

**Confirmed Minutes of the 148th Meeting
of the Environmental Impact Assessment Subcommittee
on 19 April 2021 at 2:00 pm**

Present:

Prof Nora TAM, BBS, JP (Chairperson)
Prof Kenneth LEUNG, JP (Deputy Chairman)
Ms Ada FUNG, BBS
Ir Samantha KONG
Prof Alexis LAU, JP
Ms Julia LAU
Dr Winnie LAW
Dr MA Kwan-ki
Dr Jeanne NG
Dr SUNG Yik-hei
Mr Simon WONG, JP
Dr WONG Kwok-yan
Dr Raymond YAU
Ms Becky LAM (Secretary)

Absent with Apologies:

Ms LAM Chung-yan

In Attendance:

Mr Owin FUNG	Deputy Director of Environmental Protection (3), Environmental Protection Department (EPD)
Mr Terence TSANG	Assistant Director (Environmental Assessment), EPD
Mr Stanley LAU	Principal Environmental Protection Officer (Strategic Assessment), EPD
Mr Vincent LAU	Senior Environmental Protection Officer (Strategic Assessment) 3, EPD
Mr MA Chi-wai	Environmental Protection Officer (Strategic Assessment) 32, EPD
Mr Simon CHAN	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr Eric WONG	Senior Nature Conservation Officer (North) (Acting), AFCD
Ms TSANG Yu-man	Nature Conservation Officer (Kam Tin), AFCD

Miss Sally SHEK
Miss Ingrid SUEN

Executive Officer (CBD) 1, EPD
Executive Officer (CBD) 2, EPD

In Attendance for Item 2:

Project Proponent Team

*Drainage Services Department
(DSD)*

Mr POON Sui-shun, Chief Engineer / Project
Management

Mr WONG Ho-yeung, Senior Engineer / Project
Management 1

Mr LIANG King-lok, Engineer / Project Management
13

Atkins China Limited

Ms Elizabeth LEUNG, Deputy Project Manager

Ms WONG Wing-yee, Technical Director

Mr CHOW Chun-pong, Senior Environmental
Consultant

Oikos Consulting Limited

Dr WONG Yim-wah, Ecologist

Action

The Chairperson welcomed Members to the meeting in person or by Zoom and informed Members that apologies of absence had been received from Ms Lam Chung-yan.

Item 1 : Matters arising

2. The draft minutes of the last meeting held on 16 November 2020 were confirmed by circulation on 15 December 2020 with minor textual amendments proposed by a Member in paragraph 32.

3. The Chairperson reported that a briefing on Review of the Environmental Impact Assessment (EIA) Guidance Notes on Ecological Impact Assessments (EcoIA) was arranged on 14 December 2020. The confirmed notes of the briefing, with comments and suggestions from Members and EPD's initial responses, were circulated to Members on 29 December 2020 for reference.

4. The Chairperson reported that the EIA reports on "Pier Improvement at Lai Chi Wo" and "Pier Improvement at Tung Ping Chau" which had been submitted to

the EIA Subcommittee for discussion on 16 November 2020 were approved by the Director of Environmental Protection (DEP) with conditions on 29 December 2020. Members were informed of the above information by email on 31 December 2020.

5. There was no matter arising from the minutes of the last meeting.

Item 2 : Discussion on EIA report on “Drainage Improvement Works Near Four Villages in Yuen Long – Sung Shan New Village, Tai Wo, Lin Fa Tei and Ha Che”
(ACE-EIA Paper 1/2021)

6. The Chairperson advised that the meeting would discuss the EIA report on “Drainage Improvement Works Near Four Villages in Yuen Long – Sung Shan New Village, Tai Wo, Lin Fa Tei and Ha Che”. During the public inspection period from 22 February to 23 March 2021, two sets of public comments had been received by EPD and the gist of major issues/concerns were circulated to Members for reference on 13 April 2021. The main concerns raised by the public were related to the potential negative ecological impacts arising from the design of the green channels, management and control of waste generated from the project and the potential impact on the cultural heritage near the work site.

7. There was no declaration of interest by Members.

8. The Chairperson informed that the discussion would be divided into the Presentation and Question-and-Answer Session which would be opened to the public while the Internal Discussion Session would remain closed.

9. The Chairperson reminded Members to keep confidentiality of the discussion on the EIA report.

(The presentation team joined the meeting at this juncture.)

Presentation Session (Open session)

10. Mr Poon Sui-shun gave an opening remark and with the aid of a PowerPoint presentation, Mr Wong Ho-yeung and Ms Wong Wing-yee briefed Members on the background, environmental considerations and key findings of the project.

Question-and-Answer Session (Open Session)

Freshwater Crab Translocation Plan

11. A Member enquired about the details of the translocation plan and the evaluation of the translocation for the freshwater crabs. Mr Poon Sui-shun advised that the project proponent would engage qualified ecologist(s) to devise a comprehensive translocation plan for the freshwater crabs. Ms Wong Wing-yee added that site surveys would be carried out to confirm the locations of the freshwater crabs within the project sites before construction and identify suitable receptor sites for them. Ms Wong advised that simultaneous arrangements would be made to capture and release the freshwater crabs to the receptor sites by qualified experts. Post-translocation monitoring would also be carried out to evaluate the success of the translocation. Dr Wong Yim-wah supplemented that the freshwater crabs might be captured manually or by tools such as traps or cages. In response to the Chairperson and a Member's question on the selection of receptor sites, Dr Wong Yim-wah advised that the receptor sites might be located at the upstream of the proposed channels to avoid disturbances and potential impacts arising from the construction. The Freshwater Crab Translocation Plan would provide details of the identification / selection of receptor sites and methodology of the translocation.

12. A Member suggested that baseline ecological survey with unit-catch-per-effort should be conducted at the proposed receptor sites before the translocation to obtain the information of the freshwater crabs which survive at the receptor sites after the translocation. Dr Wong Yim-wah explained that the frequency and scope of the ecological survey would be adjusted with a view to capturing the crabs within the project sites as well as evaluating the result after the translocation. He added that literature review would be conducted to identify suitable habitats of the freshwater crabs.

13. A Member considered that local ecologists or experts on freshwater crabs might not be available and was concerned about the personnel appointed to carry out or oversee the translocation. Mr Poon Sui-shun advised that the project proponent would liaise with local tertiary institutions in identifying suitable experts. He also welcomed any nominations from Members on local experts with relevant experiences or background. Dr Wong Yim-wah supplemented that DSD would consult AFCD on the appointment of experts with relevant experiences.

14. A Member shared his experiences relating to translocation exercises and stressed that translocation of freshwater crabs should be carried out by qualified experts with relevant qualifications and experiences as endorsed by AFCD. Another Member agreed with the Member and suggested the project proponent could engage expert from overseas if it was unable to identify suitable local experts. Mr Poon Sui-shun thanked the Member's suggestion and advised that the requirement on the relevant qualifications or experiences of the personnel appointed to conduct the translocation exercise could be specified in the tender document.

15. In response to two Members' enquiry regarding past experiences on translocation of freshwater crabs, Mr Poon Sui-shun shared his experiences relating to fish translocation in rivers and the fish species were found along the rivers after the completion of projects.

16. The Chairperson considered that the project proponent should devise a contingency plan in case of failure of the translocation. Apart from translocation, a Member enquired if there were other alternatives such as re-introduction or returning the freshwater crabs to the original watercourses after the completion of construction works. Mr Poon Sui-shun advised that as it would take at least two years to complete the construction works, temporary accommodation might not be favourable to the freshwater crabs. On the contrary, identification of suitable receptor sites and conduction of regular monitoring and review should be more appropriate.

Habitat Creation and Management Plan

17. In addition to the adoption of stone facing on the channel walls, a Member suggested that drilling holes on the channel walls which provide habitats for small wildlife might be considered. Mr Poon Sui-shun welcomed this suggestion and advised that the final design of the channel walls would be subjected to consultation with relevant departments and experts.

18. To restore and maintain the biodiversity and ecological functions of the watercourses, a Member suggested that the design of the channels should make use of different bedding/vertical-surfacing materials to provide diversified micro-habitats. Mr Poon Sui-shun informed that the channel bedding would be composed of the original natural substrate and a mix of particles of different grain size to create pools, riffles and water turbulence, and hence would create diversified micro-habitats. Dr Wong Yim-wah added that the detailed design of the green channels

and the mitigation measures would be set out in the Habitat Creation and Management Plan (HCMP).

19. In response to a Member's question on measures to avoid damages to the channel bedding after heavy rainfalls/extreme weather, Mr Poon Sui-shun advised that rocks would be placed on the channels to prevent the natural substrate from being washed away under adverse weather conditions.

20. Two Members were concerned about the potential disturbance/disruption to the ecosystems of the green channels due to adverse weather conditions. Mr Poon Sui-shun responded that the detailed design of the green channels and the maintenance plan would be set out in the HCMP to ensure the created habitats could withstand adverse weather conditions.

21. A Member suggested the project proponent conducting ecological surveys of the watercourses before and after construction to evaluate the effectiveness of the proposed mitigation measures in restoring or enhancing ecological functions. Mr Poon Sui-shun said that there would be a baseline ecological survey as well as monitoring before and after construction. Dr Wong Yim-wah supplemented that baseline survey had been conducted to record the current conditions of the project sites. Monitoring during and after the construction would also be carried out to examine the species assemblage for reviewing the ecological functions.

22. A Member suggested the project proponent monitoring the results of the mitigation measures after completion of the project for future references. He also suggested placing ropes along the channel walls as escape ramps. Another Member pointed out that dragonfly was an important taxonomy of the freshwater ecology and shared with the meeting some recommendations such as creation of different micro-habitats for dragonflies, e.g. slow-flowing and fast flowing currents for different gomphids, provision of emerged plants, etc. He suggested the project proponent devise plans to provide habitats suitable for dragonflies. Mr Poon Sui-shun said that the project proponent would consider their recommendations in the HCMP.

23. With reference to a public comment, the Chairperson said that the use of wire mesh along the proposed railings might trap or injure the wild animals and suggested the use of wildlife-friendly barrier such as wooden plate. Mr Poon Sui-shun replied that the use of wildlife-friendly barrier would be considered in the HCMP.

24. In response to a Member's question on conducting seven-month ecological field survey instead of 12-month, Ms Wong Wing-ye advised that the seven-month survey, covering both dry and wet seasons, were conducted in accordance with the requirement set out in the EIA Study Brief. Dr Wong Yim-wah supplemented that it was set out in the Technical Memorandum on EIA Process (TM) issued under Environmental Impact Assessment Ordinance (EIAO) that the duration of ecological field survey would depend on different wildlife groups to be surveyed in the project sites.

Plantations and Landscape

25. In response to a Member's enquiry regarding the maintenance of the plantations along the channel banks, Mr Poon Sui-shun advised that there would be compensatory planting for any trees felled due to the project, with not less than 1:1 ratio. He said that DSD should be responsible for the routine management and maintenance of the plantations along the channels after the completion of the project.

26. Highlighting the commercial value of *Aquilaria sinensis*, a Member questioned whether there were any measures to protect the *Aquilaria sinensis* found near the project site. Mr Poon Sui-shun advised that one seedling of *Aquilaria sinensis* was found near the project site of Sung Shan New Village and it would be retained and protected during the project.

27. Drawing reference from "Sponge City" concept adopted in other countries, a Member suggested creating wetland or wildlife corridor along the channel banks if possible, which would serve as buffer zone and filter the water before entering the green channels. Mr Poon Sui-shun advised that tree and shrubs could be planted along the channel banks for providing shelters and filtering water from overland flow. He said that the species to be planted would be considered in the design stage of the project.

Ecologically Important Stream

28. A Member suggested conducting ecological survey or monitoring at the Cheung Po Ecologically Important Stream (EIS) before, during and after construction to ensure that the EIS would not be adversely affected. Mr Poon Sui-shun advised that monitoring check points would be set up at the downstream of the

Cheung Po EIS to monitor any environmental impacts on the EIS. Dr Wong Yim-wah supplemented that given the EIS was 50 metres away from project site, he considered that the mitigation measures and good site practices should be sufficient to avoid adverse impact on the EIS.

Cultural Heritage

29. In response to a Member's enquiry about the locations for monitoring the three graded historic buildings near the project sites, Mr Poon Sui-shun advised that they would explore and identify appropriate locations near the historic buildings for monitoring. He added that mechanical equipment with minimum vibration would be deployed and monitoring on the vibration, settlement and tilting would be carried out to avoid potential damages to the cultural heritage.

Public education

30. To enhance public education on biodiversity and nature conservation, two Members suggested incorporating educational messages relating to ecological findings and mitigation measures as well as improvement to drainage system on the display boards on-site and /or in the vicinity of the site boundaries. Another Member was concerned about the safety issues of attracting visitors to the channels and suggested with the support of a Member to publish the information on relevant websites.

31. While explaining that the proposed channels were remote and not designed for educational purposes, Mr Poon Sui-shun welcomed the suggestions and advised that educational elements of the channels would be displayed through other channels such as the designated website of DSD.

Use of Electric-Powered Equipment

32. A Member suggested the project proponent to deploy electric-powered equipment to mitigate potential negative air and noise impact arising from the construction projects as well as contribute to carbon neutrality. Mr Poon Sui-shun confirmed that appropriate equipment including electric-powered equipment would be deployed to minimise potential air and noise impact of the project.

Drainage Capacity

33. A Member enquired about the discharge capacity of the channels after the drainage improvement works and was concerned about the adverse weather conditions affected by the global climate changes. Mr Poon Sui-shun replied that the channels would be able to meet current flood protection standard after the improvement works, and the impact of global climate changes was taken into consideration in designing the project.

Existing Infrastructure

34. With reference to a public comment, the Chairperson pointed out that the project proponent should be careful to consider the reprovision of any existing infrastructure affected by the proposed works on a like-for-like basis. Mr Poon Sui-shun confirmed that the reprovision of infrastructure would be arranged in the same location on a like-for-like basis and thus there would not be material change in the use of the existing infrastructure after the completion of the project.

Conclusion

35. There being no further questions from Members, the Chairperson thanked the project proponent team for their detailed presentation and clarification on the project.

(The presentation team left the meeting at this juncture.)

Internal Discussion Session (Closed-door session)

36. The Chairperson advised that the EIA Subcommittee should make recommendations to ACE on the EIA report with the following consideration:

- (i) endorse the EIA report without condition; or
- (ii) endorse the EIA report with conditions and / or recommendations; or
- (iii) defer the decision to the full Council for further consideration, where issues or reasons for not reaching a consensus or issues to be further considered by the full Council would need to be highlighted; or
- (iv) reject the EIA report and inform the project proponent of the right to go to the full Council.

37. The Chairperson proposed and Members agreed to endorse the EIA report with conditions and recommendations.

Freshwater Crab Translocation Plan

38. A Member proposed, with the support of another Member, the project proponent should be required to appoint ecologist(s) with relevant qualifications and experiences to carry out the proposed translocation of freshwater crabs in consultation with AFCD. The Chairperson suggested and Members agreed to impose a condition to require the project proponent to devise a freshwater crab translocation plan for the affected endemic freshwater crabs, which should include details of the pre-construction survey at the project sites and the receptor site(s), translocation methodology, identification of location(s) and suitability of the receptor site(s), appointment of local or overseas ecologist(s) with relevant qualifications and experiences to carry out the translocation, post-translocation monitoring programme as well as a contingency plan in case of failure of the translocation. The project proponent should consult the Director of Agriculture, Fisheries and Conservation (DAFC) on the plan prior to submission to the DEP for approval before commencement of construction of the project.

39. Mr Terence Tsang agreed with the proposed condition, but would defer to AFCD's consideration of the appropriate qualifications and experiences of the personnel appointed to carry out the translocation.

HCMP

40. A Member suggested that the project proponent should be required to devise a comprehensive HCMP with a view to enhancing the ecosystems of the watercourses. The Chairperson proposed and Members supported that a condition should be imposed to require the project proponent to devise a HCMP by qualified ecologist(s), which should include detailed design on the channel, including but not limited to the use of different bedding/vertical-surfacing materials to create diversified micro-habitats, a monitoring programme as well as a contingency plan, with a view to restoring and maintaining the biodiversity and ecological functions of the watercourses, and to ensure the created habitats could withstand adverse weather conditions. The project proponent should consult the DAFC on the HCMP prior to submission to the DEP for approval before commencement of construction of the project.

Landscape Plan

41. A Member suggested that the project proponent should be required to adopt appropriate measures to facilitate the habitation of small wildlife along the channels and provide escape ramps to them. Another Member agreed and added that the project proponent should be required to incorporate landscape planting along the channel edges. The Member supplemented that proper maintenance should be in place to upkeep the landscape planting. Mr Terence Tsang proposed that the planting requirement could be incorporated into the proposed condition in the HCMP in consideration of the close relationship between the HCMP and the landscape planting.

42. Highlighting the significance and complexity of a landscape plan, the Chairperson suggested with the support of Members that a separate condition be imposed to require the project proponent to devise a Landscape Plan which should incorporate the design of green channel and wildlife corridor with landscape planting along the channel edges with a view to enhancing habitat connectivity and revitalising the channels with visual and landscape benefits for public enjoyment. The project proponent should consult the relevant government departments on the Landscape Plan prior to submission to the DEP for approval before commencement of construction of the project.

Public Education

43. A Member suggested incorporating educational messages on the display boards of the site boundaries to promote the ecological enhancements of the project. Another Member supplemented that exhibition boards could be displayed at strategic locations with more pedestrians. Another Member added that the project proponent could display the information on exhibition boards in village office nearby. A Member shared that it would facilitate the public, in particular the academic sector, to learn more about ecology and conservation if project proponent could share the information on the environmental outcomes after the completion of EIA project. Mr Terence Tsang said that the Member's views echoed another Member's suggestion in the briefing on the Review of the EIA Guidance Notes on Ecological Impact Assessment held in December 2020. Mr Tsang shared that EPD planned to gather and publish relevant information on the environmental outcomes after the completion of EIA projects on the relevant websites.

44. The Chairperson suggested with the support of Members to recommend the project proponent to publish the ecological enhancements and mitigation measures of the project on the relevant websites and on exhibition boards on-site and/or in the vicinity where possible such as village office with a view to enhancing environmental education.

Cheung Po EIS

45. A Member suggested and another Member agreed that regular inspection of the Cheung Po EIS during the construction should be conducted. Mr Terence Tsang responded that adverse impact on the EIS was unlikely having regard to the scale of the project, the distance of the EIS from the project site as well as the precautionary measures in place. As routine environmental monitoring and audit would be carried out by the project proponent, he suggested recommending the project proponent to conduct inspection of the EIS after adverse weather conditions. The Member proposed and the meeting agreed to recommend the project proponent to monitor the water quality and environmental condition of the Cheung Po EIS to ensure that they would not be affected by the channel after adverse weather conditions.

Construction Equipment

46. A Member suggested the project proponent deploying electric-powered equipment or machinery as far as practicable to mitigate potential air and noise impact. Another Member concurred with the Member and added that the project proponent should be encouraged to use electric-powered equipment to tie in with the target of achieving carbon neutrality by 2050. The Chairperson suggested and Members agreed to recommend the project proponent to deploy construction equipment with advanced technology such as electric-powered equipment as far as practicable with a view to minimising potential air and noise impact, preserving and protecting the graded historic buildings in the proximity of the work sites as well as contributing to the achievement of carbon neutrality.

Cultural Heritage

47. A Member considered that the mitigation measures for the cultural heritage near the construction site should be included in the project. She therefore suggested

with the support of the meeting to recommend the project proponent take precautionary measures to avoid any potential damages to the graded historic buildings during the construction of the project.

48. There being no other comments from Members, the meeting agreed that the EIA report could be endorsed with three conditions and three recommendations. The project proponent team would not be required to attend the full Council meeting scheduled for 10 May 2021.

(Post-meeting notes: The list of proposed conditions and recommendations was circulated to Members for comments on 22 April 2021.)

Item 3 : Any other business

(i) Variations of an Environmental Permit

49. In reply to two Members' enquiry on the processing of applications for variation of an approved environmental permit (EP), Mr Terence Tsang explained that the statutory roles of the ACE in the EIA process, which were stipulated under the EIAO, included the provision of comments on project profiles submitted for applying for an EIA study brief as well as EIA reports under public inspection. He shared that EPD had in the past duly incorporated the advice of the ACE on the issue of study brief and EP and that ACE Paper 7/2017 provided detailed information of the roles of ACE in relation to the implementation of the EIAO.

50. Upon receipt of an application on variations of an EP, Mr Terence Tsang advised that under the EIAO, DEP would consider and decide whether the applicant would be required to submit an EIA report for the variations sought. He said that as stipulated under section 13(5) of EIAO, DEP might allow amendment of an issued EP without calling for an EIA report if it was satisfied that there was no material change to the environmental impact of the project with the mitigation measures in place and that the project complied with the requirements described in the TM. Should there be material change to the environmental impact of the project arising from the variation, the project proponent would be required to submit an EIA report and go through the process under EIAO once again.

51. A Member further enquired about any guidelines or considerations in judging whether the variations might cause material changes to the environmental

impact. Another Member shared that the definition of material change to the environmental impact was set out in Annex 3 – “Factors for Consideration in Identifying Adverse Environmental Impacts” and evaluation criteria in Annexes 4 to 10 of the TM. Mr Terence Tsang responded that the EIAO and TM stipulated that the environmental impact of a designated project would be considered as materially changed if the environmental performance requirements set out in the EIA report might be exceeded or violated even with the mitigation measures in place. Under such circumstances, the project proponent would be required to re-submit an EIA report.

52. A Member asked whether there was time limit for EPs and was concerned that minor variations on the EP might have significant differences on the environmental impact since the social and environmental circumstances could change frequently. While acknowledging that there was no fixed time limit for EPs, Mr Terence Tsang informed that the EIAO stipulated that an EP might be suspended, varied or cancelled if it was considered that the continuation of the project was likely to be more prejudicial to the environment than expected at the time of issuing the EP. He added that the threshold for the “more prejudicial to the environment” would be very high, as pointed out in the judgement of the judicial review case on Lung Mei Beach EIA report. Mr Tsang assured that EPD would consider the latest information regarding the project provided by the project proponent in processing the application of variations.

53. In reply to a Member’s enquiry on statistics relating to the applications for variations of EPs, Mr Terence Tsang shared that there were around 100 applications for variation of EPs in the past five years. The Member further enquired whether EPD would inform ACE on the variations on EPs. Mr Tsang explained it was not required under the EIAO for ACE to consider or to be notified about applications for variations of EPs. Having said that, he advised that all applications for variations of EPs and the amended EPs were published on EPD’s website for public information. The Chairperson pointed out that ACE or EIASC members were welcome to invite EPD to address their concerns over any applications for variation of EPs.

54. A Member enquired about the common reasons for applications of variations. Mr Terence Tsang shared that it might be minor changes to the specification details such as area of the work site or dimensions of proposed mitigation measures.

55. A Member asked whether the variations would be made to the project proposal or the conditions set out in the EPs. Mr Terence Tsang explained that the EIAO provided that project proponent might apply for variations of the conditions of the EPs if the project proponent considered that the conditions of the EP could not be complied with. He added that the variations on the conditions might also cause certain changes to the project proposal. Mr Tsang reiterated that amendment(s) of an issued EP without calling for an EIA report is only allowed if it was satisfied that there was no material change to the environmental impact of the project with the mitigation measures in place and that the project complied with the requirements described in the TM.

(ii) *Report on Members' comments on project profiles*

56. The Chairperson informed the meeting that the following EIA Study Briefs were circulated to ACE since the last EIASC meeting held on 16 November 2020:

	Project Profiles	Public inspection period	No. of comments from ACE
(i)	Engineering and Technical Feasibility Study for Proposed Extension of Yuen Long Industrial Estate	3 to 16 November 2020	NIL
(ii)	Upgrading of Nim Wan Road (North)	17 to 30 November 2020	NIL
(iii)	Road P1 (Tai Ho - Sunny Bay Section), Lantau	19 December 2020 to 1 January 2021	NIL
(iv)	Improvement to So Kwun Po Interchange	7 to 20 January 2021	1

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

Item 4 : Date of next meeting

58. The Chairperson advised Members that the EIASC meeting scheduled for 17 May 2021 would be cancelled. Members would be advised on the date of the

next meeting and the agenda in due course.

**EIA Subcommittee Secretariat
May 2021**