

**Confirmed Minutes of the 187th Meeting of
the Advisory Council on the Environment
held on 16 July 2012 at 2:30 pm**

Present:

Prof Paul LAM, JP (Chairman)
Prof CHAU Kwai-cheong, JP (Deputy Chairman)
Ms Teresa AU
Dr Dorothy CHAN, BBS
Mr Oscar CHOW
Prof FUNG Tung
Ms Betty HO
Mr Edwin LAU, MH
Ir Dr LO Wai-kwok, BBS, MH, JP
Dr MAN Chi-sum, JP
Prof Joseph LEE
Miss Yolanda NG
Dr Alfred TAM
Mr TSANG Kam-lam, JP
Dr Carrie WILLIS
Mr Simon WONG, JP
Ms Pansy YAU
Dr Ray YEP
Prof Ignatius YU
Mr Andrew LAI, JP (Secretary)

Absent with Apologies:

Mr Michael JEBSEN, BBS
Prof LI Xiang-dong
Dr YAU Wing-kwong

In Attendance:

Ms Anissa WONG, JP	Permanent Secretary for the Environment/ Director of Environmental Protection
Mr Y K CHAN	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr LING Chi-tak	Assistant Director of Planning/Technical Services, Planning Department (PlanD)

Ms Esther LI	Principal Information Officer, Environmental Protection Department (EPD)
Miss Evelyn LEUNG	Chief Executive Officer (CBD), EPD
Ms Joanne CHIN	Executive Officer (CBD), EPD
Ms Daicie TONG	Executive Manager (CBD), EPD

In Attendance for Agenda Item 3:

Mr M T LAW	Chief Engineer/Project 2 (NTN&W), Civil Engineering and Development Department (CEDD)
Mr Y P HUNG	Senior Engineer/8 (NTN&W), CEDD
Mr Martin TANG	Engineer/2 (NTN&W), CEDD
Ms Amy CHEUNG	Chief Town Planner/Studies and Research, PlanD
Mr C M LI	Senior Town Planner/NDA, PlanD
Mr Vincent CHENG	Consultant, Ove Arup & Partners Hong Kong Ltd.
Mr Davis LEE	Consultant, Ove Arup & Partners Hong Kong Ltd
Mr Michael LEVEN	Consultant, Ove Arup & Partners Hong Kong Ltd
Mr Thomas CHAN	Consultant, Ove Arup & Partners Hong Kong Ltd
Mr LEE Wai-lam	Consultant, Ove Arup & Partners Hong Kong Ltd

In Attendance for Agenda Item 4:

Mr Albert LAM, JP	Deputy Director, EPD
Mr C W TSE, JP	Assistant Director (Environmental Assessment), EPD

Action

Agenda Item 1 : Confirmation of the draft minutes of the 186th meeting held on 19 March 2012

The draft minutes were confirmed without amendments.

Agenda Item 2 : Matters arising from the minutes of the 186th meeting held on 19 March 2012

2. There were no matters arising from the minutes of the last meeting.

Agenda Item 3 : North East New Territories New Development Areas Planning and Engineering Study Stage Three Public Engagement (ACE Paper 7/2012)

3. Mr M T Law briefed Members on the proposed Recommended Outline

Development Plans (RODPs) formulated for the three New Development Areas (NDAs), i.e. Kwu Tung North (KTN), Fanling North (FLN) and Ping Che/Ta Kwu Ling (PC/TKL) under the Stage Three Public Engagement of the North East New Territories New Development Areas Planning and Engineering Study (the Study). The Study was jointly commissioned by the Civil Engineering and Development Department (CEDD) and the Planning Department (PlanD) to establish a planning and development framework for the NDAs to meet long-term housing, social, economic and environmental needs. Mr Lee Wai-lam drew Members' attention to the changes made in the RODPs in response to the comments/views raised by the Council and members of the public during the former two stages of public engagement. He said that the project team was preparing the Environmental Impact Assessment (EIA) study report on the project. The EIA report would be submitted for approval under the EIA Ordinance (EIAO) in October/November 2012. The NDAs would be implemented in phases. Construction works for the advance works were expected to commence in 2017. The first population intake would be expected in 2022. The three NDAs were expected for completion by 2031.

Transportation system and promotion of cycling as a mode of transport

4. A Member urged the project team to be more vigilant in pursuing green initiatives in planning the new generation of new towns. She suggested the team to further explore: (i) potential demand from private electric vehicles in addition to electric buses when planning the provision of electricity charging facilities in the areas; (ii) a system for providing a more equitable sharing of public space that would favour transport which consumed less energy, created less pollution and took up less spatial requirements; and (iii) a cycle hiring scheme through which residents could park their bicycles at rail stations or public transport interchanges, thereby enhancing their interest to change to mass transit for commuting between and outside the NDAs.

5. In reply, Mr M T Law said that the key design concept of the NDAs was a public transport based development. Under the rail-based approach, more than 80% of the population in KTN NDA would reside within 500 m of the proposed railway station. Residential clusters in FLN NDA would be conveniently served by major public transport interchanges. All these were designed to encourage people to use public transport within the NDAs. With regard to the cycle hiring proposal, he said that such proposal had not been included in the current design as the Government had yet to decide on promoting this mode of transport. Nevertheless, a comprehensive cycling and pedestrian network would be proposed for the three NDAs. The project team

would look into the proposal in greater details at a later stage with an aim to promoting more cycling by the residents within the areas.

6. Three Members echoed the views that cycling should be supported as a mode of green transport within the NDAs. The Government should also use this opportunity to demonstrate the “green benefits” for making cycling being a mode of transport in the community for other development areas.

7. In response to a Member's enquiry on the standards for the provision of bicycle parking spaces, Ms Amy Cheung pointed out that the current planning standards and guidelines had provided for bicycle parking spaces within residential developments which had cycle tracks connected to nearby rail stations. Such requirements would be incorporated in the sales conditions for development sites within the three NDAs, subject to Transport Department's advice. A Member remarked that there was insufficient provision of bicycle parking spaces along the East Rail Line. He urged the project team to design adequate bicycle parking spaces adjacent to public transport hubs. A Member echoed that there were no park-and-ride facilities for Fanling, and those in Sheung Shui had already reached their capacity.

8. A Member proposed that in order to reduce traffic congestion and carbon emission in the three NDAs, the Government could consider building a light rail to connect the Spur Line to the KTN and PC/TKL NDAs which were further away from the rail line.

9. With regard to the proposed residential developments around major transport stations/interchanges, a Member considered that the clustering of building developments and road hubs would increase concentration of air pollutants. There was medical evidence to show that residents living close to heavy transport routes had a higher incidence of developing allergies and respiratory problems. Mr M T Law replied that the project team was planning an environmentally-friendly transportation system in the NDAs, one of the proposals being the introduction of electric buses. He further pointed out that the proposed town centre of KTN NDA was intended to be a car-free zone. The project team would take into account a Member's comments when working out the detailed design.

10. A Member reminded that the Government should not underestimate the potential demand for commuting between and outside the NDAs, as a substantial portion of job openings, especially those knowledge-based job opportunities generated by the six industries, might be taken up by people

residing outside the NDAs. A Member echoed her concern that consideration should be given to integrate the three NDAs with neighbouring regions so as to attract investments to the industries that were planned in the northern part of the NDAs. Mr M T Law replied that they had completed a traffic impact assessment (TIA) on the traffic needs arising from the NDAs both within and outside the NDAs. Using PC/TKL NDA as an example, a connection was proposed to the Liantang/Heung Yuen Wai Boundary Control Point Connecting Road and the section of existing Ping Che Road within the NDA would be upgraded to connect to Sha Tau Kok Road and Lin Ma Hang Road. The connectivity of PC/TKL NDA with the outside areas should be adequate to meet future needs.

11. In response to a Member's question on the need to widen Sha Tau Kok Road to cater for the expected increase in traffic demand, Mr M T Law said that two new infrastructures, i.e. the Liantang/Heung Yuen Wai Boundary Control Point Connecting Road and the proposed Fanling Bypass would divert traffic direct to Fanling Highway thereby bypassing Sha Tau Kok Road. That would help relieve traffic impact on the Sha Tau Kok Road and hence according to the TIA, no road widening works would be required.

Design and conservation of Nature Park

12. In answering the enquiry from a Member on the design of the Nature Park and the plan to preserve rurality of Long Valley, Mr Michael Leven said that Long Valley was treasured for its rural environment with the largest continuous patch of farmland in Hong Kong. Some 37 hectares of land in the core area of Long Valley were generally of high ecological value and would be designated as a Nature Park which would become a "green lung" for the KTN and FLN NDAs. In view of the sensitivity of wildlife therein, as a preliminary proposal, an access control system to the Nature Park would be introduced. A visitor centre with free access would be provided in the southern end of the Park where visiting groups could view wildlife from particular viewing points under supervision. There would be a restricted access zone in the central part of the Park where there would be a footpath network subject to a permit system to restrict the number of people entering the area. The third northern area would remain largely undisturbed, but allow visitors to view from suitable vantage points. A detailed management plan on access control into Long Valley would be developed in conjunction with stakeholders including AFCD after the EIA report was approved.

13. With regard to a Member's concern on the impact to the flight paths of

migrant birds, Mr Michael Leven assured Members that the key flight paths were along river channels and their river banks where little developments would be found. Migrant birds would not fly to the Kwu Tung North NDA as there was no suitable wildlife habitat there. At a micro level, the lighting and noise barriers would be carefully designed so as to minimize any disturbance to the migrant birds.

14. In response to a Member's enquiry about loss of wetland as a result of the development, Mr M T Law said that the loss would be less than 10 hectares. In fact, one of the considerations in designating Long Valley as a Nature Park was to compensate for the wetland loss.

15. A Member considered that there was insufficient buffer area between Long Valley and the residential area nearby, and suggested preserving Long Valley in its totality as a Nature Park for better conservation management. A Member echoed that as compared with management of country parks under the Country Parks Ordinance (Cap. 208), there appeared no statutory framework for managing the Nature Park. Mr Michael Leven replied that AFCD had agreed in principle to manage the Nature Park. The EIA report would include a preliminary management plan for Long Valley. A detailed management plan, to be prepared with inputs from other stakeholders, would be formulated under a separate study.

Housing mix and job opportunities

16. In answering the enquiry from a Member on the mechanism to prevent recurrence of the societal problems experienced in Tin Shui Wai new town, Ms Amy Cheung said that reference had been made to a study by The University of Hong Kong (HKU) commissioned by PlanD on the experience of Tin Shui Wai. The recommended development plans had proposed a balanced housing mix in the NDAs – 43% of public housing and 57% of various types of private housing. To minimize the need for residents to look for employment opportunities outside the NDAs, a fairly high portion of employment opportunities would be provided in the NDAs – more than 52 000 jobs for an estimated total population of 152 000 for the three NDAs, i.e. a ratio of around 1 to 3. This would help residents reduce the time and costs in transportation as well as work-related trips outside the NDAs. Ms Cheung further remarked that the project team was working on a development programme to tie in the completion of community facilities in the NDAs.

17. In response to a Member's concern over the relatively low job creation

noted for FLN NDA (to cater for 12% of the population only) as compared with the other two NDAs, Ms Amy Cheung said that apart from the jobs in FLN NDA, there were different employment opportunities in the Fanling/Sheung Shui New Town and the other two NDAs which were conveniently connected to FLN.

Land use planning

18. With regard to a Member's enquiries in relation to the village areas in the NDAs, Ms Amy Cheung explained that there were three recognized villages in the NDAs, namely Ho Sheung Heung Village and Yin Kong Village in KTN NDA, and Ping Che Yuen Ha Village in PC/TKL NDA, which would be kept intact. Land had also been reserved near the existing indigenous villages as "Residential Zone 4" on the RODPs for low-density housing development, which could be used for reprovisioning the affected village houses/building lots under the Village Removal Terms. These would provide a choice of development for affected building owners for relocation within the NDAs.

19. In response to the question from a Member on the reasons for zoning the area to the north and south of the Nature Park as "Agriculture", Mr Michael Leven replied that there was not much difference between "Green Belt" and "Agriculture" zones in ecological sense. The areas concerned were zoned "Agriculture" as they were primarily agricultural land. The Nature Park would showcase the blending of farming activities with nature conservation activities. The Member commented that many areas zoned "Agriculture" on the statutory plans had eventually been encroached by other developments like village houses and other uses. She urged the project team to re-consider zoning the concerned areas as "Green Belt" for a more stringent nature conservation purpose.

20. A Member also raised her concern over confining the size of "Village Type Development" ("V") zone as well as the future land use of the "Special Industrial" (SI) zone within the PC/TKL NDA. Ms Amy Cheung explained that in delineating the zoning for the three recognized villages, they had conducted a thorough analysis on the 10-year demand of small houses and the existing land supply. As a result, the areas of Ho Sheung Heung Village were expanded by 2.2 hectares to cater for the expected demand. The "V" zone boundary of the other two recognized villages would remain largely unchanged. As regards the SI zone within the PC/TKL NDA, Ms Cheung said that the project team had been working closely with concerned bureaux and departments including the Innovation and Technology Commission (ITC) on the land use,

which had been very supportive to the SI zone. There was no intention to use the area for open storage in the long term. While the proposal on land use had yet to be finalized, Members were assured that no incompatible land uses would be put together in the NDAs.

Heritage

21. In response to a Member's enquiry, Mr M T Law said that they had conducted a heritage impact assessment. All heritage and historical buildings within the NDAs would remain intact. They would look into the suggestion of extending the existing Lung Yeuk Tau Heritage Trail to cover sites of cultural value in Kwu Tung and Fanling at a later stage of their study.

Other technical matters

22. In answering a Member's enquiry regarding the use of treated effluents, Mr M T Law said that the proposed quality of the treated effluent from the NDAs would need to meet stringent requirements as it would eventually be discharged to Deep Bay which was a highly sensitive water body. The additional cost for enhancing the quality of the treated effluent to comply with the standard for non-potable uses such as toilet flushing and landscape irrigation would be relatively small. Hence, it would be more cost-effective to use the treated effluent, instead of fresh water, as flushing water in the NDAs.

23. In response to a Member's further enquiry on use of renewable energy in the NDAs and compliance with the new air quality objectives (AQOs) in the concerned EIA study, Mr Davis Lee acknowledged that the Government had suggested using renewable energy in public places with no target set at this stage. As regards the new AQOs, Mr M T Law said that the new AQOs would only come into effect in 2014 and the EIA report for the NDAs was being compiled based on the prevailing AQOs. The Member commented that specific air quality targets should be set at an early stage to ensure compliance/commitment of all concerned parties.

24. A Member advised that since NDAs were new town planning projects for some years ahead and in view of rapid change in public expectation on new town design, the project team should be more innovative in accommodating sustainable and world-class architectural designs in their plan. They should also incorporate policies advocated by the Government such as reducing waste at source and showcase the NDAs as role model for such policies.

25. The Chairman concluded that Members were generally supportive of the Government's plan to develop the three NDAs into green and sustainable communities. The Council recommended that the Government should build in more flexibility in the plan to incorporate new design concepts and to cater for introduction of new technologies etc. that could come in the years ahead.

[A Member left the meeting at this juncture.]

Agenda Item 4: Report on the 120th Environmental Impact Assessment (EIA) Subcommittee meeting
(ACE Paper 8/2012)

26. The Chairman informed Members that the paper reported on the recommendations of the Environmental Impact Assessment (EIA) Subcommittee on the EIA report on "Pilot Project for Public-Private Partnership Conservation Scheme at Sha Lo Tung Valley, Tai Po" (hereafter known as the SLT project) submitted by the project proponent Sha Lo Tung Development Company Ltd.

27. The Chairman informed Members that a Member had declared that his organization, The Green Power, in which he served as the Chief Executive Officer, was the conservation agent of the SLT project. He therefore had asked to be excused from the meeting. Another Member declared that the project proponent Mr Joseph Fong was one of her distant relatives but they rarely met. Members agreed that the Member should stay on and continue her discussion on the EIA report. The Council would further consider her position should a voting be called for on a decision of the report.

28. Members were informed that the EIA report was released for public inspection from 21 May to 19 June 2012. Public comments and submissions received by the Environment Protection Department (EPD) had been circulated to Subcommittee Members for reference before the meeting on 25 June 2012. Submissions received after the Subcommittee meeting had also been circulated to Council Members.

29. A Member, Chairman of EIA Subcommittee, reported on the recommendations of the Subcommittee that the EIA report on the SLT project could be endorsed with conditions.

30. The Chairman had Members' concurrence that the ecological values and significance of SLT Valley were beyond doubt. It would be ideal if the

whole site could be conserved in its entirety. This would allow the community to cut short all the debates which had been looming over the project in the past decades. To facilitate a more constructive discussion on the SLT project, Members were invited to express their views by considering whether the project, as it was currently proposed, was an appropriate approach on conservation management. There were also issues and areas of concern that required further deliberation to supplement those which might not have been covered at the EIA Subcommittee meeting in view of the ambit of the latter.

31. Mr Albert Lam gave a brief account of the policy background of the New Nature Conservation Policy (NNCP) and the Public-Private Partnership (PPP) Pilot Scheme. The Government promulgated NNCP in 2004 with the aim to identify practicable ways for better achieving the nature conservation objectives in general and to enhance conservation of the ecologically important sites which were mostly in private ownership in particular. Under NNCP, 12 priority sites including SLT Valley had been identified for enhanced conservation. Under PPP Pilot Scheme of NNCP, small-scale development could be allowed at the ecologically less sensitive portion of the site, provided that the project proponent undertook to conserve and manage the rest of the site that was ecologically more sensitive on a long-term basis. Mr Lam explained that the Council and its Nature Conservation Subcommittee had detailed discussions of the SLT project in 2008. The project was deemed the only proposal which had satisfied the criteria set in NNCP and could be supported. The EIA report on the SLT project was subsequently submitted for consideration under the EIAO.

32. In addressing public concerns on the relationship between implementation of NNCP and the policy in protecting country park enclaves, Mr Albert Lam noted that some might view SLT Valley as a country park enclave. There were 77 sites inside or adjacent to the country park boundaries which were delineated as country park enclaves. Following the Sai Wan incident in 2010, the Government was committed to better protecting those enclaves without statutory control, e.g. those not covered under the Outline Zoning Plan (OZP) by either including them into country parks or determining their proper uses through statutory planning. Mr Lam also explained that for the SLT project, subject to the passage of the EIA process, the project proponent would still have to go through other relevant statutory processes, e.g. change of land use through the Town Planning Board (TPB) and amendments of OZP, etc. before they could commence the project. Should any use of government land was to be involved in the project, the Government would consider the issue in accordance with the prevailing policies and procedures, and the approved land

arrangement would be subject to restrictions as stipulated in the land lease conditions etc..

33. In response to a Member's enquiry on whether the proposed project would disturb the existing ecological status of SLT Valley and a Member's enquiry on the goal of PPP Pilot Scheme, Mr Albert Lam advised that some of the land in the 12 priority sites under NNCP were under private ownership. The objectives of PPP Pilot Scheme were to provide the necessary economic incentives to land owners to conserve the sites with ecological significance on a long-term basis by allowing an agreed scale of development at the ecologically less sensitive portion of the site. The ultimate objective was to bring about conservation results which could outweigh the impacts caused by the development of the site as a whole.

34. Referring to a further question from a Member, Mr Albert Lam pointed out that insofar as nature conservation was concerned, the main concept of the SLT project was to devise a Conservation Management Plan (CMP) for the whole SLT Valley. Details of the proposed CMP had yet to be worked out, and the final CMP would be subject to approval of EPD and AFCD before commencement of the project. The project proponent had undertaken to inject a lump sum into a government statutory fund (i.e. the Environment and Conservation Fund (ECF)) which would generate recurrent revenues sufficient for the long-term implementation of CMP. The lump sum must be sufficient to underpin CMP and subject to the agreement of AFCD and EPD. The Government had engaged a consultant to appraise the financial aspects in assessing the amount of the lump sum injection. Mr Lam appreciated Members' concern and assured that the upfront lump sum injection would ensure that CMP would still be suitably financed in the long term even without the participation of the project proponent.

35. In response to the questions and concerns on the EIA report raised by Members, Mr C W Tse said that EPD would decide on whether the EIA report should be approved after having considered the advice of ACE and comments received from the public. He observed that some ACE Members were not members of the EIA Subcommittee and did not participate in the discussions at its meeting on 25 June 2012. Indeed, most issues raised had been thoroughly discussed and examined by EIA Subcommittee together with the project proponent and his consultants. As the project proponent and consultants were not present here, Mr Tse and Mr Y K Chan recapped the following matters discussed at the meeting of 25 June 2012.

(a) Ecological values of the Development Site

36. The ecological survey conducted by the project consultant suggested that the Development Site should be categorized as “shrubland grassland mosaic”. The conclusion was consistent with the findings of AFCD. As the ecological value of the Development Site was found relatively low, the proposal was to develop the less ecologically significant area and conserve the more ecologically significant areas, i.e. Site of Special Scientific Interest (SSSI) and Conservation Area (CA) as natural habitats for important and rare species like dragonflies and butterflies, as well as Three-banded Box Terrapin, found in the area.

37. As for concerns expressed by some objections on the presence of a seasonal stream at the boundary of the Development Site, AFCD had conducted field visits in both wet and dry seasons. Mr Y K Chan gave an example that on a day after the amber rainstorm warning, the field visit also confirmed that no natural watercourse was found within the boundary of the Development Site. In fact, puddles of water could be found in the rainy season due to the flat topography of the area. Flora species found were not typical of wetland habitats.

38. Mr C W Tse explained that the proposed condition for the project proponent to update the baseline ecological survey was a standard requirement for relevant projects and did not imply that the project proponent’s study was inadequate. Updating of the baseline survey aimed to provide the proponent with information on the latest ecological condition of the site before commencement of the project and support the monitoring programme in future.

(b) Adequacy of the EIA report

39. Regarding the public objections to the project as fireflies and Three-banded Box Terrapin had not been covered in the EIA report, AFCD confirmed that fireflies had been identified in the area within the proposed Ecological Reserve. The project proponent had mentioned that they found fireflies in the study area but had not included such in the EIA report as it was not required in the study brief and in view of the limited studies available on them. The survey did cover Three-banded Box Terrapin, a species of high conservation value, though there was no recent record there. Their potential habitats were to be conserved in the proposed Ecological Reserve. Both the turtles and fireflies would be included as the target species for conservation in the future CMP.

40. With specific reference to Section 10 (Landscape Impact Assessment)

of the EIA report that read with seemingly contradictory information, Mr Y K Chan noted that the concerned paragraph was the same as the previous report submitted in 2011, and the information might not have been updated to reflect the revised project boundary in the latest proposal. The streams mentioned indeed were not within the current proposed development boundary.

(c) Proposed conditions imposed on the project proponent

41. Mr C W Tse explained that the conditions proposed by the EIA Subcommittee as set out in paragraph 15 of the ACE Paper 8/2012 included the submission of a detailed CMP for the proposed Ecological Reserve to EPD and AFCD for approval prior to the construction of the Reserve and the proposed development. The proposed condition was intended to ensure proper implementation of the project, in particular the enforcement measures and monitoring of CMP.

42. With regard to the hydrology of the Development Site, Mr C W Tse recapped that the EIA Subcommittee meeting had a long discussion with the project consultant. The consultant advised that less than 3% of the water flow of the natural stream systems might be affected by the proposed development in the event of exceptional heavy rainfall. Nonetheless, to be prudent, the Subcommittee had proposed a condition whereby the project proponent should, before commencement of the construction works, submit a detailed surface drainage/hydrology plan for the water catchment area of the Development Site.

43. The project proponent proposed to deploy electric vehicles for normal commuting and to hire additional vehicles to cater for demand during festival days at Ching Ming and Chung Yeung. To ensure the use of best available green vehicles, EIA Subcommittee had proposed a condition that the vehicles to be hired had to be electric vehicles or other low emission vehicles as approved by EPD.

(d) Alternative to the development model of Sha Lo Tung Valley

44. In answering the enquiries from two Members, Mr Albert Lam explained that Members might have to consider the potential threats to SLT Valley if PPP Pilot Scheme did not come into place and if the site was just left at its present state. For instance, the project proponent had stated in the EIA report that they had already acquired some private lots on which village houses could be built. Having regard to a Member's comment on the possibility of land exchange and another Member's enquiry on the preferred development model, Mr Lam said that EPD did not have any specific views on the types of development to be pursued at the project site, including a columbarium, so long

as its impact was environmentally acceptable. In fact, development proposals were submitted by the project proponents under PPP Pilot Scheme in which the Government responded to the proposal submitted. He informed Members that the current proposal was the only project out of the six submissions received under PPP Pilot Scheme that was deemed satisfactory and could be supported by the Government after detailed assessment. One of the reasons for rejecting the other proposals was that the corresponding impacts on the sites concerned were considered to be unacceptable. The current proposal was supported based on the suggested measures to control and minimize the impacts to the site such as the burning of incense in a designated area and selling niches under different classes to control the number of visitors to the columbarium complex.

Concerns of Council Members on SLT Project

45. Having regard to Members' views, the Chairman concluded that active management should be introduced to conserve SLT Valley in view of the continued deterioration of its ecological conditions. The Council needed to have further discussions on what would constitute the most suitable conservation approach for the SLT project.

46. A Member agreed that the objective of PPP Pilot Scheme was to bring about positive effect in conserving SLT Valley and the Council must be prepared to address public concerns. She opined that the imposition of conditions, benchmarks and management control would reaffirm the Government's position on strict enforcement of the Scheme rather than reflecting any deficiency of the project itself.

47. A Member pointed out the importance of proactive management in habitat enhancement to conserve rare and unique species like dragonflies and *Macropodus hongkongensis* (香港鬥魚) and to achieve effective ecological succession cycles.

48. A Member maintained his objection to the EIA report as he had previously stated at the Subcommittee meeting. Another Member also objected to the EIA report.

49. To assess whether PPP Pilot Scheme would be an effective measure to conserve SLT Valley, two Members opined that it was necessary to understand the ecological changes of the site without active management over the past decades. A Member cited a press interview of the Council Member that the recorded butterfly species have dropped by 30% in the neighbouring Fung Yuen

due to hill fires and various human activities in SLT Valley. That called for an urgent need to conserve STL Valley. The EIA report had not addressed these concerns.

50. A Member asked whether there was a mechanism or statutory framework in place to monitor the enforcement of CMP, including prohibition of building village houses at the “V” zone under the existing OZP and the control over human activities on Government land within the project boundary.

51. In consideration of the controversies over the list of species that should be included in the EIA report, a Member remarked on the need to re-examine the scope of study brief before the project proponent was to be approached for updating/revising the EIA report.

52. Two Members would like to seek project proponent’s clarifications on the major concerns raised by the public so that they could give due consideration to the strong public sentiments over the possible adverse impacts of the project to SLT Valley.

Stance of the Council

53. In view of the various concerns and questions raised at the meeting, the Chairman invited Members to consider the following three options regarding the stance of the Council over the EIA report –

- (a) Agreed the recommendations of the EIA Subcommittee and endorsed the EIA report with the proposed conditions and recommendations; or
- (b) Did not endorse the EIA report with justifications; or
- (c) Seek clarifications/supplementary information from the concerned parties on specific questions/concerns raised at the meeting for further discussion before the Council came to a conclusion.

54. Mr C W Tse advised that in view of the issues raised by Council Members, the EIA authority could seek additional information from the project proponent under the EIA process. Within 30 days of receiving the additional information from the project proponent, the Director of Environmental Protection (DEP) would have to decide whether to approve the EIA report, with or without condition. The Council might also consider meeting the project proponent again before tendering its comments on the EIA report to DEP.

55. The Secretariat would assist collating a list of concerns and questions raised by Council Members at the EIA Subcommittee and Council meetings for

Secretariat

follow-up with EPD under the EIAO.

56. The Council agreed to have a special meeting to discuss the subject EIA report when the supplementary information was available.

Agenda Item 5: Any other business

EIA report of non-selected project

57. The Chairman of EIA Subcommittee reported that since the last Council meeting, EIA Subcommittee had received the Executive Summary of the EIA report on “EMSD Hong Kong Workshop at Sheung On Street, Chai Wan” submitted by Electrical and Mechanical Services Department. The project was not selected by EIA Subcommittee for discussion. Hardcopy of the Executive Summary of the EIA project was circulated to EIA Subcommittee members and relevant hyperlinks were circulated to non-EIA Subcommittee members. The public inspection period of the EIA report was from 1 to 30 June 2012.

Tentative items for discussion at the next meeting

58. The Chairman informed Members that the agenda was being compiled. Members would be informed in due course.

Agenda Item 6 : Date of next meeting

59. The next meeting was tentatively scheduled for 10 September 2012.

ACE Secretariat
August 2012