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The Conservancy Association

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12th June 2015

Town Planning Board
15/F North Point Government Offices
333 Java Road
North Point
Hong Kong

By e-mail: tpbpd@pland.gov.hk

Dear Sir/Madam

Comments on the Section 12A Application No. Y/YL- NSW/1

The Conservancy Association (CA) OBJECTS to Section 12A Application No. Y/YL-NSW/1. By comparing R(D)1 with the original R(D), the GFA, plot ratio and building height has been increased from 8,189m² to 12,558m², 0.2 to 0.35, and 2 storeys to 3 storeys respectively. CA is highly suspected that such increase in development scale would further increase human disturbance to ecologically important habitats nearby.

1. Not in line with Town Planning Board (TPB) Guidelines No. 12C

According to Section 6.7.3 of Town Planning Board (TPB) Guidelines No. 12C, residential development in WBA could be approved for the purpose of “*Residential development projects which include replacement of existing storage and port back-up uses and/or proposals of detailed wetland restoration may be given special consideration subject to satisfactory ecological and other impact assessments.*” However, project proponent proposes a vague landscape area plan (0.5ha) to mitigate the loss of pond (0.39ha) and functional loss of pond (0.09ha) only but has no intention in providing a detailed wetland restoration proposal to mitigate ecological loss or even act as an ecological enhancement plan in this residential development in WBA.

2. Lacking scientific support of Landscaped Area Plan

According to Landscaped Area Plan in Annex D9, the project proponent claimed that the

Landscaped Area with Natural Habitat and Water Feature (LANHWF) would “*form an integral part of the buffer proposals between development and the adjacent fishpond in WCA and will serve as mitigation for potential impacts to egret flight lines in that it will place the development away from the main flightlines*” (Section 1.1.1 of Annex D9). However, the application site is so close to the Wetland Conservation Area (WCA). CA doubts whether the LANHWF could be an effective buffer between application site with large-scale residential development and the adjacent habitats, especially WCA.

Project proponent claimed that the design of LANHWF aimed to provide a wetland and visual buffer to separate the development from adjacent fishponds in WCA (Section 2.1.1 of Annex D9). Nevertheless, the project proponent has not provided any scientific evidence and detailed explanation to show the proposed design and operation of the LANHWF could mitigate any adverse impact, and make the public question the sustainability of the LANHWF.

3. Reservation on Ecological Impact Assessment (EcoIA)

Despite the fact that project proponent has revised the ecological value of ponds within the application site from “very low to low” to “low”, we opine that the ranking is still not in line with the findings. 9 out of 14 bird species of conservation interest, such as Red-billed Starling (conservation status: Global Concern), Intermediate Egret (conservation status: Regional Concern), were recorded in ponds within the subject site, in accordance with Annex D3. The flight lines survey attached in the EcoIA showed that lots of these bird species would directly fly over or fly close to the application site.

The applicant claimed that the number of bird species of conservation interest was insignificant in Deep Bay context. However, the applicant tried to compare two number with two different units unfairly. The unit for number of bird species of conservation interest in abandoned pond is the **mean** recorded in a period between September 2013 to December 2013, while the unit for that in Deep Bay area is **peak count** of water bird species in 2013-2014 winter (see Figure 1). Such kind of comparison was irrelevant in justifying the ecological value of the subject site.

Besides, using the survey result of 2011 without mentioning the total number of species and the total number of species of conservation interest found in pond within the Assessment Area would not help the assessment.

4. Impact on the Tung Shing Lei Egret

According to the flight lines survey (see Figure 2), 50% of ardeids flew over the application site from Tung Shing Lei, while over 70% of the flight lines from Tung Shing

Lei were spotted in north-west direction (see Figure D5 of the EcoIA). The argument of the project proponent that the ardeids could fly higher or turn their direction simply lacks justification. CA is still of grave concern that the human disturbance such as noise and light pollution will discourage the ardeids to fly over and then force them to detour around the application site. It will cause ardeids to spend more energy for foraging and reduce their breeding success of ardeids. Worse still, it may lead to abandonment of Tung Shing Lei Egretry.

From Figure 3, the applicant attempts to compare the average number of birds recorded in concerned habitats with the peak count of waterbirds and nests in Tung Shing Lei. Such comparison with different units would not produce any significant and scientific result. To conclude that the subject site as a foraging ground was insignificant, therefore, is still not well-justified.

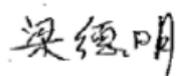
5. Insufficient information of flight lines

The flight lines surveys submitted by applicants have not included spring migratory period (Figure 4). Neglecting flight line survey during spring migratory months will lead to inaccurate result of EcoIA.

6. Potential cumulative impacts

The impacts from the proposed development, with planning application No. A/YL-NSW/233, adjacent to the captioned planning application have not been assessed. Since egrets will fly from Tung Shing Lei to northern fishpond for foraging and some bird species will fly over or near the application site, both planning applications will narrow the flight lines of some bird species and egretry from Tung Shing Lei and eventually affect the egretry or even lead to abandonment of it.

Yours faithfully



Leung Tak Ming
Campaign officer

Figure 1 Table 4.7 of Departmental Comments and Responses to Comments

Departmental Comments		Responses to Comments																													
4.7	<p>RtC Table, Item 7.22</p> <p>The applicant mentioned that "most" of the nine species of conservation interest recorded are common in Deep Bay area. According to the survey results shown in Annex D3, however, there were "Near Threatened" species such as Japanese Quail found within the ponds in the site. Given that a total of 14 bird species (in which nine of them are of conservation interest) were found within the ponds within the site, it should be reviewed and justified if the ecological value of this habitat and the impact related to this direct loss are underestimated.</p>	<p>As shown in the below table, except for Japanese Quail, the counts of all the other eight bird species of conservation interest are very insignificant in the Deep Bay context, suggesting the ponds do not play an important role in providing habitat for species of conservation interest in the Deep Bay area.</p>																													
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Figure 2 Finding of Egretty Flight lines Survey (June 2013)

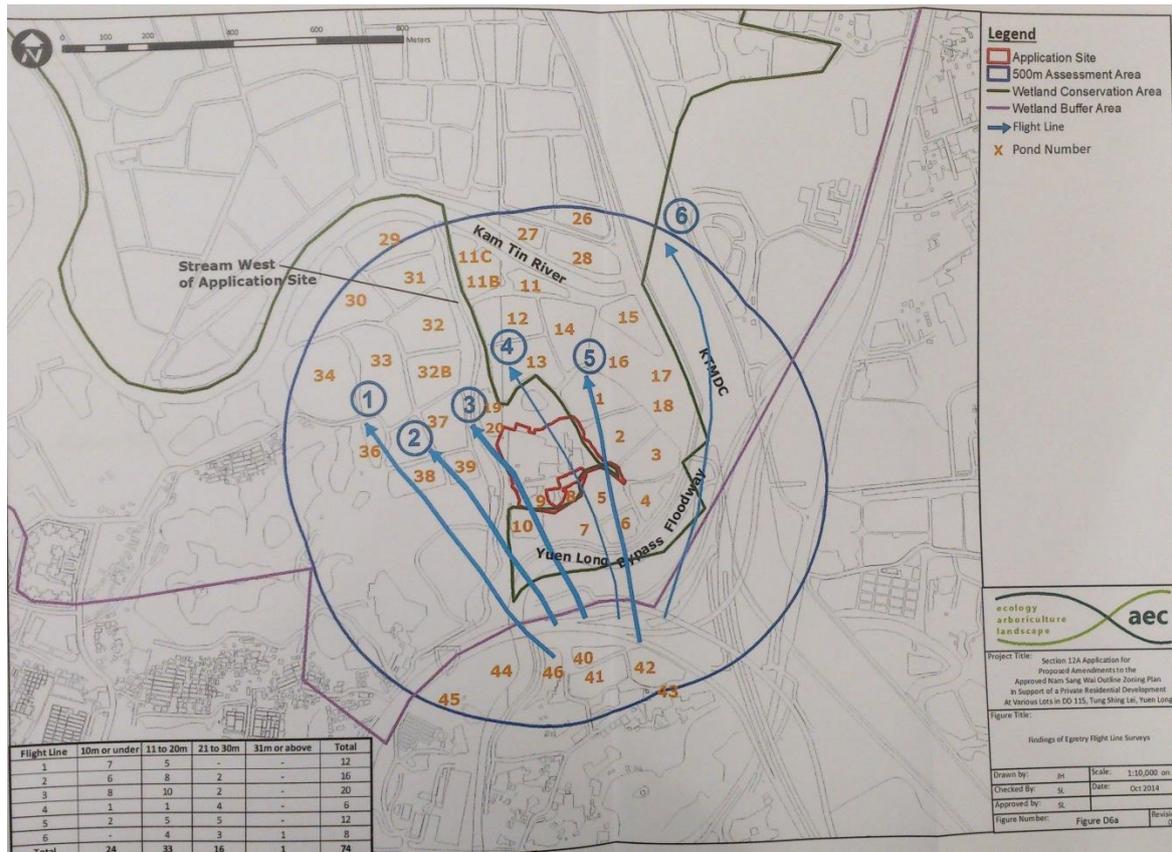


Figure 3 Table 4.4 of Departmental Comments and Responses to Comments

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4.4	<p><u>RIC Table, Item 7.12</u></p> <p>The application site is well within the foraging distance for breeding egrets and herons from Tung Shing Lei (Section 4.3.8 of EcolA refers). Nevertheless, the flight line surveys only recorded the flight direction of breeding ardeids from Tung Shing Lei to the wetlands to the north of the site, but not their landing locations. There is no data provided in the report to confirm the importance of the application site and its adjacent fish ponds as foraging grounds for these breeding birds from Tung Shing Lei. The conclusion that "the application site and adjacent fish ponds appear to be of limited value as a foraging ground for birds breeding at Tung Shing Lei Egretrey" as mentioned in Section 6.3.29 is lack of substantiation. In particular, it is noted that about 12% of the total flight lines observed were below 10m (Section 6.3.29 refers). This finding may imply the descending and landing of these birds on the application site and/or the adjacent ponds/wetlands.</p>	<p>The previous one-year survey revealed that the Assessment Area (AA) as a whole does not support high numbers of Little Egret and Chinese Pond Heron during the egretrey breeding season, despite the proximity of the Tung Shing Lane egretrey. Based on these data between April and June 2011, the monthly average counts for these two species in the abandoned fish pond, active fish pond and mitigation wetland habitats within the AA amounts to 4.3 individual Little Egrets and 2.2 Chinese Pond Herons only (see the table below). Compared to the peak count of nests in Tung Shing Lei Egretrey or those of waterbirds in Deep Bay area in the same period in 2011 as well as the update-to-date information in 2014, the numbers in the AA is not considered significant; the fish ponds adjacent to the Application Site is not of high importance in providing feeding ground to breeding ardeids. Therefore it is considered that indirect human disturbance impacts during both the construction and operational phases on the feeding ground of breeding ardeids adjacent to the assessment area would be negligible (Section 6.3.31 of the EcolA refers).</p>																																		
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Figure 4 Schedule of field survey activities conducted under the current application (2013)

Table D1 Schedule of field survey activities conducted under the current application (2013)

Month	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Habitat mapping							X	
Botanical survey							X	
Birds: transects					X	X	X	X
Birds: flight lines					X	X	X	X
Birds: egretrey flight lines	X	X						
Dragonflies & Butterflies					X	X	X	X
Other terrestrial fauna					X	X	X	X