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**Confirmed Minutes of the 209th Meeting of
the Advisory Council on the Environment (ACE)
held on 12 October 2015 at 2:30 pm**

Present:

Prof Paul LAM, SBS, JP (Chairman)

Prof CHAU Kwai-cheong, BBS, JP (Deputy Chairman)

Ir Cary CHAN

Prof FUNG Tung

Dr HUNG Wing-tat, MH

Dr Michael LAU

Prof Albert LEE

Ir Prof Irene LO

Ir MA Lee-tak, SBS

Prof John NG

Prof Nora TAM, BBS, JP

Dr Eric TSANG

Dr Carrie WILLIS, SBS, JP

Ir Conrad WONG, BBS, JP

Prof Jonathan WONG, MH, JP

Mr Andrew LAI (Secretary)

Absent with Apologies:

Dr Billy HAU

Mr Anthony LOCK

Miss Yolanda NG, MH

Mr Luther WONG, JP

Mr Stanley WONG, SBS, JP

Ms Pansy YAU

In Attendance:

Ms Anissa WONG, JP

Permanent Secretary for the Environment / Director
of Environmental Protection

Mr Simon CHAN

Acting Assistant Director (Conservation),
Agriculture, Fisheries and Conservation Department
(AFCD)

Mr Wilson CHAN

Assistant Director of Planning / Technical Services,
Planning Department (PlanD)

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Ms Esther LI	Principal Information Officer, Environmental Protection Department (EPD)
Miss Evelyn LEUNG	Chief Executive Officer (CBD), EPD
Miss Dora CHU	Executive Officer (CBD), EPD
Ms Daicie TONG	Executive Manager (CBD), EPD

In Attendance for Items 5:

Mr TANG Kin-fai	Assistant Director (Environmental Assessment), EPD
Mr Louis CHAN	Principal Environmental Protection Officer (Regional Assessment), EPD
Mr Dick CHOI	Senior Marine Conservation Officer (West), AFCD

Action

Item 5 : Any other business

ACE's view on the SkyPier Plan submitted by the Airport Authority Hong Kong (AAHK)

23. The Chairman recapped the discussion of ACE on the EIA report on “Expansion of Hong Kong International Airport into a Three-Runway System” in September 2014, and the subsequent discussions on the “Marine Travel Routes and Management Plan for High Speed Ferries from SkyPier” (the SkyPier Plan) at the Council meeting on 13 July 2015 as well as the visit to the SkyPier on 23 July 2015. While AAHK had provided supplementary information to ACE in response to the various comments from Members, he asked if Members had further comments before the Council gave its collective views on the SkyPier Plan to EPD in accordance with the condition stated in the project Environmental Permit (EP).

24. A Member opined that Clause 2.10 of the EP had not expressly specified a single route and alignment for the SkyPier high speed ferries (HSFs) operating to/from Macau and Zhuhai. Hence it was logical that more than one route should have been proposed in the SkyPier Plan for assessment and selection. He considered the proposed alternative route to the north of Sha Chau and Lung Kwu Chau Marine Park (SCLKCMP) unjustifiable as it passed through the hotspots of Chinese White Dolphins (CWDs) according to the updated CWD abundance data. Another Member followed that the proposed alternative route would significantly impact on CWDs, and AAHK had failed to give an adequate assessment on such impact in the SkyPier Plan. He opined that the original route to the north of the

airport island would impact less on CWDs especially as the routing would be within the marine park to be designated and all vessels be subject to the 10-knot speed restriction.

25. A Member pointed out that CWD abundance data had indeed been included and assessed in the EIA report. She recalled that AAHK had explained their rationale for proposing the alternative route which unavoidably had to pass through the CWD hotspots when EIASC and ACE deliberated the matter in 2014. Subsequent discussions had been focused mainly on optimizing the mitigation measures of the alternative route, such as imposing speed restriction and a daily cap on the SkyPier HSF movements which AAHK had control. In view that there was no substantial change in the CWD abundance data presented in the SkyPier Plan, the assessment and conclusion in the EIA report in respect of the route diversion proposal should remain valid. Mr Dick Choi confirmed that CWD data presented in the SkyPier Plan had incorporated the latest monitoring data of AFCD and the updated distribution pattern was similar to that in the EIA report.

26. Mr K F Tang recapped that the EIA report stated that the waterway to the north of the extended Hong Kong International Airport Approach Area (HKIAAA) served as an important travelling corridor for CWDs, and a new marine park would be designated in the area to link up SCLKCMP in the north, the two planned marine parks at the Brothers in the east and Fan Lau in southwest of Lantau, as well as the Pearl River Estuary CWD National Nature Reserve to the west. It was not practicable for the SkyPier HSFs to use the original marine route during the operation phase as it would cut straight into the marine park to be designated. The EIA report had also stated that the operation of HSFs along the constrained stretch of waters between the extended HKIAAA and SCLKCMP would impose a moderate to high impact on CWDs during the construction phase. Having regard to the fact that the designated marine park could only be set up upon completion of the third runway construction, it was pertinent to divert the SkyPier HSFs away from the north of the HKIAAA at the start of the construction phase so as to minimize the impact on CWDs. The EIA report also stated that from the marine traffic safety angle, the SkyPier HSFs had to avoid the Urmston Road Anchorage Area and the shallow waters to the west and northwest of the area. It was also not practicable for these HSFs to travel via the south of Lantau due to the much longer routing as explained in the EIA report. The proposed diverted route thus remained the only alternative for the SkyPier HSFs operating to/from Macau and Zhuhai that had the least impact on CWDs. The previous EIASC and ACE meetings had discussed the proposed alternative route, speed restriction and the

feasibility of imposing a daily cap. At that time, Members were more concerned about what and where the speed restriction should be imposed and the number of HSFs to be involved. The relevant EP condition thus required the SkyPier Plan submission to confirm the location of the speed restriction and the daily cap. The Chairman recalled, with concurrence of three Members, that Members at the previous EIASC and ACE discussions focused on the mitigation measures to be imposed at CWD hotspots on the proposed alternative route after hearing the explanation/assessment provided by AAHK.

27. A Member opined that a scientific approach should be adopted in determining the speed limit, speed control zone and daily cap on the SkyPier HSF movements so as to bring about the optimal mitigation measures with the least impact on CWDs. Another Member echoed that scientific evidence should be provided to support the setting of the speed limit at 15 knots but not at 10 knots as adopted in marine parks. A Member clarified that AAHK had committed a daily cap at 99 for the SkyPier HSFs which was reflecting their current level of operation, rather than just an arbitrary figure proposed for endorsement by ACE. She also recapped that the EIA report had provided detailed explanation that HSFs should not operate at a speed below 15 knots in consideration of safe manoeuvring of the ferries as well as passengers' comfort. The Chairman remarked that it would only be reasonable for the EP conditions to supplement but not contradict with the conclusions made in the EIA report, otherwise the report should not have been endorsed by ACE.

28. A Member said that it is the high speed of HSFs that pose a great threat to CWDs in terms of acoustic disturbance and collision risks. He opined that Clause 2.10 of the project EP, which mentioned the imposition of a speed limit in the hotspots of the CWD in Hong Kong waters and exploring the imposition of further speed restrictions at different spots, required AAHK to impose the speed limit not only on the SkyPier HSFs operating to/from Macau and Zhuhai, but also on their other ferries heading north to the Pearl River Delta (PRD). He considered that AAHK should have conducted assessments to compare the impacts on CWDs caused by marine vessels travelling at 10 knots and at 15 knots. He opined that it should be safe for HSFs to operate at 10 knots as they would have to accelerate gradually after setting off. As the stretch of waters to the north of the SkyPier would form part of the marine park to be designated, HSFs should be restricted to a speed of 10 knots for operation at the SkyPier.

29. The Chairman said that AAHK had initiated to implement the SkyPier

Plan by the end of 2015 before commencement of the construction works. That would help bring benefits to CWDs at an earlier stage. They had also committed to negotiate with ferry operators on the imposition of a speed limit of 15 knots on SkyPier HSFs heading north to the PRD when tendering for the next phase of contract in 2019. He suggested that ACE could express a strong wish to EPD that AAHK should be required to incorporate the 15-knot speed requirement in the new contract terms upon contract renewal. A Member and other Members supported this approach.

30. A Member expressed reservations and enquired on the proper response to make in justifying ACE's endorsement of the route diversion plan that passed through the CWD hotspots near the Sha Chau and Lung Kwu Chau waters. Another Member suggested that AAHK could be further invited to give a more detailed account of their rationale for the alignment of the alternative route. A Member pointed out that AAHK had already made a detailed explanation during Members' site visit to the SkyPier in July 2015 as well as in the supplementary information provided in August and September 2015. The Chairman said that while it might not be practicable for Members to reach a full consensus on the route diversion plan, ACE should present the collective views of Members as well as other comments made by individual Members to EPD. Two Members maintained that AAHK had failed to provide sufficient scientific data to justify the proposed alternative route to the north of SCLKCMP.

31. Mr K F Tang pointed out that AAHK first submitted the SkyPier Plan to ACE in June 2015. Considering that AAHK could not commence any construction works until the plan was approved, he suggested that the Council should forward its collective views to EPD as early as possible. Mr Dick Choi supplemented that it would be desirable to have the route diversion plan implemented before commencement of the construction works. CWD abundance data obtained under the Environmental Monitoring and Audit (EM&A) programme would reflect the effectiveness of the mitigation measures without interference of the construction activities and allow the authority to follow up on any adjustments as required. Mr Tang said that the EM&A programme had a built-in review mechanism, in which EPD and AFCD would take necessary actions when event and/or action limits were triggered. While AAHK would be required to submit regular EM&A reports to EPD, ACE could request AAHK to report to the Council as and when considered warranted. On this, a Member opined that AAHK should report the progress to ACE six months after the implementation of the SkyPier Plan.

32. Responding to the enquiry from a Member on whether data could be collected on the behavioural changes of CWDs caused by HSFs passing through their habitats, Mr Dick Choi said that the EM&A would include the collection of such data. However, previous experience indicated that creditable analysis could be challenging given the difficulty in capturing the locations of HSFs and any behavioural changes of CWDs at the same time during the brief passage of the ferries through their habitats.

33. The Chairman summarized the collective views of Members which would be forwarded to EPD for consideration –

- (i) The SkyPier HSFs operating to/from Macau and Zhuhai would take the alternative route via north of SCLKCMP by end 2015, and be subject to the speed restriction of 15 knots within the speed control zone to be drawn up by AAHK with reference to the CWD abundance data;
- (ii) The average daily cap of 99 SkyPier HSF movements before designation of the marine park should be observed;
- (iii) For the SkyPier HSFs heading north to PRD, AAHK should include the 15-knot speed requirement as one of the contract terms when tendering for the next phase of the SkyPier contract; and
- (iv) AAHK should report to ACE on the effectiveness of the mitigation measures on CWDs six months after the implementation of the SkyPier Plan. AAHK

ACE Secretariat
October 2015