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The Conservancy Association

會址：香港九龍青山道 476 號百佳商業中心 1 樓 102 室

Add.: Unit 102, 1/F, Park Building, 476 Castle Peak Road, Kowloon, Hong Kong

電話 Tel.: (852)2728 6781 傳真 Fax.: (852) 2728 5538

5th April 2012

Ms. Wong Sean Yee, Anissa
Director of Environmental Protection
Environmental Protection Department
Environmental Impact Assessment Ordinance Register Office

By E-mail: reo@epd.gov.hk

Dear Ms. Wong

Re: Comments on Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau Project Profile

The Conservancy Association (CA) is writing to object to the captioned development proposal at Nam Sang Wai of the Deep Bay Buffer Zone. CA noted that the revised version had no differences from the previous one which was issued on 15th August 2011. We wish to point out again that Nam Sang Wai is a significant part of the Deep Bay Wetland System and any development attempt in the area leading to physical loss of wetland should not be considered by the authority. CA would maintain our strong objection to introducing any forms of development at the expense of wetland in Nam Sang Wai and Lut Chau.

1. Potential Impact Brought by Proposed Connecting Road Bridge

CA expresses our grave concern on the proposed connecting road bridge linking Nam Sang Wai to Wan Lok Road in Yuen Long as we currently see no justifications for this bridge crossing. According to our site visit, hundreds of Common Black-headed Gull, together with Great Cormorant and Black-winged Stilt, could be spotted at Shan Pui River near the location of the proposed bridge. It is necessary for the applicant to identify potential ecological impacts on birds arising from associated dredging work and increasing human activities during operational phase. We would definitely not accept any direct loss on habitat and feeding grounds of species mentioned above and other wetland-dependent species.

2. Great Cormorant at Nam Sang Wai

Great Cormorant has long been recorded roosting in large trees within both north and south of Nam Sang Wai. The peak count of Great Cormorants roosting at Nam Sang Wai was of 5,071 individuals during December 2009, representing 54% of the Deep Bay population recorded on that date¹. The previous ecological assessment of the development plan in 2010 has already mentioned that roosting cormorants are

¹ Asia Ecological Consultants Ltd. (2010). Nam Sang Wai Ecological Impact Assessment Section 3.6.26. Application No. DPA YL-NSW/12 Environmental Assessment Study – Volume 2.

sensitive to human disturbance and any development would lead to the loss of the roost sites². As a result, CA would strongly object to any form of development or activities that will affect the roosting cormorants in Nam Sang Wai.

It has been recorded that the number of Great Cormorant tended to decrease in the southern roost, but subsequently increase in the northern roost and Mai Po roost³. The project proponent should thus display the association of both roosts at Nam Sang Wai and the one in Mai Po and indicate the mobility of the wintering Great Cormorant roosting location. This is important to secure Great Cormorant roosting behavior in the entire Deep Bay wetland ecosystem.

3. Tung Shing Lei Egret

Tung Shing Lei Egret is of conservation importance as it was the fourth largest egret in 2010. In the meeting with the representatives of project proponent on 30th May 2011, some significant ecological constraints in and around the Nam Sang Wai site have been identified, including main and secondary area of egret flight-lines which indeed covered the entire area of Nam Sang Wai and Lut Chau. It comes to the fact that any development in south of Nam Sang Wai would inevitably overlap current flight path. While construction activities in Nam Sang Wai would increase energy of ardeids flight and scare birds away, it would finally reduce breeding success of egret, thus posing threat on the ecological link between the egret and Nam Sang Wai, and even Deep Bay area. The precautionary principle and avoidance approach should be adopted in handling this application. The proposed mitigation measures in the project profile would not be able to reduce the impact on the Tung Shing Lei egret.

4. Reedbed

CA strongly objects to the development proposal on the reedbed. The developer has obviously under-estimated the ecological function of reedbed. The reedbed with an area of 39 ha is now the second largest in Hong Kong, with reedbed-associated bird species recorded such as Purple Heron and Yellow Bittern. It should be noted that there were regular breeding records of Yellow Bittern in the reedbed⁴. The environmental study in 2010 revised plan already recognized that reedbed habitat is considered to be of high ecological value. The proposed development would undoubtedly destroy the reedbed system directly and the impact is beyond mitigation.

5. Proposed Nam Sang Wai Wetland Enhancement Area (NSW WEA) and Lut Chau Nature Reserve (LCNR)

According to the project profile, a NSW WEA and LCNR will be created, despite no brief information, including habitat management plan, financial arrangement, trust establishment, contingency plan of conservation area, have been provided in this stage. While these items should be clearly specified, detailed justifications for establishing the two conservation areas are vitally necessary.

For NSW WEA, CA traces back from the revised plan in 2010 and notices that

² Asia Ecological Consultants Ltd. (2010). Nam Sang Wai Ecological Impact Assessment Section 3.8.51. Application No. DPA YL-NSW/12 Environmental Assessment Study – Volume 2.

³ Asia Ecological Consultants Ltd. (2010). Nam Sang Wai Ecological Impact Assessment Section 3.9.15. Application No. DPA YL-NSW/12 Environmental Assessment Study – Volume 2.

⁴ Asia Ecological Consultants Ltd. (2010). Nam Sang Wai Ecological Impact Assessment Section 3.6.14. Application No. DPA YL-NSW/12 Environmental Assessment Study – Volume 2.

reedbed would be replanted in bunds only in the proposed NSW WEA to compensate the loss of reedbed in southern Nam Sang Wai. CA remains doubtful if this would truly compensate ecological function of the existing large reedbed in southern Nam Sang Wai. In fact, the proposed residential development would isolate the wetlands to the South of Nam Sang Wai, including the Yuen Long Flooding Bypass Mitigation Wetland, to the rest of the Deep Bay Wetland System. The small WEA proposed is certainly not sufficient in mitigating the wetland loss and fragmentation caused by the proposed development.

Lut Chau is rather well protected from development threat because of its geographical isolation. The traditional fish farming activities there are not considered causing significant threats to the ecosystem there. The proposed LCNR is wholly unnecessary and its primary function is to justify the proposed development at Nam Sang Wai, which is what we strongly object to.

6. “No Development” Option

Despite various conservation initiatives listed in the project profile, CA notices that the entire plan is to make way for the residential development. With reference to the high ecological importance of the subject site, CA would like to urge for the project proponent to consider a “no development” option when preparing the EIA report. A comparison of environmental benefits and dis-benefits should be made to illustrate the scenario with and without the development project. This is to ensure that the public can identify all direct and indirect loss of ecological elements caused by the massive development. While assessing the feasibility of “no development” option, the project proponent should ensure that it can fulfill “no-net-loss in wetland” principle.

Besides, it might end up in turning existing reedbed into fish pond for fish farming activity which is always a permitted use in the statutory planning mechanism⁵. CA will not accept such so-called “no development” option as it will sacrifice the southern large reedbed which indeed possesses conservation importance as mentioned above. This option should not be included as an option.

7. Including Additional Fishponds for Drainage Improvement

The project profile mentions that additional fishponds currently zoned as “Conservation Area” in Lut Chau will be included in the project site to improve storm water drainage (Paragraph 1.2.2). CA is indeed skeptical of the suggestion. While CA notices that channelization work of Kam Tin Main Drainage Channel and Shan Pui River (widened section) has been completed in 1999, there is no need for further drainage improvement. The project proponent should provide strong justification, in particular by reviewing the adequacy of the existing drainage capacity.

All in all, CA is very worried of the cumulative loss of wetlands in the Deep Bay wetland ecosystem over the last 3 decades. To name just a few, the majority of Tin Shui Wai, Yuen Long Industrial Estate, Fairview Park and Palm Spring as well as Futian District of Shenzhen were all built on wetland. The proposed development will constitute a rather substantial loss of wetland in the already rather fragile Deep Bay ecosystem. Nam Sang Wai is within one of the 12 priority sites for enhanced

⁵ Please refer to Nam Sang Wai Outline Zoning Plan S/YL-NSW/8. According to OU (CDWEA1), Agricultural Use (Fish Pond Culture only) is under Column 1 which uses are always permitted.

conservation in the 2004 New Nature Conservation Policy, the proposed development in this project profile is neither a Management Agreement nor a Public-Private Partnership project. Therefore, it should not be even considered by the government.

Yours sincerely

A handwritten signature in black ink, consisting of a series of connected, fluid strokes that form the name 'Ng Hei Man'.

Ng Hei Man
Senior Campaign Officer