

Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)



By email only

19 July 2016

香港觀鳥會
THE
HONG
KONG
BIRD
WATCHING
SOCIETY

Since 1957 成立

Dear Sir/Madam,

Objection to the planning application for Proposed Comprehensive Development of an Outlet Mall with Commercial Uses (Including 'Shop and Services' and 'Eating Place'), 'Agricultural Use' (Commercial Fish Ponds), 'Excavation of Land' and 'Filling of Land' to the South of Pok Wai and Wing Kei Tsuen, Yuen Long (A/YL-NSW/241)

The latest supplementary information provided by the applicant did not address the concerns of the Hong Kong Bird Watching Society (HKBWS) as detailed in our letter submitted on 19 February 2016 to the Town Planning Board (Attachment 1). We consider that our concerns regarding the captioned planning application are still **valid**.



We would like to reiterate that the proposed commercial fishponds are not bird friendly and are of low ecological value. The small-size fishponds with vertical concrete walls as pond bunds do not encourage the usage of water birds or wetland dependent birds. We are concerned the approval of this application would set an undesirable precedent for future applications related to restoration of wetlands/fishponds or fish farming practices in the Deep Bay area, and promote the use of vertical concrete pond bunds and small-sized fishponds. This would have adverse off-site impacts on the ecological value of fishponds in the Deep Bay area and is incompatible with the Wetland Buffer Area (WBA) and the Wetland Conservation Area (WCA).

We consider that the proposed commercial fishponds are inappropriate forms of wetland restoration which cannot act as a buffer to "*protect the ecological integrity of the fish ponds and wetland within the WCA*" as stated in the planning intention of the WBA under the Town Planning Board Guideline No. 12C. Therefore, the HKBWS respectfully requests the Town Planning Board to **reject** the current application.

Thank you very much for your attention and consideration.

Yours faithfully,





Woo Ming Chuan
Conservation Officer
The Hong Kong Bird Watching Society

cc.
The Conservancy Association
Designing Hong Kong
Kadoorie Farm and Botanic Garden
WWF – Hong Kong

Attachment 1

Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
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The Hong Kong Bird Watching Society (HKBWS) would like to raise an objection on the planning application A/YL-NSW/241 under Section 16. The proposed shopping mall and its associated commercial fishponds are clearly not compatible with the nature of a Wetland Buffer Area (WBA) and its intention to maintain the ecological integrity of the sensitive Deep Bay area. Our concerns and comments on the application are detailed below.



1. Not in line with the Town Planning Board Guideline TPB PG-No. 12C and the proposed fishponds are not compatible with other fishponds in the Deep Bay area

1.1 Proposed fishponds are not bird friendly and are of very low ecological value

Concrete vertical walls do not encourage the usage of water birds or wetland dependent birds. The small-sized fishponds would increase the human disturbance to the ponds, and together with a pond depth of 3 metres, would not favour bird usage. Tree planting around the fishponds may not be attractive to waterbirds, as it would be energy consuming to fly over the trees to reach the fishponds. The buffer planting at the northern side of the fishpond would disconnect the ecological linkage between the proposed fishponds and the fishponds/wetlands in the WCA. Birds rarely utilize commercial fishponds with vertical concrete walls/linings and we consider that the proposed commercial fishponds (or can be regarded as belowground fish tanks) are of very low ecological value. They do not contribute to the ecological value or the conservation of the Deep Bay wetlands and thus should not be encouraged.

1.2 Proposed fishponds are not compatible with nearby fishponds within the Wetland Conservation Area (WCA) and those in the Deep Bay area

According to the Voluntary Registration Scheme of Agriculture, Fisheries and Conservation Department (AFCD), there are 777 registered fishponds covering a total of 734 hectares in the Deep Bay area (including areas within Ramsar site and Deep Bay wetlands outside Ramsar Site). The HKBWS conducts regular visits to all the fishponds every month in the past four years¹. No fishpond with completely concreted and vertical-edged bunds was found. In addition, 10 commercial fishponds in Wing Kei Tsuen in the WCA has been participating HKBWS's Hong Kong Fishpond Conservation Scheme for the past four years. All of them have slanted soil bunds planted with grass and trees, and are partially drained or fully drained at least once a year.

Moreover, TPB PG-No.12C also mentioned "*For those disturbed area directly abutting the WCA, the development should provide a wetland and visual buffer to separate the development from the WCA to minimise its impact on the wetland and to restore some of the lost fish ponds to an appropriate form of wetland adjoining the WCA*"². We consider that the design of the commercial fishponds is not compatible with the wetland adjoining the WCA or the fishponds in the Deep Bay area. **We are concerned the approval of this application would set an undesirable precedent for future applications related to restoration of wetlands/fishponds or fish farming practices in the Deep Bay area. This would have adverse off-site impacts on the ecological value of fishponds and affect the ecological integrity of the Deep Bay area, which is not in line with the planning intention of TPB PG-No. 12C. Therefore, the current application should be rejected.**

2. Adverse impact of the proposed shopping mall

2.1 Ecological sensitive receivers near the application site

In section 3.5.4 of the revised Ecological Impact Assessment (EcoIA) submitted by the applicant in January 2016, it mentioned "*a total of 174 birds were recorded flying over the Application Site and its close vicinity during the dry-season flight line survey. Approximately 70% of the recorded birds (i.e. 122 individuals flew along the western of the Application Site, along Kam Tin MDC (Main Drainage Channel) and the mitigation wetland, and constitute two major flight lines*". The globally endangered Black-faced Spoonbill were also recorded using the same flight lines. On the other hand, Tung Shing Lei egrettry has been actively used by Little Egrets (*Egretta garzetta*)

¹ HKBWS has been conducting Fishpond Management Agreement Programmes in Northwest New Territories since 2012.

² Section 6.7 of the TPB PG-No.12C.

and Chinese Pond Herons (*Ardeola bacchus*) for the past 15 years and was the third largest egretty in Hong Kong in 2014. In our recent surveys conducted in the summer of 2015, a total of 77 nests were recorded³. The egretty is located approximately 1.2 km south of the application site, which is within the foraging distance for egrets from Tung Shing Lei. From Figure E3 of EcoIA, the Kam Tin Main Drainage Channel (KTMD) is a major flight line of the birds from the egretty⁴. Opposite to the application site in Nam Sang Wai, there is an important roosting site for Great Cormorants (*Phalacrocorax carbo*) which supports 30-60% of the Deep Bay population⁵.

2.2 Potential adverse impacts of the development

We are concerned the construction of the shopping mall and its associated commercial fishponds would have adverse ecological impacts on the aforementioned ecological sensitive receivers in the area. The increase in human disturbance during construction and operation phase may affect the flight line of birds and deteriorate the habitat quality of their foraging ground (i.e. KTMD). The breeding success for the egrets/herons at Tung Shing Lei egretty may also be reduced. Even though buffer planting is proposed around the shopping mall, the trees may not be tall enough to shield the light from the mall during night time. It is also unclear about the operation hours of the proposed shopping mall, and the hours when the internal and external lighting are switched on. The light pollution caused by the proposed development could potentially cause disturbance to the nearby fishponds/wetlands in the WCA, the birds utilizing the KTMD and the night roost of Great Cormorants at Nam Sang Wai. This in turn would adversely affect the ecological integrity of the Deep Bay area.

3. Adverse cumulative ecological impacts on NSW and the Deep Bay area

Cumulative ecological impacts to the fishponds/wetlands of Deep Bay area need to be properly and conservatively assessed given that a number of other residential and commercial developments have already been proposed in close proximity of the application site. These include a large scale high rise residential development of a planned population of 6,500 (A/YL-NSW/242), a high-rise residential development of a planned population of 1,138 (A/YL-NSW/233), an increase in development scale for a

³ Anon 2015. *Summer 2015 Report: Egretty Counts in Hong Kong with particular reference to the Mai Po Inner Deep Bay Ramsar Site*. Report by Hong Kong Bird Watching Society to the Agriculture, Fisheries and Conservation Department, Hong Kong SAR.

⁴ Figure E3 of the revised EcoIA.

⁵ According to January counts of roosting Great Cormorant 2005-2013. The number of roosting Great Cormorants in Nam Sang Wai ranges from 3030 to 6035 while the Deep Bay population ranges from 8736 to 11144.

low-rise residential development (Y/YL-NSW/1), and a shopping mall cum hotel development of 10 storeys over a podium (Y/YL-NSW/3), all of which are in the Nam Sang Wai area. The HKBWS is concerned that these developments, together with the current application, would cumulatively create a barrier for the flight lines of birds (in particular for the Tung Shing Lei egret) and would have significant adverse impacts (e.g. light and noise pollution, human disturbance) on the breeding success of the egrets and on the ecological integrity of the sensitive Deep Bay area.

4. Justifications for the decision and comments made by Government departments

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii), the TPB has the responsibility to, “restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features”⁶. We note that all other Government bureaux/departments are also bound to the HKPSG, the AFCD and the Planning Department (PlanD) have the responsibility to advise the TPB on the ecological and planning aspects in particular⁷. Given AFCD’s mission to conserve natural environment and safeguard the ecological integrity⁸ and the proposed development is not in line with the planning intention of the Town Planning Board Guideline No. 12C, HKBWS would also expect AFCD and PlanD to object to this application. Should AFCD, PlanD or TPB feels otherwise, we urge that the appropriate justifications are provided.

Given that the application site is located within the ecologically sensitive Deep Bay area and the proposed development is incompatible with the WBA and the adjoining WCA, the HKBWS respectfully requests the Town Planning Board to take our comments into consideration and **reject** the current application. Thank you for your kind attention.

Yours faithfully,



Woo Ming Chuan
Conservation Officer
The Hong Kong Bird Watching Society

⁶ Hong Kong Town Planning Standards and Guidelines – Chapter 10 Conservation. Section 2.1 (ii).

⁷ AFCD Role of Department. Available at: http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html

⁸ AFCD Vision and Mission. Available at: http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html

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