

Extracts from the 132nd meeting of the Environmental Impact Assessment
Subcommittee and 215th meeting of the Advisory Council on the Environment

**Confirmed Minutes of the 132nd Meeting of
the Environmental Impact Assessment Subcommittee
held on 20 May 2016 at 2:00 pm**

Present:

Prof Nora TAM, BBS, JP (Chairperson)
Dr HUNG Wing-tat, MH (Deputy Chairman)
Ir Cary CHAN
Prof CHAU Kwai-cheong, BBS, JP
Dr Billy HAU
Dr Michael LAU
Ir MA Lee-tak, SBS
Miss Yolanda NG, MH
Dr Eric TSANG
Ms Becky LAM (Secretary)

Absent with Apologies:

Prof Albert LEE
Prof John NG
Mr Luther WONG

In Attendance:

Mr K F TANG	Assistant Director (Environmental Assessment), EPD
Mr Simon CHAN	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Miss Dora CHU	Executive Officer (CBD), EPD
Mr Alan CHUNG	Executive Manager (CBD), EPD

Project Proponent Team

*Civil Engineering and
Development Department*

Mr WOO Tai-on, Gabriel, Chief Engineer/Land
Works
Mr LAU Chun-tat, Senior Engineer/4
Ms IU Wai-yin, Wendy, Engineer/43

*Food and Environmental
Hygiene Department*

Ms Viola YIM, Superintendent (Cemeteries &
Crematoria) Special Duties

Ove Arup & Partners Hong Kong Ltd

Mr Davis LEE, Project Manager
Mr Alex WANG, Deputy Project Manager
Mr Edward LEUNG, Landscape Architect
Mr Ray TANG, Associate (Traffic and Transport)
Mr Franki CHIU, Director (Environmental)
Dr Elvis LAU, Consultant (Environmental)
Miss Audrey KWOK, Assistant Consultant (Environmental)
Mr Paul LEADER, Ecologist

In Attendance for Item 3:

Mr Raymond WONG	Principal Environmental Protection Officer (Regional West), EPD
Mr Louis CHAN	Principal Environmental Protection Officer (Regional Assessment), EPD
Mr Dick CHOI	Senior Marine Conservation Officer (West), AFCD

Project Proponent

Airport Authority Hong Kong (AAHK)

Mr Kevin POOLE, Executive Director, Third Runway
Mr Lawrence TSUI, Senior Manager, Environment, Third Runway
Mr Martin PUTNAM, Senior Manager, Environment, Third Runway
Mr James TSUI, General Manager, Corporate Communications
Mr K H Siu, Senior Manager, Public Affairs

Mott MacDonald Hong Kong Ltd.
AECOM

Mr Eric CHING, Divisional Director
Ms Julia CHAN, Principal Environmental Consultant
Mr Jackel LAW, Associate, Environment, Hong Kong

Item 3 : Any other business

Follow-up on the Marine Travel Routes and Management Plan for High Speed Ferries of SkyPier

51. The Chairperson informed that in view of Members' concern towards the alleged deviations from the Marine Travel Routes and Management Plan for High Speed Ferries of SkyPier (the Plan) as reported by the MingPao on 13 May 2016, the Airport Authority Hong Kong (AAHK) had been invited to give an account on the incident to Members. Representatives from EPD and AFCD had also been invited to join the meeting.

[Representatives from AAHK, EPD and AFCD joined the meeting at this juncture.]

52. Mr Kevin Poole informed that AAHK planned to report to ACE in September 2016 on the review of effectiveness of the Plan after six months' implementation, and was pleased to have the opportunity to explain to Members on the recent reports on deviations from the Plan made by MingPao.

53. Mr Eric Ching recapped the background of the Plan and the implementation steps taken by AAHK to ensure compliance, which included signing a supplementary agreement with the ferry operators on navigation restrictions. He briefed Members that vessel movements were monitored in real time by the Automatic Identification System (AIS). A notice would be issued immediately to request the concerned ferry operator to provide explanation for any deviation, which would then be assessed and audited by the environmental team (ET) and independent environmental checker (IEC) so as to determine if follow-up or precautionary measures should be taken. He explained that in compliance with relevant international conventions and local regulations and requirements of the Marine Department, occasional navigation route or instantaneous speed limit deviations from the targets set out in the Plan were sometimes inevitable for navigation safety and public safety. With reference to the duration of ferry movements throughout the speed controlled zone (SCZ) in April 2016, it should be noted that all vessel movements complied with the speed limit, except for a few records of instantaneous speed over 15 knots which accounted for only 0.3% of the total navigation time. Mr Ching informed that even so, the ferry operators were required to provide explanations for every instance involving speed exceeding 15 knots. Over the past three months, there was only one incident where a ferry travelled at an average speed of 15.8 knots in order to avoid smaller vessels on and near the navigation route. The ET had investigated into the cause and taken precautionary measures to avoid similar incidents in future. He stressed that AAHK was committed to implementing all the requirements set out in the SkyPier Plan, and would continue to liaise with the ferry operators on the

implementation details to ensure that the Plan would be properly followed.

54. A Member thanked AAHK for the detailed explanations. In reply to the Member's enquiry on the media's source of information and whether any clarifications were made by AAHK to the media, Mr Lawrence Tsui said that the monitoring data in the monthly EM&A reports were uploaded to a dedicated website. Mr James Tsui added that AAHK had received media enquiry before the publication of the news article on 13 May 2016, and part of AAHK's response was quoted on the article. Considering that the monitoring data quoted in the news article were partial and biased, the Member advised AAHK to clarify to the media promptly and to prevent similar misunderstandings in the future. Mr K F Tang supplemented that instead of focusing on the average speed which in general complied with the requirements, the media had chosen to report on the incidence of instantaneous speed deviating from the requirement without regard to the reasons behind. The Member suggested and Mr James Tsui agreed that in future, the full responses or clarifications relating to environmental aspects made by AAHK to the media should be passed to Members once available so as to keep Members informed of the situation.

55. In reply to the Chairperson's enquiry concerning the accuracy of the duration required for ferries to travel through SCZ as computed in MingPao's report, i.e. 5 minutes, Mr Eric Ching said that the approximate duration for ferries to travel through the SCZ of 2.4 nautical miles should be 9.6 minutes instead. The Chairperson also requested AAHK to clarify on such discrepancies to prevent misunderstandings by the public and ACE Members.

56. With the understanding that the 200 speeding cases as reported by MingPao included every data point of instantaneous speeding, and a data point was taken every few seconds, a Member sought information on the numbers of ferry movements deviating from the requirements. Mr Lawrence Tsui replied that while the number of ferry movements with instantaneous speeding in February, March and April were 51, 35 and 20 respectively out of 2,400 in the past three months, all movements, except for only one case, took longer than 9.6 minutes to travel through the SCZ. He advised that AAHK had investigated all the instantaneous speeding incidents and confirmed that they were all related to navigation safety.

57. A Member said that whether a ferry was speeding or not should be based on its average speed rather than the instantaneous speed, as

instantaneous speeding could occur due to safety considerations and changes in water currents. In reply to the Member's suggestion that AAHK should include also deviations from the requirements in terms of average speed in their EM&A reports, Mr Lawrence Tsui explained that the information was presented as prevailing speed in the reports and there was only one deviation recorded in the past three months. A Member was concerned that the instantaneous speeding would increase the noise impact and collision risks to Chinese White Dolphins (CWDs). As the rationale behind imposing a speed restriction was to minimize the disturbances to CWDs, significant instantaneous speed deviations from 15 knots should not be accepted. Mr Eric Ching explained that AAHK would investigate the causes of all instantaneous speeding cases regardless of the extent and the prevailing speed. He, however, pointed out that marine navigation was different from road traffic as there were different factors affecting navigation safety including ocean currents and existence of other vessels.

58. With the observation that many of the ferries travelled at around 10 knots, a Member further enquired the reason for not setting the speed restriction at 10 knots which was deemed to be infeasible by AAHK in the earlier Council meetings. Mr Eric Ching explained that the ferries would have to travel at a speed 3 to 4 knots below the speed limit on average in order to comply with the speed limit at every instant, and there were safety concerns associated with ferries operating at 6 to 7 knots on average should the speed limit be set at 10 knots.

59. In reply to a Member's enquiry on the time required for investigating instantaneous speeding cases, Mr Eric Ching advised that the monitoring system detected deviations at real time and issued notice to the ferry operators on deviations immediately. The ET and IEC would assess and audit each case based on the monitoring data and justifications provided by the ferry operators. Mr Lawrence Tsui supplemented that while ferry operators were given 10 days to provide explanations, they in general responded shortly after the issuance of the notice. The Member suggested and Mr Tsui agreed to consider shortening the time allowed for the ferry operators to provide their response on deviations so that AAHK could respond to media and public enquiries in a more efficient manner.

60. On a Member's suggestion to analyze the monitoring data so as to identify repeated deviations from the requirements by individual captains, Mr Lawrence Tsui explained that the ferry operators would provide the name of

the captain for every deviation, and there was no clear trend of deviations by one particular captain so far.

61. A Member quoted Dr Samuel Hung's comment from the MingPao article concerning the significantly reduced numbers of CWDs in Sha Chau and Lung Kwu Chau Marine Park (SCLKCMP) and invited AFCD to brief Members on the situation. Mr Dick Choi advised that data collection by AFCD was still on-going and detailed analysis on the dolphin usage of SCLKCMP in 2016 had not yet been conducted. The comment of Dr Samuel Hung was presumably based on the results of the dolphin monitoring conducted under the Hong Kong - Zhuhai - Macao Bridge projects, which were made available on the internet by the project proponents and the accuracy of the results was yet to be analyzed.

62. There being no other comments from Members, the Chairperson thanked the representatives of AAHK, EPD and AFCD for their clarifications, and expressed her hope that there would not be occurrences of similar incidents in the future.

[Post meeting note: The representatives of AAHK left the meeting at this juncture.]

63. The Chairperson suggested and Members agreed that AAHK would not have to attend the full Council meeting as they have already provided clear explanations to Members. A Member would report to the full Council meeting on the items discussed during the EIASC meeting on behalf of the Chairperson and the Vice-chairman who would be out of town.

64. A Member enquired if AAHK should report to ACE on the review of effectiveness of the SkyPier Plan after six months' implementation at the full Council meeting in June 2016. Mr K F Tang replied that as time was required for data collation, AAHK would make the report to ACE in September 2016. With reference to the Member's question concerning CWD activity at SCLKCMP, Mr Tang understood from AAHK that dolphin activity had been detected in the area. As the survey had not been concluded yet, AAHK considered that it was premature to release the data at this stage. He further expressed his agreement with another Member's comment that AAHK should publicize its views or clarifications as soon as possible when facing criticisms from the media, and to maintain a high degree of transparency of the data collected under EM&A. AAHK in liaison with EPD would also make

an effort to inform ACE Members of any responses made by EPD and AAHK to media reports or enquiries in a timely manner. A Member stressed that this was a sensitive issue that should be addressed promptly to prevent any aggravation. The Chairperson suggested AAHK to make reference to practice of organizations such as CLP Power Hong Kong Limited and the Consumer Council on publicizing their views on the internet as soon as controversies occurred.

65. On a Member's suggestion to shorten the time allowed for ferry operators to provide a response to deviation cases, Mr Louis Chan said that most ferry operators could in fact obtain an immediate feedback from captains and provide a prompt reply to AAHK. Mr K F Tang recapped that AAHK would consider to shorten the response time from ferry operators.

EIA Subcommittee Secretariat

May 2016

**Confirmed Minutes of the 215th Meeting of
the Advisory Council on the Environment (ACE)
held on 13 June 2016 at 2:30 pm**

Present:

Prof Paul LAM, SBS, JP (Chairman)
Prof CHAU Kwai-cheong, BBS, JP (Deputy Chairman)
Prof FUNG Tung
Dr Billy HAU
Mr Anthony LOCK
Ir MA Lee-tak, SBS
Miss Yolanda NG, MH
Dr Michael LAU
Dr Eric TSANG
Ir Conrad WONG, BBS, JP
Prof Jonathan WONG, MH, JP
Dr Carrie WILLIS, SBS, JP
Ms Pansy YAU
Mr Andrew LAI (Secretary)

Absent with Apologies:

Ir Cary CHAN
Dr HUNG Wing-tat, MH
Prof Albert LEE
Ir Prof Irene LO
Prof John NG
Prof Nora TAM, BBS, JP
Mr Luther WONG, JP
Mr Stanley WONG, SBS, JP

In Attendance:

Mr Wilson CHAN	Assistant Director of Planning / Technical Services, Planning Department (PlanD)
Mr Simon CHAN	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr Ken WONG	Acting Assistant Director (Environmental Assessment), Environmental Protection Department (EPD)
Miss Heidi LIU	Principal Information Officer, EPD
Ms Becky LAM	Chief Executive Officer (CBD), EPD
Miss Dora CHU	Executive Officer (CBD), EPD

Action

Item 5 : Any other business

Follow-up on the Marine Travel Routes and Management Plan for High Speed Ferries of SkyPier

39. On behalf of the EIASC Chairperson, a Member reported that in view of Members' concern towards the alleged non-compliances of the Marine Travel Routes and Management Plan for High Speed Ferries of SkyPier (the Plan) as reported by the MingPao on 13 May 2016, the Airport Authority Hong Kong (AAHK) had been invited to give an account on the incident to EIASC on 20 May 2016. AAHK advised that proactive steps had been taken to ensure compliance with the Plan, which included signing a supplementary agreement with the ferry operators on navigation restrictions, monitoring vessel movements by the Automatic Identification System (AIS) and investigating on deviations. In compliance with the relevant international conventions and local regulations and requirements of the Marine Department, AAHK explained that occasional deviations from the targets set out in the Plan were sometimes inevitable in order to enhance navigation and public safety.

Secretariat

40. The EIASC advised AAHK to clarify to the media promptly so as to minimize similar misunderstandings in the future. Full responses or clarifications relating to environmental issues made by AAHK to the media should be provided to ACE once available so as to keep Members informed of the situation.

ACE Secretariat

June 2016