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Hong Kong, 27 October 2012 (revised)

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Director of Environmental Protection (Director)
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Mr. WONG Kam Sing
Secretary for the Environment (Secretary)
Environment Bureau
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Re: Bathing Beach at Lung Mei, Tai Po, a designated Project (Register No. AEIAR-123/2008) under the Environmental Impact Assessment Ordinance and granted an Environmental Permit (No. EP-388/2010) by the Director of Environmental Protection on 26 April 2010. Home Affairs Bureau is the policy bureau. Leisure and Cultural Services Department (LCSD) is the client department (Proponent). Port Works Division of the Civil Engineering and Development Department is the works department (Applicant).

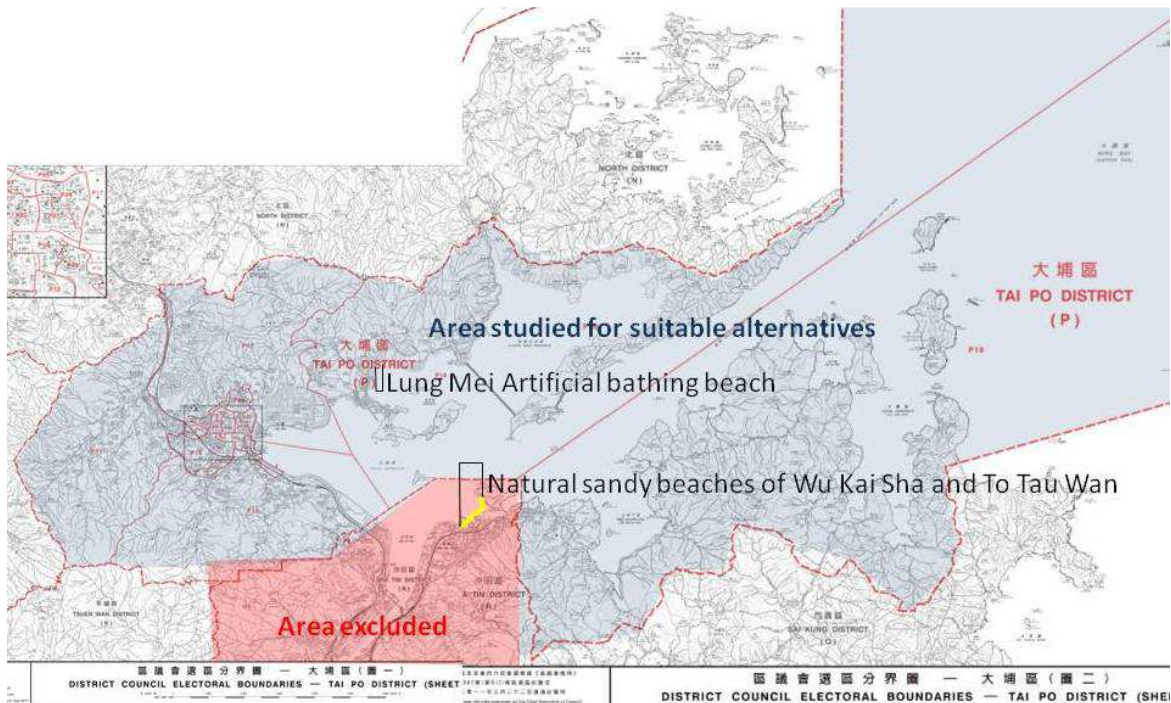
Dear Mr. Wong and Ms. Wong,

Designing Hong Kong Limited is a not-for-profit organization and our objects are:

- To promote the health, safety, convenience and the general, social, and economic welfare of the community of Hong Kong today, WITHOUT COMPROMISING the future;
 - To identify ways and means of enhancing the quality and sustainability of Hong Kong's living environment for the health, safety, convenience and welfare of residents and visitors;
 - To undertake research and studies into the design and development of Hong Kong's living environment;
 - To educate and raise the awareness among the community on the need to protect and enhance the living environment of Hong Kong, and the ways and means to do so;
 - To form alliances among members of the community with a common interest in protecting and enhancing the living environment of Hong Kong, and
 - To undertake any and all lawful acts and deeds which are necessary and conducive to attaining our objectives.
1. In light of growing concerns over the captioned Project, the development of an artificial bathing beach at Lung Mei, Designing Hong Kong Limited has reviewed relevant documents including those related to the Environmental Permit and discovered a deliberate failure in identifying, considering and providing information on all suitable alternatives for providing beach facilities in the East New Territories, including as recently as this week.

2. The Environmental Impact Assessment Ordinance and the relevant technical memorandum including Annex 16 have avoidance as a priority. They require the applicant to prepare an environmental impact assessment report (Report) in accordance with the requirements of the environmental impact assessment study brief (Brief) and the applicable technical memorandum. It requires the Report to have no omissions which may affect the conclusion of the assessment. An important factor to be considered is whether adverse environmental effects are avoided to the maximum practicable extent by adopting suitable alternatives including change of site. The objectives of the Report are to provide information on the consideration of alternatives which to the maximum practicable extent avoid and minimize potential environmental impacts to environmentally sensitive areas and other sensitive uses. By comparing the environmental benefits and dis-benefits of different alternatives the reasons are identified for selecting the preferred option and the environmental factors are described which play a role in the selection of the preferred option. The study Brief for the Report on the development of a bathing beach at Lung Mei specifically requires the applicant to consider other feasible locations, provide justification regarding how the proposed scheme is arrived at, including the descriptions of the environmental factors considered in the location selection. The study Brief does not limit the feasible locations to the boundaries of a specific administrative district.
3. The Tai Po District Council considered existing swimming facilities insufficient to meet the local demand and that there were no beach facility in the east region of the New Territories, except Sai Kung District which was considered too far from Tai Po District. Subsequently the Proponent and the Applicant unreasonably, wrongfully and irrationally eliminated a short section of the nearby coastline including Wu Kai Sha and To Tau Wan from the Report by instructing the consultant who prepared the Report to limit itself to the administrative boundaries of the Tai Po District rather than the distance to catchment areas, a criteria commonly used when considering the provision of open space, leisure, recreation and sports facilities: *“The basic requirements of the Proposed Beach Development agreed with LCSD are as follows: It should be located within the Tai Po District”* (Site Selection Consideration, Environmental Impact Assessment Report, November 2007)
4. Moreover, the Proponent, Applicant and the Report provide misleading and woefully inaccurate information on the availability of beaches in the East New Territories, deliberately ignoring the popular natural sandy beaches at Wu Kai Sha and To Tau Wan:
 - *“there is no beach facility in the east region of the New Territories, except in the Sai Kung District which is quite distant from Tai Po District.”* (Project profile, December 2005)
 - *“there was no beach facility at the east region of the New Territories, except Sai Kung District which is however far away from Tai Po District.”* (Environmental Impact Assessment Report, November 2007)
 - *“Tai Po and its neighbouring districts (including Sha Tin and North District) together had a population of over 1.25 million but there is not a single public beach facility in any of the three districts”* (Betty Fung, Director of Leisure and Cultural Services, Government Press Release, 25 October 2012, <http://www.info.gov.hk/gia/general/201210/25/P201210250427.htm>)

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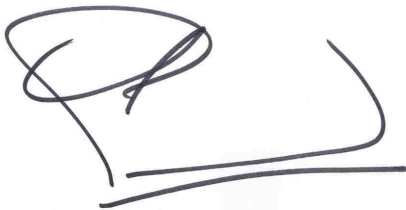
(Map based on <http://www.elections.gov.hk/dc2011/eng/ebmaps.html>)

5. The Project originated from requests by the Tai Po District Council over many years for bathing and beach facilities to meet the demand of residents in the East New Territories. Administrative district boundaries do not limit the suitability of alternatives under the EIAO, nor do such boundaries matter for the bathing public. Their concern is the actual distance and accessibility including available transport facilities. Nor does the ecology of Hong Kong recognize administrative boundaries which man may have decided on or may alter at will.
6. The Report states that it reviewed the areas of Plover Cove, Tolo Channel, Hoi Ha Wan and Long Harbour, creating the impression that the entire length of coastline had been reviewed. The Report concealed the material fact that it had not reviewed the entire coast line within these areas. The Report fails to mention that it excluded the short section of coastline along Tolo Channel which – unknown to most people - falls under the Shatin District. The Report claims to have identified all geophysically suitable potential bathing beach sites. It deliberately failed to mention that it had not studied or reviewed Wu Kai Sha and To Tau Wan as practicable alternatives for bathing beaches. This despite the fact that these sandy beach areas are actively used by the community for bathing and related activities including barbeque and marine recreation. This failure to mention these natural sandy beaches and the lack of a comparison of Wu Kai Sha and To Tau with the other alternative sites studied has unlawfully and deliberately concealed the fact that these sandy beaches were excluded. This effectively misled all those who studied and reviewed the report for many years, including the public, the Advisory Council on the Environment, and apparently, Government departments, in to believing that all feasible, accessible and practicable sites in the areas of Plover Cove, Tolo Channel, Hoi Ha Wan and Long Harbour had been studied as alternatives for bathing beaches to meet local demand in the East New Territories.

7. For the selected sites the Report reviewed the proximity to environmental sensitive areas, the availability of infrastructure, adequacy of hinterland for facilities, and whether the hydrographical conditions are appropriate. It appears that Wu Kai Sha and To Tau Wan would meet these criteria as they offer dry sand beaches with adequate hinterland for facilities and excellent road and rail infrastructure providing convenient access for the residents and visitors of Taipo District. Importantly, Wu Kai Sha and To Tau Wan are closer to the majority of Taipo District residents and visitors than Sai Kung and alternative sites considered in the Report such as Hoi Ha Wan and Long Harbour. Together Wu Kai Sha and To Tau Wan allow the development of a long and large beach area which can serve large numbers of bathers throughout the year, and there is sufficient hinterland to accommodate other beach facilities such as changing rooms, toilets, shower areas, storerooms, beach offices and refreshment kiosks, some of which are already available nearby.

8. Pursuant to the Environmental Impact Assessment Ordinance (EIAO) the Director may, with the consent of the Secretary, suspend or cancel an environmental permit if he is satisfied that on the application for the captioned environmental permit the applicant gave misleading, wrong, incomplete and/or false information. On this basis we now request the Director and Secretary to suspend immediately the captioned environmental permit to avoid any aborted works or sunk cost by the project proponent, applicant and future contractors, while it reviews the Report. We urge the Director and Secretary to cancel the environmental permit when additional studies show that developing Wu Kai Sha and To Tau Wan as bathing beaches will maximize environmental benefits and avoid/minimize adverse environmental effects to the maximum practicable extent in comparison with developing Lung Mei as a bathing beach in the East New Territories to meet the demand of residents and visitors. We request the Secretary and Director to let us know soonest and before any further financial or contractual commitments are made with respect to the development of a bathing beach at Lung Mei what their decision is.

Yours sincerely



Paul Zimmerman
CEO
Designing Hong Kong Limited

Hong Kong, October 29, 2012

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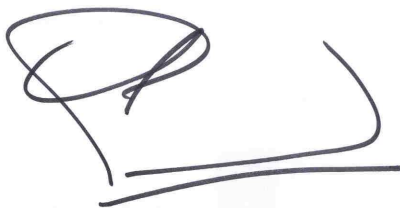
Discussion regarding the development of an artificial beach on the shoreline of Lung Mei in the Panel on Environmental Affairs Meeting on Monday, 26 November 2012

Groups have raised concerns over the Environmental Impact Assessment. Designing Hong Kong has requested the Director of Environmental Protection to cancel the Environmental Permit for the failure to review all alternative sites along the coastline of Tolo Channel. Other concerns raised are the under-reporting of the ecological value of the area impacted by reclamation, and the lack of consultation despite the 12 year gestation of this project.

In the meantime, it is unknown how heavy metals found in sediment nearby and how the translocation of marine life will impact the cost and viability of the artificial beach.

With the announcement of the Ting Kok Coastal Conservation Plan (Ting Kok Plus) and the upgrading of local sewerage systems we support the development of new recreational facilities along the Ting Kok coast to accommodate residents and visitors which come to enjoy the rich ecology of the mud flats and rocky coastline. However, we strongly object to reclamation of the seabed and destruction of the local ecology for a bathing beach. We support gazettement the sandy beach areas at Wu Kai Sha and To Tau Wan as bathing beaches.

Yours sincerely



Paul Zimmerman
CEO, Designing Hong Kong Limited

Encl: Request to cancel the environmental permit for the development of an artificial beach in Lung Mei

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2012年10月29日

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主席:

2012年11月26日於環境影響會議討論
“大埔龍尾泳灘工程計劃等建造工程對自然生態帶來的影響”

團體已經表達對環境影響評估有效性的關注。由於忽略了赤門海峽兩岸的其他選址，創建香港已要求環保署署長取消大埔龍尾灘的環境許可證。其他關注包括現時低估了填海影響範圍的自然生態價值，以及計劃十二年來欠缺諮詢。

現時，仍未能確定附近重金屬沉積的情況估計遷移每羊生物會如何影響人工沙灘的成本及可行性。

基於早前公布的汀角海岸生態保育計劃(汀角+)和提升當地的排污系統，我們支持於汀角海岸附近發展新的消閒設施，以照顧居民及訪客去享受泥灘與石岸的豐富自然生態環境。然而，我們強烈反對填海和摧毀海床及本地自然生態以換取一個消閒沙灘。我們支持如將烏溪沙和鹿頸灣的天然沙灘考慮成為正式消閒沙灘。

創建香港 主席
司馬文

附件: 要求取消大埔龍尾灘人工沙灘的環境許可證