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The Conservancy Association

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25th November 2021

Environmental Impact Assessment Ordinance Register Office
Environmental Protection Department

By E-mail: eiaocomment@epd.gov.hk; eiaopubliccomment2021@epd.gov.hk

Dear Sir/Madam,

Re: Comment on Reclamation for Kau Yi Chau Artificial Islands, Kau Yi Chau Artificial Islands Development, Hong Kong Island - Northeast Lantau Link Project Profile

The Conservancy Association (CA) would like to submit comments on the captioned Project Profiles (PP).

1. Lacking basic information for PP according to Technical Memorandum (TM)

Annex 1 – Project Profile for Designated Projects has the following guidelines:

“If the applicant feels that additional or alternative types of information would also be useful, this information shall also be provided in the profile. The information shall include all existing and planned pollution sources or sensitive receivers or sensitive parts of the natural environment to the best knowledge of the applicant at the time of the submission. The provision of details may vary from case to case.”

“Wherever appropriate, the information shall be accompanied by plans, process flowcharts, diagrams, illustrations and other information which may assist in deciding what matters an EIA study shall address and what requirements an EIA study shall meet, or whether an applicant can proceed directly to apply for an environmental permit.”

We note that at least the following studies or report have once covered the proposed KYC artificial islands and associated infrastructure work:

- Hong Kong 2030+ : Towards a Planning Vision and Strategy Transcending 2030



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- Enhancing Land Supply Strategy – Reclamation outside Victoria Harbour and Rock Cavern Development
- Technical Study on Transport Infrastructure at Kennedy town for Connecting to East Lantau Metropolis
- Sustainable Lantau Blueprint
- Striving for Multi-pronged Land Supply – Report of the Task Force on Land Supply

Information, such as approximate size and location of the artificial islands; environmental issues arise from the project during construction and operation phase; various environmental constraints around the study area; evaluation on alternatives and options, etc., have been stated. Although most of them need further assessment or verification, they should still be considered as relevant information to the best knowledge of the project proponent at this moment. Regrettably, information such as the proposed boundary and location of reclamation areas; possible impact on the environment, numbers of sensitive receivers, etc., are very vague in the PPs. We do not think that this is consistent with what TM requires.

This is also appalling that with the largest reclamation project taken in place in Hong Kong, no further detailed and comprehensive assessment have been proposed. This is unacceptable from environmental protection point of view.

2. No justification on the need of the project

Our natural environment is an important element of the quality of life in Hong Kong. We have reiterated in the past few years that the option of reclamation will bring direct, permanent or even irreversible loss to the environment. Given that there are still other land supply options available, particularly brownfield, reclamation should only be considered as the last resort to ease land supply problem, and currently we see no justifications for the Government to implement Kau Yi Chau (KYC) artificial islands and associated infrastructure.

3. No information on Strategic Environmental Assessment (SEA) for Hong Kong 2030+

The Final Report of Hong Kong 2030+ has already been published, and we understand that the concept of KYC artificial islands is mentioned in this Final Report:



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“The basic concept is to create artificial islands of about 1,000 hectares by reclamation in the Central Waters near KYC for comprehensive planning of liveable and sustainable communities with a range of compatible uses and community facilities, ample open space and greening, state-of-the-art infrastructure, and Hong Kong’s first large-scale carbon neutral community. The future islands will provide an estimated 150,000-260,000 flats for about 400,000- 700,000 people, and include a new Central Business District 3 (CBD3) of about 100 hectares with 4 million m² commercial GFA and 200,000 employment opportunities¹”

According to the website of Planning Department, “SEA for Hong Kong 2030+ - Feasibility Study” has been marked “Studies completed”². But no details have been made available on the website. During the meeting with green groups dated 11th November 2021, we have requested for this SEA for public reference but in vain.

According to Environmental Protection Department, we have to highlight that one of the aims of SEA is “*to inform decision makers and the public about the environmental and sustainability implications of PPPs so as to improve decision making processes*”³. In this way, we see no reasons for not disclosing all relevant information in this stage, such as preliminary environmental baseline, development options, alternatives, and so on, so that public can make proper evaluation on the related works.

We have to urge again that “SEA for Hong Kong 2030+ - Feasibility Study” should be disclosed before submitting any Project Profiles of KYC artificial islands and their associated facilities.

4. No information on strategic planning and assessment of transport infrastructure

From the paper of Advisory Council for Environment (ACE), few possible and priority

¹ Please refer to Hong Kong 2030+ : Towards a Planning Vision and Strategy Transcending 2030 - https://www.pland.gov.hk/pland_en/p_study/comp_s/hk2030plus/TC/document/2030+_booklet.pdf

² Please refer to Planning Department – Studies Completed - https://www.pland.gov.hk/pland_en/p_study/comp_s/index.html

³ Please refer to Strategic Environmental Assessment (SEA) Knowledge Centre - <https://www.epd.gov.hk/epd/SEA/eng/interactive/p10112.html>



road and rail links (Figure 1) have been proposed to link the proposed artificial islands to Hong Kong Island and Lantau⁴. However, we cannot see any strategic planning and assessment of all related traffic infrastructure in this stage, and the statutory EIA process of Hong Kong Island - Northeast Lantau Link has been implemented in such a quick manner.

Besides, even if we merely look into the proposed Hong Kong Island (HKI) - Northeast Lantau (NEL) Link, preliminary technical study was finished only for the section between HKI and KYC artificial islands, but not the remaining section between NEL and KYC artificial islands. We cannot understand why the 2 sections in the same road link would adopt a different planning and assessment approach.

The above piecemeal planning and assessment would restrict us from understanding environmental information in an early stage, seeking alternatives at a higher level, and addressing cumulative environmental impacts which cannot be addressed through project-based EIA.

5. Failure to identify various environmental issues and associated impacts

Due to the huge development footprint of reclamation (1,000 hectares) and associated infrastructure, environmental degradation in various aspects can be tremendous. Based on the Project Profiles, however, we cannot see how all our valuable environmental resources can be properly identified and then protected from any forms of development. Here are some of our major concerns on various environmental aspects.

5.1 Marine ecology

- Section 3.7.3 (Reclamation for KYC Artificial Island PP) has mentioned that one of the construction impacts would be “*Temporary habitat loss, habitat degradation and habitat fragmentation induced during the construction phase*”. As reclamation work would undoubtedly cause reduction in areas of marine water, we do not understand the reasons for not mentioning immediate, direct ecological loss in this part.
- Section 3.7.3 (Reclamation for KYC Artificial Island PP) has mentioned that

⁴ Please refer to Studies related to Artificial Islands in the Central Waters - https://www.epd.gov.hk/epd/sites/default/files/epd/english/boards/advisory_council/files/ACE_Paper_20_2021_Annex_A.pdf



another construction impact would be “*Disturbance to nearby habitats and associated wildlife due to possible air pollution, water pollution, noise and glare, reclamation activities/related vessel traffic, especially the ecological sensitive receivers (e.g. intertidal, subtidal and benthic habitats and Sunshine Island Site of Special Scientific Interest)*”. It seems that the predicted disturbance would only be confined to work-related vessels. As the proposed artificial islands are situated very close to some main fairways and anchorage areas, we worry that any increases in work-related vessels would cause possible change in existing marine traffic, such as volume, re-routing, speed, etc., around the central waters

- Impacts to marine organisms due to underwater noise generated from construction and operational activities have not been clearly specified.
- Section 4.1.1 (Reclamation for KYC Artificial Island PP) has already identified “marine mammals in the central waters” as one of the Ecological Sensitive Receivers. While some past relevant findings⁵ have once recorded Chinese White Dolphin *Sousa chinensis* (also known Indo-Pacific Humpback Dolphin) and Finless Porpoises *Neophocaena asiaorientalis* around East Lantau close to the proposed artificial islands, the PP does not specify them in Ecological Sensitive Receivers.

5.2 Terrestrial ecology

- Section 1.4.2 and 3.7.1 (Reclamation for KYC Artificial Island PP) state that reclamation work would not encroach upon any existing islands including KYC, Siu KYC, Peng Chau and Sunshine Island, so direct impacts on these islands are not anticipated. However, we are still concerned that direct impacts due to temporary works, including but not limited to works areas, site offices, barging points, vehicle parking, equipment and C&D material storage spaces or other related activities, would be proposed on these islands. Initially there are also no specific measures, such as restricted areas, non-building areas, and so on, to ensure no encroachment of these islands.
- Regarding conservation of Bogadek's Burrowing Lizard *Dibamus bogadeki*, it seems that the proposed ecological sensitive receivers only include Sunshine island Site of Special Scientific Interest (SSSI) for further evaluation on this

⁵ Please refer to Figure 3.6a Map of the East Lantau Survey Area, showing location of sightings of Indo-Pacific Humpback Dolphins and Finless Porpoises During OPCF Surveys - https://www.epd.gov.hk/eia/register/report/eiareport/eia_0412000/Doc/FINALV1.PDF



endemic species. Some past information revealed that it probably prefers “*forest or tall shrubland*”, “*lives in soil or under stones or rotting wood lying on the forest floor*”⁶. As similar habitats can also be found on existing outlying island or even Lantau, and currently there is still very limited understanding on this very rare and endemic species, we worry that the project proponent is under-estimating the ecological impact on this important species.

- Romer’s Tree Frog *Liuixalus romer*, another species endemic to Hong Kong, is frequently recorded in Lantau. As the proposed artificial islands are very close to Lantau, it is unclear how direct and indirect impacts would be posed on Romer’s Tree Frog.

5.3 Greenhouse gas (GHG) emission

- The Government announced Hong Kong's Climate Action Plan 2050 and strived to achieve the target of carbon neutrality before 2050. However, no details have been mentioned to elaborate how such huge projects would allow for significant reductions in GHG emissions during both construction and operation phase.
- Section 16(1)(b) and Section 16(3) of Environmental Impact Assessment Ordinance (EIAO) state that “*the technical content of an environmental impact assessment study brief or environmental impact assessment report*” and “*In giving advice pursuant to a technical memorandum, the Secretary shall ensure that the effect of his advice is to protect the environment*” respectively. To be consistent with current policy on carbon neutrality before 2050, there should be sufficient ground for Environmental Protection Department (EPD) to put assessment on GHG emission in TM and Study Brief of this project.

5.4 Noise

- Section 3.3.4 (KYC Artificial Islands Development PP) mentions that “*For aircraft noise, the proposed development on the KYCAI fall outside NEF25 and it has already fulfilled the requirement under the Technical Memorandum of EIAO*”. Although the study area is said to be tentative and indicative only, we still worry that the proposed artificial islands would lie within or very close to NEF25.
- Complaints on aircraft noise in Ma Wan in the past indicated that development lying slightly outside NEF25 would still cause disturbance on residential

⁶ Please refer to Reptile of Hong Kong, School of Biological Science, The University of Hong Kong - https://www.biosch.hku.hk/ecology/hkreptiles/lizard/Dibamus_bogadeki.html



development. By accommodating a population of 400,000 to 700,000, the proposed artificial islands might even put residents more exposed to aircraft noise. The PPs however fail to take aircraft noise into account. Impacts of aircraft noise on the proposed artificial islands, therefore, should be included in the assessment.

5.5 Air

- EPD has once projected 2025 baseline emissions of various pollutants. It was noted that annual averaged NO₂ concentration around the central waters would exceed Air Quality Objectives⁷ (Figure 2). Instead of adding a source of pollution, CEDD should examine and demonstrate how the concentration NO₂ or even other pollutants surrounding the central waters can be alleviated, such as designating of low emission zone, car-free zone; imposing emission standards on outboard engines of local vessels; and some more progressive measures on air pollution. However, nothing has been mentioned in the PPs.

6. Compliance with Protection of the Harbour Ordinance (PHO)

HKI-NEL Link PP has marked a footnote that “*The temporary and/ or permanent reclamation, if required, within Victoria Harbour will be fully justified under the Cap. 531 Protection of the Harbour Ordinance, demonstrating a compelling and overriding public need for reclamation*”. Meanwhile, Technical Study on Transport Infrastructure at Kennedy Town for Connecting to East Lantau Metropolis - Feasibility Study has stated that “*It is concluded that temporary reclamation will be required and permanent reclamation will not be required for the development of the Transport Infrastructure under the scenario without linkage to the potential Route 4 Extension. Under the scenario with potential Route 4 Extension, permanent reclamation will be required when the Extension materialise. Before that, only temporary reclamation will be required*”.

With reference to projects which could fulfill “overriding public need” test after Court’s Judgement, such as Central-Wan Chai Bypass, Shatin-Central Link (cross-harbour section), comprehensive environmental assessment by studying environmental impacts of different options is one of the important tasks. While we in

⁷ Please refer to the Findings of the AQO Review, Air Quality Objectives Review Working Group - https://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/air/air_quality_objectives/files/WG%20Paper%201_2018.pdf



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general agree that guiding principles in PHO should be strongly upheld, it can be achieved through conducting comprehensive EIA, and even SEA which, as said above, can seek alternatives at a higher policy level.

As a concluding remark, we have to reiterate that there should be no conflict between protecting the sea and providing adequate housing. Alternatives, such as fully utilizing all brownfields and vacant lands; fixing loopholes in the current housing, economy and planning system, should be further explored. We hope that the above concerns would be seriously taken into consideration.

We suggest that both the project proponent and EPD should withdraw the current PPs and re-submit revised PPs when all SEA reports related to Lantau Tomorrow Vision have been conducted and opened for public reference.

Yours faithfully,

Ng Hei Man

Campaign Manager

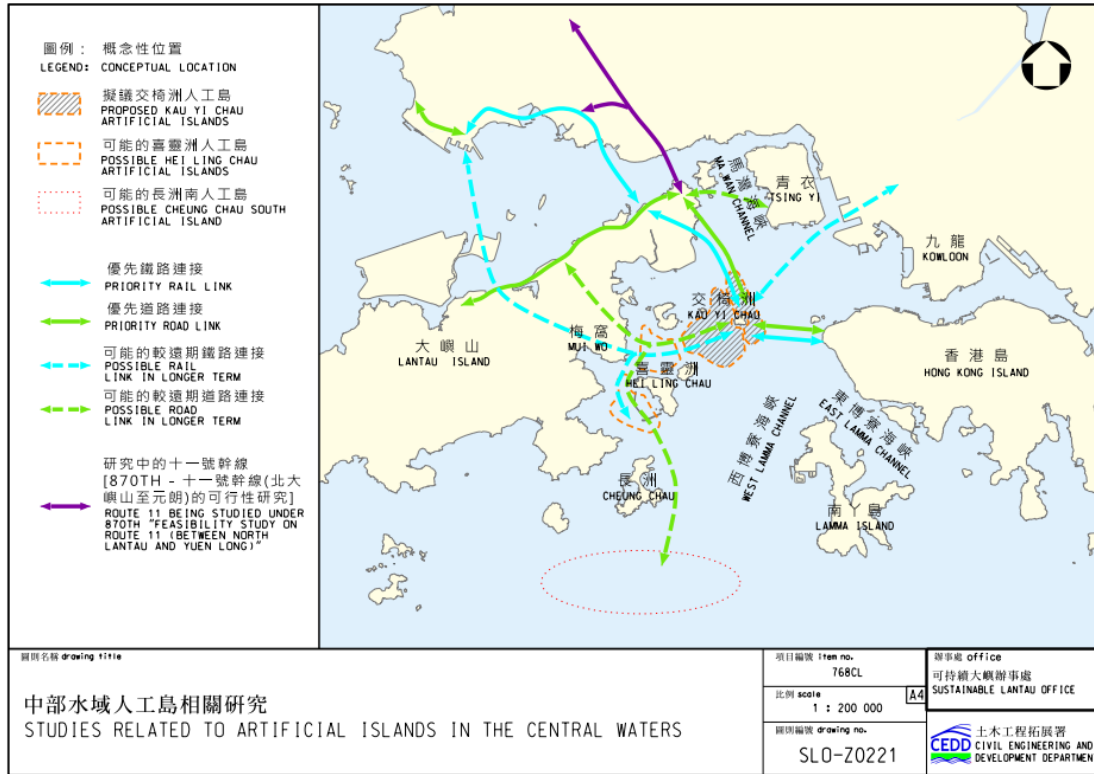
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cc.

Sustainable Lantau Office, Civil Engineering and Development Department

Planning Department

Figure 1 From the paper of Advisory Council for Environment (ACE), few possible and priority road and rail links have been proposed to link the proposed artificial islands to Hong Kong Island and Lantau





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Figure 2 According to the projection of 2025 baseline emissions of NO₂. It was noted that annual averaged NO₂ concentration around the central waters (circled in red) would exceed Air Quality Objectives

