



香港觀鳥會有限公司
THE HONG KONG BIRD WATCHING SOCIETY Limited

認可公共性質慈善機構 Approved Charitable Institution of Public Character

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Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(Email: tpbpd@pland.gov.hk)

18 April 2011

Dear Sir/Madam,

**Objection to the application for proposed Comprehensive Development
in Tin Shui Wai (No. A/TSW/49)**

The Hong Kong Bird Watching Society (HKBWS) would like to raise an objection in the strongest terms to the proposed comprehensive development in Tin Shui Wai (No. A/TSW/49).

1. The proposed project is not in line with the planning intention

- 1.1 The proposed development is located in the Wetland Buffer Area (WBA) according to the Town Planning Board Planning Guidelines TPB-PG No. 12B¹. It acts as an important buffer area between the Hong Kong Wetland Park (HKWP) and urban areas of Tin Shui Wai. The proposed development would cause a deterioration of the function of the site as an important buffer;
- 1.2 The planning intention of the WBA is “to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact”. The proposed development is not in line with the planning intention as it would cause a deterioration of the ecological value of HKWP and Deep Bay Area (refer to below).

2. The proposed project is encouraging developments encroaching into the internationally important Deep Bay wetlands

- 2.1 The planning statement has never mentioned that Tin Shui Wai area was originally

¹ TPB PG-No. 12B, Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance

wetlands (fish ponds)². Contrary to the “no-net-loss of wetland” principle, the applicant (Hong Kong Housing Society), which has been working closely with the HKSAR Government, is now proposing a development on destroyed wetlands without any compensation on wetland area and function. The captioned application if approved would encourage developments encroaching into the internationally important deep bay wetlands, in a way similar to the “Destroy first, Develop later” approach;

- 2.2 It is foreseeable that with such a bad precedent, the whole Deep Bay wetlands would be completely surrounded by undesirable developments in near future. The HKSAR government should take the lead to conserve the Deep Bay wetlands, rather than to destroy it by encouraging developments.

3. The current application is not compatible with the planning guidelines

- 3.1 The TPG-PG no. 12B states that *“The fundamental landuse planning concept for the Deep Bay Area should be the avoidance of loss of fish ponds and habitat fragmentation as well as mitigation of negative impact from undesirable landuses and human disturbance”*¹. The proposed development is not in line with this fundamental concept as such an incompatible land use would introduce large human disturbance to the nearby wetlands;
- 3.2 The TPG-PG no. 12B also suggests that the degraded areas in the WBA, like the project area, can be used to *“provide incentives for restoration of fish ponds”*¹. However, no input of wetland conservation was included in the proposed development but instead threatening the ecological value of HKWP.
- 3.3 There is a water feature of unknown purpose in the proposed design. It shows that there is possibility and available land for wetland restoration of ecological enhancement purpose on the captioned site;
- 3.4 The guidelines states that the “development should be compatible with the surrounding land uses and rural settings of the area”. However, the current proposed development is incompatible with Deep Bay area and nearby HKWP in terms of building density. The proposed plot ratio is too high (1.50) compared to elsewhere in the Deep Bay (no more than 0.40);
- 3.5 The proposed development is also contrary to one of the objectives of HKWP which is to “create a visitor attraction of international status”³ as it create much negative impression to visitors “with special interest in wildlife and ecology”³ when they see a residential development just next to the wetland park;

² Young, L. and Melville, D. S. (1993) *Conservation of the Deep Bay environment*. In: The Marine Biology of the South China Seas, Ibis 139, pp. 211-232.

³ Hong Kong Wetland Park website, available at <http://www.wetlandpark.com/en/aboutus/mission.asp>

- 3.6 It is foreseeable that people living in the proposed residential buildings, especially elderly that are susceptible to respiratory diseases would complain about the high number of birds at HKWP nearby with respect to risk of avian flu. Although the risk of avian flu transmitted by wild birds is extremely low, the cost of relevant departments and HKWP for handling these complaints would be increased;
- 3.7 Together with its ecological impacts, the proposed development is totally incompatible with the surrounding land uses (especially the HKWP).

4. Ecological impacts not comprehensively addressed

- 4.1 The proposed development is abutting the freshwater marsh in HKWP, which is an area closed to visitors and with very limited disturbance (which is not mentioned in the ecological impact assessment). The off-site impact of introduced night and noise pollution on sensitive roosting birds in HKWP have not been comprehensively addressed by the ecological assessment, while the proposed mitigation measures is unlikely to be effective. Roosting birds in the HKWP should be considered as a sensitive receiver of noise, light and landscape impact;
- 4.2 The light impact introduced can hardly be mitigated given the height and visibility of buildings;
- 4.3 Many wetland dependant birds including the Endangered Black-faced spoonbill, egrets and ducks can be seen flying over the project area before landing in HKWP⁴, contrary to the ecological impact assessment findings that the project site is not located on significant flight-lines of birds. It is thus likely that the impact on flight-lines of birds has not been comprehensively addressed by the applicant;
- 4.4 Based on the above, many birds would be affected by altered flight-lines and thus the risk of bird collision is seriously underestimated;
- 4.5 Thus the ecological impact assessment is considered unsatisfactory. The proposed development should not be supported by the Town Planning Board.

5. Support of District Council to designate the area for nature conservation

- 5.1 The Town Planning and Development Committee of the Yuen Long District Council in 2004 agreed that the Tin Shui Wai Area 115 should be designated for nature conservation based on its visual and ecological values, and its importance to the adjoining HKWP⁵ regarding its biodiversity and attractiveness to visitors.

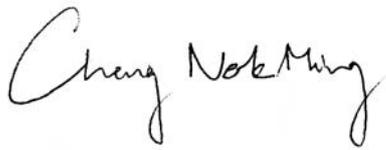
⁴ Cheng Nok Ming's personal casual observations.

⁵ 元朗區議會城鄉規劃及發展委員會二零零四年度第五次會議記錄, 二零零四年十一月十七日(星期三)

Based on the above reasons, HKBWS respectfully requests the Town Planning Board to reject the application in order to avoid setting a bad precedent, and to protect the internationally important Deep Bay Area from inappropriate developments.

Thank you very much for your attention and consideration.

Yours faithfully,

A handwritten signature in black ink that reads "Cheng Nok Ming". The signature is written in a cursive style with a large initial 'C' and a long, sweeping underline.

Cheng Nok Ming
Conservation Officer
Hong Kong Bird Watching Society