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The Conservancy Association

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(於香港註冊成立的擔保有限公司)

Incorporated in Hong Kong with limited liability by guarantee)

7th July 2017

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 12A Application No. Y/NE-LK/1

The Conservancy Association (CA) OBJECTS to the captioned application.

1. Not in line with the planning intention

According to the Approved Luk Keng and Wo Hang Outline Zoning Plan (No.S/NE-LK/11), the general planning intention for the Area is “*to enhance natural conservation of countryside and to preserve natural landscape and features of ecological significance and site/structures of archaeological/historical significance; and to promote the conservation of the rural character of the Area, with a view to controlling urban sprawl and protecting and preserving agricultural land*”. The application for rezoning the site from “Agriculture” (AGR) to “Comprehensive Development Area” (CDA) is against the planning intention. The claim by the applicant that “The new zoning is a rational, compatible and sustainable land-use proposal” is not justified as the application is indeed a development project at the expense of the rural character and ecological significance of the area.

The existing AGR zone would serve not only the agricultural purpose but also as a buffer area to prevent undesirable impacts from village development or open storage. Moreover, as stated in the Approved OZP Explanatory Statement 9.4.2: “Although

some of the agriculture land is fallow, it has good potential for rehabilitation and helps to maintain the rural character and natural landscape of the Area.” These show that the existing AGR zone is important for both environmental conservation and landscape protection.

2. Uncertain effectiveness of the proposed nature conservation centre

There is no information about the conservation management plan of the proposed nature conservation centre. Furthermore, many recreational facilities have been provided, such as guest rooms, restaurant, retreat centre, etc. The impacts generated from construction and operation phases have not been evaluated in the application and these facilities should not be considered as mitigation measures of the project.

3. Damage to natural streams

Referring to the planning statement, “*retain the natural stream bisecting the Site at present, upgrade the size of the stream to provide the required capacity to cater the additional runoff,*” it is considered as one of the mitigation measures to alleviate drainage impact on the area. However, this “mitigation measure,” which involves channelization of natural streams, indeed has great ecological impacts and these impacts have not been properly addressed in the EcoIA.

Stream within the application site is connected to the upstream Ecologically Important Stream (EIS) at Sheung Wo Hang. According to The Agriculture, Fisheries and Conservation Department (AFCD), EIS are “*streams and rivers with important ecological functions such as providing habitats for diverse or rare animal or plant communities*”. However, the proposed buffer area is only three metres from the proposed buildings and is only limited to certain parts of the stream (Figure 1). It is clear that the natural streams could not receive adequate protection under these measures.

4. Ecological concerns

The EcoIA fails to provide comprehensive information on the ecological value of the application site. Firstly, around 56.3% of the application site was categorized as “Abandoned Agricultural Land” in the EcoIA. Based on our observation, the “Abandoned Agricultural Land” could be considered as freshwater wetland, which is habitat to different species of herpetofuana, fishes, dragonflies, etc. The applicant’s categorization might not be accurate to reflect the actual condition of the environment and the ecological importance of the area.

Secondly, three species of conservation concern, which was not recorded in the EcoIA, was noted during our site visit in June 2017. Small snakehead (*Channa asiatica*) was recorded in a tributary, which connects with the stream in the application site (Figure 2). This species is considered as "Uncommon" and of "Local Concern". A wetland-dependent butterfly species, Grass Demon (*Udaspes folus*), was found in the application site. This species is considered as "Rare"¹. Dark Brown Ace (*Halpe porus*), "Very Rare" species of butterfly², was recorded within 200 metres from the boundary of the application site (Figure 3). We believe that the ecological importance of the area has been undervalued.

5. Undesirable precedent

Previous similar applications (Application No. Z/NE-LK/2 and Z/NE-LK/3) for rezoning AGR to CDA/ Village Type Development (V zone) were rejected and one of the reasons for rejection was that *"the approval of the request for zoning amendment on the subject site would set an undesirable precedent for other similar requests for residential use"*. Approving the captioned application is in contradiction to the Committee's previous decisions and would set disastrous precedents for similar applications in the area. Development would further encroach into lands with agriculture, ecological and landscape values, decreasing overall quality of the environment of the district and creating significant impacts on traffic.

Yours faithfully,



Charlotte Chan
Campaign Officer

^{1,2} Cheng, N.M. and Yau, P.T. A Report on the Butterfly Monitoring Programme of the Hong Kong Wetland Park (2003-2015). Hong Kong Biodiversity 24:1-10.

Figure 1. Sections of stream without “set up from stream (buffer area)” (circled in red) (Source: Gist of Application No. Y/NE-LK/1)

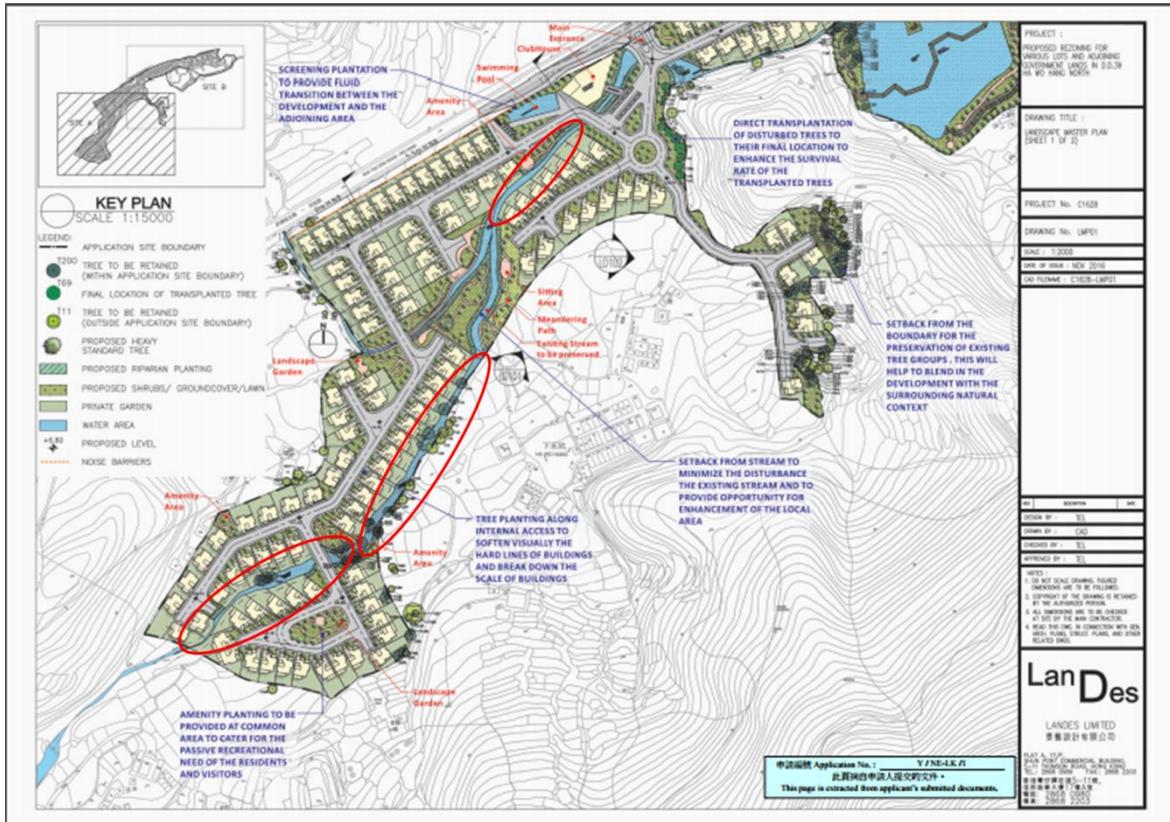


Figure 2. Small snakehead (*Channa asiatica*) recorded in a tributary connecting to stream in the application site



Figure 3. Dark Brown Ace (*Halpe porus*) recorded within 200 meters distance from the boundary of the application site

