

**Confirmed Minutes of the 126th Meeting of
the Environmental Impact Assessment Subcommittee
held on 19 May 2014 at 2:00 pm**

Present:

Dr Dorothy CHAN, BBS (Chairperson)
Dr HUNG Wing-tat, MH (Deputy Chairman)
Dr Gary ADES
Prof CHAU Kwai-cheong, JP
Dr HAU Chi-hang, Billy
Prof FUNG Tung
Prof TAM Fung-yee, Nora, BBS, JP
Dr TSANG Po-keung, Eric
Mr WONG Lok-tak, Luther
Prof YEP Kin-man, Ray
Miss Evelyn LEUNG (Secretary)

Absent with Apologies:

Prof NG Cheuk-yee, John
Miss NG Yuen-ting, Yolanda
Prof LI Xiang-dong
Dr YIP Chee-hang, Eric

In Attendance:

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| Mr Andrew LAI | Deputy Director of Environmental Protection (3), Environmental Protection Department (EPD) |
| Mr K F TANG | Assistant Director (Environmental Assessment), EPD |
| Mr Y K CHAN | 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 3:

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| Mr H M WONG | Principal Environmental Protection Officer (Strategic Assessment), EPD |
| Mr Edward LAM | Senior Environmental Protection Officer (Strategic Assessment)3, EPD |
| Mr K W CHEUNG | Senior Nature Conservation Officer (North), AFCD |
| Ms Eva YAU | Nature Conservation Officer (Yuen Long), AFCD |

Project Proponent Team

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| Ms Margaret CHAN | Senior Development Manager, Capital Chance Ltd. |
| Mr Andy MOK | Senior Project Manager, Capital Chance Ltd. |
| Mr LAI Sai Hong | Registered Landscape Architect, Capital Chance Ltd. |

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| Mr David YEUNG | Managing Director, ENVIRON Hong Kong Ltd |
| Mr Henry NG | Senior Consultant, ENVIRON Hong Kong Ltd. |
| Dr Michael LEVEN | Director, AEC Ltd. |
| Ms Shirley LAM | Associate, AEC Ltd. |
| Ms Dhany KUSUMA | Senior Landscape Designer, Urbis Limited |
| Mr Adams AU | Associate Director, AECOM Asia Co. Ltd. |

Action

Item 1 : Matters arising from Confirmation of the draft minutes of the 125th meeting held on 13 September 2013

The Chairperson informed Members that the minutes of the 125th meeting held on 13 September 2013 had been confirmed via paper circulation in November 2013 and uploaded on the Council's website for public information. There was no matter arising from the last meeting.

Item 2: Any other business

EIA report on "Expansion of Hong Kong International Airport into a Three-Runway System"

2. As the Chairperson had to leave early for another meeting, she sought agreement of Members to advance the "Any other business" agenda to discuss the proposed structure of discussions on the EIA report on "Expansion of Hong Kong International Airport into a Three-Runway System", i.e. the third runway.

3. The Chairperson informed that the third runway EIA report had been selected for submission to ACE. The Airport Authority Hong Kong (AAHK) was expected to submit the EIA report to ACE in late July/early August. Having regard to the complexity of the EIA report, the Chairperson advised that the EIA Subcommittee (EIASC) would have to hold more than one meeting on the discussion. Taking into account the statutory 60-day timeline under the EIA Ordinance (EIAO) for ACE to comment on the EIA report and Members' leave plans, EIASC was scheduled to meet in mid August. The proposed structure of discussions was tabled for Members' reference.

4. In response to a Member's question on whether the "Health" aspect marked for the first discussion session would overlap with the "Hazards to human life" aspect in the third session, Mr K F Tang explained that the two were of different context with their own sets of assessment criteria. Aspect on "Hazards to human life" involved risk assessment on the operation of hazardous installations which could lead to accidents and impact to human life while the "Health" aspect examined long-term health risk assessment more related to air and noise impacts. The Secretary added that the structure of discussions was planned taking into account the 13 key environmental aspects covered in the EIA report.

5. A Member suggested that at the first meeting session, AAHK should give a

brief introduction on the background, needs and objectives of the third runway EIA project, as well as the cumulative impacts which could be anticipated from other major projects in the vicinity. Members endorsed the proposed structure of discussions. The Secretary would follow up on the meeting logistics, and to inform AAHK the structure of discussions for their preparation. The Chairperson also suggested that Members should set out their questions/concerns in advance to facilitate the proceeding of the discussions.

Secretariat

Secretariat

6. The Chairperson recapped the ACE Chairman's call that non-EIASC Members would be invited to join discussions at the subcommittee stage. This could facilitate the ensuing discussion of EIASC's recommendations at the full Council meeting(s) scheduled in September.

Briefing on cumulative impacts of Hong Kong-Zhuhai-Macao Bridge project

7. A Member informed that he and a few other ACE Members joined the boat briefing tour arranged by the World Wide Fund (WWF)-HK on 14 May 2014 on the conservation of Chinese white dolphins in the Lantau waters. He enquired if ACE could invite the relevant authorities to give Members an overview of the cumulative impacts imposed by different projects on-going or under planning in the area, and to explain the Environmental Monitoring & Audit (EM&A) reports in connection with the Hong Kong-Zhuhai-Macao Bridge (HZMB) project. Two Members supported this suggestion as the information would be useful when EIASC examined the third runway EIA report. Nevertheless, the Chairperson pointed out that the briefing on the HZMB project should be independent of the EIASC's discussion on the third runway EIA report.

8. Mr K F Tang advised that under the requirements of the EIAO, AAHK was required to assess the overall impacts arising from the third runway project as well as other planned and on-going projects in the area, and the findings had been covered in the EIA report. With regard to the progress and impact of the HZMB project, Mr Tang agreed with the Chairman's observation that it should be dealt with in a separate meeting.

Secretariat

9. Regarding the suggestion from a Member on organizing the briefing before EIASC commenced the discussion on the third runway project, the Secretariat would discuss with the concerned parties on the arrangement, including the opportunity to hold the briefing in June or July. The Chairperson pointed out that the briefing should be opened to the full Council as the discussion should not be confined to relevant EIA reports.

Item 3 : EIA Report on “Proposed Residential Cum Passive Recreation Development within "Recreation" Zone and "Residential (Group C)" Zone at Various Lots in DD 104, Yuen Long, N.T.”
(ACE-EIA Paper 1/2014)

Internal Discussion Session

10. The Chairperson advised that today’s meeting would discuss the EIA report on “Proposed Residential cum Passive Recreational Development within ‘Recreation’ (REC) Zone and ‘Residential (Group C)’ Zone at Various Lots in DD 104, Yuen Long, N.T.”. It was a designated project under “Schedule 2” of the EIAO. The public inspection period of the report was from 21 March 2014 to 19 April 2014. As an administrative arrangement, public comments and the gist of major issues/concerns received by EPD had been circulated to Members for reference before the meeting. Written response from the project proponent (i.e. Capital Chance Ltd.) to questions raised by Members had also been circulated for Members’ information before the meeting.

11. The Chairperson informed Members that the discussion would be divided into the following sessions –

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

The Presentation Session and Question-and-Answer Session would be opened to the public. The Internal Discussion Session would remain closed.

12. The Chairperson reminded Members to keep confidentiality of the discussion on the EIA report. Members should refer any enquiries to the Secretariat in case they were approached on the discussion and/or decision of EIASC.

13. For a more structured and focused discussion of the report, the Chairperson suggested and Members agreed to raise questions on the key subject areas of the EIA reports in the order of –

- (a) Ecology
- (b) Water quality
- (c) Visual and landscape impacts
- (d) Air ventilation and traffic impacts

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

Presentation Session (Open Session)

14. Ms Margaret Chan first gave an overview of the project. Mr David Yeung briefed Members on the EIA process and major findings of the project. Ms Shirley

Lam presented the ecological findings within the project site, followed by Mr Adams Au who spoke on the traffic and transport arrangements on the project.

[The Chairperson left the meeting at this juncture. The Deputy Chairman took over the meeting as the Acting Chairman.]

Question-and-Answer Session (Open Session)

Ecology

15. A Member asked whether the project proponent would consider extending the Landscape Pond to enhance its ecological linkage with Ngau Tam Mei Channel for use by egrets and whether there would be any management measures to ensure that no recreational or sports activities would be arranged in the pond area. A Member opined that practically it would be impossible to achieve any meaningful ecological gains for the Pond given its size and that it was surrounded by built areas. He enquired whether off-site compensation could be considered for the loss of wetland. Another Member shared the views. She stressed that the project proponent should clearly spelt out the purposes of the Pond in the form for long-term objectives (such as the anticipated increase in the number of birds foraging the site) and management plan (including water supply and water quality for the Pond). These were required to evaluate if the management measures undertaken would be up to the design intent and purpose of the Pond. The Acting Chairman also pointed out that one of the public comments was the concern that the ecological function of the Pond could be written off in view of its use for recreational purpose.

16. Ms Margaret Chan clarified that the Landscape Pond, as it was named, was not for recreation use. Ecological design and considerations had been incorporated in the current proposal and in the detailed design such as planting native wetland species as well as building shallow water edges and an island to provide footing for birds. They would implement effective management measures as the property agent was one of the subsidiaries which their company could exercise direct management and communication. Active recreation use such as motor boating would be prohibited. She further explained that the objective of retaining the Pond was to allow the residents and the public to appreciate the natural environment of the site. While the alternative of locating the Pond closer to Ngau Tam Mei Channel had been considered, the current proposal was adopted with the intent of minimizing potential disturbance impact from Yau Pok Road and the approved cycle track. She added that the Pond would also be enlarged to 0.6 ha from its original size of 0.5 ha. She would take on board Members' comments when they worked on the details on the construction, operation and management of the Pond.

17. On the proposal of off-site compensation, Ms Margaret Chan said that they first had to be advised on what to be compensated since there was little impact, on top of the practical difficulty that they had to identify and own the additional land off-site suitable for compensation. Dr Michael Leven pointed out that according to the EIAO, off-site ecological mitigation measures should be provided when all

practicable on-site ecological mitigations had been exhausted. For the present case, on-site mitigation measures for the ecological impact arising from the project had not been exhausted. Taking into account that the project was a small scale private development on a land zoned for recreation use, he could not find merits justifying the provision of off-site mitigation measures unless there were other strategic concerns which they had yet to hear from the relevant authorities.

18. As regards the proposal to enlarge the Pond, Dr Michael Leven said that the suggestion had to be balanced with the planning intension for the area for passive recreation use. He pointed out that the Pond had proved attractive to a number of wetland fauna species, such as dragonflies and 5-6 amphibian species identified during the study.

19. A Member opined that while the Pond at its present condition had a relatively low ecological value, he expected the project proponent should give a long-term management plan for the Pond to help enhance its ecological value for compensating the loss of wetland. Another Member stressed that the project proponent should be clear on the specific ecological objectives to be achieved for the Pond and to devise the management plan accordingly.

20. Ms Margaret Chan clarified that the Pond itself was not intended for ecological compensation of any kind. They nevertheless had taken extra steps to incorporate some ecological considerations in the current proposal exceeding the requirements under the EIA process. Ms Shirley Lam said that according to the ecological assessment especially at the Pond area, there were a low number of egrets, such as Grey Heron and Chinese Pond Heron, as well as 5-6 amphibian species using the area. These species were not listed as target species as none of them would be significantly adversely affected by the project. They expected these species would continue using the area after the enhancement measures. They also anticipated the Pond would attract additional species such as Little Grebe. Further, management measures would be adopted to attract wetland fauna which was common at the periphery of Deep Bay area.

21. In response to a Member's enquiry, Mr Y K Chan clarified that, according to the relevant town planning guidelines, there was no requirement for mitigation/compensation within the Wetland Buffer Area (WBA) if there was "no net loss" in wetland as was the present case. However, in terms of impact assessment, emphasis had been placed on at least maintaining the same ecological function as before. Mr K W Cheung further clarified that only the northern part of the site was within WBA, and majority of the site was zoned as "Recreation". According to the Town Planning Guidelines 12B on governing the development in the Deep Bay areas, the major requirement was to assess whether there was any net loss of wetland area or function. Basing on the findings of the EIA report and baseline study, there was no net loss of wetland area as the Pond of 0.5ha was retained in-situ. There was also no net loss of wetland function as the Pond only served a few common species of birds such as egrets and herons.

22. Mr K W Cheung followed on the principle of off-site compensation

according to Annex 16 of the Technical Memorandum on EIA Process (TM) and the relevant Government's technical circulars. He said that the ecological impact arising from the project and the significance of those impacts must be established before the project proponent could consider whether compensation was required under the project. In view of the limited ecological function of the Pond in the existing site, there was no need to carry out ecological compensation. Mr Cheung agreed with Members' suggestion to set down clear enhancement and management plan to ensure the Pond could provide some ecological functions.

23. A Member supported the suggestion to look into the feasibility of moving the Pond southwards and enlarging it to enhance the ecological value. The Pond should also be managed in a sustainable and ecologically acceptable way which would in turn reduce the impact to the surrounding developments. The project proponent could give more innovative ideas in designing the Pond, including detailed consideration of the plant species, location of the buffer area between the Pond and its neighbourhood, as well as the routing and provision of a buffer area for the Pond in light of the expected volume of visitor flow to reduce disturbance and minimize risks such as direct contact of the visitors with wildlife in the event of an outbreak of avian flu.

24. A Member opined that given the ecological background of the site, it was important to enhance rather than merely maintain the existing wetland ecology. He suggested, and supported by another Member, that species which had been identified in Ngau Tam Mei Channel would more likely be using the Pond if the Pond was extended southwards rather than in the present proposed location further north.

25. A Member stressed the importance of formulating long-term objectives and management plan for the Pond not only on ecological aspects, but also in respect of water quality and water supply to the Pond as these would prove difficult to manage unless it was properly planned and designed.

26. The Acting Chairman concluded that there was a strong expectation for the project proponent to provide long-term management plan to sustain and improve the function and ecological value of the proposed Landscape Pond in the site.

Water quality

27. A Member asked about the impact of possible flooding in this lowland area and measures to be instituted to forestall the scenario. Mr David Yeung replied that they had carried out a preliminary analysis on the levels of the northern and southern parts of the development site during the EIA study. In the preliminary design, they would design elevating the site to a higher level to avoid possible flooding. During the construction phase, they would have peripheral channels to divert surface run-off away from the lower ground of the site. They would also apply for an effluents discharge licence to control surface run-off.

28. In response to a Member's enquiry on details of the Environmental

Management & Audit (EM&A) plan, Mr David Yeung said that they had incorporated the EM&A Manual for the construction phase in the EIA report covering air and water quality, noise, waste management, landscape and visual impacts and ecological issues. They would carry out baseline monitoring and impact monitoring for all these parameters according to the EM&A programmes. He provided further details on the frequencies of baseline and impact monitoring for different parameters at the meeting. No EM&A plans for the operational phase had been prepared in consideration of the low index of occurrence according to the EIA study.

29. A Member enquired on the impact of human activities on the water quality of Ngau Tam Mei Channel after occupation and whether connecting the Pond to the Channel would affect the water quality of the latter. Mr David Yeung confirmed that domestic sewage of the site would be connected to public sewers and there would not be interim sewage treatment plant. Only surface run-off from the site would be discharged into the Channel. On this basis, they had not proposed any monitoring of the Channel during operational phase. Further, residents of the site would not have easy access to the Channel as it would be bordered with landscape buffers and site boundary walls. Trash bins would be placed along the Channel, with visitors being reminded to keep the area clean. Ms Margaret Chan supplemented that the Channel, the project site and Kam Pok Road were at different gradient levels. There were existing fences along the Channel and Kam Pok Road to prohibit direct access.

30. A Member pointed out that according to guidelines of the Town Planning Board (TPB), the EIA study should demonstrate that the development would not cause a net increase in pollution in Deep Bay. He noted that all surface run-off from concrete areas in the project site would go into Ngau Tam Mei Channel and be treated by sand traps only. He was concerned that all surface run-off including chemical discharge from increased vehicular flow would go via the drainage channels into Deep Bay untreated. Mr David Yeung replied that oil interceptors and terminal manholes would be installed to intercept any oils and solvents from the parking areas.

31. Mr H M Wong supplemented that the project would have to go through the TPB proceeding after the EIA process. According to TPB's practice, the project proponent had to submit a drainage impact assessment to the satisfaction of the Drainage Services Department. The principle of "no net increase in pollution" was a normal requirement for major projects in the Deep Bay area. For the present project, the main source of water pollution would be the sewage generated from the project, which would be collected for treatment in the government's system before discharge. As the present development would involve only 106 houses, the potential of possible water pollution should be minimal given all the sewage would be collected into the public sewage treatment works. On this basis, there should not be any significant impact on the "zero discharge policy" in Deep Bay. Mr Wong also informed that the project proponent had undertaken to connect their sewage network to the government's system, and this would be enforced as one of the Environment Permit (EP) conditions.

Visual and landscape impact

32. A Member welcomed the initiative of the project proponent to have advance planting before construction. He was advised that trees and shrubs would be planted as screening for the site boundary, and that permanent noise barriers at the southern part of the site would be 2.5m to 4.5m in height and lined with buffer planting. The Acting Chairman also relayed the public comment that the noise barriers next to Fairview Park were too high and would affect air ventilation. Ms Margaret Chan responded that the noise barriers mainly would be built at the locations fronting the petrol filling station, Fairview Park Boulevard and the adjacent industrial area. No residences would have a direct frontage to the noise barriers.

Air ventilation

33. A Member commented that the development site was in a locality which generally recorded a higher temperature than the rest of Hong Kong in summer. He was concerned that there were inadequate openings of southwest orientation to facilitate air flow as shown in the layout design. Ms Margaret Chan advised that the project would only develop 106 two-storey houses of 6.6m in height. She assured Members that adequate open space between individual houses had been factored in the design and there should not be any air flow problems.

Traffic impact

34. In reply to the Acting Chairman's enquiry on the basis of estimate that heavy goods vehicles would only contribute 20% of the traffic flow at Kam Pok Road and Yau Pok Road in 2035, Mr Adams Au explained that they had conducted a traffic survey before and after the opening of Kam Pok Road East. Majority of the goods vehicles entered the industrial area via the roundabout to Kam Pok Road East instead of Kam Pok Road from Castle Peak Road. They had also fitted in the data of the current traffic situation into the traffic model adopted by the Transport Department and obtained a result of the percentage of heavy goods vehicles at around 20% of all vehicles, as compared to the general 30% – 40%.

35. The Acting Chairman relayed the public concern on possible noise impact from increased traffic of Yau Pok Road which was relatively quiet at present. He enquired if there would be any restrictions on the use of Yau Pok Road. Ms Margaret Chan advised out that the project involved 106 houses only. The worst case scenario was taken at the peak hours in the mornings whereby traffic flow was estimated at 48 Passenger Car Unit (PCU) only. Regarding the locations of the vehicular access to the development, Ms Chan advised that there were separate access points to the southern and northern parts of the site, with an internal connection access between the two. There should be very minimal traffic travelling between the two parts by using Yau Pok Road. The roundabouts planned in the northern part of the site were for emergency vehicular access and not for daily traffic.

36. There being no further questions from Members, the Acting Chairman thanked Ms Margaret Chan and her team on the presentation and clarification on the project. Ms Margaret Chan thanked Members for their valuable comments. They would give further consideration on the suggestion on setting clearer objectives for managing the proposed Landscape Pond, and the feasibility of relocating and/or extending it closer to Ngau Tam Mei Channel to enhance its ecological linkage.

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

Internal Discussion Session

37. The Acting Chairman reminded Members that the EIASC could make recommendations to the Council on the EIA report with the following approach:

- (i) endorse the EIA report without condition; or
- (ii) endorse the EIA report with conditions and details of the proposed conditions; or
- (iii) defer the decision to the full Council for further consideration – highlight issues or reasons for not reaching a consensus or issues to be further considered by the full Council; or
- (iv) reject the EIA report and inform the proponent the right to go to the full Council.

38. A Member pointed out that the project proponent did not have clear objectives and long-term management plan for the Landscape Pond. The lack of proper management could lead to environmental problems such as relegating the Pond as a breeding ground of mosquitos.

39. In response to the Acting Chairman's enquiry on the procedures to follow if the project proponent sought to revise their original plan on the Landscape Pond after taking on the suggestions at the meeting, Mr H M Wong advised that they could be requested to submit the revised plan in the detailed design stage. ACE could also propose relevant conditions and recommendations to the Director of Environmental Protection.

40. A Member remarked that the EIAO only required that the ecological value of a site should not be lower than the existing value. In view of the low ecological value of the Landscape Pond, he asked if the project proponent could remove it completely from the design at this juncture. Mr H M Wong replied that the proposed Landscape Pond was a recommendation in the EIA report as it was currently presented. Should the project proponent drop the Pond design entirely from the current report, they would be required to submit a new EIA report and to go through the EIAO process afresh.

41. A Member suggested to impose a condition requesting the project proponent to re-locate the Pond southwards to give connectivity to Ngau Tam Mei Channel, enlarging it where possible, so as to make the Pond an ecologically sound

and viable feature to the satisfaction of EPD and AFCD. Mr K F Tang advised that a condition or recommendation could be considered to require the project proponent to prepare a detailed submission to cover the feasibility of moving the Pond southwards for enhanced linkage with the Channel. Mr Y K Chan suggested that in drawing up the condition/recommendation, Members would have to flag in certain flexibility to allow the project proponent to improve their design viz. the town planning requirement.

42. A Member reiterated her earlier comment to require the project proponent to set clear long-term objectives and a management plan for the Pond to enhance its ecological value. In addition, if the Pond was to be connected to Ngau Tam Mei Channel, the project proponent should be required to evaluate the effect of the connection relating water quality of the Channel and the corresponding measures to be adopted.

43. Regarding a Member's concern that the Pond was not for compensation, Mr K W Cheung explained that currently the ecological state of the site was not in a good condition. It was truncated by Fairview Park and surrounded by other built areas. There were only limited wildlife uses. The EIA report showed that the environmental impact caused by the project was low and hence the project proponent was not required to provide mitigation or compensation. They had defined the pond as a Landscape Pond rather than an ecological pond and hence would not serve for compensation purpose.

44. A Member remarked that the proposed design of the noise barriers together with the tree planting was expected not to be aesthetically pleasant. She suggested requesting the project proponent to improve the design taking into account the synergetic effect of the artificial materials with the planting. A Member added that the project proponent could consult the nearby affected communities on the design and material to be used for the noise barriers to blend in well with the local environment.

45. Having regard to the findings and recommendations of the EIA report and the information provided by the project proponent, Members agreed to recommend to the ACE that the EIA report could be endorsed with the following proposed condition and recommendation –

Condition of endorsement

Before commencement of construction, the project proponent shall submit for the agreement of the Director of Agriculture, Fisheries and Conservation/DEP a plan for the construction, operation and management of the proposed Landscape Pond, taking into consideration (i) the ecological objectives of the Pond; (ii) feasibility of relocating or extending the Pond to enhance its ecological linkage with the Ngau Tam Mei Channel; and (iii) further measures in enhancing the Pond's ecological function.

Recommendation

The project proponent should consult the nearby affected communities, including Bethel High School, on the design and material to be used for the site boundary walls and noise barriers so as to blend in with the local environmental setting.

[Post-meeting note: The meeting agreed that the project proponent team would not be required to attend the full Council meeting on the report.]

Item 4: Date of next meeting

46. The Acting Chairman informed Members that the next meeting was scheduled on 23 June 2014. Members would be advised on the agenda in due course.

**EIA Subcommittee Secretariat
May 2014**