

**Confirmed Minutes of the 207th Meeting of
the Advisory Council on the Environment (ACE)
held on 13 July 2015 at 2:30 pm**

Present:

Prof Paul LAM, SBS, JP (Chairman)
Prof CHAU Kwai-cheong, BBS, JP (Deputy Chairman)
Ir Cary CHAN
Prof FUNG Tung
Dr Billy HAU
Dr HUNG Wing-tat, MH
Dr Michael LAU
Mr Anthony LOCK
Prof John NG
Miss Yolanda NG, MH
Prof Nora TAM, BBS, JP
Dr Eric TSANG
Dr Carrie WILLIS, SBS, JP
Ir Conrad WONG, BBS, JP
Prof Jonathan WONG, MH, JP
Mr Stanley WONG, SBS, JP
Mr Andrew LAI (Secretary)

Absent with Apologies:

Prof Albert LEE
Ir MA Lee-tak, SBS
Ir Prof Irene LO
Mr Luther WONG, JP
Ms Pansy YAU

In Attendance:

Ms Anissa WONG, JP	Permanent Secretary for the Environment / Director of Environmental Protection
Mr Wilson CHAN	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
Miss Dora CHU	Executive Officer (CBD) designate, EPD

Ms Daicie TONG

Executive Manager (CBD), EPD

In Attendance for Item 3:

Mr TANG Kin-fai

Assistant Director (Environmental Assessment), EPD

Mr Joseph SHAM

Assistant Director (Country and Marine Parks),
Agriculture, Fisheries and Conservation Department
(AFCD)

Mr Dick CHOI

Senior Marine Conservation Officer (West), AFCD

Project Proponent Team

*Airport Authority Hong Kong
(AAHK)*

Mr Kevin POOLE, Acting Executive Director, Third
Runway

Mr Peter LEE, General Manager, Environment

Mr Martin PUTNAM, Senior Manager, Environment

Mr Lawrence YAU, Chief Communication Officer

Ms Gigi CHONG, Manager, Project Liaison

Mott MacDonald Hong Kong Ltd.

Mr Eric CHING, Divisional Director

Action

The Chairman informed Members that apologies of absence had been received from Prof Albert Lee, Ir Prof Irene Lo, Ir Ma Lee-tak, Mr Luther Wong and Ms Pansy Yau.

Item 1 : Confirmation of the draft minutes of the 206th meeting held on 8 June 2015

2. The draft minutes were confirmed without amendment.

Item 2 : Matters arising

3. There was no matter arising from the minutes of last meeting.

Item 3 : Marine Travel Routes and Management Plan for High Speed Ferries of SkyPier submitted by the Airport Authority Hong Kong under the EIA report on “Expansion of the Hong Kong International Airport into a Three-Runway System”

(ACE Paper 9/2015)

4. The Chairman briefed the meeting that the Airport Authority Hong Kong (AAHK) sought Members' views on the marine travel routes and management plan for high speed ferries (HSFs) of SkyPier (the SkyPier Plan). The plan was one of the submissions required by the Director of Environmental Protection (DEP) when granting the Environmental Permit (EP) for the project "Expansion of the Hong Kong International Airport into a Three-Runway System" (the 3RS), having considered the comments from this Council. By way of background especially for reference of new Members joining ACE in 2015, the Chairman advised that the Environmental Impact Assessment (EIA) Subcommittee (EIASC) of this Council thoroughly discussed the EIA report on the 3RS in five meetings held in August and September 2014 with more than 30 hours of discussions. Members had also visited the SkyPier during the discussions. ACE considered the EIASC's recommendations in September 2014 and agreed that the EIA report could be endorsed by DEP with 18 specific conditions and four recommendations which were all accepted by DEP afterwards. One of the approval conditions required AAHK to provide the SkyPier Plan to this Council for comments prior to submitting to the Environmental Protection Department (EPD) for approval before commencement of the construction works. This aimed to mitigate impacts on Chinese White Dolphins (CWDs) during the construction phase.

5. The Chairman then elaborated that pursuant to the EP condition, AAHK had prepared a detailed operational plan proposing the implementation of speed restrictions and route diversions for HSFs operating in SkyPier (SkyPier HSFs) and the capping of a maximum daily HSF movements on top of the annual daily average. He hoped this background information could help Members to better understand both the context and the process by which ACE had gone through when the EIA report on the 3RS was discussed in 2014. The SkyPier Plan should therefore not be viewed as a stand-alone proposal but served as an operational plan for meeting the EP conditions.

6. The Chairman said that the discussion would be divided into two sessions. The Presentation and Question-and-Answer Session would be open to the public while the Internal Discussion Session would remain closed. There was no declaration of interest from Members at the meeting.

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

Presentation and Question-and-Answer Session (Open Session)

7. Mr Kevin Poole introduced the SkyPier Plan which was the first of the four submissions that AAHK would submit to ACE for comments as required under the EP. Mr Eric Ching briefed Members on the operational details of the SkyPier Plan which was devised to further reduce the impacts on CWDs in the vicinity of the airport island during the construction phase. The proposals included the implementation of speed restrictions and route diversions for SkyPier HSFs and the capping of a maximum daily of 125 HSF movements on top of the annual daily average of 99. Mr Ching also explained the mechanism of implementing and monitoring the proposed route diversions and speed restrictions, as well as the precautionary measures to be adopted for SkyPier HSFs, e.g. skipper workshops for captains on ways of reducing the risk of collision with CWDs.

8. The Chairman invited Members to give their comments on the SkyPier Plan.

Design and alignment of marine travel routes

9. A Member was concerned that the proposed route diversion of SkyPier HSFs to the north of Sha Chau and Lung Kwu Chau Marine Park (SCLKCMP) would pass through the hotspots of CWDs. He opined that it would impact more on the dolphins when compared with the current routing aligned to north of the airport island. The Member also asked about the estimated number of vessel movements of all types currently taking this marine route, including SkyPier HSFs. Another Member echoed a similar concern. Mr Peter Lee explained that the impact of the proposed diverted route to the north of SCLKCMP had been assessed in the EIA report which was specifically designed for SkyPier HSFs operating to/from Macau and Zhuhai and was approved. As the waterway between SCLKCMP and the 3RS land formation area would be greatly constrained during the construction phase, this would inevitably increase the risks and impacts posed to CWDs, including being hit by moving vessels. The SkyPier Plan was drawn up primarily to provide an update on the extent of the proposed speed control section of the EIA-recommended SkyPier HSF diversion alignment, taking cognisance to the latest CWD abundance data. Mr Lee said that they had also followed up on the EP condition with regard to exploring the feasibility of imposing a daily cap on the number of HSFs leaving SkyPier on top of an annual daily average as well as the potential benefits of implementing further speed restrictions at different spots along the marine route after detailed study.

10. In response to the questions raised by the Chairman and a Member on the CWD abundance data and their habitat rating near the airport island as well as considerations for having alternative marine routes for SkyPier HSFs, Mr Peter Lee explained that the approved EIA report had clearly identified the recommended alignment of the diverted route and provisionally identified the portion of the diverted route to be subject to the speed limit of 15 knots based on the CWD abundance data available when preparing the EIA report. In developing the SkyPier Plan, the latest available CWD abundance data covering 2013 and 2014 were reviewed, and the updated information was used to define CWD hotspot areas. Mr Lee noted that Hong Kong had well-established and robust dolphin distribution patterns as recognized in the approved EIA report which were based on AFCD's abundance survey effort for over 17 years. The known historical CWD hotspots near SCLKCMP were re-affirmed taking into account the most up-to-date CWD abundance data available after submission of the EIA report. The portion of the diverted route to be subject to speed restriction had also been more clearly defined. He advised that the current proposed alignment of the diverted route was very similar to that outlined in the approved EIA report, with the defined speed control zone (SCZ) taking reference of the latest available CWD abundance data. Mr Lee further advised that the total number of HSFs (including those of SkyPier) using the waterway north of the airport island and Urmston Road were close to 60 and 110 movements respectively for 2011 as presented in the EIA report. He added that as non-SkyPier HSFs and other vessels were also using these two waterways, further changes to the alignment of the marine routes would have implications on the overall marine operation and safety in the area. In fact, the Marine Department had been consulted on the proposed route diversions. Mr Lee stressed that the proposed route diversions would only be applicable to SkyPier HSFs operating to/from Macau and Zhuhai which constituted some 60% of the total HSF movements currently using the waterway north of the airport island.

11. A Member reiterated his concern that the proposed diverted route to the north of SCLKCMP could pose more harm to CWDs as it would encroach into their core habitats. Another Member also pointed out that according to the monitoring data of AFCD, the population CWDs, especially in the vicinity of SCLKCMP, had declined significantly in the last decade. He asked about the feasibility of devising an alternative route for SkyPier HSFs to avoid passing through CWD hotspots. Mr Peter Lee explained that the approved EIA report had clearly identified a recommended alignment for the diverted route as well as provisionally identified the portion of the diverted route to be subject to the speed limit of 15

knots based on the CWD abundance data available when preparing the EIA report. Taking into account the recommendation in the EIA report and the EP requirements for the SkyPier Plan, the latest CWD abundance data had been used in refining the route diversion alignment which was recommended in the EIA report as well as updating the portion of the diverted route which would be subject to the 15-knot speed limit. The effectiveness of the mitigation measures for CWDs had also been discussed in detail at the meetings of EIASC and ACE in 2014. A Member remarked that the proposed diverted route in the EIA report should not be taken as the only feasible routing since AAHK had not presented detailed information on CWD hotspots particularly those within the Pearl River Delta (PRD) waters when the route diversion proposal was discussed by EIASC and ACE last year. In reply, Mr Lee repeated his clarification that in preparing the SkyPier Plan, AAHK had used the updated available CWD abundance data to refine the north diversion route alignment as well as updating the section of the north diversion route alignment to be subject to the 15 knot speed limit with reference to the latest CWD abundance data. The proposals formed part of the approved EIA report.

12. In reply to the Chairman's enquiry, Mr Peter Lee said that the current SkyPier HSFs heading north to the PRD accounted for approximately 60% of all SkyPier HSF movements and the remaining 40% would be heading west to Macau and Zhuhai. He also clarified that SkyPier HSF services were provided by ferry operators and not by AAHK.

13. In answering the question from a Member on the operational hours of SkyPier and the feasibility of diverting part of SkyPier HSFs to/from Macau and Zhuhai, Mr Peter Lee said that SkyPier operated for around 12 hours a day. SkyPier HSFs to/from Macau and Zhuhai took a westerly route while those to the PRD would travel north. The diverted routes detailed in the SkyPier Plan would only involve SkyPier HSFs to/from Macau and Zhuhai (i.e. around 40% of all SkyPier HSF movements) which would travel north of SCLKCMP and then making a detour westwards before entering the PRD waters. The remaining 60% for the PRD would continue taking the customary northerly direction. Mr Lee remarked that the assessment on the proposed route diversions had been assessed in the approved EIA report as part of the mitigation measures for CWDs.

14. On behalf of another Member who would join the meeting afterwards, a Member asked about the cumulative impacts of the increased HSF activities in SCLKCMP on the CWD hotspots. Mr Peter Lee reiterated that the proposed diverted route would only be applicable to SkyPier HSFs operating to/from Macau

and Zhuhai. Based on the data in 2011 as presented in the EIA report, the share of SkyPier HSFs travelling in the waters north of the airport island and Urmston Road were 60% out of some 60 vessels and 50% out of some 110 vessels respectively. He recapped his previous advice given in 2014 that non-SkyPier HSFs operating in Sheung Wan and Tsimshatsui to/from Macau and Zhuhai generally took a shorter route via south of Lantau Island.

15. In reply to a Member's question about the aggregate number of vessels currently navigating north of SCLKCMP and Urmston Road, Mr Peter Lee said that apart from the EIA study, they had also conducted the Marine Traffic Impact Assessment for evaluating the marine traffic conditions in that area. The total number of HSFs using Urmston Road in 2021 was estimated at 140 as presented in the EIA report. Non-SkyPier HSFs and other vessels would likely continue their customary routes to travel via south of Lantau Island for Macau and Zhuhai and to north for the PRD via Urmston Road without the need of detouring through north of SCLKCMP. Mr Lee added that the proposed route diversions for SkyPier HSFs would be accompanied by speed restrictions of 15 knots within CWD hotspots in the Hong Kong waters during the construction phase.

16. A Member reiterated his concerns on CWD hotspots close to Sha Chau and Lung Kwu Chau and asked whether AAHK had fully assessed the feasibility of devising an alternative marine route towards the northern boundary of the Hong Kong International Airport Approach Area (HKIAAA). Mr Eric Ching explained that HKIAAA was a travelling area for CWDs between their major habitats near Sha Chau and Lung Kwu Chau, the Brothers Islands and west of Lantau Island. Diversion of SkyPier HSFs out of this constricted marine route could help mitigate the impacts to CWDs even though the travel corridor itself was not a major CWD hotspot. Another Member remarked that comprehensive information on areas with frequent/regular dolphin activities apart from major habitats should be provided to Members for reference. Considering that the dolphins would likely avoid getting close to the land formation area during construction, the Member echoed that AAHK should explore an alternative marine route towards the northern boundary of HKIAAA.

17. A Member commented that route alignments were more important than constraining the speed or frequencies of HSF movements in the context of devising mitigation measures for CWDs. He opined that speed restrictions might not be necessary if the routes could be so designed to avoid CWD hotspots. The Member asked about the feasibility of re-locating SkyPier to the west of the airport

island. Mr Peter Lee said that based on an earlier assessment, re-locating SkyPier to the west was not operationally viable as the water depth was comparatively shallow and would necessitate access channel dredging and subsequent regular maintenance dredging to support the operation of SkyPier in that location, not to mention the need for an overhaul to the airport infrastructure including the design of the Restricted Area and the Automated People Mover system. In addition, as identified in the EIA surveys for the 3RS, the Airport West area was regularly used by CWDs for travelling and foraging, and hence was considered to be of slightly higher habitat quality than the Airport North area. A further constraint was that if SkyPier were to be re-located to the west, SkyPier HSFs heading north to the PRD would have to navigate through the core areas of the Pearl River Estuary CWD National Nature Reserve, and that would not be a desirable option.

Speed restrictions on HSFs

18. A Member opined that the speed of HSFs was directly related to the risk of collision which led to serious injury or mortality to CWDs. He asked about the rationale of setting the speed limit to 15 knots and not 10 knots as required in marine parks to better protect the dolphins. Mr Peter Lee replied that as HSFs normally travelled at 30-40 knots, the proposed 15-knot speed limit for the diverted SkyPier HSFs was considered to be a reasonable compromise for the protection of CWDs. Speed reduction below 15 knots would generate difficulties in manoeuvring HSFs especially when making sharp turns, and hence creating concerns on marine safety and passenger comfort. Under the SkyPier Plan, SkyPier HSFs would travel outside the boundary of SCLKCMP, and at a speed not exceeding 10 knots when entering the future marine park area to be designated arising from the 3RS. Mr Dick Choi confirmed that while HSFs were not prohibited from entering marine parks, the captains must comply with the Marine Parks Ordinance (Cap.476) and navigate at a speed not exceeding 10 knots at any time inside a marine park.

19. A Member opined that AAHK should set out clearly the expert advice on the rationale of proposing the 15-knot speed limit and provide Members with sufficient background information to facilitate the discussions of the SkyPier Plan, even though some of the justifications might have been stated in different sections of the EIA report. Another Member shared this observation and remarked that AAHK should provide solid information, e.g. response/clarification given by AAHK to questions/concerns from Members made at previous EIASC and ACE meetings so as to justify the proposals made in the SkyPier Plan. Mr Peter Lee

agreed to incorporate the information to the list of supplementary information requested by ACE.

20. A Member asked for justifications of demarcating only a narrow section of the proposed diverted route as the SCZ rather than extending the zone to cover all CWD hotspots rated “Highly Critical” near Sha Chau and Lung Kwu Chau. He was concerned that HSFs could just navigate slightly outside the SCZ and hence not be subject to the speed restrictions. Mr Peter Lee explained that the SCZ to be proposed was in fact several hundred metres in width, and all SkyPier HSFs would be equipped with automatic identification system (AIS) transponders to allow real-time monitoring and record-keeping by ferry operators and AAHK. Mr Kevin Poole added that SkyPier HSFs navigating west would be required to enter and exit the SCZ through the designated “gates” marked with exact boundary points. Diverted HSF movements through the “Highly Critical” dolphin habitat areas would therefore be effectively restricted within the SCZ.

Daily cap on HSF movements

21. A Member opined that the maximum daily cap of 125 movements was too high in consideration that the proposed diverted route would encroach into CWD hotspots. He pointed out that the Hong Kong-Zhuhai-Macau Bridge (HZMB) project was to be completed in 2017/18, and its operation could reduce the demand for the SkyPier services. Mr Peter Lee advised that AAHK had taken into account the HZMB operation when conducting the EIA assessment on the 3RS, and projected that the annual daily average of the SkyPier HSF movements would reach 130 by 2030 as presented in the EIA report. While AAHK was committed to capping all SkyPier HSFs at an annual daily average of 99 movements prior to designation of the proposed marine park, a maximum daily cap of 125 movements was proposed to allow operational flexibility. Mr Lee stressed that the proposal for a maximum daily cap would not affect their commitment to the annual daily average. He added that based on records since 2010, the number of days with HSF movements exceeding 110 were indeed less than 30, while the highest number of scheduled movements in a day was 123.

22. A Member asked if AAHK had plans to expand the berthing area in SkyPier to support the increase in HSF movements. Mr Peter Lee replied that the existing four berths should have sufficient capacity to handle a daily maximum of 125 HSF movements. Mr Kevin Poole confirmed that AAHK was committed to capping all SkyPier HSFs at an annual daily average of 99 movements prior to

designation of the proposed marine park. There was currently no plan to build additional berth(s).

23. In view of occasional higher demand for HSF services, e.g. after typhoons, a Member asked if AFCD could provide information on the behavior of CWDs immediately after a typhoon. Mr Joseph Sham replied in the negative as strong winds and waves could still be experienced after lowering of typhoon warnings, making it very difficult for their staff to observe the activities of the dolphins under these rough conditions.

24. In reply to the Chairman's enquiry, Mr Kelvin Poole expressed that they targeted to implement the SkyPier Plan by end of 2015, subject to the approval of EPD. The Chairman supported early implementation of the plan as it could help reduce the risk and disturbances to CWDs.

Imposing further speed restrictions

25. The Chairman enquired if AAHK would consider imposing speed restrictions in areas outside the proposed SCZ. Mr Peter Lee remarked that the proposed diverted route would not encroach into CWD hotspots except those in the SCZ. HSFs would have to decelerate gradually when they entered the "Moderately Critical" dolphin habitat areas so as to reach a speed of 15 knots before entering the SCZ. The same would apply when HSFs were to accelerate after leaving the SCZ. Gear shifts were found to produce high frequency noises, and frequent speed changes with gear shifts would result in acoustic and behavioural disturbances to CWDs. Overseas dolphin experts therefore did not recommend the imposition of further speed restrictions on other sections along the proposed diverted route between SkyPier and the entrance gates to the SCZ.

26. Since SkyPier HSFs heading north to the PRD would also navigate through the core CWD habitats, a Member asked whether it was feasible to impose a speed limit of 15 knots on these HSFs on top of those operating to/from Macau and Zhuhai. Mr Peter Lee stressed that the 15-knot speed restriction would be applicable to all SkyPier HSFs entering the SCZ. Having regard that Urmston Road currently had provided a sufficient waterway for those SkyPier HSFs heading north, these HSFs could stay with their customary routings and needed not enter the SCZ, and hence not be confined to the speed restrictions. He remarked that the mitigation measures should hence focus on areas affected by the 3RS project. The Member opined that AAHK should endeavour to mitigate disruptions to CWDs as

far as possible irrespective of whether the measures were directly related to the 3RS project. Another Member followed that AAHK should submit the Marine Ecology Conservation Plan which would cover different marine life in the waters of Hong Kong and the Pearl River Estuary. He cautioned that there could be chances that the issues involving the waters around the airport island might have to be considered in the subsequent discussions of that plan. In reply, Mr Peter Lee highlighted that the capped daily average of 99 movements would cover all SkyPier HSFs, including the diverted HSFs going to the west as well as the remaining ones heading north to the PRD.

27. Replying to the question from a Member on whether AAHK would consider extending the speed restrictions to SkyPier HSFs heading north to the PRD, Mr Peter Lee said that the suggestion would increase the journey time and reduce the competitiveness of SkyPier HSFs relative to non-SkyPier HSF services and other modes of transportation.

28. On the suggestion of a Member in exploring the feasibility of installing a device for transmitting ultrasonic signals to warn CWDs of approaching vessels, Mr Peter Lee said that it might be possible to support relevant researches on this via AAHK the Marine Ecology Enhancement Fund which would be set up in due course.

29. A Member was concerned whether an acceptable baseline had been set up to assess the effectiveness of the mitigation measures in reducing the impacts to CWDs during the construction phase. Mr Peter Lee assured Members that the measures had been proposed in consultation with overseas dolphin experts. Several studies on dolphin activities had been conducted for the EIA of the 3RS. In addition, there was a six-month survey after the EIA to monitor the activities of CWDs. He added that they had included in the Environmental Monitoring and Audit (EM&A) Manual that monitoring data would be collected and used to monitor the effectiveness of the mitigation measures proposed.

30. A Member reiterated his concern that the proposed diverted route to the north of SCLKCMP would be more disruptive to CWDs than the current routing to the north of the airport island. He questioned whether the diversion plan could adequately address the impacts to CWDs during the construction phase. Mr Peter Lee confirmed that the proposed diversion aimed to reduce the potential impacts on CWDs. Mr Eric Ching added that as described in the approved EIA report, operation of SkyPier HSFs along the constrained stretch of waters between the new HKIAAA and SCLKCMP would create a moderate to high level impact to CWDs

in terms of collision risk as well as behavioural and acoustic disturbances. He reiterated that the proposed diversion aimed to reduce the impacts to CWDs, and that the SCZ with speed restrictions was designed to further minimize the disturbance to the dolphins within CWD hotspots.

Precautionary measures for HSFs

31. A Member asked whether it would be compulsory for SkyPier ferry operators to install AIS transponders on their HSFs using the diverted route. He further enquired whether the mitigation measures were statutory requirements, thereby giving relevant government departments, e.g. EPD and the Marine Department, the authority to take enforcement actions against non-compliance. On skipper workshops in relation to CWDs to be provided by AAHK for the captains of SkyPier HSFs, another Member asked if attendance at these workshops would be made as a prerequisite for their assumption of duties. Mr Peter Lee replied that while these new measures were not covered in the existing service contracts, they had received positive response from ferry operators on working out the new measures. Skipper workshops would be arranged for the captains to facilitate their understanding, and ferry operators would be responsible for full compliance. All HSFs using the diverted route would be equipped with AIS transponders by which AAHK could check the location and speed of the ferries real-time. The ferry operators had to submit regular reports to AAHK. AAHK would also conduct random checks. Any non-compliance with the requirements and arrangements for diversion and speed control would initially result in warnings to operators, and repeated non-compliances might result in suspension of service.

32. In response to a Member's enquiry about the monitoring by EPD on compliance of speed limit by AAHK, Mr K F Tang said that the EP had stipulated the EM&A requirements which would include route diversion and speed restriction of SkyPier HSFs to be laid down in the SkyPier Plan. AAHK was required to submit regular EM&A reports to EPD. Furthermore, AAHK had to keep log of the speed of SkyPier HSFs for checking by EPD as necessary. EPD would also conduct field inspections to ensure compliance of the EP conditions.

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

[A Member joined the meeting at this juncture.]

Internal Discussion Session

33. The Chairman summarized Members' views and considered that three major issues which would warrant further clarifications by AAHK, namely (i) the rationale of not using the marine route towards the northern boundary of HKIAAA for SkyPier HSFs operating to/from Macau and Zhuhai; (ii) feasibility of expanding the SCZ to cover all CWD hotspots in the waters near Sha Chau and Lung Kwu Chau; and (iii) feasibility of imposing a speed limit on SkyPier HSFs heading north to the PRD on top of those to/from Macau and Zhuhai. As regards the annual daily average cap of 99 HSF movements and the rationale of setting the speed limit at 15 knots, the Chairman opined that this Council had discussed the two issues in details when examining the EIA report on the 3RS in 2014. He suggested and Members agreed not to re-open the discussion on these two issues.

34. A Member considered that on the premise that vessel movements in CWD hotspots near SCLKCMP would be restricted, the SCZ as proposed with defined boundary points could be further narrowed rather than expanded as an extra measure to contain potential impacts on CWDs.

35. In response to a Member's enquiry about the data on the hotspots and the travelling corridor of CWDs, Mr Dick Choi explained that the information presented by AAHK showed the habitat use patterns of CWDs based on their sighting frequencies, but such study method would not be able to capture the routes which the dolphins took between important habitats as the time they spent in the travelling routes was relatively short. A "focal follow" technique had to be used to establish these routings and AAHK had employed this technique when conducting their ecological survey for the EIA project. It was found that the waters to the north of HKIAAA were indeed used by CWDs for travelling purpose. The Chairman recalled AAHK's previous explanation that diverting marine traffic to the north of HKIAAA would increase the impacts on the dolphins. They therefore proposed diverting the SkyPier HSF traffic to the north of SCLKCMP. A Member added that AAHK had also explained that the route to the west of the northern boundary of HKIAAA would trespass into the core areas of the Pearl River Estuary CWD National Nature Reserve. He considered that the key consideration was whether HSFs going through the habitats or the travelling corridor would pose a greater threat to CWDs.

36. A Member reiterated his concerns on whether the proposed diverted route was the only suggestion and whether alternative routings had been fully explored.

He also considered that the 15-knot speed limit and the average daily cap of 99 movements should apply to all SkyPier HSFs and not confined only to those diverted to the north of SCLKCMP.

37. The Chairman responded that the alternative route to the west of the airport island had been examined by this Council in 2014. A visit to the SkyPier was also arranged to facilitate Members' understanding of the operation. ACE agreed at that time that the alternative route was considered not feasible having regard to the operational and practical considerations. Nevertheless, the abundance data on CWDs at the north of HKIAAA presented at today's meeting was new to this Council. A Member opined that having regard to the new CWD abundance data, AAHK should re-visit the route diversion and alignment proposals to avoid or reduce the potential impacts on the dolphins.

38. Mr K F Tang clarified that Clause 2.10 of the EP concerning the SkyPier Plan had not expressly specified the route alignment, but only that AAHK had to follow the recommendations of the approved EIA report and submit the plan to EPD for approval three months before commencement of the construction works and to consult ACE beforehand. The plan should include maintaining an annual daily average of 99 HSF movements, setting a cap on the daily number of HSF movements and introducing measures to avoid CWD hotspots. He confirmed that AAHK had proposed a route further north of the airport island in the EIA report. He concurred that AAHK could beef up the SkyPier Plan with reference to the information in the approved EIA report and explain in greater details the rationale behind the selection of the diverted route as currently proposed.

39. A Member supplemented that during the discussions of the EIA report on the 3RS, AAHK had explained that it was not feasible to move SkyPier to the west of the airport island due to the comparatively shallow water depth and the substantial costs involved in re-locating the relevant infrastructural facilities. AAHK had indeed been required to introduce a speed limit on SkyPier HSFs navigating in the Hong Kong waters which were CWD hotspots. Given the new abundance data on the dolphins, AAHK should re-assess the situation and compared the benefits and disbenefits of the alternative marine routes. Another Member followed that AAHK should provide more information on the number of HSF movements and on CWDs potentially to be affected by each of the alternative routes so as to facilitate further comments by this Council. A Member echoed that AAHK should be required to clearly demonstrate why the marine route to the north of HKIAAA was considered not feasible.

40. A Member recapped that AAHK had explained and ACE agreed in 2014 that the constrained waterway to the north of HKIAAA was too narrow as a marine route as that would pose danger on CWDs and other marine activities. She shared with other Members that AAHK should consider applying the 15-knots speed limit to all SkyPier HSFs including those heading north to the PRD if the SCZ was expanded.

41. The Chairman summarized the views of Members that AAHK would be requested to provide additional information having regard to the two main concerns raised by Members at today's meeting with a view to further reducing the impact on CWDs in the vicinity of the airport island – AAHK

- (i) feasibility of devising an alternative marine route towards the northern boundary of HKIAAA for SkyPier HSFs operating to/from Macau or Zhuhai to help divert some of the proposed HSF routings from the waters next to Sha Chau and Lung Kwu Chau which were the hotspots for CWDs before detouring west into the PRD waters; and
- (ii) feasibility of imposing a speed limit of 15 knots to SkyPier HSFs heading north to the PRD, on top of the current proposal that the 15-knot speed limit would only be applicable to those HSFs to/from Macau or Zhuhai.

ACE would consider the supplementary information from AAHK before tendering its comments on the SkyPier Plan.

Item 4 : Any other business

42. The Chairman said that under the EP conditions for the 3RS, AAHK was also required to submit plans on the marine park to be designated arising from the 3RS project, the Marine Ecology Conservation Plan and the Fisheries Management Plan to ACE for comments before seeking approval of EPD. He suggested and Members agreed that the full Council would discuss these plans without the need to routing through EIASC.

43. The Chairman suggested that in order to facilitate discussions on these three plans from AAHK in future, the Secretariat could assist by circulating the minutes of previous meetings and a summary of questions/concerns raised by ACE with response from AAHK for Members' reference. A Member also suggested Secretariat

that it would be helpful if EPD could consider giving a short briefing on the key issues covered in previous discussions for the benefits of Members before the meeting started the discussion. EPD

EIA report not selected by EIASC for submission to ACE

44. The Chairperson of EIASC, reported that since the last Council meeting, EIASC received the Executive Summary of the EIA report on "Flyover from Kwai Tsing Interchange Upramp to Kwai Chung Road" submitted by the Civil Engineering and Development Department which the Subcommittee had not selected for discussion. The Executive Summary had been circulated to Subcommittee Members, and the relevant hyperlinks copied to non-EIASC Members for information. Members had been reminded to send their comments on the EIA report, if any, to DEP direct within the public inspection period. The EIA report was exhibited for public comments from 25 June to 24 July 2015. Given that the EIA report had not been selected by EIASC for presentation and discussion, EPD would take it that ACE had no comments on the EIA report upon close of the public inspection period.

45. There was no other business for discussion at the meeting.

Item 5 : Date of next meeting

46. Since there was no urgent item requiring deliberations by ACE, the Chairman said that the Council would take a summer break in August. The next ACE meeting was scheduled on 7 September 2015 (Monday). Members would be advised on the agenda in due course.

ACE Secretariat

July 2015