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香港觀鳥會
THE HONG KONG BIRD WATCHING SOCIETY
Since 1957 成立

By email only

21 July 2017

Dear Mr. Tong,

Comments on the Project Profile for Mai Po Nature Reserve Infrastructure Upgrade Project (ESB-301/2017)

BirdLife INTERNATIONAL PARTNER 國際鳥盟成員

The Hong Kong Bird Watching Society (HKBWS) would like to express our concerns on the captioned project. We consider that all ecological sensitive receivers in the area and the ecological impacts of the proposed project should be properly identified and comprehensively assessed, so that the proposed upgrade works will not have adverse ecological impacts on the ecologically sensitive Ramsar site, which is of international importance and high conservation concern. Our concerns on the PP are as below.

1. **Expansion of the scope of the PP and the Environmental Impact Assessment (EIA)**

   The project site is within the Ramsar site, the Mai Po Marshes "Site of Special Scientific Interest" (SSSI) and the "Wetland Conservation Area" (WCA) under the Town Planning Board (TPB) Planning Guideline No.12C. Given the ecological sensitivity and conservation importance of the area, we consider that the "precautionary approach" and the principle of "no-net-loss in wetland" should be strictly followed and applied to the current project.

   Apart from the six project components as mentioned in the PP[1], the demolition and re-construction of the Peter Scott Field Studies Centre (PSFSC) is also an integral part of the Mai Po infrastructure upgrade project[2]. PSFSC is within the "Government, Institution or Community" (GIC) zoning which is completely encircled by "Conservation Area" (CA) zoning and is within both the Ramsar site and WCA. Like the other project components, works at PSFSC would also use Tam Kon Chau Road to

[1] The six project components include: refurbishment of the Mai Po Education Centre (MPEC), widening of the existing footpath, construction of new tower hide 2 (TH2), expansion of existing tower hide 1 (TH1), construction of new tower hide "TH1E" and construction of new "circular route" footpath.
[2] http://www.hkbws.org.hk/BBS/viewthread.php?tid=26456

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access the works sites and would cause disturbance/adverse impacts on the wetlands and fishponds in the Ramsar site, WCA, SSSI and CA. However, listing it as a concurrent project is inadequate to assess its impact and the overall impacts of the whole upgrade project. Therefore, taking the precautionary approach, the demolition and re-construction of PSFSC should be included as part of the infrastructure upgrade project, such that the project site (including PSFSC) and areas within 500 metres from the project site boundary would be covered for assessment in the EIA study. We consider this is a more comprehensive and appropriate assessment for works conducted within such an ecologically sensitive area.

2. Clarification on the justification of the project

We understand most of the facilities within the Mai Po Nature Reserve (MPNR) have been in use for more than 20 years and renovation is required. The proposed project is not just to upgrade the existing infrastructures, but also to provide new facilities. Section 1.2.3 stated that the upgrade works is "*to cater for an increasing number of visitors in the future, as well as…meet the expectations of visitors*".

MPNR not only is within the Ramsar site and the Mai Po Marshes SSSI, but is also within a restricted area under the Wild Animals Protection Ordinance (Cap. 170) where a special permit is required to access the area. Therefore, MPNR is very different from other wetlands with conservation, education and recreation purposes in the Deep Bay area (e.g. The Hong Kong Wetland Park). We consider that the project proponent should provide figures on the increase in visitors to the MPNR to justify the scale of the project, identify and assess the impacts and disturbances caused by the increase in tour groups and visitors, and clarify how the increasing number of visitors is "balanced or compromised" with the conservation initiatives of the MPNR.

3. Clarification on the scale of the project

Section 1.4.8 stated "*In order to provide flexibility to the Project Proponent in deciding which components to construct and when, the EIA Study will assume that all six components will be constructed concurrently and will assess the impacts from all six components as a "worst case scenario". If, later, one or more components do not go ahead, the EIA Study (and subsequent Environmental Permit) will still remain valid for the remaining components*". We understand as a precautionary measure the "worst case scenario" of the proposed project (i.e. all components to be constructed concurrently) should be assessed in the EIA study and to set more stringent conditions in the Environmental Permit (EP). However, does this also mean that the subsequent EP would allow the "worst case scenario" to occur?

If not all project components will go ahead, then the scale of the project should be amended and alternatives/different scenarios should be clearly identified in the PP. As such, the impacts of all alternatives/scenarios would be assessed in the EIA study and the approval conditions/requirements in the EP can be set accordingly, but only the best possible option would be chosen to be included in the scale of the project and to be constructed under the EP issued.

If all project components will go ahead, the project proponent should clarify the construction schedule. But if one of the components will be constructed much later in the future (say 10 years later), we consider the project proponent should revise the current scale of the project and a separate PP/EIA for that specific component should be prepared in the future when it is ready to be constructed. This is because the current assessment may not be applicable to the future ecological and environmental conditions (e.g. the habitat quality and condition is improved in the future), such that the currently proposed mitigation measures are insufficient to avoid adverse impacts in the future. Even flexibility is given to the project proponent, it should be limited within a shorter time frame to avoid unnecessary adverse impacts on the environment in the future.

4. Underestimation of possible impacts of the project

According to Annex 1 of the Technical Memorandum on EIA process (TM-EIAO), the project proponent/applicant is required to "*describe the environmental impacts or issues that may arise during the construction, operation or decommissioning of the project*". However, there are no detailed descriptions on the possible impacts of the project during the construction and operation phase, but only a table of summary with ticks and crosses is provided (i.e. Table 3-1).

Moreover, the details of the infrastructure upgrade works provided in the PP are insufficient to determine all possible impacts, and thus underestimated the adverse impacts of the proposed project. Impacts such as permanent and temporary loss in terrestrial/ wetland habitats, impacts on avifauna and benthic fauna, and human disturbances to wetland habitats are not clearly identified in the current PP. We are concerned the above impacts will not be adequately assessed in the subsequent EIA study.

Our concerns and comments on each project component listed in the PP are detailed in the following sections.

4.1. Widening of the existing footpath

Section 1.4.7 mentioned there will be seats along the widened footpath and the widening will range from 0.15 to 1.8 metres, while section 3.2.1 stated the supporting base would be constructed by using compacted soil/ rock fill. However, a more detailed indicative drawing is not provided and it is unclear if the widened footpath would allow vehicle access or not. The project proponent should clarify if the actual construction footprint and the works area would encroach into any fishpond/*Gei wai* or affect any trees along the existing footpath, leading to a loss in wetlands or trees. These impacts should be identified and addressed in the PP.

4.2. Construction of the new "circular route" footpath

Section 3.6 stated the supporting base of the new footpath would be constructed by using compacted soil/rock fill. Vegetation would be removed and existing ground would be compacted by an impact compressor. These descriptions may imply that a new "pond bund" will be formed for the new footpath. We are concerned there will be loss in/fragmentation of the *Gei wai* habitat and disturbance to avifauna and benthic fauna during both the construction and operation phase. It is uncertain if any *Gei wai* will be changed to freshwater wetland habitat due to lack of tidal influence. The new footpath would also bring guided tour groups and visitors to an area of the *Gei wai* which was previously not accessible, so the associated impacts and disturbances to the wetland habitats should be assessed. The project proponent should also clarify how the alignment of the new footpath was selected and if any other alternatives were considered.

4.3. Expansion of existing TH1 and construction of new tower hide TH1E

The existing TH1 will be expanded to about 2.5 times[3] of the current area per floor, which is to cater larger groups of casual visitors and school groups. However, at the same time, the construction of a new tower hide TH1E with 23.5m^2 per floor is also proposed and has the same function as the expanded TH1. There is no justification on why the two towers with the same purposes are needed, and we consider it is unnecessary. Even if only one of the two options would be constructed in the end, it should be presented as possible scenarios in the PP and explanation should be given on why one is possibly preferred over the other(s). The selection of the final option can be confirmed in the EIA study when all assessments are conducted.

[3] Section 1.4.7 stated the existing TH1 is a three-storey structure with 23.5m^2 per floor and will expand by adding an additional 35.2m^2 per floor. The new floor area will be more than double the current size.

4.4. Construction of the new TH2

The project proponent should clarify the justification of the site selection for the new TH2. Also, the PP did not mention how visitors would access the new TH2. If strengthening of pond bunds to construct a footpath is needed for the access, such works should be included in the PP and all associated impacts should be clearly identified and comprehensively assessed. Impacts caused by guided tour groups and visitors on wetlands which was previously inaccessible should also be assessed.

5. Potential impacts on egretry and breeding ardeids

In 2015 and 2016, there was a nesting colony of ardeids in the *Gei wai* of MPNR. However, the egretry moved to a location outside the border fence in 2017. We consider that the nesting colony is a potential ecological sensitive receiver of the proposed project. The project proponent should check with the Agriculture, Fisheries and Conservation Department for the exact location of the colony, such that the corresponding assessments can be conducted accurately and comprehensively. There should also be contingency plans in case the egretry would move back into MPNR just before or during the construction period of the project. Impacts on the nesting colony, the breeding ardeids and their flight paths should be assessed. Careful phasing of construction program should also be considered to avoid/minimize disturbance impacts during the breeding season of ardeids, which is generally between March and August inclusively.

6. Our final remarks

As the current project is within the internationally recognized Ramsar site, the ecologically sensitive WCA and the wider Deep Bay wetland ecosystem, we consider that the PP and the subsequent EIA study should be conducted in a comprehensive manner, following the precautionary approach and "no-net-loss in wetland" principle.

As stated in section 2.1.1 of the TM-EIAO, one of the purposes of a project profile is to determine "*the scope of the environmental issues associated with a designated project which shall be addressed in the EIA study, together with the technical and procedural requirements that the EIA Study shall meet*". However, the above sections clearly indicate the inadequacies in the current PP for the proposed project, which would have a significant impact on the subsequent EIA study and its scope. We are also concerned the approval of the current PP would set an undesirable precedent for other developments within the Deep Bay area. The HKBWS urges both the project proponent and you Mr. Tong as the Director of Environmental Protection to seriously consider if a revised PP is needed, such that all upgrade works would be clearly

described and all associated impacts would be identified and addressed in the PP.

We hope our comments would be taken into consideration during the consultation process. Thank you for your kind attention.

Yours sincerely,

Woo Ming Chuan
Conservation Officer
The Hong Kong Bird Watching Society