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## The Conservancy Association

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25<sup>th</sup> November 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 12A Application No. Y/YL-LFS/13

The Conservancy Association OBJECTS to the captioned application.

#### **1. Loss of function of Green Belt (GB)**

According to the draft Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan (No. S/YL-LFS/10), the planning intention of GB “*is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone*”<sup>1</sup>.

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 urban expansion*”<sup>2</sup>. We note that the proposed GB site for rezoning and the surrounding areas is still performing good buffer function of GB. The site is not fragmented habitat and has close linkages with adjacent habitats. Approving the proposed application would

<sup>1</sup> Planning intention of GB in OZP

[https://www1.ozp.tpb.gov.hk/plan/ozp\\_plan\\_notes/en/S\\_YL-LFS\\_10\\_e.pdf#nameddest=GB.pdf](https://www1.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_YL-LFS_10_e.pdf#nameddest=GB.pdf)

<sup>2</sup> LCQ7: Changes in planned uses of sites, 14 December 2016

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



set an undesirable precedent for similar cases in future and affect the integrity of habitats in different districts.

## 2. Not in line with the planning intention of Wetland Buffer Area (WBA)

From our observation, a part of the proposed GB site is within WBA (Figure 1). According to Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C), the intention of WBA is “*to protect 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*”. Although there are some degraded areas, which may be considered by the board as target areas to allow an appropriate level of residential/recreational development, we found that most of the areas have not been paved yet (Figure 2). The proposed rezoning site still serves the function to “*prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds*” in WCA.

By introducing a population of 2,352 and 840 flats, such large development scale would potentially induce adverse off-site disturbance impacts on adjacent wetland in WCA, affect ecological function and integrity of Deep Bay wetland ecosystems. We opine that this is definitely not in line with the TPB PG-No. 12C and the planning intention of WBA.

## 3. Adverse landscape impact

Refer to Figure 2, it shows that the landscape around the application site remains largely natural or with low-density village development. However, the application proposed to build 2 residential blocks with 25 storeys and 3 residential blocks of not more than 5 storeys. We are very concerned the application will bring and change the landscape character of surrounding area, especially areas within WBA.

## 4. Adverse ecological impact

Despite provision of Ecological Impact Assessment (EcoIA), we are still doubtful that at least some of the potential ecological impacts remains unsolved:

- i. Disturbance on bird species at ponds/wetland close to the application site: From the EcoIA, high diversity of bird species such as Chinese Pond Heron, Black Bittern, Little Grebe, Greater Coucal, etc., can be spotted at the pond close to



the application site. However, the proposed 3 residential towers (T3, T5 and T6) lie very close to the pond without any buffers. Construction noise during construction phase and human activities during operation phase would adversely affect foraging behavior of these birds, but it seems that the EcoIA still fails to justify how these impacts can be avoided or mitigated.

- ii. Disruption on flight path of waterbirds: From the major flight paths of waterbirds and habitat map in the EcoIA, it is noted that high diversity and abundance of bird species such as Black-faced Spoonbills, Black-crowned Night Herons, Common Greenshank, Northern Pintail, etc. can be found in the channel located at the east of the application site. However, all the proposed residential towers were concentrated at the east and northeast of the application site. Besides, although residential towers close to flight path are in low-rise (5 storeys), the 25-storey residential tower (T2) is only about 18m from those low-rise residential towers. It is still doubtful how such arrangement, with residential development close to the channel, would ensure no disruption of flight path of waterbirds.
- iii. Light disturbance: Additional light source from residential towers and open space would pose disturbance on birds and other wildlife, such as *Pteroptyx maipo*. However, we cannot see the applicant identifies the above properly and suggest measures to avoid or mitigate potential light disturbance during the construction and operation phase.

## 5. Cumulative impact

Over the past decade, there were already cumulative losses of wetlands in the Deep Bay wetland ecosystem. There are limited attempts in assessing potential cumulative impact of the projects by identifying various development projects (such as potential public housing cluster at Sha Kong Wai North) and public works in the surrounding area. For instance, the majority of Tin Shui Wai, Yuen Long Industrial Estate, Fairview Park and Palm Spring as well as Futian District of Shenzhen were all built on wetland. Meanwhile, according to our research, 8 planning applications and 1 Land Sharing Pilot Scheme application<sup>3</sup> have been submitted within WBA since the announcement of Northern Metropolis in Policy Address 2021. The plot ratio of those applications, ranging from 1.2 to 4.14, is much higher compared with the previous applications. If all

<sup>3</sup> Another 9 planning applications: Y/YL-NSW/6; Y/YL-NSW/8; Y/YL-NSW/7; Y/YL-NSW/9; Y/YL-MP/6; Y/YL-MP/7; Y/YL-MP/8; Y/YL-ST/1; LSPS/2 (Land Sharing Pilot Scheme)



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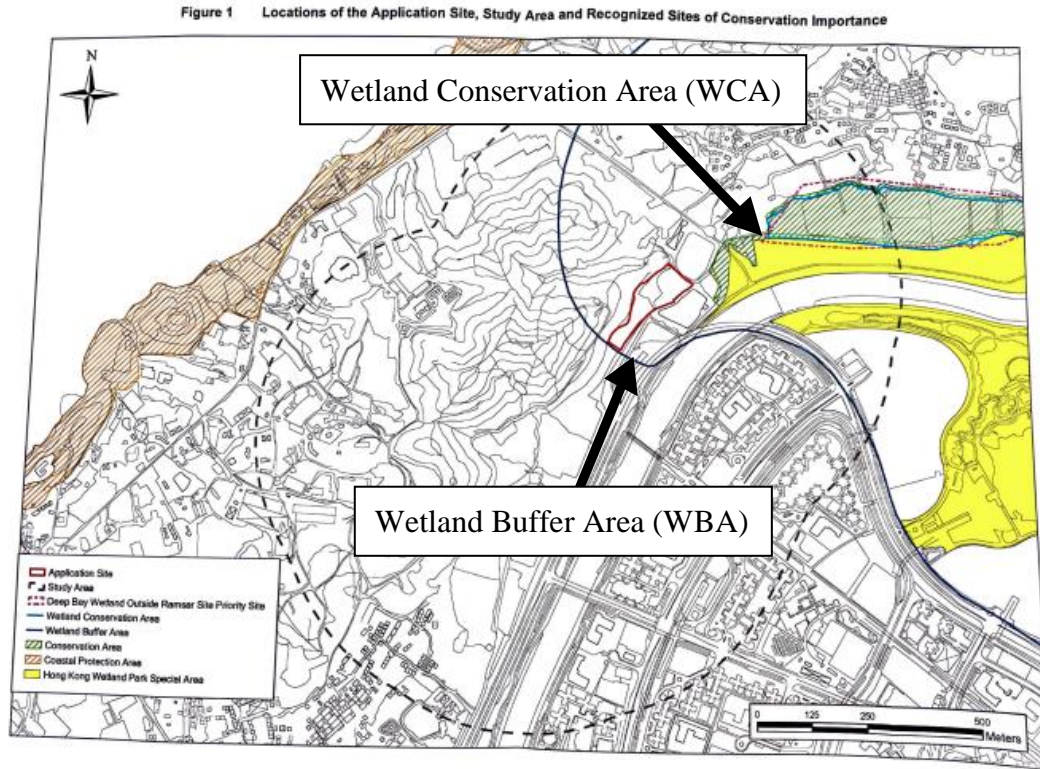
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applications are approved, an additional 31,579 units, with a population of 84,422 would be brought into WBA and threatened wetland ecosystem. In future, the adjacent San Tin/Lok Ma Chau Development Node, Northern Link, San Tin Technopole under Northern Metropolis Development Strategy would further increase development pressure within the region. In such case, we are concerned the proposed development would merely constitute greater pressure in the already rather fragile Deep Bay ecosystem. Lastly, the cumulative impacts would lead to more disturbances within WBA, or even the entire Deep Bay area.

Yours faithfully,  
Chow Oi Chuen  
Campaign Officer  
The Conservancy Association

**Figure 1 The proposed rezoning site (marked as red) is within WBA  
 (Source: Appendix A- Ecological Impact Assessment submitted by applicant)**





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Figure 2 Existing condition of the proposed rezoning site (marked in red)

