



長春社 Since1968

The Conservancy Association

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26th April 2022

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,

Comments on the Section 16 Application No. A/NE-MTL/6

The Conservancy Association OBJECTS to the captioned application.

1. Not in line with the planning intention of Conservation Area (1) (CA)(1) zone

According to the approved Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan (OZP) No. S/NE-MTL/3, the planning intention of CA(1) zone *“to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem at Hoo Hok Wai and the rest of the Deep Bay area. The “no-net-loss in wetland” principle is adopted for any change in use within this zone. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest”*.

According to the gist of application, public utility installation (underground cable) and associated excavation of land were proposed. However, we do not think that there are sufficient details to justify that such plan is either *“to support the conservation of the ecological integrity of the wetland ecosystem”* or *“an essential infrastructure project with overriding public interest”*. Therefore, it is not in line with the planning intention of CA(1) zone.



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2. Not in line with the Town Planning Board (TPB) PG-No. 12C

According to the TPB PG-No. 12C for Application for Developments within Deep Bay Area, the application site is located within Wetland Conservation Area (WCA). The planning intention of WCA is *“to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. It comprises the existing and contiguous, active or abandoned fish ponds in the Deep Bay Area, which should all be conserved. New development within the WCA would not be allowed unless it is required to support the conservation of the ecological value of the area or the development is an essential infrastructural project with overriding public interest. Any such development should be supported by an ecological impact assessment to demonstrate that the development would not result in a net loss in wetland function and negative disturbance impact”*.

However, there are no brief overview on ecological condition of the project site and its surrounding environment. All potential environmental impacts caused by the work during construction and operation phase, such as water quality, noise and ecology, have not been fully evaluated. We doubt that it is against the planning intention of WCA, and therefore we do not think this is in line with the TPB PG-No. 12C.

3. Undesirable precedent of “destroy first, build later”

According to the Mingpao news report on 9th January 2022¹, this site has been subject to investigation by Planning Department. Meanwhile, Lands Department had taken enforcement action in adjacent government land. During our site visit in December 2021, structures suspected for catering and retail services were spotted at/close to the application site (Figure 1-2). While no planning approvals was granted by Town Planning Board (TPB), warning letter and Enforcement Notice (Case No. E/NE-MTL/0016) have been issued by Planning Department. It is suspected that this is a case of “destroy first, build later”.

Planning Department and members of TPB should alert that TPB has announced approaches to deter “destroy first, build later” activities in 2011. It stated that *“the Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope*

¹ 北都公布後保育區 20 頃地遭倒泥 5 地點受破壞 設收費營地 規劃署：正調查：
http://www.mingpaocanada.com/TOR/htm/News/20220109/hk-gch1_r.htm



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*that the Board would give sympathetic consideration to subsequent development on the site concerned*². Therefore, this application should not be given any sympathetic consideration, or it will set an undesirable precedent for similar cases in future.

Yours faithfully,
Chow Oi Chuen
Campaign Officer
The Conservancy Association

² TPB Press Release. Available at: <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

Figure 1-2 According to our site visit in December 2021, structures suspected for catering and retail services were spotted at/close to the application site. No planning approvals was granted by TPB. It is suspected that this is a case of “destroy first, build later”

