

Country and Marine Parks Board (CMPB) Confirmed Minutes of the Special Meeting

Date : 3 July 2014 (Thursday) File Ref.: AF CPA 01/1/0

Time : 2:30 p.m.

Venue : Room 701, Agriculture, Fisheries and Conservation Department (AFCD)
Headquarters

ATTENDANCE

Chairman

Mr TANG King-shing, GBS, PDSM

Members

Mr CHOW Kwok-keung

Professor CHU Lee-man

Ms Suzanne M. GENDRON

Dr HAU Chi-hang, Billy

Ms HUI Mei-sheung, Tennessy, JP

Mr LAM Chung-lun, Billy, GBS, JP

Mr LEE Chung-ming, Eric

Dr LI Shing-foon, Eric

Ms MA Miu-wah, Katherine

Dr MAN Chi-sum, JP

Mr MO Ka-hung, Jose

Dr NG Cho-nam, SBS, JP

Ms WONG Lai-yan, Idv

Director of Agriculture, Fisheries and Conservation

Dr K K LIU, JP	Deputy Director of Agriculture, Fisheries and Conservation (Acting)
Mr Elvis AU, JP	Assistant Director (Nature Conservation & Infrastructure Planning), Environmental Protection Department (EPD)
Ms WOO Jacinta Kit Ching	Assistant Director of Planning (New Territories)
Mr HUI, Eric Kwok Sun, JP	Assistant Director of Home Affairs (2)
Mr CHEUK Fan Lun	Assistant Director of Marine (Port Control) (Acting)

Secretary

Mr Patrick TSANG	Assistant Secretary (Boards)1, AFCD
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IN ATTENDANCE

Agriculture, Fisheries and Conservation Department

Mr Joseph SHAM	Assistant Director (Country and Marine Parks)
Mr Alan CHAN	Senior Marine Parks Officer
Mr Dick CHOI	Senior Marine Conservation Officer / West
Dr W W CHENG	Marine Parks Officer/West
Ms LI Hiu-yan	Marine Parks Officer/Development

Leisure and Cultural Services Department

Mr CHEUNG Koon Lam	Chief Leisure Manager (Management)
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Water Supplies Department

Mr YEUNG Tak-hoi	Senior Engineer/Planning 2
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Airport Authority Hong Kong (AAHK)

Mr John CHAI	Executive Director, Projects
Mr Kevin POOLE	Deputy Director, Projects
Ms Stephanie LI	Chief Communication Officer
Mr Peter LEE	General Manager, Environment (Projects)
Mr Martin PUTNAM	Senior Manager, Environment
Professor Bernd WÜRSIG	Dolphin Expert
Mr Eric CHING	Consultant
Ms Julia CHAN	Consultant
Mr Collin CHAN	Deputy General Manager, Engineering
Mr Paul LAU	Senior Project Engineer

ABSENT WITH APOLOGIES

Mr Jan CHAN	
Professor CHIU Lai-har, Rebecca, JP	
Honourable HO Chun-yin, Steven	
Ms KWAN Sau-wan	
Ms LO Po-man	
Ms SO Ka Man	
Mr TANG Tat-chi, William	
Ms Olga LAM, JP	Assistant Director of Lands (Estate Management)

Mr Donald CHOY	Assistant Director (Leisure Services)3, LCSD
Mr MAK Shing-cheung, Vincent	Assistant Director of Water Supplies/Development

OPENING REMARKS BY THE CHAIRMAN

93/14 The Chairman welcomed everyone to the meeting. He also congratulated Dr NG Cho-nam, SBS, JP for being awarded Silver Bauhinia Star (SBS).

94/14 The Chairman informed members that, as an established practice and to facilitate the taking of meeting minutes, sound recording would be made during the meeting. The audio records would be destroyed after the meeting minutes were confirmed.

95/14 The Chairman explained that the purpose of the meeting was to invite AAHK's representatives and consultants to brief members on the key findings and proposed mitigation measures of Environmental Impact Assessment (EIA) Report of the Three-Runway System (3RS) project, including the proposed marine park for the 3RS project.

AGENDA ITEM

I. Environmental Impact Assessment for the Expansion of Hong Kong International Airport into a Three-Runway System (Working Paper: WP/CMPB/11/2014)

96/14 Dr LI Shing-foon, Eric declared that his company and he himself had neither involved in any 3RS projects nor associated with the EIA consultants.

97/14 Dr NG Cho-nam, SBS, JP declared that he was a member of the Reviewing Committee under AAHK's Environmental Enhancement Fund.

98/14 Mr LAM Chung-lun, Billy, GBS, JP declared that he was a member of the Lantau Development Advisory Committee (大嶼山發展諮詢委員會).

99/14 Ms Suzanne M. GENDRON declared that AAHK had provided some funds to Ocean Park Conservation Foundation to study Chinese White Dolphins (CWDs).

100/14 The Chairman welcomed the following representatives of Airport Authority Hong Kong and consultants to the meeting:

Mr John CHAI	Executive Director, Projects
Mr Kevin POOLE	Deputy Director, Projects
Ms Stephanie LI	Chief Communication Officer
Mr Peter LEE	General Manager, Environment (Projects)
Mr Martin PUTNAM	Senior Manager, Environment
Professor Bernd WÜRSIG	Dolphin Expert
Mr Eric CHING	Consultant
Ms Julia CHAN	Consultant
Mr Collin CHAN	Deputy General Manager, Engineering
Mr Paul LAU	Senior Project Engineer

101/14 Mr John CHAI briefed members on the background of the EIA of the 3RS project, Mr Peter LEE gave an overview of the 3RS project and EIA study, followed by Professor Bernd WÜRSIG on the CWD related content, Mr Eric CHING on marine ecology as well as fisheries, and lastly Mr Paul LAU as well as Mr Eric CHING gave an update on follow-up of the enquiries raised in the Marine Parks Committee (MPC) of 1 November 2013.

[Post-meeting note : AAHK provided their presentation materials for members' reference on 4 July 2014.]

Overview of 3RS Project and EIA Study

102/14 A member suggested that a designated fund be set up for the conservation and management of existing Sha Chau and Lung Kwu Chau Marine Park (SCLKCMP), proposed Brothers Marine Park (BMP) and the proposed new marine park of approximately 2,400 hectares (ha) under 3RS project. Mr John CHAI responded that AAHK would discuss with the Administration on those key issues such as management, manpower deployment and funding in relation to the proposed marine park.

103/14 As regards members' enquiries about the cumulative environmental impacts of the projects in the vicinity of the 3RS project, Mr Peter LEE advised that the EIA study had taken into account the cumulative environmental impact arising from the projects, that were either underway or in the pipeline at the waters of North and West Lantau including Hong Kong-Zhuhai-Macao Bridge (HZMB) Hong Kong Boundary Crossing Facilities (HKBCF) and Hong Kong Link Road, in accordance with Environmental Impact Assessment Ordinance (EIAO). Besides, potential water quality impacts were assessed by the hydrodynamic model. This model covered the Pearl River Estuary (PRE) in accordance with the EIA Study Brief requirements of the 3RS Project. In response to a member's enquiry whether AAHK had included the artificial island just outside HK waters in West Lantau in the cumulative impact assessment, Mr Peter LEE reiterated that the EIA had taken into account all current and planned projects including the HKZMB in HK waters. The member then asked him to confirm again that the artificial island in Mainland China waters was included. Mr Peter LEE replied that he had no further comments. Later the member advised that the cumulative impact assessment had not included the impacts of the artificial island in Mainland China waters off west Lantau, especially its impact on CWDs, having browsed the EIA report of the 3RS project through the Internet.

(Mr HUI, Eric Kwok Sun, JP attended the meeting at this juncture.)

(Dr MAN Chi-sum, JP attended the meeting at this juncture.)

104/14 In reply to a member's enquiries, Mr Kevin POOLE said that AAHK had proceeded with the relevant planning work without jumping the gun. Site investigation works were conducted to establish the thickness and the constituents of marine mud in the contaminated mud pit (CMP) area beneath the land formation footprint and to ascertain the existence of any fault zones underneath. Though deep cement mixing (DCM) was employed for the first time in Hong Kong in the CMP area beneath the land formation footprint, it had been used successfully

in similar conditions worldwide, primarily in Korea and Japan, and is proven to be environmentally friendly.

105/14 Mr Eric CHING informed members that potential sediment release from the operation of the active CMPs to the east of the Airport Island was also taken into account in the cumulative water quality impact assessment model.

Chinese White Dolphins (CWDs), Marine Ecology and Fisheries

106/14 In response to members' concern over whether CWDs would come back to north Lantau waters after the completion of the reclamation works of the 3RS project, Professor Bernd WÜRSIG remarked that it was possible that the CWD habitats in these waters could be reconstituted or enhanced by citing the successful habitat enhancement of San Francisco Bay after the completion of giant reclamation works of San Francisco Airport. Bottlenose dolphins and harbor porpoises had reappeared in San Francisco Bay as a result of various clean-up measures, including Marine Mammal Protection Act and Clean Water Act. With reference to the successful case of San Francisco Bay, the designation of a new marine park of approximately 2,400 ha to connect the expanded Hong Kong International Airport Approach Area (HKIAAA), the existing SCLKCMP and the planned BMP was a very important step to help reverse the current detected declining trend of CWD abundance in north Lantau waters by providing a favourable habitat for CWDs displaced elsewhere to return.

107/14 Regarding members' concern about whether the designation of 2,400 ha of the new marine park could be completed upon the completion of 3RS project in 2023, Mr Joseph SHAM pointed out that the Administration had made a firm commitment to seek to designate the proposed marine park of approximately 2,400 ha in the waters north of the 3RS project in accordance with the statutory process stipulated in the Marine Parks Ordinance and AAHK would assist in the designation process, subject to the approval of EIA Report. Mr John CHAI supplemented that AAHK was confident that the designation of the new marine park could be completed to tie in with the commissioning and full operation of the 3RS which was also committed in the EIA report.

108/14 A member was of the view that the designation of the new marine park and the construction works of the 3RS project should be proceeded in tandem so that the statutory process of the designation, including consultation with various stakeholders, could be

completed upon the completion of the 3RS project.

109/14 Ms HUI Mei-sheung, Tennessy, JP declared that she was a member of The Advisory Committee on Agriculture and Fisheries (ACAF) and the Chairman of the Capture Fisheries Subcommittee under the ACAF.

110/14 A member remarked that fishermen would likely be very concerned about the loss of fishing grounds and might express strong objection to the establishment of new marine parks. In response to the member's advice that AAHK would be fighting an uphill battle during consultation with fishermen, Mr Peter LEE mentioned that many fishermen had given their support to the 3RS project at the public forum on the EIA for 3RS held on 28 June 2014. In addition to providing ex-gratia allowance to the affected fishermen for loss of fishing grounds in accordance with the established practice/policy of the Government, AAHK would also set up a Fisheries Enhancement Fund to assist fishermen in better coping with changes to their fishing activities resulting from 3RS project. Relevant fishermen groups would also be consulted on the arrangement and operating mechanism of Fisheries Enhancement Fund in the near future subject to approval of EIA Report.

111/14 As regards a member's enquiries, Professor Bernd WÜRSIG replied that speed restrictions of all high speed ferries (HSF) travelling through waters close to SCLKCMP with high CWD abundance would help to reduce the potential impact from high speed of HSF (which was known to be a major direct impact on CWD abundance under various research studies in HK) on CWDs in SCLKCMP. The CWDs in Hong Kong waters, which were part of the population of Indo-Pacific humpback dolphins in PRE, would either move across the boundary of Hong Kong/Mainland waters or continue to use Hong Kong waters as major habitats without leaving Hong Kong waters. He believed that CWDs would come back to north Lantau waters after the completion of reclamation works if the area is properly protected by being designated as a marine park and other enhancement measures, because evidence from other areas indicated that dolphins would come back upon successful implementation of protection measures of dolphin habitats after reclamation. It was also untrue that CWD was an estuarine species while bottlenose dolphin and harbor porpoises were oceanic species; in fact, both bottlenose dolphins and harbor porpoises in San Francisco Bay, like CWD, were also coastal species. Lastly, there were quite a few matches of CWD between Hong Kong waters and Mainland waters according to photo-identification records of Hong Kong and the Mainland. Professor Bernd WÜRSIG admitted that he did not fully remember the difference between

Marine Reserves and Marine Parks in terms of the restriction of activities under relevant legislations though he had read the information. Mr Eric CHING supplemented that the potential impact on prey resources available to CWDs, especially as a result of the permanent loss of 672 ha of benthic habitat, had also been assessed in the EIA Report. The marine fish surveys showed that the land formation footprint was not of great significance in respect of CWD prey resources. The member was of the view that Professor Bernd WÜRSIG's prediction of the return of CWDs to the impacted area was based on his own personal experience but not scientific data from the EIA or any analysis of existing data of CWDs.

112/14 The Chairman suggested that the following information should be clarified if available after the meeting as requested by the member, including (1) minimum viable population of CWD in Hong Kong waters, (2) regional population of CWD in PRE and other waters along the coast of South China, and (3) movement patterns of different CWD populations in PRE and other waters along the coast of South China.

[Post-meeting note : The suggestions have been referred to AAHK for follow-up.]

113/14 After thorough discussion, further to the measures recommended in the EIA Report, members suggested to explore supplementary studies/ active improvement measures, if feasible/practicable, during the 3RS construction phase, including:

- (1) establishment of a marine protected area for CWDs in west Lantau;
- (2) designation of the western part of the new marine park as soon as possible;
- (3) designation of the proposed new marine park by phases, preferably the western part or the area adjacent to SCLKCMP to be designated first;
- (4) enlargement of SCLKCMP by incorporating part of the waters on north-west of SCLKCMP;
- (5) upgrading of SCLKCMP into a marine reserve for better protection of CWDs;
- (6) provision of an alternative travelling corridor for dolphins to access the Brothers;
- (7) study of cross-boundary CWD movement; and .
- (8) study of CWD activities during night-time.

[Post-meeting note : AFCD issued a press release on 1 September 2014 to announce a plan for the designation of Southwest Lantau Marine Park and Soko Islands Marine Park.]

(Dr LI Shing-foon, Eric left the meeting at this juncture.)

114/14 The Chairman advised that AAHK or relevant parties should deliberate on the following issues raised by members :

- (1) setting a target number of CWDs that were expected to come back to the new marine park so as to measure the effectiveness of the new marine park;
- (2) formulation of an EIA follow-up action plan to cope with the scenario in which the actual number of CWDs returning to the new marine park was below the target; and
- (3) clarification on the party that should be responsible for the failure in meeting the aforesaid target, namely, AAHK (the Environmental Permit (EP) holder) or AFCD (the management party of the marine park).

Follow up on issues raised at 1st November 2013 MPC meeting relating to diversion of Sha Chau to HKIA Aviation Fuel Pipelines

115/14 Mr Paul LAU briefed members on the responses to the enquiries raised during the Marine Parks Committee meeting on 1 November 2013, including :

- (1) considering revising the proposed HDD alignment to minimize the length of the diversion laid within the Sha Chau and Lung Kwu Chau Marine Park;
- (2) the vibration generated by the diversion works and the associated underwater noise impact to Chinese White Dolphins to be assessed in the EIA Report; and
- (3) proposed treatment to existing Sha Chau Fuel Pipelines after they were diverted, i.e. considering clogging up the existing fuel pipeline completely instead of proposing to seal and cap the both ends of the pipelines after the diversion of the existing Sha Chau Fuel Pipelines.

116/14 Mr Paul LAU replied to members that AAHK had considered options of using cement grout and seawater to fill up the existing Sha Chau Fuel Pipelines but after going through relevant literature and reviewing the site constraints, AAHK considered that using seawater to fill up the concerned fuel pipelines was the only viable option. Such option had

been widely used in the North Sea Region in Europe. Moreover, in view of the length of pipelines in concern, complete filling of the entire fuel pipelines with cement grout could not be guaranteed.

117/14 Mr Collin CHAN further explained to members that seawater would increase on-bottom stability of fuel pipelines compared to the original proposal (i.e. to seal and cap the ends of the pipelines only).

118/14 The members had no further comment on:

- (1) the proposal related to the diversion of Sha Chau to HKIA Aviation Fuel Pipelines using horizontal directional drilling method including the diversion alignment as proposed in the Marine Parks Committee meeting of 1 November 2013 and the associated site investigation works prior to the commencement of HDD works;
- (2) the vibration and underwater noise impact on Chinese White Dolphins arising from HDD method for fuel pipelines diversion; and
- (3) the proposed treatment to the disused existing Sha Chau fuel pipelines after the diversion, i.e. to flush with water and “pig” clean, and to completely fill up the pipelines with seawater before they were sealed and capped at both ends, then leaving-in-place.

119/14 The Chairman thanked the representatives of Airport Authority Hong Kong and consultants for attending the meeting.

120/14 Mr John CHAI thanked members for their views and suggestions. He expressed that AAHK, working with relevant departments, would consider putting those viable suggestions into practice as far as practicable.

(The representatives of AAHK and the consultants left the meeting at this juncture.)

121/14 Mr LEE Chung-ming, Eric declared that his company and the consultants had cooperated in other projects but the department headed by him did not have any business relationship with the consultants.

122/14 The Chairman concurred with a member's remark that the following issues should be sorted out in advance:

- (1) whether AAHK or AFCD would be responsible for the management and resources of the new marine park;
- (2) formulation of a mechanism that would be triggered for handling any changes or correcting any faults occurring in delivering the new marine park;
- (3) formulation of an EIA follow-up action plan to cope with the scenario in which the actual number of CWDs returning to the new marine park was below the target; and
- (4) whether AAHK was responsible for the resources and implementation of the EIA follow-up action plan.

123/14 Mr Alan WONG Chi-kong, JP pointed out that the establishment of SCLKCMP as a mitigation measure for the construction of HKIA was a precedent case. Subject to obtaining the approval of the Executive Council for the implementation of the 3RS project, AFCD would be responsible for invoking the statutory procedures of designation of the new marine park and the management of the new marine park subsequently; besides, it would follow up other issues with Environment Bureau and Transport and Housing Bureau. Mr Elvis AU, JP supplemented that the proposed BMP was a mitigation measure required by the EP of the HZMBHKBCF project. In this case, the project proponent (the EP holder as well) was also responsible for the establishment of the marine park while AFCD served as the implementation agent.

II. Date of Next Meeting

124/14 The Chairman informed members that the date of next meeting was tentatively scheduled for 9 October 2014.

125/14 The meeting adjourned at 6:45 p.m.

– End –