

立法會
Legislative Council

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**LegCo Panel on Environmental Affairs,
LegCo Panel on Planning, Lands and Works and
LegCo Panel on Transport**

**Minutes of Joint Meeting held on
Tuesday, 27 November 2001, at 10:45 am
in the Chamber of the Legislative Council Building**

Members present : Members of the LegCo Panel on Transport

- * Hon Miriam LAU Kin-ye, JP (Chairman)
- *# Ir Dr Hon Raymond HO Chung-tai, JP
- Hon Mrs Selina CHOW LIANG Shuk-ye, JP
- Hon CHAN Kwok-keung
- Hon Andrew WONG Wang-fat, JP
- Hon LAU Chin-shek, JP
- * Hon LAU Kong-wah
- Hon Andrew CHENG Kar-foo
- # Hon TAM Yiu-chung, GBS, JP
- * Hon Tommy CHEUNG Yu-yan, JP
- # Hon Albert CHAN Wai-yip
- # Hon WONG Sing-chi

Members of the LegCo Panel on Environmental Affairs

Hon CHOY So-yuk (Chairman)
Hon Cyd HO Sau-lan (Deputy Chairman)
Hon LAW Chi-kwong, JP
Hon Henry WU King-cheong, BBS
Hon Michael MAK Kwok-fung

Members of the LegCo Panel on Planning, Lands and Works

- *^ Hon LAU Ping-cheung (Deputy Chairman)
- Hon James TO Kun-sun
- Hon LAU Wong-fat, GBS, JP

Hon IP Kwok-him, JP

Members absent : Members of the LegCo Panel on Transport

*# Hon Abraham SHEK Lai-him, JP (Deputy Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Albert HO Chun-yan
Hon LEUNG Fu-wah, MH, JP

Members of the LegCo Panel on Environmental Affairs

Hon Martin LEE Chu-ming, SC, JP
Hon CHAN Yuen-han, JP
Hon SIN Chung-kai
Hon WONG Yung-kan
Hon Emily LAU Wai-hing, JP
Dr Hon LO Wing-lok
Hon Audrey EU Yuet-mee, SC, JP

Members of the LegCo Panel on Planning, Lands and Works

^ Dr Hon TANG Siu-tong, JP (Chairman)
Hon Timothy FOK Tsun-ting, SBS, JP

(^ Also members of the LegCo Panel on Transport

* Also members of the LegCo Panel on Environmental Affairs

Also members of the LegCo Panel on Planning, Lands and Works)

Public officers : **Agenda Item II**
attending

Environment and Food Bureau

Mr Thomas CHOW
Deputy Secretary for the Environment and Food

Ms Jessie WONG
Principal Assistant Secretary
for the Environment and Food (C)2

Transport Bureau

Mr William SHIU
Principal Assistant Secretary for Transport (4)

Environmental Protection Department

Mr Elvis AU
Assistant Director (Environmental Assessment and Noise)

Agriculture, Fisheries and Conservation Department

Mr C C LAY
Assistant Director (Conservation)

Planning Department

Mr David O Y WONG
Assistant Director (Housing and Land Supply) (Atg.)

Attendance by invitation : Kowloon-Canton Railway Corporation

Mr K K LEE
Director, East Rail Extensions

Mr J JESUDASON
General Manager, Construction

Mrs Irene YAU
General Manager, Corporate Affairs

Mr Vic MCNALLY
Environmental Manager

Clerk in attendance : Mr Andy LAU
Chief Assistant Secretary (1)2

Staff in attendance : Ms Alice AU
Senior Assistant Secretary (1)5

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I Election of Chairman

In the absence of a quorum at the time when the joint meeting started, members agreed that the meeting should begin as a meeting of the Transport Panel until a quorum for the joint meeting was attained. Ms Miriam LAU therefore took the chair.

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II Protection of wetlands in Long Valley in light of the latest development of the Spur Line Project

- (LC Paper No. CB(1)390/01-02(01) - Submission from the Sheung Shui District Rural Committee;
- LC Paper No. CB(1)390/01-02(02) - Information paper on Long Valley provided by the Environment and Food Bureau;
- TBCR 25/1016/97 - Legislative Council Brief provided by the Transport Bureau;
- LC Paper No. CB(1)390/01-02(03) - Follow-up paper on the Lok Ma Chau Spur Line project provided by the Transport Bureau; and
- LC Paper No. CB(1)295/01-02 - Background brief on the protection of wetlands in Long Valley in light of the latest development of the Spur Line project prepared by the Legislative Council Secretariat)

2. The Chairman drew members' attention to the submission provided by the Sheung Shui District Rural Committee (LC Paper No. CB(1)390/01-02(01)).

3. At the invitation of the Chairman, the Deputy Secretary for the Environment and Food (DS(EF)) introduced the information paper provided by the Environment and Food Bureau (EFB) under LC Paper No. CB(1)390/01-02(02), which set out the conservation issues related to Long Valley, the progress of the review of the conservation policy, and the initial views of the Environmental Protection Department (EPD) and the Agriculture, Fisheries and Conservation Department (AFCD) on the tunnel option proposed by the Kowloon-Canton Railway Corporation (KCRC) for the Spur Line project (the Project).

4. The Principal Assistant Secretary for Transport (PAS(T)) also invited members to note the response of the Administration and KCRC as set out in LC Paper No. CB(1)390/01-02(03) to the questions raised by members on the Project at the Transport Panel meeting on 26 October 2001.

Need for an immediate conservation plan for Long Valley

5. DS(EF) advised that in order to ensure that areas of high ecological value in the territory would be adequately protected in the long run, EFB was conducting a review of the conservation policy. In this review, all relevant considerations such as landowners' rights, land use planning, measurement and comparison of the ecological value of different sites, the need for striking a balance between nature conservation and development needs and other related issues would be thoroughly examined. The Administration would also review areas where improvements should

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be made and options for improvements. It was planned that the public would be consulted on the review in 2002.

6. Regarding conservation of Long Valley, DS(EF) said that Long Valley was basically an area of wet agricultural land and most of the land was privately owned. The habitats there were almost entirely man-made. Its current ecological value was mainly maintained by the agricultural practices adopted in the area over many years, in particular wet agriculture. Long Valley mainly fell within an area zoned "Agriculture" on the current Kwu Tung North Outline Zoning Plan (OZP). Land uses in the area were governed by the "Agriculture" zoning under which only "agriculture use" and a few minor rural land uses were permitted. Developments in the area were subject to planning controls. Unless the Town Planning Board's permission for changes of land uses was obtained, the area could not be used for other "uses" that were prohibited by the current OZP, such as car parks or container storage.

7. The Assistant Director of Planning (Housing and Land Supply) (Atg.) supplemented that a Planning and Development Study on North West New Territories jointly commissioned by the Planning Department (PlanD) and the Territory Development Department was being undertaken to identify and plan for suitable new development areas to accommodate part of the future population growth in the territory. Taking into account the need to protect environmental resources so that areas of high conservation value were avoided as far as possible, the "Agriculture" and other land-use zonings of Long Valley and its near-by proposed Kwu Tung North New Development Area would also be reviewed.

8. Underlying the deficiencies in the Government's power to effectively control the changes of land uses in the New Territories, Mr Albert CHAN was worried that the wetlands in Long Valley could not be preserved ultimately. He cited the situation in areas near Mai Po and pointed out that in order to obtain approval for development, private landowners might sometimes resort to drastic means to "legitimately" change the use of land, such as from wet to dry agriculture. Should similar things happen in Long Valley, a piece of ecologically important wetland in Hong Kong would be destroyed. Hence, Mr CHAN opined that he did not see fit for the Project to proceed without any policy commitment on the Government's part to adopt a conservation plan for Long Valley. Both Mr CHENG Ka-foo and Miss CHOY So-yuk also raised similar concerns about the lack of an effective conservation policy for the preservation of Long Valley. Under the circumstances, Mr LAU Kong-wah asked whether the Administration would consider it worthwhile to spend an additional \$2 billion for the bored tunnel option if the wetlands in Long Valley could not be ultimately preserved for any reason.

9. In response, DS(EF) emphasized that the habitats in Long Valley were mostly man-made. As indicated by preliminary data in the ecology database, there were at least ten other sites under private ownership which were as important as or even more

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important than Long Valley in terms of ecology value. He said that rather than focussing on any particular site in the review, the Government's aim was to formulate a long-term conservation policy that would allow for better conservation management. As many different environmental, conservation and land matters were involved, the review would take some time to complete.

10. While acknowledging that many factors might affect the type of farming in Long Valley, DS(EF) said that the Administration did not consider that there was an imminent danger of such a change happening in Long Valley. Given that wet farming had been practised there for at least 30 years, it was unlikely that the current agricultural practices would suddenly change. Nonetheless, the Administration was aware of members' concerns in the matter. In order to enhance the protection of wetlands in Hong Kong, particularly those under private ownership, this problem would be carefully examined in the on-going review so that viable options could be identified for public consultation.

11. Unconvinced by the Administration's reply, Mr Albert CHAN was worried that notwithstanding KCRC's efforts to do everything under its control to fulfil the relevant requirements under the environmental permit, there was still no guarantee that the wetlands in Long Valley would be preserved if a more comprehensive conservation policy was not in place by the time construction work for the Project commenced. Hence, he strongly urged the Government to give due regard to the unique situation of Long Valley and adopt a conservation plan therefor as a matter of priority ahead of any general conservation policy contemplated by the Government. In this connection, both Mr CHENG Kar-foo and Miss CHOY So-yuk requested the Administration to expedite the review process. Mr CHENG considered that without an effective conservation policy, the Administration would have no basis to properly monitor the situation in Long Valley. The Chairman also called for coordination within the Government so that EFB's review and PlanD's study would be timely completed to avoid any further delays on the Spur Line Project.

12. In response, DS(EF) stressed that striking a right balance between conservation and development was a delicate and sensitive issue. It would be most important to take care of the interests of various parties involved so that a way forward with wide general support could be identified. While noting members' call for the early completion of the review, he said that the Environmental Impact Assessment (EIA) study for the Project had yet to be completed. In the meantime, all relevant departments would work together to expedite the review process. He hoped that a timetable for public consultation on the conservation policy review would be drawn up in a few months' time. Subject to the views received from the public, the way forward could become clearer by the latter part of 2002. DS(EF) assured members that the Administration would brief relevant Panel(s) on the findings of the review once available.

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13. Reiterating his concern that a conservation plan for Long Valley should be in place before tenders were invited for the Project, Mr Albert CHAN requested the Administration to provide members with information on the timing for the completion of the EIA study and the commencement of construction work for the Project, as well as the completion date of EFB's review and PlanD's study.

14. Expressing agreement with the views put forward by the Sheung Shui District Rural Committee, Mr LAU Wong-fat pointed out that the development of many private land in the New Territories had been restricted due to conservation and people's livelihood was seriously affected. Hence, the Administration should carefully balance the rights of the landowners against the need of conservation. As for the implementation of the Project, he opined that instead of spending an extra \$2 billion on building the tunnels, the sum should be used to resume all the affected lands in Long Valley in accordance with the Lands Resumption Ordinance (Cap. 124). Referring to possible economic losses suffered by the affected land owners as a result of drawdown of ground water caused by the tunnelling works, Mr Andrew WONG opined that the Administration should provide reasonable compensation for statutory easements to be created over the tunnel alignment.

15. Miss CHOY So-yuk referred to earlier comments made by some green groups that the original viaduct alignment would be acceptable if it was to be shifted away from the heart of Long Valley. Given the availability of other less expensive options, she urged the Administration to seriously consider using the extra \$2 billion to directly satisfy the conservation needs of Long Valley. She further suggested that one effective means to prevent any change in the wetlands in Long Valley was to create "hope value for conservation" of such land. The effect was that landowners would preserve the ecological value of the wetlands in Long Valley in order to gain compensation from the Government.

16. Miss CHOY further pointed out that under the existing EIA mechanism, it would be very difficult to identify the best possible option from an environmental point of view because EPD was confined to assessing the pros and cons of the option presented by the proponent. For such mammoth projects as the Spur Line which had far-reaching consequences on the environment, the Government should have a set of criteria for determining and identifying the best possible option available.

17. In reply, DS(EF) assured members that in the review of the conservation policy, more appropriate options for protecting private land of high ecological value would be examined. Referring to the Legislative Council (LegCo)'s motion debate on "Conservation Policy" held on 21 November 2001, he said that the Administration would carefully consider all the views and suggestions put forward by Members on that occasion and at the present meeting for conserving and managing sensitive ecological environment on privately-owned land, including direct cash buy-out, land exchange, public-private partnership initiatives, etc. However, other factors such as

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the financial implications involved, the acceptance of the general public and the interests of private landowners would also have to be taken into account. In the review, the Administration would actively seek out the views from all stakeholders so that practical and reasonable options could be formulated.

18. Responding to Miss CHOY's comments about the environmental acceptability of the original viaduct option, DS(EF) said that in a joint statement issued by major green groups, they had reaffirmed their unity in defending Long Valley as a unique piece of natural heritage, and their long-standing opposition to the construction of the Spur Line on a viaduct through Long Valley.

19. Supplementing on other alternative alignments, PAS(T) advised that having regard to factors including engineering and safety requirements, environmental impacts, project programme, land use and planning aspects and impact on the local community, the Government had endorsed the bored tunnel approach proposed by KCRC as the practical way forward for the Project. He added that the tunnel approach was one of the possible alternatives which was considered "practicable and reasonable" by the Environmental Impact Assessment Ordinance (Cap. 499) (EIAO) Appeal Board on the Spur Line. He assured members that in the implementation of railway projects, the Administration would consider all possible alignments which would be examined by relevant Government departments including the Railway Development Office of the Highways Department. The environmental impact would also be examined by EPD and AFCD in line with the statutory requirements under the EIAO.

20. In reply to Miss CHOY's further enquiry, PAS(T) stressed that the Administration was committed to building the Spur Line as an environmentally acceptable infrastructure. This additional rail boundary crossing was urgently required to provide much-needed relief to the congestion at Lo Wu. All government bureaux and departments involved would give top priority to the Project and to work together with KCRC in order to complete the Project as soon as possible.

21. Regarding land resumption matters, PAS(T) advised that land required for the construction of the Spur Line would be resumed in accordance with the Railways Ordinance (Cap. 519). A relevant plan was being drawn up by the Government and KCRC. Noting the concerns raised by Mr Andrew WONG, he said that the Northern District Council and Yuen Long District Council had been formally consulted on the matter in October. Initial views of the local rural committees had also been solicited. The Administration had undertaken to consult all relevant parties after the revised railway scheme was gazetted. In this connection, PAS(T) stated that any objections raised by members of the public would be dealt with according to the statutory procedures.

22. Mr LAU Ping-cheung urged the Government to increase the transparency of its conservation policy by publishing a list of areas and sites intended for

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conservation in Hong Kong. DS(EF) replied that nowadays, about 50 000 hectares of land in the territory, i.e. more than 40%, were protected for nature conservation. There was already a high degree of transparency in the mechanism as maps of any new areas to be designated as protected areas would be published in the Gazette.

Impact of the bored tunnel option on the wetlands in Long Valley

23. Reiterating his grave concerns about the impact of the bored tunnel option on the wetlands in Long Valley, Mr LAU Kong-wah asked whether KCRC had conducted any investigations to ascertain the impacts of tunnel construction on the level of surface water in Long Valley. In reply, the Director, East Rail Extensions of KCRC (D/ERE, KCRC) elaborated on the Earth Pressure Balance Tunnel Boring Machine (EPB-TBM) technology to be used for constructing the tunnels of the Spur Line. He guaranteed that by using this technology, both the level of surface and ground water in Long Valley would not be adversely affected. However, any changes to the existing farming practices in Long Valley would be beyond KCRC's control.

24. In this respect, Mr Henry WU asked whether KCRC's claim in respect of the loss of surface water could be substantiated by relevant technical data from the experience of Holland. He was also concerned about whether adequate investigations on the ground conditions of the tunnelling sites had been conducted to ascertain the application of the EPB-TBM technology in Long Valley.

25. In reply, D/ERE, KCRC advised that the tunnels of the Spur Line would be constructed about 10 to 15 m underground. Before deciding on the bored tunnel option, KCRC had conducted extensive site investigations in the area which gave a pretty good picture about the geology of Long Valley along the tunnel alignment. At the same time, the impact of the tunnel option on both surface and ground water had been assessed. He explained that tunnelling works would generally had a far greater impact on ground water and the loss of surface water would only happen where there was ground subsidence. D/ERE, KCRC stressed that the EPB-TBM technology which was well proven for the West Rail project would avoid disrupting the ground water regime, and the same technology together with the same tunnel lining system would be used for the tunnels in Long Valley.

26. Ir Dr Raymond HO asked whether grouting would be required for the soft-ground excavation in Long Valley and whether the water table in Long Valley would be adversely affected as a result. In response, D/ERE, KCRC confirmed that grouting would not be required for the tunnelling works. He further explained that with the EPB-TBM technology, the main difficulty would lie in excavating soil and rock together. But as indicated by KCRC's preliminary investigations, the condition in Long Valley was not worse than West Rail Tsing Tsuen Tunnel.

27. Mr LAU Ping-cheung was concerned that the heavy reliance on the EPB-TBM might limit the scope of competition in the tendering process. In reply, D/ERE,

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KCRC advised that this technology was not limited to one company. The tendering process would be governed by the KCRC procurement rules which would take into account value for money and other consideration such as programme requirements.

28. Referring to paragraph 23 of the Legislative Council Brief, Mr LAU Kong-wah observed that the Director of Environmental Protection (DEP) did not seem very certain about the environmental impacts of the bored tunnel option. In this connection, he asked whether DEP was really convinced that the tunnelling works would not cause any insurmountable environmental impacts on the wetlands in Long Valley, including the level of surface water. Cautioning about the irreparable nature of such environmental impacts, he enquired about the bureau/department to be held responsible if the level of surface or ground water in Long Valley was adversely affected for any reason. In this respect, Mr CHENG Kar-foo also raised his concern about the difficulty for members to monitor any such changes.

29. In response, DS(EF) explained that DEP's preliminary views that there would be more certainty with the bored tunnel option and that the tunnelling works would not present any insurmountable environmental impacts were formed on the basis of relevant data provided by KCRC. As the detailed EIA study for the Project had yet to be completed, these were DEP's preliminary views only. Pending the completion of the EIA study, the environmental impacts of the bored tunnel option would be realistically ascertained. Under the existing law, DEP was the statutory authority to enforce the requirements specified under the environmental permit.

30. To supplement, the Assistant Director (Environmental Assessment and Noise) of EPD advised that if the EIA report was approved by DEP, both the construction and operation of the Spur Line would have to meet the conditions laid down under the relevant environmental permit. As the proponent of the Project, KCRC would be required to carry out all the necessary mitigation measures and stringent environmental monitoring and audit requirements specified in the EIA report. In case KCRC failed to fulfil any such conditions and requirements, actions would be taken by DEP.

31. Citing the large amount of excavated soil and higher energy consumption for train operation in future, Mr LAU Ping-cheung opined that the tunnel option might not necessarily be the most environmentally-friendly option. In response, DS(EF) said that such negative impacts would have to be measured against the overall adverse impacts on Long Valley's ecology that might be created by other options. In the detailed EIA study, all potential environmental impacts of the Project would be examined and suitable mitigation measures would be proposed where necessary. Addressing the member's concern on energy consumption, D/ERE, KCRC advised that all new KCRC trains were energy efficient with regenerative braking systems which could save traction power by regenerating and feeding the energy back into the systems during braking.

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32. Summing up the discussion, the Chairman invited the Administration to take note of members' concerns about the urgent need for a conservation plan for Long Valley. In this connection, another joint meeting had been scheduled for 13 December 2001 to receive views from green groups on the protection of wetlands in Long Valley in light of the latest development of the Project.

III Any other business

33. There being no other business, the meeting ended at 12:20 pm.

Legislative Council Secretariat

18 January 2002