



長春社 Since 1968

The Conservancy Association

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18th January 2023

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,

Representations relating to the Draft Kwai Chung Outline Zoning Plan (OZP) No. S/KC/31

Regarding the captioned, The Conservancy Association (CA) OBJECTS to the proposed amendments Item A1-3.

1. Loss of function of Green Belt

According to the Draft Kwai Chung OZP (No. S/KC/31), the planning intention of “Green Belt” (GB) *“is primarily for the conservation of the existing natural environment and the built-up areas/at the urban fringe, to safeguard it from encroachment by urban type development, and to provide additional outlets for passive recreational activities. There is a general presumption against development within this zone¹”*.

In general, the government has completed GB review covering sites based on a basic principle that *“though vegetated, they have relatively less buffering effect and lower conservation value. Moreover, as these sites are close to supporting infrastructure facilities such as transport, water supply and sewerage, they are considered as having good potential to be rezoned for housing purposes, and are clear choices for*

¹ Planning intention of GB in Kwai Chung OZP
https://www1.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_KC_31_e.pdf#nameddest=GB



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*urban expansion*². We note that the proposed GB sites for rezoning are indeed the remaining one that performs good buffer function for that particular region. Approving the proposed amendment would set an undesirable precedent for similar amendments in future.

2. Not in line with the criteria of GB review

The blog article³ of the former Secretary for Development has mentioned the criteria for rezoning GB for development.

“We began with devegetated, deserted or formed GB sites in the first stage of the review, and then progressed to sites located on the fringe of urban areas or new development areas with a relatively lower buffer or conservation value, including those which are close to developed areas or public roads, in the second stage. As the latter sites are close to existing transport infrastructure and supporting facilities such as water supply and sewerage, they have good potential for residential use and it is natural to consider them for further developments”

It happens as if the GB sites lie close to existing roads (i.e. On Chuk Street, Shek Pai Street, Lei Pui Street). The case is there is significant level difference between the existing roads and the sites, especially their western portion. An additional road and a covered Public Transport Interchange have to be built within the GB sites to connect all residential blocks. These 2 sites, under such condition, should be eliminated from the initial stage of GB review, rather than undergoing detailed investigation stage.

3. Adverse impact on Country Park

The Ecological Impact Assessment (EcoIA) Report once mentioned this:

“The Kam Shan Country Park is the only site of recognised

² LCQ7: Changes in planned uses of sites, 14 December 2016

<http://www.info.gov.hk/gia/general/201612/14/P2016121400612.htm?fontSize=1>

³ “Rezoning of Green Belt sites is open, transparent and reasonable” dated 6 July 2014 - https://www.devb.gov.hk/en/home/Blog_Archives1/index_id_80.html



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*ecological/conservation interest within the Study Area, and it will not be directly or indirectly affected by the project because the presence of a minimum of 100m buffer and the altitudinal difference between the boundary of the project site and the country park*⁴

From our initial study, the distance between adjacent built-up areas (such as On Yam Estate, Shek Lei Estate) and Kam Shan Country Park is about 300 to 470m, much larger than the proposed development. We opine that the proposed development is still very close to Kam Shan Country Park and worry that impact such as habitat fragmentation, disturbance on wildlife in Country Park would remain unsolved.

We have to highlight again that even though the proposed development in GB sites would not encroach any land in Kam Shan Country Park, the current development approach is no similar to the concept of developing the periphery of Country Parks. As noted in the “Big Debate on Land Supply” in 2018, developing areas on the periphery of Country Parks was not selected as an option for land supply⁵. Therefore, the GB sites, with such close proximity to Country Park, should not be developed or it would go against the previous public consensus few years ago, and also set undesirable precedent for similar cases in future.

4. Adverse impact on woodland

From our observation, the proposed GB site and its adjacent hillslope are still well-wooded. The proposed amendment would involve turning GB into housing development area, leading to a loss of approximately 5.43 hectares of GB and its corresponding functions performed. While it is estimated that 2,140 trees would be removed, this estimation did not include some young trees with less than 95 mm in

⁴ Section 6.1.4, Site Formation and Infrastructure Works for the Development at Shek Pai Street, Kwai Chung – Feasibility Study (Appendix B Ecological Impact Assessment (EcoIA) (Full Report)). https://plandcss2-my.sharepoint.com/personal/tpbsubmission_pland_gov_hk/_layouts/15/onedrive.aspx?ga=1&id=%2Fpersonal%2Ftpbsubmission%5Fpland%5Fgov%5Fhk%2FDocuments%2FMeeting%20Folder%2FMPC%2FMPC%2D20221028%2FTWK%2FS%5FKC%5F30%2FAttachment%205%5FInterim%20Report%5FAppB%20EcoIA%2Epdf&parent=%2Fpersonal%2Ftpbsubmission%5Fpland%5Fgov%5Fhk%2FDocuments%2FMeeting%20Folder%2FMPC%2FMPC%2D20221028%2FTWK%2FS%5FKC%5F30

⁵ Report of the Task Force on Land Supply (December 2018) [https://www.devb.gov.hk/filemanager/en/content_1171/Report%20\(Eng\).pdf](https://www.devb.gov.hk/filemanager/en/content_1171/Report%20(Eng).pdf)



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diameter at breast height (DBH) and they would not be reflected in the current document.

While no detailed vegetation survey and tree survey are currently available for public inspection, we worry that if adverse impact on woodland would be still under-estimated. It seems that vegetation clearance in large scale, if rezoning the proposed GBs for housing and road work, would be inevitable, and this would lead to fragmentation of woodland habitat in the area.

Besides, it has long been criticized that the existing mechanism for tree compensation would not re-create an equivalent ecological value and integrity of a habitat. According to the preliminary tree survey⁶, 2,554 trees were identified within site boundary, and 2,140 of them were proposed to be felled. The arrangement of compensatory planting would be as followed:

“A total of about 1,620 new trees will be planted for compensation, of which about 277 along the proposed public access road, about 350 within Item A1 site and about 1,000 of native plant species in the areas between Kam Shan Country Park and the project site to create 1.41 ha woodland (afforestation) and to enhance 1.37 ha plantation woodland (plantation enrichment planting).”⁷

From the above, clearly there is no adequate compensation for the loss of trees. While we are concerned that felling of mature trees within the GB sites, such as *Litsea glutinosa*, *Cratoxylum cochinchinense*, *Archidendron lucidum*, *Litchi chinensis*, *Dimocarpus longan*, would be compensated only with young trees, we also worry that the so-called compensatory planting would end up in putting trees

⁶ Section 4.3.2, Site Formation and Infrastructure Works for the Development at Shek Pai Street, Kwai Chung – Feasibility Study (Outline Landscape Plan).

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⁷ Section 4.19, MPC Paper No. 13/22



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along roadside and housing podium. Such piecemeal approach would significantly reduce the environmental and ecological function of woodland.

5. Insufficient effort to protect streams in the GB sites

Many streams, either perennial or ephemeral, would be lost due to the development. In response to the direct loss of natural streams, it was noted that some measures had been mentioned:

“To minimise the impact on direct loss of ecological habitats and flora/fauna due to the site clearance and land-taking process of the proposed Development, alternative layouts had been explored but were not further pursued due to the consideration of loss in flat production.”⁸

“Moreover, any impact avoidance and/or minimization measures, i.e., either wholly or partially preserve the perennial stream Watercourse S1, would require establishing a minimum 15m wide buffer to preserve its riparian zone and fragment the project site into 2 parts, and the gross site area and total domestic gross floor area (GFA), as well as the number of flats for Public Rental Housing (PRH) and Subsidized Sale Flats (SSF) schemes, would be significantly reduced.”⁹

From the above, it seems that the current layout plan is not the most preferred option from environmental aspects. We cannot see other alternatives have been further explored to avoid direct encroachment and minimize impacts on natural streams. Even though some of the streams were supposed to be intercepted by the catchwater

⁸ Section 4.7.5, Site Formation and Infrastructure Works for the Development at Shek Pai Street, Kwai Chung – Feasibility Study (Interim Report on Viability of the Development (IPVD) (Rezoning)).

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⁹ Section 2.1.3, Site Formation and Infrastructure Works for the Development at Shek Pai Street, Kwai Chung – Feasibility Study (Appendix B Ecological Impact Assessment (EcoIA) (Full Report)).



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upstream in the edge of Kam Shan Country Park, water flow is not intermittent even in dry season. Meanwhile, some of them are indeed less accessibility with low signs of human disturbance such as discharge of domestic effluents, dumping of domestic waste, stream bank modification, etc.. Among streams within the GB sites, we are concerned that Watercourse S1 still displays high ecological linkage with the adjacent Kam Shan Country Park. According to the current arrangement, compensatory measures for the loss of 140m Watercourse S1 would be required as followed:

“In order to mitigate the permanent loss of this 140m long perennial stream to the maximum extent under the identified constraints, it is recommended to enhance the ecological condition of the upper course of this perennial stream, including a 88m section of perennial stream in the middle section of the Watercourse S1 (SE1), a 80m section of an ephemeral tributary of this perennial steam (SE2), as well as an ephemeral stream with higher ecological potential south of the site (SE3).”¹⁰

“The recommended enhancement measures include but not limited to improve the physical condition of the watercourse, such as clearance of the refuse dumped within or alongside the watercourse, removal of any undesired fabricated structures/concrete slab and vegetation that obstruct the water flow of the stream, as well as stream bed modification to increase the diversity of micro-habitats and hence the ecological niche available to aquatic fauna; and any fruit trees or exotic plants within the watercourse should also be removed. Since the afforestation and enrichment planting recommended in WA1, WA2 and WE2 also cover the riparian area of these three streams, the ecological environment of the stream as a whole could be further enhanced.”¹¹

According to Technical Memorandum of the Environmental Impact Assessment

¹⁰ Section 7.1.11, Site Formation and Infrastructure Works for the Development at Shek Pai Street, Kwai Chung – Feasibility Study (Appendix B Ecological Impact Assessment (EcoIA) (Full Report)).

¹¹ Section 7.1.12, Site Formation and Infrastructure Works for the Development at Shek Pai Street, Kwai Chung – Feasibility Study (Appendix B Ecological Impact Assessment (EcoIA) (Full Report)).



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Ordinance (EIAO), guidelines have been set for off-site ecological mitigation measures. Here are some of them¹²:

“if the residual ecological impacts require mitigation and all practicable on-site ecological mitigation measures have been exhausted, off-site ecological mitigation measures shall be provided”

“the off-site mitigation measures shall be on a “like for like” basis, to the extent that this is practicable. That is to say, any compensatory measures to be adopted for mitigating the residual ecological impacts must be directly related to the habitats or species to be protected. Either the same kind of species or habitats of the same size shall be compensated, or the project proponent shall demonstrate that the same kind of ecological function and capacity can be achieved through the measures to compensate for the ecological impacts. For example, the loss of a natural woodland shall be compensated by the replanting of native trees to form a woodland of a similar size where possible”

In this way, it is not sure if all alternatives have been explored and off-site mitigation measures remain the only option to mitigate potential impacts. Besides, while no attempts have been demonstrated to re-create stream habitats of the same/similar size, Habitat Enhancement Plan would only be prepared during the Investigation and Detail Design stages of the project. It would be questionable how merely stream enhancement measures can fulfill “like for like” principle set by EIAO.

6. Inadequacy of the ecological and verification survey

The ecological survey had been conducted in 2017, and then verification survey was provided to review and verify the baseline ecological profile in 2017. However, based on our preliminary site visits in December 2022 and January 2023, we do not think that the above surveys have fully reflected the ecological condition of the rezoning sites. We have some of the following observation:

¹² Annex 16: Guidelines for Ecological Assessment, Technical Memorandum, Environmental Impact Assessment Ordinance. <https://www.epd.gov.hk/eia/english/legis/memorandum/annex16.html>



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- The ecological survey did not cover dry season.
- Similarly, the verification survey was conducted in wet season only (i.e. July and August 2022). There were no additional efforts in dry season.
- Bird species such as *Zoothera aure*, *Turdus hortulorum*, *Phyllergates cucullatus*, *Eumyias thalassinus*, *Hypsipetes leucocephalu*, *Egretta garzetta*, has once been spotted during our site visits. However, all the above species have not been recorded in both the ecological survey and the latest verification survey.
- Even though the EcoIA claimed that water flow of all ephemeral streams are “mostly intermittent and fast, and hence this aquatic habitat is fairly fragmented”¹³, we can observe moving water in some of the ephemeral streams during our visit in December 2022 (Figure 1-3). It is doubtful how the EcoIA can come up with the conclusion on water flow.

7. Loss of recreation outlet

Footpaths linking to hiking trails at Kam Shan Country Park would be affected by the proposed development. However, we note that “*Reprovisioning of the connections leading towards the hiking trails will be carried out upon completion of the development. Hikers could gain access of the hiking trails via the future footpaths along the new public road and also within the proposed development*”¹⁴. It implies that a popular hiking trail and recreational outlet for the public would not be compensated. The current hiking trail, mostly surrounded by dense vegetation and non-cement paved, provides similar function of the hiking trail in Country Park. Such arrangement would still undermine the recreational function of Kam Shan Country Park, and then affect Country Park users.

In conclusion, we have to reiterate that provision of adequate housing and environmental conservation are not contradictory. Planning Department should

¹³ Section 4.2.19, Site Formation and Infrastructure Works for the Development at Shek Pai Street, Kwai Chung – Feasibility Study (Appendix B Ecological Impact Assessment (EcoIA) (Full Report))

¹⁴ Section 4.24, MPC Paper No. 13/22

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withdraw the GB rezoning proposal, and consider alternatives on land supply,
including the use of brownfield and idle lands.

Yours faithfully,

Ng Hei Man

Campaign Manager

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Figure 1-3 Moving water in some of the ephemeral streams can be observed during our visit in December 2022

