



長春社 since 1968

The Conservancy Association

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Town Planning Board
15/F North Point Government Offices
333 Java Road
North Point
Hong Kong

By e-mail: tpbpd@pland.gov.hk

Dear Sir/Madam

RE: Comments on the Section 16 Application No. A/YL-NSW-242

The Conservancy Association (CA) OBJECTS to Section 16 Application No. A/YL-NSW-212. CA cannot see the development would support conservation of the ecological value of Nam Sang Wai (NSW) and Lut Chau (LC) and cause no net-loss in area and ecological functionality.

1. High development footprint

The development footprint is still considered as extensive, despite a decrease in area of the development site by 70%. Compared with the previous development proposal (Application No. A/YL-NSW/218), various development parameters did not demonstrate any decrease (see the table below). It would definitely not fulfill current public expectation on conservation. Approving this application would set a poor and unprecedented case for similar environmentally-disastrous plans.

Application	A/YL-NSW/218	A/YL-NSW/242
Gross Floor Area (GFA)	306,581m ²	306,581m ²
Proposed Building Units	1,600	2,531
No. of Storeys	Apartment Block: 7-9	Apartment Block: 19-25

	storeys above	storeys above
Design Population	4,480	6,500

2. Not complying with Town Planning Board Guideline No. 12C

CA does not agree with the project proponent that the current proposal would result in no net loss in wetland, and even a slight increase in wetland area by 0.3 hectares can be achieved (Section 8.2.5 of the Planning Statement). From Table 6.2 of the Planning Statement, the claim of no net loss in wetland is no net loss of water area only. It should be clarified that at least 10.4 hectares of wetland loss would be generated (Paragraph 6 of EcoIA Executive Summary, Section 1.8.22 and Table 33 of EcoIA).

The main problem is that the removal of pond bunds in the proposed NSW Wetland Enhancement Area and LC Nature Reserve, as claimed by the project proponent, would also fulfill the “no net loss in wetland” principle, but this approach has neglected that pond bunds also form a part of wetland function. We would especially highlight that the reduction of bund area from 14.8 hectares to 4.8 hectares in NSW is a significant change. Since AFCD had already mentioned in the previous planning application (No. A/YL-NSW/218) that excluding pond bund from calculating net loss in wetland was not appropriate and misleading¹, we are doubtful if excluding pond bunds from calculating wetland loss in both area and function would still be justified.

From the EcoIA, there is also ambiguity in area of wetland loss. From paragraph 6 of Executive Summary and Section 1.8.22, the wetland loss is 10.4 hectares, but in Section 1.8.6, it is 10.2 hectares. Clarification from the project proponent is needed.

3. Under-estimation of adverse ecological impact

i. Compensating reedbed in expense of fish pond

The proposed development fails to demonstrate that the loss of ecological function could be adequately compensated by the proposed mitigation measures. Regarding the compensation for the loss of contiguous reedbeds through recreating reedbeds in fish ponds in the northern part of NSW, it is questionable if the original ecological function of fish pond would be fully compensated.

From 1.5.17 of EcoIA, high count of ardeid has been recorded in fish pond in NSW in January and September 2011. Notably, in January 2011, 90 Black-faced Spoonbills, listed

¹ Point (e) of Section 5.2.2, TPB Paper No.9545.

as “Endangered” under the IUCN Red List, could be attracted by a drained fish pond. In that particular year, the total regional (i.e. Pearl River Estuary) and global population of Black-faced Spoonbill are 460 and 1,839 respectively². Fish pond at NSW, in this case, supported 19.6% and 4.9% of regional and global population respectively. We would say fish pond in NSW serves the ecological function in supporting important proportion of Black-faced Spoonbill. This ecological function would be replaced by recreated reedbed which is another different wetland habitat, and we should regard this as wetland loss.

The project proponent has not adequately considered the intrinsic value of fish ponds that act as an important source of food supply and habitat for waterbirds would be compromised by recreating reedbed in fish pond. Even if the ecological function of fish ponds would be increased through enhancement and management measures as claimed by the project proponent, we are concerned if it would result in secondary loss of fish ponds in LC. Besides, the off-site ecological impacts on the wetlands surrounding future residential area have also not been adequately addressed by the proposed enhancement measures.

ii. Loss of reedbed

CA is still concerned about the major loss of reedbed in the subject site. Unlike the existing continuous and contiguous reedbed, the proposed reedbed compensation is fragmented at fish pond. It has not considered the impact of fragmentation of both existing and recreated reedbed, particularly how reedbed-associated bird species utilised such fragmented reedbed. CA would not regard such compensation is a “like-to-like” compensation.

We would again reiterate that according to the previous environmental study in 2010 when Henderson intended to extend the commencement of the development, “Yellow Bittern *Ixobrychus sinensis* was recorded regularly during summer 2009, and it was considered likely that the species bred in reedbeds on site”³. It was also used as a roost site by large numbers of some common bird species such as Crested Myna, starlings, Yellow Wagtail, Barn Swallow. The reedbed considered to be of high ecological value⁴ is therefore fully supported by facts. The existing assessment indeed made similar conclusion that wet

² Chan, K. T. & Yu, Y. T. (2012). *International Black-faced Spoonbill Census 2011 & 2012*. Hong Kong: Black-faced Spoonbill Research Group, Hong Kong Bird Watching Society.

³ Asia Ecological Consultants Ltd. (2010). Nam Sang Wai Ecological Impact Assessment Section 3.6.14. Application No. DPA YL-NSW/12 Environmental Assessment Study – Volume 2.

⁴ Asia Ecological Consultants Ltd. (2010). Nam Sang Wai Ecological Impact Assessment Table 3.15. Application No. DPA YL-NSW/12 Environmental Assessment Study – Volume 2.

reedbed is considered to be of high ecological value, seasonally wet reedbed in NSW is of moderate ecological value due to invasion by terrestrial vegetation (Table 23 of EcoIA). Insisting on residential development in this reedbed is therefore not justified in ecological sense.

4. Impact brought by the proposed connecting road bridge

CA would express our grave concern on the proposed connecting road bridge linking NSW to Wan Lok Road in Yuen Long. Details of the associated construction work, including the scale and its duration, are not shown in the document. How the project proponent comes up with a conclusion that disturbance impacts on inter-tidal mudflat in Shan Pui River (marked Drainage Channel in EcoIA) and mangrove would be low is not well-justified.

The current assessment fails to assess the impact of additional human disturbance during construction and operational phase. In particular, this connecting road bridge would also include a cycle track, claiming to compensate for CEDD cancelling the public cycle path (Section 6.6.1 of the Planning Statement). It would further attract encourage more leisure cyclists to go to NSW with too much convenience and in turn create unwanted disturbance to waterbirds in the area. Such kind of concern had been discussed during the internal discussion session of the EIA report on “Construction of Cycle Tracks and the Associated Supporting Facilities at Nam Sang Wai, Yuen Long”⁵ (“EIA report”).

Besides, from the survey of the “EIA report”, high abundance and diversity of birds at the proposed cycle bridge area at Shan Pui River was recorded. Survey findings in 2008 indicated that 72 individuals of 7 bird species of conservation concern were recorded in a 10-minute count (Figure 1). Even from our previous observation, Black-headed Gull, a species of potential regional concern, mainly foraged along Shan Pui River and would go as far as the wier near Shan Pui Chung Hau Tsuen (Figure 2). Non-ardeid such as Black-winged Stilt, Pied Avocet and Northern Shovelers would fly across the proposed bridge area to forage along Kam Tin River. Black-faced Spoonbill could also be spotted in the proposed bridge area (Figure 3). Therefore, we would not say bird at the southern section of Shan Pui River near the proposed bridge area is in low density, and therefore do not agree that resultant impact severity was low (Table 45 of EcoIA). We cannot see the EcoIA had recommended any measures to, for example, enhance the screen-off effect and

⁵ Please refer to paragraph 43, 122nd Meeting of the Environmental Impact Assessment Subcommittee dated 29/4/2013.
http://www.epd.gov.hk/epd/sites/default/files/epd/english/boards/advisory_council/files/122nd_EIASC_minutes.pdf

minimize possible disturbance to the wildlife.

According to Section 6.6.1 of the Planning Statement, the alignment would avoid mangrove at eastern bank of Shan Pui River. It might not result in any direct impacts, but since the bridge is in close proximity to the mangrove, any indirect impacts on the mangrove during construction and operational phase should be considered too. These are, however, not included in the EcoIA.

5. Adverse visual impact

We consider that the adverse visual impact brought by the development project would be substantial. The 29 residential towers in 19-25 storeys and 140 houses in 3 storeys are not compatible with the surrounding wetland environment and completely change the landscape character of the site. From the photomontages submitted, the development are highly visually intrusive when viewing from Shan Pui Tsuen East Road, Shan Pin Tsuen Hill and Lam Tsuen Country Park. Worse still, all these photomontages had not fully taken the cumulative impact into consideration. Some of them did indicate some approved residential development such as A/YL-KTN/118-2 and A/YL-LFS/224F, but more development cases, either approved or under TPB process, were in proximity of the site within Wetland Buffer Area. We cannot agree that the overall visual impact significance is moderate (or even slight in the case of Lam Tsuen Country Park) after mitigation.

In the previous planning application (Application No. A/YL-NSW/218), 5 residential towers in 17 storeys had once been proposed by the project proponent. In response, Urban Design and Landscape Section of Planning Department regarded this as “visually intrusive” and “not compatible with the surrounding context”⁶. While more residential towers with more storeys are proposed now, the potential visual impact of the current proposal would be even more disastrous.

It is also high questionable how the proposed mitigation measures, such as buffer planting and retaining as many trees as possible, can mitigate the potential visual impact. From Figure B6.1 and B7.0 of Landscape impact Assessment, trees or plantings can only screen less than half of the residential towers. For buffer planting, the assessment also does not adequately mention how long the trees take to form close canopy for screening function.

⁶ Please refer to Section 10.8j of Response to comments: Chief Town Planner/Urban Design and Landscape, Planning Department, Appendix 2, Section 17 Review Statement of Application No. A/YL-NSW/218 Proposed Comprehensive Development with Wetland Enhancement at Nam Sang Wai and Lut Chau, Yuen Long New Territories.

Lastly, CA would like to highlight the cumulative loss of wetlands in the Deep Bay wetland ecosystem over the last 3 decades. For instance, the majority of Tin Shui Wai, Yuen Long Industrial Estate, Fairview Park and Palm Spring as well as Futian District of Shenzhen were all built on wetland. The proposed development will constitute a rather substantial loss of wetland in the already rather fragile Deep Bay ecosystem.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Ng Hei Man', written in a cursive style.

Ng Hei Man
Assistant Campaign Manager

Figure 1 Abundance of waterbirds recorded in the proposed bridge area at Shan Pui River⁷

Table 7.32: Abundance of Waterbirds recorded in the Proposed Bridge Area at Shan Pui River

	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09
Little Egret	6	9	4	11	21	6	2	6
Great Egret	1	1	18	5	1	1	1	1
Grey Heron	2	4	16	1	4	4	0	0
Chinese Pond Heron	3	3	9	6	3	2	0	1
Great Cormorant	0	6	10	3	2	0	0	0
Black-faced Spoonbill	0	0	0	1	0	0	0	0
Common Greenshank	1	0	0	0	0	0	0	0
Black-winged Stilt	0	0	0	0	0	0	0	0
Common Sandpiper	0	0	0	1	0	0	0	0
Pied Avocet	0	0	5	0	0	0	0	0
Eurasian Wigeon	0	0	0	0	0	0	0	0
Common Teal	0	0	0	0	0	0	0	0
Northern Shoveler	0	0	10	0	0	0	0	0
Common Kingfisher	0	0	1	0	0	0	0	0
White-breasted Waterhen	0	0	1	0	0	1	0	0
White Wagtail	1	0	1	0	0	0	0	0
Number of species	6	5	10	7	5	5	2	3
Total abundance	14	23	75	28	31	14	3	7

⁷ Table 7.32, Abundance of waterbirds recorded in the proposed bridge area at Shan Pui River, EIA report on “Construction of Cycle Tracks and the Associated Supporting Facilities at Nam Sang Wai, Yuen Long

Figure 2 and 3 Many bird species can be spotted near the proposed bridge area, such as Black-headed Gull, Black-winged Stilt, Black-faced Spoonbill, and so on

