



BY EMAIL ONLY

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cc.

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Environment and Ecology Bureau
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28 December 2022

Dear Mr Li,

**Land Filling Activities Spotted in Ha Wo Hang, Sha Tau Kok –
Green Power's Response to Planning Department's Enforcement Action**

1. Green Power appreciates the Planning Department's prompt action of halting the captioned unauthorized development through issuance of an Enforcement Notice (EN). However, we would like to stress that follow-up actions, including ensuring implementation of the EN requirements by the notice recipient and issuance of a Reinstatement Notice with appropriate reinstatement requirements following the EN, are crucial in ensuring the general planning intention of Luk Keng and Wo Hang Outline Zoning Plan (LKWH OZP, S/NE-LK/11), which is "to enhance natural conservation of countryside and to preserve natural landscape and features of ecological significance" and "to promote the conservation of the rural character of the Area, with a view to controlling urban sprawl and protecting and preserving agricultural land" (LKWH OZP Explanatory Statement Section 8), is upheld.

2. As mentioned in our submitted complaint, the natural streams and freshwater wetlands they drain in Ha Wo Hang and the nearby Sheung Wo Hang form an interlinked and valuable ecosystem, and support a rich freshwater fauna that deserves protection. The site is a prominent odonate hotspot where a total of 52 species of odonates (>40% of HK species total) have been recorded within a single wet season. One of the stream sections bordering the impacted site is downstream of an Ecologically Important Stream, and the filled riparian areas were originally well covered by wetland plants such as *Colocasia esculenta*, *Cyclosorus interruptus*, *Hedychium coronarium* and *Phragmites vallatorius*, indicating soil and vegetation characteristics of a wetland (Figures 1-3).
3. The illegal land filling activities spotted in Ha Wo Hang on 29th November, 2022 involved clearing of large areas of vegetation cover, filling of extensive freshwater wetland areas with soil / C&D materials more than 1.2m in thickness, pollution and substrate disturbance along a natural stream section nearby. The typical reinstatement requirement of grassing damaged natural areas regardless of their original habitat types and environmental qualities is inadequate in protecting the environment or high-quality arable land. We opine that reinstating the impacted area to the condition before the incident is crucial for fulfilling the planning intention. That includes removal of all filled materials from the wetland and natural stream section, as well as restoration of previous wetland plant coverage, soil condition and original hydrological and physical conditions of the impacted stream section.
4. We would also like to highlight the inadequacy of the current system under which the Authority fails to prevent such vandalism cases on private lands under the Waste Disposal Ordinance (Cap. 354) despite clear environmental and ecological impacts of such activities and objections or concerns from various government departments expressed through internal circulation. The irrational acquiescence of such acts contributes to the prevalence of similar vandalism cases in our valuable yet fragile countryside.
5. We believe halting and rectifying environmental damages through planning control could only be achieved by strong and prudent law enforcement. For any inquiries, please contact the undersigned at Green Power (T: 3961 0200, F: 2314 2661, Email: elaine@greenpower.org.hk). We look forward to your further actions regarding this incident.

Yours sincerely,



YUEN Yan Ling, Elaine
Conservation & Research Manager
Green Power



Figure 1. Photos showing (a) wetland vegetation cover in the riparian wetland before the incident and (b) filling of C&D materials and vegetation clearance on the wetland, as well as substrate disturbance and pollution of a nearby stream section. Photo taken in (a) October, 2022 and (b) November 2022



Figure 2. Photos showing (a) wetland vegetation cover in the riparian wetland before the incident and (b) filling of C&D materials and vegetation clearance on the wetland, as well as substrate disturbance, pollution of a nearby stream section. Photo taken in (a) October, 2022 and (b) November 2022



Figure 3. Photos showing (a) wetland vegetation cover in a riparian wetland before the incident and (b) filling of C&D materials and vegetation clearance on the wetland. Photo taken in (a) October, 2022 and (b) November 2022.