

**Confirmed Minutes of the 215th Meeting of
the Advisory Council on the Environment (ACE)
held on 13 June 2016 at 2:30 pm**

Present:

Prof Paul LAM, SBS, JP (Chairman)
Prof CHAU Kwai-cheong, BBS, JP (Deputy Chairman)
Prof FUNG Tung
Dr Billy HAU
Mr Anthony LOCK
Ir MA Lee-tak, SBS
Miss Yolanda NG, MH
Dr Michael LAU
Dr Eric TSANG
Ir Conrad WONG, BBS, JP
Prof Jonathan WONG, MH, JP
Dr Carrie WILLIS, SBS, JP
Ms Pansy YAU
Mr Andrew LAI (Secretary)

Absent with Apologies:

Ir Cary CHAN
Dr HUNG Wing-tat, MH
Prof Albert LEE
Ir Prof Irene LO
Prof John NG
Prof Nora TAM, BBS, JP
Mr Luther WONG, JP
Mr Stanley WONG, SBS, JP

In Attendance:

Mr Wilson CHAN	Assistant Director of Planning / Technical Services, Planning Department (PlanD)
Mr Simon CHAN	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr Ken WONG	Acting Assistant Director (Environmental Assessment), Environmental Protection Department (EPD)
Miss Heidi LIU	Principal Information Officer, EPD
Ms Becky LAM	Chief Executive Officer (CBD), EPD
Miss Dora CHU	Executive Officer (CBD), EPD

Mr Alan CHUNG Executive Manager (CBD), EPD

In Attendance for Item 3:

Mr CHEUNG Kwok-wai Senior Nature Conservation Officer (North), AFCD
Mr LIU Ka-yip, Eric Nature Conservation Officer (North), AFCD

Project Proponent Team

Civil Engineering and Development Department Mr LAU Chun-tat, Louie Acting Chief Engineer/Land Works
Ms IU Wai-yin, Wendy, Engineer/43

Food and Environmental Hygiene Department Ms Viola YIM, Superintendent (Cemeteries & Crematoria) Special Duties

Transport Department Mr Charles HO, Senior Engineer (North)

Ove Arup & Partners Hong Kong Ltd Mr Davis LEE, Project Manager
Mr Alex WANG, Deputy Project Manager
Mr Edward LEUNG, Landscape Architect
Mr Ray TANG, Associate (Traffic and Transport)
Mr Franki CHIU, Director (Environmental)
Mr Paul LEADER, Ecologist

In Attendance for Item 4:

Mrs Dorothy MA Principal Assistant Secretary for the Environment (Energy), Environment Bureau (ENB)
Miss Fanny CHEUNG Assistant Secretary for the Environment (Energy) 1, ENB

Action

The Chairman informed Members that apologies of absence had been received from Ir Cary Chan, Dr Hung Wing-tat, Prof Albert Lee, Ir Prof Irene Lo, Prof John Ng, Prof Nora Tam, Mr Luther Wong and Mr Stanley Wong.

Item 1 : Confirmation of the draft minutes of the 214th meeting held on 14 March 2016

2. The draft minutes were confirmed without amendment.

Item 2 : Matters arising

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

Item 3 : Report of the 132nd Environmental Impact Assessment Subcommittee Meeting

(ACE Paper 9/2016)

4. The Chairman said that Environmental Impact Assessment Subcommittee (EIASC) had submitted its recommendation on the EIA report entitled “Site Formation and Associated Infrastructural Works for Development of Columbarium, Crematorium and Related Facilities at Sandy Ridge Cemetery” to the Council after thorough discussions. The discussion today would be divided into two parts. The Presentation and Question-and-Answer Session would be opened to the public while the Internal Discussion Session would remain closed.

5. At the invitation of the Chairman, a Member reported on behalf of the EIASC Chairperson who was currently out of town. He said that EIASC had discussed the EIA report at its meeting on 20 May 2016. Having regard to the findings of the EIA report and the supplementary information provided by the Project Proponent, i.e. the Civil and Engineering Development Department (CEDD), EIASC recommended the Council to endorse the EIA report with 4 conditions and 5 recommendations. The EIASC also agreed that the project proponent team would not be required to attend the Council meeting if they agreed with the proposed conditions.

6. The Chairman suggested that Members should avoid re-opening the discussion on issues which had been thoroughly discussed at the EIASC meeting. Instead, Members should focus on the proposed condition (a) relating to the road widening at Sha Ling Road and Lin Ma Hang Road that CEDD disagreed with.

[The presentation team joined the meeting at this juncture.]

Presentation cum Question-and-Answer Session (Open Session)

7. Mr Louie Lau informed Members that after the EIASC meeting, a meeting held by CEDD with the Food and Environmental Hygiene Department (FEHD) Transport Department (TD) and the Hong Kong Police Force (HKPF) had reconfirmed that there were operational and safety needs to widen Sha Ling Road and Lin Ma Hang Road to 7.3 metres. Mr Ray Tang further explained the reasons for widening the two roads and that the associated impacts relating to woodland loss would be insignificant. He informed the meeting that an additional 0.8 hectares of land had been identified for compensating the loss of woodland in conjunction with the road widening proposal.

8. Regarding a Member's concern on the provision of footpath on Lin Ma Hang Road, Mr Ray Tang explained that there were footpaths on both sides at certain sections of Lin Ma Hang Road and there was a need to retain the existing footpaths for access by villager. Mr Davis Lee supplemented that while the Transport Planning and Design Manual (TPDM) stipulated that a standard two-way single carriageway must be of at least 7.3 metre-wide, with 2 metre-wide footpath on both sides of the road, they would review the provision of footpath at Lin Ma Hang Road with due consideration of its connectivity to adjacent villages and site conditions in order to minimize the impact on the existing woodland.

9. Having considered that the proposed special bus service from the Mass Transit Railway (MTR) Fanling Station would take a longer route via Lin Ma Hang Road to the cemetery, a Member sought information on the routing between MTR Fanling Station and Lin Ma Hang Road. He suggested promoting accessibility to the Sandy Ridge Cemetery from MTR Lo Wu Station. Mr Ray Tang explained that the bus journey from MTR Sheung Shui Station to the Sandy Ridge Cemetery would be about 15 minutes, and that from MTR Fanling Station would be about 18 to 20 minutes. There were a number of traffic light junctions along the route from MTR Sheung Shui Station. On the other hand, buses from MTR Fanling Station could travel via Jockey Club Road onto Fanling Highway, and then via the connecting road of the Liantang / Heung Yuen Wai Boundary Control Point which was under construction, to Lin Ma Hang Road and the Sandy Ridge Cemetery without encountering any traffic light junction. He anticipated that with special traffic arrangements on festive days, the majority of visitors would take the special buses services to/from either MTR Kwu Tung Station or MTR Fanling Station. He said that the proposed traffic arrangement was welcomed by residents in Sheung Shui as it would help alleviate potential traffic impact by special buses in

the already congested Sheung Shui area.

10. Mr Ray Tang further explained that visitors travelling from MTR Lo Wu Station would be required to walk nearly 2 km on foot, inclusive of a steep road in order to reach the proposed Sandy Ridge Cemetery. Citing existing cemeteries as an illustration where there was a lack of proper pick-up/drop-off points and public transport services, Mr Tang said that grave sweepers carrying offerings had no choice but to walk uphill to cemeteries even under adverse weather. Mr Louie Lau explained that the proposal of using special bus services to provide point-to-point access for grave sweepers to the Sandy Ridge Cemetery was fully supported by FEHD. Mr Davis Lee said that with some 200,000 niches ultimately to be provided at the Sandy Ridge Cemetery, it was necessary to provide adequate ancillary public transport facilities for the very high numbers of visitors during festive days. As Lin Ma Hang Road served as one of the main routes for special bus service during festive days, CEDD, in consultation with TD and HKPF, considered that there was a genuine need to widen the road for safe manoeuvring of double-decker buses and providing an emergency vehicular access.

11. A Member enquired whether there were objective criteria for assessing the need for footpath on Lin Ma Hang Road. He considered that the higher fare charge might discourage visitors from taking the special bus service at MTR Fanling Station. He thus questioned the effectiveness of the proposed routing of the special bus service. Mr Davis Lee explained that there was a genuine need for the proposed special bus service in order to avoid overloading the transport network in Sheung Shui on festive days. While the fare for the special bus service from MTR Fanling Station via Lin Ma Hang Road might be more expensive, the bus route would have fewer road junctions and could travel mostly on freeway / tunnel. The findings of the traffic impact assessment showed that it would be a feasible and speedy route after the completion of the connecting road to the Liantang / Heung Yuen Wai Boundary Control Point project. As regards the need for footpaths, Mr Louie Lau explained that the existing footpaths used by villagers nearby would be retained or re-provisioned, additional footpaths would be only provided on a need basis.

12. In reply to a Member's enquiry concerning the width of the footpath on each side of Sha Ling Road, Mr Ray Tang confirmed that in addition to the 2 metres footpath, there would be an extra metre for accommodating aboveground utilities and street furniture. As regards the need for footpaths on both sides of Sha Ling Road, Mr Tang explained that while most visitors were expected to arrive

at Sandy Ridge Cemetery by special buses, some 2,000 visitors might choose to walk via Sha Ling Road to/from the proposed pick-up/drop-off point at Man Kam To Road for private cars, minibuses and taxis. Considering that the maximum gradient of Sha Ling Road reached 7.5%, HKPF required the provision of footpaths on both sides of Sha Ling Road so as to segregate uphill and downhill pedestrian flows for crowd control. This would be the same as the arrangements for the existing cemeteries during festive days. As the footpath on Lin Ma Hang Road was mainly for the access of villagers nearby, Mr Tang explained that in view of low pedestrian flow, the aboveground utilities and street furniture would be included within the 2-metre wide footpath.

13. In response to a Member's enquiry about the width of the roads leading to cemeteries, columbaria and crematorium at Cape Collinson, Mr Ray Tang said that while some sections of the roads met the standard width of 7.3 metres, some sections of the Cape Collinson Road were only about 4 metres which could only accommodate one-way traffic. With the varied road width and a lack of pick-up and drop-off points, bus services were limited and most visitors had to walk uphill on festive days. To avoid the repetition of such an undesirable scenario in the Sandy Ridge Cemetery, Mr Davis Lee said that Sha Ling Road would be upgraded to a standard 7.3-metre width so that point-to-point bus services could be provided for direct access to the new columbarium facilities at the Sandy Ridge Cemetery. As regard the traffic flow on Sha Ling Road, Mr Lee clarified that while a one-way traffic loop would be set up for operation of special buses on festive days, normal two-way traffic would resume for other days of the year.

14. A Member said that at the last EIASC meeting, Members had no dispute on the provision of point-to-point special bus services. The focus of discussion was mainly on whether there was a need for road widening especially when there would be special traffic arrangements on festive days. Mr Davis Lee explained that a standard road width of 7.3 metres was required for normal two-way traffic, and given the projected large number of visitors, i.e. over 20,000 visitors, at Sandy Ridge Cemetery during the peak hour on festive days, a one-way traffic loop would be set up in order to allow one passing lane for emergency vehicles to reach accident spots and/or maintaining traffic circulation when one lane was blocked by traffic accidents or breakdown vehicles. According to the swept path analysis, Mr Ray Tang explained that a road of 7.3 metre-wide was just sufficient for a double-decker bus to manoeuvre past another breakdown double-decker bus. A Member observed that such manoeuvring was not impracticable on a 6 metre-wide carriageway at Sha Ling Road, and the extra carriageway width should be justified

instead by operational and crowd-control activities. Mr Lee concurred with the Member's observations.

15. Replying to a Member's question on the environmental impact arising from the widening of Sha Ling Road, Mr Davis Lee confirmed that the further widening of Sha Ling Road from 6 metres to 7.3 metres would only lead to the loss of 17 trees which did not carry significant ecological value. Such loss would be compensated in the proposed woodland compensation/enhancement plan for the project.

16. In view of low pedestrian flow on Lin Ma Hang Road, a Member considered that footpath should be provided on only one side of the road as far as possible. He asked whether there would be any loss of rare tree species due to the widening of Sha Ling Road. Mr Edward Leung advised that the lost trees mainly included common species such as *Macaranga tanarius*, *Acacia confusa*, *Ligustrum sinense* and *Lophostemon confertus*.

17. Since MTR Lo Wu Station was closer to the Sandy Ridge Cemetery as compared with MTR Fanling Station, a Member asked whether the project proponent had explored other means of transportation to increase the connectivity between MTR Lo Wu Station and the Sandy Ridge Cemetery. Mr Davis Lee explained that CEDD had considered various options but they were of various drawbacks. Apart from the high fare charged for the train ride from MTR Sheung Shui Station to MTR Lo Wu Station, the MTR Lo Wu Station was currently a boundary control point for visitors between Hong Kong and the Mainland. Valid permits must be produced in order to exit from the station. There were also insufficient platform facilities to accommodate the increased passenger flow. During the feasibility study of the project, CEDD had explored with the MTR Corporation Limited on the possibility of modifying the station and providing additional facilities to cater for the proposed arrangements. However, the proposal was not further pursued after considering various constraints including time, costs, environmental impacts, etc.

18. There being no further questions from Members, the Chairman thanked the project proponent team for their presentation and additional information for the project.

[The presentation team left the meeting at this juncture.]

Internal Discussion Session

19. The Chairman summarized that Members had generally accepted the explanation by the project proponent for widening both Sha Ling Road and Lin Ma Hang Road to 7.3 metres on traffic management and safety grounds. He advised Members to focus on discussing the necessity of footpaths on both sides of Lin Ma Hang Road.

20. A Member reiterated his earlier view that footpath should only be provided on one side of Lin Ma Hang Road, and that the project proponent should clearly indicate which sections of the road required footpaths on both sides. Another Member expressed his concern that providing footpath more than necessary might lead to a misuse of the footpaths, e.g. illegal car parking. A Member said that while the footpath to be provided on both sides of Sha Ling Road could be justified by the projected high visitor flow, the footpath on Lin Ma Hang Road in contrast would mainly be used by villagers nearby.

21. The Chairman suggested requiring the project proponent to consider providing footpath on only one side of Lin Ma Hang Road as far as practicable. If additional footpath was required, the project proponent should justify the need to the satisfaction of TD. A Member further suggested requesting the project proponent to provide the final layout plan of Lin Ma Hang Road to ACE before commencement of the construction works.

22. Ms Anissa Wong reminded that while ACE could give comments in respect of the environmental concerns, TD seemed to be in a better position to assess the transport needs as well as the access issue of villagers nearby. The Chairman proposed and Members agreed that while the existing footpaths of Lin Ma Hang Road could be retained or reprovisioned so as to maintain accessibility for the villagers nearby, the need for any additional footpath should be justified to the satisfaction of TD. The final layout plan should also be submitted to ACE for comments before commencement of the construction works. The Secretariat would revise the list of conditions and recommendations for Members' comments and agreement after the meeting.

Secretariat

23. A Member said that CEDD had agreed to his earlier suggestion that an independent evaluation of the effectiveness of the grassland rehabilitation plan would be included for the project.

[Post meeting note: The revised list of conditions and recommendations was circulated for Members' comments on 14 June 2016. The requirement for an independent evaluation of the effectiveness of the grassland rehabilitation plan was included under recommendation (i).]

Item 4 : Progress report on the Promotion of Charter on External Lighting
(ACE Paper 8/2016)

24. The Chairman said that the paper briefed Member on the latest progress of implementing the Charter on External Lighting (the Charter). The discussion would be divided into the Presentation cum Question-and-Answer Session and the Internal Discussion Session. There was no declaration of interest from Members.

[The presentation team joined the meeting at this juncture.]

Presentation cum Question-and-Answer Session (Open Session)

25. Mrs Dorothy Ma briefed the meeting on the background and the progress of implementing the Charter. She also advised Members of the proactive actions taken by the Environmental Protection Department (EPD) in handling complaints against external lighting, and the way forward for enhancing the effectiveness of the Charter.

26. A Member asked whether an analysis had been conducted to identify the factors contributing to the willingness of organizations, shops and/or properties to sign up to the Charter. He also sought information on the timeframe for legislation which would make the switch-off requirement mandatory. Mrs Dorothy Ma explained that as the Charter was implemented on 1 April 2016, sufficient data to support an in-depth analysis were not yet available. She was pleased to see that different business sectors were willing to make operational adjustments in order to fulfill the switch-off requirements. It would however take time for them to make such adjustments due to various reasons such as technical constraints. The Environment Bureau (ENB) would continue to invite organizations to sign up to the Charter. Mrs Ma further explained that the Government would review the effectiveness of the Charter in two to three years after its launch by conducting a survey on public perception of light nuisance and evaluating the response to the Charter.

27. A Member asked about the monitoring mechanism for signatories and the numbers of complaints against light nuisances. He would like to know whether the Charter had impact on the complaint figures. Mrs Dorothy Ma advised that currently over 4,000 organizations, shops and properties had voluntarily signed up to the Charter. If a signatory was found not in compliance with the requirement of switching off the lighting during the pre-set time, it would be de-listed from the participating organizations of the Charter. She advised that in the past few years, around 200 complaints concerning external lighting were received annually, with more than half on advertisement lightings and the rest on essential lightings for business operational needs or from construction sites. As the Charter had only been launched for 2 months, there had yet to be a noticeable change in the number of complaints received. The Chairman advised that the numbers and types of complaints could serve as a baseline for evaluating the effectiveness of the Charter.

28. Although over 4,000 organizations, shops and properties had signed up to the Charter, a Member pointed out that many of the signatories were not major contributors to external lighting, and suggested to conduct a baseline review on the effectiveness of the Charter biannually. She said that while the number of complaints received by her office had dropped recently, it was because many complainants had given up as they were not optimistic that the issue could be resolved. Having conducted a few home visits, the Member observed that some households were adversely affected by external lightings even with thick curtains installed. She also shared her observation that after the launch of the Charter, some additional outdoor television screens and light emitting diodes (LEDs) on shop-fronts were still found in Causeway Bay, which seemed to suggest that the Charter did not have a strong deterrent effect. She echoed a Member's view that a timeframe for introducing regulatory control should be considered.

29. A Member opined that on top of conducting investigations on complaints, the Government should take proactive actions to ensure signatories' compliance with the switch-off requirement, such as conducting regular patrol.

30. Mrs Dorothy Ma advised that EPD would follow up every complaint and pay close attention to media reports on light nuisances. Upon receipt of a complaint, EPD would relay the complainant's concerns and requests to the concerned organizations and invited them to sign the Charter. While it would take time to build community consensus through public education and the promulgation of the guidelines, ENB would monitor the implementation and effectiveness of the Charter. In view of the multiple and cumulative light sources in busy districts like Mong Kok, she explained that regulating the luminance level of each lighting source might not be effective in controlling the level of light nuisance to residents in the vicinity. The Task Force on External Lighting (the Task Force) had therefore proposed a switch-off requirement instead of regulating the luminance level.

31. A Member suggested conducting the review on the effectiveness of the Charter earlier so that legislation could be introduced if necessary. He further sought information on the number of organizations that had signed up for the Charter after being complained. With the experience of launching the Energy Saving Charter on Indoor Temperature, Mrs Dorothy Ma explained that the promotion of the Charter and the adjustments to the new requirements by the community took time. Moreover, the Government, business sector and the community also need time to accumulate experience and develop common understanding on practical implementation issues. It was therefore considered appropriate to conduct the review 2 to 3 years after the launch. As ENB had issued over 4,000 invitations, and had liaised with relevant trade associations to invite other organizations and companies to sign up to the Charter, it would be difficult to identify whether an individual organization had signed up in response to an invitation following a complaint.

32. A Member enquired whether there was a dedicated team in ENB to provide guidance and advice to the community on the design, installation and operation of external lighting installations. Mrs Dorothy Ma replied that ENB had promulgated guidelines on good practices that could be adopted when planning or managing external lighting installations, and had engaged a consultant to organize a series of seminars on Good Practice for External Lighting Installation for Charter signatories and members of the relevant professional organizations, trade bodies and public bodies. A total of 30 seminars would be conducted from May 2016 to June 2017. Mrs Ma was pleased to see that some organizations and trade bodies had already indicated their interest in attending the seminars. In response to the Member's question on whether there would be incentives or awards

for signatories, Mrs Ma advised that ENB would organize award ceremonies in 2017 and beyond in recognition of the efforts made by signatories in adhering to the switch-off requirement under the Charter. Stickers and certificates had also been distributed to the signatories for display at their properties to signify their participation and facilitate community-based monitoring. The Member suggested that stronger incentives should be introduced for organizations to sign up to the Charter.

33. In reply to a Member's enquiry on whether a shop-front sign board of three storeys high could be installed if it could meet the building safety standards, Mrs Dorothy Ma said that the installation of sign boards at buildings was regulated by the Buildings Department.

34. A Member was worried that some signatories whom could not comply with the switch-off requirement would be awarded under the Charter should there be no complaints received from the public. Mrs Dorothy Ma pointed out that with the growing number of signatories, it would be difficult to secure sufficient resources to conduct monitoring of individual signatories. The number of which stood at some 4,000 and might increase in future. On the other hand, it would be possible to conduct ad hoc site visits to areas where external lighting was more prominent before the award ceremonies in order to have a general understanding of the compliance situation.

35. A Member suggested requiring shopping malls that had signed up to the Charter to include the switch-off requirement in the new and renewed agreements with their tenants. Mrs Dorothy Ma agreed and said that ENB had been liaising with individual shopping malls to invite their tenants to sign up to the Charter. She emphasised that ENB would keep in view the media reports and bring these reports and public complaints to the attention of concerned organizations for taking appropriate remedial measures.

36. A Member suggested that greater efforts should be placed in districts where the issue of external lighting were more prominent, such as Causeway Bay and Mong Kok, such that the success of resolving the issue in these areas could serve as an example to other districts. Mrs Dorothy Ma replied that the conduct of surveys in areas with more complaints on external lighting could be contemplated.

37. As the number of signatories was expected to increase further and the resources of EPD was limited, a Member suggested and Mrs Dorothy Ma agreed to consider encouraging community-based monitoring by engaging District Councils in promoting the Charter.

38. The Chairman concluded that Members were in general supportive of the Charter and thanked Mrs Dorothy Ma for her presentation.

[The presentation team left the meeting at this juncture.]

Item 5 : Any other business

Follow-up on the Marine Travel Routes and Management Plan for High Speed Ferries of SkyPier

39. A Member reported that in view of Members' concern towards the alleged non-compliances of the Marine Travel Routes and Management Plan for High Speed Ferries of SkyPier (the Plan) as reported by the MingPao on 13 May 2016, the Airport Authority Hong Kong (AAHK) had been invited to give an account on the incident to EIASC on 20 May 2016. AAHK advised that proactive steps had been taken to ensure compliance with the Plan, which included signing a supplementary agreement with the ferry operators on navigation restrictions, monitoring vessel movements by the Automatic Identification System (AIS) and investigating on deviations. In compliance with the relevant international conventions and local regulations and requirements of the Marine Department, AAHK explained that occasional deviations from the targets set out in the Plan were sometimes inevitable in order to enhance navigation and public safety.

Secretariat

40. The EIASC advised AAHK to clarify to the media promptly so as to minimize similar misunderstandings in the future. Full responses or clarifications relating to environmental issues made by AAHK to the media should be provided to ACE once available so as to keep Members informed of the situation.

EIA report not selected for submission to ACE

41. A Member reported that since the last Council meeting, EIASC received the Executive Summary of the EIA report on "New Wang Tong River Bridge" which the Subcommittee had not selected for discussion. The EIA report was expected to be exhibited for public comments in August 2016. The Executive

Summary would be circulated to EIASC Members upon commencement of the public inspection period, with the relevant hyperlinks copied to non-EIASC Members for information. Individual Members were advised to send their comments, if any, on the EIA report directly to the Director of Environmental Protection (DEP) within the public inspection period. Given that the EIA report had not been selected by EIASC for presentation and discussion, the Chairman concluded that EPD would take it that ACE had no comments on the EIA report upon close of the public inspection period.

Item 5: Date of next meeting

42. Since there were no urgent issues requiring deliberations by ACE, the Chairman said that the Council would take a summer break in July and August. The next ACE meeting was scheduled on 5 September 2016 (Monday). Members would be advised on the agenda in due course.

ACE Secretariat

June 2016