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By email only

27 April 2017

Dear Sir/Madam,

香港觀鳥會  
THE  
HONG  
KONG  
BIRD  
WATCHING  
SOCIETY  
Since 1957 成立

**Re: “Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030”**

**1. Introduction**

1.1. The Hong Kong Bird Watching Society (HKBWS) is a local civil society established in 1957 aiming at appreciating and conserving Hong Kong birds and the natural environment. Besides promoting birdwatching and conducting bird surveys and research, we have developed a wide range of works, include organizing birdwatching courses, managing important bird habitats and helping the establishment and development of birdwatching societies in mainland China. Our conservation efforts in birds is also acknowledged at a global level as we are a recognized partner of BirdLife International representing Hong Kong. Since 2011, we have published three reports in the “*Hong Kong Headline Indicators for Biodiversity and Conservation*” series, which is the only systematic monitoring of the state and progress of biodiversity conservation in Hong Kong.



1.2. The HKBWS agrees with the need for a strategic planning such that Hong Kong is sustainable and resilient to the highly dynamic and ever-changing local, regional and global environment. We welcome the vision and planning goal of the Hong Kong 2030+, which is to adopt a “*visionary, proactive, pragmatic and action-oriented*” approach<sup>1</sup> to achieve the vision of becoming “*a livable, competitive and sustainable Asian’s World City*” with a planning goal to “*champion sustainable development with a view to meeting our present and future social, environmental and economic needs and aspirations*”.

1.3. Hong Kong is indeed a unique city in China and as well as in the world, with such a high population density but yet also with a large number of country parks that are accessible from almost every part of the city. This is increasingly valued by a community living in confined spaces and concerned about declining quality of life and opportunity. We consider that Hong Kong does not need to become wealthier which would only lead to unequal distribution of income, but rather we need to be

<sup>1</sup> Page 1 of the consultation booklet

more prosperous, that is better access to all public goods, improve in health and well-being, and increase the quality of life for everyone in the society.

- 1.4. We support environmentally sustainable development<sup>2</sup>. Yet, the proposed strategic framework is still development driven and there is a lack of long-term commitment on nature conservation. Even though terms like “*sustainable*” and “*green*” were frequently mentioned in the consultation document, the proposed developments and conservation actions seem far from what these terms actually mean. There are no long term commitments on nature conservation, no changes in the currently flawed system which allows ongoing ecological destruction of habitats, no recognition and protection of buffer zones, and no comprehensive policies to allow conservation and agriculture to be sustainable.
- 1.5. Moreover, we consider that the Government has simplified various social issues in Hong Kong, claiming that the main reason is the shortage of land supply. Taking expensive housing as an example, however, a local study by University of Hong Kong in 2012 already indicated that the amount of land supply from Government sales did not affect the housing price in Hong Kong, but instead higher housing price would trigger more land sale without a drop in price<sup>3</sup>. Apart from unaffordable housing, there are other social issues, such as disparity between the rich and the poor, environmental pollution, distrust of the government, injustice in the current system, which has torn our society into pieces. Without identifying and facing the real causes of all these social issues, problems would not be solved; but instead would intensify the unnecessary dilemma between social needs and nature conservation, damaging both the public interest and the natural environment. The sustainable and green vision that the Government has for 2030 and beyond would not be reached.
- 1.6. The HKBWS considers that the Hong Kong 2030+ is a golden opportunity for Hong Kong to restore the harmony within the society and to integrate environmental and ecological sustainability into the city’s long-term planning and development process in order to tackle the on-going social and environmental problems that we have been facing. Below are our comments on the consultation document, primarily focusing on the conservation and protection of Hong Kong’s natural assets.

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<sup>2</sup> 17 sustainable development goals were developed under the United Nations 2030 Agenda for Sustainable Development, they are: 1. No poverty; 2. Zero hunger; 3. Good health and well-being; 4. Quality education; 5. Gender Equality; 6. Clean water and sanitation; 7. Affordable and clean energy; 8. Decent work and economic growth; 9. Industry, innovation and infrastructure; 10. Reduced inequalities; 11. Sustainable cities and communities; 12. Responsible consumption and production; 13. Climate action; 14. Life below water; 15. Life on land; 16 Peace, justice and strong institutions; 17. Partnership for the goals. Available at: <http://www.un.org/sustainabledevelopment/development-agenda/>

<sup>3</sup> Zheng, Q. (2012). Land supply and housing prices: empirical studies of Hong Kong and Guangzhou. (Thesis). University of Hong Kong, Pokfulam, Hong Kong SAR. Retrieved from [http://dx.doi.org/10.5353/th\\_b5108692](http://dx.doi.org/10.5353/th_b5108692)

## 2. Proposed conservation measures are not new and not purely for conservation

*Nature conservation is not only important to our environment, but it is also vital for better public health, improve in quality of life and thus generating economic benefits. The proposed conservation measures are mostly development driven and some are in fact mitigation measures of development projects. We are concerned the so-called “environmental capacity” created would only be an excuse for more development elsewhere.*

### Delayed conservation driven by development

- 2.1. The Southwest Lantau and the Sokos Island are important for the conservation of the Chinese White Dolphin, whereas the Robin’s Nest is an important ecological corridor connecting Hong Kong with the Shenzhen’s Wutongshan National Forest Park. The ecological value of these areas are well-recognized<sup>4,5</sup> **but the long-awaited designation of country/marine parks only occurred when there is a development need.**
- 2.2. The designation of the Southwest Lantau Marine Park and the Sokos Island Marine Park were **suddenly announced** in 2014<sup>6</sup> when the Environmental Impact Assessment (EIA) for the Three Runway System (3RS) was still under deliberation by the members of the Advisory Council on the Environment (ACE). Although the Government repeated mentioned the marine park designation is not related to the 3RS EIA, a member of ACE considered that **all nearby developments including the newly proposed marine parks should be taken into account when deliberating the 3RS EIA report**<sup>7</sup>. This may be the reason why the controversial 3RS project, which the EIA subcommittee members under ACE had deliberated for more than 30 hours<sup>8</sup>, was given a green light in the end.

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<sup>4</sup> Robin’s Nest was recommended to be designated as a country park in the land use planning study for the closed area back in 2010,  
[http://www.pland.gov.hk/pland\\_en/misc/FCA/files\\_072010/Final\\_Report/041-02%20Final%20Report%20\(C hapter%208\).pdf](http://www.pland.gov.hk/pland_en/misc/FCA/files_072010/Final_Report/041-02%20Final%20Report%20(C hapter%208).pdf)

<sup>5</sup> The Southwest Lantau Marine Park and the Sokos Island Marine Park were proposed back in 2002 but was left aside due to local opposition. Please refer to  
<http://www.legco.gov.hk/yr01-02/english/panels/ea/papers/ea0527cb1-1811-3-e.pdf> and  
[https://www.afcd.gov.hk/english/aboutus/abt\\_adv/files/WP\\_CMPB\\_7\\_2015.pdf](https://www.afcd.gov.hk/english/aboutus/abt_adv/files/WP_CMPB_7_2015.pdf)

<sup>6</sup> <http://www.info.gov.hk/gia/general/201409/01/P201409010318.htm>

<sup>7</sup> Para 39 of the 200<sup>th</sup> meeting of ACE held on 15 September 2014,  
[http://www.epd.gov.hk/epd/sites/default/files/epd/english/boards/advisory\\_council/files/ACE-200-minutes-web.pdf](http://www.epd.gov.hk/epd/sites/default/files/epd/english/boards/advisory_council/files/ACE-200-minutes-web.pdf)

<sup>8</sup> Para 5 of the 200<sup>th</sup> meeting of ACE held on 15 September 2014,  
[http://www.epd.gov.hk/epd/sites/default/files/epd/english/boards/advisory\\_council/files/ACE-200-minutes-web.pdf](http://www.epd.gov.hk/epd/sites/default/files/epd/english/boards/advisory_council/files/ACE-200-minutes-web.pdf)

- 2.3. In the Policy Address 2017, the establishment of the Robin's Nest Country Park was finally confirmed. **But in the same policy address, incorporation of land with high ecological value into country parks was mentioned alongside with the development of country park periphery** *"with relatively low ecological and public enjoyment value for purposes other than real estate development, such as public housing and non-profit-making elderly homes"*<sup>9</sup>.

Conservation measures are actually mitigation measures

- 2.4. There are also "new" country and marine parks which are designated not purely for conservation but are actually mitigation measures of development projects. For example the Brothers Marine Park is the mitigation measure for the Hong Kong-Zhuhai-Macau Bridge, and the proposed marine park near the airport is the mitigation measure for the 3RS of the Hong Kong International Airport. The marine parks was/will be designated before the full operation of the proposed project, which means "destruction" (e.g. reclamation) would be allowed first and conservation will be done afterwards (i.e. mitigation). According to the monitoring of marine mammals in Hong Kong waters from 2015 to 2016<sup>10</sup>, the sightings of the Chinese White Dolphin in northeast Lantau already dropped to one, in an area where the Brothers Marine Park is located. **This is not an example of coexistence of development and conservation, but an example of "destroy first conserve later".**

Conservation for development?

- 2.5. **We consider that there is a lack of measures designed with the primary and specific intent of protecting Hong Kong's biodiversity and our quality of life.** The "building block 3: creating capacity for sustainable growth" in the consultation document mentioned *"to promote sustainability, the planning framework for creating development capacity needs to go hand in hand with creating, enhancing and regenerating environmental capacity by integrating conservation and biodiversity considerations into planning and decision making and improving our environment"*<sup>11</sup>. **We are concerned the environmental capacity created (such as the above so-called "new" country/marine parks and conservation measures) would only be "excuses" to make way for more development capacity elsewhere, thus reducing the social and economic benefits that the environment has on our society.**

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<sup>9</sup> Para 117 of the Policy Address 2017

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[http://www.afcd.gov.hk/english/conservation/con\\_mar/con\\_mar\\_chi/con\\_mar\\_chi\\_chi/files/Final\\_Report\\_2015\\_16.pdf](http://www.afcd.gov.hk/english/conservation/con_mar/con_mar_chi/con_mar_chi_chi/files/Final_Report_2015_16.pdf)

<sup>11</sup> P.54 of the consultation booklet

### 3. Lack of commitments in nature conservation

*Protect and enhance our environment requires commitment to nature conservation. However, the proposed development projects failed to avoid ecologically sensitive areas. Biodiversity conservation is still far from full scale integration into Hong Kong 2030+. It is also uncertain if BSAP will expand beyond the first five years and if a nature conservation trust will be set up.*

#### Ecologically sensitive areas are not avoided

3.1. Again, under building block 3 in the consultation document, it claimed that “environmentally and ecologically sensitive areas are identified below, where major development is to be avoided”<sup>12</sup>. But if the development framework is compared with the initial findings of the Strategic Environmental Assessment (SEA) as presented in Figure 14 of the topical paper no. 13, it is clear that some of the major developments are actually located in ecologically sensitive areas (Table 1 and Figure 1). Even some initiatives to enhance the environmental capacity were proposed at these locations (such as adoption of eco-shoreline for new reclamation and planning for a low carbon city), we consider that they are irrelevant to the direct, permanent and irreversible loss of marine habitats. **A comprehensive ecological survey and assessment should be conducted first to identify the ecologically sensitive areas to be protected before proposing any kinds of developments. We object to the above proposed developments and are concerned they will just be another “destroy first, conserve later” project.**

**Table 1.** Sensitive ecological features at some proposed major developments

Proposed development	Sensitive ecological features
East Lantau Metropolis	Key coral areas
Reclamation at Sunny Bay	Mangrove and sea grass bed
Reclamation at Lung Kwu Tan	Habitats of horseshoe crab and Chinese White Dolphins

#### Mainstreaming of biodiversity conservation

3.2. In the topical paper no. 13 “*Environmental Protection and Nature Conservation for Sustainable Growth*”, the Government claimed that biodiversity conservation was mainstreamed into the Hong Kong 2030+<sup>13</sup>. Our first city-level Biodiversity Strategy and Action Plan (BSAP) was finalized in late 2016, **however, it only reflects the extent to which the Government is currently willing to conserve the environment and to mainstream biodiversity conservation in across all sectors in the society.** As

<sup>12</sup> Page 56 of the consultation booklet.

<sup>13</sup> Section 2.35 of the topical paper no.13 “Environmental Protection and Nature Conservation”

discussed in the previous and in the following sections, we are not convinced that conservation, biodiversity and habitat protection were integrated into the planning and decision making process of the current strategic planning. **We consider that both the BSAP and the current Hong Kong 2030+ are still far from full scale integration under the Convention of Biological Diversity.**

Long term commitments: BSAP and nature conservation trust

- 3.3. Development in Hong Kong 2030+ is now planned for 2030 and beyond, but nature conservation seems to be taking a “business as usual” approach. **Will BSAP expand beyond the first 5 years and will there be any updates on the conservation plan? Will the establishment of a nature conservation trust, which is important to protect private lands of high ecological value and to resolve environmental disputes, be investigated as said in the Policy Address 2017?** Nothing was mentioned in the Hong Kong 2030+, yet it represents the “Government’s vision, policy and strategy for the territorial development of Hong Kong beyond 2030”<sup>1</sup>. We consider that there is a lack of long-term commitments to nature conservation. “Sustainability” and “conservation” are just empty words and symbolic actions.

**4. Conservation cannot be achieved with flawed systems and legislation**

***Loopholes in existing legislation has allowed the ongoing ecological destruction of natural habitats. Changes in current policies and legislation is necessary to plug the loopholes for effective protection of Hong Kong’s natural assets.***

- 4.1. Many of the natural habitats and ecologically sensitive areas are currently protected by the law, such as the Town Planning Ordinance (TPO), Environmental Impact Assessment Ordinance (EIAO), Country Parks Ordinance, etc. The current Hong Kong 2030+ (and the city’s BSAP as well) relies heavily on the existing systems and laws to protect the natural environments in Hong Kong. **However, there are loopholes in various legislations which has allowed uncontrollable unauthorized activities and destruction of valuable natural habitats**, like in the case of Pui O where Hong Kong’s one of the last remaining low-lying buffalo fields is threatened by filling of wetlands (Figure 2).

No enforcement power under TPO for areas without DPA

- 4.2. Under the TPO, areas covered by a Development Permission Area (DPA) plan or an Outline Zoning Plan (OZP) which has replaced a DPA, are subject to planning control by the Planning Department (PlanD). However, for areas with OZP but without DPA (e.g. coast of South Lantau and fringes of new towns), no enforcement actions can

be conducted even it is covered with conservation zoning(s). The current TPO also does not allow the designation of a DPA after an OZP is in place. **An amendment in the TPO is urgently needed, which allows the designation of DPA in conservation zonings and areas of conservation importance in existing OZPs. Any administrative measures which can achieve the same result are also welcomed.**

#### Failure to reinstate damaged wetland habitats

- 4.3. Even enforcement actions were taken by the PlanD and reinstatement notice was issue, it is often that filled wetlands were not reinstated back to a wetland condition. Various environmental NGOs has been following up on different eco-vandalism cases, but the ecological functions of none of the affected sites were restored<sup>14</sup>. An example is the landfilling activities in the Kam Tin buffalo fields (Figure 3). This is because there is no distinguish between dry land and wetland in the enforcement process. **In order to properly reinstate damaged habitats, a more comprehensive and accurate database of the land and habitat conditions in Hong Kong is necessary. We consider that reinstatement is required for all destruction cases and mechanisms should also be developed to ensure the offender cannot escape from this duty and the land will be restored back to its original status.** Professional advice from Agriculture, Fisheries and Conservation Department (AFCD) on the restoration of habitats and to which condition the reinstatement reaches satisfaction should be sought.

#### Dumping of construction wastes on private wetlands are permitted

- 4.4. Moreover, dumping of construction wastes on private land is allowed by the Environmental Protection Department (EPD) under the Waste Disposal Ordinance (WDO) as dumping of inert wastes does not require a license from EPD and it is permitted as long as the land owner's consent is obtained. The EPD will not consider whether the land is suitable for dumping or not from an ecological or habitat perspective. However, we consider that disposal material can be physically and chemically stable, but it does not mean that the dumping of such materials will not cause immediate or long term adverse ecological impacts on the environment. **As such, the use of inert material for landfill should not be exempted in the WDO. EPD as the authority in environment protection should safeguard health and safety of the public as well as that of the natural environment and wildlife. Therefore, EPD should ask for AFCD and PlanD's advice if the private land is suitable for dumping and incorporate the departmental comments in the decision making process for the approval/rejection of the dumping application.**

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<sup>14</sup> The Hong Kong Bird Watching Society. 2015. *Hong Kong Headline Indicators for Biodiversity and Conservation - 2013 and 2014 Report*. The Hong Kong Bird Watching Society. Hong Kong.

#### Effectiveness of the EIA system to avoid/minimise adverse impacts

4.5. Even though some development projects need to go through the Environmental Impact Assessment (EIA) system to ensure it will not cause adverse impacts on the environment, yet, there are fundamental problems of the current system as highlighted in various articles and university theses in the past decade or two<sup>15,16,17</sup>. The quality of the surveys are influenced by the conflict of interest between the project proponent and the consultancy firm. Since the consultant is hired by the project proponent at the lowest price possible, so the surveying effort and data quality may be affected by the tender price and the analysis of the data may be biased to favour the project proponent. Moreover, even the project proponent violated the environmental permit issued by EPD, it is often that there is insufficient evidence for prosecution and the actual penalty is far from the maximum possible to act as a deterrent<sup>15</sup>, like in the case of the Hong Kong-Zhuhai-Macau bridge and the MTR Express Rail Link<sup>18</sup>. **Therefore, there should be an independent body hiring the EIA consultants such that the assessments for the projects can be conducted in a neutral and professional manner. Moreover, the Government should step up its monitoring and enforcement on approved projects under the EIAO in order to effectively deter project proponents from violating the environmental permits.**

#### Loopholes should be plugged to strengthen protection

4.6. Above are just a few examples of the shortfalls in the current system. **Changes in policies and legislation is necessary as long-term strategic goals to strengthen enforcement actions and plug existing loopholes in order to stop the ongoing ecological destruction of habitats.** This is particular important to prevent urban sprawl and to conserve the “unique urban-rural- countryside-nature continuum”<sup>19</sup> that Hong Kong has. We consider that it is essential to do so in Hong Kong 2030+ in order to safeguard our countryside and nature in Hong Kong.

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<sup>15</sup> Christopher Wood & Linden Coppell (1999) An evaluation of the Hong Kong environmental impact assessment system, *Impact Assessment and Project Appraisal*, 17:1, 21-31, DOI: 10.3152/147154699781767936

<sup>16</sup> Leung, C. (2003). An evaluation of the effectiveness of environmental impact assessment in Hong Kong with special reference to ecological impacts. (Thesis). University of Hong Kong, Pokfulam, Hong Kong SAR. Retrieved from [http://dx.doi.org/10.5353/th\\_b3106557](http://dx.doi.org/10.5353/th_b3106557)

<sup>17</sup> Lo, J. (2013). Discussing the effectiveness of Environmental Impact Assessment (EIA) as an instrument for sustainable development of land in Hong Kong, *Outstanding Academic Papers by Students*. Retrieved from City University of Hong Kong, CityU Ins.

<sup>18</sup> [https://www.hk01.com/01\\_偵查/80824/-港珠澳橋塌海堤-工程違環評無後果-黃錦星上任後零檢控](https://www.hk01.com/01_偵查/80824/-港珠澳橋塌海堤-工程違環評無後果-黃錦星上任後零檢控)

<sup>19</sup> Page 28 of the consultation booklet.



## 5. Buffer zones are neglected and their values are not recognized

*Buffer zones (e.g. WBA, GB, AGR) may not all of high ecological and conservation value, yet, they have an important role in protecting and enhancing the conservation value of the core areas, i.e. prevent undesirable disturbances and developments, reduce the edge effect. We consider that the Government should not use these buffer zones for development.*

### Importance of buffer zones

- 5.1. A list of sensitive areas were generally identified as not suitable for development due to their valuable ecological and landscape assets<sup>20</sup>. We consider that this does not mean areas outside this list is suitable for development. On the contrary, many of these areas are actually buffer zones to protect these sensitive areas. According to the United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC), buffer zone is defined as “*areas peripheral to a specific protected area, where restrictions on resource use and special development measures are undertaken in order to enhance the conservation value of the protected area*”<sup>21</sup>. **These buffer zones may not all of high ecological and conservation value when compared with those in the core areas, yet, they have an important role in protecting and enhancing the conservation value of the core areas, i.e. prevent undesirable disturbances and developments, reduce the edge effect.**

### Buffer zone examples in Hong Kong

- 5.2. “Wetland Buffer Area” (WBA) in the Deep Bay area and the “Green Belt” (GB) zoning under the TPO are **zonings with clear planning intention to act as buffer zones** in Hong Kong. Although the planning intention of “Open Space” (O) and “Agriculture” (AGR) does not state its buffer function, yet as they provide recreational uses for the public and preserves agricultural land respectively. We consider that they also **have a role of a buffer within the city and in rural areas** (Table 2). Agricultural land will be discussed in detail in the following section.

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<sup>20</sup> According to the topical paper no. 10 “Land Supply Considerations and Approach”, sensitive areas with ecological and landscape assets include: Country Parks and Special Areas, Sites of Special Scientific Interest (SSSI), Conservation Areas (CA), Coastal Protection Areas (CPA), Ramsar Site, Restricted Area, Wetland Conservation Area (WCA) and Woodland.

<sup>21</sup> UNEP-WCMC 2014, Biodiversity A-Z website: [www.biodiversitya-z.org](http://www.biodiversitya-z.org), UNEP-WCMC, Cambridge, UK. Available at: <http://www.biodiversitya-z.org/content/buffer-zones>

**Table 2.** Some zonings with buffer functions and their planning intentions

Zonings	Planning intention	Importance
WBA	<i>“to <u>protect the ecological integrity of the fish ponds and wetland within the WCA (Wetland Conservation Area) and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds</u>”<sup>22</sup></i>	Conservation of ecologically sensitive habitats
GB	<i>“for the <u>conservation of the existing natural environment amid the build-up areas</u>” in urban area and “for <u>defining the limits of urban and sub-urban development areas by natural features</u>” in rural areas or new towns. GB is also intended to contain urban sprawl, to provide passive recreational outlets, and there is a <u>general presumption against development within this zone</u><sup>23</sup>.</i>	Prevent urban sprawl, GB is a buffer zone with environmental, recreational, landscape and social value
O	<i>“for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.”<sup>24</sup></i>	Provide outdoor open-air public recreational space
AGR	<i>“to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.”<sup>25</sup></i>	Conservation of agricultural land

#### Loss in buffer zones and distrust in Government - GB zones

5.3. However, buffer zones are not well protected in Hong Kong and are often being taken for development in recent years, particularly for GB zones. We have been losing not just the “*devegetated, deserted or formed*” GB zones as announced in the Policy Addresses from 2011 to 2014<sup>26</sup>, but we are also losing the well-vegetated GB zones with ecological value. In the case of Tai Wo Ping GB rezoning, the site is well-vegetated and well-wooded with streams and breeding ground of the globally vulnerable Lesser Spiny Frog. Several well-wooded and well-vegetated GB sites in Tai Po were also rezoned for housing development. The Government claimed this is the

<sup>22</sup> TPB planning guideline no. 12C: [http://www.info.gov.hk/tpb/en/forms/Guidelines/pg12c\\_e.pdf](http://www.info.gov.hk/tpb/en/forms/Guidelines/pg12c_e.pdf)

<sup>23</sup> Master Schedule of Notes for GB, [http://www.info.gov.hk/tpb/en/forms/Schedule\\_Notes/msn\\_gb\\_e.pdf](http://www.info.gov.hk/tpb/en/forms/Schedule_Notes/msn_gb_e.pdf)

<sup>24</sup> Master Schedule of Notes for O, [http://www.info.gov.hk/tpb/en/forms/Schedule\\_Notes/msn\\_o\\_e.pdf](http://www.info.gov.hk/tpb/en/forms/Schedule_Notes/msn_o_e.pdf)

<sup>25</sup> Master Schedule of Notes for AGR,

[http://www.info.gov.hk/tpb/en/forms/Schedule\\_Notes/msn\\_agr\\_e.pdf](http://www.info.gov.hk/tpb/en/forms/Schedule_Notes/msn_agr_e.pdf)

<sup>26</sup> 2011-2014 Policy Addresses. Devegetated, deserted or formed GB zones will be rezoned for development.

second stage of GB review<sup>27</sup>, which involves sites of insignificant buffering effect and relatively low conservation value close to existing urban areas and new towns. **However, these detailed information of the change in GB policy were first announced in the blog of the secretary for development. It is also uncertain how the sites were assessed to reach the conclusion of “insignificant buffering effect and relatively low conservation value”.**

5.4. The consultation document frequently mentioned that *“sites at the fringe of built-up areas that are deserted or have low conservation and public enjoyment value”*, including greenfields of low conservation value and deserted agricultural land, should be considered for development; while natural environments of high environmental and ecological value should be identified for conservation and enhancement. **However, the Government’s track records of rezoning GB of “relatively low ecological value” for development do not give us a cause of confidence or support in a land use policy for the development of land with the so-called “low” ecological/buffering/recreation value.**

5.5. **It is essential for the Government to rebuild the trust from the public in order to restore the harmony in the society. We consider that the Government should recognized the importance of buffer zones and the planning intentions of various zonings should be followed. Future plans for development should be confined to established development zones and away from protected areas and buffer zones.** Brownfields and vacant lands within the urban area should be of high priority for development and land use efficiency should be enhanced in urban areas, while greenfields/country parks/reclamation should only be our last resort of land supply. Otherwise, we are concerned that today’s buffer zones will become tomorrow’s development areas, whereas today’s conservation zones will become tomorrow’s buffer zones. This will just be a gradual degradation of the conservation area due to development of buffer zones.

## **6. Inadequate protection of agricultural lands**

*The multiple importance of fallow agricultural land is neglected in the document and is not considered as a green asset of Hong Kong. Without a comprehensive policy on agricultural land and loopholes in existing legislations not plugged, we are concerned the proposed “Agricultural Priority Areas” will only initiate more destruction of arable agricultural lands.*

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<sup>27</sup> [https://www.devb.gov.hk/en/home/Blog\\_Archives/index\\_id\\_43.html](https://www.devb.gov.hk/en/home/Blog_Archives/index_id_43.html)

### Multiple values of agricultural land

- 6.1. Agriculture land is a complex mosaic of wet and dry, active and fallow habitats. It provides shelter, roosting, breeding and foraging habitats for a wide range of fauna at different times of the year. Some abandoned dry agriculture lands may seem to have relatively low ecological value, yet they may be habitats suitable for other wildlife (e.g. butterflies). These vegetated areas can act as wildlife corridors, allowing movements of wildlife between the fragmented landscapes or between separated conservation areas/country parks. Agriculture lands are also of landscape and cultural values. **They can be open spaces within an urbanized area, buffer zones at urban/rural interfaces, and buffers for the protection of streams, woodlands and conservation areas.**

### Fallow agricultural land is not recognized as a green asset

- 6.2. We consider that agricultural land should be one of our green assets, however, it was not included in general as only the environmental and ecological benefits of active agricultural land is recognized<sup>28</sup>. **We are concerned this would mean that fallow agricultural land is a potential source of land supply.** In order to implement sustainable agriculture, arable land must be conserved for cultivation and all the multiple values/functions/importance of agriculture land must be recognized in the context of ecological conservation and land use planning.

### Threats of agricultural land

- 6.3. Agricultural land has been under imminent development threat and there is an ongoing incremental loss of arable agricultural land. For the past 10 years or so, the approval rate of small houses applications in AGR zones is over 60%<sup>29</sup>. Moreover, according to our latest headline indicator report for biodiversity and conservation, small house development accounts for over 90% of all approved applications within the AGR zoning<sup>14</sup>. **Given such a high approval rate, an enormous gap is created between the land value for development (e.g. small house development) and that for soil cultivation. This also generates false hopes to land owners, leading to paving or dumping of construction waste on AGR land, thus a loss of arable agricultural land.** Furthermore, hobby farms or leisure farms are loosely regulated, resulting in more paved areas for recreational use (such as children's playground and barbeque spot) and less cultivated land.

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<sup>28</sup> Page 22 of the topical paper no. 5 "Green and Blue Space Conceptual Framework"

<sup>29</sup> Annex of LegCo Question 17 (6 Feb 2013) - Land reserved for building New Territories small houses. Retrieved from [http://gia.info.gov.hk/general/201302/06/P201302060426\\_0426\\_106939.pdf](http://gia.info.gov.hk/general/201302/06/P201302060426_0426_106939.pdf)

#### New Agriculture Policy fails to reduce the threat on farmland

- 6.4. In the New Agriculture Policy, the Government tried to address the above issues through the modernization of agriculture and strengthening the marketing and branding of local produce, **but these does not close the enormous gap of the land value for development and that for farming**. Under the fear of land shortage in recent years, agricultural land is regarded as of high development and investment potential with paved agricultural land selling at a price **five times higher than arable farmland, which provides incentives for more dumping and fly-tipping activities to facilitate development**<sup>30</sup>.

#### APA may introduce more problem than it solves

- 6.5. We understand the good intention of setting up “Agricultural Priority Areas” (APA) where only agricultural use will be primarily allowed. **However, without a comprehensive policy on agricultural land, coupled with loopholes in existing legislations, we are concerned the proposed APAs will only initiate more degradation and destruction of arable agricultural land so as to avoid land being designated as APA or in hope of withdrawal from the APA system**. We consider that it is important for the Government to provide supporting policies, legislation and incentives to boost the local agriculture industry and to protect arable farmland.

### 7. Generalization of our natural assets to green and blue

*It is important to distinguish between habitats in urban and in rural areas as they have different ecological sensitivity and management strategies for maximizing their unique functions in the city. Otherwise it will eventually lead to a loss in our natural assets rather than a gain.*

- 7.1. According to the topical paper no. 5 “Green and Blue Space Conceptual Framework”, green assets refers to “*green features including vegetation cover (such as woodlands, shrublands, and grasslands but excludes agricultural land), open space and recreation space, country parks as well as connectors such as hiking trails and waterfront, etc*”<sup>31</sup>, while blue assets refer to “*water bodies including harbour, rivers and streams, conservation-related water space (such as wetlands, marine parks and marine reserves), water sports centres, beaches, reservoirs, artificial lakes, etc*”<sup>32</sup>.

<sup>30</sup> HK\$250 per square foot for high quality arable farmland to HK\$1,309 per square foot for formed and paved agricultural land ready for development

<http://www.28hse.com/buy-property-310974.html>

<http://www.28hse.com/buy-property-317301.html>

<sup>31</sup> Page 14 of the topical paper no. 5 “Green and Blue Space Conceptual Framework”

<sup>32</sup> Page 17 of the topical paper no. 5 “Green and Blue Space Conceptual Framework”

This means terrestrial, aquatic and marine habitats from urban to countryside are all included in the green-blue assets.

#### Urban and rural green/blue assets are different

- 7.2. However, it is important to distinguish between habitats in urban and in rural areas as **they have different management strategies in order to maximize their unique functions in the city** (i.e. urban park can act as a green lung, a public green space and a wildlife refuge in the city, while country park is ecologically more sensitive and where nature conservation is of higher priority). Such differentiation was already well-recognized in chapter 4 “Recreation, Open Space and Greening” of the Hong Kong Planning Standards and Guidelines. It stated that *“the countryside comprises the areas within designated Country Parks, areas outside Country Parks but not within the coverage of the Rural Outline Zoning Plans as well as the rural-urban fringe areas. The development of recreation facilities in these areas differ greatly from those provided in the urban areas and, hence, the planning standards for open space and recreation facilities as set out in the foregoing sections do not apply to the countryside”*<sup>33</sup>. **Yet, it seems the current Hong Kong 2030+ failed to do so.**

#### Proposed green and blue strategies should only be applied in urban areas

- 7.3. We consider that the proposed key strategic directions (i.e. enriching existing green-blue assets, reinventing the “green and blue system” networks, cultivating community green networks, developing an urban forestry strategy, and promoting a sustainable built environment) for planning green and blue spaces **should only be limited to urban areas**. Furthermore, we do not agree that there should be better country park access and more promotion. Most country parks are already accessible by public transport and are in general three kilometres from urban areas. **Too much convenience and promotion would lead to undesirable human disturbances**. For instance, recently after promotion by the local media, areas next to the Cape D’Angular Marine Reserve became a popular weekend getaway place, which also brought along more rubbish, disturbances to both the natural habitats and local residents, and destruction of facilities and research set-ups at the Swire Institute of Marine Science of the University of Hong Kong<sup>34</sup>. We do not want to see this case to be repeated elsewhere in our countryside which will lower its ecological and conservation value.

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<sup>33</sup> Section 1.2 in Chapter 4 of the Hong Kong Planning Standards and Guidelines.

[http://www.pland.gov.hk/pland\\_en/tech\\_doc/hkpsg/full/ch4/ch4\\_text.htm#1.20](http://www.pland.gov.hk/pland_en/tech_doc/hkpsg/full/ch4/ch4_text.htm#1.20)

<sup>34</sup> <https://topick.hket.com/article/1691959/鶴咀淪陷%20硬闖港大研究所小便兼露營>

<https://www.hk01.com/熱話/80517/-鶴咀淪陷-車塞道路-垃圾增多-遊人視民居為景點>

Generalization will lead to a loss in natural assets

- 7.4. We are concerned the generalization of our natural assets to green and blue will lead to a misconception that a lot has been done on biodiversity enhancement and environmental improvement, **yet actual actions were only to enhance the urban environment but not to strengthen the protection to our rural and countryside.** Strategies on how to enhance the protection to the green and blue assets which are outside the country and marine parks system (such as vegetated rural areas, natural streams and wetlands) were not mentioned in the document. **This will eventually lead to a loss in our natural assets rather than a gain.**

**8. Concerns on the East Lantau Metropolis (ELM)**

***We object to the ELM as the large scale reclamation and the transportation connection to Mui Wo would lead to significant adverse ecological impacts to the marine environment and to the unprotected South Lantau Coast.***

Adverse ecological impacts of the ELM development

- 8.1. We object to the ELM as it requires large scale reclamation which would lead to permanent irreversible damages to marine habitats and ecosystem in the area. According to the initial findings of the SEA<sup>35</sup>, the reclamation area is a key coral area. **We consider a comprehensive marine ecological data in the central water should be provided first so as to assess if the area is suitable for any kinds of development.** Moreover, the rare and endemic Bogadek's Burrowing Lizard with restricted distribution was found on Hei Ling Chau and Sunshine Island<sup>36</sup>, which are two of the three islands with records of this species<sup>37</sup>. Sunshine Island was also designated as a Site of Special Scientific Interest (SSSI) in 2015<sup>38</sup>. There is also an active nesting colony of Little Egrets, Great Egrets and Black-crowned Night Heron on Little Green Island. **It is clear that the outlying islands related to the ELM development are of conservation concern.** Even though it claimed the reclamation would not touch the natural coastline of the islands, we consider that the reclamation will inevitably affect the ecology and hydrodynamics in the area, thus leading to adverse indirect impacts on the living organisms and habitats at the natural coastline. Furthermore, the planned population of the ELM is around 400,000 to 700,000. **The human activities of such a large population on ELM will also inevitably lead to undesirable disturbance to the neighbouring islands of conservation concern** (e.g. hiking and recreational activities on the islands). We consider that the various measures (such

<sup>35</sup> Figure 14 of the topical paper no. 13 "Environmental Protection and Nature Conservation"

<sup>36</sup> Section 3.16 of the public engagement booklet about ELM

<sup>37</sup> [http://www.afcd.gov.hk/english/conservation/hkbiodiversity/database/popup\\_record.asp?id=3132](http://www.afcd.gov.hk/english/conservation/hkbiodiversity/database/popup_record.asp?id=3132)

<sup>38</sup> <http://www.afcd.gov.hk/misc/download/annualreport2015/en/nature.html>

as water channel around the island and eco-shorelines) proposed to so-called “minimize” the potential impact of the reclamation cannot not compensate the permanent irreversible habitat loss and the human disturbance caused by the ELM development.

Adverse impacts on Lantau for traffic connection to Mui Wo

- 8.2. We especially object to the transport connection of the ELM to Mui Wo. Part of Mui Wo (i.e. east of Silver Mine Bay Beach) is without any statutory protection under the TPO and there is a restricted South Lantau Road which connects Mui Wo to the rest of the coast of South Lantau where the PlanD cannot carry out any enforcement actions due to the current loopholes in the legislation. **We are concerned the transportation connection to Mui Wo would introduce more traffic and human activities along the South Lantau Road, leading to more uncontrollable ecological and environmental destruction to the valuable natural habitats on Lantau** (e.g. buffalo fields at Pui O). We are also concerned the surge in the residents in Mui Wo, together with the ever rising visitors to Lantau, would overtax the limited transport and infrastructural provisions on Lantau and exceed its environmental carry capacity, thus leading to undesirable damages to the environment of Lantau. **We consider if there is an overriding public need for a traffic connection from Hong Kong Island to Lantau, the landing point should rather be at the already developed Disneyland which has existing road and railway networks to the northern part of Lantau.**

9. Concerns on the New Territories North Development (NTN)

***We are concerned the NTN development would intensify urban sprawl and lead to more destruction and disturbance to agricultural lands, wetlands, fishponds and areas of conservation concern.***

Adverse impacts on the wetlands and birdlife near Lok Ma Chau and Shek Wu Wai

- 9.1. We are concerned about the proposed “commercial cum cross boundary public transport interchange enhancement” at the San Tin/Lok Ma Chau development node as it encroaches into the Wetland Buffer Area (Figure 4). This, together with the Lok Ma Chau Loop development, **would further fragment the Deep Bay ecosystem at the Lok Ma Chau area, adversely affect the major bird flightline between Mai Po and Ho Hok Wai, and potentially reduce the suitable foraging habitats for birds** (e.g. wetlands and fishponds). Furthermore, we are concerned the adverse impacts of the proposed Northern Link as it will cross through many habitats of conservation importance, such as wetlands, fishponds and farmlands.



9.2. Moreover, the Shek Wu Wai area provides foraging and roosting sites for various bird species, and a diverse raptor species was recorded with over 20 species. Many of them are large-sized raptors, such as the globally near threatened Eurasian Black Vulture (*Aegypius monachus*), the globally vulnerable Greater Spotted Eagle (*Clanga clanga*), the globally vulnerable Eastern Imperial Eagle (*Aquila heliaca*) and the nationally rare Bonelli's Eagle (*Aquila fasciata*)<sup>39</sup>. **We consider that the area is a well-vegetated ecological corridor linking the well-wooded roosting habitats in Lam Tsuen Country Park to the foraging habitats in the Deep Bay area.** Currently the Deep Bay area are of rural characteristics and only consist of suburban type low-density development. We are concerned the proposed “commercial cum cross boundary public transport interchange enhancement”, multi-level compounds for consolidation of the existing brownfield operations, proposed enterprise park, and residential area in Shek Wu Wai **would introduce high-rise development to the area and have adverse impacts on the habitat quality and wildlife in the Deep Bay wetlands including the Mai Po area.** This would also set an undesirable precedent for future high-rise developments in the Deep Bay area, and thus would lead to **adverse cumulative impacts on the ecological integrity of the Deep Bay area and reduction in the buffering capacity of the Wetland Buffer Area.**

Adverse impacts of the Man Kam To (MKT) Logistic Corridor on the adjacent wetland of conservation concern

9.3. The Man Kam To Logistic corridor is said to provide “agri-logistics consolidation and certification area for storage, testing and certification of food before distribution as well as other modern logistics”. However, immediately adjacent to this proposed logistic corridor is an area of high conservation importance, which mainly consist of wet and dry, active and fallow agricultural lands/fishponds, streams, woodland and some trees at village edges (Figure 5). **These habitats attract a wide range of birds including waterbirds, wetland dependent birds and open country birds.** Such observations are also supported by the survey results of the Feasibility Study of the Land Use Planning for Closed Area commissioned by the PlanD. It stated that “*the bird community of this area (wet agriculture and fishpond area south of Sandy Ridge cemetery), which is very similar to that of nearby Long Valley, comprises a number of wetland-dependent, conservation-significant and locally range-restricted species. The inactive fishponds support species such as Little Grebe and ardeids of seven species, including what is probably a breeding population of Greater Painted-snipe. In addition, species that are locally-distributed in Hong Kong and scarce breeding species such as Common Blackbird and Yellow-billed Grosbeak were also recorded in*

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<sup>39</sup> All local, regional and global conservation status follows Fellowes *et al.* (2002), China Red Data Book and the IUCN Red List.

*the breeding season, while Red-billed Starling occurs opportunistically in the non-breeding season*"<sup>40</sup>. **Moreover, the presence of buffaloes feeding on grassy vegetation in the abandoned agricultural lands in the area has allowed the freshwater marshes to be maintained as a wetland habitat. This clearly indicates that this area adjacent to the MKT logistic corridor is of high conservation importance.**

- 9.4. However, how would the Government ensure the development will be confined to the logistic corridor and protect the wetland of conservation concern from undesirable damages? Back in 2015, there were two planning applications for a frontier shopping centre and unloading/loading platform in the wetland area. Recently in April 2017, an unauthorized pond and land filling occurred at another site in the area (Figure 5) and we are concerned the wetland habitat would not be reinstated before to its original condition (Figure 3). **We are concerned the proposed logistic corridor would only intensify the development threat to this wetland area, leading to a loss in foraging and breeding grounds for birds of conservation concern.**

#### Loss in agricultural land in New Territories (NT) North New Town

- 9.5. There are currently many active farmlands scattered in the proposed NT North new town, such as Tai Po Tin, Ha Shan Kai Wat, Lei Uk, Ping Yeung. How would these active farmlands and other good quality arable lands be protected from the imminent development pressure? As discussed in the previous sections, even with the existing legislation, proposed APAs and the current New Agriculture Policy, we consider that **these farmlands would not be adequately protected. Moreover, as hobby/leisure farms are loosely regulated, we are concerned the promotion of Eco/Agro-tourism in NT North would actually lead to more destruction** for recreational uses (such as children's playground and barbeque spot) and less area for cultivation. **The intention of "preserve the agricultural landscape and maintain the continuity of the rural landscape"**<sup>41</sup> **would not be achieved.**
- 9.6. The habitats in the area is already fragmented and disturbed by the on-going construction works (i.e. the Liantang/Heung Yuen Wai Boundary Control Point). We are concerned the new town development would lead to **further habitat destruction and loss of farmlands**. This may also **reduce the foraging grounds for the breeding egrets/herons** in Ping Che.

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<sup>40</sup> Section (B) in Appendix G of the Feasibility Study of the Land Use Planning for Closed Area commissioned by the Planning Department

<sup>41</sup> P.26 of the NTN consultation document

## 10. Unclear consultation timeline and no review mechanism for Hong Kong 2030+

*Single stage public engagement cannot generate any meaningful dialogue between the Government and the public, and would lead to high level of public disappointment. Monitoring the progress and reviewing the planning strategies are important for the city to be adaptive to future changes and to avoid over-exploitation of natural resources.*

### Unclear consultation timeline

- 10.1. Indeed, a wide range of public engagement activities, such as public forums, topical discussions, exhibitions, seminars and guided visits, were organized for the Hong Kong 2030+. However, the timeline for Hong Kong 2030+ does not clearly indicate if there are several stages of public engagement or just one. We are concerned the current public engagement will just be like the one for BSAP in 2016, which the Government collected views from the public and finalized the plan without further consultation on the revised plan. **We consider that such “engagement” cannot generate any meaningful dialogue between the Government and the public, and would lead to high level of public disappointment.** In addition, many of the technical studies or assessments, such as the SEA, are still on-going. We consider that the findings of all the baseline assessments should be provided such that we know the proposed framework is supported by sound evidence and data. **These assessments should not be used to polish up the proposed planning framework, but should be the basis of the public engagement discussion.**

### Lack of monitoring and review mechanism

- 10.2. Furthermore, it is unclear if there will be any monitoring system or reviewing mechanism for the strategic planning of Hong Kong. It is important to stock take and plan ahead to deal with uncertainties and changes in the future, **yet it is equally essential to monitor the progress and review the planning strategies in order to be adaptive to future changes and to avoid over-exploitation of natural resources.** In the previous strategic planning study Hong Kong 2030, a more adaptive approach with various possible scenarios to cope with unforeseen conditions in the future. We consider that the current Hong Kong 2030+ should also include indicators to monitor the progress such that planning strategies and actions can be adjusted/reviewed accordingly from time to time.

## 11. Conclusion

The HKBWS is concerned that the Hong Kong 2030+ did not equally consider the environmental, social and economic needs of Hong Kong for a truly sustainable development of the city. The proposed strategic planning is still heavily development and economy driven with a lack of commitment in nature conservation, as it is now. Even though planning ahead is important, it is effective only if the root of the current social and environmental problems are clearly identified and proposed initiatives are supported by strong and comprehensive policies. Land supply and economic growth (i.e. wealth) are not the ultimate solutions to the current social problems, but rather the prosperity of the city (i.e. good health and well-being, reduced inequalities, justice and strong institutions, etc.) is more important for a harmonious and sustainable city. We consider the Government needs to be determined to change the current system, legislation and practice, such that development of the city would not be in the expense of the environment and social needs and the harmony in the society can be restored. In this way, there is hope that our vision of becoming a livable, competitive and sustainable Asia's World City could be reached.

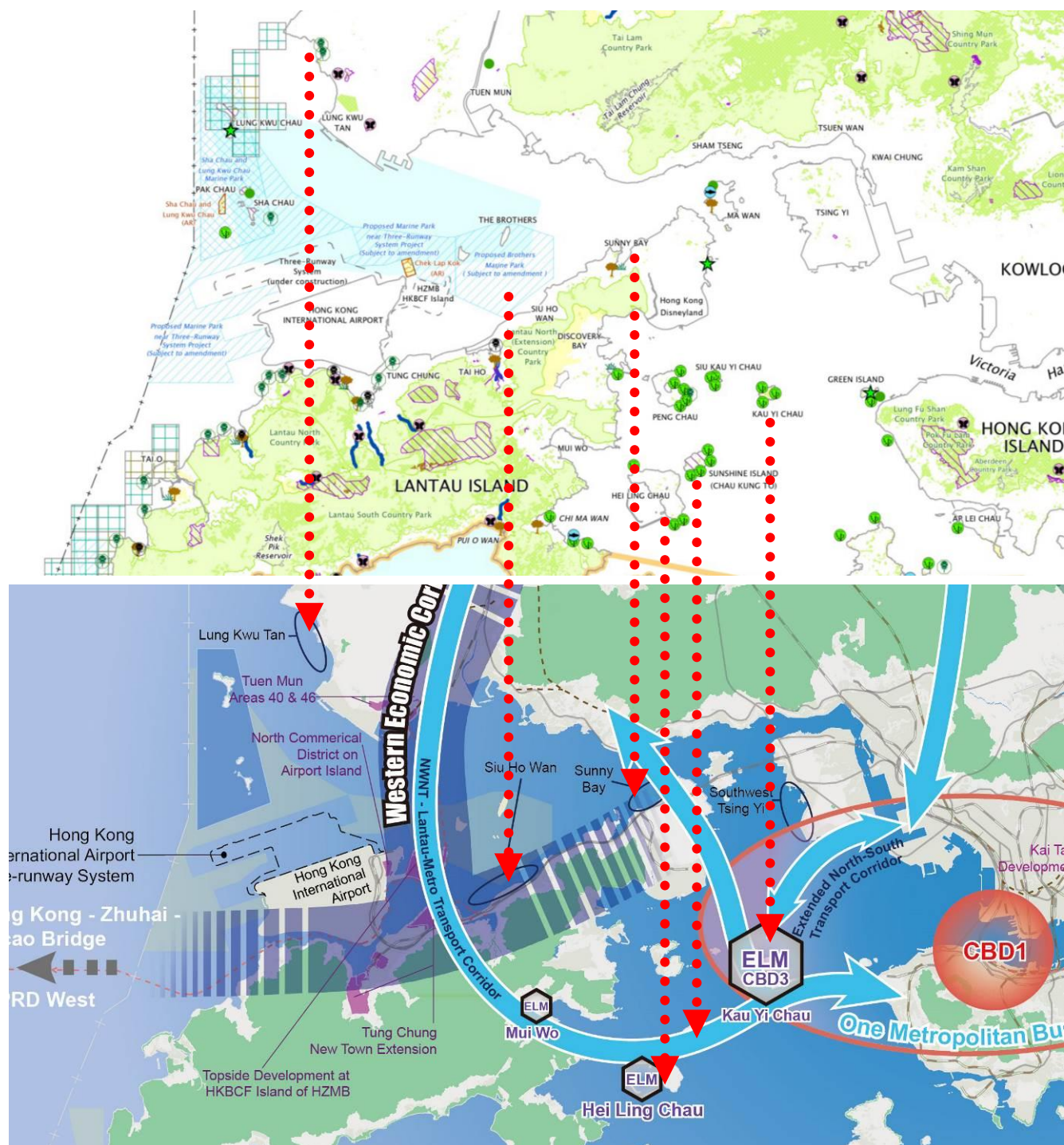
Thank you for your kind attention and we hope that our comments would be taken into consideration.

Yours faithfully,



Woo Ming Chuan  
Conservation Officer  
The Hong Kong Bird Watching Society

**Figure 1.** Comparison between the initial findings of the Strategic Environmental Assessment as presented in Figure 14 of the topical paper no. 13 (top) and the proposed conceptual spatial framework (bottom). Some of the major developments are actually located in/next to ecologically sensitive areas as indicated by the red dotted lines.





**Figure 2.** Loopholes in TPO and WDO has allowed uncontrollable unauthorized activities and destruction of valuable natural habitats in areas without DPA, such as in one of the last remaining low-lying buffalo fields in Pui O (top image from a video taken by a member of the HKBWS on 27 November 2014, bottom image taken on 28 November 2011). The proposed traffic connect of ELM to Mui Wo would only increase the traffic flow and human disturbance in coast of South Lantau, thus leading to more uncontrollable habitat destruction on Lantau.

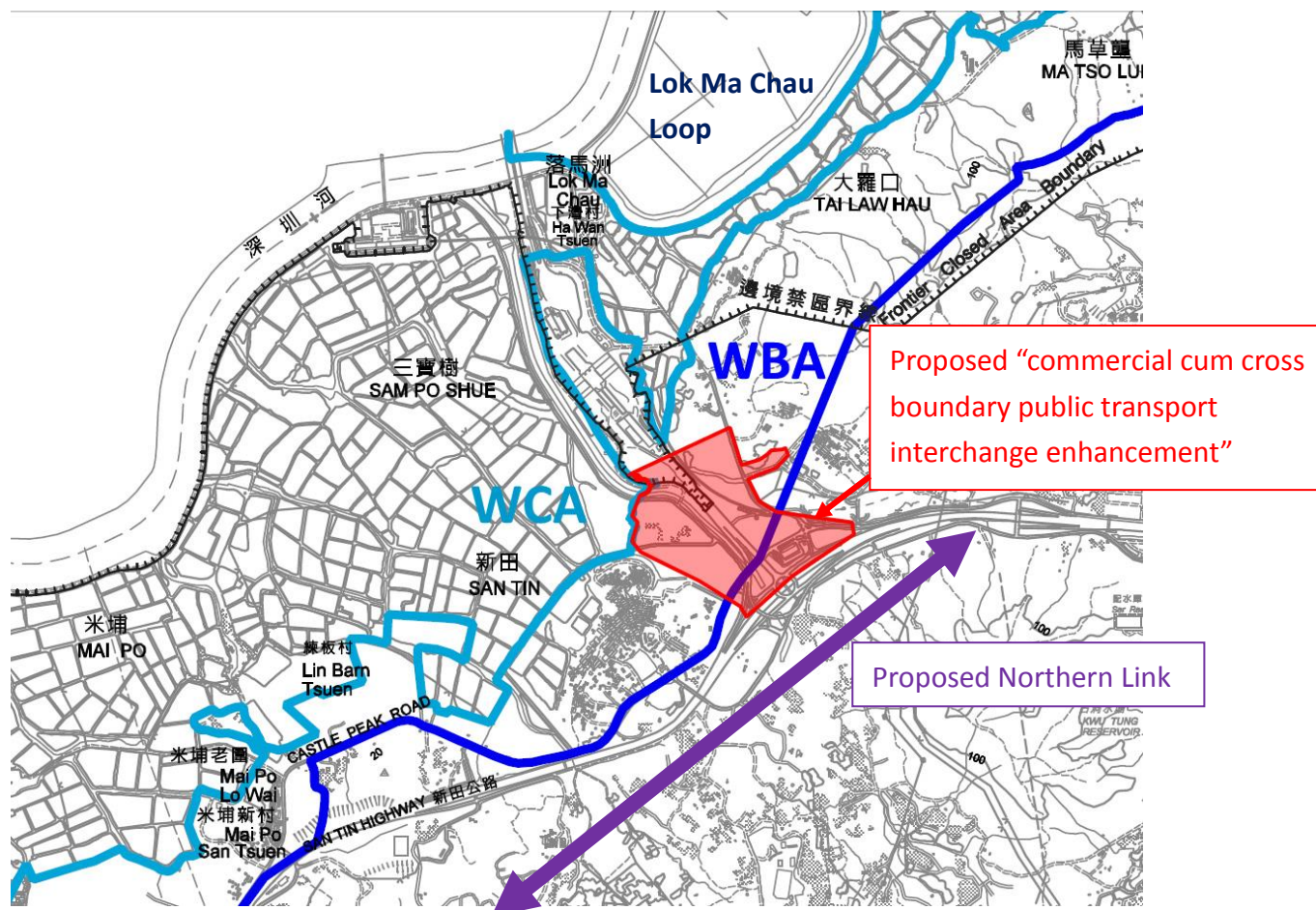




**Figure 3.** Even enforcement actions were taken by the PlanD and reinstatement notices were issued, it is often that filled wetlands were not reinstated back to a wetland condition. Comparison of the Kam Tin buffalo fields before unauthorized landfilling occurred in 2000 (top, taken by HF Cheung) and the current condition of the area in 2017 after several incidents of landfilling occurred with reinstatement made (i.e. removed dumped materials and grass the land)(bottom).



**Figure 4.** The proposed “commercial cum cross boundary public transport interchange enhancement” at San Tin/Lok Ma Chau development node encroaches into the Wetland Buffer Area (WBA). This together with the Lok Ma Chau Loop development, would further fragment the Deep Bay ecosystem, adversely affect the major bird flightline between Mai Po and Ho Hok Wai, and potentially reduce the suitable foraging wetland habitats for birds. (Images taken from the NTN development consultation document and the Town Planning Board Planning Guideline No. 12C).





**Figure 5.** Immediately adjacent to the Man Kam To Logistic corridor is an area of high conservation importance, which mainly consist of wet and dry, active and fallow agricultural lands/fishponds, streams, woodland and some trees at village edges. There were two previous planning applications for a frontier shopping centre and unloading/loading platform in the wetland area, and a recent unauthorized pond/land filling occurred at another site in the wetland.

