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**Subcommittee to Follow Up Issues Relating to the Three-runway System at
the Hong Kong International Airport**

**Minutes of the fifth meeting
held on Tuesday, 16 February 2016, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Dennis KWOK (Deputy Chairman)
Hon CHAN Kam-lam, SBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Hon Albert CHAN Wai-yip
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon Charles Peter MOK, JP
Dr Hon Kenneth CHAN Ka-lok
Dr Hon KWOK Ka-ki
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SIN Chung-kai, SBS, JP
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Hon Michael TIEN Puk-sun, BBS, JP
Hon YIU Si-wing, BBS
Hon CHAN Han-pan, JP
Hon Kenneth LEUNG

Attendance by invitation : Agenda item I

Transport and Housing Bureau

Mr YAU Shing-mu, JP
Under Secretary for Transport and Housing

Mr Andy YAU Pak-hang, JP
Head
(Airport Expansion Project Coordination Office)

Airport Authority Hong Kong

Mr Fred LAM Tin-fuk, JP
Chief Executive Officer

Mr Wilson FUNG Wing-yip
Executive Director, Corporate Development

Mr Peter LEE Chung-tang
General Manager, Environment, Third Runway

Clerk in attendance : Miss Mary SO
Chief Council Secretary (4)2

Staff in attendance : Miss Joyce CHING
Senior Council Secretary (4)2

Ms Jacqueline LAW
Council Secretary (4)2

Miss Vivian YUEN
Legislative Assistant (4)2

Action

I. Mitigation and Enhancement Measures in connection with the Conservation of Marine Ecology and Chinese White Dolphins

LC Paper No. CB(4)576/15-16(01) -- Airport Authority Hong Kong's paper entitled "Mitigation and Enhancement Measures in connection with the Conservation of Marine Ecology and Chinese White Dolphins"

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Discussion

Mitigation measures for potential disturbance of marine traffic on Chinese White Dolphins ("CWD")

2. Mr CHAN Hak-kan noted that in order to reduce the acoustic disturbance, risk of injury or mortality and changes to abundance and patterns of habitat use of CWD, SkyPier High Speed Ferries ("HSFs") travelling to/from Zhuhai and Macau were required by Airport Authority Hong Kong ("AAHK") to divert to the north of the Sha Chau and Lung Kwu Chau Marine Park ("SCLKCMP") with their speed restricted to 15 knots or below across areas with higher CWD abundance starting from 28 December 2015. However, it was recently reported in the newspapers that AAHK would not issue warning letters to the operators of the SkyPier HSFs whose HSFs had failed to observe the 15-knot speed limit whilst travelling within CWD hotspots if the reason was on navigational safety. A letter issued by the Hong Kong Seamen's Union ("the Union") on 4 February 2016 to its members also mentioned that the Union had strongly opposed the speed limit from the outset and, following a meeting with AAHK on 2 February 2016, the Union was told by AAHK that SkyPier HSFs could travel as fast as 19 knots in CWD hotspots under certain circumstances. Mr CHAN expressed concern that such relaxation of speed limit would endanger CWD and in breach of the relevant condition stipulated in the Environmental Permit ("EP") for the Three-runway System ("3RS") project granted by the Director of Environmental Protection ("DEP") on 7 November 2014.

3. Under Secretary for Transport and Housing ("USTH") responded that the Administration acknowledged that AAHK had been proactively implementing a series of environmental mitigation measures committed in the Environmental Impact Assessment ("EIA") Report and in compliance with the conditions of the EP, including the implementation of the Marine Travel Routes and Management

Plan for High Speed Ferries of SkyPier ("the Plan"). Under the Plan, SkyPier HSFs travelling to/from Zhuhai and Macau would be diverted to the north of SCLKCMP with their speed reduced to not more than 15 knots across areas with higher CWD abundance to minimize disturbance to CWD. The Administration also understood that AAHK had consulted the views of the Marine Department ("MD"), operators of SkyPier HSFs and relevant stakeholders before submitting the Plan to the Advisory Council on the Environment ("ACE") for consideration and subsequently DEP for approval. USTH further said that under the Environmental Impact Assessment Ordinance (Cap. 499) ("EIAO"), AAHK was duty-bound to ensure that SkyPier HSFs complied with the above requirements unless in response to an emergency or circumstances concerning public safety.

4. Chief Executive Officer, AAHK ("CEO, AAHK") pointed out that AAHK had not been consulted by the Union on the content of its letter issued to its members referred to in paragraph 2 above. CEO, AAHK stressed that the comments made by the Union in the aforesaid letter on how AAHK would handle non-observance of the speed limit by SkyPier HSFs in areas with higher CWD abundance did not represent the stance of AAHK. CEO, AAHK further pointed out that AAHK had in place a stringent mechanism to ensure full compliance of the Plan by operators and captains of SkyPier HSFs. For instance, all SkyPier HSFs were required to be equipped with Automatic Identification System transponders to facilitate route and speed tracking by AAHK. Although SkyPier HSFs were required to reduce their speed to 15 knots or below in areas with higher CWD abundance, under the Plan, the captains of SkyPier HSFs could exercise their discretion on deviation in response to an emergency situation or in the interest of public safety. To address the concern of the operators and captains of SkyPier HSFs about the imposition of 15 knots across areas with higher CWD abundance, AAHK was in discussion with MD on the desirability of drawing up guidelines for captains of SkyPier HSFs on exercising discretion to deviate from the speed limit of 15 knots in areas with higher CWD abundance in response to an emergency or in the interest of public safety.

5. Mr CHAN Hak-kan further enquired about the penalty to be imposed by AAHK on SkyPier HSFs failing to reduce their speed to 15 knots or below in areas with higher CWD abundance.

6. CEO, AAHK responded that any non-compliance with the requirements and arrangements for speed control should initially result in warnings to operators. AAHK could revoke the licence of an operator of SkyPier HSFs for repeated non-compliance until submission of report explaining the reason of non-compliance with preventive measures in place to the satisfaction of AAHK.

7. Mr Dennis KWOK requested AAHK to provide the following information:

- (a) the number of warning letters issued to operators of SkyPier HSFs whose ferries travelled at speed of over 15 knots within CWD hotspots since the rerouting of SkyPier HSFs on 28 December 2015;
- (b) the extent of the over speeding by SkyPier HSFs within CWD hotspots; and
- (c) the average daily number of arrivals at and departures from SkyPier each year in the past 10 years.

AAHK 8. CEO, AAHK agreed to provide the information requested by Mr Dennis KWOK in paragraph 7 above. CEO, AAHK further said that the reason some SkyPier HSFs were detected to have travelled slightly above 15 knots, i.e. 16 to 17 knots, across areas with higher CWD abundance, despite the fact that the captains of the SkyPier HSFs concerned had endeavoured to reduce the speed of their vessels to 15 knots was due to unpredictable local strong current/unexpected adverse sea and inclement weather conditions that might impose risk on the safe operation of the ferries. AAHK was in the course of discussing with the operators and captains of SkyPier HSFs on the handling procedure and ways to minimize such situation from arising.

9. General Manager, Environment, Third Runway, AAHK supplemented that during the first few days of implementing the Plan for SkyPier HSFs, there were 10 to 15 daily incidents of SkyPier HSFs potentially failing to reduce their speed to 15 knots or below in areas with higher CWD abundance and/or failing to travel completely within the speed control zone specified in the Plan. Following four workshops organized by AAHK to apprise operators and captains of SkyPier HSFs of the route diversion and speed restriction requirements for SkyPier HSFs, the number of daily incidents of those potential deviations had reduced to zero to five by the end of January 2016. General Manager, Environment, Third Runway, AAHK further said that the issuance of warning letters, the revocation of licence as well as the provision for the captains of SkyPier HSFs to exercise their discretion on deviation in response to an emergency or in the interest of public safety were stipulated in the Plan approved by the Environmental Protection Department under the EP for the 3RS project.

10. Mr Steven HO declared that he was a member of AAHK Board. Mr HO said that people's perception of issuing warning letters was bad. To minimize the occurrence of SkyPier HSFs failing to reduce their speed to 15 knots or below across areas with high CWD abundance due to unpredictable local strong current, Mr HO asked whether there was a possibility of further reducing the

15-knot speed limit of SkyPier HSFs across areas with higher CWD abundance by one or two knots.

11. CEO, AAHK reiterated that the daily number of incidents where SkyPier HSFs failing to restrict their speed at 15 knots or below across areas with high CWD abundance had drastically reduced following a number of workshops organized by AAHK for the operators and captains of SkyPier HSFs since the implementation of the speed limit on 28 December 2015. AAHK would continue to engage with the operators and captains of SkyPier HSFs to ensure their full compliance of the speed limit except in response to an emergency and in the interest of public safety. That said, CEO, AAHK noted Mr HO's views on the issuance of warning letters.

12. Dr KWOK Ka-ki expressed concern that compliance of the speed limit by SkyPier HSFs was only monitored by AAHK. Dr KWOK said that if the Administration would not monitor the compliance of the speed limit by SkyPier HSFs, non-governmental organizations should be engaged to carry out the task.

13. Head, Airport Expansion Project Coordination Office ("Head, AEPCO") responded that AAHK was required to comply with EP conditions under the EIAO. Suitable follow-up actions would be taken by DEP for any non-compliance of EP conditions.

14. Dr Kenneth CHAN also expressed concern about whether marine construction activities would be suspended for a period of 30 minutes if CWD were sighted to be in the 24-hour dolphin exclusion zone, as committed by AAHK in its EIA Report, to avoid the cause of injury/noise disturbance to CWD.

15. General Manager, Environment, Third Runway, AAHK responded that AAHK was committed to ensuring that marine construction activities would be suspended for a period of 30 minutes if CWD was/were sighted within a 250 meters radius dolphin exclusion zone for the concerned marine construction activity. AAHK had implemented the dolphin exclusion zone last year for the marine works of deep cement mixing site trial, the performance of which was satisfactory. General Manager, Environment, Third Runway, AAHK referred members to measures adopted by AAHK to comply with the conditions set out in the EP in paragraph 4 of LC Paper No. CB(4)576/15-16(01).

16. Mr Albert CHAN said that the most effective way to ensure compliance of all environmental mitigation measures during the marine construction stage of the 3RS project was to enact law to make non-compliance of any such measures an offence with penalty. Mr CHAN asked whether the Administration would enact law to effect such.

17. USTH responded that in accordance with EIAO, DEP would take enforcement actions for any non-compliance with the EP conditions.

18. Mr WU Chi-wai asked whether AAHK had laid down the minimum number of CWD in Hong Kong waters as a baseline for evaluating the effectiveness of the mitigation and enhancement measures in connection with the conservation of marine ecology and CWD for the 3RS project.

19. General Manager, Environment, Third Runway, AAHK responded that AAHK had embarked on a baseline survey, covering Northeast Lantau, Northwest Lantau, West Lantau and Southwest Lantau waters on CWD density and abundance in the vicinity of the 3RS project, which would be completed in six months' time. Based on the results of the aforesaid baseline survey, AAHK would consult the Agriculture, Fisheries and Conservation Department on drawing up the details of an event action plan for CWD and the plan would be submitted to the Environmental Protection Department for approval. General Manager, Environment, Third Runway, AAHK further said that although there had been a declining trend in the estimated abundance of CWD within Hong Kong waters since 2003, the estimated abundance of CWD within Hong Kong waters since 2011, i.e. during the construction of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") Hong Kong Boundary Crossing Facilities project, largely remained the same.

20. Mr WU Chi-wai asked whether AAHK would conduct a study on the distribution, abundance and movements of CWD within the Hong Kong and Pearl River Estuary ("PRE") waters, so as to assess whether CWD would come back to Hong Kong waters after the completion of the marine construction phase of the 3RS project.

21. Executive Director, Corporate Development, AAHK responded that it was AAHK's plan to conduct a relevant study on CWD within the Hong Kong and PRE waters. Such a study was complicated and would be conducted in phases. The HKIA Environmental Fund had recently granted a funding to the Ocean Park Conservation Foundation on the first phase of a study on the development of a CWD conservation research framework covering Hong Kong and PRE waters. As regards the future phases of the study, AAHK would encourage the Ocean Park Conservation Foundation to file application under the proposed Marine Ecology Enhancement Fund ("MEEF") to be set up later in the year.

22. General Manager, Environment, Third Runway, AAHK supplemented that the establishment of the proposed 3RS marine park (with a size of about 2 400 hectares), which would connect the Hong Kong International Airport Approach Areas with the existing SCLKCMP to its north and with the

committed marine park in the Brothers Islands to the east (to be designated under the HZMB Hong Kong Boundary Crossing Facilities project), should provide a favourable habitat for CWD displaced elsewhere to return. Although the designation of the proposed 3RS marine park could only be completed at completion of the 3RS project construction, AAHK had already submitted a Marine Park Proposal describing the preparatory work for the proposed 3RS marine park designation to the ACE in November 2015 for comment. Subject to the approval of the Marine Park Proposal by DEP, AAHK would proceed with the stakeholders consultations and the detailed studies accordingly.

23. Dr Kenneth CHAN noted that AAHK had capped the number of SkyPier HSFs at an annual daily average of 99 prior to designation of the proposed 3RS marine park, to minimize disturbance to CWD habitat due to HSF traffic. Dr CHAN asked whether consideration could be given to further lowering the cap on the daily number of SkyPier HSFs prior to designation of the proposed 3RS marine park.

24. CEO, AAHK responded that there was little room to lower the cap on the daily number of SkyPier HSFs prior to the successful designation of the proposed 3RS marine park, as to do so would mean cancellation of some existing ferry sailings.

25. Mr TANG Ka-piu enquired about whether there was any room to lower the cap on the daily number of SkyPier HSFs upon the opening of the HZMB Hong Kong Boundary Crossing Facilities targeted at end of 2017.

26. CEO, AAHK responded that although some people would choose to use the HZMB Hong Kong Boundary Crossing Facilities to travel to/from Zhuhai and Macau to HKIA, the growing cross-boundary traffic between HKIA and the Pearl River Delta region in the past few years should leave little room for AAHK to lower the existing level of service at SkyPier.

27. As the marine construction phase of the 3RS project might overlap with that of the HZMB Hong Kong Boundary Crossing Facilities project, Mr TANG Ka-piu urged the Administration to work closely with AAHK to minimize potential impacts on the marine ecology and CWD and to share its experience on implementing the measures to minimize the potential impact of marine construction on marine ecology and CWD with AAHK. USTH responded that such tasks would be actively carried out by AEPCO.

28. Mr Dennis KWOK said that it was suggested by some green groups that instead of diverting SkyPier HSFs travelling to/from Zhuhai and Macau to the north of the SCLKCMP, a better approach was for SkyPier HSFs to use its

previous route, i.e. southern boundary of the SCLKCMP, but restrict their speed to 10 knots or below across areas with higher CWD abundance.

29. General Manager, Environment, Third Runway, AAHK responded that as mentioned in the EIA Report on the expansion of HKIA into a 3RS approved by DEP, the dolphin experts confirmed that the existing route diversion for SkyPier HSFs was the most suitable route to mitigate potential impacts of marine traffic on CWD. General Manager, Environment, Third Runway, AAHK further said that using the previous travel route of SkyPier HSFs was considered not suitable for the following reasons. First, once the 3RS project construction was underway, the navigation corridor from the east side of the airport platform to the waters west of Hong Kong would be further narrowed, pushing SkyPier and other vessels further to the north and closer to the southern boundary of the SCLKCMP. Having the same number of high-speed vessels using a narrower navigation corridor would result in closer spacing of the vessels and less area for CWD to surface, and thus higher risk of CWD being hit by a vessel. It would also result in higher levels of anthropogenic noise, which was known to cause behavioural disturbance to dolphins. Second, the previous route crossed the travelling area between the two existing CWD hotspots, namely, West Lautau and the SCLKCMP, and directly crossed the core zone of the PRE CWD National Nature Reserve.

Marine ecology and fisheries enhancement strategy for the 3RS project

30. Mr Steven HO said that apart from setting up a MEEF for the conservation of marine life, particularly the CWD, and the Fisheries Enhancement Fund ("FEF") to support the fishing industry and enhance fishing resources in the western Hong Kong waters, reference should also be drawn from practices adopted by overseas jurisdictions to mitigate environmental impact due to marine construction.

31. General Manager, Environment, Third Runway, AAHK responded that apart from using non-dredge methods during land formation and using horizontal directional drilling for submarine fuel pipeline diversion, other environmental mitigation measures were banning of percussive piling for marine works, avoiding bored piling during peak calving season for CWD, setting up of advance seawall and silt curtain to prevent spread of suspended solids and implementing acoustic decoupling for noisy equipment on marine vessels. General Manager, Environment, Third Runway, AAHK further said that AAHK would also consider implement enhancement measures including but not limited to deployment of artificial reefs and release fish fry. The suitable locations for deploying artificial reefs and releasing fish fry were being identified.

32. Mr Steven HO noted that AAHK would allocate HK\$150 million to support the FEF initiatives. HK\$50 million out of the HK\$150 would be used to support the FEF initiatives at the outset, whilst the remaining HK\$100 million would be put under an endowment arrangement to generate a targeted income of about HK\$4 million to support long-term and sustainable fisheries enhancement efforts. Mr HO further noted that although the Government had set up a HK\$500 million Sustainable Fisheries Development Fund ("SFDF") in 2014 to help the local fishing community move towards sustainable or high value-added operations so that the trade could enhance its overall competitiveness and cope with new challenges, only subsidies totalling \$28 million had been granted under the SFDF. In the light of this, Mr HO urged AAHK to lower the threshold for approving applications under the FEF. Mr HO also urged AAHK to increase funding to the FEF so that more money could be set aside as seed money to generate more income, notwithstanding AAHK's plan to set up an additional HK\$100 million "top up" fund established for both the FEF and the MEEF to ensure stable funding support, having regard to the fact that the applications approved under the SFDF was on average HK\$7 million.

33. General Manager, Environment, Third Runway, AAHK responded that AAHK would take note of Mr Steven HO's views on the future operation of the FEF, including, amongst others, the annual budget for supporting the Fund.

34. At the request of Mr Steven HO, USTH agreed to provide information on the actions that would be taken by the Administration against illegal fishing activities in the proposed 3RS Marine Park, the planned Brothers Marine Park and the existing SCLKCMP.

Admin

II. Any other business

Date of next meeting

35. The Chairman said that the next meeting of the Subcommittee would be held on 15 March 2016 at 8:30 am to discuss "Third runway concourse and terminal facilities under 3RS (including green/environmental friendly and innovative features)".

36. There being no other business, the meeting ended at 5:56 pm.

**Subcommittee to Follow Up Issues Relating to the Three-runway System at
the Hong Kong International Airport**

**Proceedings of the fifth meeting
on Tuesday, 15 February 2016, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Mitigation and Enhancement Measures in connection with the Conservation of Marine Ecology and Chinese White Dolphins			
000410 – 000511	Chairman	Welcoming remarks	
000511 – 000536	Administration	Opening remarks	
000536 – 002340	AAHK	Powerpoint presentation on the mitigation and enhancement measures in connection with the conservation of marine ecology and Chinese White Dolphins ("CWD")	
002340 – 003033	Mr CHAN Hak-kan Administration AAHK	Enforcement of speed limit of 15 knots across areas with higher CWD abundance within Hong Kong waters on SkyPier High Speed Ferries ("HSFs") by Airport Authority Hong Kong ("AAHK")	
003033 – 003633	Mr Dennis KWOK AAHK	AAHK was requested to provide the following information: (a) the number of warning letters issued to operators of SkyPier HSFs whose ferries travelled at speed of over 15 knots within CWD hotspots since the rerouting of SkyPier HSFs on 28 December 2015; (b) the extent of the over speeding by SkyPier HSFs within CWD hotspots; and (c) the average daily number of arrivals at and departures from SkyPier each year in the past 10 years.	Para. 7 of the minutes refers
003633 – 004219	Dr KWOK Ka-ki Administration Chairman	Monitoring by the Administration on the implementation of the measures to minimize potential impact of the marine construction activities of the Three-runway System ("3RS") project on CWD by AAHK	
004219 – 004749	Mr WU Chi-wai AAHK	Evaluation of the effectiveness of the mitigation and enhancement measures in connection with the mitigation and enhancement measures in connection with the conservation of marine ecology and CWD	

Time Marker	Speaker(s)	Subject(s)	Action required
004749 – 005426	Dr Kenneth CHAN Administration AAHK	Enforcement of speed limit of 15 knots across areas with higher CWD abundance within Hong Kong waters by AAHK on SkyPier HSFs	
005426 – 010015	Mr Albert CHAN Administration	Enactment of the commitments made by AAHK in its Environment Impact Assessment Report on the expansion of the Hong Kong International Airport into a 3RS	
010015 – 010523	Mr Steven HO AAHK	Declaration of interest Speed limit of SkyPier HSFs across areas with higher CWD abundance Fisheries enhancement strategy for the 3RS project	
010523 – 011210	Mr WU Chi-wai AAHK	Scientific research on the distribution, movement and abundance of CWD in the Hong Kong and Pearl River Estuary waters	
011210 – 011530	Mr Steven HO Administration	The Administration was requested to provide information on the actions that would be taken against illegal fishing activities in the proposed 3RS Marine Park, the planned Brothers Marine Park and the existing Sha Chau and Lung Kwu Chau Marine Park.	Para. 34 of the minutes refers
011530 – 011744	Dr Kenneth CHAN AAHK Administration	Adoption of the 24-hour dolphin exclusion zone for the 3RS project Limiting SkyPier HSF traffic at annual average daily level of 99 prior to the successful designation of the proposed 3RS marine park	
011744 – 012638	Mr TANG Ka-piu Administration AAHK	Possibility of further limiting SkyPier HSF traffic upon the opening of the Hong Kong-Zhuhai-Macao Bridge Hong Kong Boundary Crossing Facilities targeted at end of 2017 Sharing of experience by the Administration on conservation of marine ecology and CWD with AAHK Closer coordination between the Administration and AAHK on conservation of marine ecology and CWD	
Any other business			
012638 – 012700	Chairman	Date of next meeting	