



BY EMAIL ONLY

Town Planning Board Secretariat

15/F, North Point Government Offices
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24 May 2022

Dear Sir/ Madam,

Proposed Comprehensive Residential Development in “Undetermined” Zone at Tung Shing Lei, Yuen Long (Application No.: A/YL-NSW/293)

1. Green Power, a local charitable green group, would like to lodge objection to the above-captioned Planning Application (the Application) under Section 16 of the Town Planning Ordinance for proposed comprehensive residential development in Tung Shing Lei, Nam Sang Wai, Yuen Long (the Application Site) which falls within “Undetermined”(“U”) zone on the approved Nam Sang Wai OZP (NSWOZP) No. S/YL-NSW/8 owing to the following concerns:
 - (a) The Application contradicts the planning intention of the Planning Scheme Area (the Area) of NSWOZP.
 - (b) The Application misleads the TPB that the existing Application Site were brownfield which is mainly wetlands and vegetated habitats.
 - (c) The Application will cause loss of wetlands and vegetated habitats, and encroaches an important breeding site of waterbirds, an egret on the northern slope of a hill in Tung Shing Lei (to the south of the Application Site) and hence imposes severe adverse ecological impacts on internationally important Mai Po Inner Deep Bay Ramsar Site.
 - (d) The Application has not addressed properly the environmental impacts and carrying capacity issues brought about by proposed developments.

Contradictory to Planning Intention

2. Section 8.1, EXPLANATORY STATEMENT of NSWOZP states that “*The existing and contiguous, active or abandoned fish ponds in the Deep Bay Area should all be conserved. Moreover, the loss of fish ponds and habitat fragmentation should be avoided.....*” The Application Site reclaims over half of existing wetlands (fishponds and marshes) and removes substantial portion of vegetated habitats including woodlands in Tung Shing Lei area that breaches the planning intention of NSWOZP.

3. Section 8.3, EXPLANATORY STATEMENT of NSWOP states that “*The planning intention of the area further away from the fish ponds is to protect the ecological integrity of the wetland ecosystem, and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.*”
4. The Application proposed five blocks of high-rise multi-storey buildings (94m and 112.8m in height) to the north of a major egretty in Deep Bay area which is located on the slope of a small hill in Tung Shing Lei (Tung Shing Lei Egretty) peaked at only about 40m. The proposed buildings, which are at least 50m higher than the egretty, will isolate the egretty from the Deep Bay wetland habitats including fishponds and river channels. The long row of high-rise buildings in front of the egretty will also blocked most of the flight paths of birds to and from the egretty.
5. Obviously, the proposed development breaks up the ecological integrity of the wetland ecosystem. Such development that would have a *negative off-site disturbance impact on the ecological value of fish ponds* should be prevented.
6. Section 8.1, EXPLANATORY STATEMENT of NSWOP requires that “*Any negative impacts arising from undesirable land uses and human disturbance should be mitigated.*” Regrettably, no adequate measures, including avoidance of impacts, are proposed.
7. Obviously, the Application disregards the “precautionary approach” (Section 8.2) adopted in NSWOP in order to achieve the conservation objectives of the Area.
8. Furthermore, only low-density residential zonings “Residential (Group D)” (“R(D)”) and Village Type Development (“V”) exist in current NSWOP. Therefore, proposed development is a precedent planning application that will jeopardize the planning intention of NSWOP.

Adverse Ecological Impacts

9. The proposed development is adjacent to an existing major egretty in Tung Shing Lei which is one of the major egrettries in Deep Bay area. In addition to the isolation of the egretty from the wetland habitats in Deep Bay area and obstruction of flight paths, the construction of high-rise buildings and associated emergence vehicular access and slope works will involve massive vegetation clearance and generate noise and human disturbance which will seriously interfere breeding of egrets and herons in the egretty during breeding season.
10. Other major ecological impacts are mentioned in paragraph 2 and 3 above.

Misleading Land Status

11. The proponent misdescribed the Application Site as “brownfield”. However, the Application site mainly consists of fishponds, marshes and woodlands. This misinterpretation downgrades the ecological importance of the Application Site that misleads the Administration and Town Planning Board members to make a biased judgement.

12. Therefore, policy for prioritizing development in brownfield is not applicable in this Application because the Application Site is not a brownfield.

Overloading Carrying Capacity of the Area

13. *Full development of the entire “U” zone is anticipated to provide a total of 15212 residential units* (p.3, Executive Summary, submitted document of the Application) which will accommodate a population of about 41,000 (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 Indicative Layout Plan (ILP) for “U” is 1.4 times of that of the whole Scheme Area of NSWOZP. Existing infrastructure, utilities and transport system cannot support such substantial increase in population.

14. The future residents in the proposed developments will commute to nearest town centre, i.e. Yuen Long, for all sorts of daily activities including shopping, dining, entertainment, consulting professionals (e.g. doctors, lawyers), customer’s services (enquiries to utilities and suppliers, repair of products). This will generate huge transport needs to Yuen Long and worsens the traffic congestion of Yuen Long Town, as well as large pressure to the government, community and commercial facilities and service providers.

15. A total of 549 vehicle parking spaces will be provided in the Application Site. The accommodated vehicles will deteriorate the air quality and impose noise impacts on humans and wildlife (especially waterbirds) arising from increased traffic flow during the operational phase of the proposed development.

16. The Application Site is located in a low-lying area bounded by elevated roads, reclamation of wetlands and increase in paved area in the Application Site may impose flooding risk of neighbouring villages such as Tung Shing Lei and Small Traders New Village, and historical assets, i.e. Pun Uk.

Pollution Problems

17. The residents may also be exposed to high level of railway noise in operation phase.

18. The proposed developments will generate point source and non-point source water pollution that increases the pollution loading of Deep Bay that breaches the Zero Discharge Policy for Deep Bay.
19. 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.
20. In this regard, Section 7.2.1, EXPLANATORY STATEMENT of NSWOZP advises that “*new development proposals should not be allowed unless it can be demonstrated that it would have minimal adverse impact on drainage, sewerage, traffic, environment and ecology in the area.*”
21. Also, Section 9.8.1, EXPLANATORY STATEMENT of NSWOZP stresses that “*Development within the areas (“U” zones) has to be comprehensively planned as piecemeal development or redevelopment would have the effect of degrading the environment and thus jeopardizing the long-term planning intention of the areas.*”
22. Therefore, feasibility study should be conducted to demonstrate the proposed development does not exceed the carrying capacity of the Area in terms of environment, ecology, drainage, sewerage, traffic, and other infrastructures, as this Application proposed exceptional development scenario in the Area, such as plot ratio, building height, reclamation of wetlands.

Response to Application’s Planning Merits

23. We opine that “*timely public housing supply*” in the ILP is very unlikely to occur in view of “*the major parts of the “U” zone with fragmented ownership reserved for potential public housing development*” (p.2 and 3, Executive Summary, submitted document of the Application), and the schedule, or even feasibility, for public housing development is still uncertain.
24. On the other hand, “*early implementation by private initiatives at the Application Site will be able to catalyse*” flytipping, pond filling and proliferation of brownfield in the surrounding ecologically important sites including Wetland Conservation Area, Wetland Buffer Area, etc. Instead of “*spearheading the comprehensive development of Tung Shing Lei “U” zone*”, the Application may kick off an ecologically damaging and incompatible development in Tung Shing Lei area.
25. Instead of *echoing with Government’s prevailing policy to utilise brownfield sites*, the Application will abuse existing wetlands and vegetated habitats and most likely turns these habitats into brownfields.

26. The Application Site is physically fragmented and isolated by Route 3 and the only road access is Castle Peak Road to the south that is difficult to “*serve as an organic transition between Yuen Long New Town and Kam Tin North Area.*”
27. No sensible design is adopted to “*protect ecological assets (i.e. wetlands, vegetated habitats, egrettries, etc.) and minimize environmental impacts (i.e. water pollution, flood risk, brownfield proliferation, air pollution from vehicles, etc.).*”
28. Therefore, the captioned application should be rejected because of its implication in context of strategic planning, district transport and traffic, pollution loading to Deep Bay area, environment and ecological impacts that sets a bad precedent for approval for misinformed and disinformed applications.

Thank you very much for kind your attention. We look forward to your favourable decisions.

Yours faithfully,



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GREEN POWER