

**Confirmed Minutes of the 87th Meeting of the
Environmental Impact Assessment Subcommittee of
the Advisory Council on the Environment
held on 19 July 2004 at 4:00pm**

Present:

Mr. Otto POON, BBS (Chairman)
Prof. HO Kin-chung, BBS (Deputy Chairman)
Mr. Peter Y C LEE
Dr. NG Cho-nam, BBS
Miss Petula POON (Secretary)

Absent with Apology:

Mrs. Mei NG, BBS
Prof. POON Chi-sun
Prof. WONG Tze-wai

In Attendance:

Mrs. Shirley LEE	Acting 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 (ETWB)

In Attendance for Agenda Item 3:

Mr. CHAN Jee-keung	Senior Wetland and Fauna Conservation Officer, AFCD
Dr. Winnie KWOK	Wetland and Fauna Conservation Officer, AFCD
Mr. Andrew TAYLOR	Project Manager, Black & Veatch HK Ltd.
Mr. Tim NORMAN	Project Manager, Ecoscope Ltd.

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Agenda Item 1: Confirmation of Minutes of the 86th Meeting held on 21 June 2004

Members confirmed the draft minutes without amendment.

Agenda Item 2: Matters Arising

Para. 4: To consider the suggestion of drafting a guidance note on the identification of noise sensitive receivers

2. Members noted that EPD would consider the suggestion.

Para. 9: To consider revising the guidance note to remind project proponents of the need to consider the side effects of noise barriers

3. Members noted that EPD would consider the suggestion.

Para. 16: To consider the suggestion of drafting a guidance note on the representation of EIA reports

4. Members noted that EPD would consider the suggestion.

Para. 20: A Council Member's enquiry on Sunnyville Estate development project in Nam Sung Wai and Humphead Wrasse

5. The Secretary reported that the Secretariat had checked with EPD and Plan D on the progress of the project. It was noted that the planning application of the project was approved by the Town Planning Board a few years ago with a condition, among others, that an environmental assessment had to be conducted to the satisfaction of the Director of Environmental Protection (DEP). The project proponent submitted the environmental assessment report in February 2004 but was later advised by EPD that additional information would be required and that a number of issues, particularly ecological issues, had yet to be dealt with in the report. EPD had not yet received the revised report from the project proponent. The Secretary said that the project, though not designated under the EIA Ordinance, had been selected by the Subcommittee for discussion. The project proponent would be invited to present the findings of the report to Members once ready. The Secretary had informed the Council Member of the above position.

6. A Member said that it would not be useful to discuss the report if it had already been endorsed by DEP. He asked whether the project proponent could be invited to attend a meeting before the report was endorsed. Mrs. Shirley Lee informed Members that the environmental assessment was required as a condition of the planning application rather than under the EIA Ordinance. Hence, the procedures involved would be different although EPD would assess the report according to the Technical Memorandum. Mr. C C Lay said that AFCD would ensure that the report would contain sufficient information relevant to ecology for discussion by the Subcommittee. Members agreed that the

project proponent would be invited to present the report to the Subcommittee before DEP endorsed it.

Agenda Item 3: Study on Wetland Compensation - Proposed Guidelines on the Approaches for On-site and Off-site Mitigation and Implementation of Ecological Compensation for Wetland
(ACE-EIA Paper 6/2004)

7. The Chairman welcomed the presentation team to the meeting. Mr. Chan Jee-keung briefed Members on the background of the guidelines and Mr. Andrew Taylor presented the details of the guidelines.

8. In response to a Member's question on the feasibility of implementing off-site wetland compensation in the Mainland, Mr. Chan Jee-keung said that since those measures would be funded by Hong Kong, it would have to be implemented within the territory. Mr. C C Lay supplemented that although ecological effect would not follow administrative boundary, the implementation of off-site wetland compensation in the Mainland would involve complicated issues and was hence neither desirable nor practicable. As a matter of principle, wetland mitigation sites should be close to the affected sites as far as possible. Mrs. Shirley Lee added that since the EIA Ordinance was applicable in Hong Kong only, there was no legal framework to implement wetland compensation beyond the boundary. The stipulation of ecological compensation measures for implementation outside the territory through the environmental permit would not be acceptable.

9. A Member pointed out that it would be desirable if off-site wetland compensation could be implemented before the commencement of construction works of designated projects so that the mitigation site would provide an alternative habitat for the affected species. However, he understood that some projects had difficulty in obtaining mitigation sites from the Government in advance due to some lands procedures. In response, Mr. Chan Jee-keung said that if the off-site compensation option was justified in the EIA study and the mitigation site was recommended as part of the project, it would be easier to obtain the mitigation site before the commencement of the construction works. The Sheung Shui to Lok Ma Chau Spur Line was an example. Mr. C C Lay pointed out that each case should be considered on its own merit and for cases where detailed planning and co-ordination were required, the timing of the implementation of the wetland compensation would not be the only consideration. An example was the development of the Wetland Park in Tin Shui Wai which was implemented after the commencement of the construction works of the Tin Shui Wai New Town.

10. A Member asked whether the effectiveness and the performance of wetland compensation/mitigation measures could be benchmarked and how. In response, Mr. Tim Norman said that the loss of wetland usually referred to the net loss of wetland functionality. Hence, the effectiveness/performance of wetland compensation/mitigation measures should also be assessed in terms of the increase or enhancement in functionality. If the target species already existed in the mitigation site but the number was not as many as it could support, the functional capacity of the mitigation site could be increased. In such a case, it would be easier and in fact better to use a site in which there were target species.

11. In response to the Chairman's question on measuring the carrying capacity of a wetland, Mr. Tim Norman cautioned the danger of being too quantitative about the carrying capacity of a site, especially in with the bird number which could be affected by many external factors. It would be easy to get some short term increase in bird count by putting in a lot of fishes but such measures would not be sustainable. The functionality of a wetland compensation/mitigation measure should be assessed by its security and sustainability in the future, in addition to the carrying capacity. A Member concurred with him and said that the issue could not be resolved by the guidelines and each case had to be considered separately.

12. A Member supported the principle of like-for-like compensation and to avoid controversy on whether sufficient compensation had been made, he suggested according higher priority to the guideline of compensation by area than compensation by function. He also encouraged project proponents to conduct ecological surveys as early as possible.

13. A Member suggested adding a point to item (f) of page 11 of the paper to remind project proponents of the potential impact of certain security measures such as fencing. An example was the possible impact of the 10 ft fencing erected in the West Rail wetland mitigation site at Kam Tin on low flying birds. It was suggested that a balance should be maintained in achieving the site security objective of the measure and avoiding negative impact on the ecology of the mitigation site. Mr. Tim Norman agreed that fencing might have impact on the ecology of an area, particularly on mammals such as otters.

14. A Member said that in the case of the Sheung Shui to Lok Ma Chau Spur Line, otters were not identified as the mitigation target in the EIA report. It was only after the commencement of a more regular and systematic monitoring program that otters were sighted and that mitigation measures for otters were added. That showed the need to

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adjust the original mitigation measures according to the current site conditions. In that case, a monitoring committee was set up as a condition of the environmental permit of the project and it played an effective role. He suggested inserting a point in the guidelines to remind project proponents of the benefits of a monitoring working group for large-scale projects. Another Member said that the setting up of a monitoring working group was part of the continuous public involvement process. The contribution of the specialist group that was set up to advise on the reinstatement of the Tung Chung Stream was another good example of the benefits of such working groups. Mr. C C Lay agreed to consider the suggestion. Mr. Tim Norman indicated that similar experience was obtained in the United States where large-scale wetland restoration had been conducted. An adaptive management mechanism was needed to review each case and feedback into the system. However, while it was necessary to allow for flexibility, the system should avoid massive ad hoc decision-making.

AFCD

15. Mr. Andrew Taylor said that compensation packages similar to those implemented in Lok Ma Chau and the Wetland Park had been reviewed in their study and most of them had a monitoring programme. Experience on what should be done was feedback to the projects and to the management as illustrated in the flow chart in page 15 of the paper. Future project proponents could make use of the experience to improve their projects and avoid pitfalls. A Member suggested that a monitoring committee should be formed, where necessary, to help monitor and integrate the experiences of wetland compensation. The committee should comprise ecologists from green groups and universities. Mr. Andrew Taylor said that in paragraph 61 of the paper, the need for expert advice from ecologist, academics or interested group was identified. Mr. C C Lay said that AFCD was conducting a review of mitigation measures implemented by project proponents over the years. The review report would be submitted to the Subcommittee for information when ready.

AFCD

16. The Chairman asked whether AFCD had identified cases where the mitigation measures were unsuccessful. In response, Mr. C C Lay said that there were individual mitigation measures that needed to be adjusted, and AFCD would directly liaise with the project proponent concerned.

17. A Member suggested that for better sharing of experience, AFCD should set up a database on areas that had potentials in serving as wetland mitigation sites.

18. The Chairman thanked the presentation team and concluded that the Subcommittee supported the proposed guidelines.

Agenda Item 4: Monthly Updates of Applications under Environmental Impact Assessment Ordinance

19. Members noted the updates.

Agenda Item 5: Any Other Business

Tentative items for discussion at the 88th meeting

20. The Chairman informed Members that the strategic environmental assessment for territory-wide implementation study for water-cooled air conditioning systems in Hong Kong which was conducted by the Electrical and Mechanical Services Department was tentatively scheduled for discussion at the next meeting to be held on 16 August 2004.

21. As some Members might not be able to attend the meeting in August, the meeting agreed after some discussion that the Secretariat should liaise with the Electrical and Mechanical Services Department on whether the item had any urgency and whether it could be discussed in September.

Secretary

(Post meeting note : The Electrical and Mechanical Services Department advised that the item could be discussed in September 2004.)

Agenda Item 6: Date of Next Meeting

22. The next meeting would be held on 16 August 2004 subject to further confirmation.

**EIA Subcommittee Secretariat
July 2004**