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LIVING ISLANDS
MOVEMENT

SUSTAINABLE ISLAND DEVELOPMENT

Secretary
Town Planning Board
15th Floor, North Point Government Offices,
333 Java Road,
North Point, Hong Kong

Submission by email to tpbpd@pland.gov.hk

26 December 2017

Objections to Planning Application No. A/SLC/148

Proposed Filling of Land (1.2m) for Permitted Agricultural Use

Dear Secretary

Living Islands Movement (LIM) strongly objects to the captioned Planning Application (A/SLC/148) in its entirety. Our objection is based on the following grounds:

Procedural Issues

1. The Applicant has already anticipated and pre-empted approval by depositing building waste over about two-thirds of the site. This “destroy first, develop later” approach is outside the rule of law and wholly unacceptable in general.
2. Therefore, by definition, the Applicant has failed to ensure that prior to commencement the depositing activity acknowledged by Environmental Protection Department (“EPD”) is “in compliance with other applicable laws of Hong Kong” as required by Acknowledgement No. LP01/RS/00406121 dated 29th November 2017 (the “Notice”). A copy of the Notice is attached hereto.
3. In addition, we are advised that the Applicant failed to follow the statutory requirement to display in a conspicuous place the Notice prior to commencing and at all times during the depositing activity. In view of the sensitivity of the issue, and the fact that the EPD’s Acknowledgment procedure under the Waste Disposal Ordinance (Cap. 354) is itself currently under Judicial Review, we expect the Applicant to be sanctioned in accordance with the Footnote 2 to the Notice. Also, under such circumstance we believe it would be highly inappropriate for the Town Planning Board to grant retroactive approval.

4. Accordingly, we hope and expect that comments of various Government Departments, including EPD, on this Application will generally be adverse and NOT supportive.

Matters of General Principle

1. According to the Development Bureau's Sustainable Lantau Blueprint (published in June 2017), proposals for the conservation of the Pui O Wetlands are to be brought forward and controls on the illegal dumping of construction waste in Pui O are to be enhanced. Approval of this application would seriously compromise both of these valuable initiatives.
2. The intention to preserve the Pui O Wetlands was reinforced in the Chief Executive's Policy Address including the provision of funding for related conservation projects. Approval of this application would thus be contradictory to established government policy and potentially undermine the Chief Executive's authority.
3. The Application site is within the Coastal Protection Area that consists of the ecologically sensitive Pui O wetlands area, according to the South Lantau Coast Outline Zoning Plan (S/SLC/19), and the proposed depositing activity is not compatible in any way with this environment.
4. Even before the issuance of the Notice referred to above, part of the Application site had already been the subject of unauthorized in-fill a number of years earlier, and we reiterate that retrospective approval would be another example of the "destroy first develop later" syndrome and is therefore not in the public interest.
5. Approval of this application would set a highly undesirable precedent that would certainly lead to further "me too" applications, in turn accelerating the rate of degradation of the Pui Wetlands until completely destroyed.

Flaws in the Application

1. We do not accept that the Applicant sincerely intends to conduct "permitted agricultural activities" as represented. The attached photographs show that:
 - i. The pre-existing site is concreted with a two-storey structure comprised of two shipping containers;
 - ii. That there is a large pile of miscellaneous scrap metal, pipes and other building materials deposited haphazardly on the eastern side of the Lot 2366 in DD 316 L (the "Lot"); and
 - iii. That the quality of the stones, rubble and earth being deposited so far will not produce a suitable growth medium for arable farming.

It seems that the actual use is likely to be some form of commercial activity or open storage. We do NOT agree that the destruction of Pui O Wetlands is justified for these activities.

2. The shape and size of the Lot is such that the depositing activity is highly likely to result in encroachment on adjacent lots and even if contained strictly within the Lot boundaries by, for example, retaining walls it will desiccate those surrounding lots and materially alter or destroy their natural flora. It is unthinkable that a planning application should be approved without regard to its impact on the immediate surrounds.
3. Similarly, the visual impact of the activity so far has been to create a severe eyesore, as shown in the attached photographs, and this unacceptable. We sincerely doubt that the Applicant could come up with a realistic plan to mitigate the visual impact.

In summary, we find that the application is wholly unacceptable from all points of view and urge the Town Planning Board to reject it (**application A/SLC/148**) absolutely.

Regards

Living Islands Movement

Email: info@livingislands.org.hk

PHOTOGRAPH 1 - 2-STOREY STRUCTURE ON THE SITE



PHOTOGRAPH 2 – CHAOTIC STORAGE OF BUILDING MATERIALS



PHOTOGRAPH 3 – INFERTILE EARTH AND STONES ALREADY DEPOSITED ON SITE



PHOTOGRAPH 4 – INDICATION OF THE WETLAND DESTROYED ON THE SITE

