

Ms. CHENG Mei Sze, Maisie
Director of Environmental Protection
(E-mail: eiaocomment@epd.gov.hk)

By email only

10 June 2021

Dear Ms. Cheng,

Comments on the Project Profile for Remaining Phase Development of the New Territories North (NTN) – NTN New Town and Man Kam To (ESB-341/2021)

As the footprint of the proposed NTN New Town and Man Kam To (MKT) Logistics Corridor (the project area) falls within a diverse habitats of ecological importance, the Hong Kong Bird Watching Society (HKBWS) is highly concerned about the proposed developments would have direct and off-site adverse impacts (e.g. ecological impacts, the trashing of wetlands and farmlands and environmental degradation caused by development hopes of landowners) on the valuable ecological resources in Ta Kwu Ling and Man Kam To area. Our comments are as follows:

1 High diversity of birds in Ta Kwu Ling and Man Kam To area

- 1.1 According to the bird records from HKBWS, a total of 173 species of birds were recorded in Ta Kwu Ling and Man Kam To area.
- 1.2 Among the bird species recorded, there were **35 species of wetland-dependent/associated birds**. The species include Intermediate Egret (*Ardea intermedia*) of Regional Concern, Cinnamon Bittern (*Ixobrychus cinnamomeus*) of Local Concern, the nationally protected White-throated Kingfisher (*Halcyon smyrnensis*), and Greater Painted-snipe (*Rostratula benghalensis*) of Local Concern, which has its breeding population in the inactive fishponds in the Man Kam To area according to the Feasibility Study of the Land Use Planning for Closed Area commissioned by the Planning

Department¹. The presence of waterbirds and wetland dependent birds indicate that there are important foraging and roosting wetland habitats within and near the project area, and should be preserved.

- 1.3 **16 species of raptors** were recorded in Ta Kwu Ling and Man Kam To area. In particular, breeding of the national second-class protected Black Baza (*Aviceda leuphotes*) was recorded in recent years. The other raptor species with Class II national protection include the globally vulnerable and nationally protected Eastern Imperial Eagle (*Aquila heliaca*), Bonelli's Eagle (*Aquila fasciata*), Eurasian Eagle-Owl (*Bubo bubo*), Asian Barred Owlet (*Glaucidium cuculoides*), etc. Raptors are top predators in the food chain, their presence reflects the terrestrial and river ecosystems in the project area are in healthy condition, and should be well-protected from habitat destruction.
- 1.4 A range of **open country and shrubland species** were also recorded in the project area, including the "Critically Endangered" Yellow-breasted Bunting (*Emberiza aureola*), the globally vulnerable Collared Crow (*Corvus torquatus*), the nationally protected Eurasian Skylark (*Alauda arvensis*), Pechora Pipit (*Anthus gustavi*) of Local Concern, Golden-headed Cisticola (*Cisticola exilis*) of local concern, Red-billed Starling (*Spodiopsar sericeus*) of regional concern, and White-cheeked Starling (*Spodiopsar cineraceus*) of potential regional concern. The active farmlands, fallow farmlands, grasslands and fishponds within the project area particularly provides foraging and roosting habitats for the above open country and shrubland species. **The potential impacts on them due to the direct loss in open country habitats such as agricultural land should be avoided.**
- 1.5 In general, the diverse composition of bird species also indicates the diverse natural habitats, particularly the woodland, natural streams and wetland habitats in the project area, are providing roosting and foraging grounds for birds and are worthy of protection.

¹ Feasibility Study of the Land Use Planning for Closed Area commissioned by the Planning Department

2 All ecological sensitive habitats within/adjacent to the proposed New Town and Logistics Corridor should be well-identified

- 2.1 The proponent stated in Section 4.6.1 of the Project Profile (PP) that the *“habitats identified in MKT Logistics Corridor include agricultural land, pond, watercourse, channelized watercourse, semi-natural watercourse, grassland, grassland/shrubland, secondary woodland, plantation, development area and wasteground”*. In Section 4.6.3, habitats identified within the proposed NTN New Town are *“agricultural land, pond, marsh, watercourse, channelized watercourse, semi-natural watercourse, grassland, grassland/shrubland, shrubland, fung shui woodland, secondary woodland, wetland area near Heung Yuen Wai, orchard, plantation, development area and wasteground”*.
- 2.2 However, in Table 4.2 - Water Quality Sensitive Receivers, a number of “natural streams” were identified within the proposed NTN New Town. Moreover, there are. We consider all the natural streams and their connecting watercourse within the proposed NTN New Town should be adequately identified and regarded as one of the ecological sensitive receivers, so as to avoid the direct and indirect impacts on the natural streams and the birds and aquatic creatures they support.
- 2.3 Besides the river habitats, the woodlands, secondary woodlands, shrublands and grassland at the hillside and Green Belt area are ecologically connected with the nearby sites of conservation importance (i.e. Pat Sin Leng Country Park, the proposed new Robin’s Nest Country Park, Tan Shan River Ecologically Important Streams), and should also be preserved to provide buffering function against developments.
- 2.4 We also consider the proponent should identify different type of habitats within agricultural lands, which include wet and dry, active and fallow agricultural lands. They are serving different ecological functions and providing habitats for different types of birds (i.e. wetland-dependent/associated birds, raptors, open country and shrubland species) as highlighted in Point 1.
- 2.5 All these habitats, together with the surrounding country parks, should also be considered as ecological sensitive receivers.

3 Man Kam To area as part of the Deep Bay wetland ecosystem

- 3.1 In Section 4 – Major Element of the Surrounding Environment of the current PP, the proponent only mentioned that the flightlines of breeding ardeids might enter the proposed MKT Logistics Corridor, while the river channels near the MKT Logistics Corridor *“is regularly used by wetland-dependent birds, especially in the intertidal downstream sections”*. We would like to emphasize that **the Man Kam To area is actually connecting with the Deep Bay wetland ecosystem**, and should be valued and conserved.
- 3.2 The Feasibility Study of the Land Use Planning for Closed Area also stated that *“the bird community of this area (wet agriculture and fishpond area south of Sandy Ridge cemetery), which is very similar to that of nearby Long Valley, comprises a number of wetland-dependent, conservation-significant and locally range-restricted species. The inactive fishponds support species such as Little Grebe and ardeids of seven species, including what is probably a breeding population of Greater Painted-snipe. In addition, species that are locally-distributed in Hong Kong and scarce breeding species such as Common Blackbird and Yellow-billed Grosbeak were also recorded in the breeding season, while Red-billed Starling occurs opportunistically in the non-breeding season”*². The globally near threatened Eurasian Otter was also recorded in an inactive fish pond in the area³.
- 3.3 At a local scale, Long Valley, Ho Sheung Heung, the proposed Logistics Corridor and the surroundings have similar habitat characteristics in which all are dominated by agricultural lands/fishponds, and together they **form a network of freshwater wetlands suitable for a diverse population of birds**. **Indeed, these habitats attract a wide range of birds** including waterbirds, wetland dependent birds and open country birds as stated in Point 1.
- 3.4 At a regional scale, the wetlands along the Ng Tung River, including the ponds and wet farmlands within the proposed MKT Logistics Corridor, have **a significant role in acting as an ecological corridor in connecting Long Valley and the Deep Bay wetland ecosystem**. Long Valley and this ecological

² Section (B) in Appendix G of the Feasibility Study of the Land Use Planning for Closed Area commissioned by the Planning Department

³ Section 7.7.4.3 of Chapter 7 of the Feasibility Study of the Land Use Planning for Closed Area

corridor form part of the Inner Deep Bay and Shenzhen River catchment area, which is an Important Bird Area (No. HK001) recognized by BirdLife International (Figure 1)⁴. In the Environmental Impact Assessment (EIA) for the North East New Territories New Development Areas (NENT NDA), it stated that “ardeids, including ardeids breeding at Ho Sheung Heung Egretty, use this corridor in significant numbers”⁵. These ponds are regarded as of “moderate to high” ecological value due to their role in maintaining the ecological linkages⁶. We therefore consider the development **should not cause fragmentation of wetland habitats** and **should not threaten the integrity of wetland ecosystem** in Deep Bay as a whole.

4 Concerns on the Egrettries and ardeids’ night roost

- 4.1 The proposed NTN New Town area covers the Ping Che Egretty, while the MKT Logistics Corridor is close to the Man Kam To Road Egretty and Ho Sheung Heung Egretty. The proponent has also stated that “*Man Kam To Road Egretty and Ho Sheung Heung Egrettries are located in the vicinity of the MKT Logistics Corridor. Some flight lines of Man Kam To Road and Ho Sheung Heung Egrettries may enter the MKT Logistics Corridor and the egrettries would potentially be impacted directly via loss of airspace or indirectly via disturbance.*” Besides, “*Ping Che Egretty is located within the NTN New Town and impact on disturbance of flight path should be assessed.*”
- 4.2 We would like to highlight that there were recorded with a total of 48 nests at the three egrettries in 2019. The three colonies comprise of Little Egret (*Egretta garzetta*) and Chinese Pond Heron (*Ardeola bacchus*), in which their nesting and roosting sites are regarded as of “*Regional Concern*” due to their restrictedness⁷. The potential impacts on these ecologically important egrettries should not be overlooked.
- 4.3 Moreover, the maximum foraging range of ardeids can be up to 2 to 4 km while the project area are all located within these range from the three

⁴ <http://www.birdlife.org/datazone/sitefactsheet.php?id=16078>

⁵ Section 13.6.1.3 of the EIA of NENT NDA

⁶ Table 13.18 of the EIA of NENT NDA

⁷ Fellowes et al.: Fauna of Conservation Concern (2002)

egretries. With this close distance, we are highly concerned the direct and indirect environmental impact during the construction and operation phases would deteriorate, or even destroy the habitat quality of the egrettries, and adversely affect the breeding birds and their breeding success.

- 4.4 Egret flight line surveys should be conducted to properly assess whether the proposed development node would have adverse impacts on the flight paths of the ardeids. Careful phasing of construction program should be considered to avoid disturbance impacts during the breeding season of ardeids, which is between March and August inclusively.
- 4.5 Apart from the concerns on egrettries, according to the Newsletter of Hong Kong Biodiversity Issue No. 26 published by the Agriculture, Fisheries and Conservation Department (AFCD) in 2020⁸, there was an active night roost in Lo Wu, which should be included as one of the ecological sensitive receivers, so that any potential impacts arising from the project can be adequately assessed in the Environmental Impact Assessment report. The project proponent should conduct sufficient surveys to understand the usage of the nearby habitats by these roosting ardeids and their flight paths, so as to properly identify, assess, minimize and mitigate the potential impacts of the proposed MKT Logistics Corridor and NTN New Town development on them.
- 4.6 **We urge the project proponent to avoid any irreversible adverse impacts on the breeding and roosting ardeids, their habitats and flight paths.**

5 Concerns on agricultural lands

- 5.1 Wet agricultural lands, both active and fallow, are important foraging grounds for wetland-dependent/associated birds, raptors, open country and shrubland species. According to HKBWS bird records, approximately 293 species of birds are recorded in the agricultural lands of Hong Kong. This constitutes 55% of the total bird species in Hong Kong⁹ and 20% of the total

⁸ https://www.afcd.gov.hk/english/publications/publications_con/files/Issue.No.26.pdf

⁹ The total number of bird species in Hong Kong is 531.

bird species in China¹⁰. This indicates that the agricultural land in Hong Kong supports a high diversity of birds.

- 5.2 More importantly, the farmlands in Ta Kwu Ling and Man Kam To area are the one of the few large and active agricultural clusters remaining in Hong Kong. There are also significant number of accredited farms in Ta Kwu Ling and Ping Che referring to the Map of Distribution of Accredited Farms published by AFCD¹¹.
- 5.3 According to the Government's Press Release¹² and the "Planning for Agricultural Uses in Hong Kong" published by the Planning Department in 2016¹³, it is confirmed that the government would commissioned a consultancy study "*to examine the feasibility and merits of identifying and designating Agriculture Priority Areas that have higher value for agricultural activities to facilitate their use for long-term agricultural purposes*", with the view to "*preserving them for and incentivising the owners to put their land into long-term agricultural uses*". However, the current proposed developments would irreversibly result in direct loss in good quality active and arable farmlands, which is contradicting with the good intention of the New Agriculture Policy proposed by the government to designate Agriculture Priority Areas (APAs).
- 5.4 The ecological, social and economic value of all types of agricultural lands are well-recognized. We urge the government to prioritize the identification of APAs and adoption of preservation measures (i.e. land use controls and long-term planning), so as to safeguard the existing active and arable farmlands from adverse impacts of the MKT Logistics Corridor and NTN New Town development.

¹⁰ According to the CBR Checklist of Birds of China v3.0 (2013), the total number of bird species in China is 1434.

¹¹https://www.afcd.gov.hk/tc_chi/agriculture/agr_accfarm/agr_accfarm_num/files/20201031_AFS_Distribution_Map.pdf

¹² <https://www.info.gov.hk/gia/general/201601/14/P201601140558.htm>

¹³https://www.hk2030plus.hk/document/Planning%20for%20Agricultural%20Uses%20in%20Hong%20Kong_Eng.pdf

6 Concerns about “Destroy First, Build Later”

- 6.1 The Man Kam To and Ta Kwu Ling area have been observed with habitat changes due to the eco-vandalisms in recent years after the promulgation of NTN Development in the Public Engagement of “Hong Kong 2030+” in 2016.
- 6.2 For instance, the wet fallow agricultural lands in Sha Ling, where is part of the proposed MKT Logistics Corridor, were subject to unauthorized developments of land filling identified by the Planning Department in 2017 (Enforcement Notice no.: E/NE-FTA/161 & E/NE-FTA/163).
- 6.3 Both the active and fallow farmlands in Nga Yiu Ha, where is part of the proposed NTN New Town, were destroyed in 2020 and were regarded as unauthorized developments by the Planning Department in 2021 (Enforcement Notice no.: E/NE-WKS/011 and E/NE-WKS/033).
- 6.4 As they are considered as “destroy first, build later” cases, we are concerned the current development project would legitimize the current misuse of the agricultural lands, leading to the promotion of “destroy first, develop later” attitudes among developers/land owners, and would provide incentives for them to undertake further eco-vandalism in hopes of the development in the future.
- 6.5 We consider that the ecological baseline condition should be taken as early as possible (i.e. referring to the ecological data collected in 2013). The changes in the habitats in/near the Man Kam To and Ta Kwu Ling area during the past few years should be recorded and well-documented. Appropriate mitigation and compensation measures should also be proposed for the loss of habitats and ecological value caused by both the commencement of the public consultation in 2016 and the future MKT Logistics Corridor and NTN New Town development.

7 Cumulative ecological impacts and undesirable precedent set in Deep Bay area

- 7.1 Cumulative ecological impacts to the wetland ecosystem in Deep Bay area need to be carefully assessed, given that a number of other new town development, real estate and commercial developments and infrastructures have already been proposed and even approved under Environmental

Impact Assessment Ordinance and Town Planning Ordinance in the Inner Deep Bay and Shenzhen River catchment area Important Bird Area which includes the current project area. Many of these developments are **close to the ardeids' breeding sites and wetlands of conservation importance.**

Moreover, **a considerable number of agricultural lands were/would be affected** by different kinds/scales of developments.

- 7.2 We are concerned that the cumulative habitat loss, direct and off-site impacts (i.e. increasing eco-vandalism both inside and outside the developments due to improper relocation and controls of brownfield operations) arising from all of these developments would **cumulatively create a significant amount of disturbances resulting in wetland habitat fragmentation, survival of farmland-associated birds and the abandonment of ardeids' breeding site and ardeids' roosting sites.**

8 Contradict with the general planning intention of the approved Outline Zoning Plan (OZP) and the statutory zonings

The current proposed development would affect five approved OZP. According to the approved OZP No. S/NE-TKLN/2, the general planning intention is *"to protect the natural setting and cultural integrity of the Planning Scheme Area and to promote sustainable agricultural activities"*. The general planning intention of S/NE-TKL/14 is to *"promote the conservation of the rural character so as to control urban sprawl, reduce flood risk and preserve agricultural land"*. The general planning intention of the approved OZP No. S/NE-WKS/10 is *"to preserve the natural landscape, to promote conservation and to maintain the rural character of the Area"*. For the general planning intention of the OZP No. S/NE-HLH/11, it is to *"conserve the natural landscape, to maintain the rural character of the Area and to retain both active and fallow agricultural land for agricultural uses"*. We consider that the direct loss in farmlands associated with the proposed development, is not in line with the general planning intentions of the approved OZPs, which are mainly intended to preserve agricultural landscape.

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

Yours sincerely,

A handwritten signature in black ink that reads "Suet Mei". The signature is written in a cursive, slightly slanted style.

Wong Suet Mei
Conservation Officer
The Hong Kong Bird Watching Society

cc.

The Conservancy Association
Designing Hong Kong
Kadoorie Farm and Botanic Garden
WWF – Hong Kong
Green Power
TrailWatch

Figure 1. Boundary of the Inner Deep Bay and Shenzhen River catchment area (HK001) which is recognized by BirdLife International as an Important Bird Area (IBA). The wetlands along the Ng Tung River, including the ponds and wet farmlands within the proposed MKT Logistics Corridor (indicated by the red circle), have a significant role in acting as an ecological corridor in connecting Long Valley and the Deep Bay wetland ecosystem.

