

**Confirmed Minutes of the 129th Meeting of
the Environmental Impact Assessment Subcommittee
held on 18 May 2015 at 2:00 pm**

Present:

Prof Nora TAM, BBS, JP (Chairperson)
Dr HUNG Wing-tat, MH (Deputy Chairman)
Prof CHAU Kwai-cheong, BBS, JP
Ir Cary CHAN
Dr Billy HAU
Dr Michael LAU
Prof Albert LEE
Ir MA Lee-tak, SBS
Prof John NG
Dr Eric TSANG
Mr Luther WONG
Miss Evelyn LEUNG (Secretary)

Absent with Apologies:

Miss Yolanda NG, MH

In Attendance:

Ir Prof Irene LO	ACE Member
Mr Andrew LAI	Deputy Director of Environmental Protection (3), Environmental Protection Department (EPD)
Mr K F TANG	Assistant Director (Environmental Assessment), EPD
Mr Victor YEUNG	Principal Environmental Protection Officer (Strategic Assessment), EPD
Mr Edward LAM	Senior Environmental Protection Officer (Strategic Assessment)3, EPD
Dr SO Ping-man	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr K W CHEUNG	Senior Nature Conservation Officer (North), AFCD
Ms Eva YAU	Nature Conservation Officer (Yuen Long), AFCD
Ms Joanne CHIN	Executive Officer (CBD), EPD
Ms Daicie TONG	Executive Manager (CBD), EPD

Project Proponent Team

Asia King Development Ltd

Mr LEUNG Shu-ki, Deputy General Manager
Mr Captain WONG, Ecologist
Mr Kelvin LAU, Senior Project Manager

ENVIRON HK Ltd

Mr David YEUNG, Managing Director

AEC Ltd

Mr Henry NG, Senior Consultant

Dr Michael LEVEN, Director

Urbis Ltd

Ms Grace YANG, Senior Ecologist

Mr Alan MACDONALD, Director

Ms Dhany KUSUMA, Senior Landscape Designer

AECOM

Mr Edward POON, Associate

Mr Adams AU, Associate

Action

Item 1 : Matters arising from the minutes of the 128th meeting

The Chairperson informed Members that the EIA Subcommittee (EIASC) last met in August/September 2014 to discuss the EIA report on the proposed third-runway system at the airport. The minutes of meeting of the five discussion sessions held on 11, 13, 18 & 19 August and 2 September had been confirmed via paper circulation in November 2014 and uploaded on the Council's website for information of the public.

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

Item 2 : EIA Report on “Comprehensive Development and Wetland Protection near Yau Mei San Tsuen”
(ACE-EIA Paper 1/2015)

Internal Discussion Session

3. The Chairperson recapped that the project proponent had invited Members to visit the project site before the EIASC meeting to facilitate their better understanding of the key issues covered in the EIA report, particularly in the aspect of ecology. Nine members joined the visit on 5 May.

4. The Chairperson asked Members if they had any interest to declare. Three Members declared that they were members of the green groups which had made submissions on the EIA report. The meeting agreed that they could stay and continue participating in the discussion.

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

Presentation Session (Open Session)

5. Mr Leung Shu-ki gave a brief introduction on the background of the project. He stressed that the environmental benefits to be achieved from the project would include the design and active management of the proposed Wetland Restoration Area (WRA) in the site, which in turn would contribute to enhance the wildlife value and

microhabitat diversity of the Deep Bay wetland system. The adjacent landscape would also be enhanced through the WRA, planting of new trees throughout the site and screen and buffer planting around the residential development. Using a powerpoint presentation, Mr David Yeung briefed Members on the planning / layout of the development as well as the key EIA findings including water quality and sewerage treatment issues. Mr Alan Macdonald spoke on the landscape and visual aspects of the project, followed by Dr Michael Leven who covered the key ecological findings in the site and development of the Wetland Restoration Plan.

Question-and-Answer Session (Open Session)

Wetland Reservation Area (WRA)

6. A Member opined that the ecological corridor should be widened with a view to improving the ecological connection between Ngau Tam Mei Drainage Channel and the Deep Bay wetland system. He also said that the flight line data on water birds used in the EIA report required updating. Another Member echoed that the proposed ecological corridor was to maintain the connectivity between ponds in the WRA and to enhance the microhabitat diversity of the Deep Bay wetland system. He said that Ngau Tam Mei Drainage Channel had gained in ecological value in recent years with its inter-tidal function, and a good number of Black-faced Spoonbills from the wetlands and ponds in the Deep Bay area had been spotted foraging in and near the Channel.

7. Dr Michael Leven first clarified that the flight line data were collected in 2009 and 2011. He advised that the existing ecological corridor between Palm Springs and Fairview Park was about 50-100 m wide, and the direct habitat linkage within the site had a width of 9-19 m for effective fauna and hydrological connection. Dr Leven assured that the development would not result in any narrowing of the corridor nor pond loss in the site. He also advised that the ponds outside and adjacent to the project site also formed part of the flight paths and the whole area would be kept intact as they were within the Deep Bay's Wetland Buffer Area and Wetland Conservation Area. Any development would be subject to the town planning control processes before any works could commence. Mr Victor Yeung confirmed that the project site and the adjacent areas fell within the Deep Bay Buffer Zones 1 and 2. Residential or recreation development other than New Territories exempted houses within the buffer zones would be designated projects and subjected to the control under the EIA Ordinance (EIAO).

8. In reply to the Chairperson's enquiry about the viability of setting back the residential development in the northeastern part of the project to make room for widening the ecological corridor, Mr Leung Shu-ki said that they would take into account Members' comments as well as feedback from the public when working on the detailed design of the project.

9. In reply to a Member's concern that the WRA might fail to meet the flight patterns and habitat uses of water birds, Dr Michael Leven said that they had

conducted detailed study and designed the habitats specifically for bird species such as the two smaller ardeids, Little Egrets and Chinese Pond Herons, as well as Greater Painted-snipe, Red-throated Pipit and a range of amphibian species. They were not targeting the larger water birds like Black-faced Spoonbills and Grey Herons as there were no suitable habitats in the site. Responding to the Member's further enquiry about impacts in terms of noise, light nuisance, traffic and related human activities, Dr Leven said that the target species were the smaller wetland species which had demonstrated a relatively high tolerance to human disturbance.

10. A Member said that marshland all along had not been the most important habitat in the wetland mosaic of the Deep Bay area, and the Hong Kong Bird Watching Society in managing the neighbouring wetlands would arrange seasonal draining of the ponds to attract Little Egrets and Chinese Pond Herons. Given the overall wetland habitats in the Deep Bay area, he considered it more appropriate to designate pond use in place of marshland in the WRA. Dr Michael Leven explained that under the EIAO and the Technical Memorandum on EIA Process, they had to meet the like-for-like requirement in terms of habitat as well as flora and fauna status. Regarding the balance between ponds and marshland, since the project involved a relatively small wetland area of 3.8 ha, the contribution of providing a habitat for large water birds using ponds would not be significant as compared with that for species like Greater Painted-snipe which foraged on marshland. Dr Leven said that draining down ponds to attract large water birds worked fine for the larger areas like Fung Lok Wai, Lok Ma Chau and Mai Po Nature Reserve. However, the attraction period would only be 1-2 weeks in a year for a relatively small wetland site. Mr Captain Wong shared his experience in the Wo Shang Wai project that drained ponds served mainly as the feeding ground for water birds whereas man-made wetland with diverse microhabitats was used for roosting and breeding purposes. The Wo Shang Wai site was noted to have attracted some species not common in the Ramsar site.

11. In response to the Member's concern on whether noise barriers and fencing would obstruct wildlife movements, Dr Michael Leven advised that the construction phase barriers were intended to block off mammals and reptiles wandering into the construction site causing possible injury or otherwise. However, the operational phase fences would ensure sufficient gaps underneath the structures for wildlife movements during the operation phase of the WRA.

12. The Member further asked about the calculation of wetland gain / loss in the EIA report. While acknowledging that the agricultural land in the project site had been abandoned for years and their ecological value depreciated due to lack of management, he disagreed with the conclusion that the abandoned agricultural land had become unimportant functionally and their conservation value dismissed. Another Member followed that survey findings showed that 15 bird species of conservation interest had been identified and the agricultural land habitat was assessed to be of low-to-moderate ecological significance. However, only two species found in this habitat, i.e. Greater Painted-snipe and Red-throat Pipit had been picked as target species of the WRA, and mitigation would be provided just for these two species due to the land loss for the residential development. In this context, the

project proponent should consider a comprehensive mitigation plan for the loss of agricultural land even though the land was assessed to be of relatively low-to-moderate ecological significance.

13. Dr Michael Leven said that in designating the wetland area, they had to take into account the ecological function which the land had performed as well as its current physical status. He explained that some species of conservation interest visited the site only infrequently or that suitable habitats could be easily found elsewhere in the Deep Bay area. The key was the fauna and flora found in the agricultural land, and the need to mitigate habitat loss for those species of conservation interest in the WRA. On this basis, species which occurred in the site more frequently or were more habitat-selective would be accorded higher priority in the impact evaluation and mitigation proposals. Marshland habitat was planned as it was the preferred habitat of these species. Mr K W Cheung supplemented that AFCD would generally follow the broad classification criteria for wetlands under the Ramsar Convention, but would also take into account the wetland function of the land for identification of wetland habitats in the ecological impact assessment.

14. In reply to a Member' enquiry on the rationale behind in selecting Greater Painted-snipe as one of the target species despite its low occurrence in the project site, Dr Michael Leven acknowledged that while the species was not frequently sighted on-site, the planned marshland habitat for them would provide a synergy in attracting other target species like Chinese Pond Heron and amphibian species. Furthermore, as there were relatively few habitats for Greater Painted-snipe in Hong Kong, the project could also make a contribution to the overall conservation of this species in the territory.

15. Referring to a Member's enquiry about the future funding and management arrangement for the WRA, Mr Leung Shu-ki confirmed that they would be responsible for the planning, design, construction, operation, management and monitoring of the WRA proposal meeting the requirements as specified in the approved EIA. A draft management plan would be submitted to AFCD for approval. Comments from ACE would be incorporated. As regards the funding issue, they would follow the Wo Shang Wai model, e.g. provision of a lump sum contribution to a statutory trust fund such as the Environment Conservation Fund (ECF) independent of the EIA requirements. They would appoint a conservation agent to manage the area subject to the approval of EPD in consultation with AFCD. Views from ACE would also be solicited. The Chairperson recapped that ACE endorsed the Wo Shang Wai project in May 2008, with a condition holding the project proponent responsible for the construction of the WRA as part of the development. The project proponent had to take sole responsibility for managing the WRA until a successor could be found to the satisfaction of EPD in consultation with ACE. Mr K W Cheung supplemented that the WRA management model was made a condition under the Environmental Permit (EP) for the Wo Shang Wai project.

16. A Member asked for the reason why the project proponent had reservation on the pond drain-down proposal, despite experience from different sources

indicating that the arrangement would enhance the ecological value of the site and attract some of the target species. He also enquired about the details on the management of the ponds and marshland in future. Dr Michael Leven first replied that it was not practical as there were only a few ponds in the site. Seasonal draining of ponds and planting would take time and there would be a high risk of not meeting the habitat requirements for other target species. Moreover, the target species of Chinese Pond Herons was less attracted to the drained ponds. He said that the site would be managed as permanent wetlands in a fairly conservative way. There would not be significant or short-term changes to the habitats, e.g. no seasonal draining of the ponds or drying out of the marshland. Basic habitat management would include periodic trimming of vegetation in the marshland and removal of exotic invasive species, keeping the ponds wet throughout the year and careful planting of reed beds. However, the Member commented that this type of management adopted in the Wo Sang Wai ponds had failed to meet most of the targets set for that site. Mr Captain Wong supplemented that the detailed habitat management plan was included in the Wetland Restoration Plan at Appendix 3 to the Environmental Monitoring and Audit (EM&A) Manual. Mr Leung Shu-ki advised that they would prepare monthly monitoring reports and submit regular EM&A reports to the Government similar to the arrangement of the Wo Shang Wai project. They would continue to invite green groups to give advice on measures to enhance the target species through their Continuous Public Involvement initiatives.

17. In response to the enquiry from a Member, Dr Michael Leven confirmed the commitment to preserve the existing fruit bearing trees as far as practicable. Personal entry to the WRA would also be controlled and monitored.

18. In reply to a Member's question on any plan to maintain the biodiversity of the existing wetlands before commencement of construction works, Dr Michael Leven advised that they would set up a temporary mitigation area providing marshland and open water habitats at the southwestern end of the site during the construction phase of the WRA to provide refuge for species losing habitat at that time. They would also work to identify and remove invasive alien species in the process.

19. A Member expressed reservation on the classification of Area A3 in the habitat map as seasonal wet grassland as wetland plants could be found during the site visit. He pointed out that the area had been a marsh area in the past and its ecological value degraded in recent years. The Member opined that based on the master layout plan, the proposed ecological corridor was too narrow, and the wetlands adjoining the project site would eventually diminish in view that the habitat condition was beyond the project proponent and there was no guarantee on the land use in future.

20. A Member was appreciative that the project proponent was open to the suggestion to consider widening the ecological corridor. On habitat development, he suggested wet cultivated fields with reference to Long Valley where valuable feeding grounds had been provided for a range of wetland birds to mitigate the loss of agricultural land. Further, the Member suggested draining the ponds to attract more

wetland bird species such as Little Egrets. In response, Dr Michael Leven said that they had an open mind on the suggestion to provide wet cultivated fields for wildlife in the project site. They would also look into the feasibility of seasonal draining of the ponds.

21. Having regard that the project site was zoned “Other Specified Uses (Comprehensive Development and Wetland Protection Area)” with the existing continuous and contiguous fish ponds within the zone to be protected and conserved, a Member suggested that the project proponent should accord priority to the conservation aspect of the site. Mr Leung Shu-ki affirmed that they would carry out the conservation work before commencement of the residential development. He advised that the spirit was the public-private partnership concept under the New Nature Conservation Policy to promote conservation for public good. Mr Leung stressed that the residential development was a secondary goal for incentivizing wetland restoration / protection in the site.

Water quality and sewerage impacts

22. For the peripheral drainage channel for surface runoff during the construction phase, a Member enquired about the standard requirements on the quality of the water to be discharged into Ngau Tam Mei Drainage Channel and any contingency plan in case of failure of the drainage system. Mr Edward Poon replied that there would be regular monitoring on the treated water before discharge. Independent professionals (Environmental Team and Independent Checker) would also be engaged to review the mitigation measures in compliance with the Water Pollution Control Ordinance requirements and the EP conditions. The Contractor would stop works on-site in case of unsatisfactory discharge or during inclement weather. Another Member commented that clear threshold levels and corresponding action plans should be set for such purposes.

23. In response to a Member's further enquiry on water quality impact in case of delay in the public sewage reception facility, Mr Edward Poon said that the interim sewage treatment plant had been so designed with standards meeting that for permanent treatment. Moreover, the treatment plant would use the Membrane Bio-reactor and Reversed Osmosis technologies which was an advanced treatment technology widely used in foreign countries to treat sewage on-site.

24. A Member noted the proposed interim sewage treatment plant proposed in the site and that the project proponent would be responsible for the operation and maintenance of the plant until the public sewage facility was in place. He suggested the project proponent to turn the plant into a permanent provision and to consider recycling treated effluent for non-portable uses. This view was shared by another Member as that could help sustain the recycling initiatives on a long term basis. Mr Leung Shu-ki said that they were committed to encouraging the recycling of treated effluent. They would engage residents after population in-take on the recycling strategy and their financial support for the purpose.

25. Replying to a Member's enquiry about the safety margin for the design capacity of the interim sewage treatment plant, Mr Edward Poon advised that a peak factor of 7 was adopted for the sewerage design to cater for variations in flow. A balancing tank with a capacity for holding sewage for three days was also planned as a buffer to cater for unexpected increase in flow. He said that they would review the redundancy provision and adopt a slightly higher percentage than the normal 10% subject to the detailed design.

26. In response to the Chairperson's enquiry about recycling treated effluent and turning that into a source of fresh water supply, Dr Michael Leven said that while it was technically feasible and they in fact were keen to promote the concept, strong resistance from residents would be expected out of hygiene consideration.

Landscape and visual and noise impacts

27. A Member asked about the design and staggering patterns of the temporary noise barriers. Another Member also sought clarification on the function intended for these barriers. Mr David Yeung advised that for safety consideration, lightweight noise barriers with steel frame on concrete block and green plastic panels would be used on-site. Most of these barriers would be transported from other sites for re-use. They would be installed along the site boundary during construction as a noise mitigation measure. The barriers were about 3-6 m high with a staggered alignment subject to the distance between the construction site and the noise sensitive receivers in the neighbourhood. Regarding the Member's further question on screen planting and the design of the permanent noise barriers, Mr Yeung said that there would be landscape and buffer planting for the overall design in the site. Mr Alan Macdonald added that while the barriers were already made of lightweight materials with chromatic treatment to soften the visual impact and avoid bird strike, they would work to enhance the design to further reduce the impact.

28. The Member further asked whether a Registered Landscape Architect would be appointed to monitor and audit the landscape and visual design during the construction and operation stages. He also asked how the landscaping design would respond to the ecological and biodiversity needs of the area. Mr Alan Macdonald replied that while the existing fruit bearing trees would be preserved as far as practicable, new planting would be specifically selected to respond to context and the existing and proposed landscape regimes within and adjacent to the site. He confirmed that a Registered Landscape Architect would be appointed to conduct on-site supervision during construction and to subsequently audit works after completion of the project. Mr Macdonald added that the landscape plans would be provided to the relevant authorities for approval in due course.

29. A Member enquired about anticipated exceedance of noise level and relevant mitigation measure to be adopted. He opined it more effective to control the noise at source and suggested adopting quieter piling methods with silencer. Mr Henry Ng advised that Fairview Park was expected to be most affected as it was just next to the project site, and temporary noise barriers of 3-6 m in height were planned.

They had taken into account measures including quiet type powered mechanical equipment in the noise calculation, e.g. use of continuous flight auger in place of percussive piling. Mr Ng said that temporary noise barriers would also be used to mitigate the residual noise impact at the southern site boundary as a precautionary measure if the planned Recreation (REC) Site thereat was to be developed concurrently. Moveable noise barriers would also be used during construction and included in the EM&A to help alleviate the impact to noise sensitive receivers. A Member suggested that these barriers could also be used to surround the powered mechanical equipment to abate construction noise so generated at source.

Traffic and air quality impacts

30. The Chairperson was concerned about the traffic capacity of Yau Pok Road as reflected in the public comment. Mr Adams Au clarified that vehicular access to the project site would be via Kam Pok Road and not Yau Pok Road which was only a one-way passageway. He confirmed that based on the traffic assessment of the project, the traffic flow generated by the project during the construction and operation phase as well as that from the approved development works nearby could be absorbed by Kam Pok Road.

31. A Member asked about the adopted specification of traffic generation rate for the assessment and commented that the traffic generation estimate was on the low side with only 28 vehicles generated among the 70 houses to be developed in the project during the peak hour. Mr Adams Au advised that the trip generation rate was calculated based on the Trip Rate Table and previous traffic data record DR431 issued by the Transport Department. The mean level of the trip rate was adopted for the estimation and the assessment result was considered appropriate. Mr Au further explained that it was a standard practice to present the estimation on the peak hour traffic flow in terms of the traffic impact and generation in the morning or evening peak to the Transport Department for reference. Citing a similar survey in Wo Sang Wai, the trip generation rate was around 20% of the number of houses. He stressed that the rate was an average pattern, and the peak hour traffic did not imply that all houses would generate vehicles during the peak hour.

32. Regarding a Member's enquiry on the vehicular access via the bridge across Ngau Tam Mei Channel, Mr Adams Au said that residents had to access Kam Pok Road via Yau Pok Road. He pointed out that vehicular manoeuvring between Kam Pok Road and Yau Pok Road was beyond the EIA process and hence the purview of the project proponent. They would conduct Swept Path Analysis by computer modelling including assessment on emergency vehicular access between Kam Pok Road and Yau Pok Road and present their findings to the Transport Department for consideration. Mr Leung Shu-ki reiterated that the project was subject to the control regime under the EIAO as well as the traffic impact assessment under the Town Planning Ordinance with all the technicalities including access for emergency vehicles.

33. In reply to a Member's enquiry, Mr Henry Ng confirmed that there would be

no adverse air quality impact anticipated during the construction phase. He assured that adequate mitigation measures had been planned regarding the construction dust impact on the immediate residential developments surrounding the project site such as Fairview Park and existing village houses near Yau Mei San Tsuen.

34. In response to a Member's suggestion on the inclusion of sustainable building design such as use of solar panels as a source of renewable energy, Mr Leung Shu-ki welcomed the idea and would introduce a "green community" concept in the project with the support of relevant stakeholders. Another Member supported the initiatives and suggested that waste reduction measures should also be incorporated.

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

Internal Discussion Session

35. The Chairperson advised that the EIASC could make recommendations to ACE 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.

36. The Chairperson reminded Members to keep confidentiality of the internal discussion as the full Council had yet to consider the Subcommittee's recommendations before tendering its comments on the report under the EIA Ordinance. Members were 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.

37. The Chairperson proposed and Members supported to impose a condition to request the project proponent to widen the ecological corridor so as to maintain the bird flight lines between Ngau Tam Mei Drainage Channel and the Deep Bay wetland system. The Chairperson said that the extent of the widening would be subject to the agreement of EPD and AFCD.

38. The Chairperson proposed and Members supported to impose a condition to request the project proponent to undertake the planning, design, construction, operation and monitoring of the WRA as part of the development of the project. Reference could be made to the Wo Sang Wai case for the project proponent to take sole responsibility for the management and maintenance of the WRA until a successor could be found subject to the satisfaction of EPD.

39. As regards the funding arrangement for the management and maintenance work of the project, Mr K F Tang explained that legal advice of the Department of Justice sought in previous cases was that while the project proponent could be held responsible for the long term management and maintenance of the WRA, the provision of funds was outside the purview of the EIAO. For ensuring that the management plan could be sustainable in long run, the project proponent would be required to agree with the Government on the funding arrangement separately, in consultation with the relevant authorities such as EPD, AFCD, the Lands Department and the Planning Department. In the case of a similar development at Wo Sang Wai, the project proponent had committed to take sole responsibility and to inject a lump sum into a statutory fund such as the ECF which would generate recurrent income sufficient for long term implementation of the management plan. Mr Tang said that the project proponent of the current project had agreed to this approach. He added that the requirement to manage and maintain the WRA would form one the EP conditions for strict compliance by the project proponent.

40. A Member requested that in future, project proponents should be advised to present the framework of their management plans when consulting ACE / EIASC. For Members' reference, another Member said that in general management plans would not be discussed in detail at EIASC meetings. Rather, the project proponent was required to conduct relevant ecological baseline survey as a benchmark for effective implementation of the management plan subject to the satisfaction of the relevant authorities. The Chairperson said that while management plans with significant public concerns would be deliberated at the Subcommittee stage, the majority could be handled by the relevant government departments and be made available to ACE / EIASC for information as necessary.

41. The Chairperson suggested and Members supported to impose a condition to request the project proponent to submit regular EM&A reports of the development during the construction and operation phase to ACE / EIASC for information.

42. A Member said that the southern part of the project site was once used as rice fields based on aerial photos taken in the 1970s. Citing the Long Valley experience, he considered that wetland crop species such as water spinach and rice could be grown with environmental friendly cultivation practices. Despite the limited size of the WRA, the Member considered that the scope and potential of developing wetland crops could be explored having regard to the proposed widening of the ecological corridor. Another Member followed that re-profiling was not required for conversion of the existing dry farmland into rice fields. In response to the Chairperson's enquiry on whether marshland or wet cultivated field would be most suitable to bring about the best ecological value of the WRA, the Member suggested that ponds should serve the primary function. He remarked that there was a higher chance of failure for maintaining marshland in a small area whereas ponds were more manageable and easier to attract target species with seasonal draining. A Member echoed that ponds could also be designated at the northern edge of the site to give synergy with other ponds in the neighbourhood. Another Member added that there had been successes in re-creating and managing marshes and wet cultivation for

conservation in Mai Po Nature Reserve, Lok Ma Chau and Long Valley. A Member commented that the pros and cons of the two ecological uses could be forwarded to the project proponent for their further consideration, subject to the detailed design of the project.

43. Dr So Ping-man advised that while Members could comment on the ecological use of the WRA, they should note that the project proponent had already expressed concern on the pond proposal which was considered to be effective only if there were concerted efforts with the operators in the adjacent areas for seasonal draining at agreed intervals. He also drew Members' attention to the project proponent's remark that there was different ecological function between a pond and a freshwater marsh, with the latter diminishing in the Deep Bay area. He suggested it more appropriate to allow certain flexibility for the project proponent to carry out a more holistic habitat design and management plan for the WRA.

44. Citing the management experience of the Hong Kong Bird Watching Society in the Deep Bay area, a Member remarked that developing ponds should be more feasible in the project site. The project proponent could liaise with the Society on the pond draining approach to achieve synergy for enhancing the overall ecological value of ponds in the Deep Bay wetland system.

45. The Chairperson proposed and Members supported to include a recommendation to request the project proponent to consider including wet cultivated fields or ponds in the habitat design of the WRA and the management practice of seasonal draining to improve the ecological function of the WRA. Further, they should remove invasive alien species from the WRA.

46. The Chairperson referred to Members' earlier comments and suggested to include a condition on preserving most of the existing fruit bearing trees within the WRA, and another on the provision of boundary barriers which should not hinder wildlife movements between the WRA and its adjacent wetland system. Members agreed.

47. For screen and buffer planting in the residential part of the site, a Member suggested to include a condition to request the project proponent to use trees of native species of smaller size instead of exotic species as proposed in the EIA report. Ms Eva Yau explained that some exotic tree species were currently proposed in view of their fast growing nature and relatively large size that could help screen off disturbance to the WRA from the neighbouring residential developments. Nonetheless, the selection of tree species would be subject to the final landscape design. The Chairperson proposed and Members agreed a condition to require the project proponent to use trees principally of native species for screen and buffer planting which would not affect the ecological function of the WRA. Mr K F Tang remarked that as there would be implication on the visual aspect of the project, EPD would discuss with the Planning Department which was the authority on the visual and landscape aspect on the appropriate phrasing of this condition.

48. On water quality and sewerage impacts, in light of the ecological sensitivity of the adjacent Deep Bay area, a Member considered it contingent for the project proponent to set an action plan and threshold limits for water quality monitoring and to devise an Emergency Response Plan to control water pollution due to site runoff during inclement weather. In addition, the project proponent was recommended to consider recycling treated effluent from the sewage treatment plant for non-portable use in the development. The Chairperson summarized the further comments from three Members on the project proponent's responsibility on the temporary drainage plant and the interim sewerage treatment plant. Mr K F Tang confirmed that the discharge must comply with the discharge licence under the Water Pollution Control Ordinance and the EP condition. He also advised that the provision of storm drains with a return period of 10 years would normally be sufficient for a temporary construction site. For construction sites that would affect sensitive waters, it would be reasonable to request the project proponent to consider contingency measures to control water pollution of the site runoff during inclement weather.

49. Regarding landscape and visual impact, Members agreed to impose a condition for the project proponent to control noise at source and to use movable noise barriers of appropriate height and size and of aesthetic outlook to blend in with the local environment.

50. The Chairperson suggested and Members agreed that it was not necessary to include any condition / recommendation with respect to the traffic issue at the junction of Kam Pok Road and Yau Pok Road as it was beyond the the EIA process. Members noted that the project proponent had to submit the traffic impact assessment to the Town Planning Board separately for consideration.

51. The Chairperson proposed and Members supported a recommendation on promoting a "green community" concept in the development to blend in with the local natural environment, e.g. more use of renewable energy and promotion of waste reduction initiatives. A Member advised that the BEAM plus neighbourhood scheme covering a comprehensive guide for building clusters would be launched soon.

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

Conditions of endorsement

Wetland Restoration Area (WRA)

- (a) The Project Proponent should be fully responsible for the design, construction, and long term management and monitoring of the WRA.
- (b) The Project Proponent should review the development layout and widen the ecological corridor with a view to maintaining adequate ecological connection between Ngau Tam Mei Drainage Channel and the Deep Bay wetland system.
- (c) The Project Proponent should, without compromising the ecological function of

the WRA, preserve the existing fruit bearing trees within the WRA site as far as practicable.

- (d) The Project Proponent should, in consultation with the Agriculture, Fisheries and Conservation Department (AFCD), update the Wetland Restoration Plan setting out the details of (a) to (c) above, and (f), (i) and (l) below for submission to the Environmental Protection Department (EPD) for approval before commencement of construction works.

Boundary Barriers, Fencing and Planting

- (e) The Project Proponent should make use of trees principally of native species for screen and buffer planting for the operation phase of the project
- (f) The Project Proponent should design the boundary barriers and fencing with the aim to avoid hindrance to wildlife movement between the WRA and the Deep Bay wetland system, for both the construction and operation phase of the project.
- (g) The Project Proponent should make best use of moveable noise barriers close to the noise sources of construction activities with a view to minimizing the extent and hence the visual impacts of boundary noise barriers during construction of the project.
- (h) The Project Proponent should prepare a Landscape and Visual implementation plan setting out the details of (e) to (g) to EPD for approval before commencement of construction works.

Environmental Monitoring and Audit (EM&A) Programme

- (i) The Project Proponent should carry out baseline ecological monitoring for target species and other wetland-dependent fauna within the Project Area and Assessment Area as defined in the EIA report, during the 12 months prior to commencement of construction works. The Project Proponent should carry out ecological monitoring in accordance with the Wetland Restoration Plan throughout the construction and operation phase of the project. The monitoring results should be reported in the Baseline Monitoring Report and the regular EM&A reports for submission to EPD and will be made available to ACE and its members for information.
- (j) The Project Proponent should prepare and implement an Emergency Response Plan (ERP) to control water pollution due to site runoff during inclement weather. The plan shall include but not be limited to measures of the Best Management Practices as identified in the EIA report and an event and action plan with action and limit levels for water quality monitoring. The ERP shall be submitted in an updated EM&A manual to EPD for approval prior to commencement of construction works.

Recommendations

- (k) The Project Proponent should consider recycling the treated effluent from the sewage treatment plant for non-portable uses on a long term basis, as well as the possibility of extending the interim sewage treatment facility employing Membrane Bioreactor and Reverse Osmosis technologies into a permanent

arrangement on top of the discharge into the public sewage system.

- (l) The Project Proponent should consider the feasibility of incorporating wet cultivated fields and / or expanding the area of ponds in the WRA design and the best management practices for enhancing the ecological function of the WRA during operation such as draining down the ponds at suitable time intervals. Invasive alien species should be regularly identified and removed from the WRA.
- (m) The Project Proponent should consider incorporating renewable energy installations and waste reduction measures for the project.

53. The meeting agreed that the project proponent team would not be required to attend the full Council meeting on the report.

Item 3 : Any other business

Language for conducting the Subcommittee meetings

54. A Member asked about the language to be used at EIASC meetings. The Chairperson informed Members on the background for conducting the meetings in English with simultaneous interpretation (SI) service for the public. She advised that there were operational issues to consider which included the possible presence of English-speaking Members in ACE and project proponent's presentation team as well as the fact that both EIA reports and meeting documents were prepared in English. Since September 2013, SI service would be arranged for the public for the open Presentation and Question-and-Answer sessions if the Secretariat received requests for the service three working days before the meeting. The Chairperson invited Members to give views on the matter.

55. A Member supported the current practice of using English as the language for conducting EIASC meetings with the back-up of SI service unless the EIA report to be discussed was of great public concern and a sizeable group of local residents had registered to observe the open sessions. Another Member said that it was necessary to standardize the language used to facilitate smooth conduct of meetings instead of making changes all the time. In the event that a particular EIASC meeting was to be conducted in Cantonese, the project proponent should be alerted in advance so that they could make the necessary preparation. The special arrangement should also be announced on the ACE website for information of the public. A Member suggested that project proponents could be advised to prepare bilingual presentation slides to facilitate comprehension of the public on the issues under discussion.

56. Mr Andrew Lai explained that EIASC meetings were conducted in English by default having regard to the presence of English-speaking ACE Members in the past. He shared Members' views that there should be a standard language for conducting the meetings, otherwise the project proponents or the public would be confused that EIASC would use English or Cantonese randomly at its meetings. An improvement had indeed been made since September 2013 by providing SI service if the Secretariat received the request for the service three working days prior to the

meetings. He invited Members to consider keeping the current arrangement with the improvement measure already in place.

57. The Chairperson suggested and Members agreed that English would continue to be the language for the open sessions by default, and that project proponents should be asked to prepare bilingual presentation slides as far as practicable. In the event that the EIA report was known to have grave public concern which warranted the open sessions to be conducted in Cantonese, the Secretariat would announce the special arrangement on the Council website one week prior to the meeting. The project proponent would also be advised on the corresponding arrangements.

Secretariat

Summary paper for the assessment of regular reports submitted by project proponents

58. In consideration that a few project proponents had to submit regular reports to ACE for information, such as the biannual EM&A reports on the ecological results on the proposed development at Wo Sang Wai, a Member asked if EPD could prepare a summary note and draw Members' attention on the key points regarding the compliance situation which the project proponents had to report together with relevant target levels and their actual performance. Mr K F Tang replied that his team was working on the reporting format in relation to EM&A reports and would make the summary note available for Members' reference.

EPD

Item 5 : Date of next meeting

59. The Chairperson informed that the Secretariat had not received any EIA reports for discussion at the June meeting. Members would be advised on the date of the next meeting and the agenda in due course.

**EIA Subcommittee Secretariat
May 2015**