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For information

Report of the Nature Conservation Subcommittee
“Nature Conservation in the Deep Bay Area”

Purpose

At the meeting held on 14 August 2008, the Nature Conservation Subcommittee (NCSC) discussed the measures and development control mechanisms for conservation of the Deep Bay area. This paper reports the NCSC's discussion.

Background

2. The Mai Po and Inner Deep Bay area was listed as a Wetland of International Importance under the Ramsar Convention (the Ramsar Site) on 4 September 1995. The Ramsar Site covers an area of approximately 1,540 ha of wetlands in the Deep Bay area. The listing is a formal recognition of the international importance of the area and helps promote public awareness of the site.

3. Hong Kong is obliged under the Ramsar Convention to promote the conservation of the Ramsar Site as well as the wise use of wetlands. In order to protect the core area of the Ramsar Site, an area of some 800 ha covering the Mai Po Marshes Nature Reserve (MPMNR) and the intertidal mudflats in Inner Deep Bay have been designated as a Restricted Area under the Wild Animals Protection Ordinance (**Annex A**). Access to the area is restricted to permit holders only to reduce human disturbance to the ecologically sensitive wetlands.

4. The Agriculture, Fisheries and Conservation Department (AFCD) is responsible for law enforcement, monitoring of the ecological condition of the Ramsar Site, public education, and providing advice on the wise use of wetland for planning/development proposals including those in the Deep Bay area adjacent to the Ramsar Site. A conservation strategy and management plan for the Ramsar Site (the Plan) has been prepared and is being implemented by AFCD. The Plan provides a framework for the conservation management of the Ramsar Site which is the ecologically most important part of the wetlands in the Deep Bay area.

5. Based on the habitats, ecological values and existing land uses, the Plan divides the Ramsar Site into five different management zones (**Annex B**), i.e. the Core Zone, the Biodiversity Management Zone, the Wise Use Zone, the Public Access Zone, and the Private Land Zone. Each management zone has its specific characteristics and management intentions which are summarized in **Annex C**.

6. AFCD has been cooperating with the World Wide Fund for Nature (Hong Kong) in habitat management in MPMNR since 1984. The prime goals of habitat management are to conserve, maintain and improve wetland habitats, the biodiversity and key species there. AFCD also cooperates with the Hong Kong Bird Watching Society in waterbird monitoring programme in the Deep Bay area.

7. In order to preserve the ecologically important fishponds and other wetlands in the whole Deep Bay area, the Town Planning Board (TPB) has promulgated the “*Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance* (TPB PG-No. 12B)” under the Town Planning Ordinance (TPO) to put land use and planning in the Deep Bay area under control.

8. The TPB adopts a “precautionary approach” with the principle of maintaining “no-net-loss in wetland” in considering development proposals in the Deep Bay area to protect and conserve the ecological value of contiguous fishponds and the maintenance of the ecological integrity of the Deep Bay area wetland ecosystem as a whole to prevent fragmentation of wetland habitats.

9. According to the TPB guidelines, the fundamental land use planning concept for the Deep Bay area includes:

- (i) avoidance of loss of fish ponds;
- (ii) avoidance of habitat fragmentation;
- (iii) mitigation of negative impact from undesirable land uses and human disturbance.

A two-pronged approach to land use planning control is adopted through designation of the Wetland Conservation Area (WCA) and Wetland Buffer Area (WBA) (**Annex D**).

10. The WCA basically covers all existing contiguous and adjoining active/abandoned fishponds in the landward part of the Ramsar Site with the planning intention to conserve the ecological value of the fishponds which form an integral part of the wetland ecosystem in the Deep Bay area. The strip of land of about 500-metres wide along the landward side of the WCA is designated as the WBA to protect the ecological integrity of the fishponds and wetlands within the WCA and to prevent developments that would have a negative off-site impact on the ecological value of fishponds.

11. All developments or alternative uses of the existing fish ponds should not result in a decline in wetland area or in ecological functions served by the original ponds (i.e. the “no-net-loss in wetland” principle) and such assessment has to be included in ecological impact assessment report. Alternative wetland habitats to replace fishponds should complement the ecological functions of the wetlands and fishponds in and/or around the Deep Bay area.

12. TPB may also consider development with conservation objectives in area zoned Other Specified Use (Comprehensive Development and Wetland Enhancement Area) within the WCA under a private-public partnership approach. This approach allows consideration of limited low-density private residential/recreational developments at the landward fringe of the WCA in exchange for committed long-term conservation and management of the remaining ponds within the development site.

13. To encourage the private sector to restore wetlands that have been lost or degraded over time by pond filling and the presence of open storage use,

such areas in the WBA are zoned Other Specified Use (Comprehensive Development to include Wetland Restoration Area). The land use intention is to provide incentive for the restoration of degraded wetlands through comprehensive residential and/or recreational development to include wetland restoration area.

14. Apart from designating the WCA and WBA under the planning guidelines, land uses and developments around the Deep Bay area are regulated through different statutory Outline Zoning Plans (OZPs) under the TPO. The greater part of the Ramsar Site is covered by four OZPs (viz Lau Fau Shan and Tsim Bei Tsui (S/YL-LFS/7); Nam Sang Wai (S/YL-NSW/8); Mai Po and Fairview Park (S/YL-MP/6) and San Tin (S/YL-ST/8)) on which various land-use zones are outlined.

15. Under the TPO, in “conservation-related zonings” such as “Site of Special Scientific Interest” and “Conservation Area” zones, only a very limited number of uses, which are mainly related to nature conservation or agriculture, can be carried out without the need to obtain prior approval from the TPB. In addition, developments within these zones, except for some minor works, are classified as ‘designated projects’ under the Environmental Impact Assessment Ordinance (EIAO). A plan showing the existing land use zonings of the Deep Bay area is at **Annex E**.

16. Residential developments within Deep Bay Buffer Zone 1 or 2 (which are more or less same as the alignment of WBA and WCA) are designated projects under the EIAO. Under the EIAO, the proponent of a designated project is required to assess and mitigate all possible adverse environmental impacts arising from the project. In case ecological impacts are identified, mitigation measures to be implemented to ensure that the proposed development would not result in any significant residual impacts, should include, in the order of priority, avoidance of impacts, minimization of impacts, and compensation for loss of ecological functions. AFCD works closely with the Environmental Protection Department in the implementation of this statutory EIA mechanism to protect sites of high ecological value.

17. The current development control mechanisms of planning application and EIA allow for involvement of the public including environmental Non-Governmental organizations, local communities and academics.

18. In summary, the Ramsar Site management strategy and management plan provides active management of the core part of the Deep Bay wetlands for conservation. The TPB guidelines TPB PG-No. 12B has established a fundamental land use planning concept for the Deep Bay area with a view to protecting the ecologically important fishponds and wetlands in the area. Together with the existing development control mechanisms through the land use zoning system under the TPO which regulates land uses through different statutory land use zoning plans, and the “designated project” approach under the EIAO, loss of wetlands arising from developments are checked and controlled.

Development proposals in the Deep Bay area

19. In the pipeline, known large scale development proposals in the Deep Bay area include residential developments at Wo Shang Wai, Fung Lok Wai, Yau Mei San Tsuen, Nam Sang Wai and Tin Fook Wai. There are also other smaller scale residential developments in the area. These development proposals are subject to the development control under both the TPO and EIAO as appropriate. Examples of these developments are shown in **Annex F** and **Table 1**.

NCSC’s views

20. Members of the NCSC noted that a conservation and management plan was being implemented by AFCD in the Mai Po and Inner Deep Bay Ramsar Site area. Whereas in the surrounding area of the Ramsar Site (i.e. WCA and WBA), limited development might be allowed subject to stringent control, such as control under EIAO, TPO and the “no-net-loss in wetland” principle set out in the TPB guidelines. Members also noted that the majority of land in WCA is zoned as Conservation Area, and development threat to this area was considered low.

21. While members understood that it was difficult to have development in the Deep Bay area, some queried the rationale for allowing limited development in the area, instead of prohibiting all types of developments. AFCD explained that there were private land in the Deep Bay and some private land in WBA had been converted to other uses and became degraded wetland.

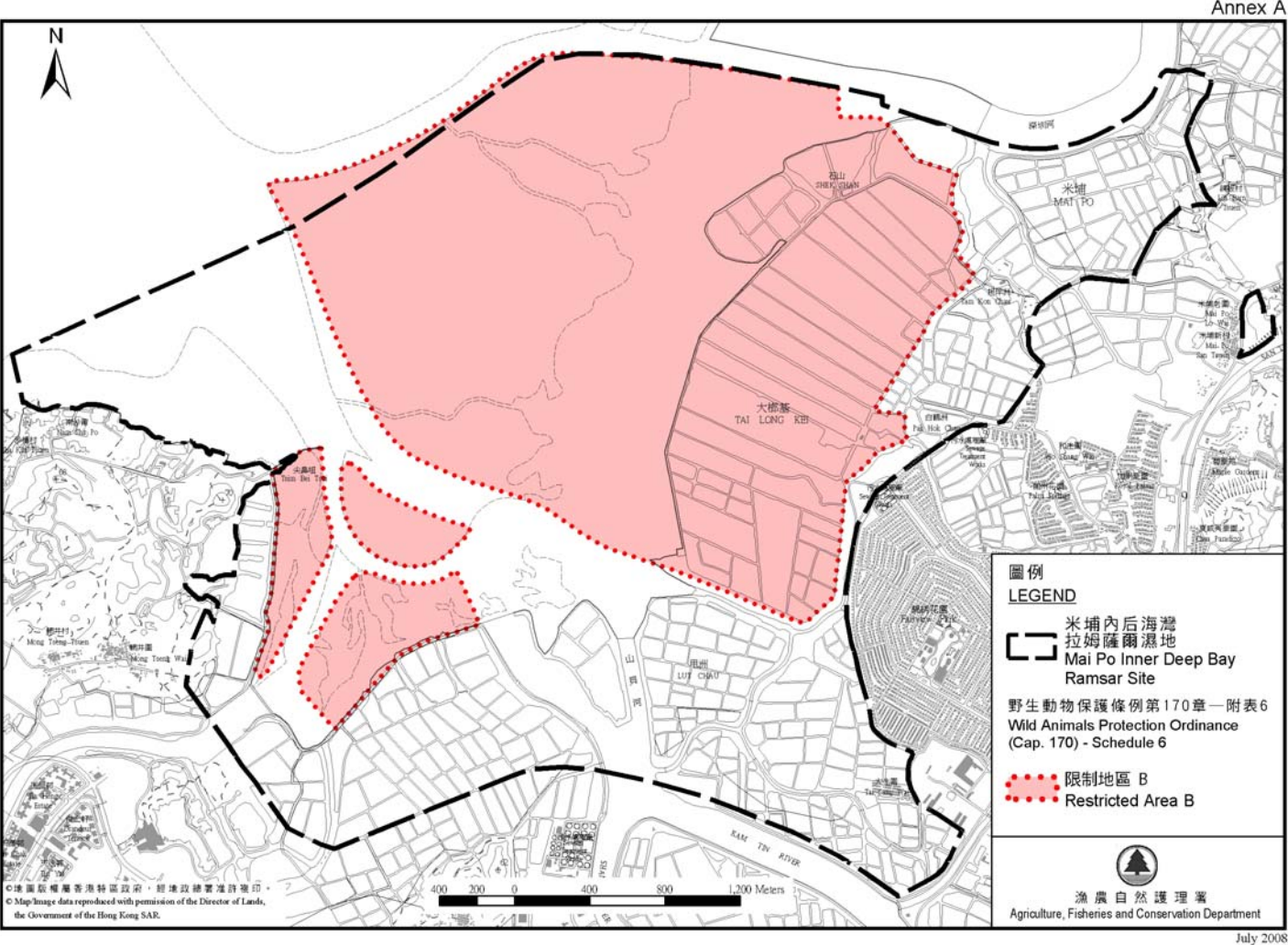
Limited development could provide incentives for landowners to enhance or restore the wetland.

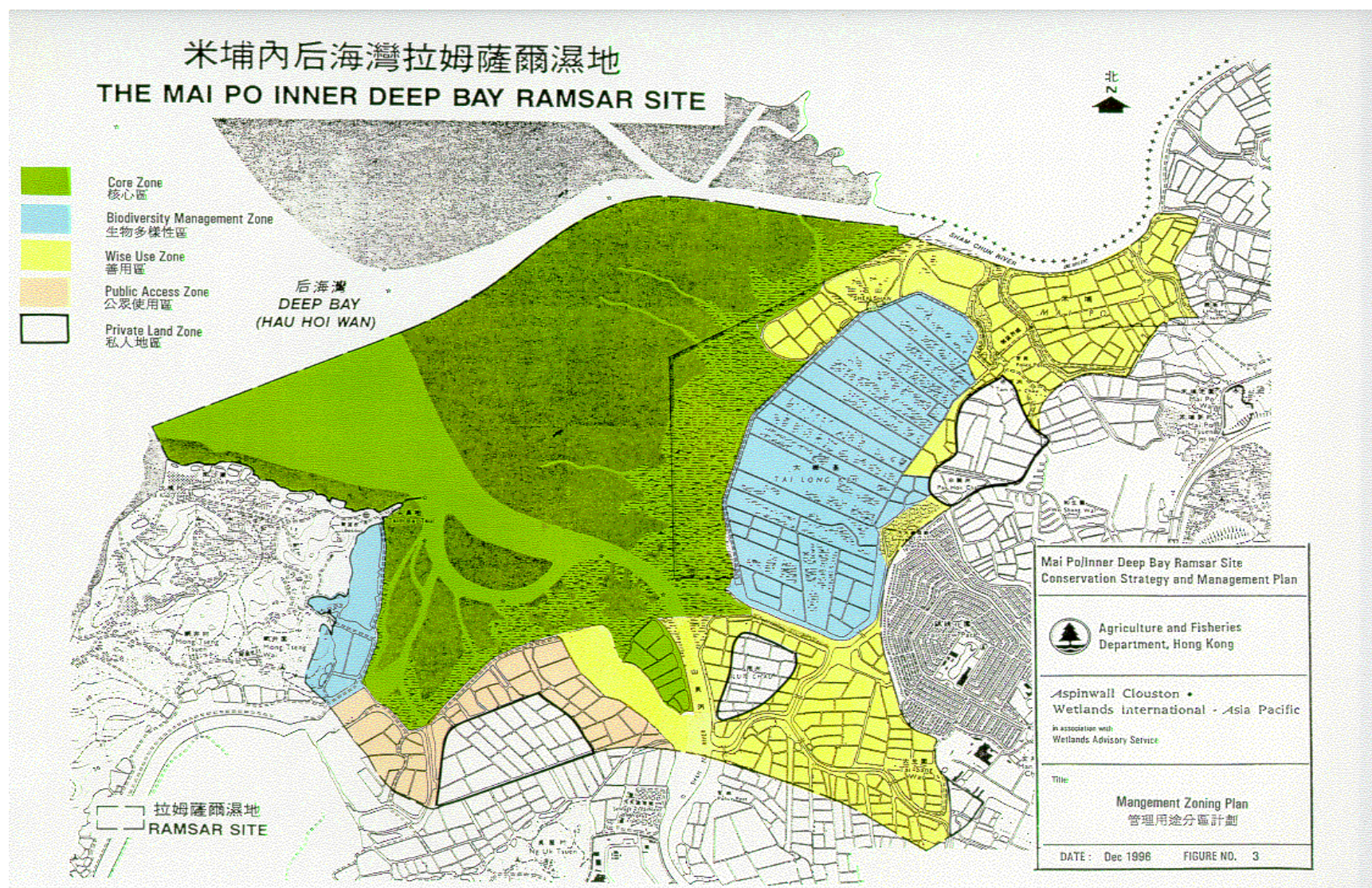
22. The NCSC was generally satisfied with the protection mechanism in place.

Conclusion

23. Members are invited to note the measures and development control mechanisms for conservation of the Deep Bay area and views of the NCSC on the issue.

Agriculture, Fisheries and Conservation Department
Environmental Protection Department
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Annex C

Management Zones	Site characteristics	Management Intention
Core Zone	<ul style="list-style-type: none"> • An undisturbed, largely natural reference area which include the intertidal mudflat and mangroves along open coastal area where biological interest is concentrated. 	<ul style="list-style-type: none"> • Maintenance of natural processes. • Access is generally limited to essential management, monitoring and research purposes.
Biodiversity Management Zone	<ul style="list-style-type: none"> • Ponds and Mai Po Marshes Nature Reserve 	<ul style="list-style-type: none"> • To provide refuge for waterbirds. • A focus for biodiversity conservation, education and training.
Wise Use Zone	<ul style="list-style-type: none"> • Fish Ponds 	<ul style="list-style-type: none"> • Encourage maintenance and operation of fish ponds in an ecologically sustainable manner. • Act as buffer zones outside the Ramsar Site.
Public Access Zone	<ul style="list-style-type: none"> • Fish Ponds 	<ul style="list-style-type: none"> • Tourists are concentrated to have unrestricted but managed access to a part of the Ramsar Site for public education. • Additional function to buffer zones outside Ramsar Site.
Private Land	<ul style="list-style-type: none"> • Fish Ponds 	<ul style="list-style-type: none"> • Recognize private lands status. • Cooperate with owners concerned to manage ecologically sustainable and consistent with the adjacent management zone.



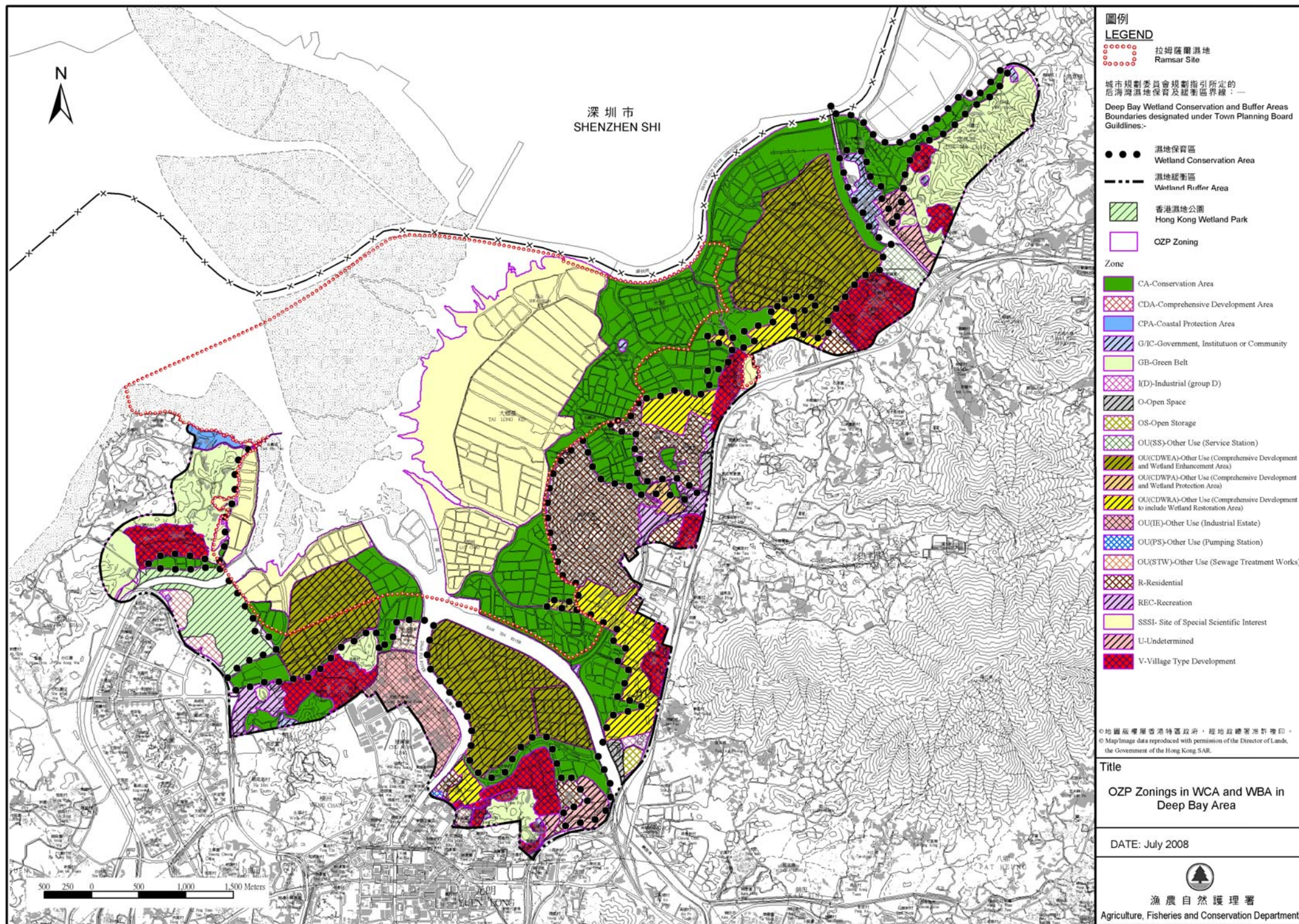


Table 1: Proposed Residential Developments within WCA and WBA

No.	Proposed Development	Location	Current Zoning
1	Proposed residential and golf course development (Sunnyville Development)	Nam Sang Wai	OUCDWEA(1) and SSSI (1) within WCA
2	Proposed development at Fung Lok Wai	Fung Lok Wai	OUCDWEA within WCA
3	Proposed nature reserve (wetland conservation and enhancement proposals) and residential development	Tin Fook Wai	OUCDWEA (2) within WCA
4	Proposed comprehensive development and wetland protection	Near Yau Mei San Tsuen	OUCDWPA within both WCA and WBA
5	Comprehensive residential development to include wetland restoration and buffer proposals	Near Lin Barn Tsuen	OUCDWRA within WBA
6	Proposed residential development	Near Chuk Yuen Tsuen	Residential Group (D) within WBA
7	Proposed recreational and ancillary residential development	Near Fairview Park	Recreation within WBA and Residential Group (C) outside WBA
8	Proposed residential development to include wetland restoration area	Near Wing Kei Tsuen	OUCDWRA within WBA
9	Proposed comprehensive development	Wo Shang Wai	OUCDWRA and V within WBA
10	Proposed comprehensive residential development	Near Shan Pin Tsuen	Undetermined within WBA
11	Proposed comprehensive low-rise residential development	Near Man Yuen Chuen	OUCDWRA within WBA