

**Confirmed Minutes of the 139th Meeting of
the Environmental Impact Assessment Subcommittee
on 14 August 2017 at 2:00 pm**

Present:

Professor TAM Fung-ye, Nora, B.B.S., J.P. (Chairperson)

Dr HUNG Wing-tat, M.H. (Deputy Chairman)

Ir Cary CHAN, J.P.

Dr Billy HAU

Dr Michael LAU

Mr Andrew LEE

Professor Albert LEE

Professor Kenneth LEUNG

Ir Professor Irene LO, J.P.

Ir MA Lee-tak, S.B.S.

Professor John NG

Dr Eric TSANG

Mr Luther WONG, J.P.

Professor WONG Sze-chun, B.B.S., J.P.

Ms Becky LAM (Secretary)

Absent with Apologies:

Ms Julia LAU

Ir Michelle TANG

Mr Simon WONG, J.P.

In Attendance:

Mrs Alice CHEUNG, JP

Deputy Director of Environmental Protection (3),
Environmental Protection Department (EPD)

Mr C F WONG

Ag. Assistant Director (Environmental Assessment),
EPD

Mr Simon CHAN

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

Mr Tony CHEUNG

Principal Environmental Protection Officer (Metro
Assessment), EPD

Mr Lawrence NGO

Ag. Principal Environmental Protection Officer
(Regional Assessment), EPD

Mr Simon HO

Senior Environmental Protection Officer (Regional
Assessment) 5, EPD

Ms Louise LI

Senior Fisheries Officer (Fisheries Management) ,
AFCD

Mr Philip YIP

Environmental Protection Officer (Regional

Miss Dora CHU
Miss Apple LEUNG

Assessment)52, EPD
Executive Officer (CBD) 1, EPD
Executive Officer (CBD) 2, EPD

Project Proponent Team
*The Hongkong Electric
Company Ltd.*

Mr K O FAN, Chief Civil Engineer
Mr K T HUNG, Senior Civil Engineer
Mr Tony YAU, Civil Engineer
Mr John LIAUW, Senior Manager
Mr Kenneth FUNG, Assistant Manager

*Mott MacDonald Hong Kong
Ltd.*

Mr Eric CHING, Director – Environment
Miss Julia CHAN, Associate Director
Miss Dulcie CHAN, Senior Environmental
Consultant

In Attendance for Item 3:

Ms Mable CHAN
Senior Environmental Protection Officer (Metro
Assessment) 1, EPD

Action

The Chairperson welcomed Members to the meeting and informed that apologies of absence had been received from Ms Julia Lau, Ir Michelle Tang and Mr Simon Wong.

Item 1: Matters arising

2. The Chairperson informed Members that the EIASC last met on 20 February 2017 to discuss the Environmental Impact Assessment (EIA) reports on “Outlying Islands Sewerage Stage 2 - South Lantau Sewerage Works” and “Outlying Islands Sewerage Stage 2 - Upgrading of Tai O Sewage Collection, Treatment and Disposal Facilities”. The minutes of the meeting had been confirmed by circulation and uploaded onto the website of ACE, and the information on the approval of the two EIA reports with conditions was circulated to all ACE Members on 4 May 2017.

Item 2 : Discussion on the EIA report on “Improvement Dredging for Lamma Power Station Navigation Channel”
(ACE-EIA Paper 3/2017)

3. The Chairperson advised that the meeting would discuss the EIA report on “Improvement Dredging for Lamma Power Station Navigation Channel”. During the public inspection period of the report from 9 June to 8 July 2017, a total of four

public comments had been received by EPD and the gist of major issues/concerns had been circulated to Members before the meeting.

4. The Chairperson informed that the discussion would be divided into the Presentation and Question-and-Answer Session which would be opened to the public while the Internal Discussion Session would remain closed.
5. The Chairperson invited declaration of interest from Members. A Member, being a member of the World Wide Fund (WWF), advised that WWF had submitted comments to EPD on the EIA report to be discussed. The meeting agreed that the Member could stay on and continue participating in the discussion.
6. The Chairperson reminded Members to keep confidentiality of the discussion on the EIA report to be discussed.

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

Presentation Session (Open Session)

7. Mr K O Fan gave an opening remark and with the aid of a powerpoint presentation, Mr Eric Ching and Miss Julia Chan briefed Members on the background and need of the project, key findings of the EIA and public concerns raised during the public inspection period.

Question-and-Answer Session (Open Session)

Need of the project

8. In reply to a Member's written questions, Mr Eric Ching explained that the vessels delivering coal to the Lamma Power Station (LPS) were around 70,000 to 90,000 metric tonnes (MT) with a draft up to 14.6 m. As stated in the Marine Department (MD) berthing guidelines, for vessels with a draft of 14.6 m, a 15% under-keel clearance should be added equating to a total required water depth of 16.79 m for all vessel berthing. Taking into account of the mean sea level at Lamma Island, a minimum seabed level of -15.65 mPD must be maintained at all times during vessel movement and berthing and a channel depth of -16.5 mPD was proposed to allow sufficient buffer for fulfilling the MD's requirement on the minimum seabed level and avoiding the need for the widening of slopes. Mr Ching advised that as the width of the existing LPS Navigation Channel (the Channel) ranged from 260 m to 690 m, no widening of the Channel was required. While the Channel was used primarily by vessels of the Hongkong Electric Company Ltd (HKE) to deliver coal to LPS, non-HKE vessels were not prohibited from using this Channel. He remarked that the natural depth of the southern section of the Channel was able to meet the requirements stipulated by MD and therefore was not included as part of the project area.

9. Considering that the improvement dredgings of the Channel in the past

should be designated projects under the EIA Ordinance (EIAO), a Member enquired whether EIAs were conducted for the relevant construction works and recurrent dredging works. Mr Eric Ching explained that the first improvement dredging was conducted in 1990 before the enactment of the EIAO. While an EIA was conducted for the second improvement dredging of the Channel in 2003 and 2004, the Environmental Permit (EP) did not cover recurrent dredging events. Subsequent high spot dredging had been conducted to meet the requirement on the minimum channel depth stipulated by the MD in 2008 and to address imminent safety risks within the Channel. These events only involved small dredging quantities and did not constitute designated projects under EIAO. As a long-term solution, an EIA study was initiated by the project proponent in 2015 for addressing the operational and maintenance needs of the Channel.

10. Addressing a Member's concern on the possible increase in the size of vessels used for coal delivery, Mr K T Hung advised that the Berthing Guidelines promulgated by the MD as well as the berth design at LPS limited the maximum capacity of vessels to 100,000 MT which would have a maximum draft of 14.6m.

11. In view of the decreasing use of coal, a Member asked whether smaller vessels would be used in the future, thus reducing the requirement on the channel depth. While the use of natural gas would be progressively increased, Mr K O Fan advised that the use of coal was projected to account for 45% of the fuel mix in 2022 for HKE and therefore there was a need for the use and maintenance of the Channel in the foreseeable future.

Water quality impact

12. Regarding a Member's question on the dredging methods, Mr Eric Ching advised that grab dredging had been deployed primarily in projects undertaken by HKE. He assured Members that regardless of the dredging approach used, no more than five dredgers would be operated concurrently, thereby limiting the affected area to no more than 20 hectares (ha) at any one time. Mr Ching mentioned that the use of trailer suction hopper dredgers (TSHD) was associated with a lower dispersion of sediment plume as suspended solids (SS) were released nearer to the seabed. Alternatively, while the use of grab dredgers might lead to SS release throughout the water column, it could enable more accurate dredging at isolated high spots and slopes along the Channel, thereby reducing the dredged quantity. Based on the water quality modelling results, the maximum permitted dredging rates had been identified for each type of dredger to minimize the negative impacts to the environment.

13. Mr Eric Ching further advised that the first re-profiling of the Channel was estimated to generate up to 3.2 Mm³ of marine sediments. With recurrent dredging of localized high spots to be conducted about once every four years which would generate up to 0.9 Mm³ each time, re-profiling of the Channel with a dredging quantity of up to 2.9 Mm³ could be delayed to about every 10 or more years. A Member suggested HKE review the maintenance dredging strategy of the

Channel and consider conducting dredging more frequently with a view to reducing the need for re-profiling of the Channel.

14. Addressing a Member's enquiry regarding the monitoring of water quality, Miss Dulcie Chan said that a water quality monitoring programme had been included in the Environmental Monitoring and Audit (EM&A) Manual which would measure various parameters such as dissolved oxygen (DO) and SS. Baseline monitoring would also be conducted prior to each dredging event to provide updated information for the setting of action and limit levels. Should there be exceedances found to be project-related, the maximum allowable hourly dredging rates would be reduced according to the proposed mechanism. A total of 16 water quality monitoring stations, including reference stations, control stations and those representing different types of sensitive receivers, were proposed for monitoring the water quality during the construction phase.

15. A Member opined with the support of three other Members that there was a need to have additional water quality monitoring stations at the project site boundary. Mr Eric Ching explained that most of the monitoring stations were at locations near to water sensitive receivers (WSRs), including beaches / seawater intakes, ecological sensitive marine habitats and fish culture zones. He mentioned that the Finless Porpoise was recorded to have a low density of usage in the project area, and the occurrence of Green Turtles in the project area was considered scarce. Notwithstanding the foregoing, a temporary habitat loss in the project area would be assumed and precautionary measures had been proposed to minimize the potential impacts of the project on species of conservation concern. These measures would include setting maximum allowable dredging rates and implementing a maximum speed limit of 10 knots for barges in south and east Lamma waters.

16. Miss Dulcie Chan supplemented that the project proponent was required to re-establish baseline conditions of water quality parameters and review the locations of WSRs prior to the commencement of each improvement dredging works as stipulated in the EM&A manual. If necessary, the Environmental Team responsible for conducting the EM&A programme could recommend the setting up of additional water quality monitoring stations.

17. A Member opined that the setting up of water quality monitoring stations in the close vicinity of the project boundary could reduce the time lag for sediment plumes to reach the stations and to expedite alleviation actions. Mr Eric Ching explained that some of the monitoring stations would be installed in close proximity to the project boundary which enabled the early detection of SS release. Furthermore, an action level was set below the limit level with a view to facilitating timely actions to avoid significant water quality and ecological impacts. He pointed out that it was impractical to set up a monitoring station within the project site as the dredging works would inevitably generate SS release at the project site that might cause false alarm of the event and actions to be taken.

18. A Member opined that the action and limit levels for monitoring stations at the project site boundary could be set higher than those representing the WSRs. Another Member followed that many overseas projects used line-transect surveys to monitor the dispersion of sediment plumes from the project site to sensitive receivers. This could facilitate better understanding of and analysis on the area of impact, the influence of tidal movement on the dispersion, as well as the effectiveness of the mitigation measures. He opined that it was acceptable for the concentrations of contaminants to be higher within the mixing zone.

19. A Member suggested that there was a need to include contaminants of emerging concern as parameters of the sediment quality studies. Some examples included brominated flame retardants and endocrine disruptors such as bis-phenol-A, which were often found in high concentrations in the sediment of Hong Kong waters. With reference to the elutriation test results which indicated that the total inorganic nitrogen (TIN) and unionised ammonia (UIA) levels exceeded the water quality criteria, the Member sought for clarification on the rationale of using one single conversion factor of 11.3% for calculating UIA. He mentioned that the rate of conversion of TIN into UIA was affected by the temperature, salinity and acidity, and there were literature showing that the rate was especially high during the summer.

20. Miss Dulcie Chan informed that the Dumping at Sea Ordinance (DASO) had stipulated the sediment quality parameters and criteria for the classification of sediment via the promulgation of the Technical Circular (Works) No. 34/2002 (the Circular). The project proponent had fulfilled all requirements stipulated in the Circular in its application for approval of dredging and marine disposal of sediment. Regarding the calculation of the UIA, she explained that the temperature, salinity and acidity in different months had been taken into account, and the UIA factor of 11.3% reflected the highest rate of conversion throughout the year, i.e. in the summer.

21. As the latest sediment quality study was conducted in 2014, a Member considered it necessary to update the baseline sediment quality condition and review the classification of sediment. She opined that the modelling results involved too many assumptions and uncertainties, and therefore suggested that action and limit levels for DO and metals should be drawn up as the changes in concentrations of these parameters could be detrimental to aquatic life.

22. Miss Dulcie Chan replied that a new sediment quality study would be conducted in compliance with DASO before the commencement of works in 2019. She said that safeguards on water quality for recurrent dredging events were provided in the EM&A manual. On top of baseline monitoring and reviewing WSR locations, the baseline sediment quality conditions would be assessed by means of sediment sampling and elutriation test prior to each dredging event, and the findings would be compared to that of the EIA for the recommendation of further analysis and/or undertaking of additional mitigation measures. Besides, mandatory reduction of maximum allowable dredging rates or temporary

“stop-works” requirement would be imposed when exceedances were identified. Miss Chan added that the water quality monitoring programme included SS, DO and other parameters.

23. A Member enquired and Miss Dulcie Chan replied in the affirmative that planned and committed projects in the vicinity of Lamma Island had been taken into account for assessment of cumulative water quality impact as reflected in the EIA study.

Marine ecological impact

24. In response to a Member's written question regarding the survey effort within the project area, Miss Julia Chan said that desktop literature review had been carried out to establish the preliminary baseline conditions and general ecological profile of the marine environment for the project. The review included the long-term research and monitoring programme of marine mammals in Hong Kong commissioned by the Agriculture, Fisheries and Conservation Department (AFCD), AFCD's consultancy study on the marine benthic communities in Hong Kong, as well as approved EIA of relevant projects. Soft-bottom benthic grab samplings, coral dive survey and intertidal survey had been conducted between 2014 and early 2016 to address the information gap identified during the review.

25. Miss Julia Chan explained that while the coral dive survey had recorded more than 10 hard coral species along the rocky shores at the beaches, the coral cover was below 5%. At the sloping artificial seawalls along the LPS, only one hard coral species was recorded with low coral cover, i.e. below 1%. No rare or endangered coral species were recorded within or in the vicinity of the project area.

26. A Member suggested HKE strengthen its support on marine conservation with a view of preserving and enhancing the marine ecology within the project site.

27. A Member opined that the dredging activities should be capped at a certain rate of SS release. Miss Dulcie Chan explained that maximum allowable hourly dredging rates in different seasons and in different zones of the project site had been identified for each type of dredger to ensure there would not be significant impacts on water and ecological sensitive receivers. For concurrent dredging in different zones, all dredgers would be required to comply with the lowest allowable dredging rate among the active zones.

28. A Member enquired and Miss Julia Chan replied in the affirmative that barges travelling to and from the project site could avoid the Sham Wan turtle nesting area.

29. Given that Finless Porpoise was hard to be detected by vessel transect surveys as they lacked a dorsal fin and were grey in colour, a Member suggested that HKE make reference to the Three-Runway System project which made use of underwater passive acoustic monitoring (PAM) to track the activity of Chinese

White Dolphins. He also drew Members' attention to a research conducted by the University of Amsterdam which discovered via the installation of PAM device that Finless Porpoises were active at the west Lamma waters, especially during the night time. Based on the findings, he opined that it was necessary for the project proponent to review the baseline information on Finless Porpoise before the commencement of works, and to consider deploying PAM device for underwater acoustic monitoring purpose during the operation phase. With the observation that the number of Finless Porpoise was in decline and was considered a species of conservation concern in the study, he considered it important to ascertain the presence rather than the density of Finless Porpoise within or near the project site. Considering that Finless Porpoises were generally more active during the night time, he further suggested that dredging works should be limited to the day time as far as practicable.

30. In reply to a Member's question regarding the nesting records of Green Turtle at Sham Wan and inter-nesting locations, Miss Julia Chan said that the latest record of Green Turtle nesting was in 2012. She added that reference had been made to available information in relevant EIA reports as well as tracking records of AFCD when establishing baseline information on the inter-nesting locations of the Green Turtle. While there were sporadic nesting of single individuals recorded at different locations near the project area, the occurrence of Green Turtles was considered to be scarce. Nevertheless, they had taken precautionary measures to address the potential marine ecological impacts. On top of the speed limit imposed on barges, they would review the locations of ecological sensitive receivers before each dredging event and avoid the dredging works in zone(s) close to the hotspot of the concerned species if deemed necessary.

31. A Member pointed out that juvenile Green Turtles released/hatched years ago might return to Hong Kong waters for breeding upon maturity. As such, he considered that it was important to keep updating the baseline information of Green Turtles.

Fisheries impact assessment

32. Considering that the fisheries impact assessment relied heavily on desktop literature review which included relevant fisheries baseline data presented in the comprehensive Port Survey 2006 conducted by AFCD in 2006, a Member remarked that the trawling ban introduced in 2012 could have possibly led to major changes in the fishing resources within the project area. He opined with the support of another Member that there was a need to conduct field surveys to update the fisheries baseline information.

33. Miss Julia Chan explained that apart from the Port Survey 2006, the desktop literature review had also made reference to relevant approved EIA studies and information on fishing resources updated annually by AFCD on its website. With a conservative approach, the assessment and recommendations were based on the assumption that there would be temporary habitat loss in all areas within the

project site with historical fishing resources, including spawning grounds and nursery areas. The spawning grounds and nursery areas within the project site only contributed to less than 1% out of the total area covered by nursery and spawning grounds recorded in Hong Kong. She considered that even if further surveys were conducted, a material change in the assessment and recommendations was unlikely. She assured Members that the project would have insignificant impact on fisheries production given that there would be restrictions on the maximum number of dredgers to be operated concurrently.

34. A Member said that an updated baseline would enable comparison between the pre- and post-dredging conditions, and thereby providing information for conducting a more precise analysis on the impact of the project and effectiveness of the mitigation measures.

35. Miss Julia Chan replied in the affirmative to a Member's enquiry that Figures 5.1 to 5.6 of the EIA report were drawn up based on the Port Survey 2006 conducted by AFCD. She said that the baseline information on fisheries resources also took into account of updated information available in other reports and publications. The Member remarked that the project was essentially using an outdated baseline of 2006 given that the annual updating by AFCD only provided statistics on fisheries production for the entire Hong Kong waters without updating information on the distribution.

36. A Member stressed the importance of using updated baseline information as the EIA covered all subsequent needs for re-profiling and high spots dredging. Mr Eric Ching replied that the project proponent had agreed to conduct baseline study on fisheries prior to each dredging event.

37. In reply to a Member's question on whether dredging works during the spawning season from April to November could be avoided, Miss Julia Chan said that imposing a "stop-works" requirement in these months would significantly extend the time required for dredging.

Waste Management Impact Assessment

38. A Member suggested the project proponent consider other alternatives, such as exploring the use of the dredged sediment by concurrent projects as fill materials.

Conclusion

39. There being no further questions from Members, the Chairperson thanked the project proponent team for their presentation and clarification on the project.

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

Internal Discussion Session

40. The Chairperson advised that the EIA Subcommittee might make recommendations to 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 – highlight issues or reasons for not reaching a consensus or issues to be further considered by the full Council; or
- (iv) reject the EIA report and inform the project proponent of the right to go to the full Council.

Water quality impact

41. Due to the environmental impact associated with recurrent dredging, a Member suggested and Members agreed to impose a condition to review the maintenance dredging strategy of the Channel such that dredging would be conducted more frequently with a view to reducing the need for large scale dredging of the Channel during the operation phase. Should re-profiling of the Channel with estimated dredging quantity of around 2.9Mm³ be required during the operation phase, the project proponent should devise a detailed plan with clear justification on why frequent small scale dredging would not be feasible. The plan should be provided to the Advisory Council on the Environment (ACE) for comment prior to submission to the Director of Environmental Protection (DEP) for approval before commencement of works.

42. On the need to include emerging contaminants as sediment quality parameters in the EIA, a Member suggested and another Member concurred that the Government should consider reviewing and updating DASO such that future EIAs would assess these contaminants as a requirement for marine disposal of sediment. Mr C F Wong said that the project proponent had satisfied the requirements of the water quality impact assessment, including DASO requirements, as stipulated by the EIAO TM (TM). However, he said that further information could be provided in relation to the latest development of DASO for Members' reference. The Chairperson advised that it would be appropriate for EPD to provide further information in relation to the matter, given that the discussion at the meeting should focus on the concerned EIA report. However, she acknowledged that a forward-looking approach and review of legislation in relation to the control on marine dumping was important to keep abreast with the development.

EPD

43. The Chairperson proposed and Members agreed that the project proponent should submit a plan to review the baseline sediment quality conditions before each dredging.

44. The Chairperson suggested and Members agreed that a condition should

be imposed on the project proponent to provide extra water quality monitoring stations adjacent to the project site boundary in addition to the proposed stations near to water quality sensitive receivers. The exact locations of the additional monitoring stations and the relevant event action plan should be submitted to the DEP for approval before each dredging.

Marine ecological impact

45. A Member proposed to include the use of PAM in conducting ecological baseline studies to assess the impact of the dredging works on Finless Porpoise. Mr Simon Chan said that the use of PAM was still under experiment by AFCD and the effectiveness of the technology and whether it was applicable to the waters concerned had to be further assessed. He added that the density of Finless Porpoise in the project area was low and new technology for monitoring might be developed in future. The Chairperson concurred that more advanced technology might become available in future and thus flexibility should be allowed in undertaking the ecological baseline studies by the project proponent. She proposed to impose a condition to conduct marine ecological and fisheries baseline review before commencement of each dredging. The marine ecological baseline review should cover species of conservation concern including but not limited to Green Turtle and Finless Porpoise. In preparing the detailed baseline report, the Director of Agriculture, Fisheries and Conservation should be consulted and the report should be submitted to the DEP for approval before each dredging.

46. A Member further suggested imposing a condition on project proponent as regards the impact of dredging to Finless Porpoise in the project area, in particular at night and during their active seasons from March to May. Considering that the avoidance of dredging at night might prolong the duration of the operation and potentially cause further disturbance to ecology, the Chairperson proposed and Members agreed to recommend the project proponent to closely monitor the presence and movement of Finless Porpoise within the project area and avoid dredging operations in the night time and active seasons of the Finless Porpoise as far as practicable.

47. To minimize disturbance impact on marine ecology, a Member suggested with the concurrence of Members to recommend the project proponent to consider the use of trailer suction hopper dredgers for project areas not within nursery and/or spawning grounds with a view to minimizing the negative impacts due to disturbance of sediment.

48. The Chairperson proposed and Members agreed to recommend the project proponent to strengthen efforts on marine conservation with a view to preserving and enhancing the marine ecology within the project site.

Fisheries resources

49. As regards fishing resources, Ms Louise Li said AFCD was currently

conducting a fisheries resources survey and the results would be publicized once available. Given that the proposed dredging site had been a channel with adequate depth for frequent use by large coal delivery vessels before and after the trawling ban, she considered the impact on fisheries after the implementation of trawling ban would be minimal.

Waste Management Impact

50. On the generation of dredged sediment by the project, the Chairperson proposed to recommend the project proponent to explore the use of the dredged sediment generated from the project site for use by concurrent projects as fill materials as far as practicable.

Conclusion

51. The meeting agreed that the project proponent team would not be required to attend the full Council meeting scheduled on 4 September for the report.

[Post meeting note: The list of proposed conditions and recommendations were circulated to Members for comments on 22 August 2017.]

Item 3 : Any other business

Roles of ACE in relation to the implementation of the Environmental Impact Assessment Ordinance (EIAO)

52. The Chairperson informed that at its meeting held on 3 April 2017, the ACE discussed the roles of ACE in relation to the implementation of the EIAO (ACE Paper 7/2017), and agreed that the Subcommittee would further deliberate the matter.

Role of ACE in relation to the provision of comments on project profiles

53. Mr Tony Cheung recapped that pursuant to the EIAO, the ACE should provide comments on the environmental issues of the project profiles of the designated project within 14 days of its being advertised. A Member opined that the role played by ACE in providing comments on project profiles within 14 days should be strengthened, given this role was explicitly stated in the EIAO. In view of the 14-day time constraint, he suggested appointing leading Members to study the key aspects of the concerned project profile and provide comments upon their relevant expertise.

54. A Member suggested that if individual Members submitted their comments to DEP within the 14-day timeframe, their comments and specific areas of concern could be summarized for possible general discussion at the next ACE meeting. As such, the comments made by Members of the ACE on project profiles could be recorded in the minutes of meetings, and any further feedback of the

general discussion could be put forward for EPD's consideration in drawing up EIA study brief in future.

55. Mr C F Wong informed Members that EPD did receive comments on project profiles from individual ACE members in the past. He explained that all comments received from ACE Members on project profiles were given due consideration by EPD. He further said that EPD would internally review and assess the applicability of each comment. According to past experience, comments and suggestions raised generally focused on the adequacy of information, the scope of assessment and the identification of sensitive receivers in the project profile. If insufficient information was provided by the project proponent, the project proponent would be requested to provide further information if it was available. Otherwise they would be required to provide the information at the early stage of the EIA process.

56. The Chairperson concurred that given the tight schedule for consultation, it was not practical for the Subcommittee to provide a collective view within the 14-day statutory timeframe. Even if that was practical, the Subcommittee could not represent the Full Council. The Chairperson therefore concluded that ACE would not provide a collective view on project profile to DEP. Nonetheless, she encouraged Members to send individual comments to DEP and copy to other Members for reference. This could facilitate Members' exchange of views and the Secretariat's compilation of comments, and the Secretariat would then arrange a full set of individual comments and the corresponding EIA Study Brief issued under the EIAO for reference by the ACE Full Council. The matter could be deliberated under "Any other business" at the next upcoming Council meeting if needed. The Chairperson remarked on the importance of maintaining an interactive process between EPD and ACE Members in respect of comments submitted on project profiles, such that Members could be better informed of EPD's consideration before discussion of the EIA report submitted under the EIAO.

Secretariat

EPD

Reviewing the enforcement of EP conditions

57. A Member proposed to undertake a review on the non-compliant cases with EP conditions so that the Subcommittee could better discharge its advisory role in making recommendations to ACE. In response, Mr C F Wong informed Members that the EP conditions, including those recommended by ACE, were reasonable and feasible. In the event that project proponents could not fully implement certain EP conditions, such as adjusting the project designs or mitigation measures to suit the actual site conditions, there were provisions under the EIAO for project proponents to apply for a variation of the conditions of the Environmental Permit (VEP) provided that there were no material changes to the environmental impact of the project and the project still complied with the requirements described in the TM. Mr Wong agreed that EPD could provide a list of recent VEPs for designated projects endorsed by ACE in the past for Members' reference.

EPD

Reviewing the effectiveness of mitigation measures

58. A Member suggested conducting a review to assess the effectiveness of different ecological mitigation measures with a view to maximising the efficiency and effectiveness in recommending mitigation measures to the project proponents and to facilitate future follow-up action during project implementation.

59. A Member concurred and suggested that since ecological mitigation measures were often implemented over a time span, they should be further assessed to facilitate the commitment to implement more effective mitigation measures by project proponents and/or consultants under different circumstances and in face of changes throughout the project life cycle.

60. A Member supported such a review as this might bring greater innovation in devising more effective and focused mitigation measures in future projects. To facilitate an adequate assessment of mitigation measures, another Member suggested that the assessment of the overall quality of the measure implemented should be taken into consideration.

61. Mr C F Wong informed Members that EPD and AFCD were carrying out review on the respective EIAO Guidance Notes and would consult ACE on the preliminary findings in due course. A Member supported the review of the guidance notes and suggested exploring the opportunity to include additional sediment quality parameters such that project proponents / consultants could take that into consideration when undertaking EIAs in future. EPD

Presentation of EIA report by project proponents

62. A Member suggested specifying requirements for the project proponents in conducting a Presentation Session for Subcommittee on the said EIA report. He proposed to include the project overview, scope of assessment in the EIA study, methodology in particular field survey conducted, and summary of EIA findings. Another Member concurred that further clarification was needed from the project proponents by including the survey methodology such as the sampling size and frequency, and personnel for conducting the EIA in their presentation.

63. Mr C F Wong said that a template could be drawn up to provide guidelines on the content and sequence of the presentation conducted by the project proponents. EPD

64. A Member suggested the Government consider developing a mechanism to provide more information regarding compliance of EP on specific environmental issues when a special case that had attracted widespread attention from the public and the media arose. The Chairperson referred Members to the discussion of the matter at the 222nd ACE meeting on 3 April 2017. She reminded the meeting that EPD had assured Members that they would coordinate with relevant parties to see the best way in meeting Members' request for further

information should such special cases arise.

Item 4 : Date of next meeting

65. The Chairperson advised Members that the next Subcommittee meeting was scheduled on 11 September 2017 to discuss two EIA reports on “Siu Ho Wan Station and Siu Ho Wan Depot Replanning Works” and “Proposed Comprehensive Residential and Commercial Development atop Siu Ho Wan Depot”. Members would be advised on the agenda in due course.

**EIA Subcommittee Secretariat
September 2017**