Confirmed Minutes of the 122nd Meeting of the Environmental Impact Assessment Subcommittee held on 29 April 2013 at 2:00 pm

Present:

Dr Dorothy CHAN, BBS (Chairperson)
Dr HUNG Wing-tat, M.H. (Deputy Chairman)
Dr Gary ADES
Prof CHAU Kwai-cheong, J.P.
Prof FUNG Tung
Dr HAU Chi-hang, Billy
Prof NG Cheuk-yee, John
Prof TAM Fung-yee, Nora, B.B.S., J.P.
Dr TSANG Po-keung, Eric
Mr WONG Lok-tak, Luther
Miss Evelyn LEUNG (Secretary)

Absent with Apologies:

Prof LI Xiang-dong
Miss NG Yuen-ting, Yolanda
Prof YEP Kin-man, Ray
Dr YIP Chee-hang, Eric

In Attendance:

Mr Andrew LAI, JP	Deputy Director of Environmental Protection (3), Environmental Protection Department (EPD)
Mr K F Tang	Assistant Director (Environmental Assessment), EPD
Mr Y K Chan	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Ms Joanne CHIN	Executive Officer (CBD), EPD
Ms Daicie TONG	Executive Manager (CBD), EPD

In Attendance for Agenda Item 3:

Mr Victor YEUNG	Acting Principal Environmental Protection Officer (Strategic Assessment), EPD
Mr Tom TAM	Senior Environmental Protection Officer (Strategic Assessment)3, EPD
Dr Jackie YIP	Acting Senior Nature Conservation Officer/North, AFCD
Mr LI Wai	Chief Engineer, Civil Engineering and Development Department (CEDD)
Mr LOONG Yau Tong	Senior Engineer, CEDD
Mr Eric CHING	Associate, Mott MacDonald Hong Kong Ltd (Mott

	MacDonald)
Mr James KAM	Associate, Mott MacDonald
Ms Julia CHAN	Senior Environmental Scientist, Mott MacDonald
Mr Gary CHOW	Senior Environmental Scientist, Mott MacDonald

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Item 1 : Confirmation of the draft minutes of the 121st meeting held on 25 March 2013

The draft minutes were confirmed without amendment

Item 2 : Matters arising from the 121st meeting held on 25 March 2013

2. The Chairperson informed Members that the revised *Modus Operandi* of the EIA Subcommittee discussed at the last meeting was endorsed by the full Council at the meeting on 22 April 2013. The new arrangements had taken effect and a copy of the revised *Modus Operandi* would be provided to project proponents for reference when they submitted EIA reports to EPD for approval for public inspection. The revised guidelines had also been uploaded to the EPD's website for information to the public.

3. The Chairperson advised that she and the Deputy Chairman would not be available to lead the meeting scheduled on 16 September 2013 as both would be on duty/at conference outside Hong Kong. She suggested advancing the meeting to 13 September 2013 (Friday). The Secretariat would issue a note to advise Members on the rescheduling. Secretariat

Item 3 : EIA report on "Construction of Cycle Tracks and the Associated Supporting Facilities at Nam Sang Wai, Yuen Long"
(ACE-EIA Paper 1/2013)

Internal Discussion Session

4. The Chairperson informed Members that the discussion would be divided into the following four sessions –

(a) Internal Discussion Session
(b) Presentation Session
(c) Question-and-Answer Session
(d) Internal Discussion Session

The Presentation Session and Question-and-Answer Session would be opened to the public. The Internal Discussion Sessions and all other parts of the meeting would remain closed.

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5. The Chairperson informed Members that the EIA report on "Construction of Cycle Tracks and the Associated Supporting Facilities at Nam Sang Wai, Yuen Long" was a designated project under "Schedule 2" of the EIA Ordinance (EIAO). The public inspection period of the report was from 6 March 2013 to 4 April 2013. As an administrative arrangement, public comments and the gist of major issues/concerns received by EPD had been circulated to Members for reference before the meeting. Written response from the project proponent (i.e. CEDD) to questions raised by Members had also been circulated for Members' information before the meeting.

6. The Chairperson asked Members if they had any interest to declare on the project. Four Members advised that the respective organisations/green groups which they had close connection had submitted comments to EPD. The meeting agreed that they could stay and continue taking part in the discussion.

7. The Chairperson reminded Members to keep confidentiality of the discussion on the EIA report as the full Council had yet to consider the Subcommittee's recommendations before tendering its comments to the Director of Environmental Protection (DEP) on the report under the EIAO. Members were advised to refer any enquiries to the Secretariat for follow up in case they were approached on the discussion and/or decision of the Subcommittee.

8. For a more structured and focused discussion of the report, the Chairperson suggested and Members agreed to raise questions on the key subject areas of the EIA report in the order of –

(a) Alternative for the proposed bridge crossing at Shan Pui River
(b) Impacts on ecology and wetland habitats
(c) Impacts on water and waste management issues
(d) Visual and landscape impacts

[The project proponent team joined the meeting at this juncture.]

Presentation Session (Open Session)

9. Mr Li Wai briefed Members on the background and need of the project. He pointed out that the proposed cycle tracks at Nam Sang Wai Road and Yau Pok Road were required for traffic safety reasons; the Shan Pui River Bridge (the proposed bridge) could avoid aggregation of visitors at the dead end of Nam Sang Wai Road; and the section of cycle track between Tin Shui Wai and Shan Pui River could provide a scenic route for cyclists to the Tin Shui Wai Wetland Park. Mr Eric Ching briefed Members on the consideration of alternative cycle track alignments and the proposed key mitigation measures to minimize impacts on the ecologically sensitive areas.

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Question-and-Answer Session (Open Session)

Alternative for the proposed bridge crossing at Shan Pui River

10. A Member enquired on the alternative for the construction of the proposed bridge in view of the ecological impacts in the area and availability of traffic statistics to justify the construction. Mr Li Wai explained that the proposed bridge was intended for use by cyclists and visitors as well as providing an emergency vehicular access (EVA) for ambulances required by the Fire Services Department (FSD). General vehicular use would not be allowed. As Nam Sang Wai Road was a one-lane two-way road ending in a cul-de-sac, the proposed bridge would provide a rescue route for ambulances to go direct to Yuen Long town area for emergency operation without the need to routing back along Nam Sang Wai Road. Mr Li said that in consideration that the cycle tracks project was for recreational purpose, no comprehensive assessment had been made on the number of cyclists and visitors who were expected to use the proposed bridge.

11. The Member further asked about the design of the proposed bridge and the assessment of traffic load at Nam Sang Wai Road and Yau Pok Road which currently were co-used by vehicles and cyclists. Mr Li Wai said that the design of the proposed bridge in the EIA report was an indicative plan only. Members' views on the design, including the size and number of piers would be taken into account at the detailed design stage. He also informed that both Nam Sang Wai Road and Yau Pok Road were one-lane two-way roads ending in cul-de-sacs. Competition for road use by vehicles and cyclists were noted particularly during weekends. The situation was considered undesirable from road safety point of view. The Yuen Long District Council and Rural Committees had been requesting provision of proper cycle tracks along the two roads having regard to the number of traffic accidents recorded in the area.

Methodology of the baseline bird survey

12. A Member questioned that the August 2008 data was not shown in the transact survey result in the EIA report. He also asked about the timing and tidal level when the point count and transect surveys were conducted, as well as the difference between "areas identified with high occurrence of birds" and the "area of high density of conservation concern" mentioned in section 7.5.8 of the report. The Member opined that, to facilitate statistical comparison of the bird data in days of different visitor load and to enable a more accurate impact assessment of increase in human activities in the area, sampling of point count survey should be done on three consecutive days covering a week day and the weekends in order to provide comprehensive data on the difference in bird abundance in relation to visitor load, rather than conducting the survey only during weekdays.

13. Mr Eric Ching informed Members that the locations of transect and point count surveys had covered the majority of the aligned cycle tracks, except some

local villages and developed area as set out in Figure 7.1 of the EIA report. Mr Gary Chow explained that baseline information for the surveys had been collected from AFCD and the Bird Watching Society at the planning stage. The purpose of the point count survey was to facilitate the selection of location for the proposed bridge rather than to collect an exhaustive list of bird species identified along the river channel. While transect survey was conducted separately from the point count survey, he said that the point count survey was done sequentially at the most sensitive time, i.e. during the low tide period when the surveyors travelled by car from one survey point to the next so as to minimize the time lag in counting between the survey points. Selection of samples were purposely planned on weekdays on assumption that more bird species could be found when there was less human disturbance in the area, which in turn would allow the surveyors to assess the most sensitive area in the baseline survey. Mr Chow confirmed that the "areas identified with high occurrence of birds" was same as the "area of high density of conservation concern" in the report.

14. Mr Eric Ching stated that the surveys were conducted to supplement information from literature review of previous studies. He stressed that the purpose of the surveys was to identify the ecological sensitive area in order to avoid/minimize the environmental impacts brought to the area. The surveys were intentionally conducted on weekdays only as the bird abundance was more representative with less human disturbances. The worst case scenario could then be envisaged.

15. A Member opined that the methodology of the counting sequence of point count was unclear. He further raised questions on the methodology of the bird survey including the number of 10-minute sessions used at each point at each tide in a sampling day; the method to determine the accuracy of the count by observing within 100 meters along the river bank; the breeding seasons of other bird species not being covered in the survey; the inconsistency of the W-value and P-value of the statistical tests of abundance and species richness between the upper and lower sections of Shan Pui River in different parts of the report and the rationale for using the data analysis method for the point count survey.

16. The Member remarked that there was a need to have an accurate assessment of the operational impact of the cycle tracks and visitor load to the bird community along the river channel by relating the information of bird abundance and density to high visitor days. He remarked that point count results were used for identifying and evaluating potential ecological impacts. However, given the point counts were based on 10-minute survey sessions, the data comprised of a very small sample size of the subject area (i.e. the river channel between the section to be crossed by the proposed bridge and the section near the confluence area) and should not be used in the impact identification and evaluation. Baseline data from the transect counts should be used in impact evaluation but not the point counts. Mr Eric Ching explained that the impact assessment was based on the baseline study including the literature review findings and the surveys conducted

for identifying the ecological sensitive area with abundance of birds where construction of the proposed bridge should be avoided. It was on this basis that the proposed bridge crossing at Shan Pui River was moved to the upstream section as now proposed in the EIA report. If the survey was conducted during weekends where human activities were more noticeable, they might not be able to secure a clear picture of the difference of bird abundance in the upstream and downstream sections. While Mr Ching agreed that the data collected from the surveys could be correlated to the biodiversity and ecological use of a particular area, he considered it important to ascertain the baseline information as the pattern of using the cycle track method in the operational phase might be different from the current situation.

Identification and evaluation of potential ecological impacts

17. A Member commented, and echoed by another Member, that the baseline study was conducted more for the purpose of justifying the re-alignment of the cycle tracks rather than assessing the visitors' impact. Both were concerned about the degree of disturbance to the bird community and the corresponding mitigation measures to be adopted. The Member further asked for clarification on whether the discrepancies of W-value and P-value as set out in section 7.6.49 and 7.6.50 in the EIA report were more of typo nature, as the information could have led to mis-assessment of the significant difference in the statistical tests between the upper and lower sections of Shan Pui River. She remarked that while the project proponent team was at liberty to choose its own data analysis method, the statistical information must be accurate. She agreed that more assessment of the impact on the most sensitive area such as the site for the proposed bridge during the operational phase was required in terms of the anticipated number of visitors and the carrying capacity of the proposed bridge. She also expressed reservation that the fishponds could sufficiently compensate/ replace the habitat loss related to the proposed bridge.

18. In response to further enquiries from two Members on the compensation wetland, Mr Gary Chow explained that the provision of a sloping mudflat in the fishpond area was to compensate the loss of feeding opportunities for waterbirds due to the loss of river channel habitat. Regarding the use of point count data, Mr Chow said that the data was used as reference to compare and select the best location to align the proposed bridge along Shan Pui River.

19. A Member stressed, and echoed by another Member, that the project proponent team should look into the ecological value of the bridge area as the habitat loss was more than the loss of a foraging area and the compensatory fishponds could not be taken a like-for-like compensation for the habitat loss. A Member also remarked that the location of the two compensation fishponds would be subject to severe visitor disturbances. The two fishponds were right next to the future cycling track, the existing vehicular access as well as the existing lawn areas where the public gathered for different activities, e.g. flying kites and model airplanes. Visual screens could not cordon off the noise generated. Alternative

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locations should be explored for the compensation wetland.

20. On the impact of habitat fragmentation, the Member asked for further evidence that, apart from ardeids, other groups of birds travelling along the river channel such as pied avocets, black-winged stilts and ducks would not be affected by the construction of the proposed bridge. He was concerned about the assumption that the operational impact to birds was minimal as birds were more adaptive to regular moving objects. It was common for cyclists to stop along the river bank enjoying the scenery and watching birds. There should be an accurate assessment on the impact of increase in visitor load in the area. The Member also raised concern on the ecological impact to Eurasian Otters and requested more evidence to show that their habitat along the river would not be affected during the construction phase. Another Member reiterated his concern about the impact on Eurasian Otters as the access points to reed beds for the otters would be reduced due to engineering works at the bridge area. He also pointed out that much of the periphery of the reed bed area was surrounded by a wall and embankment so making it difficult for the Otter to find entrance points to the core area of the reed beds.

21. Regarding the exotic mangrove Sonneratia species found along Kam Tin River and Shan Pui River, a Member considered that it would not be appropriate to rely on the species to be the natural visual barriers for waterbirds as the species was sensitive to low temperature and could not sustain in cold weather. In addition, there was a chance that the species might be removed when the Hong Kong Biodiversity Strategy and Action Plan (BSAP) was implemented. The visual barriers from the confluence area to the site of the proposed bridge were also considered not sufficient. The Member opined that the site should be classified as habitat of mudflat and water channel with high ecological value.

22. Regarding the site location of the mitigation wetland, Dr Jackie Yip clarified that the proposed compensatory measure was not to create a new wetland area but to enhance two existing fishponds to compensate for the loss of foraging ground.

Need for the proposed bridge and lightings along the cycle tracks

23. In response to a Member's enquiry on the number of extra lightings to be installed along the cycle tracks with the new sections added and the anticipated impact on the nocturnal wildlife, Mr Eric Ching said that lightings would only be provided at a minimal level, and the exact number would be assessed at the detailed design stage. Ms Julia Chan supplemented that lightings were already provided along Nam Sang Wai Road and Yau Pok Road based on the public lighting design manual in Hong Kong as set by the Highways Department (HyD), which was around 15 metres per interval. She expected little additional lightings would be constructed along the existing roads, while additional ones might be required along the newly constructed cycle tracks, e.g. the Fung Lok Wai section and the proposed bridge at

Shan Pui River within the visual barriers. The lightings would be confined at cycle track location and kept at minimum level.

24. Mr Li Wai reiterated that the proposed bridge at Shan Pui River was required to avoid aggregation of visitors at the cul-de-sac of Nam Sang Wai Road. They would take on board Members' suggestion regarding the design, including reducing the size of the bridge and the number of piers during the detailed design stage. As regards street lighting for the cycle tracks and footpath, they were conscious of the impact on the nocturnal wildlife and would keep the number of lightings to the minimum level having regard to HyD's standards.

Water pollution and waste management

25. In response to a Member's question, Mr Eric Ching confirmed that the excavated sediments were mainly associated with construction of the proposed bridge at Shan Pui River. Regarding the Member's further enquiry on the timing of the construction works, Ms Julia Chan replied that part of the works for the proposed bridge would be carried out during the dry season to avoid flood problem as required by the Drainage Services Department (DSD). Other works of the proposed bridge were recommended to be done beyond the peak wintering season from November to March in order to minimize impact to migratory birds. Mr Ching supplemented that construction of the bridge piers would be done in the dry season while other works would be conducted during the wet season. The EIA report had provided information on the construction sequence of different parts of the proposed bridge.

26. A Member enquired on the tracking mechanism of construction waste to be disposed in view of the long distance of the site from the landfill. Mr Eric Ching informed Members that they would follow the current legislative framework such as adopting the trip ticket system (TTS) to keep track of the generation, delivery and disposal of construction waste and to apply mitigation measures for monitoring the level of dust and noise of construction activities to avoid/contain impact during the construction phase.

Visual and landscape impacts

27. A Member was concerned about the design and materials for the cycle tracks as the existing ones built with tarmac or concrete gave the impression of a hard landscape. He cited the example of wooden cycle tracks in Queensland, Australia for using environmentally friendly materials but due regard should be paid to the tropical humid weather in Hong Kong. The Member echoed Members' suggestion regarding the design of the proposed bridge so as to reduce the negative residual impact during the operational phase. He further pointed out that, apart from maintaining and retaining the existing vegetation along the cycle tracks, the report has not recommended any measures to enhance the screen-off effect and minimize possible harassment/disturbance to the wildlife by cyclists and visitors frequenting the area.

28. In reply, Mr Li Wai pointed out that wooden cycle tracks might cause maintenance problems. As HyD was the department responsible for maintaining the cycle tracks and footpath, Members' views would be relayed for its further consideration. A Member also suggested the use of rubber-recycled asphalt materials and shredded types as the construction materials.

29. In response to a Member's enquiry on the landscape issue, Ms Julia Chan said that they intended to retain the existing trees as far as possible, including those along Nam Sang Wai Road and Yau Pok Road which were compensatory planting from the previous Kam Tin River drainage improvement works project. Local species were recommended as visual barriers to screen off potential disturbance to the bird community. Visual screen boards would be provided to reduce visual disturbance in areas with record of high density of waterbirds on mudflats. Regarding the proposed bridge, visual screen barriers covered by creepers would be provided to partially screen off disturbance to the waterbirds that visitors might bring about in the area. The boards would also provide visual slots through which visitors could view the birds foraging the mudflats. Design of the visual screen boards would be provided at the detailed design stage. Wetland vegetation would be proposed at the wetland enhancement area.

30. A Member agreed that the size of the proposed bridge should be reviewed. It was taken visually intrusive in view of its size, weight, engineering implications, foundation and substructures as indicated in the EIA report. The railings would prevent visitors outside from viewing the inside of the bridge, while people inside the bridge would feel like walking inside a cage which would defeat the purpose of promoting eco-tourism in the area. The grid design might also entice visitors to climb up the bridge which would pose safety problems. He also questioned if creepers proposed to be grown on the bridge could sustain in the hot season without proper watering and maintenance arrangements. He recommended the project proponent team to re-visit the actual need of the bridge, and if to proceed with the construction, to re-consider the size and loading of the bridge, as well as its visual impact both in terms of compatibility with the environment and feeling of visitors using the bridge for viewing the surrounding scenery.

31. A Member opined that further mitigation measures were required in view of the high ecological value and sensitivity of the area where the new sections of the cycle tracks would encroach into. He suggested that if the bridge did go ahead the project proponent team could incorporate environmental features to the bridge design such as recesses for bats to roost in (there are standard designs available to incorporate into bridges) and concrete swallow nests for birds foraging in the area.

Eco-tourism

32. In response to the enquiries of the Chairperson and two Members about the Government's plans to promote eco-tourism along the cycle tracks, Mr Li Wai replied that the project would take a few years to complete and they did not have a concrete

programme on promoting eco-tourism in the area at this stage. They would liaise with relevant departments on the promotion strategy in due course. A Member reminded that the Government must take into account the carrying capacity of the area, particularly the ecologically sensitive area, when drawing up its promotional strategy. She quoted the experience of Hoi Ha where the Government had to put a halt to all promotional campaigns after influx of visitors which exceeded the anticipated carrying capacity of that area. A Member remarked that it should more be a promotion of nature-based tourism rather than of eco-tourism.

Cycle track at Yau Pok Road

33. A Member was concerned about constructing a new cycle track at Yau Pok Road which was adjacent to the Ramsar Site and ending in a cul-de-sac. He enquired on the possibility of taking out this section from the project. Another Member supported this approach, and counter-proposed improvement to the existing Nam Sang Wai Road and Yau Pok Road to facilitate the co-use by local villagers on vehicles, cyclists and visitors. He quoted Bowen Road on Hong Kong Island as a practical example of co-use of a public access road. Mr Li Wai replied that the cycle track section along Yau Pok Road was to tackle the conflicts between cyclists and vehicles for safety concern. In addition, a new cycle track at Pok Wai South Road was in the pipeline, which eventually would be connected with Yau Pok Road to complete the cycle track network in Yuen Long area. Should the Yau Pok Road section be taken out from the current project, cyclists from Pok Wai South Road would have to cycle on Yau Pok Road with heavy vehicular traffic. There had been strong requests from the Yuen Long District Council and Rural Committees for a proper cycle track at Yau Pok Road for safety consideration.

34. A Member suggested the safety issue could be tackled by restricting vehicular access to the area rather than developing the road in that part of the area by, for instance, providing control point to restrict vehicular access and requiring general visitors to park their vehicles at the farther end of the road. Mr Eric Ching said that Yau Pok Road was a public access road used by nearby villages. The intention was to improve the current co-use traffic condition by providing a separate proper cycle track for the cyclists. The Member proposed turning Yau Pok Road a restricted road as in the country park areas, so that the road would be restricted for use by villagers only and thus could ease the conflicts between other vehicles and cyclists.

Resting stations and public toilets

35. A Member pointed out that the resting stations and public toilets were located right next to areas where the highest density of birds was recorded in the EIA report. People taking rest near the amenity facilities would generate lots of noise and cause disturbance to the bird community. Mr Li Wai advised that normally the facilities would be provided at the end of the cycle track to allow cyclists to take rest before their return journey. The resting stations would occupy a small area with only a few bicycle parking spaces, a few seats and a shelter. Mr Eric Ching supplemented

that the cycle track at Yau Pok Road would not extend beyond the existing access road.

36. A Member suggested the project proponent to re-locate the resting stations at Yau Pok Road and Nam Sang Wai Road to the less sensitive areas for avoidance of any possible disturbance to the ecology. Ms Julia Chan replied that the proposed sites were identified having regard to the existing larger available area on site where felling of trees could be minimized. Mr Li Wai supplemented that the proposed resting station at Yau Pok Road was a flat area. The resting stations at the proposed sites should not bring about much ecological impact to the area.

37. In response to a Member's enquiry on erection of information boards for education purpose, Mr Li Wai said that information boards would be put up at various points along the cycle tracks in addition to those placed at the resting stations.

Other issues

38. A Member suggested the proponent team to draw up contingency measures in case human activities in the area were found to be beyond the carrying capacity after the proposed cycle tracks were promoted for use. He suggested setting aside certain parts of the existing cycle tracks as backup sidetracks for diverting cyclists in case of heavy patronage. Consideration could also be made to close the tracks lying on the ecologically sensitive areas at times of very high visitor load to avoid disturbance to the area. This could also provide a leeway for the birds to breed and forage.

[The project proponent team took leave of the meeting at this juncture.]

Internal Discussion Session

39. The Chairperson summarized that the key issues discussed at the meeting included the survey methodologies used in the EIA study, proposed bridge crossing at Shan Pui River, cycle track at Yau Pok Road and compensatory fishponds for wetland habitat loss.

Impact of additional visitors to the area

40. A Member clarified that apart from the technical details and assessments used in the EIA study, his major concerns were on the impact on the bird community and the ecological sensitive area brought about by increase of visitors, which the project proponent team had not adequately addressed in the EIA report.

41. Another Member agreed that the project proponent team should investigate further on the likely impact of expected increase of visitors on the wildlife. That was essential for assessing whether the proposed mitigation measures would be effective and sufficient for the area.

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Proposed bridge crossing at Shan Pui River

42. Regarding the proposed bridge crossing at Shan Pui River, the Chairperson said that the design had incorporated an EVA for providing a rescue route along the whole cycle track network as required by FSD. The bridge crossing should give sufficient loading for ambulances for emergency operation. A Member opined that the proposed bridge was oversized with piers having regard to a river of just over 100 metres in width. He considered it not suitable for the bridge to cater for use other than cyclists and visitors in view of the ecological significance of the area. Besides, the bridge crossing should not incorporate an EVA as ambulancemen could easily carry a person on foot for some 50 metres if the need arose. If the bridge was designed solely for use by pedestrians and cyclists, it could be of a lighter weight with no piers and hence causing less impact to Shan Pui River. Another Member echoed that while a lighter bridge was preferable, the actual design and operation should be in compliance with the safety regulations required.

43. A Member pointed out that one of the justifications for the proposed bridge was to provide a convenient route for cyclists and visitors to commute between Yuen Long town area and Nam Sang Wai. On this front, he argued that the bridge was not at all necessary as dedicated cyclists could use the existing routing through Pok Oi Hospital to go to Nam Sang Wai. He was concerned that the bridge would encourage leisure cyclists in Yuen Long and Tin Shui Wai to go to Nam Sang Wai with too much convenience, which in turn would bring unwanted disturbance to the area. The present "inconvenience" could be taken as a control mechanism on the flow of cyclists and visitors to the area. He opined that the proposed bridge, irrespective of the design and size, should not be incorporated in the project.

Compensation area

44. Regarding compensation for the habitat loss as a result of construction of the proposed bridge, a Member pointed out that the compensation fishponds proposed could not be taken a like-to-like comparison to the wetland habitat underneath the bridge. The project proponent team should justify that the fishponds were the only place for the compensation, and to demonstrate that the fishponds after sloping could improve the quality of the habitat for a comparable compensation for the habitat loss. A Member shared the Member's observation that it was not a like-for-like compensation. Some of the birds affected by the bridge, where there is a flowing water regime, very likely would not settle in the compensation pond area as this is quite different from a river channel.

Yau Pok Road

45. A Member suggested scaling down the scope of the project by removing the cycle track section at Yau Pok Road. Visitors would then focus on the Nam Sang Wai side of Kam Tin River. Should disturbance from visitors overspill the capacity of the

Nam Sang Wai area, the birds being displaced could still take refuge on the other side of the river, i.e. Yau Pok Road. If a cycle track was to be built at Yau Pok Road as proposed in the present project, visitors at both sides of Kam Tin River were bound to increase. Birds would be trapped along the river channel which was undesirable from environmental viewpoint. In fact, villagers and cyclists could still use Yau Pok Road even without the cycle track. Another Member supported the proposal in reserving Yau Pok Road as a possible refuge for the bird community.

46. A Member pointed out that both Yau Pok Road and Nam Sang Wai Road were carriageways ending in cul-de-sacs. A bridge connecting the roads that could accommodate heavy vehicles would be very dangerous and should be deterred. He opined that if the bridge proposal was to reduce conflicts between vehicles and cyclists, the situation could be improved by way of traffic management such as education to harmonize road co-use in the area. This should prove sufficient to meet the demand of vehicular traffic by local villagers. In parallel, the Government should restrict vehicular access to the two roads through a licence control similar to that at the entrance to the Sai Kung Country Park. He opined that provision of cycle tracks without controlling the number of visitors to the area would only encourage more drive-in visitors. This would be a vicious circle as the increase in road space would never be able to catch up with the demand.

47. A Member noted that the rationale for the cycle track section at Yau Pok Road was on safety concern, and consequently to complete the cycle track network with Pok Wai Road South. Nevertheless, the project proponent team had not demonstrated the degree of the conflicts. She agreed with another Member that traffic data about the conflicts would assist Members to assess the necessity of the cycle track section at Yau Pok Road. Further, Members were not advised on the expected date of completion of the whole cycle track network. That might affect the timing for bringing in the cycle track section at Yau Pok Road.

48. The Chairperson summarized the main concerns of Members below and requested the project proponent team to provide further information on the project:

(i) Assessment of the impact of additional visitors to the area, and the mitigation measures to tackle the impact of the increase of human activities on the ecology of the area;
(ii) Justification on the need of the bridge crossing at Shan Pui River; and if built, whether the size of the bridge could be reduced taking into account EVA requirement and other regulations so as to reduce the potential ecological and visual impacts
(iii) Demonstration that the proposed compensation area for the loss of wetland habitat as a result of the proposed bridge was the appropriate and only location to be designated for compensation and that the area had been properly treated; and
(iv) Practicability of taking out the cycle track section at Yau Pok Road from the present project, with further consideration on other means to resolve

the conflicts between vehicles and cyclists so as to reduce the potential ecological impact.

49. Mr Y K Chan gave his views in response to the ecological concerns raised by Members. According to the Study Brief, the project proponent was required to assess the ecological impact due to increase in human activities based on the scenario where the largest number of water birds found in the project site coincided with the peak flow of visitors to the area. In this regard, the project proponent team had made an assessment on the disturbance on weekdays, which they explained was the time where most water birds gathered in the area when there should be less human disturbance. The project proponent team had conducted the survey in a qualitative manner, i.e. the worst case scenario, while Members would like to have a more quantitative analysis on the expected number of visitors at peak flow. Further, the project proponent team had made an assessment on the ecological impact of the proposed bridge at Shan Pui River based on the importance of the habitat which they rated as moderate to high, and provided mitigation measures accordingly. On compensation, Mr Chan opined that any impact due to presence of the bridge could not be mitigated completely from a like-to-like angle, but Members would need to consider whether the residual impacts were acceptable. The project proponent team had recommended mitigation measures such as visual screens to minimize disturbance impacts during operational phase, and provided additional feeding opportunity to waterbirds in the form of compensation wetland. Members had to come up with solid arguments to counter the project proponent's assessment if they considered the information in the EIA report problematic.

50. Mr Y K Chan added that the EIAO Guidance Note provided guidance on how to do ecological survey and assessment. The Guidance Note provided that it would not be practical and cost effective for the baseline survey to provide exhaustive ecological information but to provide insight into the ecological function and importance of the habitat in question. The very purpose of an ecological survey was to reveal the ecological profile of the study area to facilitate subsequent impact assessment and mitigation. In essence, there was no ground to reject the methodologies adopted in an ecological survey so long as the survey was robust and scientifically sound. On this, a Member agreed that the project proponent team could not be challenged on how they conducted the assessment at this stage if they had followed all the requirements as stated in the Study Brief.

51. Mr. K F Tang advised the meeting that the EIASC should decide on whether to endorse the report, endorse the report with condition, or reject the report. Nevertheless, in view of the outstanding issues that had to be addressed before Members could consider whether to endorse the EIA report, Mr K F Tang proposed two possible approaches to take forward the matter. The first approach was to require the project proponent team to provide all required information before the next ACE meeting scheduled on 20 May, and deferred the decision to the full Council for consideration. This was considered not practicable in view of the many issues of concern that they had been requested to clarify and address. The other approach was

for DEP to exercise her authority under the EIAO to require the project proponent team to provide further information having regard to comments received from ACE and/or the public. They could take whatever time they required to provide the information. The further information could be presented before the EIA Subcommittee or ACE for comments before formal submission to EPD. This would allow sufficient time for both the project proponent team and EIA Subcommittee/ ACE to study and consider the report. The meeting agreed with the latter approach.

Item 4: Any other business

Tentative items for discussion at the next meeting

52. The Chairperson informed Members that the following three EIA reports covering the same public works project were scheduled for submission at the next meeting.

(i) Central Kowloon Route *(Highways Department as the project proponent)*
(ii) Cross Bay Link, Tseung Kwan O *(CEDD as the project proponent)*
(iii) Tseung Kwan O-Lam Tin Tunnel and associated works *(CEDD as the project proponent)*

53. The Chairperson informed the meeting that she had been approached by one of the project proponents of the above reports for a meeting before the EIA Subcommittee met in May 2013. She had declined the invitation in view of maintaining impartiality in her capacity as the Chairperson of the Subcommittee. She advised Members to decide whether to take on invitations of this nature should they be approached by project proponents in future, and that any acceptance should be made in their personal capacity.

Item 5: Date of next meeting

54. The Chairperson informed Members that the next meeting was scheduled on 27 May 2013.

EIA Subcommittee Secretariat
May 2013