

For information

Legislative Council Panel on Planning, Lands and Works

Infrastructure for Penny's Bay Development, Package 2

INTRODUCTION

When Members discussed the works under Infrastructure for Penny's Bay Development, Package 2 on 4 June 2001, the Administration was requested to:-

- (a) review the independent study conducted by the Chinese University of Hong Kong (CUHK) in 1998 in connection with the claims against fish loss at Cheung Sha Wan Fish Culture Zone during construction of a typhoon shelter in Hei Ling Chau and advise the Panel whether there are outstanding actions arising from the CUHK's study;
- (b) regarding the proposed independent investigation, review the causes of the fish kill incidents at Ma Wan and Cheung Sha Wan Fish Culture Zones in 2000 taking into account the views of mariculturists in the appointment of experts, and to request the experts to submit an interim report on the findings in due course so as to keep the mariculturists concerned informed of the progress of the investigation; and
- (c) provide information on the ex-gratia compensation for Cheoy Lee Shipyard site for the proposed project and a comparison with other land resumption cases.

ADMINISTRATION'S RESPONSE

Reviewing CUHK's Independent Study on the Fish Death Incident at Cheung Sha Wan Fish Culture Zone

2. A brief summary reviewing the independent study on the fish death incident in 1996 at Cheung Sha Wan Fish Culture Zone is attached at Annex. We are of the view that there are no outstanding actions arising from CUHK's independent study.

Independent Investigation to Review the Causes of the Fish Kill Incidents at Ma Wan and Cheung Sha Wan Fish Culture Zones

3. The Civil Engineering Department had a meeting with the representatives of the two Fish Culture Zones in the presence of a Member of this Panel on 14 June 2001 on the conduct of the independent investigation. At the meeting, the mariculturists' representatives agreed on the formation and membership of a liaison group, the scope of duties of the investigation panel to be formed by experts from tertiary institutions and the brief for the investigation. The investigation experts will be required to submit an inception report and an interim report to keep all parties concerned informed of the progress of the investigation. The interim report will be submitted within two months from the commencement of the investigation scheduled for July 2001.

Ex-Gratia Compensation for Cheoy Lee Shipyard Site

4. The former Lot 22 in DD356, i.e. the former Cheoy Lee Shipyard site, was required to be resumed under the Roads (Works, Use and Compensation) Ordinance Chapter 370 and the Lands Resumption Ordinance Chapter 124 for the construction of road works, drainage channel and a water recreation centre in connection with the development of Hong Kong Disneyland in Penny's Bay.

5. Under current land resumption policy, owners of private building land within New Town Development Areas and those areas that are affected by essential projects with territory-wide significance of the New Territories (Zone A) may be offered compensation based on professional valuation plus ex-gratia compensation at 120% of basic rate for building land. The current Zone A ex-gratia compensation rate which took effect on 1 April 2001 is \$738 per square foot (i.e. 120% x basic rate of \$615 per square foot) as gazetted in GN2061. The former Lot 22 in DD356 had a registered area of 2,010,000 square feet (approx.) and falls within Zone A for the calculation of ex-gratia compensation.

6. Members are to note that the above lot had been surrendered to Government on 3 April 2001.

Civil Engineering Department
June 2001

Reviewing CUHK's Independent Study on the Fish Death Incident at Cheung Sha Wan Fish Culture Zone (CSWFCZ)

The Study

The Chinese University of Hong Kong (CUHK) was commissioned by the Civil Engineering Department (CED) in February 1998 to conduct a study entitled "Study on the Effect of Marine Sediment on Various Cultured Fish". The objectives of the study were to:

- establish whether the sediment at Hei Ling Chau, when resuspended at concentrations typically encountered during dredging, had an adverse effect on fish species commonly cultured in CSWFCZ;
- identify the possible cause of fish death at CSWFCZ; and
- determine whether construction works at Hei Ling Chau had caused the fish death.

Description of the Sediment Tests

2. In the study, sediment tests were conducted with sediments collected from Hei Ling Chau and CSWFCZ at concentrations of 30 and 100 mg/L for 96 hours using selected fish species. Each sediment test was conducted in duplicate. It was agreed with the mariculturists concerned that the tests would be carried out on subadults of silver seabream and subadults and fingerlings of red snappers.

Changes made during the Sediment Tests

3. Changes were made during the course of the sediment tests. The sequence of events is listed as follows:

- Upon successful completion of the first sediment test on red snappers (both subadults and fingerlings) on 13.4.1998, the replicate tests commenced on 15.4.1998. The replicate tests were unsuccessful due to occurrence of red tides in Tolo Harbour around the end of March 1998 which rendered the seawater unusable for the tests.
- A second batch of test fish was purchased through the mariculturists. However, the condition of test fish obtained was unsatisfactory (both subadults and fingerlings of red snappers were dying in the acclimation tank due to an outbreak of disease). The tests were therefore not

carried out. CUHK observed that the fish had been infected before delivery to its laboratory.

- Another batch of red snappers was subsequently obtained through the mariculturists from CSWFCZ. Again, due to mass mortality of the test fish, the sediment tests could not be carried out.
- In view of the unsuccessful tests, CUHK recommended conducting a sediment test with fingerlings of silver seabream provided by a mariculture zone in Tolo Harbour in lieu of the replicate test on red snappers (both subadults and fingerlings).
- CED accepted CUHK's proposal on 22.5.1998, the main reasons being:
 - ◆ to mitigate further delay so that the study could be concluded in a timely manner; and
 - ◆ fingerling of silver seabream was one of the five most affected species as claimed by the mariculturists at the time of the 1996 fish death incident
- The sediment tests on fingerlings of silver seabream were conducted successfully in early June 1998.
- A visit to CUHK's laboratory was made on 3.6.1998 by the mariculturists to see the condition of the fish at the end of the sediment tests. No adverse comments on either the test procedure or the test species were made by the mariculturists.

Conclusion

4. The study was completed by CUHK in late 1998. Based on field data and the sediment tests, there was insufficient evidence to conclude that the fish death in CSWFCZ in September 1996 was caused by suspended sediments.

5. The Administration is of the view that the study was duly completed by CUHK.