

Director of Environmental Protection

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By email only

25 November 2021

Dear Sir/madam,

Comments on the three Project Profiles for the proposed Kau Yi Chau Artificial Islands development (ESB-349/2021, ESB-350/2021, ESB-351/2021)

The Hong Kong Bird Watching Society (HKBWS) would like to raise our concerns regarding the captioned three Project Profiles (PPs). We consider that the artificial island development is not well justified with key documents and studies (e.g. “Strategic Environmental Assessment for Hong Kong 2030+ - Feasibility Study”) missing, thus it is premature and inappropriate for the development to enter the application for PP procedure under the Environmental Impact Assessment Ordinance. Moreover, it is essential to comprehensively identify all the potential ecological impacts aroused from the proposed “Lantau Tomorrow” development in the PP so as to ensure the proposed development will not cause any adverse ecological impacts on birds and the marine and terrestrial ecosystems. We consider that the three PPs should be rejected due to the following reasons.

1 Absence of Strategic Environmental Assessment and unclear justification of the proposed development

- 1.1 According to the three PPs, the public engagement document “Hong Kong 2030+ Towards a Planning Vision and Strategy Transcending 2030”, which has proposed the development of ELM that covers also the Kau Yi Chau (KYC) area as one of the land supply options, was being mentioned. In the consultancy brief of the “Strategic Environmental Assessment for Hong Kong 2030+ - Feasibility Study”¹, it is expected that “the environmental benefits

¹ Consultancy Brief of the “Strategic Environmental Assessment for Hong Kong 2030+ - Feasibility Study” Available at:

and disbenefits of with or without the preferred option(s) should be considered and compared”, while “upon completion of the Final Report/ Executive Summary, the Consultants shall seek the approval for the relevant findings / recommendations from the Advisory Council on the Environment (ACE) and make amendments to relevant papers and reports”. However, the final report of this public consultation and study was not yet available for the public. It is unclear how and why the reclamation for artificial islands in Central Waters was finally selected as a suitable development option.

- 1.2 In the Conceptual Development and Strategic Transport Plan of the publication of “Lantau Tomorrow”, apart from the current proposed Kau Yi Chau Artificial Islands, there are still other reclamation plans with high connection to the current proposed artificial islands, including the Hei Ling Chau Artificial Islands (approx. 700 ha) and a few of Possible Transport Network connecting the reclaimed lands to the airport and Kowloon. All of them are also in the Central Waters, and are also the breeding and foraging grounds of species of conservation importance, including the globally “Vulnerable” endemic species Bogadek’s burrowing lizard, the globally “Vulnerable” Indo-Pacific finless porpoise and the White-bellied Sea Eagle. Currently, there is no timetable for the aforementioned developments and it is uncertain how they are related to the current proposed project. We are concerned that all these developments would cumulatively create a significant amount of ecological impacts including habitat fragmentation, the abandonment of breeding site, and even an increase in the risk of extinction of those threatened species of global concern, and that they cannot be fully addressed under the current three PPs.
- 1.3 Given the scale and the significant impacts of the proposal, HKBWS would like to emphasize the need of a strategic Environmental Assessment study and the inclusion of all the available marine and terrestrial ecological data in the central waters and islands are essential to avoid the potential irreversible impacts and the cumulative impacts on the Hong Kong’s marine and terrestrial ecology in the early stage of decision-making process, and

that “no-go” options and other alternatives should be adequately explored. Therefore, the three PPs should be rejected.

2 The “piecemeal approach” adopted by the proponent would underestimate the overall impacts in the central waters

- 2.1 The Kau Yi Chau Artificial Islands development would include the reclamation works and construction for the artificial islands and transport infrastructures (i.e. “Hong Kong Island – Northeast Lantau Link”), the urban development and the associated transport infrastructures. We consider all these works and developments associated with the Artificial Islands development are inter-dependent. However, the project proponent submitted three separate PPs for the Kau Yi Chau Artificial Islands development, including reclamation for Kau Yi Chau Artificial Islands, Kau Yi Chau Artificial Islands Development and Hong Kong Island-Northeast Lantau Link (HKI-NEL Link). It is explained that *“in view of the large scale and extent of the aforementioned development and infrastructure under the CW Study, three Environmental Impact Assessment (EIA) studies will be carried out according to their distinctive natures to facilitate more focused discussions individually on the associated environmental impacts, mitigations, etc.”*
- 2.2 As the three separate PPs are actually interlinking parts of the Kau Yi Chau Artificial Islands development, and they would all together cause significant adverse environmental impacts on the sensitive receivers, we are concerned this kind of **piecemeal approach to assess the impacts is inappropriate, and may greatly underestimate the overall impacts of this artificial islands development project on the ecologically sensitive receivers in Central Waters.**
- 2.3 We consider the proponent should conduct a Strategic Environmental Assessment study for the artificial island development, and to further assess the impacts of the development in detail, **then adopt a holistic approach to define the scope of the PP such that all impacts of the Artificial Islands development would be adequately assessed and covered under the same PP.**

3 Lack of details and unknown scale of the Artificial Islands development project

Details of the development, including the expected scale and area of developments, expected duration of construction phase, nature and elements of the urban development are insufficient or even missing in the project profile. They are indeed essential information to determine all possible impacts. Under the current PPs, we are highly concerned the impacts on marine habitats, avifauna and the potential sensitive receivers could not be properly identified, and thus underestimate the adverse impacts of the development in the subsequent Environmental Impact Assessment (EIA). We consider it is necessary for the project proponent to provide and finalize these information before carrying out the EIA study.

4 Concerns on the breeding White-bellied Sea Eagle

The nesting sites **of the nationally Class I protected** White-bellied Sea Eagle at Sunshine Island and Green Island are very close to the proposed artificial islands development and its associated HKI-NEL Link. This species has an estimated population of around 30 individuals in Hong Kong while Hong Kong is regarded as an important breeding ground in Southern China. Given that they are sensitive to human disturbance during the breeding season, they often select uninhabited coastlines or offshore islands which are close to the food sources and free from disturbance for nesting and breeding. We are concerned the **direct loss in foraging grounds** and the **great disturbance** aroused from **both the construction and operation of the artificial islands and road connection would unavoidably threaten the breeding success and the viability of the population of this nationally important White-bellied Sea Eagle in Hong Kong.**

5 Concerns on the egretty and the breeding Pacific Reef Heron

5.1 Little Green Island is a breeding and nesting site for Little Egrets (*Egretta garzetta*), Great Egrets (*Ardea alba*) and Black-crowned Night Heron (*Nycticorax nycticorax*) since 2004. It was the fifth largest egretty in Hong Kong in 2017 with a total of 80 nests². Their nesting and roosting sites are

² Anon, 2017. Summer 2017 Report: Egretty Counts in Hong Kong with particular reference to the Mai Po Inner Deep Bay Ramsar Site. Report by The Hong Kong Bird Watching Society to the Agriculture,

regarded as of either “*Regional Concern*” or “*Local Concern*” due to their restrictedness³. **Nesting site of the nationally Class II protected Pacific Reef Heron (*Egretta sacra*) was also recorded on Kau Yi Chau**⁴. Their nesting and roosting sites are also regarded as of “*Local Concern*”. The biggest threats to this species include habitat loss and human disturbances⁵, which **have not been identified as impacts of the project in the current three PPs**. We consider the current PPs have overlooked the potential impacts on these ecologically important breeding sites of all egrets/herons.

- 5.2 In addition, the maximum foraging range of ardeids can be up to 2 to 4 km while the concerned egretty are likely within 500m from the proposed alignment of HKI-NEL Link. With this close distance, the direct and off-site environmental impacts including habitat loss, water pollution, noise and light during the construction and operation phase of the proposed development would potentially deteriorate the habitat quality of the breeding grounds and adversely affect the breeding birds and their breeding success.
- 5.3 Precautionary approach should be taken during planning (i.e. the suitability of HKI-NEL Link) and design (i.e. the alignment/ underwater or at-grade) of the transport infrastructure of the artificial islands development. Impacts on the nesting colony, the breeding ardeids and their flight paths should be assessed. Careful phasing of construction program should be considered to avoid/minimize disturbance impacts during the breeding season of ardeids, which is between March and August inclusively.

6 Concerns on seabirds

According to our bird record, the Central Waters were found with the roosting and

Fisheries and Conservation Department, Hong Kong Special Administrative Region Government.

³ Fellowes et al.: Fauna of Conservation Concern (2002)

⁴ Civil Engineering and Development Department. (2015). *Technical Study on Transport Infrastructure at Kennedy Town for Connecting to East Lantau Metropolis – Final Report (Agreement No. CE 11/2015 (HY))*. Retrieved from

https://www.cedd.gov.hk/eng/landsupply/doc/Kennedy%20Town_Final%20Report_Eng.pdf

⁵ Carey et al (2001). Avifauna of Hong Kong.

foraging grounds for migratory seabirds. The Central Waters area was also recorded with seabirds of conservation interest, including the globally “Vulnerable” Aleutian Tern (*Onychoprion aleuticus*), the nationally Class II protected Lesser Frigatebird (*Fregata ariel*), the nationally Class II protected Greater Crested Tern (*Thalasseus bergii*) and Black-tailed Gull (*Larus crassirostris*) of Local Concern. The vagrant Brown Noddy (*Anous stolidus*) and the scarce winter visitor Ancient Murrelet (*Synthliboramphus antiquus*) were also recorded foraging around the proposed alignment of the connection link. **However, seabirds were not considered as one of the sensitive receivers in the current three PPs. We are concerned the PPs and the future EIA would greatly under-estimate the species diversity and ecological value of the Central Waters, and more importantly, fail to identify, assess, avoid, minimize and mitigate the potential impacts of the proposed development on seabirds.**

According to Annex 1 of the technical memorandum, it is required the inclusion of “*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*” in PPs. However, the current PP failed to identify all the *sensitive receivers* such as the Pacific Reef Heron and seabirds. Moreover, given the absence of Strategic Environmental Assessment, adoption of the “piecemeal approach”, insufficiency of project details and unclear justification of the proposed artificial islands development, we are concerned the proposed artificial islands would lead to a permanent and irreversible loss and damage in an important part of Hong Kong’s ecology.

HKBWS hopes that our comments would be taken into consideration and we urge the Authority to **reject** the current three PPs for the artificial island development. Thank you for your kind attention.

Yours faithfully,

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

Wong Suet Mei
Conservation Officer
The Hong Kong Bird Watching Society