

R to C Table

	Departmental Comments	Applicant's Response
1. Comments of Director of Agriculture, Fisheries and Conservation (DAFC)		
(a)	<p><i>From nature conservation perspective</i></p> <p>The monitoring duration will be only two years after the installation is completed while the applied use is on a permanent basis. Given that the examples of solar photovoltaic system installation on fishponds are limited, it would be prudent to conduct ecological monitoring at the Site during the entire operation. Should any abnormal results be found during the monitoring period, investigation could be conducted and the management regime could be reviewed.</p>	<p>Ecological monitoring will be implemented throughout the entire operational phase of the proposed use, instead of the first two years after installation. The Management Protocol in Appendix J (Section 4.1) has been revised such that the monitoring requirements and programme will be reviewed at intervals of not more than two years, taking into account the monitoring results and any abnormal findings, in order to confirm whether and how the monitoring should be continued.</p>
(b)	<p><i>From fisheries perspective</i></p> <p>There are two existing ponds within the application site that have potential for aquaculture. According to the submissions, the ponds have recently been reinstated and restocked with fish to restore the aquaculture function. However, the proposed floating PV systems appear to encroach upon a substantial portion of the pond surfaces. The applicant should clarify (a) whether the installation of floating PV systems would adversely affect aquaculture operations, and (b) provide justification for placing the PV systems on fishpond areas rather than alternative locations.</p>	<p>(a) According to Section 5.2.2 of the EcoIA, the actual area of pond surface occupied by the SPV system would only be about 26.4%. No water column or pond bed will be lost. Furthermore, the applicant would like to clarify that the restocking of the ponds is primarily for habitat management and ecological enhancement purposes, rather than for resuming commercial aquaculture operations. A small number of mainly herbivorous fish species (such as Bighead Carp, Silver Carp, edible goldfish and Common Carp) are proposed to be stocked at densities much lower than those of commercial fish ponds, in order to control aquatic weed and algal growth, maintain water quality and provide additional foraging opportunities for waterbirds and other wildlife. No commercial fish harvesting operation is proposed within the Site¹. As such, the floating PV system will not adversely affect any commercial aquaculture operation, since the ponds are not intended to operate as production fish farms.</p>

¹ Fishes were harvested for self-consumption during the former operation period and early 2026 (**Photo A**). Hence, the installation of floating PV system would not adversely affect aquaculture operations.

		<p>(b) As stated in the justifications, the Government has also developed floating PV systems at various water bodies. It should be noted that floating platforms were already in existence to facilitate management/ monitoring of the ponds and installation of solar panels with simple assembling works. The applicant has no other land suitable for such installation. Placing the PV systems at alternative location within the Site would involve clearance of vegetation, site formation and building works on the pond bunds which would generate potential ecological impacts within the “CA” and is considered undesirable.</p>
<p>2. Comments of Director of Environmental Protection (DEP)</p>		
<p>(a)</p>	<p>Please clarify whether the construction and installation works would involve any earthworks, dredging works and other building works in the “CA” zone. The applicant is advised that any such works in the Conservation Area may constitute a Designated Project under item Q.1, Schedule 2 to the Environmental Impact Assessment Ordinance, and, if affirmative, an environmental permit is required for its construction and operation.</p>	<p>Noted. Most of the proposed structures are pre-casted, and no earthworks, dredging works and other building works are expected. Installation would only involve simple assembling works on the floating platforms within a few working days. Environmental permit would not be required.</p>
<p>3. Comments from District Planning Office/Fanling, Sheung Shui and Yuen Long East, Planning Department</p>		
<p>(a)</p>	<p>The Site falls within an area zoned “CA” on the draft Mai Po and Fairview Park OZP No. S/YL-MP/9. The planning intention of “CA” zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The “no-net-loss in wetland” principle is adopted for any change in use within this zone. The primary intention is to discourage new development unless it is required to support the conservation of</p>	<p>Noted.</p>

	<p>the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest. The Site also falls within the Wetland Buffer Area (WBA) of the Deep Bay Area under Town Planning Guidelines No. 12C on ‘Development within the Deep Bay Area under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 12C).</p>	
(b)	<p>According to the ‘Assessment Criteria for Considering Applications for Solar Photovoltaic System (SPV system) made under Section 16 of the Town Planning Ordinance (Revised on 7 October 2022)’, criteria (k) stated that any planning application for SPV system within the “CA” zone, amongst others, is normally not supported to avoid any possible irreversible damages caused to the ecology or environment of the area within the zone due to the sensitive nature of the conservation zone.</p>	<p>A EcoIA with 12-month ecological field survey was conducted, which concluded that the proposed works have no irreversible impact to the ecology. Instead, the original degraded wetland has been restored through the proposed works, with certain ecological functions provided through the management protocol (see Appendix J of the EcoIA).</p> <p>Besides, criteria (c) of the “Assessment Criteria for Considering Applications for SPV system” specifies that, for optimisation of use of land, favourable consideration may be given if viability of co-existence of the proposed SPV system and uses that are in line with the long-term planning intention of the land use zoning of the application site could be satisfactorily demonstrated. In thus regard, it should be noted that the fish ponds within the Application Site will be optimized to provide SPV system without compromising the ecological functions of fishponds. Through the above-mentioned management protocol with ecological monitoring (agreed by AFCD) to be implemented throughout the entire operational phase of the proposed use, the long-term planning intention of the land use zoning of the application site could be promised.</p>

(c)	<p>With a site area of about 3,220m², the proposed development involves 152 solar panels and an one-storey meter room. While noting from the detailed justifications that the once idled ponds have already been restored to facilitate the installation of the solar panels at the Site which was halted due to relevant enforcement actions in 2023, please elaborate how the proposed development could support the conservation of the ecological integrity of the wetland system especially when the proposed development is not considered an essential infrastructure project with overriding public interest, taking into account our comments regarding the planning intention of the “CA” zone and the relevant assessment guidelines under points (b) and (c) above.</p>	<p>The history and condition of the Site indicate that the ponds have been idle and inactive, with no aquaculture activity since 1990. From the year 2000 onwards, the water level in both ponds gradually decreased, leading to overgrowth of weedy plants such as <i>Bidens alba</i> and <i>Brachiaria mutica</i>. As the ponds were not actively managed as traditional fishponds, resulting in a lack of pond drain down practices which attract waterbirds to forage. The lack of management in the ponds with overgrowth of weedy plants indicates a degrading habitat, due to the blockage of sunlight reaching the water as well as decomposition of dead plants which consumes oxygen in the waters. Hence, the water quality was deteriorated and no longer favourable for aquatic life. In addition, the overgrown ponds could not provide an open water habitat for waterbirds that recorded in the vicinity (e.g. ardeids, waders etc.). In 2021, the ponds were degraded and nearly dried out. As the presence of dense plants would interfere with installation and impair the operation of the SPV system, the weedy plants were hence removed, and the ponds were filled with waters which aimed to lift up the proposed solar panels, and to limit the growth of terrestrial weedy plants. The ponds were filled with water to facilitate the proposed use of the SPV system, management on these ponds has been conducted since 2023. Hence, a net wetland area (i.e. the ponds) of 0.21ha within the Application Site was restored to facilitate the proposed application. No-net-loss in wetland principle is adopted.</p> <p>Furthermore, the proposed development is in line with the Government’s policy of setting net-zero electricity generation as one of the major decarbonisation strategies and increasing zero-carbon electricity supply through RE development as far as possible, which should be of public interest. Approval of the application could put idle land to good use while achieving the carbon neutrality target.</p>
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(d)	There are public concerns on the potential impacts on the surroundings especially from nearby residential developments. Please provide justifications to substantiate that the proposed development would not induce adverse impact on the surrounding neighbourhood.	Noted. Please see responses to public comments below.
(e)	It is noted from the detailed justifications under the applicant' submission that the Site is currently vacant and presumably the electricity generation at the Site has not been commenced yet. Please advise if the completion letter from CLP with commencement date in 2022 and the receipt from Electrical and Mechanical Services Department Registration / Collection Office as enclosed in the submission is still applicable to the current application. If not, please supplement with the latest letter from CLP instead.	The completion letter from CLP with commencement date in 2022 and the receipt from Electrical and Mechanical Services Department Registration / Collection Office as enclosed in the submission are still applicable to the current application. As advised by the supplier, re-submission to CLP and EMSD is not necessary provided that the development parameters and details of the SPV system remain unchanged.
4. Comments from Transport Department		
	<p>From the information provided, it is noted that there will be no vehicular access connecting to the application site. Grateful if the applicant could clarify how the applicant could:</p> <ul style="list-style-type: none"> i) transport the panels to the application site (the Site) and ii) carry out relevant installation works. 	<ul style="list-style-type: none"> (i) The removed solar panels are temporarily placed in the neighbouring lots (about 100m apart (Plan 2a)) and would be transported manually via footway to the Site (see Photo B). (ii) The solar panels would be fixed to the existing supporting frames on the floating platforms (Plan 4g). Installation would only involve simple assembling works using portable light equipment such as cordless screwdriver and would be completed within a few working days.

Response to Public Comments	
(a)	<u>Concerns on ecological impact</u> –It is specified in the EcoIA that most of the Application Site is situated within the “CA”, and the entire of the Application Site is located within WBA, while a substantial portion of the 500m Study Area is encompassed by the “CA”, WCA, and WBA. It is expected that the proposed works are small in scale and are not expected to compromise the “CA”, WCA and WBA. Given that the operational maintenance is expected to be occasional and small in scale and hence the ecological impact on the recognized sites of conservation importance during both the construction and operational phases is deemed to be Insignificant. Besides, the potential ecological impacts during the construction phase and operational phase have been assessed in the EcoIA. A net wetland area (i.e. the ponds) of 0.21ha within the Application Site was restored to facilitate the proposed application. No-net-loss in wetland principle is adopted. With the implementation of the mitigation measures recommended, no adverse residual impact would be expected. Given that the Application Site is located within the “CA” and Wetland Buffer Area, a management protocol is therefore prepared, to specify the maintenance and monitoring works during operational phase in order to propose detailed measures to further minimize the potential impacts and maintain the habitat quality within the Application Site at the same time.
(b)	<u>Concerns on environmental nuisance</u> – As mentioned in the responses to DEP above, most of the proposed structures are pre-casted, and no earthworks, dredging works and other building works are expected. As the Site is not provided with vehicular access, mechanical equipment would not be used and no adverse traffic impact would be generated. Installation would only involve simple assembling works on the floating platforms within a few working days. No adverse environmental impact is envisaged. Furthermore, during the construction and operation of the PVC system between mid-2023 and March 2024, no environmental complaint was received.
(c)	<u>Concerns on impact of reflection and glare</u> – The PV panels are non-glare plates and their design further incorporates non-reflective panel surfaces to reduce visual impacts. Besides, buffer planting would be provided to ensure no adverse visual impact is generated
(d)	<u>Concerns on safety of electrical products</u> – The design, installation, operation and maintenance of the installation would be in compliance with the requirements set out under the Technical Guidelines on Grid Connection of RE Power Systems and the Guidance Notes for Solar Photovoltaic System Installation, both issued by EMSD. The PV system has been accepted and registered with EMSD. No safety problem is envisaged.
(e)	<u>Concerns on property/rental value</u> – While this may not be the concern of the Town Planning Board, the proposed development, combined with pond restoration from the dried condition, provides positive potential impacts to wildlife by restoring open water habitat for waterbirds, restoring foraging habitat for migratory bird species, and supporting invertebrate and fish populations. It would enhance rather than undermine the property value of the neighbouring residential developments.

4. ECOLOGICAL MONITORING DURING OPERATIONAL PHASE

4.1 Objective

- 4.1.1 To verify wildlife utilization of the restored ponds after installation and to evaluate that the claims of ecological enhancement (e.g., habitat restoration and wildlife attraction) are upheld during the operational phase. Ecological monitoring will be carried out during the entire operational phase of the Project. The monitoring requirements and programme will be reviewed every two years to determine whether and how the monitoring should be continued, taking into account the monitoring results. The main aspects of ecological monitoring include fauna surveys (including waterbird /water-dependent bird, dragonfly, and amphibian surveys), fish population monitoring, and habitat quality assessments.

4.2 Monitoring Programme

- 4.2.1 The bird communities in the Application Site will be monitored. A transect count / point count survey will be conducted to determine the presence and abundance of all bird species encountered. The survey will be conducted once a month. Utilization of the Site as breeding habitat by birds will also be studied. During the surveys, observed birds will be classified according to their behavior i.e. feeding, roosting, breeding etc.
- 4.2.2 The herpetofauna survey will be conducted during the wet season (i.e. between April and October) by using transect count method. The presence and abundance of species encountered visually or aurally on the transect will be recorded.
- 4.2.3 Presence and abundance of adult dragonfly target species will be estimated using transect count method. Surveys will be conducted monthly between April and October, when the key species are more active (Tam *et al.* 2011).
- 4.2.4 If any other species of conservation importance including but not limited to mammal or butterfly are encountered, they will be recorded and reported in the quarterly monitoring reports.
- 4.2.5 Monitoring of fish number and species will be conducted bi-monthly with using bank-side count and/or hand net to actively search for fish. Fish species and crustaceans found in the surveyed ponds will be recorded and identified to the lowest possible taxon, and their relative abundance will be reported. The range of the majority size will be recorded as <10cm and >10cm. Additionally, the special behaviour of fish will be recorded, if any.
- 4.2.6 Regular inspections and measurements of water quality will be conducted monthly during the management work. The levels of dissolved oxygen and pH will be closely monitored to prevent deterioration of water quality and to promptly address any identified issues.
- 4.2.7 The monitoring data will be compared with the ecological baseline in the EcoIA or the Environmental Management of Pond Fish Culture published by AFCD, should any abnormal results are found during the monitoring period, investigation will be conducted including but not limited to reviewing the adaptive management regime.

4.3 Reporting








Photo A



Photo B



Legend

	Application Site		Proposed Fish Pond / Landscaped Pond
	Photovoltaic System		Transport Route of Solar Panels
	Foot Access to Site		

Plan 2a



Site Photo 8

Solar Panels Removed

Plan 4g