

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

28 June 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 rezoning from “Agriculture” to “Village Type Development” zone at Lau Shui Heung, Fanling (Y/NE-LYT/11)**

The Hong Kong Bird Watching Society (HKBWS) would like to raise an objection to the rezoning application Y/NE-LYT/11 under Section 12A. Our reasons are stated below:

**1. Not in line with the planning intention of the “Agriculture” (AGR) zoning**

Under the Approved Lung Yuek Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/17, the planning intention of an AGR zone is “*primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes*”. The rezoning of AGR zone to “Village Type Development” (V) zone would permit the construction of small houses in the area, thus leading to a direct permanent loss of arable agricultural land in the Lau Shui Heung area. Therefore, the proposed small houses development is not line with the above planning intention and we urge the Board to **reject** this rezoning planning application.

**2. The ecological value of agriculture land**

According to HKBWS bird records, there are approximately 293 species of birds which utilize farmlands in Hong Kong. This constitutes 55% of the total bird species in Hong Kong<sup>1</sup> and 20% of the total bird species in China<sup>2</sup>. Among them, almost half of the species recorded (140 species) are regarded as of conservation importance. This indicates that the farmland in Hong Kong supports a high diversity of birds and is of conservation importance. Some fallow dry agriculture lands may seem to have relatively low ecological value, yet they may be habitats suitable for other wildlife (e.g., butterflies). These vegetated areas can also act as wildlife corridors, allowing

<sup>1</sup> The total number of bird species in Hong Kong is 531.

<sup>2</sup> According to the CBR Checklist of Birds of China v3.0 (2013), the total number of bird species in China is 1434.



movements of wildlife between the fragmented landscapes or between separated conservation areas/country parks. Agriculture lands are also of landscape and cultural values. They can be open spaces within an urbanized area, buffer zones at urban/rural interfaces, and buffers for the protection of streams, woodlands and conservation areas. Therefore, fallow agricultural lands also have their ecological value and function in the locality.

### **3. Adverse sewerage impact from the proposed small houses development**

Currently, there are no public sewerage system in the area. All small houses in the area would rely on the septic tank soakaway systems for sewerage treatment. However, almost one-third of the proposed V zone is within 30 metres from Kwan Tei River (Figure 1). We are concerned the number of small houses that can be built within the proposed V zone would exceed the natural treatment capacity in the locality, thus potentially deteriorates the water quality of the river and adversely affects the aquatic organisms and wildlife which utilizes the river.

### **4. 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 14 April 2015 (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*”<sup>3</sup>. 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.

### **5. 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

---

<sup>3</sup> 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>

*geological attributes and heritage features” and “control adjoining uses to minimise adverse impacts on conservation zones and optimise their conservation value”<sup>4</sup>. 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 particular<sup>5</sup>. Given ecological and environmental impacts caused by the proposed V zone, and the fact that the proposed development is not in line with the planning intention of an AGR zone, 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.*

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 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

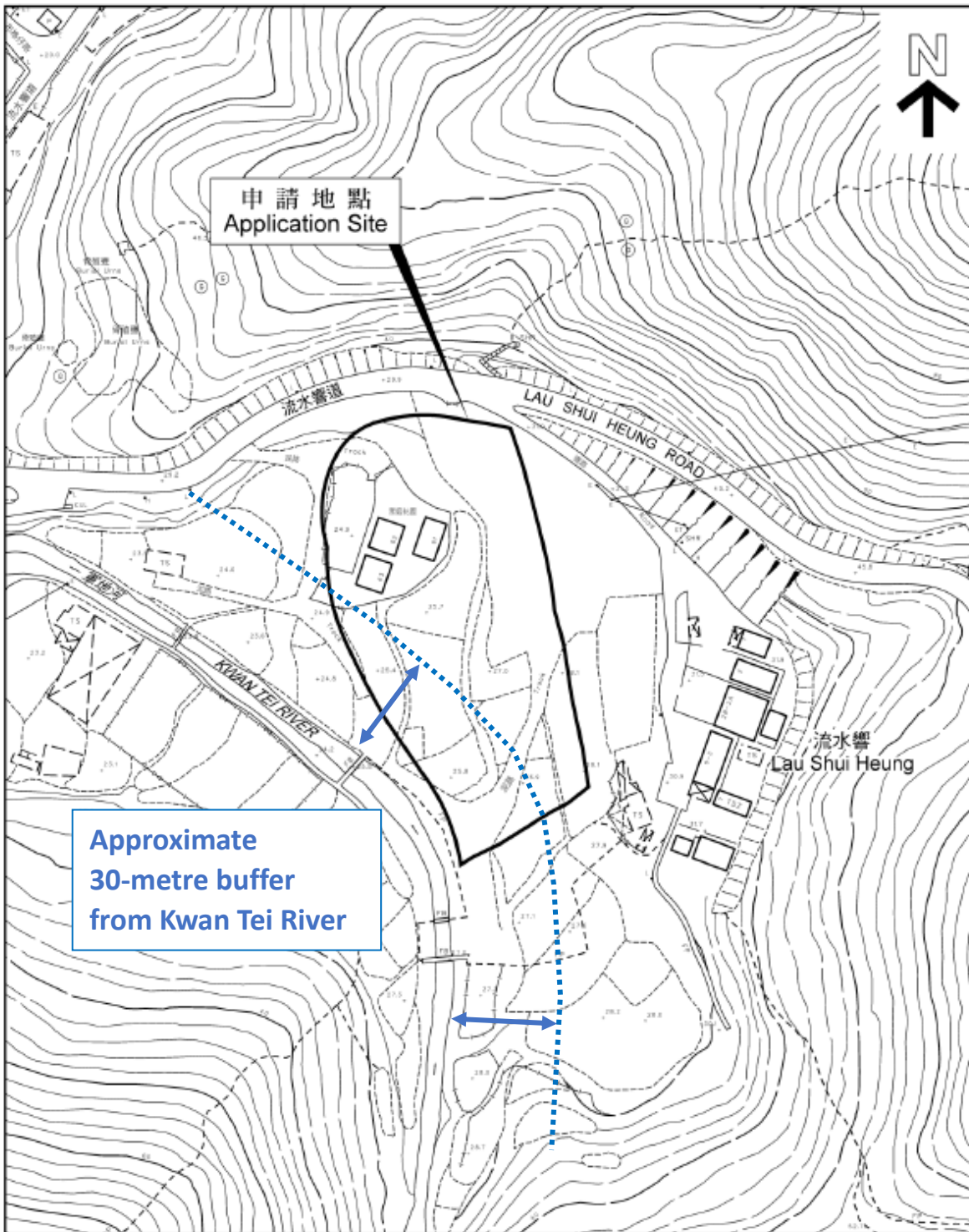
---

<sup>4</sup> Hong Kong Town Planning Standards and Guidelines – Chapter 10 Conservation. Section 2.1 (ii).

<sup>5</sup> AFCD Role of Department. Available at: [http://www.afcd.gov.hk/english/aboutus/abt\\_role/abt\\_role.html](http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html)

Figure 1. The 30-metre buffer of Kwan Tei River overlaps with the proposed V zone.

# Y/NE-LYT/11



**Figure 2.** The change in landscape in the application site and its surroundings as shown in Google Earth aerial photographs. The approximate location of the rezoning site is indicated by the yellow circle.

