Mr. TONG Chi Keung, Donald, JP
Director of Environmental Protection
16/F, East Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong
(E-mail: eiaocomment@epd.gov.hk)

Dear Mr. Tong,

Comments on the Project Profile for Provision of Crematorium, Funeral Parlour and Visitor Centre at Sandy Ridge Cemetery (ESB-314/2019)

According to the previously approved Environmental Impact Assessment (EIA) Report for the Site Formation and Associated Infrastructural Works for Development of Columbarium, Crematorium and Related Facilities at Sandy Ridge Cemetery (AEIAR-198/2016), <u>Golden-headed Cisticola of Local Concern¹</u> was recorded in upland grassland on Sandy Ridge including a proved breeding record, and the project site is considered to be <u>important</u> for the breeding of this species of conservation concern in a Hong Kong context². The Hong Kong Bird Watching Society (HKBWS) considers that it is important that <u>all potential</u> <u>ecological impacts of the proposed development and all concurrent projects are properly</u> <u>identified and comprehensively assessed</u> in order to ensure it will not have adverse ecological impacts on birds and other wildlife.

1. Underestimate the adverse impacts on Golden-headed Cisticola and its nesting site

The current Project Profile (PP) stated "According to the survey conducted between August 2013 and May 2014 under the above approved EIA report (AEIAR-198/2016), there were <u>no identified species of conservation importance within the Project Site</u>." We consider that <u>this statement is inaccurate and is misleading</u>. At least 14 bird species of conservation concern were recorded between August 2013 and December 2014^{3,4}, but the consultant <u>refused to map</u> the locations of individuals of these birds species⁵ and thus the potential impacts on them may <u>easily be overlooked</u>.





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By email only

25 March 2019

 ¹ Fellowes, J.R., Lau, M.W.N., Dudgeon, D., Reels, G.T., Ades, G.W.J., Carey, G.J., Chan, B.P.L., Kendrick, R.C., Lee, K.S., Leven, M.R., Wilson, K.D.P. and Yu, Y.T. (2002). Wild animals to watch: Terrestrial and freshwater fauna of conservation concern in Hong Kong. *Memoirs of the Hong Kong Natural History Society* No. 25, 123-160.
 ² Section 9.4.3.35 of the EIA Report (EIA-236/2016)

³ Table 9.3 of the EIA Report (EIA-236/2016)

⁴ Deficiencies of the EIA Report (AEIAR-198/2016, i.e. EIA-236/2016) include the neglect of some bird species

of conservation concern. Please refer to Attachment 1.

⁵ Section 9.4.3.3 of the EIA Report (AEIAR-198/2016)

In addition, the previous EIA already stated the importance of the project site to the Golden-headed Cisticola, particularly its breeding in Hong Kong:

"<u>Recorded on most surveys in particular from the upland grasslands within the</u> <u>Project boundary, with a maximum of 16 in November 2013</u>. There was <u>proof of</u> <u>breeding with fledged young</u> recorded in September 2013...It is a scarce and localised breeding species and <u>the Project boundary is considered to be important</u> <u>in a Hong Kong context</u>. Though it is known from <u>fewer than 10 breeding sites</u> and the area of suitable habitat is declining due to vegetation succession (P.J. Leader in litt)."

Besides, the approval condition of the previously approved EIA (AEIAR-198/2016) requested the project proponent to "submit a Monitoring and Survey Plan for Golden-headed Cisticola as part of the Environmental Monitoring and Audit (EM&A) Programme to the Director for approval. The Monitoring and Survey Plan shall include an Action Plan in response to any irregularities identified."⁶ It is clear that the Golden-headed Cisticola is of conservation concern and the adverse impacts of the proposed development on this bird species <u>should not be underestimated</u>.

2. Bird collision

The risks of bird collision at the built-up areas of the proposed development (e.g. Crematorium, Funeral Parlour and Visitor Centre) and at noise barriers were not included in the EIA assessment. Given that the project site is within an Important Bird Area recognized by BirdLife International⁷ (Figure 1) and the bird community present in the Sandy Ridge area, we consider that <u>all built-up areas and the noise barriers should also be designed in a bird friendly way to avoid bird collision</u>. Such impacts and corresponding mitigation measures should also be included in the upcoming EIA.

3. Concerns on seasonal streams and the endemic crab *Somanniathelphusa zanklon*

The approval condition of the previously approved EIA (AEIAR-198/2016) also requested the project proponent to "adopt alternative methods of design and construction of the viaduct to span across the river course such that <u>no structures</u>, both temporary and <u>permanent</u>, would affect or impact on the water course in the works area."⁶

⁶ Approval condition of the EIA report (AEIAR-198/2016). Retrieved from https://www.epd.gov.hk/eia/register/report/conditions/aeiar2362016.pdf

⁷

http://datazone.birdlife.org/site/factsheet/inner-deep-bay-and-shenzhen-river-catchment-area-iba-hong-kon g-(china)

However, comparing with the original layout of the development illustrated in the previously approved EIA (AEIAR-198/2016) and the layout in the current PP (ESB-314/2019), it seems that more areas of seasonal watercourses will be affected by the current proposed development (Figure 2).

The clearance of vegetation around these seasonal watercourse, and the change from vegetation shading to building/viaduct shading, may alter the micro-habitat of the seasonal watercourses (i.e. trees/vegetation can provide litter such as dead leaves and twigs to the streams but built-up areas cannot). We are concerned this would in turn have adverse impacts on wildlife utilizing the seasonal watercourse, including the endemic crab *Somanniathelphusa zanklon*.

4. Inadequacies of the previously approved EIA Report

As raised in our previous submission for the EIA report (AEIAR-198/2016, i.e. EIA-236/2016), we consider there are several inadequacies in the report (please refer to Attachment 1). As this previous EIA report will be made reference to during the EIA study for the current proposed development, we recommend the project proponent to <u>use this EIA report (AEIAR-198/2016) with great care</u> and <u>not to underestimate the adverse impacts of the proposed development on the ecological environment and on various species of conservation concern</u>.

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

Yours sincerely,

Woo Ming Chuan Senior Conservation Officer The Hong Kong Bird Watching Society

Figure 1. The project site (location approximately indicated by the red circle) is within an Important Bird Area recognized by BirdLife International (shaded in orange).



Figure 2. Comparison between the original layout of the development illustrated in the previously approved EIA (AEIAR-198/2016) and the layout in the current PP (ESB-314/2019). It seems that more areas of seasonal watercourses will be affected by the current proposed development.



Ms. WONG Sean Yee, Anissa, JP Director of Environmental Protection 16/F, East Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong (E-mail: eiaocomment@epd.gov.hk)

Dear Ms. Wong,

<u>Comments on the Environmental Impact Assessment Report for the Site Formation and</u> <u>Associated Infrastructural Works for Development of Columbarium, Crematorium and</u> <u>Related Facilities at Sandy Ridge Cemetery (EIA-236/2016)</u>

The Hong Kong Bird Watching Society (HKBWS) would like to raise our objection to the approval of the Environmental Impact Assessment (EIA) for the proposed project at Sandy Ridge Cemetery. The project site is within the Inner Deep Bay and Shenzhen River catchment area, which is an Important Bird and Biodiversity Area (IBA) recognized by BirdLife International¹. However, we consider that the EIA report <u>failed</u> to identify and assess all negative impacts caused by the proposed project, and to provide corresponding effective measures to avoid or mitigate these impacts, as required in the Study Brief of the proposed project², the Technical Memorandum on Environmental Impact Assessment Process (TM) and the EIA Ordinance (EIAO). Therefore, the EIA report should be <u>rejected</u>. Our views are stated below.

1. Bird species of conservation importance were neglected

In appendix 9.5, only bird species with conservation status by Fellowes *et al.*³, IUCN⁴ and China Red Data Book⁵ were considered. According to Annex 16 of the TM⁶, species of conservation importance also include wild flora and fauna species that are listed in international conventions for conservation of wildlife and are protected by

² Environmental Impact Assessment Study Brief No. ESB-271/2014



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¹ BirdLife International (2016) Important Bird and Biodiversity Area factsheet: Inner Deep Bay and Shenzhen River catchment area. http://www.birdlife.org/datazone/sitefactsheet.php?id=16078

³ Fellowes, J.R., Lau, M.W.N., Dudgeon, D., Reels, G.T., Ades, G.W.J., Carey, G.J., Chan, B.P.L., Kendrick, R.C., Lee, K.S., Leven, M.R., Wilson, K.D.P. and Yu, Y.T. (2002). Wild animals to watch: Terrestrial and freshwater fauna of conservation concern in Hong Kong. *Memoirs of the Hong Kong Natural History Society* No. 25, 123-160.

⁴ IUCN 2014. IUCN Red List of Threatened Species. Version 2014.2. <www.iucnredlist.org>.

⁵ Zheng, G. M. and Wang, Q. S. (1998). *China Red Data Book of Endangered Animals*: Aves. Beijing. Hong Kong. New York: Science Press. [In Chinese]

⁶ Note 3 of Appendix A in Annex 16 of the TM

legislation in China. We consider that species listed in Appendix I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITIES)⁷ and those in the List of endangered and protected species of China⁸ should be included in the assessment. The bird species of conservation importance not presented and assessed in the current EIA report is listed in the table below.

Species (Scientific Name)	China Protection Status ⁸	CITIES Appendix ⁷
		, appendix
Eastern Buzzard (Buteo Japonicas)	Class II	11
Common Kestrel (Falco tinnunculus)	Class II	II
Amur Falcon (Falco amurensis)	Class II	II
Asian Barred Owlet (Glaucidium cuculoides)*	Class II	II
Silver-backed Needletail (Hirundapus cochinchinensis)	Class II	-
Chinese Hwamei (Garrulax canorus)	-	II

Table 1. Bird species of conservation importance not assessed in the EIA report

*Asian Barred Owlet was not recorded within the Project Site

Including the species mentioned in Table 1, there should be 47 species of conservation concern recorded within the assessment area (accounting for over one-third of the total bird species recorded in the assessment area) and 19 species of conservation concern within the project site (accounting for over one-fifth of the total bird species recorded in the project site). It is <u>unacceptable</u> to leave out species of conservation importance in the EIA and thus the report should be <u>rejected</u>.

2. Adverse impacts on raptors were underestimated

Of the six bird species not assessed in the EIA, four species are raptors, which accounts for over half of the raptor species recorded in the assessment area. We consider that the adverse impacts of the proposed project on raptor species were <u>underestimated</u>. The Frontier Closed Area (FCA) including Sandy Ridge has been largely undisturbed for the past several decades due to the restriction in access, and little ecological information is available. It is likely that the raptors have been using the FCA as an ecological corridor to access the wetlands in the Deep Bay area for foraging. We are concerned the construction and operation of the proposed project would have negative impacts on these raptors and their flight paths.

⁷ https://www.cites.org/eng/app/appendices.php

⁸ List of Wild Animals under State Protection (promulgated by State Forestry Administration and Ministry of Agriculture on 14 January, 1989).

3. Ecological value and adverse impacts on the nesting site of Golden-headed Cisticola and upland grassland were underestimated

Even though Golden-headed Cisticola has extended in Hong Kong in recent years and is now regarded a locally common winter visitor to grassland especially in higher ground in New Territories and Lantau⁹, breeding evidence are rarely found. As such, the HKBWS considers that the breeding record of Golden-headed Cisticola within the project site is a significant finding. In section 9.4.3.35, it mentioned "*it is known from <u>fewer than 10 breeding sites</u> and the area of suitable habitat is <u>declining</u> due to vegetation succession". This indicates that breeding sites of this bird species in Hong Kong is limited and its breeding habitat is currently threatened by vegetation succession. Hence, we consider that the permanent and irreversible loss of the nesting site of the Golden-headed Cisticola is <u>significant</u> in a Hong Kong context.*

Furthermore, bird species of conservation concern which utilizes the upland grassland habitat were not highlighted, such as the Chestnut-eared Bunting of Local Concern³ and the globally endangered Yellow-breasted Bunting. Together with the significance of the breeding record of Golden-headed Cisticola, the ecological value of the upland grassland should <u>not</u> just be "Moderate".

According to section 9.7.2.1, a significant area of about 10.4 hectares of upland grassland will be lost, but the area of reinstatement is only 0.9 hectares, giving a net direct loss of 9.5 hectares of upland grassland habitat. Moreover, the proposed project is situated in the middle of an upland grassland habitat, thus creating habitat dissection. The light, noise and human disturbances from the proposed project during construction and operational phase would degrade the habitat quality of the surrounding remaining upland grassland habitat. Thus, the adverse ecological impact on upland grassland is significant.

Therefore, we consider that the direct and indirect impacts of the proposed project on Golden-headed Cisticola and upland grassland habitat should <u>not</u> just be of "Low to Moderate" significance.

4. Adverse impacts on a seasonal stream were not identified and assessed

According to section 2.5.1.6 of the EIA, "the access road alongside of existing Sha Ling Road would need to be slightly shifted to the east by a maximum of 15m". From Figure 2.2b, the new alignment of the Sha Ling Road (Option B) overlaps with the entire course of an existing seasonal stream. However, in the ecological impact assessment, impacts of the new road network (Option B) were <u>not identified and</u> assessed (Figure 1).

⁹ HKBWS Hong Kong Bird Report 2013

It is also unclear if the new access road would be *at-grade* or a viaduct. If the road will be at-grade, there will be a direct loss of the stream and its riparian vegetation, increase in habitat fragmentation and increase in road kill of wildlife. If the road will be a viaduct, it will have a shading effect on the stream, reduce the rainfall received by the catchment of the stream, reduce the amount of litter received by the stream, and thus changes the micro-habitat of the seasonal stream. We consider that it is <u>unacceptable</u> to neglect the impacts brought about by the changes in the layout of the road network, and thus the EIA report should be <u>rejected</u>.

5. Habitat Fragmentation caused by the proposed project was not assessed

In Section 2(vi) of Appendix F in the EIA Study Brief for the proposed project², it stated "using suitable methodology...identification and quantification as far as possible of any direct, indirect, on-site, off-site, primary, secondary and cumulative ecological impacts...<u>habitat fragmentation</u>...". However, the habitat fragmentation caused by the proposed road networks (including both *at-grade* and viaduct) were not assessed. Besides habitat dissection and isolation of wildlife population, the road network together with the increase in traffic would also bring additional noise and light disturbances, and increase in road kill. We consider that these impacts should also be comprehensively addressed in the EIA report.

6. Inadequate baseline ecological surveys and impact assessment

According to Table 9.1a, the surveys for avifauna (other than egretries) were conducted from August to April. Even though the Study Brief of the proposed project only required field surveys of at least nine months covering the dry and wet season¹⁰, we are concerned the current survey period (i.e. excluding May, June and July) may have excluded some summer migrants and breeding species. As such, the current avifauna list provided in the EIA is <u>not representative of the bird community</u> <u>and population in the project site and the assessment area</u>. Similarly, the current surveys only cover the start and the end of the active periods of most amphibians, reptiles, freshwater fish, butterflies and odonates¹¹. According to the habitat map, watercourses, ponds, marsh, agricultural land, woodland and wet woodland are found within the Assessment Area¹². These habitat types are primary habitats for the aforementioned faunal groups. We are concerned <u>the current survey duration</u> would led to an underrepresented species composition for these faunal groups.

We are concerned the impacts to the unidentified species (those not recorded in the current survey period) were not assessed; hence the <u>impacts of the proposed project</u> <u>on the above faunal groups would be underestimated</u>.

¹⁰ Section 2(iii) of Appendix F in EIA Study Brief No. ESB-271/2014

¹¹ EIAO Guidance Note No. 7/2010 Ecological Baseline Survey for Ecological Assessment

¹² Figure 9.3 of the EIA

7. Negative impacts of viaduct were not fully assessed

According to section 9.6.3.5 of the EIA, "This seasonal watercourse is not proposed to be lost, but would be <u>spanned in part by a viaduct</u> connecting the eastern platforms with the eastern connection road, and there would be associated shading effects. This seasonal watercourse supports a population of the endemic crab Somanniathelphusa zanklon. It should be noted that this seasonal watercourse is currently heavily shaded by the adjacent woodland". The report seemed to deliver the message that the impact of the viaduct on the stream is insignificant as it is already shaded by large trees. We consider that the shading effect of a concrete structure and that of trees are different. Trees would provide litter (i.e. dead leaves and branches) to the streams and thus creating a different micro-habitat for various wildlife. The impact on wildlife utilizing the seasonal stream, including the endemic crab Somanniathelphusa zanklon, may be underestimated.

8. Bird collision

The risks of bird collision at the built-up areas of the proposed projects were not assessed. Given that the project site is within an IBA recognized by BirdLife International and the bird community present in Sandy Ridge, we consider that not only the noise barriers but the columbarium, crematorium and associated facilities should also be designed in a bird friendly way to avoid bird collision. Such impacts and corresponding mitigation measures should also be included in the EIA.

9. Justification for widening the Lin Ma Hang Road is uncertain

According to 5.2.2.6, the proposed pick-up and drop-off points are at: 1) MTR Kwu Tung Station; 2) Sheung Shui Landmark North Public Transport Interchange; 3) MTR Fanling Station; and 4) Layby at Pak Wo Road near Flora Plaza. Given the locations of the proposed pick-up/drop-off points (i.e. south to southwest of Sandy Ridge), it seems that it is unlikely that the Lin Ma Hang Road (i.e. northeast of Sandy Ridge) would be used for visitors to travel to/from Sandy Ridge. It is uncertain how much of the traffic brought about by the proposed project would lead to a significant usage of the Lin Ma Hang Road, thus a widening of the road is required.

The EIA report under-estimated the adverse impacts on wildlife (including birds) and natural habitats within the project site and the assessment area. The HKBWS considers the report failed to comply with the requirements as stated in the study brief, the EIAO and the TM. We therefore respectfully request you, as the Director of Environment Protection, to reject this EIA report. Thank you for your kind attention.

Yours sincerely,

Woo Ming Chuan Conservation Officer The Hong Kong Bird Watching Society

cc. The Conservancy Association Designing Hong Kong Kadoorie Farm and Botanic Garden WWF – Hong Kong

Figure 1. The seasonal stream affected by the re-alignment of the Sha Ling Road as indicated by the purple circle (extracted from Figure 9.5 of the EIA report).

