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**Background brief on
the protection of wetlands in Long Valley
in light of the latest development of the Spur Line project**

Background

At the Transport Panel meeting on 26 October 2001, members were briefed on the way forward for the Sheung Shui to Lok Ma Chau Spur Line. Members note that the Administration and Kowloon-Canton Railway Corporation (KCRC) are of the view that a bored tunnel option for the Spur Line is practicable from both construction and operation points of view but it would incur an additional cost of about \$2 billion at 2001 prices. To ensure that the additional monies spent on the project for preserving the wetlands in Long Valley would be worth spending, members agreed that a joint-Panel meeting should be held with the Environmental Affairs Panel and Planning, Lands and Works Panel to discuss the Government's nature conservation policy and protection of wetlands in Long Valley in light of the latest development of the Spur Line project. At the said meeting, members have also requested the Administration to provide further information on the following:

- (a) whether the Administration would consider designating the wetlands in Long Valley as a Wetland Conservation Area and restricting any new development there in future;
- (b) latest position of the on-going review of the conservation policy;
- (c) comments from the Environmental Protection Department and the Agriculture, Fisheries and Conservation Department on the bored tunnel option and its potential impacts on the environment and ecology;
- (d) an undertaking that the bored tunnel option would not have any adverse impact on the level of water table which might in turn affect the wetlands in Long Valley; and

- (e) judgements of the Appeal Board on the three possible alternatives, and feasibility of other alternative options for the Spur Line including the shifting of the alignment for the bored tunnel option away from the wetlands in Long Valley.

2. This paper gives some background information on the Sheung Shui to Lok Ma Chau Spur Line project and a brief account of the discussions on conservation policy.

The Spur Line project

3. In September 1998, the Executive Council (ExCo) decided that KCRC should be invited to submit a detailed proposal for the implementation of the Spur Line project. KCRC submitted its proposal to Government in March 1999. In June 1999, ExCo decided to ask KCRC to proceed with the detailed planning and design of the Spur Line. The Spur Line was subsequently gazetted under the Railways Ordinance in October 1999. 74 objections have been lodged against the scheme, of which 12 have been withdrawn to date.

4. The statutory environmental impact assessment (EIA) process for the Spur Line which is a designated project under the EIA Ordinance commenced in December 1998 when KCRC submitted the project profile to the Director of Environmental Protection (DEP). Following the issue of a Study Brief by DEP in February 1999, KCRC submitted an EIA report to DEP in April 2000. On 16 October 2000, DEP decided not to approve the EIA report and not to issue an Environmental Permit for the Spur Line on environmental grounds.

5. On 10 November 2000, KCRC lodged an appeal to the Appeal Board against DEP's decision not to approve the EIA report and not to issue an Environmental Permit for the Spur Line project. Having heard the case for 27 days between April and June 2001, the Appeal Board dismissed the two appeals by KCRC on 30 July 2001, principally on the ground that KCRC had provided major new proposals during the hearing which should have been confirmed and assessed as part of the EIA study.

Alternative options

6. In its judgement, the Appeal Board recognized that it is government policy to implement the Spur Line. The Board suggested that in considering whether an alternative was "practical and reasonable", apart from environmental acceptability, other factors that should be considered included engineering constraints, extra-time involved, additional cost and government policy. On this basis, the Appeal Board considered that there were three possible alternatives -

- (a) the viaduct as proposed, based on the Central Alignment through Long Valley;
- (b) the bored tunnel following the same Central Alignment through Long Valley; and
- (c) the Northern Link (NOL)

The Central Alignment is the gazetted alignment which was proposed by KCRC.

Viaduct

7. While the Appeal Board believed that the viaduct option might have merit and its adverse impact might be mitigated with the expertise and long-term financial commitment available, both DEP and KCRC are of the view that it takes a protracted time to prove the environmental acceptability of the viaduct option.

Northern Link

8. The NOL as recommended in Railway Development Strategy 2000 will connect West Rail at Kam Sheung Road station to the boundary crossing at Lok Ma Chau and the Spur Line at Kwu Tung. The Appeal Board was aware that implementing NOL in lieu of the Spur Line would require a major change of government policy, even if it were possible to implement NOL in a timely fashion. The NOL is designed as a long-term complement to, but not a replacement of, the Spur Line project. Even if NOL is constructed first, the Spur Line is still required to provide the strategic linkage of East Rail and West Rail in the northern part of the New Territories. Furthermore, building the NOL would take at least seven to eight years as the project is only at the conceptual stage.

Bored Tunnel

9. KCRC has undertaken an in-depth conceptual study of a bored tunnel option based on the Central Alignment. This involves replacing the viaduct section of the proposed Spur Line in Long Valley with a bored tunnel approximately 4 km long, running from north of Sheung Shui station to Chau Tau, including the provision for an underground station at Kwu Tung.

10. Having regard to its engineering and safety requirements, environmental, programme, land use and town planning aspects and impacts on the local community, the Administration considers that the tunnel option represents the most practical way forward for the Spur Line project. Detailed assessment of the tunnel option is set out in the LegCo Brief under Ref. TBCR 25/1016/97.

11. The Spur Line is a designated project under the EIA Ordinance. KCRC needs to follow the statutory EIA process including the submission of an application for a Study Brief for the tunnel option. According to the Administration, the whole statutory EIA process is expected to take about seven months. DEP's preliminary view is that the tunnel option does not appear to have any insurmountable environmental impacts and there would appear to be more certainty with the tunnel option and the whole EIA process could be completed much earlier with this option.

Conservation policy review

12. In his policy address on 6 October 1999, the Chief Executive announced that the Administration would draw up a comprehensive conservation policy and work with different sectors in the community on urban greening and urban greenery protection.

13. The Legislative Council passed a motion on 13 October 1999 urging the Government, while striving to achieve social and economic developments, to implement a strategy for sustainable development in Hong Kong, having regard to the balance between economic development and environmental protection and their interactive relationship. Among other things, Members have requested the Administration to attach importance to factors relevant to environmental conservation and sustainable development in formulating various social and economic development plans, and to conduct a full review of and make comprehensive laws and policies on the conservation of natural resources to conserve the ecosystem in Hong Kong and enhance its environmental quality.

14. The Environmental Affairs Panel reviewed at its meeting on 5 December 2000 the policy on the protection of wetlands and the position of the ongoing review of conservation policy which aims at giving better protection to our natural heritage including wetlands.

15. A motion debate on "Conservation policy" was held at the Council meeting on 21 November 2001.