世界自然基金會
香港分會

WWF Hong Kong

香港中環纜車徑一號
No.1 Tramway Path,
Central, Hong Kong

電話 Tel: +852 2526 1011
傳真 Fax:+852 2845 2764
wwf@wwf.org.hk
wwf.org.hk

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2 December 2010

Chairman and members

Town Planning Board

15/F North Point Government Offices,

333 Java Road, North Point, Hong Kong

(E-mail: tpbpd@pland.gov.hk)

By E-mail ONLY

Dear Sir/Madam,

Re: Nam Sang Wai Development (No. DPA/YL-NSW/12)

WWF is writing to OBJECT the proposed development at Nam Sang Wai.

Protection of Deep Bay wetlands

In view of the local, regional and international importance of the Deep Bay wetlands, WWF considers that all further loss in areas and functions of wetlands in the Deep Bay area should be prevented, and where existing wetlands are actively managed for wildlife conservation with respect to the wise use principle according to the Ramsar Convention.

With regard specifically to the various aspects of the Nam Sai Wai Project

Although the 2010 modified plan for the proposed development in Nam Sang Wai has attempted to mitigate the potential environmental impacts, such as the ecological compensation with the establishment of Nam Sang Wai Wetland Enhancement Area (WEA) and Lut Chau Nature Reserve (LCNR), WWF maintains our objection based on the following reasons:

Unacceptable ecological impacts due to huge loss of wetland

We are of grave concern on the project as the development scale is extremely extensive in which **54 ha of on-site wetland habitats will be lost** for residential and golf course uses. **Such a massive change of land uses will inevitably result in the loss of ecological function of the original**

ponds at Nam Sang Wai, rendering the ecological impacts to the wildlife unacceptable (Please refer to Appendix 1 for details). Given Nam Sang Wai is located within the Wetland Conservation Area (WCA) which is part of the Deep Bay area, we consider that the adverse impacts due to the proposed development are not only confined within Nam Sang Wai, but also extended to the wetland ecosystem of the entire Deep Bay.

Not in line with the "no-net-loss in wetland" principle

According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-NO.12B), the Town Planning Board should follow the "no-net-loss in wetland" principle when considering developments within the "Wetland Conservation Area" ("WCA") and it can refer to both loss in "area" and "function".

With reference to the newly modified plan for Nam Sang Wai development, it has attempted to demonstrate that the loss in wetland habitats will be mitigated by enhancement of the remaining wetland habitats with the intention of ensuring no net loss of wetland function[1]. **Although a similar approach has been adopted and implemented in Lok Ma Chau Spur Line extension** that the loss of 36 ha of fish ponds at Lok Ma Chau was mitigated by enhancement of the ecological value of same area of formerly commercial fish ponds[2], **we consider that the nature of development is different since the Spur Line is an infrastructure project of public interest.** In addition, being a massive development that apparently will pose substantial impacts to the natural environment at NSW, we foresee major difficulty for the proponent to ensure that the development can fully conform to the proposed "no net loss in wetland function"[3] .

Incompatible with current conservation standard

The development was approved by the Town Planning Appeal Board in 1994 prior to when conservation was not recognized as an important issue and the value of fish ponds to wildlife had not been fully studied, which was clearly stated in our letter to Town Planning Board in March 1994 that "*The value of fish ponds to wildlife generally has been under estimated in the past, it is only very recently that academic study of fish ponds and their wildlife has started*". Nevertheless, at present, **the public is more concerned about the development on land with high landscape and conservation value, and the international importance of the fish pond system in Deep Bay**

[1] Reference is made to Section 3.9.45 of the Ecological Impact Assessment
[2] Reference is made to Section 3.9.46 of the Ecological Impact Assessment
[3] Reference is made to page 5 of the Executive Summary of the Environmental Assessment Study

Area has been confirmed in a fish pond study completed in 1997[4]. Therefore, we opine that the proposed project with 42% of the site area for development is apparently incompatible with the current conservation standard and expectation.

Incompatible with the planning intention under the current Outline Zoning Plan

The proposed development is obviously not in line with the planning intention of the area according to the approved Nam Sang Wai Outline Zoning Plan No.S/YL-NSW/8, that "*… to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area*".

Instead of making amendments based on the approved plan, we consider that the developer should formulate a new plan for the Nam Sang Wai Development under the current planning standards, guidelines and ordinance, including the criteria set under Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-NO.12B) and also the Environmental Impact Assessment (EIA) Ordinance. Where appropriate, land exchange and ex-situ transfer of development rights from the conservation areas to sites of low ecological value as compensation should also be considered.

Thank you for your attention.

Yours faithfully,

Alan Leung

Conservation Manager, Terrestrial

c.c. Agriculture, Fisheries and Conservation Department (Attn: Mr. Wong Chi Kong, Alan, JP, Director of Agri., Fish. & Con. ; email: dafcoffice@afcd.gov.hk)

Environmental Protection Department (Attn: Ms. Wong Sean Yee, Anissa, JP, Director of Environmental Protection; email: dep@epd.gov.hk)

Lands Department (Attn: Miss Tam Kam Lan, Annie, JP, Director of Lands; email: DLoffice@landsd.gov.hk)

Planning Department (Attn: Mr. Leung Cheuk Fai, Jimmy, JP, Director of Planning; email: jcfleung@pland.gov.hk)

[4] Reference is made to paragraph 3 of the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-NO.12B)

Appendix 1: Ecological effects of Nam Sang Wai (NSW) Residential Development

A) Great Cormorant roost at NSW

Conservation importance of the Great Cormorant roost

- The peak count of Great Cormorants roosting at NSW was 5071 individuals during Dec 2009. It represents **over half (54%) of the Deep Bay population** recorded on that date and approximately **5% of the regional population** for the species in East Asia[5].

Potential ecological impacts to the Great Cormorant roost

- The proposed development will lead to the **loss of roost site for wintering Great Cormorant,** which will be the most significant impacts to the species[6]. The loss of roost site can be resulted directly from the loss of roost trees while the roost site can also be lost indirectly due to any development surrounding the roost trees[7].
- Roosting cormorants are sensitive to human disturbance, including human activity around the roost, noise disturbance, and illumination from nearby areas[8]

Adverse impacts on the southern Great Cormorant roost

- It is mentioned in Section 3.6.28 that the roost trees at the south contained up to 1220 individuals during the 2009/10 winter.

- While it has been identified in section 3.9.17 that the **southern roost site is likely to be abandoned by the construction of the proposed development**, **no measures have been provided to protect the roost site from being adversely affected by the project.** We consider it unacceptable that the proponent fails to address the potential ecological impacts on the southern Great Cormorant roost. In addition, we opine that the proponent should explain explicitly on how the potential loss of the southern cormorant site can be mitigated by the NSW Wetland Enhancement Area (WEA)[9], given the area of plantation which is of importance to the Great Cormorant roost in the proposed WEA will be reduced compared to current condition (Table 5.1).

[5] Reference is made to section 3.6.26 of the ecological impact assessment
[6] Reference is made to section 3.8.50 of the ecological impact assessment
[7] Reference is made to section 3.8.51 of the ecological impact assessment
[8] Reference is made to section 3.8.51 of the ecological impact assessment
[9] Reference is made to section 3.9.17 of the ecological impact assessment

- In addition, the proponent should clarify how the subsequent decline in the southern roost is associated with the increase in the northern roost and the Mai Po roost as the number of cormorant roosting in each sub-roost in Nam Sang Wai and Mai Po shown in Table 4 of Appendix 3 does not indicate a clear association while the roost at Mai Po was not counted in October and November. We consider that **information provided is inadequate to justify that there is a degree the mobility of roosting locations over the course of winter[10].**

B) XXXXXXXXXXX[11] Egretry

Conservation Importance

- The number of nests at XXXXXXXXXXX[11] Egretry has increased such that in 2009 this was **the third largest egretry in Hong Kong**.

Ecological effects due to the loss of wetland habitat

- The XXXXXXXXXXX[11] Egretry is approximately XX km to the XXXXXXXXXXX[11] of the Nam Sang Wai (NSW) component of proposed development project[12]. Since feeding habitats including fish ponds within 2 km range of the colony are important for the nesting ardeids[13] and the population size and the breeding success of ardeids are closely related to the area of wetland habitats[14], we opine that **the ardeids will be adversely affected due to the loss of huge area of wetland habitat**. As such, we consider that a loss of 54 ha wetland habitat is unacceptable while the wetland areas at the NSW area should be well preserved to protect the ardeids from adversely impacted by the development.

Potential effects on Egretry flight-lines

- It is mentioned that "*Construction of buildings along this important flightline would results in birds being required to fly over or around the buildings, increasing the energy requirements for each foraging flight, and thus potentially decreasing the breeding success of the egretry…*

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[10] Reference is made to Section 3.9.15 of the ecological impact assessment
[11] In order to minimise potential human disturbance to the egretry, we have taken away the location in this version for distribution.
[12] Reference is made to section 3.4.5 of the ecological impact assessment
[13] Wong, L.C., V.W. Y. Lam, and G.W. J. Ades. Eds. 2009 Ecology of the Birds of Hong Kong. Kadoorie Farm and Botanic Garden, Hong Kong Special Administrative Region.
[14] Wong, L.C., Corlett, R.T., Young, L. and Lee, J.S.Y. 1999. Foraging flights of nestling egrets and herons at a Hong Kong Egretry, South China. *Waterbirds* 22: 424-434

buildings of height of eight storeys may be expected to impact birds flying through the area"[15]. In addition, the recent survey conducted by the proponent indicates that east of the site is regularly overflown by birds from XXXXXXXXXXX [16] egretry heading towards foraging grounds in Deep Bay, Mai Po or nearby locations. Nevertheless, **some 7- and 8-storey blocks are proposed to be built at the south-eastern part of the site** (Figure 3.6) **where the major flight-line of ardeids has been recorded** (Figure 3.4). Therefore, **we consider the blockage of flight-lines and disturbance to wetlands will cause major impacts to the egret and the ecological functions of the fishponds.**

Cumulative Impact to the Egretry

- Currently, there have been some applications for residential developments and filling of ponds at area near Nam Sang Wai and XXXXXXXXXXX[16]. Those proposed applications together with the current proposed development, if approved, will result in a massive loss of wetland habitats and therefore it will lead to a cumulative impact on the waterbirds, especially the those ardeids nesting at XXXXXXXXXXX[16]. Therefore, we are of grave concern about the cumulative ecological impacts caused by these potential developments in the area. However, **no information is provided for the cumulative impact on the ardeids inhabiting in XXXXXXXXXXX[16] Egretry.**

C) Eurasian Otter

- We consider that the erection of a 2 m high chain link fence will adversely affect the Eurasian Otter (*Lutra lutra*) as the fence may reduce its usage of the wetland habitats insides the WEA for foraging and roosting. Eurasian Otter is a protected species in Hong Kong under the Wild Animals Protection Ordinance. It is a "Near Threatened" species according to the IUCN Red List and a "Vulnerable" species according to the China Red Data Book, and it is restricted to the Deep Bay area, especially around less disturbed fish pond. While it is mentioned Section 5.14.13 that underpasses will be provided for Eurasian Otters along the eastern and northern boundary of the WEA, **the proponent fails to provide details of the proposed underpasses to address the potential ecological impacts on the Eurasian Otter**.

- It is mentioned that in Section 5.4.6 "*The ponds contained within the NSW WEA site include some of those which are currently of higher value for wildlife including ponds used by roosting*

[15] Reference is made to section 3.8.66 of the ecological impact assessment

duck (Pond 3) and by Eurasian Otter (Pond 27)". However, according to the Master Layout Plan (MLP) in Figure 3.6, **a large portion of pond 27 where Eurasian Otter was found during May 2010 will be lost to residential development** while the remaining part of the pond will be converted into a Lily/Lotus Pond. Given some existing habitats with high ecological value will be lost to the proposed development and the limited knowledge and studies on Eurasian Otter in Hong Kong, we consider that the project proponent should clarify how those wetland habitats which are currently important for wildlife can be preserved and how the plan objective of which key ecological attributes already present on-site will be retained within the WEA can be achieved[17]. In view of that, **we foresee difficulty for the proponent to ensure that the development conforms to the "No Net Loss of Wetland Function" principle.**

D) Reedbed habitats

- The area of current **reedbed habitat in NSW is 39.27 ha, which is one of the largest contiguous reedbed present in Hong Kong** (Table 3.52). Although the reedbed habitat inside the proposed area at NSW WEA will be increased from 9.57 ha to 15.53 ha, we consider the net loss of reedbed area in NSW is significant (over 20 ha) (Table 3.52 & 3.53) while the compensation for reedbed will also result in a replacement of pond, which is also playing important wetland function in the area.

- It is stated in Section 3.9.50 that "*Many of the ponds to be lost in the south of Nam Sang Wai are of relatively lower ecological value*". Nevertheless, as shown in Figure 3.2, there is a massive area of reedbed habitat in the southern portion of the proposed development site, which is known to be important for particular bird in Hong Kong. For instance, Yellow Bittern *Ixobrychus sinensis* was regularly recorded during summer 2009, and it was considered likely that the species bred in on-site reedbeds[18]. According to our observation, the Yellow Bittern is consistently recorded in 2008, 2009 and 2010 and the ponds are serving as a foraging habitat. As such, we opine that **the ecological value of the wetland habitats at the south has been overlooked** and we remain doubtful that whether the loss of wetland habitat at the south can be mitigated by relying on the protection and enhancement the ponds contained within the WEA and LCNR.

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[16] In order to minimise potential human disturbance to the egretry, we have taken away the location in this version for distribution.
[17] Reference is made to Section 5.3.2 of the ecological assessment
[18] Reference is made to Section 3.6.14 of the ecological impact assessment

E) The Open Space Buffer (OSB) along Kam Tin MDC

- It is mentioned in Section 3.9.42 that "*… OSB will provide a wetland link between the NSW WEA and wetland habitats to the east of the site, at Tin Fook Wai. This will permit movement between the sites of wetland species of lower mobility and of disturbance-sensitive species such as Eurasian Otter*". However, **we remain highly dubious on the effectiveness of the open space buffer in terms of serving as a corridor to minimise the fragmentation of the wetland** as the large area of wetlands immediately adjacent to the OSB will be lost for residential development. In addition, we consider that disturbance impacts during construction and operation due to the proposed development will largely undermine the function of OSB as a corridor.

F) Human disturbance Impact during construction and operation

- We are worried that night time lighting and visual disturbance in both construction and operation phase will incur adverse ecological impacts to the wildlife, including the roosting Cormorant and nocturnal species (e.g. Eurasian Otter). It is mentioned in Section 3.9.96 that solid walls and suitable perimeter planting will be adopted at the perimeter of the residential portion of the development to minimize light and visual disturbance to the surrounding environment. Nevertheless, given there will be a total of 2550 residential units resulted; we are highly dubious that whether the level of light and visual disturbance generated by such an intensive development can be effectively mitigated.

G) Enhancement ratio for wetland mitigation

- It is mentioned that the successful achievement in enhancement ratio at Lok Ma Chau demonstrates that the level of enhancement of the proposed project (i.e. 0.71) is highly achievable in Deep Bay[19]. Nevertheless, given the Lok Ma Chau Spur Line extension and the proposed development are different in nature and location, we consider it inappropriate to compare two projects regarding the mitigation for the loss of wetland areas.
- We consider that the proponent should provide detailed information and justification for the assumption mentioned in Section 3.9.49 that the reedbed is of twice the ecological value of wet grassland.

[19] Reference is made to Section 3.9.47 of the ecological assessment

H) Impacts due to the construction of the connecting road

- It is mentioned in Section 3.8.14 that there will be a road crossing the Kam Tin MDC and connecting to Castle Peak Road. We consider that the proposed connecting road will incur adverse ecological impact due to habitat loss and disturbance to wetland birds; especially those make use of the Kam Tin Main Drainage Channel (MDC). For instance, disturbance impacts will be unavoidable as the construction of the bridge will be conducted in the dry season which is the peak period of occurrence of birds in Kam Tin MDC[20].
- It is mentioned in Section 3.9.58 that there will be provision of foraging habitats for ardeids to mitigate the disturbance impacts to waterbirds. Nevertheless, given the scale of the project is huge and the net loss in wetland area, we consider that the project proponent should provide a detail assessment on alternative road alignments with a clear objective to avoid potential impacts to wetland.

I) Formation of new bunds and ponds

- It is stated in Section 4.14.7 and Section 5.13 that excavation work will be conducted in the wet season to minimize the direct or indirect impacts to the wintering birds. Although the proposed measure may reduce the impacts to the wintering birds, we consider that the construction work will increase the surface runoff to the *in-situ* and adjacent water bodies and river courses, especially in the event of heavy rainfall and hence it may incur adverse ecological impacts due to deterioration of water quality. For instance, the silt runoff could increase the suspended solids in the water column or fishponds and/or river channels, potentially affect the water quality in the Deep Bay Water Control Zone.

[20] Reference is made to Section 3.8.22 of the ecological assessment