

Key non-compliant areas of the previous EcoIA that remain outstanding in spite of the Additional Information

No.	Question Item	Statutory Requirement	Is the EIAO TM and EIA-SB Fully Complied With?	Relevant Section(s) of the EIA Report	If “No”, Critique and Comment on EIA’s EIAO TM and/or ESB Non-compliances’
L3	Survey method for <i>Glyptostrobus pensilis</i>	ESB Appendix H 2(viii) EIAO GN No. 7/2010 (Section 2.3)	No	9.3.2.6	The survey method for <i>Glyptostrobus pensilis</i> is wrong. According to the EIA Study Brief, the Applicant should “ <i>evaluate ecological impacts based on the best and latest information available during the course of the EIA Study</i> ”. According to the EIAO Guidance Note No. 7, “survey methods used should be scientifically robust and appropriate for the target taxa groups” and “ <i>if the methods used vary from accepted methods in order to meet the specific needs of a study, the justifications and reliability of the results should be thoroughly presented in the EIA report</i> ”. What it stated to have been done in the Study is a standard arboricultural tree survey which is not common practice in an EcoIIA. This only records trees above a certain size (>95mm DBH) and ignores seedlings. For a Critically Endangered species such as this, a more comprehensive ecological survey is essential.
L4	Methodology for bat surveys	EIAO GN No. 7/2010 (Section 2.2 and 2.3) EIAO GN No. 10/2010 (Section 2.2)	No	9.3.2.7	Survey details should be provided in accordance with EIAO Guidance Notes. However, the methodology for bat surveys does not provide critical details such as: <ul style="list-style-type: none"> • Survey locations; • Survey time and frequency; • Duration of surveys; • Type(s) and number of bat detector(s) used for each survey event; • Details of how roost surveys were conducted (i.e. were all buildings in Project Site checked for potential roosts, or trees to be lost carefully surveyed for defects and potential roost locations); and any dawn surveys conducted for swarming surveys to identify potential roost locations. The Project Site and the Assessment Area is a very large site to cover in a single night. There is considerable variation in the functionality of different bat detectors, and such information is critical understanding the survey methodology. (Also see Note 1 of this Appendix) <i>(Partly addressed in the supplementary information; although method of roost survey is still missing)</i>
L9	Survey methodology for moths	EIAO GN No. 7/2010 (Section 2.2 and 2.3) EIAO GN No. 10/2010 (Section 2.2)	No	9.3.2.13; Table 9.1	Details of survey methodology for moths is lacking; these include but are not limited to weather condition, lunar phase, type of light source(s) used, duration of survey, etc. There is no statement to say if voucher material was retained, nor how identifications were made. <i>(Partly addressed in the supplementary information)</i>
L12	Moth surveys at key wet season	EIAO GN No. 7/2010 (Section 2.2 and 2.3) EIAO GN No. 10/2010 (Section 2.2)	No	Table 9.1	Moth surveys were not conducted in August 2020 (a key wet season month) nor in November 2020. No explanation or elaboration was is given on these gaps. Also, the methodology for moth surveys is inconsistent, e.g., no moth traps were deployed in the first three months of surveys. No explanation or elaboration is given on this.
L15	Literature Review	EIAO GN No. 6/2010 (Para. 6 and 17) ESB Appendix H 2(i and ii)	No	9.4	The results of the literature review are not subsequently referred to in the EIA, particularly in the habitat evaluation sections, thus rendering the whole exercise redundant.
L22	Abundance of Chinese Swamp Cypress	EIAO GN No. 7/2010 (Section 2.3) ESB Appendix H 2(viii)	No	9.5.1.30	The abundance of Chinese Swamp Cypress has been underestimated with around 30 trees stated. However, 38 mature trees and at least 50 seedlings have been recorded (refer to item No. L1 above). This is significant in the context of the global rarity of this Critically Endangered species (100-249 mature individuals remaining globally), and that very few individuals have been known to produce viable seeds or to reproduce vegetatively, and

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		EIAO TM Annex 16 (Section 5.1.2.1)			seedlings of this species have been rarely found within its global core area of occupancy (Zhang and Fischer 2021).
L23	Reference to propagation	EIAO GN No. 6/2010 (Para 3)	No	9.5.1.30	The reference here to propagation is not subsequently referred to in Table 9.16 Evaluation of Swampy Woodland which erroneously states under ‘Nursery/breeding ground’ - ‘No significant record.’
L24	Description of ecological characteristics	ESB Appendix H 2(iv)(c) EIAO GN No.7/2010 (Section 2.4)	No	9.5.2 to 9.5.9	In the EIA Study Brief, it is stated that ecological characteristics including but not limited to species diversity and abundance of major taxa groups, community structure, seasonal patterns, and inter-dependence of the habitats and species should be described, none of these have been discussed in the sections concerned.
L25	Habitat use of bats (or any other mammals)	ESB Appendix H 2(v)(c) EIAO GN No.7/2010 (Section 2.4) Clause 1.2, Annex 16, EIAO-TM	No	9.5.2	In the EIA Study Brief, it is stated that “ <i>roosting, breeding and/or feeding sites of resident and migratory birds, and mammals</i> ” should be investigated and described. In the EIA Report, no relevant discussions on foraging sites of bats (or any other mammals) are found. AEC’s data suggest that the aerial space above the turfgrass and at the habitat boundaries with wooded areas is an important foraging habitat for numerous bat species. No descriptions of potential bat roosts are made, either from built structures or mature trees. Numerous artificial bat roosts are located throughout the Project Site, although no reference is made in the EIA Report to these. At least one of the buildings within the Assessment Area supports a Japanese Pipistrelle roost.
L26	Bat species recorded.	EIAO GN No. 7/2010 (Section 2.3) ESB Appendix H 2(viii)	No	9.5.2	Only one bat species (Japanese Pipistrelle) was recorded from the Project Site at one single location during the 12-month survey. AEC has recorded at least 15 species of bats within the Project Site using static bat detectors and through direct observation, such data would indicate that the entire Project Site is used by multiple species of bats throughout the year.
L28	Habitat use of birds	ESB Appendix H 2(v)(c) EIAO GN No.7/2010 (Section 2.4)	No	9.5.3	In the EIA Study Brief, it is stated that “ <i>roosting, breeding and/or feeding sites of resident and migratory birds, and mammals</i> ” should be investigated and described. However, in the EIA Report, no relevant discussions are found. In the EIA Report, no relevant discussions on feeding sites of birds are found. Turfgrass is an important foraging habitat for Eastern Cattle Egret for example. However, such activity peaks in the early morning and is often closely associated with routine management activities such as mechanical grass-cutting when large groups of Cattle Egrets feed on insects disturbed by mowers.
L33	Moth species recorded from the Project Site.	Clause 2(e), Appendix H, EIA-SB Clause 1.2, Annex 16, EIAO-TM e	No	9.5.8.1; Appendix 9G	Only 38 species of moths were recorded from the Project Site. The moth diversity there is severely understated as HKGC data confirm 453 species within the same area. Furthermore, the number of moth species of conservation interest within the project site is stated as being one species whereas HKGC data note that 34 species have been recorded.
L34	Moth species recorded from Sub-Area 1.	EIAO GN No.7/2010 (Section 2.4) ESB Appendix H 2(v)(g)	No	9.5.8.1	According to Appendix 9G, 13 moth species were recorded from Sub-Area 1. However, 8 out of these were not recorded anywhere else in the Assessment Area. This suggests that the distribution of moth species is not homogenous across the golf course and that Sub-Area 1 is important for some species of moth. Nevertheless, there is no discussion relating to this.
L35	Discussion on any ecological parameter for moths.	EIAO GN No.7/2010 (Section 2.4) ESB Appendix H 2(v)(g)	No	9.5.8.1 ; Appendix 9G	There is no attempt here to discuss any ecological parameter for moths that would assist in provide a comprehensive ecological baseline and an understanding of the potential impacts of the proposed project.
L39	Assessment on Section 9.6 and overall Ecological Values	EIAO GN No. 6/2010 (Para. 17) ESB Appendix H 2(iv and viii) Clause 1.2, Annex 16, EIAO-TM	No	9.6	This section is considered fallacious and that most Overall Ecological Values ascribed to habitats are considered an underestimation of the actual value for multiple reasons. Specifically, these evaluations do not take into consideration any species of conservation importance referred to in the literature review but not recorded during the Ecological Surveys for the EIA. Further, the baseline data for bats and moths are not representative, and the baseline data for birds are problematic due to the questionable survey methodology.

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		EIAO TM Annex 16 (Section 5.1.2.1)			
L40	Woodland areas.	ESB Appendix H 2(i, iv and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.1.2.1)	No	9.6	<p>With regards to age, many of the woodland areas are very old in a Hong Kong context; with trees over 160 years old* in the case of some of the Woodland and Mixed Woodland. Annex 8 of the EIAO TM states: Ancient natural or semi-natural habitats are normally highly valued. For some habitats such as woodlands, older ones are normally valued much higher than recent ones.</p> <p>It is considered unacceptable to simply state that the age of a habitat as ‘n/a’ when a review of historical aerial photographs would easily allow for an informed assessment. Furthermore, photographs pertinent to this are included in both Section 8 and Section 12 of the EIA, although are not referred to here. The age of habitats has largely been ignored in the EIA Report, despite its relevance to the assessment of habitat value, which has a material effect on the assessment and ecological value of Sub-Area 1-4, conclusions and resultant development and mitigation recommendations and residual impacts.</p> <p>*Source: Jim, C.Y., Cheung, P.K., & Leung, Y.Y. 2020. Evaluation and Valuation of Heritage Trees in the HKGC Fanling Site: Old Course.</p>
L41	Rarity of the habitats.	EIAO TM Annex 8 (Table 2)	No	9.6	Rarity of the habitats are not evaluated in this section, which is not in accordance with the EIAO TM.
L44	Assessment on Table 9.10	EIAO TM Annex 8 (Table 2)	No	Table 9.10	The Table contains multiple errors and inaccuracies. The ecological value reported is considered to be downplayed.
L45	Assessment on Plantation	EIAO TM Annex 8 (Table 2)	No	Table 9.12	Plantation should be given a “Low to moderate” rating instead of “Low” given the presence of various species of conservation importance.
L46	Assessment on Ponds.	EIAO TM Annex 8 (Table 2)	No	Table 9.13	Pond should be given a “Low to moderate” rating instead of “Low” given the presence of various species of conservation importance.
L47	Assessment on Table 9.16	EIAO TM Annex 8 (Table 2)	No	Table 9.16	The Table contains multiple errors and inaccuracies. The overall ecological value reported is considered to be too low.
L48	Assessment on Table 9.17.	ESB Appendix H 2(v)(b) EIAO TM Annex 8 (Table 2)	No	Table 9.17	<p>The Table contains multiple errors and inaccuracies. The ecological value reported is considered to be downplayed. Most notably, the evaluation did not consider the fact that it is a foraging habitat for a number of species of conservation importance, esp. various bat species, as well as Eastern Cattle Egret (a species specifically referred to in para. 2(v)(e) of the SB. It is also a corridor between woodland patches (esp. at night where there is no traffic and human presence), but in the report it is only stated there is no functionally ecological linkage.</p> <p>Other contradicting information include:</p> <p>The table states both that it is “<i>not functionally linked to habitats of ecological importance</i>” and that the overall ecological value is low, “<i>as most of the recorded species associated to other habitats</i>”. These are two entirely contradictory statements and this undermines the integrity of the overall ecological evaluation.</p> <p><i>Glyptostrobus pensilis</i> is listed as a species of conservation importance. Whilst no trees of this species occur outside of the Swampy Woodland, the pneumatophores extend into areas of turfgrass. Again, this is inconsistent with the statement “<i>not functionally linked to habitats of ecological importance</i>”</p>

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					<p>Given the age of the trees within mixed woodland and woodland, their roots are likely to extend well into the turfgrass beyond their own driplines. Any impacts to the turfgrass will also impact woodland and mixed woodland (directly and indirectly); these habitats are functionally linked to turfgrass.</p> <p>The table concluded that the species of conservation importance recorded in turfgrass are mostly associated with other habitats, though this claim is not substantiated. For example, the highest abundance of Eastern Cattle Egret and Chinese Pond Heron was recorded from turfgrass. For both birds and butterflies, species richness in turfgrass is the second highest among all habitats in Project Site (second only to woodland).</p>
L49	Important watercourse within the Project Area.	EIAO TM Annex 8 (Table 2)	No	Table 9.18	An important water course within the Project Area, which is linked to the Swampy Woodland, is omitted from the assessment.
L51	Mature native woodland larger than one hectare.	EIAO TM Annex 8 (Notes for Table 1, Table 2)	No	Table 9.19	Mature native woodland larger than one hectare is listed as an important habitat type in Annex 8 of the TM. In this context and taking into account the old age of the woodland and the presence of many plant and animal species of conservation importance, the evaluation of woodland in the Assessment Area as medium and in the Project Area as low to medium are both too low; that in the Assessment Area should at least be evaluated as medium to high and that in the Project Area as medium. Further, it is highly misleading to state that the woodland is fragmented; much of the woodland in the Assessment Area comprises a single large block in the south which, as is stated under Ecological Linkage in Table 9.20, is functionally linked to Pak Tai To Yan SSSI and Lam Tsuen Country Park.
L52	Table 9.20 provides an evaluation of all habitats in each of the Sub-Areas combined.	EIAO TM Annex 8 (Table 2)	No	Table 9.20	This table provides an evaluation of all habitats in each of the Sub-Areas combined. This is not a common or normal practice in an EcoIIA for a number of reasons, notably because of the different habitats and habitat areas in the four Sub-Areas and is also not a practice recommended in the EIAO-TM. Furthermore, there is clear evidence of cherry-picking of evaluation criteria in order to downplay the evaluation of the Sub-Areas. To give just one example, under the criterion Fragmentation, for Sub-Areas 1 to 3 the degree of fragmentation of woodland is addressed, but for Sub-Area 4, where the woodland forms a large contiguous block (and hence is clearly not fragmented) this is not mentioned, instead reference is made to the purported fragmented nature of the swampy woodland which is described as an isolated stand.
L53	Ecological value reported in Table 9.20 is considered to be downplayed.	EIAO TM Annex 8 (Table 2)	No	Table 9.20	The Table contains multiple errors and inaccuracies. The ecological value reported is considered to be downplayed.
L54	Species reported from the literature review but not recorded in field surveys.	EIAO GN No. 6/2010 (Para. 17) ESB Appendix H 2(i, ii, iv and vii)	No	Table 9.22	This table does not include the species reported from the literature review but not recorded in field surveys.
L55	The potential direct impacts during construction phase (e.g., habitat loss, fragmentation; species mortality) to habitats/species in Sub-Areas 2 – 4.	ESB 3.3.3 EIAO TM Annex 8 (Table 1)	No	9.7.2.1 to 9.7.2.10. Table 9.24 and Figure 9.7	The potential direct impacts during construction phase (e.g., habitat loss, fragmentation; species mortality) to habitats/species in Sub-Areas 2 – 4 are mentioned only briefly; no layout/plans for Sub-Areas 2 – 4 are provided, despite the explicit requirement in Clause 3.3.3 of the SB that the different land use areas shall be demarcated. These are also not evaluated in accordance with EIAO-TM as in Table 9.24. As such, there is no basis for the statement in 9.7.2.5 that direct impacts to habitats in Sub-Area 2 to 4 will be very limited and no direct impacts to the important habitats are expected.

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L56	ESB (Clause. 3.2.1(xiv)) making reference to ‘the potential widening of Fan Kam Road and/or other road works’.	ESB 3.2.1(xiv) and 3.3.3 EIAO TM Annex 16 (Section 5.2.2)	No	9.7.2.1 to 9.7.2.10. Table 9.24 and Figure 9.7	Despite the SB (Clause. 3.2.1(xiv)) making reference to ‘the potential widening of Fan Kam Road and/or other road works’ there is no indication as to whether (or not) there will be any road (or other) works outside Sub-Area 1. Figure 9.7 appears to show that all works are confined to Sub-Area 1 which is contradicted by Figures elsewhere in the EIA (see below). Provision of an overlay of the project layout on the habitat map of the site to provide an overview of impacts to local habitats is an explicit requirement of the EIAO-TM.
L57	Figure 9.7 and a plan prepared by CEDD entitled ‘Notional plan for the proposed development’.	ESB 3.3.3 EIAO TM Annex 16 (Section 5.2.2)	No	9.7.2.1 to 9.7.2.10. Table 9.24 and Figure 9.7	There is a significant difference between Figure 9.7 which shows the layout scheme in Sub-Area 1 overlaid with the habitat map which suggests that there will be no development outside Sub-Area 1, and a plan prepared by CEDD entitled ‘Notional plan for the proposed development’ which clearly shows a structure labelled ‘1-storey building for further use’ together with a new access road from the Fan Kam Road, located in Sub-Area 2. Since the latter plan is undated, it is unclear if this supersedes or is superseded by the plan in Figure 9.7. Irrespective of the status of this 1-storey building and access road, it is simply not credible that there will be no development whatsoever in Sub-Areas 2 to 4 given that the proposed zoning is Other Specified Uses annotated Recreation cum Conservation – it is inevitable that such a zoning would be accompanied by at least some structures, hard standings, walls and fences etc.
L58	Impact of loss of turfgrass.	Clause 2(vii), Appendix H, EIA-SB	No	9.7.2.3	Impact of loss of turfgrass is considered to be minor. This has not taken into consideration the value of this habitat for foraging bats and other species of concern. See above comment on Table 9.17.
L59	Disturbances during construction phase (Noise, dust and human activities) to habitats/species outside of Project Site (e.g., the FGC area immediately west of FKR, and the open country/farmland area at Ping Kong).	ESB Appendix H 2(vii)(b) EIAO TM Annex 16 (Section 5.2.1 and 5.2.3)	No	9.7.2.11 to 9.7.2.14. Table 9.24	Disturbances during construction phase (Noise, dust and human activities) to habitats/species outside of Project Site (e.g., the FGC area immediately west of FKR, and the open country/farmland area at Ping Kong) are not mentioned, let alone assessed.
L61	Habitat loss of 5.1 ha of Turfgrass in Sub-Area 2-4.	ESB Appendix H 2(vii)(a) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1 and 5.2.3)	No	9.7.2.5	There is a habitat loss of 5.1 ha of Turfgrass in Sub-Area 2-4, this has not been assessed. Without details of the ‘recreational facilities and ancillary facilities’ it is not possible to address the potential impacts of these. It is stated that there will be direct impacts to habitats arising from this part of the project (‘Direct Impacts to habitats in Sub-Area 2-4 will be very limited’). These direct impacts have not been assessed although this is clearly required under the EIA SB.
L62	It was stated in the report that “ <i>some of the nearby areas outside Sub-Area 1 are well developed and it is unlikely these areas are inhabited by light-sensitive nocturnal animals</i> ”.	ESB Appendix H 2(viii)	No	9.7.2.15	It was stated in the report that “some of the nearby areas outside Sub-Area 1 are well developed and it is unlikely these areas are inhabited by light-sensitive nocturnal animals”. This is not true according to AEC’s surveys on bats and moths. Any further evaluation based on this false assumption should not be considered valid.
L63	Construction light glare impacts to habitats and species outside of the Project Site (esp. the FGC	ESB Appendix H 2(vii)(b) EIAO TM Annex 8 (Table 2) and Annex	No	9.7.2.15 to 9.7.2.16. Table 9.24	Construction light glare impacts to habitats and species outside of the Project Site (esp. the FGC area west of FKR, and the open country/farmland area at Ping Kong) are not mentioned or assessed.

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	area west of FKR, and the open country/farmland area at Ping Kong).	16 (Section 5.2.1 and 5.2.3)			
L64	Water quality impacts during construction phase to the watercourse in Sub-Area 3 and 4.	ESB Appendix H 2(vii)(c) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1 and 5.2.3)	No	9.7.2.17 to 9.7.2.22. Table 9.24	Water quality impacts during construction phase to the watercourse in Sub-Area 3 and 4, including next to the Swampy Woodland and Chinese Swamp Cypress are not mentioned or assessed. This is compounded by the fact that the existing watercourse there was overlooked in the EIA.
L65	Impacts on water table and hydrological conditions during construction phase due to removal of ground water during excavation works.	ESB Appendix H 2(vii)(c) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1 and 5.2.3)	No	9.7.2.23 to 9.7.2.25. Table 9.24	Impacts on water table and hydrological conditions during construction phase due to removal of ground water during excavation works are not mentioned or assessed. Despite a specific requirement specified in the SB 3.2.1(iv) downstream water quality impacts on water sensitive receivers are not addressed.
L66	It is stated that woodland compensation should avoid Sub-Area 4 to ‘ <i>preserve the hydrology that supports the wetland habitats there</i> ’; this includes the Swampy Woodland.	ESB Appendix H 2(vii)(c) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1)	No	9.7.2.25	<p>It is stated that woodland compensation should avoid Sub-Area 4 to ‘preserve the hydrology that supports the wetland habitats there’; this includes the Swampy Woodland. However, this fails to recognise that a large part of the woodland compensation proposed in Sub-Area 3 is within the water catchment of the Swampy Woodland, and less than 250m from the Chinese Swamp Cypress. This demonstrates a profound lack of understanding of the hydrology of the Project Site and undermines any statement regarding impacts to hydrology. It also highlights a fundamental methodological flaw in the overall impact assessment in that the Sub-Areas are routinely treated as distinct ecological units; these are entirely artificial sub-divisions and have no ecological merit.</p> <p>The potential impacts to the Chinese Swamp Cypress therefore include silty run-off, and run-off of plant fertilizers (both of which could impact seedlings or pneumatophores), and hydrological impacts arising from the run-off differences between turfgrass and the compensation woodland and changes to the water table as the woodland matures.</p> <p>A requirement of the EIA SB is to assess the ecological characteristics of the species present. Chinese Swamp Cypress has a unique ecological which makes it particularly sensitive to hydrological change. As this unique ecology has not been discussed in the EIA, this sensitivity is not recognised.</p>
L67	Construction phase impacts to floral/faunal species of conservation importance recorded from surveys.	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1) EIAO GN No. 6/2010 (Para. 17)	No	9.7.2.27 to 9.7.2.28. Table 9.24	Construction phase impacts to floral/faunal species of conservation importance recorded from surveys are briefly mentioned in text only; and are not evaluated in accordance with EIAO-TM as in Table 9.24.
L68	Construction phase impacts to floral species of conservation importance	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex	No	9.7.2.29 to 9.7.2.30. Table 9.24	Construction phase impacts to floral species of conservation importance found in literature review are briefly mentioned in text only; and are not evaluated in accordance with EIAO-TM as in Table 9.24.

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	found in literature review.	16 (Section 5.2.1, 5.2.3 and 5.3.1) EIAO GN No. 6/2010 (Para. 17)			
L69	Summary of Construction Phase and Operational Phase Impacts		No	Table 9.24	<p>This table contains a number of inaccuracies or errors:</p> <p><i>Construction phase impacts -</i></p> <p>Habitat loss for Turfgrass is c. 10 ha rather than 5.07 ha.</p> <p>Turfgrass also forms part of the ecological corridor Disturbance and light glare impacts are only considered to occur within the project site</p> <p><i>Operational phase impacts –</i></p> <p>Habitat loss for Turfgrass is c. 10 ha rather than 5.07 ha.</p> <p>Noise, traffic and human activities, surface run-off and drainage discharge, and artificial lighting are all considered temporary impacts during the operational phases of the project. This is patently incorrect.</p>
L70	The evaluation on direct impact to fauna species of conservation importance.	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1) EIAO GN No. 6/2010 (Para. 17)	No	9.7.2.29	The evaluation on direct impact to fauna species of conservation importance is not valid. Only 4 species of conservation importance was recorded from Sub-Area 1, which is a significant downplay.
L71	The reports states “...While Japanese Pipistrelle is considered the most common bat species in urban areas, but no roosting and breeding habitats were found within Sub-Area 1, and only scarce number of this species were recorded”.	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1) EIAO GN No. 6/2010 (Para. 17)	No	9.7.2.30	<p>The reports states “...While Japanese Pipistrelle is considered the most common bat species in urban areas, but no roosting and breeding habitats were found within Sub-Area 1, and only scarce number of this species were recorded”.</p> <p>This is not apparent from the EcolIA where details on methodology for bat roosts are absent and nor are there any results/descriptions of any bat roost survey, e.g., presence / absence / potential. AEC’s data indicates regular, high levels of bat activities in Sub-Area 1 and it is highly likely roosts are close by given timings of activity i.e., close to sunset and sunrise.</p> <p>Different bat species have varying roost requirements. The Applicant has not considered the roost requirements of those additional species listed in the literature review when forming this impact assessment, including those species specifically referred to in the EIA SB.</p>
L72	The impacts to fauna species of conservation importance.	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1)	No	9.7.2.30 to 9.7.2.34	The impacts to fauna species of conservation importance have not been fully assessed.

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L73	The claim that “ <i>the potential indirect impacts to flying mammals including Short-nosed Fruit Bat and Japanese Pipistrelle as well as the bat species mentioned in EIA Study Brief or reviewed literature (e.g., Lesser Bamboo Bat Tylonycteris pachypus and Lesser Yellow Bat Scotophilus kuhlii) are considered minor.</i> ”	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1)	No	9.7.2.31	The claim that “the potential indirect impacts to flying mammals including Short-nosed Fruit Bat and Japanese Pipistrelle as well as the bat species mentioned in EIA Study Brief or reviewed literature (e.g., Lesser Bamboo Bat <i>Tylonycteris pachypus</i> and Lesser Yellow Bat <i>Scotophilus kuhlii</i>) are considered minor” is not substantiated. For example, the fact that these bat species utilised the aerial spaces above turfgrass as open country foraging area was overlooked.
L74	In the report it is stated that “ <i>As there will be no night-time construction works for the present Project, and there will be only security lighting after construction works. Hence, the light glare impact to moth is considered insignificant.</i> ”	ESB Appendix H 2(vii)(b), 2(viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1)	No	9.7.2.34	In the report it is stated that “ <i>As there will be no night-time construction works for the present Project, and there will be only security lighting after construction works. Hence, the light glare impact to moth is considered insignificant.</i> ” However, security lighting is still an impact and thus it is inappropriate for the report to suggest light glare is insignificant with no data or information to support. Given the inadequate data presented, the report is not giving a realistic statement on this issue. Further, there is no reference whatsoever to any published literature on the impact of light pollution (including “glare”). Recent research has pointed to both individual light sources (giving “glare”) and accumulated background illumination as being detrimental to nocturnal wildlife, especially moths.
L75	Noise, traffic, and human activities during operation phase from Sub-Area 1 to habitats/species in the 500m Assessment Area outside of the Project Site.	ESB Appendix H 2(vii)(b), 2(viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1 and 5.2.3)	No	9.7.2.40 – 9.7.2.43. Table 9.24	Noise, traffic, and human activities during operation phase from Sub-Area 1 to habitats/species in the 500m Assessment Area outside of the Project Site are not assessed.
L76	Noise, traffic, and human activities during operation phase from Sub-Areas 2 - 4 to habitats/species in the 500m Assessment Area outside of the Project Site.	ESB Appendix H 2(vii)(b), 2(viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1 and 5.2.3)	No	9.7.2.40 – 9.7.2.43. Table 9.24	Noise, traffic, and human activities during operation phase from Sub-Areas 2 - 4 to habitats/species in the 500m Assessment Area outside of the Project Site are not assessed.
L77	Potential operational impacts to the wetland habitats in Sub-Areas 2 to 4.	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1)	No	9.7.2.41	It is stated that the potential operational impacts to the wetland habitats in Sub-Areas 2 to 4 are considered minor, but little elaboration has been given to support this claim. Further, it is misleading to state that the habitats in Sub-Areas 2 to 4 ‘will be properly managed with the aims of conservation’. In fact, as is stated in para. 9.7.2.5, the proposed zoning for Sub-Areas 2 to 4 is “Other Specified Uses” annotated “Recreation cum Conservation”. In the absence of further details, it would be appropriate, on a precautionary basis, to assume that large numbers of visitors and/or noisy activities (such as team sports) may occur and that

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					disturbance impacts may be significant in the absence of specific (and defined) mitigation measures. Furthermore, there is no statement regarding the times of access for these recreation activities. Should these extend into the night then this would presumably result in additional human disturbance and an increase in night-time light levels with additional artificial lighting. Both could impact bat and moth populations and disturb nocturnal mammals.
L78	Wrong assumption of mentioned sections.	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1)	No	9.7.2.42 to 9.7.2.46	<p>Most of the claims in these sections are based on the false assumption that the area is already disturbed with very few sensitive species. The EIA simply under-records the numbers and diversity of sensitive species (esp. moths and bats). The report stated clearly that there will be an increase in run-off due to increase in paved areas.</p> <p>However, it fails to consider that the reduction in permeable area would result in lowered groundwater level, which could potentially affect the Chinese Swamp Cypress. There is no assessment of how noise interferes with bat or moth ecology. No description of light pollution impacts are provided, nor any assessment attempted.</p>
L79	Surface runoff and drainage discharge into aquatic/wetland habitats and water pollution during operation phase.	ESB Appendix H 2(vii)(c), 2(viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1 and 5.2.3)	No	9.7.2.44 – 9.7.2.46. Table 9.24	Surface runoff and drainage discharge into aquatic/wetland habitats and water pollution during operation phase from Sub-Areas 2 - 4 to habitats/species in the 500m Assessment Area outside of the Project Site are not assessed.
L80	Hydrological disruption impacts (esp. to groundwater table) to other habitats/species during operation phase.	ESB Appendix H 2(vii)(c), 2(viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1 and 5.2.3)	No	9.7.2.44 – 9.7.2.46. Table 9.24	The hydrological disruption impacts (esp. to groundwater table) to other habitats/species during operation phase, which would arise from the reduction in permeable area due to the development are not assessed.
L81	Issue of artificial light.	ESB Appendix H 2(vii)(b), 2(viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1)	No	9.7.2.47 & 9.7.2.48. Table 9.24	<p>These section address the issue of artificial light only superficially:</p> <p>There is no attempt to measure or describe existing light levels or the increase in artificial light during the operational phase. Without such information, it is simply not possible to assess the impacts. Systematic recording (<i>Annex 1</i>) of light pollution across the Fanling Golf Course, including the Project Site, demonstrates a general trend where the night sky brightness gradually decreases from the northeast to the southwest. The northern part of the Golf Course is subject to obvious light pollution being closest to the urban area, whilst the southern part has the brightness typical of rural sky. It can be reasonably assumed that a comprehensive, high-rise development within this area which extends the urban area would have an impact on this pattern of light pollution.</p> <p>The claim that “<i>the potential impact of light glare from artificial lightings on habitats near Sub-Area 1 is considered minor</i>” is fundamentally not valid as sensitive species (e.g., bats and moths) utilising the area have been under-recorded. There are no data on existing or predicted night-time light levels or prediction on the increase of artificial light during the operational phase of the Project</p>

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					<p>Only “glare” has been considered in this impact assessment. The increase of ambient night-time artificial light during operation phase in the wider area was neglected. A limited understanding of light pollution and its impact to wildlife is demonstrated</p> <p>It is claimed that in Sub-Area 1 “<i>Fauna sensitive to light might have already avoided these habitats</i>”. However, the survey data presented in the EIA suggest otherwise. The moth diversity recorded in Sub-Area 1 is higher than that of Sub-Area 2 and equals that of Sub-Area 4. The only bat species recorded from the Project Site, i.e., Japanese Pipistrelle, was also recorded from Sub-Area 1, and nowhere else in the Project Site nor the Assessment Area.</p> <p>It is also stated that “there are also existing light sources in the vicinity of Sub-Area 1, e.g., village houses at Ping Kong and public housing estates (Cheung Lung Wai Estate and Ching Ho Estate), streetlamps”. However, it fails to note that the total population from all these together would still be lower than that of the proposed development (c. 33,600 residents).</p> <p>Operation phase impacts from additional light glare in Sub-Area 1 to habitats/species in the 500m Assessment Area outside of the Project Site are not assessed</p> <p>Operation phase impacts from additional light glare in Sub-Areas 2 – 4 to habitats/species in the 500m Assessment Area outside of the Project Site are not assessed</p> <p>In the so-called precautionary approach, only at-grade level lighting such as streetlamps are considered. However, the proposed development comprised of buildings of 37-43 storeys, with a population of 33,600. The artificial light generated from the residents was not assessed.</p>
L82	Habitat management approach in Sub-Areas 2 to 4 and details on “Management Plan”	ESB Appendix H 2(x) EIAO TM Annex 16 (Section 5.4.2) EIAO GN No. 6/2010 (Para. 24)	No	9.7.2.58	The “management plan” is mentioned many times although no details are provided all. The claim that the formulation and implementation of this plan would prevent relevant impacts remains unsubstantiated.
L83	Indirect impacts to species of conservation importance.	ESB Appendix H 2(vii, viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1) Para. 17, EIAO GN No. 6	No	9.7.2.54 & Table 9.24	Indirect impacts to species of conservation importance during both construction and operation phase are assessed briefly and collectively as a whole, with no details or elaboration. Species reported from literature but not found in the surveys are ignored.
L84	Area’s importance to foraging bats.	ESB Appendix H 2(viii)	No	9.7.2.57	No consideration of area’s importance to foraging bats.
L85	Mitigation measures for bats and moths.	ESB Appendix H 2(vii)(b), 2(viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1 and 5.2.3)	No	9.8	No mitigation measures for bats and moths are proposed as the relevant impacts have been overlooked.

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		Para. 17, EIAO GN No. 6			
L86	Misleading statement.	Clauses 3 and 4 , EIAO GN No. 10	No	9.8.2.2	This statement is misleading, in that it combines ‘woodland’ and ‘mixed woodland’ despite these having been ascribed different overall ecological values in the EIA. It glosses over the fact that all of the higher value ‘woodland’ within Sub-Area 1 will be lost under the proposed development. Furthermore, a loss of 75% of all woodland within this area can scarcely be described as minimisation as claimed.
L87	Secondary fragmentation impacts from the proposed 4m noise barrier (as a mitigation measure for noise generated) to less mobile fauna.	ESB Appendix H 2(viii and x) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1) Para. 17, EIAO GN No. 6	No	9.8.2.6	Secondary fragmentation impacts from the proposed 4m noise barrier (as a mitigation measure for noise generated) to less mobile fauna are not mentioned or assessed. This could be a physical wall to all terrestrial non-climbing mammals as well as flying animals that use a flight path close to the ground (many moth species, a large number of other forest fauna). The relevant impacts have not been considered in the EcolIA.
L88	Address light pollution issues, and the phrase “careful planning of lighting”.	ESB Appendix H 2(x) EIAO TM Annex 16 (Section 5.4.2) EIAO GN No. 6/2010 (Para. 24)	No	9.8.2.9	The wording for mitigation at 9.8.2.9 fails to address light pollution issues, and the phrase “careful planning of lighting” should include a carefully planned use laid out in full detail for assessment, which is absent from the EIA report.
L89	The EIA SB requires that the Applicant shall “ <i>evaluate the feasibility and effectiveness of the recommended mitigation measures and define the scope, type, location, implementation arrangement, resource requirement, subsequent management and maintenance of such measures.</i> ”	ESB Appendix H 2(x) EIAO TM Annex 16 (Section 5.4.2) Clause 3.1.4 EAIO GN No 3 EIAO GN No. 6/2010 (Para. 24)	No	9.8.3	The EIA SB requires that the Applicant shall “ <i>evaluate the feasibility and effectiveness of the recommended mitigation measures and define the scope, type, location, implementation arrangement, resource requirement, subsequent management and maintenance of such measures.</i> ” This has not been done.
L90	Secondary impacts to existing habitat(s).	ESB Appendix H 2(x) EIAO TM Annex 16 (Section 5.4.2) EIAO GN No. 6/2010 (Para. 24)	No	9.8.3.1 – 9.8.3.4	Any secondary impacts to existing habitat(s), esp. turfgrass due to the proposed woodland compensation are not mentioned or assessed. Whilst this approach can compensate for the loss of woodland, the corresponding secondary loss of habitat it results in should be assessed as part of the EcolIA.
L91	Secondary impacts to species of conservation importance.	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1)	No	9.8.3.1 – 9.8.3.4	Any secondary impacts to species of conservation importance due to the proposed woodland compensation are not mentioned or assessed.

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L92	Secondary impacts to water quality and hydrology.	ESB Appendix H 2(vii and viii) EIAO TM Annex 8 (Table 2) and Annex 16 (Section 5.2.1, 5.2.3 and 5.3.1)	No	9.8.3.1 – 9.8.3.4	Any secondary impacts to water quality and hydrology due to the proposed woodland compensation are not mentioned or assessed.
L93	The details of the “management plan”.	ESB Appendix H 2(x) EIAO TM Annex 16 (Section 5.4.2) EIAO GN No. 6/2010 (Para. 24)	No	9.8.3.6	As noted above, details of the “management plan” are lacking. Key details relevant to its efficacy that are lacking include who would be responsible for drafting it, the anticipated time frame, implantation and management agents and resources required. In this regard, since this is largely a Schedule 3 project under the EIAO (and hence an Environmental Permit (EP) is not issued) the option of requiring the management plan to be submitted to DEP (which might resolve this issue for a Schedule 2 project) is not available, hence it is essential that this issue is resolved at the current stage and not deferred.
L94	Provision of a list of other projects, ongoing or planned, within close to relatively close proximity of the Project Site.	ESB Appendix H 2(vii)(h), 2(viii) EIAO TM Annex 16 (Section 5.2.3) EIAO GN No. 6/2010 (Para. 21)	No	9.9.1.1 – 9.9.1.2. Table 9.25	Table 9.25 provides a list of other projects, ongoing or planned, within close to relatively close proximity of the Project Site. It acknowledges some impacts from construction phases, but totally ignores cumulative impacts of lighting, human activities, traffic and pollution (particulate) increases that would inevitably result from these projects. The issues of both direct light pollution at point source of individual lights (termed light glare in the EIA) and the cumulative background light pollution from buildings, paths and highways would lead to further erosion of habitat viability for all nocturnal wildlife. Further, Table 25 states that Road improvement works at Fan Kam Road are “...over 1km from Sub-Areal 1, cumulative impacts are not expected”. However, no further details on these road works are provided.
L95	Residual loss.	ESB Appendix H 2(xi) EIAO TM (Section 4.4.3) and Annex 16 (Section 5.4.2) EIAO GN No. 6/2010 (Para. 3)	No	9.10.1.2 & Table 9.23	Residual loss of 4.48ha of turfgrass is incorrect, as the area lost under the compensation woodland is excluded.
L96	Assessment of residual impacts.	ESB Appendix H 2(xi) EIAO TM (Section 4.4.3) and Annex 16 (Section 5.4.2) EIAO GN No. 6/2010 (Para. 3)	No	9.10.1.4	Residual impacts have not been fully assessed in accordance with Clause 4.4.3 of the EIAO-TM. For example, item “(vii) <i>the ecological context: More weight shall be given to those adverse environmental impacts that occur in areas or regions that are ecologically fragile and/or rare or undisturbed or which have little resilience to imposed stresses.</i> The Swampy Woodland and the associated Chinese Swamp Cypress, as an example, have not been assessed in this context.
L97	Ecological impacts and EIA conclusions	ESB Appendix H 2(vii)	No	9.12	As detailed in points L1 to L97 above, the Ecological Impact Assessment fails to establish an accurate baseline for certain faunal groups specified in the SB, most notably for bats and moths. That and other failings of the baseline survey result in a comprehensive under evaluation of the conservation value of the project site and assessment area, the habitats present, and the number and the complexity of the species of conservation importance that occur there. As such, the applicant has missed wide ranging and significant ecological impacts that will occur should the proposed development proceed. This is further compounded by a failure to assess multiple direct and indirect impacts and in not using suitable methodologies to assess many of the impacts that are recognised. The proposed mitigation measures lack sufficient detail regarding their implementation to demonstrate that they are feasible. Therefore, the conclusion in the EcolIA that with the implementation of mitigation measures

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					the residual ecological impacts of the project is considered acceptable is fallacious. The proposed development will result in major, irreversible, and unmitigated ecological impacts
L106	Real impacts of the project.	EIAO TM Annex 16 (Section 5.5)	No	9.11 & EM&A Manual	There is a failure to follow through with the actual documentation of real impacts of the project for in-situ taxa. No post-project construction provision for monitoring all the species of conservation concern is made. There is also a lack of a full timeframe as to which habitats and which species are to be monitored, how, nor instructions based upon best published (internationally) practice.