

**Confirmed Minutes of the 73<sup>rd</sup> Meeting of  
the Advisory Council on the Environment  
held on 17 April 2000 at 2:30 p.m.**

**Present:**

Mr. Peter H. Y. WONG, GBS, JP (Chairman)  
Mr. CHAN Kwok-wai, JP  
Mr. Clement CHEN  
Professor Anthony HEDLEY, JP  
Professor LAM Kin-che (The EIA Subcommittee Chairman)  
The Hon. Dr. LEONG Che-hung  
Mr. LIN Chaan-ming  
Dr. NG Cho-nam  
Mr. Otto L. T. POON  
Ms Iris TAM  
Miss Alex YAU  
Mr. Plato YIP  
Mrs. Philomena LEUNG (Secretary)

**Absent with Apologies:**

Miss Ann CHIANG  
Mr. Barrie COOK  
Mr. Paul C. H. FAN  
Professor Peter HILLS  
Dr. HO Kin-chung  
Mr. Edwin LAU  
Mr. Joseph LAU Man-wai, JP  
Mr. PAO Ping-wing, JP  
Mr. Michael J. D. RUSHWORTH  
Mr. TAN Teng Huat

**In Attendance:**

Mrs. Lily YAM	Secretary for the Environment and Food (SEF)
Mr. Gordon SIU	Secretary for Planning & Lands (SPL)
Mr. Steve BARCLAY	Principal Assistant Secretary (B)2, Environment and Food Bureau
Mr. John LEUNG	Principal Assistant Secretary (A)1, EFB
Mr. P K CHUNG	Acting Assistant Director (Technical Services), Planning Department
Mr. J K CHAN	Acting Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department
Dr. Constance CHAN	Assistant Director, Department of Health (AD/D of Health)
Mrs. Pauline LING	Chief Information Officer, EFB
Ms. Polly LEUNG	Principal Information Officer, EPD
Miss Petula POON	Chief Executive Officer (A)1, EFB

Miss Cora SO Executive Officer (B), EFB

**In Attendance for Agenda Item 3 :**

Mr. John ROCKEY Assistant Director (Waste Facilities), EPD (AD(WF)/EPD)  
Mr. Conrad LAM Principal Environmental Protection Officer (Special Waste  
Facilities), EPD (PEPO(SWF)/EPD)  
Dr. Gev EDULJEE Consultant, ERM (C1/ERM)  
Dr. Andrew JACKSON Consultant, ERM (C2/ERM)

**In Attendance for Agenda Item 4 :**

Dr. F Y WONG Assistant Director (Country and Marine Parks), AFCD  
(AD(CMP)/AFCD)

**In Attendance for Agenda Item 5 :**

Mr. W K TAM Deputy Director (Special Duties), Civil Engineering  
Department (DD(SD)/CED)  
Mr. P D MORGAN Chief Engineer (Special Duties) (Works), CED  
Mr. M Y TANG Senior Engineer (Works)2, CED  
Ms. Phyllis LI District Planning Officer (Sai Kung and Islands), Plan D  
(DPO(SKI)/Plan D)  
Mr. Mike ROWSE Commissioner for Tourism (C for Tourism)  
Miss Winnie HO Assistant Commissioner for Tourism  
Ms. Winnie NG Assistant Secretary for Economics Services  
Mr. Douglas MORELAND Vice-President, Hong Kong International Theme Parks  
Limited  
Mr. Rick MORSE Vice-President, Hong Kong International Theme Parks  
Limited  
Mr. Elvis AU Assistant Director (Environmental Assessment & Noise), EPD  
(AD(EAN)/EPD)  
Mr. Simon HUI Principal Environmental Protection Officer (Assessment &  
Audit), EPD  
Mr. Cary HO Senior Nature Conservation Officer, AFCD (SNCO/AFCD)  
Mr. Arul KUMARASAN Associate, Scott Wilson (HK) Ltd. (Associate/Scott)  
Mr. Julio FIGUEIRAS Director, Shankland Cox  
Mr. Kieran O-NEIL Senior Landscape Architect, Shankland Cox  
Dr. Timothy PEIRSON-SMITH Technical Director, ERM (TD/ERM)  
Dr. Andrew JACKSON Managing Director, ERM (MD/ERM)  
Mr. Josh LAM Principal Consultant, ERM (PC/ERM)  
Mr. Craig ALLERY Senior Consultant, ERM (SC/ERM)  
Mr. Dave NG Senior Consultant, ERM

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Action

The Chairman welcomed Mr. P K Chung and Mr. J K Chan to the meeting. Mr. Chung and Mr. Chan were sitting in for Mr. Bosco Fung and Mr. S P Lau respectively.

**Agenda Item 1 : Confirmation of Minutes of the 72<sup>nd</sup> Meeting held on 27 March 2000**

2. As Mr. Mike Stokoe was on leave and did not have opportunity to comment on the minutes, the minutes were confirmed subject to any comments which he might have.

[Post-meeting note: Mr. Stokoe has no comment on the draft minutes and the minutes are confirmed.]

**Agenda Item 2 : Matters Arising**

Para. 14 : Meeting between ACE and the SSDS Review Panel

3. Members noted that a meeting would be arranged for 26 May 2000 at 3pm to meet with the SSDS Review Panel.

Para. 24 : Earth filling case in Tai Tong

4. The Chairman said that Plan D had noted the case and would look into it accordingly.

Para. 68 : Bills Committee on Urban Renewal Authority Bill

5. Members noted that a record of ACE's discussion of the subject at the Council meeting held on 29 November 1999 had been sent to the Bills Committee.

Para. 76 : Discussion on strategy of environmental education

6. The Chairman informed Members that the Administration would consider the arrangements of the discussion and let them have the details in due course.

**Agenda Item 3 : Presentation of review of dioxin emission in Hong Kong**

7. The Chairman welcomed AD(WF)/EPD, PEPO(SWF)/EPD, C1/ERM and C2/ERM to the meeting. AD(WF)/EPD briefed Members on the background of the review followed by C1/ERM's presentation of the review findings.

8. Considering that many people believed that some allergies were caused by intake/ingestion of dioxin, the Chairman asked why such an aspect had not been investigated in the review. C1/ERM said that although the Chairman's concern had not been studied directly, they had made conservative assumptions in estimating the level of dioxin contained in food on the basis of that contained in ambient air. The results were within the WHO recommended tolerable daily intake.

9. The Chairman pointed out that the estimation would be based on food grown locally but most of the food consumed in Hong Kong was imported. DEP noted the Chairman's concern and said that the focus of the review was to address the community's major concern over dioxin emissions from the Chemical Waste Treatment Centre and other possible incineration facilities. C1/ERM supplemented that the review provided baseline data for further studies. AD(WF)/EPD added that according to the food surveillance system of the Food and Environmental Hygiene Department (FEHD), the level of dioxin contained in food was well within the US FDA standard. FEHD had also commissioned another study on basic dietary habits which would provide more understanding on the amount of dioxin intake through diet. AD(WF)/EPD said that the independent reviewer of the current study suggested that a further study on breast milk be undertaken to look into how dioxin was retained by fatty tissue in the human body.

10. A Member noted that the study was done on the basis of average population exposure. He asked how the consultants would carry out the "breast milk" study to take into account possible variations in exposure across urban and rural areas in the territory. C1/ERM said that dietary habits rather than geographical variations would be the overriding factor affecting dioxin intake.

11. In response to that Member's follow up question on the possible impact of dioxin from indoor air/domestic sources, C1/ERM said that according to the findings of overseas studies, dioxin primarily came from the use of pentachlorothenol and other wood preservatives. He reckoned that those sources would not be a matter of concern in Hong Kong.

12. With regard to “breast milk” study, AD/D of Health said that it was difficult to set a meaningful standard for dioxin in breast milk as the level of dioxin changed with a number of factors. Also, not many laboratories in the world had facilities to carry out reliable measurements of dioxin in biological materials.

13. The Chairman thanked AD(WF)/EPD et.al. and hoped the findings of the review would put to rest some of the community’s concerns on dioxin level in ambient air. As Members would not have sufficient time to digest the report which had just been tabled, the Chairman suggested Members write in to the Administration any comments they might have.

**Agenda Item 4 : Proposed Lantau North (Extension) Country Park**  
**(ACE Paper 16/2000)**

14. The Chairman said that Miss Alex Yau had declared interest as a member of the Country and Marine Parks Board which would be hearing public objections following gazettal of the proposal. She had asked to abstain from discussion of the item. The Chairman noted WWF’s support for the project and its recommendation to include ecologically-sensitive lowland areas such as Tai Ho and Tung Chung river valleys, and the excised “pockets” of land near Hung Fa Ngan and Wong Kung Tin.

15. The Chairman welcomed AD(CMP)/AFCD to the meeting. AD(CMP)/AFCD briefed Members on the proposal to extend the Lantau North Country Park.

16. A Member welcomed the proposal as many environmentalists had been looking forward to it as a compensation to the impact arisen from the construction of the Airport. AD(CMP)/AFCD clarified that the proposal, which was planned in 1993 as part of the Lantau conservation programme, was not a compensatory project as such.

17. That Member supported WWF’s recommendation in paragraph 14 above and urged the Administration to extend the boundaries of the Country Park to cover Sze Pak as well. He understood that a water service reservoir was originally planned in Sze Pak as part of the port development. Now that the port development project would not go ahead, he hoped that the Administration could consider including Sze Pak in the Country Park. AD(CMP)/AFCD agreed to consider that Member’s suggestion.

18. In response to a Member's enquiry on Islands District Council's reason for rejecting the proposal, AD(CMP)/AFCD explained that the concern of District Council was on the Lantau North-South Link. It preferred to consider the proposal only after the Lantau North-South Link had been approved.

19. A Member supported the proposal and said that last year, the Task Force on Conservation and Use of Natural Resources already recommended early extension of Country Park.

20. A Member said that FoE supported the proposal as well as WWF's recommendation in paragraph 14 above.

21. The Chairman said that it would be difficult to include the areas recommended by WWF as they were private land. AD(CMP)/AFCD echoed the Chairman's remarks and said that the best way to exercise control over the land use of private land was through the issue of Outline Zoning Plan (OZP) in the planning process.

22. A Member commented that designating the areas as Sites of Special Scientific Interest would provide less protection than including them in the Country Park. AD(CMP)/AFCD indicated that an OZP covering the Tai Ho Stream SSSI was currently being prepared by the Planning Department.

23. The Chairman concluded that the Council fully supported the proposal.

24. The Chairman said that as he had declared interest in the Disney Theme Park project, he would not take part in the discussion. He suggested bringing forward Agenda Items 6 and 7 before handing over the chair to Prof. Lam Kin-che.

### **Agenda Item 6 : Any Other Business**

#### **Tentative Schedule of Work for ACE in 2000**

25. Members noted the tentative schedule of work.

Meeting with the project proponent of the “Remaining Development in Tung Chung & Tai Ho”

26. The EIA Subcommittee Chairman said that according to the minutes of the February meeting, the project proponent of the “Remaining Development in Tung Chung & Tai Ho” was requested to consult the EIA Subcommittee Chairman before submitting the EIA report to EPD. However, he thought that it would be procedurally inappropriate for him to discuss with the proponent when the report was near completion. This would be seen as pre-empting DEP’s decision with regard to the Technical Memorandum of EIAO and the deliberation of the EIA Subcommittee. The Chairman agreed.

**Agenda Item 9 : Date of Next Meeting**

27. Members noted that the next meeting would be held on 29 May 2000.

**Agenda Item 5 : Report of the 52<sup>nd</sup> EIA Subcommittee Meeting**  
(ACE Paper 15/2000)

Kowloon-Canton Railway Corporation (KCRC) East Rail Extension - Hung Hom to Tsim Sha Tsui

28. The EIA Subcommittee Chairman briefed Members on the Subcommittee’s views and recommendations on the EIA report. He said that after the Subcommittee meeting, the project proponent expressed difficulty with regard to displaying instantaneous noise monitoring readings on their website. He drew Members’ attention to the third recommended condition set out in the paper, and suggested revising it to read “immediate action would be provided *to activate remedial measures* in the event that the noise levels exceeded the worst case scenario predicted in the EIA report”. Members agreed.

29. The EIA Subcommittee Chairman said that other than practical difficulty, the proponent had reservation on displaying real-time monitoring data lest it should evoke EPD’s enforcement action. DEP said that EPD would not launch a case against self-monitoring data, but would initiate investigation if the data showed any signs of deviation from the standards.

30. DEP reminded Members that from a statutory perspective, it was important for the Council to give precise and concise recommendations so that he could understand exactly what the conditions were. Notwithstanding this, he said that for operational reasons the conditions written on the environmental permit (EP) would not necessarily be identical with the wording of the Council recommendations.

31. The Chairman proposed and Members agreed to endorse the EIA report with the conditions recommended by the Subcommittee.

**[The Chairman handed over the chair to Prof. Lam and left the room at this juncture.]**

32. Ms. Iris Tam declared interest, as her company was the consultant of the Northshore Lantau Development Feasibility Study (NLDFS). The meeting noted and agreed that she would not take part in discussion of the EIA on NLDFS but might raise questions on the EIA of the Construction of an International Theme Park in Penny's Bay of North Lantau and Its Essential Associated Infrastructures.

33. Noting that Mr. Peter Wong left the meeting after declaration of interest whereas Ms. Tam did not, a Member asked whether there were guidelines for handling such cases. The Acting Chairman said that according to past practice, any Member who had declared interest would refrain from taking part in the discussion, but whether departing from the meeting was of his/her own accord.

34. A Member was concerned whether the project proponent would seriously consider the Council's recommendations as the Executive Council had already approved the Penny's Bay Reclamation. DEP explained that development projects were subject to a number of statutory requirements and each one would have to be complied with before proceeding. The Acting Chairman echoed DEP's point and said that Members should focus the discussion on environmental grounds only.

35. The Acting Chairman welcomed the project proponent team to the meeting.

Northshore Lantau Development Feasibility Study

36. In response to the Acting Chairman's question on the difference between Schedule 2 and Schedule 3 projects, DEP explained that Schedule 2 projects were individual projects with details available so that environmental impacts could be accurately assessed. Schedule 3 projects were projects with only broad development principles over a large area. As it would be premature to undertake detailed environmental assessment for Schedule 3 projects, EPD would simply note the findings of the preliminary assessment. Each individual project included in a Schedule 3 project would require a detailed EIA before proceeding further, and those reports would be submitted to the Council for consideration and endorsement in the usual manner.

37. In response to a Member's enquiry on the timing of the Council to address the issue on cumulative impacts, DEP said that it would be considered as each project submitted an EIA report. TD/ERM said that NLDFS was conducted on the basis of the worst-case scenario. It was in fact an overall assessment of cumulative impacts of projects committed or proposed in Northshore Lantau. Furthermore, they had recommended undertaking detailed EIA on individual projects to verify the findings of the study. C for Tourism added that a list of projects on Northshore Lantau requiring separate EIAs (including confirmed and proposed projects) was tabled for Members' reference.

List of projects on Northshore Lantau requiring separate EIAs (including confirmed and proposed projects)

38. In response to a Member, C for Tourism confirmed that the 10 ha of reclamation at Yam O which was planned for a temporary PTI had not included the land for the proposed Technodrome and Tourist & Convention Village. On that Member's follow up question, DPO(SKI)/Plan D said that the log ponds would be removed when Road P1 extension and related reclamation would commence. That Member asked whether the Technodrome and Tourist & Convention Village would be located in Yam O. In reply, DPO(SKI)/Plan D said that under the Recommended Outline Development Plan, the two facilities would be located on Yam O reclamation but they would not be built at an early stage so as to affect the temporary PTI.

Chok Ko Wan Link Road - Alignment from Pa Tau Kwu to R10 Toll Plaza

39. At the invitation of the Acting Chairman, C for Tourism briefed Members on the tabled paper entitled “Chok Ko Wan Link Road - Alignment from Pa Tau Kwu to R10 Toll Plaza”. He summarised that at the last EIA Subcommittee meeting, Members were concerned about the size of reclamation proposed for constructing the section of the link road on embankment and recommended the option of viaduct so as to preserve the coastline as far as possible. Having considered Members’ views, the proponent now proposed to reduce the area of reclamation by locating the embankment partially offshore so that the portion of the sea between the alignment and the coast would not be reclaimed. Details were available in the paper tabled for Members’ consideration.

40. In response to the Acting Chairman’s query on possible water quality problem if water was trapped between the embankment and the coast, Associate/Scott said that the embankment would be designed to allow water to pass through.

41. Upon enquiries from the Acting Chairman and a Member, C for Tourism said that the total area of reclamation for the embankment would be around 8 to 10 ha. A separate EIA would be undertaken for the reclamations at Tsing Chau Tsai East for the proposed tourism and recreational development.

42. C for Tourism pointed out that if the link road were to be built on viaduct, artificial islands would be required to protect the viaduct structure from potential collision impacts from marine vessels. The artificial islands would result in some form of partial reclamation. A Member asked how busy was the marine traffic of the Kap Shui Mun Fairway compared with the marine channel under Eastern Corridor. Associate/Scott said that the former was far more exposed to risk of vessel collision because of the current and strong wind there especially during typhoons.

43. Noting that the proposed viaduct structure would be as high as +24mPD, a Member asked how high would be the embankment. In reply, Associate/Scott said that it would be about +16mPD high. That Member said that it would be visually very obtrusive to have such a high embankment.

44. Two Members said that it would not be prudent to recommend adopting an option for building the link road before receiving a detailed report setting out the environmental impacts of the two options.

45. A Member suggested delaying the recommendation on the link road until details of Route 10-Hong Kong Lantau Link were available. In response, C for Tourism said that the timeframe for Route 10-Hong Kong Lantau Link was not yet known and it might not materialize until the next 20 years. He emphasized that the road section would still be needed without Route 10-Hong Kong Lantau Link because of the need to provide a link between the Toll Plaza and the Airport.

46. A Member commented that in the absence of information regarding the ecological condition and the water quality level of the sea portion between the embankment and the coast, it was difficult to come to a decision at the moment. Another Member said that the experience in other embankments, for example Tung Chung Expressway and Ting Kok Road, had proved their environmental-friendliness, only that in those cases there was a river running down the valley and that indirectly ensured the water quality. C for Tourism said that in the present case there were also streams running down the coast near the link road.

47. SPL said that to enable the proponent to proceed with the necessary work on the road section, it would be useful if the Council would put down its concerns as conditions and let the proponent to work out the best solution.

48. After further discussion of the pros and cons of the two options, Members agreed to recommend that the road section from Pa Tau Kwu to Route 10 Toll Plaza be built on embankment subject to the water quality problems being adequately addressed, and that the EIA Subcommittee be consulted on the final design of the road section.

*Cho Ko Wan Link Road Alignment Option Evaluation – Summary (Paper tabled)*

49. Members noted the paper and had no comment on it.

*Fresh Water Reservoirs*

50. Noting that the reservoirs were not designated projects, a Member was concerned over the possible ecological impacts to the streams nearby, and asked if it was possible to include the reservoirs in the EIA of the reclamation. TD/ERM said that such EIA had already been done in the NLDFS and recommendations on ecology and archaeology were made in the EIA report for DEP's consideration.

51. A Member said that the Mong Tung Hang Stream and the access trails to the lookout areas were very ecologically sensitive. She would like to see them better preserved, for example, by designating them as “no-go” areas or setting buffer zone along the Stream rather than just passively avoiding the stream course in future developments. TD/ERM noted the points and that Member suggested leaving a 50-meter buffer on both sides of the Stream. Members agreed.

52. A Member said that he had not received written feedback from the proponent about the adequacy of deploying artificial reefs (AR) to compensate the loss of natural coastline. In response, TD/ERM said that a written reply to that Member was being finalized. He clarified that the recommended compensation for the coastline should be the provision of a variety of seawalls whereas AR deployment was only an additional enhancement measure offered by the proponent. There was evidence in Hong Kong that corals would colonize around seawall. An example was the seawall of the High Island Reservoir in Sai Kung. Taking into account that colonization might not be successful under the present proposal, the consultants had recommended that environmental monitoring be conducted and further mitigation measures would be considered if no colonization had taken place after a reasonable period of time. Details of the proposed arrangements were set out in the EM&A Manual in the Implementation Schedule. As regards deployment of AR, TD/ERM said that AFCD’s research results showed that it could facilitate fish aggregation and other marine ecological benefits. It was suggested that at least 4,350m<sup>3</sup> of AR were to be deployed in the vicinity of Luk Keng.

53. A Member reiterated his suggestion of extending the boundary of the North Lantau Country Park to include Sze Pak and considered that to be a better alternative to compensate for the coastline. Another Member said that preserving the coastline of outlying islands could contribute to wildlife protection. AD(EAN)/EPD said that the Administration would note those Members’ suggestions.

AFCD

54. The Acting Chairman concluded and Members agreed that the EIA report of the NLDFS was endorsed on the conditions that :

(a) the road section from Pa Tau Kwu to Route 10 Toll Plaza be built on embankment subject to any water quality problems being adequately addressed, and that the EIA Subcommittee be consulted on the final design of the road section; and

(b) a 50-meter buffer be left on both sides of the Mong Tung Hang Stream.

Construction of an International Theme Park in Penny's Bay of North Lantau and Its Essential Associated Infrastructures

Orlando Fireworks Air Quality Monitoring Result (paper tabled)

55. MD/ERM briefed Members on the results of the test conducted in Orlando.

56. A Member enquired whether fireworks display would be cancelled should the Air Pollution Index (API) record a high level either over the territory or in the particular region of the Theme Park. In response, C for Tourism said that the statutory authority or the operator of the Theme Park would take appropriate actions if any firework display was found contributing significantly to air pollution.

57. In response to the Acting Chairman's query, DEP said that under the Air Pollution Control Ordinance, an air pollution abatement notice would be issued if the level of emissions recorded were above standards. However, as the wording of the Ordinance was rather precise about the types of emissions, he was not sure whether emissions from firework display would fall within the definition of the Ordinance.

58. Noting that there was a  $1.07\mu\text{g}/\text{m}^3$  increase against the  $30+\mu\text{g}/\text{m}^3$  background level of Respirable Suspended Particulates (RSP) in Discovery Bay area, a Member was concerned about the possible health impact to the residents in that area. MD/ERM clarified that firework display would not contribute significantly to air pollution. Furthermore, he considered it slightly misleading to relate the increase of RSP in Discovery Bay with firework display because the air pollutants would have been dispersed to a significant extent when they were blown to the Discovery Bay area.

59. A Member said that the total amount of air pollutants resulted in a year of firework displays in Disney Theme Park were even less than that produced by the firework display during Chinese New Year. The comparison served to illustrate the issue of firework displays in Disney Theme Park.

60. The Acting Chairman reiterated that as agreed at the EIA Subcommittee meeting, the proponent would conduct trial tests at Penny's Bay before opening of the Theme Park and the results be submitted to the Council for consultation. In addition, after opening of the Theme Park, air pollutants arising from fireworks would also be monitored and based on such findings, appropriate remedial measures would be worked out to the satisfaction of DEP.

Sewerage Backup System

61. C for Tourism advised that the developer of Discovery Bay had undertaken to put in place the connection between Discovery Bay and the Siu Ho Wan Sewage Treatment Works and the target completion date would be around mid-2001.

Sighting and Foraging of White-bellied Sea Eagles at North Lantau (Paper tabled)

62. C for Tourism said that although they could not rule out the possibility of the eagles being disturbed, they would take every precaution to leave them untouched. In case the eagles abandoned the nest and found another site, AFCD had undertaken to consider necessary preservation measures for the site. SNCO/AFCD reassured Members that AFCD would continue to monitor the situation and would consider preservation measures if the eagles were found nesting at the same site over a period of time.

AFCD

63. In response to the Acting Chairman, SNCO/AFCD confirmed that AFCD would be the authority to initiate action should any problems arise.

Green Measures to be adopted by Hong Kong International Theme Parks Limited at Theme Park (Paper tabled)

64. Members noted for reference that other than conditions stipulated in the EP issued by EPD, the green measures listed in the paper would be adopted by the Disney Theme Park.

Disposal of Dredged Sediments outside Hong Kong Waters (Paper tabled)

65. Members noted that the disposal of dredged sediments outside Hong Kong waters would be subject to the issue of permits by relevant authorities. DEP supplemented that under EPD's licensing conditions for disposal of substances outside Hong Kong waters, illegal dumpers would be prosecuted.

Use of Public Fill (Paper tabled)

66. C for Tourism explained that marine sand would be used in the initial phase of Penny's Bay Stage I Reclamation because the public fill generated during that time had already been earmarked for other projects. Nonetheless, 40% of the public fill generated in 2001 (or 80% in the latter half of 2001) would be taken up by Stage I Reclamation and almost 100% by Stage II Reclamation in the following two years.

67. In response to the Acting Chairman's query, DD(SD)/CED explained that the 2.5% utilization rate of public fill as stated in previous paper was calculated by dividing 2Mm<sup>3</sup> (volume of public fill taken up by Stage I) by 67Mm<sup>3</sup> (total volume taken up by the whole project).

68. A Member asked whether it was possible to re-schedule the reclamation project so that more C&D waste could be taken up. C for Tourism said that after considering various factors, the present implementation schedule was most cost-effective and could take up the maximum amount of public fill. Apart from that, the schedule was so designed to meet the demand for tourists accommodation in terms of hotel provision.

69. That Member said that he would like to see the project being carried out in a more sustainable manner instead of imposing potential adverse impact to the environment elsewhere by using 65 Mm<sup>3</sup> of marine sand. SEF said that that Member's concern was well taken by the Administration but remarked that a balance must be struck in the course of policy formulation and project implementation.

70. A Member said that there were practical difficulties in materializing that Member's suggestion under which the rate of forming land in Hong Kong would be restricted by the availability of C&D waste generated.

AR Deployment

71. In response to the Acting Chairman's query, C for Tourism said that Finance Committee (FC) had given approval in principle for the whole project. Upon determination of actual location and detailed cost required for AR deployment, the proponent would request funding from FC.

Other comments

72. A Member suggested that to enhance the transparency of the project, it would be useful to install an environmental management system to follow closely detailed implementation, and to make available the EM&A results to the public or even issue a periodic environmental report. C for Tourism concurred and said that similar approach had already been proposed in the EIA report.

73. A Member pointed out that despite the proponent's commitment to implement the project as environmentally-friendly as possible, the contractors might not have the same mission. Another Member hoped that the construction company involved in "short-pile" project would not be selected. C for Tourism said that the Financial Secretary and Secretary for Works would evaluate the tenders of individual projects and the quality of contractors would be given suitable consideration, not only the tender price offered. DEP said that it was not uncommon to build into the contracts that contractors would be paid for environmental performance.

74. Upon enquiry from a Member, TD/ERM confirmed that the surveys in both EIAs were done over 12 months and PC/ERM said that a bat survey had been included as part of the mammal survey.

75. In reply to a Member's question, C for Tourism reassured him that no works within the boundary of the Cheoy Lee Shipyard would start until an EP had been issued.

76. On noting that one meter of seabed would be dredged under the shipyard, a Member was concerned that contaminants dredged out would be washed to the artificial lake adjacent to the shipyard and might impose threats to the health of the workers there. C for Tourism said that there would be a separate EIA for the decommissioning of the shipyard and the safety of workers would be taken into consideration in the EIA. He added that even in the worst-case scenario, it would be impossible for the contaminants to pass through the seawall.

77. The Acting Chairman said that all outstanding issues had been discussed and it was time for the Council to agree on a recommendation on the two EIA reports. A Member, however, pointed out that since most Members were absent from the meeting, it would be better to circulate the proposed recommendation to all Members for endorsement before giving a definite reply to the Administration. SEF said that Members had been informed in advance about the discussion of the two EIA reports at the meeting. They were unable to come because of their commitments. It would be difficult for the absentees to advise on the reports without taking part in the foregoing lengthy discussion. DEP echoed Mrs. Yam's view and said that the Town Planning Board often faced the same difficulty in making decision on high-profile projects when they just had a quorum. Another Member said that as the absentees had not lodged any objections on endorsing the reports, he would take it that they had put the trust on the attendees to make a recommendation.

78. A Member said that he was not satisfied with the issue of Cheoy Lee Shipyard without receiving hard evidence on safety. C for Tourism said that the proponent and the consultants were ready to answer any queries that Member might have but added that most of the queries raised in that Member's letter had been addressed either in the EIA reports or during discussions at Subcommittee meetings and at this meeting. As regards that Member's question on Cheoy Lee Shipyard, SC/ERM explained that since the sea water level and the ground water level at the shipyard would be the same even after the one-meter dredging of the seabed, the migration of potential contaminants would not be made possible.

79. That Member expressed that he wished to abstain from endorsing the report whilst other Members present agreed to endorse it. Another Member, however, emphasized that his endorsement was in terms of the environmental impacts assessed and not necessarily on the need for the project.

80. The Acting Chairman proposed and Members agreed that the report of the *Construction of an International Theme Park in Penny's Bay of North Lantau and Its Essential Associated Infrastructures* would be endorsed on the conditions that :

a) no works should commence on the site of the Cheoy Lee Shipyard until a separate EIA for its decommissioning is completed and an environmental permit issued by DEP;

b) trial tests of firework displays should be carried out at Penny's Bay site prior to the opening of the International Theme Park and the results of the trial tests and associated air quality data should be provided to ACE for consultation;

(c) after opening of the International Theme Park, air pollutants arising from the firework displays should be monitored and on the basis of such findings, appropriate remedial measures, if needed, should be worked out to the satisfaction of DEP;

(d) the occurrence of TBT, PAHs and PCB in the waters of Penny's Bay should be monitored before and during the initial phase of dredging operations;

(e) a three-year post-transplanting monitoring programme and a ten-year maintenance programme of the woodland compensatory planting should be carried out;

(f) a three-year monitoring programme of the effectiveness of the sloping seawall as an ecological mitigation measure should be undertaken. If re-colonization of the corals would occur at a slow rate, the proponent should continue the monitoring for another three years. If re-colonization does not occur, the proponent should consider further mitigation measures in conjunction with the AFCD;

(g) at least 4,350m<sup>3</sup> of AR should be deployed at site(s) to be decided by AFCD and effective management arrangement should be worked out in conjunction with AFCD; and

(h) appropriate measures should be implemented to protect the pair of White-bellied Sea Eagles; in the event of their abandoning the existing nest, all reasonable and practical measures should be taken to protect the new nesting site; also monitoring of the Eagles should be carried out throughout the construction phase and during the first two years of the operational phase of the International Theme Park.

Action

The Secretariat

81. The Acting Chairman requested the Secretariat to draft the formal advice and the proposed conditions and circulate them to those Members who had taken part in the discussion for comments before submission to DEP.

**Environment and Food Bureau**  
**May 2000**