

立法會
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**LegCo Panel on Environmental Affairs and
LegCo Panel on Transport**

**Minutes of joint meeting
held on Thursday, 13 December 2001 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Members of the LegCo Panel on Environmental Affairs

- Hon CHOY So-yuk (Chairman)
- * Ir Dr Hon Raymond HO Chung-tai, JP
- Hon CHAN Yuen-han, JP
- Hon SIN Chung-kai
- Hon WONG Yung-kan
- * Hon LAU Kong-wah
- Hon Emily LAU Wai-hing, JP
- Hon Henry WU King-cheong, BBS
- * Hon Tommy CHEUNG Yu-yan, JP
- Hon Audrey EU Yuet-mee, SC, JP

Members of the LegCo Panel on Transport

- Hon Miriam LAU Kin-ye, JP (Chairman)
- Dr Hon David CHU Yu-lin, JP
- Hon Mrs Selina CHOW LIANG Shuk-ye, JP
- Hon CHAN Kwok-keung
- Hon Andrew CHENG Kar-foo
- Hon TAM Yiu-chung, GBS, JP
- Hon Albert CHAN Wai-yip
- Hon LEUNG Fu-wah, MH, JP

Members absent : Members of the LegCo Panel on Environmental Affairs

Hon Cyd HO Sau-lan (Deputy Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon LAW Chi-kwong, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
* Hon LAU Ping-cheung

Members of the LegCo Panel on Transport

Hon Abraham SHEK Lai-him, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Andrew WONG Wang-fat, JP
Hon LAU Chin-shek, JP
Dr Hon TANG Siu-tong, JP
Hon WONG Sing-chi

(*Also members of the LegCo Panel on Transport)

Public officers attending : Environment and Food Bureau

Mr Thomas CHOW
Deputy Secretary (C)

Ms Jessie WONG
Principal Assistant Secretary (C)2

Transport Bureau

Mr William SHIU
Principal Assistant Secretary (T)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) (Ag)

Kowloon Canton Railway Corporation

Mr James BLAKE
Senior Director, Capital Project

Mr K K LEE
Director, East Rail Extensions

Mr Vic McNALLY
Environmental Manager

Mr Raymond WONG
Senior Corporate Affairs Manager (Acting)

Attendance by invitation : The Conservancy Association

Mr Albert K T LAI
Chairman

Dr HUNG Wing-tat
Director

Dr NG Cho-nam
Director

Friends of the Earth (Hong Kong)

Mrs Mei NG
Director

The World Wide Fund for Nature, Hong Kong

Ms WOO Lai-yan
Conservation Officer

Heung Yee Kuk New Territories

Mr LAM Kwok-cheong
Co-opted Councillor

Mr YIP Moon-wah
Co-opted Councillor

The University of Hong Kong

Professor Billy C H HAU
Assistant Professor/Department of Ecology and Biodiversity

Kadoorie Farm and Botanic Garden

Dr Michael LAU
Senior Conservation Officer

Mr L C WONG
Conservation Officer

Clerk in attendance : Miss Becky YU
Chief Assistant Secretary (1)1

Staff in attendance : Mrs Mary TANG
Senior Assistant Secretary (1)2

I Election of Chairman

Miss CHOY So-yuk was elected Chairman of the joint meeting.

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

Meeting with deputations

Conservancy Association (CA)
(LC Paper No. CB(1) 565/01-02(01))

2. Mr Albert LAI said that in considering the issues of the Long Valley and the Spur Line, CA had adopted the concept of sustainable development which sought to satisfy the present needs of this generation without compromising the ability of future generation to meet their needs. He went on to explain the three objectives of CA, the

deficiencies of the tunnel option and the Prioritized Northern Link (PNL) option as set out in the submission provided. With the delay in completion of the Spur Line, the fast tracking of the West Rail and the slowdown of the Kwu Tung New Town Development, CA considered it worthwhile to re-examine the PNL option in detail to see if it could replace the present need for a spur line across Long Valley. The provision of the West Rail Cross-border link by the Northern Link between Yuen Long and Lok Ma Chau would ease the congestion at LoWu because a significant amount of cross-border traffic would be served by the West Rail via Lok Ma Chau. It would also obviate the need for spending an extra \$2 billion on the more expensive tunnel option, which could instead be used as conservation dividend to directly satisfy the conservation needs of Long Valley.

3. Dr HUNG Wing-tat said that in order to encourage the land to be managed for conservation purposes, CA considered it necessary to change the “hope value for development” to “hope value for conservation” viz the future value of land to be acquired for conservation. It would also support the setting up of a trust fund to be managed jointly by Government and affected landowners in the conservation of sites with high ecological value.

Friends of the Earth (FOE)
(LC Paper No. CB(1) 565/01-02(02))

4. Mrs Mei NG said that FOE was still analyzing the environmental impact of the tunnel option. As the decision on the choice of option for the Spur Line would have serious implications on future conservation plans for sites with high ecological values, this should be made based on scientific assessments, with emphasis on the need to conserve the wetland in Long Valley. While the present planning, agricultural and environmental policies had provided for certain conservation mechanisms, there was a need for a comprehensive conservation policy. She expressed disappointment that such a policy was not in place despite that a motion on the subject was passed by the Legislative Council on 2 December 1992. As regards the management of conservation areas, FOE advocated the establishment of a trust to be managed by the Government in partnership with interested parties as in the case of the Ballona Wetlands Land Trust and the Protected Areas Conservation Trust in the United States of America. The former was a non-profit community organization founded in 1994 dedicating to the acquisition, restoration and preservation of the Ballona Wetlands ecosystem while the latter was a statutory body established in 1996 to provide funding and management for the protected areas.

World Wide Fund for Nature for Hong Kong (WWF)
(LC Paper No. CB(1) 565/01-02(03))

5. Ms WOO Lai-yan said that WWF was disappointed at Government’s inaction in conserving the wetland in Long Valley and the failure of the Kowloon Canton Railway Corporation (KCRC) in evaluating the environmental performance of all possible alternative options for the Spur Line in the new Environmental Impact Assessment

(EIA). It was also concerned about the potential impacts of the tunnel option on the underground hydrology of Long Valley. Even if the proposed tunnel option would not cause significant impact to the Long Valley ecosystems, this was only a temporary relief for Long Valley which was still unprotected and could be destroyed by “legitimate” land use changes such as dry agriculture use under the existing “agriculture use” zone. WWF called on the Government to formulate a comprehensive conservation policy for Hong Kong so that all ecologically important sites on private land could be fully protected through securing land ownership and long-term conservation plans.

Heung Yee Kuk New Territories (HYK)
(LC Paper No. CB(1) 565/01-02(04))

6. Mr YIP Moon-wah said that according to his understanding, land zoned for agricultural use could be used as back-up facilities for containers in the 1980s. However, after the enactment of the Town Planning (Amendment) Bill in 1991 which extended statutory control to rural New Territories, owners of agricultural land were no longer able to put their land to alternative uses other than for farming purposes. Areas zoned as conservation areas and fell within the green belt and country parks were restricted for development. Unlike the practice in some overseas countries where land was resumed for conservation by the government, there were no statutory provisions for compensation on the restriction of land development. Government should consider buying up the land, paying compensation to landowners or renting the land from landowners for conservation purposes. In this way, Government would have greater flexibility in planning for infrastructure development and would be able to assume a steering role in implementing conservation programmes. This would create a win-win situation for both Government and landowners.

7. Mr LAM Kwok-cheung said that the wetland in Long Valley was man-made and most of it was privately owned. Past experience showed that plans for conservation in the longer term were difficult to implement on privately owned land as these required the co-operation of the owners concerned. The absence of statutory compensation for regulating land development in conservation areas was a cause of resentment from landowners. This would likely result in destruction of the ecology of conservation areas, which would not be conducive to the protection of the environment. He was aware that some of the land owners at the Mai Po Marshes had trapped their land with nets in a bid to prevent the birds from resting in the area. There were others who threatened to dry up the wetland in order to destroy the ecological value.

Prof Billy HAU, Hong Kong University
(LC Paper No. CB(1) 565/01-02(05))

8. Prof Billy HAU said that the ecological value of Long Valley relied on the continued existence of wet agricultural activities and the question of whether the wetland was natural or man-made was immaterial. As the abandonment of wet agriculture and the change to other forms of agriculture would impair the biodiversity of

the site, a long-term management strategy was required to sustain the ecological importance of Long Valley for future generations. Apart from its ecological value, Long Valley had important heritage values and could be developed into an tourism attraction of village cultures, ecology and traditional farming. With the needed investment, Long Valley could become a site of high ecological importance comparable to Mai Po Marshes. However, if nothing was done to protect the wetland in Long Valley, its value would depreciate with time.

Kadoorie Farm & Botanic Garden (KFBG)

9. Mr L C WONG said that the viaduct and the tunnel option of the Spur Line project would both result in a loss of fish ponds along the Lok Ma Chau area.

Discussion session

10. Mr LAU Kong-wah opined that the tunnel option would not be effective in protecting the wetland in Long Valley without the support of a long-term conservation plan. He enquired about the feasibility and resource implications of CA's proposals of examining the PNL option and providing a "conservation dividend" for the Long Valley as well as the availability of viable alternative options.

11. Dr HUNG Wing-tat/CA said that the Northern Link had all along been planned to link the Western Railway corridor and the Eastern Railway corridor. It was however not given priority and was scheduled for construction in 2011. In view of the new factors which had emerged since the Railway Development Strategy Study-II was conducted between 1998-1999, the construction of the Spur Line had been delayed for completion from 2004 to 2007. On the other hand, the construction of West Rail had proceeded much faster than expected and would likely become operational by 2003 instead of 2004. These factors, coupled with the slowdown of the Kwu Tung New Town Development amid the economic downturn and changes in Government home ownership targets, had made it necessary for the Government to revisit the planning of the Northern Link and the Spur Line. As regards the conservation plan for Long Valley, he agreed with FOE on the need for establishing community organizations to work in partnership with Government on the protection of wetland in Long Valley. This would help ensure that the wetland was properly managed through the setting up of trust funds. Dr NG Cho-nam/CA added that CA had been advocating the PNL option at the outset when the viaduct option was introduced last year. By avoiding the wetland in Long Valley, the PNL option would provide for the long-term conservation of the area. Mrs Mei NG/FOE opined that a precautionary principle should be adopted in the protection of the conservation areas. She agreed that more should be done to assess the viability of the tunnel option, including the associated risks involved and the mitigation measures. The feasibility of other options should also be considered as a matter of contingency.

12. Ms Emily LAU pointed out that there was an urgent need for additional railway lines to ease the congestion at LoWu. However, the construction of the Spur Line had

been delayed as a result of the objections against the original viaduct option as well as the tunnel option. While recognizing the importance of environmental protection, she emphasized the need to strike a balance between development and environmental protection. She was concerned about the time required to find an acceptable solution to the problem and whether the public could afford to wait.

13. Mr Albert LAI/CA said that CA was open about the choice of options and was not opposed to the tunnel option. As KCRC had just completed the EIA report on the tunnel option, CA would need time to study the details. Besides, KCRC had yet to demonstrate that the tunnel option was the only viable solution to ease the congestion at Lo Wu. He remained of the view that the PNL option would be able to resolve the congestion problem by 2007 and at the same time allow for the total avoidance of the wetland in Long Valley. The Northern Link would cut across developed areas and the problem of conservation of protected areas would not arise. Dr HUNG Wing-tat/CA added that the additional \$2 billion incurred from the tunnel option would not help protect the wetland. Given that the Northern Link would have to be built anyway, the PNL option would merely fast-track its completion. To ease the congestion at Lo Wu during the interim, he suggested that more bus companies be allowed to provide direct bus service to Lo Wu to prevent monopolization. Prof Billy HAU/HKU said that irrespective of the choice of options and mitigation measures for the Spur Line, protection of the wetland in Long Valley could not be achieved without an effective long-term conservation plan. In deciding the choice of option and the size of investment, the Government should bear in mind the need for the protection and conservation of Long Valley.

14. Mr Albert CHAN remarked that both the Northern Link and the Spur Line were needed in the long run. While the PNL option might address the short-term needs of the community, the problems associated with the choice of options for the Spur Line which cut across the Long Valley would remain. Given that there were other wetlands in Hong Kong which were more valuable than the one in Long Valley, and that there was no guarantee in the various options that the wetland in Long Valley could be protected, Mr CHAN queried whether the protection of Long Valley should be accorded priority over other more valuable wetlands.

15. Mr Albert LAI/CA held the view that the implementation of the PNL option, which would meet the traffic demand from the western corridor for the next ten years, would possibly replace the need for the Spur Line. He added that the question of whether the wetland in Long Valley was of the highest ecological value in Hong Kong was immaterial. As long as the wetland was ecologically valuable, it deserved to be protected and any investment made in conserving the area would be worthwhile. Dr Michael LAU/KFBG said that it would be difficult to assess the conservation value of different ecological habitats given the diversity of ecological interest. The wetland in Long Valley, which provided for wet agriculture and fresh water marshes, was unique in Hong Kong and therefore worth for protection. He said that the Government should

consider pooling its resources to provide for more effective mitigation measures in protecting the wetlands in Hong Kong.

16. Mr Andrew CHENG was concerned about the impact of the bored tunnel option on the water table of the Long Valley area as it was difficult to estimate the amount of ground water loss resulting from tunnelling works, as in the case of ground settlement in Tseung Kwan O. He enquired about the means by which the underground hydrology of the Long Valley could be assessed and the measures through which the loss of underground water could be reduced in the event that the change in the ground water level was greater than that predicted by the computer model.

17. Ms WOO Lai-yan/WWF said that although KCRC's computer model had predicted that the change in ground water level would fall within 10 millimetres, the impact of such a change on the ecology of Long Valley had yet to be determined. KCRC would need to demonstrate with scientific data the impact of the tunnel option on the hydrology of the area. Mrs Mei NG/FOE said that FOE had briefly studied the initial report provided by KCRC regarding the impact of the tunnel option on the water table at the Long Valley area. She emphasized that FOE was open about the tunnel option and would be requesting experts in the field of tunnelling technology to examine the results of the computer model with a view to finding a best solution for the Spur Line. While agreeing to the need to provide rail services to meet the traffic demand, she said that the Government should proceed in parallel with a conservation plan for the Long Valley. Dr HUNG Wing-tat/CA expressed reservations at KCRC's claim that the tunnel would be waterproof since varying degrees of water seepage in reservoirs were not uncommon. It would be difficult to monitor the ground water level as there were various contributing factors leading to underground water loss. It would take years to determine the cause of changes in ground water level. Dr NG Cho-nam/CA said that while CA was open about the tunnel option, it had doubts over the technical feasibility of the option since KCRC had considered it infeasible six months ago.

18. Ms Miriam LAU expressed disappointment that the choice of options for the Spur Line was still under argument at this point in time without due regard to the urgent traffic needs of the community. She noted that the EIA Appeal Board had identified three possible options, namely the tunnel option, the viaduct option and the PNL option. The PNL option was not given due consideration owing to time constraints. The viaduct option as originally proposed was not considered environmentally acceptable and the feasibility of the tunnel option, which would incur an additional expenditure of \$2 billion, was now under consideration. She noticed that some of the green groups had been advocating the re-adoption of the original viaduct option with the extra \$2 billion to be used as conservation dividend for the protection of Long Valley. She considered the option viable as it would meet both conservation and traffic needs of the community. Given that the wetland in Long Valley was man-made and could therefore be re-developed in other areas, she enquired if this option could be further pursued to enable the early provision of both the Spur Line and the Northern Link.

19. Mr LAM Kwok-cheung/HYK said that the crux of the matter was whether Government was prepared to invest in the conservation of Long Valley. The matter had to be resolved before consideration be given to the choice of option for the Spur Line.

Dr NG Cho-nam/CA said that he failed to appreciate the need for investing huge sums of money in railways to ease cross-border congestion which was mainly attributed to road traffic. He then made reference to the experience in Taiwan in addressing environmental concerns arising from the construction of a railway line which had to cut across wetland area. The relevant authorities had consulted environmentalists five years in advance of the construction and had successfully re-developed the wetland in a nearby location before commencement of the construction works. The EIA mechanism in Hong Kong however was not effective in compensating for wetland loss. The experience in the construction of the West Rail was an example of the adverse impact of infrastructure development on the ecology of wetland in Kam Tin.

Meeting with the Administration

(LegCo Brief provided by the Transport Bureau (Ref: TBCR 25/1016/97)

LC Paper No. CB(1) 390/01-02(02) -- Information paper on Long Valley provided by the Environment and Food 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

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)

20. Owing to time constraints, members agreed to hold another joint meeting to continue discussion on the subject. It was also agreed that deputations be invited to attend the meeting to enable an exchange of views with members and the Administration.

(Post meeting note: With the concurrence of the Chairmen of both Panels, the joint meeting was scheduled for Thursday, 24 January 2002, at 10:45am.)

III Any other business

21. There being no other business, the meeting ended at 9:35 am.

Legislative Council Secretariat

22 January 2002