



Civil Engineering and Development Department
New Territories North and West Development Office
9/F., Sha Tin Government Offices
No. 1 Sheung Wo Che Road
Sha Tin, New Territories, Hong Kong.
(E-mail : paulng@cedd.gov.hk)

香港觀鳥會
THE
HONG
KONG
BIRD
WATCHING
SOCIETY

國際鳥盟準成員
BirdLife Partner Designate

Planning Department
Strategic Planning Section
16/F, North Point Government Offices,
333 Java Road, North Point, Hong Kong
(E-mail: sppd@pland.gov.hk)

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Dear Sir/Madam,

The proposed Lok Ma Chau Loop Development is unacceptable in planning and environmental aspects

The Hong Kong Bird Watching Society (HKBWS) would like to raise our objection to the proposed Lok Ma Chau Loop (LMC Loop) development on the grounds that it is unacceptable in environmental impacts and planning aspects, and would set as a dangerous precedent for developments in the Deep Bay area. We would also like to raise our concerns on the unsatisfactory nature of the public consultation.

Background and ecological sensitivity of the Lok Ma Chau Loop

1. The Lok Ma Chau Loop was formerly a fishpond area until our Government and the Shenzhen Government agreed to fill the ponds with toxic mud from the Shenzhen River. It forms an integral part of the internationally important Deep Bay ecosystem, in serving as an ecological corridor between the core area of Deep Bay and as the fishponds at Hoo Hok Wai. The wetlands surrounding the loop have “*very high ecological value*”¹;

¹ <http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0224cb1-816-6-e.pdf>

2. The LMC Loop “*has no basic infrastructure*”¹;
3. The LMC Loop is located within the Frontier Closed Area (FCA). It is very similar to other areas in the FCA, including the development constraints which are present in nearly the whole FCA. HKBWS is deeply concerned it has been excluded from the FCA study. The environmental impacts of the LMC Loop at the strategic level have not been taken into account. For example, the eastern connection road of the proposed LMC Loop development has not been well studied in the FCA study which considers environmental impact at the strategic level;
4. The government has confirmed on numerous occasions that the planning of the LMC Loop would be based strictly on Hong Kong law and existing practice and planning intention for the Deep Bay Area and the Planning Standards and Guidelines (HKPSG).

Violation of Hong Kong Planning Standards

5. According to Chapter 9 of the HKPSG, “*the Government's overall policy objectives for environmental planning are: (a) **to avoid creating new environmental problems** by ensuring the consequences for the environment are properly taken into account in site selection, planning and design of all new developments...*”²
6. According to Chapter 10 of the HKPSG, “***intrusion of urban development into otherwise scenic and undeveloped areas must be either prevented or ameliorated**”³;*
7. Due to the development constraints of the LMC Loop, It has limited carrying capacity for development. According to Chapter 9 the HKPSG, “*The environmental suitability of a site for a certain land use is governed by such factors as: (a) **natural environmental characteristics** including topography, climate, **hydrological and hydrographical characteristics**, vegetation, **wildlife and habitat**, and soil conditions; (b) the nature, distribution and consequences of the residuals including aerial emissions, wastes, sewage or noise generated by*

² Hong Kong Planning Standards and Guidelines, Chapter 9, Section 2.1

³ Hong Kong Planning Standards and Guidelines, Chapter 10, Section 3.4.3

land uses in the development area; (c) **the capacity of the environment to receive additional developments**, for example, the capacity of an airshed or water basin to receive and assimilate residuals or the capacity of the environment infrastructure such as sewerage and waste reception facilities to accommodate further residuals; and (d) **existing land uses**⁴;

8. The proposed development is not in line with the Hong Kong Planning Standards and Guidelines, as it would introduce “**new environmental problems**” (listed in the later part of this submission), “**intruding undeveloped areas**”, and is exceeding the carrying capacity of the area (as seen in the proposed connection road that needs to be built on ecologically sensitive fishponds). This indicates that **the LMC loop is environmentally unsuitable for developments that require large gross floor area / development density**;

9. The unprecedented plot ratio of 1.37 and high development density is unjustified and unacceptable in rural planning of Hong Kong. The concern of development density and environmental impacts has been repeatedly raised in various occasions including the HK2030 study⁵ and earlier stages of the LMC Loop consultation. This project breaks the precedent of limiting development in this area to a plot ratio of 0.4.;

10. The proposed development has a much higher plot ratio than any developments in the Deep Bay area, and is much higher than CUHK and HKUST which are also located in rural areas. Despite repeated requests from HKBWS, the authority has provided no justifications for such a high plot ratio in a site that is an integral part of the ecologically sensitive Deep Bay Wetlands;

Development in Deep Bay / rural universities	Plot ratio (indicated in OZPs or in development proposals)	Area (hectares)
Fung Lok Wai	0.185	81.7
Nam Sang Wai and Lut Chau	0.4	121.2 + 55.4
Lin Barn Tsuen	0.4	17.1
Wo Shang Wai	0.4	23.6
CUHK	About 0.3	About 137

⁴ Hong Kong Planning Standards and Guidelines, Chapter 9, Section 2.2.2

⁵ http://www.pland.gov.hk/pland_en/p_study/comp_s/hk2030/chi/con_digest/stage3consultation/stage3_fm/FCA.pdf

HKUST	About 0.3	About 60
Lok Ma Chau Loop	1.37	96

Table 1. Development scales of potential developments in Deep Bay area allowed by OZPs and existing tertiary institutes in rural locations.

Source: <http://www.ugc.edu.hk/eng/ugc/publication/report/hervw/ch15.htm>,
<http://www.ozp.tpb.gov.hk/default.aspx>
<http://www.legco.gov.hk/yr08-09/english/panels/dev/papers/dev0224cb1-816-6-e.pdf>
<http://www.cuhk.edu.hk/english/campus/environmental-protection.html>
<http://join.ust.hk/learning-ust/facilities/>

11. According to the Study Brief for the project, the development should consider “*avoidance or minimization of **development footprint** on any identified ecological sensitive areas, **restriction in the development intensity and building height**, preservation and/or establishment of ecological corridors and buffer zones...*”⁶. These have not been reflected in the current stage of public consultation. As the Environmental Impact Assessment (EIA) report has not been finalized and published, HKBWS is deeply concerned that the current proposed development / layout / density at this stage has not taken the findings of the Environmental Impact Assessment into account, and the minor amendments in the proposed development made in the recent stage are not based on scientific findings;
12. The consultants in the briefing session stated that two higher education institutions are being planned at the moment but has not provided detailed reasons on planning and environmental grounds why it is not possible to reduce the development footprint and environmental impact by reducing the number of institutions;
13. The above indicates that many aspects of the proposed development are unjustified, and local planning standards have been disregarded.

Environmental Impacts

14. The LMC loop is an important ecological corridor for wetland-dependant birds and mammals. According to the presentation by the consultants at the briefing session on 13 June 2012, although higher densities of flight-lines observed are

⁶ ESB-238, Section 3.4.13.4(ix)

located in the meander, 45% of all the flight-lines are located within the development footprint. Under the basic principles of the EIA, these impacts should be avoided at first place⁷, and new environmental problems should be avoided according the Hong Kong Planning Standard and Guidelines;

15. The government claimed that the minor reduction of no. of storeys aims to reduce the impact on flight paths of migratory birds (according to Technical Reports⁸ and reported by various newspapers). However, following an enquiry by the HKBWS, the consultants at the briefing session on 13 June 2012 replied that such a reduction is aiming to reduce visual impact. The consultants cannot provide the exact figure of percentage of flight lines that could be avoided by such a reduction but remarked that such a reduction is insignificant in avoiding flight-paths. **HKBWS is deeply concerned about the potentially misleading information delivered to the public via the media and Technical Reports;**

16. The construction of Eastern Connection Road would lead to loss of ecologically sensitive fishponds and increase habitat fragmentation in Hoo Hok Wai. It should be noted that habitat fragmentation can hardly be mitigated. The eastern connection road would also lead to increased development pressure, as articulated in P.24 of the Public Engagement Digest in stage 2 consultation, and intensified habitat destruction/disturbance, such as fly-tipping etc. This indicated that the proposed development maybe exceeding the carrying capacity of the area and a comprehensive study on the carrying capacity should be carried out before determining the land uses;

17. The loss of flood capacity due to the proposed development, i.e. increased flooding risk of the areas surrounding the loop, has not been taken into account. There will be a total net loss of floodwater mitigation by replacing an area that can absorb rainwater and floodwater with an area that will contribute greater surface run-off;

18. HKBWS is deeply concerned that the HKSAR Government is using the LMC Loop development as an experimental development to test the tolerance of the Deep Bay Ecosystem.

⁷ EIAO-TM, ANNEX 16, Section 5.4

⁸ http://www.lmcloop.gov.hk/pdf/TR4/TR4_Abridged_Eng.pdf

Not in line with the Convention on Biological Diversity

19. The Convention on Biological Diversity (CBD) has been extended to Hong Kong and we should endeavour to promote biodiversity conservation according to the targets set up by the CBD;

20. the text of CBD states that:

- “Promote **environmentally sound and sustainable development** in areas adjacent to protected areas with a view to **furthering protection of these areas**”⁹;
- “Adopt measures relating to the use of biological resources to **avoid or minimize adverse impacts** on biological diversity”¹⁰;

21. The Strategic Plan and the Aichi Biodiversity Targets states that:

- “By 2020, the rate of loss of all natural habitats, including forests, is at least halved and where feasible brought close to zero, and **degradation and fragmentation is significantly reduced**”¹¹;
- “By 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, **ecologically representative and well connected systems of protected areas** and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes”¹¹
- “Taking **action now to decrease the direct pressures on biodiversity**”¹²;
- “Continuing direct action to safeguard and, where necessary, restore biodiversity and ecosystem services”¹²;

22. The proposed LMC Loop development is running to the opposite direction of the objectives of the CBD, which has not avoided adverse impacts (e.g. affecting flight paths and loss of wetlands due to the eastern connection road), increasing habitat fragmentation and development pressure to the nearby ecologically sensitive area.

⁹ <http://www.cbd.int/convention/articles/?a=cbd-08>

¹⁰ <http://www.cbd.int/convention/articles/?a=cbd-10>

¹¹ <http://www.cbd.int/sp/targets/>

¹² <http://www.cbd.int/decision/cop/?id=12268>

Public consultation lacks transparency

23. The above concerns have been raised repeatedly by HKBWS and other green groups in earlier stages and HKBWS is disappointed that most of them have not been addressed.
24. HKBWS highly appreciates meetings with other stakeholders for more discussions and exchange of ideas. HKBWS is happy to deliver a presentation to explain our concerns on the project to other stakeholders, especially with those who call for higher development densities. A public forum would be one of the useful activities for this purpose; **The public forum at the 1st stage received considerable attendance from the public.** A public forum in stage 2 is initially planned by the authority on 7 July was then cancelled without giving concrete and sound reasons. The details and reply slip was removed from the webpage few days after the start of the stage 2 public consultation. **Most of the public are therefore not aware of any public forum in 2nd stage;** However, HKBWS received a reply stating that the forum is cancelled “taking into account the public feedback received so far”, one day before the scheduled date of the forum, despite that HKBWS has requested a proper public forum during the briefing session on 13 June 2012;
25. HKBWS and other green groups have requested more detailed information such as full reports and the findings of the ecological assessment. While the departments have provided the technical reports (excluding the sensitive information as stated by the departments), we are not able to obtain the most updated findings of the ecological assessment for making more comprehensive comments on the development density and layout;
26. There is no public access to the site and the government departments have not organised site visits for concerned stakeholders and general public. HKBWS is concerned that the public consultation lacks transparency.

Thank you for your attention.

Yours faithfully,

Cheng Nok Ming
Conservation Officer
Hong Kong Bird Watching Society

cc. Director of Planning
Director of Civil Engineering and Development
Secretary for Development
Conservancy Association
KFBG
WWF-HK