



香港觀鳥會有限公司

THE HONG KONG BIRD WATCHING SOCIETY Limited

認可公共性質慈善機構 Approved Charitable Institution of Public Character

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Director of Environmental Protection
Environmental Protection Department
27th floor, Southorn Centre, 130 Hennessy Road
Wanchai, Hong Kong
(Email: eiaocomment@epd.gov.hk)

13 Jan 2010

Dear Director,

**Objection to the approval of Liantang / Heung Yuen Wai Boundary Control
Point and Associated Works (EIA-190/2010)**

The Hong Kong Bird Watching Society object to the approval of EIA report for Liantang / Heung Yuen Wai Boundary Control Point and Associated Works (EIA-190/2010) and our views are stated below:

1. Justification for the project / scale of project

- 1.1 The EIA report states that Sha Tau Kok Road, as well as the Man Kam To and Sha Tau Kok Boundary Control Points (BCPs) have “limited expansion potential due to physical constraints” (Section 2.3, P2-3). However, a proper address on the “physical constraints” and possible measures to increase carrying capacity of existing BCPs is not included in the report as part of consideration of alternatives.
- 1.2 Besides, the projected load used by the report is an estimate for total boundary-crossing and the projected load for BCPs at the Eastern Boundary is unknown. It is invalid to use total load for claiming a need for constructing a new BCP at the Eastern Boundary. Given the present low usage of Lok Ma Chau Spur line and the Western Corridor, the need for the project as stated in the EIA report is doubtful.
- 1.3 There is no justification to build connection roads on rural country areas inside Hong Kong to ease traffic congestion in Shenzhen. There is also no assessment of the traffic requirement for the Ping Che/Ta Kwu Leng NDA. A comprehensive strategic traffic plan is essential for good planning of the NDA, and thus the connection road should be well-studied under the NDA plan.

2. Under-estimation of ecological value of agricultural lands

- 2.1 A considerable area of open country habitats would be destroyed in which some species of conservation interest have been found (Section 9.7.4.2, p 9-153), including Greater Coucal and Lesser Coucal which are listed as Vulnerable under China Red Data Book. Moreover, many species of conservation interest, such as Crested Serpent Eagle and Collared Crow are found at secondary forests nearby Chuk Yuen and Tsung Yuen Ha by the current EIA study and the EIA study for Regulation of Shenzhen River Stage IV (EIA-189/2010). These birds may use nearby agricultural land for foraging.
- 2.2 In one of the site visits, 4 raptor species (Black Kite, Common Buzzard, Common Kestrel, and Peregrine Falcon) was found using the abandoned agricultural area near Ping Yeung Village in the same short period of time. These species are Class II protected animals in China. In particular, Peregrine Falcon is listed in CITES appendix I. The presence of the species at Ping Yeung area has not been recorded by the EIA report. The foraging areas of these birds would be permanently lost due to the construction of the Boundary Crossing Point and connecting road.
- 2.3 However, the report claimed that the agricultural lands are of low ecological value and thus no compensation would be made. According to a local research¹, agricultural lands often have high ecological value and support a unique community of birds. We think the claim by the EIA report is unacceptable because many species of conservation interest were found in the agricultural land inside study area, indicating that these areas are having considerable ecological value. Given the large area of active and abandoned agricultural lands lost in the project (more than 43 ha), it is unacceptable not to provide any compensation for these habitats.

3. Unacceptable approaches in evaluating status of birds

- 3.1 The Hong Kong status of birds species recorded by the EIA report was claimed to be following the book “The Avifauna of Hong Kong” by Carey et al. (2001) but there are considerable inconsistencies between the report and the cited book. Examples of differences are shown on the table below.

Species	Status claimed in EIA report	Status stated in Carey et al. (2001)
Bonelli’s Eagle	“Uncommon resident”	“Locally distributed scarce resident”
Emerald Dove	“Uncommon resident”	“Scarce but widespread”

¹ Leven M.R., 1998, ‘Special Feature – Focus on Farmlands’, *Porcupine!*, no. 18, Newsletter of Ecology & Biodiversity, The School of Biological Sciences, The University of Hong Kong.

		resident”
Lesser Coucal	“Common resident”	“locally common resident”
Eurasian Eagle Owl	“Scarce resident”	“Scarce but widespread Resident”
Greater Necklaced Laughingthrush	“Common resident”	“Widespread but scarce resident population of captive origin ”
Japanese Bush Warbler	“Common winter visitor”	“Uncommon to common winter visitor and passage migrant”
Brownish-flanked Bush warbler	“Common winter visitor”	“Scarce winter visitor”
Greenish Warbler	“Uncommon winter visitor”	“Scarce autumn passage migrant and winter visitor”
Bright-capped cisticola	“Uncommon winter visitor”	“Scarce winter visitor”
Black-naped Oriole	“Uncommon migrant”	“Scarce autumn passage migrant that breeds irregularly”
Grey Treepie	“Uncommon resident”	“Scarce resident”

Table 1. Examples of inconsistencies between status used by EIA report and Carey et al. (2001)

Wordings of “uncommon” and “scarce” are both used by the EIA report as well as Carey et al. (2001), so it is unlikely that these are typing mistakes or difference in use of wordings. The EIA report treated many “scarce” species as “uncommon” when simplifying their status for table use, making a false image that no rare species has been found in the study area. Such practice is considered unacceptable because the ecological value of affected sites would be under-estimated.

4. Compensation for secondary forests

4.1 A considerable area of mature secondary forest is also affected by the project. The secondary forests near Tsung Yuen Ha and Chuk Yuen support many bird species and mammal species that are of conservation interest, according to the current EIA study and the study for Regulation of Shenzhen River Stage IV. According to the EIAO Guidance Notes (GN 6/2010), the EIA should demonstrate that the compensation woodland should provide the same ecological value as the woodland destroyed. The present EIA report suggested compensation ratio of 3:1

to the woodland destroyed, indicating that the successfulness (ecological value) of compensation woodland might be limited.

- 4.2 The compensation woodlands need a very long period of time to develop. During the construction phase and the early operational phase, there will be a net loss of biodiversity before the compensation woodland achieves considerable ecological value.
- 4.3 No monitoring measures for the ecological value of compensation woodland, such as bird and mammal diversity, of compensation woodlands were suggested by the report.

5. Under-estimation on impact on flight path of migratory birds

- 5.1 The report claims that the connection road would have insignificant impact to the flight paths of starling flocks based on the observation that they are not seriously affected by overhanging wires elsewhere (Section 9.7.4.2, p 9-154). The claim is unreasonable as a connection road is much larger than overhanging wires. Moreover, noise is being generated by vehicles using the road and this may affect bird behaviour. We doubt that the assessment has not been carried out properly and professionally, as the consultant did not quote relevant academic publications for their claims. Therefore, a more detailed and conclusive assessment of the impact of flight paths is necessary. Continued monitoring of bird movements should be carried out to assess the impact on flight path of possibly affected birds but this is not stated in the EM&A manual.

6. Bird collision prevention

- 6.1 The EIA report has suggested measures to minimize bird collision with noise barriers and this is highly appreciated. However, monitoring measures on the issue is not stated in the EM&A manual and this would be essential to assess the actual impact and prove the effectiveness of the measures.

7. Designs for wetland compensation

- 7.1 Wetland compensation areas are suggested to be constructed under the viaduct in the EIA report and EM&A manual. However, it should be noted that such designs often have a low level of success, especially for birds, according to previous examples such as those constructed in the West Rail Line project. The kind of compensation wetland design should be avoided as it could not fully compensate ecological functions of wetlands lost.
- 7.2 On the other hand, the report claims that the compensation wetland would be self-sustainable but did not provide any proof or supporting examples.

7.3 The proposer should provide provision for long-term management of the compensation wetlands in case the wetlands are found not self-sustainable.

8. Under-estimation of impact on Eurasian Eagle Owl

8.1 The EIA report recognized the occurrence of Eurasian Eagle Owl, a rare resident in Hong Kong and is of conservation interest, in the study area but claimed that the impact is limited (Section 9.7.4.2, p 9-150). The reason they stated is that “optimal breeding grounds” cannot be found in the area and they couldn’t obtain many records of the species. It is not appropriate for the consultant, acting as professionals, to raise such a claim base on inadequate information.

8.2 Moreover, foraging grounds for the species is as important as suitable breeding sites but this is not being addressed in the EIA report. The noise and light pollution from vehicles on proposed connection road may cause a certain degree of impact on the foraging activity of the species, hence posing a threat to the survival and breeding success of the species. A more detailed study, including finding out possible breeding grounds and impact on foraging of the species, should be carried out by the proposer.

9. Fragmentation of Habitat

9.1 The EIA report suggested that the viaduct design should allow animal crossing (Section 9.8.5.2, p 9-179) but details are not provided. The feasibility and effectiveness of these designs are therefore unclear. According to overseas studies birds are less likely to fly under structures like bridges² and viaducts³. Their flight paths might be affected but the impact was not properly addressed (refer to point 5). Given the length of viaduct being constructed and the large area of sensitive habitats affected, the EPD should not approve the EIA report unless more details about the design of viaduct are provided by the applicant.


The EIA report is under-estimating impacts on wildlife including birds and mitigation measures are considered inadequate. Also, the consultant did not provide good evidences for most of their ecological assessments. Therefore, the Hong Kong Bird

2 Tremblay, M.A. & St. Clair, C.C., 2009, ‘Factors affecting the permeability of transportation and riparian corridors to the movements of songbirds in an urban landscape’, *Journal of Applied Ecology*, Vol. 46, pp1314-1322.

³ Hsu, Y.H., 2010, ‘Evaluation of Mitigation Measures for Highway Bird Road-kill’, Master Thesis, Department of Ecology and Evolutionary Biology College of Life Science, National Taiwan University.

Watching Society respectfully requests the director of the EPD to reject the EIA report.

Yours faithfully,

A handwritten signature in black ink that reads "Cheng Nok Ming". The signature is written in a cursive style with a large initial 'C' and 'M'.

Cheng Nok Ming
Conservation Officer
Hong Kong Bird Watching Society