

**Confirmed Minutes of the 120th Meeting of
the Environmental Impact Assessment Subcommittee
held on 25 June 2012 at 2:00 pm**

Present:

Mr TSANG Kam-lam, JP (Chairman)
Prof CHAU Kwai-cheong, JP (Deputy Chairman)
Ms Teresa AU
Prof FUNG Tung
Prof Paul LAM, JP (ACE Chairman and non-EIASC member)
Mr Edwin LAU, MH
Ir Dr LO Wai-kwok, BBS, MH, JP
Miss Yolanda NG
Dr YAU Wing-kwong
Miss Evelyn LEUNG (Secretary)

Absent with Apologies:

Dr Dorothy CHAN, BBS
Ms Betty HO
Prof Joseph LEE
Prof LI Xiang-dong
Dr MAN Chi-sum, JP
Mr Simon WONG, JP
Dr Ray YEP

In Attendance:

Mr Andrew LAI, JP	Deputy Director of Environmental Protection (3), Environmental Protection Department (EPD)
Mr C W TSE, JP	Assistant Director (Environmental Assessment), EPD
Mr Y K Chan	Acting Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Ms Joanne CHIN	Executive Officer (CBD), EPD
Ms Daicie TONG	Executive Manager (CBD), EPD

In Attendance for Agenda Item 2:

Mr Maurice YEUNG	Principal Environmental Protection Officer (Assessment and Noise), EPD
Mr Terence TSANG	Senior Environmental Protection Officer (Assessment and Noise) ⁵ , EPD
Mr Cary HO	Senior Nature Conservation Officer/South, AFCD
Mr Dennis MOK	Senior Nature Conservation Officer/Central, AFCD
Mr Simon CHAN	Senior Conservation Officer/Biodiversity, AFCD

Mr Joseph FONG	Director, Sha Lo Tung Development Company Ltd.
Dr Eric TSANG	Chairman, Green Power
Mr Phill BLACK	Director, Pro Plan Asia Ltd.
Dr Robin KENNISH	Director, ERM-Hong Kong, Ltd.
Mr Terence FONG	Principal Consultant, ERM-Hong Kong, Ltd.
Mr Kenneth TO	Managing Director, Kenneth To & Associates Ltd.
Mr Davis LEE	Associate Director, Ove Arup & Partners HK Ltd.
Ms YAU Mee-ling	Senior Plant Ecologist, Ecosystems Ltd.
Mr Tom HENDERSON	Director, Geotechnical Consulting Group (Asia) Ltd.
Mr S L NG	Director, LLA Consultancy Ltd.

Action

Agenda Item 1 : Matters arising from the minutes of the 119th meeting held on 9 January 2012

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

Agenda Item 2 : EIA report on “Pilot Project for Public-Private Partnership Conservation Scheme at Sha Lo Tung Valley, Tai Po”

Internal Discussion Session

2. The Chairman informed Members that agenda item 2 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 under agenda item 2 would be opened to the public. Internal Discussion Sessions of agenda item 2 and all other sessions of the meeting would remain closed.

3. The Chairman informed Members that the Environmental Impact Assessment (EIA) report on “Pilot Project for Public-Private Partnership Conservation Scheme at Sha Lo Tung Valley, Tai Po” was a designated project under “Schedule 2” of the EIA Ordinance (EIAO). The public inspection period of the report was from 21 May 2012 to 19 June 2012. As an administrative arrangement, public comments received by the Environmental Protection Department (EPD) were circulated to Members for reference before the meeting. Separately, submissions addressed to the Council were circulated to Members before the Subcommittee meeting for Members’ information. Written response from the project proponent to some Members’

questions was also circulated to Members for information before the meeting.

4. The Chairman informed Members that a Member had declared interest before the meeting that the Green Power, in which he served as the Chief Executive Officer, was the Conservation Agent of the project. He therefore had asked to be excused from the meeting.

5. The Chairman reminded Members to keep confidentiality of the discussion on the EIA report until the full Council had made the final decision on the conditions and recommendations to the EIA report. Members were also advised to refer any enquiries to the Secretariat for follow-up in case they were approached on the discussion and/or decision of the Subcommittee.

6. The Chairman and Members sought clarifications from the sit-in officials of EPD and AFCD on the following issues before the project proponent team was called in.

Policy background

(A) EIA process

7. The discussions over the need of Public-Private Partnership (PPP) Conservation Scheme at Sha Lo Tung (SLT) and the project proponent's choice of building the columbarium complex were not under the ambit of deliberation by ACE. Under the EIA mechanism, focus of examining the EIA report was to assess the project's environmental acceptability in compliance with the provisions of the EIAO and the Technical Memorandum on EIA Process (TM). In the case of the SLT project, the EIA authority had yet to make its decision on the report. Subsequent to the passage of the EIA process, the project proponent still had to go through other relevant statutory processes, e.g. town planning and amendments of outline zoning plan (OZP), etc., before they could commence the project.

(B) New Nature Conservation Policy (NNCP)

8. The Government promulgated NNCP in 2004 to identify practicable ways for better achieving the nature conservation objectives, and in particular, to enhance conservation of the ecologically important sites which were in private ownership. Under NNCP, 12 priority sites including SLT Valley had been identified for enhanced conservation. Under the PPP Pilot Scheme of NNCP, development of an agreed scale would be allowed at the ecologically less sensitive portion of the site, provided that the project proponent undertook to conserve and manage the rest of the site that was ecologically more sensitive on a long-term basis. In the case of SLT, the project proponent had undertaken to inject a lump sum into a Government Statutory Fund (i.e. the Environment and Conservation Fund (ECF)) which would generate recurrent revenue sufficient for the long-term management of the ecologically more sensitive portion of the site. They would also be required to identify competent body (e.g. green

group) as their conservation agent to manage the ecologically sensitive portion of the concerned site. The conservation agent should apply for funding support from ECF for carrying out the conservation project. Willingness of the project proponent to initiate conserving and developing the priority site in a sustainable manner was essential for the successful implementation of the PPP Pilot Scheme.

Completeness/accuracy of the ecological surveys in the EIA report

9. Ecological surveys in EIA studies generally covered the major taxa groups, the biology and distribution of which were more well-studied, documented and understood. The EIA would also cover some unusual species if the study area was known to support them. For SLT, the site was known for its streams and wetlands which were important habitats for dragonflies and *Macropodus hongkongensis* (香港鬥魚), whereas the issue of fireflies had not been raised in the previous two rounds of public consultation under the statutory EIA process. Furthermore, the ecological value of SLT Valley was fully recognized and a Conservation Management Plan (CMP) was recommended in the EIA study to conserve the site. The recent report of fireflies in SLT Valley would help reaffirm the ecological importance of the area. Findings and conclusion of the present EIA study nonetheless should continue be held valid.

Compliance with NNCP and PPP Pilot Scheme

10. Under the PPP Pilot Scheme, the development should be located at the ecologically less sensitive portion of the priority site so as to maximize the conservation gain. There was no prerequisite that the development portion must be wholly within the priority site. In the case of SLT, 96% of the private land within the Valley was owned by the project proponent and the site consisted largely of ecologically sensitive land. Instead of restricting the development to within the boundary of the priority site, the development was proposed to be located at the ecologically less sensitive part of the priority site and the adjacent area so as to minimize any potential ecological impacts. A reasonable degree of flexibility should be allowed in the proposal without compromising the principles of NNCP.

Ecological changes at the SLT area

11. AFCD has been undertaking ecological monitoring to SLT Valley since it was listed a priority site in 2004. As the site was largely under private ownership, the Government could not institute specific active conservation measures to conserve the area. In the past years, ecological damage due to hill fires and human disturbances such as war games and use of four-wheel drive vehicles had occurred. *Mikania micrantha* and other invasive species had colonized large patches of land. The high ecological value of SLT Valley would inevitably change and deteriorate over time without active management inputs. The PPP Pilot Scheme was taken to be an effective measure for enhanced conservation of the site.

Land use at the SLT area

12. Some of the land use zoning for the SLT OZP are Village Type Development zone (“V” zone) and “Agricultural” zone in which building village houses and farming were allowed. Under the development proposal, the project proponent was to set up an Ecological Reserve for long-term conservation of the entire SLT Valley. They had reached an agreement with village representatives to dedicate all relevant land lots for conservation instead of building village houses. Should any land arrangement involving government land is to be involved in the project, the Government would consider the issue in accordance with the prevailing application procedures, and the approved land arrangement would be subject to restrictions as stipulated in the land lease conditions and relevant details, including payment on a land premium as assessed by the Government. Any allegations of “transfer of benefits” between the Government and the project proponent were unsubstantiated. Further, the development plan, in case of passage of the EIA process, would still have to fulfil the statutory requirements including application for land arrangements or application for planning permission in accordance with the Town Planning Ordinance (TPO).

13. Members agreed that since the Subcommittee already had long and detailed discussions of the EIA report on the SLT project in the past years, the last one being held in April 2011, the discussion should focus on the key revisions made in the present report.

[The project proponent team joined the meeting at this juncture.]

Presentation Session (Open Session)

14.. Mr Phill Black briefed Members on the background of the project and Mr Terence Fong briefed Members on the key revisions and findings of the EIA study since their last submission in April 2011.

Question-and-Answer Session (Open Session)

Design of the project

Number of niches in the columbarium complex

15. The project proponent advised that there would be four buildings in the columbarium complex with a maximum of 60 000 niches, as compared with five buildings as proposed in the previous submission. On the possibility of reducing the project scale, the project proponent claimed that the number of niches was determined by the financial package having regard to the various costs and expenditure items including conservation, improvement works to SLT Road and their extensive building entitlement and agricultural land holdings and related costs to be balanced against the expected revenue generated from the sale of niches. The scale of development had yet to be approved by the Town Planning Board (TPB).

Visual impacts

16. The project proponent explained that the building design was revised with the planned excavation of an underground level to give an additional storey for each of the four buildings while the building height viz. the visual impact would remain unchanged. The overall landscape master plan and individual structure works would be subject to amendment when the project was approved to proceed to detailed design. The total Gross Floor Area for columbarium use would largely be the same as in the previous submission. The current proposal was considered an improvement in terms of the physical location of the columbarium complex for improving the visual impacts by cutting down one building and by keeping the blocks at the downside of the knoll.

17. Referring to public's concern that the columbarium would attract more visitors and bring about inevitable human disturbances to the area, the project proponent had recommended mitigation measures and administrative arrangements such as use of electric vehicles and crowd control. As the daily number of visitors to the columbarium complex during festival days would be limited to 7 400, the environmental impact on human disturbances was considered acceptable. These mitigation measures had been covered in the EIA report.

Ecological impacts, conduct of ecological surveys and benchmarking

18. The Chairman referred to public's objections to the project that fireflies and Three-banded Box Terrapin had not been covered in the EIA report. The project proponent explained that they had conducted a comprehensive ecological survey in the area for 26 months in accordance with the requirements of the study brief and the TM. Fireflies were identified in the study area but not included in the EIA report as it was not required in the study brief and also in view of the limited information available on them. They also clarified that the survey did cover Three-lined Box Turtle, a species of high conservation value. Their potential habitats in SLT Valley had been proposed to be conserved in the Ecological Reserve. Both the turtles and the fireflies would be included as the target species for conservation in the future CMP.

19. In response to the enquiry from a Member, the project proponent explained on the possible approaches in maintaining/transforming the abandoned agricultural land in SLT. Where there was natural succession/ colonization of plants, they would assess the impact on the fauna/flora and carry out maintenance (for those vegetation having a positive impact on the habitat) or removal (as in the case of invasive species like *Mikania micrantha*) as appropriate. When drawing up the detailed CMP, they would conduct a thorough study on the topography and hydrology of the area, research on the eco-systems and study their inter-linkages, and propose appropriate plant mix and habitat management to maintain/restore the area to the optimal habitat for organisms living therein in a progressive manner.

20. A Member relayed public's concern that the EIA report did not cover the

southern seasonal stream that flowed through the Development Site, and therefore omitted the species and eco-systems therein in the ecological assessment. The project proponent stated that they had conducted a thorough ecological survey on the area and found that the species composition was dominated by ferns, shrubs and isolated trees, which were typical features of shrubland grassland mosaic habitat. Some other species adapted to moist environment were also found but they were localized and only in few numbers. Puddles of water were found in rainy season due to the flat topography of the area, but there was no continuous flow of surface stream. Based on the species composition and structure of the habitat, it was considered more appropriate that the site be categorized as “shrubland grassland mosaic”.

21. On the question over the possible impacts caused by soil nailing to underlying vegetation, the project proponent said that the area that might require soil nailing was very limited. Works would be localized and carefully planned to avoid any unnecessary tree felling. It would mainly affect the understorey vegetation of secondary woodland but would not lead to habitat loss.

22. In answering enquiries from the Chairman and a Member, the project proponent informed that they did not have a detailed analysis on the changes of ecological value in terms of wildlife data or composition and plant species over time. They clarified that major differences in ecological value could not be detected unless a specially designed and detailed survey was conducted over 5 to 10 years’ time. Changes to the SLT area in general had been noted since 2004 when they first conducted the ecological survey such as the damage caused by hill fires and other human disturbances.

23. Two Members enquired about the benchmarks to be adopted for evaluating the outcome of the CMP. The project proponent informed that while they at present did not have the year-on-year comparison of baseline data collected in SLT Valley, they had maintained a long-term accumulated baseline database. The preliminary CMP provided in the EIA report was only an outline of the principles and framework of the plan. They would continue monitoring the different taxa groups and submit a detailed CMP comprising a more in-depth ecological survey to AFCD for endorsement before commencement of the project.

Water quality impact

24. A Member enquired about measures for mitigating the adverse impacts on water quality brought by the development to the Ecological Reserve. The project proponent informed that the key measures included interception of the surface runoff from the Development Site, so as to avoid any contamination of water entering SLT Stream. They would also build tightly-sealed hoardings along the drainage system enclosing the Development Site so as to prevent any silty runoff.

25. A Member enquired about the treatment of waste water and was concerned that untreated water might seep and contaminate the Site of Special Scientific Interest

(SSSI). The project proponent replied that the major source of sewage would come from human excrement and other domestic use. They would build a separate water-tight sewage system to convey the sewage along the improved SLT Road to the Tai Po sewage treatment plant directly. Apart from installation of standby pumps, they would build a storage tank with a capacity which could cater for sewage generated by visitors for two to three days during festival days for contingency in the event of failure of all pumps. They would not anticipate any problem of overflow of waste water to SSSI. Regarding natural surface runoff, fertilizers and pesticides would not be allowed for use in SLT Valley. No chemicals would be flushed down to SLT Stream.

26. A Member questioned if the interception of natural surface runoff would result in the reduction in water supply downstream, which in turn would affect the eco-systems therein. The project proponent responded that they had looked at occurrence spectrums of storm events from one in two years to one in two hundred years, and assessed that the net reduction in the volume of fresh water entering SLT Stream would only be 3% at most. The change in the volume of water flow would only be insignificant.

27. Regarding water supply to the abandoned agricultural land to the north of the Development Site, the project proponent informed that the water was supplied from two separate sources of surface runoff, one from the natural drainage path which would be affected by the development (but the flow would largely be maintained after construction), and the other from the highland area to the east would not be affected by the project. They assessed that the impact caused by the development to the water supply in the abandoned agricultural land would be insignificant. Nevertheless, they would introduce a system to divert water to the abandoned agricultural land when drawing up the surface drainage plan if deemed necessary.

28. A Member pointed out that the Development Site was large and relatively flat, and water flow thereat was relatively slow. He enquired about any hydrology plan of the area and the treatment of ground water seepage that might occur after heavy rains. The project proponent said that they had detected water seepage in the secondary woodland, details of which had been covered in the EIA report. As the development did not involve extensive footing or deep excavation, they would not consider that the water table would be affected.

Design of SLT Road improvement works

29. A Member pointed out that some 300 trees along SLT Road were to be felled as a result of the road widening works. He enquired on any tree re-planting plan to be instituted. The project proponent said that a compensatory plan would be instituted whereby three trees would be re-planted for every tree to be felled. Local species and some species from southern China rather than exotic species would be recommended for the re-planting programme. The canopy of the remaining trees would be considered sufficient for the required shading along the road.

30. In answering the enquiries on the possibility of reducing the width of 4.5m for SLT Road, the project proponent explained that the road at present was a public road of 3m to 3.5m wide. It had to be upgraded to a public road of a prescribed standard to provide safe access to the Ecological Reserve under the project. The 4.5m width now proposed was a minimum requirement imposed by the Transport Department (TD) for a single track access (one lane for two ways). The proposed road improvement works had already been kept to the minimum possible according to TD road standard. They added that the Ecological Reserve, Development Site and improvement works to SLT Road were inter-linked in the development under the PPP Pilot Scheme.

31. In response to the Chairman's enquiry, the project proponent confirmed that in view that some of the plant species to be removed were of conservation value, they would undertake a detailed vegetation survey during the design stage to confirm plant species of conservation interest that would be affected by the project. These trees would be avoided through careful planning of the road works, or by transplanting where appropriate.

32. A Member relayed public's concern on the loss of large piece of greenery as a result of the road improvement works. The project proponent said that there was some misunderstanding in the calculation. They clarified that the actual affected area would only include a habitat loss of secondary woodland of about 0.2 ha, a plantation area of 0.43 ha, shrubland grassland mosaic of 0.65 ha and a developed area of around 1.08 ha.

33. A Member enquired whether the project would bring about synergy on the butterfly reserve Fung Yuen nearby. The project proponent answered that they would set up a Butterfly Enhancement Zone to enhance the butterfly communities in the whole SLT Valley, covering Fung Yuen. With regard to the concern over the impacts of the SLT Road widening works on Fung Yuen, the project proponent confirmed that only a limited area of woodland and plantation would be affected, and there would be no direct impacts on the Fung Yuen Valley SSSI.

Air quality impact

34. A Member enquired on the possibility of taking out shuttle bus service from the development and thereby encouraging visitors to get to the columbarium on foot, for the benefits of hikers as air sensitive receivers along SLT Road. The project proponent said that the shuttle bus service could serve as a tool for crowd control to achieve better management of the whole area. SLT Road should also be maintained available for emergency vehicular access. Besides, it was expected that hikers very likely would avoid SLT Road during the festival days. The impacts on hikers should be minimal.

Scale of development

35. In response to a Member's enquiry over the possibility of further reducing the scale of development of the columbarium and ancillary facilities, the project proponent said that they had cut down the scale of the project in order to minimize the impact to the environment to acceptable level under the EIAO. That included reducing the number of columbarium blocks from five to four and the total footprint areas. On the other hand, due consideration had to be given to generate sufficient revenue from the sale of niches to sustain conservation management in the long run. They considered it more appropriate to leave the matter to TPB which was the approving authority in that regard.

36. In response to the Chairman's further enquiry about their acceptance of a land swap, the project proponent said that they would keep an open mind and would be willing to consider a site outside SLT Valley for the development, provided that the revenue so generated could cover the costs of the project.

37. In response to a Member's enquiry, the project proponent said that while they were ready to discuss further on the possibility of further reducing the number of columbarium blocks to be built, it inevitably would lead to more excavation of the underground levels in exchange. They considered that the current design should prove the optimal option.

[The project proponent team took leave of the meeting at this juncture.]

Internal Discussion Session

38. A Member declared that she might be distantly related to the proponent Mr Joseph Fong. She was not aware of this until she met Mr Fong in person at this meeting. Members considered that this would not attribute to possible conflict of interest in this case. They agreed that the Member should be allowed to stay on to continue her discussion on the report.

39. The following issues were raised for clarification by the sit-in officials of EPD and AFCD :

Water quality and ecological impacts

40. Concerns from individual members in respect of issues over water quality and ecological impacts could be summarized as below –

- (a) Adequacy of baseline ecological survey(s) conducted on the Ecological Reserve to serve as the basis of CMP;
- (b) CMP measures to ensure that the natural habitats and biodiversity of the Ecological Reserve be properly maintained/protected; and
- (c) Construction works in the water catchment area of the Development Site

might disturb the natural stream systems.

41. Mr C W Tse first confirmed that the EIA authority had sought advice and inputs from relevant departments when deciding on the scope of the study brief before the project proponent prepared the EIA report. Mr Y K Chan and his colleagues supplemented that the present EIA report had already incorporated the necessary updated baseline ecological data on the project as required in the study brief. The report was considered to have met the requirements under the EIAO and the TM before it was opened up for public inspection and submission to ACE under the statutory EIA process. If the report was subsequently approved by the EIA and other relevant authorities for the proponent to proceed with the project, they would have to update the information and carry out detailed design of the conservation management plan on the basis of the information contained in the report.

42. In respect of the water quality in the catchment area, Members were confirmed that less than 3% of the water flow of the natural stream systems might be affected, in the event of exceptional heavy rainfall as stated in the EIA report. No significant adverse impacts on the habitats were expected in face of the planned water diversion works.

Impacts over SLT Road improvement works

43. A Member was still concerned that the SLT Road improvement and widening works would increase vehicular flow along the road. A substantial number of mature trees would have to be felled to accommodate the road works. This would result in combined adverse ecological and air quality impacts in the area. Two Members echoed similar concerns.

44. Mr Y K Chan informed that SLT Road was to be upgraded to a 4.5m public road single track two-way access road to meet the requirements of TD for providing safe public access to the Ecological Reserve and other facilities in the Valley. The works design would endeavour minimizing disturbance to the existing landscape and impacts to the environment along the road. No encroachment would also be made to Pat Sin Leng Country Park. Mr Cary Ho said that even in the absence of the proposed columbarium complex, with the “V” zoning within SLT Valley, the villagers might apply to Home Affairs Department for funding of the road works under the Local Improvement Works scheme.

Questions over completeness/accuracy of the EIA report and any breach of TM under the EIA process, and whether the SLT project was in compliance with NNCP

45. Members noted the substantial number of public comments received by EPD objecting to the SLT project. Mr C W Tse and Mr Y K Chan were invited to take the opportunity to clarify the issues which some members of the public might have on the project and the EIA report –

- (a) The EIA report was considered to have met the requirements of the study brief and the TM and was suitable for public inspection. The report was exhibited for public inspection from 21 May to 19 June. Director of Environmental Protection (DEP) would have to consider whether the EIA report had addressed relevant environmental issues raised by the public and ACE before making a decision on whether or not to approve the EIA report. The process had been open, transparent and fair;
- (b) The project was in compliance with the spirit of the PPP Pilot Scheme under NNCP in that –
 - (i) developments at an agreed scale would be allowed at the ecologically less sensitive portion of SLT Valley provided that the project proponent undertook to conserve and manage the ecologically more sensitive portion on a long-term basis;
 - (ii) development was proposed to be located at the ecologically less sensitive part of SLT Valley and the adjacent area so as to minimize any potential ecological impacts from the proposed development;
 - (iii) there would be no development at locations with high ecological value in SLT Valley;
 - (iv) the SLT project still had to go through the requisite statutory town planning process under the TPO and relevant land approval process if applicable, and to meet respective requirements and application procedures. Any land arrangement, if approved, would be subject to restrictions as stipulated in the land lease conditions and other relevant details, including payment on a land premium as assessed by the Administration. Until now, Lands Department (in its capacity as the landlord) had not received any relevant application;

and

- (c) ACE was now invited to consider the report under the statutory EIA process, having reference to views from members of the public received by EPD, and to make recommendations to DEP. DEP would consider the views from the public and ACE, as well as the requirements of the EIAO, TM and study brief before making a decision on either approving or rejecting the EIA report.

46. Having regard to the findings and recommendations of the EIA report on SLT and information provided by the project proponent, EIASC agreed to recommend to the full Council that the EIA report could be endorsed with the following proposed conditions –

- (a) the project proponent should submit a detailed Conservation Management Plan (CMP) (i.e. Habitat Enhancement and Management Plan for the project), including detailed measures to prevent and suppress the occurrence of hill fire during operation, for the proposed Ecological Reserve to EPD and AFCD for approval prior to the construction of the Ecological Reserve and the proposed development;

- (b) the project proponent should update the baseline ecological survey on the Ecological Reserve for drawing up the CMP and serving as benchmark for subsequent assessment of the effectiveness of the CMP measures. The survey findings should be prepared to the satisfaction of AFCD and submitted as part of the detailed CMP;
- (c) the project proponent should submit a tree-felling and re-planting plan to EPD and AFCD for agreement before commencement of the construction works;
- (d) a secure and legally binding mechanism should be put in place to ensure that the financial commitment made by the project proponent to provide an adequate amount of funding for the long-term sustainable management of the Ecological Reserve, as set out in the EIA report, be materialized;
- (e) the project proponent should take measures to ensure that the operation of the Multi-cultural Education Retreat cum Columbarium Complex would not have any unacceptable environmental impact on the Ecological Reserve, in particular that the Retreat would not be turned to a resort-type facility or any other facilities with a business nature;
- (f) the project proponent should control the number of visitors during the “Ching Ming and Chung Yeung festival days” by prior appointment limited to the buyers of the niches sold under Class A (i.e. buyers may visit the columbarium at any time) and that the number of such niches should not be more than 20 000. The remaining 40 000 niches should be sold under Class B (i.e. buyers will not be allowed to visit the columbarium during the “festival days”). The special traffic and visitor management arrangements should be set out in the sales and purchase agreement prominently between the project proponent and niche buyers to avoid dispute in future. The traffic management measures and definition of “festival days” should be reviewed regularly and agreed by the relevant authorities, including Transport Department and Hong Kong Police Force;
- (g) the project proponent should only use electric vehicles for shuttle bus services along Sha Lo Tung Road during normal days. During festival days, the project proponent should, when necessary, hire additional electric vehicles or other low emission vehicles as approved by EPD for transportation along Sha Lo Tung Road;
- (h) the project proponent should ensure that burning of effigies, paper offerings and candles should be prohibited in the Development Site. Burning of incense will be allowed only within the Multi-cultural Education Retreat on special supervised occasions with only one

incense lit within the Retreat at all times;

- (i) the project proponent should submit reports of the Environmental Monitoring and Auditing (EM&A) results on ecological and water quality monitoring during the construction phase to ACE on a quarterly basis, and those reports during the operational phase on an annual basis until the end of the first year after full operation of the Columbarium. The project proponent should also submit monitoring reports for the Ecological Reserve to ACE on an annual basis, subject to a review on the need for further submission of reports three years after establishment of the Ecological Reserve; and
- (j) the project proponent should, before commencement of the construction works, submit a detailed surface drainage/hydrology plan for the water catchment area of the Development Site with an aim to directing the natural surface runoff to the north side of the Development Site and maintaining the existing quality and quantity of water flow into the natural stream systems.

47. The meeting also made the following recommendations on the EIA report –

- (a) to review the scale and length of the Sha Lo Tung Road improvement works, including the replacing of a section of Sha Lo Tung Road widening by provisioning of an internal road from the southern side of the site, with a view to reducing the associated environmental impacts;
- (b) to minimise the use of soil nailing as far as possible in the Sha Lo Tung Road improvement works and other construction work sites;
- (c) to set up a steering group for the project, including a representative of AFCD, to ensure that the objectives for conserving and protecting the natural habitats of the site would be achieved; and
- (d) to preserve the graded historical buildings of the Hakka culture in the site, such as in the form of museums or exhibition halls, with a view to achieving environmental and cultural preservation of the ethnic group in totality.

48. The Chairman drew Members' attention to the e-mail from a Member, who was not available to attend the meeting, stating that she could not endorse the EIA report and considered that the report should be substantially reviewed and supplemented. The Member's e-mail of 21 June had been copied to all Subcommittee Members for reference before the meeting. A Member also registered his objection to the EIA report.

49. The meeting agreed that there was no need to invite the project proponent to

attend the full Council meeting to be scheduled later unless there were any unanticipated developments of the project which would call for their presentation/briefing at the meeting.

Agenda Item 3: Monthly updates of applications under the Environmental Impact Assessment Ordinance

50. The Chairman invited Members to note the monthly updates which had been circulated for reference prior to the meeting.

Agenda Item 4: Any other business

Tentative items for discussion at the next meeting

51. The Chairman informed Members that the agenda was being compiled. Members would be informed in due course.

Agenda Item 5: Date of next meeting

52. The Chairman informed Members that no meeting would be held in July and August unless there would be urgent item(s) requiring the deliberation of the Subcommittee. The next meeting was tentatively scheduled for 17 September 2012.

**EIA Subcommittee Secretariat
July 2012**