

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/328

<u>Applicant</u>	: World Wide Fund for Nature Hong Kong (WWFHK) represented by PlanArch Consultants Limited
<u>Site</u>	: Gei Wais 7, 8, 19 and 20e, and Existing Footpath at Mai Po Nature Reserve, Government Land in D.D. 104, Mai Po, Yuen Long
<u>Site Area</u>	: About 6,151.5 m ²
<u>Land Status</u>	: Government Land (GL)
<u>Plan</u>	: Approved Mai Po and Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
<u>Zoning</u>	: “Site of Special Scientific Interest” (“SSSI”) (about 83% of the Site) “Conservation Area” (“CA”) (about 17% of the Site)
<u>Application</u>	: Proposed Field Study and Education Centre (Tower Hides), Nature Trail and associated Excavation of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed field study and education centre (tower hides), nature trail and associated excavation at the application site (the Site) within the Mai Po Nature Reserve (MPNR) managed by the applicant. The Site mainly falls within an area zoned “SSSI” (about 83%) and partly zoned “CA” (about 17%) on the approved Mai Po and Fairview Park OZP No. S/YL-MP/6 (**Plan A-1**). According to the Notes of the OZP, ‘field study/ education/visitor centre’, ‘nature trail’ and excavation of land within the “SSSI” and “CA” zones require planning permission from the Town Planning Board (the Board).
- 1.2 The proposed facilities are under WWFHK’s proposed infrastructure upgrade project in MPNR known as “21st Century Nature Classroom Project” to enhance the public education programmes and research on conservation of wetland and sustainable development by bringing MPNR as an outdoor nature classroom and laboratory to the broader society.

The Infrastructure Upgrading Proposal

- 1.3 As shown in **Drawing A-1 and Plan A-1**, the Site is accessible from the existing Peter Scott Field Study Centre (PSFSC) via an existing local track. The upgrading proposal comprises two new tower hides (TH) at Sites A and B respectively (**Drawing A-1**) (i.e. TH2 in the area near Gai Wais 19 and 20e and TH3 in the area near Gai Wais 7 and 8) and a network of footpath in the form of wooden boardwalk (Photos 7a, 10 and 13 in **Plans A-4b and A-4d**) on top of the existing largely unpaved footpath (**Plan A-4a**) annotated as Site C (**Plan A-2**). According to the applicant, the site selection for the two THs is on the consideration that the site for TH3, which is in proximity to the entrance of the MPNR, is suitable for public education programme, whereas the site for TH2 in the southern part of the MPNR is for advanced scientific research and wetland management training. The footpath (Site C) includes upgrading/widening of the existing main footpath (between the Mai Po Marshes Wildlife Education Centre and the AFCD Nature Warden Post at the entrance of the MPNR) (Photo 10 on **Plan A-4d**), an upgraded footpath connecting the main footpath to the existing TH1 (Photos 7a and 7b on **Plan A-4b**) and a new footpath connecting the main footpath to the proposed TH3. The total site area is about 6,151.5 m² with a gross floor area (GFA) of about 360 m² and a plot ratio (PR) of 0.4 for the two THs and an excavation area of about 100 m² with a depth of 1.5m for each of TH2 and TH3. There is no change to the number of visitors to the MPNR which is controlled by means of prior application for entry permit as per the existing arrangement. Details of the proposed infrastructure upgrade project are as shown in the table below. The floor plans, elevations and section and photomontages for TH2 and TH3 and the overall plan for the proposed footpath are shown in **Drawings A-2 to A-8**.

Table 1 Summary of Proposed Infrastructure Upgrade Project

	Site A (TH2)	Site B (TH3)	Site C (Footpath)
Site Area* (about)	454 m ²	585 m ²	5112.5 m ²
GFA	178 m ²	182 m ²	N/A
PR [#]	0.39	0.31	N/A
Building Height (BH)	3 storeys 12.56mPD (@ main roof) 13.86mPD (@ pitch roof)		N/A
Purpose	Scientific research & advanced education	Public education	Universal access to designated education locations

* Site Area includes the proposed facilities and the required temporary works area. For Site C, the Site Area includes the footprint of the new footpath and six education areas along the footpath).

[#] Based on the GFA and Site Areas of TH2 and TH3

Design and Construction

- 1.4 The two TH structures will mainly be made of wood and served by a ramp with screening with natural materials (**Drawings A-3 and A-6**) to prevent disturbance to the birds. The building facades will adopt natural colour and the ramp will be made up of non-reflective materials such as wood (**Drawings A-4 and A-7**), bamboo or reed which will provide access to the first level of the TH while access

to the second and third levels will be via stairs. The TH has a height (to roof level) of 9.04m for TH2 and 9.2m for TH3 with an overall BH to the top of the pitch roof at about 13.86mPD. The proposed height is similar to the existing TH1 (Photo 7b on **Plan A-4c**) which is a 3-storey structure of approximately 9m in height (**Appendix Ib**). The TH structure will be designed with a pitch roof and installed with non-reflective solar panel to provide self-sustained electricity for light and ventilation and there will be no need for other utility installation (**Drawings A-2 to A-7**).

- 1.5 The proposed footpath (including upgrading/widening and new provision) will have a total length of about 1,054.2 m upon completion (**Drawing A-8**). Six education areas formed by widened section along the footpath will be installed with display boards showing the wildlife in the nature reserve to the visitors. All boardwalk will generally be 1.66m wide except for those widened sections to accommodate the education areas which will be at a width of 2m. The boardwalk will be assembled on-site with manual labour and no concrete paving will be involved. The construction works for TH2 and TH3 will be carried out in a single wet season with maximum use of off-site prefabrication. No outdoor construction work will be carried out during the dry season as specified in the EP¹ (i.e. between 16 October and 15 April) when the bird number reaches its peak in Mai Po. The construction hours for the two THs and the proposed footpath will follow the requirements in the approved EIA report and the EP, viz. starting at 7am and ending before one to two hours before sunset from Monday to Saturday during wet season. Existing trees along the proposed works areas will be protected and no tree felling will be involved.

Pedestrian and Traffic Arrangement

- 1.6 Traffic arrangement for visitors to MPNR will be the same as the current mode of operation in that admission of all visitors are controlled via entry permit with guided tour by WWFHK upon their arrival at PSFSC. Therefore, the existing traffic arrangement at the PSFSC will remain unchanged. During construction, a maximum number of 5 small construction vehicles commonly used by WWFHK will be allowed per hour using the entry road (Tam Kon Chau Road), whereas within the MPNR Gei Wai area ranges, only 1 to 2 small construction vehicles per hour is allowed.
- 1.7 In support of the future operations of the public education programme at the MPNR, the public will be encouraged to make use of public transport to come to MPNR or via WWFHK's existing shuttle bus services from Friday to Sunday and on public holidays between MPNR and Yuen Long MTR Station. This will further reduce the number of vehicles connecting to the Site. The traffic arrangement to MPNR is shown in **Drawings A-9 and A-10**.
- 1.8 In support of the application, the applicant has submitted the following documents:

¹ In WWFHK's infrastructure upgrading scheme approved under the EP, an associated boardwalk to TH2 is proposed. Upon detail design and consideration, WWFHK has decided not to proceed with this section of the boardwalk and therefore it is not included in the current application (**Appendix Ib**).

- (a) Application Form received on 25.5.2022 (Appendix I)
- (b) Planning Statement with Ecological Impact Assessment (EcoIA), Environmental Assessment (EA), Drainage Impact Assessment (DIA) and Tree Survey and Tree Preservation Proposal (TS&TPP) (Appendix Ia)
- (c) Further Information (FI) received on 4.7.2022 (Appendix Ib) providing response to departmental comments, the Environmental Permit (EP) for the proposed infrastructure upgrade project, clarification of the construction hours of the proposed works and updated drawings [#]

[#] *exempted from publication requirement*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Planning Statement and FI at **Appendices I to Ib**. They can be summarised as follows:

Enhancing the infrastructural capacity of the MPNR for more comprehensive public education and research for conservation

- (a) Since 1980s, WWFHK has been actively managing the MPNR with a mission to develop the Nature Reserve into a prime conservation site with a significant educational component. The “21st Century Nature Classroom Project” is to upgrade the infrastructure of MPNR so as to enhance the educational programmes offered by WWFHK. The current infrastructure upgrade proposal will facilitate universal access and provision of new educational component through upgrading and widening of existing footpaths and enhancing the space/environment for bird-watching in the THs. It will be beneficial to the on-going development of WWFHK’s research and education programmes in the MPNR and enhance the general public with more opportunities and better learning experience about wetland conservation and sustainable development.

In line with the planning intention of “SSSI” and “CA” zones

- (b) WWFHK has been collaborating with the Agriculture, Fisheries and Conservation Department (AFCD) to actively conserve the wetland and biodiversity in the MPNR and with Education Bureau to develop and run education programme for students for over 30 years. Monitoring and research programmes are conducted in the MPNR by various institution and experts. MPNR is also used as a base to run wetland management training to build up the capacity of reserve managers in the region, offering science-based experience, projects and nature interpreted guided visits to the youth, community and volunteer groups. The ongoing work of WWFHK in MPNR is in line with the planning intention of the “SSSI” and “CA” zones and will support WWFHK’s ongoing effort in public education and conservation of the MPNR. The nature of use, design, scale and extent of the proposed infrastructure upgrade works have been carefully considered in order to minimise any potential impact to the surrounding environment and the flora and fauna.

No adverse ecological and environmental impacts

- (c) The current ecological conditions and potential ecological impacts of the proposed infrastructure upgrading works at the MPNR are assessed in the Environmental Impact Assessment (EIA) report which was approved by the Advisory Council on the Environment (ACE) and an EP was issued by the Director of Environment (DEP) on 16.2.2022 (**Appendix Ib**).
- (d) According to the findings of the EcoIA in the EIA (**Appendix I of Appendix Ia**), neither area nor function of the wetlands within MPNR will be adversely affected by the proposed upgrading works. Mitigation measures are proposed in the EcoIA to minimise the ecological impacts. In particular, the construction work will be carried out outside the peak bird-migrating season to avoid disturbance to the ecology and will tie in with the rolling programme of draining the gei wais under the MPNR Management Plan. No later than one month before the commencement of construction of the proposed infrastructure upgrading works, an Egretty Mitigation Measures Plan (EMMP) will be submitted to EPD for approval. The EMMP will include details of the mitigation measures and schedule to avoid and minimise adverse impact on the egretty and breeding ardeids. With such measures in place, it is considered that all significant ecological impacts of the proposed works will be addressed and residual impacts will be acceptable.
- (e) During construction of the THs and footpath, mitigation measures are adopted such as limiting the construction hours and period, adopting good site practice in accordance with EPD's requirements and continued use of the existing septic tank system at the existing Mai Po Wildlife Education Centre to ensure no net increase in pollution loads to Deep Bay.
- (f) Since the extent of works area and excavation will be kept minimal, no net loss of wetland is anticipated as the proposed works will not affect the bunds and wetland in the Wetland Conservation Area (WCA), neither area nor function of the wetlands will be adversely affected. The proposed development is in compliance with TPB Guidelines No. 12C. All the mitigation measures identified in the EcoIA and the requirements of the EP will be followed and implemented in carrying out the infrastructure upgrading works in the current application.

Technical assessments and considerations

- (g) Technical assessments including the EA, DIA and TS&TPP have been conducted as per the approved EIA report which are included in **Appendices 1 to 4 in Appendix Ia**. The results demonstrate that with implementation of the mitigation measures and good site practice and compliance with the relevant conditions imposed in the EP, the proposed works will not induce adverse impact on air quality, noise, water quality, waste management and contamination during the construction and operation stages. There will be no excavation work along the existing footpath for proposed footpath widening and upgrading works, all trees along the footpath are to be retained and the "Guidelines on Tree Preservation during Development" will be followed to ensure that no damage occurs to the retained trees nearby and/or within the proposed working area during construction.

Insignificant traffic impact

- (h) As the mode of transportation and entry to the MPNR upon completion of the infrastructure upgrading project will remain unchanged and with the requirement for entry permit to the MPNR will continue to be in place, no adverse traffic impact will be induced by the proposed development.

No undesirable precedent

- (i) Approval of the application will support WWFHK's ongoing effort in wetland conservation, public education and capacity building for reserves along the migratory bird flyway and will not set an undesirable precedent.

3. Compliance with the "Owner's Consent/Notification" Requirements

As the Site involves GL only, the "owner's consent/notification" requirements as set out in the Town Planning Board Guidelines on Satisfying the "Owner's Consent/Notification" Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPG PG-No. 31A) are not applicable to the application.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C)

The Site falls within the Wetland Conservation Area (WCA) under TPB PG-No. 12C (**Plan A-1**). The key assessment criteria are summarised as follows:

WCA

- (a) the WCA comprises the existing and contiguous, active or abandoned fish ponds in the Deep Bay Area, which should all be conserved. The 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. The Board may consider development with conservation objectives within the WCA under the "private-public partnership approach";
- (b) 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. Any such development should be supported by an EcoIA to demonstrate that the development would not result in a net loss in wetland function and negative disturbance impact;
- (c) for any redevelopment which requires planning permission from the Board, an EcoIA would also be required. Wetland compensation is required for any development involving pond filling and mitigation measures against disturbance would be necessary. They would be imposed as part of the planning approval conditions; and

- (d) subject to submission of EcoIAs, the types of activities which may be considered within the WCA must be related to uses concerning (i) conservation of the wetland in Deep Bay Area, (ii) environmental education, or (iii) essential infrastructure projects needed for public purpose for which no suitable alternative locations outside the WCA could be identified; and should not add to the pollution loading of the Deep Bay Area.

5. Background

The Site is not subject to any active planning enforcement action.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Application

- 7.1 In support of the management and conservation of the MPNR, the current applicant, WWFHK, had submitted a number of applications for field study/ education/visitor center for provision of boardwalk/extension of existing boardwalk, temporary works area for construction of a bird-watching hide field study centre with wooden boardwalk and ringing hut and wooden buffalo shelter to facilitate its various environmental education programmes and training of wetland management techniques. All these applications were approved by the Committee between 1997 and 2017 mainly on the considerations that the proposed uses were in line with the planning intention of the “SSSI” zone in promoting scientific research and raising public environmental awareness about the wildlife and habitats within the Deep Bay ecosystem and conservation of the MPNR, the local and minor nature of the proposed uses, the proposed uses were not incompatible with the surrounding natural environment and would not have adverse environmental, ecological, traffic, fire safety and drainage impacts, and complied with TPB Guidelines No. 12B/12C. Details of the applications are at **Appendix II**.
- 7.2 During the past five years, there is no other similar application for field study and education centre or nature trail with associated excavation of land in the same “SSSI” and “CA” zones.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4d)

8.1 The Site is:

- (a) located within the MPNR managed by the applicant;
- (b) comprises three portions including the bund areas of Gei Wais 7 and 8 (Site B) in the northeastern part of the MPNR, Gei Wais 19 and 20e (Site A) in

the southern part of the MPNR and the existing concrete main footpath within MPNR (Site C); and

- (c) within the WCA of Deep Bay Area.

8.2 The surrounding areas are the fish pond areas with the MPNR:

- (a) on both sides of the main footpath at Site C and areas surrounding Gei Wais 7 and 8 (Site B) are vast stretch of fish ponds and existing bunds;
- (b) at both ends of the existing main footpath is AFCD's Nature Warden Post at the entrance of the MPNR in the northeast and the Mai Po Wildlife Education Centre in the southwest; and
- (c) the areas surrounding Site A are fish ponds and existing bunds.

9. Planning Intention

- 9.1 The planning intention of "SSSI" zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as "SSSI". It intends to deter human activities or developments within the "SSSI". There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the "SSSI", to maintain and protect the existing character of the "SSSI", or for educational and research purposes.
- 9.2 The planning intention of the "CA" zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem in the Deep Bay Area. The "no-net-loss in wetland" principle is adopted for any change in use within this zone. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.

10. Comments from Relevant Government Departments

- 10.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) She has no objection to the application.
- (b) The application site involves GL subject to various licences granted to WWFHK for the purpose of a nature reserve area of a Wildlife Education Centre. Under the Licence Agreements, no structures other than those which shall have been approved by LandsD shall be erected on the licence area.
- (c) The Site falls within area listed as Sites of Special Scientific Interest SSI-10.
- (d) Should the Board decide to approve the application, the applicant has to apply to LandsD for the aforementioned written approval for the erection of the tower hides and the associated road works prior to the commencement of the works. Should no application be received/approved and the irregularities persist on the Site, LandsD will consider taking appropriate action against the Licensee pursuant to the relevant provisions of the Licence Agreements.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The Site is connected to Castle Peak Road – Mai Po via a section of Tam Kon Chau Road which is not managed by Transport Department (TD). The land status of the local access should be clarified with LandsD by the applicant. Moreover, the management and maintenance responsibilities of the local access should be clarified with the relevant lands and maintenance authorities accordingly.
- (b) As there is no information about the vehicular access for construction vehicles within the MPNR Gei Wai area, the applicant should seek the relevant land owner(s) on the right of using the vehicular access.
- (c) All vehicles of 10m or above are currently prohibited to enter Tam Kon Chau Road.
- (d) Having considered the applicant's FI (**Appendix Ib**), he has no comment on the application from traffic engineering perspective.
- (e) Should the application be approved by the Board, the applicant should be advised that no vehicle is allowed to queue back to or reverse onto/from public road at any time during the construction period.

10.1.3 Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD)

- (a) He has no comment on the understanding that there is and will be no vehicular access to/from the Site.
- (b) There is no public road maintained by HyD in the vicinity of the Site. Excavation Permit should be obtained from DLO/YL prior to commencement of excavation works on GL.

Environment

10.1.4 Comments of DEP:

- (a) She has no objection to the application. According to the submitted information, appropriate mitigation measures will be implemented to minimise short-term environmental impacts during construction. The proposed infrastructure upgrading works is part of the project entitled “Mai Po Nature Reserve Infrastructure Upgrade”, which is a designated project under the EIA Ordinance (EIAO) and an EP (No.EP-598/2022) was issued under EIAO for construction and operation of the project. The applicant is advised to ensure that the project is designed, constructed and operated in accordance with the information and mitigation measures recommended in the approved EIA Report and the said EP.
- (b) There was no environmental complaint related to the Site in the past three years.

Nature Conservation

10.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) The Site is located within an area zoned “SSSI” and “CA” on the approved Mai Po and Fairview Park OZP. Besides, the Site falls within the WCA under TPB PG-No.12C and is located within the MPNR.
- (b) With reference to the Planning Statement and EcoIA (**Appendix 1a and Appendix 1 of Appendix 1a**), the potential ecological impacts of the proposed infrastructure upgrade at MPNR were assessed and associated mitigation measures were also proposed. In particular, the potential ecological impact due to the permanent loss of wetland habitat (i.e. very small area of gei wai bund and pond bund) will be mitigated by habitat enhancement of adjacent gei wai and pond (Section 5.3 of the Planning Statement and Table 7-52 of the EcoIA). With the implementation of the proposed mitigation measures, the current application can comply with “no-net-loss in

wetland” principle as stipulated in TPB PG-No. 12C. As such, he has no in-principle objection to the application.

Landscape

10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) According to record, there are a number of planning applications in the same “SSSI” zone with similar uses as sought in the current application that were approved by the Committee between 1997 and 2017 (**Appendix II**).
- (b) Based on the aerial photo taken in 2021, the Site is situated in an area of rural coastal plains landscape character comprising fish ponds, small education structures and scattered tree groups, etc. Based on the site photos taken on 7.6.2022, Site A for the proposed TH2, Site B for the proposed TH3 and the proposed new footpath connecting to TH3 are on soil bunds area near ponds, whereas the main footpath and the footpath connecting to the existing TH1 are existing concrete footpaths with trees nearby. With reference to the TS&TPP (**Appendix 4 in Appendix Ia**), 381 nos. of existing trees of common species in fair to poor conditions are observed within and in proximity to the Site, and all existing trees would be preserved. According to the Planning Statement, mitigation measures and design consideration of the proposed works to blend in with the surrounding (e.g. use of natural materials such as wood, bamboo or weeds, natural colour for the building façades of the THs, etc.) are proposed. Significant adverse impact on the landscape character and resources arising from the proposed development within the Site is not anticipated. Hence, she has no objection to the application from the landscape planning perspective.
- (c) Excavation should be carried out away from the Tree Protection Zone and trenching of roots should be avoided. Proper tree preservation measures should be carried out to avoid damage to existing trees during the excavation.
- (d) In view that significant adverse landscape impact arising from the proposed development is not anticipated and the Site is surrounded by existing trees, it is considered not necessary to impose any landscape-related condition should the Board approve the application.
- (e) Her advisory comments are at **Appendix IV**.

Urban Design

10.1.7 Comments of CTP/UD&L, PlanD:

- (a) It is noted the two new THs, viz, TH2 and TH3, are proposed to be three storeys in height (around 12.56mPD at main roof level) with GFA of about 178m² and 182m² respectively.
- (b) The Site at MPNR is an open field with wetland habitat to the west and fish ponds to the east. The natural setting is intact with few man-made structures in the surroundings, including Mai Po Marshes Wildlife Education Centre and Nature Reserve in the south (about 9mPD) (**Plan A-4d**) and several birdwatching hides/structures scattering in the area.
- (c) In view of the small scale in nature, it is considered that the footpath improvement works and the new 3-storey THs are unlikely to induce significant visual impacts to the surrounding natural habitat. According to the applicant's submission, a ramp with boardwalk will be provided for access to the THs with screening with natural materials to prevent disturbance to the birds. Natural colour and non-reflective materials for the building facades of the THs and natural materials such as woods, bamboo or reed for the new ramp leading to the THs will be adopted to blend in well with the surrounding natural habitat.

Fire Services

10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of the proposed FSIs should be clearly marked on the layout plans.
- (c) As for the proposed installation of solar panel, the applicant should be advised to observe the "Guidance Notes for Solar Photovoltaic (PV) System Installation", which is under the jurisdiction of the Electrical and Mechanical Services Department.

10.2 The following government departments have no comment on or no objection to the application:

- (a) Chief Engineer/Railway Development 2-2, Railway Development Office, HyD;
- (b) Commissioner of Police;
- (c) Chief Building Surveyor/New Territories West, Buildings Department;
- (d) Project Manager (West), Civil Engineering and Development Department;
- (e) Chief Engineer/Mainland North, Drainage Services Department;
- (f) Chief Engineer/Construction, Water Supplies Department; and
- (g) District Officer (Yuen Long), Home Affairs Department.

11. Public Comments Received During Statutory Publication Period

On 7.6.2022, the application was published for public comments. During the three weeks of the statutory publication period which ended on 28.6.2022, a total of eight public comments (**Appendix III**) were received from The Hong Kong Girl Guides Association, Ho Koon Nature Education cum Astronomical Centre, the Palm Springs Management Services Office and individuals. Seven of these public comments support the application for the reasons that the wildlife research and education programmes offered at the MPNR can promote nature conservation and enhance biodiversity of the wetland ecosystem which will contribute to conservation of the wetland and natural environment in both the local and international context, the upgrading project can provide more facilities and opportunities for schools and their students to attend the education programmes and thus broaden the experience and knowledge on nature conservation, water birds and sustainable development, and the impact arising from the proposed upgrading works is short-term and insignificant. The Palm Springs Management Services Office has raised objection to the application with no specific reason given.

12. Planning Considerations and Assessments

- 12.1 The applicant proposes to undertake infrastructure upgrading project in MPNR for provision of field study and education centre (tower hides), nature trail and associated excavation at the Site. The upgrading proposal includes two new THs at the relevant Gei Wais and a network of footpath using boardwalk finish on top of the existing surface are proposed to upgrade the access to various education areas within the MPNR. The total site area is about 6,151.5 m² with a GFA of about 360 m² and a PR of 0.4 for the two THs (with BH of 3 storeys), an excavation area of about 200 m² with a depth of 1.5m for the two THs and a network of upgraded footpath with boardwalk finish having a total length of about 1,054.2 m. Apart from the sites identified for the two THs and the associated footpaths to facilitate access to various education areas, no other natural habitat/wetland, fauna and flora of the MPNR within the “SSSI” and “CA” zones will be affected.

Planning Intention

- 12.2 The planning intention of “SSSI” is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their

habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the “SSSI”, to maintain and protect the existing character of the “SSSI”, or for educational and research purposes. The “CA” zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.

- 12.3 According to the submission, the applicant has been actively managing the MPNR for more than 30 years by enhancing it into a prime conservation site and providing significant education components. The proposed works is part of the “21st Century Nature Classroom Project” with an aspiration to bring MPNR to the broader society and enhance the general public with more opportunity and better learning experience on wetland conservation and sustainable development. As the proposed development will be beneficial to the on-going development of WWFHK’s research and education programmes in the MPNR, it is considered in line with the planning intention of the “SSSI” and “CA” zones.

Compatibility with the Surrounding Environment

- 12.4 MPNR is an open field with wetland habitat to the west and fish ponds to the east. The natural setting is intact with few man-made structures in the surroundings, including the education centre in the south (about 9mPD) (**Plan A-4d**) and several birdwatching hides/structures scattering in the area. According to the applicant, the proposed new 3-storey THs are low-rise and natural colour and non-reflective materials will be adopted for the building facades. All existing trees will be preserved. Natural materials such as woods, bamboo or reed for the new ramp leading to the THs and the boardwalks will be adopted to blend in well with the surrounding natural habitat. CTP/UD&L, PlanD indicates that, in view of the small scale in nature, it is considered that the footpath improvement works and the new 3-storey THs are unlikely to induce significant visual impacts to the surrounding natural habitat and has no objection from landscape planning perspective. As the proposed works under the infrastructure upgrading proposal is local and minor in nature and the BH of the two new THs is similar to the existing 3-storey TH1, it is considered compatible with the surrounding natural environment.

TPB PG-No. 12C

- 12.5 The proposed development complies with the intention of the WCA in that it is required to support the public education, research and conservation programme of MPNR, which forms an integral part of the wetland ecosystem in the Deep Bay Area.
- 12.6 The proposed works has been subject to EIA and associated EP for WWFHK’s infrastructure upgrading project for the MPNR. The applicant has conducted an EcoIA, in which the potential ecological impacts were assessed and associated mitigation measures were also proposed. Both the EIA and EcoIA indicate no adverse ecological and environmental impact associated with the development.

All the construction method/procedures and mitigation measures proposed in the EcoIA and EIA report will be adopted, which include no outdoor construction works in dry season, restricting the construction hours, submission of EMMP for EPD's approval. All the proposed mitigation measures have also been incorporated in the EP. With the implementation of the mitigation measures proposed in the EA, DAFC considers that the proposed development can comply with the "no-net-loss in wetland" principle and would not result in unacceptable disturbance impact on the surrounding area. DEP also has no objection to the application.

Other Technical Considerations

- 12.7 The access and traffic arrangements to the Site will be the same as the current mode of operation which is via guided tour by WWFHK upon prior appointment. The maximum number of small construction vehicles will be limited. As such, C for T has no comment on the application from traffic engineering perspective. D of FS has no objection to the application and his requirement could be addressed by approval conditions as recommended in paragraph 13.2 below. Other concerned government departments have no comment on or no objection to the application.
- 12.8 Regarding the public comments received on the proposed development as detailed in paragraph 11 above, the planning considerations and departmental comments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 15.7.2026, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) the submission of fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board;
- (b) the implementation of fire service installations proposal to the satisfaction of the Director of Fire Services or of the Town Planning Board;

Advisory clauses

The recommended advisory clauses are attached at **Appendix IV**.

13.3 There is no apparent reason to reject the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 25.5.2022
Appendix Ia	Planning Statement
Appendix Ib	FI received on 4.7.2022
Appendix II	Similar Applications
Appendix III	Public comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Location of Application Site
Drawing A-2	Site A (Proposed Tower Hide 2) – Floor Plans
Drawing A-3	Site A (Proposed Tower Hide 2) – Elevations & Section
Drawing A-4	Site A (Proposed Tower Hide 2) – Photomontage
Drawing A-5	Site B (Proposed Tower Hide 3) – Floor Plans
Drawing A-6	Site B (Proposed Tower Hide 3) – Elevations & Section
Drawing A-7	Site B (Proposed Tower Hide 3) – Photomontage
Drawing A-8	Site C (Proposed Footpath with Education Areas)
Drawing A-9	Vehicular Access – Construction Stage
Drawing A-10	Vehicular Access – Operation Stage
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
JULY 2022**