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## The Conservancy Association

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7<sup>th</sup> May 2024

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

By e-mail: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

Dear Sir/Madam,

Representation relating to the San Tin Technopole Outline Zoning Plan (OZP) (No. S/STT/1)

The Conservancy Association (CA) DOES NOT SUPPORT the captioned OZP and here are some of our concerns.

### **1. How to conform Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area**

Taking Forward Ecological Conservation (推進生態文明建設) is one of the chapters in Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area<sup>1</sup>. From the section Ecological Protection Barriers (打造生態防護屏障), one of the points is “*To strengthen the protection and restoration of wetlands, comprehensively protect key wetlands of international and national importance in the region, and join hands to introduce measures to protect cross-boundary coastal wetlands*”. There is already consensus between Hong Kong and the Mainland on wetland conservation.

Wetlands currently proposed to be filled are adjacent to Mai Po Ramsar Site and ecologically linked to fish ponds in Nam Sang Wai and Hoo Hok Wai, serving a stop-over point for migratory bird in East Asia-Australasian Flyway. These wetlands are also within Important Bird and Biodiversity Area (IBA) according to BirdLife International. Viewing that these wetlands is recognized as internationally important in Greater Bay

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<sup>1</sup> Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area  
[https://www.bayarea.gov.hk/filemanager/en/share/pdf/Outline\\_Development\\_Plan.pdf](https://www.bayarea.gov.hk/filemanager/en/share/pdf/Outline_Development_Plan.pdf)



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Area, the plan to build San Tin Technopole in expense of large area of wetlands goes beyond the suggestion under Outline Development Plan for Guangdong-Hong Kong-Macao Greater Bay Area.

### 2. How to conform “no-net-loss in wetland” and precautionary principle

Study on the Ecological Value of Fish Ponds in the Deep Bay Area completed in 1997 has confirmed the unique international and regional importance of the fish pond system in the Deep Bay Area. Principles such as “precautionary approach” and “no-net-loss in wetland” principle have long been upheld in various OZPs in Deep Bay Area. However, we cannot see how these 2 guiding principles have been incorporated in Sam Tin Technopole OZP.

Under San Tin Technopole plan, about 90 hectares of fish ponds would be filled, making it the largest pond filling project since the Tin Shui Wai development in 1987. 247 hectares of land, including 150 and 97 hectares of Wetland Conservation Area (WCA) and Wetland Buffer Area (WBA) respectively, would also be affected. Current EIA report is incomplete, unreliable and unscientific to prove that ecological function of wetlands and fish ponds can be fully compensated. While the adverse environmental impacts are still uncertain, precautionary principle should be applied by treating the issue more cautiously.

Besides, even the Notes repeatedly claims that current San Tin Technopole would ensure “no-net-loss in ecological function and carrying capacity”, there is no elaboration on how “no-net-loss in ecological function and carrying capacity” be derived from, and how this is in line with “no-net-loss in wetland” principle. Since “no-net-loss in wetland” principle is concluded under the previous scientific research, it should be maintained in San Tin Technopole OZP.

### 3. Missing conservation elements in the proposed OU (Innovation and Technology) (OU(I&T)) zone

We have to reiterate that the proposed OU(I&T) zone is proposed on internationally important wetland in the Greater Bay Area. Direct filling of fish pond and wetland would threaten the integrity of Deep Bay wetland system. Although some details have been proposed in Notes and Explanatory Statement of the OU(I&T) zone, currently we still worry that innovation and technology use would be commenced at the expense of



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environment.

### Planning Intention

The planning intention of the OU(I&T) zone “*is intended primarily to provide development space for accommodating a variety of innovation and technology uses, including research and development, production activities, data centre, staff accommodation/talent apartment, supporting commercial/retail facilities and other complementary infrastructure*”. Clearly the above planning intention is about development. No conservation elements have been mentioned in this zone.

### Column 1 use

In the proposed OU(I&T) zone, quite a lot of uses have been put under Column 1. It seems inevitable that large scale of site formation and other works would be on existing ecologically-sensitive fish pond and wetland directly. However, from current arrangement, no further planning applications are required to further assess potential environmental impacts caused by Column 1 uses.

### Remarks

Some other OU zones in Deep Bay such as OU(CDWRA) and OU(CDWEA) zone would specify layout plan and some other documents for consideration of TPB, including environmental impact study report, landscape proposals, drainage and sewerage impact study report, etc.. However, these are not included in Remarks. We would foresee that project proponent of both government and private works would not need to submit the above for public inspection and TPB discussion in future.

## **4. Failure to secure flight corridor for avifauna species**

### 300m wide flight corridor

We remain questionable how the flight path corridor in Lok Ma Chau/Ha Wan Tsuen area would be properly preserved, viewing the current urban design and mitigation measures:

- i. An AFCD Fisheries Centre is proposed at an OU(I&T) zone within the 300m wide flight corridor, with height restriction to preserve bird flight path (Figure 1). However, we are very concerned that it is still claimed OU(I&T) zone but not a separate or tailored-made zone for specific use. Some other uses within Column 1



would still be legitimate in this zone.

- ii. For the NBAs within the 300m wide flight corridor, even “*no above ground structure is allowed...*” (Section 11.10 of Explanatory Statement), we worry how human activities within the proposed NBAs can be regulated or controlled to minimize disturbance on bird flight.
- iii. In the EIA report, flight path A indicates that 73.1% of bird would fly from north of Ha Wan Tsuen towards the proposed riverside promenade in LMC Loop at 11-20m. While the proposed OU(I&T) zone is not only overlapping this flight path, the proposed building restriction is to be proposed at +35 mPD (Figure 2). We cannot see how the proposed 300m wide flight corridor, building design and height have taken this flight path into consideration.
- iv. Two ponds at northwest of Lok Ma Chau Village (Figure 3) have supported “*a foraging flock of up to 15 Black-faced Spoonbills*” and “*second most important to waterbirds in this area*”, according to The Development of LMC Loop EIA report. Flight paths (i.e. Flight Path E) can also be observed in current ecological survey. However, no additional measures have been proposed but simply filled up for I&T use.
- v. Referring to the height restriction proposed in these two I&T zones (+35 mPD and +130 mPD), it is doubtful how such abrupt change in building height can be regarded as stepping height measure and promote flight movement (Figure 4).
- vi. Even there are height restriction in the proposed 300m-flight corridor, it happens to be incompatible with the Ecological Area (EA) in LMC Loop (east of the Project area) where an approximately 100m-wide, barrier-free zone was formed. We still worry that birds the original flight line corridor from the EA to the west of pond in LMC and San Tin would be disconnected by putting building structures there (Figure 5).

In general, the so-called provision of a 300m wide flight corridor is mainly occupied by building structures with limited restriction. We highly worry that this critical point acting as an entry for migratory birds to ponds in HHW would be loss and such serious habitat



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fragmentation can be irreversible.

### Flight paths in pond habitat to be filled up for I&T use

Flight paths across pond habitat to be filled up for I&T use (i.e. Area 19B and 19C) are not available in EIA report. Such information serves as a starting point for public to evaluate the proportion of bird flight impacted by the large scale of pond filling activities and whether the proposed mitigation measures are effective.

Any development control measures in Deep Bay Area can be supported by scientific research and assessment. For example, Study on the Ecological value of Fish Ponds in the Deep Bay Area suggested that a 500m wide Wetland Buffer Area (WBA) along the boundary of the Wetland Conservation Area to protect the ecological integrity of the WCA. The Development of LMC Loop EIA report suggested a EA with approximately 100m wide and another 50m wide buffer zone right next to the EA. Viewing that all the above attempts to use scientific data to support their proposals, we would like to see how measures such as 35m-wide NBA in the form of an “eco-interface”, stepping height of the building structures, etc., are formulated by referring to relevant assessment, such as flight path (as mentioned above).

### **5. Failure to secure Mai Po Lung Village (MPLV) Egrettry**

According to Explanatory Statement, MPLV Egrettry and birds' flight paths are protected by “Open Space” (O) zone. However, we are very doubtful of its effectiveness to protect the egrettry. Other non-recreation activities related to O zone, such as regular maintenance work, installation of street light, provision of public toilet, etc., would also pose disturbance to the egrettry. After all, according to Definition of Term (DoT) in Town Planning Board website, O “Means any land with the minimum of building structure which has been reserved for either passive or active recreation and provides major or minor recreational facilities, which may be of local or district significance, which is for the use and enjoyment of the general public”. When the zoning itself is public/recreation-oriented, what we can foresee is unnecessary conflict between human and bird would be resulted. Together with the huge loss of foraging ground (i.e. pond habitat) in San Tin, there is higher chance that egret and herons might abandon MPLV egrettry.

We also worry that O zone is not conservation-oriented in nature without much restriction clauses, and therefore serve less deterrent effect in enforcement action. We



especially worry that before the commencement of San Tin Technopole, pond filling and some other unauthorized activities might be occurred in pond areas. However, under such arrangement, no enforcement action and reinstatement works could be initiated by Planning Department. Ponds protected for bird flight path in this O zone would still be subject to disturbance.

When we refer to Tin Shui Wai OZP (No. S/TSW/17), designating O zone with restrictions is not uncommon. 2 sites at the west of Tin Ying Road are zoned O(1) zone (Figure 6), with the planning intention “*for passive recreational uses with existing ponds preserved as landscape features*”. No filling of ponds is clearly stated in Remarks. And according to Explanatory Statement, “*There are some existing ponds on site which should be preserved as landscape features and incorporated into the open space design in order to minimize the adverse impact on the wetland habitat of the existing ponds*”. From the above, we believe that conservation elements can also be incorporated into O zone to strengthen its aim to preserve ponds.

## 6. Failure to protect Eurasian Otter

A study published in 2022<sup>2</sup> revealed that a small population of Eurasian Otter, with 7 individuals identified, exists in northwest New Territories in Hong Kong. One of the individuals have been recorded in wetland habitats in San Tin, Mai Po and HHW (Figure 7). The study mentioned that “*Critically, this will require a minimum no net loss of the Mai Po wetlands habitat and should seek to increase habitat extent, quality, and connectivity where possible to ensure the persistence of Hong Kong's otter population*”. The proposed large-scale pond filling in the Project area, however, is completely not in line with what the scientific research suggested.

It is claimed that the movement of Eurasian Otter has been considered in the proposed wildlife corridor. However, the western point of the corridor ends in an OU “Amenity area” (OU(A)) zone. As STEMDC would be revitalized according to the Project, we assume that human activities would be introduced in this OU(A) zone (Figure 8). This could be a main source of disturbance to Eurasian Otter, but clearly this is not taken into

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<sup>2</sup> McMillan, Sharne & Wong, Anson & Tang, Sally & Yau, Eugene & Gomersall, Thomas & Wong, Portia & Vu, Andy & Sin, Simon & Hau, Billy & Bonebrake, Timothy. (2022). Spraints demonstrate small population size and reliance on fishponds for Eurasian otter (*Lutra lutra*) in Hong Kong. Conservation Science and Practice. 5(1). <https://doi.org/10.1111/csp2.12851>



consideration in current OZP.

## 7. No proper measures to protect agricultural land

A permanent loss of 10.36 ha dry agricultural land would be resulted, with most of them within southern portion of San Tin Technopole such as Shek Wu Wai. From the Preliminary Outline Development Plan of San Tin / LMC Development Node development project, an approximate 7 ha of land was zoned “Agriculture” (AGR) in Shek Wu Wai (Figure 9). This AGR zone, according to the latest Revised Outline Development Plan, has been replaced by non-agriculture related zone. Section 10.11.7.1 of the EIA report clearly mentions that “*Habitat compensation is not considered necessary for the loss of agricultural land*”.

We have once suggested whether the example of Long Valley Nature Park can be considered by incorporating agriculture, open space, ecological conservation together in southern portion of San Tin Technopole. Here we reiterate that this can be explored to conserve more agricultural land. Besides, specific agricultural rehabilitation scheme can be introduced in the way to recreate habitats for wildlife. To achieve this, soil-based cultivation should be further promoted in existing agricultural land.

## 8. Inadequate effort in urban-rural integration

The 1313<sup>th</sup> TPB meeting has come across how a better urban-rural integration can be achieved. We wish to point out that the word “rural” is still confined to indigenous villages but not non-indigenous villages.

For example, Ha Wan Village, located in the west of Lok Ma Chau Loop, would be subject to demolition to give way for I&T use and other ancillary infrastructure (Figure 10). Some media reports<sup>3</sup> revealed that various activities, such as conducting ritual, “fa pao” (搶花炮), etc., were organized during “*tou tei*” festival (土地誕) in Ha Wan Village to pray for blessings such as health, safety and a future without hurdles. Due to the implementation of San Tin Technopole in end 2024, this year would probably be the last one of “*tou tei*” festival in Ha Wan Village. From this case, the current plan had not given due consideration to the heritage value of the site and conservation of

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<sup>3</sup> 明周文化 (29/2/2024), 【下灣村土地誕搶花炮或成絕響】新田科技城擬第四季動工 落馬洲下灣村半世紀第四次面臨滅村危機 村民盼留村、傳承搶花炮 - <https://mpweekly.hk/Hyh4v>



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intangible cultural heritage.

We note that even a “NBA” is designated in part of Ha Wan Village, according to the Landscape Master Plan attached in the EIA report, the entire village would be replaced by landscaping design and paved road (Figure 11). We see no attempts from the Plan in integrating development and existing rural elements together.

Based on the above, we would suggest TPB to consider the following:

- Adopt the planning intention “*to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay, in light of the findings and recommendations of the Fish Pond Study*” in the San Tin Technopole OZP.
- Adopt “precautionary approach” and “no-net-loss in wetland” principle in the San Tin Technopole OZP.
- Rezone all wetland and fishpond to conservation-oriented zoning such as “Conservation Area” zone.
- Revise the planning intention of OU(I&T) zone to reflect the importance to protect wetland in San Tin.
- Revise the Remarks of OU(I&T) zone by requesting submission of various technical assessment document prior to any planning applications, particularly I&T related uses.
- Rezone the AFCD Fisheries Centre from OU(I&T) zone to conservation-oriented zoning, with revision of the Notes to include planning permission requirement for filling of land/pond, excavation of land, stream diversion, etc.
- Rezone the MPLV egretty from O zone to conservation-oriented zoning.
- Revise the planning intention of O zone to reflect the importance to protect MPLV egretty and its bird flight path





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- Revise the Remarks of O zone to prohibit filling of pond along bird flight path of MPLV egret
- Revise the OU(A) zone to reflect the need to preserve corridor for Eurasian Otter
- Protect agricultural land by, for example, referring to OU(Nature Park) zone which incorporates multi-elements of agriculture
- Rezone Ha Wan Village to conservation-oriented zoning such as “Conservation Area” zone (i.e. same as the arrangement in the previous San Tin OZP (S/YL-ST/8))
- Extend the “NBA” at the North of Area 18 to preserve Ha Wan Village and its associated intangible cultural heritage

Yours faithfully,

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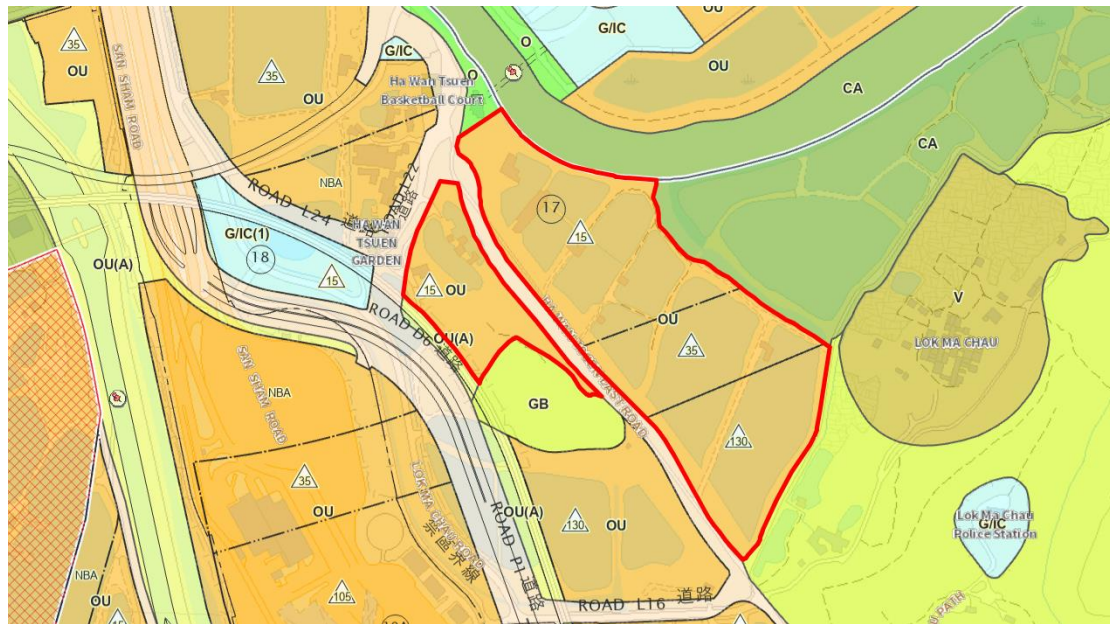
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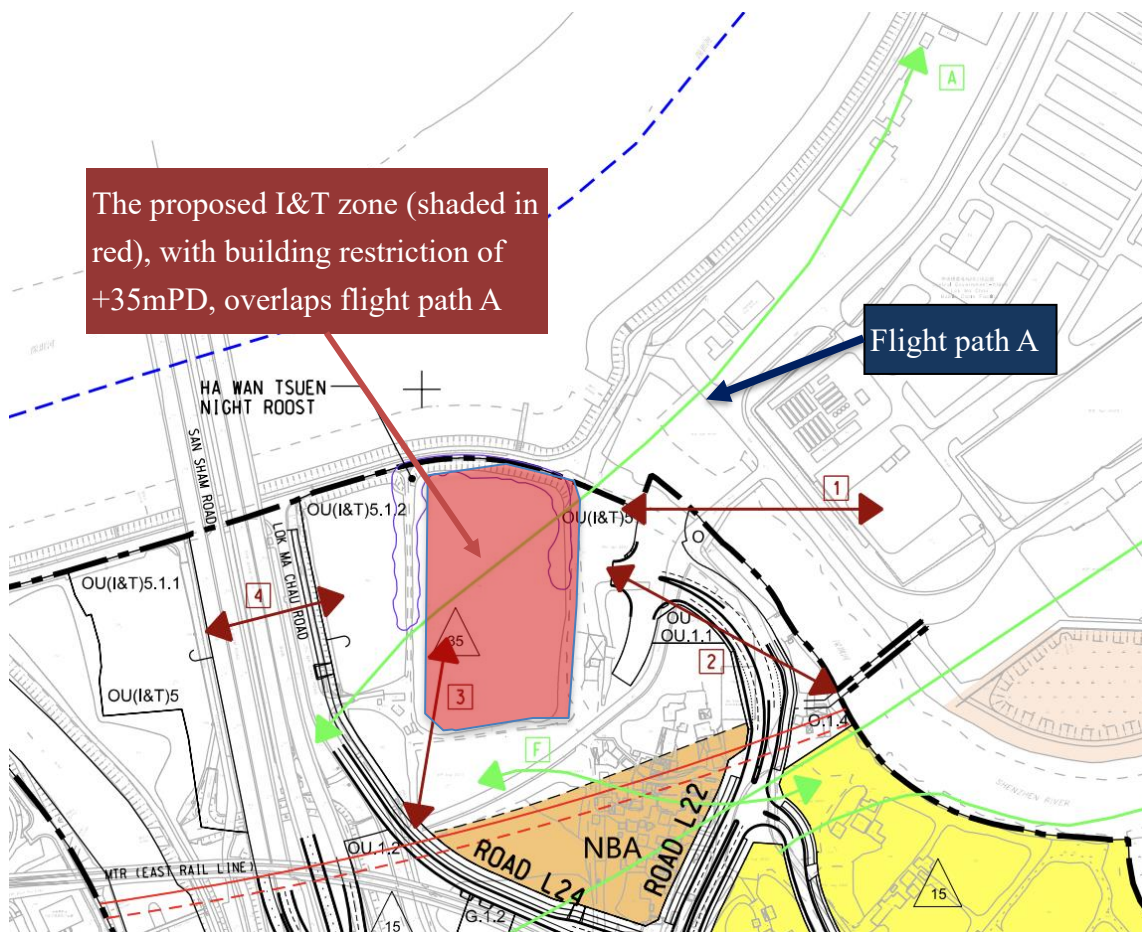
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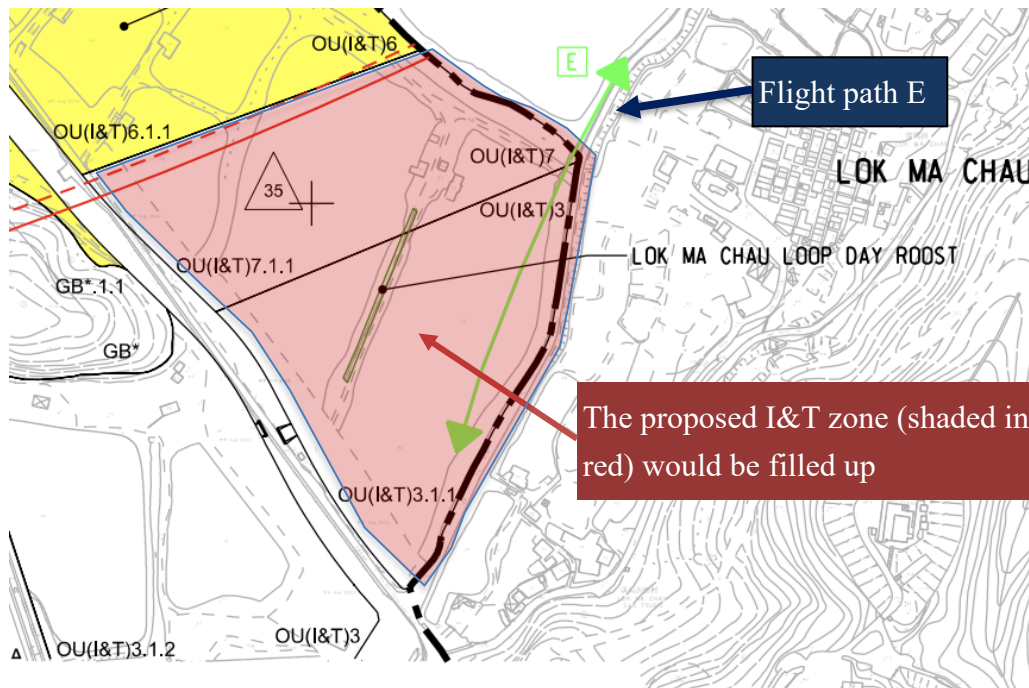
**Figure 1** An AFCD Fisheries Centre is proposed at an OU(I&T) zone (marked in red) within the 300m wide flight corridor, with height restriction to preserve bird flight path. However, we are very concerned that it is still claimed OU(I&T) zone but not a separate or tailored-made zone for specific use. Some other uses within Column 1 would still be legitimate in this zone.



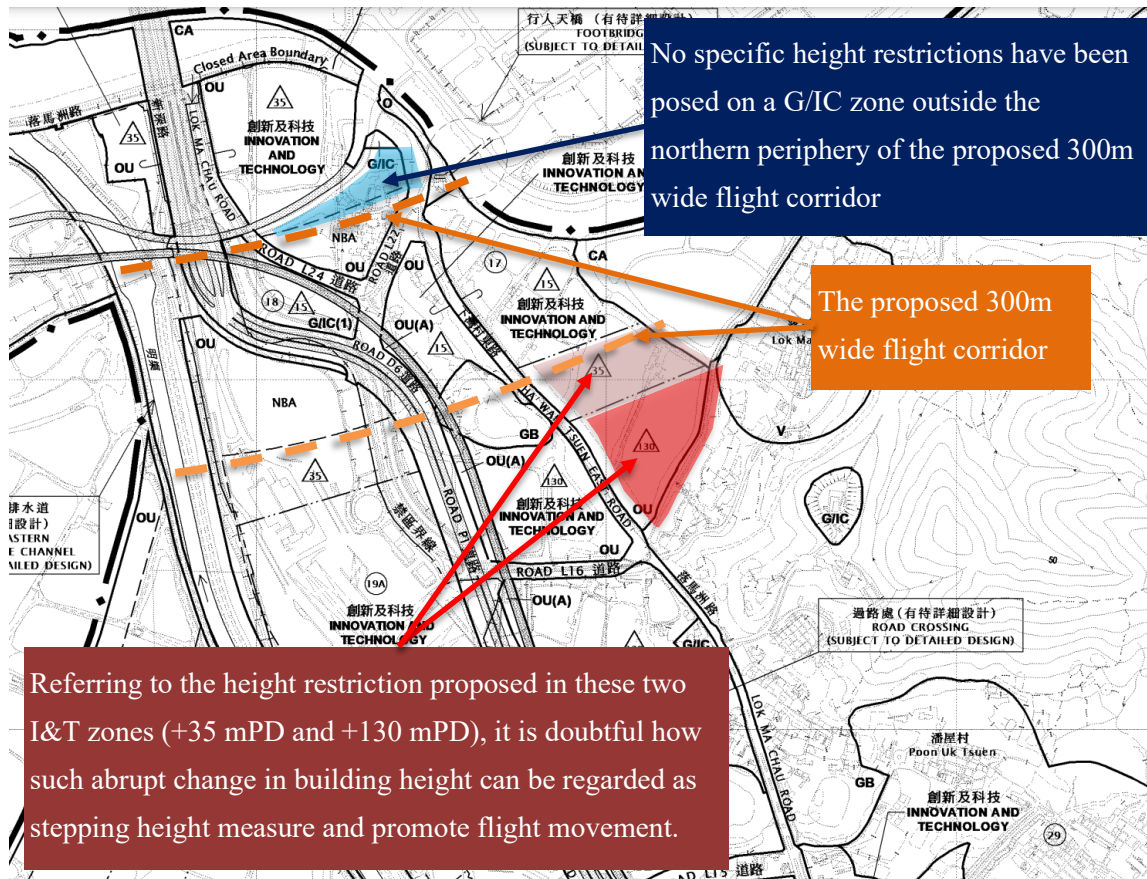
**Figure 2** Flight path A indicates that 73.1% of bird would fly from north of Ha Wan Tsuen towards the proposed riverside promenade in LMC Loop at 11-20m. While the proposed I&T zone is not only overlapping this flight path, the proposed building restriction is to be proposed at +35 mPD. While the proposed 300 wide flight corridor has not considered this flight path, it is not clear how building design and height have taken this flight path into consideration. (Extracted from Figure 10.6C of the EIA report)



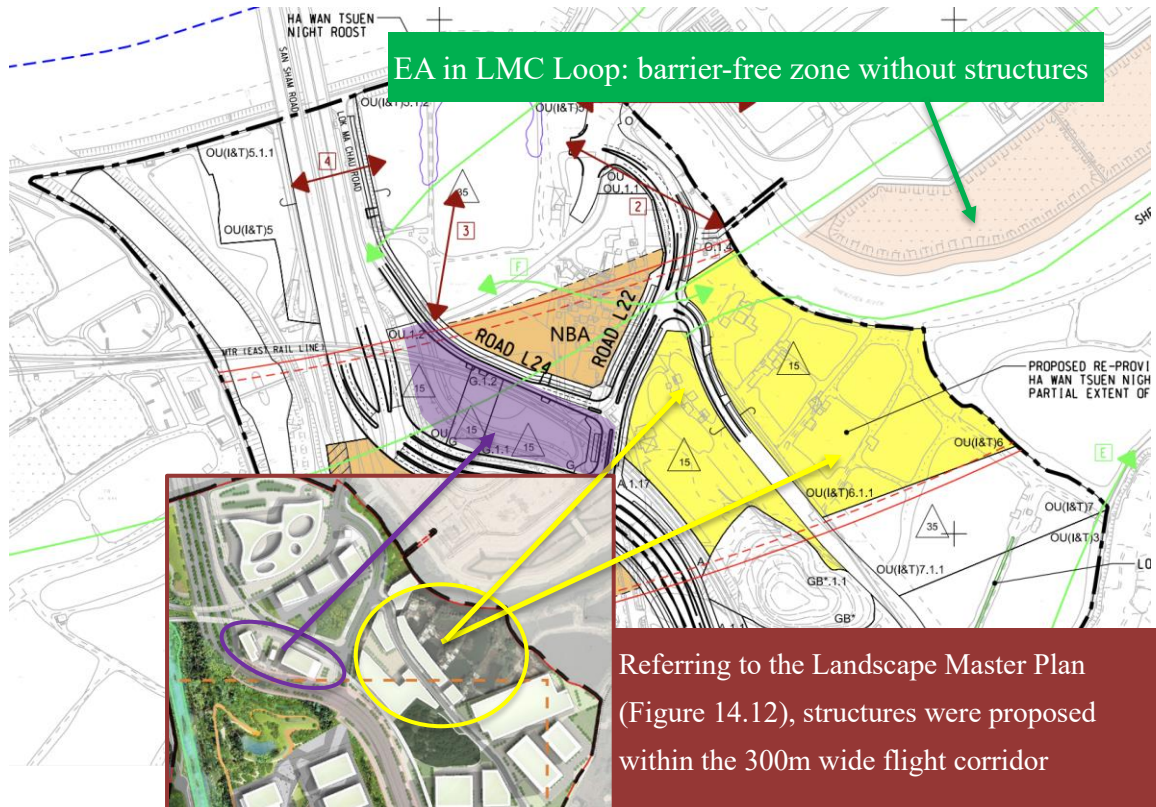
**Figure 3** Two ponds at northwest of Lok Ma Chau Village have supported “a foraging flock of up to 15 Black-faced Spoonbills” and “second most important to waterbirds in this area”, according to The Development of LMC Loop EIA report. Flight path E can also be observed in current ecological survey. However, no additional measures have been proposed but simply filled up for I&T use. (Extracted from Figure 10.6C of the EIA report)



**Figure 4 Building height restriction around LMC BCP (Extracted from Appendix A – Draft San Tin Technopole OZP No. S/STT/C, Town Planning Board Paper No. 10954)**



**Figure 5** Even there are height restriction in the proposed 300m-flight corridor, such as the proposed AFCD Fisheries Centre (marked in yellow) and the G/IC(1) zone (marked in purple), it happens to be incompatible with the Ecological Area (EA) in LMC Loop (east of the Project area) where an approximately 100m-wide, barrier-free zone was formed. (Extracted from Figure 10.6C of the EIA report)



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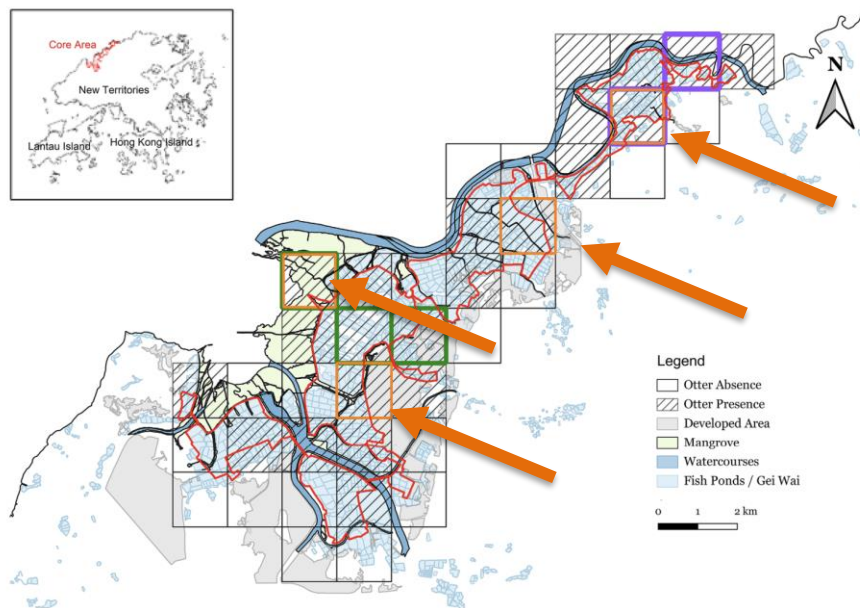
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**Figure 6** According to Tin Shui Wai OZP (No. S/TSW/17), 2 sites at the west of Tin Ying Road are zoned O(1) zone, with the planning intention *“for passive recreational uses with existing ponds preserved as landscape features”*. No filling of ponds is clearly stated in Remarks. And according to Explanatory Statement, *“There are some existing ponds on site which should be preserved as landscape features and incorporated into the open space design in order to minimize the adverse impact on the wetland habitat of the existing ponds”*

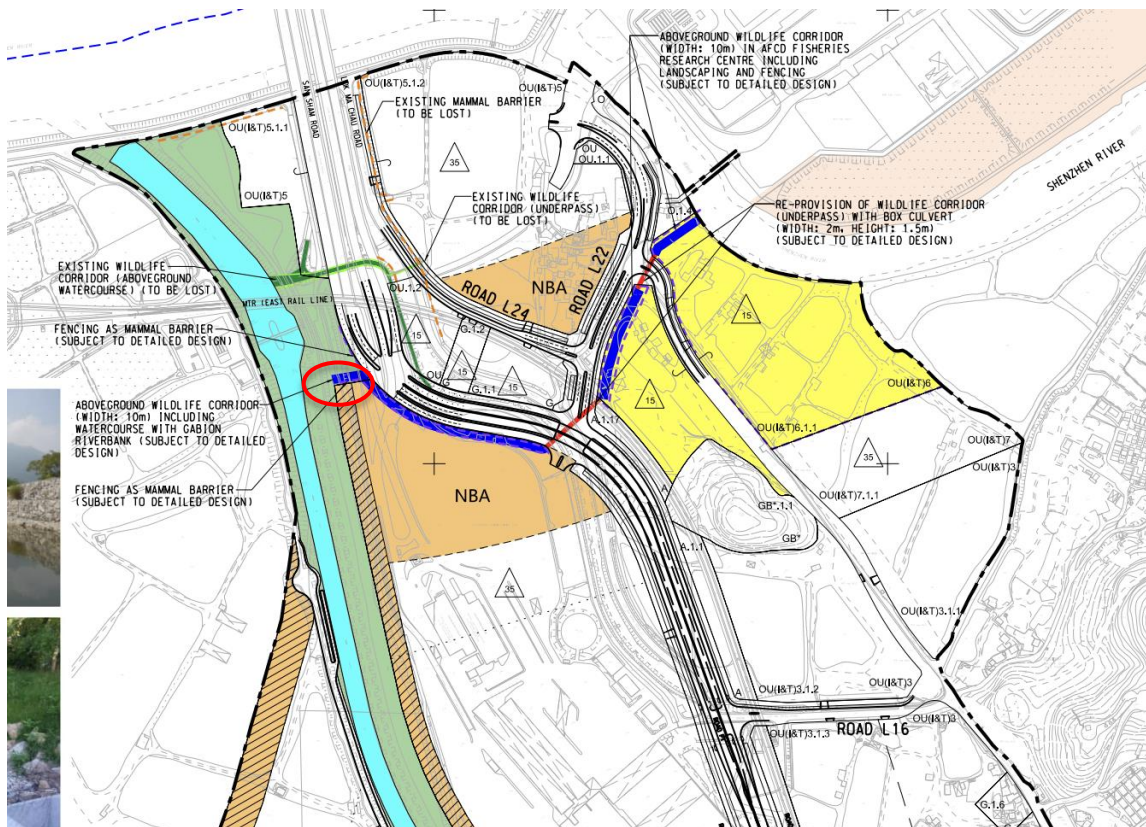


**Figure 7 Core area of the otter population in Hong Kong showing broad locations. One of the individuals (orange arrow) have been recorded in wetland habitats in San Tin, Mai Po and Hoo Hok Wai**

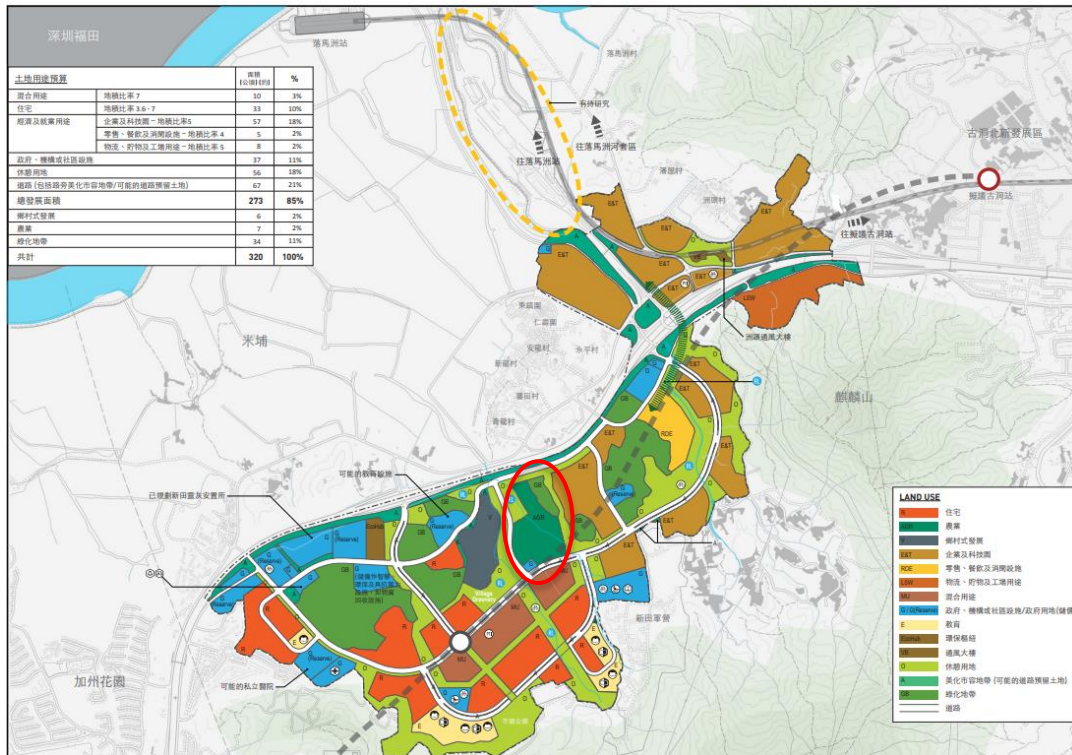




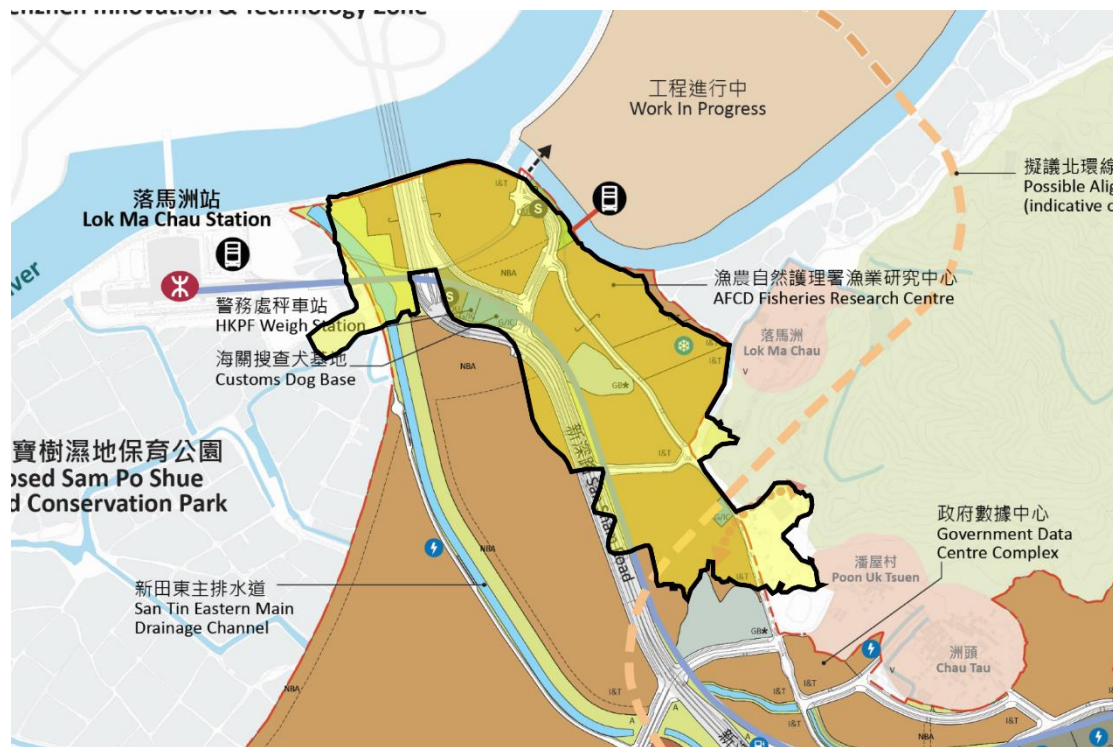
**Figure 8** It is claimed that the movement of Eurasian Otter has been considered in the proposed wildlife corridor. However, the western point of the corridor ends in an OU(A) zone (circled in red). As STEMDC would be revitalized according to the Project, we assume that human activities would be introduced in this OU(A) zone



**Figure 9** From the Preliminary Outline Development Plan of San Tin / LMC Development Node development project, an approximate 7 ha of land was zoned AGR (circled in red) in Shek Wu Wai. This AGR zone, according to the latest Revised Outline Development Plan, has been replaced by non-agriculture related zone



**Figure 10 Ha Wan Village (marked in black), located in the west of Lok Ma Chau Loop, would be subject to demolition to give way for I&T use and other ancillary infrastructure (Source: Inmedia<sup>4</sup>)**



<sup>4</sup> 香港獨立媒體 (13/3/2024) - 被納新田科技城範圍 落馬洲下灣村土地誕或成歷史 發展局：無可避免

<https://bit.ly/4ceUnaE>

**Figure 11** Even a “NBA” is designated in part of Ha Wan Village, according to the Landscape Master Plan attached in the EIA report, the entire village would be replaced by landscaping design and paved road

