

**EIA report on
“Technical Study on Partial Development of Fanling Golf Course Site
– Feasibility Study”**

**Relevant Extract of the draft minutes of
the Environmental Impact Assessment Subcommittee meeting
held on 18 July 2022**

Question-and-Answer Session (Open Session)

Fauna and Flora Diversity

2. 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 (FGC) 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.

12. 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.

13. 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

14. 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.

15. 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

16. 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.

17. 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

18. 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

19. 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.

20. 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.

21. 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

22. 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.

23. 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

24. 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

25. 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

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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

32. 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.

33. 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

34. 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.

35. 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.

36. 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.

37. 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.

38. 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

39. 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.

40. 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.

41. 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

42. 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

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.)

EIA Subcommittee Secretariat
August 2022