

**EIA report on “Proposed Residential cum Passive Recreational Development within ‘Recreation’ (REC) Zone and ‘Residential (Group C)’ Zone at Various Lots in DD104, Yuen Long, N.T.”**

**Summary of issues discussed by the Environmental Impact Assessment Subcommittee at the meeting on 19 May 2014**

The Environmental Impact Assessment Subcommittee (EIASC) discussed the EIA report on “Proposed Residential cum Passive Recreational Development within ‘Recreation’ (REC) Zone and ‘Residential (Group C)’ Zone at Various Lots in DD104, Yuen Long, N.T.” at the meeting on 19 May 2014. The issues discussed were summarized below.

***Ecology***

2. The discussion was focused on the proposed Landscape Pond (the Pond). Members noted that the Pond located in the northern part of the project site was taken to be of low ecological value given that it was (i) relatively small in size (expanded to 0.6 ha from its original 0.5 ha); (ii) isolated from nearby water bodies; and (iii) surrounded by built areas. They invited the project proponent to consider relocating and/or extending the Pond southwards to enhance its ecological linkage with Ngau Tam Mei Channel. Suggestions were also made that the project proponent should clearly spelt out the purposes of the Pond in the form of long-term objectives (such as the anticipated increase in the number of birds foraging the site) and management plan (including water supply and water quality for the Pond). Members stressed that these were required to evaluate if the management measures undertaken would be up to the design intent and purposes of the Pond. Members also noted the public concern that the ecological functions of the Pond could be written off if it was to be open for recreation use.

3. The project proponent clarified that the Landscape Pond, as it was named, was to be developed from a seasonal pond in-situ in the northern part of the site. The objective of retaining and expanding the Pond was not for recreation use but to allow the residents and the public to appreciate the natural environment of the site. Ecological design and considerations had been incorporated in the current proposal and in the detailed design, which included planting native wetland species as well as building shallow water edge and an island to provide footing for birds. They would implement effective management measures for the Pond as the property agent was

one of their subsidiaries which they could exercise direct management and communication. Active recreation use such as motor boating would be prohibited. While the alternative of locating the Pond closer to Ngau Tam Mei Channel had been considered, the current proposal was adopted with the intent of minimizing potential disturbance impact from Yau Pok Road and the approved cycle track.

4. A Member pointed out that practically it would be impossible to achieve any meaningful ecological gains for the Pond as it was all bordered by built areas. The project proponent was invited to consider whether off-site compensation could be provided for the loss of wetland. The project proponent in response pointed out that according to the EIA Ordinance (EIAO), off-site ecological mitigation measures should be provided when all practicable on-site ecological mitigations had been exhausted. For the present case, on-site mitigation for the ecological impact arising from the project had not been exhausted. Taking into account that the project was a small scale private development on a land zoned for recreation use, they could not find merits justifying the provision of off-site mitigation/compensation unless there were other strategic concerns which they had yet to hear from the relevant authorities.

5. The project proponent added that while the Pond itself was not intended for ecological compensation of any kind, they nevertheless had taken extra steps to incorporate some ecological considerations in the current proposal exceeding the requirements under the EIA process. According to the ecological assessment especially at the Pond area, there were a low number of egrets, such as Grey Heron and Chinese Pond Heron, as well as 5-6 amphibian species using the area. These species were not listed as target species as none of them would be significantly adversely affected by the project. They expected these species would continue using the area after the enhancement measures. They also anticipated the Pond would attract additional species such as Little Grebe. Further, management measures would be adopted to attract wetland fauna which was common at the periphery of Deep Bay area. As regards the proposal to extend and enlarge the Pond, the project proponent said that the suggestion had to be balanced with the planning intension for the area for passive recreation use. They advised that the Pond had proved attractive to a number of wetland fauna species, such as dragonflies and amphibian species identified during the study.

6. AFCD advised that, according to the relevant town planning guidelines, there was no requirement for mitigation/compensation within the Wetland Buffer Area (WBA) if there was “no net loss” in wetland as was the present case. However, in terms of impact assessment, emphasis had been placed on at least maintaining the same ecological function as before. Only the northern part of the site was within the

WBA, and majority of the site was zoned ‘Recreation’. According to the Town Planning Guidelines 12B on governing the development in the Deep Bay areas, the major requirement was to assess whether there was any net loss of wetland area or function. Basing on the findings of the EIA report and baseline study, there was no net loss of wetland area as the Pond of 0.5 ha was retained in-situ. There was also no net loss of wetland function as the Pond only served a few common species of birds such as egrets and herons.

7. AFCD also clarified the principle of off-site compensation according to Annex 16 of the Technical Memorandum on EIA Process (TM) and the relevant Government’s technical circular. The ecological impact arising from the project and the significance of those impacts must be established before the project proponent could consider whether compensation was required under the project. Notwithstanding the limited ecological function of the Pond in the existing site, Members could suggest setting down clear enhancement and management plan to ensure that the Pond could provide some ecological functions.

8. Members commented that notwithstanding the relatively low ecological value of the Pond at its present consideration, the project proponent should look into the feasibility of moving it southwards and enlarging it to enhance its ecological linkage with the surrounding wetland environment. Given the ecological background of the site, it was important to enhance rather than merely maintain the existing wetland ecology. Species which had been identified in Ngau Tam Mei Channel would more likely be using the Pond if the Pond was extended southwards rather than to leave it in the present proposed location further north.

9. There were further comments from Members that the Pond should be managed in a sustainable and ecologically acceptable way which would in turn reduce the impact to the surrounding developments. There should be more innovative ideas in designing the Pond, including detailed consideration of the plant species, location of the buffer area between the Pond and its neighbourhood, as well as the routing and provision of a buffer area for the Pond in light of the expected volume of visitor flow to reduce disturbance and minimize risks such as direct contact of the visitors with wildlife in the event of an outbreak of avian flu.

10. The meeting concluded that there was a strong expectation from Members that the project proponent should give further consideration on the suggestion on setting clearer objectives for managing the proposed Landscape Pond, and the feasibility of relocating and/or extending it closer to Ngau Tam Mei Channel to enhance its ecological linkage.

## *Water quality*

11. Members asked about the impact of possible flooding in this lowland area and measures to be instituted to forestall the scenario. The project proponent replied that they had carried out a preliminary analysis on the levels of the northern and southern parts of the development site during the EIA study. In the preliminary design, they would design elevating the site to a higher level to avoid possible flooding. During the construction phase, they would have peripheral channels to divert surface run-off away from the lower ground of the site. They would also apply for an effluents discharge licence to control surface run-off.

12. As regards Members' question on details of the Environmental Management & Audit (EM&A) plan, the project proponent advised that they had incorporated the EM&A Manual for the construction phase in the EIA report covering air and water quality, noise, waste management, landscape and visual impacts and ecological issues. They would carry out baseline monitoring and impact monitoring for all these parameters according to the EM&A programmes. Further details on the frequencies of baseline and impact monitoring for different parameters were provided at the meeting. No EM&A plans for the operational phase had been prepared in consideration of the low index of occurrence according to the EIA study.

13. Members also asked on the impact of human activities on the water quality of Ngau Tam Mei Channel after occupation and whether connecting the Pond to the Channel would affect the water quality of the latter. The project proponent confirmed that domestic sewage of the site would be connected to public sewers and there would not be interim sewage treatment plant. Only surface run-off from the site would be discharged into the Channel. On this basis, they had not proposed any monitoring of the Channel during operational phase. Further, residents of the site would not have easy access to the Channel as it would be fringed with landscape buffers and site boundary walls. Trash bins would be placed along the Channel, with visitors being reminded to keep the area clean. The Channel, the project site and Kam Pok Road were at different gradient levels. There were existing fences along the Channel and Kam Pok Road to prohibit direct access.

14. Question was raised that according to the guidelines of the Town Planning Board (TPB), the EIA study should demonstrate that the development would not cause a net increase in pollution in Deep Bay. It was noted that all surface run-off from concrete areas in the project site would go into Ngau Tam Mei Channel and be treated by sand traps only. There was concern that all surface run-off including chemical discharge from increased vehicular flow would go via the drainage channels

into Deep Bay untreated. The project proponent advised that oil interceptors and terminal manholes would be installed to intercept any oils and solvents from the parking areas.

15. EPD informed that the project would have to go through the TPB proceeding after the EIA process. According to TPB's practice, the project proponent had to submit a drainage impact assessment to the satisfaction of the Drainage Services Department. The principle of "no net increase in pollution" was a normal requirement for major projects in the Deep Bay area. For the present project, the main source of water pollution would be the sewage generated from the project, which would be collected for treatment in the government's system before discharge. As the present development would involve only 106 houses, the potential of possible water pollution should be minimal given all the sewage would be collected into the public sewage treatment works. On this basis, there should not be any significant impact on the "zero discharge policy" in Deep Bay. EPD confirmed that the project proponent had undertaken to connect their sewage network to the government's system, and this would be enforced as one of the Environment Permit (EP) conditions.

#### ***Visual and landscape impact***

16. Members welcomed the project proponent's initiative to have advance planting plan before construction, and trees and shrubs would be planted as screening for the site boundary. The permanent noise barriers at the southern part of the site would be 2.5m to 4.5m in height and lined with buffer planting. There was also the public comment that the noise barriers next to Fairview Park were too high and would affect air ventilation. The project proponent advised that the noise barriers mainly would be built at the locations fronting the petrol filling station, Fairview Park Boulevard and the adjacent industrial area. No residences would have a direct frontage to the noise barriers.

#### ***Air ventilation***

17. Members noted that the development site was in a locality which generally recorded a higher temperature than the rest of Hong Kong in summer. They were concerned that there were inadequate openings of southwest orientation to facilitate air flow as shown in the layout design. The project proponent advised that the project would develop only 106 two-storey houses of 6.6m in height. She assured Members that adequate open space between individual houses had been factored in the design and there should not be any air flow problems.

### *Traffic impact*

18. Members noted the public concern on the possible noise impact from increased traffic of Yau Pok Road which was relatively quiet at present, and enquired if there would be any restrictions on the use of Yau Pok Road. The project proponent advised that the project involved 106 houses only. The worst case scenario was taken at the peak hours in the mornings whereby traffic flow was estimated at 48 Passenger Car Unit (PCU) only. There were separate access points to the southern and northern parts of the site, with an internal connection access between the two. There should be very minimal traffic travelling between the two parts by using Yau Pok Road. The roundabouts planned in the northern part of the site were for emergency vehicular access and not for daily traffic.

19. Members asked on the procedures to follow if the project proponent sought to revise their original plan on the Landscape Pond after taking on their suggestions at the meeting. There was also the question on whether the project proponent could remove the Landscape Pond completely from the design at this juncture. EPD advised that the project proponent could be requested to submit the revised plan in the detailed design stage. ACE could also propose relevant conditions and recommendations to the Director of Environmental Protection. The proposed Landscape Pond was a recommendation in the EIA report as it was currently presented. Should the project proponent dropped the entire Pond design from the current report, they would be required to submit a new EIA report and to go through the EIAO process afresh.

20. Members had the general consensus to impose a condition requesting the project proponent to re-locate the Pond southwards to give connectivity to Ngau Tam Mei Channel, enlarging it where possible, so as to make the Pond an ecologically sound and viable feature to the satisfaction of EPD and AFCD. The project proponent should set out clear long-term objectives and a management plan for the Pond to enhance its ecological value. With the Pond connected to Ngau Tam Mei Channel, the project proponent should be required to evaluate the effect of the connection relating water quality of the Channel and the corresponding measures to be adopted. EPD advised that Members could consider imposing a condition or recommendation to require the project proponent to prepare a detailed submission to cover the feasibility of moving the Pond southwards for enhanced linkage with the Channel. AFCD suggested that in drawing up the condition/recommendation, Members could flag in certain flexibility to allow the project proponent to improve their design viz. the town planning requirement.

21. On the concern that the Pond was not for compensation, AFCD explained that currently the ecological state of the site was not in a good condition. It was truncated by Fairview Park and fringed by other built areas. There were only limited wildlife uses. The EIA report showed that the environmental impact caused by the project was low and hence the project proponent was not required to provide mitigation or compensation. They had defined the pond as a Landscape Pond rather than an ecological pond and hence would not serve for compensation purpose.

22. In anticipation that the proposed design of the noise barriers together with the tree planting would not be aesthetically pleasant, Members suggested the project proponent to consider improving the design having regard the synergetic effect of the artificial materials with the planting. The project proponent could also consult the nearby affected communities on the design and material to be used for the noise barriers to blend in well with the local environment.

### **Recommendation to ACE**

23. Having regard to the findings and recommendations of the EIA report and the information provided by the project proponent, Members agreed to recommend to the ACE that the EIA report could be endorsed with the following proposed condition and recommendation –

#### **Condition of endorsement**

Before commencement of construction, the project proponent shall submit for the agreement of DEP / the Director of Agriculture, Fisheries and Conservation a plan for the construction, operation and management of the proposed Landscape Pond, taking into consideration (i) the ecological objectives of the Pond; (ii) feasibility of relocating or extending the Pond to enhance its ecological linkage with the Ngau Tam Mei Channel; and (iii) further measures in enhancing the Pond's ecological function.

#### **Recommendation**

The project proponent should consult the nearby affected communities, including Bethel High School, on the design and material to be used for the site boundary walls and noise barriers so as to blend in with the local environmental setting.

24. EIASC agreed that the project proponent team would not be required to attend the full Council on the EIA report.

**EIA Subcommittee Secretariat  
May 2014**