



Our Ref.: PD2410002/07
Your Ref.: TPB/A/YL-NSW/357

27 February 2026

By Email

Town Planning Board Secretariat
15/F, North Point Government Offices,
333 Java Road,
North Point,
Hong Kong

Dear Sir/Madam,

SECTION 16 PLANNING APPLICATION NO. A/YL-NSW/357

Further Information Submission

We refer to the departmental comments received from Agriculture, Fisheries and Conservation Department on 12 December 2025 of the captioned Application.

Based on the latest updates, the Proposed Development involves permitted rehabilitation of agricultural area and pond culture management. Revisions on the proposed operation arrangement include proposed crop farming species, adoption of shrimp farming, etc.. Nature of this s.16 planning permission to meet changing needs in the near future, as well as to ensure certainty for environment protection, is remain unchanged. Our responses to the departmental comments in Appendix 4 with the revised planning statement report in Appendix 1. In regard to the latest updates, the Desktop Review on Nearby Ecological Baseline Condition has been updated in Appendix 3.

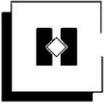
According to TPB PG-No. 32B, submission of this further information refers to supplement and/or clarify the background and supporting information of the Application, as well as to response the relevant departmental comments, in which does not constitute as a material change the application. Thus, it should be accepted. Should you require further information or have any query, please feel free to contact the undersigned or Haze Tsang at 2586 1737.

Yours faithfully,
For and on behalf of
LCH Planning & Development Consultants Limited

Junior Ho
Director

c.c. the Applicant





Encl.

- Appendix 1 – Revised Planning Statement Report
- Appendix 2 – Replacement Page of Figure 6
- Appendix 3 – Revised Desktop Review on Nearby Ecological Baseline Condition (Annex 6)
- Appendix 4 – Responses to Departmental Comments



**Filling of Pond for Permitted Agricultural Use for a Period of 3 Years
in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") and "Village
Type Development" ("V") zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part),
Nam Sang Wai, Yuen Long, New Territories**

Section 16 Planning Application No. A/YL-NSW/357

Response to Departmental Comments Table

No.	Comments Received	Our Responses
Date: 24 November 2025		
A. Comments from Agriculture, Fisheries and Conservation Department <i>Subject Officer: Dr. Azaria WONG (T: 2150 6932)</i>		
<u>From nature conservation perspective:</u>		/
Planning Statement		/
Executive Summary		/
1.	It is stated that "The implementation of the Proposed Development will make effective use of idle land for rehabilitation and cultivation, thereby enhancing the existing ecological value and biodiversity of the Application Site.". Please elaborate how the existing ecological value and biodiversity could be enhanced. This comment also applies to S.4.1.9.	<p>Relevant statements have been revised. Kindly note that the Proposed Development involves rehabilitation and cultivation, including planting area for agricultural use and pond for shrimp farming, to be compatible with the surrounding environment.</p> <p>Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. No direct or indirect disruption to the species during operational phase. The cumulative impacts with other concurrent developments were considered minor. With the implementation of proposed mitigation measures, no unacceptable adverse infrastructural nor environmental impacts are anticipated during construction or operational phases.</p>
S.1.1.4 -		/
2.	It is stated that "It is currently covered with vegetation without sensitive ecological resources." Please provide supporting	Section 1.1.4 has been revised.



No.	Comments Received	Our Responses
	information for this statement, and advise whether ecological survey and literature review have been conducted.	A desktop review on the nearby ecological baseline condition has been and conducted and supplemented in Annex 6 .
S.2 -		/
3.	Please provide information about the ecological conditions of the site and the vicinity. Please advise whether the proposed construction works would adversely impact the ecologically sensitive receivers e.g. watercourse, fireflies, mangrove in the vicinity of the site during the construction phase.	<p>A desktop review on the nearby ecological baseline condition has been and conducted and supplemented in Annex 6.</p> <p>Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. The existing <i>plantation</i> habitat of low ecological importance will be gradually converted to <i>agricultural land</i> habitat of low to very low ecological importance under the Application. There will be minor impact to the ecological value of the <i>pond</i> habitat with minimal human activities. No direct or indirect disruption to the species during construction and operational phases. The cumulative impacts with other concurrent developments were considered minor.</p> <p>Please refer to Sections 3.3.6 and 3.6.12 and Section 9 in Annex 6 for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.</p>
S.3 -		/
4.	The information on the proposed construction works is still limited. Please advise whether there are any other construction works in addition to tree felling and drainage works, and whether there are any structures to be erected / installed at the site apart from the metal fence . If affirmative, please provide details about the works/ structure and illustrate and figures for illustration.	Further to the latest information, clearance and construction works including for repairment of a functional sluice gate and restoration of bund, and felling of existing trees would be involved, while machinery will be used to enter the Application Site from south of Section E of Lot No. 1212 in D.D. 115 or the local track road at the east of the Application Site. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep



No.	Comments Received	Our Responses
		the interventions to the surroundings minimal. Further details on the proposed vehicular access of clearance arrangement have been shown in Diagram 4 .
5.	Please advise whether there will be any light, noise, water pollution etc., that would adversely impact the ecologically sensitive receivers e.g. watercourse, fireflies, mangrove in the vicinity of the site during the construction phase and the operation phase.	Please refer to Sections 3.3.6 and 3.6.12 and Section 9 in Annex 6 for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
S.3.6 -		/
6.	Please advise whether there will be night-time operation that may adversely affect the ecological sensitive receivers in the vicinity.	The Proposed Development would be operated daily tentatively around 7a.m. to 5p.m. daytime. No artificial lighting and/or glare is allowed. Section 3.6.1 has been supplemented.
7.	The pond at the northwestern portion of the site is proposed for pond fish culture for freshwater fish. However, during our recent inspection, it was found that the pond was not enclosed. It was connected to the Kam Tin River Meander to the east and the water was brackish. The applicant is advised to clarify how the proposed pond culture would be carried out and whether any earthworks would be conducted at the pond.	Please note this Application also applies to regularize the existing filled ponds, no additional pond filling is proposed apart from the existing filled area. Based on the latest information, we noted that the existing pond is not fully enclosed. Earthworks will be conducted for the repairment of a functional sluice gate and restoration of bund, to allow sustainable pond culture management. Further details on the operation arrangement of shrimp farming have been supplemented in Sections 3.6.2 to 3.6.5 , subject to the actual operation by the future users.
S.4.2.2 -		/
8.	It is stated in Section 4.2.2 that "as considered by the Agriculture, Fisheries and Conservation Department (AFCD), EcoIA could be exempted for 'Agricultural Use (except in SSSI Zone)' for this s.16 planning application." Please be clarified that whether the requirement of EcoIA under TPB PG-12C could be exempted is	Kindly note that this Proposed Development falls within an area designated as "OU(CDWRA)" and "V" zones on the Approved Nam Sang Wai OZP No. S/YL-NSW/11, which 'Agricultural Use' falls into Column 1 that is always permitted by the Board. In accordance



No.	Comments Received	Our Responses
	subject to the view of PlanD and/or Town Planning Board. The same comment applies to S.5.3.3.	with the TPB PG-No. 12C, EcoIA could be exempted for 'Agricultural Use (except in SSSI Zone)'. Section 4.2.2 has been revised accordingly.
<u>From fisheries perspective:</u>		/
9.	We have no objection to use the area for pond fish culture and cultivation purpose. The applicant is reminded to adopt appropriate measures to prevent deterioration of water quality of the fishpond and surrounding watercourses during site formation and operation.	Noted.
<u>From agricultural perspective:</u>		/
10.	We have no comments from agricultural perspective.	/
Date: 12 December 2025		
Most of the further information (FI) is not directly relevant to our previous comments. Some information therein is misleading, incorrect and/or different from the other application materials. The conclusions drawn are not supported by sound reasoning. As the information on ecological baseline, ecological impacts and mitigation measures are unclear, we have reservation on the application.		Noted.
Please find our specific comments on the FI below, which give some examples on the more obvious parts of the submission that require revision. The applicant is advised to provide specific response that are relevant and specific to our comments, and well supported by ecological data and scientifically sound assessment.		Noted.
<u>From nature conservation perspective:</u>		
RtC no. 1		
	- Our comment about how the existing ecological value and biodiversity could be enhanced has not been addressed.	Relevant statements have been revised. Kindly note that the Proposed Development involves rehabilitation and cultivation, including planting area for agricultural use and pond for shrimp farming, to be compatible with the surrounding environment.



No.	Comments Received	Our Responses
		<p>Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. The existing <i>plantation</i> habitat of low ecological importance will be gradually converted to <i>agricultural land</i> habitat of low to very low ecological importance under the Application. There will be minor impact to the ecological value of the <i>pond</i> habitat with minimal human activities. No direct or indirect disruption to the species during construction and operational phases. The cumulative impacts with other concurrent developments were considered minor.</p>
	<p>- Please explain what are “degraded lands” and how they contribute to environmental decline.</p>	<p>Degraded lands refer to areas where the land has undergone a reduction or loss in its environmental and/or economic complexity by pollution and other human activities. Various environmental concerns may occur, including vegetation removal and soil disturbance, leading to declines in species diversity.</p> <p>Term of “degraded lands” originally mentioned in Section 5.4.1 has been removed and revised. Please note the existing condition of our Application Site which is currently covered by plantation and abundant pond, but abandoned and overgrown. Further details on the tree surveys have been supplemented in Annex 5 Tree Preservation and Landscape Proposal.</p>
	<p>- The statement of “no species were recorded within the project site” is incorrect.</p>	<p>Relevant statements in Annex 6 have been removed.</p>
	<p>- The project site is well vegetated. Please clarify what do “developed area habitats” refer to.</p>	<p>Please note the existing condition of our Application Site which is currently covered by plantation and abundant pond, but abandoned and overgrown. Term of “developed area habitats” originally mentioned in Section 7.1.3 of Annex 6 has been removed and revised.</p>
RtC no. 2		



No.	Comments Received	Our Responses
	<ul style="list-style-type: none"> - Our comment about the ecological resources has not been addressed. 	<p>Section 1.1.4 has been revised.</p> <p>A desktop research on the nearby ecological baseline condition has been and conducted and supplemented in Annex 6.</p>
RtC no. 3		
	<ul style="list-style-type: none"> - The statement of “no species were recorded within the project site” is incorrect. 	<p>Relevant statements in Annex 6 have been removed.</p>
	<ul style="list-style-type: none"> - The project site is well vegetated. Please clarify what do “developed are habitats” refer to. 	<p>Term of “degraded lands” originally mentioned in Section 5.4.1 has been removed and revised. Please note the existing condition of our Application Site which is currently covered by plantation and abundant pond, but abandoned and overgrown. Further details on the tree surveys have been supplemented in Annex 5 Tree Preservation and Landscape Proposal.</p>
	<ul style="list-style-type: none"> - S.3.6.3 is not about mitigation measures. 	<p>Typo. Please refer to Sections 3.3.6 and 3.6.12 and Section 9 in Annex 6 for the proposed mitigation measures during construction and operation phases respectively.</p>
	<ul style="list-style-type: none"> - Please see my comments on Annex 6 below. 	/
RtC no. 4		
	<ul style="list-style-type: none"> - The RtC has not addressed my comments about the impacts on the specified ecological sensitive receivers specifically. 	<p>The Site is located within WBA and is near the WCA and “CA” zone. As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase. The land use planning control is exercised through the designation of WCA for all existing continuous and adjoining active/abandoned fish pond, and the designation of WBA to protect the ecological integrity of the WCA. In addition, the habitats in Nam Sang Wai are considered insignificant as the operational phase disturbance (i.e. noise, human disturbance) will be very limited.</p>



No.	Comments Received	Our Responses
		Regarding the proposed operation arrangement, the Proposed Development would be operated daily tentatively around 7a.m. to 5p.m. daytime, to minimise the possible impacts to the ecological sensitive receivers in the vicinity.
	- S.3.6.3 is not about mitigation measures.	Please refer to Sections 3.3.6 and 3.6.12 and Section 9 in Annex 6 for the proposed mitigation measures during construction and operation phases respectively.
RtC. no. 5		
	- My comments about ecological impacts have not been addressed.	Please refer to Sections 3.3.6 and 3.6.12 and Section 9 in Annex 6 for the proposed mitigation measures during construction and operation phases respectively, no adverse environmental and ecological impacts are anticipated from the Proposed Development.
RtC no. 6		
	- The operating hour of 7am to 7pm goes beyond daytime.	Based on the latest proposal by our Applicant, the Proposed Development would be operated daily tentatively around 7a.m. to 5p.m. daytime. Section 3.6.1 has been revised accordingly.
RtC no. 7		
	- My comments about how the proposed pond culture would be carried out and whether any earthworks would be conducted at the pond have not been addressed.	Based on the latest information, we noted that the existing pond is not fully enclosed. Earthworks will be conducted for the repairment of a functional sluice gate and restoration of bund, to allow sustainable pond culture management. Further details on the operation arrangement of shrimp farming have been supplemented in Sections 3.6.2 to 3.6.5 , subject to the actual operation by the future users.
RtC no. 8		
	- My comment is still valid for Section 1.1.3 of Annex 6.	Section 1.1.3 of Annex 6 has been revised accordingly.
Annex 6		
S.2.1.2		



No.	Comments Received	Our Responses
	The statement "The area surrounding Nam Sang Wai was formerly active fishponds, but these were filled over the course of the channelisation works and it is now largely grassland and plantation woodland" is not supported by the fact that there are a number of fishponds and other wetland habitats in the area.	Section 2.1.2 of Annex 6 has been revised accordingly.
S.3.1.2		
	The statement "all the above have been reviewed and approved by the AFCD" is misleading. Please delete. This comment also applies to S.9.1.1.	Relevant statement in Sections 6.1.2 and 10.1.1 of Annex 6 have been removed.
S.6		
	It is unclear whether the ecological information presented refers to Nam Sang Wai, the assessment area of the reviewed literature or the assessment area of the current application. Please revise for clarity.	Section 6.1.2 of Annex 6 has been supplemented. Kindly note that relevant studies or surveys are found in the vicinity of the Application Site and most of them fall within their assessment area as provided in Diagram 5 of Annex 6 .
S.6.1.15		
	Please quote the source of "the present ecological survey and data from AFCD".	Relevant statement in Section 6.1.14 of Annex 6 has been removed.
S.7.1.3		
	- The statement that "no species were recorded within the Project Site" is not supported by the findings that the Project Site were plantation and pond. Please revise.	Relevant statement in Section 7.1.3 of Annex 6 has been removed.
	- The sentences "Direct habitat loss arising from the Proposed Development including the footprint of the development (primary impact) and habitat which will be lost due to the conversion of one type of wetland habitat to another to mitigate for the wetland area to be developed (secondary impact) are minimal. Developed area habitats within the assessment area mostly fall within the WBA as well as our Project Site, thus developed area habitats is of low ecological value. There will be no net permanent loss of the area of plantation" are incorrect as	Relevant statement in Section 7.1.3 of Annex 6 has been removed.



No.	Comments Received	Our Responses
	the entire plantation on the application site will be lost as provided in other application material.	
	- No Annex 5 has been provided.	Annex 5 (Tree Preservation and Landscaping Proposal) has been supplemented to your side for your review.
S.7.1.4		
	The sentence of "No direct or indirect disruption to the species, and hence the net effect of the changes to habitat areas and water areas within the Project Site will be ecologically positive" is not logically sound.	Relevant statement in Section 7.1.4 of Annex 6 has been removed.
S.9.1.2		
	- The first two sentences are misleading.	Relevant statement in Section 9.1.1 of Annex 6 has been removed.
	- The drainage impact is outside the purview of AFCD.	Noted.
From fisheries perspective:		
<u>S 6.1.22 of Literature Review on Ecological Baseline Condition</u>		
	- The statement " <i>Referring to the above relevant studies or surveys, the recorded fish ponds at Nam Sang Wai which were actively managed for fish production</i> " appears to contradict the subsequent statement " <i>the physical environment were generally in poor context due to improper management practices and unauthorized activities</i> ". Please clarify.	Section 6.1.22 of Annex 6 has been revised accordingly.
	- It is further stated that " <i>These include the storage of materials unrelated to fisheries (i.e. abandoned vehicles, containers, construction materials, general waste), illegal dumping of toxic materials and construction waste, burning of waste, suction dredging of fishponds into adjacent creeks connected to c and the destruction of mangroves to expand fishponds</i> ". Please clarify from which relevant studies or surveys these examples were derived.	The relevant statement is extracted from the Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025). Section 6.1.22 of Annex 6 has been supplemented accordingly to include the source of extraction.
<u>S 3.6 of Replacement pages for Planning Statement</u>		
	- It is noted that shrimps may also be cultured with fish in the existing pond at the Project Site. As the cultivation requirements, such as pond area, water depth, aeration, and	Based on the latest proposal by our Applicant, the Proposed Development would only involve pond for shrimp farming. Further details on the operation arrangement of shrimp farming have been



No.	Comments Received	Our Responses
	<p>bottom type vary between shrimp and fish culture, please clarify whether reprofiling of the existing pond will be required to carry our shrimp and fish cultivation separately. If so, please specific the design and confirm whether additional pond/ land filling will be required.</p>	<p>supplemented in Sections 3.6.2 to 3.6.5, subject to the actual operation by the future users.</p>
	<p>- Please clarify whether the scale of proposed cultivation would be commercial.</p>	<p>In view of the size of Application Site, the proposed cultivation targets for self-use, and hence no economically or commercially viable for commercial farming will be involved. A small size of pond fish culture is anticipated with the adoption of traditional polyculture techniques throughout the operation as mentioned in Sections 3.6.2 and 3.6.3.</p>
	<p>- Regarding point 7 of the RtC, it appears the responses does not address the comment: "<i>However, during our recent inspection, it was found that <u>the pond was not enclosed</u>. It was connected to the Kam Tin River Meander to the east and the water was brackish. The applicant is advised to clarify how the proposed pond culture would be carried out and <u>whether any earthworks would be conducted at the pond</u>". Please clarify.</i></p>	<p>Based on the latest information, we noted that the existing pond is not fully enclosed. Earthworks will be conducted for the repairment of a functional sluice gate and restoration of bund, to allow sustainable pond culture management.</p> <p>Further details on the operation arrangement of shrimp farming have been supplemented in Sections 3.6.2 to 3.6.5, subject to the actual operation by the future users.</p>
<p><u>From agricultural perspective:</u></p>		
	<p>We have no comments on the further information from agricultural perspective.</p>	<p>Noted.</p>



Filling of Pond for Permitted Agricultural Use for a Period of 3 Years
in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) and “Village Type Development” (“V”) zones, Lots 1212 S.E ss.1 and 1212 S.E RP (Part) in D.D. 115 and adjoining Discrepant Areas (Part),
Nam Sang Wai, Yuen Long, New Territories

Section 16 Planning Application No. A/YL-NSW/357

Response to Departmental Comments Table

No.	Comments Received	Our Responses
<p><i>A. Comments from Agriculture, Fisheries and Conservation Department</i> <i>Subject Officer: Dr. Azaria WONG (T: 2150 6932)</i></p>		
<p>Date: 5 February 2026 (Comments on draft Further Information submission)</p>		
<p><u>From nature conservation perspective:</u></p>		
<p>Many of our previous comments have not been addressed and remain valid. Please find my specific comments below.</p>		<p>Noted. As per our tele-communication on 5 February, further revisions on the whole Annex 6 (Desktop Review on Nearby Ecological Baseline Condition) have been conducted. Updates are highlighted in yellow for your easy reference.</p>
<p>1.</p>	<p>It is claimed that no earthworks would be conducted at the pond. Please explain how the proposed pond culture for freshwater fish could be carried out given that the pond is not enclosed, is connected to the Kam Tin River Meander to the east and the water is brackish. Please clarify.</p>	<p>Based on the latest information, we noted that the existing pond is not fully enclosed. Earthworks will be conducted for the repairment of a functional sluice gate and restoration of bund, to allow being sustainable pond culture management.</p> <p>Further details on the operation arrangement of shrimp farming have been supplemented in Sections 3.6.2 to 3.6.5, subject to the actual operation by the future users.</p>
<p>2.</p>	<p>Given that the pond is not enclosed and that massive tree felling will be required, it is not clear how the proposed agricultural use and pond fishing culture could enhance the existing ecological value and biodiversity of the site. Please elaborate.</p>	<p>Relevant statements on the future ecological enhancement have been removed and revised. Kindly note that the Proposed Development involves rehabilitation and cultivation, including planting area for agricultural use and pond for shrimp farming, to be compatible with the surrounding environment.</p>



No.	Comments Received	Our Responses
		Direct habitat loss arising from the Proposed Development is considered minimal, no net permanent loss of the area of plantation nor pond area under the Proposed Development. No direct or indirect disruption to the species during operational phase. The cumulative impacts with other concurrent developments were considered minor. With the implementation of proposed mitigation measures, no unacceptable adverse infrastructural nor environmental impacts are anticipated during construction or operational phases.
3.	While it is clear that the application site consists of plantation of mainly exotic species and an abandoned pond, some information in particular those about the ecological baseline of the vicinity of the site as stated in the literature review at Annex 6 is incorrect. Besides, some information therein is not consistent with the planning statement. Please revise Annex 6 for accuracy and consistency.	Noted. Revisions on the whole Annex 6 have been conducted.
4.	Whether the requirement of EcoIA under TPB PG-12C could be exempted is subject to the view of PlanD and/or Town Planning Board. Please revise relevant text of the submission accordingly.	Kindly note that this Proposed Development falls within an area designated as "OU(CDWRA)" and "V" zones on the Approved Nam Sang Wai OZP No. S/YL-NSW/11, which 'Agricultural Use' falls into Column 1 that is always permitted by the Board. In accordance with the TPB PG-No. 12C, EcoIA could be exempted for 'Agricultural Use (except in SSSI Zone)'. Section 4.2.2 has been revised accordingly.



Section 16 Application for Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

Planning Statement

	Prepared by
Planning Consultant	: LCH Planning & Development Consultants Limited
Drainage Consultant	: Urban Green Consultants Limited
Landscape Consultant	: LanDes Limited

February 2026
Report : Version 1.4



Executive Summary

(in case of discrepancy between English and Chinese versions, English version shall prevail)

This Application is submitted to the Town Planning Board (“**the Board**”) under Section 16 of the Town Planning Ordinance (“**the Ordinance**”) for filling of pond for Permitted Agricultural Use (“**the Proposed Development**”) in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in Demarcation District No. (“**D.D.**”) 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long (“**the Application Site**”, “**the Site**”). The Site falls within an area of “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) and “Village Type Development” (“V”) zones on the Draft Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11. It involves an area of about 21,929 square meters (“**sq. m.**”).

The Proposed Development aims to provide the permitted agricultural use involves rehabilitation of agricultural land of Sub-section 1 and Remaining Portion (Portion) of Section E of Lot No. 1212 in Demarcation District 115 and **pond culture management** of a portion of Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115. The concerned filling of pond has been existed for more than 2 decades. The previous pond is current covered by about 2 metres (“**m**”) thick heavy soil, with an area of about 14,933 sq.m..

The Proposed Development is in line with various of Government’s policies, including conservation implementation and the sustainable development of the Agriculture and Fisheries Industries in Hong Kong. The implementation of the Proposed Development will make effective use of idle land for rehabilitation and cultivation, **thereby to be compatible with the surrounding environment.**

Additionally, the Proposed Development does not hinder the long-term planning intention of “OU(CDWRA)” and “V” zones and is not incompatible with the surrounding areas. No insurmountable adverse traffic, visual, landscape, drainage and environmental impacts are anticipated from the Proposed Development.

In view of the above justifications, we would sincerely seek the favourable consideration of the Board to approve this Application.



內容摘要

(如內文與其英文版本有差異，則以英文版本為準)

本規劃申請根據《城市規劃條例》第 16 條，就元朗南生圍丈量約份第 115 約地段第 1212 號 E 段第 1 小分段及餘下部分 (部分)，以及鄰近第 115 約地段第 1212 號 E 段的剩餘地塊 (“Discrepant Areas”) (部分) (下稱「申請地點」)，為填塘工程作准許的農業用途 (下稱「擬議發展」)，向城市規劃委員會 (下稱「城規會」) 提出申請。申請地點現時於《南生圍分區計劃大綱草圖編號 S/YL-NSW/11》劃作「其他指定用途 (綜合發展包括濕地修復區)」及「鄉村式發展」地帶。申請地點的面積約 21,929 平方米。

擬議發展將用作准許的農業用途，包括在元朗南生圍丈量約份第 115 約地段第 1212 號 E 段第 1 小分段及餘下部分 (部分) 作耕種，以及在鄰近第 115 約地段第 1212 號 E 段的剩餘地塊 (部分) 作池塘養殖管理。有關填塘工程已早於 20 多年前發生，有關地方現時蓋上約 2 米高的泥土，面積約為 14,933 平方米。

擬議發展項目符合政府多項政策，包括推行保育措施及推動香港漁農產業的永續發展。擬議發展亦將有效利用閒置土地進行複耕和耕種，從而與其周圍環境協調。

此外，擬議發展項目不會妨礙南生圍的「其他指定用途 (綜合發展包括濕地修復區)」及「鄉村式發展」地帶的長遠規劃意向，再者與週邊地區並不衝突。擬議發展預計並不會對交通、視覺、景觀、排水系統和環境造成不可克服的不利影響。

鑒於以上提出的依據，我們真誠地尋求城規會批准該申請。

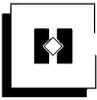


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1 INTRODUCTION

- 1.1.1 We are commissioned by the land owner (hereinafter referred to as the “**Applicant**”) to prepare on its behalf this planning statement for filling of pond for permitted agriculture use (hereinafter referred to as the “**Proposed Development**”) in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in Demarcation District No. (D.D.) 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115 in Nam Sang Wai, which is bounded by Sham Pui River to the north and Kam Tin River to the northeast (hereinafter referred to as the “**Application Site**”) (**Figure 1**) to the Town Planning Board (“**the Board**”) under Section 16 of the Town Planning Ordinance (“**the Ordinance**”).
- 1.1.2 The Application Site mainly falls within an area designated as “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“**OU(CDWRA)**”) zone with a small portion on area designed as “Village Type Development” (“**V**”) zone on the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/11 (“**the OZP**”) (**Figure 4**). According to the Notes of the OZP for “OU(CDWRA)” and “V” zones, ‘Agricultural Use’ falls into Column 1 that is always permitted by the Board.
- 1.1.3 The Application Site falls within the Wetland Buffer Area (“**WBA**”) as designated under the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance”. Complying with its “no-net-loss in wetland” principle, this Proposed Development is in line with the guideline’s intention to protect the ecological value and functions of the existing ponds and wetlands within the sensitive Wetland Conservation Area (“**WCA**”) through the rehabilitation of agricultural area and **pond culture management**.
- 1.1.4 The Application Site for intended cultivation was previously ponds and have been formed for more than two decades. It is currently **abundant and overgrown**. In order to reflect the current situation of the Application Site and to regularize the pond filling, a s.16 planning application for filling of pond is provided.
- 1.1.5 This proposal demonstrates that the proposed agricultural use is always permitted under the Approved OZP and the filling of pond is to reflect the current condition of the Application Site only.



2 THE APPLICATION SITE AND SURROUNDINGS

2.1 Current Condition of the Application Site

2.1.1 The Application Site covers a total of about 21,929 square metres (“sq. m.”), including portion of Remaining Portion (Portion) of Section E of Lot No. 1212 in Demarcation District No. (D.D.) 115 of about 13,068 sq.m., Sub-section 1 of Section E Lot No. 1212 in D.D. 115 of about 10 sq.m., and its portion of Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115 of about 8,851 sq.m.. The Application Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond is situated in the northwest. The existing pond is connected to the Shan Pui River via a broken concrete water gate (Diagram 1).



Diagram 1 Site Context

2.1.2 The Application Site is located at the far fringe of Nam Sang Wai, connecting to Shan Pui Road via a local track road. In a wider context, the Application Site is also connected to the nearby Yuen Long Highway and Castle Peak Road - Yuen Long through the local road network, from the farther Yuen Long On Lok Road in the further south in Yuen Long. Both Yuen Long Station and Long Ping Station (Tuen Ma Line) (TML) and Light Rail Transit (LRT) are walkable in about 18 to 22 minutes walking journey from the Application Site. The Application Site is currently served by various modes of public transport services, including franchised buses and green minibus (GMB) services connecting to the Yuen Long New Town.

2.2 Surrounding Context



- 2.2.1 Located at the far fringe of Nam Sang Wai, the surrounding environment of the Application Site is in rural village context intermixed with temporary uses. The Application Site is surrounded by the Shan Pui Village, Shan Pui Chung Hau Tsuen and Chung Hau Yu Man San Tsuen, with other low-rise residential developments.
- 2.2.2 The surrounding areas of the Application Site are characterized by various land uses. The immediate northwest of the Application Site is the Hong Kong School of Motoring as temporarily tolerated by the Board, and further to the west across the nullah is the Yuen Long INNOPARK. To the east is a cluster of squatters with a jetty pier reaching to the core part of Nam Sang Wai across Kam Tin River. To the south and west, the area is surrounded by the low-density residential development and village development, such as a low-rise small house development of Zen River. A temporary transitional housing site of the United Court (同心村) (Approved Application No. A/YL-NSW/321) providing about 1,800 units is located to the southwest of the Application Site.



Hong Kong School of Motoring



United Court



Nam Sang Wai jetty pier

Diagram 2 Surrounding Context

2.3 Site History

- 2.3.1 In July 1916, Lot No. 1212 in D.D. 115 was sold in public auction for agricultural use. The Application Site lies in the coastal plain near Yuen Long, which was, at that time, marsh lands lying between the Shan Pui River and Kam Tin River.



- 2.3.2 Over the years, by dint of manual labour, plants and vegetation were removed from the land, embankments were built up and the land was converted into large fish ponds. The embankments at the northern end and a small extent at the north-west corner of Lot No. 1212 in D.D. 115 were constructed beyond the lot boundary, encroaching on about 6.67 acres of Government Land.
- 2.3.3 Lot No. 1212 in D.D. 115 granted by the Government under the crown lease was for about 18 acres; the fish ponds as finally constructed covered about 24.67 acres. The grantees of Lot No. 1212 in D.D. 115 who were using those ponds for fish farming had, without a doubt, exclusive possession over the whole.
- 2.3.4 Upon a series of court action, the Court of Final Appeal confirmed that the lessees of Lot No. 1212 in D.D. 115 held the possessory title to the 6.67 acres of the land, which was occupied for over 60 years by the lessees and had become annexed to the Lot No. 1212 in D.D. 115 during the continuance of the lot.
- 2.3.5 Thus, according to the series of judgement and the land registration record, the Applicant is the registered owner of the Sub-section 1 and the Remaining Portion of Section E of Lot No. 1212 in D.D. 115, and holds the possessory title of the Discrepant Area adjacent to the Remaining Portion of Section E of Lot No. 1212 in D.D. 115.
- 2.3.6 According to the Seal Copy of Judgement with Plan dated 30 December 2009 which was registered in the Land Registry by memorial no. 12081702340018, the site areas of the respective lots are as follow:

Lot No.	Site Area (sq.m.) (about)
Sub-section 1 of Section E of Lot No. 1212 in D.D. 115	10
Remaining Portion of Section E of Lot No. 1212 in D.D. 115	13,068
Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115	8,851

**Table 1 Site Areas of the Respective Lots of
the Subject Application Site**
(Source: Copy of Judgement with Plan, HKSAR Government)

2.4 Land Use of the Subject Site

- 2.4.1 With reference to the aerial photos, the Application Site has been engaged in agricultural use for a long period of time. From 1976 to 2006, the Application Site was used for pond fish culture and cultivation activities. Subsequently, there was court proceeding which halt the agricultural activities on the Application Site. It is left vacant from early 2010s onwards. Refer to **Annexes 1a - 1f** for the details of aerial photos records.



Diagram 3 Aerial Photos of 2011 (Left) and 2024 (Right)
(Source: Aerial Photo no. CS32480 taken in 2011 and Aerial Photo no.
E237024C taken in 2024 both by LandsD, HKSAR Government)



3 THE DEVELOPMENT PROPOSAL

3.1 Development Scheme

3.1.1 The Application Site covers an area of about 21,929 sq.m.. The permitted agricultural use involves rehabilitation of agricultural land (i.e. growing vegetables and crops) at Sub-section 1 and Remaining Portion of Section E of Lot No. 1212 in D.D. 115 and **pond for shrimp farming** at a portion of Discrepant Areas adjacent to Section E of Lot No. 1212 in D.D. 115.

3.1.2 The indicative layout plan of the Proposed Development is shown in **Figure 6**.

3.2 Filling of Pond

3.2.1 The area for cultivation within the Application Site was previously ponds and have been formed since 2000. In order to regularize the ponds that have been filled for more than two decades, this s.16 planning application for filling of pond is thus submitted (refers to the indicative layout plan shown in **Figure 6**). It is now rectified that the filling of pond would be about 2 metres (“m”) thick with heavy soil, with an area of about 14,933 sq.m..

3.2.2 No additional pond filling is proposed apart from the existing filled area. it is noteworthy that there is no reduction of the existing pond within the Application Site.

3.2.3 The Application Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River. The proposed drainage system with U-channels will collect the catchments within the Application Site and further discharge to the Kam Tin River, which is summarized in **Section 3.4** below. Details of the Drainage Impact Assessment (DIA) is attached in **Annex 4**.

3.2.4 The existing abandoned pond is not enclosed and connects to the Shan Pui River. The water quality is brackish in nature. There appears to be a broken concrete foundation for the previous water gate. In order to re-activate the pond, repairment of a functional sluice gate on the existing location with restoration of the adjoining bunds is required.

3.3 Clearance Arrangement

3.3.1 Noted that the existing pond is not enclosed as described in **Section 3.2**, repairment of a functional sluice gate with restoration of the bunds at the channel mouth to the northeast connecting to Shan Pui River, to ensure the clay liners and bunds are sufficiently compacted to minimize water loss through seepage. Earthworks will be taken place during dry season as the existing abandoned pond will be drained and dried naturally at that time to minimize the potential ecological impacts during construction stage.



3.3.2 The Proposed Development would involve felling of existing trees and earthworks in the initial stage, while machinery will be used to enter the Application Site from south of Section E of Lot No. 1212 in D.D. 115 or the local track road at the east of the Application Site. As entering the Application Site from the south will pass through Lot No. 20 in D.D. 115 and Remaining Portion of Lot No. 19 in D.D. 115, consent from the owner(s) of these two Lots would be obtained (**Diagram 4**) if these two routes (with the width of about 5.1m each) will be adopted.

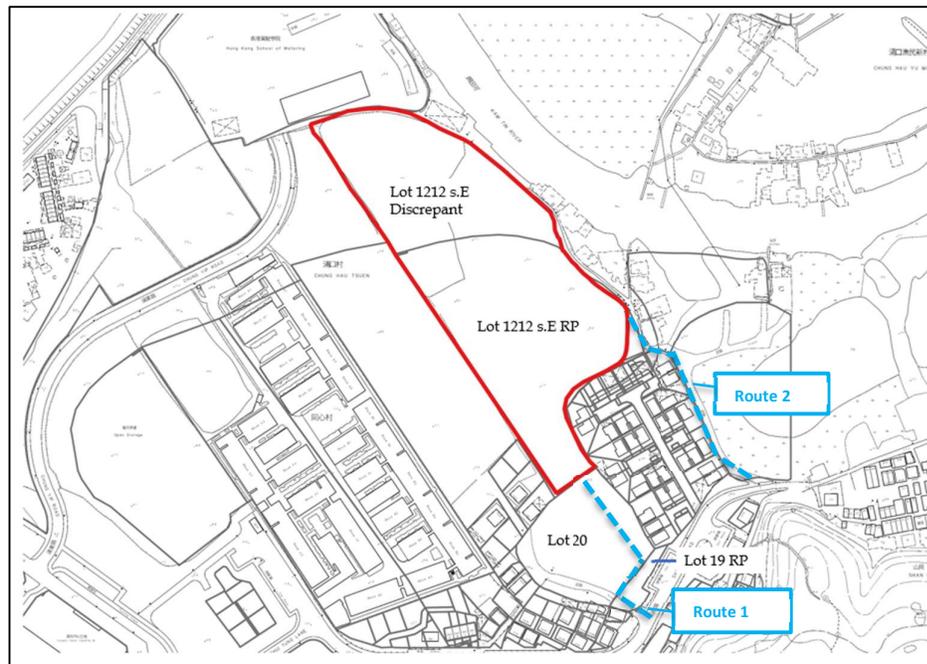
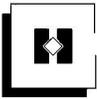


Diagram 4 Proposed Clearance Arrangement
(Source: HKSAR Government)

3.3.3 Earthwork at the existing abandoned pond shall involve repairment of a functional sluice gate and restoration of bunds with minimized desilting. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. Provision of dredging of existing accumulated sediments and selective removal of vegetation will also be included to provide open intertidal habitats (if necessary). Earthworks will be taken place during dry season as the pond will be drained and dried naturally at that time to minimize the potential ecological impacts during construction stage.

3.3.4 Felling of trees to be removed shall involve the complete removal of trees indicated, including stumps, by one of the following methods before work commences: -



- a) Bulldozer: A bulldozer shall be used to push over the whole tree, which shall then be cut by chain saw and removed, from the Application Site;
 - b) Winches: Power mounted or hand winches shall be used for pulling over the whole tree, the main support roots having first being severed either by mechanical means or by hand grubbing; and
 - c) Chain Saws: Either felling the whole tree at once or in sections. The stump shall be removed by hand grubbing and winching, stump cutting machine, hydraulic lifting or another method.
- 3.3.5 During construction stage, vehicular access along Route 1 as demonstrated in **Diagram 4** is suggested for site clearance, arrangement will only be conducted during non-peak hours (i.e. beyond 08:00 to 09:00). Only one light goods vehicle (LGV) (with the length not less than 4.65 m; and the width not less than 1.69 m) is expected for site clearance per hour.
- 3.3.6 While the clearance of exotic tree species and rehabilitation of agricultural land is always permitted on the Application Site, mitigation measures are proposed to avoid, minimise, mitigate and compensate for potential environmental impacts to ensure that the Proposed Development do not harm the wetland or impose adverse environmental effects. Proposed mitigation measures during construction stage are suggested as follows: -
- a) To minimise construction dust, good site practices including watering of exposed areas and careful scheduling of construction works would be implemented;
 - b) To minimise construction noise, use of quieter machines and careful scheduling of construction works would be implemented;
 - c) To proper handle and dispose any construction site discharges, good site management measures including those specified in *Professional Persons Environmental Consultative Committee Practice Note Construction Site Drainage (ProPECC PN 2/23)* would be adopted;
 - d) To proper handle and dispose any construction waste, good waste management practices in accordance with the principles of reduce, reuse, and recycle (3Rs) would be adopted; and
 - e) To minimise landscape and visual impacts, buffer planting and metal fence of about 2.5m in height would be proposed along the Application Site Boundary.
- 3.3.7 The site clearance is expected to be completed around 2026Q1.



3.3.8 Relevant environmental protection/ pollution control ordinance will be strictly complied during construction phase as follows: -

Air Quality

- Construction works and exhaust emission from the Powered Mechanical Equipment (PME) are the potential sources of air quality impact during construction phase. To mitigate the construction air quality impact, the control measures stipulated in the Air pollution Control (Construction Dust) Regulation and other relevant regulation and standards shall be followed. With proper control measures, air quality impact is expected to be minimal.

Noise

- All the construction works will be conducted between tentatively 7a.m. to 5p.m. daytime on any day not being a Sunday or general holiday. To eliminate the construction noise, *Practice Note for Professional Persons Minimizing Noise from Construction Activities (ProPECC PN 1/24)* shall be followed. In addition, quieter construction method and or equipment will be prioritised and adopted as far as practicable. With proper measures, noise impact is expected to be minimal.

Water Quality

- Surface runoff generated from the Site will be generated during construction phase. To prevent the runoff entering the surrounding waters, Best Management practices, proper site practice and good site management in accordance with *Practice Note for Professional Persons Construction Site Drainage (ProPECC PN 2/24)* shall be followed.
- Furthermore, *ETWB Technical Circular (Works) No. 5/2005 Protection of natural streams / rivers from adverse impacts arising from construction works (ETWB TC (Works) No. 5/2005)* should be adopted where applicable to minimise the potential water quality impacts from the construction works.
- As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. Hence, the Proposed Development is not considered to result in hydrological disruptions outside the Application Site.
- With appropriate measures and good site practices, water quality impact is not expected during construction phase.

Light Impact



- The construction activities will only conduct during tentatively 7a.m. to 5p.m. daytime. Therefore, light pollution is not anticipated.

3.4 Drainage Proposal

3.4.1 Referring to **Section 3.2**, the Application Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River.

3.4.2 The proposed drainage system with U-channels will collect the catchments within the Application Site and further convey to the Kam Tin River. The peak surface runoff was calculated based on a 50-year return period, as well as projected increases in rainfall intensity attributed to both the Mid-21st Century and End of 21st Century due to climate change.

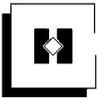
3.4.3 The drainage analysis, as demonstrated in the DIA attached in **Annex 4**, has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Application Site. With the implementation of proposed drainage system, no significant drainage impact is anticipated.

3.4.4 During construction stage, vehicular access along Route 1 as demonstrated in **Diagram 4** is suggested for proposed drainage works, arrangement will only be conducted during non-peak hour (i.e. beyond 08:00 to 09:00). Only I LGV (with the length not less than 4.65 m; and the width not less than 1.69 m) is expected for construction of drainage proposal per hour.

3.4.5 The following ordinances and regulations shall be followed during the construction of U-channels along the Application Site Boundary, as follow: -

- Forests and Countryside Ordinance (Cap. 96);
- Town Planning Ordinance (Cap. 131);
- Country Parks Ordinance (Cap. 208);
- Wild Animals Protection Ordinance (WAPO) (Cap. 170);
- Hong Kong Planning Standards and Guidelines (HKPSG) Chapter 10; and
- PELB Technical Circular 1/97 Works Branch Technical Circular 4/97 "Guidelines for Implementing the Policy on Off-site Ecological Mitigation Measures".

3.4.6 Also, mitigation measures shall be adopted, including good site practices for construction control, i.e. erosion control and careful management of construction activities and avoid construction works during evening and night time (i.e. from 18:00 to 07:00), to reduce the potential disturbances to



wildlife species and prevent waste water to be discharged from construction activities.

- 3.4.7 To minimise potential environment impacts, no toilet will be provided at the Application Site. Cultivators will use the public toilets (i.e. Chung Hau Tsuen Public Toilet, Chung Hau Tsuen (1) Public Toilet, and Shan Pui Tsuen Public Toilet) located outside the Application Site.

3.5 Compensatory Planting Proposal

- 3.5.1 The Applicant as the registered owner of Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and holds the possessory title of the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, can fell the trees within the Application Site without prior approval from the Lands Department (LandsD) under the Government lease.

- 3.5.2 Based on the Tree Preservation and Landscaping Proposal attached in **Annex 5**, the proposed design scheme has provided adequate planting buffer area for tree compensation, as well as to promote a tranquil and harmonic environment to the users and adjoining environment. The proposed planting area will be provided along the east and southeast edges of the Application Site, functioning as buffer planting between the Application Site and the adjacent village houses, edge planting beds. More importantly, the existing pond to the north of the Application Site will be preserved in situ.

- 3.5.3 The planting proposal has clearly identified the proposed location, with 38 nos. of standard trees with average Diameter at Breast Height (DBH) with approximately 50 millimeter (mm) are proposed to be planted to compensate the loss of 18 nos. of existing trees, excluding *Leucaena leucocephala* (銀合歡). All new trees within the Application Site Boundary will all be managed and maintained by the Applicant.

- 3.5.4 The proposed planting regime will provide approximately 1:2.11 compensation ratio in terms of quality and quantity of the loss of 18 existing trees, excluding *Leucaena leucocephala* (銀合歡), in accordance with *Processing of Tree Preservation and Removal Proposals for Building Development in Private Projects - Compliance with Tree Preservation Clause under Lease (Guidance Notes of LAO PN No. 6/2023)*.

- 3.5.5 The proposed trees are mostly native and ornamental species that are available in local nurseries at heavy standard size. The selection of plant combination enriches the colour complexity and visual gradation of the Proposed Development. *Bauhinia blakeana* (洋紫荊), *Pongamia pinnata* (水黃皮), *Sterculia lanceolata* (假蘋婆) and *Sapium dicolor* (山烏柏) are chosen to be planted along the east and southeast edges of the Application Site Boundary, closer to the existing adjoining developments, so as to screen the cultivation



area and reduce the visual impact to the nearby occupants. Groundcover, including *Wedelia chinensis* (蟛蜞菊) will be planted closer to the proposed drainage system and new tree planting.

3.6 Operation Arrangement of the Permitted Uses

3.6.1 According to the information, the Proposed Development will be operated by around 5 experienced cultivators for agricultural use daily tentatively around 7a.m. to 5p.m. daytime, subject to the actual operation by the future users. South portion of the Application Site will be for rehabilitation of agricultural land (i.e. growing vegetables and crops), and taking advantage of the existing abandoned pond in the northwest portion, pond for shrimp farming would also be considered.

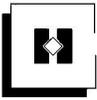
Sustainable Pond Management

3.6.2 Partners with experience in aquaculture management will be engaged to rehabilitate the existing pond by minimising the potential impacts. The Application Site is immediately adjacent to Shan Pui River which is a significant intertidal zone. Water from the river will be rushed in during higher tide, while the water from the subject pond will flow to the river during low tide. Taking the opportunity of this brackish water nature as mentioned in Section 3.2, this Application intends to investigate the possibility to convert the existing abandoned pond into an intertidal shrimp pond.

3.6.3 The existing abandoned pond connects to the Shan Pui River via a broken concrete water gate, as shown in Diagram 1. Repair works will be carried out to repair the broken and non-functional gate into an operational sluice gate, which will be used to manage water levels by exploiting tidal movements, as well as to restore the bund to stabilize its edge and boundary. The existing bunds and water channels inside the Application Site will be maintained and restored.

3.6.4 To adopt sustainable pond management, during normal operation, the shrimp larvae will be stocked into the pond naturally. No chemical, feeds or additives should be adopted, the shrimp should rely on natural organic detritus with the tidal flow to raise sustainably. The proposed shrimp species include greasyback shrimp (*Metapenaeus ensis*), in which is common in Hong Kong, associated with brackish water nature of the subject pond.

3.6.5 Hence, no regular artificial feeding will be required as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. As the Proposed Development will be operated daily tentatively around 7a.m. to 5p.m.



daytime, the future users will highly align with low tide forecasts provided by the Hong Kong Observatory (HKO)¹.

Sustainable Crop Farming

- 3.6.6 Adjacent to the existing pond, the agricultural area will further utilize fertile, well-drained soils enriched by proximity to the wetland ecosystem. Buffer distance of about 5m between the pond and the agriculture use will be adopted to ensure the separation.
- 3.6.7 Crop intercropping shall be implemented to enhance soil health and ensuring consistent yields across seasons. Organic farming method shall also be adopted, by using pond water for irrigation to recycle nutrients and minimize waste. The proposed growing vegetables and crops include radish (*Raphanus sativus*), chives (*Allium schoenoprasum*), beets (*Beta vulgaris*), spinach oleracea, chenopodium quinoa, etc. will be considered due to their salt tolerance.
- 3.6.8 Organic farming method shall be adopted with integrated pest management (IPM) techniques, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers to control the potential flea beetle problems as also recommended by the Agriculture, Fisheries and Conservation Department (AFCD).
- 3.6.9 Fertilization will rely on on-site composting of crop residues and pond sludge at the pond, to recycle the aerobic composting piles that prevent soil subsidence commonly found in reclaimed wetlands or water bodies. No artificial pesticides and fertilisers will be employed. Proper nutrient management will be adopted by avoiding larger fertiliser dose with small and split applications, and only with fully matured compost. No organic fertiliser shall be applied before and after heavy rain, and to irrigate in short pulse to avoid excess water washing the organic nutrients away. By applying a smart fertilization plan, it is anticipated to minimise any potential pollution risk.
- 3.6.10 As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase.
- 3.6.11 It is confirmed by the Applicant that there should be no further pond filling, nor any filling and excavation of land. Besides, the Application Site would not be operated as a hobby farm or open to the public as well.

¹ It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only.



3.6.12 During operation phase, the following mitigation measures are proposed to avoid and minimise impacts and disturbance to the surrounding habitats.

Air Quality and Noise

- The Proposed Development will be for rehabilitation of agricultural land and pond for shrimp farming. No air and noise emission activities will be involved and no powered machinery will be deployed. Therefore, air pollution and noise impacts are not expected.

Water Quality

- The surface runoff generated from the Application Site will be discharged to the proposed U-channel system. Therefore, water quality impact is not anticipated.
- Naturally feeding for the shrimp will be employed with no artificial feeding nor antibiotics/ pesticides/ herbicides. Desilting and degrading of pond during will be minimised.
- Proper fertilization plan to minimise the deployment of organic fertilization to prevent degradation of water quality.

Light Impact

- The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.. No artificial lighting and/or glare is allowed. No light pollution is anticipated.

Waste Management

- Waste collection and wastewater treatment facilities will be provided with reference to *Good Agricultural Practices for Crop Production and Practices Good Aquaculture Practices - Environmental Management of Pond Fish Culture* published by the AFCD.

3.7 Traffic Arrangement

3.7.1 The existing entrance to the Applicant Site is at the eastern part of the Remaining Portion of Section E of Lot No. 1212 in D.D. 115, which connects to the existing local track road leading to Shan Pui Road (two-way). The existing entrance will continue to serve the Proposed Development.



Entrance to
the Application Site



Existing Local Track Road to
the Application Site

Diagram 5 Existing Entrances to the Application Site

- 3.7.2 As illustrated in the indicative layout plan shown in **Figure 6**, two ingress / egress points with the entrance gate of a width of about 5 m will be provided along the southeastern and southern edges of the Application Site Boundary, from the south of Section E of Lot No. 1212 in D.D. 115 or the local track road at the east of the Application Site, and from the south will pass through Lot No. 20 in D.D. 115 and Remaining Portion of Lot No. 19 in D.D. 115, respectively (also refers to **Diagram 4** for the proposed clearance arrangement, as well as the proposed access arrangement).
- 3.7.3 Based on the site inspection conducted in May 2025, a few public car park facilities are found in the vicinity of the Application Site (**Diagram 6**). While there is an existing local track road connecting to the Application Site, to minimise potential impact, no parking spaces will be provided in the Application Site. During operation stage, cultivators are expected to access the Application Site by public transportation (i.e. franchised bus, GMB services and taxis) or private vehicle(s) that parked in surrounding carparks, and then walk to the existing local track road.



Diagram 6 Surrounding Carparks in the Vicinity of Application Site

(Source: GeoInfo Map, HKSAR Government)

- 3.7.4 For possible transportation of agricultural products, it is expected the future cultivators may transport the agricultural products within the nearby carparks as quickly as possible, in accordance with the *Road Users' Code* published by the Transport Department (TD). Hence, cultivators are expected to travel to and from the Application Site on foot from Shan Pui Road via the existing local track road.
- 3.7.5 No significant traffic trip rate is anticipated as the small development scale of the proposed use and no vehicular access leading to the Application Site, no additional traffic flow will be generated. The Proposed Development will not incur adverse traffic impact.



4 PLANNING AND LAND CONTEXT

4.1 National and Territorial Policy Context

4.1.1 Hong Kong's agriculture and fisheries industries have a rich and significant history, deeply rooted in the local cultural heritage. Hong Kong's agriculture and fisheries industries contribute significantly to food security and employment opportunities for local residents. Moreover, they are closely linked to the local ecosystem, serving as crucial elements for both tourism and education. It is evident that Hong Kong's agriculture and fisheries industries are not merely the domain of industry producers but are assets shared by the public at large.

a) National Level

National 14th Five-Year Plan (2021-2025)

4.1.2 In March 2021, China released the *National 14th Five-Year Plan (2021-2025)*, which highlights in *Chapter 24* that agricultural production in rural areas not only enhances urban-rural synergies but also promotes ecological conservation and restoration. Additionally, *Chapter 37* emphasizes a commitment to supporting biodiversity conservation by implementing biodiversity conservation and strengthening the protection and ecosystem restoration.

14th Five-Year National Agricultural Green Development Plan

4.1.3 The Central Government also introduced the *14th Five-Year National Agricultural Green Development Plan* in September 2021, its first focused initiative for sustainable agricultural development. This plan demonstrates the commitment of China to significantly enhance the utilisation of agricultural resources, improve the environmental quality of producing areas and the agricultural ecosystem, increase the supply of green products, and strengthen capabilities for emission reduction and carbon sequestration by 2025. These efforts align with the broader national goals of achieving carbon neutrality, fostering ecological civilisation, and promoting a circular economy by 2035.

b) Territorial Level

Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030

4.1.4 The *Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030 (HK2030+)* was published in October 2017 with the major vision to formulate a broad planning framework to guide the future development of Hong Kong "to become a liveable, competitive and sustainable city, championing sustainable development as the overarching planning goal". The *HK2030+* emphasizes to achieve sustainability with adopting "proactive" active in conservation implementation. Thus, the Proposed Development is in line



with the HK2030+ that it aims to proactively make use of idle land for rehabilitation and cultivation, thereby enhancing the existing ecological value and biodiversity of the Application Site.

Chief Executive's 2016, 2022 and 2024 Policy Address

4.1.5 In the Chief Executive's 2022 Policy Address, a New Proactive Conservation Policy was proposed to gradually restore private wetlands and ponds of ecological importance while establishing a Wetland Conservation Parks System. This initiative aims to enhance the environmental capacity for development in Hong Kong, particularly in the Northern Metropolis (NM). It was further mentioned in the further 2024 Policy Address that the Environment and Ecology Bureau (EEB) would continue to advance the Blueprint for the Sustainable Development of Agriculture and Fisheries by increasing the local mariculture production by 100% by 2027 compared to 2022. Measures will include incorporating urban farming strategy in the New Development Areas (NDAs) to support the sustainable development of the Agriculture and Fisheries Industries in Hong Kong.

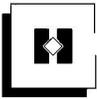
4.1.6 At territorial level, Hong Kong is grappling with significant challenges related to food security and sustainable agriculture. It was advocated in the 2016 Policy Address that a New Agriculture Policy will promote the modernisation and sustainable development of local agriculture. Key initiatives under this policy include identifying and designating "Agricultural Priority Areas" and setting up a Sustainable Agricultural Development Fund. At district level, there is a flourishing consciousness in optimising blue and green resources for recreation, tourism and conservation development.

Northern Metropolis Development Strategy

4.1.7 The Northern Metropolis Development Strategy (NMDS) published in October 2021, has recommended that the abundant cultural and natural resources in the northern New Territories, comprising urban areas, rural townships, villages, fish ponds and agricultural land, etc., should be suitably utilised, revitalised and conserved in such a way as to create the NM with unique metropolitan landscape that embodies "Urban-Rural Integration and Co-existence of Development and Conservation". At local level, the Application Site is predominantly overgrown without proper maintenance together with the degraded pond. Proactive conservation measures such as rehabilitation and restoration of **abandoned pond** to improve hydrological regime to maintain the freshwater wetland habitats of Nam Sang Wai shall be adopted in line with both national and territorial policies.

Northern Metropolis Action Agenda

4.1.8 The Northern Metropolis Action Agenda (NMAA) promulgated in October 2023, has recommended the development theme of 'Blue and Green Recreation, Tourism and Conservation Circle' for recreation and tourism



development. The NMAA sets out targets including but not limited to ecological conservation and urban-rural integration through proactive conservation and restoration to increase environmental capacity in the NM. Hence, some lands are reserved to promote the development of modernised aquaculture as well as scientific research on aquaculture, to help with the upgrading and transformation of the fisheries industry.

- 4.1.9 In view of the aforementioned planning context, it is timely to review the land uses and untapped potential of the Application Site for rehabilitation, cultivation and other agricultural purposes. Its proximity to Nam Sang Wai and Deep Bay, where areas of significant natural and cultural heritage, will also create synergy on enhancing the existing ecological value and biodiversity. This planning statement is therefore submitted to seek support from the concerned stakeholders for agricultural initiatives that align with the planning vision of the NM and to optimise the sacred private land resources for agriculture and wetland conservation.

4.2 Town Planning Board Planning Guidelines

- 4.2.1 The Application Site falls within the Wetland Buffer Area (WBA) as designated under the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance” which is within the 500m of the landward boundary of the Wetland Conservation Area (WCA) (**Diagram 7**). In particular, the intention of this area is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of **the existing** ponds. Development/redevelopment which may have negative impacts on the ecological value of the WCA would not be supported by the Board.

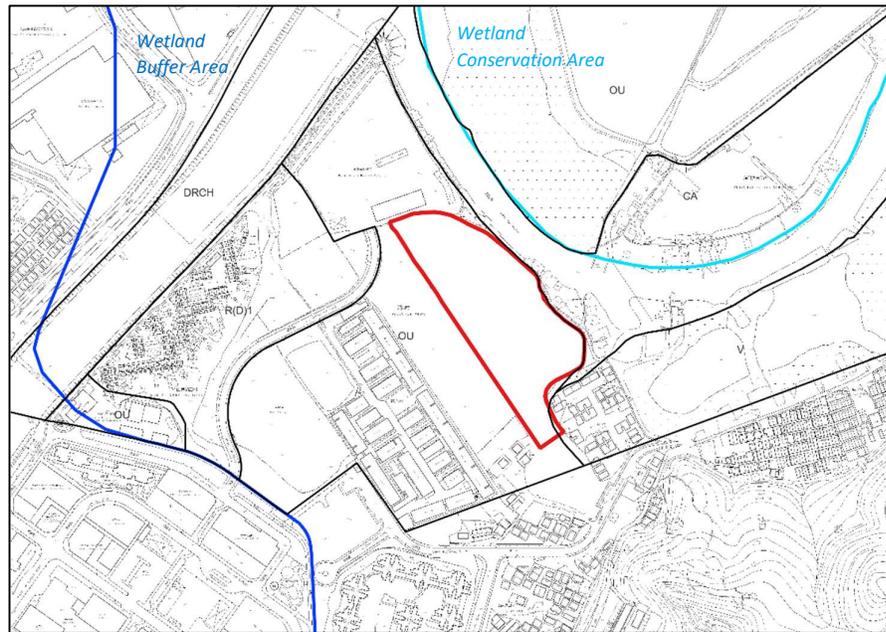


Diagram 7 Boundary of Wetland Buffer Area

(Source: Town Planning Board and CSDI Portal, HKSAR Government)

- 4.2.2 According to the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance”, for development or redevelopment within the WBA, which requires planning permission from the Board, an ecological impact assessment (EcoIA) would be required to demonstrate that the negative impacts could be mitigated through positive measures unless the use/development are exempted from the requirement of EcoIA, for instance ‘Agricultural Use (except in the “Site of Special Scientific Interest” (“SSSI”) Zone)’. Also, EcoIA could be exempted for ‘Agricultural Use (except in SSSI Zone)’ for this s.16 planning application.
- 4.2.3 To facilitate the realisation of the planning intention of protecting the ecological integrity of the agricultural landscape within the sensitive WBA and complying with its “no-net-loss in wetland” principle, the Proposed Development is in line with the guideline’s intention to protect the ecological value and functions of the existing ponds and wetlands through the rehabilitation of agricultural area and . It is noted that the Application Site is currently covered with vegetation without sensitive ecological resources and have been abandoned for years, no fish farming activities have been found within the Application Site.
- 4.2.4 The proposed planting area to be located along the east and southeast edges of the Application Site Boundary not only echoes the TPB PG-No.12C aforementioned, but also pays full regard to the planning intention of the “OU(CDWRA)” zone, which is “intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential



and/or development to include wetland restoration area". Referring to **Section 3.5**, the existing pond to the north of the Application Site will be preserved in situ. The proposed planting area will be developed concurrently with nearby adjoining developments and residential housings sites. It is believed that the proposed planting area could enhance the overall ecological value of the Application Site.

4.3 Statutory Planning Context

- 4.3.1 The Site falls within areas zoned as "OU(CDWRA)" (of about 21,806 sq.m.) and "V" (of about 124 sq.m.) on the Approved Nam Sang Wai OZP No. S/YL-NSW/11 (**Figure 4**). The planning intention of the "OU(CDWRA)" zone is *"intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and /or recreational development to include wetland restoration area"*; while the planning intention of the "V" zone is *"intended to designate both existing recognized villages and areas of land considered suitable for village expansion" and "intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services"*. Any filling of land/pond or excavation of land on both "OU(CDWRA)" and "V" zones require permission from the Board.
- 4.3.2 As further explained in the Explanatory Statement (ES) of the Draft OZP, certain uses or developments within the "OU(CDWRA)" zone, which are small-scale and have insignificant environmental impacts, may be permitted as interim development on an individual basis on application to the Board in order to provide flexibility in the planning application system.
- 4.3.3 According to Definitions of Terms/Broad Use Terms Used in Statutory Plans as published by the Board, 'Agricultural Use' is referring to *"any land used for the growing of crops and plants, and rearing of animals and fish for the purpose of providing food and other products including horticulture, aquaculture, fruit growing, seed growing, market gardens, nursery grounds, dairy farming, the breeding and keeping of poultry and livestock, grazing land, meadow land, fish ponds and paddy fields"*.
- 4.3.4 As stated in the Notes of the Draft OZP, 'Agricultural Use' falls into Column 1 that is always permitted by the Board, and hence no planning applications is required for the proposed agricultural use. Nevertheless, filling of pond is required for area zoned as "OU(CDWRA)" and "V" in the Draft OZP.



OTHER SPECIFIED USES (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For "Comprehensive Development to include Wetland Restoration Area" and
"Comprehensive Development to include Wetland Restoration Area (1)" only

Agricultural Use	Eating Place #
Barbecue Spot	Flat
Field Study/Education/Visitor Centre	Golf Course
Nature Trail	Government Refuse Collection Point #
On-Farm Domestic Structure	Government Use (not elsewhere specified) #
Picnic Area	Holiday Camp
Religious Institution (Ancestral Hall only)	Hotel
Rural Committee/Village Office	House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) #
	Nature Reserve
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic #
	Public Convenience #
	Public Transport Terminus or Station
	Public Utility Installation #
	Religious Institution (not elsewhere specified)
	Residential Institution
	School #
	Shop and Services #
	Social Welfare Facility #
	Tent Camping Ground #
	Theme Park
	Utility Installation for Private Project
	Wetland Habitat
	Zoo

Planning Intention

This zone is intended to provide incentive for the restoration of degraded wetlands adjoining existing fish ponds through comprehensive residential and/or recreational development to include wetland restoration area. It is also intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands. Any new building should be located farthest away from Deep Bay.

(Please see next page)



OTHER SPECIFIED USES (Cont'd)

For "Comprehensive Development to include Wetland Restoration Area" and
"Comprehensive Development to include Wetland Restoration Area (1)" only (Cont'd)

Remarks

- (a) Application for permission of use or development, except as otherwise specified in paragraph (c) below, shall be in the form of a comprehensive development scheme to include wetland restoration proposal. An applicant shall prepare a layout plan and other documents showing the following information for consideration of the Town Planning Board:
- (i) the proposed land uses, development parameters, the nature, position and heights of all buildings to be erected in the area;
 - (ii) a wetland restoration and/or creation scheme, including its detailed design, wetland buffer proposals, a long-term maintenance and management plan, and monitoring and implementation mechanism;
 - (iii) an environmental impact study report, including but not limiting to an ecological impact assessment and a visual impact assessment, to examine any possible environmental, ecological and visual problems that may be caused to or by the proposed development or redevelopment during construction and after completion and the proposed mitigation measures to tackle them;
 - (iv) landscape proposals;
 - (v) a traffic impact study report to examine any possible traffic problems that may be caused by the proposed development or redevelopment and the proposed measures to tackle them;
 - (vi) a drainage and sewerage impact study report to examine any possible flooding, drainage, sewerage and associated problems that may be caused to or by the proposed development or redevelopment and the proposed mitigation measures to tackle them;
 - (vii) programming, phasing and implementation schedule of each component of the proposed development or redevelopment (including the wetland restoration and/or creation scheme); and
 - (viii) such other information as may be required by the Town Planning Board.
- (b) Any application for permission of use or development on the "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" ("OU(CDWRA)") zone to the north of Shan Pui Road, except as otherwise specified in paragraph (c) below, should be in the form of a layout plan covering the whole zone.

(Please see next page)



OTHER SPECIFIED USES (Cont'd)

For "Comprehensive Development to include Wetland Restoration Area" and
"Comprehensive Development to include Wetland Restoration Area (1)" only (Cont'd)

Remarks (Cont'd)

- (c) For application for uses annotated with #, if developed individually and not forming part of a comprehensive development scheme, the requirement of the provision of wetland restoration proposal and the submission of layout plan as required under paragraph (a) above may be exempted.
- (d) On land designated "OU(CDWRA)", no new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to a 'New Territories Exempted House') shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 0.4 and a maximum building height of 6 storeys including car park, or the plot ratio and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater.
- (e) On land designated "OU(CDWRA)(1)", no new development, or addition, alteration, and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum plot ratio of 1.55 and a maximum building height in terms of metres above Principal Datum as stipulated on the Plan, or the plot ratio and height of the existing building, whichever is the greater.
- (f) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/building height restrictions as stated in paragraphs (d) and (e) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (g) In determining the maximum plot ratio for the purposes of paragraphs (d) and (e) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room and caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (h) Any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or development always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

(Please see next page)



VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Burial Ground
Government Refuse Collection Point	Eating Place
Government Use (Police Reporting Centre, Post Office only)	Field Study/Education/Visitor Centre
House (New Territories Exempted House only)	Flat
On-Farm Domestic Structure	Government Use (not elsewhere specified) #
Public Convenience	Hotel (Holiday House only)
Religious Institution	House (not elsewhere specified)
(Ancestral Hall only)	Institutional Use (not elsewhere specified) #
Rural Committee/Village Office	Petrol Filling Station
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Transport Terminus or Station
	Public Utility Installation #
	Public Vehicle Park
	(excluding container vehicle)
	Religious Institution
	(not elsewhere specified) #
	Residential Institution #
	School #
	Shop and Services
	Social Welfare Facility #
	Utility Installation for Private Project

In addition, the following uses are always permitted on the ground floor of a New Territories Exempted House:

Eating Place
Library
School
Shop and Services

(Please see next page)



VILLAGE TYPE DEVELOPMENT (Cont'd)

Planning Intention

The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction as stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

(Source: Town Planning Board, HKSAR Government)



4.4 Planning History

4.4.1 There are three applications Nos. A/YL-NSW/72, 137 and 141 which cover the Application Site, were rejected/not agreed by the Board in March 2000, November 2003 and February 2004 respectively, details of these three planning applications are summarized in **Table 2** below. These applications are not relevant to the Proposed Development.

Application No.	Applied Use	Decision Date	Decision
A/YL-NSW/72	Proposed Pond Filling and Pre-development Site Formation	03/03/2000	Rejected/ Not agreed
A/YL-NSW/137	Temporary Open Storage of Cement, Bricks, Sand and Gravel for a Period of 3 Years	21/11/2003	Rejected/ Not agreed
A/YL-NSW/141	Pond Filling and Temporary Open Storage of Sand and Gravel for a Period of 3 Years	27/02/2004	Rejected/ Not agreed

Table 2 Previous Planning Applications within the Subject Site
(Source: Town Planning Board, HKSAR Government)

4.4.2 The planning context has been changed dramatically. Those previous planning applications in early 2000s are insignificant to the current application. Afterwards, the Site was eventually rezoned as "OU(CDWRA)" since 2005, and no comprehensive plan covering the entire Application Site has been submitted and/or approved by the Board.



5 PLANNING MERITS AND JUSTIFICATIONS

5.1 Echoes with Existing National and Territorial Policy Context

5.1.1 This s.16 planning application for permitted agricultural use aims to make effective use of idle land for rehabilitation and cultivation, thereby enhancing the existing ecological value and biodiversity of the Application Site. As discussed in **Section 4** above, the Proposed Development is in line with various national and territorial policies including the *National 14th Five-Year Plan (2021-2025)*, *14th Five-Year National Agricultural Green Development Plan, HK2030+*, various Policy Addresses, NMDS and NMAA.

5.2 Satisfy with “No-Net-Loss in Wetland” Principle

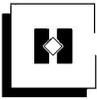
5.2.1 The Application Site is within the WBA. Development within the WBA causing negative impacts on the ecological value of the WBA should be avoided unless appropriate mitigation measures are implemented. The Deep Bay Area, which the Application Site is located in, is recognised as a wetland of international importance. Over the recent years, there has been a rise in planning statements within the Deep Bay Area, some of which involve the filling of fish ponds or activities that may have a detrimental impact on the wetland ecosystem.

5.2.2 Noting that the “no-net-loss in wetland” can refer to both loss in “area” and “function”. No development involving pond filling or other works detrimental to the ecological function of the wetland are allowed within the Application Site, especially the existing fish ponds/ponds in Nam Sang Wai and the Kam Tin Meander. Thus, all essential works conducted within the Application Site would not result in the loss of ecological function of the original ponds, that is in line with the intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of fish ponds.

5.2.3 It is important to clarify that our intention is not to harm the wetland or impose any adverse environmental effects, whilst no pond filling activity is proposed within the Application Site. In this regard, the Proposed Development will comply with the “no-net-loss in wetland” principle.

5.3 Conform to Town Planning Board Planning Guideline

5.3.1 According to the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance”, development proposals in WCA and WBA in the Deep Bay area should observe the “precautionary approach” and comply with the “no-net-loss in wetland” principle to ensure there will be no decline in wetland or ecological functions and no net increase in pollution load to the Deep Bay due to the development proposal. The land use planning control is exercised through the designation of WCA for all existing continuous and adjoining



active/abandoned fish pond, and the designation of WBA to protect the ecological integrity of the WCA.

5.3.2 The Application Site falls within the WBA. Referring to **Section 3**, the Proposed Development with rehabilitation of agricultural land and pond for shrimp farming will not affect the existing ecological functions of the wetland and fish ponds in Nam Sang Wai and Kam Tin River Meander, and hence the ecological integrity of the Deep Bay Area wetland ecosystem as a whole.

5.3.3 It is observed that some local and minor uses are exempted from the requirement of the EcoIA, the Proposed Development is one of the uses being exempted from the requirement of EcoIA under Appendix A of the TPB PG-No. 12C. The exemption of EcoIA for this s.16 planning application has also been considered by the AFCD. The permitted agricultural use is in line with the relevant Town Planning Board Planning Guideline.

5.4 Promotion of Sustainable Rehabilitation and Fisheries

5.4.1 The Proposed Development involves rehabilitation of agricultural land and pond for shrimp farming. Compared to the “without project” scenario, where idle lands and underutilized ponds contribute to environmental decline and reduced productivity, this initiative will significantly enhance the aquaculture environment and the quality of fisheries resources. The Proposed Development helps to promote sustainable development in the fisheries industry, to enhance the environmental capacity, as well as to support the sustainable development of the Agriculture and Fisheries Industries in Hong Kong.

5.5 In Line with the Long-term Planning Intention of “OU(CDWRA)” and “V” zones

5.5.1 The Proposed Development with rehabilitation of agricultural land and pond for shrimp farming is in line with the long-term planning intentions of the “OU(CDWRA)” and “V” zones as ‘Agriculture Use’ is considered as permitted use and development. As mentioned in **Section 2.1**, the Application Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond is situated in the northwest. This Proposed Development will therefore maximize the utilization of land resources. In parallel, mitigation measures as suggested in **Section 3** will be adopted during construction stage to avoid, minimise, mitigate and compensate for potential environmental impacts have been proposed to ensure that the Proposed Development do not harm the wetland or impose adverse environmental effects, and ensure minimal impact on the surrounding environment.

5.6 Development Not Incompatible with Surrounding Development

5.6.1 The Proposed Development is visually compatible with the surrounding environment, which is mainly composed of rural village landscape. In view of the surrounding environment, the Application Site is in rural village

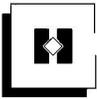


context intermixed with temporary uses. While the planning intention of “OU(CDWRA)” zone is primarily for the restoration of degraded wetlands adjoining existing ponds through comprehensive residential and /or recreational development to include wetland restoration area; while the planning intention of the “V” zone is intended to designate both existing recognized villages and areas of land considered suitable for village expansion and to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The Proposed Development will not occur any change to the rural village landscape and wetland characters, and has proven to be compatible with the surrounding land use.

- 5.6.2 The Application Site is currently fenced off, largely paved with vegetations covering a major portion of the site and a pond is situated in the northwest. The Application Site has very low agricultural value at present and the Proposed Development would induce no significant landscape impact.
- 5.6.3 It is proposed that the Application Site will be fenced off with metal fence of about 2.5m in height to prevent direct visual contact from outside. This design ensures compatibility with the surrounding land uses. Provision of planting buffer area with 38 nos. of new tree plantations are proposed to be planted along the east and southeast edges of the Application Site to enhance existing greenery. As a result, the Proposed Development is expected to have no or minimal adverse visual impacts on the surrounding land uses and the overall neighbourhood.

5.7 No Adverse Infrastructural nor Environmental Impacts

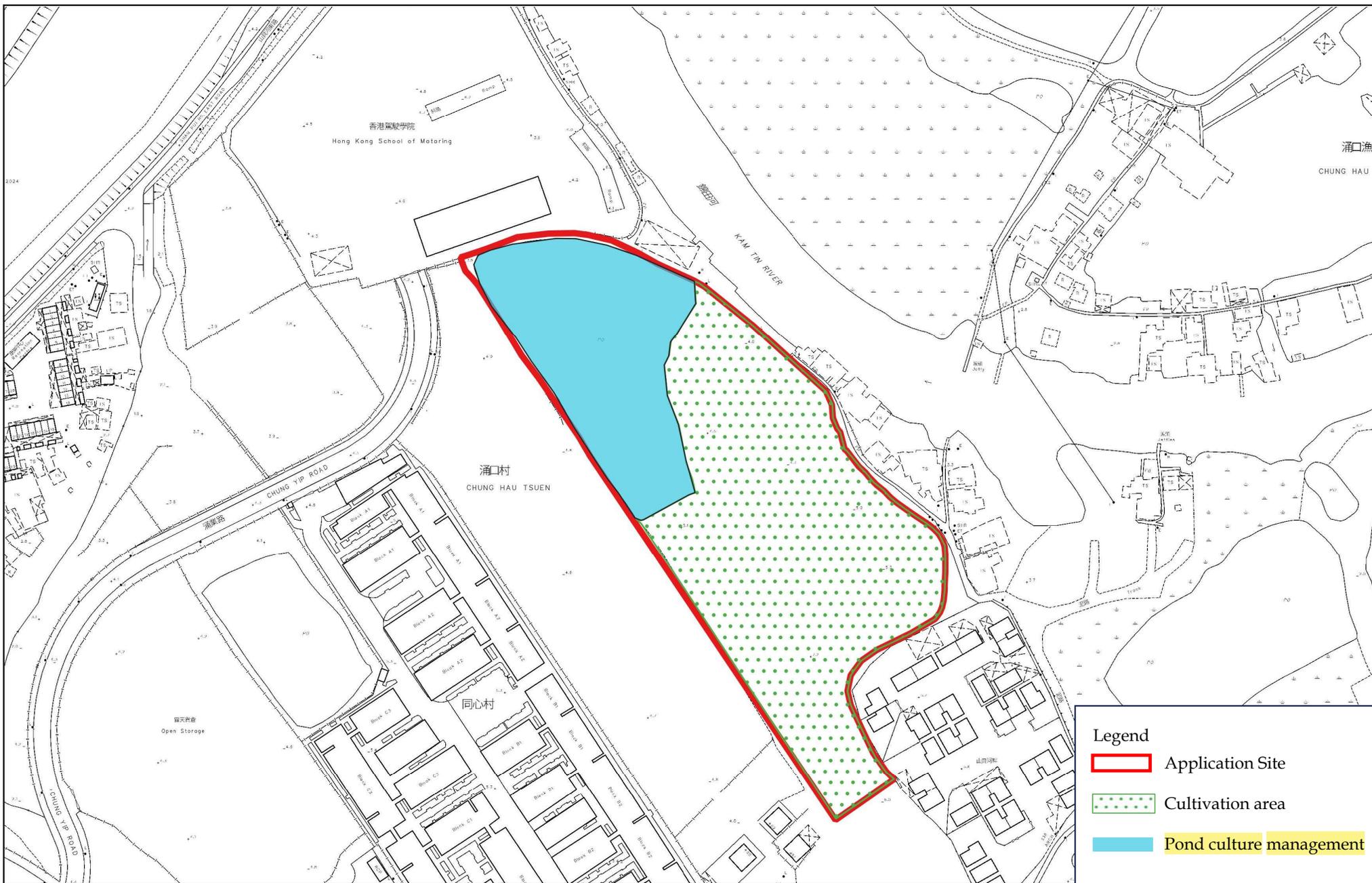
- 5.7.1 For the transportation arrangement mentioned in **Section 3.7**, while there is an existing local track road connecting to the Application Site, to minimise any potential impact, no parking spaces will be provided in the Application Site. During operation stage, cultivators are expected to access the Application Site by public transportation (i.e. franchised bus, GMB services and taxis) or private car(s), and then via the existing local track road. Or else, they are expected to park their vehicles in surrounding carparks, and hence travel to and from the Application Site on foot from Shan Pui Road via a local track road. As such, adverse traffic impact is not anticipated from the Proposed Development.
- 5.7.2 The Site falls within the area of WBA is in line with the planning intention for restoration of degraded wetlands adjoining the existing ponds. The Application Site will retain its original agriculture use and will adhere to the relevant mitigation measures and requirements outlined in the latest “*Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites*” issued by the Environmental Protection Department (EPD) to minimise any potential environmental impact. The Proposed Development would have irreversible adverse ecological impact to the surrounding area and undermine the integrity of the wetland ecosystem.



- 5.7.3 According to the drainage proposal summarized in **Section 3.4**, the Application Site is not served by any drainage system to direct surface runoff. Part of the runoff overflows directly into the Kam Tin River. The proposed drainage system with U-channels will collect the catchments within the Application Site and further discharge to the Kam Tin River. The proposed drainage system has been designed to be sufficient in handling the stormwater surface runoff within the Application Site. As such, no significant adverse drainage impact is expected.
- 5.7.4 Mitigation measures as suggested in **Section 3** will be adopted during construction stage to ensure no adverse infrastructural nor environmental impacts on the surrounding environment.

6 CONCLUSION

- 6.1.1 In view of the above, we respectfully request the Board Members to give favourable consideration on this planning application.

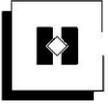


**LCH Planning and Development
Consultants Limited**

Figure 6 : Indicative Layout Plan

Filling of Pond for Permitted Agricultural Use in Sub-section 1 and the Remaining Portion (Portion) of Section E of Lot No. 1212 in D.D. 115 and the Discrepant Areas (Portion) adjacent to Section E of Lot No. 1212 in D.D. 115, Nam Sang Wai, Yuen Long, New Territories

(Source: HK GEODATA STORE, HKSAR Government)



ANNEX 6

DESKTOP REVIEW ON NEARBY ECOLOGICAL BASELINE CONDITION

Desktop Review on Nearby Ecological Baseline Condition

1. Introduction

- 1.1.1 The Application Site is located at the far fringe of Nam Sang Wai, connecting to Shan Pui Road via a local track road. The Application Site falls within the Wetland Buffer Area (WBA) as designated under the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance”.
- 1.1.2 Complying with its “no-net-loss in wetland” principle, this Proposed Development is in line with the guideline’s intention to protect the ecological value and functions of the existing fish ponds and wetlands within the sensitive Wetland Conservation Area (WCA) through the rehabilitation of agricultural area and pond for shrimp farming. Development within the WBA causing negative impacts on the ecological value of the WCA should be avoided unless appropriate mitigation measures are implemented.
- 1.1.3 According to the TPB PG-No. 12C for “Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance”, for development or redevelopment within the WBA, which requires planning permission from the Board, an ecological impact assessment (EcoIA) would be required to demonstrate that the negative impacts could be mitigated through positive measures unless the use/development are exempted from the requirement of EcoIA, for instance ‘Agricultural Use (except in the “Site of Special Scientific Interest” (“SSSI”) Zone)’. Also, EcoIA shall be exempted for ‘Agricultural Use (except in SSSI Zone)’ for this s.16 planning application.
- 1.1.4 A desktop review on the nearby ecological baseline condition has been prepared and conducted to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.

2 The Site

- 2.1.1 Located at the far fringe of Nam Sang Wai, the surrounding environment of the Application Site is in rural village context intermixed with temporary uses. The Application Site is surrounded by the Shan Pui Village, Shan Pui Chung Hau Tsuen and Chung Hau Yu Man San Tsuen, with other low-rise residential developments.
- 2.1.2 The area surrounding Nam Sang Wai largely consists a number of fishponds that are managed for fish farming and many are being abandoned. Part of Nam Sang Wai is occupied by active fishponds is also subject to disturbance from fish farming activities and from the residents of farming and domestic structures. Wetland habitats, including but not limited to reedbeds, wet grasslands, active and abandoned fishponds, have been observed in Nam Sang Wai.

- 2.1.3 In addition to the active and more recently abandoned fishponds, there is a number of fishponds which were abandoned many years ago and which have undergone ecological succession due to siltation and colonisation of vegetation.
- 2.1.4 Nam Sang Wai lies at the intertidal confluence of the Kam Tin Main Drainage Channel (KTMD) to the east and the Shan Pui River Channel (SPRC) to the west. Both rivers have been channelised with construction completed in 1997.

3 Relevant Legislation, Standards and Guidelines

- 3.1.1 Relevant legislation, standards, guidelines and related documents that are relevant to this literature review as follows: -

- Forests and Countryside Ordinance (Cap. 96) and its subsidiary legislation, the Forestry Regulations (Cap. 96A);
- Wild Animals Protection Ordinance (WAPO) (Cap. 170);
- Country Parks Ordinance (Cap. 208) and its subsidiary legislation;
- Environmental Impact Assessment Ordinance (EIAO) (Cap. 499) and the Technical Memorandum on Environmental Impact Assessment Process (EIAO-TM);
- Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) and its subsidiary legislation;
- Hong Kong Planning Standards and Guidelines Chapter 10, "Conservation";
- Planning, Environment & Lands Branch Technical Circular No. 1/97 / Works Branch Technical Circular No. 4/97, "Guidelines for Implementing the Policy on Off-site Ecological Mitigation Measures";
- EIAO Guidance Note (GN) No. 3/2010 – Flexibility and Enforceability of Mitigation Measures Proposed in an EIA Report;
- EIAO GN No. 6/2010 - Some Observations on Ecological Assessment from the Environmental Impact Assessment Ordinance Perspective;
- EIAO GN No. 7/2023 – Ecological Baseline Survey for Ecological Assessment; and
- EIAO GN No. 10/2023 – Methodologies for Terrestrial and Freshwater Ecological Baseline Surveys.

- 3.1.2 The following Mainland legislation have also been made reference to this literature review: -

- List of Wild Animals under State Priority Conservation, promulgated by the National Forestry and Grassland Administration and the Ministry of Agricultural and Rural Affairs; and
- List of Wild Plants under the State Priority Protection, promulgated by the National Forestry and Grassland Administration and the Ministry of Agriculture and Rural Affairs.

3.1.3 Other international conventions and guidelines that are relevant to this literature review include the followings: -

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- International Union for Conservation of Nature (IUCN) Red List of Threatened Species; and
- United Nations Convention on Biological Diversity.

4 Literature Review

4.1.1 The following previous studies and information sources were reviewed for this literature review: -

- Proposed Temporary Transitional Housing and Ancillary Uses for a Period of 3 Years with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-281);
- Proposed Residential Development and Minor Relaxation of Plot Ratio and Building Height Restrictions with Filling of Land and Excavation of Land (Approved planning application No. A/YL-NSW-282);
- Proposed Comprehensive Development with Wetland Enhancement (CDWE) at Nam Sang Wai and Lut Chau (EIA No. AEIAR-266/2025) **approved with condition on 5 June 2025**;
- Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021) **approved without conditions on 24 May 2021**;
- Improvement of Yuen Long Town Nullah (Town Centre Section) (EIA No. AEIAR-223/2020) **approved with condition on 31 July 2020**;
- Yuen Long Effluent Polishing Plant (EIA No. AEIAR-220/2019);
- Annual Reports and other publications of The Hong Kong Bird Watching Society (HKBWS);
- Porcupine! - Newsletter of Division of Ecology & Biodiversity of University of Hong Kong;
- The Terrestrial Biodiversity Survey conducted by the University of

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Hong Kong;

- Hong Kong Biodiversity – Newsletter of the Agriculture, Fisheries and Conservation Department (AFCD); and
- Other publications by the AFCD; and
- Other publications by the Environmental Protection Department (EPD).

4.1.2 Referring to the Hong Kong Environmental Database (HKED) published by the EPD, in which refers to the habitats identified from the approved EIAs, it is noted the Application Site was identified as pond and plantation habitats under Yuen Long Barrage Scheme (EIA No. AEIAR-228/2021), as summarized in **Diagram 1** below.



Diagram 1 Existing Ecological Condition of the Subject Site
 (Source: Environmental Protection Department, HKSAR Government)

4.1.3 Locations of the above approved planning applications are illustrated in **Diagram 2** below.

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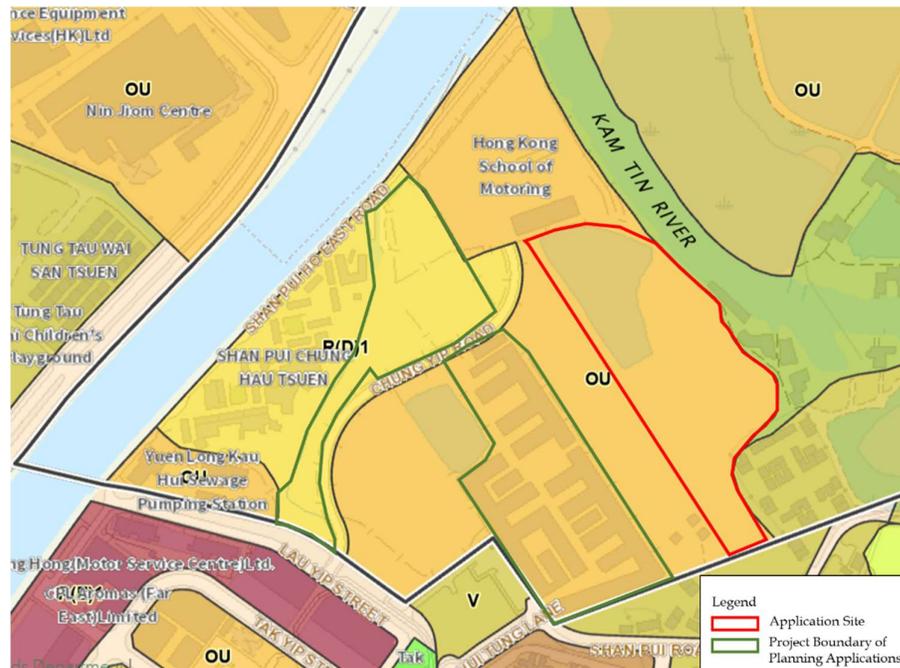


Diagram 2 Previous Approved Planning Applications with submitted and approved Ecological Impact Assessments near the Subject Site
(Source: Town Planning Board, HKSAR Government)

4.1.4 Locations of the above approved EIAs are illustrated in **Diagram 3** below.

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Diagram 3 Previous Approved Environmental Impact Assessments near the Subject Site
(Source: Environmental Protection Department, HKSAR Government)

5 Methodology

- 5.1.1 The **Assessment Area** includes all areas within 500 metres from the Project Boundary, shown in **Diagram 4**.

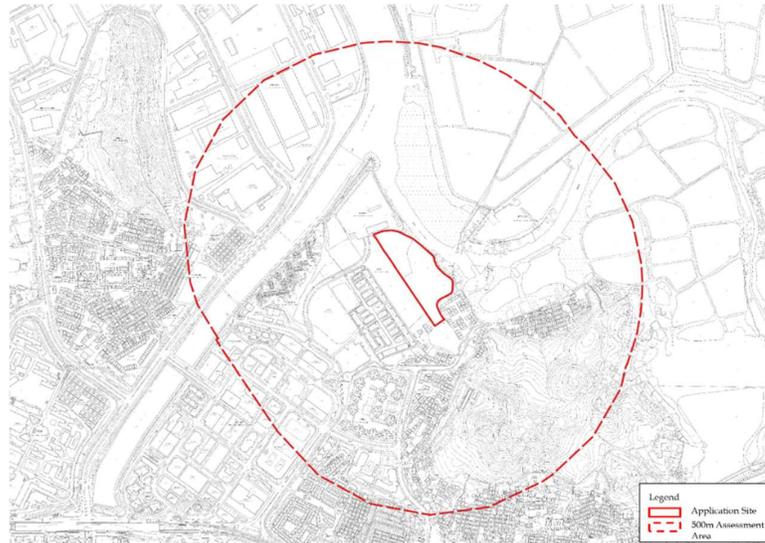


Diagram 4 Assessment Area of the Subject Site

- 5.1.2 The Application Site is located within the WBA surrounded by the Hong Kong School of Motoring, the KTMD and residential areas. The planning intention of the WBA is to protect the ecological integrity of the fish ponds and wetland within the WCA and prevent development that would have a negative off-site disturbance impact on the ecological value of **existing** ponds, while the planning intention of the WCA is to conserve the ecological value of the fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. It comprises the existing and contiguous, active or abandoned fish ponds in the Deep Bay Area, which should all be conserved. New development within the WCA would not be allowed unless it is required to support the conservation of the ecological value of the area or the development is an essential infrastructural project with overriding public interest.

6 Desktop Review

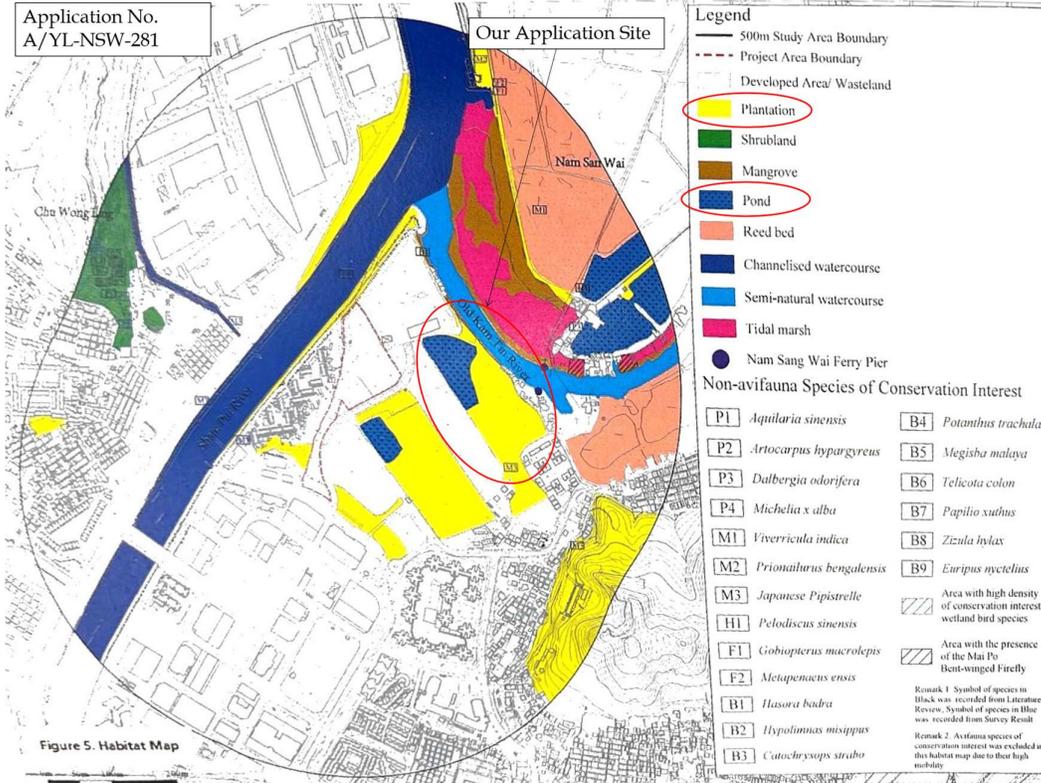
- 6.1.1 A desktop review on the nearby ecological baseline condition was carried out to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.
- 6.1.2 Findings of relevant studies or surveys **in the vicinity of the Application Site** were reviewed and summarized in **Table 1** below.

Habitat and Vegetation

- 6.1.3 The above relevant studies or surveys recorded that Nam Sang Wai mostly comprised active and abandoned fishponds (some of which had been colonised by reedbed or grassland), while other habitats included mangrove, watercourses, terrestrial grassland, plantation, temporary structures (houses and other buildings) and other developed areas (roads).
- 6.1.4 Surveys of the approved planning application No. A/YL-NSW/282 recorded that most of the forementioned Assessment Area were covered by *developed area/wasteland*, other habitats including but not limited to *plantation, channelized watercourse* and *reedbed* were also recorded. Most of the plantation were planted for screening and greening purpose that dominated by landscaping and horticultural. It is understood that all the recorded species were commonly found in the urban area in Hong Kong.
- 6.1.5 Referring to the latest approved EIA report under EIA No. AEIAR-266/2025, active fishponds at Nam Sang Wai were maintained with mostly *open water* and little emergent vegetation, whilst *abandoned fishponds* had been progressively colonised by vegetation to varying extents, so that some retained open water while others were overgrown with grasses. *Grassland* was dominated by common grass species, survey findings also observed that most habitat types at Nam Sang Wai were *wetland* (which mostly dominated by reedbed), only a small area of secondary *woodland* was present to the south of Shan Pui Tsuen and Shan Pui Hung Tin Tsuen, this area was also heavily influenced by human activities.
- 6.1.6 Both approved planning application No. A/YL-NSW-282 and EIA No. AEIAR-266/2025 noted that most of the ponds within Nam Sang Wai were abandoned for a period of years, none flora species of conservation interest were recorded.
- 6.1.7 Other habitats including *grassland* was recorded in the survey of the approved planning application No. A/YL-NSW-281, the exotic *Brachiaria mutuca* was recorded, in which is a common lowland weed that readily colonizes wet areas in *wasteland*. *Mangroves* belt was also recorded along a section of Nam Sang Wai Road immediately adjacent to the grassland across the KTMD. The *Mangroves* habitat was dominated by mangrove species as well as mangrove associate species that were commonly found in Hong Kong.
- 6.1.8 The Application Site is currently fenced off, largely paved with vegetations covering a major portion of the site and an abandoned pond is situated in the northwest. Specifically, all studies and surveys also illustrated that the Application Site were covered by *plantation* and *abundant pond*, directly reflecting the current condition of our Application Site.
- 6.1.9 Of which, referring to habitat maps under the approved planning application No. A/YL-NSW-281, A/YL-NSW-282, EIA No. AEIAR-266/2025, EIA No. AEIAR-228/2021, and EIA No. AEIAR-223/2020, our Application Site was covered by *plantation* and *pond*, with *tidal watercourse* and/or *semi-natural*

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watercourse, tidal marsh, mangrove, reedbed were observed to the north and east of the Application Site. Based on the HKED published by the EPD in **Diagram 1**, our Application Site was also covered by plantation and pond. Maps of surveyed habitat and plantation extracted from the relevant studies or surveys are provided in **Diagram 5**.



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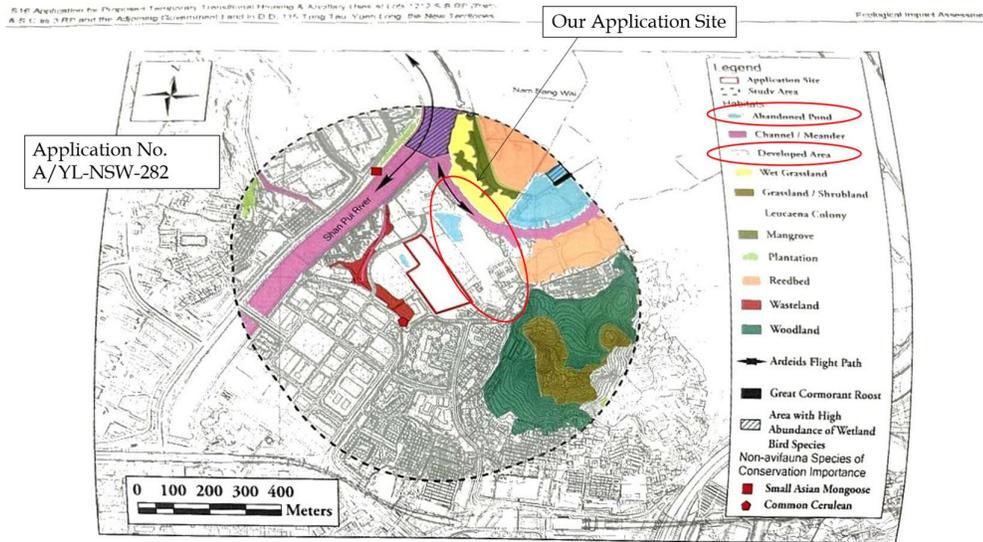
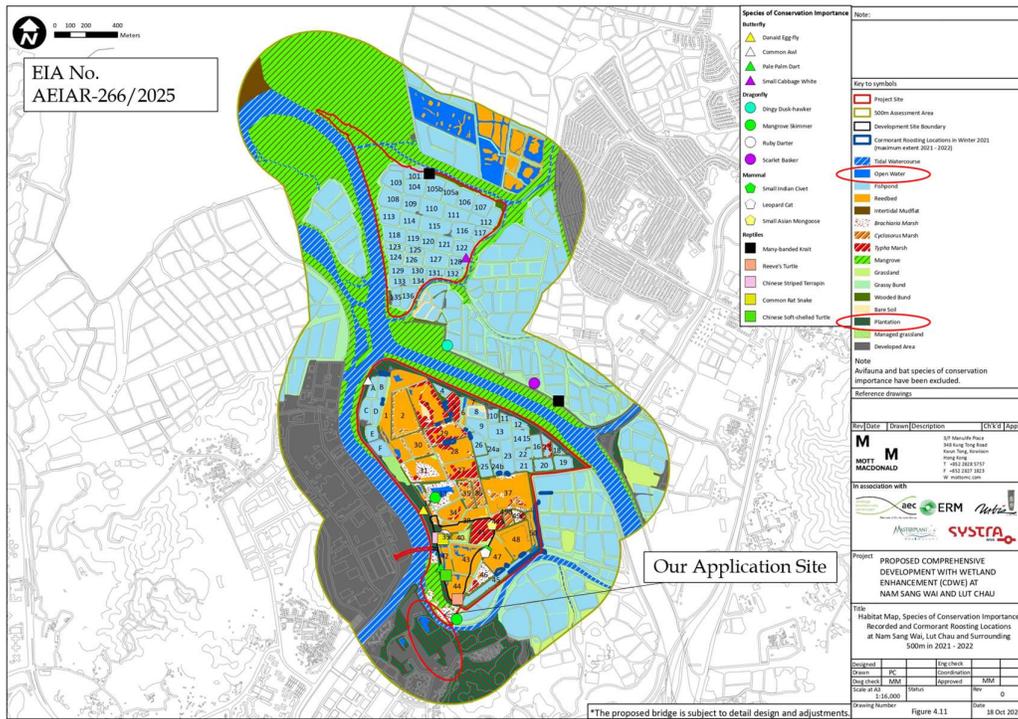
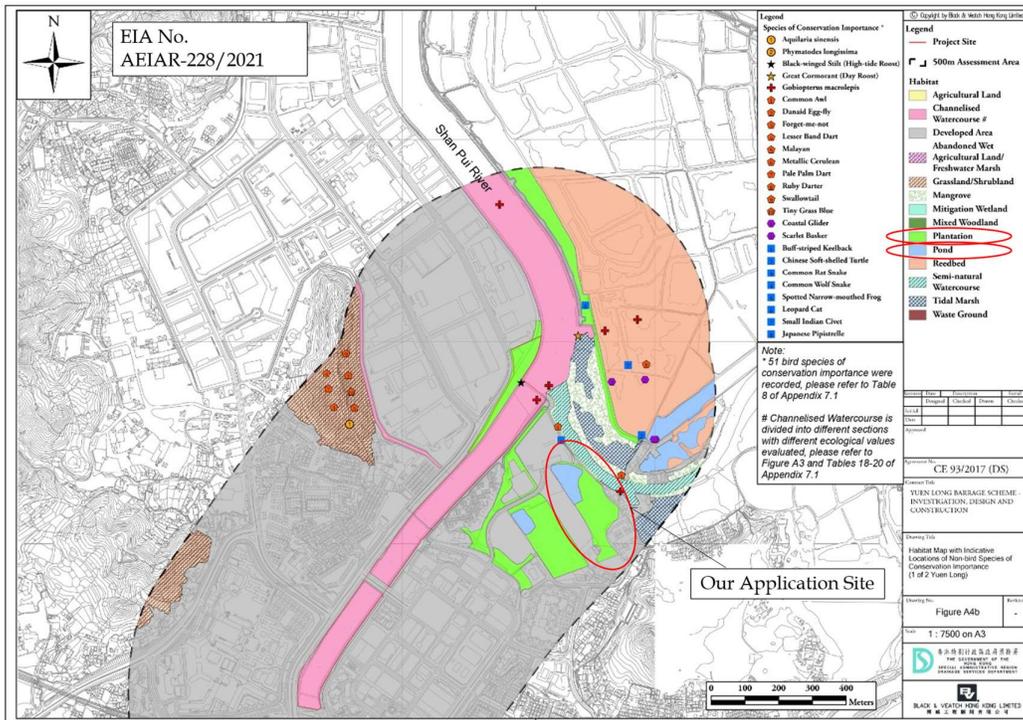


Figure 4 Major Flight Paths and Locations of High Abundance of Wetland birds and Non-avian Fauna Species of Conservation Importance within Study Area



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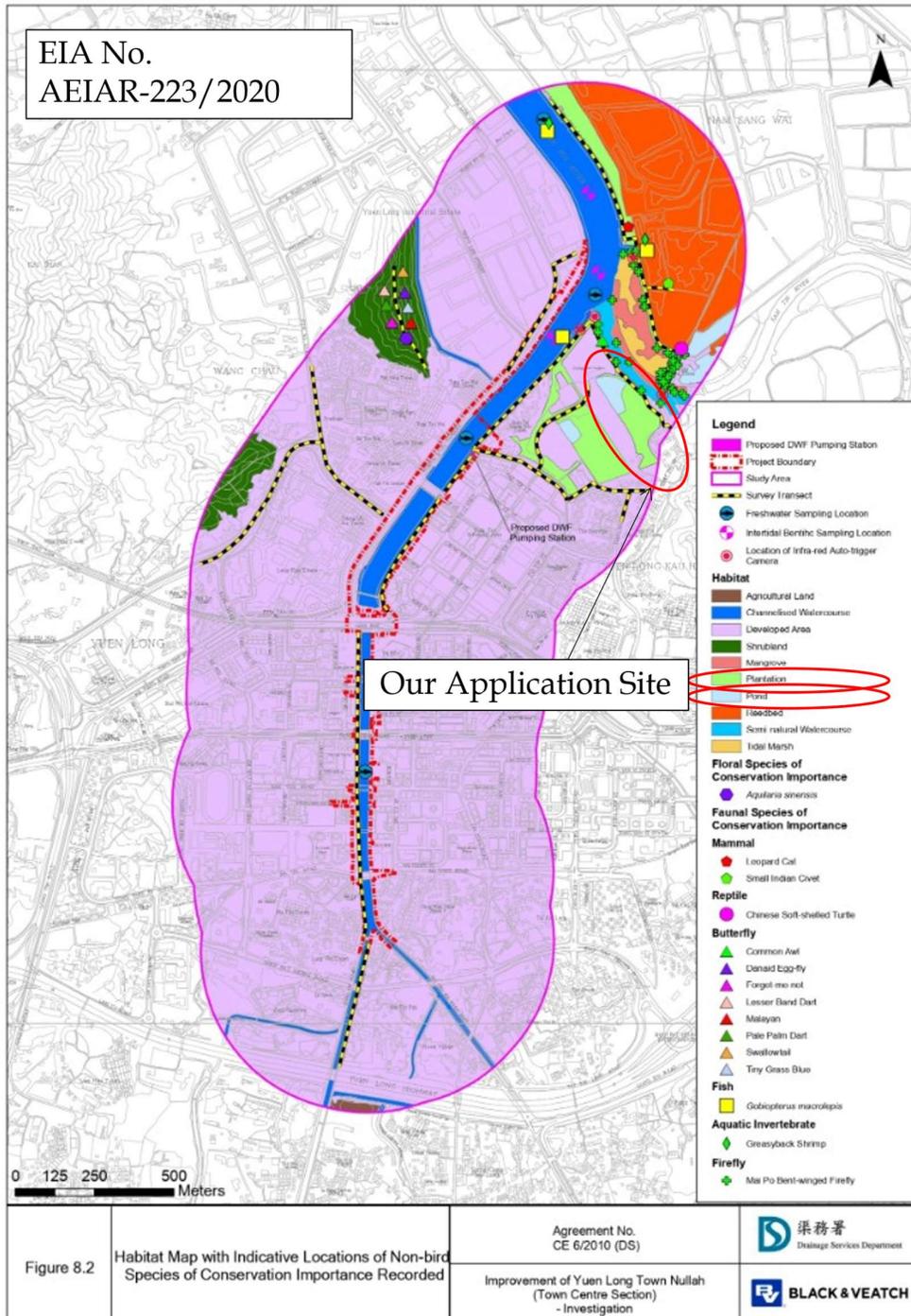


Diagram 5 Surveyed Habitat and Plantation Extracted from Relevant Studies or Surveys for Literature Review
(Source: Environmental Protection Department and Town Planning Board, HKSAR Government)

Avifauna

- 6.1.10 Referring to the above relevant studies or surveys recorded, all survey findings were similar. Based on the latest EIA No. AEIAR-266/2025, waterbirds and wetland birds were recorded foraging or roosting as Nam Sang Wai is dominated by fishponds.
- 6.1.11 Some waterbird species recorded, including but not limited to Little Grebe, Yellow Bittern, Common Moorhen and White-breasted Waterhen, are known to breed in fishponds and reedbeds in Hong Kong. The only confirmed breeding behaviour took place in the Shan Pui River Egretty. The total number of nests at the Egretty has decreased significantly since the first recorded in the 2019 breeding season, the cause of the decline is unknown but similar declines were noted at other Egrettries in the Deep Bay Area in 2022 (Anon 2022). This might be related to the absence of obstacle along the KTMD and SPRC, and the presence of foraging habitats (i.e. mudflat) in these rivers (approved planning application No. A/YL-NSW-281).
- 6.1.12 Noted from the Monthly Waterbird Monitoring Summer Report 2022 and Winter Report 2022-2023 by the HKBWS, the recorded waterbird groups were less than the survey conducted in the year 2021 summer and winter.
- 6.1.13 No significant waterbird flight path was recorded in the Assessment Area.

Mammal

- 6.1.14 To summarize the above relevant studies or surveys, a small amount of mammal species was recorded. Of which, Leopard Cat (*Prionailurus bengalensis*), Small Indian Civet (*Viverricula indica*), Small Asian Mongoose (*Herpestes javanicus*) and Japanese Pipistrelle (*Pipistrellus abramus*) were considered of conservation importance.
- 6.1.15 Currently, no species with conservation importance was recorded within the Assessment Area throughout the ecological surveys from the above relevant studies or surveys listed in Table 1. Based on the EIA No. AEIAR-266/2025, Japanese Pipistrelles were recorded along Yau Pok Road and Nam Sang Wai Road.
- 6.1.16 Special attention was paid to the Eurasian Otter in Nam Sang Wai. Although no recorded under the above ecological surveys from the above relevant studies or surveys listed in Table 1, McMillan *et al.* (2019) mapped Eurasian Otter in the southern side of Nam Sang Wai, with AFCD has also recorded Eurasian Otter between 2012 to 2017 at the northern tip of Nam Sang Wai (AFCD biodiversity survey data (unpublished)). Of which, the most recent published record in Nam Sang Wai under year 2011.

Herpetofauna

- 6.1.17 Based on the above relevant studies or surveys, small amount of amphibian species and reptile species were recorded respectively. All species were common throughout Hong Kong, and none were considered of conservation

importance.

Butterfly and Odonate

- 6.1.18 According to the above relevant studies or surveys, the butterflies recorded in Nam Sang Wai were largely common and widespread species that feed on common flora during larval and adult stages (DSD, 2002, DSD, 2004, and MLI Ltd, 2008). The recorded butterflies among the above relevant studies or surveys include species of conservation importance namely *Common Awl*, *Pale Palm Dart*, *Danaid Egg-fly*, *Grass Demon (Udaspes folus)*, *Spotless Grass Yellow (Eurema laeta)* and *Small Cabbage White (Pieris rapae)*, all of which are considered of Local Concern (LC), with the Hong Kong status of rare to very rare (Fellowes *et al.* 2002).
- 6.1.19 No dragonflies were recorded at the Assessment Area and the vicinity of Nam Sang Wai.

Firefly

- 6.1.20 Survey on the Mai Po Bent-winged Firefly (MPBWF) has been recorded under the EIA No. AEIAR-266/2025. Only small numbers of the MPBWF were observed in the mangroves along KTMD. Besides, referring to the EIA Nos. AEIAR-223/2020 and AEIAR-228/2021, small numbers were present in the mangrove habitat in Shan Pui River.

Fisheries

- 6.1.21 Noted that pond fish culture has long been practised in the New Territories. Mostly, only primarily freshwater and brackish water species were included for pond fishing, while certain high-value marine species have also been cultured in diluted seawater by fish farms in recent years.
- 6.1.22 Referring to the above relevant studies or surveys, the recorded fish ponds at Nam Sang Wai which were actively managed for fish production, while the surrounding environment in Nam Sang Wai were generally in poor context due to human disturbances. These include the storage of materials unrelated to fisheries (i.e. abandoned vehicles, containers, construction materials, general waste), dumping of toxic materials and construction waste, burning of waste, suction dredging of fishponds into adjacent creeks connected to Deep Bay Area, and the destruction of mangroves to expand fishponds (EIA No. AEIAR-266/2025).
- 6.1.23 No capture fisheries nor other forms of aquaculture, including marine fish culture and oyster culture, were identified within or near the Assessment Area.

7 Identification and Evaluation of Potential Impacts

7.1.1 With reference to the aerial photos, the Application Site has been engaged in agricultural use for a long period of time. From 1976 to 2006, the Application Site was used for pond fish culture and cultivation activities. Subsequently, there was court proceeding which halt the agricultural activities on the Application Site. It is left vacant from early 2010s onwards.



Diagram 6 Aerial Photos of 2011 (Left) and 2024 (Right)

(Source: Aerial Photo no. CS32480 taken in 2011 and Aerial Photo no. E237024C taken in 2024 both by Lands Department, HKSAR Government)

7.1.2 The Proposed Development will be operated by experienced cultivators for agricultural use daily, subject to the actual operation by the future users. South portion of the Application Site will be for rehabilitation of agricultural land (i.e. growing vegetables and crops), and taking advantage of the existing abandoned pond in the northwest portion, pond for shrimp farming would also be considered.

Sustainable Pond Management

7.1.3 Taking the opportunity of this brackish water nature for the existing pond, this Application intends to investigate the possibility to convert the existing abandoned pond into an intertidal shrimp pond. Repair works will be carried out to repair the broken and non-functional gate into an operational sluice gate, which will be used to manage water levels by exploiting tidal movements, as well as to restore the bund to stabilize its edge and boundary. The existing bunds and water channels inside the Application Site will be maintained and restored.

7.1.4 To adopt sustainable pond management, during normal operation, the shrimp larvae will be stocked into the pond naturally. No chemical, feeds or additives should be adopted, the shrimp should rely on natural organic detritus with the tidal flow to raise sustainably. The proposed shrimp species include greasyback shrimp (*Metapenaeus ensis*), in which is common in Hong Kong, associated with brackish water nature of the subject pond.

7.1.5 Hence, no regular artificial feeding will be required as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. As the Proposed Development will be operated daily tentatively around 7a.m. to 5p.m. daytime, the future users will highly align with low tide forecasts provided by the Hong Kong Observatory (HKO)¹.

Sustainable Crop Farming

7.1.6 Adjacent to the existing pond, the agricultural area will further utilize fertile, well-drained soils enriched by proximity to the wetland ecosystem. Organic farming method shall also be adopted, by using pond water for irrigation to recycle nutrients and minimize waste. The proposed growing vegetables and crops include radish (*Raphanus sativus*), chives (*Allium schoenoprasum*), beets (*Beta vulgaris*), spinach oleracea, chenopodium quinoa, etc. will be considered due to their salt tolerance.

7.1.7 Organic farming method shall be adopted with integrated pest management (IPM) techniques, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers to control the potential flea beetle problems as also recommended by the AFCD.

7.1.8 As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase.

7.1.9 Refer to **Section 6** above, it noted that findings of all studies and surveys have summarized our Application Site were *plantation* and *pond* habitats. There Proposed Development involves proposed cultivation incorporated with plantation provision (i.e. as 38 nos. of standard trees and groundcover) listed in the Tree Preservation and Landscaping Proposal in **Annex 5**.

7.1.10 As part of the Proposed Development will be regularized the ponds that have been filled for more than two decades, thus pond culture will be proposed in the existing **abandoned** pond. Habitat loss to species is unlikely happened, **with** no net loss of open water and fishpond. The **Application Site** was not the habitat for wetland bird and/or waterbird species. There will be no loss of pond area due to the proposed pond culture and no significant increase in human disturbance to habitats is anticipated comparing with the current status of the abundant pond.

¹ It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only.

- 7.1.11 Further to the latest information, clearance and construction works including earthwork for repairment of a functional sluice gate and restoration of bund, and felling of existing trees would be involved. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. No pollution of air or water shall arise from a large number of different sources and could occur during construction, operation or both.
- 7.1.12 Fragmentation impacts arise where development or other human activities impede or sever ecological linkages between or within habitats and areas. Construction of a development between habitats which show ecological linkage may result in the loss of these links and thus a decrease in the suitability of the habitat for particular species and a reduction in the overall value of the habitat. Mitigation measures as discussed in **Section 8** will be proposed to reduce the potential impacts, the overall impact shall be minor.

8 Identification of Ecological Impacts

- 8.1.1 The implementation of the permitted agricultural use will include earthwork and felling of existing trees in the initial stage. Construction works generally involve site clearance, substructure and/or superstructure, concreting of drains, and landscaping work.

Construction Phase - Direct Impacts

- 8.1.2 *Habitat Loss* - As the Site is currently overgrown, the felling of trees shall involve the complete removal of trees indicated, the direct impact due to the loss of plantation area is considered as sensitive. However, as identified in previous EIA reports, the ecological value of the *plantation* habitat is considered low with most trees are exotic species, and the ecological linkage of the *plantation* habitat are poor.
- 8.1.3 Potential impacts on Eurasian Otter and other mammal species of conservation importance include direct habitat loss and disturbance. Due to the lack of recent records on Eurasian Otter within the Site, low impact severity during construction phase is predicted. Compensatory planting will be proposed under the Tree Preservation and Landscaping Proposal in **Annex 5**.
- 8.1.4 No additional pond filling is proposed apart from the existing filled area. It is noteworthy that there is no reduction of the identified *pond* habitat within the Application Site. The Application Site is not served by any drainage system to direct surface runoff, and existing water gate has been broken. The proposed drainage system has been designed to be sufficient in handling the surface runoff within the Application Site. Repair works of the existing functional sluice gate and the restoration of bunds are also proposed at the channel opening to the northeast connecting to Shan Pui River. There will be

temporary impact to the pond habitat with these human activities. The direct impact due to the loss of existing pond area is considered minor.

Construction Phase - Indirect Impacts

- 8.1.5 *Water Quality* - During the construction phase, watercourses, aquatic and the intertidal habitats (i.e. tidal marsh and mangrove) nearby would be potentially impacted by construction works and further surface runoff, especially during rainstorm. Repairing works, including geotextile and installation of piles, will be carried out by hand, so as to keep the interventions to the surroundings minimal. To minimize the potential ecological impacts, the programme of site clearance is expected to be completed around 2026Q1, and hence earthworks will be taken place during dry season to ensure the pond will be drained and dried naturally.
- 8.1.6 Elevated suspended solid levels caused by site runoff could increase the suspended solids load in the water bodies, and could further lower dissolved oxygen levels. It may temporarily reduce aquatic life cycle, or may change in its distribution. If without control, the potential impact due to runoff to these habitats is considered **moderate**.
- 8.1.7 Regarding the proposed drainage system, the *ETWB Technical Circular (Works) No. 5/2005 Protection of natural streams / rivers from adverse impacts arising from construction works (ETWB TC (Works) No. 5/2005)* would be adopted where applicable to minimise the potential water quality impacts from the construction works.
- 8.1.8 For the repair works of the sluice gate and restoration of bund, the proposed work is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. Hence, the Proposed Development is not considered to result in hydrological disruptions outside the Application Site.
- 8.1.9 Similar approaches have been adopted to minimize construction works inside the watercourse and thus reduce direct water quality impact to Shan Pui River and Kam Tin River. Good site management measures including those specified in Professional Persons Environmental Consultative Committee Practice Note Construction Site Drainage (ProPECC PN 2/23) would be adopted to proper handle and dispose any construction site discharges. The potential of these impacts will be greatly reduced to acceptable level. Hence, the potential ecological impacts to downstream to the works area including the confluence of Shan Pui River and Kam Tin River from the excavation works are considered **minor**.
- 8.1.10 *Construction noise disturbance* - Potential response of waterbirds to noise disturbance varies from minor response like its head turning scanning to behavioural changes like taking flight, reducing feeding/roosting time or increasing agonistic behaviour, depending on the sensitivity of the waterbirds and the level of disturbance (Platteuw & Henkens, 1997). Noted that

sensitivity of each waterbird to the level of noise disturbance varies among different species, residents nearby may generally tolerant of disturbance than the birds (Klein *et al.* 1995). Referring to the proposal, the programme of site clearance is expected to be completed around 2026Q1. Given that various waterbirds and wetland birds have been recorded in Nam Sang Wai, impact from construction noise disturbance is considered **moderate** for migratory/overwintering waterbirds if unmitigated.

8.1.11 Noted that there is no established criteria/threshold for construction noise tolerance of waterbirds in Hong Kong or similar urbanized environment, quieter construction method and or equipment will be prioritised and adopted as far as practicable. All the construction works will be conducted between tentatively 7a.m. to 5p.m. daytime on any day not being a Sunday or general holiday. To eliminate the construction noise, *Practice Note for Professional Persons Minimizing Noise from Construction Activities (ProPECC PN 1/24)* shall be followed. With proper measures, noise impact is expected to be minimal.

8.1.12 *Air quality impact* - Given that dust and human activities will increase during construction phase, it might temporarily reduce the abundance and distribution of mangrove and habitats adjacent to the Site. With the implementation of mitigation measures and good site practices to minimise the potential dust impact during the construction phase, no adverse air quality impact due to the proposed works is anticipated. The impacts of construction dust disturbance on terrestrial and wetland habitats, vegetation and other associated mangrove are therefore considered **minor**.

8.1.13 *Artificial Lighting/Glare* - Artificial lighting/glare could affect light sensitive wildlife. Given that the construction works would be conducted between tentatively 7a.m. to 5p.m. daytime on any day not being a Sunday or general holiday. Working lights might only be turned on during cloudy days with low light intensity. In any cases, there will be no working lights after 5p.m. daytime. Due to the sensitivity of nocturnal animals, the impacts of construction lighting/glare disturbance are considered **insignificant**.

8.1.14 *Impacts on recognized sites* - The Application Site falls within the Wetland Buffer Area (WBA) as designated under the TPB PG-No. 12C for "Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance". With the implementation of good site practices, other recognized sites within the Assessment Area include Wetland Conservation Area (WCA) and "Conservation Area" ("CA") zone under the Outline Zoning Plan (OZP) will not be affected directly. Potential impacts are not anticipated.

Operational Phase - Direct Impacts

8.1.15 *Habitat loss* - Without the Proposed Development, the Site will still be abundant and overgrown. The planting proposal as recommended in **Annex**

5 includes 38 nos. of standard trees with average Diameter at Breast Height (DBH) with approximately 50 millimeter (mm) are proposed to be planted to compensate the loss of 18 nos. of existing trees, excluding *Leucaena leucocephala* (銀合歡).

8.1.16 With the farming activities on the Application Site, it would convert the *plantation* habitat into *agricultural land* habitat, with ecological value to be low to very low. Any impacts on Eurasian Otter are also predicted to be of very low severity due to the lack of recent records within the Site. It is anticipated that there will be degradation of ecological value from low to very low on the *plantation* habitat.

8.1.17 Noted that the Proposed Development also involves restoration of abandoned pond for shrimp farming. Such restoration does not change the original context of pond, but to re-activate the pond, repairment of a functional sluice gate on the existing location. Net effect to be integrated with surrounding wetland is anticipated under proper sustainable pond management to rely on natural organic detritus with the tidal flow. Potential impacts are considered **minimal**.

Operational Phase - Indirect Impacts

8.1.18 *Water quality* - The surface runoff generated from the Application Site will be discharged to the proposed U-channel system. The drainage analysis, as demonstrated in the **Drainage Impact Assessment** in **Annex 4**, has demonstrated that the proposed drainage systems have adequate capacity to cater the surface runoff from the Site.

8.1.19 During operation phase, no chemical, feeds or additives should be adopted for shrimp farming, as its growing method relies on the natural organic detritus with tidal flow. Passive harvest will be adopted by sluice netting during high tide periods. No adverse impacts on the aquatic communities or the associated waterbirds and wetland birds are anticipated, whilst the pond for shrimp farming may serve as habitat for piscivorous birds compared to the baseline condition. Therefore, water quality impact is not anticipated.

8.1.20 For crop farming, organic farming method with integrated pest management (IPM) techniques will be adopted, such as introducing beneficial insects (i.e. ladybugs for aphid control), using neem oil and/or marine extracts from natural deterrence for organic farmer use, and deploying physical barriers like netting to control the potential flea beetle problems as also recommended by the AFCD.

8.1.21 Fertilization will rely on on-site composting of crop residues and pond sludge at the pond, to recycle the aerobic composting piles that prevent soil subsidence commonly found in reclaimed wetlands or water bodies. No artificial pesticides and fertilisers will be employed. Proper nutrient management will be adopted by avoiding larger fertiliser dose with small and

split applications, and only with fully matured compost. No organic fertiliser shall be applied before and after heavy rain, and to irrigate in short pulse to avoid excess water washing the organic nutrients away. By applying a smart fertilization plan, it is anticipated to minimise any potential pollution risk.

8.1.22 As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. No significant increase is anticipated to the change of hydrodynamics at the Shan Pui River, thus the potential impacts due to change of hydrodynamics are considered **minor**.

8.1.23 *Air quality and noise* - The Proposed Development will be for rehabilitation of agricultural land and pond culture for intertidal shrimps. No air and noise emission activities will be involved and no powered equipment will be deployed. Therefore, air quality and noise impacts are not expected.

8.1.24 *Light impact* - The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.². No artificial lighting and/or glare is allowed. On the other hand, the existing lighting sources (i.e., village houses, low-rise residential development, the Yuen Long INNOPARK, etc.) are already present within and near the Site. As suggested by the nearby approved EIA (EIA No. AEIAR-228/2021), fauna inhabiting in habitats near the Project Site have probably habituated to lightings, and hence sensitive species might not be present in these areas. No significant adverse impact to nocturnal fauna in nearby areas is anticipated. Potential impacts are considered **minor**.

8.1.25 *Waste management* - Waste collection and wastewater treatment facilities will be provided with reference to Good Aquaculture Practices - Environmental Management of Pond Fish Culture published by the Agriculture, Fisheries and Conservation Department (AFCD), or any relevant ordinances and guidelines. Potential impacts are considered **minor**.

8.1.26 *Impacts on recognized sites* - The Site is located within WBA and is near the WCA and "CA" zone. As the future cultivators and pond farmers will occasionally work and support different sites nearby for harvesting and when managing pond bunds, no any temporary structures for storage of farm equipment and/or aquaculture supplies shall be allowed during operation phase. The land use planning control is exercised through the designation of WCA for all existing continuous and adjoining active/abandoned fish pond, and the designation of WBA to protect the ecological integrity of the WCA. In addition, the impact to habitats in Nam Sang Wai are considered **minor** as the

² It is noted that the traditional practice shall be harvested during night and/or early morning as the shrimps are more active. To minimise possible impact to the surroundings at night time, the future operator will be limited to harvest during daytime tentatively around 7a.m. to 5p.m. only. They are highly advised to align with low tide forecasts provided by the Hong Kong Observatory (HKO).

operational phase disturbance (i.e. noise, human disturbance) will be very limited.

9 Mitigation and Enhancement Measures

- 9.1.1 Mitigation measures are proposed during both construction and operation phases, to avoid, minimise, mitigate and compensate for potential environmental impacts to ensure that the Proposed Development do not harm the wetland or impose adverse environmental effects.
- 9.1.2 The Application Site will retain its original agriculture use and will adhere to the relevant mitigation measures and requirements outlined in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department (EPD) to minimise any potential environmental impact. The Proposed Development would **not** have irreversible adverse ecological impact to the surrounding area and **do not** undermine the integrity of the wetland ecosystem.
- 9.1.3 Precautionary measures will be carried out, including but not limited to no substantial piling works, no night time construction works, adjusting outdoor lighting to lower intensity, tree planting along the site boundary, adopting good site practices, etc..
- 9.1.4 Relevant environmental protection/ pollution control ordinance will be strictly complied during construction phase as follows: -

Air Quality

- Construction works and exhaust emission from the Powered Mechanical Equipment (PME) are the potential sources of air quality impact during construction phase. To mitigate the construction air quality impact, the control measures stipulated in the Air pollution Control (Construction Dust) Regulation and other relevant regulation and standards shall be followed. With proper control measures, air quality impact is expected to be minimal.

Noise

- All the construction works will be conducted between **tentatively 7a.m. to 5p.m. daytime** on any day not being a Sunday or general holiday. To eliminate the construction noise, *Practice Note for Professional Persons Minimizing Noise from Construction Activities (ProPECC PN 1/24)* shall be followed. In addition, quieter construction method and or equipment will be prioritised and adopted as far as practicable. With proper measures, noise impact is expected to be minimal.

Water Quality

- Surface runoff generated from the Site will be generated during construction phase. To prevent the runoff entering the surrounding waters, Best Management practices, proper site practice and good site management in accordance with *Practice Note for Professional Persons Construction Site Drainage (ProPECC PN 2/24)* shall be followed.
- Furthermore, *ETWB Technical Circular (Works) No. 5/2005 Protection of natural streams / rivers from adverse impacts arising from construction works (ETWB TC (Works) No. 5/2005)* should be adopted where applicable to minimise the potential water quality impacts from the construction works.
- As the Proposed Development is not considered to affect stability of pond bunds or resulting in seepage of bunds in adjacent ponds. Hence, the Proposed Development is not considered to result in hydrological disruptions outside the Application Site.
- With appropriate measures and good site practices, water quality impact is not expected during construction phase.

Light Impact

- The construction activities will only conduct during tentatively 7a.m. to 5p.m. daytime. Therefore, light pollution is not anticipated.

9.1.5 The following mitigation measures are proposed to avoid and minimise impacts and disturbance to the surrounding habitats during operation phase as follows: -

Air Quality and Noise

- The Proposed Development will be for rehabilitation of agricultural land and pond for shrimp farming. No air and noise emission activities will be involved and no powered machinery will be deployed. Therefore, air pollution and noise impacts are not expected.

Water Quality

- The surface runoff generated from the Application Site will be discharged to the proposed U-channel system. Therefore, water quality impact is not anticipated.
- Naturally feeding for the shrimp will be employed with no artificial feeding nor antibiotics/ pesticides/ herbicides. Desilting and degrading of pond during will be minimised.
- Proper fertilization plan to minimise the deployment of organic fertilization to prevent degradation of water quality.

Light Impact

- The Proposed Development will only operate during daytime daily tentatively around 7a.m. to 5p.m.. No artificial lighting and/or glare is allowed. No light pollution is anticipated.

Waste Management

- Waste collection and wastewater treatment facilities will be provided with reference to *Good Agricultural Practices for Crop Production* and *Good Aquaculture Practices – Environmental Management of Pond Fish Culture* published by the AFCD.

10 Conclusions

- 10.1.1 A desktop review have been conducted making reference to the completed and approved studies and surveys, to evaluate the potential ecological impact associated with the Proposed Development within the Application Site.
- 10.1.2 The Proposed Development with the proposed operation of pond culture and cultivation activities will make effective use of idle lands and abandoned ponds contribute to environmental decline and reduced productivity, with minor ecological impact to the local context of Nam Snag Wai as compared to the baseline condition.
- 10.1.3 Direct habitat loss arising from the Proposed Development is considered minor, with no net permanent loss of pond area under the Proposed Development. The existing *plantation* habitat of low ecological importance will be gradually converted to *agricultural land* habitat of low to very low ecological importance under the Application. There will be minor impact to the ecological value of the *pond* habitat with minimal human activities. No direct or indirect disruption to the species during construction and operational phases. The cumulative impacts with other concurrent developments were considered minor.
- 10.1.4 To address potential impacts on wildlife during the construction and operational phases of the Project, mitigation measures will be adopted to ensure no unacceptable adverse infrastructural nor environmental impacts on the surrounding environment during construction or operational phases.

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