

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

26 November 2021

Dear Sir/Madam,

Comments on the application To rezone the application site from "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" to "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area(1)" and amend the Notes of the zone applicable to the site at Lin Barn Tsuen, San Tin (Y/YL-ST/1)

The application site is very close to the "Inner Deep Bay and Shenzhen River catchment" Important Bird Area, which is recognized by the BirdLife International¹. It is also close to the highly ecological sensitive sites and species of conservation. The Hong Kong Bird Watching Society (HKBWS) objects to the rezoning application based on the following reasons.

1 Not in line with the planning intention of the "Other Specified Uses (for "Comprehensive Development to include Wetland Restoration Area" only)" (OU(WRA)) zoning and the Wetland Buffer Area (WBA) under the Town Planning Board Planning Guideline No. 12C

1.1 The development site falls within WBA in Deep Bay area, with the wetland restoration area partly within the Wetland Conservation Area (WCA). According to the Town Planning Board Guideline No. TPB PG-NO. 12C, 'in considering development proposals in the Deep Bay Area, the Board adopts the Study's recommended principle of "no-net-loss in wetland"'. Moreover,

¹ <http://datazone.birdlife.org/country/hong-kong-china/ibas>

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.” Moreover, “As a substantial amount of the fish ponds within the WBA have already been lost over time through filling and certain areas have been degraded by the presence of open storage use, these degraded areas may be considered as target areas to allow an appropriate level of residential/recreational development so as to provide an incentive to remove the open storage use and/or to restore some of the fish ponds lost.”²

- 1.2 It is also located within the OU(WRA) zone, where is intended “to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay” under the Approved San Tin Outline Zoning Plan No. S/YL-ST/8³.
- 1.3 However, the proposed 7 – 18 storeys high residential development is not in line with the above planning intention of WBA as it would bring negative off-site disturbance to the nearby wetlands and Wetland Conservation Area (WCA), and destroy the open and low-density rural landscape which the general development intensity is of a maximum plot ratio of 0.4 and not more than 3-storey high. We urge the Town Planning Board (Board) to reject this rezoning application.

2 Adverse impacts on the Egrettries at Mai Po Village and Mai Po Lung Village

- 2.1 The egrettries at Mai Po Village and Mai Po Lung Village were the second and fourth largest colony in Deep Bay area in 2020, which support a total of 273 nests contributing to nearly 22% of the total number of the total number of nests in Deep Bay area⁴. This colony supported over 43% of the total number

² Section 6.4 of the Town Planning Board Planning Guideline No. 12C. Available at: https://www.info.gov.hk/tpb/en/forms/Guidelines/pg12c_e.pdf

³ Approved San Tin Outline Zoning Plan No. S/YL-ST/8. Available at: https://www1.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_YL-ST_8_e.pdf

⁴ Anon, 2021. Summer 2020 Report: Egretty Counts in Hong Kong with particular reference to the Mai

of nests of Chinese Pond Heron (*Ardeola bacchus*) and about 25% of that of Little Egret (*Egretta garzetta*) in Hong Kong. Therefore, the number of ardeids at these two egretries is considerably significant and of high conservation concern.

- 2.2 Given that breeding ardeids need to fly between the nesting site and the foraging grounds in Deep Bay wetlands area during breeding season, the nesting locations together with feeding grounds and flight paths of the birds should all be protected, in order to safeguard these breeding ardeids. However, the current proposed residential development are very close to the two egretries, while part of the footprint even falls within their breeding sites. The application site is likely to serve as a flight path/corridor. We are highly concerned the proposed development would unavoidably cause direct impacts on the trees where they nest, and also the breeding ardeids due to the obstruction of flight paths.
- 2.3 Besides, given that breeding egrets/herons are susceptible to disturbance by human activity, the intensified visual, noise and human disturbances impact during the construction and operation phase of the proposed residential development, that would bring an estimated population of 11,312 people, would deteriorate the habitat quality of the egretty and its surroundings, and reduce the breeding success of the birds. In the worst case scenario, the egrets may eventually abandoned the site and may have adverse impacts on the viability of the egret/heron population.

3 Lack of environmental impact assessment

Despite the high ecological sensitivity of the application site and the anticipated significant ecological impacts from the proposed development, there is no information and assessment provided by the applicant to identify and assess the ecological value of the application site, and to prove that the current project would not cause any unacceptable environmental impacts. We consider the applicant should properly identify, assess, avoid and minimize all the potential environmental impacts from the proposed residential development, and to

provide a detailed, comprehensive and feasible habitat creation and management plan with proper and continuous wetland management, supported by a sustainable financial source.

4 The Town Planning Board should not encourage “destroy first, build later”

Over twenty Enforcement Notices for the unauthorized development were issued at the application site since 1999. We consider that this is “destroy first, build later”. We are concerned the approval of the current application would further legitimize the current misuse of the OU(WRA) and WBA zone, leading to the promotion of “destroy first, develop later” attitudes among landowners in the locality. As the Board has suggested that *“the Board 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.”*⁵ We urge the Board to reject this application.

5 Cumulative ecological impacts and undesirable precedent set on Deep Bay area

5.1 Cumulative ecological impacts to the fishponds of Deep Bay area need to be carefully assessed given that a number of other residential developments have already been proposed and approved in close proximity of the application site. We are concerned all the potential residential and commercial developments would all cumulatively cause significant impacts on the flight path of breeding ardeids, wetlands important to migratory birds, and also the Great Cormorant high roost of significant size.

5.2 Moreover, the approval of this application will set an undesirable precedent to the future similar applications within the OU(WRA) zone, WCA and WBA, and thus nullifying the statutory planning control mechanism. We urge the Board to reject this application in order to protect OU(WRA) zone from any development threats.

⁵ TPB Press Release. Available at:
<http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

6 Justifications for the decision and comments made by Government departments and the Board

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii), the Board has the responsibility to, “*restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features*”. We note that all other Government bureaux/departments are also bound to the HKPSG, and the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) have the responsibility to advise the Board on the ecological⁶ and planning aspects in particular. Given AFCD’s mission to conserve natural environment and safeguard the ecological integrity⁷, and the proposed development is not in line with the planning intention of the statutory zoning, HKBWS would also expect AFCD and PlanD to object to this application. Should AFCD, PlanD or the Board feels otherwise, we urge that the appropriate justifications are provided.

The HKBWS respectfully requests the Board to take our comments into consideration and **reject** the current application. Thank you for your kind attention.

Yours faithfully,



Wong Suet Mei
Conservation Officer
The Hong Kong Bird Watching Society

⁶ AFCD Role of Department. Available at:
http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html

⁷ AFCD Vision and Mission. Available at:
http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html

cc.

The Conservancy Association

Designing Hong Kong

Kadoorie Farm and Botanic Garden

WWF – Hong Kong

TrailWatch