



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  
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23 Sep 2011

Dear Sir/Madam,

**Objection to Proposed Comprehensive Residential Development  
in Fung Lok Wai, Lau Fau Shan (A/YL-LFS/224)**

The Hong Kong Bird Watching Society (HKBWS) would like to raise an objection to the Proposed Comprehensive Residential Development in Fung Lok Wai, Lau Fau Shan (A/YL-LFS/224). HKBWS is deeply concerned on various aspects of the proposed development:

**1. Ecological Impacts**

- 1.1. The current proposed project would set as an unwelcomed precedent of allowing residential development inside the Wetland Conservation Area and close to the existing Ramsar Site. The cumulative impact of such would be difficult to estimate and difficult to mitigate.
- 1.2. The ecological impact assessment provided by the applicant has estimated that the habitat loss of birds of conservation interest, due to permanent habitat loss and disturbance, would range from 20.4-51.4 hectares according to species<sup>1</sup>. Although the applicant claims that this is an over-estimation, it should be noted that there is currently no similar example in the Deep Bay area. There is enormous uncertainty in estimating impact of habitat loss, which greatly affects the effectiveness of proposed wetland management.
- 1.3. The impact of the 19-storeys residential buildings on raptor species would be extremely difficult to mitigate. The impact is especially significant for Greater Spotted Eagles and Imperial Eagles (both IUCN Vulnerable species), but other raptor species, water birds and migratory passerines may also be affected.

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<sup>1</sup> Table 13.60 of the Ecological Impact Assessment.

- 1.4. However, the ecological impact assessment has not evaluated the impact on the overall species diversity in the area. The mitigation targets only focuses on a few focus species and overall species diversity has not been included as a target. A comprehensive assessment of ecological value should be based on a number of criteria, including diversity, rarity of species, potential value etc.<sup>2</sup>
- 1.5. Based on the above, there is inadequate assurance and that the proposed development would demonstrate an “enhancement of ecological value and function” as state in the planning intention of the “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area”(“OU(CDWEA)”) zone on the relevant Lau Fau Shan Outline Zoning Plan.
- 1.6. The Town Planning Board Guideline TPB-PG No. 12B has also recognized that “the complex response of birds to future landuse changes and carrying capacity which has not been fully understood”<sup>3</sup>. Given that the residential development would lead to a net loss of available habitat, i.e. a loss in the carrying capacity of the Deep Bay Wetlands, the captioned application should not be supported by the Town Planning Board with regard to the “Precautionary approach”<sup>3</sup>.

## **2. Funding and Wetland Management**

- 2.1. The proposed development claims to be adopting a “private-public partnership approach”. However, it should be noted that the current project does not comply with the Public-Private Partnership (PPP) Schemes under the New Nature Conservation Policy and may not fulfill the requirement of the Outline Zoning Plan.
- 2.2. The New Nature Conservation Policy states that “net benefits of the proposals in enhancing conservation of the site” and “**long-term commitment** of the **proponent**” are important consideration criteria<sup>4</sup>.
- 2.3. The Planning Intention of OU(CDWEA) states that “Low-density private residential or passive recreational development within this zone in exchange for **committed** long-term conservation and management of the remaining fish ponds or wetland...”.
- 2.4. According to the proposal of the “HKSAR Wetland Nature Foundation” provided by the applicant, there is **no information regarding the financial budget for wetland management**. It is also **unclear what funding the project proponent supply to the fund**. Without such information, it is difficult to judge whether the proposed management measures could be practically implemented

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<sup>2</sup> Environmental Impact Assessment Ordinance - Technical Memorandum, ANNEX 8

<sup>3</sup> Section 4 of the Town Planning Board Guideline TPB-PG No. 12B

<sup>4</sup> [http://www.afcd.gov.hk/english/conservation/con\\_nncp/con\\_nncp\\_new/con\\_nncp\\_new.html](http://www.afcd.gov.hk/english/conservation/con_nncp/con_nncp_new/con_nncp_new.html)

and whether they are sustainable.

- 2.5. Moreover, according to the planning proposal the proponent would only be responsible for the management of wetlands “**until a successor such as an independent foundation is identified**”. This implies that the proponent may not be required and responsible for the wetland management afterwards. Given that there is no statutory requirement applicable, HKBWS is doubtful whether this provides the necessary assurance of a long-term commitment to ecological management of the site.
- 2.6. The project thus **fails to fulfill the Outline Zoning Plan** which requires “committed long-term conservation and management”, and is **not in line with the New Nature Conservation Policy**.
- 2.7. It is also **not in line with the Town Planning Board Guideline TPB-PG No. 12B** regarding developments in the Wetland Conservation Area (WCA), which requires “a mechanism to ensure that the long-term management of the wetland would be practically implemented and monitored”.

### 3. Visual Impacts

- 3.1. HKBWS considers that the visual impact of the proposed development is adverse and unacceptable. The building height is excessive and is not compatible with the surrounding land uses.
- 3.2. As a contrasting example, The proposed comprehensive development at Tin Shui Wai Area 115 near Wetland Park (A/TSW/49, approved by the Town Planning Board on 20 May 2011) would be only as high as 11 storeys (43.15mPD), despite it is located in an area less ecologically and visually sensitive site than Fung Lok Wai. It is difficult to justify the proposed building height (19 storeys, 64.9mPD), given that the project site is more ecologically and visually sensitive than Tin Shui Wai Area 115.
- 3.3. The visual impact assessments provided by the applicant conclude that there will be “**Moderate Adverse**” visual impact<sup>5</sup> for a number of visual sensitive receivers. This is **contradictory to the Executive Summary** of the planning application which says “there will be no adverse impacts”.
- 3.4. It is **not in line with the Town Planning Board Guideline TPB-PG No. 12B** which states that “the proposed use should be appropriate to the rural and wetland setting and be able to enhance the visual and landscape quality of the area”<sup>6</sup>. There is no question that the visual and landscape quality of the area will be substantially impaired by the new development.

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<sup>5</sup> Section 7.5 of the Visual Impact Assessment

<sup>6</sup> Section 6.2.1 of the Town Planning Board Guideline TPB-PG No. 12B

#### **4. Better option for Fung Lok Wai**

- 4.1. HKBWS reiterates that **non-in-situ land exchange would be a better option**.
- 4.2. By re-locating the residential developments outside the wetland area, many of the above concerns such as ecological impact and visual impact would be relieved or solved.
- 4.3. Non-in-situ land exchange has been supported by the Government in its position on the Sha Lo Tung Pilot Project for Public - Private Partnership Conservation Scheme. It was also mentioned as an approach that could be considered on a case by case basis in the new Nature Conservation Policy.
- 4.4. **Residential development inside the WCA is thus not necessary**. Thus, the captioned application is not in line with the Town Planning Board Guideline TPB-PG No. 12B which states “New development within the WCA would not be allowed unless it is required to support the conservation of the ecological value of the area or the development is an essential infrastructural project with overriding public interest”<sup>7</sup>.

The HKBWS respectfully requests the Town Planning Board to reject the current application and consider better solutions for the important wetlands. Thank you for your attention and consideration.

Yours faithfully,

Mike Kilburn  
Vice Chairman  
Hong Kong Bird Watching Society

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<sup>7</sup> Section 6.1 of the Town Planning Board Guideline TPB-PG No. 12B