

Legislative Council
Panel on Environmental Affairs
Subcommittee on Issues Relating to Air, Noise and Light Pollution
Responses to the Follow-up Actions
Arising from the Discussion at the Meeting on 25 February 2013

- 1(a) An explanation of the circumstances under which the testing of toxic air pollutants (“TAP”) not established under the Air Pollution Ordinance (Cap. 311) (“APCO”) will/will not be required during the environmental impact assessment process (paragraph 1.1(d) of Annex 4 of the “Technical Memorandum on Environmental Impact Assessment Process” refers)**

An air pollutant arising from a designated project may be required for assessment in the environmental impact assessment (EIA) process if it will have significant potential adverse impacts on sensitive receivers. In considering and deciding whether an air pollutant arising from a designated project is significant and should be assessed in the EIA study, major factors include: the nature, type, scale and location of the designated project; the technical particulars of the involved processes and their emissions; the sensitive receivers that may be affected; alteration or environmental changes that may result; existing statutory requirements controlling the pollutant at source, etc. All these relevant and project specific factors will be considered on a case by case basis during the EIA study scoping process.

- 1(b) An elaboration of the interaction between the Transport Department and the Environmental Protection Department in the conduct of Environmental Impact Assessment (“EIA”) studies on road projects**

Under the Technical Memorandum on Environmental Impact Assessment Process (EIA-TM), the Environmental Protection Department (EPD) is required to take advice from the Transport Department (TD) on traffic and transport matters. For road project EIAs, traffic forecasts are necessary for assessing

vehicular emissions and traffic noise. In the review of EIA studies, EPD seeks TD's advice on the appropriateness and validity of the traffic forecast methodologies and data adopted.

1(c) The factors that have been taken into consideration in deciding to demolish the Yau Ma Tei Multi-storey Carpark Building and the environmental impact of the demolition

The proposed Central Kowloon Route (CKR) will pass through the Yau Ma Tei Multi-storey Car Park Building (YMTMCB). Therefore, the YMTMCB has to be demolished to facilitate the tunnel construction works. According to the record of TD, the utilization rate of Yau Ma Tei Multi-storey Carpark (YMTMC) was consistently low. From the demand and the cost effectiveness point of view, it is considered not justifiable to re-provide the YMTMC after its demolition under the CKR project. The proposal was presented to the Yau Tsim Mong District Council Traffic and Transport Committee meeting on 7 September 2006 and most of the members had no objection to the proposal.

According to the recent review by TD, the average daily utilization rate of the YMTMC in 2012 was only 25%, which was low compared to other car parks. TD and the Highways Department (HyD) would continue to closely monitor the parking demand in the vicinity and, if necessary, would liaise with the concerned government departments to explore the provision of public parking spaces by Short Term Tenancy and/or the proposed developments to meet the future parking demand.

CKR is a designated project under the Environmental Impact Assessment Ordinance (EIAO). HyD completed the EIA of CKR in January 2013. The environmental impacts of the demolition of YMTMCB including mainly fugitive dust, construction noise and construction and demolition materials generation have been considered in the EIA of CKR. HyD will ensure that the contractors would adopt suitable construction methods and to implement mitigation measures in accordance

with the recommendations of the EIA report to minimize the impacts on nearby residents. At the moment, the EIA report is under the public inspection period. EPD will decide whether to approve the EIA report after fully considered the comments received from the public and the advice of the Advisory Council on the Environment (ACE).

1(d) Whether the Administration would make available on the internet the EIA reports that were found not suitable for inspection by the public and the Advisory Council on the Environment as well as the EIA reports that were rejected, so as to further enhance the transparency of the EIA process

The EIA process is a statutory process to be implemented strictly in accordance with the provisions under the law. Under the EIAO, only EIA reports that meet the requirements of study brief and EIA-TM shall be made available for public inspection. As such, EIA reports that were found not suitable for public inspection will not be uploaded onto the EIAO website.

For EIA reports that were found suitable for public inspection but were subsequently not approved by EPD, the reports and the reasons for rejection will be made available at the EIAO website to enhance transparency of the EIA process.

2. The Administration was also requested to arrange a suitable forum to explain to members the PATH model and the assumptions used

PATH (Pollutants in the Atmosphere and their Transport over HongKong) is an air quality simulation system used by EPD to study air quality in and around Hong Kong by taking into account the air emissions and all the important physico-chemical interactions such as meteorology and chemical reactions that affect air pollutant levels. We will follow up with the Secretariat to arrange a briefing to members on the PATH model and its assumptions in the Subcommittee meeting in either May or June 2013.

3(a) To provide a list of the designated projects to which the new Air Quality Objectives will not apply given the transitional period, and the number of EIA study briefs that are being processed, so as to enable members to understand the implications of providing a transitional period of 36 months

Since the operation of the EIAO in April 1998 till the end of February 2013, there have been 146 designated projects with EIA reports approved and environmental permits (EP) granted that remain in force. A list of these designated projects is at **Annex**.

Occasionally these designated projects may need to apply for variations of the EP conditions due to changes in construction methods or modifications of design to suit actual site conditions encountered during construction or operational requirements. In case the applications are submitted within the 36-month transitional period, the existing Air Quality Objectives (AQOs) will apply though the proposed new AQOs have already come into operation. The applications submitted after expiry of the transitional period will be considered based on the proposed new AQOs.

3(b) In respect of the proposed new section 7A of APCO, to consider providing some clear ground rules on “public interest” as the term is rather vague and lacks clarity and to consider enhancing the role of the Advisory Council on the Environment in the EIA process

Paragraphs (a) and (b) of subsection (2) of the proposed new section 7A of the Air Pollution Control Ordinance ("APCO") Amendment Bill merely recast for better clarity the section 7(2) of the APCO that the AQOs shall be objectives that should be achieved and maintained in order to promote the conservation and the best use of air in the air control zones in the public interest.

In the context of section 7(2) of the APCO as well as the proposed new section 7A of the APCO Amendment Bill,

protection of public health is a public interest consideration as demonstrated by the Administration's current proposal to tighten the AQOs. However, other factors, such as social and economic considerations also form part of the public interest considerations and would also need to be taken into account when considering whether and to what extent the AQOs should be revised.

With respect to the setting of AQOs, the World Health Organization (WHO) also states in “WHO Air Quality Guidelines Global Update 2005” that –

“The standards set in each country will vary according to country-specific approaches toward balancing risks to health, technological feasibility, economic considerations, and other political and social factors.”

The EIAO stipulates a 2-stage consultation process in which ACE may offer comments on applications for EIA study briefs and applications for approval of EIA reports, the consultation periods are 14 days and 60 days respectively. EPD will consider the comments before making decisions on the applications.

ACE is an independent advisory body and its members include academics, experts and professionals in different disciplines such as community and medical health, personalities connected with green groups and from the business sector.

As a continual improvement process, EPD and ACE regularly review the operation of ACE with a view to enhancing its role in the EIA process taking into account the experience accumulated as well as feedback from various stakeholders.

**Environment Bureau/Environmental Protection Department
April 2013**

**List of Designated Projects with EIA Reports Approved and Valid
Environmental Permits Issued Since Operation of the EIA
Ordinance in April 1998**

Item No.	Project Title
1	Pak Shek Kok Development
2	Kai Tak Airport North Apron Decommissioning
3	Yuen Long Bypass Floodway
4	Planning and Engineering Feasibility Study for Development at Anderson Road
5	Dredging an Area of Kellett Bank for Reprovisioning of Six Government Mooring Buoys
6	Footbridge & Improvement to Ap Lei Chau Bridge Road and Ap Lei Chau Drive
7	1,800MW Gas-fired Power Station at Lamma Extension
8	Infrastructural Works for Housing Development at Telegraph Bay
9	Main Drainage Channels and Poldered Village Protection Scheme for San Tin, NWNT
10	Planning & Development Study of Potential Housing Site in Area 54 Tuen Mun N.T.
11	Salisbury Road Underpass and Associated Improvement Works including Middle Road Circulation System
12	Essential Public Infrastructure Works associated with West Rail Stations in Yuen Long, Tin Shui Wai and Tuen Mun Centre
13	Sai Sha Road Widening between Kam Ying Road and Proposed Road T7 Junction
14	Route 16 Investigation Assignment - Alternative Alignment Study
15	Sha Tin Sewage Treatment Works, Stage 3 Extension
16	Tseung Kwan O - Contract F : Improvement of P2 and interchange T1/P1/P2
17	Route 9 between Tsing Yi and Cheung Sha Wan
18	Essential Public Infrastructure Works associated with West Rail Stations (Eastern Access Road)
19	East Rail Extension - Tai Wai to Ma On Shan
20	Environmental Impact Assessment (EIA) Study for Extension of Hebe Haven Yacht Club Development
21	132kV Overhead Pole Line and Underground Cable from the Existing Po

	Lam Substation to the Existing Tui Min Hoi - Circuit No. 2
22	Tin Shui Wai Phase 4 Rail Extension
23	Light Rail Transit (LRT) Extension in Tin Shui Wai Reserve Zone and Grade Separation of the LRT with Pui To Road and Tsing Lun Road in Tuen Mun
24	New World First Bus Permanent Depot at Chai Wan
25	East Rail Extension-Hung Hom to Tsim Sha Tsui
26	Tuen Mun Sewerage - Eastern Coastal Sewerage Extension
27	Shenzhen River Regulation Project Stage III
28	Construction of an International Theme Park in Penny's Bay of North Lantau together with its Essential Associated Infrastructures
29	Environmental and Drainage Impact Assessment for Tai O Sheltered Boat Anchorage
30	Widening of Tolo Highway/Fanling Highway between Island House Interchange and Fanling
31	West Kowloon Reclamation Contract No. WK30 Remaining Roadworks Stage 4; Link Road G & L
32	Modifications to MTRC Tsim Sha Tsui Station
33	Improvement to Castle Peak Road between Ka Loon Tsuen and Siu Lam
34	Central Reclamation Phase III - Studies, Site Investigation, Design and Construction
35	Central-Wanchai Bypass & Island Eastern Corridor Link
36	Wanchai Reclamation Phase II - Studies, Site Investigation, Design and Construction
37	Proposed Headquarters and Bus Maintenance Depot in Chai Wan
38	Replacement of Cremators at Fu Shan Crematorium, Shatin
39	Demolition of Buildings and Structures in the Proposed Kennedy Town Comprehensive Development Area Site
40	132kV Supply Circuit from Pui O via Chi Ma Wan Peninsula via Sea Crossing towards Cheung Chau
41	The Decommissioning of Underground Fuel Tank at Tsuen Wan No. 1 Pumping Station
42	Widening of Yuen Long Highway between Lam Tei and Shap Pak Heung Interchange
43	Sheung Shui to Lok Ma Chau Spur Line
44	Yuen Long and Kam Tin Sewerage and Sewage Disposal Stage 1 Package 1A-1T and 1B-1T - Kam Tin Trunk Sewerage Phases I and II
45	Improvement to Tung Chung Road between Lung Tseng Tau and Cheung Sha
46	Fill Bank at Tseung Kwan O Area 137

47	Permanent Aviation Fuel Facility for Hong Kong International Airport
48	Deep Bay Link
49	Ngong Ping Sewage Treatment Works and Sewerage
50	Construction of Lung Kwu Chau Jetty
51	Shenzhen Western Corridor
52	Feasibility Study for Housing Development at Whitehead & Lee On in Ma On Shan, Shatin
53	Proposed Joint User Complex and Wholesale Fish Market at Area 44, Tuen Mun
54	Upgrading and Expansion of San Wai Sewage Treatment Works and Expansion of Ha Tsuen Pumping Station
55	Cement Silos Addition Work in Tai Po Cement Depot
56	Lamma Power Station Navigation Channel Improvement
57	The Proposed Submarine Gas Pipelines from Cheng Tou Jiao Liquefied Natural Gas Receiving Terminal, Shenzhen to Tai Po Gas Production Plant
58	Tung Chung Cable Car Project
59	Outlying Islands Sewerage Stage I Phase II Package J - Sok Kwu Wan Sewage Collection, Treatment & Disposal Facilities
60	Reprovisioning of Diamond Hill Crematorium
61	Improvements to San Tin Interchange
62	Peng Chau Sewage Treatment Works Upgrade
63	Tai Po Sewage Treatment Works, Stage V
64	Kowloon Southern Link
65	Renewable Energy by a Wind Turbine System on Lamma Island
66	Siu Ho Wan Water Treatment Works Extension
67	Drainage Improvement in Sai Kung
68	Development of an EcoPark in Tuen Mun Area 38
69	New Contaminated Mud Marine Disposal Facility at Airport East/ East Sha Chau Area
70	Peng Chau Helipad
71	Drainage Improvement in Tsuen Wan and Kwai Chung - Tsuen Wan Drainage Tunnel
72	Road P1 Advance Works at Yam O on Lantau Island
73	Drainage Improvement in Southern Lantau
74	Proposed Extension of Public Golf Course of Kau Sai Chau Island, Sai Kung
75	Expansion of Heliport Facilities at Macau Ferry Terminal
76	Helipad at Yung Shue Wan, Lamma Island
77	Drainage Improvement in Northern Hong Kong Island - Hong Kong West

	Drainage Tunnel
78	Proposed Karting Track in D.D.134, Lung Kwu Sheung Tan, Tuen Mun
79	Lamma Power Station Units L4 & L5 Flue Gas Desulphurization Plant Retrofit Project
80	Hong Kong Convention and Exhibition Centre, Atrium Link Extension
81	Repositioning and Long Term Operation Plan of Ocean Park
82	Yuen Long, Kam Tin, Ngau Tam Mei and Tin Shui Wai Drainage Improvement Stage 1 , Phase 2B - Kam Tin Secondary Drainage Channel KT13
83	Emissions Control Project at Castle Peak Power Station "B" Units
84	A Commercial Scale Wind Turbine Pilot Demonstration at Hei Ling Chau
85	Liquefied Natural Gas (LNG) Receiving Terminal and Associated Facilities
86	Relocation of Yiu Lian Floating Dock No. 3
87	Environmental Assessment Services for Permanent Aviation Fuel Facility
88	Drainage Improvement in the Northern New Territories - Package C
89	Drainage Improvement in Sha Tin & Tai Po
90	Laying of Western Cross Harbour Main and Associated Land Mains from West Kowloon to Sai Ying Pun
91	Northeast New Territories (NENT) Landfill Extension
92	Harbour Area Treatment Scheme (HATS) – Provision of Disinfection Facilities at Stonecutters Island Sewage Treatment Works
93	Dredging Works for Proposed Cruise Terminal at Kai Tak
94	Development of a Bathing Beach at Lung Mei, Tai Po
95	Wan Chai Development Phase II and Central-Wan Chai Bypass
96	Provision of Additional Interchange Connecting Tuen Mun Road and Castle Peak Road near Sam Shing Estate and Widening of Tuen Mun Road at Tsing Tin Interchange
97	South East New Territories (SENT) Landfill Extension
98	Proposed Comprehensive Development at Wo Shang Wai, Yuen Long
99	Upgrading of Pillar Point Sewage Treatment Works
100	Provision of Cremators at Wo Hop Shek Crematorium
101	Harbour Area Treatment Scheme (HATS) Stage 2A
102	Proposed Development at Fung Lok Wai, Yuen Long at Lot 1457 R.P. in D.D. 123
103	Tuen Mun Area 54 Sewage Pumping Station
104	Tsuen Wan Bypass, Widening of Tsuen Wan Road between Tsuen Tsing Interchange and Kwai Tsing Interchange, and Associated Junction Improvement Works
105	West Island Line
106	Tsim Sha Tsui Station Northern Subway
107	Sludge Treatment Facilities

108	Development of a Biodiesel Plant at Tseung Kwan O Industrial Estate
109	Kai Tak Development
110	Traffic Improvements to Tuen Mun Road Town Centre Section
111	Construction of Cycle Tracks and the associated Supporting Facilities from Sha Po Tsuen to Shek Sheung River
112	Improvement to Pok Oi Interchange
113	Construction of a Secondary Boundary Fence and new sections of Primary Boundary Fence and Boundary Patrol Road
114	Inter-reservoirs Transfer Scheme - Water Tunnel between Kowloon Byewash Reservoir and Lower Shing Mun Reservoir
115	Hang Hau Tsuen Channel at Lau Fau Shan
116	Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road
117	Phased Re provisioning of Cape Collinson Crematorium
118	Decommissioning of the Co-Combustion Pilot Plant at Tap Shek Kok
119	Hong Kong Offshore Wind Farm in Southeastern Waters
120	Hong Kong Section of Guangzhou – Shenzhen – Hong Kong Express Rail Link
121	Provision of a Poultry Slaughtering Centre in Sheung Shui
122	West New Territories (WENT) Landfill Extensions
123	Hong Kong-Zhuhai-Macao Bridge Hong Kong Link Road
124	Hong Kong-Zhuhai-Macao Bridge Hong Kong Boundary Crossing Facilities
125	Tuen Mun - Chek Lap Kok Link
126	Road Works at West Kowloon
127	Organic Waste Treatment Facilities Phase 1 at Siu Ho Wan, North Lantau
128	Development of a 100MW Offshore Wind Farm in Hong Kong
129	Black Point Gas Supply Project
130	Improvement of Fresh Water Supply to Cheung Chau
131	Installation of Submarine Gas Pipelines and Associated Facilities from To Kwa Wan to North Point for Former Kai Tak Airport Development
132	Providing Sufficient Water Depth for Kwai Tsing Container Basin and its Approach Channel
133	Kwun Tong Line Extension
134	South Island Line (East)
135	Integration of Siu Ho Wan and Silver Mine Bay Water Treatment Works
136	Shatin to Central Link Protection Works at Causeway Bay Typhoon Shelter
137	Phase III Redevelopment of The Hong Kong Federation of Youth Groups Jockey Club Sai Kung Outdoor Training Camp
138	Regulation of Shenzhen River Stage IV
139	Liantang/Heung Yuen Wai Boundary Control Point and Associated Works

140	Central Police Station Conservation and Revitalisation Project
141	Shatin to Central Link - Stabling Sidings at Hung Hom Freight Yard
142	Shatin to Central Link - Mong Kok East to Hung Hom Section
143	Shatin to Central Link – Hung Hom to Admiralty Section
144	Shatin to Central Link – Tai Wai to Hung Hom Section
145	Development of the Integrated Waste Management Facilities Phase I
146	EMSD Hong Kong Workshop at Sheung On Street, Chai Wan