

10. ECOLOGICAL IMPACT

10.1 Legislation, Policies, Plans, Standards and Criteria

10.1.1 Local Ordinances governing the protection of wildlife in Hong Kong include:

- *Wild Animals Protection Ordinance (Cap. 170) 1994;*
- *Forests and Countryside Ordinance (Cap. 96) 1993, and Forestry Regulations;*
- *Animals and Plants (Protection of Endangered Species) Ordinance (Cap.187) 1994;*
- *Fisheries Protection Ordinance (Cap. 171) 1962; and*
- *Marine Parks Ordinance (Cap. 476) 1995.*

10.1.2 Under the *Wild Animals Protection Ordinance*, listed species of wild animals (excluding fish and marine invertebrates but including marine turtles) are protected by prohibiting their disturbance and hunting, whilst their nests and eggs are protected from injury, destruction and removal. Most mammals (except wild pigs, rats and shrews), selected reptiles and amphibians, the Birdwing Butterfly and all wild birds are protected in this Ordinance. All marine mammals are also protected under this Ordinance. Wilful disturbance of protected wild animals and the taking, removal, injury, destruction or wilful disturbance of their nests and eggs during land formation works require a Special Permit issued under Section 15 of the Ordinance. The Director of Agriculture, Fisheries and Conservation is the Authority under this legislation.

10.1.3 The *Forests and Countryside Ordinance* gives general protection to vegetation on all Government Land, including both natural and planted forests and mangroves. A list of plants is designated for protection from destruction, injury or removal. The main purpose of the Ordinance is to protect the gazetted plants from large scale harvesting for commercial purposes and human damages. Country Parks receive additional protection under the *Country Parks Ordinance (Cap.208)*.

10.1.4 Under local legislation, the *Forestry Regulations (Cap.96, section 3)* prohibit sale and possession of a number of specified wild plant species, including all orchids, camellias and rhododendrons.

10.1.5 The purpose of the *Animals and Plants (Protection of Endangered Species) Ordinance* is to restrict the import and export of scheduled species. The Ordinance is primarily related to controlling trade in threatened and endangered species and restricting the local possession of them.

10.1.6 The *Fisheries Protection Ordinance*, besides regulating and offering protection to fisheries resources including spawning areas, also prohibits or restricts the collection, removal or destruction of turtle eggs.

10.1.7 The *Marine Parks Ordinance* vests the Country and Marine Parks Authority the power to designate, control and manage marine parks and marine reserves for the protection of marine life in these areas.

10.1.8 The revised *Town Planning Ordinance (Cap.131)* provides for the designation of Sites of Special Scientific Interest (SSSI), coastal protection areas, green belt or other specified uses that promote conservation or protection of the environment. The government has maintained a register of SSSI since 1975. In the past SSSI status was purely administrative and advisory with no statutory protection afforded. Since the establishment of country parks in the territory, SSSI that are located within the boundaries of country parks and special areas are managed for conservation. SSSI which are located within Restricted Areas designated under the *Wild Animals Protection Ordinance*, and within marine parks or marine reserves designated under

the *Marine Parks Ordinance (Cap.476)* are subject to the relevant Ordinances. A number of SSSI are now zoned under the *Town Planning Ordinance* and in these zoned sites there is a presumption against development. The remaining SSSI are not protected. However any development proposals not in line with the Outline Zoning Plans would be subject to planning, engineering and infrastructure considerations.

10.1.9 In addition to the above ordinances, Annexes 8 and 16 of the *Technical Memorandum on Environmental Impact Assessment Process (EIAO-TM)* describe the criteria for evaluating and guidelines for assessing ecological impacts respectively. These will be adopted in this ecological impact assessment.

10.2 Assessment Methodology

10.2.1 Aquatic Ecology

10.2.1.1 The environmental impact assessment study carried out under the Feasibility Study for South East Kowloon Development (Agreement CE 69/94) provided a comprehensive review of baseline ecological conditions. Other relevant studies were also reviewed. Field surveys of marine soft bottom benthic fauna were carried out in addition to the literature review.

Literature review

10.2.1.2 While the study area for terrestrial ecology is 500 m from the boundary of the New Development Area, the assessment area for marine ecology is much larger and covers three Water Control Zones, i.e. Victoria Harbour, the Eastern Buffer and the Western Buffer Water Control Zones. This is the same assessment area used for water quality and fisheries impact assessment. A literature review was conducted to determine existing conditions at both the study area and the assessment area, and to identify habitats and species of potential importance that may be affected by the project. Literature review included Government and private sector reports, independent and Government published literature, Agriculture, Fisheries and Conservation Department (AFCD) publications and academic studies.

10.2.1.3 The marine habitats and ecology of Victoria Harbour are relatively poorly studied when compared with studies focusing on marine pollution. Studies covering the marine biology of the SEKD New Development Area or its immediate surroundings include the following:

- *Spatial Distribution of the Infaunal Benthos of Hong Kong* (Shin & Thompson 1982);
- *Sewage Pollution and the Infaunal Benthos of Victoria Harbour, Hong Kong* (Thompson & Shin 1983); and
- *Spatial and temporal changes in the macrobenthic communities inside Victoria Harbour, Hong Kong* (Cai *et al.* 1997).

Other studies provide information to the marine biology of Victoria Harbour include:

- *Central Reclamation Phase III Studies, Site Investigation, Design and Conclusion, Environmental Impact Assessment Final Report* (ERM 1997)
- *Green Island Development Study* (TDD, 1998)

Nullah

10.2.1.4 There is no natural stream course or other natural freshwater water body within the new development area of SEKD. Kai Tak Nullah is an artificial drainage channel with no record of flora or fauna in preliminary survey, and thus is not included in the present study.

Intertidal