffic contingency plans would be worked out to regulate traffic flows when required. A Member considered that the CMB should be mindful in imposing changes and tightening controls on the access to the Columbarium as there might be expectations from niche buyers for visiting the Columbarium and deviations from the contractual agreements might lead to disputes.

44. On the operation of the Columbarium, Mr C W Tse advised that as the niches would be sold by phases, the operation of the Columbarium would be closely monitored by the CMB and detailed operations could be fine-tuned in light of experience.

45. In response to the Chairman’s enquiry about the provision of toilet facilities in the Ecological Reserve, Mr C C Lay advised that it was uncommon to provide public toilet facilities inside nature reserves, such as in the case of Hong Kong Wetland Park. Visitors could make use of toilet facilities at the visitor centre.

46. On the provision of EM&A Manual, Mr C W Tse said that the EA report of the SLT project had been circulated to and endorsed by relevant government departments based on the standards in the TM, as in the case of other EIA reports, before submission to the Subcommittee. The Chairman considered that it was a usual practice for project proponents of major projects to submit EM&A Manual together with the EIA report. A Member said that the Manual was important in defining the responsibility of relevant parties, determining the scope of control and laying down measures to monitor the implementation of mitigation measures. This was particularly important for the PPP proposal in which different parties were involved.

47. Mr Vincent Tang advised that the mitigation measures provided in the EA report and undertakings of the project proponent would be included in the legally binding undertaking and the project proponent would be required to provide a performance bond to ensure compliance. Should there be any breach, the Government would take remedial actions. The bond would also be called in accordance with the undertaking.

48. A Member noted some concerns in the public comments about whether the project should be a designated project under the EIAO and related legal issues. Mr C W Tse advised that all the public comments received by the department would be considered seriously and legal advice would be sought where necessary.

49. After discussion, Members agreed that the project proponent should be required to provide supplementary information on the following aspects in light of Members' concerns –

- (1) Regarding the SLT Stream which was located to the north of the proposed development site (Fig 5.3 of the EA report refers), Members were concerned about the impacts arising from the loss of catchment area on the streamflow and aquatic ecology caused by the development. Information was required on –
 - (a) the estimated extent of reduction in the flow of the local tributary caused by the development on the localized catchment area (i.e. catchment area at and near the development site and not the whole catchment area of the SLT Valley), in particular in dry

seasons; and

- (b) assessment conducted on the localized potential impacts, including the potential impacts on aquatic organisms in the local tributary of the area.
- (2) Regarding the traffic impact assessment, Members were concerned about the possible under-estimation of number of visitors during the festival days which was used as a basis for calculating the number of niches to be built in the Columbarium. They were also concerned about the carrying capacity at the Columbarium during festival days and possible impacts on the nearby Ecological Reserve. Information was required on –
- (a) projection on the number of visitors to the proposed Columbarium on festival days by using 1,220 trip generation (in Table 5-3 of the EA report) as the basis, plus a certain level of buffer;
 - (b) projection on the potential traffic impact and number of visitors to the proposed Columbarium on festival days by using data from more recently built columbarium developments, given that Ching Chung Sin Yuen, the one referred to in the EA report, was a relatively old columbarium development and visitation was expected not as frequent as that of the recently built columbarium developments;
 - (c) any further measures on the control of visitors within the Columbarium Complex during festival days; and
 - (d) any further measures to avoid human disturbance and adverse impacts on the nearby ecologically important areas, in particular during festival days.
- (3) The EM&A Manual on the development proposal.

(Post-meeting note: The supplementary information provided by the project proponent after the meeting was circulated to Members of the EIA Subcommittee.

The EIA Subcommittee continued the discussion of the EA report at the meeting on 18 September 2008.)

Agenda Item 2 : Any other business

Tentative items for discussion at 105th Meeting

50. The Chairman informed Members that the following two EIA reports would be discussed at the 105th meeting scheduled for 18 September 2008 –

- (a) Proposed Development at Fung Lok Wai, Yuen Long; and
- (b) Harbour Area Treatment Scheme (HATS) Stage 2A – Investigation

**EIA Subcommittee Secretariat
October 2008**