



長春社 Since 1968

## The Conservancy Association

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13<sup>th</sup> May 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/YL-ST/616

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

#### **1. Not in line with the planning intention of “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (OU(CDWRA))**

According to the approved San Tin Outline Zoning Plan (OZP) No. S/YL-ST/8, the planning intention of OU(CDWRA) is “to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands”.

Although the proposed uses, such as container vehicle park, open storage of construction materials, etc., are temporary in nature, all of them would not lead to restoration of degraded wetlands, not to say phasing out existing sporadic open storage. The application is clearly not in line with the planning intention of OU(CDWRA).

#### **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 Buffer Area (WBA) and very close to Wetland Conservation Area (WCA). The planning intention of WBA is “to protect



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*the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds". It also states that "Applications for new open storage or container back-up uses including workshops within the WBA, whether temporary or permanent, would normally not be allowed in view of the adverse disturbances of such activities on birds, in particular for such uses involving filling of contiguous ponds. However, open storage or container back-up uses located close to the Lok Ma Chau crossing and without involving pond filling might be sympathetically considered by the Board in view of the genuine need to facilitate cross-boundary movements of goods in the area".*

Fish ponds can be spotted in the eastern and northern part of the proposed application site. However, the applicant fails to explain how to ensure the ecological integrity of the fish ponds and wetland within WCA. We opine that this is not in line with the TPB Guideline No. 12C.

### **3. Not in line with the TPB PG-No.13F**

According to the TPB PG-No.13F for Application for Open Storage and Port Back-up Uses, the application site falls within Category 4 areas. It states that *"Applications for open storage and port back-up uses in Category 4 areas would normally be rejected except under exceptional circumstances. For applications on sites...subject to no adverse departmental comments and local objections, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous planning applications and relevant technical assessments/proposals have been included in the fresh application, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible"*.

As mentioned above, there are fish ponds adjacent to the application site, but the applicant fails to demonstrate that how the application would not generate adverse environmental impacts on these fish ponds. Moreover, the proposed uses are in contradictory with the planning intention to phase out non-conforming uses from the area. We opine that this is not in line with the TPB Guideline No. 13F.



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#### 4. Undesirable precedent of “destroy first, build later”

This site has been subject to unauthorized development. Enforcement Notice (Case No. E/YL-ST/0412) has been issued by Planning Department. It is suspected that this is a case of “destroy first, build later”.

Planning Department and members of Town Planning Board (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 that the Board would give sympathetic consideration to subsequent development on the site concerned*”<sup>1</sup>. Therefore, this application should not be given any sympathetic consideration, or it will set an undesirable precedent for similar cases in future.

Yours faithfully,  
Ng Hei Man  
Campaign Manager  
The Conservancy Association

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<sup>1</sup> TPB Press Release. Available at: <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>