Dr. CHUI Ho Kwong, Samuel, JP
Director of Environmental Protection
(E-mail: eiaocomment@epd.gov.hk)

By email only

22 March 2025

Dear Dr Chui,

Comments on the Environmental Impact Assessment Report for the Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai (NSW) and Lut Chau (LC) (ESB-310/2024)

The Hong Kong Bird Watching Society (HKBWS) would like to raise our concerns regarding the captioned Environmental Impact Assessment Report (EIA). As the proposed development falls within highly ecologically sensitive area which is also an integral part of the Deep Bay wetland ecosystem, we are highly concerned that proposed residential and road development would lead to irreversible and substantial residual impacts on the important habitats and wildlife in the vicinity. Our comments are as follows.

1. **No avoidance of ecologically valuable habitat and doubted eligibility for PPP development under NNCP**
2. **Net loss in wetland area and function**
3. **Significant impacts on the largest Great Cormorant roost in Hong Kong**
4. **Specific concerns about Bonelli's Eagle and other wetland-associated raptors**
5. **Specific concerns about the ardeids' night roost's location and impacts on them**
6. **High bird-window collision risk**
7. **Absence of light impact assessment**
8. **Absence of comprehensive monitoring of Eurasian Otter**
9. **The secondary loss of fishpond will be resulted due to compensation**

measures without further sound mitigation for such loss

10. **Inadequacies in target species selection**
11. **Uncertainty in securing the long-term management of CWP**
12. **Cumulative impacts caused by concurrent development projects are not properly identified and assessed**
13. **Potential adverse impacts due to the management of conflicts between residents and the wetlands during the operation phase**
14. **Misleading visual impact assessment and substantial residual visual impacts**

1 No avoidance of ecologically valuable habitat and doubted eligibility for PPP development under NNCP

1.1 The proposed development falls entirely within the recognized Priority Sites for Enhanced Conservation, "Inner Deep Bay and Shenzhen River catchment" Important Bird and Biodiversity Area (IBA) recognized by the BirdLife International[1] and Wetland Conservation Area. The development footprint involves habitats of high ecological value and sensitivity, which is not in line with the principle of avoidance. According to the list of avifauna recorded by the proponent, 67 bird species were recorded within development footprint, which accounts for **54.7%** of total bird species recorded in Nam Sang Wai (122 bird species), indicating the high bird diversity supported by the habitats to be lost due to development.

1.2 The Project Proponent stated that she intended to follow the "Additional Option" of the Public Private Partnership (PPP) Scheme of the New Nature Conservation Policy (NNCP), which **allows private developments of an agreed scale and plan at the ecologically less sensitive portion (Developable Portion) of the site**, and surrendering the ecologically more sensitive portion (Conservation Portion) to the Government for proactive conservation and management by the Government, provided that land owners of the private land will provide a lump sum contribution to the Government to support the long-term conservation work for conservation portion. We consider the current project is **not** (1) eligible and (2) might result in potential abuse of public interest for private gain.

1.3 First, the proposed high-rise residential development would have direct impact on the **Reedbed** in NSW, which is "*the largest area of this habitat in Hong Kong*"[2] and is of **High Ecological Value** as admitted by the proponent[3]. A significantly large area, reaching **10% of NSW**, would be lost to the development[4]. The cormorant night roost in NSW is one the major

[1] BirdLife International. Inner Deep Bay and Shenzhen River catchment area. Available at: http://datazone.birdlife.org/site/factsheet/inner-deep-bay-and-shenzhen-river-catchment-area-iba-hong-kong-(china)

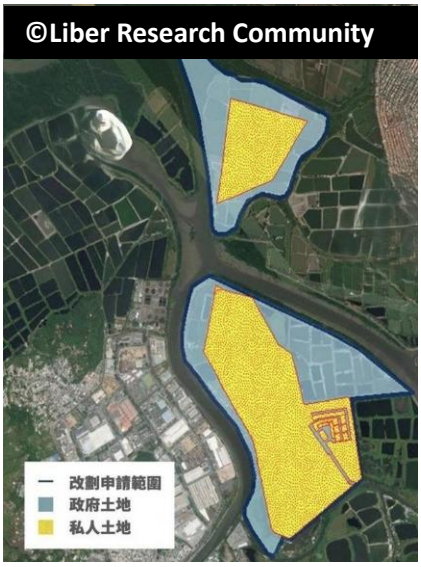
[2] Section 4.9.15 of the EcoIA submitted by the applicant in 2025

[3] Table 4.36 of the EcoIA submitted by the applicant in 2025

[4] 11.6ha development footprint within 121.9ha in Nam Sang Wai, which covers over 9.5%

cormorant roosts in Hong Kong, which supports up to 71-81% of the Deep Bay population[5]. A larger number of roosting cormorants and movements are close to or overlap with the proposed development site. Therefore, the proposed development is indeed **part of the core area of the wetland ecosystem** and of **very high ecological sensitivity**. **We do NOT agree that the selected site is ecologically less sensitive or developable.**

1.4 Secondly, the proponent admits that about 61.4% of LC and 37.2% of NSW are **government land** but not privately owned. The inclusion of such a significant area of government land in PPP scheme is unusual. In the other previous PPP schemes in Fung Lok Wai or Sha Lo Tung, the project proponents held over 90% of land in their proposed developments. Once the current scheme in NSW and LC is approved, it would possibly raise public concerns over the PPP mechanism about the potential abuse of public interest for private gain.



2 Net loss in wetland area and function

Problematic and misleading habitat evaluation with piecemeal approach

2.1 The proponent repeatedly claimed that there is no net loss in wetland, and even net gain in wetland function, even though the proposed development footprint will lead to a direct loss of 11.6ha habitats which 90% (10.7ha) are wetlands composing of reedbeds and marsh developed from abandoned fishponds.

[5] According to the Great Cormorant roost survey conducted by the applicant between Nov 2021 to Feb 2022, a peak count of 7,405 Great Cormorant individuals were roosting in Nam Sang Wai, accounting for 81% of the Deep Bay total.

2.2 The proponent deliberately **divided the 10.7ha interconnected mosaic wetland habitat into six separate types of habitats**, namely Open Water, Reedbed, *Brachiaria* Marsh, *Typha* Marsh, Grassy Bund and Wooded Bund. Such a **piecemeal evaluation for abandoned ponds and wetlands is very unusual** in EIAs. Furthermore, evaluation of ecological value, impact assessment of habitat loss and compensation calculation were conducted separately for each habitat type. As a result, only the Reedbed is evaluated as High Value, whilst the ecological value of Open Water and *Typha* Marsh, *Brachiaria* Marsh, and both Grassy and Wooded Bunds within the development footprint were evaluated as Moderate to High, Low, Moderate and Low respectively. We consider **such a piecemeal approach would significantly underestimate the ecological and conservation value of the 10.7ha interconnected mosaic wetland habitat in Nam Sang Wai**.

2.3 We would like to point out that the **six habitats identified by the project proponent are hydrologically and ecologically interconnected**. The combination of these different microhabitats supports a high diversity of birds (67 bird species) and should all be regarded as of High ecological value. We recall the Agriculture, Fisheries and Conservation Department (AFCD)'s comment that "*pond bunds form an integral part of the wetland ecosystem*"[6]. We consider pond bunds should be evaluated with the **same high level** of ecological value.

2.4 It is also especially obvious that the reedbed and open water are together providing unique habitat for specific bird species or groups, such as bitterns, dabbling ducks, diving ducks, purple herons, Eurasian Coot, etc. We would like to reiterate that, **dividing this habitat for separate evaluation and assessment would (1) underestimate or even overlook the important and unique ecological value and function provided by the existing contiguous habitat, and (2) lead to ineffective mitigation and compensation measures.**

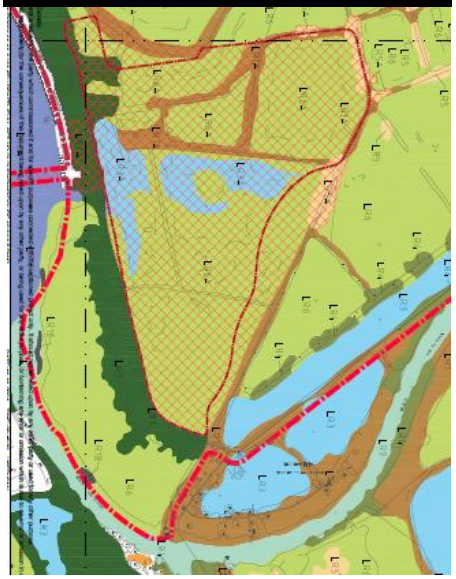
2.5 The extent of open water within the development footprint seems to be defined inconsistently under Ecological Impact Assessment (EcoIA) and Landscape Impact Assessment (VIA). The latter assessment has identified a

[6] AFCD's response to the Executive Summary Para. 6 in the EcoIA submitted by applicant in October 2015

large extent of "pond" feature within the footprint.

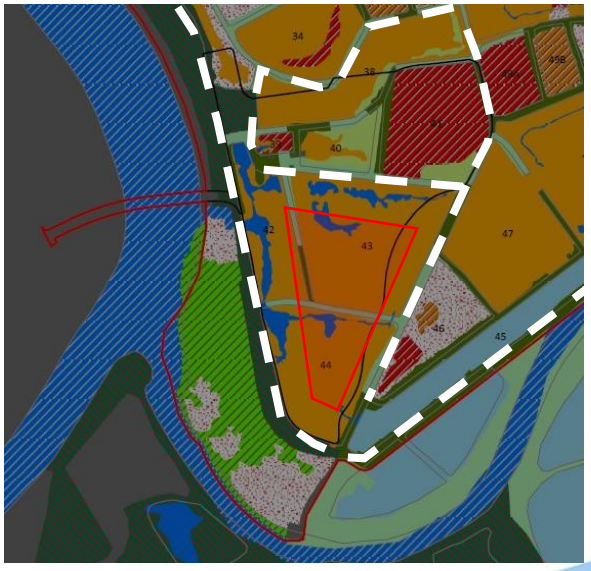
The habitat map under EcoIA.

The landscape resource map under VIA.



Survey transect failed to fully cover six habitats types

2.6 As the proponent attempted to break the wetland into smaller types for assessment, we assume that detailed and intense ecological surveys are conducted to collect the baseline data of each taxa group in the six habitats. However, the designated route for survey (Figure 4.3 of the EIA report) failed to cover all the wooded bund and grass bund. Also, we are concerned critical part of the open water, reedbed and bunds are under-studied due to the distance and visibility from designated transect route, potentially leading to **incomplete baseline data** collected and **biased habitat evaluation**.



The bird data are hidden in the EIA report

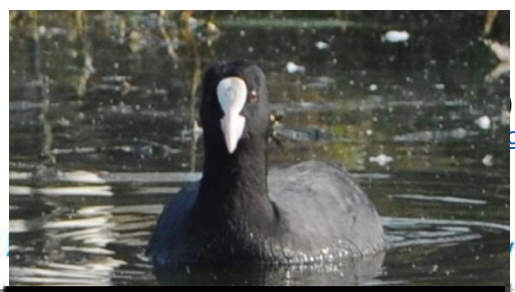
2.7 Bird composition and abundance of each habitat within development footprint and affected area are the critical information to determine their ecological value and function, to assess the impacts on birds so as to guide the mitigation measures. However, in the habitat map and species map as present in Figure 4.4, 4.10 and 4.11, **no information** is provided to indicate the **distribution of bird species** of conservation interest, except the cormorant roost. Moreover, referring to the Appendix 4.2b, the proponent presented the maximum count of bird species recorded within development footprint in April 2021 – March 2022, however, only two types of habitats (i.e. reedbed and *Typha* Marsh) are presented with bird records. It is unclear if that means the other four types of wetland habitats were not recorded with any bird species. If so, we highly doubted that the **accuracy** of the bird data collected in **Open Water habitat** and **bunds** which recorded with **zero** bird species.

2.8 According to HKBWS's bird records, the Reedbed and Open Water, together, recorded with a **high diversity of duck species** (i.e. at least 6 species) in the past five years, including Eurasian Wigeon, Eurasian Teal, Garganey, Northern Pintail, Northern Shoveler and Tufted Duck. Other **species of high local extinction risk**[7] include Eurasian Coot, Purple Heron and Yellow Bittern.

12 Northern Pintails with High Local Extinction Risk has been recorded in Jan 2024

3 Purple Herons with High Local Extinction Risk were recorded in Feb 2022

Two Yellow Bitterns with High Local Extinction Risk were reported in Sept 2021



Eurasian Coot with High Local Extinction Risk

Failure to compensate the loss on a "like for like" basis

2.9 As explained previously, Open Water and Reedbed are performing important ecological functions for specific bird species of conservation interest. However, the impacts from the direct loss in **open water** within the development site are being assessed under the impact assessment of **fishpond** habitats. Its loss is said to be compensated by enhancement of remaining fishpond and open water and conversion of fishpond to lily pond and shallow tidal pond. We consider the fishpond, lily pond and tidal pond are not directly related to the loss created by the development and are not capable to compensate or mitigate, on a "like for like" basis, for both area and functional loss of Open Water and Reedbed within the development site.

Unjustified net gain of reedbed

2.10 As 6.2ha of reedbed loss was identified in the EIA, the proponent emphasizes that a net gain of 8.4ha of reedbed will be resulted after mitigation and compensation. We would like to raise two problems regarding this claim and the problematic calculation behind such claim.

2.11 First, the compensatory reedbed is located in LC, which is isolated from the contiguous reedbed in NSW. This raises doubts about whether the reedbed fragment created elsewhere could perform like-to-like function as the originally continuous habitat performs. In Section 4.8.67, the proponent agreed that "*larger areas of habitat are of higher importance than smaller areas*" while "*many species require a minimum area of a habitat and would not utilize two smaller fragments amounting to the same area*". It is not well justified that a reedbed fragment isolated from the existing continuous reedbed could perform the same or better functions than recent state.

2.12 Second, the net gain of 8.4ha reedbed is largely constituted by the conversion of 8.2ha of existing **active fishpond** in LC with **High** ecological value (Table 4.18 of EIA report) to reedbed. A significant loss in continuous fishpond will be resulted. In response to the loss in fishpond of High value for reedbed compensation, the "secondary compensation" is proposed by enhancement of remaining fishponds with high ecological value, such as converting 4.1ha and 5.1ha high-value fishponds again to lily ponds and

shallow tidal pond respectively. However, in Section 4.9.81, the shallow tidal pond created through conversion of 5.1ha of fishponds in LC is intended for **mitigating the impacts on the species affected by the bridge construction phase and operational phase**. The 4.1ha lily ponds perform different functions from fishponds, which means (1) the conversion to lily ponds should also be regarded as fishpond loss and (2) the loss in fishpond due to reedbed compensation could not be further compensated by the lily ponds.

Substantial functional loss in wetland due to high development intensity and scale

2.13 Even though the applicant repeatedly mentioned the development footprint has reduced to 11.6 hectares, we consider that the development involves a massive building cluster of 28 residential towers (19-25 storeys, 66.6 – 85.5 mPD) and 140 houses (3 storeys, 17.5 mPD), an Ederly Centre for a planned population of 6,500, which are clearly incompatible with the surrounding rural low-rise setting, conservation zonings and the wider Deep Bay area of conservation importance. Such development scale and intensity are similar to placing an 11.6-hectare "Residential (Group B)" zoning (e.g. residential towers like Emerald Green in Yuen Long)[8] in the ecologically sensitive NSW. The adverse ecological impacts (e.g. disruption of flightlines, reduction in air space for large-sized bird species, noise, light pollution and glare effect, bird-window collisions) and the human disturbances generated from the high-rise residential development and the influx of the large population would cause general habitat quality degradation and irreversible impacts on the existing site and species of conservation importance in the vicinity of the development.

2.14 In determining the disturbance impacts of the development, the proponent stated that "*the most disturbance-sensitive species are estimated to have an exclusion zone during construction of high-rise buildings of 0 - 200m and a zone of reduced density of 200 - 400m from the high-rise buildings (the*

[8] Under the approved Yuen Long Outline Zoning Plan No. S/YL/23, "Residential (Group B)" zoning has a maximum site coverage of 50% and a maximum building height of 25 storeys, which is similar to the high-rise development in the current application.

disturbance source).Disturbance from construction of low-rise buildings (3-storeys, 17.5 mPD) and infrastructure including the proposed bridge over the SPR would be of lower magnitude, and the distances for exclusion and reduced density of the most disturbance-sensitive species are estimated to be 0 - 100m and 100 - 200m respectively."

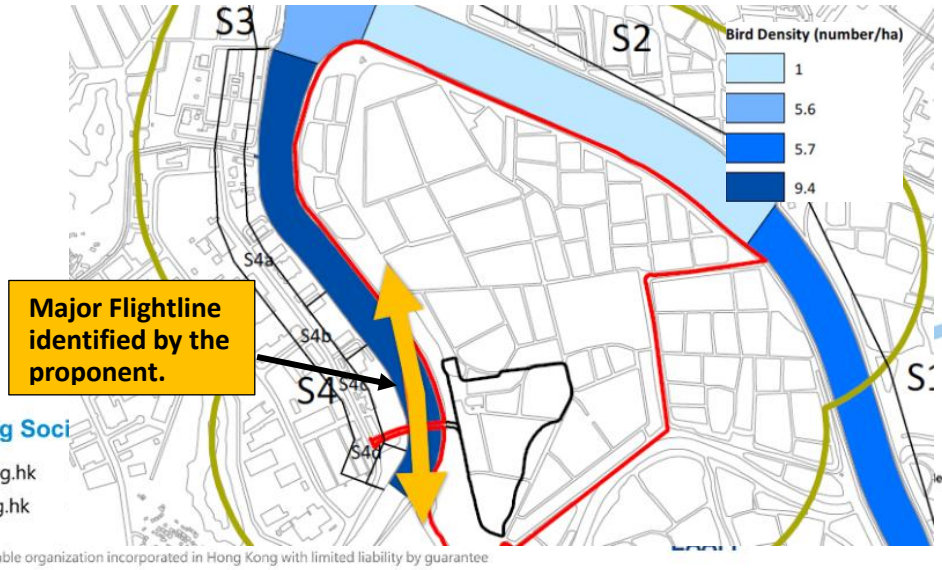
2.15 We consider that the <u>disturbance effect of high-rises to birds is underestimated</u> as bird species like **ducks, Purple Heron, Pied Kingfisher and Eurasian Bittern** are much sensitive to disturbance while wetland-associated **raptors** require large habitat size and are less tolerant to developed areas. Their density reduction zone **<u>may probably exceed 400m</u>** as suggested by the proponent or other EIA project.

2.16 It is anticipated that the construction and operation of the high-rise development would result in **a significant functional loss of the existing habitat of High value in NSW and also irreversible impacts on Purple Heron, Eurasian Bittern, Great Cormorant Night Roost** (please refer to Section 3 of this letter), **wetland-associated raptors** (please refer to Section 4 of this letter), etc.

<u>Habitat fragmentation and increased human disturbance to NSW due to the bridge and cycle track development</u>

2.17 A bridge across Shan Pui River was proposed to link the application site to the Yuen Long Town Centre via Yuen Long Industrial Estate. A cycle lane on the proposed bridge will also be provided across the SPR.

2.18 According to Figure 4.5 of the EIA report, the **bird density** of the SPR closer to the proposed bridge is **higher**, especially **during Low Tide**. A **major flightline** is also identified <u>crossing the proposed bridge</u> (Figure 4.8 of the EIA report).



2.19 From our bird survey records in the Shan Pui River, at least 45 bird species were recorded, ranging from ardeids, waders, shorebirds, lowland terrestrial birds to raptors, including bird species with local extinction risk. For instance, **21 individuals of Spotted Redshank** with High local extinction risk have been recorded in SPR, which is a significant number in the context of whole Deep Bay. The globally endangered **Black-faced Spoonbill** was also recorded in the Shan Pui River.

2.20 We consider that the southern section of SPR is of **Very High** ecological value instead of Low to Moderate. We do not agree that the construction of bridge would result in "*Low severity of impact*". We are concerned the construction and operation of this bridge would cause fragmentation of the tidal watercourse habitat and will lead to significant impact and disturbances to the birds utilising the Shan Pui River under different tidal levels. The impacted zone would probably exceed the 100m or 200m disturbance zone. As the adverse impacts of bridge over Shan Pui River was not adequately identified and assessed, the corresponding mitigation and compensation measures should be re-considered.

Spotted Redshank of High local extinction risk.

Globally Endangered Black-faced Spoonbill

The proposed bridge crossing SPR will lead to habitat fragmentation and severe disturbance to bird utilizing the tidal water course of Very High ecological value.

3 Significant impacts on the largest Great Cormorant roost in Hong Kong

Ecological importance of affected Great Cormorant Roost

3.1 The cormorant night roost in NSW is the largest cormorant night roost in Hong Kong, supporting around **71-81% of the Deep Bay population** in 2021-22 as reflected in the current EcoIA. As the development site and the closest residential building is **just about 60m from the cormorant night roost**, the disturbance of the developed area due to light, noise, obstruction of flightline would lead to gradual degradation of habitat quality for roosting cormorants.

Unjustified effectiveness of the buffer zones for high-rises and development site

3.2 Two major measures regarding the building distribution have been claimed effective by the proponent. First, the proponent claimed that the possibility that roosting cormorants may show greater avoidance of high-rise development than is predicted has been taken in account, thus, the location of high-rise towers has been adjusted such that the great majority of the roost trees will be more than **400m**. Second, it is explained that "***no part of the development is within the 150m distance*** *within which it is predicted that cormorants would be disturbed during the operational phase*".

3.3 The proponent relies on the example of Lok Ma Chau night roost situated over 350m away from the developed area of Shenzhen. However, we do **not** think it is comparable as there is a non-development area composing of a wide river channel, trees, fences between Night Roost and Shenzhen developed area, which might provide buffering effect. Moreover, very limited buildings are present within 400m of the night roost, and the height is much lower than those proposed by the proponent.

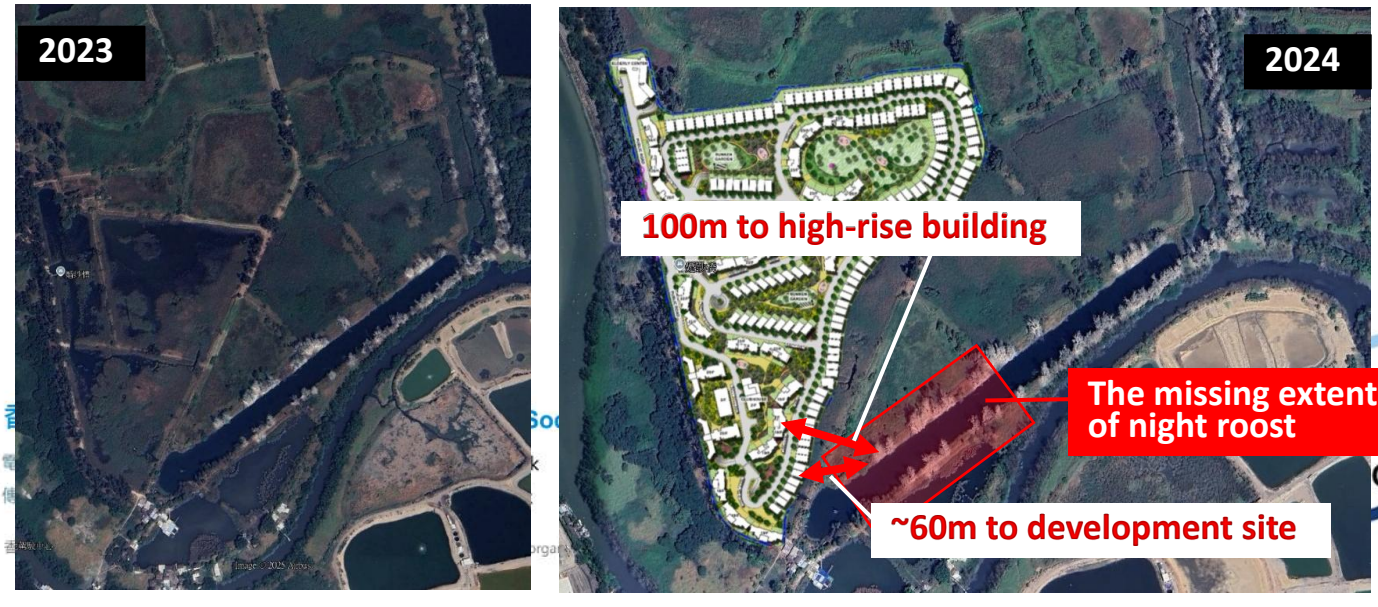
3.4 We would also like to highlight that the light impact of the proposed development during operational phase (i.e. household lights from units of the high-rise residential towers at night) was not properly assessed and addressed. The residential towers would become light façades during nighttime, resulting in glare effect over a long distance due to the direct facing to the core wetland including the night roosts of Great Cormorant in

NSW.

3.5 Even though a 150-metre “no development” buffer zone was created for the Great Cormorant night roosts, the 25 residential towers are still highly visible due to their height (i.e. 19 to 25 storeys high). The light disturbance from each household would cumulatively cause disturbance to the Great Cormorants at night and may even lead to the **displacement** of night roosts.

Outdated location of Great Cormorant night roost and their flightline

3.6 According to the Google Earth aerial photographs, the tree features with white color along the pond bunds are possibly representing the extent of Great Cormorant Night Roost. The night roost had already extended towards development site back in 2019. Over the past three years, the extent of night roost has not changed and the closest tree is only about **60 meters** away from the **construction area** and just **100 meters from high-rise buildings**.



3.7 According to the revised Technical Memorandum (TM), "*the information gathered from the ecological baseline surveys shall be valid for 36 months upon their completion, after which the information should be verified through field surveys to confirm its validity for the purpose of ecological impact assessment*" Although the proponent might be allowed to follow the old TM, the inaccuracy of ecological data (i.e. **location** and **flightline data**) and inadequacies of mitigation measures are still present and may violate the Annex 16 of the old TM and EIAO Guidance Note No. 7/2010.

Absence of revision of mitigation measures in response to the updated condition of such an important Great Cormorant Roost

3.8 Even though the proponent insisted that a 150-meter buffer and the layout of high-rise buildings to avoid entering 400m of the night roost are effective measures, they have **NOT promptly revised the building master plan due to the recent changes to the location fo the Great Cormorant Roost**. We urge the Department to seriously review the effectiveness and validity of their proposed measures.

4 Specific concerns about Bonelli's Eagle and other wetland-associated raptors

4.1 Bonelli's Eagle *Aquila fasciata* is a locally distributed rare resident in less disturbed areas in Hong Kong. Its breeding population was estimated to be approximately 10 pairs in the 1990s (Carey *et al.* 2001). However, it has probably declined to less than 3 pairs. The recent local assessment reveals that this species is now having a high risk of local extinction due to habitat loss and reduction in food sources.

4.2 Nam Sang Wai is the only area in Deep Bay that has been constantly reported with Bonelli's Eagle flying or soaring over the past 15 years, besides Ma Tso Lung. Its records in Deep Bay have shown **a concentration in NSW** in recent years. Whilst Carey *et al.* (2001) describes adults are infrequently recorded over the Deep Bay wetlands, young birds are regularly observed hunting waterbirds there between October and April[9]. The prey species

[9] Carey, G. J. (2023). Bonelli's Eagle *Aquila fasciata*, version 1.0. In *The Avifauna of Hong Kong* (G. J.

recorded include Grey Heron, Chinese Pond Heron, Little Egret, Eastern Cattle Egret, Pied Avocet and ducks, indicating the Deep Bay wetlands are providing suitable foraging ground for this raptor of high risk of local extinction, while the airspace between the nearby hills and wetlands should also be regarded as a critical habitat. The EIA report mentioned none of the above information, highlighting its insufficiency of information and one of the inadequacies of the ecological impact assessment. We consider independent survey should be undertaken to establish the distribution and habitat requirements of this species to **inform the suitability of such development intensity and scale** and also to guide the habitat enhancement measures for them.

The rare Bonelli's Eagle of high local extinction risk.

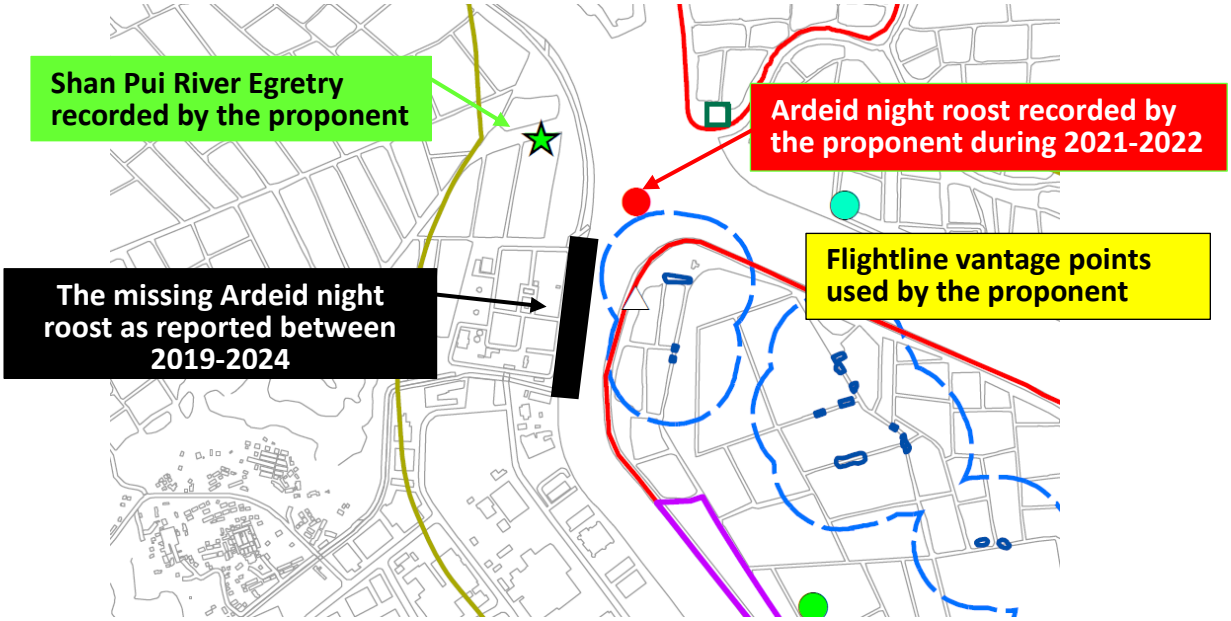
4.3 Furthermore, the environmental impact assessment has also failed to include globally threatened or nationally protected species with high local extinction risk that have been recorded **roosting or soaring within the project site**, such as the Greater Spotted Eagle, Eastern Imperial Eagle, Eastern Marsh Harrier and Pied Harrier, in detailed impact assessment and the considerations for impact mitigation.

Carey, Editor). Hong Kong Bird Watching Society, China. https://avifauna.hkbws.org.hk/species/0180/025100

4.4 According to Annex 16 of the TM, in order to "*ensure that the baseline information obtained is accurate, reproducible and can be easily verified, the methodology used must be clearly stated in the ecological assessment report. The methods employed must be sound and scientific.*" We urge the Department to **review the adequacy** of the impact assessment on **raptors that rely heavily** on Deep Bay wetland, and **Nam Sang Wai** in particular.

5 Specific concerns about the ardeids' night roost's location and impacts on them

5.1 It is stated that "*wintertime ardeid night roost surveys at the SPR egretry were conducted monthly between November 2021 and March 2022*". It is unclear if the survey was conducted at the SPR egretry or the flightline vantage points. Regardless of this, there is probably **a missing ardeid night roost at the mangrove outside the Yuen Long Sewage Treatment Plant**, which had been reported with 784 ardeids in February 2019. Apart from the five species recorded by the proponent, Intermediate Egret and Black-crowned Night Heron were also reported in 2019. It is also observed that the roosting ardeids would pre-roost along the river channel before they enter the night roost. The ecological function of the Shan Pui River for them should also be evaluated.



5.2 As the EIA report fails to mention this night roosting site that appears to have a significant number and scale of ardeid's usage, and there was no flightline survey conducted to confirm the impacts on them, we are concerned the EIA has significantly underestimated the potential adverse impact of the bridge and high-rise development on the ardeid's population utilizing the SPR.

6 High bird-window collision risk

No details are provided to address the anticipated high bird-window collision risk due to the proximity to such an Important Bird Area. We consider that unless there is detailed designs and **statutory conditions on the anti-bird collision requirements** provided for all the structures within the project area, the effectiveness and the implementation mitigation measures to minimize the bird collision risk remains high.

7 Absence of light impact assessment

7.1 According to the Light Pollution Guidelines for Wildlife under the Convention on Migratory Species[10], "*where there is important habitat for migratory shorebirds within 20 km of a project, consideration should be given as to whether that light is likely to have an effect on those birds.*" This 20 km buffer is based on "*a precautionary approach that sky glow can cause a change in behaviour in other species up to 15 km away*". Moreover, artificial light can in fact "*disorient flying birds, affect stopover selection, and cause their death through collision with infrastructure. Birds may starve as a result of disruption to foraging, hampering their ability to prepare for breeding or migration*"[11].

7.2 Due to the **close proximity** to the i**mportant bird habitats** and **breeding success of the endemic Bent-winged Firefly**, we consider the overall impact significance of the permanent and irreversible disturbance including glare

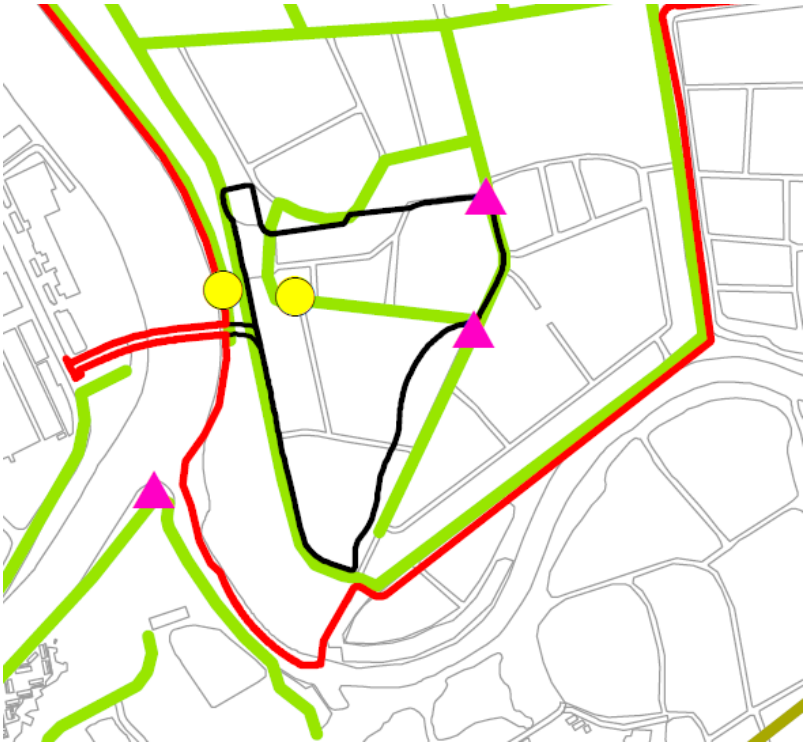
[10] https://www.cms.int/en/document/light-pollution-guidelines-wildlife-0

[11] https://www.cms.int/en/document/light-pollution-guidelines-wildlife-0

from artificial lightings during the operation phase is **Very High**. It is unacceptable that no independent light impacts assessment including **light intensity simulation** to reflect the condition of light emitted from the proposed development and also the surrounding concurrent developments around the firefly breeding site and important bird habitats is conducted under the current EIA study.

8 Absence of comprehensive monitoring of Eurasian Otter

As there are confirmed historical records of Eurasian Otter in NSW and nearby habitats, sufficient survey efforts should be given to identify and assess the impacts on this species in the EIA study. However, **only two Infrared cameras** (marked as pink triangles) were placed close to the development site. Their locations are also **at the edge of development** which may overlook the suitable habitats within the development footprint. We doubt that the survey effort for this species is insufficient, leading to underestimation of the ecological impacts on the Eurasian Otter of high risk of local extinction.



9 The secondary loss of fishpond will be resulted due to compensation measures without further robust mitigation for such loss

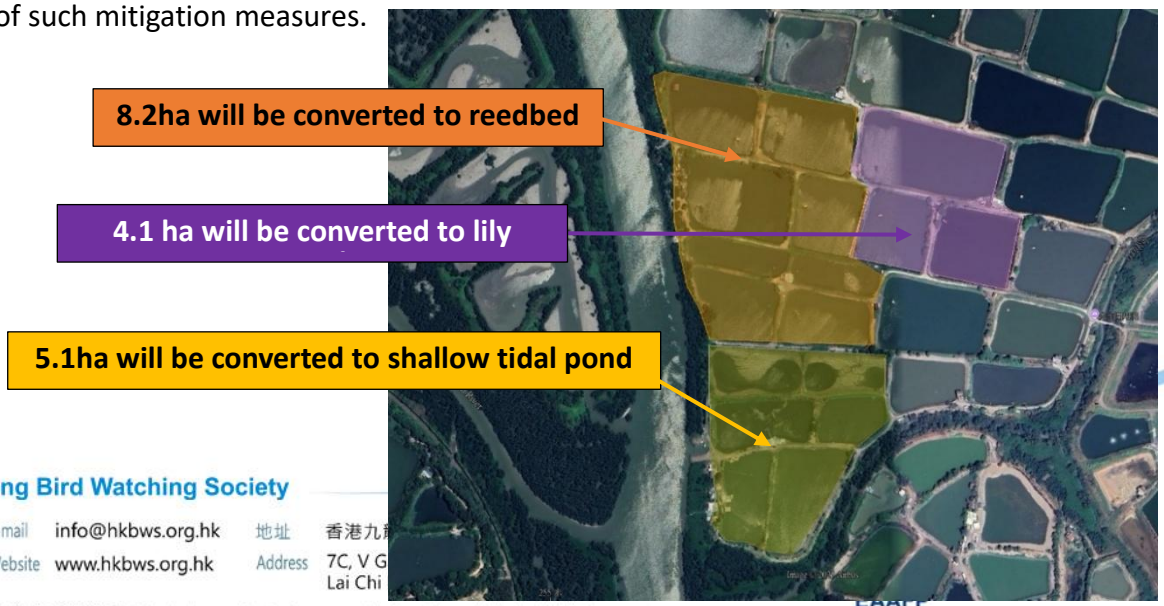
9.1 A total of 17.4ha of existing active fishponds of **High** ecological value in LC were proposed to be converted to reedbed, tidal pond and lily pond habitats as for mitigation purposes, as such the contiguous fishponds and the associated ecological function would be reduced. As explained previously in Section 2.12 of this letter, the large and contiguous fishponds in LC perform different ecological functions from the proposed reedbed, lily pond and shallow tidal ponds could.

9.2 Yet the proponent proposed to "compensate" for such fishpond pond loss by enhance the remaining fishponds through re-profiling, regular drain-down and new protocol for traditional commercial fish farming operation, the effectiveness of such measures is doubted as

(1) unlike the compensation wetland management under the Lok Ma Chau Spur Line development, no regular stocking of 'trash fish' to attract waterbirds will be in place for the current project to compensate for the loss in active fishponds;

(2) fish stocks are claimed to be maintained by re-filling fishponds via uPVC pipes and/or sluices between fishponds to allow fish and shrimp to **easily re-colonise** previously drained fishponds.

9.3 We are highly concerned that the above new operation and fish stocking strategy would **not** be capable of compensating for the 17.4ha of fishpond loss, in the contrary, it may result in **substantial reduction of food source for waterbirds** after the reduction of fishpond habitats due to habitat transformation. Thus, we have great reservation in the effectiveness or "gain" of such mitigation measures.



10 Inadequacies in target species selection

10.1 **Temminck's Stint** is a wader predominantly found in drained fishpond and is assessed as High Risk of Local Extinction. 11 individuals are recorded during the survey in April 2021 – March 2022, higher than 1% of the peak count in 2018, meeting the 1% criterion for selection of target species. However, according to Appendix 4.2c, it was not selected because it is "*this species is uncommon winter visitor and migrant*." We do not consider such reasoning valid and indeed this species is suitable and necessary to be included as the abundance of this species can be one of the indicators to monitor the impacts of the loss in fishpond and the effectiveness of the said measures.

10.2 **Bonelli's Eagle**, as explained in Section 5 of this letter, should be selected as target species and also conservation target due to the potential impacts neglected in this EIA report and its conservation importance.

10.3 **Greater Spotted Eagle** and **Eastern Imperial Eagle**, which were observed roosting on the trees within the project site during the survey, should also be selected as target species to monitor the disturbance impacts from the development.

10.4 **Spotted Redshank** with High local extinction risk, as explained in Section 2.19, should also be selected to monitor the impacts of the bridge and the high-rises on the SPR tidal watercourse.

10.5 **Eurasian Bittern** is a large-sized bittern associated with reedbed and is of High local extinction risk. As a count of up to three individuals has been recorded in recent three years, we consider this species should also be selected to monitor the impacts on reedbed and also the effectiveness of the reedbed compensation scheme.

11 Uncertainty in securing the long-term management of CWP

11.1 The Project Proponent would follow the "Additional Option" of the Public Private Partnership (PPP) Scheme of the New Nature Conservation Policy, the Conservation Portion (i.e. LCNR and NSW WEA) would be surrendered to the Government for long-term management. The Management Agents employed by the proponent would only be responsible for the detailed

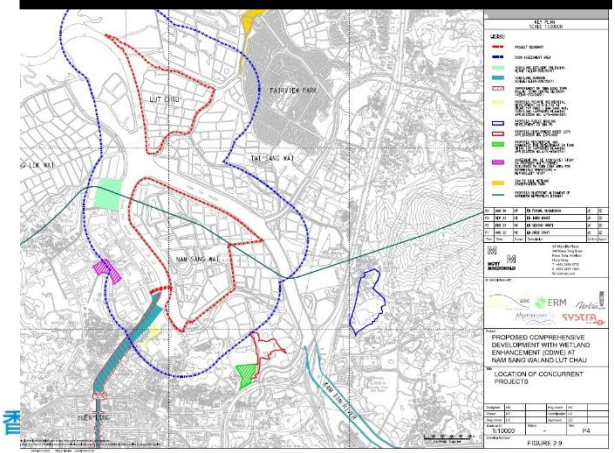
design and construction etc. of the LCNR and NSW WEA before surrendering the conservation portion to the government.

11.2 As the security of resource, quality, responsibility and transparency for the long-term management are of critical importance, we consider details regarding the **amount** of the lump sum contribution, detailed financial **budget plan**, long-term **human resources** management, the **duties and responsibility** in complying with the compensation requirements set under the **EIAO**, the **mechanism to ensure** the quality of wetland management agents and effectiveness of management, etc, **should be provided and clarified at this statutory public consultation stage**.

12 Cumulative impacts caused by concurrent development projects are not properly identified and assessed

There are multiple concurrent wetland development projects in the Deep Bay area that may lead to **direct wetland loss** and significant off-site impacts, including several approved private residential projects to the south and east of Nam Sang Wai, **San Tin Technopole (loss in 90ha of wetlands)**, Fung Lok Wai and Lau Fau Shan area. However, the proponent failed to identify and assess the cumulative impacts of these concurrent developments. The anticipated loss of wetlands and the cumulative impacts are substantial, raising concerns about irreversible ecological consequences. We are concerned that the total reduction in wetland area due to these developments and the current project would exceed the limit of the fragile wetland ecosystem and result in irreversible impacts on the ecological integrity of the internally important Deep Bay wetlands.

Concurrent projects identified by the proponent



Significant number of planning developments applied around NSW

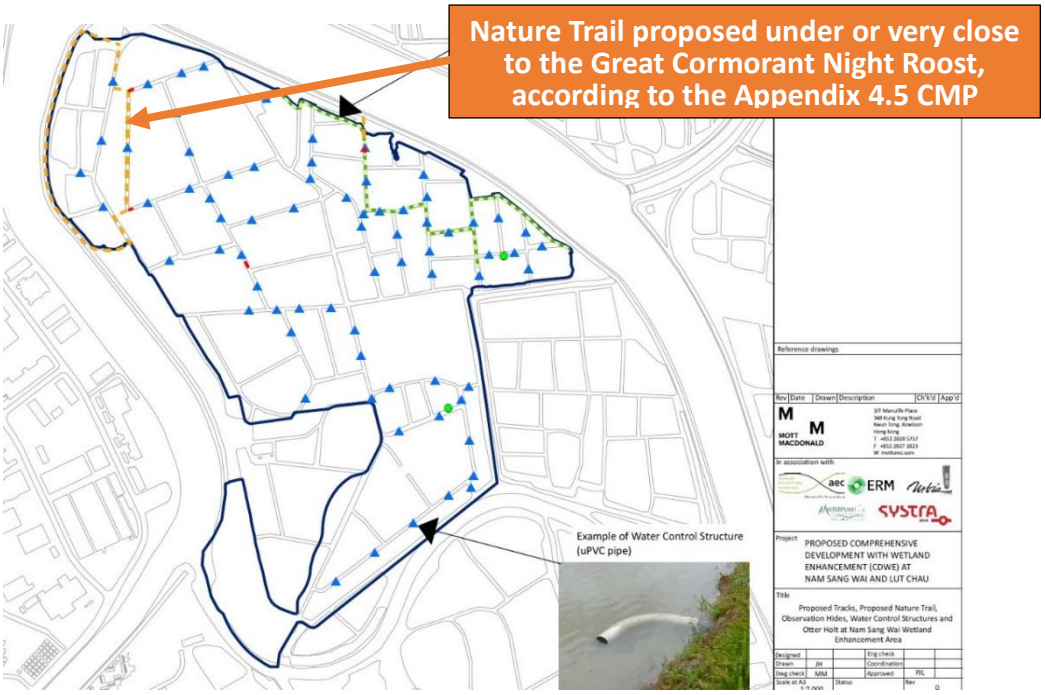
13 <u>Potential adverse impacts due to the management of conflicts between residents and the wetlands during the operation phase</u>

13.1 The current development would introduce a population of 6,500 into NSW. However, nature can sometimes become a nuisance to residents, especially when the proposed **population density of the development is high**. The important Great Cormorant roosting site in NSW, which regularly accommodates 4,000 cormorants or more every winter, could be a source of noise problem (e.g. loud bird calls). As the prevailing wind (taking the wind rose at Lau Fau Shan as a reference[12]) is easterly to north-easterly, excretions of the cormorants at their roosts could be a source of unpleasant smell. Mosquitos at wetlands could also be a nuisance to residents. What are the adverse social impacts caused by placing a large population next to wetlands and cormorant night roosts? What if there is an avian flu and/or dengue fever incident or outbreak? By the time the residential development is already in operation, **we are concerned the health, safety and concerns of the 6,500 residents would be necessary to become a priority over the conservation of cormorant roosting site and wetlands**, thus would in turn adversely affect these sites of conservation importance.

13.2 In addition to the residential population, as visitor center with over-night accommodation is proposed, together with the <u>increased accessibility due to the new bridge with cycle track</u>, the disturbance generated from **recreational development** and **visitor flow** around NSW would have great impacts on the habitat and species in NSW Wetland Enhancement Area (NSW WEA). Moreover, <u>a nature trail is proposed to be constructed under or very close to the Great Cormorant Night Roost within the NSW WEA</u>, raising concerns about the potential disturbance to night roost which is not mentioned in the Impact Assessment.

13.3 In short, we consider that it is **inappropriate** to place such a large population and recreational facilities within a core wetland conservation area, and the approval of this high intensity residential development would lead to adverse consequences and unnecessary conflicts.

[12] http://www.weather.gov.hk/cis/region_climat/LFS/LFS_windrose_year_e.htm

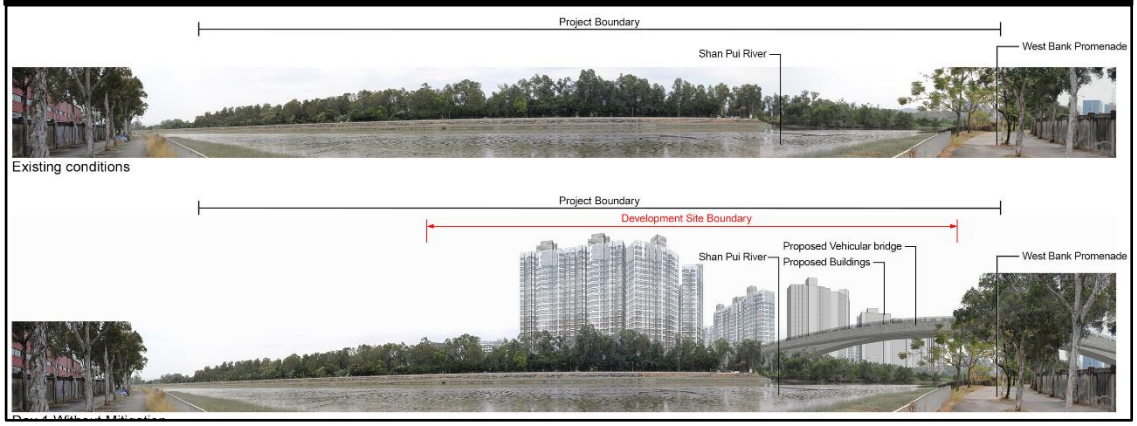


14 Misleading visual impact assessment and substantial adverse visual impacts

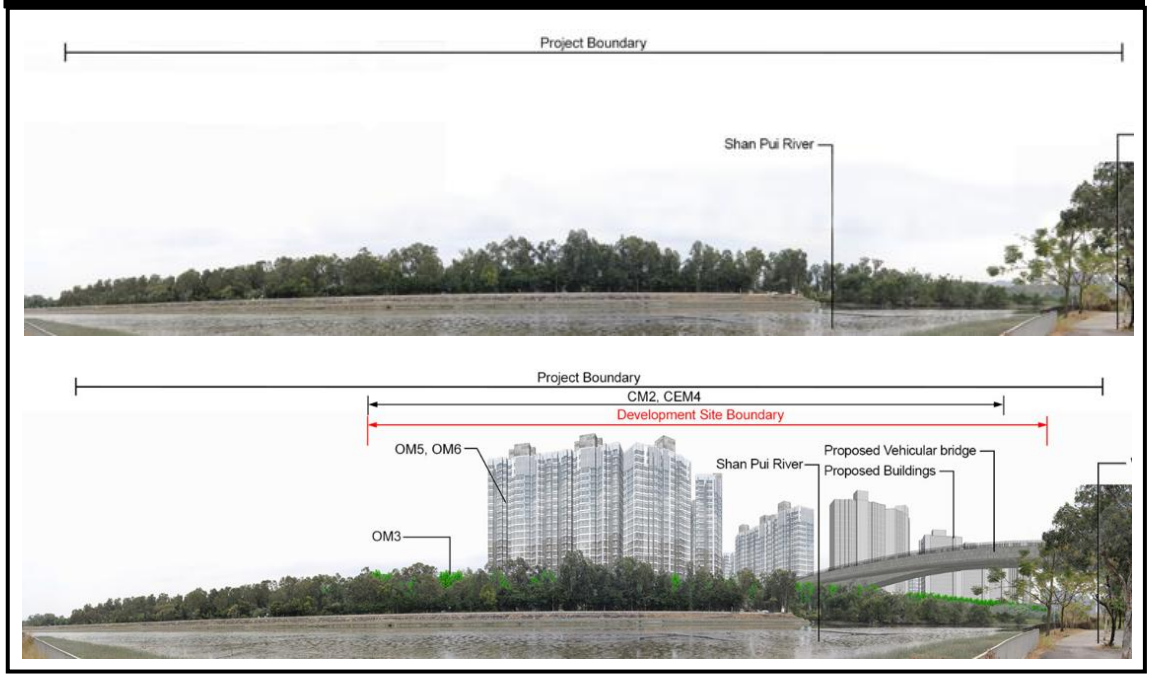
14.1 The proponent selected 14 viewpoints for visual impact assessment, while only two of them are within NSW, leading to underestimation of the actual visual impacts on the sensitive receivers within NSW including the existing visitors, birders, cyclists, fisherman, future users of Nam Sang Wai Wetland Conservation Park, etc. <u>The corresponding photomontages to demonstrate the visual impacts on the future Wetland Conservation Park should be provided for EIA.</u>

14.2 Moreover, most of the photomontages are misleading due to the tricky selection of photo-taking locations where the sight or view were greatly blocked by trees, planters or any structures. Figure 10.06.15 is one of the two photomontages that had not been blocked by obstacles, but the proponent cropped away the sky in the first photo that shows the existing open landscape, which would make it harder to realize the difference before and after the construction of 28 high-rises in NSW. In the revised photomontage, **it is very clear that the proposed development has a significant residual visual impact on the landscape of the Nam Sang Wai area**.

The proponent cropped away the sky in the first photo that shows the existing open landscape, make it harder to spot the difference in openness before and after the construction



Without cropping away the sky in the first photo, the difference in openness before and after the construction is more apparent and close to reality.



15 Final Remarks

Landowners' duty of care

15.1 The proponent repeatedly stated that activities which are harmful to the environment are occurring in LC and much of the human activity in the area is contributed by the fish farmers who operate there.

15.2 We would like to highlight the fact that **landowners, including the applicant, have a duty of care towards their land and are responsible to protect their land from unauthorized activities and eco-vandalisms**. They are obligated to observe the laws, guidelines and international convention related to their land and properties. The applicant (i.e. landowner) should control the activities of the fish farmers (i.e. their tenants) such that these ecologically damaging activities would not happen again. Any damaged sites should also be properly reinstated and restored. On the other hand, the Government should carry out effective enforcement actions according to the current ordinances to halt any dumping of C&D wastes or activities harmful to the environment.

15.3 From our observation, the dumping activities of construction and demolish (C&D) wastes as shown in the CMP were actually materials used by the fish farmers for pond bund maintenance in LC. We consider that such maintenance is necessary in fishpond operation, however, the materials used (i.e. C&D wastes) were inappropriate and ecologically unfriendly. The Government should provide a clear guideline and solid support and assistance to fishpond farmers (particularly those in the Deep Bay area) for carrying out eco-friendly fishpond management, including maintenance, that are harmless to the environment and ecology. It is **not necessary** to depend on the applicant's conservation and management scheme to enhance the current environmental situation.

15.4 Given the ecological sensitivity and the conservation importance of the area, it is clear that landowners have their responsibilities and there are existing mechanisms under the current legislation to carry out enforcement actions to halt unauthorized activities and improve the current undesirable environmental condition in LC. The eco-vandalism cases in LC should **not be an "excuse"** by the applicant to seek for the Town Planning Board's approval

of the proposed development plan.

Consideration of alternative development mode

15.5 There are precedents in Hong Kong for conserving important ecosystems through **non-*in-situ* exchange.** For instance, in July 2022, the government granted a developer a piece of land in Tai Po Shuen Wan that could be used to build a golf course, in exchange for the developer returning the privately owned land in Sha Lo Tung, which has high ecological value, to the government. This demonstrates that there are still other development and conservation solutions that can more effectively achieve the long-term conservation and management goals of wetlands. In the NSW case, it will represent the transfer of development rights of land owners to an area of low ecological value outside the Deep Bay area, while allowing the conservation of wetland and appropriate habitat management to be in place in NSW and LC, without sacrificing habitats of conservation importance for the development nor disrespecting the land owners' development rights. A nature conservation trust can also be established for the long-term management of the habitats in the NSW and LC area.

HKBWS hopes that our comments will be taken into consideration. Thank you for your kind attention.

Yours Sincerely,
The Hong Kong Bird Watching Society