

**Minutes of 1102<sup>nd</sup> Meeting of  
the Town Planning Board held on 26.2.2016**

**Present**

|   |               |
|---|---------------|
| Permanent Secretary for Development<br>(Planning and Lands)<br>Mr Michael W.L. Wong | Chairman      |
| Mr Stanley Y.F. Wong  | Vice-chairman |
| Mr Roger K.H. Luk   |               |
| Professor S.C. Wong   |               |
| Professor P.P. Ho   |               |
| Professor Eddie C.M. Hui  |               |
| Dr C.P. Lau   |               |
| Mr Clarence W.C. Leung  |               |
| Ms Anita W.T. Ma  |               |
| Dr W.K. Yau   |               |
| Professor K.C. Chau   |               |
| Mr H.W. Cheung  |               |
| Mr Ivan C.S. Fu   |               |
| Mr Lincoln L.H. Huang   |               |
| Mr Stephen H.B. Yau   |               |
| Mr F.C. Chan  |               |
| Mr David Y.T. Lui   |               |

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Dr Lawrence W.C. Poon

Chief Traffic Engineer (New Territories East) (CTE(NTE))  
Transport Department  
Mr K.C. Siu

Chief Engineer (Works), Home Affairs Department  
Mr Martin W.C. Kwan

Assistant Director (Environmental Assessment) (AD(EA))  
Environmental Protection Department  
Mr K.F. Tang

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

Deputy Director of Planning/District  
Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Frankie W.C. Yeung

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board  
Ms Lily Y.M. Yam

Senior Town Planners/Town Planning Board  
Ms Karen F.Y. Wong (am)  
Mr K.K. Lee (pm)

## **Agenda Item 1**

[Open meeting] [The meeting was conducted in Cantonese.]

### Confirmation of Minutes of the 1102<sup>nd</sup> Meeting held on 14.12.2015, 16.12.2015, 11.1.2016 and 12.1.2016

1. The draft minutes of the 1102<sup>nd</sup> meeting sessions held on 14.12.2015, 16.12.2015, 11.1.2016 and 12.1.2016 were confirmed without amendments.

## **Agenda Item 2**

[The meeting was conducted in Cantonese.]

### Matters Arising

[Open Meeting]

2. The Secretary reported that during the consideration of representations and comments in respect of the draft Chek Lap Kok (CLK) Outline Zoning Plan (OZP), the following Members had declared interests for being representer, having business dealings/affiliation with the Airport Authority Hong Kong (AAHK) or the representers/commenters, or matters related to the three-runway system (3RS) of the Hong Kong International Airport (HKIA):

Mr Sunny L.K. Ho - being the Executive Director of the Hong Kong Shipper's Council (R1) and the President of the Chartered Institute of Logistics and Transport in Hong Kong (R2)

Professor S.C. Wong - being a member of the Institute of Transport Studies of the University of Hong Kong which had obtained sponsorship from AAHK (C1) before, and the council member of the Chartered Institute of Logistics and Transport in Hong Kong (R2) but not involving in the

submission of R2's representation

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|----------------------|--|
| Ms Christina M. Lee  | - being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from the Chinese Manufacturers' Association of Hong Kong (C20) before |
| Mr Dominic K.K. Lam  | - being a member of the 3RS and Works Committee of the Airport Authority Hong Kong (AAHK)  |
| Ms Julia M.K. Lau    | - being a member of Hong Kong Special Administrative Region (HKSAR) Aviation Development and 3RS Advisory Committee of Transport and Housing Bureau                                    |
| Ms Janice W.M. Lai   | ] having current business dealings with AAHK   |
| Mr Patrick H.T. Lau  | ] (C1)   |
| Dr C.P. Lau          | - having past business dealings with AAHK (C1)   |
| Professor K.C. Chau  | ] being members of the Advisory Council on the   |
|                      | ] Environment (ACE) which endorsed the   |
| Mr Stanley Y.F. Wong | ] Environmental Impact Assessment (EIA) report   |
|                      | ] of the 3RS project. Mr Wong had not yet  |
|                      | ] joined ACE when the 3RS EIA report was   |
|                      | ] endorsed   |

3. Mr Clarence W.C. Leung said that his company was a member of the Chinese Manufacturers' Association of Hong Kong (C20) but not involving in the preparation of the comment. Mr Sunny L.K. Ho, Mr Dominic K.K. Lam, Ms Janice W.M. Lai, Mr Patrick H.T. Lau and Ms Julia M.K. Lau did not attend the previous hearing sessions and they would also not attend the current deliberation session. The interests of Ms Christina M. Lee, Dr C.P.

Lau, Professor S.C. Wong, Professor K.C. Chau, Mr Stanley Y.F. Wong and Mr Clarence W.C. Leung were indirect and should be allowed to stay in the meeting.

(i) Updated Number of Representations

4. The Secretary reported that the number of representations submitted in respect of the draft CLK OZP No. S/I-CLK/13 was 12,208, instead of 12,209 as recorded in paragraph 36 of the minutes for the meeting on 14.12.2016, as R2472 informed the Secretariat on 11.1.2016 that she had not submitted a representation to the OZP. Members noted the updated number of representation received by the Board.

(ii) Further Submissions from Representatives/Commenters

5. The Secretary reported that since the last hearing session on 12.1.2016, the Secretariat had received three further submissions from R14, C211 and R399 (also C128) dated 15.1.2016, 30.1.2016 and 1.2.2016 respectively which were tabled at the meeting.

6. Both R14's and C211's further submissions were to reiterate the concerns raised in their oral submissions made on 11.1.2016, while C211 also requested the Town Planning Board (the Board) to answer 10 questions relating mainly to the cost-effectiveness, aircraft noise impact on Ma Wan, financial arrangement, insufficient information, environmental and ecological concerns and other issues of the 3RS project. A reply to R14 indicating that the submission was treated as not having been made had been issued while a reply to C211 had yet to be issued.

7. R399, apart from reiterating his concerns on maritime safety and the impact of marine transport on aviation safety which had already been covered in his written and oral submissions, informed the Board of his latest findings on the Marine Traffic Impact Assessment (MTIA), and requested the Board to acquire the MTIA reports from the project proponent and to allow him an opportunity to explain it to the Board. R399 wrote to the Secretariat again in the morning of the meeting day to ask whether his further submission had been submitted to the Board. The Secretary said that a reply would be issued to R399 stating that his further submission had been submitted to the Board for consideration at the current meeting. He further said that legal advice had been sought on R399's further submission of 1.2.2016, which would be discussed under confidential cover.

[Post-meeting notes : A reply in response to R399's email of 26.2.2016 was issued immediately after the meeting.]

8. The remaining part of the minutes on Agenda Item 2 was recorded under confidential cover.

### **Agenda Item 3**

[Closed Meeting (Deliberation) ]

Consideration of Representations and Comments in respect of the Draft Chek Lap Kok Outline Zoning Plan No. S/I-CLK/13

(TPB Paper No. 10056)

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[The meeting was conducted in Cantonese.]

#### **Deliberation Session**

9. The Secretary said that Members' declaration of interests for consideration of the representations and comments in respect of the draft Chek Lap Kok (CLK) Outline Zoning Plan (OZP) No. S/I-CLK/13 had been made under Agenda Item 2.

10. The Chairman said that the draft minutes of the 1102<sup>nd</sup> hearing sessions were issued to Members on 19.2.2016 and the video recordings of the hearing sessions were issued to Members in two batches on 22.12.2015 and 19.1.2016.

#### **Supportive Representations (R1 to R4(part))**

11. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions :

- (a) HKIA generated enormous economic value for Hong Kong, supporting Hong Kong's four economic pillars. Hong Kong's economy relied on the smooth and efficient air passenger and cargo movement. The three-runway system (3RS) would sustain HKIA's competitiveness and growth to strengthen Hong Kong's position as an international aviation hub amidst the rapid growth of the other airports in the region;

- (b) the 3RS development, together with Tung Chung New Town Extension Development, Hong Kong-Zhuhai-Macau Bridge (HZMB) and Tuen Mun-Chek Lap Kok Link would create a synergy effect for a new tourism hub and would bring tremendous economic benefits and ample job opportunities for Hong Kong;
- (c) the Environment Impact Assessment (EIA) study for the 3RS project had examined the critical elements for protecting the environment. AAHK, the project proponent of 3RS, would be abided by the Environmental Permit (EP) which had stipulated a list of mitigation measures to alleviate the impacts on environment. The proposed marine park would ensure the prosperity of marine life in Hong Kong. The potential adverse environmental and ecological impacts of the 3RS development could be overcome by adopting a state-of-the-art construction technology; and
- (d) it was proposed to investigate the construction of a separate airport in south Lantau for cargo only or to divert air-bound cargo arrivals to Zhuhai airport to sustain the growth of HKIA beyond 2030.

12. Members then went through the responses of the relevant government bureau and departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) the supportive grounds were noted; and
- (b) the capital investment in building a new airport involving substantial land reclamation and transport/supporting infrastructures would far exceed that required for expanding HKIA into 3RS. It would require detailed assessment and studies in a separate context. Besides, the suggestion to funnel flights to other airports at the wish of individual airport authorities was, by definition, outside Hong Kong's jurisdiction and was unrealistic and impracticable.

### **Adverse Representations (R4(part) to R 12220<sup>1</sup>)**

13. Based on the nature of the concerns raised by the presenters and commenters, the Chairman suggested and the meeting agreed that the discussion would be grouped under five main aspects which were (a) the need for 3RS, (b) environmental and ecological concerns, (c) other technical and safety concerns, (d) procedural matters, and (e) other issues. The Chairman said that Members could include other topics they considered appropriate during the discussion.

#### ***Need for 3RS***

14. Some Members said that the 3RS project was approved by the Executive Council based on very careful and comprehensive considerations and all aspects of development should have been reviewed by relevant government experts. Therefore, the need for 3RS should have already been confirmed and a policy decision was made to implement it. They considered that the Board should focus on the deliberation of the possible adverse impacts of 3RS, rather than revisit the need issue.

15. The Vice-chairman said that in the 4-day hearing sessions, for the majority of the presenters/commenters, even though they had raised concerns on the aircraft noise and the ecological impacts of 3RS, their submissions also pointed to the need for the 3RS. Generally speaking, when considering planning applications or amendments to OZPs, the Board had also taken into account the need for the proposed uses. He considered that the need issue should not be ignored.

16. Mr K.K. Ling, the Director of Planning, said that although ExCo had approved the 3RS project, it also directed the Board to extend the planning scheme area of the CLK OZP to cover the water area of the 3RS project. When the Board considered the representations and comments, if the impacts of the 3RS were found to be very significant, it would inevitably lead to the question of whether there was a genuine need to use that water area for the 3RS project.

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<sup>1</sup> Representations No. R700, R1700, R1952, R2472, R2659, R2700, R2857, R3034, R3647, R4045, R4119 and R4263 were excluded as the presenters indicated that they had not made any submission in respect of the CLK OZP.

17. A Member said that under the concept of sustainable development, the decision to take forward a project was made after striking a balance of environmental, economic and social needs. While the environmental aspect could be addressed under the EIAO, there was no legislation to address the economic and social aspects, nor a statutory body to oversee the integration of the three aspects. As a result, a sector of the community adversely affected by 3RS raised strong objection and eventually challenged the need for 3RS. Another Member said that the Board had a duty to ensure the efficient use of land and it would be a waste of land resource if there was no need for the proposed use. As such, the Board should also consider the need issue. When considering the need issue, the Board should take into account the fact that it had already been confirmed by the relevant authority and whether the information provided by representers/commenters had provided sufficient justifications to rebut the assessments made by the relevant authority.

18. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions :

- (a) there were insufficient information/ technical assessments to justify that 3RS was the most feasible option for HKIA expansion in terms of, inter alia, financial viability and environmental impacts;

Forecast of Air Traffic Demand

- (b) the genuine demand for air traffic industry had been over-estimated or exaggerated by the Government. The original design capacity of the HKIA should only be saturated by 2040. The drastic and sudden surge in demand for both cargo and passenger throughput after 2015, as projected by HKIA, was abnormal and deviated from the statistical principles;
- (c) the increase in air traffic was due to the prosperity of budget airlines/low cost carriers (LCC) which used narrow-bodied aircrafts with low passenger loading;
- (d) the flights plying for the Mainland accounted for about 30% of the total air traffic of HKIA. The Express Rail Link (XRL) and HZMB would

compete with the short-haul flights currently provided in HKIA and therefore alleviate the air passenger and cargo traffic demand; and

- (e) AAHK (C1), which was the project proponent, stated that the strong growth in air traffic experienced by HKIA over the years was in line with the global trend. An annual growth rate of 3.3% was adopted in the air traffic projection which was considered conservative as compared with the actual annual growth of 4.7% for HKIA over the period from 2000 to 2014 or 13.1% and 8% respectively in China and the Pearl River Delta (PRD) region over the past 10 years. AAHK had no policy to encourage LCC. The growth of LCC share in terms of seating capacity from 2004 to 2015 was lower than the global figure. The load factors of narrow-bodied aircrafts operated by LCC and of those traditional airlines were 79% and 73% respectively. A load factor of 79% meant that nearly the flight was full.

19. Members then went through the responses of the relevant government bureau and departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper, and noted the following :

- (a) HKIA had experienced strong traffic growth since airport opening in 1998. The actual air traffic movements (ATMs) growth was a few years ahead of the original MP2030 forecast and, based on the projection, the existing 2RS would likely reach its maximum practical capacity of 420,000 ATMs per annum in 2016 or 2017. With the continued strong growth in air traffic, while the Government and AAHK were actively exploring ways to increase the capacity of the 2RS as a temporary relief measure, there was a pressing need for HKIA to develop into a 3RS;
- (b) the 3RS would provide Hong Kong with the expansion capacity needed to capture the opportunities arising from the strong regional economic growth, and in turn conducive to the long-term economic development and growth of Hong Kong. The project would also create tremendous job opportunities which were beneficial to the public. The need for 3RS

in maintaining Hong Kong's competitiveness as a global and regional aviation hub and for catering Hong Kong's long-term economic and development needs was also reaffirmed by Chief Executive in Council (CE in C) on 17 March 2015;

- (c) neighbouring aviation hubs in cities like Singapore, Seoul, Bangkok had already committed/planned or were in the course of implementing major airport expansion plans. Without a major expansion plan like 3RS at HKIA, Hong Kong would eventually lose out on its competitiveness as an aviation hub, as well as the associated businesses particularly in the logistics, tourism, trade and retail sectors, to major competitors; and
- (d) regional mainland routes that were potentially affected by XRL only contributed about 4% of HKIA's passenger throughput in 2014. The potential adverse impact from XRL on HKIA would unlikely be significant. The market for rail and air transportation was not mutually exclusive. Instead, XRL would potentially link-up to second-tier and third-tier locations outside major cities where there might not be airports and flights available for international destinations. As a result, XRL would enlarge the catchment area for HKIA. The introduction of high-speed rail would also increase people's willingness to travel and in turn increase the overall market size for both rail and air transportation.

20. A Member said that the 3RS project was different from the Government's railway projects and the redevelopment projects carried out by the Urban Renewal Authority (URA) which were in fact government's projects with the Mass Transit Railway Corporation Limited and URA acting as implementation agents respectively. For the 3RS project, AAHK was the project proponent and the information on air traffic provided by AAHK should be critically reviewed.

21. Some Members noted that all the information and figures on air traffic were in fact compiled by AAHK who was the sole operator of HKIA, and that it might be difficult for the Board to verify the information concerned.

22. The Vice-chairman said that while he had some reservation on AAHK's optimistic air traffic demand forecast, in particular the implications of the competition of XRL and HZMB, he agreed that the air traffic handling capacity of the existing 2RS was near saturation and any practical measures taken could only marginally increase its capacity. There was an urgent need for 3RS. Some Members concurred with the Vice-chairman's views and supplemented that as in all other demand forecasts, it was difficult to be 100% certain about the rate of future air traffic growth, but the facts showed a clear increasing trend of air traffic, and AAHK's air traffic demand forecast might not be unrealistic given it was lower than the actual growth rates of the air traffic in Hong Kong, PRD and the world over the past years. Minor deviation in the forecast should not undermine the fact that there was a need for 3RS.

23. A Member said that AAHK's air traffic demand forecast should have already been confirmed by relevant government authority when ExCo approved the 3RS. The representatives/commenters had not put forward any other set of figures, though they had made some queries on the forecast which had been answered by AAHK. So far, there was no sufficient evidence to conclude that AAHK's forecast was wholly incredible. In the event that the future growth was lower than the forecast or the world economy turned out to be not as optimistic as forecasted, the only risk was that it would take a longer time for the design capacity of 3RS be fully utilized and such risk should be acceptable.

24. Another Member said that the current situation of HKIA was similar to that encountered previously when the capacity of the then Kai Tak Airport could not be substantially enhanced by piecemeal enhancement works. The Government took a strategic decision to relocate the airport to CLK to cope with the fast growing demand such that Hong Kong could maintain its leading aviation hub position in the region. The Member said that the Board should recognise the importance of HKIA as a strategic infrastructure and its contribution to Hong Kong's economy and community as a whole, rather than focus on the small deviation of the air traffic demand forecast.

25. A Member said that while some representatives/commenters were not convinced by AAHK's air traffic demand forecast, and that some might even consider that the airport should not be expanded at all even the aviation market was growing, stopping the expansion of HKIA might not mean that its present air traffic volume could be sustained as indicated

by the representatives/commenters. Taking the port of Hong Kong as an example, it was once ranked first in terms of freight throughput, but was at the moment down to 4<sup>th</sup> or 5<sup>th</sup> position once the expansion plan of the port was shelved because there were then public views that the port had not yet reached saturation. The nearby airports were either undergoing or planning for expansion. Once they had built up sufficient flight frequency and wide flying network, the air passengers/freight companies currently using HKIA might switch to them for convenience sake. Given that there would be a long lead time for providing such a key infrastructure, Hong Kong should act ahead to maintain its status as a leading aviation hub. Another Member concurred and said that the port industry and the Government were at the moment exploring means to enhance the efficiency of the port, which would take years to implement. Similar situation should not be repeated in HKIA case.

26. Two Members quoted some forecasts which supported the growth of aviation industry. A Member said that the World Tourism Organization had made a forecast several years ago that up to 2020 the most rapid growth in travel trips, particularly long-haul ones, were in Asia including Hong Kong. Another Member said that in 2012, the Hong Kong Institute of Engineers received the information that there was a demand for 200,000 engineers over the world in the next 20 years to serve the 20,000 aircrafts which were joining the blooming aviation industry.

27. Some Members said that good connectivity to other world cities was critical for Hong Kong's economic growth and therefore HKIA was an important strategic infrastructure. In planning for the growth of HKIA, a visionary planning and more forward looking approach should be adopted. Despite that there might be uncertainties in the air traffic demand forecast, the need for the 3RS was evident.

28. Mr K.K. Ling concurred with the Members' views and said that a long lead time was required for the provision of the 3RS including the completion of all necessary statutory planning procedures. The Board should consider the information and views provided by AAHK, the Government and representatives/commenters on the need for 3RS, and form a balanced view on whether it would be necessary to make Hong Kong adequately prepared for such a key strategic infrastructure with the statutory planning procedures completed.

29. Members generally recognized the importance of HKIA as a key strategic infrastructure, and that the Government had clear policy support to the 3RS. The relevant government authority had also reviewed and agreed on AAHK's air traffic demand forecast. On the other hand, the representers/commenters had not put forward strong justifications to convince the Board that the air traffic demand forecast was wholly incredible. Based on the air traffic demand forecast and the long lead time for the provision of large scale infrastructure, there was an urgent need for 3RS development.

#### Capacity and Efficiency of the Existing 2RS

30. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions :

- (a) there was doubt that the existing 2RS had reached its maximum capacity of 86 ATMs per hour in its original design as stated in the New Airport Master Plan completed in 1992 (1992 NAMP). The flight movements in northward airspace were restricted by the air traffic control imposed by the Mainland civil aviation authority. If the airspace issue could be resolved, the capacity of the 2RS would be increased to its design capacity of 86 ATMs and there was no need for the 3RS. The Air Intrusion Limitation Area for the Hong Kong Disneyland should also be deleted to allow the creation of new flight paths to improve the capacity of the 2RS;
- (b) the efficiency of the existing 2RS HKIA was low comparing to other major international airports. For example, the London Heathrow Airport with two runways could handle over 100 ATMs per hour; and
- (c) C1 stated that the 1992 NAMP had clearly stated that the 86 ATMs per hour for 2RS could only be achievable if 2RS was operated under an 'Independent Mixed Mode' which was, however, not practicable for HKIA. London Heathrow Airport had no topographical constraint on the flight paths and its two runways had a greater separation to handle the wake turbulence of aircrafts, while HKIA did not have such advantages.

31. Members then went through the responses of the relevant government bureau and departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) several studies had been conducted in the past to assess the runway capacity of the 2RS of HKIA. The 1992 NAMP pointed out that the terrain of Lantau was the major constraints on the capacity of the 2RS. The consultancy study commissioned by Civil Aviation Department (CAD) in 1994 stated that given the constraints from the surrounding terrain and the need to fully comply with the relevant International Civil Aviation Organization (ICAO) standards, the maximum runway capacity of the 2RS was 63 ATMs per hour. According to the "Airspace and Runway Capacity Study" commissioned by AAHK and undertaken by the British aviation expert (National Air Traffic Services) in 2008, the room to increase the capacity of 2RS to handle more flights was limited;
- (b) since 2008, CAD had implemented various air traffic management optimisation measures, which had successfully increased the aircraft movements under 2RS from 55 to 67 ATMs per hour, with a view to further increasing the maximum practical capacity of 68 ATMs per hour in the fourth quarter of 2015. However, there was little room to further increase the annual ATMs of the 2RS; and
- (c) the maximum practical capacity that could be achieved by the existing 2RS of HKIA was determined by the mode of operation which was constrained by the terrain of Lantau and the longitudinal separation requirement between aircrafts due to wake turbulence, rather than the airspace. HKIA could not adopt the 'Independent Mixed Mode' for 2RS to further increase its capacity as there was insufficient buffer distance between the two runways for the safe concurrent movement of two aircrafts if one of them strayed from its intended flight path. In consequence, there was no need to use the northward flight path to achieve the maximum capacity of 68 ATMs per hour under 2RS. To achieve the maximum capacity of 102 ATMS per hour under 3RS, the northward flight path would be used, which was in accordance with the

“Pearl River Delta Region Air Traffic Management Planning and Implementation Plan (Version 2.0)” (the 2007 Plan).

32. A Member said that while the representatives/commenters had focused on whether the maximum capacity of 2RS should be 68 or 86 ATM per hour, it was more important to note that the scale of air traffic handling capacity and services offered by 2RS was not comparable to those to be provided by 3RS. AAHK had once put forward two options for the expansion of HKIA with one to build 3RS and another one to implement measures to enhance the efficiency of 2RS. Development of 3RS was supported as the measures could only marginally enhance the efficiency of 2RS. The construction of 3RS and implementation of capacity enhancement measures could be complementary to each other to further increase the capacity of 3RS.

#### Options to Enhance the Capacity and Efficiency of the Existing 2RS

33. The Secretary recapitulated that some representatives and commenters had made the following major points in their written and oral submissions:

- (a) the feasibility of enhancing the operation efficiency under 2RS had not been fully investigated. It included, inter alia, (i) removing the hilly terrain at northeast Lantau, (ii) reducing flights to less popular destinations, (iii) use of wide-bodied aircrafts with higher loading capacity, and (iv) provision of additional ground support facilities (e.g. expansion of Terminal 2 (T2) Building and mid-field passenger concourse, and aircraft parking stands);
- (b) due to limited aviation resources, the option to cooperate with nearby airports in the region to enhance the operation efficiency of 2RS instead of establishing 3RS should be considered. Hong Kong should concentrate its resources in providing more international flights while those second or third-tier cities of Mainland should more appropriately be served by the Shenzhen and Guangzhou airports; and
- (c) C1 stated that HKIA had been collaborating with the Shenzhen Airport through passenger transfer at the SkyPier. However, the joint operation

with nearby airports could only handle about 0.3% of the overall air passenger volume in the region and it was inconvenient for Mainland passengers to fly to overseas via the transfer from Zhuhai/Shenzhen to HKIA. A study on cities with two or more airports also revealed that there was no successful example of increasing passenger throughput by collaboration between connecting airports as inter-airport transfer was not attractive to users.

34. Members then went through the responses of the relevant government bureau and departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) *removal of high peaks at northeastern Lantau* - the proposed removal of high peaks at northeastern Lantau was neither practical nor feasible. CAD advised that if an 'Independent Mixed Mode' operation was to be adopted for the 2RS while conforming to the safety standards/requirements of the ICAO, most of the high mountains on Lantau Island would have to be levelled. As a result, major infrastructure and landmarks on Lantau such as Ngong Ping Cable Car, Big Buddha and Po Lin Monastery would have to be removed;
- (b) *reducing flights to less popular destinations* - it was the airlines (not the HKIA nor the Government) which determined the destinations, routings and frequencies of scheduled air services, taking into account market needs and business viability. However, reduction of any specific sector(s) in the network would have wide ramification to HKIA's overall traffic, particularly on transfer/transit traffic. It would also run counter to consumer choices and undermine the overall economic interests of Hong Kong;
- (c) *use of wide-bodied aircrafts* - HKIA was already one of the world's most efficient airport that had the second-highest proportion of wide-bodied aircrafts. Besides, the aircraft mix at the airport was driven by market demand and determined by airlines. It was not for the airport operators

or the Governments to dictate such decision;

- (d) *provision/improvement of additional ground support facilities* - despite that the ground handling capacity in short to medium terms would be improved upon completion of the midfield development at HKIA, it would not increase the airport's overall handling capacity as the bottleneck laid in the airport's runway capacity; and
- (e) *cooperation of nearby airports* - recently, Hong Kong and Shenzhen airports had strengthened cooperation by facilitating Shenzhen residents to take international flights at HKIA and Hong Kong residents to take domestic flights at Shenzhen Bao'an Airport. After completing the check-in procedures in Bao'an Airport, the Shenzhen passengers could go directly to HKIA's boarding gate by shuttle bus or ferry. Mirror arrangements were also available to Hong Kong residents taking domestic flights in Bao'an Airport. An agreement had also been reached by Hong Kong and Shenzhen airports to facilitate Mainland passengers to use HKIA for international flights after the completion of the 3RS. The suggestion to funnel flights to other airports at the wish of individual airports and authorities was, by definition, outside Hong Kong's jurisdiction and was unrealistic and impracticable.

35. Some Members said that the aircraft mix at the airport was driven by market demand. AAHK had no policy to encourage narrow-bodied aircrafts/low cost carriers (LCC) and also the proportion of LCC in HKIA's fleet mix was low as compared with other international airports. As such, the use of wide-bodied aircraft would not increase the capacity of the existing 2RS to a great extent. Moreover, the LCC used by budget airlines were welcomed by the younger generation and getting more popular for business trips as well. In fact, some large airlines also provided LCC to meet the market need. It was therefore not appropriate for AAHK to restrict the use of LCC.

36. Members generally agreed that there were practical constraints to increase the capacity of the 2RS to cope with the continued strong growth in air traffic as the bottleneck laid in the airport's runway capacity.

### Design Capacity of 3RS and Airspace Issue

37. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions:

- (a) the close proximity of the five airports in the Pearl River Delta (PRD) region had created severe constraints on flight movements in the airspace. The altitude and geographical location requirements for handover of flights between air traffic control units in Hong Kong and in the Mainland (referred by the representers as ‘air wall’ constraint). Should the airspace/air wall issue be resolved, the capacity of the 2RS could be increased without the need for the 3RS. If it could not be resolved, it was doubtful that the 3RS could achieve its target of its design capacity. Increase in the number of runways might not result in a corresponding increase in air traffic volume if the airspace issue remained unresolved. The airspace constraint was not the problem only for HKIA, but also the neighbouring airports. The neighbouring airports also had their own plan for airport expansion at the moment or in the pipeline. It was doubtful if the neighbouring airports would open up their airspaces for Hong Kong’s use;
- (b) there was no proof that agreement had been reached with Mainland on a new arrangement of airspace management. The assumption of no restriction on the use of airspace upon completion of 3RS was doubtful. Should the PRD Airspace Plan not be implemented upon completion of the 3RS, it was doubtful whether the 3RS could achieve 102 ATMs per hour. The runway capacity of the 3RS under the scenario of ‘with airspace constraint’ had not been given; and
- (c) the 2007 Plan proposed to, inter alia, set up ‘the Southern PRD Terminal Area’ jointly managed by the relevant authorities in Guangdong and Hong Kong in order to remove the airspace constraints of PRD region. The proposed joint management of the airspace might contravene the requirements under Article 130 of the Basic Law that the Hong Kong Special Administrative Region (HKSAR) should be responsible on its

own for matters of routine business and technical management of civil aviation.

38. Members then went through the responses of the relevant government bureau and departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) the 'air wall' constraint referred to by some representers/commenters was in fact a misunderstanding of the air traffic management arrangement between adjacent airspaces. It was a 'transfer of control point' between air traffic control jurisdictions. Such arrangement followed normal civil aviation arrangement that sought to segregate the operations of aircraft in adjacent airspace, thus preventing aircraft conflict so as to ensure the safe operation of aircraft. It could be found in other airports with high traffic volume and was not relevant to runway capacity, which was determined by the time interval and space separation between successive runway movements, as well as terrain surrounding HKIA;
- (b) the Civil Aviation Administration in the Mainland (CAA), CAD of HKSAR and the Civil Aviation Authority of Macao SAR (CAAM) set up the 'PRD Region Air Traffic Management Planning and Implementation Tripartite Working Group' (TWG) in 2004 to formulate measures to rationalise the airspace structure and air traffic management arrangements in the PRD region to optimise the use of airspace and enhance air traffic safety, taking into account the future expansion needs of the airports within the PRD region, including the 3RS of the HKIA, the three-runway planning of Bao'an Airport in Shenzhen and the five-runway planning of Baiyun Airport in Guangzhou;
- (c) Hong Kong Government together with the civil aviation authorities of the Mainland and Macau had formulated and agreed to the 2007 Plan taking into account the expansion plans of all the airports in the PRD region including 3RS of HKIA. The flight paths covered in the 3RS EIA were included in the 2007 Plan. It was expected that the capacity of HKIA under 3RS could progressively reach 102 ATMs per hour with the

implementation of enhancement measures in the 2007 Plan. There was no information on the capacity of HKIA with 3RS if the existing airspace utilisations remained the same, but it would be covered by an on-going assessment. The on-going assessment on the northward flight path was only a scenario for assessing the feasibility/capacity of 3RS and did not imply that the 2007 Plan was not agreed by the relevant authorities in the Mainland;

- (d) a number of air traffic management enhancement measures proposed by the 2007 Plan had already been implemented, which included the establishment of peripheral flight paths in the PRD region, addition of handover points and adjustment of the Zhuhai airspace structure. With effect from 7.1.2016, new air routes for the eastern part of the Mainland and an associated additional handover point between the Hong Kong and Guangzhou Flight Information Regions (FIRs) would be established for flights operating among Hong Kong, Macau and the eastern part of the Mainland, with a view to alleviating the overloading of the existing flight paths;
- (e) given the airspace was three dimensional with flight paths at different altitudes, it was easier to plan flight paths in an airspace rather than the landing/taking runway on ground. From aviation management point of view, the runway and airspace were interrelated and influenced each other. Without the 3RS, the runway capacity of HKIA could not be enhanced no matter how good the airspace was planned; and
- (f) CAD would ensure that the arrangements made were in compliance with the relevant provisions of the Basic Law and the relevant requirements set down by ICAO.

39. A Member said that even if there was an airspace constraint, the expansion of the HKIA was the bargaining chip for the increase in use of airspace for HKIA given that the other airports in the PRD region were either undergoing or planning for expansion. It was

therefore not appropriate to give up the 3RS even if there were uncertainties on the airspace issue.

40. Some Members noted that the 2007 Plan was not a public document and had not been presented to the Board. Nevertheless, Members considered that based on the information presented to the Board by the government bureau and department, the airspace issue should be addressed in the 2007 Plan.

41. Mr K.C. Siu, CTE (NTE), said that the 2007 Plan was formulated together by the Hong Kong Government and the civil aviation authorities of Mainland and Macau, and could not be released without the consent of the parties concerned. To supplement, Mr K.F. Tang, AD(EA), said that the Judicial Reviews (JRs) against the Director of Environmental Protection (DEP) in respect of the approval of the EIA report for the 3RS project (3RS EIA report) and the granting of the Environmental Permit (EP) also involved the airspace issue and the 2007 Plan. One of the JR applicants requested the Court to make order that the 2007 Plan should be released to the public, and the matter was at the moment under legal proceeding.

42. The meeting agreed that there was no strong or sufficient evidence and justifications put forward by the representers and commenters to demonstrate that the information on airspace issue provided by the Government was not trustworthy. Nevertheless, the meeting agreed that the Board had high expectation that the Government should keep dialogue with the parties concerned such that the flight paths and the enhancement measures for HKIA as set out in the 2007 Plan could be implemented in order to achieve the design capacity of the 3RS of HKIA currently anticipated as well as to maximize the capacity of 3RS of HKIA as far as possible.

43. A Member considered that the Board should urge the Government to ensure that design capacity of 102 ATMs per hour for the 3RS could be achieved, while the Vice-chairman and two Members considered that as far as appropriate measures would be taken to maximize the capacity of the 3RS, it would not be necessary for the Board to specifically mention the design capacity of 102 ATMs per hour in the letter to the Government.

### Use of Land

44. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions :

- (a) *building a new airport* - there were other options like building a new airport and improvements in air traffic management to enhance the operation efficiency of 2RS instead of establishing 3RS;
- (b) C1 stated that the current location of HKIA at CLK was considered to be optimal by the Government after a thorough study of the different locations for relocating HKIA from Kai Tak years ago. When preparing Master Plan 2030 (MP 2030), various options for developing the third runway, including the different alignments for a new runway at CLK, had been explored, and alternative locations for a new airport such as south Lantau and the North West New Territories had been considered. After detailed analysis, it was considered that the location of the third runway to the north of the existing HKIA was the most desirable and cost-effective for maintaining HKIA's competitiveness;
- (c) *more beneficial for housing development* - the proposed 3RS project would involve about 650 ha of reclaimed land, which was equivalent to the size of the Yau Tsim Mong District. Should the same size of land be used for developing a new Kowloon, it would provide homes for more than 300,000 people with the property value over HK\$2,000 billion and additional gross domestic product amounting to about HK\$ 100 billion. Allowing 3RS development at the site meant offering a sum of HK\$2,000 billion to the AAHK and giving up a gross domestic product of HK\$100 billion and homes for 300,000 people;
- (d) *development control* - the control on the permissible uses and development intensity in the zones under the Amendment Items was very loose with all uses put under Column 1 and no GFA restrictions were imposed; and

- (e) *proposed amendments to the Notes of the draft OZP by :*
- (i) transferring the uses in Column 1 to Column 2 under the “OU(Airport)” and “OU(Airport Service Area)” zones with the requirement of Master Layout Plan submission;
  - (ii) imposing restrictions on the floor area for commercial uses particularly for ‘eating place’ and ‘shop and service’ uses in the two zones;
  - (iii) deleting ‘People Mover Depot’ use in paragraph 7(a) of the Covering Notes of the OZP; and
  - (iv) rezoning of the reclamation area to “Coastal Protection Area”.

45. Members then went through the responses of the relevant government bureau and departments given in PlanD’s presentation and in answering Members’ enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) *building a new airport* - the capital investment in building a new airport involving substantial land reclamation and transport/supporting infrastructure would far exceed that required for expanding HKIA into 3RS and would require detailed assessments and studies in a separate context;
- (b) *more beneficial for housing development* – the site was adjoining the existing HKIA and there was a need for 3RS in maintaining Hong Kong’s competitiveness as a global and regional aviation hub and for catering Hong Kong’s long-term economic and development needs. The benefits of 3RS was not directly comparable with that for housing development;
- (c) *development control* - the zonings designated on the draft OZP and the amendments to the covering Notes aimed to support the development of HKIA, and to allow maximum flexibility for airport operational development. As the proposed uses of the amendment sites were the

same as those of the existing HKIA, the current land use and development control imposed on the draft OZP were considered appropriate. Similarly, no GFA/building height restriction was imposed on those zonings to allow maximum flexibility for airport development. Besides, the height of the buildings/structures at and around HKIA was governed by the Airport Height Restriction administrated by CAD; and

- (d) *proposed amendments to the Notes of the draft OZP* - the main objective of the proposed zonings of “OU(Airport)” and “OU(Airport Service Area)” in the Notes of the draft OZP were to put the future HKIA development at Chek Lap Kok under statutory planning control. The land use zonings and associated permitted uses/uses requiring application to the Board related to the amendment items were basically the same as those currently designated to the area covering the existing HKIA to allow flexibility for airport operational development, and were considered appropriate from the land use planning perspective. Incorporating ‘People Mover Depot’ on top of the existing ‘People Mover Track’ as an use that was always permitted was to facilitate the services of the existing and new automated people mover system, which was an essential facility at HKIA and the 3RS.

46. A Member said that the development of a new airport at another location was a mega scale project which would involve not only the airport itself but also a comprehensive network of supporting infrastructures, while the current proposal was to build an additional runway at the existing airport. The two cases were not comparable in scale. Moreover, given the concerns on environmental impact and accessibility, the same Member considered that it was unrealistic to use the 3RS site, which was adjoining to the existing airport runway, for housing development.

47. Members generally considered that there were no strong reasons to amend the Notes of the OZP as proposed by some representers/commenters.

### ***Environmental and Ecological Concerns***

48. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions:

#### **Noise Impact**

- (a) the 3RS project would aggravate aircraft noise pollution on the surrounding residential areas including Tung Chung, Sham Tseng, Tsing Yi North, Ma Wan and Sha Lo Wan. Despite Ma Wan was located outside the Noise Exposure Forecast (NEF) 25 Contour of the existing 2RS, the aircraft noise impact was very severe. The aircraft noise problem in Ma Wan had worsened over the years, in terms of frequency and intensity, and was particularly disturbing in the night-time. The 3RS project, which would bring in more air traffic and therefore more frequent aircraft noise affecting a wider area, should not be allowed;
- (b) the EP granted did not impose any condition requiring the provision of noise mitigation measures for Ma Wan. While fund would be reserved to compensate for the possible damage to the ecology, no compensation proposal had ever been made for the noise impact caused to the residents of Ma Wan;
- (c) the aircraft noise problem at Ma Wan was related to the airspace constraint. If the airspace issue was not resolved, aircrafts would still need to fly over Ma Wan causing severe noise impact on the residents; and
- (d) C1 stated that they had already implemented measures to alleviate the aircraft noise impact on Ma Wan, which included the installation of new technology to ensure aircrafts to align more accurately with the centreline of the flight path, prohibition on the use of the aircrafts marginally meeting the noise standard set down by the ICAO from flying at HKIA, and setting a limit on the number of night-time flights. Further

mitigation of the aircraft noise impact could only be achieved with the development of the 3RS project. The aircraft noise impact on the surrounding area was greater when the southern runway of HKIA was used for flying. The 3RS design would enable the designation of the southern runway as stand-by runway, which was a mitigation measure included in the granted EP. It would enable a ‘tidal operation’ mode that could reduce the number of flights flying over Ma Wan.

49. Members then went through the responses of the relevant government bureau and departments given in PlanD’s presentation and in answering Members’ enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) noise sensitive receivers (NSRs) within the assessment area including Ma Wan, Sha Tin, Sham Tseng, Sha Lo Wan and San Tau had been included in the aircraft noise assessment. The approved 3RS EIA report concluded that no adverse residual aircraft noise impact was identified after implementation of the proposed noise mitigation measures. The flight paths covered in the EIA were included in the 2007 Plan; and
- (b) in addition, CAD had already prohibited the use of aircrafts which marginally complied with the noise standards in ICAO.

50. Members noted the concerns raised by Ma Wan residents that they were adversely affected by the aircraft noise with its high frequency and intensity. However, given the size, topography and densely built environment of Hong Kong, it was inevitable that certain areas were more affected by the aircraft noise. A Member said that Ma Wan residents might feel aggrieved as they apparently had the feeling that AAHK and DEP had ignored their complaints on the aircraft noise, and they might not be fully aware that AAHK and CAD had already implemented certain mitigation measures to alleviate the noise impact. The Member considered that the Government and AAHK should be urged to enhance the communication with Ma Wan residents.

51. The Vice-chairman concurred that there was a need to enhance communication between AAHK/government departments and Ma Wan residents. Given the current aircraft

noise experience, it was understandable that Ma Wan residents would consider the noise impact would be worsening with an additional runway to be provided under 3RS. However, AAHK had already explained that the aircraft noise impact on Ma Wan would be improved upon the 3RS development with implementation of appropriate measures set out in the EP. A commenter, who was the representative of Cathay Pacific Services Limited, also indicated that they would purchase more environmental friendly and quieter aircrafts. Based on the information provided to the Board, the aircraft noise impact on Ma Wan would be alleviated in the future.

52. A Member said that the flight paths were designed taking into account the need to alleviate impact on the densely populated areas, and as such, any deviation from the designated flight paths would have adverse aircraft noise impact on the fly-over areas and might also have aviation safety concern. He considered that the aircrafts should strictly adhere to the designated flight paths based on environmental and safety considerations.

53. Members generally agreed that there was an adopted standard to assess the acceptability of aircraft noise impact on the residential areas in Hong Kong. Upon 3RS development and with the implementation of measures set out in the granted EP, Ma Wan would still be located outside NEF 25 contour which should be acceptable based on the adopted noise standards. Nevertheless, the Board should recommend to the Government/AAHK to enhance communication with Ma Wan residents on the mitigation measures already taken and to be taken for alleviating the aircraft noise, and to take measures to ensure that the aircrafts would strictly adhere to the designated flight paths on environmental and safety considerations.

#### Impacts on Chinese White Dolphins (CWD)

54. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions:

- (a) CWD could only live in shallow river estuary. The 3RS project would take away 650 ha of water area which was a significant loss of the CWD's habitat. The actual area affected by reclamation works would be larger than the area to be reclaimed as the operation of the construction vessels would discourage CWD to use the adjacent water areas;

- (b) the majority of the mitigation measures proposed for the 3RS project were similar to those which had already been adopted in the construction of HZMB, and were proven to be ineffective as a survey had revealed a drastic decline in the number of CWD in northwest Lantau waters since HZMB project commenced;
- (c) the cumulative impacts of several consecutive construction projects at the waters off north Lantau, including the large number of working boats, would aggravate the problem. Should the Board decide to approve the amendments to the OZP, a condition restricting the commencement date of the 3RS project to one year after the completion of the HZMB should be imposed;
- (d) C1 stated that according to the advice of their CWD expert, the 3RS project would unlikely lead to the extinction of CWD in Hong Kong waters, but it could lead to reduction in their population. Nonetheless, provided that the remaining habitats of CWD would be protected, such impact would not be permanent. As provided in the approved 3RS EIA report, there were some key mitigation measures to minimise impacts on CWD;
- (e) a representer, Hong Kong Dolphin Conservation Society (HKDCS), disagreed with the opinion of AAHK's expert that the reduction in the CWD population due to the 3RS project would be temporary in nature. AAHK's expert had no scientific basis in drawing that conclusion. CWD could only live in the Pearl River Estuary and no study had been conducted by AAHK in the EIA to identify the locations in the Pearl River Estuary of the Mainland waters that CWD could take refuge during the construction of the 3RS. Many CWD had already disappeared from the Mainland waters in the Pearl River Estuary. AAHK had the responsibility to fill the gaps in the data set in the CWD study. However, AAHK only proposed to set up funds to conduct surveys on CWD after the approval of the EIA for the 3RS project, which would be too late as the loss in marine habitat would be irreversible;

- (f) the massive reclamation for the 3RS would destroy the travelling corridor between the three core activities waters of CWD, i.e. the Sha Chau and Lung Kwu Chau (SCLKC) Marine Park (MP), the committed Brothers Islands MP and west Lantau waters. CWD could not commute the waters via Urmston Road as it had busy marine traffic. If the commuting corridor was blocked, the committed Brothers MP would be ineffective for the conservation of CWD. The prolonged construction works in the waters due to the 3RS would make the chance of success for the committed Brothers Islands MP in revitalizing marine life including CWD slim; and
- (g) C1 stated that as provided in the 3RS EIA report, some key mitigation measures to minimise impacts on CWD would be implemented which included the designation of a MP of 2,400 ha; re-routing of SkyPier's ferries, minimisation of land formation area of the third runway from over 800 ha to 650 ha; using horizontal directional drilling for the diversion of the existing submarine aviation fuel pipeline as well as non-dredged methods for the reclamation. The re-routing of the SkyPier's ferries from the south to the north of SCLKC MP also aimed to avoid passing through the proposed MP which would cover such navigation channel and the adjoining waters. Besides, the re-routing also avoided SkyPier's high-speed ferries passing through the National Nature Reserve (NNR) for CWD in Pearl River Estuary.

55. Members then went through the responses of the relevant government bureau and departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) according to the approved 3RS EIA report and the granted EP, the footprint of the airport expansion layout had been minimised and a MP as a compensatory measure had been proposed in the report which would provide a protected habitat for the marine ecology;
- (b) under the EP conditions and for promoting the conservation of CWD and

marine life in Hong Kong, AAHK would establish an independent Marine Ecology Enhancement Fund, with substantial resources to meet its conservation objectives in a long-term and sustainable manner for the conservation of marine life particularly the CWD within Hong Kong and Pearl River Estuary waters. AAHK would also establish an independent Fisheries Enhancement Fund, and collaborate with fishermen in formulating the Fisheries Management Plan for supporting the fishing industry and enhancing fisheries resources in the western Hong Kong waters especially the Lantau waters; and

- (c) the impact on CWD of both the 3RS and other concurrent projects had been assessed in the 3RS EIA report and appropriate mitigation measures had been developed to mitigate residual cumulative impacts to meet the requirements in the EIAO. All recommended measures such as the non-dredged deep cement mixing method for reclamation were well proven.

#### Effectiveness of the Proposed MP under 3RS Project

56. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions:

- (a) the proposed MP under 3RS Project, with an aggregate area of 2,400 ha which appeared to be substantial, was not the most core dolphin habitat and important fisheries spawning/nursery ground and were subject to severe disturbance from high volume of marine traffic;
- (b) the construction of the 3RS project would last at least eight years which would cause large-scale and significant destruction of the marine ecology and the habitat of CWD would also be lost once the water area was fenced off for the construction of 3RS. However, the proposed MP would only be implemented after 2023 and CWD had no area to take refuge during the construction period. That was tantamount to ‘destroy first, build later’. The compensation for habitat loss should be provided before or at a very early stage of the construction phase; and

- (c) C1 stated that as no construction works would be allowed within the proposed MP, the proposed MP could not be designated before the completion of the 3RS project.

57. Members then went through the responses of the relevant government bureau and departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) the proposed MP would connect the HKIA Approach Areas with the existing SCLKC MP and the committed Brothers Islands MP, forming a huge continuous stretch of marine protected area of about 5,200 ha. The synergy effect gained would contribute significantly to the long-term conservation of CWD habitat; and
- (b) DEP and Director of Agriculture, Fisheries and Conservation (DAFC) advised that the possibility of an earlier designation of the proposed MP had been examined and the 3RS EIA report concluded that it was not practicable to seek to designate the proposed new areas of MP while construction activities for the 3RS project were ongoing.

#### Impact of the High-Speed Ferries on CWD

58. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions :

- (a) there was a clear correlation between the introduction of high-speed ferries in SkyPier in 2003 and the continuous decline in the number of CWD after 2003. The 3RS EIA report had acknowledged that high-speed ferries from SkyPier had significant impacts on CWD;
- (b) Lung Kwu Chau was the place where a few dolphins could still be spotted. Under the 3RS, all SkyPier's high-speed ferries would navigate along Urmston Road to the north of Lung Kwu Chau. The proposed speed limit for those high-speed ferries was more detrimental to CWD as it would prolong the underwater noise impact of the high-speed ferries

which would be more unfavourable for CWD to use the Lung Kwu Chau and swim along Urmston Road to the committed Brother Islands MP. The most effective means was to reduce the traffic volume of the high-speed ferries;

- (c) the ferry services at SkyPier should be replaced by other new transportation such as XRL and HZMB. The issue had been discussed at the Advisory Committee on Environment (ACE) meetings, but the Government only agreed to cap the traffic volume of SkyPier ferries to an average of 99 trips per day;
- (d) C1 stated that under the 3RS, all the SkyPier's high-speed ferries would travel along Urmston Road to the east of SCLKC MP, and the existing route running through the waters to the south of SCLKC MP would not be used. Given the area to the south of SCLKC MP was a travelling corridor for CWD and the safety concerns on the narrowed navigation channel, re-routing of the latter route to north of SCLKC MP was necessary. The re-routing would also avoid passing through the proposed MP and the NNR for CWD in Pearl River Estuary;
- (e) to compensate the habitat loss of CWD, HKDCS proposed that the high speed ferries from HK-Macau Terminal and HK-China Terminals running along south Lantau coast should be re-routed to the further south, i.e. south of Cheung Chau, Shek Kwu Chau and Soko Islands. The stretch of waters from Sha Chau/Lung Kwu Chau, Tai O, southwest Lantau to Soko Islands should be designated as MP; and
- (f) given the re-routing of marine traffic along south Lantau coast was an important mitigation measure for the conservation of CWD, HKDCS proposed to study the feasibility of marine traffic re-routing. Such requirement had been included in the Study Brief for the EIA of the 3RS project. However, the EIA did not address the issue seriously. It simply stated that the marine traffic in south Lantau waters was not related to SkyPier and the re-routing was undesirable as the safety and comfort of the ferry passengers would be affected.

59. Members then went through the responses of the relevant government bureau and departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and /or recorded in the Paper, and noted the following:

- (a) SkyPier at HKIA provided high-speed ferry service for transfer passengers in nine ports in the PRD region. Passengers could check in for Hong Kong flights with participating airlines at the satellite terminals in PRD and arrive at HKIA's boarding gate directly. However, that service might not be available at XRL nor HZMB. Given the demand for high-speed ferry services, SkyPier would be retained after the completion of the 3RS;
- (b) DAFC considered that HKDCS's re-routing proposal would help the conservation of CWD and the proposal was thus included in the EIA study brief for the 3RS project to explore its feasibility;
- (c) the high-speed ferries travelling along the south Lantau coast were from Hong Kong-Macau Ferry Terminal and China Ferry Terminal rather than SkyPier. The high-speed ferry routes were recommended under a Permit to Operate High Speed Craft (PTO HSC) which were devised on the characteristic, navigation safety and operational grounds of the vessel. Any alteration to the recommended routes should be raised by the ferry operators to the Marine Department (MD) for assessment and acceptance prior to the amendment to the PTO HSC. The relevant MD committees in particular the High Speed Craft Consultative Committee (HSCCC) should be consulted on any new HSC routing proposal between Hong Kong and the PRD region; and
- (d) from marine traffic safety point of view, the proposed re-routing to south of the Soko Islands would be less sheltered, potentially exposing the high-speed ferries to greater wave heights and swell than currently experienced. The proposed re-routing would generate more crossing traffic situations at the junctions of the proposed diversions. It was undesirable for the ferries to take a longer distance with longer travelling

time and with greater exposure to off-shore climate. According to the EIA for 3RS, the consultant had conducted an assessment on the re-routing of high speed ferry to further south of Lantau. Given the adverse impacts on marine users, the EIA for the 3RS did not recommend the re-routing of existing high-speed ferries to south Lantau waters as a measure for marine habitat conservation.

60. In response to a Member's enquiry on whether the feasibility of re-routing high-speed ferries navigating along the south Lantau coast to the further south had been investigated, Mr K.F. Tang, AD(EA), said that in view of the public requests received during the advertisement period of the project profile of the 3RS project, DEP had included a requirement in the Study Brief for AAHK to study such re-routing proposal. AAHK in fact had studied the re-routing proposal in the 3RS EIA report but concluded it was infeasible on marine safety consideration.

61. The same Member and another Member opined that the justifications for not accepting the re-routing proposal provided by MD at the hearing sessions were not fully satisfactory. They considered that the departments concerned should further study the re-routing proposal such that the waters off southwest Lantau could provide a more favorable environment for CWD so as to further compensate the habitat loss in north Lantau waters due to 3RS.

62. Members agreed that the high-speed ferries navigating along south Lantau coast were not related to SkyPier of the HKIA or the current OZP amendment, and the issue should be dealt with separately.

63. A Member said that AAHK should explore the possibility of relocating the SkyPier from the eastern side to western side of HKIA. In response, the Vice-chairman and another Member said that similar question was raised in ACE meeting and AAHK explained that there was substantial underground infrastructure to support the SkyPier at the current location. Construction works, particularly open-cutting along the runway, were required to relocate the infrastructure to the western side of HKIA, which would have aircraft safety concern. The waters off the western side of HKIA were also too shallow for the navigation of the SkyPier's ferries. Another Member also supplemented that according to AAHK, the

CWD was active in the waters off western Lantau and if SkyPier was located at the western side of HKIA, the high-speed ferries would transverse the NNR in Mainland waters.

64. Mr K.F. Tang, AD(E), confirmed that ACE was convinced that the relocation of the SkyPier to the western side of HKIA was not practical nor desirable in protecting the CWD. Nevertheless, ACE agreed that the impact of the SkyPier's high-speed ferries on the CWD should be mitigated by limiting its number of trips per day and navigation route.

65. A Member said that in considering the EIA for 3RS at the ACE meeting, one of the controversial issues was whether the CWD would return to the Hong Kong waters after construction works were completed. In response, Mr K.F. Tang said that it was discussed at the ACE meeting whether they should adopt the assessment of AAHK's dolphin expert or the views of an outside dolphin expert who was also a representer in respect of the current OZP amendment. AAHK's dolphin expert considered that CWD would eventually return to Hong Kong waters after the construction works while the other dolphin expert disagreed with the view. Noting that the ecological assessment and the recommended measures as set out in the 3RS EIA report were accepted by DAFC who was the authority advising DEP on ecological assessment under the EIAO, ACE eventually agreed to endorse the 3RS EIA report.

66. Members noted that the environmental and ecological concerns of the 3RS project had been deliberated by ACE during the consideration of the EIA for the 3RS project undertaken by AAHK to meet the requirement of the EIA Study Brief and the EIA Ordinance Technical Memorandum. Appropriate mitigation measures had been imposed under the EP granted by DEP to mitigate the potential adverse environmental impacts of the 3RS project. The representers/commenters had not provided strong justifications to illustrate that there were insurmountable problems with regard to the environmental and ecological impacts of the 3RS project. Members also agreed that the Government should be requested to further study the feasibility of re-routing the high-speed ferries along south Lantau coast to the further south so as to provide a more favourable environment for CWD in the southwest Lantau waters.

#### Other Environmental Issues

67. The Secretary recapitulated that some representers and commenters had made the following major points in their written and oral submissions:

- (a) *air quality impact* - the 3RS project would aggravate air pollution on the

surrounding residential areas including Shatin, Ma Wan, Sham Tseng, Tung Chung, Sha Lo Wan and San Tau but no effective mitigation measures had been proposed to alleviate the impacts. The assumption adopted in the EIA that the pollution level in both Hong Kong and Guangdong would be reduced and the air pollution level would be acceptable even with the addition of the 3RS was too optimistic. The worst case scenario should be taken into account. If the pollution reduction target could not be achieved, the addition of 3RS would cause insurmountable air pollution to Tung Chung. The approved 3RS EIA report failed to thoroughly consider the adverse health impacts of increased aircraft emissions generated from the 3RS on the local residents of Lantau;

- (b) *water quality impact* - the existing waterfront of Tuen Mun, which was a popular public space of the local residents for fishing and swimming, would be polluted;
- (c) *carbon emission/greenhouse effect/global warming* - the operation of 3RS would increase carbon emission and other pollutants, thereby worsening the greenhouse and global warming issues. The 3RS project should not be built if there was no detailed assessment of its impact in respect of carbon emission. The implementation of the 3RS project was in contravention with the agreement reached in the 21st Session of the Conference of the Parties (COP 21);
- (d) *loss of sand* - the construction/development of HKIA had caused adverse impact on the natural environment of Ma Wan, Sha Lo Wan and San Tau Village and severe loss of sand to the beach at Sha Lo Wan;
- (e) *impact on Sha Chau Egretary* - the 3RS construction works would have adverse impact on Sha Chau Egretary, the second largest breeding and nesting ground for birds, leading to abandonment of the breeding and nesting activities there; and
- (f) *proposed establishment of environmental fund* – it was proposed to establish funds to promote protection and safeguard the marine ecology,

and interests of the local fishery industry and Sha Lo Wan villagers.

68. Members then went through the responses of the relevant government bureau and departments given in PlanD's presentation and in answering Members' enquiries at the hearing, and/or recorded in the Paper, and noted the following:

- (a) *air quality impact* - the air quality assessment findings concluded that the air quality for all air sensitive receivers in the surrounding areas would comply with the Air Quality Objectives when the 3RS was in operation;
- (b) *water quality impact* - DEP considered that all the environmental concerns had been adequately addressed in the 3RS EIA Report to meet the requirements of the EIA Study Brief and the EIA Ordinance Technical Memorandum. DEP, in consultation with relevant authorities under the EIAO, approved the 3RS EIA Report and granted an EP with conditions on 7 November 2014;
- (c) *carbon emission/greenhouse effect/global warming* - there was no requirement in the EIAO to cover the greenhouse gas assessment. Nevertheless, AAHK had conducted a carbon audit for the 3RS which concluded that the additional greenhouse gas (GHG) emissions from aircraft and non-aircraft aviation activities within the HKSAR geographical boundary due to the operation of the 3RS were estimated to be 36 million tonnes of CO<sub>2-e</sub>. The estimated carbon cost was substantially less than the additional economic benefits of more than HK\$450 billion brought by the 3RS Project. AAHK had commitments and proactive actions to reduce those GHG emissions under its direct control, including ongoing joint efforts with its business partners to monitor and reduce carbon emissions;
- (d) *loss of sand* - the former Provisional Airport Authority was granted a permit in 1992 to obtain sands from Urmston Road, Mo To Chau, East Sha Chau and West Po Toi for the reclamation works of the then new Chek Lap Kok airport. Sha Lo Wan was not included in the permit. There was no information suggesting that the loss of sand at Sha Lo Wan

was related to the operation of the airport;

- (e) *impact on Sha Chau Egretary* - mitigation measures had been proposed in the 3RS EIA report to mitigate the potential impacts on Sha Chau Egretary. The 3RS EIA report concluded that the potential impacts on Sha Chau Egretary would be effectively mitigated; and
- (f) *proposed establishment of environmental fund* - the proposal had been conveyed to concerned government bureaux/departments for consideration. Under the EP conditions and for promoting the conservation of CWD and marine life in Hong Kong, AAHK would establish an independent Marine Ecology Enhancement Fund, with substantial resources to meet its conservation objectives in a long-term and sustainable manner for the conservation of marine life particularly the CWD within the Hong Kong and the Pearl River Estuary waters. AAHK would also establish an independent Fisheries Enhancement Fund, and collaborate with fishermen in formulating the Fisheries Management Plan for supporting the fishing industry and enhancing fisheries resources in the western Hong Kong waters especially the Lantau waters.

[Mr Ivan C.S. Fu and Ms Anita W.T. Ma left the meeting at this point.]

69. The meeting was adjourned for lunch break at 1 p.m.

70. The meeting was resumed at 2:15 p.m. on 26.2.2016.
71. The following Members and the Secretary were present at the resumed meeting:

|  |               |
|--|---------------|
| Permanent Secretary for Development<br>(Planning and Lands)<br>Mr Michael W.L. Wong  | Chairman      |
| Mr Stanley Y.F. Wong   | Vice-chairman |
| Mr Roger K.H. Luk  |               |
| Professor S.C. Wong  |               |
| Professor P.P. Ho  |               |
| Professor Eddie C.M. Hui   |               |
| Dr C.P. Lau  |               |
| Mr Clarence W.C. Leung   |               |
| Dr W.K. Yau  |               |
| Professor K.C. Chau  |               |
| Mr H.W. Cheung   |               |
| Mr Lincoln L.H. Huang  |               |
| Mr Stephen H.B. Yau  |               |
| Mr F.C. Chan   |               |
| Mr David Y.T. Lui  |               |
| Mr Peter K.T. Yuen   |               |
| Mr Philip S.L. Kan   |               |
| Dr Lawrence W.C. Poon  |               |
| Chief Traffic Engineer (New Territories East)<br>Transport Department<br>Mr K.C. Siu |               |
| Chief Engineer (Works)<br>Home Affairs Department<br>Mr Martin W.C. Kwan             |               |

Assistant Director (Environmental Assessment)  
Environmental Protection Department  
Mr K.F. Tang

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

**Agenda Item 3 (Continued)**

[Closed Meeting]

**Deliberation Session (Continued)**

***Other Technical and Safety Concerns***

**Air Traffic and Safety**

72. The Secretary recapitulated the following major points made by some representatives/commenters in their written and oral submissions:

- (a) there was no air traffic impact assessment (ATIA) and relevant assessments as required by the International Civil Aviation Organization (ICAO) for the three-runway system (3RS) project. Without the assessment on the aircraft movement patterns under different scenarios, including the use of the northward flight path and the shared use of the airspace among the airports in the region, the effectiveness of 3RS was uncertain;
- (b) the project proponent failed to provide scientific data and sound justifications to address the aviation safety concerns, and hence the 3RS project constituted a potential hazard; and
- (c) it was unsure if the technical assessments for the 3RS project had assessed the impacts of the tall vessels of the Shekou Container Terminal on the

safety of aircrafts landing and taking-off at Hong Kong International Airport (HKIA).

73. Members then went through the response of the relevant government departments given during the Planning Department (PlanD)'s presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that CAD had implemented the Safety Management System (SMS) in accordance with ICAO guidelines and would ensure that necessary safety risk assessment for 3RS would be conducted at appropriate stages as required by ICAO.

74. A Member noted that some representers/commenters considered that, given their own lack of knowledge about the Pearl River Delta (PRD) Regional Air Traffic Management, Planning and Implementation Plan (Version 2.0) (the 2007 Plan) agreed by the Mainland, Hong Kong and Macau on the overall utilisation of the airspace in the region, there were concerns about possible conflicts between the aircraft movements of the Hong Kong and Shenzhen airports. While such concern might be valid if the coordination of air traffic control among the adjacent airports failed, CAD had assured the Board that they did not envisaged safety problems here as there were already adequate air traffic management arrangements in the PRD region. Some representers/commenters also commented that even with the implementation of the 3RS project, the capacity of HKIA could not be increased significantly if the northward flight path could not be utilised. Members noted that the Government had already indicated that the use of the northward flight path under the 3RS operation had been taken into account in the 2007 Plan. There was no strong justification to challenge the validity of the agreement made in the 2007 Plan.

#### Marine Traffic and Maritime and Aviation Safety

75. The Secretary recapitulated the following major points made by some representers/commenters in their written and oral submissions:

- (a) there was no marine traffic impact assessment and hydrodynamics impact assessment conducted for 3RS, especially on the impact on marine traffic capacity and safety arising from the reduced 'navigable channel' along Urmston Road as a result of the large scale reclamation; and

(b) the Board should be mindful about marine traffic safety, which was of paramount importance in protecting human lives, yet no detailed Marine Traffic Impact Assessment (MTIA) of the 3RS project was available to the public. The safety of ferries travelling along Urmston Road was a concern in particular when ferries had to re-route their courses due to the 3RS project. It was unsure if the technical assessments for the 3RS project had assessed the impacts of the growth of container vessels to the Shekou Container Terminal.

76. Members then went through the response of the relevant government departments given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that MTIA with analysis on different marine traffic aspects had been conducted by the Airport Authority Hong Kong (AAHK) for the 3RS project in various stages. The findings of the MTIA affirmed that with the implementation of the recommended marine traffic mitigation and enhancement measures, the 3RS project would not pose any insurmountable navigational risk and would not adversely affect the future marine traffic activities in the vicinity of Urmston Road. The MTIA had been considered by the Marine Department (MD), the Transport and Housing Bureau (THB) and the relevant stakeholders in the industry and its recommendations were acceptable to all concerned parties.

77. The Chairman said that, as discussed earlier in the meeting under Matters Arising, R399 (also C128) had made a further submission to the Board after the last hearing session on 12.1.2016, providing his latest views on the MTIA and requesting the Board to acquire the MTIA reports from the project proponent and allow him an opportunity to explain it to the Board. In gist, R399 claimed that there were gross mistakes in the marine risk assessment; the growth of ocean-going vessels was under-estimated; and no information was available on the impact of tall ships on aviation safety. Members noted that the concerns on the marine traffic and aviation safety issue had been addressed in the Paper and responded to by MD in the hearing. R399 had also submitted an objection raising similar concerns on the MTIA reports to the Lands Department (LandsD) under the Foreshore and Sea-bed (Reclamations) Ordinance (FS(R)O) and a reply had been given to R399 by LandsD separately. In LandsD's reply, the comments from relevant government departments and AAHK had been conveyed to R399 and were summarised as follows:

- (a) the approach and methodology used in the MTIA were widely adopted in MTIAs for various infrastructure projects and developed in accordance with Formal Safety Assessment methodology of the International Maritime Organisation;
- (b) the growth of cargo throughput of the Shekou Container Terminals between 2009 and 2014, as quoted by R399, could not reflect the growth of overall marine traffic activities in the vicinity of HKIA between 2013 and 2030; and
- (c) the establishment of the HKIA Approach Areas (HKIAAA) was in full compliance with relevant aviation safety standards endorsed by ICAO. HKIAAA was an area established in the vicinity of the airport island to safeguard flight safety. HKIAAA facilitated the transit of vessels with height not exceeding 30m above sea level in the waterspace in the vicinity of HKIA. The HKIAAA presented in the MTIA report was a scheme confirmed as being feasible and practical.

78. Members agreed that the Board had made sufficient inquiry into the issues raised by R399 and generally considered that the representers'/commenters' concerns, including R399's, on marine traffic and maritime and aviation safety had been addressed by government departments and AAHK. There was no strong justification to challenge the assessments made by government departments and AAHK.

#### Road Traffic and Capacity

79. The Secretary recapitulated the following major points made by some representers/commenters in their written and oral submissions:

- (a) there was no detailed information on the Traffic Impact Assessment (TIA) on 3RS available for the public. The capacity of the Airport Express Line (AEL), other means of public transport and parking spaces to cope with the increased passengers brought by 3RS and other developments on the airport island as well as North Lantau was unknown; and

- (b) the road/rail connection via Tsing Ma Bridge, which was the only road connection between HKIA and the urban areas, could not cope with the additional traffic demand arising from more air passengers brought in by 3RS.

80. Members then went through the responses of the relevant government departments given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that the overall traffic impact on roads within HKIA and adjoining road network arising from 3RS was considered acceptable by 2026. The traffic situation beyond 2026 would be constantly monitored and reviewed and suitable measures would be worked out if necessary to mitigate the traffic situation. On top of the existing Tsing Ma Bridge and the Tuen Mun-Chek Lap Kok (CLK) Link under construction, the Government would seek necessary resources to proceed with a feasibility study of Route 11, which would become the third road to HKIA linking up North Lantau and Yuen Long.

81. Members generally considered that the representers'/commenters' concerns on road traffic and capacity had been addressed by government departments and AAHK.

### ***Procedural Matters***

#### **Improper Public Consultation**

82. The Secretary recapitulated the following major points made by some representers/commenters in their written and oral submissions:

- (a) the public consultation for HKIA expansion conducted by AAHK, including the design and collection of the feedback questionnaire for MP2030, was biased and misleading by providing information favourable for 3RS;
- (b) the findings of the telephone survey conducted by the Hong Kong Baptist University (HKBU) in December 2013 by interviewing Hong Kong residents randomly indicated that a higher proportion of the interviewees

preferred the two-runway system (2RS) to 3RS due to cost-benefit and conservation concerns. The results of such a survey would be more representative than that of the survey commissioned by AAHK; and

- (c) C1 had pointed out that their survey was conducted by HKU in a professional manner, and they had not interfered with the conduct of the survey. Responses to questionnaires were received through various channels including roving exhibitions, the internet and mail, and most responses to questionnaires were not received via the collection box at HKIA. Based on the more than 20,000 completed questionnaires, 73% of the respondents supported 3RS.

83. Members then went through the response of the relevant government departments given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that about 1,400 engagement activities were organised by AAHK from November 2008 to October 2015. AAHK also conducted regular 3RS briefings as well as airport visits for a broad range of stakeholder groups. There were several public hearings at the Legislative Council (LegCo) where AAHK attended to explain issues concerning the 3RS project.

84. A Member considered that it was not unusual for the opinion surveys conducted by different organisations to have different results. The Board was not in the position to judge the credibility of a particular survey and the survey results were not crucial to the Board's consideration of the representations and comments.

#### Insufficient Information to the Board and the Public

85. The Secretary recapitulated the following major points made by some representers/commenters in their written and oral submissions:

- (a) AAHK had not provided the Board with sufficient information on the expansion plan and related assessments such as TIA, ATIA and MTIA, which reflected the lack of detailed planning for 3RS. The Board should not make decision on the Outline Zoning Plan (OZP) until it had sufficient

information on the technical assessments and the questions on safety issues were clear. In the absence of the technical assessments, the decision of the Board on 3RS would be subject to legal challenge; and

- (b) it was proposed to defer making a decision on the draft OZP or suspend the 3RS development in order to conduct a comprehensive review of the expansion plan for HKIA and studies related to strategic environmental assessment, social cost and carbon footprint and public consultation on those studies' findings.

86. Members then went through the response of the relevant government departments given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that a Planning Report, including summaries of TIA and EIA, had been prepared and submitted to the Board to provide Members the background information of the proposed 3RS of HKIA when the proposed amendments to the OZP were submitted to the Board for consideration. Various issues had been thoroughly discussed by the Board.

87. A Member considered that apart from the OZP amendment under the Town Planning Ordinance (TPO), the proposed 3RS project had gone through a number of statutory and non-statutory procedures, including those under the Environmental Impact Assessment Ordinance (EIAO) and the FS(R)O, and various technical information had been submitted to the concerned authorities and government departments for consideration. The allegation that the project proponent had not provided sufficient information to the Board and the public did not reflect those facts and was unsound. Other Members agreed.

#### On-going Judicial Reviews (JRs)

88. The Secretary recapitulated the point made by some representers/commenters in their written and oral submissions that as the EIA Report and the EP granted for the 3RS project were subject to JRs, the environmental impact of the 3RS project and its associated reclamation could not be ascertained. They therefore considered it premature for the Board to amend the OZP before decisions on the JRs were made by the Court.

89. Members then went through the response of the relevant government departments given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that the JR applications concerned did not constitute legal restrictions prohibiting the Board from continuing with the ongoing statutory amendment process of the OZP under the TPO, unless and until the Court had directed that there should be a stay of the proceedings to which the JR application related.

Implication of the Board's Agreement to the Draft CLK OZP

90. The Secretary recapitulated the point made by some representers/commenters in their written and oral submissions that the approval of the OZP amendment was critical to the implementation of the 3RS project. Given that there was no need for AAHK to seek government funding, the development of the 3RS could commence once the Board agreed to the OZP despite the ongoing JRs.

91. Members then went through the response of the relevant government departments given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that the timeframe of the Board's plan-making process was set out clearly in the TPO. Upon the Board's agreement to the OZP amendments, the draft OZP together with the representations and the comments on representations would be submitted to the Chief Executive in Council (CE in C) for approval. Any development which was permitted in accordance with the OZP should also conform to any other relevant legislation and government requirements. The financial and implementation arrangements of the 3RS project would be subject to discussion between the relevant government bureaux/departments and AAHK.

Concurrent Gazettal of 3RS under TPO and FS(R)O

92. The Secretary recapitulated the point made by some representers/commenters in their written and oral submissions that the OZP amendment exercise had deviated from the long-established planning principles. The Board should not consider the matter given the uncertainty over the proposed reclamation. The Board had no right to plan the land use or amend the OZP in accordance with the TPO on land which had not yet existed, especially when the statutory procedures for reclamation works (i.e. the gazettal and processing of

objections) under the FS(R)O were still ongoing.

93. Members then went through the response of the relevant government departments given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that it was an established administrative arrangement to concurrently gazette reclamation works under the FS(R)O and land use proposals on the reclamation under the TPO which aimed to ensure that the public was consulted concurrently on both the proposed reclamation and the associated land uses, and that the Board could consider the draft OZP before the reclamation was gazetted or authorised under the FS(R)O. Moreover, the Board was empowered to prepare draft plans for the lay-out of such areas of Hong Kong as the Chief Executive might direct, as well as for the types of building suitable for erection therein in accordance with the TPO.

#### Financial Arrangement Circumventing LegCo's Scrutiny

94. The Secretary recapitulated the following major points made by some representatives/commenters in their written and oral submissions:

- (a) AAHK's proposal of "joint contribution" financial arrangement would bypass approval and monitoring by LegCo. Such an arrangement might contravene Article 73 of the Basic Law (BL 73) that LegCo could exercise its power to approve taxation and public expenditure. The financing arrangement might also lead to procedural injustice. It would set an undesirable precedent of circumventing the due supervision of project financing by LegCo and the general public and this would have far-reaching implications. Retaining HKIA's distributable profits for financing the 3RS project would reduce government revenue in the next decade, which might have resource implication on the Government's provision of other much needed social or community services in future; and
- (b) C1 pointed out that the LegCo had already set up a subcommittee to monitor and follow up on 3RS-related issues, and they would continue to report the progress of the 3RS project to LegCo periodically.

95. Members then went through the response of the relevant government departments given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that AAHK had drawn up the financial arrangement by making use of internal sources of funds, external borrowings and charging airport users. Under that arrangement, capital injection or loan guarantee from the Government was not required. Since the financing arrangement proposed by AAHK did not involve taxation or public expenditure, the requirements under BL 73 were not applicable to the financial arrangement.

#### Meeting Arrangements

96. The Secretary recapitulated the following major points made by some representers/commenters in their written and oral submissions:

- (a) the Secretariat received two letters from R390 and its solicitor on 10.12.2015 and 11.12.2015 respectively complaining about procedural impropriety in the way of informing the representers and commenters of the meeting dates, time and place of the subject hearing. They considered that the hearing arrangement had contravened the provision under section 6B(2) of the TPO and might be subject to potential JR. They requested the Board to adjourn and postpone the hearing and properly notify all representers and comments about the dates, time and place of the re-scheduled meeting; and
- (b) a number of representers and commenters requested for (i) more speaking time, (ii) holding the Q&A session for the morning session and afternoon session separately, (iii) holding the meeting in weekend, and (iv) setting a cut-off time for registration.

97. Members then went through the following responses of the relevant government departments given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that:

- (a) as reported to the Board in the first hearing session on 14.12.2015, the reply setting out the various letters issued to the representers and commenters and the information uploaded to the Board's website regarding the hearing arrangement was given to R390 on 11.12.2015. The Board was also informed in the same hearing session that preliminary legal advice had been sought and that there was no need to adjourn the hearing. The draft reply to R390's solicitor was considered and agreed by the Board in the third hearing session on 11.1.2016, and the reply was issued on 15.1.2016; and
- (b) attendees were advised at the meeting that the procedures set out in the Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft CLK OZP No. S/I-CLK/13 should be adhered to as far as practicable to ensure consistency and procedural fairness.

98. The Vice-chairman said that as in the previous hearings for other statutory plans, the representers and commenters very often requested the Board to amend its meeting arrangements including the meeting date and venue to suit their needs. However, it should be noted that the current meeting arrangements for consideration of representations and comments by the Board had been well established over the years, having regard to the consideration of reasonableness and practicability. While individual representers and commenters might have their own views, the arrangements would not deprive the representers and commenters of their rights to attend the meeting and put forth their views to the Board in a face to face manner if they chose to do so. The oral submissions made by the representers and commenters were generally to supplement their written submissions which would be fully considered by the Board.

#### ***Other Issues***

##### **Cost-effectiveness and Economic Benefits**

99. The Secretary recapitulated the following major points made by some representers/commenters in their written and oral submissions:

- (a) the construction cost of HK\$141 billion of the 3RS project was extravagant and there might be risk for cost overrun. There were doubts on the benefits of 3RS in enhancing the competitiveness of HKIA and on the local economy. The economic return of 3RS estimated by the Government was also doubtful;
- (b) as the increase in local labour and material costs could be the uncertainties for cost control, C1 hoped that the 3RS project could commence as soon as possible to minimise the uncertainties. They would deploy more of their internal resources to monitor the implementation of the project;
- (c) the employment opportunities created by 3RS might not bring benefits to the local labour as there was currently a lack of manpower in aviation and construction sectors. It would also give an excuse for employers to import labours which would result in wage cut for the local workers; and
- (d) various information sources indicated that the availability of marine sand for the reclamation of the 3RS project was uncertain, which might lead to cost overrun for the 3RS project.

100. Members then went through the following responses of the relevant government departments and stakeholders given during PlanD's presentation and/or in answering Members' questions at the hearing, and/or recorded in the Paper and noted that:

- (a) in light of the imminent saturation of the existing 2RS, 3RS would provide HKIA with the expansion capacity needed to capture the opportunities arising from the strong regional economic growth, and in turn conducive to the long-term economic development and growth of Hong Kong;
- (b) AAHK was reviewing its projected construction labour requirement based on the 3RS development programme and the related timeframe to ensure timely provision of labour to meet the future demands of 3RS construction. The Government had also proposed various measures to support the

training and development of aviation personnel, including the establishment of the “Maritime and Aviation Training Fund” and the setting up of a civil aviation training institute; and

- (c) THB had been in contact with the relevant Mainland authorities over the past years on the importation of marine sand for reclamation of the 3RS project. In Guangdong Province, there were more than two locations for extracting marine sand. As pointed out by THB, the Mainland authorities had affirmed that there would be no problem with the supply of marine sand for the 3RS project.

101. A Member considered that the cost-effectiveness of the 3RS project would to some extent depend on whether the handling capacity of HKIA could be enhanced as anticipated. Nevertheless, as the 3RS project had already been approved by the CE in C as a public infrastructure project, the need and cost-effectiveness of which should have been duly considered, and whether there would be possibilities of cost overrun should not be a crucial consideration of the Board in the context of considering the OZP amendments.

#### Compensation to Affected Villagers

102. The Secretary recapitulated the point made by some representers/commenters in their written and oral submissions that applications for Small Houses within Sha Lo Wan Village had been frozen since 1998 due to the development/operation of HKIA and the villagers were not provided with compensation or mitigation measures.

103. Members then went through the following responses of the relevant government departments given during PlanD’s presentation and/or in answering Members’ questions at the hearing, and/or recorded in the Paper and noted that:

- (a) the issue on compensation to the villagers affected by the 3RS project was not related to the OZP amendments. Nevertheless, the District Lands Officer/Islands, LandsD advised that upon completion of the statutory procedures relating to 3RS, he would process the Small House applications outside the Noise Exposure Forecast (NEF) 25 Contour under

3RS according to the established practice; and

- (b) AAHK had offered a one-off ex-gratia payment, in the form of “HKIA Village Home Improvement Scheme” to seven villages in North Lantau to help improve the villagers’ living environment.

104. Members noted and agreed with the responses to the grounds and proposals of the representations and comments as detailed in paragraphs 6.6 to 6.30 of the Paper as well as those made during the hearing and deliberation sessions. Members also agreed that there were no insurmountable concerns that had not been addressed, which necessitated the amendment of the draft OZP.

105. After deliberation, the Board agreed to note the supportive views of Representations No. R1 to R4 (part).

106. The Board decided not to uphold Representations No. R5 to R12220<sup>1</sup> and the remaining part of Representation No. R4 and considered that the Plan should not be amended to meet the representations for the following reasons:

*“Need for 3RS / Efficiency and Capacity of Existing 2RS*

- (a) the Hong Kong International Airport (HKIA) plays a critical role in maintaining Hong Kong’s status as an aviation hub and Hong Kong’s competitiveness as a business hub and international finance centre. The three-runway system (3RS) would provide Hong Kong with the expansion capacity needed to capture the opportunities arising from the strong regional economic growth, and is in turn conducive to the long-term economic development and growth of Hong Kong;
- (b) there are practical constraints to the maximum capacity of the two-runway system (2RS) which could not cope with the continued strong growth in air traffic as the bottleneck lies in the airport’s runway capacity. The

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<sup>1</sup> excluding Representations No. R700, R1700, R1952, R2472, R2659, R2700, R2857, R3034, R3647, R4045, R4119 and R4263

implementation of 3RS is necessary to meet Hong Kong's long-term air traffic demand;

*Environmental and Ecological Concerns*

- (c) the environmental and ecological concerns, including aircraft noise and impacts on Chinese White Dolphins and Sha Chau Egret, have been adequately addressed in the approved 3RS Environmental Impact Assessment (EIA) Report to meet the requirements of the EIA Study Brief and the Environmental Impact Assessment Ordinance Technical Memorandum, and appropriate mitigation measures have been proposed to mitigate the potential adverse impacts of the 3RS project;

*Technical and Safety Concerns*

- (d) various technical assessments have been undertaken to confirm the feasibility of the development of the 3RS project. The overall traffic impact on roads within HKIA and adjoining road network arising from 3RS is considered acceptable by 2026. The traffic situation beyond 2026 would be constantly monitored and reviewed and suitable measures would be worked out if necessary to mitigate the traffic situation. Furthermore, the findings of the Marine Traffic Impact Assessment confirms that the 3RS project would not pose any insurmountable navigational risk and would not adversely affect the future marine traffic activities in the vicinity of Urmston Road. The 3RS would be operated in accordance with the guidelines of the International Civil Aviation Organisation;

*Insufficient / Ineffective Land Use and Development Controls*

- (e) the draft Outline Zoning Plan (OZP) will have the effect of putting the development of Chek Lap Kok, including airport operational facilities, under land uses and development control. As the proposed land uses of the amendment site are the same as those covering the existing HKIA, the current land uses and development control imposed on the draft OZP

should continue to be appropriate;

- (f) the arrangement to concurrently gazette reclamation works under the Foreshore and Sea-bed (Reclamations) Ordinance (FS(R)O) (Cap. 127) and the land use proposals relating to such reclamation under the Town Planning Ordinance (Cap. 131) will ensure that the public is consulted concurrently on both the proposed reclamation and the associated land uses. The Board considers the draft OZP before the reclamation is gazetted/authorised under the FS(R)O, and is empowered to prepare draft plans for the lay-out of such areas of Hong Kong as the Chief Executive may direct, as well as for the types of building suitable for erection therein in accordance with the Town Planning Ordinance;

*Procedural Injustice*

- (g) the Judicial Review (JR) applications concerned do not on their own constitute legal restriction prohibiting the Board from continuing with the ongoing statutory amendment process of the OZP under the Town Planning Ordinance;

*Improper Public Consultation*

- (h) extensive public consultation activities have been conducted throughout the course of planning and designing stages of the 3RS to seek public views on the future development of HKIA; and

*Amendments to the Notes of the Draft OZP*

- (i) incorporation of ‘People Mover Depot’ in the list of uses always permitted on land falling within the boundaries of the Plan is to facilitate the proposal to set up an integrated maintenance depot to serve the existing and new automated people mover system, which is an essential facility at HKIA and the 3RS.”

107. The Chairman noted the Board's consensus that the land use proposals on the draft OZP were acceptable. As regards other issues and concerns that had come up in the course of the hearings, some of them might be referred to the Government and AAHK for follow up outside the scope of the OZP amendment process. In that regard, Members agreed that such views could be consolidated into a draft letter to be prepared by the Secretariat, which would be submitted to the Board for consideration at a later meeting. The submission would then be made to the Government for reference and follow up.

108. The Secretary supplemented that in view of the media interest in respect of the draft OZP, a press statement on the decision of the Board would be prepared by the Secretariat and promulgated after the meeting. Any media enquires would be handled by the Secretariat in accordance with the usual practice.

[Post-meeting Notes: The press release was issued on 26.2.2016 after the meeting.]

#### **Agenda Item 4**

[Open Meeting]

#### Any Other Business

[The item was conducted in Cantonese.]

109. The Secretary said that a photo-taking session for the current term of Members had been scheduled on 11.3.2016. Members would be notified of the detailed arrangement in due course.

110. There being no other business, the meeting was closed at 3:05 p.m.