

**Confirmed Minutes of the 200th Meeting of
the Advisory Council on the Environment
held on 15 September 2014**

Present:

Prof Paul LAM, SBS, JP (Chairman)

Dr Gary ADES

Dr Dorothy CHAN, BBS

Mr Oscar CHOW

Prof FUNG Tung

Dr Billy HAU

Dr HUNG Wing-tat, MH

Mr Anthony LOCK

Miss Yolanda NG, MH

Prof John NG

Dr Alfred TAM

Prof Nora TAM, BBS, JP

Dr Eric TSANG

Prof Jonathan WONG, MH, JP

Mr Luther WONG

Dr Eric YIP

Prof Ignatius YU

Mr Andrew LAI (Secretary)

Absent with Apologies:

Prof CHAU Kwai-cheong, BBS, JP (Deputy Chairman)

Prof LI Xiang-dong

Dr Carrie WILLIS, SBS, JP

Ms Pansy YAU

Prof Ray YEP

In Attendance:

Ms Anissa WONG, JP	Permanent Secretary for the Environment/ Director of Environmental Protection
Dr SO Ping-man	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr LING Chi-tack	Assistant Director of Planning/ Technical Services, Planning Department (PlanD)
Dr WAN Yuen Kong	Principal Medical & Health Officer (5), Department of Health (DH)
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 Item 3:

Mr K F TANG	Assistant Director (Environmental Assessment), EPD
Mr Joseph SHAM	Assistant Director (Country and Marine Parks), AFCD
Mr Louis CHAN	Principal Environmental Protection Officer (Regional Assessment), EPD
Mr Maurice YEUNG	Principal Environmental Protection Officer (Assessment & Noise), EPD
Mr Lawrence NGO	Senior Environmental Protection Officer (Regional Assessment)1, EPD
Dr Kenneth LEUNG	Senior Environmental Protection Officer (Strategic Assessment)5, EPD
Mr LEE Chee-kwan	Senior Environmental Protection Officer (Assessment & Noise) 3, EPD
Mr Dick CHOI	Senior Marine Conservation Officer (West), AFCD
Mr Bob POON	Scientific Officer (Disease Prevention)1, DH

Project Proponent Team

Mr C K NG	Acting Chief Executive Officer, Airport Authority Hong Kong (AAHK)
Mr John CHAI	Executive Director, Projects, AAHK
Mr Kevin POOLE	Deputy Director, Projects, AAHK
Mr Peter LEE	General Manager, Environment, Projects, AAHK
Mr Martin PUTNAM	Senior Manager, Environment, Projects, AAHK
Mr Eden NGAN	Senior Manager, Environment, Projects, AAHK
Mr James TSUI	General Manager, Corporate Communications, AAHK
Ms Gigi CHONG	Manager, Project Liaison, Projects, AAHK
Dr Anne KERR	Director, Mott MacDonald Hong Kong Ltd. (Mott Macdonald)
Mr Eric CHING	Director, Mott MacDonald
Ms Julia CHAN	Principal Environmental Consultant, Mott MacDonald

The Chairman informed Members that apologies for absence had been received from five Members. He also welcomed Dr Wan Yuen-kong from the Department of Health (DH) who would be the standing member from DH for ACE meetings.

2. The Chairman informed Members that before the start of the meeting, he had received the petitions from Green Sense, Greeners Action, Ark Eden Foundation and residents from Park Island on the EIA report on “Expansion of Hong Kong International Airport into a Three-Runway System” (3RS EIA report) which the meeting would discuss today. The Secretariat would table copies of these petitions for Members’ reference.

Item 1 : Confirmation of the draft minutes of the 199th meeting held on 21 July 2014

3. The draft minutes of the last meeting were confirmed without amendments.

Item 2 : Matters arising

4. Referring to paras. 30 and 37 of the minutes of the last meeting regarding the discussion on “Environmental Monitoring and Audit Programmes of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Projects”, the Chairman advised Members that the Highways Department (HyD) had replied to the written questions from a Member and provided a report on re-examining the exceedance cases by using the updated assessment criteria for water quality monitoring. The information had been issued for Members’ reference before the meeting.

Item 3 : Report on the 128th EIA Subcommittee meeting on the EIA Report on “Expansion of Hong Kong International Airport into a Three-Runway System”
(ACE Paper 7/2014)

5. The Chairman expressed special thanks to the Chairperson and Members of the EIA Subcommittee (EIASC) for their detailed deliberation of the 3RS EIA report in five EIASC meetings which lasted for more than 30 hours. Members also visited the SkyPier at the Hong Kong International Airport (HKIA) on 25 August 2014 to better understand the operation of the pier in order to ascertain whether the proposed relocation would be feasible and the implications.

6. The Chairman said that the discussion today would be divided into two parts. The Presentation and Question-and-Answer Session would be opened to the public while the Internal Discussion Session would remain closed. During the open meeting session, the project proponent, i.e. the Airport Authority Hong Kong (AAHK) would be invited to present more detailed information on the

design, operation and management of the Marine Ecology and Fisheries Enhancement Plan (MEFEP), as well as that for the Marine Traffic Routes and Management Plan for high speed ferries (HSF) operated at the SkyPier for the protection of Chinese White Dolphins (CWD).

7. The Chairman said that EIASC had submitted its recommendation on the EIA report to the full Council after thorough examination and discussions having regard to the supplementary information provided by AAHK. As most Council Members, including non-EIASC Members had participated in the discussions, he suggested that Members should avoid re-opening the discussion on issues which had been thoroughly discussed at the EIASC meetings, but focusing on seeking clarifications on the subject areas which AAHK would present at today's meeting as well as the latest supplementary information which they provided after the EIASC meeting on 2 September 2014.

8. In response to a Member's comment on the list of proposed conditions of endorsement and recommendations collated by the Secretariat, the Chairman said that the list would be discussed in detail during the Internal Discussion Session. Members would have frank exchanges of views on the recommendation put forth by EIASC and the way forward for ACE to handle the EIA report.

9. In view of Members' concern as well as those raised by some green groups, the Chairman invited EPD to clarify the procedural propriety on whether under the EIA Ordinance (EIAO) the supplementary information provided by AAHK at the ACE/ EIASC meetings should be considered as part of the information in the 3RS EIA report or as new information requiring to go through a fresh round of public inspection process. Mr K F Tang said that EPD as the EIA Authority would implement the statutory requirements in the EIA process strictly in accordance with the law. He explained that under the statutory EIA process, ACE might advise the EIA Authority within 60 days of their comments on the 3RS EIA report after receiving the report. The law did not specify how ACE would come up with the advice. As an established practice, ACE might invite the project proponent to present findings of the EIA report. The project proponent might also respond to comments and questions raised by Members and elaborate on the findings and recommendations of the EIA report. EIAO did not require that the responses so made had to go through the public inspection process again. To introduce new administrative steps requiring the responses to go through the public inspection process might lead to expectation for indefinite rounds of repeated public inspection processes for consequential responses and comments. The public inspection process could never end. Such a new administrative requirement was beyond the legal provisions of the EIAO and might be subject to appeal or challenges.

10. A Member reminded Members of an appeal case against the Director of Environmental Protection (DEP)'s decision to reject the EIA report on Sheung Shui to Lok Ma Chau Spurline. He was concerned that the community would cast doubt on the adequacy and acceptability of the 3RS EIA report exhibited for public comment in June and July 2014 in view of the supplementary information

such as the Marine Ecology and Fisheries Enhancement Strategy (MEFES) and the associated Marine Ecology Enhancement Fund (MEEF) and Fisheries Enhancement Fund (FEF) which EIASC had invited AAHK to provide. The Member considered that the details of the MEFES especially the 1 000 ha waters to be managed during the construction phase as the Dolphin Protection Areas as substantial and these new mitigation measures were not commented by the public beforehand. Mr K F Tang said that the MEFES and the two proposed funds had been set out in the EIA report. It was stated in the report that their detailed arrangements would be established prior to commencement of the construction phase of the project. Thus, while AAHK had provided further information at this stage upon Members' request, it should be noted that in case the EIA report was approved, these detailed plans indeed would have to be submitted to DEP for approval before commencement of the construction works. Such work usually formed part of the detailed design work of the project and was indeed a common practice in other EIA studies.

11. A Member pointed out that when studying an EIA report, ACE had an important role to play. Apart from assessing the report against the requirement of the Study Brief concerned and the Technical Memorandum on EIA Process (TM), Members could make improvement-oriented suggestions to the project as appropriate. She said that ACE should not feel inhibited in considering an EIA report or in making suggestions after the project proponent had supplemented details of certain proposals in the EIA report that were brought up for review and discussions at ACE/EIASC meetings. A Member said that while the EIAO and the TM did not forbid ACE from considering improvement "new measures", ACE had the duty to alert the EIA Authority that there was such a concern from some Council Members.

12. Replying to the question from a Member on the details of the MEEF, Mr K F Tang said that AAHK had proposed the MEFES in the 3RS EIA report in carrying out various enhancement measures for protection of marine life particularly CWD within the Hong Kong and Pearl River Estuary (PRE) waters. Upon Members' requests, AAHK provided further details on the MEFES, including the establishment of an independent Marine Ecology Conservation Plan and the set up of the MEEF. He pointed out that the MEFES was not a new proposal or measure which AAHK provided after exhibition of the EIA report. As explained earlier, in case the EIA report was approved, AAHK would be required to submit details of the MEFES to DEP for approval.

13. The Chairman asked if Members had any interest to declare, apart from seven Members and he himself who had already made at EIASC meetings. EIASC agreed that they could stay on in the discussions. A Member declared that his company operated two restaurants at the HKIA. Another Member declared that he was the Chairman of the BEAM Society Limited which was the assessment body for the BEAM Plus Labelling that AAHK was aiming to attain Gold certification. He was also the Director of the Hong Kong Green Building Council which was the certifying body for the BEAM Plus Labelling. The meeting agreed that these Members could stay and continue participating in the discussion.

[Post-meeting note: A Member advised that she was a member of the assessment panel of AAHK's current Environmental Fund, which was different from the proposed MEEF or FEF as made in the EIA report. Members agreed that the Member could stay and take part in the discussion.]

[The presentation team joined the meeting at this juncture.]

Presentation Session (Open Session)

14. Mr C K Ng reiterated the need and urgency of expanding the HKIA into a three-runway system. AAHK had taken into careful and balanced account the potential impacts to the environment when preparing the 3RS EIA report. He pointed out that development and environmental protection/ conservation were not necessarily mutually exclusive but could progress in parallel. He also thanked ACE Members for all the practical, comprehensive and insightful comments provided at the EIASC meetings. Mr Kevin Poole then briefed Members on the objectives and initial implementation proposals of the MEFEP, as well as the Marine Traffic Routes and Management Plan on HSF operating at the SkyPier.

Question-and-Answer Session (Open Session)

15. A Member sought confirmation from AAHK that the MEFES and MEFEP, as well as the associated enhancement funds to be set up, had indeed been outlined in the EIA report. She noted that the supplementary information on the MEFEP with more details on the two enhancement funds were provided to ACE upon requests by Members. She also sought confirmation that the approximately 1 000-ha Dolphin Protection Areas was within the proposed 2 400-ha marine park mentioned in the EIA report. She opined that all the measures which AAHK presented at today's meeting were not new information but elaboration on the details which were already covered in the EIA report. Mr Kevin Poole replied in the affirmative. He confirmed that the objectives of MEFES and the plans on enhancing marine ecology and fisheries resources, including those for CWD, as well as the Skypier HSF traffic management issues were outlined in the EIA report as exhibited for public comment between June and July 2014.

16. A Member asked about the composition of the management committee and the size of the MEEF for sustaining the efforts in marine ecology conservation. Mr Kevin Poole said that AAHK had committed a substantial sum of up to \$150 million for the MEEF which would include conducting scientific research and studies on a long-term basis. Regarding the composition of the management committee, he said that the members would include relevant academics, dolphin experts and members of non-governmental organizations. AAHK would take a leading role in the management committee, which would ensure the effective implementation of the MEEF. Mr Poole also mentioned that a HKIA Environmental Fund had been in place for supporting projects, activities and initiatives that promoted environmental protection, green living

and a sustainable lifestyle in Hong Kong. Details were available on AAHK website for public information.

17. A Member expressed reservation on the adequacy of the proposed funding for the MEEF in consideration of all the enhancement initiatives targeted for implementation by AAHK. Another Member echoed the concern and enquired about the anticipated benefits to be generated. Mr Kevin Poole clarified that the MEEF was not part of the mitigation measures for mitigating the construction impacts on CWD, but rather an enhancement measure to support research and studies on marine ecology and the promotion of environmental education and eco-tourism.

18. As regards the proposed conservation measures in the 1 000-ha Dolphin Protection Areas within the proposed 2 400-ha marine park during the construction phase, Mr Peter Lee said that AAHK intended to implement the measures within its ambit before the designation process and during the construction phase. These measures included restricting access of construction vessels and containing HSF traffic of the SkyPier. AAHK would also consider enhancing marine ecology by deploying artificial reefs (ARs) and releasing fish fry in northwest Lantau waters, and to arrange voluntary surveillance in the Sha Chau and Lung Kwu Chau Marine Park to report on non-compliance activities.

19. A Member sought clarifications on the list of mitigation measures and enhancement measures proposed by AAHK in relation to the construction impacts on marine ecology. He specifically asked if the MEFES was one of the proposed mitigation measures for the construction impacts of the 3RS on CWD. Mr Peter Lee explained that to his understanding, mitigation measures were those that required evidence to prove their effectiveness, whereas enhancement measures were those taken to be useful for long-term conservation of marine ecology, including CWD. The MEFES was not for mitigating the construction impacts of the 3RS but for enhancing the protection/conservation of CWD. Mr Lee said that the implementation schedule of all the mitigation measures had been set out in the EIA report including the use of advanced technologies for reclamation and construction works, re-routing of HSF operating at the SkyPier and speed restrictions on SkyPier HSF navigating in CWD core area.

20. In reply to a Member's enquiry about the nature and expected duration of the MEEF and FEF, Mr Kevin Poole said that fund size would be up to \$150 million for each enhancement fund subject to final approval of the Board of AAHK. The two enhancement funds would not be operated in the form of endowment. AAHK would review the funding arrangement based on the need for long-term studies. Mr Peter Lee added that the MEEF and FEF were initially planned to run for around 10 years, with a large portion of the fund expected to be used for scientific research, studies and follow-on actions/initiatives in the initial years. In reply to the further enquiry from a Member, Mr Kevin Poole confirmed that both the MEEF and FEF would be used in financing external initiatives and not for activities internally run by AAHK.

21. A Member opined that research and studies under the MEEF would

only give marginal benefits in mitigating the construction impacts on CWD. Mr Peter Lee explained that AAHK had followed the “avoidance, minimization and mitigation” principle when drawing up mitigation measures to address the construction impacts on CWD. These mitigation measures included adopting appropriate construction technologies and methods as well as the initiatives in relation to HSF services at the SkyPier during the construction phase. The residual impacts would also be addressed by designation of the proposed marine park in 2023 when the 3RS project would be in full operation. Mr Lee said that the enhancement measures proposed in the MEFEP would allow AAHK to formulate and implement initiatives for the conservation of CWD in the Hong Kong and PRE waters for the betterment of dolphins in the long run.

22. Regarding a Member’s comment about the correlation between the MEFEP and the enhancement measures to be carried out with regard to marine ecology and fisheries, Mr Peter Lee said that these measures would be adopted if they were proven to be effective further to research to be funded under the respective enhancement plans.

23. In reply to a Member’s question on monetary compensation to be offered to the concerned fishermen, Mr Kevin Poole clarified that the FEF would be set up to support a sustainable fishing industry and enhance fisheries resources in western Hong Kong waters. Compensation, if any, associated with marine works to be paid out to the fishermen would be independent of the FEF.

24. Replying to the question from a Member on how the duration of the MEEF was determined, Mr Peter Lee said that a lump sum of up to \$150 million for 10 years was the initial proposal for the long-term conservation of marine ecology, including CWD in the Hong Kong and PRE waters. The fund size would be subject to further review depending on the usage of the MEEF.

25. A Member reiterated his concern on the number and speed level of HSF operating at the SkyPier as well as the noise impact so generated on CWD. Mr Kevin Poole confirmed that their initiative to cap an annual daily average of 99 was calculated based on the level of operation in the past few years. The cap had already discounted the anticipated growth of HSF operation at the SkyPier. No maximum daily cap for HSF had been set. Regarding HSF speed restrictions in the PRE waters, Mr Peter Lee said that further studies on the abundance status of CWD in the core zone in the PRE waters would have to be conducted as currently AAHK did not have information on the CWD hotspots in the PRE waters. AAHK would continue monitoring the effectiveness of the mitigation measures such as speed restrictions and re-routing of the SkyPier HSF and would conduct further enhancement studies under the MEFEP. AAHK was requested to provide further information on the relationship between the noise level and speed of the HSF and the resulting impacts on CWD behaviour for ACE’s reference.

AAHK

[Post-meeting note: AAHK advised that the information would be provided in the Marine Traffic Routes and Management Plan which would be submitted to ACE for comment in due course.]

26. In response to the questions from a Member on the need to impose speed reductions on specified sections along the marine traffic routes of the SkyPier HSF, Mr Peter Lee said that AAHK would consider the latest information from AFCD and from other studies for confirming the CWD hotspots in the Hong Kong waters before defining the parts of the routes to be subjected to speed controls. Mr Kevin Poole added that it was beyond AAHK's jurisdiction to impose speed restrictions on HSF operating in the PRE waters, even for those operating from the SkyPier.

27. Concerning a Member's suggestion on re-routing HSF traffic to south of Lantau, Mr Peter Lee said that the re-routing from south of Sha Chau to north of Sha Chau as proposed in the EIA report would require an additional 15 minutes for the affected SkyPier HSF to reach the respective destination ports. These journeys currently took around 50 minutes. Re-routing those affected SkyPier HSF routes to south of Lantau would involve a much longer detour. There was also a concern that HSF traffic directed to south of Lantau would approach the Fan Lau and Soko Islands waters which were major important habitats for CWD. Mr Poole further advised, in response to a Member's enquiry, that despite a projected increase in the future demand for HSF services at the SkyPier, AAHK had already taken the initiative to impose a cap at the current level of operation prior to the designation of the proposed marine park.

28. In reply to a Member's question on the possibility of extending the proposed marine park to join with the new Southwest Lantau Marine Park and Soko Islands Marine Park recently announced by AFCD, Mr Peter Lee replied that AAHK would stay with the current proposal of the 2 400-ha marine park as outlined in the 3RS EIA report. As regards the boundary of the proposed marine park, Mr Lee clarified that the proposed boundary generally aligned with the navigation corridor of the Urmston Road channel.

29. A Member reiterated that as the enhancement measures were not for mitigation, they were considered not adequate to compensate for the construction impacts on CWD. There were on-going debates in the scientific field over the effectiveness of the measures such as the deployment of ARs and release of fish fry. He also questioned the effectiveness of the control on access of construction vessels and HSF in the Dolphin Protection Areas as well as imposing the fishing moratorium outside the works area but inside the proposed marine park during the construction phase. Mr Peter Lee confirmed that AAHK would manage the SkyPier HSF and the construction vessels working within the construction site. He also explained that the fishing moratorium would be enforceable after the marine park was designated.

30. A Member asked about the enforcement work against noisy and substandard aircraft. Mr Peter Lee said that the Civil Aviation Department (CAD) was the regulatory authority. An aircraft must possess an aircraft noise certificate that at least complied with the prevailing requirement before it could land or take off in Hong Kong. The latest requirement had restricted the operation of Marginally Compliant Chapter 3 aircraft at night. CAD had set up

a monitoring network of 16 stations to obtain information on the noise environment at different locations under the flight path. AAHK would liaise with CAD to use the information to follow up noise complaints. The information would be provided to ACE when available.

AAHK

[Post-meeting note: The information from CAD was issued for Members' reference on 8 October 2014.]

31. The Chairman thanked AAHK and their team on the presentation and answering questions from Members.

[The presentation team left the meeting at this juncture.]

Internal Discussion Session

32. A Member opined that as many of the conditions and recommendations proposed by EIASC Members were based on the supplementary information provided by AAHK, he considered it expedient to seek clarification on the acceptability of this information under the EIA process vis-à-vis the need for a new round of public inspection. This could forestall ACE from being caught in possible challenges against the propriety of its deliberation process and the comments so made to DEP on the EIA report.

33. In response, Mr K F Tang referred Members to section 13.11 and 13.13 of the EIA report which outlined a series of mitigation measures to be adopted during the construction and operation phase of the project as well as the additional enhancement measures for enhancing marine ecology and fisheries which were clearly set out in the EIA report. He pointed out that both the mitigation measures and enhancement measures were part of the EIA report. This was shared by two Members who quoted the relevant sections in the EIA report and the TM. On the further enquiry from a Member that no mentioning had been made in the TM in respect of the requirement of enhancement measures, another Member referred Members to section 4.5.1(c) of the TM which suggested that ACE could evaluate the EIA report in a broader context.

34. The Chairman concluded that relevant information on the mitigation measures and enhancement measures had been provided in the EIA report. The meeting should proceed on the basis that the supplementary information was elaboration on measures which were already included in the EIA report. He reminded Members that ACE was obliged to observe the time limit under the EIAO for giving its comments to the DEP within 60 days of its receiving a copy of the EIA report, i.e. by 20 September 2014 the latest.

35. In response to a Member's comment, another Member said that apart from mitigation measures, the concept of enhancement measures for CWD included in the MEFES and MEFEP had been spelt out in the EIA report, although the term of the Marine Ecology and Fisheries Enhancement Fund had since been revised as AAHK had taken into account Members' concern on the need to establish two separate enhancement funds for marine ecology and

fisheries. She considered that Members should assess the EIA report as a whole, and the supplementary information of the two enhancement funds should not be regarded as new information affecting the robustness of the EIA report merely because they were presented more clearly to ACE/ EIASC upon request by Council Members. The Member supported the Chairman's decision to proceed with the meeting.

36. Regarding a Member's reservation on the statement in para. 5 of the ACE Paper 7/2014 that the project was "without adverse residual environmental impacts", the Chairman clarified that it was the background information citing the AAHK's assessment result of the EIA report. Council Members needed not to agree to the assessment so made.

37. At the suggestion of the Chairman, Members went through the proposed list of conditions and recommendations as set out in para. 12 of the ACE Paper. Members agreed that the proposed condition (a) on completing the preparatory work for the designation of the proposed marine park before full operation of the 3RS operation should be endorsed without amendment.

38. On the proposed condition (b), a Member pointed out that the proposed marine park would not come into being until 2023 when the 3RS came into full operation. There would be no refuge for CWD displaced by the construction works. He was not satisfied with the lack of mitigation for the habitat loss for CWD during the construction phase. He also pointed out that the diversion of HSF might create a situation that would strangle the planned Brothers Marine Park (BMP), making it not desirable as a marine park as originally envisioned.

39. The Chairman replied to a Member's enquiry that the designation of the two new marine parks at Fan Lau and Soko Islands (i.e. Southwestern Lantau Marine Park and Soko Islands Marine Park) recently announced by AFCD was independent of the 3RS EIA report. The designation would improve the overall conservation status for CWD in the Lantau waters. With the public commitment by the Government to have the two new marine parks coming into being by 2017, they could provide important habitats to CWD being displaced by the 3RS construction works. Ms Anissa Wong said that the designation of the marine parks at Fan Lau and Soko Islands would be taken forward by AFCD and it was separate and independent of the 3RS EIA report. A Member welcomed the designation as a positive conservation measure for marine ecology including CWD. Another Member echoed and agreed that while the designation of Fan Lau and Soko Islands was independent of the 3RS EIA study, it was a desirable outcome for CWD conservation which Members had been championing. A Member remarked that the 3RS EIA report should be considered in the overall context. With the designation of Fan Lau and Soko Islands, the overall marine environment in the Lantau waters had changed and hence relieved some of the pressure on the environmental impacts on CWD. ACE had to take all these developments into account when deliberating the 3RS EIA report.

40. In response to a Member's comment that the 3RS EIA report itself had

not provided adequate mitigation measures for CWD at the construction phase, another Member said that the new marine parks at Fan Lau and Soko Islands were initiated by the Government, and AAHK had no role to play in the process. She reckoned that the new development did give some room for EIASC in formulating its recommendation on CWD conservation. Notwithstanding this, ACE/ EIASC was required to observe and follow the requirements of the Study Brief and the TM in vetting the 3RS EIA report, and to propose conditions that were reasonable and enforceable on AAHK as appropriate, in the event that the EIA report was deemed acceptable in principle.

41. Mr K F Tang said that the EIA report had in fact set out a number of mitigation measures to mitigate the construction impacts on CWD, such as minimization of land formation area, banning of underwater percussive piling and use of advanced construction methods with a view to avoiding or minimizing disturbance to marine life including CWD. Mr Joseph Sham added that AFCD was content that the mitigation measures as set out in the EIA report had fulfilled the requirements in the Study Brief and the TM.

42. A Member remarked that AAHK had proposed further initiatives in enhancing conservation of CWD in response to Members' concerns during the EIASC meetings. They had proposed enhancement measures to increase the carrying capacity of other parts of the Hong Kong waters, identified around 1 000 ha of Dolphin Protection Areas within the proposed 2 400-ha marine park for the protection of CWD during the construction phase, and put forward a detailed plan on the set up of the MEEF and FEF. All these proposed measures by AAHK, coupled with the new marine parks at Fan Lau and Soko Islands, would provide improved habitats for CWD and enhance the overall carrying capacity of the Hong Kong waters. Regarding the compensation aspect, a Member referred Members to section 5.4.1(c) of Annex 16 of the TM which mentioned that enhancement and other conservation measures should always be considered, whenever possible.

43. The Chairman concluded that the majority view in ACE was that the proposed condition (b) was acceptable for endorsement. Concerns of two Members would be duly reflected in the minutes of meeting that they considered the mitigation measures proposed in the EIA report were not adequate to address the construction impacts on CWD.

44. On the proposed condition (c) on the MEEF, a Member said that the fund amount should be substantial enough to sustain the long-term marine conservation efforts. He was satisfied with other proposed conditions and recommendations set out in the ACE paper.

[The Member left the meeting at this juncture.]

45. The Chairman and a Member pointed out that the MEEF should be substantial enough to meet its conservation objectives in a long-term and sustainable manner. A Member remarked that the operation of the MEEF for

10 years as proposed by AAHK was too short in the context of ecological recovery/ conservation. Another Member suggested specifying the subject areas to be covered in the Marine Ecology Conservation Plan. The Chairman counter-proposed, and other Members agreed, to relay Members' concern on the MEEF to AAHK for their incorporation in the conservation plan and the set up of the MEEF which had to be submitted to ACE for comment before seeking approval of DEP for implementation.

46. On the proposed condition (d) on capping the number of the SkyPier HSF at an annual daily average of 99, a Member said that the operation of HSF could vary substantially on a daily basis, and the impact on CWD could be severe on a single day or at specific time intervals. Another Member echoed that there should be a maximum daily cap on HSF leaving the SkyPier. He suggested giving the flexibility for AAHK to come up with a daily cap since ACE did not have sufficient information to set this cap now. A Member recalled AAHK's explanation that the daily number could be high for operational reason such as after inclement weather, e.g. typhoon. Besides, the speed limit of HSF, which according to the AAHK dolphin experts would affect CWD most, would be restricted. Another Member added that AAHK had agreed to consider imposing further speed restrictions at specific sections of the marine routes after detailed study. The Chairman suggested and Members agreed to add that AAHK should also explore the feasibility of imposing a maximum daily cap on the number of HSF leaving the SkyPier and further speed restrictions at different spots along the marine routes. Further, AAHK should seek comments of ACE prior to submitting the plan to DEP for approval before commencement of the construction works.

47. Members agreed with the proposed conditions without further amendments in respect of :-

- (e) development of a Coral Translocation Plan;
- (f) banning of underwater percussive piling;
- (g) establishment of the FEF and the Fisheries Management Plan;
- (h) protective measures for the egret in Sha Chau; and
- (i) establishment of a Silt Curtain Deployment Plan.

48. In relation to condition (g), Members agreed that AAHK should be asked to consider injecting more resources to the MEEF than the FSF. The Chairman said that AAHK had considered the initial comments of ACE to designate separate sums each for marine ecology conservation and fisheries enhancement. There was an understanding that the concerned fishermen would have separate platforms to pursue their claims for recovery/ enhancement of fisheries resources and/ or ex-gratia payment for their loss of fishing activities arising from reclamation works.

49. The Chairman suggested and supported by Members that condition (j) could be removed and subsumed in condition (k).

50. On the proposed condition (l), a Member suggested two minor textual amendments by deleting the word "or" from the statement "..... for greening or

and planting international standard and ~~for~~ best practices”. Mr C T Ling suggested deleting the words “in consultation with the Planning Department” as the Landscape and Visual Plan would be forwarded to PlanD for vetting after it was submitted to DEP for approval. Procedurally, it would not be appropriate for PlanD to assume the consultation role on a plan which it had vetting authority. Members agreed to these amendments.

51. Members agreed with the proposed conditions without further amendments in respect of :-

- (m) development of a Waste Management Plan and maximization of the use of construction and demolition materials;
- (n) setting clear and enforceable action and limit levels for different aspects of the environmental monitoring and audit programme; and
- (o) development of a Marine Mammal Watching Plan.

52. On the proposed condition (p), two Members suggested to require details on actions to be taken in the event of unexpected release of large amount of suspended solids. Members agreed to the proposed amendment.

53. On the proposed condition (q), a Member reminded that the EIASC had agreed that the Noise Exposure Forecast (NEF) Contour 25 should be updated annually instead of once every five years. Two Members echoed that the information would not be up-to-date if the review was only undertaken once every five years. Members agreed to amend the condition so that AAHK should review the operational data annually and update the NEF if there were major deviations from the assumptions adopted in the EIA report.

54. On the proposed condition (r), a Member reiterated his concern that AAHK should be required to tackle aircraft noise problems at source by phasing out noisy aircraft in line with the international trend and to develop an enforcement programme. Another Member shared the concern and suggested that there should be remedial measures to follow up on exceedances identified during monitoring at the operation phase. The Chairman suggested to include in the condition to require AAHK, before the operation of 3RS, to confirm with CAD on the implementation of restrictions on specific aircraft types to follow the international guidelines, and that an Aircraft Noise Monitoring Plan should be developed to include an action plan to review the noise data and to take appropriate actions with reference to the prevailing internationally recognized standards in aircraft noise mitigation. Members agreed to these amendments.

55. On the proposed condition (s), a Member suggested and echoed by another Member that in addition to the community liaison groups handling complaints, AAHK should set up professional groups to review the progress and effectiveness of the mitigation measures and provide feedback. A Member suggested empowering the local communities to advise on the operation of the 3RS project through the community liaison groups. Another Member shared this view by citing his experience in handling a local conservation case in Australia. Mr K F Tang said that the relevant government authorities would be

responsible for ensuring AAHK's compliance of the conditions set out in the Environmental Permit (EP). AAHK was also required to engage an Independent Environmental Checker who was responsible for reporting any irregularities or non-compliance to EPD and other relevant authorities. A Member clarified that the proposed professional groups would not take over the compliance-checking duties from the relevant authorities, but to review the progress of the mitigation measures and provide feedback. The Chairman suggested and Members agreed to set up community and professional liaison groups respectively comprising members of the affected communities and relevant professional/ experts to look at environmental issues from the community and professional perspectives.

56. On the proposed recommendation (a), Members agreed to request AAHK to explore with the relevant Mainland authorities the measures on HSF speed restrictions and on conserving CWD in the PRE waters. Members also agreed to the proposed recommendation (d) on development of a Relics and Antiques Rescue Plan without amendment.

57. On the proposed recommendation (b), a Member suggested to specify AAHK's pledge to develop HKIA as the world's greenest airport as it had openly committed when unveiling the 3RS EIA report in June 2014.
[The Member left the meeting at this juncture.]

58. On the proposed recommendation (c), a Member said that it might overlap with the proposed condition (m) on waste management. Mr K F Tang clarified that condition (m) concerned the facilities under the direct management of AAHK, whereas recommendation (c) concerned the tenants in HKIA whom AAHK might have difficulties in controlling their way in handling waste, particularly food waste. Responding to a Member's enquiry about whether AAHK could impose control on the activities of their tenants by way of a contract or a tenancy agreement, a Member said that it hinged on whether the design of the airport building had built in sufficient facilities to allow tenants to achieve the waste minimization and recycling targets, and whether the contract had built in such conditions. Mr Tang pointed out that condition (m) had required AAHK to incorporate in the infrastructure design suitable facilities to effect separation, recovery, recycling and reuse of different categories of waste generated during the operation phase. However, AAHK could face practical difficulties in controlling how their tenants managed their outlets in individual tenancy agreements. Members agreed to maintain condition (m). For recommendation (c), the last sentence of "The Plan should include appropriate facilities to support sustainable food waste separation and reduction" could be removed as the information had been reflected in condition (m).

59. A Member suggested making it clear in the conditions and recommendations that while these applied to the construction of the 3RS project, the requirements imposed for the operation phase should apply to the whole HKIA.

60. A Member enquired about the possible follow-up action for ACE in the

event that the designation of the proposed marine park was delayed or failed to materialize which was beyond the control of AAHK. The Chairman responded that the responsibility of ACE was to give comment to DEP on the EIA report. It had no direct control over the implementation of the project. Since the Government had made a public commitment on the designation of the marine park, they owed the onus to the community should they fail to deliver this public commitment. Ms Anissa Wong said that the designation would become the obligation of the Government once the EP was issued. So far, the Government had not failed to deliver its commitments. She pledged that the Government would make the best endeavour to deliver despite that there might be possible challenges in the process.

61. In response to a Member's suggestion to add a recommendation to define the chairmanship and composition of the management committees on the MEEF and FEF, the Chairman said that AAHK should be given the flexibility to come up with the respective plans, and ACE would have the opportunity to comment before the submission to DEP for approval.

62. The Chairman concluded that the vast majority of Members agreed to endorse the EIA report with the list of conditions and recommendations discussed above. Two Members did not endorse the EIA report.

63. The Chairman thanked the Chairperson of the EIA Subcommittee for her effective leadership in steering the EIASC discussions and to all Members for their valuable input and support throughout the lengthy discussions on this EIA report.

[Post-meeting note: The updated list of conditions of endorsement and recommendations which had been issued to DEP was at Annex.]

Agenda Item 4: Any other business

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

Agenda Item 5 : Date of next meeting

65. The Chairman informed Members that the next meeting was scheduled on 13 October 2014. Members would be informed of the agenda in due course.

**ACE Secretariat
September 2014**

**EIA report on “Expansion of Hong Kong International Airport
into a Three-Runway System”**

Endorsement Conditions

Marine Ecology

- (a) The project proponent should advance the preparatory work for the designation of the marine park as recommended in the EIA report, including a study on the details of the designation, consultation with stakeholders and incorporation of enhancement measures such as deploying artificial reefs, releasing fish fry, etc., on the understanding that the designation of the marine park should be completed before the operation of the project.
- (b) The project proponent should, in consultation with the Agriculture, Fisheries and Conservation Department (AFCD), submit the marine park proposal including the proposed size and management plan of the marine park as recommended in the EIA report to the Advisory Council on the Environment (ACE) for comment before the commencement of reclamation works.
- (c) The project proponent should establish an independent Marine Ecology Enhancement Fund (The Fund) which should be substantial enough to meet its conservation objectives in a long-term and sustainable manner. A detailed Marine Ecology Conservation Plan (The Plan) should be formulated for the conservation of marine life particularly the Chinese White Dolphins (CWD) within the Hong Kong and the Pearl River Estuary (PRE) waters. The Plan should cover the relevant marine parks and other important marine habitats in Hong Kong to enhance their carrying capacity, “dolphin friendly” activities, the recovery of fisheries resources, and scientific research for the overall benefits of marine mammals, particularly CWD, in the PRE during the construction and the operation of the project. A management committee should also be set up for The Fund with members from different stakeholders including relevant academics, green groups and dolphin experts for effective implementation of The Plan. The project proponent should submit The Plan and the set up of The Fund to ACE for comment before making the submission to the Director of Environmental Protection (DEP) for approval before implementation.

- (d) The project proponent should devise a Marine Traffic Routes and Management Plan (The Plan) for high speed ferries (HSF) of the SkyPier. The Plan should include the imposition of a speed limit within Hong Kong waters which are hotspots of the CWD during the construction phase so as to minimize chances of collision and disturbance to the CWD, and to cap the number of SkyPier HSF at the current level of operation (i.e. an annual daily average of 99) prior to designation of the proposed marine park. The Plan should also explore the feasibility of imposing a daily cap on the number of HSF leaving the SkyPier and imposing further speed restrictions at different spots along the marine routes after detailed study. The Plan for HSF should be submitted to ACE for comment prior to submitting to DEP for approval before commencement of the construction works.
- (e) The project proponent should develop a Coral Translocation Plan which should include information of coral colonies to be translocated, the recipient area, translocation methodology and monitoring of transplanted coral colonies.
- (f) The project proponent should not use underwater percussive piling for the project.

Fisheries

- (g) The project proponent should establish an independent Fisheries Enhancement Fund (The Fund) and submit a detailed Fisheries Management Plan (The Plan) in collaboration with fishermen for supporting the fishing industry and enhancing fisheries resources in the western Hong Kong waters especially the Lantau waters. A management committee should also be set up for The Fund with members from fishermen and relevant stakeholders for effective implementation of the fisheries management plan. The project proponent should submit The Plan to ACE for comment before making the submission to DEP for approval before implementation.

Terrestrial Ecology

- (h) The project proponent should develop an Egretty Survey Plan which should include pre-construction survey(s) during the breeding season to update the latest boundary of the egretty with a view to confirming the daylighting location. The daylighting point should be kept to the minimum in size and be situated as far away from the latest egretty boundary as practicable.

Water Quality

- (i) The project proponent should devise a Silt Curtain Deployment Plan which

should include the construction programme and details on the design, operation and maintenance of silt curtains to be deployed during construction.

- (j) The project proponent should draw up detailed technical guidelines to avoid adverse water quality impacts for compliance of contractors over the operation of barges and construction vessels to be deployed in the project area.

Landscape and Visual

- (k) The project proponent should formulate a Landscape and Visual Plan for submission to DEP to specify quality criteria on the overall landscape and visual environment of the project with broad-brush targets to be achieved for greening and planting as benchmarked against international standards and best practices.

Waste Management

- (l) The project proponent should adopt a waste minimization strategy and develop a detailed Waste Management Plan (The Plan) setting out measures to minimize waste generation through avoidance, minimization, recovery, recycling and reuse of different categories of waste, for construction and operation phases of the project.

As part of The Plan, the project proponent should maximize the use of construction and demolition (C&D) materials for the land formation work during the construction phase of the project. The project proponent should critically review the scheduling of surcharge operations to avoid, or otherwise, minimize generation of residual C&D materials requiring disposal during and at the end of the land formation work.

As part of The Plan, the project proponent should incorporate the infrastructural design of the project, suitable facilities to effect separation, storage, recovery, recycling and reuse of different categories of waste generated during operation phase of the project.

Environmental Monitoring and Audit

- (m) The project proponent should develop clear and enforceable action and limit levels and the associated event action plans with clear rationale for CWD, air, noise, water quality and waste monitoring for approval by DEP prior to the commencement of construction works. These plans should include provisions for stopping the relevant parts of works if the respective limit levels are exceeded.

- (n) The project proponent should, as a part of the Environmental Monitoring and Audit (EM&A) programme, devise a Marine Mammal Watching Plan (The Plan) for approval by DEP prior to the commencement of marine works. The Plan should include regular inspection of silt curtains, visual inspection of the waters around silt curtains and the works areas, and a response plan to cope with any unpredicted incidents such as any marine mammal including but not limited to CWD found within the waters surrounded by silt curtains or the works areas.
- (o) The project proponent should draw up a Spill Response Plan (The Plan) with details on the actions to be taken in the event of accidental spillage of oil, unexpected release of large amount of suspended solids or other hazardous chemicals during construction and operation of the project. The Plan should include vessels operating for the project, with specific provisions for protecting the water quality and marine ecology as well as for the neighbouring residents.
- (p) For the purpose of confirming that the actual aircraft noise performance meets the Noise Exposure Forecast (NEF) Contour 25 predicted in the EIA report, the project proponent should update the NEF Contour 25 for submission to DEP with actual operational data after a full year of operation of the project. Thereafter the project proponent should review the operational data annually and update the NEF if there are major deviations from the assumptions adopted in the EIA report.
- (q) The project proponent should, before the operation of the Project, confirm with the Civil Aviation Department (CAD) on the implementation of restrictions on specific aircraft types to follow the guidelines laid down by the International Civil Aviation Organization to tackle aircraft noise problems at source. The project proponent should also develop an Aircraft Noise Monitoring Plan (The Plan) to monitor aircraft noise at representative locations in Tung Chung, Ma Wan, Tsing Yi, Tsuen Wan, Ting Kau, Siu Lam and Tuen Mun. The Plan should make use of the available aircraft noise and flight track monitoring data including measured noise levels in terms of dB(A) and their distribution, flight tracks, aircraft fleet mix data and other relevant information at these locations. The Plan should include an action plan, as approved by CAD, to review the noise data to assess the effectiveness of the mitigation measures and to take appropriate actions with reference to the prevailing internationally recognized standards in aircraft noise mitigation.
- (r) The project proponent should set up community and professional liaison groups respectively comprising members of the affected communities and relevant

professionals/experts to facilitate communication, enquiry and complaint handling on environmental issues related to the project. A detailed Complaint Management Plan including a dedicated complaint hotline and an email channel should be established for timely response to complaints.

Recommendations

- (a) The project proponent should further discuss with the relevant authorities in Hong Kong and the Mainland to adopt a reduced speed limit for HSF operated by the SkyPier and other operators when navigating in important CWD habitats in Hong Kong and PRE waters which is one of the core areas for CWD; and should make efforts to avoid entering the core area of PRE CWD National Nature Reserve.
- (b) The project proponent should target for the BEAM Plus Platinum certification taking into account its pledge to develop the Hong Kong International Airport as the world's greenest airport.
- (c) The project proponent should consider further waste minimization and recycling strategy and develop a Food Waste Management Plan for food & beverage outlets managed by his tenants in the Airport facilities.
- (d) The project proponent should draw up a Relics and Antiques Rescue Plan to resurrect items of conservation value/significance in the event of archaeological discovery during construction of the project.

EIASC Secretariat
September 2014