

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

3 June 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 rezoning from "Conservation Area" to "Other Specified Uses" annotated "Columbarium" at Kei Pik Shan, Sai Kung (Y/SK-PK/6)

The Hong Kong Bird Watching Society (HKBWS) would like to raise an objection to the planning application for Y/SK-PK/6 under Section 12A based on the following reasons:

1. Adverse ecological impacts of the proposed development

According to the report, patches of water-bogged soil were found in the application site and there is a seasonal water pond at the eastern boundary of the application site, which then leads to an east-flowing seasonal stream¹. Eggs of Brown Tree Frog, tadpoles of an unknown amphibian species and immature individuals of Paddy Frog were recorded within the application site². We are concerned the proposed columbarium development including its sub-soil drainage system would change the hydrology in the application site and its surroundings, leading to a loss in permanent/seasonal wetlands and drying-up of the seasonal streams within and around the application site. This would cause a loss in the breeding and nursery ground for amphibians, and potential natural habitats for other wildlife.

2. Inadequacy of the Ecological Survey Report

2.1. We noticed from Google Earth aerial photographs that there were some landscape changes between 2012 and 2013 within and around the application site (please refer to Figure 1 and the section below). However, the ecological surveys were conducted in 2014. We are concerned the actual ecological value of the application site and the study area may have already been degraded by the destruction activity (e.g. filling of land/wetlands), and thus the Ecological Survey Report only reflects the ecological value of the area after the destruction. Therefore, the ecological values of the application site and the study area are likely to be underestimated.

¹ Section 4.4 and 4.15 of the Ecological Survey Report submitted by the applicant in April 2016

² Section 4.31 of the Ecological Survey Report submitted by the applicant in April 2016



2.2. It is also unclear how the establishment of the creek and pond could mitigate the direct loss of abandoned agricultural land (including the water bogged soil, seasonal pond and seasonal stream). Given the human disturbance caused by the proposed development and without detailed design and habitat management plan, we are concerned the created creek and ponds could not mitigate the loss in wetland and would only be landscape features of flowing water. In addition, there are no ecological monitoring system and it is uncertain if amphibians will still use the site for breeding after the proposed development is built. Hence, the rezoning application should be rejected.

3. The Town Planning Board should not encourage “develop first, apply later”

3.1. From Google Earth aerial photographs, we noticed there are landscape changes in and around the application site on the image taken on 4 December 2013. We are concerned the approval of the current rezoning application would further legitimize the destruction caused in the CA zone, leading to the promotion of “develop first, apply later” and “destroy first, develop later” attitudes among landowners in the locality.

3.2. 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*”³. The approval of this application 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 hopes 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.

4. Not in line with the planning intention of the “Conservation Area” (CA) zoning and set undesirable precedents for future similar applications within the CA zone

The application site is located within the CA zone under the approved Pak Kong and Sha Kok Mei Outline Zoning Plan no. S/SK-PK/11. The planning intention of a CA zone is to “protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development”.

We consider that the proposed development is not

³ Press Release – Town Planning Board adopts approaches to deter, “destroy first, build later” activities. 4 July 2011. Available at: <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

in line with the planning intention of a CA zone and will have adverse ecological impacts on the adjacent CA zones. Therefore, we urge the Board to reject this rezoning application.

5. 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 ecological⁴ and planning aspects in particular. Given AFCD’s mission to conserve natural environment and safeguard the ecological integrity⁵, 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 rezoning application. Thank you for your kind attention.

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

⁴ AFCD Role of Department. Available at: http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html

⁵ AFCD Vision and Mission. Available at: http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html

Figure 1. Google Earth aerial photographs showing the landscape changes at the application site, which is approximately indicated by the red circle.

