

**Confirmed Minutes of the 154th Meeting
of the Environmental Impact Assessment Subcommittee
on 18 July 2022 at 2:00 p.m.**

Present:

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

Absent with Apologies:

Prof Alexis LAU, JP
Mr Simon WONG, BBS, JP
Dr WONG Kwok-yan, MH

In Attendance:

Mr Owin FUNG, JP	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 Simon CHAN	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Miss Sally SHEK	Executive Officer (CBD) 1, EPD
Miss Ingrid SUEN	Executive Officer (CBD) 2, EPD

In Attendance for Item 2:

Dr Tom TAM	Senior Environmental Protection Officer (Strategic Assessment) 2, EPD
Ms Virginia WONG	Environmental Protection Officer (Strategic Assessment) 21, EPD

Project Proponent Team

*Civil Engineering and
Development Department
(CEDD)*

Ms Fiona LIU, Chief Engineer / West 2
Mr LUK Ka-wing, Senior Engineer / 7 (West)
Mr LI Yick-chun, Engineer / 1 (West)
Mr Jason KWAN, Engineer / 24 (West)

Atkins China Limited

Ms CHAN Pak-yan, Deputy Project Manager
Mr LEE Eon, Engineer
Ms WONG Wing-yee, Technical Director
Mr Benjamin TANG, Senior Environmental
Consultant

In Attendance for Item 3:

Dr Samuel CHUI, JP

Deputy Director of Environmental Protection (1),
EPD

Dr Billy MA

Senior Environmental Protection Officer (Strategic
Assessment) 6 (Acting), EPD

Mr Felix TAI

Environmental Protection Officer (Strategic
Assessment) 63, EPD

Mr Boris KWAN

Senior Nature Conservation Officer (North), AFCD

Ms Chole NG

Nature Conservation Officer (North), AFCD

Project Proponent Team

CEDD

Mr Gavin TSE, Deputy Project Manager (North)

Mr John CHUNG, Chief Engineer / North 2

Mr Daniel LAU, Senior Engineer / 9 (North)

Ms Elaine SHIH, Engineer / 16 (North)

WSP (Asia) Limited

Mr Emeric WAN, Executive Director

Ms Cassie CHOW, Principal Consultant

Ms Anny LI, Senior Tree Specialist

Mr Dennis CHAN, Principal Engineer

Ecosystems Limited

Mr Vincent LAI, Managing Director

Mr Klinsmann CHEUNG, Ecologist

The Chairperson welcomed Members to the meeting in person and by “Zoom” and informed Members that apologies for absence had been received from Prof Alexis Lau, Mr Simon Wong and Dr Wong Kwok-yan.

Item 1 : Matters arising

2. The draft minutes of the last meeting held on 23 May 2022 were confirmed by circulation on 28 June 2022 without any proposed amendments.

3. The Chairperson reported that the Advisory Council on the Environment (ACE) had endorsed the Environmental Impact Assessment Subcommittee (EIASC)’s recommendations on the Environmental Impact Assessment (EIA) report on “Yuen Long South Effluent Polishing Plant” by circulation. The letter to the Director of Environmental Protection (DEP) on ACE’s endorsement of the report

with conditions and recommendations was issued on 27 June 2022 and Members were informed via email on 28 June 2022.

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

Item 2 : Discussion on EIA report on “Cycle Track between Tsuen Wan and Tuen Mun (Tuen Mun to So Kwun Wat)”

(ACE-EIA Paper 5/2022)

5. The Chairperson advised Members that the meeting would discuss the EIA report on “Cycle Track between Tsuen Wan and Tuen Mun (Tuen Mun to So Kwun Wat)”. During the public inspection period from 20 May to 18 June 2022, three sets of public comments had been received by EPD. The public comments, together with a summary and gist of major issues/concerns were circulated to Members for reference on 4 July 2022. Among the comments received, two expressed that the construction of the proposed bicycle track might worsen traffic congestion in the area while the other one was about the potential noise impact and waste management of the project.

6. The Chairperson invited declaration of interest from Members. A Member declared that he was a consultant of an ecological feasibility study commissioned by CEDD.

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

8. 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)

9. Ms Fiona Liu gave an opening remark and briefed Members on the project background. Ms Wong Wing-ye followed to explain the project details, benefits, EIA findings and public comments, with the aid of a PowerPoint presentation.

Question-and-Answer Session (Open Session)

Project Design and Cycle Track Alignment

10. A Member enquired about the considerations of the overall design and alignment of the cycle track to facilitate the usage by different target groups in the community. With the overall objective of providing a comprehensive cycling network in the New Territories, Ms Fiona Liu explained that the project would extend the existing cycle track network in the western part of the New Territories to So Kwun

Wat. Having regard to the technical and space constraints, the cycle track network was designed to route through various scenic spots to enhance its recreational value for better public enjoyment. Ms Liu supplemented that the cycle track network was intended to be further extended from Tsuen Wan to So Kwun Wat, subject to the outcome of a public consultation exercise of the related projects scheduled for later in the year.

11. In response to a Member's question on the locations of supporting facilities, transport connections of the proposed cycle track, and the possible disturbance to the nearby residence, Ms Fiona Liu explained that, as part of the overall cycle track network project, associated supporting facilities, including cycling entry/exit hubs located near public transport interchanges, resting stations, cycle parking spaces etc., would be provided at appropriate locations along the cycle track. Considering that there were other interfacing projects being planned in the vicinity, the implementation of the cycling entry/exit hub originally proposed in the current project would be deferred for further consideration under the subsequent stages of the cycle track network project. Apart from leisure and recreational purposes, this project might also facilitate short-distance commuting of the local residents by cycling. It was expected that the disturbance to residents in the neighbourhood would be insignificant.

Tree Felling and Compensatory Tree Planting

12. Noting that two camphor trees numbered T352 and T353 to be felled in the project were particularly tall with their height reaching 36 m, a Member asked if the exact location and photomontage of the trees could be provided for reference. He further enquired about the condition of two trees and the reasons for felling them. Ms Fiona Liu clarified that the two trees were located along Castle Peak Road, but only one of them, that is tree number T352, was related to the current project while the other one was under a different project on the road widening scheme for Castle Peak Road. Ms Liu further explained that there were established guidelines and procedures to govern how trees affected by works projects should be handled. She said that the project proponent would exercise great care to ensure that the requirements of tree conservation and compensation would be properly met though some trees would have to be felled in the project due to space constraints in certain locations. Even though tree number T352 was in fair condition, Ms Wong Wing-ye added that the survival rate after its transplantation was expected to be low not to mention the technical feasibility of transplanting trees of such size.

13. With reference to the design of the existing cycle track in Sheung Shui, a Member suggested, with the support of another Member, that considerations should be made to create resting stations or scenic spots around the tall trees to avoid felling them. Ms Fiona Liu explained that the proposed cycle track design and alignment had already taken into account different factors, including the design standards of the proposed cycle tracks, the connectivity of the proposed cycle track sections, the locations of resting stations or other associated facilities, space constraints as well as the feasibility of conserving the existing trees etc. She thanked the two Members for

their suggestions and added that they would explore the possibility to finetune the design in order to minimise the possible impacts to the tall trees near the proposed cycle track.

(Post-meeting notes: After the meeting, CEDD conducted an inspection on trees number T352 and T353 on 19 July 2022. The two trees were felled under another project and were no longer on the site.)

14. To address a Member's question on the details of the proposed compensatory tree planting ratio of not less than 1:1, Ms Fiona Liu explained that a detailed compensatory tree planting plan would be devised and submitted to the relevant departments for approval before the commencement of the project. In addition to tree compensation in terms of quantity, she supplemented that other measures would be implemented to enhance also the quality of the project from the visual and landscape perspectives, with due consideration on the feasibility and practicality.

15. Noting that only 50 trees were to be compensated on-site, a Member sought details of the remaining 157 trees to be compensated off-site. Ms Fiona Liu explained that while the project proponent would plant as many compensatory trees along the cycle track as possible, there remained 157 new trees to be planted off-site due to space constraints in the vicinity. Ms Liu assured Members that the project proponent would actively liaise with the relevant government departments for identifying planting locations near the project site and within the district as far as possible. Ms Wong Wing-ye advised Members that off-site tree planting was proposed mainly in Siu Lang Shui in Tuen Mun tentatively while areas near So Kwun Wat would also be considered as potential sites subject to the agreement of relevant government departments.

16. As the trees to be felled were located in the urban area, a Member suggested some locations in the Tuen Mun town centre for consideration of off-site compensatory tree planting of native species in order to help mitigate the loss and increase urban biodiversity. Ms Fiona Liu thanked the Member for his suggestion and agreed to explore different urban areas for tree planting as far as practicable.

17. In response to a Member's question on the Environmental Monitoring and Audit (EM&A) programme on the effectiveness of compensatory tree planting for the project, Ms Fiona Liu indicated that appropriate terms would be included in the works contract in accordance with the established guidelines to ensure that the contractor would carry out proper tree conservation during both the construction phase and the one-year post-construction establishment period.

18. The Chairperson suggested extending the period of monitoring and maintenance of the planted trees by the contractor for more than one year. Ms Wong Wing-ye said that the suggestion could be explored when devising the contractual terms on tree maintenance if required. Ms Fiona Liu supplemented that, as a norm under the current division of responsibilities within the Government, after the one-year establishment period by the contractor, relevant government departments would

take over the maintenance work from the project proponent. The project proponent would liaise with the departments concerned to ensure proper handover of the relevant responsibilities.

Ecological Impacts

19. The Chairperson enquired and Ms Fiona Liu confirmed that no land reclamation was required for the project though the piling works of the cycle bridge would affect about 19 m² of the seabed.

20. A Member raised questions on the potential impact of the piling works to the hard corals and suggested incorporating ecological features into the design to enhance biodiversity. Ms Wong Wing-yee confirmed that coral surveys within the piling footprint would be conducted prior to the commencement of piling works and appropriate coral translocation plan would be devised if found necessary. Ms Fiona Liu supplemented that a study would be conducted before the commencement of the marine works to explore if feasible and practical ecological enhancement measures, such as providing uneven surfaces on the subtidal portion of the proposed marine viaduct structure to provide microhabitats for marine organisms, could be adopted as trial.

Waste Management

21. A Member suggested reusing or recycling the wood generated from the felled trees. Ms Fiona Liu said that the contractor would sort out suitable wood materials for recycling at Y•PARK and consider reusing some of the wood for other purposes, like making furniture in the project.

Conclusion

22. There being no further questions from Members, the Chairperson thanked the project proponent team for their detailed presentation and clarification in relation to the project.

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

Internal Discussion Session (Closed-door Session)

23. The Chairperson advised Members that the EIASC should make recommendations to the 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.

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

Compensatory Tree Planting

25. In view of the possible loss in urban ecological functions arising from the trees felled in the project, a Member suggested that the project proponent should consider planting compensatory trees in other urban locations. With reference to the Member's suggestion and Members' earlier discussion on the subject, the Chairperson suggested with the agreement of Members that a condition should be imposed to require the project proponent to devise a detailed Compensatory Tree Planting Implementation Plan (the Plan) with engagement of terrestrial ecologist(s), which should include details of the planting objectives, planting numbers and locations and list of native tree species to be used, with the aim to enhance urban biodiversity. Off-site locations in the urban area such as Tuen Mun town centre should also be considered for compensatory tree planting. The project proponent should consult the Director of Agriculture, Fisheries and Conservation (DAFC) on the Plan prior to submission to DEP for approval before the commencement of the compensatory tree planting.

26. In response to a Member's question on tree number T352, Mr Terence Tsang supplemented that the photo of the tree was not indicated in the EIA report but the project proponent could be requested to provide the information separately. To achieve tree conservation at the project site as far as possible, the Chairperson suggested and the meeting agreed that the project proponent should be recommended to retain as far as possible any tall and big trees, in particular tree number T352 in the site area, notwithstanding that they do not fall under the category of trees of particular interest and consider creating resting stations and scenic spots surrounding the tall trees for public enjoyment.

27. On a Member's further question on the usual duration of mitigating measures in the EM&A programme, Mr Terence Tsang replied that the duration would vary depending on the aspects involved. As far as compensatory tree planting was concerned, the post-construction monitoring period was usually one year. In case a longer monitoring period was warranted, a Further Environmental Permit (FEP) arrangement could be made to pass the relevant monitoring and maintenance responsibility from the project proponent to the department(s) concerned after the monitoring period under the EM&A programme.

28. A Member went on to enquire if departments would have enough resources for tree maintenance. The Chairperson added that problems in tree transplantations would usually arise after the one-year post-construction monitoring period. Mr Terence Tsang indicated that while the responsible department for tree management would depend on the specific project location and nature, the follow up on

maintenance of the trees in the project could be assigned in accordance with the FEP granted. Mr Simon Chan supplemented that departments would be allocated with the resources required to take over the tree maintenance and monitoring works in the subsequent nine years after which the trees could normally grow in a self-sustainable manner.

29. As an improvement to the EIA process in the long-run, the Chairperson suggested, with the support of Members, that EPD should consider the requirement of a higher compensatory tree planting ratio than 1:1 in the EIAO process review considering that a seedling plant could not provide the same ecological function as a large tree.

30. Given that the replanted trees would be monitored by the project proponent and the relevant government departments for a reasonably long period of time, the meeting agreed that a condition or recommendation on additional EM&A programme was not necessary.

Waste Management

31. With reference to the relevant deliberations on the subject during the open session, the Chairperson suggested with the agreement of Members that the project proponent should be recommended to explore ways to minimise the overall waste generation and disposal arising from the project, and consider to reuse and recycle the wood generated from the felled trees as far as practicable.

Ecological Impact to Corals

32. The Chairperson opined that a condition or recommendation on coral survey and conservation might be necessary given the limited information provided in the EIA report on this aspect. A Member suggested imposing a condition on ecological enhancement of corals given the technologies and data available. On the understanding that any ecological impacts to the corals by the piling works should be avoided as far as possible, Mr Terence Tsang advised Members that a recommendation on enhancement of the ecological environment for corals alongside a condition on coral surveys would be appropriate.

33. The Chairperson suggested with the agreement of Members that a condition should be imposed to require the project proponent to conduct a comprehensive coral survey within the piling footprint between Cafeteria Old Beach and Kadoorie Beach, in consultation with DEP and DAFC, prior to the commencement of piling works with a view to avoiding the construction of viaduct structures in locations which might bring adverse impact to any significant coral colonies in the vicinity.

34. With the above condition on coral survey, the Chairperson suggested and the meeting agreed to recommend the project proponent to devise a detailed design and implementation plan for the subtidal portion of the proposed viaduct in consultation

with DAFC and DEP, with a view to enhancing the biodiversity and ecosystem functions, especially the affected corals.

Traffic Impact

35. The Chairperson sought clarifications on the requirement of traffic impact in the EIA process. Mr Terence Tsang confirmed that traffic impact assessment was not a requirement under the EIA Ordinance, but the noise or air pollution arising from the traffic would fall under the purview of the EIA assessment. Given the aforesaid, the meeting agreed that a condition or recommendation in this regard was not necessary.

36. There being no other comments from Members, the meeting agreed that the EIA report could be endorsed with two conditions and three recommendations. The project proponent team would not be required to attend the subsequent full Council meeting.

(Post-meeting notes: The list of proposed conditions and recommendations was circulated to Members for comments on 22 July 2022.)

(Dr Tom Tam and Ms Virginia Wong of EPD left the meeting. Dr Samuel Chui, Dr Billy Ma and Mr Felix Tai of EPD as well as Mr Boris Kwan and Ms Chole Ng of AFCD joined the meeting at this juncture.)

Item 3 : Discussion on EIA report on “Technical Study on Partial Development of Fanling Golf Course Site – Feasibility Study”

(ACE-EIA Paper 6/2022)

37. The Chairperson announced that the meeting would discuss the EIA report on “Technical Study on Partial Development of Fanling Golf Course Site – Feasibility Study”. In 2019, the Government accepted the recommendation of the Task Force on Land Supply to study the resumption of 32 hectares (ha) of land of Fanling Golf Course to the east of Fan Kam Road (the FGC site) for housing development. After assessing various development options, the project proponent recommended the development of about 12,000 units of public housing in Sub-Area 1 which was about 9 ha in the project site. On 12 July 2022, 10 ACE members attended a visit site to FGC arranged by the project proponent.

38. During the public inspection period from 20 May to 18 June 2022, 1,451 sets of public comments had been received by EPD. The public comments, together with a summary and gist of major issues/concerns were circulated to Members for reference on 5 July 2022. Amongst the public comments received, one indicated no comment, one supported the Government to take back the FGC site and 1,449 objected to the project with two of them agreed with the conservation approach of the EIA report. Some comments agreed that the development should avoid Sub-Areas 2 to 4 which were of higher ecological values. Other concerns from the

ecological, landscape, visual, cultural heritage and environmental perspectives were also raised in the comments.

39. The Chairperson invited declaration of interest from Members. A Member declared that he was a consultant of an ecological feasibility study commissioned by CEDD and Mr Vincent Lai was his sub-contractor of another environmental study. Another Member also declared that Mr Lai was her social acquaintance. The meeting agreed that both Members could stay on to continue participating in the discussion.

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

41. 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)

42. Mr Gavin Tse gave an opening remark, followed by Mr John Chung, Mr Daniel Lau and Mr Emeric Wan to explain the project details, proposed land use, EIA key findings and major public comments with the aid of a PowerPoint presentation.

Question-and-Answer Session (Open Session)

Fauna and Flora Diversity

43. With regard to the ecological field surveys conducted by the project proponent, a Member sought details on the methodology, including the location, coverage, time, frequency, duration, types and number of detectors deployed etc. Mr Vincent Lai explained that full-day surveys on different fauna and flora species in the project site, including mammals (including bats), herpetofauna, butterflies, dragonflies, aquatic fauna, moths, birds, trees, etc. were carried out at least twice a month from 10 am to 10 pm inside Fanling Golf Course over a period of 12 months covering both dry and wet seasons. For bat surveys, based on the knowledge and experience of the ecologists on the habits of bats, Mr Lai said that day-time surveys were carried out to actively search for any roosting sites through direct observation while night-time surveys were done by searching along the transect through both direct observation as well as hand-held bat detectors after sunset.

44. In response to a Member's enquiry on the type of bat detector deployed, Mr Vincent Lai shared that Wildlife Acoustics Echo Meter EM3+, a model commonly used in the field by consultants and AFCD, was deployed to detect the activity of bats. The Member suggested that automated audio recorders be deployed as they were accurate, cost-effective and used worldwide in field surveys. He added that

details of the bat detector used should be recorded in the EIA report as the device would have an impact on the survey results.

45. Noting that the Hong Kong Golf Club (HKGC) had recorded 13 bat species in Sub-Area 1 in four different months whereas CEDD had only recorded one type over 12 months, a Member doubted whether the methodology and survey efforts of the project proponent were appropriate. The Member also asked if there was any review on the effectiveness of the survey during the process with a view to identifying and quantifying as far as possible the potential ecological impacts as required under Appendix H of the study brief.

46. Mr Vincent Lai responded that the survey methodology adopted for the project was agreed by the authorities concerned and in line with that of other EIA projects. With reference to the requirements stated in the EIA study brief, Mr Lai confirmed that considerable resources had been deployed for the study. He explained that the survey was meant to meet the EIA requirements whereas HKGC's study might be for a different purpose. Mr Lai said that they had taken into account the survey results of HKGC in forming the ecological baseline. Other than the number of bats, Mr Lai added that their study had focused on identifying their roosting sites. Considering that bats were highly mobile and their presence could be sighted in different environments, Mr John Chung expressed that the presence of roosting site would be a more crucial indicator of the ecological value of the site.

47. A Member questioned if the non-inclusion of surveys from 10 pm to 10 am during a day and the use of hand-held bat detectors for a large site were appropriate methodologies. As bats were most active from sunset to sunrise, the Member was of the view that the bat survey with only a duration of three hours after sunset was insufficient. Two other Members also pointed out that bird surveys after 10 am might not be comprehensive as most bird species were active in early morning. Considering that different survey methodologies could lead to very different results and conclusions, one of the Members wondered if the much lower number of bats recorded by CEDD was due to the survey methods. Mr Vincent Lai expressed that there were constraints in carrying out field surveys as the site was currently owned by the HKGC. This notwithstanding, he confirmed that appropriate efforts had been given in the study. Mr Lai considered the survey methodology appropriate as it had covered the morning, afternoon, evening and night for all fauna species.

48. A Member remarked that the emergent time and active time of bats were very close according to HKGC's findings. This might suggest the presence of roosting sites in Sub-Area 1. The Member questioned whether the project proponent was certain that there was no roosting site, particularly in Sub-Area 1. Mr Vincent Lai replied that based on the surveys conducted by their ecologists, no roosting site was identified.

49. Two Members indicated that the numbers and types of moths recorded by the project proponent seemed to be on the low side as compared with that of HKGC and sought details of the survey. One of the two Members indicated that the sampling

efforts, i.e. the number, location and duration of moth traps deployed might affect the survey results. He added that the difference between the results of the studies cast doubt on the accuracy of the findings. Mr Vincent Lai revealed that there was limited past reference on moth surveys for EIA projects. As such, they had specially engaged a moth expert, Professor Wang Min of South China Agricultural University, in planning and carrying out the moth survey. The types of moth species identified by Professor Wang were based on about 1,600 specimens collected. Mr Lai considered the number of specimens comparable to that of the HKGC which stood at about 2,000. Mr Lai explained that the difference might be due to the sporadic distribution of certain species.

50. As cited in some public comments, the Chairperson noted that 25 trees including some seedlings of the Chinese Swamp Cypress were missing in the tree survey carried out by the project proponent and the size of some trees was understated. Mr Emeric Wan explained that the tree survey was only a preliminary assessment to identify trees of particular interest (TPIs) in the site. He said the purpose of the survey would not be distorted if there were slight deviations in the actual number and size of the trees as a detailed tree survey would be conducted at the design stage for approval of the relevant authorities. The Chairperson doubted why the seedlings of the Chinese Swamp Cypress were not identified during the survey. Mr Wan said that based on the literature as well as their own study, there were only large and mature trees in the site. Apart from the seedlings which were identified recently during the site visit, young trees were not sighted during the survey and the recent site visit. Noting a platform near the Chinese Swamp Cypress which was not in existence previously, Mr Wan said that the seedlings might be obstructed by objects at the time of tree survey.

Ecological Value of the Site

51. While the ecological value of different aspects in Sub-Area 1 was considered to be not very high when assessed individually, a Member enquired whether the integrated ecological value including the microclimate for heat island effect and the ecosystem services provided by the site had been assessed as a whole. Mr Vincent Lai responded that the assessment was carried out in accordance with the Technical Memorandum on EIA process (TM), relevant Guidance Notes under EIAO as well as the EIA study brief of the project, which focused on the impacts on the ecological habitats as well as the fauna and flora species. Mr John Chung supplemented that out of a total area of 32 ha, housing development would only be confined in Sub-Area 1. Mr Lai opined that proposed conservation of habitats of conservation importance such as the swampy woodland in Sub-Areas 2 to 4 would provide an eco-corridor for protecting the overall biodiversity as well as serving certain ecosystem service functions. Even though there was not a separate result on the impact of ecosystem services as it was not EIAO requirement, Mr Lai said that the assessment had already taken such into consideration and the conclusion was drawn up based on an assessment of all relevant factors.

52. Based on the findings detailed in Table 9.20 of the EIA report, a Member remarked that there were no significant variances in the types of species found in the four sub-areas. He questioned if the ecological value of Sub-Area 1 was indeed substantially lower than the other sub-areas. Mr Vincent Lai clarified that the same survey methodology and standards were deployed across all the areas and the findings showed that the ecological value of Sub-Area 1 was relatively low with the least abundance and number of species found.

53. The Chairperson and a Member enquired whether the project proponent had considered the rare mosaic pattern of the habitats in Sub-Area 1. The Member pointed out that the high variety of habitats in Sub-Area 1 could support a variety of species, but there was no mitigation or compensation plans about the loss of such habitats in the report. Mr Vincent Lai highlighted that about 70% of the area in Sub-Area 1 was man-made including carpark, staff hostel and turf grass whereas the size of the woodland habitats was very small of about 0.39 ha. Taking all factors into account, the overall ecological value of the area was thus assessed to be low to medium. Mr Lai further shared that the previous EIA report on “North East New Territories New Development Areas” also concluded that the FGC site had low ecological value as the turf grass was man-made and frequently trimmed.

54. A Member pointed out that the woodland and mixed woodland together accounted for about 4.11 ha in Sub-Area 1 and their ecological importance should not be underestimated. Noting the significant differences in the number of species of conservation importance identified in Sub-Area 1 by the project proponent and HKGC, he was worried that the ecological value of the area might be underestimated. Mr Vincent Lai revealed that the data in the EIA report was site-specific based on the results of their surveys. Without details about the locations of the ecological surveys conducted by HKGC, it was uncertain if the data was an indication of the biodiversity in Sub-Area 1 alone. He added that the findings of HKGC were cumulative over a longer period of time, and might not serve as a good reference for direct comparison.

Hydrology and Hydrological Impact

55. Having regard to the housing proposal in Sub-Area 1, the Chairperson sought to have the supporting data on the hydrology impact of the development and the feasibility of retaining some 200 trees in the area. She expressed concern about the possible adverse hydrology impact which might threaten the survival of the retained trees. Mr Emeric Wan advised the meeting that the hydrology was usually affected by deep foundation works involving dewatering process. In the current project, significant hydrology impact was not anticipated as the foundation works would not involve such process. The Chairperson further enquired about the assessment on soil impacts including soil sealing, soil compaction and soil contamination. Mr John Chung shared his experience in other housing projects and assured Members that it was technically feasible to upkeep the conditions of the retained trees. The Chairperson expressed that the soil and hydrology impact of the housing development in Sub-Area 1 should be carefully assessed. Mr Chung noted

the comments and said that relevant experts would be engaged to take care of the trees in the project.

56. Highlighting the importance of the swampy woodland and marsh in the project site, two Members asked for the details of the woodland compensation plan with a view to avoiding adverse impact on the hydrology of the swampy woodland in both dry and wet seasons. Mr John Chung indicated that a detailed tree compensation plan was to be devised at a later stage subject to further site investigation works in Sub-Areas 2 to 4. As the proposed tree planting location was not far from the swampy woodland, one of the two Members expressed that the EIA report should provide detailed analysis on the hydrology impact of the proposed compensatory tree planting in Sub-Areas 2 and 3. In response to the Chairperson's enquiry on the expected hydrological impact on the benthos, Mr Vincent Lai said that the ecological field surveys had already covered the benthos in the swampy woodland and the marsh.

Landscape Impact

57. In reply to the Chairperson's question on the trees to be removed, transplanted or retained, Mr John Chung said that a detailed Tree Preservation and Removal Proposal would be worked out subject to the finalised layout plan for the housing development. More detailed tree surveys would be carried out in the design stage to obtain more information such as the range of tree roots with a view to avoiding any possible damages. He assured Members that the trees would be retained as far as practicable. If tree removal was unavoidable, appropriate tree compensation would be provided. Mr Gavin Tse added that the layout plan was for preliminary assessment since the project was in its early stage of development. CEDD would continue to liaise with the Housing Department (HD) with a view to incorporating Members' suggestions in the final layout plan as far as practicable.

58. The Chairperson further enquired whether the turf grass to be removed in Sub-Area 1 would be compensated. Mr John Chung replied that suitable greening would be included in the proposed housing development. The Chairperson remarked that the ecological value of turf grass would be different from that of the greening in housing projects. A Member suggested that apart from tree planting, other ways of compensation like the creation of an effective living habitat in the form of a wetland or marsh could also be provided.

Light Impact

59. With reference to some public comments, a Member suggested with the support of another Member that CEDD should take into account the potential impact of light pollution on the woodland habitat and its associated fauna. They proposed light abatement measures through adjusting the position and direction of the building blocks. Mr John Chung thanked Members for their suggestions and said that he would pass the comments to the HD to facilitate their planning and design of the layout plan.

Layout Plan

60. A Member sought details of the recreational facilities or infrastructure in Sub-Areas 2 to 4 with a view to evaluating the potential ecological impact. Mr John Chung advised Members that the conservation and recreation development plan in Sub-Areas 2 to 4 was under deliberation but the usage of the site would be governed by the zoning. Depending on the long-term plan in these sub-areas, a one-storey building as ancillary facility such as toilets could be built.

61. A Member remarked that a more concrete layout plan on the positioning and direction of the proposed housing units should be provided to demonstrate the feasibility of accommodating the proposed 12,000 housing units while avoiding adverse impacts on the fauna and flora species. The density and extent of the housing development in Sub-Area 1 should be carefully considered to avoid adverse ecological impacts to the other sub-areas. She opined that it might be more appropriate to develop the FGC site as a recreational/education centre, given that there were other alternative housing sites including the Northern Metropolis and country park fringe sites.

62. The Chairperson and a Member remarked that the layout plan should reflect the consideration of trees to be retained under the proposed housing development. The Member and another Member added that the layout plan should be site-specific to indicate the mass of the housing blocks, the associated light impact as well as other environmental impacts to the retained trees in Sub-Area 1. Mr John Chung noted Members comments and agreed that the blocking layout would bring certain effect to the light and trees. He assured Members that efforts would be made to ensure trees in the site would be retained as far as possible. CEDD would continue to liaise closely with HD to work out the details and propose appropriate mitigating measures to avoid the possible tree impacts.

Public Comments

63. Noting that the EIA project was not supported by the North District Council (NDC) and Sheung Shui District Rural Committee (SSDRC), the Chairperson asked if the project proponent had any plan to address their concerns. Mr John Chung advised Members that NDC's and SSDRC's main concerns were about the removal of graves from the site and the possible traffic impact in the area. He said there was only one grave in Sub-Area 1 and CEDD would continue to liaise with HD on adjusting the layout plan with a view to retaining the grave as far as possible. Based on their assessment, Mr Chung expected that there should be no significant adverse impact on the traffic in the vicinity. He said CEDD would strengthen communications with the relevant parties to facilitate their understanding of the current project.

64. Given the large amount of public comments received during the public inspection period, a Member questioned whether CEDD had considered and

addressed each of them. She raised concern about the redacted parts in the public comments as Members might not be able to read all the details. Mr Daniel Lau confirmed that CEDD had meticulously considered all the public comments received during the public inspection period and would submit their responses to EPD to facilitate their assessment of the EIA report. Mr Stanley Lau clarified that the redacted parts in the comments were containing personal information or identification details of the public concerned which would not affect the understanding of the subject matter.

Cultural Heritage Grading Assessment

65. In response to a Member's enquiry, Mr John Chung replied that the timeline for the Antiquities Advisory Board (AAB) to complete the cultural heritage grade assessment of the FGC site was uncertain. Subject to the result of the grading assessment, appropriate mitigation measures would be submitted to the Antiquities and Monuments Office for agreement if needed.

Conclusion

66. There being no further questions from Members, the Chairperson thanked the project proponent team for their presentation and clarification in relation to the project. Mr Gavin Tse thanked Members for their suggestions which would be taken into consideration at the design stage. Subject to the completion of the statutory process, he said that further site investigation works and detailed design would commence with target completion of the housing development works by 2029.

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

Internal Discussion Session (Closed-door Session)

Ecological Survey

67. With reference to the EIAO Guidance Note No. 7/2010 and 10/2010, a Member questioned whether the methodology, coverage and efforts of the ecological surveys conducted by the project proponent were appropriate and sufficient for the purpose of gathering accurate and representative baseline information for the project. His views were echoed by the Chairperson and three other Members. In particular, the Member highlighted that bat and moth surveys after 10 pm and bird surveys before 10 am were not covered. In response to another Member's question on the possibility for CEDD to conduct additional ecological surveys to cover the time between 10 pm and 10 am, Mr Terence Tsang expressed that while the ecological surveys had fulfilled the requirements of the EIA study brief and the TM, he believed that the project proponent could further liaise with HKGC on the matter if necessary.

68. Mr Simon Chan explained that the Guidance Notes provided general guidelines for conducting ecological survey, such as the coverage of both dry and wet seasons, as there were different ways to conduct ecological surveys. He said

there was no specific requirement on the types of detectors or traps to be deployed in bat or moth surveys and handheld detectors were considered acceptable for the purpose. Also, bird surveys before 10 am or bat and moth surveys after 10 pm were not obligatory. He remarked that the objective of the ecological surveys was not to conduct an exhaustive search of all the species present but to establish an ecological baseline for the study area. It was also more important to confirm if there were species of conservation interest or roosting sites. He explained that the ecological surveys of CEDD had fulfilled the requirements set out in the EIA study brief as well as the TM and were consistent with the practice of other approved EIA projects in the past. Dr Samuel Chui and Mr Chan added that CEDD had also considered the findings of other surveys including those of the HKGC in its literature review.

69. Mr Terence Tsang noted that Members had substantial discussion on the deviation in the survey results of the project proponent and those of HKGC. He said that it was not uncommon to see different survey results as the timing, location and methodologies used might differ. He further explained that the EIAO mechanism was established with clear guidelines setting out the requirements for EIA studies. While the number of bats found might vary in different surveys, Mr Tsang said the main focus should be on identifying roosting sites and to assess the relevant impacts. He indicated that the overall assessment had taken into account the possibility of the presence of those types of bats that were not found in the EIA study. Dr Samuel Chui and Mr Tsang opined that it was of paramount importance that the same assessment benchmark should be deployed for all EIA projects to maintain fairness and consistency across the board. It might not be fair to ask for additional information beyond the requirements of the TM or project study brief as the methodology adopted was endorsed by the authorities concerned. While agreeing that the same scientific approach should be adopted for all EIA projects, a Member suggested that CEDD should gather additional information and strengthen its communications with the relevant parties to help alleviate public concerns on the controversial project.

70. Mr Terence Tsang further pointed out that the objective of EIA studies was to identify the ecological value of the FGC to determine whether there was insurmountable adverse impact, instead of comparing the ecological values among the four sub-areas or the findings of CEDD with some other parties. Based on the findings of CEDD, Sub-Area 1 was considered to have low to medium ecological value, thus the proposed housing development in this area was considered acceptable. If Members had concerns on any particular aspects such as trees or hydrology, conditions or recommendations could be proposed as appropriate to ensure that suitable measures would be in place.

71. The Chairperson and a Member remarked that the findings of the ecological survey should be accurate and representative to fill information gaps. An EIA report without data on birds before 10 am and bats or moths after 10 pm cast doubt on the quality and accuracy of the study. Also, there would be knock-on effect to the conclusion drawn and mitigating measures proposed. To overcome the constraint on hours of access to the site, the project proponent could resolve the issue by deploying devices like static detectors. The Member said that while the survey had met the

statutory requirements, the results were questionable on different aspects. Apart from the incomplete surveys on bats, birds and moths, there were also missing seedlings of the Chinese Swamp Cypress. Mr Simon Chan shared that the seedlings were neither spotted by AFCD during site visits.

72. While CEDD might have fulfilled the basic requirements under EIAO, two Members opined that value judgment should also be exercised especially for sensitive EIA projects. In addition to checking the fulfilment of EIA requirements, one of the two Members expressed that ACE and EIASC should provide any other relevant comments on projects. Mr Simon Chan said that the standards and benchmark of the EIA should not be changed due to the sensitivity of the issue. The Chairperson clarified that Members' concern was arising from the omission of various essential information such as morning bird survey. The project proponent was expected to provide relevant data to support their conclusion and justify the survey methodology.

Hydrology and Hydrological Impact

73. A Member remarked that the layout of the housing units might have hydrological impact to Sub-Areas 2 to 4. Another Member shared the result of an overseas study which supported that if trees were replanted in Sub-Areas 2 and 3, there might be an impact to the marsh in the areas concerned. Addressing the two Members' concern about the hydrological impact to the sub-areas, Mr Terence Tsang advised Members that significant impact on the hydrology arising from the proposed development was not expected as there were multiple water sources from different directions. He added that CEDD could be required to put in place a habitat management plan with appropriate measures to ensure appropriate irrigation for the marsh/swampy woodland throughout the year.

74. The Chairperson opined that CEDD should provide concrete data on the hydrology of the site including the water sources, water volume, species in the habitats as well as the anticipated hydrological impact on Sub-Areas 2 to 4 in both dry and wet seasons to illustrate the feasibility of retaining the large number of trees in the area.

Landscape Impact and Layout Plan

75. A Member was concerned about the survival of the retained trees in Sub-Area 1 in the long run given that the zoning of the area was "Residential (Group A)" which allowed housing development with the highest density. Another Member remarked that the tree survey should be revisited and updated to enable a well-considered plan for the proposed housing units. The Chairperson opined that the project proponent should aim to ensure the survival of the retained trees by providing sufficient space and appropriate landscape conditions such as soil and hydrological conditions to them even if they were not TPIs. To address Members' concern, Mr Terence Tsang suggested that CEDD could be required to ensure sufficient buffer areas would be provided between the retained trees/woodland and the proposed

building blocks with a view to providing favourable landscape conditions for their survival.

76. Noting that the areas to be conserved within Sub-Area 1 were not indicated in the preliminary development layout plan, the Chairperson and three other Members opined that the project proponent should provide a clear development layout plan incorporating the positioning, number and layout of the building blocks to illustrate the feasibility of accommodating the some 200 trees to be retained together with the 12,000 public housing units in the limited space. Should off-site compensation be necessary, details of the compensation plan should also be provided. Mr Terence Tsang advised Members that part of the mixed woodland located in the South-East of Sub-Area 1 would be conserved.

77. Mr Stanley Lau advised Members that the current EIA project was required under Schedule 3 of the EIA Ordinance for an engineering feasibility study which aimed at assessing the environmental impacts at the early stage with a view to incorporating the environmental concerns and required measures during the detailed design stage. Mr Terence Tsang was of the view that it might not be feasible to provide a concrete layout plan at this early stage as more in-depth site investigation works would be required. To alleviate Members' concern, Mr Tsang suggested that CEDD could be required to provide a detailed layout plan with a view to conserving the ecology of the site as far as possible before the commencement of the construction works. The Chairperson said that while the project might not have much development details at the early EIA stage, the issues highlighted by Members were essential to determine if the conclusions leading to the proposed development was accurate and feasible. Based on the information presented and as reflected in Members' previous discussions, the project proponent did not seem to have considered all the essential impacts of the project.

78. A Member enquired if it was procedurally acceptable under the EIAO for CEDD to not provide a detailed layout plan for the recreational and conservation facilities for Sub-Areas 2 to 4 at the current stage. Mr Terence Tsang indicated that the land use in Sub-Areas 2 to 4 would be controlled under the respective Outline Zoning Plan and only ancillary facilities of minor scale might be constructed. Based on the nature and scale of such facilities, Mr Tsang confirmed that the EIA findings would not be affected by the future landuses in Sub-Areas 2 to 4.

79. In reply to a Member's question, Mr Terence Tsang confirmed that as advised by the project proponent, the 12,000 public housing units was the maximum development capacity of the site having regard to the existing traffic capacity in the vicinity. Given the limited space in the site, the Member was of the view that the Government should devise a more holistic plan of housing development instead of constructing housing units in a piece-meal manner. Mr Tsang replied that the current proposal of housing development in Sub-Area 1 was the result of a holistic assessment of the project after considering the possible environmental impacts for the whole site.

Ecological Impact to the Site

80. The Chairperson and a Member opined that Sub-Area 1 might not be of low ecological value as the mosaic pattern of habitats therein was unique and rare. The Chairperson suggested that CEDD should provide further justifications on the assessment of low ecological value for Sub-Area 1. Mr Terence Tsang reminded Members that the richness and abundance of fauna and flora species in Sub-Area 1 was also assessed to be low to moderate (and moderate for bats only) by the HKGC. Mr Simon Chan furthered remarked that most of the area in Sub-Area 1 was man-made and CEDD would retain the woodland and mixed woodland as far as practicable. Dr Samuel Chui indicated that there should not be major concern for the proposed development as the overall assessment of the ecological value for Sub-Area 1 by HKGC and CEDD were similar.

81. Given that woodland compensation might be provided in Sub-Areas 2 to 4 for the loss of habitats in Sub-Area 1, the Chairperson opined that compensation measures should be set out clearly with a view to evaluating their sufficiency. A Member was concerned that the increase in flow of people arising from the recreational facilities in Sub-Areas 2 to 4 might bring adverse ecological impacts in the operational stage. While detailed plans for the areas might yet to be available, with appropriate habitat management plan in place, Mr Terence Tsang expected that there should be no adverse impact as the areas concerned would be for conservation and recreational uses. He suggested that Members might propose conditions on the size or scale of the facilities in the areas with a view to minimising potential impact.

82. In response to a Member's enquiry, Mr Terence Tsang confirmed that further study would be required in case the scale of development in Sub-Areas 2 to 4 was to be extended in the future. For a small-scale ancillary facility which had been included in the current submission, the need of further EIA study was not anticipated.

Traffic Impact

83. Two Members were worried about the traffic impact of the project especially in case of emergency as there was only one main road leading to the site. While traffic impact was not under the scope of EIAO, another Member suggested and the Chairperson echoed that the Government should give due consideration in this respect.

Concluding Remarks

84. The Chairperson advised Members that the EIASC should make recommendations to the 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.

85. With reference to the EIA project on Lung Mei Beach, Mr Terence Tsang suggested that the EIASC might consider recommending to the ACE the endorsement of the EIA report subject to further information to be provided on the areas of concern.

86. Bearing in mind the role to ensure the quality of EIA reports, the Chairperson and eight other Members had reservation about the comprehensiveness, accuracy and adequacy of the ecological survey carried out by CEDD. Members considered that the information provided was insufficient to support the endorsement of the report at this stage. In particular, CEDD would need to further substantiate the sampling efforts and methodologies and provide details about the considerations of impacts to the woodland, marsh and retained trees etc. to facilitate Members' further consideration. Members also considered that a more detailed layout plan would be required to facilitate the evaluation of ecological impacts. One of the Members supplemented that it would be more appropriate to wait for the assessment outcome of AAB as the decision might affect the development plan.

87. Mr Terence Tsang pointed out the ecological survey conducted by HKGC might have an impact on the impression of the survey conducted by CEDD. This notwithstanding, Mr Tsang reminded that the two surveys were not meant to serve the same purpose and it would not be appropriate to compare them directly. The Chairperson clarified that Members were concerned about the accuracy and quality of CEDD's findings instead of comparing the findings between the two parties. Two Members echoed that their main concern was on the sufficiency, completeness, coverage and adequacy of the methodology. One of the two Members added that it was appropriate for ACE to consider the findings of HKGC which was submitted as one of the public comments.

88. Mr Simon Chan reminded Members that while seeking additional information, consideration should be given on whether the information would affect the final decision of the meeting. Mr Terence Tsang also reminded Members that according to EIAO, ACE had to give its comments to the DEP within 60 days of its receiving a copy of the report.

89. Given that CEDD had fulfilled the requirements set out in the study brief and the TM, Dr Samuel Chui and Mr Terence Tsang were concerned that the decision might be subject to legal challenges and potential judicial review if the EIA report was rejected due to some additional requirements outside the scope of EIAO. Dr Chui and Mr Tsang opined that it would not be fair to the project proponents if their EIA reports were challenged due to some third parties surveys. This would also set an undesirable precedence for future projects.

90. In response to the Chairperson's enquiry, Mr Terence Tsang said he was unaware of precedence of any EIA reports being rejected by the EIASC. While respecting the views of Members, he reminded Members that sound justifications should be provided if the project was to be rejected.

91. A Member suggested that it would be prudent for the EIASC to request for additional information for further deliberation at the full Council meeting instead of rejecting the EIA report immediately. As a way-out, Mr Tsang proposed that CEDD could be required to provide further information such as examples on how existing trees near housing developments could be protected and elaboration on how the ecological surveys could fill the information gaps and address Members' concerns.

92. With reference to the Modus Operandi, the Chairperson said that if the EIASC could not reach a consensus (i.e. if two or more Members do not agree with the conclusion of the EIA Subcommittee) during the meeting, it might defer the decision to the full Council and highlight issues or reasons for not reaching a consensus for the full Council's deliberation.

93. Having regard to the concerns and issues discussed at the meeting, some Members considered that the EIA report should be rejected, some considered that the project proponent should be asked for a second submission to EIASC while some others considered that the project proponent should provide additional information for the full Council's deliberation. Given that the EIASC could not reach a consensus, all Members agreed to invite the project proponent to attend the full Council meeting to be held on 8 August 2022 and to provide additional information on issues of concern covering the fauna and flora diversity, hydrology and hydrological impact, landscape impact, ecological impact and light impact to facilitate further deliberation by the full Council.

(Post-meeting notes: The project proponent had been requested to provide additional information on the issues of concerns as attached in Annex C to ACE Paper 11/2022. The additional information provided by the project proponent is attached in Annex D to ACE Paper 11/2022 to facilitate the deliberation at the full Council meeting on 8 August 2022.)

Item 4 : Any other business

Report on Members' comments on project profiles

94. The Chairperson informed that the following EIA Study Briefs were circulated to ACE since the last EIASC meeting held on 23 May 2022:

	Project Profiles	Public inspection period	No. of comments from ACE
(i)	Development at Lam Tei North East	14 to 27 April 2022	NIL
(ii)	Underground Quarrying at Lam Tei, Tuen Mun	29 April to 12 May 2022	NIL

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

Item 5 : Date of next meeting

96. The Chairperson advised Members that the next EIASC meeting was scheduled for 15 August 2022 to discuss the EIA report on “Hung Shui Kiu Effluent Polishing Plant”. Members would be advised on the agenda in due course.

EIA Subcommittee Secretariat
August 2022