

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



By email only

13 May 2016

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

Dear Sir/Madam,

Objection to the planning applications for Proposed Houses (New Territories Exempted Houses – Small Houses) at Tai Tan, Tai Po (A/DPA/NE-TT/81-92)

The Hong Kong Bird Watching Society (HKBWS) would like to raise an objection to the planning applications A/DPA/NE-TT/81-92 under Section 16.

1. Not in line with the intention of the “Unspecified Use” (UU) zoning

In section 7.4.2(a) of the Explanatory Statement of the Approved Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area (DPA) Plan No. DPA/NE-TT/2¹, it stated that *“to protect the natural and landscape character of the Area, planning guidance and development control are considered necessary. Owing to the urgency to establish planning control under the DPA plan, the Area, except the land within the “V” (Village Type Development) zones, has been designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses in the course of the preparation of OZP (Outline Zoning Plan)”*. Approval of any development at this stage would obstruct the assessment of habitats within the Plan Area, and thus affecting the preparation of appropriate land use zonings for the upcoming OZP. This will also set an undesirable precedent to future similar cases in the DPA Plan, hence threatening the ecological integrity of the area. The Town Planning Board (TPB) **should reject** any planning applications during this period in order to adequately protect the ecologically sensitive habitats in the locality.

2. Not in line with the planning intention of the “Green Belt” (GB) zone of the preliminary draft OZP

A preliminary draft OZP for Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung was prepared by the Planning Department in the TPB Paper No. 10074. According to the draft OZP, the application sites are within the GB zone. The planning intention of a GB zone is *“primarily for defining the limits of urban and sub-urban development*

¹ http://www2.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/DPA_NE-TT_2_e.pdf



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". We consider that vegetation clearance and tree felling would be required for the proposed small houses development, and thus will remove the natural features within the GB zone and affect its function as buffer between village settlement and the Country Park. The current applications are not in line with the planning intentions of a GB zone and we consider that small houses development should be confined within the Village Type Development zone. Therefore, the applications should be rejected.

3. Ecological value and conservation importance of Tai Tan and its surroundings

The subject sites are dominated by secondary woodland², and are ecologically connected to the Sai Kung West Country Park. To the south of the application sites is an Ecologically Important Stream recognized by the Agriculture, Fisheries and Conservation Department (AFCD). These conditions provide suitable roosting and foraging habitats for Brown Fish Owl (*Ketupa zeylonensis*) which is supported by previous sighting records^{3,4}. This species feeds in undisturbed, unpolluted lowland streams and tidal creeks³. Brown Fish Owl is a scarce resident in Hong Kong² and is considered to be of Regional Concern⁵. It is also listed under Class II protection in the People's Republic of China List of Wild Animals⁶. We are concerned the construction and operation of the proposed small houses would introduce noise and human disturbances in the area, leading to the degradation and fragmentation of the ecologically sensitive habitats, thus have negative impacts on wildlife of conservation importance (e.g. Brown Fish Owl).

4. Adverse sewerage impact from the proposed NTEHs

Currently, there are no public sewerage system in the area. All the proposed small houses rely on the septic tank soakaway systems for sewerage treatment. We are concerned the proposed small houses of such numbers and density would exceed the

² Kadoorie Farm and Botanic Garden (2013). Ecological and Conservation Importance of Six Sai Kung Country Park Enclaves – 1st edition. October 2013.

³ Carey, G.J., Chalmers, M.L., Diskin, D.A., Kennerley, P.R., Leader, P.J., Leven, M.R., Lewthwaite, R.W., Melville, D.S., Turnbull, M. and Young, L. (2001). *The Avifauna of Hong Kong*. Hong Kong Bird Watching Society.

⁴ The Hong Kong Bird Watching Society (2010). *The Hong Kong Bird Report 2005-06*.

⁵ Fellowes, J.R., Lau, M.W.N., Dudgeon, D., Reels, G.T., Ades, G.W.J., Carey, G.J., Chan, B.P.L., Kendrick, R.C., Lee, K.S., Leven, M.R., Wilson, K.D.P. and Yu, Y.T. 2002. Wild animals to watch: Terrestrial and freshwater fauna of conservation concern in Hong Kong. *Memoirs of the Hong Kong Natural History Society* No. 25, 123-160.

⁶ List of Wild Animals under State Protection (promulgated by State Forestry Administration and Ministry of Agriculture on 14 January, 1989).

natural treatment capacity in the locality, thus potentially deteriorates the water quality of the nearby streams and adversely affects the aquatic and marine organisms and wildlife which forages in the stream.

5. The Town Planning Board should not encourage “destroy first, develop later”

From Google Earth aerial photographs, some landscape changes were observed on the images taken on 5 April 2014 and onwards (Figure 1) and in the photos provided by the applicant (Figure 2). The HKBWS strongly urges the Town Planning Board (the Board) to proactively deter “destroy first, develop later” as stated in a press release in 2011, *“the Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned”*⁷. The approval of these applications is not in-line with the Board’s promise to deter “destroy first, develop later”; in fact, it would provide incentives for developers/land owners to undertake eco-vandalism in hope of the Board’s approval for development in the future. Decisions made by the Board should take into consideration that the undesirable precedent it sets for future applications, hence development permission should not be granted after the site has suffered from eco-vandalism.

6. Justifications for the decision and comments made by Government departments and the Town Planning Board (TPB)

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii) and (iii), the TPB has the responsibility to, *“restrict uses within conservation zones to those which sustain particular landscapes, ecological and geological attributes and heritage features”* and *“control adjoining uses to minimise adverse impacts on conservation zones and optimise their conservation value”*⁸. We note that all other Government bureaux/departments are also bound to the HKPSG, the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) have the responsibility to advise the TPB on the ecological and planning aspects in particular⁹. Given ecological and environmental impacts caused by the proposed small house development, and the fact that the proposed small houses are not in line with the UU zoning in the DPA plan, HKBWS would also expect AFCD, PlanD and TPB to object to this application. Should the Departments or the Board feels otherwise, we urge that appropriate justifications are provided.

⁷ Press Release – Town Planning Board adopts approaches to deter, “destroy first, build later” activities.

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

⁸ Hong Kong Town Planning Standards and Guidelines – Chapter 10 Conservation. Section 2.1 (ii).

⁹ AFCD Role of Department. Available at: http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html

The HKBWS respectfully requests the Town Planning Board to take our comments into consideration and **reject** the current applications.

Thank you for your kind attention and consideration.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Woo Ming Chuan', written in a cursive style.

Woo Ming Chuan
Conservation Officer
Hong Kong Bird Watching Society

cc.

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

Figure 1. Google Earth aerial photographs showing the landscape changes in Tai Tan (the approximate locations of the proposed small houses are indicated by the red circles).



Figure 2. Photos provided by the applicant showing the de-vegetated conditions of the application sites.






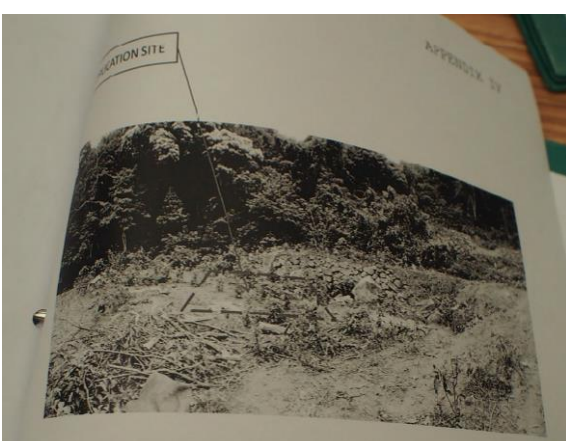
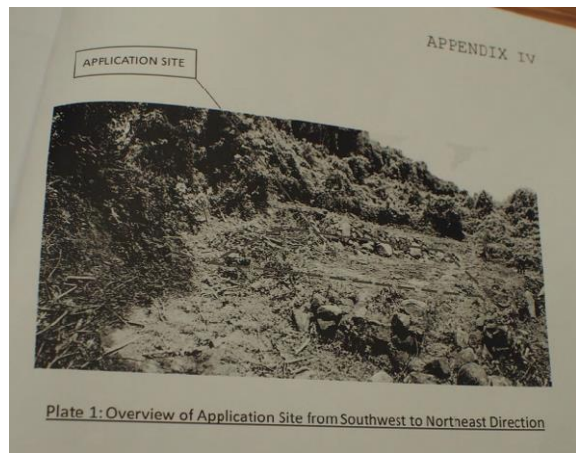
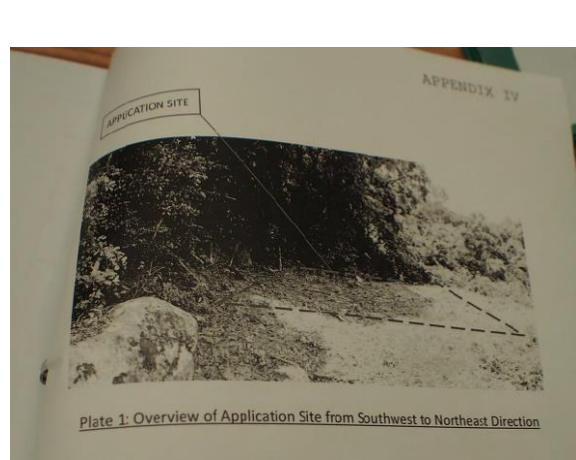
 <p>Plate 1: Overview of Application Site from Northeast to Southwest Direction</p>	 <p>Plate 1: Overview of Application Site from East to West Direction</p>
<p>A/DPA/NE-TT/81</p>	<p>A/DPA/NE-TT/82</p>
 <p>Plate 1: Overview of Application Site from West to East Direction</p>	 <p>Plate 1: Overview of Application Site from Southwest to Northeast Direction</p>
<p>A/DPA/NE-TT/83</p>	<p>A/DPA/NE-TT/84</p>
 <p>Plate 1: Overview of Application Site from Northeast to Southwest Direction</p>	 <p>Plate 1: Overview of Application Site from Northeast to Southwest Direction</p>
<p>A/DPA/NE-TT/85</p>	<p>A/DPA/NE-TT/86</p>

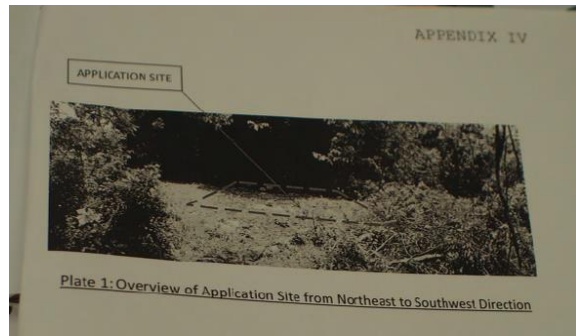
Figure 2. Photos provided by the applicant showing the de-vegetated conditions of the application sites. (con't)



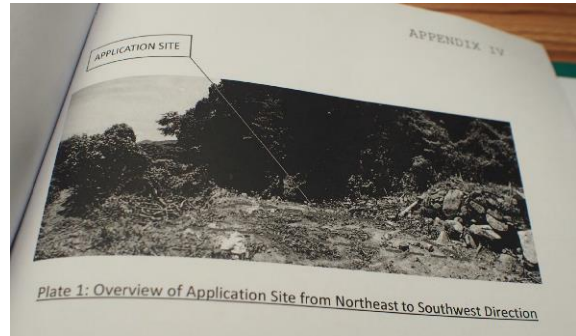
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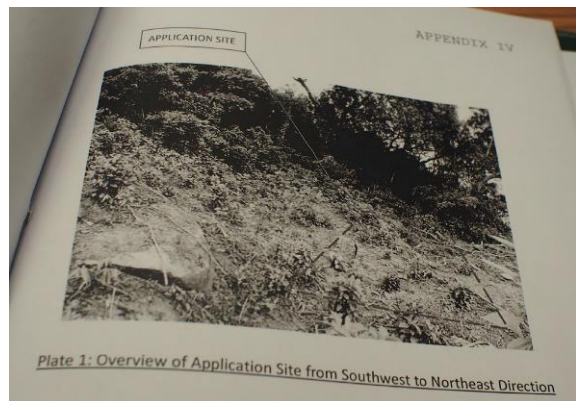
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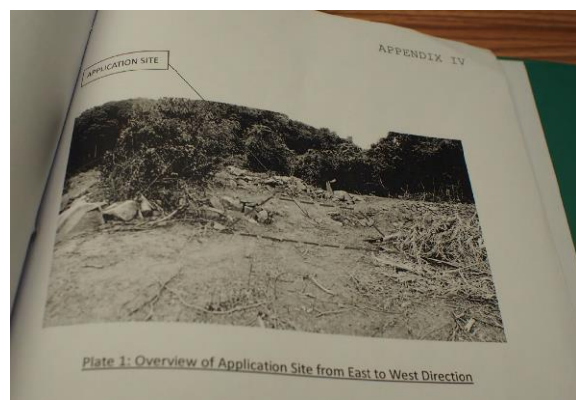
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A/DPA/NE-TT/92