

Hei Ling Chau Prison Development

Summary

The Forum has reviewed the information presented in relation to the proposal to locate a prison complex on Hei Ling Chau (referred to as the project), and has reached the following conclusions:

- The Forum believes that the concepts behind this project need to be re-visited.
- There is sufficient doubt in the community and in the minds of stakeholders to suggest that the consultation process for this project has not been properly framed, with important key questions remaining unanswered and alternative solutions not investigated. Although communities may oppose a project of this type through “Not In My Back Yard” (NIMBY) concerns, a correctional institution is a community responsibility, and a responsibility that we cannot expect the residents of one small district to bear alone. The Forum believes that the real solution is more individual facilities, being more cost effective, more humane, and more sustainable.
- In particular the Forum suggests that insufficient weight has been given in the assessment of this project on the irreplaceable loss of natural shoreline, seascape and landscape that this development, with its fixed crossing, would cause in this area of south east Lantau that currently has an unspoilt natural setting, and has been designated for conservation.
- Also the Forum notes that many significant renewable and non-renewable resources would be required to develop this project, whilst the demolition of the existing correctional facilities would represent a significant waste of existing resources – the sustainability of this needs to be re-viewed.

The particular views of the Forum are given in the following pages.

Sustainable Development

Sustainable development requires us to have regard when initiating a project for its consequences:

- to the environment
- to our fellow men
- and to generations to come.

After having considered those consequences, we should refrain from any actions that would be harmful to the environment, to our fellow men, or to future generations.

Environmental Impacts

The impacts on the environment of a project need first to be defined. As a minimum, we should ensure that the health of our citizens is not adversely affected by air and noise impacts, with serious air pollutants and disruptive levels of noise controlled. We should protect our shoreline and ensure our harbour waters are free from dangerous pollutants. We must also ensure the preservation of ecologically viable segments of our natural environment, both terrestrial and marine; and cherish our Country and Marine Parks. We should protect and conserve the vistas that our small enclave enjoys, from our rocky coastlines to craggy mountainsides and forested ridges. We should conserve our cultural heritage. We should also use renewable resources within their capacity to renew themselves, and we should use non-renewable resources sparingly. We are not a big place, there are a lot of us, and our environment is precious.

In this process, we must ask:

- would the project cause unwarranted losses in precious / irreplaceable natural or other resources?
- would the project make unwarranted accelerated use of scarce resources in favour of short-term over long-term economic needs?
- would the project result in unwarranted hazards to endangered species?

The Hei Ling Chau Prison project has a number of direct environmental impacts:

- the road vehicles using the access route via the fixed crossing to the facility could cause air quality impacts through vehicle emissions and noise impacts on nearby sensitive receivers (nevertheless these impacts are likely to be minimal because of low vehicle usage)
- the perimeter and security lighting could be visible at night for miles around
- the reclamation has the potential to cause water quality impacts during construction by the transport of sediment from the dumping of filling material
- the new breakwaters and piers of the fixed crossing would affect hydrodynamics and cause changes to currents and flow velocities that in turn could cause water quality impacts (detailed hydrodynamic and water quality modelling has yet to be carried out)
- marine vessels used for transporting staff and inmates to and from the facility could cause water quality impacts from diesel spillage and litter etc falling in the water
- an ecologically important habitat for the rare Bogadek's Burrowing Lizard endemic to Hong Kong could be affected (detailed terrestrial ecological surveys have yet to be carried out)
- even if there is no development on Hei Ling Chau itself, a major development in immediate juxtaposition to the island would likely impact the flora and fauna
- the marine ecology in the area could be affected from the loss and disturbance of benthic habitat within and adjacent to the footprint of the reclamation, the new breakwaters and the fixed crossing; sub tidal fauna, in particular corals, are susceptible to changes in water quality, including the effects of suspended solids, sediment deposition, and changes in salinity and nutrient concentrations; coral habitats are an important ecological and conservation resource for Hong Kong (detailed marine ecological surveys have yet to be carried out).
- some secondary woodland near Mui Wo would be lost by the construction of the road access

- there could be further impacts from the construction of new water mains (and reservoirs?) to serve this facility
- the reclamation and construction of the fixed crossing has the potential to impact on fisheries resources
- the reclamation and construction of the fixed crossing has the potential to impact on marine archaeological artefacts – such artefacts are found around Hong Kong's shoreline especially in areas adjacent to early land-based communities (eg Lamma and Cheung Chau) and in areas used as safe anchorages (detailed marine archaeological surveys would be needed to determine the presence of artefacts)
- landscape / seascape impacts would be caused by changes to the landscape / seascape resources within the footprint of the site and its associated fixed crossing and from possible changes to the landscape / seascape character of surrounding areas; this recognises that Hei Ling Chau is proposed for conservation in the South West New Territories Development Strategy Review.
- visual impacts (especially associated with the fixed crossing) would be caused by changes to existing views by the construction and operation of the facility; in particular the facility and the fixed crossing would be visible to users of the Lantau South Country Park and to residents of Mui Wo; the fixed crossing would also impact views from Peng Chau
- the views of the many tourists passing by Hei Ling Chau en route to Cheung Chau and Macau would be impacted

Taken as a whole, the Government say they would “implement mitigation measures to control the impacts to acceptable levels”.

The Forum's view is that insufficient weight has been put on the irreplaceable loss of natural shoreline, seascape and landscape that this development, with its fixed crossing, would cause with an obtrusive development encroaching into an area currently having an unspoilt natural setting; the Forum suggests that mitigation measures could not address this loss.

But the Hei Ling Chau Prison project also has a number of indirect environmental impacts:

- significant resources both renewable and non-renewable would be used in the construction of the facility (the fuel for transport and construction vehicles; the cement, aggregates, steel, timber, and other construction materials; the energy to produce these construction materials; the energy and resources to manufacture the plant and equipment that would be used in the facility – the lifts, air conditioning plant, sewage treatment plant etc)
- demolition of the existing correctional facilities would represent a significant waste of resources
- demolition and / or refurbishment of the existing correctional facilities for other purposes would create solid waste that would impact our landfills and public filling areas
- demolition and / or refurbishment of the existing correctional facilities for other purposes would create noise and air quality impacts

The Government has not commented on these impacts – they are serious ones – these impacts are the very essence of ensuring sustainable development. *The Forum believes that the Government should consider these impacts in their assessment of this project, and report their findings.*

Impacts on our Fellow Men

Sustainable development is also development that promotes equity – social equity. Sustainable development should not impose undue costs on any particular segment of society.

We should ensure that the development and operation of the project do not seriously impact on a particular community's socio-economic well-being and affect their ability to maintain an appropriate social framework.

The Hei Ling Chau Prison project has a number of direct socio-economic impacts:

- inshore fishermen may lose fishing grounds that could affect their livelihood
- businesses that rely on recreation and tourism could be impacted (eg eco-tourism and water sports)
- property values in Mui Wo and nearby areas could fall because of the proximity of the prison (and concern over inmate escapes – especially with a direct road link from the facility to Lantau) and the impact from views of the facility and the fixed crossing
- the stigma of a major prison facility on Hei Ling Chau would blight the international tourists' and local day trippers' attraction to Lantau and other nearby islands
- compared to prisons such as Stanley and Lai Chi Kok Reception Centre, inmates' visitors would have an added cost and inconvenience of having to travel by bus, MTR and / or public ferry to the facility with 80% of Hong Kong's prison population in this one location
- the added inconvenience and cost to visitors could increase prisoners' isolation that could reduce the effectiveness of rehabilitation, and in turn the longer-term cost of crime
- the fixed crossing with its single navigable span would impact on the flexibility of marine vessels using this sea route, and may cause them to use a longer and more costly route

The Forum questions whether these impacts have been fully taken into account in considering this project, and suggests that the Government should report on their findings in their assessment of this project.

In talking of social equity, all elements of the community should be able to participate. This is addressed separately under the heading of "Public Participation".

Impact on Future Generations

Sustainable development is development that hands on to future generations the same stock of resources that we inherited, and a planet that is no more polluted and no more degraded than when we were born. In the context of "resources", the financial and economic impact of a project is one of the considerations.

Degrading Natural Resources

Hei Ling Chau and its environs around south east Lantau are a pristine and beautiful corner of our home. The existing Correctional Services Department (CSD) facilities on the island are relatively unobtrusive, and can be serviced by a small existing jetty that is restricted to use by CSD vessels and other "approved" users.

The new facility because of its capacity and size would be a major development on the south-western shoreline of the island.

The Forum believes that the new facility and its associated fixed crossing would degrade the existing natural resources of the south east Lantau area and reduce its potential as an area of conservation; and as a result we would be passing on to future generations something less than we inherited.

Fixed Crossing

Apparently because of security concerns, the new facility requires a fixed crossing so that police, CSD and other emergency services (eg Fire Services) could be brought in rapidly in an emergency. Apart from inmates' visitors, it seems that few vehicles would use the fixed crossing as the Government says it would use chartered ferry services as the preferred mode of transport for most staff working in the facility. Similarly prisoners being taken for court appearances etc would travel by ferry and road.

The fixed crossing is an expensive capital cost component of this project, especially when one recognises that it essentially would take little traffic; and once built it would have to be maintained by the Highways Department (assuming this is a public road and not a restricted access). This expensive and little-used structure would also be a significant visual eyesore in an area overlooked from the Lantau South Country Park; and is perhaps the most "negative" aspect of this entire project. Despite the Government's suggestion that the bridge could be a light-weight structure in subtle colours, it could not be made "invisible" and would always be a physical link that would be perceived as bringing the prisoners closer to Mui Wo.

In September 1983, Typhoon Ellen left a large ocean-going vessel stranded on the beach in Silver Mine Bay. With this event in mind, there must be a risk of a vessel colliding with the fixed crossing and cutting the road access to the facility.

Compared to the small existing ferry pier that appears adequate to service the existing facilities on Hei Ling Chau, the construction of a fixed crossing seems like a sledge hammer to crack a nut.

The Forum views the fixed crossing with concern: it is an expensive component that adds significantly to the overall capital and recurrent costs of this project, and is unique to this particular site. When Hong Kong is facing a current account deficit, and other strategic projects are being cut back, the Forum questions whether the financial resources that this component would consume are justified, especially in view of the potential consequences of a marine vessel colliding with this fixed crossing.

Services and Support Infrastructure

In view of its remoteness, the facility would need to be provided with a secure and dedicated water supply and dedicated sewage treatment facilities.

There are only limited medical facilities on Lantau, with no major hospital. Although the facility would be able to evacuate medical emergencies by helicopter, it would be necessary to construct a small hospital block to support the facility.

Services and support infrastructure of this nature, which other less remote sites could offer, all add to the capital and recurrent cost of the overall project compared to a development in another location, and would involve other Government departments in needing to service this facility (ie the Highways Department for the fixed crossing and the Drainage Services Department for the sewage treatment facilities).

Once again, the Forum questions whether the additional capital and recurrent costs of this necessary infrastructure (ie water supply, sewage treatment and hospital facilities) that other sites could offer have been fully taken account of in the assessment of options (ie options other than Hei Ling Chau).

Breakwater

The project involves the reconstruction of part of the existing breakwater around the existing typhoon shelter. Apparently the breakwater has to be modified in this way to compensate for the loss of mooring area caused by the reclamation.

This modification, although not excessively complex, would require considerable effort and cost in the demolition of the existing outer seawall, and its reconstruction some metres to the south west. Once again this is an additional cost associated with the development of this site that sets it above the costs of other sites (ie again other than Hei Ling Chau). *In any event, the Forum suggests that it would be more sustainable (and saving in capital cost and environmental impacts) to avoid the need to move the seawall. Other anchorages are available elsewhere where vessels can go in a typhoon and with the SAR's fishing fleet on the decline, the need for the mooring area should be justified from a realistic consideration of future needs.*

Population

The Government has recently revised its population growth estimates for the SAR.

The Forum suggests that the need for a facility of this size should be re-evaluated in light of these recent growth forecasts – does Hong Kong actually need a facility this big?

Public Participation

The process of working towards sustainable development must be inclusive and consensus building. In talking about social equity, the exploitation of natural resources and the like, we must include all elements of the community.

There needs to be dialogue and there should be debate.

The anguish that this project has already caused to the Lantau community demonstrates that somewhere this process has gone awry.

The Forum recommends that the Government re-evaluate the planning and consultation process that has been used for this project.

Re-thinking the Project

The achievement of sustainable development needs to challenge accepted conventions related to development, resource use and social equity. Sustainable development is not a convenient way of re-titling and re-grouping existing development programmes. Neither can any and all development be made sustainable by appropriate mitigation measures.

The Government has used a site selection process, and depicts itself as acting sustainably, but appears to have arrived at a solution that leaves many questions of sustainability unresolved.

It also appears bizarre that if an “urgent” solution is needed to this problem, a significantly complex and long-time frame solution (in particular including the construction of a fixed crossing) has been chosen that would require gazetting under the Foreshore and Sea-bed (Reclamations) Ordinance, as well as significant capital and recurrent expenditure.

As the case for the Hei Ling Chau Prison is un-convincing, there should be some new thinking “outside the box”; the following are put forward as issues for consideration:

- Has the case been properly made for one single complex?
- Should Mainlanders be kept in our prisons, is a prisoner exchange scheme being planned for them?
- Why not more community prisons; eg in areas like Yau Tong, where industry has moved to the Mainland leaving empty run-down space?
- Is it really so difficult to refurbish the existing facilities? (eg new hospitals have been developed throughout Hong Kong, with the “old” hospitals, ie Queen Mary and Queen Elizabeth, extensively re-developed). Why not prisons?
- If one new community prison was developed, inmates could be moved from an existing prison to the new prison; the “old” (and empty) prison could then be re-developed and refurbished, and the process repeated. This process would be more sustainable as it re-uses existing facilities, and does not impact previously unused sites.
- One of the site selection criteria was: “Level land as far as possible to minimise cut and fill and allow a contiguous development”. This criterion seems to have ruled out locations such as the Castle Peak Firing Range. Combining a valley site in the Firing Range with the disposal of surplus public fill could create a level site area, and address another of Hong Kong’s problems (ie the disposal of public fill). The Castle Peak site would require no fixed crossing, would be closer to the main urban area compared to Hei Ling Chau, has an adjacent hospital and sewage works, and would not require chartered ferries to provide transport services. In passing, if this “level site” criterion had been used for the Chinese University, the existing site in an old borrow area would never have been developed!
- It is not clear where CSD staff would be accommodated; presumably in existing accommodation remote from Hei Ling Chau. Have the costs and time involved in their travel to work been considered? What are the views of the CSD unions to this project – they are a stakeholder and should be involved in the debate?
- A key reason behind the fixed crossing is to provide access to the facility to deal with an emergency. Consider the following scenario: severe typhoon conditions, it is dangerous to cross the bridge because of high side winds, helicopters have difficulty flying, marine vessels cannot berth because of high seas, and a major emergency occurs in the facility.
- The SAR Government is pursuing the concept of Public Private Partnerships (PPPs); in UK, USA and Australia, prisons are contracted out to the private sector through PPPs to develop and maintain; has this option been considered for Hong Kong?

The Forum believes that the concepts behind this project need to be re-visited. There is sufficient doubt in the community and in the minds of stakeholders to suggest that the consultation process for this project has not been properly framed, with important key questions remaining unanswered and alternative solutions not investigated. Although communities may oppose a project of this type through “Not In My Back Yard” (NIMBY) concerns, a correctional institution is a community responsibility, and a responsibility that we cannot expect the residents of one small district to bear alone. The Forum believes that the real solution is more individual facilities, being more cost effective, more humane, and more sustainable