



長春社 Since1968

The Conservancy Association

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15th 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/YL-NSW/290

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

1. Not in line with the planning intention

According to the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (No. 12C), the application site is located within Wetland Buffer Area (WBA). The planning 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”. According to the planning intention of “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (OU(CDWRA)), it is “to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds, and to encourage the phasing out of sporadic open storage and port back-up uses on degraded wetland. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands”.

According to the proposed application, permanent/direct loss of 4.90 ha of wetland would be resulted. Worse still, current development would cause serious pond fragmentation, resulting in ecological loss of ponds outside (but very close to) the development site. The proposed application also fails to explain how to ensure the ecological integrity of the fish ponds and wetland within the WCA. We opine that such



conditions are definitely not in line with the TPB Guideline No. 12C, the planning intention of WBA as well as OU(CDWRA).

2. Adverse ecological impacts

Despite comparison between the notional and original scheme; provision of Wetland Restoration Area (WRA), it is still very clear that the proposed development would be built on fish ponds. From the further information provided by the applicant, the proposed development still fails to fulfil the principle of “no-net-loss in wetland”. Here we highlight some of our concerns:

- Based on the revised Ecological Impact Assessment (EcoIA) received on 11th February 2022, “*To take a conservative approach, it is assumed that the portions of the abandoned ponds outside the Application Site (~ 0.72 ha) will also loss their wetland functions*” (Section 8.2.6). We opine that such off-site ecological impact is against the principle of “no-net-loss in wetland”.
- Based on the “Responses to Comments” dated 11th February 2022, “*potential impacts will be minimized by using of quiet machinery and construction method, and erection of hoardings / noise barriers, construction works near the ponds lying on the application site boundary are not necessary to avoid winter season*”. Since winter is the peak bird migratory season, we strongly doubt that such arrangement would still result in adverse ecological impacts on migratory birds.
- No sufficient details are available to demonstrate how the proposed WRA ensures the aim of wetland restoration and managed in long-term.
- Worse still, based on the “Responses to Comments” dated 21st March 2022, “*Due to the tight programme of the Study, major construction works for the residential portion will be commenced before the WRA is well established*”. We doubt that this will reduce the effectiveness of the proposed WRA.

3. Cumulative impacts

Over the past decade, many large-scale development applications within WBA have been approved or submitted for approval. The entire region has been under high development pressure. Approving the captioned application would set undesirable precedent for similar applications for large-scale development in the area. Development would further encroach into lands with conservation and landscape values, decreasing overall quality of the environment.



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

The site has been subject to land formation and vegetation clearance (Figure 1-3). 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*”¹. 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

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

Figure 1-3 According to aerial photos, the site (marked in red) was subject to land formation and vegetation clearance in the past (Source: Google Earth)

