



**BY EMAIL ONLY**

**Director of Environmental Protection**

EIA Ordinance Register Office

Environmental Protection Department

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Dear Sir/Madam,

**Project Profiles for Reclamation for Kau Yi Chau Artificial Islands, Kau Yi Chau Artificial Islands Development, and Hong Kong Island-Northeast Lantau Link**

Green Power would like to object to the above-captioned development projects. We urge the authority to deny all the three Project Profiles (PPs) concerned with the following reasons:

**Ignorance of updated research and the national marine conservation policy**

1. The Chinese Government launched a tightened regulation on coastal land reclamation in 2018 to minimize the adverse impacts of reclamation on marine ecology<sup>1</sup>. Although the regulation primarily aims to combat the uncontrolled reclamation activities, the State Oceanic Administration has emphasized that the national marine policy is moved from exploiting marine resources towards marine environment protection and restoration. In recent years, the development of artificial islands in China has entered a “*low tide*”<sup>2</sup>.
2. However, the proposed construction of artificial islands in Kau Yi Chau acts contrary to the national policy on marine conservation through permanently destroying a large area of the marine environment in HKSAR. In the modern world, reclamation is considered as an unsustainable development option with high environmental cost. The need to create new developable land resources by reclamation is hard to be justified, provided that less environmentally-damaging and cost-effective options are available in Hong Kong, such as developing the existing brownfields.

**Violation of the Protection of the Harbour Ordinance**

3. The Protection of the Harbour Ordinance (Cap. 531) was enacted in 1997 to “*protect and preserve the (Victoria) harbour by establishing a presumption against reclamation in the harbour*”<sup>3</sup>. According to the PPs, temporary and/or permanent reclamation within Victoria Harbour is anticipated during the construction of the proposed Northeast Lantau Link so that the Cap. 531 will be violated unless the project proponent can demonstrate there is a “*compelling, overriding and present public need for reclamation*”<sup>4</sup>.

4. Because of the potential violation of Cap. 531, the current related Environmental Impact Assessment (EIA) process should not be proceeded until the legitimacy of the captioned projects is recognized, otherwise, the statutory EIA may send out a wrong message by endorsing an illegal development project. Also, EIA Ordinance should not supersede Cap. 531.

#### Adverse impacts to the surrounding natural islands

5. The isolated ecosystem of unspoiled natural islands is fragile and sensitive to any biotic and abiotic changes. Even though there may be a scenario for the captioned proposed reclamation that would not encroach into any existing islands, there will be indirect impacts to the nearby natural islands. One major eco-environmental impact of construction of artificial islands is the alteration of sea waves and material transport patterns that will aggravate coastal erosion / sedimentation and degradation in the surrounding areas<sup>2,5</sup>. The proposed developments will potentially result in irreversible disastrous consequences to the habitats of nearby natural islands and associated species, especially the ecologically important Sunshine Island and Hei Ling Chau, where the endemic and “Endangered” *Dibamus bogadeki* inhabits.
6. Zheng et al. analyzed many artificial island development projects in China and they affirmed the necessity to “*fully demonstrate the impact of the construction of the artificial island on hydrodynamic and sediment erosion and deposition*”<sup>2</sup>. To achieve this, numerous baseline surveys and specific studies on the open sea, including sufficient field observation and experimental research, are required to obtain the accurate impact assessment<sup>2</sup>. It is particularly difficult to conduct such assessment for an artificial island construction project like the captioned one due to the lack of accumulative basic data of the open sea<sup>2</sup>.
7. Zheng et al. further stressed that the “*(artificial) island site shall not be too close to the shore and shall be kept more than 1km away*”<sup>2</sup> to safeguard the surrounding marine ecological functional areas and ecologically sensitive areas. Such principle has never been adopted in the past reclamation projects in Hong Kong and is not required under EIA Ordinances. So, there is no hint that the ecosystem of natural islands can be preserved.

#### Jeopardizing conservation policy of South Lantau

8. There were cases in China showing that the construction of artificial islands had resulted in scouring or siltation of the continental sandy beach<sup>2</sup>. Apart from the nearby natural islands mentioned above, the natural coast of South Lantau is also a potential sensitive receiver affected by the proposed mega-reclamation. If so, the proposed projects will be against the Administration’s policy of “Development in the North, Conservation for the South”<sup>6</sup>. The rich, unique, and fragile ecological values of South Lantau should not be compromised to any new developments.

9. Transport road and rail links connecting the Kau Yi Chau Artificial Islands and South Lantau in the longer term have been proposed as shown in Appendix A<sup>7</sup>, suggesting the proposed developments will eventually introduce massive number of visitors and further create development incentive that induce public pressure to cancel the closed road system in South Lantau. In order to uphold the conservation policy in South Lantau, we stress that no new road nor rail access should be connected to South Lantau and the existing closed road system should be maintained in the future.

#### Negligence of the cumulative impacts

10. There are two EIA reports regarding the reclamation (EIA-046/2000) and comprehensive development (EIA-048/2000) at Yau Tong Bay not meeting the requirements of the EIA Study Brief and the Technical Memorandum in the statutory EIA process. The Environmental Protection Department clearly explained that the project proponent “*fail to identify, predict and evaluate the cumulative impacts of these projects during the overlapping period (of the reclamation and comprehensive development)*” as one of the reasons for rejection<sup>8,9</sup>. It infers that the cumulative impacts of the three captioned projects must be considered in the statutory EIA process if the construction periods of the three projects are temporally overlapped. However, the project proponent has not clearly indicated the construction schedules of each project and the anticipated cumulative impacts in the captioned PPs.

#### Insufficient information

11. The location maps of the three PPs do not show any explicit, tentative, or recommended boundaries of the proposed reclamation areas. Basic information, such as the size and the plane shape of the proposed reclamation site, scale of development, future landuse plan, is not given. We urge the proponent to provide the missing information otherwise the potential sensitive receivers and environmental impacts cannot be effectively identified.
12. In sum, the captioned three PPs are too crude to constitute any satisfactory basis for a meaningful public inspection and practical drafting of statutory Study Brief under EIA Ordinance. The EIA process of the captioned projects should be terminated based upon the captioned submitted PPs.

Thank you very much for your kind attention. For any inquiries, please contact the undersigned at Green Power (T: 39610200, F: 2314 2661, Email: [wflo@greenpower.org.hk](mailto:wflo@greenpower.org.hk)).

Yours faithfully,

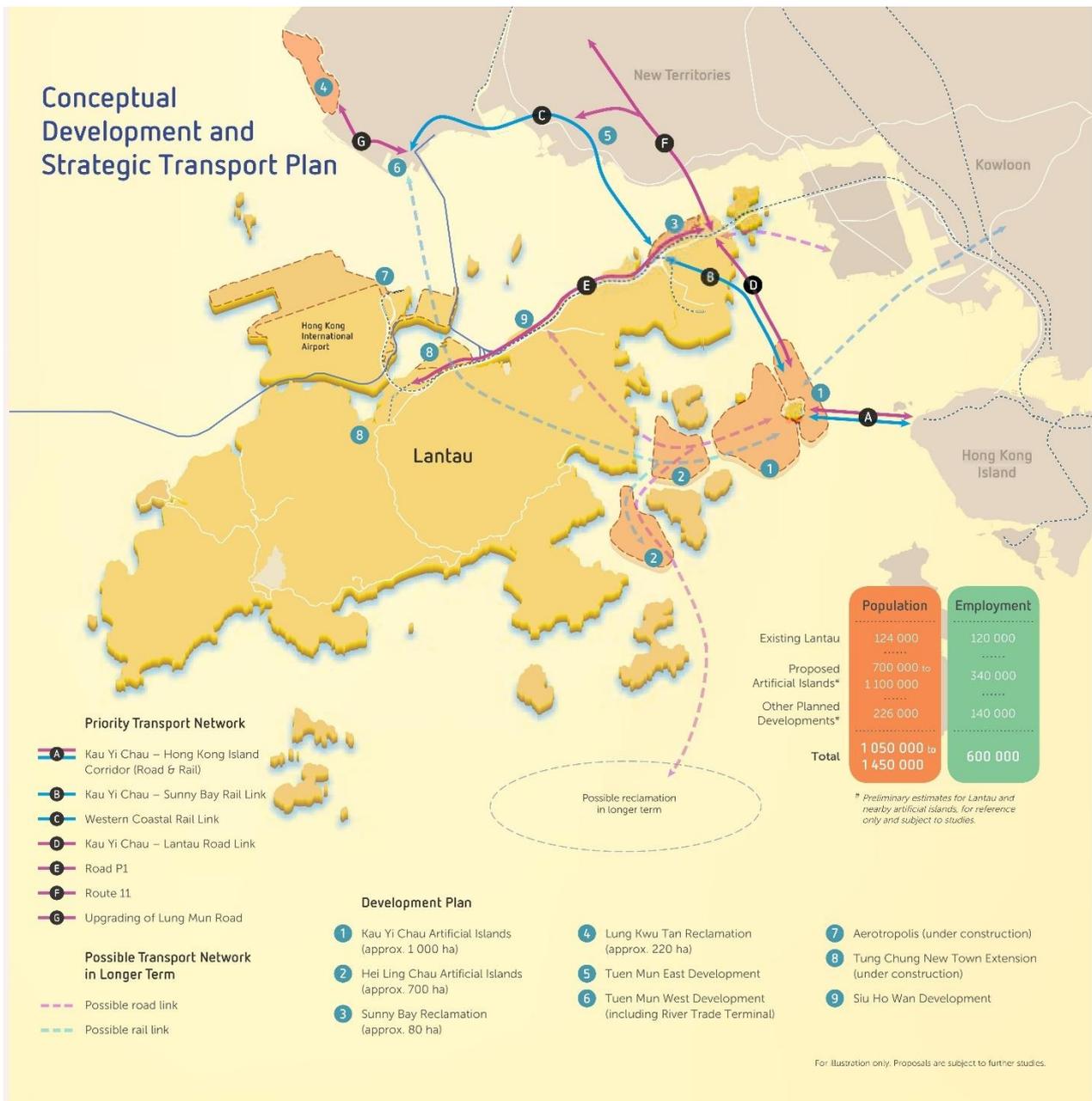


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## References:

- <sup>1</sup> The State Council, The People's Republic of China (2018) 海洋局採取 “史上最嚴圍填海管控措施” 執行 “十個一律” “三個強化” . (Available on: [http://www.gov.cn/hudong/2018-01/18/content\\_5257889.htm](http://www.gov.cn/hudong/2018-01/18/content_5257889.htm))
- <sup>2</sup> J. Zheng, C. H. Pan, W. W. Yao, J. B. Mu and X. Zhao (2020) *Analysis on the current situation and key problems of artificial island development in China*. IOP Conference Series: Earth and Environmental Science. Vol.510.
- <sup>3</sup> Hong Kong e-Legislation (2018) Cap. 531- Protection of the Harbour Ordinance. (Available on: [https://www.elegislation.gov.hk/hk/cap531!en?INDEX\\_CS=N&xpid=ID\\_1438403335527\\_003](https://www.elegislation.gov.hk/hk/cap531!en?INDEX_CS=N&xpid=ID_1438403335527_003))
- <sup>4</sup> Court of Final Appeal (2003) Judgement Summary of the court case FACV 14/2003 between Town Planning Board and Society for the Protection of the Harbour Limited.
- <sup>5</sup> M. Subhan and F. W. Althobiani (2020) *Artificial Island Based Port Expansion: A Review On Environmental Impacts*. International Journal of Scientific & Technology Research Vol.9(2). p1069-1072.
- <sup>6</sup> Development Bureau and Civil Engineering and Development Department (2017) Sustainable Lantau Blueprint. (Available on: [https://www.lantau.gov.hk/filemanager/content/sustainable-lantau-blueprint/full\\_report.pdf](https://www.lantau.gov.hk/filemanager/content/sustainable-lantau-blueprint/full_report.pdf))
- <sup>7</sup> Development Bureau and Civil Engineering and Development Department (2018) Leaflet on Lantau tomorrow. (Available on: [https://www.lantau.gov.hk/filemanager/content/lantau-tomorrow-vision/leaflet\\_e1.pdf](https://www.lantau.gov.hk/filemanager/content/lantau-tomorrow-vision/leaflet_e1.pdf) )
- <sup>8</sup> Environmental Protection Department (2000) Reasons for the EIA Report Submitted on 25 July 2000 Not Meeting the Requirements of the EIA Study Brief [ref. No. ESB-0010/1998] (Study Brief) and the Technical Memorandum on EIA Process (TM). (Available on: <https://www.epd.gov.hk/eia/register/reason/eia046.htm>)
- <sup>9</sup> Environmental Protection Department (2000) Reasons for the EIA Report Submitted on 29 August 2000 Not Meeting the Requirements of the EIA Study Brief [ref. No. ESB-0028/1999] (Study Brief) and the Technical Memorandum on the EIA Process (TM) (Available on: <https://www.epd.gov.hk/eia/register/reason/eia048.htm>)

# Appendix A. Conceptual Development and Strategic Transport Plan of Lantau Tomorrow



(Source: [https://www.lantau.gov.hk/filemanager/content/lantau-tomorrow-vision/leaflet\\_e1.pdf](https://www.lantau.gov.hk/filemanager/content/lantau-tomorrow-vision/leaflet_e1.pdf))