

**Confirmed Minutes of the 128th Meeting of
the Environmental Impact Assessment Subcommittee
held on 19 August 2014 at 2:00 pm**

Present:

Dr Dorothy CHAN, BBS (Chairperson)

Dr Gary ADES

Prof CHAU Kwai-cheong, BBS, JP

Prof FUNG Tung

Prof John NG

Miss Yolanda NG, MH

Prof Nora TAM, BBS, JP

Dr Eric TSANG

Prof Ray YEP

Dr Eric YIP

Miss Evelyn LEUNG (Secretary)

Absent with Apologies:

Dr HUNG Wing-tat, MH (Deputy Chairman)

Dr Billy HAU

Prof LI Xiang-dong

Mr Luther WONG

In Attendance:

Non-EIASC Members

Prof Paul LAM, SBS, JP

Ms Pansy YAU

Government Officials

Mr Andrew LAI	Deputy Director of Environmental Protection (3), Environmental Protection Department (EPD)
Mr K F TANG	Assistant Director (Environmental Assessment), EPD
Mr Joseph SHAM	Assistant Director (Country and Marine Parks), Agriculture, Fisheries and Conservation Department (AFCD)
Mr Louis CHAN	Principal Environmental Protection Officer (Regional Assessment), EPD
Mr Maurice YEUNG	Principal Environmental Protection Officer (Assessment & Noise), EPD
Mr Lawrence NGO	Senior Environmental Protection Officer (Regional Assessment)1, EPD
Dr Kenneth LEUNG	Senior Environmental Protection Officer (Strategic Assessment) 5, EPD
Mr LEE Chee-kwan	Senior Environmental Protection Officer (Assessment &

Mr Dick CHOI	Noise) 3, EPD
Ms Joanne CHIN	Senior Marine Conservation Officer (West), AFCD
Ms Daicie TONG	Executive Officer (CBD), EPD
	Executive Manager (CBD), EPD

Action

Item 1 : EIA Report on “Expansion of Hong Kong International Airport into a Three-Runway System” ***(ACE-EIA Paper 3/2014)***

The Chairperson declared that she and Shun Tak Holdings Ltd., a partner company of the SkyPier, were members of the Charter Institute of Logistics and Transport Hong Kong (CILTHK). A Member also declared that his employing company had regular business with the New World First Ferry Services Ltd. which was also an organisation member of the CILTHK. The meeting agreed that they could stay and continue participating in the discussion.

2. The Chairperson advised that the Secretariat had collated a list of supplementary information requested by Members based on the discussions on 18 August 2014. The list included issues under the following aspects –

- (a) re-routing of the SkyPier high speed ferries (HSF)
- (b) compensation for habitat loss for Chinese White Dolphins (CWDs)
- (c) management plan for the future proposed marine park
- (d) water quality
- (e) air quality and noise impact

3. The Chairperson invited Members to review the list of supplementary questions before the Secretariat issued to the Airport Authority Hong Kong (AAHK) for their response. She also referred Members to the initial comments of EIASC collated by the Secretariat from the discussions at previous meetings.

Re-routing of the SkyPier HSF

4. In respect of the proposal to re-route the SkyPier HSFs, a Member suggested extending HSF speed limit to the Pearl River Estuary (PRE) waters which was one of the core areas for dolphins. Another Member said that Members could invite AAHK’s advice on the progress of discussions with the Mainland authorities to impose speed restrictions on vessels including the SkyPier HSFs navigating in the PRE waters. A Member opined that AAHK might be able to impose clauses in the agreement of HSF service operating at the SkyPier as the service constituted a major portion of marine traffic in the PRE waters.

Compensation for loss of habitats of CWDs

5. A Member opined that there were contradictions between conservation of

CWDs and enhancement of fisheries under the same management plan. Another Member commented that in maintaining a healthy marine ecosystem, there should be a balance between CWDs and other fish populations which were the source of food for CWDs. A balanced plan had to be mapped out for conserving both CWDs and fisheries resources. A Member suggested that AAHK could be requested to provide a CWD conservation plan in the Hong Kong waters with specific proposals, and to draw up a separate plan for enhancing fisheries resources particularly in the west Lantau waters.

6. Regarding the enhancement of the west and southwest Lantau waters to compensate for the loss of CWD habitats, a Member suggested benchmarking the standard at the marine park level in terms of legal protection.

Management plan for the future proposed marine park

7. On the proposed Marine Ecology Enhancement Fund in respect of the research studies on CWD conservation and management in the PRE, a Member said that an estimated initial endowment of a minimum of \$100 million would be required on the basis of a 5% annual return on capital.

8. In response to a Member's question about the fund size and operation of the Marine Ecology Enhancement and Fisheries Plan (MEFEP), a Member said that AAHK should provide detailed information on the economic loss arising from the loss of fishing grounds before they prepared the proposed marine park to the north of the airport island as well as the proposed arrangements in the west of Lantau as suggested by EIASC as off-site compensation for habitat loss for CWDs.

9. A Member requested for an established mechanism to facilitate regular disclosure of information about the performance of the PRE CWD National Nature Reserve. Another Member said that Members expected AAHK would have close collaborations with the Mainland authorities to obtain the necessary information. A Member echoed similar views.

10. In response to a Member's question on the data on stranded dolphins, Mr Dick Choi said that all stranding cases within and beyond the marine works sites had to be reported to AFCD. AAHK had agreed that during the construction phase of the "Three-Runway System" (3RS) project, their dolphin experts would assist to investigate into stranding cases suspected to be related to the 3RS works.

11. Replying to the follow-up questions from two Members, Mr Dick Choi said that AFCD was responsible for handling stranding cases of both live and dead dolphins. He referred to the case that the Highways Department (HyD), i.e. the project proponent of the Hong Kong-Zhuhai-Macao Bridge's Hong Kong Boundary Crossing Facilities (HZMB HKCBF) project, had devised a dolphin watching plan to deal with the possible occurrence of dolphins. In case dolphins were spotted within the perimeter of silt curtains, the contractor would stop the relevant parts of the works until the dolphins left the sites. The case would also be reported to AFCD. Mr Choi advised that for stranding of dead dolphins, AFCD would look into

cause of death whenever possible. Past experience indicated that marine construction works had not been identified as the causative factor for any stranding that they had examined.

12. A Member suggested and Members agreed to add a requirement for AAHK to draw up a Dolphin Watching Plan which would include regular inspections of silt curtains and visual inspection to the waters around silt curtains and the works areas, as well as an action plan in handling stranding of dolphins to the satisfaction of AFCD. A Member proposed to engage the affected fishermen for effective implementation of the plan.

Air quality and noise impact

13. Concerning the impacts on noise sensitive receivers, the Chairperson suggested to impose a condition for AAHK to establish community liaison groups to facilitate communication, enquiries and handling of complaints with local communities and timely response to complaints such as setting up designated hotlines.

14. A Member suggested the use of decibel (dB(A)) to facilitate public understanding on the aircraft noise impacts in relation to health risks. She further requested for information about the assessment of noise impacts at sensitive locations in the Ma Wan, Tsuen Wan, Ting Kau, Siu Lam and Tuen Mun areas for reference of the affected communities. Another Member was concerned about the contingency plans required if the relevant policy initiatives on air quality and noise emission control measures could not be realized as targeted.

15. Dr Kenneth Leung said that in terms of air quality monitoring, there were two monitoring stations at the airport island operated by AAHK and one station at Tung Chung operated by EPD. These stations had provided adequate information to monitor the effectiveness of the emission reduction plan. During the construction phase, dust impact would be the key concern. Action plans would also be set up to handle exceedance situation under the Environmental Monitoring and Audit (EM&A) Manual which had to be approved by EPD. Abatement notices would be issued for exceedance cases identified during the construction phase.

16. With regard to the question of a Member on how aircraft emissions could be differentiated from ambient contributions, Dr Kenneth Leung said that airport and vehicular activities were the two major sources of pollution in Tung Chung and produced similar type of pollutants. It was not possible to differentiate the source contributions simply by studying the measured data. A proper approach was to combine monitoring data with air quality model supported by high quality historical airport activity and emission inventory data to quantify the airport emission impact as had been done for the year 2011 case in the EIA report. AAHK would also be required to submit regular reviews in the EM&A programme based on the historical data of air traffic movements (ATM) to assess if the operational data were in line with the forecast in the EIA report. Interim update would be undertaken if there were major deviations from the assumptions adopted in the EIA report. A Member

suggested AAHK to provide periodic reviews on the air and noise impacts for monitoring the project.

17. A Member reiterated her request for assessing the potential health risks at the sensitive locations at the Ma Wan, Tsuen Wan, Ting Kau, Siu Lam and Tuen Mun areas. Dr Kenneth Leung replied that AAHK had prepared the contour maps for the air quality and health impact results in the EIA report to illustrate the level of impact on areas within the 5-km assessment zone and compliance had been achieved. The sensitive locations mentioned were located further away from the assessment area and much smaller impact would be expected.

18. Two Members asked about the feasibility of using dB(A) in place of NEF as the monitoring tool on noise impacts. A Member commented that AAHK should be more proactive in drawing up effective and timely mitigation measures for the affected residents. Mr Maurice Yeung explained that NEF was stipulated in the Technical Memorandum on EIA Process (EIA-TM) for assessing aircraft noise impacts. L_{den} and L_{night} were the noise matrices for assessing annoyance and sleep disturbance which were not for measuring instantaneous noise level. Another Member suggested that additional information based on d(B)A could be independent of the information already entered in the EIA report which he fully understood was prepared in compliance with the requirements in the Study Brief and the EIA-TM.

19. In response to Members' enquiries about the different parameters on measuring impacts of aircraft noise, Mr K F Tang clarified that the assessment could be considered at two levels, firstly the noise impact assessment in compliance with the criteria laid down in the EIA-TM, i.e. use of NEF Contour 25; secondly the instantaneous noise levels perceived by the residents which could be presented in terms of dB(A). He further advised that the noise levels perceived by residents could be handled by setting up of a Complaint Management Plan. While AAHK had been liaising with residents in Ma Wan, Members should focus on the efficacy of the mitigation measures proposed by AAHK rather than narrowing the discussion on whether NEF should be used or how the accuracy of NEF be monitored.

20. The Chairperson suggested that Members could request AAHK to provide quantifiable monitoring measures on noise impact, i.e. noise monitoring data in dB(A) for easy understanding and reference by the affected communities.

Water quality

21. In response to the concerns raised by a Member on leakage of sand from barges and construction vessels, Mr K F Tang said that prosecution actions could be considered on leakage incidents under the Dumping at Sea Ordinance. AAHK should ensure that their contractors maintained good operation of their barges and set up proper reporting system and enforcement actions on these incidents. The contractors could use remote control devices such as CCTV to monitor the operation and adopt action plans as required. The Chairperson suggested that AAHK could be required to provide a Spill Response Plan and draw up detailed

technical guidelines to avoid adverse water quality impacts for compliance of their contractors.

22. The Chairperson also proposed and Members agreed to require AAHK to provide a Silt Curtain Deployment Plan including information of the design, operation and maintenance of silt curtains during the construction phase.

Waste management

23. A Member was concerned about the amount of imported backfilling materials. She requested AAHK to review the works schedules to avoid and minimize generation of residual construction and demolition (C&D) materials requiring disposal during and at the end of the land formation work of the project.

24. A Member opined that AAHK should consider targeting for BEAM Plus Platinum certification taking into account their pledge to develop HKIA as the world's greenest airport. The Chairperson suggested that it could be a recommendation for AAHK.

25. As regards a Waste Management Plan, two Members pointed out that measures in minimizing waste generation had to be made in the early design stage so as to build in sufficient facilities for adoption at the construction and operation phase of the project. Two Members echoed that AAHK should adopt a stricter waste minimization and recycling strategy and a more stringent food waste strategy and management plan for the food and beverage outlets servicing in the airport buildings.

Landscape and visual impact

26. A Member commented that while AAHK had provided a list of relevant technical circulars and guidelines in the EIA report and illustrations of greening features for the new terminal building, there should be a detailed Landscape and Visual Plan including an estimate on the total greening areas. A Member suggested that the landscape design should blend in well the airport facilities with the surrounding environment having a full marine frontage. The Chairperson proposed a recommendation be made for AAHK to establish specific quality criteria on the overall landscape and visual environment of the project. Greening measures and landscape design should be included with broad-brush targets for greening and planting as benchmarked against international standards and best practices.

Cultural landscape

27. A Member suggested AAHK to draw up a Relics and Antiques Rescue Plan to resurrect items of conservation value/significance in the event of archaeological discovery during construction of the project.

Relocation of the SkyPier

28. The feasibility of relocating the SkyPier from the east end to the west end of the airport island was raised for discussion. A Member pointed out that it was a complex issue with attending environmental issues to be considered at the proposed location. He said that there were at least two critical aspects that AAHK had to overcome, firstly an overhaul of the airport concourse design for commuting passengers using the SkyPier to move across the airport island; and secondly the technical/operational difficulties in re-connecting the passenger flow between the terminal buildings and the SkyPier.

(Post-meeting note: A site visit to the SkyPier was arranged on 25 August 2014 for Members to better understand the operation of the pier and the feasibility of the relocation proposal.)

Designation of an alternative marine park

29. In response to the Chairperson's questions about the designation of marine parks in connection with large-scale projects in other parts of Lantau, Mr Joseph Sham said that the designation of Brothers Marine Park (BMP) and Shek Kwu Chau Marine Park by 2016 and 2018 were ecological compensation measures for the HZMB project and the Integrated Waste Management Facilities project respectively. He said that the two marine parks would account for some 1 500 ha of marine waters for conservation of CWDs.

30. A Member commented that the waters around Fan Lau and Soko Islands could be used as off-site compensation for the permanent loss of CWD habitats due to the 3RS project. He said that the proposal would be beneficial not only for the conservation of dolphins but also for the overall marine environment in the neighbouring waters. A Member noted the Member's concern. Having regard to the works schedule of the 3RS project, a Member suggested setting a timeframe of designating the proposed marine park in the 3RS EIA report in three years' time after commencement of the construction. A Member supported this approach. She suggested the Government to commence the designation process early once the Environmental Permit (EP) was granted. The Member understood that the major objection to the designation at Fan Lau was from the affected fishermen in view of the economic loss due to the loss of fishing grounds.

31. Mr Joseph Sham in response advised that strong objections had been raised by the affected fishermen, local residents in Tai O and rural committees during the consultation in 2009. The objections included restrictions on vessels speed and activities, as well as the improvements required on the communication and passenger facilities on board. While AFCD patrolled the waters around Fan Lau on a daily basis, the Government had no firm plan on designating waters around Fan Lau as a marine park.

32. As regards the measures to protect the west and southwest Lantau waters, a Member suggested that AAHK could take on non-legislative measures such as

controlling the speed of vessels and liaising with the fishermen to relieve pressure on fishing activities in that part of the waters. He said that the Government could consider the designation of the proposed marine park in the EIA report with a timeframe, say, three years from commencement of the project. He reminded Members that a condition proposed on the EP must be enforceable on the project proponent, otherwise it would be tantamount to rejecting the project itself.

33. A Member opined that without legislative support, there would be very limited control and enforcement over the activities at the waters around Fan Lau. She said that AAHK should demonstrate their commitment to provide off-site mitigation measures to compensate for the construction impacts on marine life including CWDs instead of relying solely on the designation of the proposed marine park. A Member urged the Government to commence the designation process the soonest practicable. Mr Joseph Sham agreed with the importance of legislative controls in terms of maintaining/improving the condition in the waters around Fan Lau, on the basis that legal actions could be taken against activities such as unauthorized fishing or other activities in the marine park which might cause disturbance/harm to CWDs.

34. In reply to the Chairperson's enquiry, Mr Dick Choi advised that in the case of HZMB projects, the Government (with HyD as the implementation agent of the project) had made an open commitment to the designation of BMP as a compensation measure for the HKBCF project.

35. Regarding the follow-up question from the Chairperson, a Member said that the designation of Fan Lau as a marine park was important as it would provide a refuge for CWDs displaced by the 3RS project. A Member commented that the proposed marine park in north of the airport island was not a prime habitat for CWDs, hence he suggested AAHK to revisit the adequacy of mitigation measures in the EIA report for conserving the dolphins.

36. Two Members pointed out the need of the suggested off-site mitigation at Fan Lau as they were concerned that the proposed marine park in the EIA report would not be adequate to compensate for the permanent loss of CWD habitats during the construction phase. A Member suggested that the proposed three-year timeframe was realistic for the Government to complete the designation work. The Chairperson asked about the legal position of imposing a condition concerning the designation marine park and setting a timeline to this effect. She also asked about the feasibility on including an extension clause as a contingency arrangement for the designation process.

37. Mr K F Tang cautioned that the approach could run the risk of halting the whole 3RS project altogether in the event that AFCD failed to meet the timeframe of designating the marine park if the proposed condition was set in the EP. Mr Dick Choi added that under the EIA-TM, the extent of mitigation measures should be limited to what was necessary to mitigate the residual ecological impact arising from the project. Having regard that Members might be suggesting an off-site mitigation of designating the Fan Lau waters to compensate for CWD habitat loss

arising from the construction phase of the 3RS project, it would mean that AAHK was required to undertake a permanent mitigation measure to compensate for a temporary construction impact. This proposed approach might not comply with the EIA-TM requirement.

38. In response to a Member's enquiry about binding AAHK to set up the proposed marine park, Mr K F Tang advised that a condition could not be imposed in the EP mandating AAHK to the designation work as it was beyond AAHK's ambit, otherwise the Government might be subject to legal proceedings including judicial review.

39. Replying to the further questions from the Chairperson and a Member on the liaison work with the affected fishermen and the management plan for the proposed marine park, Mr Joseph Sham advised that AFCD would map out the future management measures of the proposed marine park in consultation with the stakeholders including fishermen similar to the preparatory work for the designation of BMP.

40. In reply to a Member's question, Mr Dick Choi explained that the Government had committed to the designation of the proposed marine park of an area of some 2 400 ha by 2023 to tie in with the full operation of the 3RS. AFCD as part of the Government would serve as the implementation agent in the process. Details on the designation work had yet to be worked out.

41. A Member considered that AAHK should be bound in assisting and supporting the designation of a marine park at Fan Lau within a stated timeframe with commencement of the 3RS project. The Chairperson said that as there could be circumstances beyond the control of the Government, consideration should be given to include an extension clause in the designation process to cater for contingent arrangement. A Member shared this concern.

42. In reply to a Member's question, Mr Dick Choi confirmed that AFCD had provided all relevant data to AAHK, including the monitoring and stranding data on marine mammals in the past decade to facilitate their marine ecological assessment. He said that AAHK's experts had re-analyzed the monitoring data and reached the same conclusion that there was a downward trend in the abundance of dolphins in the waters around the airport island in the past decade. They also held a similar view that collision with vessels was a major factor threatening the survival of CWDs. Mr Choi acknowledged that in the scientific field, experts might employ different methods in the interpretation and analysis of the same set of data, which could lead to differences in their opinions and conclusions.

43. In response to a Member's enquiry about the fisheries loss, Mr Joseph Sham said that calculation on the economic loss arising from the reclamation works was generally derived from the regular territory-wide port survey carried out by AFCD. He further clarified that eligible fishermen would be granted a permit for fishing in waters to be designated as marine parks and no ex-gratia allowance would be involved. The estimates on the financial resources required had been prepared

separately.

44. The Chairperson invited the Secretary to consolidate a summary of comments raised at the meeting for circulation and consideration by Members as well as requesting AAHK to provide response to the questions raised at the meeting on 18 August 2014 for discussion at the next EIASC meeting.

Item 2 : Any other business

45. There was no other business for discussion at the meeting.

Item 3 : Date of next meeting

46. The Chairperson reminded that EIASC will meet on 25 August 2014 to continue the discussion on the 3RS EIA report with regard to the supplementary information from AAHK.

(Post-meeting note: The meeting of EIASC was re-scheduled on 2 September 2014.)

**EIA Subcommittee Secretariat
August 2014**