

**Legislative Council Environmental Affairs Committee 28, April, 2008
Submission on implementation of the new Nature Conservation Policy
Kadoorie Farm & Botanic Garden**

1. Introduction

It is with great concern that Kadoorie Farm & Botanic Garden learned that the Administration has approved the PPP proposal for Sha Lo Tung, and the manner in which this was done. There can be no disputing that constructing a columbarium, retreat centre and improved road access into this secluded, beautiful and ecologically highly sensitive valley is highly controversial.

2. The ecological value of Sha Lo Tung is centred on its pristine streams, which host Hong Kong's richest community of dragonflies, and rare reptiles. Both include species Red Listed as critically endangered. Very real concerns exist that these streams could suffer serious ecological damage especially from run-off from the construction phase, and that for lack of due process this PPP project will cause lasting damage to a site it is intended to protect.
3. Honourable Members are respectfully requested to require a full, statutory EIA is carried out for the proposed columbarium and associated works at Sha Lo Tung.

4. Flawed process for review and approval of PPP projects

This process has been shrouded in secrecy. Prior to this paper EPD has not divulged any information except that the projects were being reviewed. It was only this month that ACE learned, and only once the decision had been made did the public learn that, despite the controversial nature of the project, the statutory EIA process would not be followed in assessing Sha Lo Tung.

5. This decision is particularly troubling because the EIA process provides the statutory right of public consultation and a sound and transparent framework for enforcement, which is now lost.
6. EPD has instead recommended that the proponent's Environmental Study be shown to the public only after the decision has been made, and that undisclosed "administrative measures" be taken to protect the site.
7. As a result the public's right to comment on a highly controversial project planned in a highly ecologically sensitive site has been denied, knowledge and information that may have resulted in a better project has been lost, and the Chief Executive's commitment to consult the public more has been ignored.
8. It is also of concern that the EIA's statutory enforcement measures will not be implemented, but replaced by less transparent "administrative measures". While there may be benefit in such measures there is no reason why these should not supplement rather than replace the much more transparent Environmental Permit under the EIA Ordinance.
9. The decision not to require an EIA, which lies within the discretion of EPD and Environment Secretary, undermines confidence that the Administration is doing its utmost to protect Hong Kong's biodiversity.
10. Honourable Members are respectfully requested to ensure that the rights of public consultation, a transparent, tested tool for enforcement, and the commitment of EPD to protecting the biodiversity of Sha Lo Tung are all secured through a statutory EIA.