

本署編號
OUR REF: (26) in EP 2/K15/C/06 II
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20 September 2000

By Registered Post & Fax: 2691 2649

Maunsell Consultants Asia Limited
8th Floor, Grand Central Plaza, Tower 2,
138 Shatin Rural Committee Road,
Sha Tin, New Territories.

(Attn: Mr. Thomas Tang)

Dear Sir,

**Yau Tong Bay Development - Reclamation of Yau Tong Bay
Application for Approval of Environmental Impact Assessment (EIA) Report
Application No.: EIA - 046/2000**

I refer to your applications of 25 July 2000 for the captioned EIA report under section 6(2) of the EIA Ordinance.

Having reviewed the captioned EIA report against the EIA Study Brief (Ref. No. ESB-0010/1998) and the Technical Memorandum on EIA Process (TM), and having taken advice from the relevant authorities, I now advise you under sections 6(3)(b) and 6(6) of the Ordinance that the EIA report submitted on 25 July 2000 does not meet the requirements of the EIA Study Brief and the TM for reasons given in the Appendix A of this letter.

As previously advised, the captioned EIA report has to be considered together with another closely inter-related EIA report titled **Yau Tong Bay Development - Engineering Feasibility Study for the Comprehensive Development at Yau Tong Bay** for which you have submitted a separate application for approval on 29 August 2000 under section 6(2) of the EIA Ordinance (**Application No.: EIA - 048/2000**). You will notice that some of the reasons given in Appendix A relate to this later application.

After addressing all the issues and points described in Appendix A of this letter, the captioned EIA report could be re-submitted under section 6(2) of the Ordinance. We strongly

advise you to resubmit the two EIA reports **at the same time** for approval. It would be very difficult for us, for the public and for the Advisory Council on the Environment to review the EIA report for the reclamation works and for us to establish if the report meets the TM and the EIA Study Brief, if we are not, at the same time, presented with the schedule 3 EIA report for the Yau Tong Bay development to see the overall environmental implications.

If you have any queries regarding the above, please contact our Mrs. Shirley LEE at 2835 1122.

Yours faithfully,



(Elvis W.K. AU)
Assistant Director (Environmental Assessment & Noise)
for Director of Environmental Protection

c.c. Secretary for Environment & Food (Attn: Mr. Donald Tong) Fax: 2136 3304) w/encl.
DPO/K, Plan D (Mr. Raymond Lee) Fax: 2894 9502)

Internal (w/encl.):

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P(SI)

S(TA)2 - for your action in the EIAO Registry & website, as appropriate

S(UA)1

E(UA)6

EP2/K15/C/06

**Yau Tong Bay Development - Reclamation of Yau Tong Bay
Application for Approval of an EIA Report Submitted on 25 July 2000
(Application No. EIA-046/2000)**

Reasons for the EIA Report Submitted on 25 July 2000 Not Meeting the Requirements of the EIA Study Brief [ref. No. ESB-0010/1998] (Study Brief) and the Technical Memorandum on EIA Process (TM)

As explained in the letter attached to this Appendix A, some of the reasons given below relate to a Schedule 3 EIA Report submitted by the same applicant on 29 August 2000 for approval under section 6(2) of the EIA Ordinance (Application No. EIA-048/2000).

1. The possibility of a tunnel alignment option for the proposed Western Coast Road (WCR) project was made known to the public in March 2000, given the strong public objections on the coastal alignment. Despite the uncertainty associated with the alignment, programme and configuration of the WCR project, this EIA Report has failed to reasonably compare the environmental benefits and disbenefits of different reclamation scenarios based on the “coastal” and “tunnel” options of the WCR project. It is noted that in the Schedule 3 EIA Report submitted by the same applicant on 29 August 2000 for the comprehensive residential development at Yau Tong Bay, three different scenarios have been considered. They included one that relates to the coastal option of WCR and two that relate to the tunnel option (with and without Ko Fai Road connections) of WCR. This shows that this EIA Report submitted on 25 July 2000 is not consistent with the Schedule 3 EIA submitted later on 29 August 2000 in terms of scenario assessments.

The EIA Report has not adequately presented the environmental benefits and disbenefits of the different reclamation scenarios. The recommended reclamation needs to avoid the adverse environmental effects caused by reclamation to the maximum practicable extent. The EIA Report should include the pros and cons of other possible alternative reclamation scenarios. This EIA Report did not include assessment in this context. S.12 & S.3.5.3 of the Study Brief and S.4.4.2 of the TM have not been met.

2. This EIA Report, including the Schedule 3 EIA Report submitted by the same applicant on 29 August 2000, did not adequately address the cumulative and overall environmental implication of the existing, planned and committed developments on the reclamation. It has failed to adequately assess or provide solutions to remove the possible severe potential industrial/residential interface problems that may be caused to the future residents, in the event that industrial or shipyard operations would co-exist with and be close to housing blocks for a very long period of time. This means that the overall environmental acceptability of the entire project is uncertain. We have provided very detailed comment in this respect under the Rejection Reason No. 1 in Appendix A attached to our separate

reply to your application of the Schedule 3 EIA Report submitted on 29 August 2000 (Application No. EIA-048/2000) and in paragraph 4(b)(ii) below. S.1.4, S.2.1 & S.3.2 of the Study brief and S.4.3.3 & S.4.4.2 of the TM have not been met.

3. According to the construction programme in Appendix 2A of the EIA Report, the construction period for the Phases 1 and 2 of the reclamation works is scheduled from July 2001 to April 2005, and the programme for the Phase 3 reclamation is missing in the EIA Report. With reference to the construction programme in Figure 2.2 of the Schedule 3 EIA Report entitled "Yau Tong Bay Development - Engineering Feasibility Study for the Comprehensive Development at Yau Tong Bay" submitted on 29 August 2000 under section 6(2) of the EIA Ordinance, the construction period for the foundation/superstructure works is scheduled from October 2002 to March 2015. In the context of what are recommended in these two EIA Reports, the construction period of the reclamation works will overlap with that of the foundation/superstructure works for at least 2½ years (i.e. from October 2002 to April 2005). The overlapping period may even longer than 2½ years if the Phase 3 reclamation is to be taken into consideration. However, both EIA Reports fail to identify, predict and evaluate the cumulative impacts of these projects during the above overlapping period.

In addition, the cumulative construction impacts have to take into account other concurrent construction activities (existing, planned and committed developments) in the vicinity of the project, such as the Yau Tong Estate redevelopment, the East Harbour Crossing Housing Estates and the WCR. Dependent on the timing of the various population intakes in the respective housing sites/schools, a maximum population of approaching 50,000 people could be adversely affected by the cumulative impacts of such works. Again, both EIA Reports, including this reclamation EIA Report, fail to make reasonable attempts to predict and evaluate the overall cumulative impacts due to other concurrent major construction activities. S.1.4, S.2.1, S.3.2 & S.3.4 of the Study Brief and S.4.3.3 & S.4.4.2 of the TM have not been met.

4. Apart from the above, there are other omissions or deficiencies in the EIA Report as described below.

(a) No Evaluation of Noise Residual Impact

- (i) The unmitigated noise levels on the schools at the north and south of Yau Tong Estate (i.e. RSCH1 and RSCH2 in the EIA Report) are predicted exceeding the criteria of Annex 5 of the TM. However, there is no evaluation of noise residual impact after taking into account the recommended noise mitigation measures for the schools. The direct mitigation measures should be exhausted prior to considering indirect mitigation measures, and the residual impact should be quantified and compared with the criteria prior to taking into account of indirect mitigation measures. S.3.4.1 of the Study Brief and Annex 5 Section (c) and Annex 13 S 6 of the TM have not been met

(b) Incomplete Information for Contaminated Soil & Groundwater

- (i) There would be chances that some private lots might remain for a very long period of time [YTMLs 73 & 74 (Agincourt Industrial Building); YTMLs 1-5 (Tai Yuen Shipyards) and YTMLs 25-27 (Other 3 shipyards)]. The EIA Report has not addressed the interface problems during reclamation and decontamination works when these users are still in operation. It is also understood that some shipyard owners are legitimate to continue their operations as shipyards or sawmills or timberyards, which will cause serious environmental nuisance in terms of noise and dust emissions. S.1.4, S.2.1 and S.3.2 of the Study Brief and S.4.3.3, S.4.4.2 & S.4.4.3 of the TM have not been met.
- (ii) The mitigation measures to deal with the contaminated soil and groundwater are not included in the Implementation Schedule. S.4.3 of the Study Brief and Annex 11 of the TM have not been met.
- (iii) The land decontamination requirements are not included in the EM&A programme. S.4.1 of the Study Brief has not been met.

(c) Outstanding Construction Dust Monitoring Requirements

- (i) The requirements for construction dust are not included in the Environmental Monitoring & Audit (EM&A) Manual. S.4.1 of the Study Brief has not been met.

(d) Outstanding Landscape and Visual Impact Assessment

- (i) There is no information relating to the funding, implementation, management and maintenance of the proposed landscape and visual mitigation works. In addition, mitigation measures as recommended in the landscape and visual impact assessment have not been included in the Implementation Schedule. S.4.3 of the Study Brief and Annex 11 of the TM have not been met.
- (ii) The impact on landscape character areas has not been assessed. The visual impacts have not been assessed based on the methodology in paragraph 8.3.2 of the EIA Report. Annex 10 S.1.1 of the TM has not been met.

(e) Outstanding Issues with the Re-provisioned Cha Kwo Ling Salt Water Pumping Station

- (i) The location and the implementation agent of the re-provisioned Cha Kwo Ling Salt Water Pumping Station are not stated in the Implementation Schedule. S.4.3 of the Study Brief and Annex 11 of the TM have not been met.

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As previously advised, the captioned EIA report has to be considered together with another closely inter-related EIA report titled **Yau Tong Bay Development – Reclamation of Yau Tong Bay** for which you submitted a separate application for approval on 25 July 2000 under section 6(2) of the EIA Ordinance (**Application No.: EIA – 046/2000**). You will notice that some of the reasons given in Appendix A relate to this earlier application.

After addressing all the issues and points described in Appendix A of this letter, the captioned EIA report could be re-submitted under section 6(2) of the Ordinance. We strongly

advise you to resubmit the two EIA reports **at the same time** for approval. It would be very difficult for us, for the public and for the Advisory Council on the Environment to review the EIA report for the reclamation works and for us to establish if the report meets the TM and the EIA Study Brief, if we are not, at the same time, presented with the schedule 3 EIA report for the Yau Tong Bay development to see the overall environmental implications.

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Yau Tong Bay Development - Engineering Feasibility Study for the Comprehensive Development at Yau Tong Bay
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Reasons for the EIA Report Submitted on 29 August 2000 Not Meeting the Requirements of the EIA Study Brief [ref. No. ESB-0028/1999] (Study Brief) and the Technical Memorandum on the EIA Process (TM)

As explained in the letter attached to this Appendix A, some of the reasons given below relate to another EIA Report submitted by the same applicant on 25 July 2000 for approval under section 6(2) of the EIA Ordinance (Application No. EIA-046/2000).

1. Some private lots with operations which are environmentally incompatible with residential uses might remain for a very long period of time. The industrial or shipyard operations [YTMLs 73 & 74 (Agincourt Industrial Building); YTMLs 1-5 (Tai Yuen Shipyards) and YTMLs 25-27 (Other 3 shipyards)] might continue their operations as shipyards or sawmills or timberyards, which will cause serious environmental nuisance in terms of noise and dust emissions. This Schedule 3 EIA Report has ignored the very severe potential industrial/residential (I/R) interface problems that would be extremely difficult to mitigate. Similar severe 'I/R' interface problems were experienced by the former Shipyards at North Tsing Yi close to the Cheung On Estate; and the Hong Kong Cement Plant adjacent to the Greenfield Garden in Tsing Yi. For both cases, there were no practical mitigating solutions to eradicate the environmental problems except for ultimate relocation of the polluting sources. To allow the co-existence of these polluting industrial uses with the future residents of the Yau Tong Bay Comprehensive Development is in fact creating multiple industrial/residential interface problems within a Comprehensive Development Area that might create potentially serious environmental concerns, and is therefore considered unacceptable on environmental grounds. This would likely create environmental incompatibility. S.1.4, S.2.1, S.3.5.3 and S.3.6.1 of the Study Brief and S.4.3.3, S.4.4.2 & S.4.4.3 of the TM have not been met.
2. According to the construction programme in Figure 2.2 of the EIA Report, the construction period for the superstructures is scheduled from October 2002 to March 2015. With reference to the construction programme in Appendix 2A of another EIA Report entitled "Yau Tong Bay Development - Reclamation of Yau Tong Bay" submitted on 25 July 2000 under section 6(2) of the EIA Ordinance, the construction period for the Phases 1 and 2 of the reclamation works is scheduled from July 2001 to April 2005, and the programme for the Phase 3 reclamation is missing in that EIA Report. In the context of what are recorded in these two EIA Reports, the construction period of the foundation/superstructure works will appear to overlap with that of the reclamation works for at least 2½ years (i.e. from

October 2002 to April 2005). The overlapping period may even be longer than 2½ years if the Phase 3 reclamation is to be taken into consideration. However, both EIA Reports, including this Schedule 3 EIA Report, fail to identify, predict and evaluate the overall cumulative impacts of all the construction activities that will take place during the above overlapping period.

In addition, the cumulative construction impacts have to take into account other concurrent construction activities (existing, planned and committed developments) in the vicinity of the project, such as the Yau Tong Estate redevelopment, the East Harbour Crossing Housing Estates and the Western Coast Road (WCR). Dependent on the timing of the various population intakes in the respective housing sites/schools, a maximum population of approaching 50,000 people could be adversely affected by the cumulative impacts of such works. Again, both EIA Reports, including this Schedule 3 EIA Report, fail to make reasonable attempts to predict and evaluate the overall cumulative impacts due to other concurrent major construction activities. S.1.4, S.2.1, S.3.4 & S.3.6 of the Study Brief and S.4.3.3 & S.4.4.2 of the TM have not been met.

3. This EIA Report proposed a comprehensive development that comprises high-rise residential towers with building height ranging from about 125m to 160m, and with two commercial towers with building height reaching to about 200m. These high-rise buildings will well exceed the height band of 125m as recommended under the Central and East Kowloon Development Statement and in breach of the ridgeline for the Kowloon hills. As illustrated by the photomontages in Figures 8.13 to 8.16 of the EIA Report, the adverse visual impact of the Yau Tong Bay Comprehensive Development on the visually sensitive receivers at the surroundings such as Hong Pak Court and the committed/planned developments at Cha Kwo Ling and Yau Tong Industrial Area will be severe and irreversible. This EIA Report fails to provide alternative designs to reduce the visual impacts of the project. S.3.10.5 of the Study Brief & Annex 10 S.1.1 of the TM have not been met.
4. Apart from the above, there are other omissions or deficiencies in the EIA Report as described below.
 - (a) Outstanding Landscape and Visual Impact Assessment

We note the following omissions and errors in the visual and landscape impact assessment. S.3.10.4 of the Study Brief and Annex 10 S.1.1 of the TM have not been met:

- (i) The assessment on the visual impacts of the proposed development against the representative groups of visually sensitive receivers (VSRs) is incomprehensive. Some VSRs on the committed and planned developments at Yau Tong Industrial Areas and Cha Kwo Ling development have not been adequately assessed.

- (ii) The assessment by graphic illustrations of the visual impacts on the existing VSRs is inadequate, and the actual visual impacts on the public and private developments fronting the proposed development are under-estimated.
- (iii) There is no alternative design as mitigation measures against the breach of ridgeline of Kowloon hills.
- (iv) There is no information relating to the funding, implementation, management and maintenance of the proposed landscape and visual mitigation works. In addition, mitigation measures as recommended in the landscape and visual impact assessment have not been included in the Implementation Schedule. For example, the mitigation measures at the operation phase are missing.

(b) Traffic Noise Impact on the Residential Blocks

- (i) The traffic noise impacts from Cha Kwo Ling Road on residential blocks 11, 25 and 43 will exceed the 70dB(A) traffic noise criterion, but there is no consideration in the EIA Report to further setback the blocks from Cha Kwo Ling Road or to provide alternative uses to avoid the traffic noise impacts. In accordance with TM Annex 13 S.6.1, the direct mitigation measures including setback should be exhausted prior to consider indirect technical remedies. S.3.6.1 of the Study Brief and Annex 13 S.6.1 of the TM have not been met.
- (ii) The residential blocks along Ko Fai Road will also exceed the 70dB(A) traffic noise criterion. The recommended 2m high podium edge noise barrier for Tunnel Option of the WCR (without Ko Fai Road connection) is inadequate, as 5m high podium edge noise barrier is recommended at the same location in the WCR (coastal option). S.3.6.1 of the Study Brief and Annex 13 S.6.1 of the TM has not been met.

(c) Data & Methods in the Air Quality Impact Assessment

We note the following omissions and errors in the air quality impact assessment. S.3.5.3 of the Study Brief and S.4.4.2 of the TM have not been met:

- (i) The EIA Report has studied two WCR tunnel options (with and without Ko Fai Road connection), but there is only one set of traffic emission impact assessment result provided in the report. Hence, the assessment is incomplete. In addition, some key assumptions are missing in this traffic emission impact assessment, e.g. location of exhaust of the tunnel of the WCR.
- (ii) The height of the volume sources which is used to simulate the portal emission from the Eastern Harbour Crossing should be 5.8m high (vertical dimension of the cross section of the portal) instead of 10m.

- (iii) Volume sources have been used in simulating the impact of emission from the vehicles in the toll plaza region. As the emissions from idling vehicles is close to the ground level (about 0.5m above ground) and there is no initial plume dispersion due to mechanical turbulence generated by the vehicles, area sources should be used instead.
 - (iv) S.3.8.13 of the report indicates that only two categories of the vehicle types have been considered in the assessment. However, according to Table 3.5 and Appendix 3C, there are other vehicle types which have also been included in estimating the portal and vent-shaft emissions from tunnels.
 - (v) There are discrepancies in the traffic flow figures for the traffic emission and traffic noise impact assessments. In the traffic emission impact assessment, the traffic flow and vehicle composition for all roads remain the same for both tunnel options (with and without the connection to Ko Fai Road) except for Cha Kwo Ling Road. However, in the traffic noise impact assessment (Tables 4.10 and 4.11), the traffic flows on Ko Fai Road are different from the two tunnel options.
- (d) Impacts on the Sewerage System
- (i) The EIA Report has tried to cater for the shortfall of the existing East Kowloon sewerage capacity due to the comprehensive residential development. However, a number of the important assumptions in the sewerage impact assessment are either too optimistic or outdated. These include the timely implementation of SSDS Stage III/IV, and the upgrading of the Kwun Tong Preliminary Treatment Works and the Yau Tong Sewerage Pumping Station. In fact, according to the latest review studies (including the Interim Report (December 1999) of the Review of Central and East Kowloon Sewerage Master Plans), some of the works are uncertain at this stage. The EIA Report has not catered for the worst case scenario that all the above works may be delayed. Hence, the size of the temporary sewerage holding tank may need to be increased, and the location, the housing layout plan may need to be adjusted for its accommodation. If the housing layout plan is amended, the traffic noise and traffic emission impact assessments will also need to be revised. S.3.8.2 of the Study Brief and Annex 14 S.6.5 of the TM have not been met.
 - (ii) The population figures adopted in the sewerage impact assessment in the EIA Report are under-estimated. The project proponent could make reference to the population data adopted in the Study entitled "Review of Central and East Kowloon Sewerage Master Plans". Annex 14 S.6.5 of the TM has not been met.
- (e) Summary of Key Environmental Outcomes
- (i) The EIA has not summarized the key environmental outcomes. S.3.11 of the Study

Brief has not been met.

- (f) Electronic Copies of the EIA Report
 - (i) The electronic copies of the EIA Report and the Executive Summary have not been submitted. S.6.3 and S.6.4 of the Study Brief have not been met.