

Clerk to Panel on Development  
Legislative Council  
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### **HKBWS's comments on the "Land Sharing Pilot Scheme"**

The Government's "Land Sharing Pilot Scheme" (LSPS) seeks to unlock New Territories private agricultural lands for both public and private housing developments in the short-to-medium term. However, the discussion documents provided failed to recognise the values of agricultural lands and the threats they are facing. Even though areas with "geographical limit" (such as Conservation Areas and Country Parks) were identified under the LSPS in order to strike a balance between development and conservation, there are still many agricultural lands and fishponds outside these areas. Moreover, the Government and Town Planning Board's track record in rezoning vegetated Green Belts of "relatively low conservation value" for development<sup>1</sup> gives the public no cause for confidence that application and approval system of LSPS will be "open, fair and transparent".

The Hong Kong Bird Watching Society (HKBWS) is concerned creating another land taking mechanism (i.e. LSPS) to open up farmland for development without securing the protection of farmland with other values will only lead to further destruction or speculation of agricultural lands. The destruction and loss in farmland would also degrade local biodiversity which is against the spirit of biological diversity conservation as expressed in Hong Kong's Biodiversity Strategy and Action Plan<sup>2</sup> and the Convention on Biological Diversity<sup>3</sup>.

<sup>1</sup> Section 3.2 of the Hong Kong Headline Indicators for Biodiversity and Conservation 2015 - 2017 Report. Available at: <https://www.hkbws.org.hk/cms/en/reports>

<sup>2</sup> Hong Kong Biodiversity Strategy and Action Plan 2016 - 2021. Available at: [https://www.afcd.gov.hk/english/conservation/Con\\_hkbsap/con\\_hkbsap.html](https://www.afcd.gov.hk/english/conservation/Con_hkbsap/con_hkbsap.html)

<sup>3</sup> Text of the Convention on Biological Diversity. Available at: <https://www.cbd.int/convention/text/>

## **Values and threats of agricultural lands are ignored**

Agricultural lands not only bring income to farmers by selling their produce and secure food source and safety for Hong Kong consumers, they can also have ecological<sup>4</sup>, landscape and cultural values within a city. Take Long Valley as an example. HKBWS and The Conservancy Association have been carrying out a management agreement project on about 11 hectares of farmland in the area, which includes growing rice and wetland management. This has enhanced the biodiversity in the area and provides roosting, breeding and foraging grounds for various wildlife, now with more than 310 bird species recorded in Long Valley which accounts for more than half of the total bird species in Hong Kong. The globally critically endangered Yellow-breasted Bunting even regularly appears in Long Valley during the migration period. Besides, agricultural lands can act as wildlife corridors allowing movements of wildlife between the fragmented habitats or between separated conservation areas/Country Parks, open spaces within an urbanized area, buffer zones at urban/rural interfaces, buffers for the protection of streams, woodlands and conservation areas, and a tool for preservation of traditional farming techniques and culture. In addition, fishponds are also regarded as a type of agricultural land, which are mainly concentrated in the Deep Bay area. These fishponds and adjacent wetlands are important foraging, roosting and breeding habitats for birds and form part of the ecosystem of the Mai Po Inner Deep Bay Ramsar site of international importance.

The land supply consultation document and the discussion document for the Legislative Council Panel on Development stressed that a large amount of agricultural lands in New Territories were held by developers, but were abandoned and not developed due to “*inadequate infrastructure support, planning considerations or local objections*”. Yet, the location and distribution of agricultural land held by developers were not identified in the document, the business operation and activities in agricultural land or the current condition of land hoarding were not explained, while the economic, social and ecological value of agriculture lands and their functions were not even mentioned in the document. Instead, details on how the mechanism of LSPS

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<sup>4</sup> The ecological importance of farmland to birds is already well-recognized back in 1998. Available at: <https://www.biosch.hku.hk/ecology/porcupine/por18/farmland.htm>

can be used to open up agricultural lands were discussed. It seems the Government intentionally or otherwise undermining the value, function and original planning intention of agricultural land including fishponds and wetlands, and appears to be using this policy to change the public's perception of agricultural land and seeing it only as a land investment asset.

### **Farmlands are not adequately protected under the current system**

Agricultural land is not well-protected and has been under imminent development threat, leading to an ongoing incremental loss of agricultural land (please refer to section 3.2 of the Hong Kong Headline Indicators for Biodiversity and Conservation 2015 - 2017 Report<sup>5</sup>). From 2012 to 2016, the average approval rate of planning applications in AGR zone is 61%<sup>6</sup>. Under the fear of land shortage in recent years, agricultural land is regarded as of high development and investment potential with paved agricultural land selling at a price five times higher than arable farmland<sup>7</sup>. This creates a perverse incentive for more dumping, fly-tipping activities and site formation to facilitate development in the hope of securing this higher value. Agricultural land are not well-protected under the current planning system, which is ineffective to stop the expansion in degradation. Yet, the current discussion document did not mention the value of agricultural land, or look into the development threats that the agricultural land is facing.

Reserving agricultural land for "Agriculture Priority Areas" (APA) was proposed and promised by the Government under the "New Agriculture Policy" in 2016, such that land with high agricultural value can be protected for long term agriculture use. Three years has passed, APAs are not yet implemented and farmlands are not adequately

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<sup>5</sup> Available at:

[https://www.hkbws.org.hk/cms/attachments/article/403/Indicator%20Report%202015-2017%20final\\_eng\\_web.pdf](https://www.hkbws.org.hk/cms/attachments/article/403/Indicator%20Report%202015-2017%20final_eng_web.pdf)

<sup>6</sup> From 2012 to 2016, the average (i) number of planning application received in GB and AGR, (ii) number of planning application approved in GB and AGR, and (iii) approval rate in GB and AGR are: (i) 100 and 225, (ii) 48 and 138, (iii) 48% and 61%. All numbers are calculated from the data collected from TPB Portal 2.

<sup>7</sup> The price of agricultural land can range from HK\$250 per square foot for high quality arable farmland to HK\$1,309 per square foot for formed and paved farmland ready for development. Data retrieved from [www.28hse.com](http://www.28hse.com)

protected, but the Government has already launched the LSPS for opening up agricultural land for development. Even though areas with “geographical limit” were identified under the LSPS in order to “strike a balance between development and conservation”, there are still many agricultural land and fishponds outside these “geographical limit”, such as the farmlands, wetlands and fishponds south of Nam Sang Wai. The agricultural lands owned by developers can be abandoned arable lands due to land hoarding, brownfields due to land degradation, active farmlands, or can even be fishponds and wetlands in the Deep Bay area. Without securing the protection of farmland, we are concerned that taking it for development under the LSPS will only lead to further destruction or speculation of agricultural lands.

### **Failure in land policy and mistrust of the Government**

The Government claimed the application system will be “open, fair and transparent”, and applications are also required to go through the statutory and land administration procedures such as the Town Planning Board to gain permission for land use rezoning or increase in development intensity. As in the case of GB rezoning proposed by the Government, even though environmental NGOs have strongly opposed to several sites due to their ecological/conservation value and the inconsistency with the Government’s GB review criteria (please refer to section 3.2 of the Hong Kong Headline Indicators for Biodiversity and Conservation 2015 - 2017 Report<sup>5</sup>), the Town Planning Board would still approve the rezoning so as “*to meet the acute housing demand*” and major concerns “*has been addressed by the departmental responses*”<sup>8</sup>. We are concerned such “inconsistency with the promised criteria” would also occur in the implementation of the LSPS, thus legitimizing the agricultural lands and fishponds development proposals made by developers, further undermining the current planning approval system, and threatening and degrading the agricultural lands and associated biodiversity in Hong Kong. The destruction and loss in farmland would also degrade local biodiversity which is against the spirit of biological diversity conservation as expressed in Hong Kong’s Biodiversity Strategy and Action Plan<sup>2</sup> and the Convention on Biological Diversity<sup>3</sup>.

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<sup>8</sup> Town Planning Board meeting held on 21 June 2018 for the rezoning of GB sites in Tseung Kwan O. Retrieved from [https://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1171tpb\\_e1.pdf](https://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1171tpb_e1.pdf)

Moreover, developers have been hoarding land for decades, yet agricultural land itself does not permit building of houses or have any development right. The LSPS would increase the likelihood for developers to gain development right on agricultural land, leaving an impression that the Government's policy is once again tilted towards the interests of developers and making it more difficult to explain any suspected collusion between the Government and developers that may arise.

### **Final Remarks**

HKBWS considers LSPS would only create more conflicts and dispute in the society and unnecessary dilemma between housing needs and agriculture. It is also irresponsible to simplify the housing problem as "land shortage", creating an illusion that increasing land supply is the ultimate solution to the current social and housing problem. We urge the Government to secure housing as a basic necessity of Hong Kong people rather than an investment asset, and to tackle with great determination the injustice in the current system and legislation, such that Hong Kong can truly become a livable, competitive and sustainable Asia's World City without compromising either the environment or the social needs.