HKBWS 香港觀鳥會

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People and birds living in harmony as nature continues to thrive

Secretary, Town Planning Board
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By email only

8 May 2024

Dear Sir/Madam,

Comments on the Draft Mai Po & Fairview Park Outline Zoning Plan No. S/YL-MP/7

The Deep Bay (also known as Shenzhen Bay) wetland system, including San Tin fishpond wetlands which is situated in the core of the whole system, is a valuable and unique coastal wetland resource in the Guangdong-Hong Kong-Macao Greater Bay Area. Hong Kong has the responsibility to protect the integrity and biodiversity of the wetland, safeguarding the important ecological corridor for migratory birds, so as to align with the objectives of the 'Outline of the 14th Five Year Plan for National Economic and Social Development of the People's Republic of China and the Long-Range Objectives Through the Year 2035' (the National 14th Five-Year Plan) and the planning principles of the Greater Bay Area, as well as to assist China in fulfilling the obligations under the Convention on Biological Diversity and the Ramsar Convention.

The Hong Kong Bird Watching Society (HKBWS) would like to express the following planning and ecological concerns in relation to the Draft Mai Po & Fairview Park Outline Zoning Plan No. S/YL-MP/7 (the Draft MPFP OZP).

1 Absence of scientifically sound ecological study to support the planning intention of OU(WCP)

1.1 According to the Notes and Explanatory Statement of the Draft MPFP OZP, about 328 ha of the proposed Sam Po Shue Wetland Conservation Park (SPSWCP). The Government will "*enhance the ecological function and capacity of 288 ha of wetlands and fisheries resources of 40 ha of fishponds with active conservation management and modernized aquaculture to*

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compensate for the loss of wetland habitats and fisheries resources arising from the development of STLMC area and to achieve no-net-loss in ecological function and capacity of the wetlands concerned". 348.63 ha of the WCA is proposed to be rezoned to "Other Specified Uses" zone annotated "Wetland Conservation Park" (OU(WCP)), which has a planning intention "*to compensate for the impact on ecological and fisheries resources arising from the development of the San Tin/Lok Ma Chau area of the San Tin Technopole*".

1.2 The above statement and zoning are largely based on the Environmental Impact Assessment (EIA) Report for "First Phase Development of the New Territories North – San Tin/Lok Ma Chau Development Node" (the Study) commissioned in October 2021. Meanwhile, the area of the SPS WCP is proposed in the "Strategic Feasibility Study on the Development of the Wetland Conservation Parks System under the Northern Metropolis Development Strategy" (WCP Study).

1.3 However, the WCP Study was not completed nor published before the gazettal of the Draft MPFP OZP and the Draft STT OZP on 8 March 2024 and the end of this public inspection period on 8 May 2024. Moreover, the EIA Report has not yet been approved under the EIA Ordinance. It is doubted if the Town Planning Board (TPB) can properly consider all the environmental impacts aroused from the development, so as to decide whether the current provision of zoning is sufficient to compensate for the enormous ecological impacts at this plan-making stage.

1.4 We would also like to highlight that the said EIA Report for the Study was incomplete and not scientifically sound. The San Tin Technopole development would cause the largest-scale wetland loss in the past 30 years, but the EIA Report has been the most careless and hasty among the other designated projects involving wetland loss since the EIA Ordinance was in operation. It was found with 29 numbers of errors, mistakes, or missing assessments (refer to Attachment 1 for our full comments on EIA Report). As mentioned in the recent joint statement released by ten green groups including us, at least 35 instances of non-compliance with statutory requirements of the EIA Ordinance were identified (Attachment 2).

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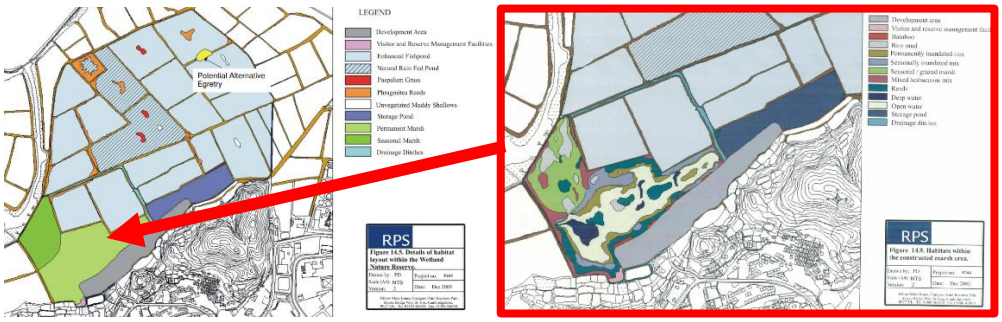
2 The ecological impacts of the establishment of SPSWCP within OU(WCP) should not be overlooked

2.1 It is stated that 10ha will be for eco-education, eco-recreation and eco-tourism facilities, while reserving 40 ha of fishponds for modernised aquaculture and active conservation management. We consider that these uses and facilities would inevitably lead to direct habitat loss, fragmentation of habitats, direct disruption of the corridor for terrestrial animals and avifauna species, off-site impacts including the disturbance associated with further light, noise, human disturbance, etc.

2.2 Moreover, the establishment of SPSWCP will inevitably involve earthworks such as land re-profiling, temporary loss in micro-habitats and changes in habitat composition, resulting in both direct, indirect, permanent and temporary impacts on the wildlife. We are concerned a significant reduction in carrying capacity of the SPSWCP is also anticipated.

2.3 However, unlike the EIA for the previous wetland development like Fung Lok Wai or Nam Sang Wai, the EIA Report for San Tin Technopole did not present any detailed wetland management proposal for the SPSWCP, and it also did not conduct environmental and ecological impact assessments for the development of the SPSWCP.

Fung Lok Wai development in 2006



San Tin Technopole development in 2024



2.4 The potential impacts of construction and operation of visitor center facilities and infrastructure within the OU(WCP) are unknown. We therefore consider the EIA Report is simply invalid and incapable to provide strong justification and scientific grounds for the Draft MPFP OZP and STT OZP. Given the absence of a complete and high-quality EIA report and also the absence of a detailed wetland creation and management plan, we consider the approval of the Draft MPFP OZP would violate procedural justice and is lacking scientific grounds.

We respectfully request a revision the proposed amendments A1 and B in the "Mai Po and Fairview Park Outline Zoning Plan", by rezoning "Other Specified Uses" zone annotated "Wetland Conservation Park" to conservation-related zonings, or modifying the planning intention and the permitted uses in Column 1. It is to ensure the important wetland conservation principles of "protecting the integrity of wetland ecosystems", "precautionary approach" and "no-net-loss in wetland" are incorporated in the statutory planning intentions. Also, it is also to ensure the developments and infrastructure that may have adverse impacts on wetlands, such as "on-farm domestic structure", are not under Column 1 uses and are subject to strict scrutiny by the Town Planning Board.

Thank you for your kind attention and we hope that the TPB will take our comments into consideration.

Yours faithfully,
The Hong Kong Bird Watching Society

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