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Extract

Our Ref : EP 86/41/67 Pt. 153

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22 October 2008

Director of Environmental Protection
(Attn: Mr C W Tse)
46th floor, Revenue Tower
5 Gloucester Road
Wan Chai

Dear C W,

**Environmental Impact Assessment Reports on
"Proposed Development at Fung Lok Wai, Yuen Long Lot 1457 R.P.
in D.D. 123"**

I write to inform you that on 8 October 2008, the Advisory Council on the Environment (ACE) endorsed the Environmental Impact Assessment (EIA) report on "Proposed Development at Fung Lok Wai, Yuen Long Lot 1457 R.P. in D.D. 123" with the following conditions –

- (a) the project proponent should be responsible for the construction of the Wetland Nature Reserve (WNR) as part of the development and should provide an undertaking to take sole responsibility for the management of the WNR until a successor could be found to the satisfaction of the Environmental Protection Department (EPD). The project proponent should consult the ACE during the identification of the successor;

- (b) prior to the construction of the WNR, the project proponent should set up an independent Environmental Monitoring Committee to supervise the implementation and monitor the effectiveness of the proposed mitigation measures of the project, in a proactive manner, according to the Habitat Creation and Management Plan (HCMP), the EIA report and the Environmental Monitoring and Audit (EM&A) Manual. The composition of the Committee and its terms of reference should be submitted to the ACE for endorsement. In addition, the Environmental Monitoring Committee should review all submissions under the EM&A Manual before these submissions are submitted to the EPD;
- (c) the project proponent should submit the final HCMP for the WNR (which should include a plan on the financial arrangement for the proper long-term operation of the WNR for information) to the ACE, EPD and the Agriculture, Fisheries and Conservation Department (AFCD) for endorsement before the construction of the WNR;
- (d) the WNR should not be used for any other purpose except for those specified in the HCMP;
- (e) the project proponent should put in place a five-yearly review programme for the HCMP, and the review reports should be submitted to the ACE, EPD and AFCD for endorsement;
- (f) the project proponent should submit reports of the environmental monitoring and audit results during the construction phase to the EIA Subcommittee of the ACE on a half-yearly basis and those reports during the operational phase on an annual basis until the end of the third year after full operation. The need for future submissions would be subject to review;
- (g) the project proponent should submit a proposal on environmental-friendly management of the residential portion of the development to the EPD and AFCD to ensure that, among other things, chemicals and pesticides to be used (if necessary) in the residential portion of the development would not have any unacceptable environmental impact on the WNR. The submission should be made

before the residential portion is occupied. Moreover, the requirements of using organic-based or biodegradable chemicals should be included in contractual agreements to ensure that the ecological principle of the project would be upheld; and

- (h) residents in the residential development of the project should not have privilege over the general public for access to the WNR. Whilst conservation is the prime objective of the WNR, limited public access should be allowed on a restricted basis so as not to create disturbance to birds. Well-managed guided tours and educational programmes should be allowed for research and conservation education purposes.

The ACE also recommended that the EPD should follow up with the project proponent to provide an undertaking to ensure that the parent companies (Cheung Kong (Holdings) Ltd., Sun Hung Kai & Co. Ltd. and Far East Consortium International Ltd.) of the project proponent would take up the responsibility mentioned in paragraph 1(a) above if the project proponent failed to do so.

Yours sincerely,

signed

(Carlson K S Chan)
Secretary,

Advisory Council on the Environment

c.c. Chairman, ACE
Deputy Chairman, ACE
Chairman, ELASC

MUTUAL LUCK INVESTMENT LIMITED

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Tel: 2128 8888 Fax: 2530 5691

Our Ref: GW-200/09-L

7th October 2009

Environmental Protection Department
Branch Office
28th Floor, Southorn Centre,
130 Hennessy Road,
Wan Chai, Hong Kong

Dear Sirs,

Environmental Impact Assessment (EIA) Ordinance
Application for Approval of Environmental Impact Assessment Report
Proposed Development at Fung Lok Wai, Yuen Long at Lot 1457 R.P. in D.D.123
(Application No. EIA-149/2008)

Your letter of 4 November 2008, ref. (43) in EP2/N6/P/84 Pt II, refers.

We, the project proponent of the Environmental Impact Assessment Report (Application No. EIA-149/2008), are responsible for the construction, creation and enhancement of the Wetland Nature Reserve (the "WNR") and undertake to take sole responsibility for the maintenance and management of the WNR until a successor could be found in consultation with the Advisory Council on the Environment to the satisfaction of and approval by the Director of Environmental Protection ("DEP") or its agents. Prior to the DEP's approval of a successor, we shall retain the WNR, which shall be maintained and managed as a separate unit from the residential development.

We shall notify the DEP the completion of the construction of the WNR with evidence of completion. Except for site formation works for the residential development, construction of the residential development shall not commence before the acceptance of the said notification by the DEP.

Before the sales of the residential units of the project, we shall submit to the DEP documentary proof of our ownership of the land demarcated for the WNR. We shall deposit a copy of the submitted documentary proof in the EIA Register Office and any internet websites as specified by the DEP.

We shall provide information on the WNR in the sales brochures of the residential development to inform potential buyers the arrangement for the maintenance and management of the WNR, in particular, the financial, maintenance and management responsibilities of the WNR.

Yours faithfully,
For and on behalf of
MUTUAL LUCK INVESTMENT LIMITED



Grace Woo
Director

GW/SC/dy

OTHER SPECIFIED USES

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 and Wetland Enhancement Area” only

Agricultural Use (Fish Pond Culture only)	Eating Place
Nature Reserve	Field Study/Education/Visitor Centre
Wetland Habitat	Flat
	Government Refuse Collection Point
	Government Use (not elsewhere specified)
	House (other than New Territories Exempted House)
	Nature Trail
	Public Clinic
	Public Convenience
	Public Transport Terminus or Station
	Public Utility Installation
	Religious Institution
	School
	Shop and Services
	Social Welfare Facility
	Utility Installation for Private Project

Planning Intention

This zone is intended for conservation and enhancement of ecological value and functions of the existing fish ponds or wetland through consideration of application for development or redevelopment under the “private-public partnership approach”. Low-density private residential or passive recreational development within this zone in exchange for committed long-term conservation and management of the remaining fish ponds or wetland within the development site may be permitted subject to the “no-net-loss in wetland” principle and planning permission from the Town Planning Board. Any new building should be located farthest away from Deep Bay.

(Please see next page)

OTHER SPECIFIED USES (cont'd)

For "Comprehensive Development and Wetland Enhancement Area" only (cont'd)

Remarks

- (a) Application for permission of use or development shall be in the form of a comprehensive development scheme with minimum pond filling and no decline in the wetland function of the fish ponds within and near the development site. An applicant shall prepare a layout plan and any 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 conservation and enhancement 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 conservation and enhancement scheme); and
 - (viii) such other information as may be required by the Town Planning Board.
- (b) 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 gross floor area of 148,000m².

(Please see next page)

Shan roundabout and along both sides of Deep Bay Road and to the southwest of Wan Fau Sin Koon. A large portion of the Lau Fau Shan Archaeological Site is located to the south of Wan Fau Sin Koon. For any development/redevelopment proposal affecting the site, prior consultation with the Antiquities and Monuments Office is required.

9.8 Other Specified Uses ("OU") (Total Area 81.82 ha)

The sites zoned "OU" on the Plan include the following as annotated on the Plan:

"OU" annotated "Comprehensive Development and Wetland Enhancement Area" ("OU(CDWEA)") (Total Area 81.67 ha)

9.8.1 Within the "OU(CDWEA)" zone, the ecological value of the existing continuous and contiguous fish ponds should be conserved and the "precautionary approach" and the "no-net-loss in wetland" principle shall apply. According to the "precautionary approach", these existing continuous and contiguous fish ponds are to be protected and conserved in order to maintain the ecological integrity of the Deep Bay wetland ecosystem as a whole. "No-net-loss in wetland" can refer to both loss in area and function. No decline in wetland or ecological functions served by the existing fish ponds should occur.

9.8.2 Having regard to the "precautionary approach" and the "no-net-loss in wetland" principle, the planning intention of the "OU(CDWEA)" zone is to conserve and enhance the ecological value and functions of the existing fish ponds or wetland through consideration of application for development or redevelopment under a "private-public partnership approach". Under the "private-public partnership approach", the Board may, subject to the "no-net-loss in wetland" principle, allow limited low-density private residential or passive recreational development within this zone in exchange for committed long-term conservation and management of the remaining ponds or wetland within a development site. Development of this nature should involve minimum pond filling and no decline in the wetland function of the fish ponds within and near the development site. Any new development should be located as far away from the Deep Bay and/or adjoining to existing developments in the area. Compensation for loss of wetland area and its ecological functions is required for any development involving pond filling.

9.8.3 New development or redevelopment should be developed in a comprehensive manner and would require planning permission from the Board under section 16 of the Ordinance to ensure that such development or redevelopment would adhere to the "precautionary approach" and "no-net-loss in wetland" principle. An applicant should submit such a development or redevelopment proposal to the Board in the form of a comprehensive development scheme to include a layout plan with supporting documents, including an environmental impact study report which should include, inter alia, an ecological

impact assessment (EcoIA) and a visual impact assessment; and traffic impact, drainage and sewerage impacts study reports as well as information on programming, phasing and implementation schedule of the development. The applicant should also submit a wetland conservation and enhancement scheme, including its detailed design, wetland buffer proposals to mitigate the potential impacts on the existing wetland, a maintenance and management plan with implementation details, arrangements of funding and monitoring programme to ensure the long-term management of the wetland. The EcoIA should demonstrate that such development or redevelopment proposal would not result in, or be able to fully compensate for, any loss of the total ecological function of the original fish ponds within this zone as well as the ponds nearby, and that the development or redevelopment impact can be fully mitigated through positive measures. The submission should demonstrate that the development or redevelopment would not cause a net increase of pollution load into Deep Bay.

9.8.4 Under this zoning, any development shall not result in a total development or redevelopment in excess of a maximum total gross floor area of 148,000 m².

9.8.5 The area located to the north of Shing Uk Tsuen is zoned "OU(CDWEA)". This area comprises fish ponds which form an integral part of the Deep Bay wetland ecosystem.

"OU" annotated "Helicopter Landing Pad" (Total Area 0.15 ha)

9.8.6 An "OU" zone of about 0.15 ha lying to the immediate west of the Kam Tin and Yuen Long Main Drainage Channels is designated for a helicopter landing pad.

9.9 Green Belt ("GB") (Total Area 203.21 ha)

9.9.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. However, limited development may be permitted with or without conditions on application to the Board, and each application will be considered on its individual merits taking into account relevant Town Planning Board Guidelines.

9.9.2 The area under this zoning is located to the south and east of Deep Bay Road. This area comprises lower hill slopes, vegetated and gardening land, fallow agricultural land and some isolated ponds.

9.9.3 Part of Lau Fau Shan Archaeological Site and Mong Tseng Archaeological Site fall within this zone. Prior consultation with the Antiquities and Monuments Office is required for any development affecting these sites of cultural heritage.