HKBWS
香港觀鳥會
人鳥和諧 自然長存
People and birds living in harmony as nature continues to thrive

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

16 December 2020

Dear Sir/Madam,

Comments on the proposed amendments to the approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/22 (S/MOS/23)

The Hong Kong Bird Watching Society (HKBWS) objects to the proposed Amendment Item A, B1, C, D, E, F and G, as these amendments would lead to a loss in valuable woodland habitats, urban/rural buffer zones, the ecological integrity of woodland habitats, as well as well-wooded area for public enjoyment. Our reasons of objection are as follows.

1 Not in line with the planning intention of the "Green Belt" (GB) zoning and set undesirable precedent

1.1 According to the approved Ma On Shan Outline Zoning Plan (OZP), all the seven sites are located within GB zone, where is intended "*to define the limits of urban and sub-urban development 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.*" More, importantly, it also "***provides a buffer between the developments in the Area and the adjacent Ma On Shan Country Park***."

1.2 From aerial photographs shown in the Town Planning Board paper and our on-site observation, these seven sites consist of a variety of natural features including well-wooded land and plantation, which are also ecologically connected to the surrounding woodlands within GB zone and even Ma On Shan Country Park (Figure 1). We consider that these GB zones are well-

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performing the functions as a buffer between high-intensity town development and Country Park, and thus they should be remained as GB zone. However, the proposed urban development involving construction of high-rise residential buildings, the associated infrastructures, the construction of road and the natural terrain mitigation works, would cause a direct loss in woodlands, plantation, shrubland, marsh and watercourses, which is not in line with the planning intention of GB zone to retain natural features.

1.3 It is also reminded that the Town Planning Board (TPB) is empowered by the Town Planning Ordinance "*to prepare town plans with statutory land use zones under clause 4(1)(g) for 'country parks, coastal protection areas, sites of special scientific interest, green belts or other specified uses' to promote conservation or protection of the environment*", as stated in Section 3.5.2 of Chapter 10 of Hong Kong Planning Standards and Guidelines. The rezoning of 10.07 hectares of these seven GB zones to development zonings would lead to a massive direct loss in natural habitats, and is not in line with the planning guideline to promote conservation of the environment.

1.4 The approval of these seven amendment items will set an undesirable precedent to the future similar applications within the GB zone in Ma On Shan area, and thus nullifying the well-established statutory planning control mechanism. We urge the Board to reject this application in order to protect GB zone, existing natural environment and the connecting Country Park from any development threats.

2 Not in line with the government's GB review criteria and set undesirable precedent in other districts

2.1 In the Policy Address 2011-12, it is stated that "*the use of green belt areas in the New Territories that are devegetated, deserted or formed, thus no longer performing their original functions, and convert them into housing sites…*"[1]. The Policy Address 2013 then suggested that "*13 sites in Green Belts areas…which are devegetated, deserted or formed and considered*

[1] Paragraph 43(iv) of Policy Address 2011-12

suitable for rezoing for residential use…meanwhile, the PlanD is engaged in the next stage of Green Belt review, with the purpose of releasing more sites for housing development"[2]. In 2014, the Policy Address again pointed out that the government is " *taking steps to rezone for residential sites in Green Belt areas which are devegetated, deserted or formed, as well as suitable industrial sites.*"[3] The Government then turned to claim that there were two stages of GB review, where the second stage is to review *"sites though vegetated, have an insignificant buffering effect and relatively low conservation value*".

2.2 However, based on our site inspection in December 2020, the above seven sites are currently well-vegetated, while some are even found with woodland and streams (Figure 2 and 3). They are **neither** "*devegetated, deserted or formed*" **nor** having "*insignificant buffering effect and relatively low conservation value*". Even though some of the sites are formed with the presence of farmlands and squatter villages of generally 1-storey high, these GB sites are relatively compatible with the surrounding GB zone and are still serving the buffering function as intended in this zoning.

2.3 We consider the seven GB sites are clearly not of low ecological value and are not suitable to be used for urban expansion. The proposed amendments are not in line with the above government GB review criteria and would set an **undesirable precedent** to similar amendments to rezone GB zone to development zonings within well-wooded GB with significant buffering effect and valuable ecology in Ma On Shan area and **even in other districts**.

3 Ecological value of various habitats in and around the GB rezoning sites

3.1 The ecological values of these GB sites are recognized by the assessments and data provided in the Final Preliminary Environmental Study Reports (FPES reports). A high variety of habitats are recorded in these GB sites, including Woodland, Plantation, Developed Area and Stream/Watercourse, Open Field and Marsh (Figure 4). The ecological value of the habitats within works limit of the Amendment Items A and B1 is regarded as "Moderate"

[2] Paragraph 73(ii) of Policy Address 2013
[3] Paragraph 125 of Policy Address 2014

while "the marsh, woodland and orchard possess potential ecological value for wildlife". For the Amendment Items C, D, E, F and G, habitats with ecological value of "Moderate" and "Moderate to High" were also identified.

3.2 During our site inspection in December 2020, we even found a few more species just in one single visit which were not recorded in the numerous surveys conducted for the FPES reports, including the woodland dependent Crested Serpent-Eagle (*Spilornis cheela*), Japanese Thrush (*Turdus cardis*), and three butterfly species Common Archduke (*Lexias pardalis*), Lemon Pansy (*Junonia lemonias*) and Common Jester (*Symbrenthia lilaea*).

3.3 In terms of **Woodlands** within the works limit of the seven GB sites, they were regarded as either "Moderate" or even "Moderate to High" in the findings of the FPES reports. The Woodlands within the works limit of Amendment Items C, D, E, F and G are "*connected with Ma On Shan Country Park were of higher ecological value with respect to its possibility of supporting some rare or protected species present in Ma On Shan Country Park.*" They are "*mostly contiguous*" and hard to recreate.

3.4 Moreover, typical woodland dependent bird species, such as Pygmy Wren-Babbler (*Pnoepyga pusilla*) and Rufous-capped Babbler (S*tachyridopsis ruficeps*) of "Local Concern"[4], were recorded in the Woodland connected to the rezoning sites. Pygmy Wren-Babbler lives in "*floor and understorey of broadleaf evergreen forest, densely vegetated forest ravines, mossy boulders, fallen logs, dense fern growth, luxuriant moss.*"[5] During our site visit in December 2020, Rufous-capped Babbler was also recorded at the site of Amendment Item B1. This species inhabits "*broadleaf evergreen forest, bamboo stands, thick secondary bush growth in clearings*."[6] Besides, an individual of Crested Serpent-Eagle (*Spilornis cheela*) was recorded near Amendment Item F (Figure 2). This species is "*present in a wide variety of*

[4] Fellowes et al (2002)

[5] Collar, N. and C. Robson (2020). Pygmy Cupwing (Pnoepyga pusilla), version 1.0. In Birds of the World (J. del Hoyo, A. Elliott, J. Sargatal, D. A. Christie, and E. de Juana, Editors). Cornell Lab of Ornithology, Ithaca, NY, USA. https://doi.org/10.2173/bow.pywbab1.01

[6] Collar, N. and C. Robson (2020). Rufous-capped Babbler (Cyanoderma ruficeps), version 1.0. In Birds of the World (J. del Hoyo, A. Elliott, J. Sargatal, D. A. Christie, and E. de Juana, Editors). Cornell Lab of Ornithology, Ithaca, NY, USA. https://doi.org/10.2173/bow.rucbab1.01

tropical and subtropical forest habitats, including dry to wet primary forest, riparian gallery forest……prefers secondary or partly open forest, clearings, gaps and forest edge."[7] The presence of the above species indicates that the Woodlands surrounding the rezoning sites are mature enough to provide foraging and roosting grounds for various forest birds and other wildlife.

3.5 For the **Plantation** in Amendment Items C, D, E, F and G, the FPES reports also described that it could "*become woodland of higher ecological value*". In addition, "*seven species of conservation interest Euonymus tsoi, Gnetum luofuense, Pavetta hongkongensis, Aquilaria sinensis, Cibotium barometz, Rhododendron simsii and Diospyros vaccinioides were recorded in this habitat*".

3.6 In our site visit, Japanese Thrush (*Turdus cardis*) was found in the Plantation habitat within the works limit. This bird species is found "*in forests, fung shui (traditionally protected) woodland and more lightly wooded areas*" in Hong Kong as described in Birds of the World. The call of Rufous-tailed Robin (*Larvivora sibilans*) was also heard in the Plantation next to Amendment Item D. This species is present in "*damp broadleaf evergreen and semi-evergreen bottomland forest with dense undergrowth…In winter in Hong Kong, found in forest, fung shui woodland, lightly wooded areas and adjacent scrub, urban parks and gardens*"[8]. We consider all the Plantation habitats identified have high potential to become further mature and increase in ecological value if there are sufficient time for natural succession.

4 Irreversible adverse ecological impacts of the proposed development in the GB rezoning sites

4.1 The direct habitat loss is massive. According to the Final Report of Site Formation and Infrastructural Works for Eight Housing Sites in Ma On Shan

[7] lark, W.S., J. S. Marks, and G. M. Kirwan (2020). Crested Serpent-Eagle (Spilornis cheela), version 1.0. In Birds of the World (J. del Hoyo, A. Elliott, J. Sargatal, D. A. Christie, and E. de Juana, Editors). Cornell Lab of Ornithology, Ithaca, NY, USA. https://doi.org/10.2173/bow.crseag1.01

[8] Collar, N. (2020). Rufous-tailed Robin (Larvivora sibilans), version 1.0. In Birds of the World (J. del Hoyo, A. Elliott, J. Sargatal, D. A. Christie, and E. de Juana, Editors). Cornell Lab of Ornithology, Ithaca, NY, USA. https://doi.org/10.2173/bow.rutrob1.01

– Feasibility Study, about **2780 trees** will be **directly affected** by the **tree removal** programme "*due to direct and unavoidable conflict with the proposed public and private housing developments*". Moreover, flora species of conservation concern were recorded within the works limit of the seven sites, and would be directly impacted. They include the globally vulnerable *Aquilaria sinensis*[9], the globally near threatened *Gnetum luofuense*[10], and the nationally vulnerable *Cibotium barometz*[11]. The clearance of natural woodland and plantation area would be a direct loss in foraging and roosting ground for different wildlife including the woodland-dependent birds as mentioned in the section above.

4.2 There is direct habitat loss in wetland and river course. The FPES reports stated three Stream/Modified Watercourses will be affected by Amendment Items A and B1, and seven Stream/Modified Watercourses will be affected by Amendment Items C, D, E, F and G. During our site visit, some of the above affected streams are natural and have densely vegetated riparian zones (Figure 3). Even for modified streams, most of them retained a natural bottom substrate. The proposed developments in the rezoning sites would pose direct adverse impacts on both the streams and their riparian vegetation. Moreover, 0.2 hectares of marsh would also be directly affected by the Amendment Item B1. The FPES reports stated that "*Eleocharis equisetina, which was an uncommon native wetland species"* was found in the marsh connected to the rezoning site. We are concerned the proposed development would have significant adverse impacts on the marsh and the species dependent on this habitat.

4.3 Moreover, the total anticipated population is 20,430 for all rezoning sites. This massive population caused by the proposed high-rise development

[9] Harvey-Brown, Y. 2018. Aquilaria sinensis. The IUCN Red List of Threatened Species 2018: e.T32382A2817115. https://dx.doi.org/10.2305/IUCN.UK.2018-2.RLTS.T32382A2817115.en. Downloaded on 16 December 2020.
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[10] Baloch, E. 2011. Gnetum luofuense. The IUCN Red List of Threatened Species 2011: e.T194922A8919354. https://dx.doi.org/10.2305/IUCN.UK.2011-1.RLTS.T194922A8919354.en. Downloaded on 16 December 2020.

[11] Rare and Precious Plants of Hong Kong (Status in China). Retrieved from https://www.herbarium.gov.hk/PublicationsPreface.aspx?BookNameId=1&ContentId=19&SectionId=3

would also lead to adverse ecological impacts (i.e. increase in disturbance due to light and noise pollution, etc.). We are concerned the high-rise residential towers would become well-lit façades (created by lightings from each household) during night time, and the introduction of such a massive population of residents into the locality would have adverse impacts on the habitat quality and wildlife within GB zone and the Ma On Shan Country Park.

5 Adverse ecological impacts of the road widening works associated with the GB rezoning

5.1 The proposed Amendment Item G would require re-alignment and widening of Ma On Shan Tsuen Road. The Ma On Shan Tsuen Road would be upgraded to a "*7.9m/7.3m wide single 2-lanes carriageway with 2.75m/2.0m wide footpath on both sides up to the private housing site*". We are concerned the new road would increase the accessibility to the locality, which would in turn facilitate and stimulate more incompatible developments immediately outside or even within the Ma On Shan Country Park. The approval of this Amendment Item would also set an undesirable precedent for similar developments in the nearby GB zones and next to the Country Parks. We are concerned this would significantly reduce the buffering function of the current GB zone and would introduce more disturbances or even developments in areas close to the Country Park. We therefore strongly urge the Board to reject Amendment Item G and all associated road upgrade and infrastructure provision works.

6 Significant adverse visual impacts of the high-rise residential buildings

6.1 According to the approved Ma On Shan OZP, "*the development concept of the Area is to achieve a descending building height profile from the highest part in the town centre, petering out towards the peripheries.*" It is also written that "*in the absence of building height control, tall buildings may proliferate at random locations and the scale may be out-of-context in the locality, resulting in negative impacts on the visual quality of the Area, and may sometimes obstruct air ventilation. In order to prevent excessively tall or out of-context buildings, to preserve some key urban design attributes (e.g.*

stepped building height from the waterfront and preservation of public views to the ridgelines) and to provide better control on the building height of developments in the Area, building height restrictions are imposed for the development zones on the Plan."

6.2 However, the current seven amendments would be associated with high-rise residential building with Maximum Plot Ratio ranging from 3.6 to 6.8. There will be 4 towers of residential buildings with building heights of 38 to 45 storeys in Amendment Items A and B1. Three 38 to 48-storey high residential towers were proposed in Amendment Item D. Amendment Item G would consist of 9 residential towers with building heights ranging from 18 to 27 storeys, and the site is just 15 metres from the Ma On Shan Country Park boundary.

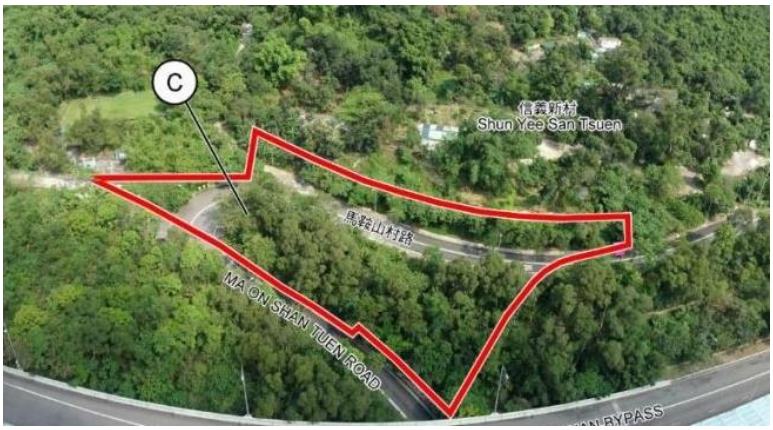
6.3 For Amendment Item G, paragraph 2.2 of the RNTPC Paper No. 6/20 stated "*the proposed development with maximum BH (building height) of 250mPD will be lower than the existing average ridgeline of the Ma On Shan Mountain, allowing about 60% of height buffer to preserve the ridgeline and hence will not adversely affect the integrity of the Ma On Shan ridgeline*". We consider such statement is **misleading**, as the highest point of the ridgeline (i.e. Ma On Shan) is used in the calculation of the height buffer. In fact, the proposed high-rise buildings (from ground level 140mPD to building top 250mPD) would have significant adverse visual impacts on the surrounding ridgelines including Tiu Shau Ngam, The Hunch Backs (Ngau Ngak Shan) and Ma On Shan (Figure 5). It is also uncertain why a benchmark of "*60% of height buffer*" is used in this case. The photomontage for Amendment Item G in the FPES reports clearly indicates the **significant destruction to the natural landscape and ridgeline of the hills in the background** caused by the proposed high-rise buildings (Figure 6).

The HKBWS respectfully requests the Board to take our comments into consideration and **reject** the proposed Amendment Items A, B1, C, D, E, F and G . Thank you for your kind attention.

Yours faithfully,

Wong Suet Mei
Conservation Officer
The Hong Kong Bird Watching Society

Figure 1. From aerial photographs shown in the RNTPC Paper No. 6/20, the seven GB rezoning sites consist of a variety of natural features including well-wooded land and plantation, which are also ecologically connected to the surrounding woodlands within GB zone and even Ma On Shan Country Park



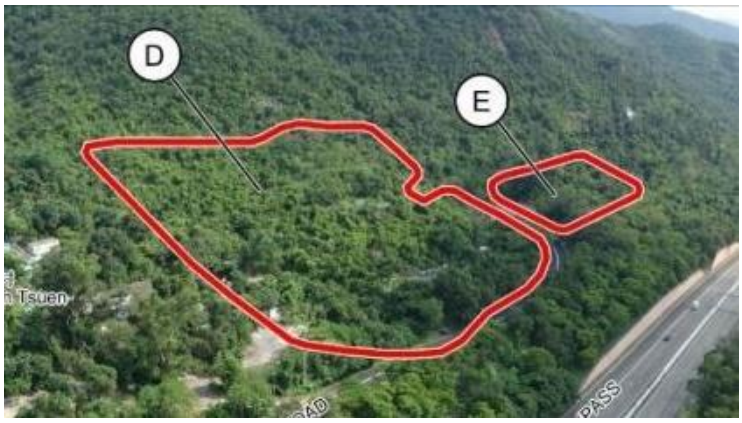
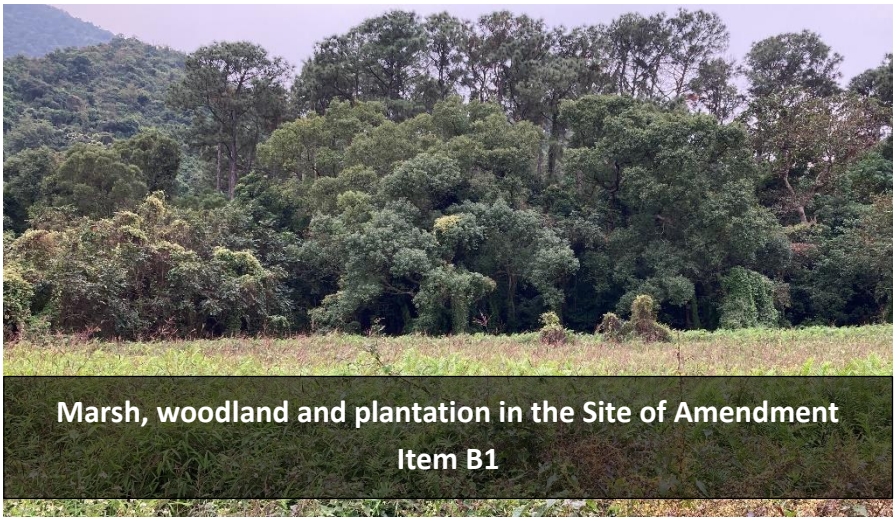


Figure 2. In our site inspection in December 2020, the seven GB rezoning sites are well-vegetated. The natural features within these GB zones are <u>well-performing the functions as a buffer between high-intensity town development and Country Park.</u>



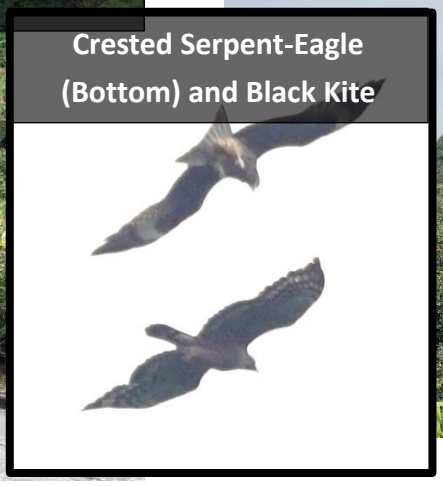
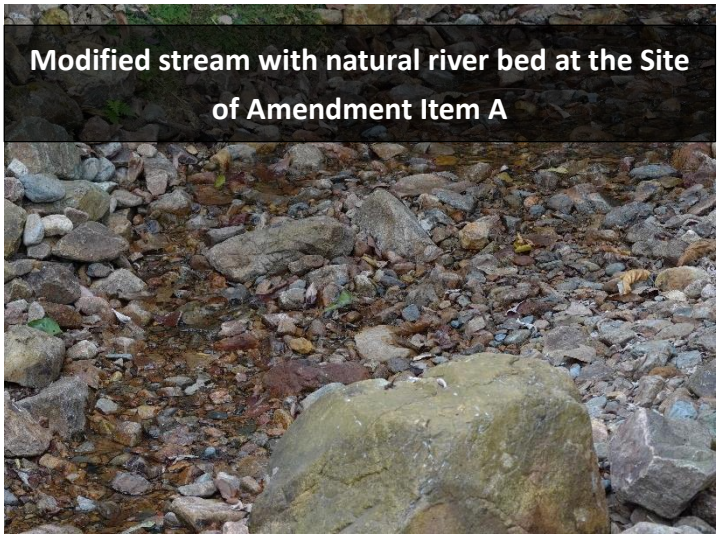
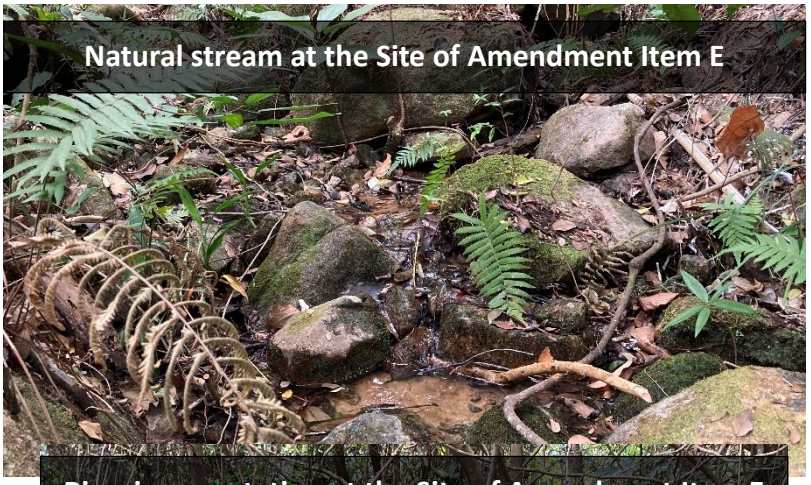


Figure 3. During our site visit, some of the affected streams are natural and have densely vegetated riparian zone. Even for modified streams, most of them retained a natural bottom substrate. The developments would pose direct impacts on both the streams and their riparian vegetation.

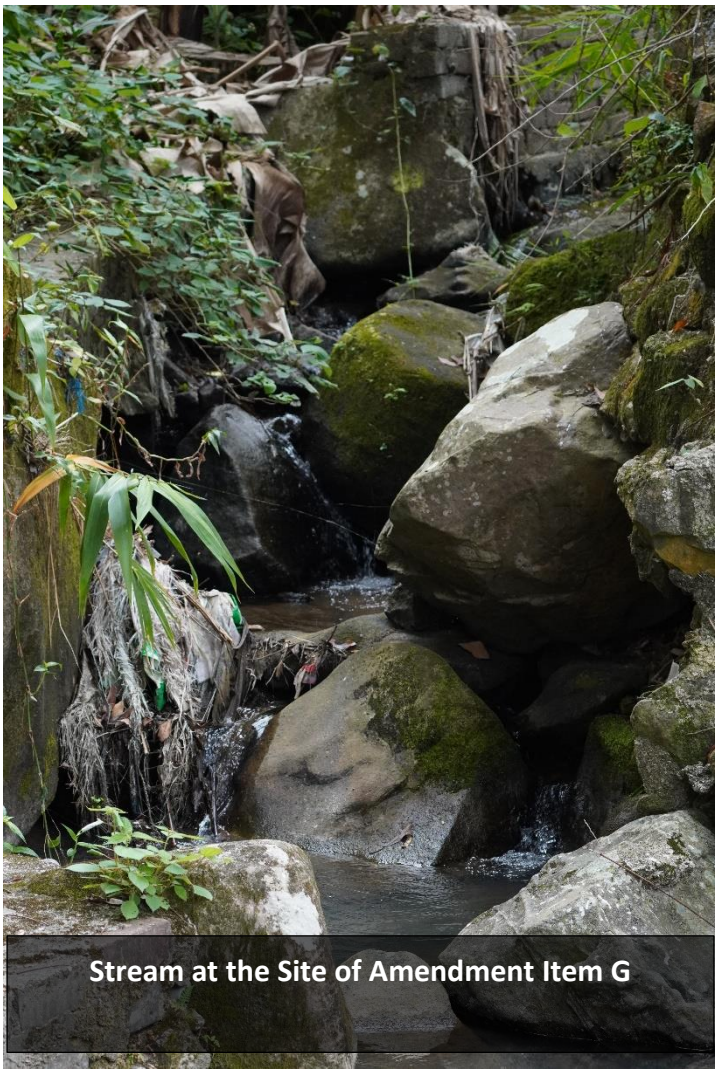


Modified stream with natural river bed at the Site of Amendment Item A

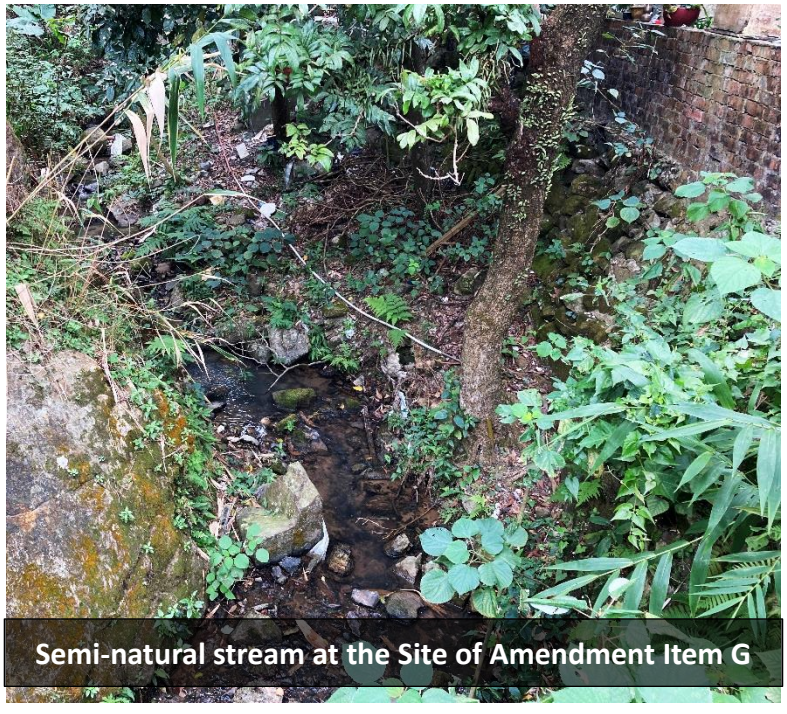


Natural stream at the Site of Amendment Item E

Riparian vegetation at the Site of Amendment Item E



Stream at the Site of Amendment Item G



Semi-natural stream at the Site of Amendment Item G

Figure 4. A high variety of habitats were recorded in the FPES reports, which include Woodland, Plantation, Developed Area and Stream/Watercourse, Open Field and Marsh.

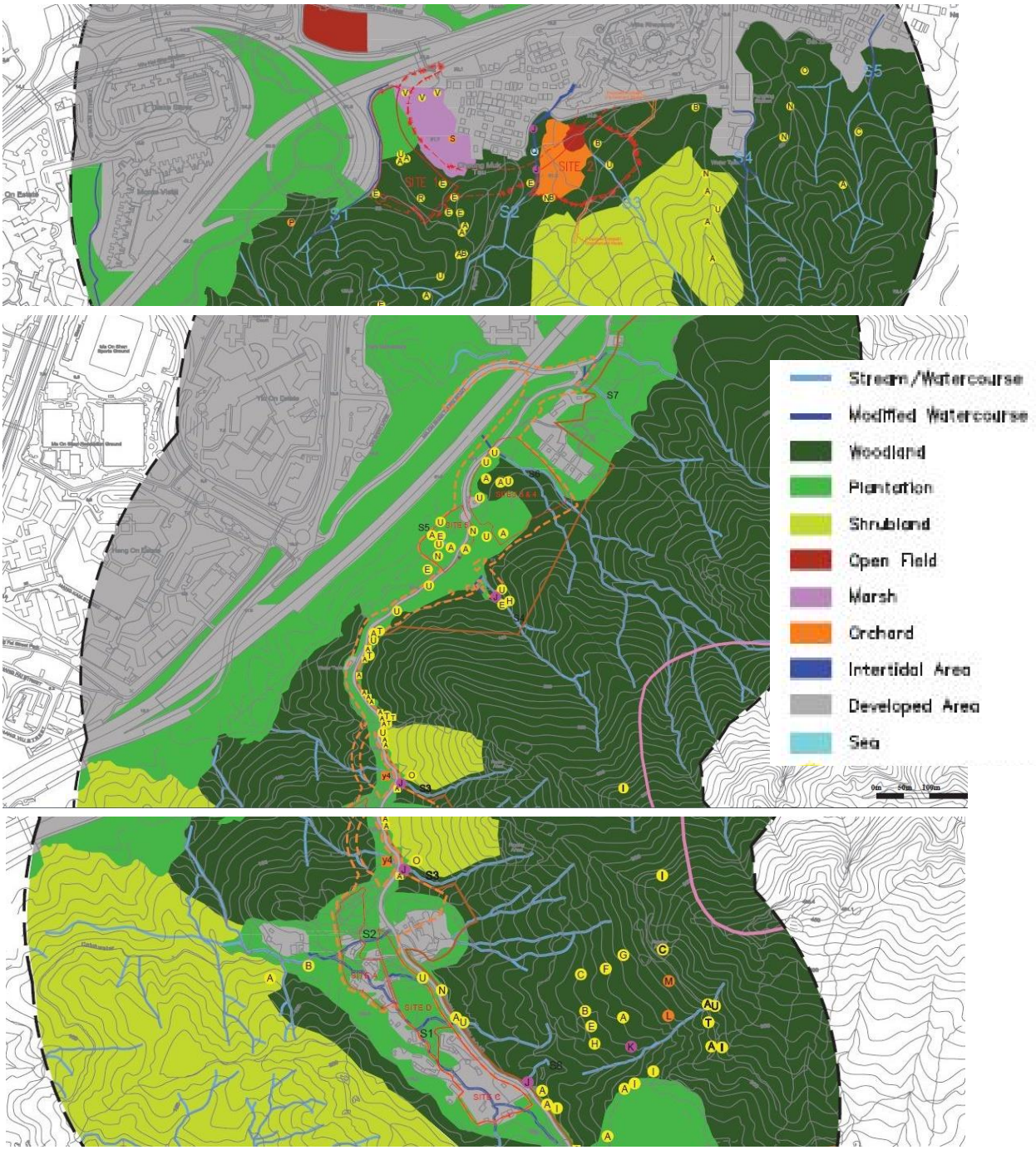


Figure 5. For Amendment Item G, paragraph 2.2 of the RNTPC Paper No. 6/20 stated "*the proposed development with maximum BH (building height) of 250mPD will be lower than the existing average ridgeline of the Ma On Shan Mountain, allowing about 60% of height buffer to preserve the ridgeline and hence will not adversely affect the integrity of the Ma On Shan ridgeline*". We consider such statement is **misleading**, as the highest point of the ridgeline (i.e. Ma On Shan) is used in the calculation of the height buffer. In fact, the proposed high-rise buildings (from ground level 140mPD to building top 250mPD) would have **significant adverse visual impacts on the surrounding ridgelines including Tiu Shau Ngam, The Hunch Backs (Ngau Ngak Shan) and Ma On Shan.**

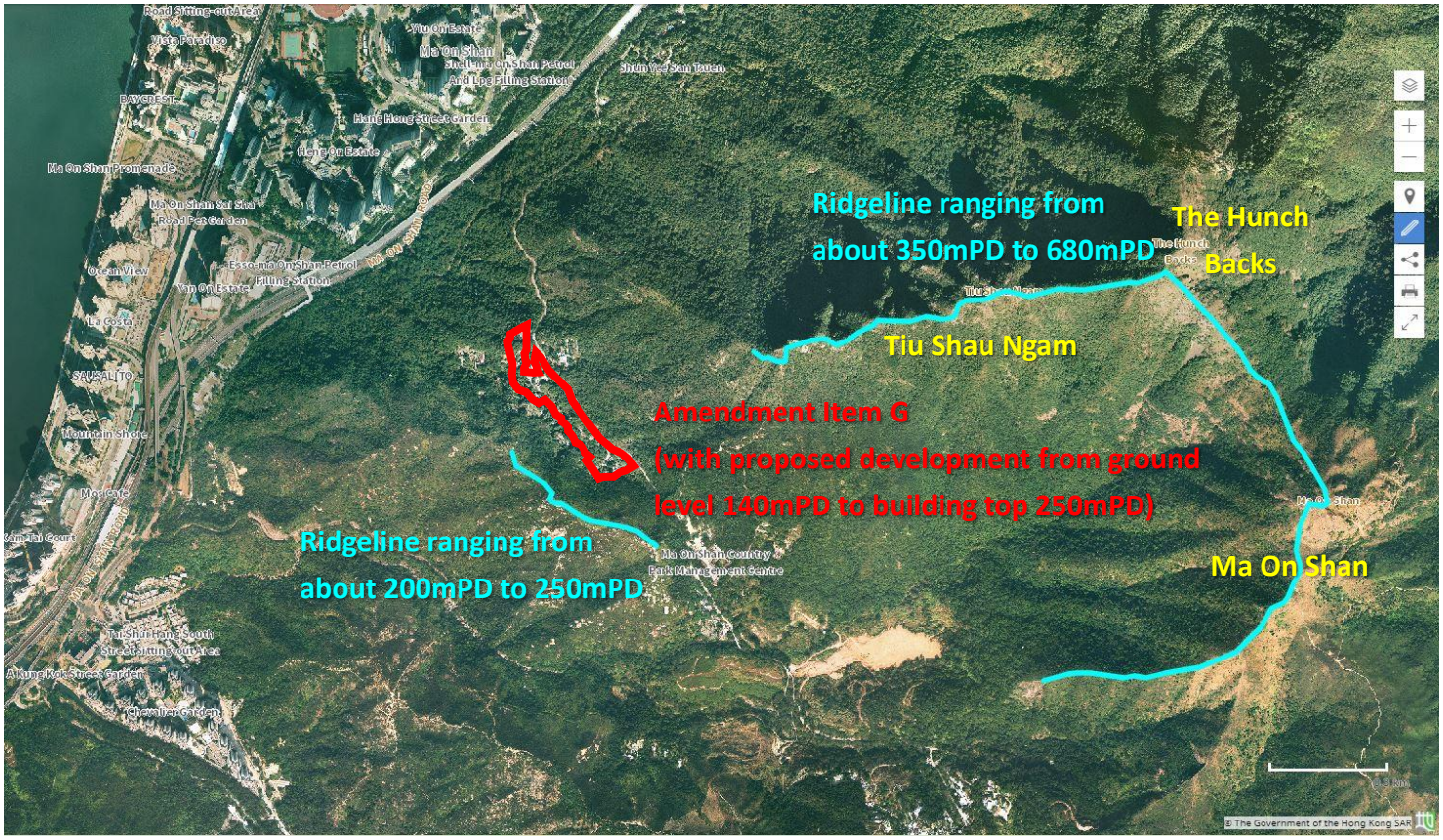


Figure 6. The photomontage for Amendment Item G in the FPES reports clearly indicates the **significant destruction to the natural landscape and ridgeline of the hills in the background** caused by the proposed high-rise buildings.