

Secretary, Town Planning Board
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香港觀鳥會
THE
HONG
KONG
BIRD
WATCHING
SOCIETY

Since 1957 成立

20 Dec 2013

Dear Sir/Madam,

Objection on planning application for Proposed Comprehensive Development with Wetland Enhancement as well as Filling of Land/Pond and Excavation of Land at Nam Sang Wai, Yuen Long (A/YL-NSW/218)

The Hong Kong Bird Watching Society (HKBWS) would like to raise an objection to the planning application for a Proposed Comprehensive Development with Wetland Enhancement (including house, flat, wetland enhancement area, nature reserve, visitors centre, social welfare facility, shop and service) as well as Filling of Land/Pond and Excavation of Land (A/YL-NSW/218) under Section 16.



國際鳥盟準成員
BirdLife International
Partner Designate

1 “Comprehensive Development and Wetland Enhancement Area” and “Wetland Conservation Area”

The proposed residential development site is located within the “other specified uses/Comprehensive Development and Wetland Enhancement Area” (OU/CDWEA) of the Nam Sang Wai (NSW) Outline Zoning Plan (OZP) where, *“the ecological value of the existing continuous and contiguous fish ponds should be conserved and the ‘precautionary approach’ and ‘no-net-loss in wetland’ principle shall apply”*¹. The site is located within an ecologically sensitive area around Mai Po Marshes and Inner Deep Bay near the Ramsar Site and is zoned as part of the Wetland Conservation Area (WCA) under the TPB PG-NO. 12B where the planning intention is to, *“conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area [...] Land uses in WCA should be devoted to conservation management of the wetland areas such that the integrity of the habitat should be maintained to avoid disturbance and/or fragmentation”*.² The proposed development is not in line with the planning intention of the OU/CDWEA zone of the NSW OZP, nor does it fulfill the “no-net-loss in wetland” principle.

¹ Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8

² Town Planning Board PG-No. 12B – Town Planning Board Guidelines for Application for Developments within the Deep Bay Area Under Section 16 of the Town Planning Ordinance

2 Ecological impacts arising from the development

2.1 Direct loss of reedbed habitat of high ecological value

The development would result in a loss of undisturbed reedbed of high ecological value where bird species of conservation interest including Purple Heron (*Ardea purpurea*), Yellow Bittern (*Ixobrychus sinensis*), Eurasian Bittern (*Botaurus stellaris*), Eastern Marsh Harrier (*Circus spilonotus*) and Chinese Penduline-tit (*Remiz consobrinus*) has been recorded³ (Figure 1).

2.2 Great Cormorants night roosts

Nam Sang Wai is a regionally important roosting site for Great Cormorants (*Phalacrocorax carbo*) and supports 30-60% of the Deep Bay population⁴. In January 2013, the HKBWS recorded 6035 individuals of Great Cormorants at NSW which was about 6% of the regional population⁵ (Figure 2). If any construction works are to be undertaken during their wintering months, it could lead to the total abandonment of this important night roost. Based on the development plan construction works are located nearby these roosts and some portions being located directly where some night roosts currently exists. We are also concerned about the operational phase impacts to this night roost. The various types of disturbances from the development including visual impacts, noise impacts and light pollution would undoubtedly displace these birds from roosting at NSW.

2.3 Tung Shing Lane egretty

The Tung Shing Lane egretty supports 7.3% of the total number of nests recorded in Hong Kong and is located approximately 1.5 km south of the development site⁶. Flight lines of egrets and herons could be affected by the development and the loss of wetlands would lead to less available foraging areas for breeding egrets and herons. The HKBWS is concerned that the development could lead to reduction in breeding success and may lead to the

³ Asia Ecological Consultants (2013). Proposed Comprehensive Development with Wetland Enhancement at Nam Sang Wai and Lut Chau Job Ref.: 11/491/206A KHI-NSW – Ecological Impact Assessment.

⁴ According to January counts of roosting Great Cormorant 2005-2013. The number of roosting Great Cormorants in Nam Sang Wai ranges from 3030 to 6035 while the Deep Bay population ranges from 8736 to 11144.

⁵ Anon 2013. Winter 2012-2013 Report on Waterbird Monitoring at the Mai Po Inner Deep Bay Ramsar Site. Report by Hong Kong Bird Watching Society to the Agriculture, Fisheries and Conservation Department, Hong Kong SAR.

⁶ Anon 2013. Summer 2013 Report: Egretty Counts in Hong Kong with particular reference to the Mai Po Inner Deep Bay Ramsar Site. Report by Hong Kong Bird Watching Society to the Agriculture, Fisheries and Conservation Department, Hong Kong SAR.

abandonment of the site.

2.4 Waterbirds in the adjacent Kam Tin River

The Kam Tin River adjacent to the east side of the development site is tidally influenced and sedimentation has taken place over time to create a layer of natural muddy substrate which provide a suitable foraging ground for waterbirds as well as the establishment of mangrove patches along the river banks. Due to the presence of suitable foraging ground and the close proximity to other similar habitats nearby (i.e. Mai Po and Inner Deep Bay) waterbird species and ardeids of conservation importance and globally important species like the endangered⁷ Black-faced Spoonbill (*Platalea minor*) have been recorded foraging and roosting at Kam Tin River. The noise disturbances arising from the construction of the development would displace birds away from foraging at Kam Tin River. During the operational phase, disturbance arising from increased human activity and road traffic would also discourage birds from utilizing this area.

2.5 Loss of wetland habitat from an ecological standpoint

The water between the rows of houses and the portion of proposed retained/created reedbed directly adjacent to the residential development should be calculated as wetland loss under the “no-net loss of wetland” principle (Figure 3). These areas will experience high levels of human disturbances and will not provide suitable habitat for sensitive bird species. Any fauna found at these areas would be strictly limited to disturbance-tolerant species of low ecological value which would not be equivalent to the current ecological value of NSW. The HKBWS would like to highlight the significant ecological differences between wetland of low value and high value. These two types of wetlands should not be compared on a like-to-like basis especially with it is applied to the “no-net-loss of wetland” principle. Furthermore, the areas of the reedbed and mangrove area that will suffer from disturbance impacts during the operational phase should also be calculated as part of the loss of wetland due to its loss of ecological function as a result of the edge effect. Therefore, the area of wetland loss as provided by the applicant can be considered as underestimated from an ecological standpoint.

The proposed residential development on an area with high ecological value

⁷ IUCN Red List of Threatened Species. Version 2013.2 – *Platalea minor* (Black-faced Spoonbill). Available at: <http://www.iucnredlist.org/details/22697568/0>. Accessed on: 13 December 2013.

simply violates the planning intentions of the WCA where, “new development would not be allowed unless it is required to support the conservation of the ecological value of the area of the development is an essential infrastructural project with overriding public interest”.

3 Consideration of cumulative impacts at Nam Sang Wai

Cumulative ecological impacts to the fishponds of Deep Bay area need to be properly and conservatively assessed given that a number of other residential developments have already been proposed in close proximity of the application site. This includes application numbers A/YL-NSW/223, A/YL-NSW/224 and A/YL-NSW/225, all of which are approximately less than 500 m from the application site (Figure 4). The HKBWS is concerned that the cumulative impacts of these developments would have a significant impact to the ecological integrity of the Deep Bay area.

4 Increased size of Wetland Enhancement Area

Under this revised plan, the applicant has increased the size of the Wetland Enhancement Area (WEA) from 55.7 ha to 70.9 ha by including the existing reedbed and mangroves into the WEA⁸. Although the good intentions of the application for including these areas are noted, however they failed to provide details as to what types of management will be undertaken and also how this would contribute to the enhancement of the wetland. Without these justifications, the applicant’s claim to increase the size of WEA would simply be an arbitrary concept.

5 Public-private Partnership arrangement

In exchange for the permission for development within the OU/CDWEA zone, long term conservation and management of the remaining wetland is required to be carried out through the Public-private Partnership (PPP) scheme. Currently, the applicant has not identified the third party organization to carry out the PPP scheme. The HKBWS would like to highlight the importance of the role of this third party organization as an independent overlooking agent with expert knowledge to ensure the 127.7 ha of managed wetland meets the requirements of the OZP, 12B and Chapter 12 planning guidelines that there is “no-net-loss of wetland function” through the means of active management. The applicant continues to fail in demonstrating the long-term conservation and

⁸ Application No. A/YL-NSW/218 Proposed Comprehensive Development within Wetland Enhancement at Nam Sang Wai and Lut Chau, Yuen Long, New Territories. Review Statement – November 2013.

management of the WEA and Lut Chau Nature Reserve in their revised application.

The HKBWS respectfully requests the Town Planning Board to reject the current application under review. Thank you for your attention and consideration.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'J Ho', written in a cursive style.

Jocelyn Ho
Senior Conservation Officer
Hong Kong Bird Watching Society

cc:

Ms. Eva Yau, Nature Conservation Officer (Yuen Long), Agriculture, Fisheries
and Conservation Department

Ms. Lily Chiu, District Lands Officer (Yuen Long), Lands Department