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The Conservancy Association

會址：香港九龍青山道 476 號百佳大廈 1 樓 102 室

Add.: Unit 102, 1/F, Park Building, 476 Castle Peak Road, Kowloon, Hong Kong

電話 Tel.: (852)2728 6781 傳真 Fax.: (852) 2728 5538

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Town Planning Board
15/F North Point Government Offices
333 Java Road
North Point
Hong Kong

By e-mail: tpbpd@pland.gov.hk

Dear Sir/Madam

RE: Comments on the Section 16 Application No. A/YL-LFS/224

The Conservancy Association (CA) OBJECTS to Section 16 Application No. A/YL-LFS/224.

1. Development intensity

Building 1,958 residential units are rarely found in Wetland Conservation Area (WCA) which is of high environmentally sensitive. Comparing with the Gross Floor Area (GFA) and the proposed building units of the application in 1994 (Application number: A/DPA/YL-LFS/10), CA believes that the scale of development did not demonstrate much differences. It would definitely not fulfill current public expectation on conservation. Approving this application would set a poor and unprecedented case for similar environmentally-disastrous plans.

Applications	A/DPA/YL-LFS/10	A/YL-LFS/224
Gross Floor Area (GFA)	149,000m ²	148,000 m ²
Proposed Building Units	1,333	1,958

2. Impact on birds

We strongly worry that the current development scale with the proposed mitigation

measures would not be able to suppress the adverse impact on birds to an acceptable level. The EIA report¹ on the captioned project, though approved in 2008, clearly stated that all observed flight line would overlap the development site. The EIA report once also mentioned that an egret has been found at Ha Mei San Tsuen, but it concluded that “birds from this egret utilize ponds in the development footprint more than was the case in Shing Uk Tsuen egret”². However, local studies³ have shown that the location of bird nesting habitat and foraging ground, like fishponds, is closely related, with the average distance of 2km⁴ which is indeed the distance between Fung Lok Wai and Ha Mei San Tsuen egret after cursory calculation. CA currently can not see how the application tackled the above concerns in full.

It should be pointed out that part of the proposed development area will be made available by the removal of the bunds of the original individual fishponds with the assumption that larger and functionally enhanced ponds could be built. Since the bunds of the original fish ponds also support different ecology in the eco-system, the loss bund habitat will affect the local biodiversity. Since this aspect is missing in the approved EIA report, further investigation on the ecological value of the bund was necessary.

3. Landscape impact

CA objects to the assertion that landscape impact of the proposed development plan is limited, according to the approved EIA report. Surely, the proposed medium-rise residential development is in complete different landscape character compared to the surrounding rural environment. We reckon that areas away from the development site, especially the Hong Kong Wetland Park (HKWP) will receive significant landscape impact, especially potential glare impact at night. This will cause disastrous adverse effects on the attractiveness of our HKWP.

4. Impact on firefly

The recently identified firefly *Pteroptyx maipo* is not only new to Hong Kong, it is new to

¹ CH2M HILL Hong Kong Limited (2008). Flight Line Survey Results for the Entire Study Site at Fung Lok Wai.
http://www.epd.gov.hk/eia/register/report/eiareport/eia_1492008/EIA%20Report/html/FLW_EIA_FIG13-10.pdf

² CH2M HILL Hong Kong Limited (2008). Ecological Impact Assessment Section 13.6.76. Proposed Development at Fung Lok Wai, Yuen Long. Lot 1457 R.P. in D.D. 123.
http://www.epd.gov.hk/eia/register/report/eiareport/eia_1492008/EIA%20Report/html/FLW_EIA.htm#_Toc205185727

³ Wong, L.C., Corlett, R.T., Young, L. and Lee, J.S.Y. (1999). Foraging flights of nestling egrets and herons at a Hong Kong Egret, South China. *Waterbirds* 22: 424-434.

⁴ Wong, L.C., Lam, W.Y. and Ades, W.J. (2009). *Ecology of the birds in Hong Kong*. Hong Kong: Kadoorie Farm & Botanic Garden.

science. It is highly probable that it is endemic to Hong Kong, and its distribution restricted to the Ramsar site in Hong Kong. The Ramsar site in Hong Kong is about 15 km² in area. Within the area, only about 3 km² of area is covered by mangrove that is suitable for the breeding of larvae of *P. maipo*.

Artificial light and stray light generated by human settlement would "wash out" the brightness of firefly signals and decrease the successful rate of mating. Increasing the background light would also illuminate and reveal the fireflies (adults and larvae) to predators and break the balance and outcome of predator-prey interactions.

As the shortest distance between habitat of the fireflies and the residential development is about 300m, it will definitely have a negative impact on the fireflies. Admittedly the artificial light around the area is already high from the Tin Shui Wai town centre about 700m to 800m from the habitat, but the fact could be that the threshold has already been reached, no more lights should be added.

5. Funding Arrangement

The meeting of Advisory Council on the Environment (ACE) on 13th June 2011 has once come across proposed funding arrangement of the captioned project. It was mentioned that *"an upfront lump sum donation sufficient to generate recurrent incomes to support the pledged conservation programmes could be made to the Environment and Conservation Fund (ECF)"*⁵. The conservation agent would then apply to the Government statutory fund for the funding to carry out conservation management plan. This proposed arrangement should be critically evaluated as such new arrangement on funding may entirely distort the concept of Public-Private Partnership (PPP), and ECF may then involve in financing private development projects. More importantly, the application introduces the proposal of a HKSAR Wetland Nature Foundation to undertake long-term management of the Wetland Nature Reserve (WNR). It is inconsistent with the discussion in ACE. Further clarification is definitely necessary.

The footnote in the proposal for the management of the Foundation states that *"Membership of the Foundation will be open to any individual with an interest in furthering wetland conservation objectives in Hong Kong"*. While CA recognizes the concept of Conservation Trust to sustain nature conservation effort, such casual arrangement would discredit the proposed Foundation itself. CA urges that the Foundation, if established, should be strictly assessed in details particularly in areas such as funding

⁵ Environmental Protection Department (2011). Arrangements to implement conservation and development proposals involving the priority sites for enhanced conservation. ACE Paper 9/2011.

source, composition of board of director, operation, conservation mechanism, and associated legislation.

6. The 2004 New Nature Conservation Policy

We wish to point out that the proposed residential development site of this application is within Priority Site number 9 Deep Bay Wetland Outside Ramsar Site and the proposed wetland nature reserve is within priority site number 1 Ramsar Site of the 2004 New Nature Conservation Policy of Hong Kong. The proposed development should come under the Public-private Partnership (PPP) Scheme of the 2004 New Nature Conservation Policy. However, we are unable to find out from neither this planning application nor the 2008 EIA report (EIA 159/2008) the justifications for excluding this proposed project from the 2004 New Nature Conservation Policy i.e. this proposed development is neither a PPP nor a Management Agreement project. Accepting this application would completely defeat the purpose of the 2004 New Nature Conservation Policy.

The first and probably the most important factor for considering a PPP scheme is *“the net benefits that a proposal will bring in enhancing the conservation of the site concerned and in better achieving the nature conservation objectives. The possible environmental impacts arising from the proposed development will be taken into account”*⁶. Even if this proposed development could be excluded from the 2004 New Nature Conservation Policy for a sound reason, the spirit of the PPP scheme should be respected i.e. the factors in considering a PPP project should be taken into account. In this respect, the proposed development could not demonstrate that it will enhance the conservation of the site concerned due to the very high development density.

CA has long been advocating that the best endeavour should be made by both the developer and the government to explore an exchange of sites, so that the development right arising from the proposal can be transferred elsewhere. It would prevent incompatible development in the middle of a rural area fronting the wetlands.

Yours faithfully

Ng Hei Man

Senior Campaign Officer

⁶ Environment, Transport and Works Bureau 2004. New Nature Conservation Policy. Legislative Council Panel on Environmental Affairs paper CB(1) 214/04-05(01)