

**Confirmed Minutes of the 83rd Meeting of the
Environmental Impact Assessment Subcommittee of
the Advisory Council on the Environment
held on 19 January 2004 at 4:00pm**

Present:

Prof. HO Kin-chung (Deputy Chairman)
Mr. LIN Chaan-ming
Dr. NG Cho-nam
Prof. POON Chi-sun
Miss Petula POON (Secretary)

Absent with Apology:

Mr. Otto POON, BBS (Chairman)
Mr. Peter Y C LEE
Mrs. Mei NG, BBS
Prof. WONG Tze-wai

In Attendance:

Mr. Elvis AU	Assistant Director (Environmental Assessment & Noise), Environmental Protection Department (EPD)
Mr. C C LAY	Assistant Director (Conservation), Agriculture, Fisheries and Conservation Department (AFCD)
Mr. Eddie CHENG	Executive Officer (E), Environment, Transport and Works Bureau

In Attendance for Agenda Item 3:

Mr. Johnson WONG	Senior Environmental Protection Officer (Environmental Assessment), EPD
Miss Clara U	Environmental Protection Officer (Environmental Assessment), EPD

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Agenda Item 1: Confirmation of Minutes of the 82nd Meeting held on 23 December 2003

Members confirmed the draft minutes without amendments.

Agenda Item 2: Matters Arising

Para. 8: Waste figures

2. The Deputy Chairman reported that the assumptions and the summary figures on waste provided by EPD were distributed to Members on 13 January 2004.

3. Having regard to EPD's waste reduction efforts, a Member said that the waste projection was too pessimistic. While the projection would not affect Members' decision on landfill extensions, it might affect their views on the need for new landfills. He hoped that a more detailed reply with further information on construction and demolition (C&D) waste could be provided. Mr. Elvis Au said that EPD had already done whatever it could to promote waste reduction under the existing framework and EPD's colleagues would be prepared to reply to his further detailed enquiry in writing. Another Member said that it would be very difficult to accurately predict the volume of C&D waste, as urban re-development would produce a lot of such waste. The Deputy Chairman said that the figures were likely for the worst-case scenario and agreed that a more detailed reply should be obtained from EPD.

Secretariat
EPD

Para. 19: Schedule of Environment Impact Assessment (EIA) Subcommittee meetings

4. The Chairman reported that the revised meeting schedule for 2004 was circulated to Members on 30 December 2003.

Para. 22: Visit to Long Valley tunneling site

5. The Secretary reported that the visit was being arranged and would likely be held in February. Members would be invited to join the visit when the date was fixed.

Agenda Item 3 : Support Service for the EIA Training and Capacity Building Programme
(ACE-EIA Paper 1/2004)

6. The Chairman welcomed the presentation team to the meeting. Mr. Elvis Au briefed Members on the background of setting up the support team and Mr. Johnson Wong briefed Members on the programme. Members commended EPD's efforts in providing the training and the services which would enhance communications between the various parties of the EIA mechanism.

7. Noting that the workshops were free of charge and that four workshops were organized for a private sector organization (China Light &

Power Limited) which did not seem to have many designated projects in hand, a Member asked whether the Government would be seen as training the staff of the private sector organizations on their behalf. In response, Mr. Johnson Wong explained that members of the EIAO Users Liaison Groups were invited to join the workshops. As a general principle, the EIAO Support Section would accord higher priority to government departments and professional bodies. In 2004, the Section would further enhance collaboration with professional bodies. Mr. Elvis Au pointed out that the workshops focused on the Government's requirements under the EIA mechanism and the regulatory angle, and were hence different from the training provided by the private organizations.

8. In response to the Deputy Chairman's question on the training targets of the workshops and whether the private organizations were required to pay, Mr. Elvis Au indicated that the workshops were originally planned for government departments. The private sector organizations were included arising from the recommendations of the Department Business Study conducted by the Business and Services Promotion Unit in 2002. They were not required to pay any fees for the first round of the workshops. However, EPD would consider imposing a charge if in future, the private sector organizations would request for more workshops of that nature.

9. In response to the Deputy Chairman's question on whether the training targets would include members of appeal board panels, Mr. Elvis Au said that EPD would avoid involving the appeal board panels in view of the semi-judiciary role they played. Furthermore, some of the members of the appeal board panels were experts in the field. Nonetheless, a briefing was arranged for the EIA Appeal Board Panel when it was first set up in 1998. As regards whether universities were training targets, Mr. Au said that they had arranged seminars with universities from time to time.

10. In reply to a Member's enquiry, Mr. Elvis Au said that the Directors of all the relevant departments supported the programme. The workshops were attended by many senior officials as well as officers at the working level.

11. In response to a Member's enquiry, Mr. Johnson Wong said that the feedback of the departments was very good. Participants indicated that through the workshops, they were able to better understand the requirement of EIAs. As regards resources for future programmes, Mr. Wong said that resources would become scarce but they would prioritize their work to optimize the results and make greater use of web-based technologies.

12. A Member suggested that the training materials could be further developed for sale as teaching materials for universities. In response, Mr. Elvis Au said that all training materials, including the e-learning programme funded by the Civil Service Training and Development Institute, were available on the Internet. Another Member considered that the training materials should be provided free of charge because the benefit in promoting the awareness of the EIA mechanism would be far greater than the fee to be obtained from the sale of the materials.

13. In response to a Member's enquiry on the copyright issue, Mr. Elvis Au confirmed that as the training manual and the examples were compiled by EPD, the public was free to use them with suitable references made. The Deputy Chairman, however, pointed out that when using the information in Government publications, prior permission from the head of the department concerned would usually be required.

14. A Member said that the workshops should carry the message that project proponents should have early dialogue with the stakeholders and green groups as far as possible. In reply, Mr. Johnson Wong advised that the workshops had stressed the importance of having good communications with stakeholders and green groups. In fact, green group representatives had been invited to speak at the workshops. The Member suggested and Mr. Johnson Wong agreed that Members of the EIA Subcommittee could be invited as speakers as well.

15. In response to a Member's query on the lack of training materials on visual and cultural impact assessments in the manual, Mr. Johnson Wong indicated that visual and cultural impacts were key components in EIA studies. Though not included in the manual, they were within the training curriculum of the latest workshops.

16. A Member queried the issue of noise barriers along the Tolo Highway. In response, Mr. Elvis Au clarified that the EIA report for the road improvement project was approved in 1997 before the EIA Ordinance came into operation. The EIA report had recommended the barriers to meet a number of purposes set out in the report. The report was endorsed by the ACE in 1997 with the understanding that the visual impacts of the noise barriers would be examined by the Advisory Committee on the Appearance of Bridges and Associated Structures (ACABAS) which comprised landscape architects from relevant government departments and representatives from professional institutions. The visual design of the barriers was endorsed by ACABAS subsequently. The crux of the matter was that visual impact could be very subjective. Furthermore, some of

planned developments along Tolo Highway were postponed resulting in queries that whether the noise barriers should be constructed by phases or at one go. Mr. Au stressed that the noise barriers were removed not because of over provision and it was up to the project proponent to consider the most appropriate timing of erecting the barriers having regard to their programming, cost and traffic disruption considerations. The barriers removed earlier would have to be re-erected later when the planned developments would proceed as planned. The relevant District Boards were previously consulted on the EIA findings in 1997. Compared to the past, however, the current EIA Ordinance had a more transparent and open system for the public to comment and earlier discussion with stakeholders would be helpful in identifying and resolving the problems. Another Member suggested including case studies of that nature in the workshops.

17. In response to the Deputy Chairman's enquiry on the performance target of providing response to the Hotline enquiries, Mr. Johnson Wong said although no specific performance target was set, the Support Section would answer the enquiries immediately or sought assistance from the relevant colleagues as soon as possible. The Deputy Chairman said that he had received some feedback that the Hotline could not give a clear answer on whether a certain project required an EIA. Mr. Elvis Au explained that a general reply could only be given through the Hotline for that kind of question because the decision as to whether a project should be defined as a designated project under the EIAO was an important one and more information from the proponent would be required.

18. The Deputy Chairman thanked the presentation team and hoped that they would consider the Subcommittee's suggestions.

Agenda Item 4 : Hong Kong 2030 Study

19. The Deputy Chairman said that at the last Subcommittee meeting held on 23 December 2003, it was agreed that Members would discuss the remaining issues in ACE Paper 36/2003 on the Hong Kong 2030 Study.

20. A Member expressed concerns on how the Hong Kong 2030 Study and the strategic environmental assessment (SEA) on the Study could be integrated. He said that some development options would involve the development of environmentally sensitive areas such as Deep Bay and the public might not be aware of the environmental impacts involved. Findings of the SEA would facilitate the public in making an informed decision during the public consultation exercise. He also asked

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whether the SEA would be discussed by the EIA Subcommittee. In response, Mr. Elvis Au advised that an SEA was being conducted in parallel with the Hong Kong 2030 Study. Although a submission to the EIA Subcommittee for that SEA was not required by law, the project proponent had been encouraged to consult the EIA Subcommittee. As far as he was aware, the SEA had broadly reviewed the development options and the findings were set out in Working Paper no. 30 entitled “Broadbush Environmental Comparison of Development Options”. The paper had been uploaded onto Planning Department’s website.

21. A Member said that the SEA should identify the “absorptive” capacity of the sensitive areas in respect of the water quality, air quality and ecological impacts, so as to find out the constraints for development. The Deputy Chairman suggested and Members agreed to invite representatives from the Planning Department to brief them on Working Paper no. 30 at the next Subcommittee meeting.

Secretariat &
Planning
Department

22. A Member pointed out that the Policy Address of the Chief Executive proposed to develop a port in Lantau Island. In view of the environmental impact of the project, Members might wish to raise questions with the Planning Department at the next meeting.

23. A Member asked whether it would be possible to identify “no-go” areas in the Hong Kong 2030 Study and earmark them for conservation purpose. Another Member said that according to the Territorial Development Strategy Review (TDSR) conducted by the Government, some areas where development would be undesirable had been identified. Since the TDSR had assumed a larger population projection than at present, some of those areas could be reserved for conservation. He also pointed out that the development of Lantau Island which had not been included in the TDSR was only included in the Hong Kong 2030 Study recently. Mr. C C Lay said that all lands in Hong Kong were zoned according to town planning requirements and each zoning had its own requirements as far as conservation and environmental protection were concerned. It would be impractical to introduce absolutely “no-go” areas. As long as there was no undesirable impact to the environment, a certain degree of development might still be allowed in sensitive areas. At present, the major problem was that some areas that might be worth protecting were not zoned properly. AFCD was conducting an ecological baseline survey and aimed to complete it in 2005. In the interim, they would examine the data to see if amendments to zoning were required in a territory-wide manner. The Deputy Chairman suggested writing to the relevant departments to reflect the need to re-zone certain areas to suit the conservation requirements. He also hoped that the Council could have closer communications with relevant committees and organizations over

the development of North Lantau.

25. The Deputy Chairman concluded that the representatives of the Planning Department should be invited to brief Members on Working Paper no. 30.

Agenda Item 5 : Any Other Business

Tentative items for discussion at the 84th meeting

25. The Deputy Chairman informed Members that the EIA report on the re-provisioning of the Diamond Hill Crematorium would be scheduled for discussion at the next meeting. The Secretary said that there might be a paper on the West Island Line and South Island Line. The Deputy Chairman suggested discussing Working Paper no. 30 first and postponing the paper on the Island Lines if there was no urgency.

Change of meeting date

26. The Secretary informed Members that the Chairman would not be available for the next meeting scheduled for 16 February 2004 and suggested re-scheduling the meeting to 23 February 2004. After discussion, it was agreed that the proposed date should be circulated to Members for consideration.

Agenda Item 7: Date of Next Meeting

27 The date of the next meeting would be confirm later.

**EIA Subcommittee Secretariat
January 2004**