

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

21 March 2023

Dear Sir/Madam,

**Comments on Representations in respect of the Draft Kwai Chung Outline Zoning
Plan (OZP) No. S/KC/31**

The Hong Kong Bird Watching Society (HKBWS) agrees with Representation No. TPB/R/S/KC/31-8, TPB/R/S/KC/31-10, TPB/R/S/KC/31-11, TPB/R/S/KC/31-12, TPB/R/S/KC/31-14 and TPB/R/S/KC/31-15, which stated that the proposed high-rise residential development and the associated infrastructures, drainage works, natural terrain mitigation works, would cause a direct loss in woodlands, plantation, shrubland and watercourses, which were not in line with the planning intention of GB zone to retain natural feature to buffer urban development from natural environment. It would also destroy the ecological integrity of woodland habitats and threaten the connecting Kam Shan Country Park. The approval will also set an undesirable precedent to the future similar applications within the GB zone in Kam Shan area, and thus nullifying the well-established statutory planning control mechanism. We also agree that the Ecological impact assessment (EcoIA) report of the Site Formation and Infrastructure Works for The Development at Shek Pai Street, Kwai Chung – Feasibility Study has greatly undervalued the ecological value of the rezoning site and underestimated irreversible adverse ecological, environmental and visual impacts associated with the rezoning proposal.

We urge the Town Planning Board (Board) to reject the proposed amendment to rezone the site from “GB” to “Residential (Group A) 3” (“R(A)3”) for housing development. Appendix 1 below is our complete comment on the Draft Kwai Chung

Outline Zoning Plan (OZP) No. S/KC/31.

Thank you for your kind attention and we hope that the TPB would take our comments into consideration.

Yours faithfully,
Wong Suet Mei
Conservation Officer
The Hong Kong Bird Watching Society

Appendix 1

HKBWS's comments on the Draft Kwai Chung Outline Zoning Plan (OZP)

No. S/KC/31

The Hong Kong Bird Watching Society (HKBWS) objects to the proposed amendment to rezone the site from “GB” to “Residential (Group A) 3” (“R(A)3”) for housing development as it is not in line with the planning intention and would lead to a irreversible loss in habitats of high ecological value such as woodlands, natural streams, which are also performing good function as Green Belt to buffer the Country Park from urban sprawl and providing enjoyment and passive entertainment for the public. Our reasons of objection are as follows.

1 High ecological value of the site and connectivity to the Kam Shan Country Park

1.1 According to the bird records collected from various sources, including our two site visits conducted in December and January, our passive acoustic monitoring carried out in December¹, the baseline data in wet season submitted by the applicant and the records submitted by the public and our members in the past few months, a total of **67 bird species** were recorded. **16 of them** are of **conservation concern** (Figure 1).

1.2 Various woodland dependent bird species were recorded, such as scarce winter visitor **Fujian Niltava** (*Niltava davidi*, 棕腹大仙鷓) which prefers broadleaf evergreen forest habitat², **Collared Scops Owl** (*Otus lettia*, 領角鴞) and **Crested Goshawk** (*Accipiter trivirgatus*, 鳳頭鷹). They are under Class II protection in China, were recorded at the woodland in the riparian zone or at the north of the watercourse S1. Other woodland bird include **Grey-chinned Minivet** (*Pericrocotus solaris*, 灰喉山椒鳥), **Grey Treepie** (*Dendrocitta Formosa*, 灰樹鵲) of Local Concern, **Ashy Drongo** (*Dicrurus leucophaeus*, 灰卷尾), **Black Bulbul** (*Hypsipetes leucocephalu*, 黑短腳鸚), **Mountain Tailorbird** (*Phyllergates cucullatus*, 金頭縫葉鶯), uncommon

¹ Passive acoustic monitoring was conducted from 6 Dec 2022 to 12 Dec 2022. A song meter was set up in the riparian zone of watercourse S1 to record acoustic activity of birds from sunset to 3 hours after sunrise in these seven days.

² Clement, P. (2020). Fujian Niltava (*Niltava davidi*), version 1.0. In *Birds of the World* (J. del Hoyo, A. Elliott, J. Sargatal, D. A. Christie, and E. de Juana, Editors). Cornell Lab of Ornithology, Ithaca, NY, USA. <https://doi.org/10.2173/bow.fujnil1.01>

- winter migrant **White's Thrush** (*Zoothera aurea*, 懷氏地鸚) were recorded.
- 1.3 Other wetland associated bird species were also found in the riparian habitats of streams within the site. Calls of **Lesser Shortwing** (*Brachypteryx leucophris*, 白喉短翅鸚) of Local concern were heard in watercourse S1 and a stream at the southern part of the site. This is a “highly skulking species found in undergrowth in moist, montane forests”³. **Pygmy Wren-babbler** (*Pnoepyga pusilla*, 小鷓鴣), **Little Egret** (*Egretta garzetta*) of “Potential Regional Concern” and **Striated Heron** (*Butorides striat*, 綠鷺) were also heard or seen near watercourse S1.
 - 1.4 During our visits, **both mixed-species and single-species flocks of bird** (i.e. **Indochinese Yuhina**) were observed. The **mixed-species foraging flocks** composed of typical woodland bird species recorded in Kam Shan Country Park. They are Grey-chinned Minivet and Chestnut Bulbul. The presence of such foraging flocks at the site demonstrates that there is **ecological linkage between the site and the woodland within Country Park.**
 - 1.5 The watercourse S1 was recorded with two endemic freshwater crabs of “Potential Global Concern” *Cryptopotamon anacoluthon* and *Nanhaipotamon hongkongense*, and amphibian species Lesser Spiny Frog (*Quasipaa exilispinosa*), Short-legged Toad (*Megophrys brachykolos*) according to the Ecological impact assessment (EcolA) report. We would like to supplement that calls of Brown Wood Frog (*Rana latouchii*) of Local Concern were also recorded around watercourse S1. This species prefers habitat of secondary forests and breeds in pools in winter to early summer.
 - 1.6 In short, we consider the site is well connected to the mature woodland and streams habitats in the surrounding Green Belt and also within Kam Shan Country Park. **The site also composes of woodland and river habitats of moderate or even high ecological value, and should be retained and preserve against urban development.**

³ HKBWS Field Guide to the Birds of Hong Kong and South China (2022)

2 Inadequate ecological baseline survey and underestimated ecological impact

- 2.1 The total affected area of the rezoning application is about 9.49 hectare. Referring to the Ecological impact assessment (EcolA) report of the Site Formation and Infrastructure Works for The Development at Shek Pai Street, Kwai Chung – Feasibility Study, the site composes of a variety of habitats, including 1.87ha of secondary woodland, 1.59ha of plantation woodland, 3.51ha of Orchard/Cultivation Fields, 0.33ha of shrubland/grassland and watercourse with a total of 900m long.
- 2.2 It is stated that *“of the 2554 trees surveyed within site boundary, **about 2140 of them are proposed to be felled, 408 of them are proposed to be retained and 6 of them will be transplanted.**”* Moreover, *“**existing streams/drainage paths flow across the Project site and would be in conflict with the proposed site formation works.** The runoff of the existing streams will be collected and diverted to proposed catchpits/chambers, stepped channels and the proposed drainage pipes underneath the proposed public road within the Site.”* As the development would have direct conflict with a **large extent of woodland habitats** and also **natural streams**, we consider a 12-month comprehensive ecological baseline study is necessary to properly evaluate the ecological value and assess the potential ecological impacts of the project.
- 2.3 However, referring to the EcolA report, the ecological baseline field surveys were conducted mostly during wet season. The faunal survey for mammal, bird, herpetofauna, butterfly and dragonfly were conducted monthly from May to October 2017, and another two-month survey for verification study was conducted in July and August 2022. Based on the data collected from the survey, most of the habitats within the development site were regarded as “Low” in ecological value, except the secondary woodland, part of the plantation woodland and a section of watercourse S1 were regarded as “Low to moderate”. With respect to the ecological value of these affected habitat as well as the scale and magnitude of the habitat loss, the applicant suggested that *“the loss of the 1.87ha secondary woodland, 0.9ha plantation woodland (Group 3 and 4), as well as the 140m perennial stream Watercourse S1 are considered to be low to moderate, whereas the loss of*

other habitat will only resulted in a low ecological impact because their low intrinsic ecological value.”

- 2.4 Moreover, the applicant also emphasized that the streams except watercourse S1 are all ephemeral streams, and *“the water flow is mostly intermittent and fast, and hence this aquatic habitat is fairly fragmented.”* From our observation in December 2022, moving water was still maintained in two of the “ephemeral streams” within the site (Figure 1). As the baseline survey was not conducted in dry season, we consider the applicant should further explain why the water flow is considered as intermittent.
- 2.5 We are concerned the data collected from the current baseline study would not be adequate to represent the ecological value of the site due to the missing data in dry season. Taking avifauna as an example, the surveys would not be able to cover winter migrant visiting period (i.e. November to March), which means they impact assessment could not reflect the habitat utilization of birds during dry season, and assess the impacts on them. This also help explain why the applicant only recorded 30 bird species and 19 species at the whole study area in the 6-month survey and 2-month survey respectively. The record of a total of 55 bird species gathered from our two visits and 6-day passive acoustics monitoring, nearly doubles the record provided by the applicant. We are concerned the applicant has greatly underestimate the ecological value and impacts as the current baseline survey does not properly cover the active seasons for different target taxa groups.
- 2.6 We also consider the applicant should also clarify i) whether if the night surveys for nocturnal bird species were conducted and ii) the starting time of survey. Such information is also important to demonstrate the representativeness of the data, and to make sure the ecological value of the site and the adverse impacts of the development on the surroundings would not be underestimated.

3 Unknown ecological impacts of the associated Natural Terrain mitigation measures

- 3.1 According to the Site Formation and Infrastructure Works for The Development at Shek Pai Street, Kwai Chung – Feasibility Study, a Natural Terrain Hazard Study (NTHS) was carried out by the applicant to the “review level”. It indicates that *“the proposed development is at risk from large-scale channelized debris flows (CDF) hazards. To protect the proposed Development from CDF hazards, rigid barriers are recommended to be constructed close to the site boundary at each drainage line.”* To protect the future development from the potential natural terrain hazard, eight rigid barriers are recommended to be constructed close to the site boundary at each drainage line, and *“a localized area of soil nailing is recommended to stabilize an oversteep soil slope above the proposed cut slope at the central portion of the site”*. However, *“The scope of NTHS should be further reviewed when detailed layout of the proposed development is available in the subsequent stage for detailed screening of natural terrain hazards”*.
- 3.2 We would like to remind the Board about a previous planning application, which an approved house in Green Belt led to an extensive vegetation clearance due to considerations on the potential risk of the natural terrain pose on the residents of the house. In 2008, the Board approved a house development planning application (A/ST/673) in Sha Tin as no extensive vegetation clearance was expected. However, due to the approval of this house development, the “Consequence-to-life” category level of the surrounding slopes were raised. A more intensive site formation and slope stabilization measures were required and Dangerous Hillside Orders were issued by Building Authority to the landowner. Therefore, extensive vegetation clearance was conducted at the site (Figure 2), which is against the original intention of the Board when approving the application.
- 3.3 We are highly concerned similar situation of the above house development in Sha Tin would re-occur at the current site, leading to extensive vegetation clearance outside the current site boundary. Therefore, the adverse ecological impacts of the proposed development could extend outside the current rezoning site boundary. Yet, such potential adverse impacts were not

included and assessed in the current Ecological Impact Assessment. We are concerned the applicant would have seriously underestimated direct habitat loss and potential ecological impacts.

4 Not in line with the planning intention of the “Green Belt” (GB) zoning

- 4.1 According to the approved Kwai Chung Outline Zoning Plan (OZP), the site is located within GB zone, where is intended “to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.”
- 4.2 The Town Planning Board (TPB) is empowered by the Town Planning Ordinance “to prepare town plans with statutory land use zones under clause 4(1)(g) for ‘country parks, coastal protection areas, sites of special scientific interest, green belts or other specified uses’ to promote conservation or protection of the environment”, as stated in Section 3.5.2 of Chapter 10 of Hong Kong Planning Standards and Guidelines. We consider the rezoning of 9.49 hectares of GB land to development zonings would lead to a massive direct loss in natural habitats, and is not in line with the planning guideline to promote conservation of the environment.
- 4.3 The site consists of a variety of natural features including secondary woodland, natural streams, and plantation of high ecological value. They are highly connected to the woodlands within GB zone and even Kam Shan Country Park. We consider that these GB zones are well-performing the functions as a buffer between high-intensity town development and Country Park, and thus they should be remained as GB zone.
- 4.4 However, the proposed residential development involves extensive tree felling, excavation, site formation, river diversion works, construction of high-rise residential buildings with a height of up to 260mPD, and the associated natural terrain mitigation works. These would cause a direct and permanent loss in woodlands, plantation, and watercourses, which is not in line with the planning intention of GB zone to retain natural features.

5 Not in line with the government's GB review criteria and the Ecological value of the rezoning site

- 5.1 In the Policy Address 2011-12, it is stated that *"the use of green belt areas in the New Territories that are devegetated, deserted or formed, thus no longer performing their original functions, and convert them into housing sites..."*⁴. The Policy Address 2013 then suggested that *"13 sites in Green Belts areas...which are devegetated, deserted or formed and considered suitable for rezoning for residential use...meanwhile, the PlanD is engaged in the next stage of Green Belt review, with the purpose of releasing more sites for housing development"*⁵. In 2014, the Policy Address again pointed out that the government is *"taking steps to rezone for residential sites in Green Belt areas which are devegetated, deserted or formed, as well as suitable industrial sites."*⁶ The Government then turned to claim that there were two stages of GB review, where the second stage is to review *"sites though vegetated, have an insignificant buffering effect and relatively low conservation value"*.
- 5.2 The site is a foraging and roosting ground for different wildlife including the woodland-dependent birds and aquatic animals as mentioned above. The site is **neither** *"devegetated, deserted or formed"* **nor** having *"insignificant buffering effect and relatively low conservation value"*. We consider the GB site is clearly **not of low ecological value** and it is still serving the buffering function as intended in this zoning which is **not suitable to be used for urban expansion**. The proposed amendments are not in line with the above government GB review criteria and would set an **undesirable precedent** to similar amendments to rezone GB zone to development zonings within well-wooded GB with significant buffering effect and valuable ecology in Hong Kong.

⁴ Paragraph 43(iv) of Policy Address 2011-12

⁵ Paragraph 73(ii) of Policy Address 2013

⁶ Paragraph 125 of Policy Address 2014

In conclusion, we consider the direct habitat loss caused by the proposed development is massive and the impacts on species of conservation concerns are also significant. The total anticipated population is 15,000 for this single rezoning site would also bring adverse ecological impacts (i.e. increase in disturbance due to light and noise pollution, bird collision risk, etc.) on the habitat quality and wildlife within GB zone and the Kam Shan Country Park.

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

The Hong Kong Bird Watching Society
21 March 2023

Figure 1. The site photos below reveal that a variety of natural features including secondary woodland, natural streams and plantation at the site.

Stream with natural river bed and the riparian zone



Scarce winter visitor
Fujian Niltava under Class
II protection in China



There are still moving water in two of the “ephemeral streams” in December.

Figure 2. Google Earth aerial photographs of the application site (no. A/ST/673) and the approximate area affected by the extensive vegetation clearance is indicated by the red circle. It refers to a house development that approved by the Board at Sha Tin in 2008, in which no extensive vegetation clearance was expected. However, due to the approval of this house development, the “Consequence-to-life” category level of the surrounding slopes were raised. A more intensive site formation and slope stabilization measures were required and Dangerous Hillside Orders were issued by Building Authority to the landowner. Therefore, extensive vegetation clearance was conducted at the site.

