



BY EMAIL ONLY

Ms. TSE Siu Wa, Janice, JP
Director of Environmental Protection
EIA Ordinance Register Office
Environmental Protection Department
(E-mail: eiaoccomment@epd.gov.hk)

28 December 2022

Dear Ms. Tse,

**EIA report for Establishment of Fish Culture Zones at
Po Toi (Southeast), Mirs Bay, Outer Tap Mun, and Wong Chuk Kok Hoi**

Green Power would like to draw your kind attention to our comments about the above-captioned EIA reports.

1. Even though the project proponent (i.e. AFCD) will not be in charge of the construction, anchorage, and operation of new fish rafts in the proposed Marine Fish Culture Zones (FCZs), it has the statutory role under the EIAO to ensure the full execution of the environmental mitigation measures and requirements stated in the EIA reports and Environmental Permit during both the construction and operation phases. Therefore, the relevant specifications stated, whenever applicable, should be incorporated in the marine fish culture license and fish farm operational plan under the Marine Fish Culture Ordinance.
2. The detailed designs, specifications, and density of the auxiliary facilities (e.g. storage space and shelters) are missing in the EIA reports. We doubt if the environmental impacts induced by the provision of these auxiliary facilities have been fully assessed in the EIA. According to the Marine Fish Culture Regulations, marine fish culture license holders can apply to build structures on the FCZs, but since “*mariculturists are not anticipated to live on the rafts*” according to the EIA reports, any structures that exceed the basic needs for the fish farm operation, such as cooking and sleeping facilities, should not be permitted.
3. There have been reported cases of illegal recreational activities occurring in the existing FCZs (Figure 1), the project proponent should adopt a “zero-tolerance” policy to any illegal and incompatible activities in the proposed FCZs. Frequent site inspections and enforcement actions should be taken to combat these issues.



#漁護快訊【禁止魚類養殖區內嘅違規活動】

為咗遏止喺魚類養殖區內嘅違規活動，漁護署同水警最近採取聯合執法行動，警告相關牌照持有人，並要求牌照持有人立即糾正相關嘅違規活動，包括與魚類養殖作業無關嘅船隻進入及停留魚類養殖區，喺魚排上放置卡拉OK及水上活動等設備。如違反《海魚養殖條例》及/或海魚養殖業牌照條件，漁護署會採取適當執法行動，包括檢控，考慮取消其牌照，及/或拒絕將其牌照續期。

漁護署提醒參與魚排上休閒垂釣嘅公眾人士，應選擇喺已獲署方准許嘅魚排上進行，並且唔好喺魚排上或其水域內進行游泳、水上康樂、燒烤同其他未獲批准活動。

魚類養殖區範圍內其實經常有船隻進出，魚排一般亦冇合資格嘅救生員當值。喺魚類養殖區進行水上康樂活動會對參與活動人士構成危險。另外，由於魚排大部分係木製，進行燒烤活動都會增加火災風險。

#AFCD #漁護署 #魚類養殖區 #禁止違規活動 #違規可被檢控或取消牌照 #構成危險



Figure 1. Enforcement actions taken by AFCD and police force in the fish culture zone in 2021
(Source: AFCD's social media)

4. The storage, transport, and utilization of fuels, chemicals, drugs, etc., should be in good manner such that none of them will be accidentally released into the marine waters. An emergency plan should be formulated to cope with any case of pollutant leakage.
5. Wastes dumped at sea are difficult to be spotted which either sink to the seabed or are drifted away with sea currents and waves. Therefore, effective measures should be imposed in both construction and operation phases to avoid discarding wastes illegally and inappropriately. This is particularly important for biologically non-degradable or long-term toxic wastes such as plastics, heavy metals, or persistent organic pollutants which may very likely contaminate the reared fish in the fish rafts and in the surrounding marine environment and wildlife.
6. Apart from the 1-year marine water quality monitoring implemented once the proposed project site has reached a full operation scale as stated in the EM&A report, the project proponent should also conduct regular spot water quality checks at the proposed FCZs since the first day of operation. The proposed project has emphasized the invention of advanced technologies, the use of “*real-time surveillance and water quality monitoring*” quoted in the EIA should be adopted to oversee the instant operation and water quality in the FCZs. This will be an effective system to control and prosecute the irregularities mentioned in above Point 3 to 5.

7. The project site of the proposed FCZ in Po Toi (Southeast) is one of the active foraging grounds of the Finless Porpoises (FP). According to the latest marine mammal monitoring report, the encounter rates of FP at the Po Toi waters in the year 2021-2022 have doubled that of the last year, reaching the highest encounter rate since the year 2015-2016 and ranking second among the five usual FP’s survey sites (Figure 2). The up-to-date survey result contradicts the EIA report claiming that “*the FP encounter rate at Po Toi waters was slightly lowered in recent years*” (Section 4.3.3.4), it instead indicates a possible increasing trend of FP around Po Toi waters. We urge the project proponent AFCD, the statutory department for wildlife conservation, to take this new data into account and re-assess the ecological impacts on FP. Extra field surveys may be required to make a precise assessment.

Table 5. Encounter rates (no. of on-effort sightings per 100 km²) of finless porpoises among different survey areas in the past 15 monitoring periods

Monitoring Period	Overall	SW			
		Lantau	SE Lantau	Lamma	Po Toi
2007-08	3.0	2.7	5.1	1.9	1.9
2008-09	3.3	2.8	1.4	7.8	2.9
2009-10	3.5	1.9	6.1	1.0	5.5
2010-11	3.3	2.7	5.4	3.0	3.4
2011-12	4.9	3.0	5.8	9.6	3.4
2012-13	4.7	5.9	8.4	4.6	2.2
2013-14	6.4	7.4	12.5	7.6	0.0
2014-15	4.2	2.6	8.7	2.9	2.2
2015-16	3.8	2.3	5.3	6.4	5.2
2016-17	3.7	2.8	8.1	2.5	1.8
2017-18	3.3	3.9	6.2	1.5	2.7
2018-19	2.9	2.9	5.1	1.9	1.2
2019-20	3.3	3.9	5.6	1.9	2.2
2020-21	1.9	2.8	2.3	1.4	1.5
2021-22	2.5	3.6	2.1	1.6	3.3

Figure 2. Encounter rates of Finless Porpoises (2007-2022)

(Source: AFCD’s Monitoring of Marine Mammals in HK Waters (21-22)— Final Report)

8. Quarantine procedures, treatment of sick fish, and application of additives and drugs should be taken into account for the protection of the wild fish community in the local marine environment against pathogen infection, and additive and drug contamination.
9. The mitigation measures proposed in the EIA reports cannot fully eradicate the risk of fish escape, therefore the introduction of invasive alien fish species to the proposed FCZs should be prohibited otherwise fish escape can pose unexpected disasters to the local marine ecology.
10. Under extreme conditions, the temporary fish raft relocation sites should be identified with environmental impact assessments. Protocols and mitigations for the relocation should be formulated in advance to minimize any potential impacts. In particular, the relocation sites should not be designated in ecologically sensitive areas or shallow water habitats.

Thank you very much for your kind attention. For any inquiries, please contact the undersigned at Green Power (T: 3961 0200, F: 2314 2661, Email: wflo@greenpower.org.hk).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Wing-fung', with a long horizontal stroke extending to the right.

LO Wing-fung
Senior Education & Conservation Officer
Green Power