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The Conservancy Association

會址：香港九龍青山道 476 號百佳商業中心 1 樓 102 室

Add.: Unit 102, 1/F, Park Building, 476 Castle Peak Road, Kowloon, Hong Kong

電話 Tel.: (852)2728 6781 傳真 Fax.: (852) 2728 5538

5th August 2014

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 12A Application No. Y/YL- NSW/1

The Conservancy Association (CA) OBJECTS to Section 12A Application No. Y/YL-NSW/1.

1. Not in line with Town Planning Board (TPB) Guidelines No. 12C

It should be reiterated that the site lies at Wetland Buffer Area (WBA) according to TPB Guideline No. 12C and possibly linked to fish ponds in Nam Sang Wai area and even Inner Deep Bay wetlands ecologically. CA is concerned about on-site impacts such as habitat loss due to pond filling, interference with bird flight paths, and off-site impacts, as well as cumulative impacts with other planned developments, such as small house development in Shan Pui Village and proposed comprehensive residential development A/YL-NSW/172, and remaining development arise in R(D) zone. We do not think the additional information is adequate in addressing the above and in line with TPB Guideline No. 12C.

According to Section 6.7.3 of Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance, residential development in WBA could be approved for the purpose of “*replacement of existing storage and port back-up uses and/or proposals of detailed wetland restoration may be given special consideration subject to*

satisfactory ecological and other impact assessments". However, inadequate information was provided by the applicant to justify the above guideline. TPB should not approve this planning application.

2. Inadequate information in ecological impact assessment (EcoIA)

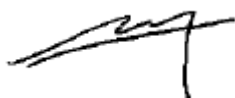
We are in reservation in some points in the EcoIA.

- i. The ponds within the site were claimed to be "very low to low ecological value" due to various factors such as small size, fragmented by village houses, and so on. However, from Annex D3 of EcoIA, 9 out of 14 bird species of conservation interest, such as Red-billed Starling, Great Cormorant, Great Egret, Little Grebe, were recorded in ponds within the subject site. Flight Lines attached in EcoIA also demonstrated that some bird species would fly over and quite close to the development area. We do agree that ranking the pond within the site as "very low to low ecological value" seems not appropriate.
- ii. The 0.5-hectare water (Section 7.2.1 of EcoIA) is proposed to mitigate disturbance to adjacent ponds, but it lacks sufficient details, such as detailed design and conservation management plan, to justify if it can compensate or restore any ecological impacts rather than acting as a landscape feature only. It should not be accepted by TPB as one of the approved conditions at this moment unless supplementary information has been provided to justify the ecological function of the compensated wetland.

3. Misleading information in Planning Statement

From Section 2.2.5 of the Planning Station and Figure 2.4, the planning application A/DPA/YL-NSW/12 was said to be approved in 2012. This is incorrect as it was approved in 1994. More importantly, the project proponent indeed has already failed to fulfill the planning application so that it should not be remained as effective now. Meanwhile, another planning application A/YL-NSW/218 was also rejected by TPB. It was misleading for the project proponent to conclude that it is one of the "approved residential development" in adjacent.

Yours faithfully



Ng Hei Man
Assistant Campaign Manager