

Secretary, Town Planning Board  
15/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
(E-mail: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk))

By email only

19 December 2019

Dear Sir/Madam,

**Comments on the planning application for the proposed Amendment(s) to rezone the application site from "Agriculture" to: Option 1 - "Residential (Group C)"; or Option 2 - "Other Specified Uses" annotated "Residential Development with Public Transport Interchange" at Lam Tsuen, Tai Po (Y/NE-LT/2)**

Lam Tsuen Valley is a birding hotspot with bird records dating back to the 1950s<sup>1</sup>. It is well-known for farmland, forest and woodland edge birds. The application site was originally good quality agricultural land but was destroyed by extensive land filling in the early 2000s. The Hong Kong Bird Watching Society (HKBWS) objects to the rezoning planning application based on the following reasons.

**1 Not in line with the planning intention of the "Agriculture" (AGR) zoning**

- 1.1 The application site is located within the AGR zone, where the planning intention is *"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"*.
- 1.2 Based on the Google Earth aerial photograph in 2018 (Figure 1), most of the site is vegetated while active farmlands are found at the northeastern and southeastern parts of the site. Moreover, the site photos taken recently also reveal that there are active farmlands clustering at and near the application

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<sup>1</sup> The Hong Kong Bird Report 1958 by HKBWS. Available at:  
[http://www.hkbws.org.hk/web/chi/documents/bird\\_report/1958\\_birdreport\\_protected.pdf](http://www.hkbws.org.hk/web/chi/documents/bird_report/1958_birdreport_protected.pdf)

site in She Shan Tsuen area (Figure 2).

- 1.3 Therefore, we consider that the site has high potential for farmland rehabilitation and should be retained as AGR zoning in order to retain arable land for agricultural uses. However, the proposed residential development would lead to a direct and irreversible loss of arable land and is not in line with the intention of AGR to retain land for agricultural purposes. Therefore, we urge the Town Planning Board (Board) to reject this rezoning application.

## **2 The rezoning proposal is not well-justified**

- 2.1 According to the planning justification provided by the applicant, the site is considered as having low potential for farmland rehabilitation as *“the Application Site has been left idle and under-utilized for decades”* and *“the Ecological Impact Assessment has indicated that the majority of the land has low potential for rehabilitation to agricultural cultivation.”* The applicant therefore claimed that the site should be rezoned to development zoning in order to better utilize this *“under-utilized”* land.
- 2.2 However, we consider the above justification as inappropriate. Referring to the Google Earth aerial photograph in 2018 (Figure 1), there are active farmlands found at some parts of the site. Moreover, active farmlands are also found clustering near the application site within She Shan Tsuen area. We consider that the site has high potential for farmland rehabilitation and should be utilized for agricultural purposes. However, the applicant as the land owner of the site seems to leave the site idle instead and under-utilized for decades. Therefore, the justification for rezoning the AGR land to other development zonings is simply inadequate.

## **3 The Town Planning Board should not encourage “destroy first, build later”**

- 3.1 According to decision made for the rezoning application (No. Z/NE-LT/1) in March 2000, *“the subject site comprised agricultural land of good quality which was worthy of preservation and fallow agricultural land which had good potential for rehabilitation since it was well served by infrastructure. The AGR zoning of the subject site was considered appropriate”*. This statement reflects the site was a good quality farmland in 2000. However,

there was extensive land filling of agricultural land at the site from 2003 to 2005 referring to the news<sup>2</sup>.

- 3.2 From Google Earth aerial photographs and the aerial photo extracted from Hong Kong Map Service 2.0, landscape changes including site clearance and extensive land filling were seen at the application site between 2002 and 2005 (Figure 3). This is “destroy first, build later”.
- 3.3 We are concerned the approval of the current application would further legitimize the current misuse of the AGR zone, leading to the promotion of “destroy first, develop later” attitudes among landowners in the locality. As the Board has suggested that *“the Board 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> We urge the Board to reject this application.

#### **4 Set an undesirable precedent to the future development**

- 4.1 There are diverse habitats of conservation importance in Lam Tsuen area, such as farmlands, Fung Shui woodland, and river courses, which provides suitable foraging habitats for both residents and migratory birds. We are concerned the approval of this application will set an undesirable precedent to the future similar applications within the AGR zone, which would lead to further loss in both active and fallow agricultural lands, and cumulative adverse ecological and environmental impacts on the Lam Tsuen area.
- 4.2 Moreover, the Board rejected the previous rezoning application at the site to rezone the site from AGR to "Comprehensive Development Area" or "Residential (Group C)" because it *“would set an undesirable precedent for other similar proposals in the area which would result in loss of good quality agricultural land and there would be cumulative impacts on the existing and planned infrastructure as well as the rural character of the area.”*
- 4.3 As there are active agricultural land at and near the site currently, we consider the above concerns of setting undesirable precedent for other

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<sup>2</sup> <https://hk.news.appledaily.com/local/daily/article/20130513/18258191>

<sup>3</sup> TPB Press Release. Available at:  
<http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

similar proposals are still valid. Meanwhile, the approval of the current application would also legitimize “destroy first, build later” and nullify the statutory planning control mechanism. Therefore, we urge the Board to reject this rezoning application in order to protect AGR zone and the existing agricultural cluster from any development threats.

## **5 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 (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 particular<sup>4</sup>. Given AFCD’s mission to conserve natural environment and safeguard the ecological integrity<sup>5</sup> and the proposed development is not in line with the planning intention of the statutory zoning, 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.

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<sup>4</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>5</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)

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  
Assistant 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 Google Earth aerial photograph in 2018 reveals that most of the site (marked with red line) is vegetated while active farmlands are found at the northeastern and southeastern parts of the site. We consider that the site has high potential for farmland rehabilitation and should be retained as AGR zoning in order to retain arable land for agricultural uses. However, the proposed residential development would lead to a direct and irreversible loss of arable land and is not in line with the intention of AGR to retain land for agricultural purposes.



**Figure 2.** The site photos taken recently reveal that there are active farmlands clustering at and near the application site in She Shan Tsuen area. We are concerned the approval of this application will set an undesirable precedent to the future similar applications within the AGR zone, which would lead to cumulative adverse ecological and environmental impacts on the Lam Tsuen area and it would also nullify the statutory planning control mechanism. Therefore, we urge the Board to reject this rezoning application in order to protect AGR zone and the existing agricultural cluster from any development threats.



**Figure 3.** The Google Earth aerial photograph in 2002 and the aerial photo extracted from Hong Kong Map Service 2.0 in 2005 reveal that landscape changes including site clearance and extensive land filling were seen at the application site (marked with red line) between 2002 and 2005. This is “destroy first, build later”. We are concerned the approval of this application will set an undesirable precedent to the future similar applications associated with “destroy first, build later” within the AGR zone and nullify the statutory planning control mechanism.

