



BY EMAIL ONLY

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

27 May 2022

Dear Sir/Madam,

**Section 12A Application for rezoning
“OU(CDWRA)” to a new sub-zone "OU(CDWRA)1" (Application No. Y/YL-NSW/8) and
rezoning “I(D)”, “OS” and “Road” to “R(E)” (Application No. Y/YL-NSW/9)
on Nam Sang Wai Outline Zoning Plan in support of a Comprehensive Development,
West of Castle Peak Road – Tam Mi, Yuen Long**

1. Green Power, a local charitable green group, would like to draw Town Planning Board’s attention to our concerns about two above-captioned Section 12A applications located within Wetland Buffer Area (WBA) of Mai Po and Inner Deep Bay Ramsar Site with rezoning in support of a comprehensive development, west of Castle Peak Road – Tam Mi, Yuen Long on Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8(NSWOZP):
 - (i) Application No. **Y/YL-NSW/8** – to rezone "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" (“OU(CDWRA)”) to a new sub-zone "OU(CDWRA)1", and
 - (ii) Application No. **Y/YL-NSW/9** – to rezone “Industrial (Group D)” (“I(D)”), “Open Storage” (“OS”) and “Road” to “Residential (Group E)” (“R(E)”).
2. Regarding Y/YL-NSW/8, the site area is about 11.6 ha including 2.4ha Government land (20.5%). A 2.8ha wetland restoration area (24.1%) is proposed in northwestern part of the Application Site and 25 blocks of high-rise building (not more than 29 storeys) and 5 blocks of medium-high building (not more than 5 storeys) in the remaining residential area.
3. Regarding Y/YL-NSW/9, the site area is about 8.2ha including 1.6ha Government lands (19.3%). A 2.7 ha relocated soy sauce factory (33.7%) is proposed in southern part of the Application Site and 11 blocks of high-rise building (6 and 5 blocks of not more than 27 and 29 storeys respectively) and 2 blocks of medium-high building (not more than 2 storeys) in the residential area. A school site of about 0.62ha (7.6%) has been reserved to the southeast of the residential area.
4. The two Application Sites are contiguous. Thus, the total area of two sites is 19.8ha including 4.0 ha government land (20.0%). The combined application site has wetland restoration area of 2.8 ha (14.2%) in northwestern part, relocated soy sauce factory of 2.7 ha (13.9%), reserved school site of 0.62ha (3.1%). The total residential area in the two Application is 13.5ha (8.8 + 4.7ha) (68.1%).

5. The two Application Sites fall within the Wetland Buffer Area (WBA) of the Deep Bay Area that serves an ecological function to protect the globally important wetland — the Mai Po Ramsar site. According to the Town Planning Board Guideline (TPB PG) 12B, WBA intends to “...prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds”(Section 6.4).
6. The Application Sites, which are designated as WBA under TPB PG 12B, only partly fulfills the recommendation for wetland restoration (Section 6.7.1), “Development proposals to restore lost fish ponds or to replace existing undesirable uses by wetland habitats are encouraged”, as only 14.2% of the site (2.8 ha) is proposed for wetland restoration area in view that 20.0% of the two Application Sites is government land. We opine that the government land in WBA should be to serve public’s interest of wetland conservation.
7. In Section 6.7 of TPB PG 12B, “for those disturbed areas directly abutting the WCA, the development should provide a wetland and visual buffer to separate the development from WCA to minimize its impact on the wetland...” In view that the row of six high-rise buildings (44 to 79m) adjacent to the restored wetland area are only 40m away from Wetland Conservation Area (WCA) to the north of the two Application Sites, they not only degrade the buffering function of WBA but also fail to provide visual buffer to separate the development from WCA.
8. According to the Section 9.7.12, EXPLANATORY STATEMENT of NSWOZP, “development or redevelopment shall not result in a total development or redevelopment intensity in excess of a total plot ratio of 0.4 and a maximum building height of 6 storeys” that is the highest development density of residential land use in NSWOZP.
9. Development of 36 blocks of high-rise buildings at the two Application Sites is proposed by the Applications with plot ratio of not more than 2.2 to 2.5 that will very likely breach the statutory limits of plot ratio and building height of NSWOZP as mentioned in paragraph 6. Therefore, the two applications are not compatible with both the TPB PG and the zoning intention and restrictions of NSWOZP.
10. In particular, the application site is on the eastern bank of Kam Tin River which is an important habitat for waterfowls, especially the migratory birds in winter time. The high-rise buildings in the two Application Sites may interfere the flight paths of the birds, impose glare nuisance at the nighttime and disturb the foraging or roosting behaviours of the birds in the river.
11. The two Applications are anticipated to provide a total of 9940 (6825 + 3115) residential units (Executive Summary, submitted document of the Application) which will accommodate a population of about 27,000 (2.7 persons per household, 2021 Population By-census). However, “the planned population in the Area will be about 28,900 persons.” (Section 6.2, EXPLANATORY STATEMENT of NSWOZP). The proposed population of the two Applications is 93% of the planned population of the whole Scheme Area of NSWOZP. Together with existing population in NSWOZP, existing infrastructure, utilities and transport system in Yuen Long area cannot support such substantial increase in population.
12. A total of 1208 (810 + 398) vehicle parking spaces will be provided in the two Application Sites. The accommodated vehicles will deteriorate the air quality, impose noise impacts on humans and wildlife arising from increased traffic flow, and worsen the traffic congestion problems of Yuen Long area during the operational phase of the proposed development.

13. We opine that the Board's decision should comply with the TPB PG 12B, in which *“development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the (Town Planning) Board, unless the ecological impact assessment can demonstrate that the negative impacts could be mitigated through positive measures”*.
14. The two Applications should demonstrate their associated ecological benefits. Its ecological objectives, i.e. target taxa/species, habitat types, should be stated so that the master layout and management plan of the proposed restored wetland can be assessed accordingly. Adequate size and feasible long-term operation and maintenance of proposed restored wetland area should be available, and corresponding management and financial responsibility should be clarified and confirmed.
15. Regarding water pollution, Zero Discharge Policy should be observed. Therefore, the dry weather stormwater should not be discharged directly into the neighbouring river channels, i.e. Kam Tin River. Effluent from the two Application Sites should also not to increase the pollution loading of Deep Bay. Proper facilities should be in place to prevent chemicals generated in the proposed development, e.g. vehicle fuel and lubricating oil, fertilizers and pesticides, from discharging to neighboring river channels.
16. During the construction phase, the fishponds, wetlands and farmlands in vicinity are vulnerable to illegal dumping of soil debris and construction and demolish wastes. Regrettably, existing enforcement measures to prevent illegal dumping are ineffective and successful prosecutions are rare. Most importantly, destroyed wetland habitats are difficult to reinstate. Thus, effective measures should be in place to avoid illegal and/or eco-vandalistic dumping of wastes generated from the application site.
17. In view of the foreseeable rise in sea level and increased flood risk brought about by climate change, the proposed development should neither weaken the climate resilience of Deep Bay Area nor impose flood risk in the Application Sites and neighbouring areas.

Thank you very much for your kind attention. For any inquiries, please contact the undersigned at Green Power (T: 39610200, F: 2314 2661, Email: wflo@greenpower.org.hk).

Yours faithfully,



LO Wing-fung
Senior Education & Conservation Officer
Green Power