

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

4 December 2020

Dear Sir/Madam,

Comments on the planning application of the Proposed Minor Relaxation of Plot Ratio and Building Height Restrictions for Permitted Residential Development with Filling of Land and Excavation of Land at Chung Yip Road, Nam Sang Wai (A/YL-NSW/282)

The Hong Kong Bird Watching Society (HKBWS) objects to the planning application based on the following reasons.

1 Set undesirable precedent in Wetland Buffer Area (WBA) and Nam Sang Wai area

- 1.1 The application site falls within WBA under the Town Planning Board Planning Guideline No. 12C, where 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 fish ponds.”* Moreover, it is just about 180m from Wetland Conservation Area (WCA) which is intended *“to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds”*.
- 1.2 However, it is stated in the Executive Summary submitted by the applicant (Lands Department) that *“the site is at the fringe of the Wetland Buffer Area (WBA) and at over 150m away from the Wetland Conservation Area and the Conservation Area...”* We consider the use of the term “fringe” is very **MISLEADING** as it does not imply whether if the site is inside or outside the

WBA. In fact, the site falls WITHIN the WBA, where is intended to prevent, instead of introducing more developments. Relaxation of building height and plot ratio is considered **NOT** appropriate within WBA.

- 1.3 Referring to the approved Nam Sang Wai Outline Zoning Plan (No. S/YL-NSW/8)¹, the general planning intention of the plan is to “*conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area... The planning intention of the area further away from the fish ponds is to protect the ecological integrity of the wetland ecosystem, and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.”² It is zoned as “Residential (Group D)1” (R(D)1), where is intended “*for low-rise, low-density residential developments*” It is also stated clearly that the maximum plot ratio and maximum building height **shall not** exceed 0.4 and 3 storeys (9m) respectively.*
- 1.4 The current proposed to **increase** the plot ratio by around **20%** and building height by **10%**, would increase the general development intensity of the Nam San Wai area and would further increase human disturbance to the nearby ecological sensitive wetlands as the population will also be increased by 20%. This is not in line with the Town Planning Board Planning Guideline No. 12C and the general planning intention of the OZP to prevent development that would have a negatively affect the ecological value of fish ponds.
- 1.5 More importantly, there are currently planning/ rezoning applications within WBA in Nam Sang Wai area, that are related to relaxation of building height and plot ratio for residential developments. They include the deferred application no. Y/YL-NSW/6 and A/YL-NSW/274, which have proposed substantial increases in the scale and density of the residential developments (details will be discussed in Point 2).
- 1.6 The approval of this application would set an undesirable precedent to the current and future similar applications of relaxing development intensity

¹ https://www2.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_YL-NSW_8_e.pdf

² Section 8.3 of Explanatory Notes of the Approved Nam Sang Wai Outline Zoning Plan. Available at: https://www2.ozp.tpb.gov.hk/plan/ozp_plan_notes/en/S_YL-NSW_8_e.pdf#nameddest=U

within WBA, and thus nullifying the statutory planning control mechanism. The Town Planning Board (Board) should seriously take the considerable cumulative ecological impacts on the wetland ecosystem in Deep Bay into account.

2 The cumulative adverse impacts on the wetland ecosystem in Deep Bay area

- 2.1 Currently, there are a number of applications of relaxing the building height and plot ratio for residential developments within WBA in Nam Sang Wai area, that are under the procedure of Town Planning Ordinance. For instance, the deferred application no. Y/YL-NSW/6, which is located immediately at the east of the current site, proposed a 7-fold increase in building height and 16-fold increase in plot ratio. Another application within WBA is a high-rise residential development (application no. A/YL-NSW/274) that proposed a nearly 90% increase in building height and 233% increase in population.
- 2.2 Furthermore, a transitional housing development (application no. A/YL-NSW/281) was recently approved. This will bring in a population of 3,840 residents in the vicinity of the current application site.
- 2.3 The human disturbances arising from increasing development intensity of different residential developments in the vicinity would **cumulatively create a significant amount of disturbances**, and result in a general degradation of the natural environment in Deep Bay area.
- 2.4 We would like to reiterate that the approval of the current application to relax the plot ratio and building height would set a bad precedent to the similar applications within WBA, and would further introduce human disturbance to the ecological sensitive area in Deep Bay area. It is clearly **not in line with** the Town Planning Board Planning Guideline No. 12C and also the general planning intention of the OZP, We therefore urge the Board to reject this application in order to protect Deep Bay area from any development threats.

3 Inconsistent habitat type identified for the Application Site

- 3.1 Referring to Section 5.3.10 of the Ecological Impact Assessment (EcoIA) Report submitted by the applicant in 6 November 2020, it is stated that *“within the Project Site, there were two habitats including Developed Area/Wasteland and Semi-natural Watercourse recorded.” Besides, “the northern area of the Project Site was covered with concrete, where supported very limited vegetation and dominated by self-colonized exotic species....The southern area was abandoned for some period and dominated (with) flora species...”* The habitat map prepared by the applicant also marks the site as mostly “Developed Area/ Wasteland” (Figure 1).
- 3.2 However, we consider the area dominated by different flora species within the application site **is distinct from** the nearby “Developed Area/ Wasteland” which includes mainly Yuen Long Industrial Estate and residential area. Identifying the vegetated area within the site as the same habitat type with the above mentioned developed area is regarded misleading and would underestimate the habitat loss associated with the residential development.
- 3.3 Moreover, in Appendix C of the EcoIA, the habitat map prepared by another consultant under Yuen Long Barrage Scheme in 6 January 2020 shows that about half of the current project site was identified as “plantation” and the remaining was “Developed Area” (Figure 1). Given that there were no significant changes in the landscape of the application site as observed from Google Earth aerial photographs, the sudden change in habitat type from “plantation” to “Developed Area/ Wasteland” is confusing. As these two habitat types may serve different ecological functions and habitat usage and affect the assessment of ecological impacts, we consider the applicant should explain the grounds of revising the habitat type of the site so as to prove that there will have *“no or minimal adverse impact on the environment”* as required under the OZP.
- 3.4 Moreover, according to the Google Earth aerial photograph in February 2020 and the map extracted from GeoInfo Map, there are vegetated land and watercourse within the application site (Figure 2). However, the watercourse would be disappeared due to the proposed site formation. It is unclear if it would affect the drainage and hydrology in the vicinity.

Furthermore, as there is no Tree Preservation Proposal provided by the applicant, we consider the direct loss in natural features could not be properly assessed.

4 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” and (iii), the Board has the responsibility to “*control adjoining uses to minimise adverse impacts on conservation zones and optimise their conservation value*”. 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) has the responsibility to advise the Board on the ecological and planning aspects in particular³. Given AFCD’s mission to conserve natural environment and safeguard the ecological integrity⁴ and the proposed development is not in line with the planning intention of the statutory plan, HKBWS would also expect AFCD and PlanD to object 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 application. Thank you for your kind attention.

³ AFCD Role of Department. Available at:
http://www.afcd.gov.hk/english/aboutus/abt_role/abt_role.html

⁴ AFCD Vision and Mission. Available at:
http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html

Yours faithfully,

A handwritten signature in black ink that reads "Suet Mei". The signature is written in a cursive, slightly slanted style.

Wong Suet Mei
Conservation Officer
The Hong Kong Bird Watching Society

cc.

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

Figure 1. The habitat map prepared by the applicant in the EcolA report has marked the site (marked with red line) as “Developed Area/ Wasteland” and “Semi-natural Watercourse” (top). However, in Appendix C of the EcolA, the habitat map prepared by another consultant under Yuen Long Barrage Scheme in 6 January 2020 shows that about half of the current project site was identified as “plantation” and the remaining was “Developed Area” (bottom). Given that there were no significant changes in the landscape of the application site as observed from Google Earth aerial photographs, the sudden change in habitat type from “plantation” to “Developed Area/ Wasteland” is confusing.

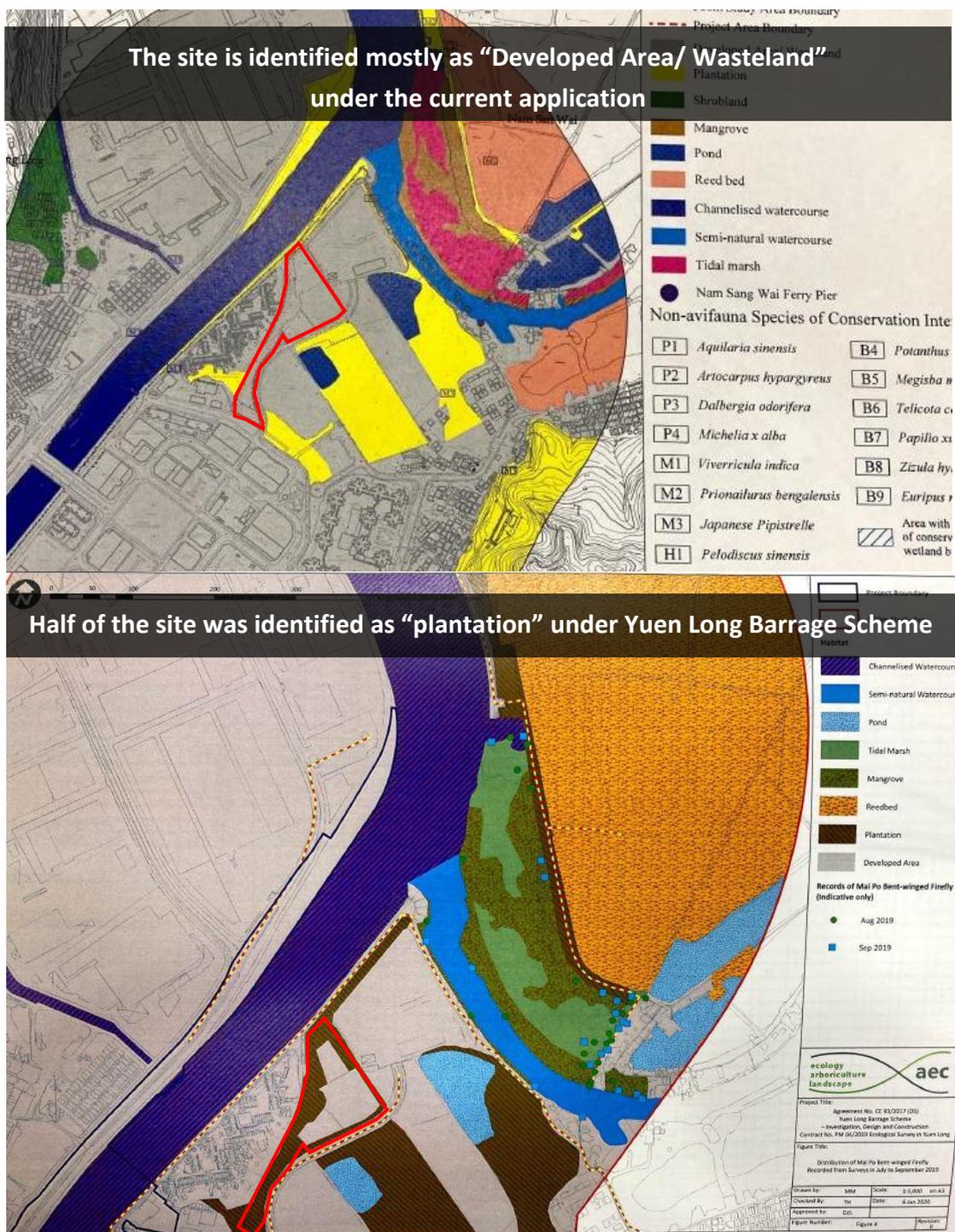


Figure 2. According to the Google Earth aerial photograph in February 2020 and the map extracted from GeoInfo Map, there are vegetated land and watercourse within the application site. However, the watercourse would be disappeared due to the proposed site formation. It is unclear if it would affect the drainage and hydrology in the vicinity. Furthermore, as there is no Tree Preservation Proposal provided by the applicant, we consider the direct loss in natural features could not be properly assessed.

