



長春社 Since 1968

## The Conservancy Association

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7<sup>th</sup> May 2024

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,

Representation relating to Mai Po & Fairview Park Outline Zoning Plan (OZP) (No. S/YL-MP/7)

The Conservancy Association (CA) would express concerns on the proposed amendments in the captioned OZP.

### Item A1 and B

#### **1. Regulating uses/development in Other Specified Uses (OU) annotated Wetland Conservation Park (WCP)**

Regarding conservation-oriented zoning such as “Conservation Area”, “Sites of Special Scientific Interest” or “OU (Comprehensive Development and Wetland Protection Area)” zone, quite often some specific uses/development requiring planning permission would be mentioned in the beginning of the Notes. However, this is missing in the Notes. We especially worry that following issues:

- During the transition period (i.e. before WCP is implemented), some uses/development not compatible with WCP might not be regulated by Town Planning Ordinance (TPO).
- Before the implementation of WCP and San Tin Technopole, pond filling and some other unauthorized activities might be occurred in pond areas. However, under such arrangement, no enforcement action and reinstatement works could be



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initiated by Planning Department. Ponds protected for bird flight path in WCP would still be subject to disturbance.

We DO NOT SUPPORT the proposed amendments for Item A1 and B, and would suggest Town Planning Board (TPB) to revise the Notes for OU(WCP) zone as followed (see underlined):

- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (9) in relation to areas zoned “Site of Special Scientific Interest” or “Site of Special Scientific Interest (1)” or, “Conservation Area” or “Other Specified Uses” annotated “Comprehensive Development and Wetland Protection Area” or “Other Specified Uses” annotated “Wetland Conservation Park”:
- (9) In areas zoned “Site of Special Scientific Interest” or “Site of Special Scientific Interest (1)” or “Conservation Area” or, “Other Specified Uses” annotated “Comprehensive Development and Wetland Protection Area” or “Other Specified Uses” annotated “Wetland Conservation Park”:
- (11) (a) Except in areas zoned “Site of Special Scientific Interest” or “Site of Special Scientific Interest (1)” or “Conservation Area” or “Other Specified Uses” annotated “Comprehensive Development and Wetland Protection Area” or “Other Specified Uses” annotated “Wetland Conservation Park”, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:

### **2. Imposing control on “on-farm domestic structure” in OU(WCP) zone**

With such close proximity with Mai Po Ramsar Site, fishponds and wetlands in the proposed WCP form an integral part of Deep Bay wetland system which is of significant ecological value. Even though we understand that “on-farm domestic structure” would be important for certain aquaculture activities, viewing the ecological importance of these fishponds and wetlands, certain development control would still be necessary.

For conservation-oriented zoning such as “Site of Special Scientific Interest” zone, “on-



farm domestic structure” would be under Column 2 (i.e. planning application Town Planning Board would be required). Nature Park in Long Valley, always quoted by the Government as a successful example of balancing strategic development and proactive conservation, has also imposed control on “on-farm domestic structure”. From OU(Nature Park) zone in the Approved Kwu Tung North Outline Zoning Plan (S/KTN/4), “on-farm domestic structure” is included in Column 2 in OU(Nature Park) zone.

We would suggest TPB to put “on-farm domestic structure” from Column 1 to Column 2. This is to ensure all potential ecological impact induced by any development could be identified, evaluated, avoided and mitigated in proper.

#### Others – Explanatory Statement

#### **Upholding “no-net-loss in wetland” principle**

Regarding “Conservation Area” and “Other Specified Uses” annotated “Comprehensive Development and Wetland Protection Area” zone, we note that some sections related to “no-net-loss in wetland” principle have been amended in the Explanatory Statement.

*“Within the “OU(CDWPA)” zone, all the existing continuous and contiguous fish ponds should be conserved and the “precautionary approach” and “no-net-loss in wetland” principle shall apply. According to the “precautionary approach”, these existing continuous and contiguous fish ponds are to be protected and conserved in order to maintain the ecological integrity of the Deep Bay wetland ecosystem as a whole. “No-net-loss in wetland” can refer to no decline in wetland or ecological functions served by the existing fish ponds.” (Section 9.9.8) (*emphasis added*)*

*“The “no-net-loss in wetland” principle is adopted for any change in use within this zone. “No-net-loss in wetland” can refer to no decline in wetland or ecological functions served by the existing fish ponds. Fragmentation of continuous and contiguous fishpond habitats within the “CA” zone should be avoided.” (Section 9.10.1) (*emphasis added*)*

According to TPB PG-No. 12C, it states that “no-net-loss in wetland” can refer to “both loss in area and function. No decline in wetland or ecological functions served by the



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*existing fish ponds should occur*". We opine that the proposed amendments are not consistent with what PG-No. 12C states. If project proponents intend to submit planning application under Section 16 of TPO, such inconsistency would cause confusion.

Based on the plain reading of the previous statement, we opine that no amendments are necessary for the above sections in the Explanatory Statement.

Yours faithfully,

The Conservancy Association