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By email only

30 June 2016

香港觀鳥會  
THE  
HONG  
KONG  
BIRD  
WATCHING  
SOCIETY

Since 1957 成立

Dear Sir/Madam,

**Comments on the planning application for rezoning from "Residential (Group D)"  
to "Residential (Group D)1" at Nam Sang Wai, Yuen Long (Y/YL-NSW/4)**

The proposed rezoning would result in an increase in development density. The plot ratio would increase from 0.2 to 0.34 and the maximum building height would double from 6 metres (2-storeys) to 13.5 metres (3-storeys including stairhood). This would inevitably increase the overall magnitude of human disturbance to the ecologically important habitats nearby and the flight lines of birds during both the construction and operational phases. Therefore, the Hong Kong Bird Watching Society (HKBWS) would like to maintain our objection to the planning application Y/YL-NSW/4 under Section 12A. According to the supplementary information submitted by the applicant, we have the following comments:



**1. Misleading description in the revised Ecological Impact Assessment (EcoIA) and underestimation of the ecological impacts on the Tung Shung Lei Egretty**

According to the revised EcoIA submitted by the applicant in , it stated "...therefore, 20 observations below 20m above the ground level from Flight Lines 3 and 4 would have potential conflict with the Proposed Development. Compared to the overall observations from Tung Shing Lei Egretty between mid-May and early June 2013, these comprise less than 9% of all observations associated with the egretty (Table D22)". The two egretty flight line surveys conducted (i.e. first one from mid-May to early June, while the second one in mid-June) produced two different flight line maps (Figures 1 and 2), thus the data for each survey should be analyzed separately. We consider the description and presentation of data in the revised EcoIA, including Table D22, are misleading (i.e. the total 455 observations from the first flight line survey is not comparable to the 20 observations for flight height of 20m or below from flight line 3 and 4 in the second survey, and the conclusion of "9% of all observations" without explanation is misleading).

**1.1. Adverse ecological impacts of the proposed development on the egret flight lines**

In the first egret flight line survey conducted between mid-May and early June 2013 (refer to Figure a of Annex D4 in the revised EcolA), flight lines 3a, 3b and 3c flies in a northerly direction towards the application site (Figure 1). From the data provided in Annex D4, about 146 observations have a relative flying height above ground of 20m or below, which accounts for about one-third of the total 455 observations. In the second egret flight line survey conducted in mid-June 2013 (refer to Figure D6a of the revised EcolA), flight lines 3 and 4 crosses over the development site and 20 observations have a flying height above ground of 20m or below, which accounts for 27% of the total 74 observations (Figure 2). This percentage is similar to that calculated from the first egret flight line survey. Therefore, the proposed development would have adverse ecological impact on **approximately 30% of the flight lines** from the Tung Shing Lei egret. Therefore, we **disagree** with the conclusion made in Section 6.3.29 of the revised EcolA which stated "*the impact of the proposed development on Tung Shing Lei egret flight lines is of **low significance***".

**1.2. Cumulative adverse ecological impacts on the egret flight lines**

To the southwest of the current rezoning site, there is a recently approved high-rise residential development (A/YL-NSW/233) which would likely to displace the flight lines 1 - 2 as illustrated in Figure D6a of the EcolA away from the A/YL-NSW/233 development site (i.e. westward towards the current rezoning site) (Figure 2). If the observations with a flight height above ground of 20m or below for flight line 1 and 2 are included in the calculation, **over 60% of the egret flight lines** would be adversely affected by the proposed and nearby residential developments. Therefore, we consider that the applicant has underestimated the direct and cumulative impacts of the proposed development on the egret flight lines. **We are concerned this would affect the breeding birds flying to/from their foraging ground and would reduce the egrets' breeding success.**

Apart from the concerns on the adverse ecological impacts on the Tung Shing Lei egret, we would also like to re-iterate other concerns as stated in our previous letter dated 29 January 2016 and they are as below:

**2. Adverse ecological impacts on bird flight lines were underestimated**

In Figure D6b of the EcolA, flight line E crosses over the application site and flight lines A, B and C are immediately next to the application site (Figure 3). These four flight lines account for almost 90% of all avifauna observations in the locality. In

these flight lines, 136 individuals fly at 20 metres or below which accounts for 60% of the total observations. This illustrates that the application site and its surroundings are actively utilized by birds, including birds of conservation concern (refer to Table D5 of the revised EcolA). Since the proposed development would be of a maximum height of 13.5 metres, we are concerned it would have significant adverse impacts on the flight line of birds, degrade the habitat quality (i.e., caused by the increase in noise, light and human disturbances), and cause adverse ecological impacts on the avifauna which utilize the habitats in the locality.

### **3. Cumulative impacts on the buffering capacity of Wetland Buffer Area (WBA)**

To the southwest of the current application site is an approved residential development (A/YL-NSW/233) which comprises of 6 blocks of 6 - 12 storeys high towers and with a planned population of 1,138. Together with the current application (Y/YL-NSW/4) with a proposed population of 210, the area will potentially introduce a population of about 1,348. This would cause even more adverse ecological impacts on the area (e.g., more human disturbance, adversely affecting the avifauna utilizing the area including the breeding egrets at Tung Shing Lei and reducing the breeding success of the birds, etc.) and reduce the effectiveness of the Wetland Buffer Area (WBA) as a buffer.

Given that the area is located within the WBA, in which the planning intention “*is to protect the ecological integrity of the fish ponds and wetland within the WCA (Wetland Conservation Area) and prevent development that would have a negative off-site disturbance impact on the ecological value of fishponds*”, we are concerned the current application together with nearby developments would extend the adverse ecological impacts of the urbanized area into the Deep Bay area, and degrading the habitat quality of the WCA. We urge the Board to consider cumulative impacts of the developments in the locality on the ecological integrity of the sensitive Deep Bay area.

### **4. Justifications for the decision and comments made by Government departments**

According to the Hong Kong Planning Standards and Guidelines (HKPSG), Chapter 10, Section 2.1 (ii), the Town Planning Board (TPB) 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 TPB on the ecological<sup>1</sup> and planning aspects in particular. Given AFCD's mission to conserve natural environment and safeguard the ecological integrity<sup>2</sup>, and the potential adverse impacts of the proposed development on the WBA and WCA, HKBWS would also expect AFCD and PlanD to object to this application. Should AFCD, PlanD or the TPB feels otherwise, we urge that the appropriate justifications are provided.

Given the ecological importance and sensitivity of the application site and its surroundings, the HKBWS respectfully requests the TPB to **reject** the current rezoning application.

Thank you for your kind attention and consideration.

Yours faithfully,



Woo Ming Chuan  
Conservation Officer  
The Hong Kong Bird Watching Society

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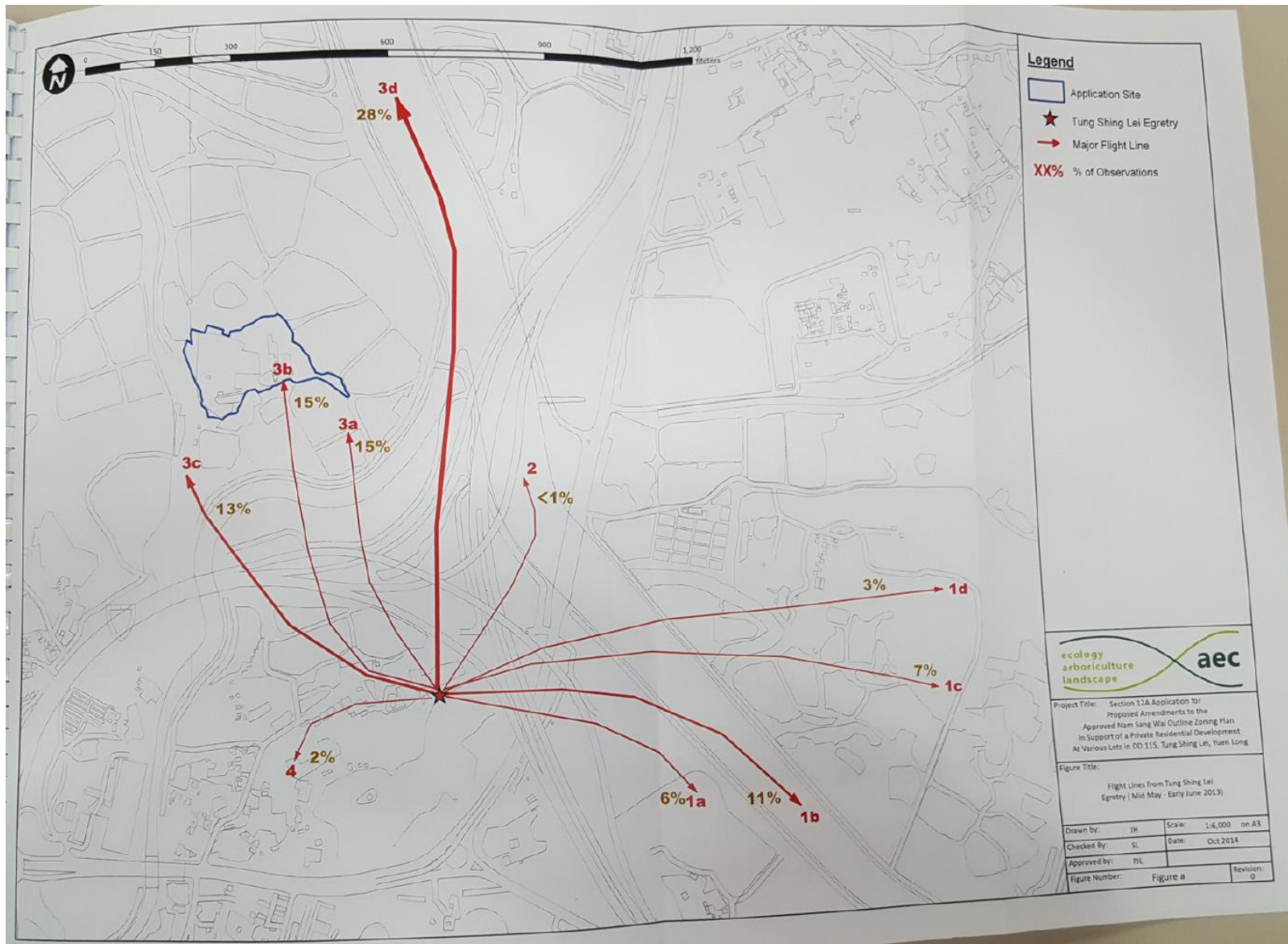
The Conservancy Association  
Designing Hong Kong  
Kadoorie Farm and Botanic Garden  
WWF – Hong Kong

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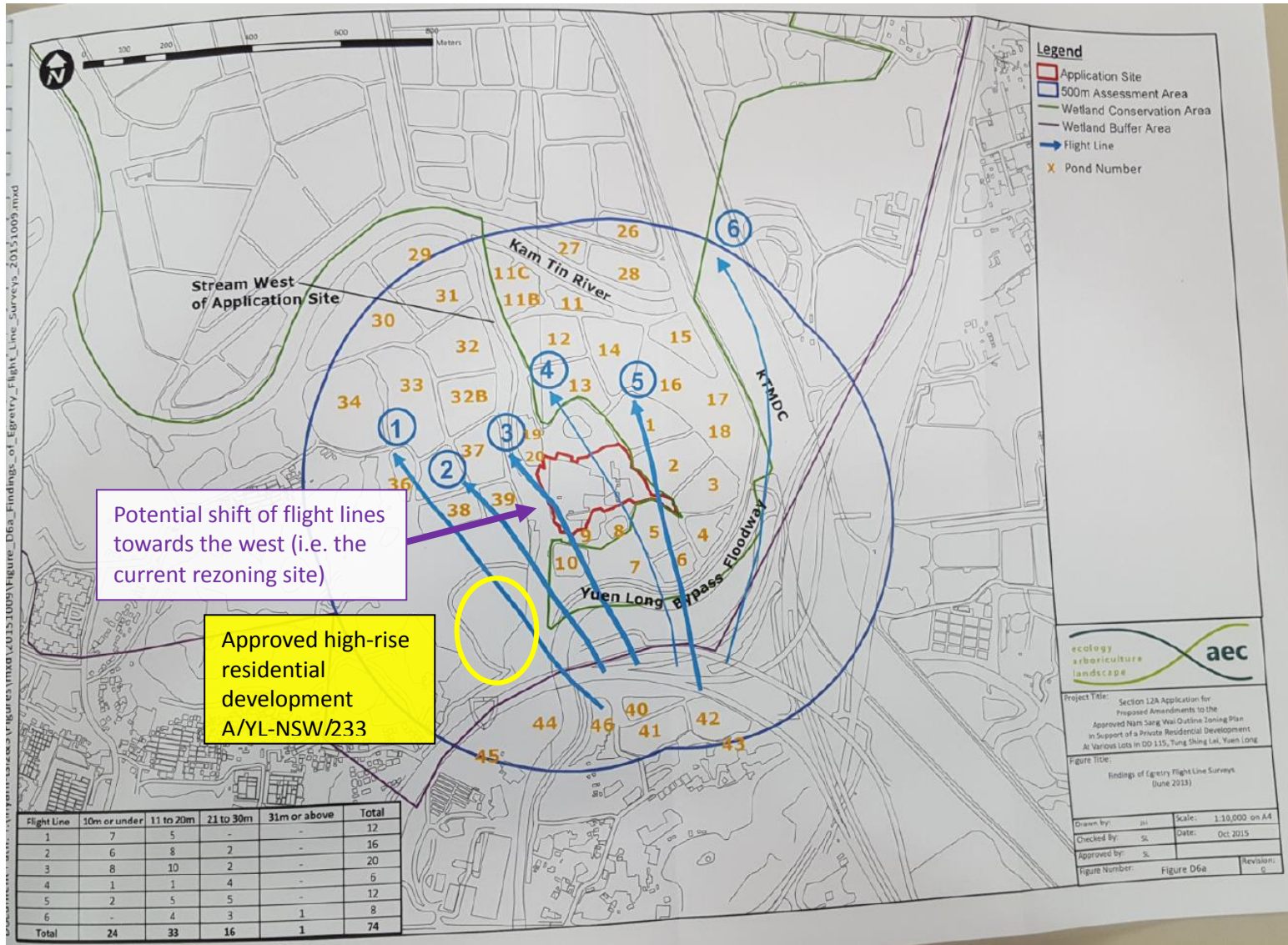
<sup>1</sup> AFCD Role of Department. Available at: [http://www.afcd.gov.hk/english/aboutus/abt\\_role/abt\\_role.html](http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html)

<sup>2</sup> AFCD Vision and Mission. Available at:  
[http://www.afcd.gov.hk/english/aboutus/vision\\_mission/abt\\_vision\\_mission.html](http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html)

**Figure 1.** Map showing the results of the first egretty flight line survey conducted between mid-May and early June 2013 (Figure a of Annex D4 in the revised EcolIA).



**Figure 2.** Map showing the results of the second egretty flight line survey conducted in mid-June 2013 (Figure D6a in the revised EcoIA). The approximate location of the approved high-rise residential development A/YL-NSW/233 is indicated by the yellow circle.



**Figure 3.** Map showing the results of bird flight line survey conducted between September and December 2013 (Figure D6b in the revised EcolA).

