

CONFIDENTIAL

[downgraded on 8.3.2013]

**Minutes of 1029th Meeting of the
Town Planning Board held on 22.2.2013**

Agenda Item 9

[Confidential Item. Closed Meeting]

Consideration of the Draft Kuk Po, Fung Hang and Yung Shue Au
Development Permission Area Plan No. DPA/NE-KP/B
(TPB Paper No. 9282)

[The meeting was conducted in Cantonese.]

1. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Ms. Jacinta Woo - District Planning Officer/Sha Tin, Tai Po & North
DPO/STN), PlanD

Mr. David Ng - Senior Town Planner/New Plans (STN)
(STP/NP(STN)), PlanD

2. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper.

3. With the aid of a powerpoint presentation, Mr. David Ng, STP/NP(STN), briefed Members on the details of the draft Kuk Po, Fung Hang and Yung Shue Au Development Permission Area (DPA) Plan No. DPA/NE-PK/B as detailed in the Paper and covered the following main points:

Location and Physical Characteristics

- (a) the Area, comprising three sub-areas of Fung Hang, Kuk Po and Yung Shue Au, was located in the northwestern coast of the Plover Cove Country Park fronting Starling Inlet. The Area was only accessible by a walking trail along the coast connecting to Luk Keng;
- (b) Fung Hang, comprising mainly woodland, estuarine mangrove, streamcourse, freshwater marsh and fallow agricultural land, was located close to a vehicular access leading from Bride's Pool Road. It was accessible by a walking trail running along the coast of Starling Inlet connecting to Luk Keng. There was an existing pier in the northeast of Fung Hang. Fung Hang Village was the only recognized village in the area and the conditions of village houses varied from fair to poor and a few of them were still occupied by local villagers;
- (c) Kuk Po had various village clusters near Starling Inlet on the flat land with slopes on three sides. The area was rural and occupied with areas of ecological importance including woodland, reed bed, mangroves, tidal ponds, freshwater marshes and natural stream. The area was only accessible by a walking trail along the coast connecting to Luk Keng via Fung Hang. An existing pier was found at the northeast of the area. Village settlements in the area were largely abandoned and concentrated in the recognized villages of Kuk Po Lo Wai, Kuk Po San Uk Ha, Yi To, Sam To, Sze To and Ng To;
- (d) Yung Shue Au included the level lands south of Yung Shue Au Wan, and extended into a narrow valley in the southwest. The area was only accessible by a walking trail connecting to Kuk Po, Fung Hang and Luk Keng in the west and So Lo Pun in the south. There was a pier outside the area to the north. Yung Shue Au Village, the only recognized village in the area, was basically uninhabited;

Need for Statutory Plan

- (e) the Chief Executive in the 2010-2011 Policy Address had acknowledged

the need to regulate land use of the Country Park enclaves to forestall human damage. To meet conservation and social development needs, Country Park enclaves would be either included into Country Parks, or covered by statutory plans;

- (f) the Area was one of the Country Park enclaves that needed to be covered by statutory plan. It was rural and natural in character with a scenic setting comprising mainly woodland, shrubland, fallow agricultural land, low-lying marshes and stream with village settlements. The DPA Plan was to provide an interim planning guidance and development control pending the preparation of an Outline Zoning Plan (OZP) and to enable planning enforcement to be taken against any unauthorized development;
- (g) on 31.10.2012, under the power delegated by the Chief Executive, the Secretary for Development had directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft DPA Plan designating Kuk Po, Fung Hang and Yung Shue Au as DPA;

Object of the Plan

- (h) the object of the draft DPA Plan was to delineate the extent of the Area and to set out the types of developments and uses which were permitted at all times and such types of development and uses that might be permitted with or without conditions on application to the Board within the boundaries of the Area;
- (i) the draft DPA Plan was to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the formulation of an OZP. The draft DPA plan would be replaced by an OZP within three years;

The Planning Scheme Area

Existing Land Uses

- (j) the Area covered a total area of about 90.27 hectares (including 9.32 hectares in Fung Hang, 62.82 hectares in Kuk Po and 18.13 hectares in Yung Shue Au). Based on the population data from the 2011 Census, the total population of the Area was estimated to be about 67. The existing land uses mainly included the followings:

Recognized Villages

- (i) the recognized villages within the Area were Fung Hang, Kuk Po Lo Wai, Kuk Po San Uk Ha, Yi To, Sam To, Sze To, Ng To and Yung Shue Au Villages. While Yung Shue Au Village was basically uninhabited, a few villagers were living in Kuk Po and Fung Hang. According to the District Lands Office/North, Lands Department, there was no outstanding Small House application for these villages. The 10-year forecast of Small House demand at Kuk Po Village (including Kuk Po San Uk Ha, Kuk Po Lo Wai, Yi To, Sam To, Sze To, Ng To), Fung Hang Village and Yung Shue Au Village as provided by the concerned Village Representatives were 500, 182 and 20 respectively;

Agricultural Land/Woodland/Shrubland

- (ii) in Fung Hang, Kuk Po and Yung Shue Au, fallow agricultural land basically spread around the village clusters. The fallow agricultural land was covered with grass and shrubs;
- (iii) in Fung Hang, woodland was mainly located in the west adjoining the Plover Cove Country Park and a 'fung shui' woodland was located in the middle of the area. There were some plant species of conservation significance and butterfly species of conservation concern in the area;
- (iv) in Kuk Po, the hilly areas adjoining the Plover Cove Country Park

were well wooded. 'Fung shui' woods were located at Kuk Po San Uk Ha, Sam To, Kuk Po Lo Wai and Ng To. Plant species of conservation significance were found in the area. Kuk Po was identified as a hotspot for both freshwater fish and butterfly. The wetland along the coastline and the natural woodland provided a good habitat for over 100 species of butterflies;

- (v) in Yung Shue Au, there was a wide spread of mature woodland. Surrounding the wetlands in the middle part of the area were continuous mature woodlands and shrublands, including a 'fung shui' woodland behind the Yung Shue Au Village, forming the foothill of the Plover Cove Country Park. Species of conservation concern were recorded;

Mangrove/Marsh

- (vi) in Fung Hang, Kuk Po and Yung Shue Au, the mangrove and marshes were mainly along the coastal and low-lying areas. In Kuk Po, estuarine mangroves, mudflat and reedbed were on the seaward side of the area and freshwater marsh was located in the flat land along the hillslopes. Together with the stream courses, the wetland complex in Kuk Po was recognized as an ecologically important wetland supporting a high diversity of dragonfly and freshwater fish including species of conservation importance. Wetland plants of conservation concern were also recorded;

Streamcourses

- (vii) in Fung Hang, a natural stream was located in the western part of the area. In Kuk Po, there was a natural stream flowing across the area from Ng To in the south to the Kuk Po San Uk in the north. About 1 kilometre of the streamcourse was considered as an Ecologically Important Stream (EIS). In Yung Shue Au, an EIS of about 750 metres in length flew across the area, supplying freshwater to the wetlands in the middle part of the area. The area was identified as a hotspot for freshwater fish with records of a rare

goby; and

Others

(viii) there were some abandoned barracks near the entrance of Yung Shue Au village which were established in early 1980s by the British Army to guard against illegal immigrants;

Cultural Heritage Interest

(k) in Kuk Po, there were graded historic buildings and a site of archaeological interest, namely the Kai Choi School and Hip Tin Temple, Yeung Ancestral Hall and Li Ancestral Hall at Kuk Po Lo Wai which were Grade 3 historic buildings, and the Kuk Po Site of Archaeological Interest in the infill area between headlands;

Landownership

(l) about 42.22 hectares of land in the Area (about 46.8%) was Government land, while about 48.05 hectares of land (about 53.2%) were private land comprising mainly agricultural land and some building lots;

Transport and Accessibility

(m) the Area was located in proximity to a vehicular access leading from Bridge's Pool Road but was not served by any vehicular access. It was accessible by a walking trail running along the south coast of Starling Inlet connecting to Luk Keng in the west. Fung Hang, Kuk Po and Yung Shue Au were equipped with a public pier;

General Planning Intention

(n) the general planning intention of the Area was to protect its high conservation and landscape value and rural settings which complemented the overall naturalness and the landscape beauty of the

surrounding Plover Cove Country Park. The planning intention was also to reflect the existing recognized villages in Kuk Po, Fung Hang and Yung Shue Au;

The Land Use Proposals

Village Type Development (“V”) zone (4.78 hectares)

- (o) the recognized villages within the Area, including Fung Hang Village, Kuk Po Lo Wai, Kuk Po San Uk Ha, Yi To, Sam To, Sze To, Ng To and Yung Shue Au Village, were zoned “V” on the draft DPA Plan. The boundaries of “V” zones were drawn up provisionally around existing clusters having regard to the existing village houses and building structures, approved Small House applications and existing site conditions. Areas of difficult terrain, dense and mature vegetation, and ecologically sensitive areas were excluded. The boundaries of the “V” zones would be further reviewed and defined during the preparation of OZP stage;

“Unspecified Use” area (85.49 hectares)

- (p) the Area was rural with a scenic setting comprising mainly woodland, shrubland, fallow agricultural land, freshwater marsh, stream, mangrove, intertidal water ponds and low-lying wetland habitats with village settlements. To protect the natural and landscape characters of the Area, planning guidance and development control were considered necessary. Due to the urgency to establish planning control under the DPA Plan, the Area, except land within the “V” zone, had been designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses for the Area. Apart from ‘Agricultural Use’ and some uses which were permitted in the covering Notes of the DPA Plan, all uses and developments would require planning permission from the Board; and

Consultation

- (q) the draft DPA Plan together with the Notes and Explanatory Statement (ES) had been circulated to the relevant Government bureaux and departments for comments. Comments received had been incorporated, as appropriate. On 4.2.2013, the draft DPA Plan was endorsed by the New Territories District Planning Conference for submission to the Board. The North District Council and the Sha Tau Kok District Rural Committee would be consulted after the publication of the draft DPA Plan.

4. Members generally agreed that there was an urgent need to better protect the natural scenic character and to avoid disturbance of the ecological interest of the Area. The DPA Plan would provide an interim planning guidance and development control and enable planning enforcement to be taken against any unauthorized development.

5. After deliberation, the Board agreed that:

- (a) the draft Kuk Po, Fung Hang and Yung Shue Au DPA Plan No. DPA/NE-KP/B (to be renumbered to DPA/NE-KP/1) and its Notes at Appendices I and II of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) the ES at Appendix III of the Paper was suitable to serve as an expression of the planning intention and objectives of the Board for the draft Kuk Po, Fung Hang and Yung Shue Au DPA Plan and that the ES should be issued under the name of the Board; and
- (c) a briefing on the draft DPA Plan would be conducted for the North District Council and the Sha Tau Kok District Rural Committee after its publication under section 5 of the Ordinance.