

Minutes of 1057th Meeting of the Town Planning Board
held on 28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014, 20.5.2014 and 4.6.2014

Present

Permanent Secretary for Development
(Planning and Lands)

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Assistant Director (2), Home Affairs Department
Mr Eric K.S. Hui/Mr Frankie W.P. Chou

Deputy Director of Environmental Protection
Mr C.W. Tse

Director of Lands/Deputy Director of Lands (General)
Ms Bernadette H.H. Linn/Mr. Jeff Y.T. Lam

Director of Planning
Mr K.K. Ling

Deputy Director of Planning/District Secretary
Miss Ophelia Y.S. Wong (28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014 and 20.5.2014)
Mr Raymond K.W. Lee (4.6.2014)

Absent with Apologies

Ms Bonnie J.Y. Chan

Dr Eugene K.C. Chan

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Miss Winnie M.W. Wong

In Attendance

Assistant Director of Planning/Board

Ms Brenda K.Y. Au (28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014 and 20.5.2014)

Miss Fiona S.Y. Lung (4.6.2014)

Chief Town Planner/Town Planning Board

Ms Lily Y.M. Yam (morning sessions on 28.4.2014 and 8.5.2014, afternoon sessions on 12.5.2014 and 19.5.2014, 20.5.2014 and 4.6.2014)

Mr Louis K.H. Kau (afternoon sessions on 28.4.2014 and 8.5.2014, and morning sessions on 12.5.2014 and 19.5.2014)

Senior Town Planner/Town Planning Board

Mr Raymond H.F. Au (morning session on 28.4.2014, 20.5.2014 and 4.6.2014)

Mr T.C. Cheng (afternoon session on 28.4.2014)

Ms Johanna W.Y. Cheng (morning session on 8.5.2014)

Ms Amy M.Y. Wu (afternoon session on 8.5.2014)

Ms Doris S.Y. Ting (morning session on 12.5.2014)

Mr Jerry J. Austin (afternoon session on 12.5.2014)

Mr Stephen K.S. Lee (morning session on 19.5.2014)

Town Planner/Town Planning Board

Mr Terence W.C. Leung (afternoon session on 19.5.2014)

1. The following Members and the Secretary were present in the morning session on 28.4.2014:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Deputy Director of Environmental Protection
Mr C.W. Tse

Director of Lands
Ms Bernadette H.H. Linn

Director of Planning
Mr K.K. Ling

Agenda Item 1

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

1. The Secretary reported that there were no matters arising.

**Sha Tin, Tai Po & North District and
Sai Kung & Islands District**

Agenda Item 2

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in Respect of
the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1, the Draft So Lo Pun Outline
Zoning Plan No. S/NE-SLP/1 and the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1
(TPB Papers No. 9644, 9645 and 9646)

[The meeting was conducted in Cantonese and English.]

Draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1

Group 1

Representations

R1 to R798 and R10736 to R10749

Draft So Lo Pun OZP No. S/NE-SLP/1

Group 1

Representations

R1 to R798 and R10736 to R10817

Comments

C3669 to C3676

Draft Pak Lap OZP No. S/SK-PL/1

Group 1

Representations

R1 to R798, R10736 and R10737

Presentation and Question Session

2. At the request of the Chairman, the Secretary briefly highlighted the meeting arrangement and said that the meeting was tentatively scheduled to be held in four sessions on 28.4.2014, 8.5.2014, 12.5.2014 and 19.5.2014. The registered representers and commenters would be invited to make oral submissions in each session. There would be a Question and Answer (Q & A) session in each session after the oral submissions. As sufficient notice had been given to the representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations in the absence of the other representers and commenters who had indicated that they would not attend or had made no reply.

3. The following representatives of the Planning Department (PlanD) and the Agriculture, Fisheries and Conservation Department (AFCD), the representers and the representers' representatives were invited to the meeting at this point:

- | | | |
|--------------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), PlanD |
| Mr Ivan M.K. Chung | - | District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD |
| Mr David Y.M. Ng | - | Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD |
| Mrs Alice K.F. Mak | - | Senior Town Planner/Sai Kung (STP/SK), PlanD |

- Ms Lisa Y.M. Chau - Town Planner/Sai Kung (TP/SK), PlanD
- Mr Cary P.H. Ho - Senior Nature Conservation Officer
(South)(SNC/S), AFCD
- Mr K.W. Cheung - Senior Nature Conservation Officer
(North)(SNC/N), AFCD
- Mr Alan L.K. Chan - Senior Marine Parks Officer (SMP), AFCD
- Mr K.S. Cheung - Country Parks Officer (Special Duty)
(CPO(SD)), AFCD

Representations in respect of Draft Hoi Ha OZP No. S/NE-HH/1, Draft So Lo Pun OZP No. S/NE-SLP/1 and Draft Pak Lap OZP No. S/SK-PL/1

R18 - 翁焯發

- Mr Yung Wong Fat - Representer
- Mr Yung Yuet Ming - Representer's representative

R25 - 鄭國輝

- Mr Cheng Kwok Fai - Representer

R28 - 陳祖旺

- Mr Chan Cho Wong - Representer

R32 - 李耀斌

(Please refer to Appendix A for a list of representers who had authorised R32 as their representative.)

- Mr Li Yiu Ban - Representer and Representers' representative
- Mr Chung Tin Sang] Representers' representatives
- Mr Chung Kin Ming]

R133 - 黃來生

Mr Wong Loy Sang - Representer
Mr Kong Wong Tai - Representer's representative

R136 - 曾漢平

Mr Tsang Hon Ping - Representer
Ms Cheung Ting Kiu] Representer's representatives
Ms Yau Sau Wa]
Ms Tse Yuk Hing]
Mr Tse Tin Sung]

R299 - 曾玉安

Mr Tsang Yuk On - Representer

R300 - 李國安

Mr Li Kwok On - Representer

R429 - 楊進賢

Mr Yeung Chun Yin - Representer

R511 - 溫丁仁

Mr Wan Ting Yan, George - Representer

R521 - 陳惠珍

Mr Cheng King Hang - Representer's representative

R524 - 何偉成

Mr Ho Wai Shing - Representer

R582 - 李明

Mr Li Ming - Representer
Mr Li Yiu Ban - Representer's representative

R594 - 梁和平

Mr Leung Wo Ping - Representer

R599 - 梁偉傑

Mr Leung Wai Kit - Representer

Mr Li Yiu Ban - Representer's representative

R674 - 蔡進華

Mr Choi Chun Wah - Representer

Mr Li Yiu Ban - Representer's representative

R795 - 李雲開

Mr Lee Wan Hoi - Representer

Representations in respect of the Draft Hoi Ha OZP No. S/NE-HH/1

HH-R10738 - Ng Ka Man

Ms Ng Ka Man - Representer

王希哲 - Representer's representative

HH-R10740 - Yung Yuk Ming

Mr Yung Yuk Ming - Representer

Mr Li Yiu Ban - Representer's representative

HH-R10742 - Lau Fung

Mr Lau Fung - Representer

HH-R10743 - 翁天生

Mr Yung Tin Sang - Representer

HH-R10746 - 翁清雲

Ms Yung Ching Wan - Representer

Mr Leung Wo Ping - Representer's representative

Representations in respect of the Draft So Lo Pun OZP No. S/NE-SLP/1

SLP-R10736 - 鎖羅盆村村務委員會聯同曾家裘測量師有限公司

Mr Thomas Tsang Ka Kau] Representer's representatives

Mr Lam Tsz Kwai]

Mr Vincent Yip]

SLP-R10737 - 范富財(蛤塘村原居民村代表)

Mr Fan Foo Choi - Representer

SLP-R10740 - 曾玉安

Mr Tsang Yuk On - Representer

SLP-R10742 - 張文然(鳳坑村原居民村代表)

Mr Tsang Kwok Keung - Representer's representative

SLP-R10743 - 楊玉峰(谷埔村原居民村代表)

Mr Yeung Yuk Fung - Representer

SLP-R10744 - 鄭馬福(谷埔村原居民村代表)

Mr Simon Sung - Representer's representative

SLP-R10745 - 黃國麟(鹽灶下原居民村代表)

Mr Wong Kok Lun - Representer

SLP-R10746 - 曾瑞文(牛屎湖村代表)

Mr Tsang Sui Man - Representer

SLP-R10747 - Sha Tau Kok District Rural Committee

Mr Lee Koon Hung - Representer's representative

SLP-R10762 - 黃富、黃冠英

Mr Wong Fu - Representer

SLP-R10812 - Wong Hing Cheung

(Please refer to Appendix A for a list of representers who had authorised Wong Hing Cheung as their representative.)

Mr Wong Hing Cheung - Representer and Representers' representative

SLP-R10781 - 黃桂寧

Mr Wong Kwai Ning - Representer

SLP-R10790 - 黃瑞清

Ms Wong Sui Ching - Representer

SLP-R10791 - 黃瑞冰

Ms Wong Sui Ping - Representer

SLP-R10793 - 黃瑞芬

Ms Wong Sui Fun - Representer

Mr Wong Yau Man - Representer's representative

SLP-R10794 - 黃瑞婷

Ms Wong Sui Ting - Representer

Representations in respect of the Draft Pak Lap OZP No. S/SK-PL/1

PL-R10736 - 劉成

Mr Kong Chi Cheung] Representer's representatives

Mr So Chi Wai]

Mr Cheung Ka Ming]

Mr David Staunton]

PL-R10737 - 西貢白腊村各原居民

Mr Lau Pak On]	Representer's representatives
Mr Chan Wong]	
Mr Lau For On, Kenny]	

4. The Chairman extended a welcome and explained the procedure of the hearing. He said that the meeting would be conducted in accordance with the "Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1, the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 and the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1" (Guidance Notes) which had been provided to all representers/commenters prior to the meeting. In particular, he highlighted the following main points:

- (a) in view of the large number of representations and comments received and some 100 representers/commenters had indicated that they would either attend in person or had authorised representatives, it was necessary to limit the time for making oral submissions;
- (b) each representer/commenter would be allotted a 10-minute speaking time in respect of each concerned OZP. However, to provide flexibility to representers/commenters to suit their circumstances, there were arrangements to allow cumulative speaking time for authorised representatives, swapping of allotted time with other representers/commenters and requesting for extension of time for making the oral submission;
- (c) the oral submission should be confined to the grounds of representation/comment in the written representations/comments already submitted to the Town Planning Board (the Board) during the exhibition period of the respective OZPs/publication period of the representations; and
- (d) to ensure a smooth and efficient conduct of the meeting, the Chairman might request the representer/commenter not to repeat

unnecessarily the same points of arguments which had already been presented by others at the same meeting. Representers/commenters should avoid reading out or repeating statements contained in the written representations/comments already submitted, as the written submissions had already been provided to Members for their consideration.

5. The Chairman said that each presentation, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers and representer's representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up.

6. The Chairman said that the representatives of PlanD would first be invited to make a presentation on the three draft OZPs. After that, the representers/authorised representatives would be invited to make oral submissions. After the oral submissions, there would be a Q & A session which Members could direct question(s) to any attendee(s) of the meeting. Lunch break would be from about 12:45 p.m. to 2:00 p.m. and there might be one short break in the morning and one to two short breaks in the afternoon, as needed. He then invited the representatives of PlanD to brief Members on the representations and comments in respect of the draft Hoi Ha OZP, the draft So Lo Pun OZP and the draft Pak Lap OZP.

Invalid Representations and Comments

7. With an aid of a Powerpoint slide, Mr C.K. Soh, DPO/STN, informed Members that the total number of representations and comments in respect of the three draft OZPs originally received during the exhibition period (as stated in the TPB Papers) were as follows:

OZP	Number of Representations	Number of Comments
Hoi Ha	10,934	3,675
So Lo Pun	10,858	3,677
Pak Lap	10,775	3,669

8. Mr C.K. Soh said that 109 representers and four commenters subsequently wrote to the Board withdrawing their representations or indicated that they had not submitted the representations, and two representations were identical and submitted by the same person¹. As a result, the total number of valid representations and comments were as follows:

OZP	Number of Valid Representations	Number of Valid Comments
Hoi Ha	10,824	3,671
So Lo Pun	10,748	3,673
Pak Lap	10,665	3,665

Hoi Ha OZP

9. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points in respect of the draft Hoi Ha OZP as detailed in TPB Paper No. 9644:

Background

- (a) on 27.9.2013, the draft Hoi Ha OZP No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The total numbers of valid representations and comments received were 10,824 and 3,671 respectively;

The Representations

- (b) except four representations (R10737 to R10739 and R10742)

¹ The withdrawn/not having been made representations and comments i.e. representations No. R287, R751, R752, R756, R758, R1102, R2547, R2687, R3677, R3764, R3793, R3979, R3984, R4190, R4321, R4368, R4398, R4621, R4642, R4676, R4754, R4963, R4983, R5064, R5093, R5145, R5215, R5234, R5238, R5287, R5433, R5436, R5508, R5576, R5632, R5924, R6021, R6031, R6064, R6126, R6128, R6185, R6229, R6230, R6261, R6307, R6310, R6346, R6349, R6415, R6488, R6534, R6551, R6670, R6689, R6904, R6905, R6934, R6954, R7073, R7110, R7213, R7302, R7322, R7571, R7632, R7642, R7800, R7837, R7903, R7911, R7968, R7981, R8061, R8115, R8232, R8308, R8392, R8479, R8548, R8566, R8637, R8720, R8725, R8736, R8741, R8775, R8955, R8959, R9038, R9083, R9085, R9145, R9270, R9285, R9326, R9330, R9396, R9433, R9542, R9562, R9613, R9962, R10217, R10227, R10330, R10392, R10509 and R10531; and comments No. C631, C1060, C1472 and C3063 were taken out. For R32 and R569 that were identical, the latter was taken out.

submitted by individuals which supported the draft Hoi Ha OZP for designating land for Small House development and not including the Hoi Ha area into country park, all the remaining 10,820 representations opposed the draft Hoi Ha OZP and their views could be generally categorised into two groups:

- (i) Group 1 comprising 803 representations mainly submitted by the Sai Kung North Rural Committee (SKNRC), villagers and individuals and objected against the insufficient “Village Type Development” (“V”) zone to satisfy the demand for Small House developments; and
- (ii) Group 2 comprising 10,017 representations submitted by Legislative Councillors, a District Council (DC) member, green/concern groups, organisations and individuals mainly objecting against the proposed “V” zone on grounds that it was based on unrealistic Small House demand figures without verification and that it would result in the loss of the woodland habitats and pose a severe threat to the marine life of Hoi Ha Wan (HHW) Marine Park;

Grounds of Supportive Representations (R10737 to R10739 and R10742)

- (c) the main grounds of the supportive representations as detailed in paragraphs 2.3 and 2.4 of TPB Paper No. 9644 were summarised below:
 - (i) although there was a need to protect the natural environment, indigenous villagers’ right to build Small Houses and land owners’ right should be respected;
 - (ii) since the majority of land in the area was under private ownership, they should not be included in the country park; and

- (iii) due to the pressing demand for Small Houses, designation of “V” zone to cater for the demand was supported;
- (d) there were also supporting views from Group 1 on the efforts made in the Hoi Ha OZP to cater for the need of local villagers and from Group 2 on the “Coastal Protection Area” (“CPA”) zone as it would protect the natural coastline and serve as a buffer between HHW Marine Park and the village area, and the inclusion of the native woodlands on the hillsides behind (east and south) Hoi Ha Village and on the gentle slope at the western part of the area as “Conservation Area” (“CA”);

Grounds of Adverse Representations

- (e) the grounds of representations in Group 1 as detailed in paragraph 2.5 of TPB Paper No. 9644 were summarised below:

Inadequate Land within “V” Zone

- (i) there was insufficient suitable land in the “V” zone for Small House development due to topographical constraints and the proposed “V” zone was not large enough to satisfy the future demand for Small Houses; and
- (ii) apart from the need to conserve the environment and to provide relevant recreational facilities at Hoi Ha, due regard should be given to Small House development so as to strike a balance between conservation and development;

[Ms Julia M.K. Lau arrived to join the meeting at this point.]

- (f) the grounds of representations in Group 2 as detailed in paragraph 2.6 of TPB Paper No. 9644 were summarised below:

Designation of “V” Zone

Small House Demand

- (i) the demand for Small Houses was infinite and had been determined without any justifications and verification. The prevailing Small House Policy was unsustainable and majority of applications were abusing the policy;
- (ii) restraints on alienation of ancestral or inherited village land should be enforced so that Small Houses remained within the ownership of the indigenous villagers as far as possible;
- (iii) in the past 20 years, only seven new houses were built in Hoi Ha. The population of Hoi Ha had not changed significantly in recent years. Majority of land in the “V” zone had been sold to private developers and would eventually become property projects. The size of the “V” zone should be reduced to avoid development expectations;

Environmental Impact on Woodland

- (iv) the proposed village expansion area to the west of the existing village cluster was occupied by secondary woodland comprising a considerable number of mature trees, including Chinese Banyan and a plant species of conservation concern (*Hong Kong Pavetta* 香港大沙葉). Majority of the area was undisturbed or relatively undisturbed;
- (v) Small House developments would result in the loss of the woodland habitats and disturbance to the natural stream and tidal creek which were foraging grounds for Brown Fish Owls;
- (vi) AFCD should carry out a full four-season ecological study of the proposed “V” zone to assess its ecological value. The

‘precautionary principle’ should be adopted, i.e. environmental damage should be assumed to be threatened unless proven otherwise;

- (vii) there was inconsistency in the designation of “CA” zone for protection of biodiversity in different country park enclaves (CPEs). In Pak Lap, areas covered with young native woodlands containing *Hong Kong Pavetta* were zoned “CA” whilst the woodland in Hoi Ha was zoned “V”;
- (viii) to avoid adverse environmental impacts on the existing woodland, nearby natural stream and the HHW Marine Park, and to prevent degradation of the landscape value of the area, the “V” zone should be reduced and the undisturbed woodland area should be rezoned to “Green Belt” (“GB”);

Environmental Impact on HHW Marine Park

- (ix) the HHW Marine Park had very high biodiversity in its intertidal and sub-tidal zones. The construction of 60 to 90 new Small Houses envisaged under the draft Hoi Ha OZP would destroy or fragment natural habitats, reduce biodiversity and result in cumulative environmental pressures upon the local ecosystems;
- (x) the septic tank and soakaway (STS) system could only provide a minimum level of sewage treatment. The effluent from a septic tank still carried a very high nutrient, organic and microbiological loads which could only be effectively attenuated in circumstances where the ground conditions were suitable and development density was low. The STS system was often not effective in removing pollutants in the long run because of inadequate maintenance and with the increase in number of septic tanks;

- (xi) the underlying surface sediment in the Hoi Ha area comprised porous and highly permeable deposits, which allowed for rapid drainage. Adequate purification could not be achieved by the STS system before the wastewater reached the sea. The Environment Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN) 5/93 did not cover this unique situation of Hoi Ha. The discharge of sewage effluent and wastewater from the large number of village houses with the STS system in the "V" zone would pose a severe threat to the marine life of HHW Marine Park. There was no geology assessment on the cumulative sewage percolation to HHW Marine Park/Site of Special Scientific Interest (SSSI);

- (xii) Hoi Ha was an inhabited village adjacent to the coastal beach/sea area of HHW which was a SSSI and heavily utilised for recreational activities. Reference should be made to the Technical Memorandum under the Water Pollution Control Ordinance to establish the statutory set back distance (e.g. 100m) from the STS system to coastal water. Compulsory use of self-contained chemical toilets and wastewater treatment systems should be required to avoid contamination of soil, stream, wetland and marine environments of HHW;

Notes of "V" Zone

- (xiii) stricter planning control should be imposed. Planning permission should be required for 'New Territories Exempted House' ('NTEH'), 'Eating Place' and 'Shop and Services' uses and any demolition, addition, alteration and/or modification to an existing building in the "V" zone;

Cumulative Impact Assessment

- (xiv) there was a lack of relevant surveys/assessments, including environmental, drainage, landscape, and traffic on the potential cumulative impacts of the additional Small Houses on HHW.

The carrying capacity for individual enclave sites and the overall capacity of all CPEs in Sai Kung East/West should be carefully studied before an informed and responsible decision on land use and Small House numbers could be made;

- (xv) there was no plan to improve the infrastructure (e.g. sewerage, road access, carparking and public transport) to support new developments at Hoi Ha and visitors to the area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of Hoi Ha and to prevent the existing village from polluting the area and HHW;

Adequacy of “GB” Zone

- (xvi) the upper section of Hoi Ha Stream was a designated Ecologically Important Stream (EIS). The “GB” zone adjoining the lower section of the stream should be zoned “CA” or “Coastal Protection Area” (“CPA”) in view of its ecological significance. The real planning intention of “GB” zone might not be conservation-led as planning permission was often given to Small House development, which might cause irreversible impacts on the wetland and the riparian zone;
- (xvii) according to field observation in May 2012 and August 2013, the water feeding into the wet abandoned agricultural land was originated from Hoi Ha Stream and there was a small stream not shown in the maps prepared by PlanD. In a recent site visit, it was observed that the wetland was still inundated and a locally rare herbaceous plant, *Geissalis cristata* (雞冠苞覆花), was recorded. As this wetland was connected hydrologically with HHW Marine Park, any pollutants entering this wetland would flow into the Marine Park. The rare plant would also be affected by future development;

- (xviii) the lack of a 30m wide buffer would increase the likelihood of sewage effluent of the STS system reaching the stream via ground water, causing pollution to Hoi Ha Stream and HHW Marine Park;

Notes of “GB”, “CA” and “CPA” Zones

- (xix) to prevent environmentally sensitive land from being destroyed in ecological terms (e.g. bogus agricultural activities) prior to applying for a change of land use, ‘Agricultural Use’, ‘On-Farm Domestic Structure’, ‘Barbecue Spot’, ‘Picnic Area’, ‘Public Convenience’ and ‘Tent Camping Ground’ in “CA”, “CPA” and “GB” zones should not be allowed or should be Column 2 uses requiring planning permission from the Board;

Inadequate and Misleading Information

- (xx) inadequate and misleading information including maps had been used to designate the “V” and “GB” zones and the boundaries of HHW Marine Park and the SSSI. The maps did not reflect the effects of coastal erosion in the past 30 years. Up-to-date maps should be used to show the current boundaries of the beaches accurately following the high tidal marks, and in designating “CPA” zone;
- (xxi) within the “V” and “GB” zones, there was a network of streams and associated wetlands. The network of small streams flowed into a wetland leading to a significant stream that flowed directly into HHW. The hydrological complex was separated from Hoi Ha Stream and a full survey should be carried out in July to August to obtain hydrological data in the wet season;
- (xxii) the ecological information from AFCD was inadequate, in

particular, no proper survey had been undertaken for the “V” zone and the “GB” areas, and Hoi Ha Stream had not been accorded with the prominence of a natural resource and environmentally sensitive area that it deserved;

Designation of CPEs as Country Park

(xxiii) the objective of the CPE policy was to protect the enclaves against “immediate development threats” from “incompatible developments” such as extensive new Small Houses built on agricultural land and near forests and streams. However, most of the OZPs prepared for the enclaves had included expanded “V” zones that would cause “immediate development threats” on a larger scale. This contradicted the stated CPE policy and failed to comply with the International Convention on Biological Diversity (ICBD); and

(xxiv) the CPEs were well connected with the adjoining country parks from ecological, landscape and recreational points of view. They should be incorporated into country parks so that developments would be subject to scrutiny by the Country and Marine Parks Board (CMPB) and AFCD, and put under active management including habitat and amenity improvements, regular patrols and surveillance, and enforcement actions against irregularities;

Representers’ Proposals

(g) the proposals of the representations in Group 1 as detailed in paragraph 2.7 of TPB Paper No. 9644 were summarised below:

(i) as the land at the western part of the area, currently zoned “CA”, could be used for a water sports recreation centre and AFCD’s proposed visitor centre for the marine park, it should

be rezoned to “V” for Small House development;

- (ii) a large amount of private land had been found in the “CPA” zone which should be rezoned to “V”; and
 - (iii) since most of the land within the “V” had been occupied by existing village houses, rezoning part of the “CA” zone along the existing Hoi Ha Road to “GB” could provide an opportunity for the villagers to submit planning applications for Small House development;
- (h) the proposals of the representations in Group 2 as detailed in paragraph 2.8 of TPB Paper No. 9644 were summarised below:
- (i) the “V” zone should be confined to the existing structures/building lots and village expansion should be planned at area with lower ecological value. The western part of the “V” zone should be rezoned to “CA” or “GB” to safeguard the woodland and HHW;
 - (ii) the existing village and the suggested village expansion areas should be designated as “Comprehensive Development Area” (“CDA”), within which planning restrictions should apply when applications for improvement and developments were made to ensure that the potential environmental impacts were properly addressed. Consideration could also be given to swapping land with the villagers so that land in the centre of the village could be released for provision of supporting facilities (e.g. playground), whereas Government land in the east and south could be used for Small House development;
 - (iii) to separate the ecologically sensitive stream and HHW Marine Park from undesirable land use/development, the “GB” should be rezoned to “CA” of at least 30m wide to protect Hoi Ha

Stream from possible Small House developments, and the “CPA” zone should be at least 30m from the shore to serve as a buffer to protect the coastline; and

- (iv) Hoi Ha should be designated as a country park to protect its ecologically sensitive areas and the development permission area (DPA) plan should be extended for at least one year to allow for the required process. In the interim, the “V”, “GB” and non-conservation zonings could be rezoned to “Undetermined” (“U”) to protect the natural environment;
- (i) the proposals of R10911 to R10920 submitted by the Tolo Adventure Centre and individuals were to extend the “Other Specified Uses” (“OU”) annotated “Water Sports Recreation Centre” (“OU(Water Sports Recreation Centre)”) zone by 5m along the boundaries to its north, south and east to facilitate maintenance of the surrounding vegetation as required under the lease conditions, and to rezone the footpath linking Hoi Ha Road to Tolo Adventure Centre to “OU” or “Government, Institution or Community” (“G/IC”) to facilitate maintenance of the footpath;

Comments

- (j) among the 3,671 comments received, 3,654 of them (C1 to C3655, C3661, C3663 and C3669) were submitted by green groups/concern groups and individuals including Designing Hong Kong Limited (DHKL)(C3641), Friends of Sai Kung (C3640), Friends of Hoi Ha (C3663) supporting the representations and proposals in Group 2 on similar grounds;
- (k) the remaining 17 comments (C3656 to C3660, C3662, C3664 to C3668 and C3670 to C3675) were submitted by green groups/concern groups (i.e. Hong Kong Countryside Foundation (C3657), and the Association for Geoconservation, Hong Kong (C3668)) and

individuals. They had not indicated which representations the comments were related to but in general opposed the draft Hoi Ha OZP;

Planning Considerations and Assessments

The Representation Sites and their Surrounding Areas

- (l) the representation sites covered the whole OZP area;
- (m) the Planning Scheme Area of Hoi Ha (the Hoi Ha Area), covering a total area of about 8.45 ha, was located at the northern coast of Sai Kung peninsula, and accessible by vehicles via Hoi Ha Road. It was encircled by the Sai Kung West (SKW) Country Park on three sides, with its northern side opening towards the scenic HHW, which was a designated Marine Park as well as a SSSI. The northwestern boundary of the Hoi Ha Area abutted on a major rocky stream;
- (n) the Hoi Ha Area mainly consisted of woodlands, village houses, sandy beaches and fallow agricultural land. Hoi Ha Village, located in the middle part of the Area, was the only recognised village in the Hoi Ha Area, with about 30 houses and two 'tsz tongs'. Local provisions stores could be found on the ground floor of some houses, and HHW Marine Park Warden Post of AFCD occupied the ground floor of one of these houses, providing guiding tours for tourists during weekend. According to 2011 Census, the total population of the Hoi Ha Area was about 110 persons;

Planning Intention

- (o) the general planning intention for the Hoi Ha Area was to conserve its natural landscape and conservation value, to protect its natural and rural character, its cultural heritage, and to make provision for future Small House development for the indigenous village of Hoi Ha;

- (p) the planning intention of “GB” zone was 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 was a general presumption against development within this zone;
- (q) the planning intention of “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development. There was a general presumption against development in this zone;
- (r) the planning intention of “CPA” zone was intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It might also cover areas which served as natural protection areas sheltering nearby developments against the effects of coastal erosion. There was a general presumption against development in this zone;
- (s) the planning intention of “V” zone was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services;
- (t) the planning intention of the “OU(Water Sports Recreation Centre)” was to reflect the existing use of the land at the western part of the Hoi Ha Area currently occupied by a water sports recreation centre

(the “Tolo Adventure Centre”) to the north of Hoi Ha Road;

Consultation

- (u) on 11.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Hoi Ha Area. On 28.6.2013, the Board gave preliminary consideration to the draft Hoi Ha OZP and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and SKNRC for consultation;
- (v) TPDC and SKNRC were consulted in July 2013. They considered the size of the “V” zone insufficient to meet the future demand as it would only provide land to meet about 67% of the 10-year Small House demand, and there was too little Government land in the “V” zone for Small House development. The Village Representatives (VRs) suggested that the “V” zone should be enlarged by extending its boundary westward to cover part of the area currently zoned as “CA”;
- (w) a meeting with the villagers/residents was held in August 2013. Comments from Kadoorie Farm and Botanic Garden Corporation (KFBGC), local concern groups and individuals were also received. The villagers were concerned that most of the land proposed for the “V” zone extension was owned by developers, thus might not be made available for them to build Small Houses. The green/concern groups and residents were of the view that whilst the “CA” and “CPA” zones were supported, the “V” zone was too large and the “GB” zone would be prone to future developments. They considered that the “V” zone should be confined to the existing village cluster and Hoi Ha should be designated as country park;
- (x) on 13.9.2013, the draft Hoi Ha OZP, together with comments received from TPDC, SKNRC, villagers, green/concern groups and

members of public, were submitted to the Board for further consideration. The Board noted the comments and agreed that the draft Hoi Ha OZP was suitable for exhibition for public inspection. On 27.9.2013, the draft Hoi Ha OZP No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Ordinance;

- (y) SKNRC and TPDC were consulted in October and November 2013 respectively, and they generally objected to the draft Hoi Ha OZP and considered that the Government had ignored the requests of local villagers and rights of private landowners, and that public sewers or sewerage systems should be provided to cater for the need of villagers;

Responses to Grounds of Representations and Representers' Proposals

- (z) the views of the four supportive representations (R10737 to R10739 and R10742) were noted;

[Mr Lincoln L.H. Huang left the meeting temporarily at this point.]

- (aa) the responses to the grounds of the adverse representations as detailed in paragraphs 5.15 to 5.34 of TPB Paper No. 9644 were summarised below:

Designation of "V" zone

- (i) in drawing up the draft OZP and its land use proposals, special attention had been given to protect the ecological and landscape significance of the Hoi Ha Area having regard to the wider natural system of SKW Country Park and HHW Marine Park. Conservation zones, i.e. "CA", "CPA" and "GB", in consultation with relevant Government departments, had been designated to cover areas (e.g. native woodlands, natural coastlines and rocky stream) having ecological and landscape

significance that warranted protection under the statutory planning framework. The total land area of those three conservation zones was about 5.6 ha, representing about 66% of land covered by the draft Hoi Ha OZP;

- (ii) there was a need to designate “V” zones at suitable locations to meet the Small House demand of local villagers after delineating the areas that had to be conserved. The boundaries of the “V” zone had been drawn up after considering the village ‘environs’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics. The Small House demand forecast was only one of the many references in considering the proposed “V” zone;
- (iii) the Small House demand forecast provided by the Indigenous Inhabitant Representatives to the Lands Department (LandsD) could be subject to changes over time. An incremental approach for designating “V” zone for Small House development had been adopted with an aim to confine Small House development at suitable locations adjacent to existing village cluster. The “V” zone on the draft Hoi Ha OZP had an area of about 2.6 ha which was smaller than the ‘VE’ of Hoi Ha Village (about 2.92 ha) by 11%, was capable of providing land for development of about 64 Small Houses to meet about 68% of the outstanding demand and 10-year demand forecast of 94 Small Houses;

Environmental Impact on Woodland

- (iv) the representers, in particular the green/concern groups had collated a large amount of supporting information to demonstrate that the western portion of the “V” zone was occupied by undisturbed secondary woodland comprising a

considerable number of mature trees and plant species of conservation concern, and was ecologically linked with the adjacent “CA” and “GB” zones. In particular, a group of mature trees, including Chinese Banyan on the western edge of the “V” and a plant species of conservation concern (*Hong Kong Pavetta* 香港大沙葉) were found. As such, they considered that the woodland area should be protected by conservation zonings such as “CA” and “GB” and excluded from the “V” zone;

- (v) after reviewing the latest evidence and based on AFCD’s advice, it was considered that some of the proposals submitted by the representers had merits. To minimise any possible adverse impact on the existing natural environment including wetland and HHW, consideration could be given to partially meet the representations by revising the boundary of the “V” zone to exclude the relatively undisturbed woodland with flora of conservation species in the western part of the “V” zone and to rezone it and the adjacent “GB” to “GB(1)”;

- (vi) the proposed “GB(1)” zone was so designed to provide a higher degree of protection to the concerned woodland and wet agricultural land but at the same time allow flexibility for some necessary uses to cater for the needs of local villagers (e.g. ‘Burial Ground’ and ‘Rural Committee/Village Office’). Only developments that were needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or essential infrastructure projects with overriding public interest might be permitted. Whist redevelopment of existing NTEH and rebuilding of existing structures were permitted, no new Small Houses were permitted in the “GB(1)” zone. AFCD considered that the proposed “GB(1)” zone for the woodland and wetland was appropriate from the nature conservation perspective;

- (vii) accordingly, the land area zoned “V” would be reduced from 2.6 ha to 1.95 ha for development of about 40 new Small Houses capable of meeting 43% of the Small House demand forecast as compared with the original 68%;

- (viii) to cater for future demand for Small Houses, a review had been taken to identify possible locations that might have potential for Small House development. In consultation with AFCD, a piece of government land which was relatively flat and mainly covered by small trees, shrubs and grass to the east of the village cluster had been identified. It had a land area of about 0.25 ha and was proposed to be rezoned from “CA” to “GB” to reflect its current landscape character. Applications for Small House development were not precluded and could be considered by the Board based on individual merits;

Small House Demand

- (ix) the Small House demand forecast was only one of the many references in considering the designation of “V” zone. Though there was no mechanism at the planning stage to verify the authenticity of the figures, the respective District Lands Officer (DLO) would verify the status of the Small House applicant at the stage of Small House grant application;

Environmental Impact on Hoi Ha Wan Marine Park

- (x) the ecological value of HHW was well recognised and it had been an important consideration in the drawing up of the draft Hoi Ha OZP. Conservation zones, including “GB”, “CA” and “CPA” against which there was a general presumption against development, had been designated to cover areas having ecological and landscape significance to protect the natural environment of Hoi Ha and the ecologically linked SKW Country Park and HHW Marine Park under the statutory

planning framework;

- (xi) sewage disposal including the STS system(s) of Small Houses would be considered by the concerned departments (including the Environment Protection Department (EPD), Drainage Services Department (DSD), Water Supplies Department (WSD), AFCD and PlanD) during the processing of Small House grant applications by LandsD. The arrangement of sewage disposal works should comply with the requirements of the relevant government departments;

- (xii) as stated in the Explanatory Statement (ES) of the draft Hoi Ha OZP, under the current practice and in accordance with the Environmental, Transport and Works Bureau's Technical Circular (Works) (ETWBTC(W)) No. 5/2005, for development proposals/submissions that might affect natural streams/rivers, the approving/processing authorities should consult and collate comments from AFCD and relevant authorities. The use of septic tank as a sewage treatment and disposal option in rural areas with small population was permitted under Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG). For protection of the water quality of HHW Marine Park, the design and construction of on-site STS for any development proposals/submissions needed to comply with relevant standards and regulations, including EPD's Practice Note for Professional Person (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department". Operation and maintenance practices for septic tanks (e.g. desludging practices) were also given in EPD's "Guidance Notes on Discharges from Village Houses";

- (xiii) according to EPD, in considering whether a site was suitable for septic tank construction for sewage treatment and disposal,

a number of site-specific conditions needed to be taken into account such as percolation test result, proximity of rivers/streams, depth of ground water table, topography and flooding risks. Site-specific information was essential, particularly if the soil characteristics such as the soil textures were believed to be highly variable even on the same site. The percolation test was one of the requirements set out in ProPECC PN 5/93 which had to be followed by Authorised Person (AP) to determine the absorption capacity of soil and hence the allowable loading of a septic tank. This test would allow relevant parties to ascertain whether the soil condition was suitable for a septic tank to function properly for effective treatment and disposal of the effluent. The site-specific conditions of Hoi Ha would be taken account of in assessing the acceptability of the proposed STS system;

- (xiv) ProPECC PN 5/93 also set out the design standards, including soil percolation tests, and clearance distances between a septic tank and specified water bodies (e.g. ground water tables, streams, beaches, etc.), as well as clearance distances between buildings. These requirements would help identify the appropriate ground conditions suitable for the construction of septic tanks, and limit the density of houses to certain extent;

Cumulative Impact Assessment

- (xv) when considering the draft Hoi Ha OZP, the Board had already taken into account all relevant planning considerations, including the advice of the relevant government departments and public views. Neither the Transport Department (TD) nor Highways Department (HyD) raised concern on the proposed “V” zone from the traffic and transport infrastructure points of view;
- (xvi) LandsD, when processing Small House grant applications,

would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The water quality of HHW Marine Park had been closely monitored by AFCD;

Notes of the Plan

- (xvii) as the planning intention of the “V” zone was to provide land for NTEH, it was appropriate to put NTEH in Column 1 of the “V” zone;
- (xviii) AFCD had reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ to Column 2 of conservation zones from agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Planning permission from the Board was required for works relating to diversion of streams, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment. Taking into account the above factors, AFCD considered that there was no strong justification for imposing more stringent control on Column 1 uses in the relevant zones;
- (xix) ‘Barbecue Spot’ and ‘Picnic Area’ referred to facilities operated by the Government and excluded sites that were privately owned and/or commercially operated. ‘Public Convenience’ referred to any latrine within the meaning of the Public Health and Municipal Services Ordinance (Cap. 132) and any bathhouse maintained, managed and controlled by the Government for use of the public, and ‘Tent Camping Ground’ referred to any place opened to the public where tents were put only for temporary lodging for recreational or training purpose. Again, this was a facility designated by the Government. AFCD considered that such uses might not have significant

adverse impacts on sensitive habitats and thus there was no strong justification for putting these uses under Column 2 of “GB”, CA” and “CPA” zones;

- (xx) LandsD, when processing Small House applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. If a food business was to be carried out at the premises, a food business licence was required to be obtained from the Food and Environmental Hygiene Department (FEHD). As such, there was no strong justification to place ‘NTEH’, ‘Eating Place’ and ‘Shop and Services’ under Column 2 of the “V” zone;

Adequacy of “GB” zone

- (xxi) AFCD had emphasised more on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest. Important habitats such as mature native woodlands and the riparian zone of Hoi Ha Stream, which could provide suitable habitats supporting a variety of species, were covered by conservation zonings. In general, these habitats were supporting various species of conservation interest;
- (xxii) AFCD considered that the “GB” zone was appropriate since the area consisted of relatively disturbed, young woodland that had developed from abandoned agricultural land and the rocky stream was not an EIS. To minimise any possible adverse impact on the existing natural environment including the wetland and Hoi Ha Stream, consideration could be given to partially meet the representation by rezoning the “GB” to “GB(1)” zone. AFCD considered that the proposed rezoning to “GB(1)” was appropriate from nature conservation

perspective as together with the woodland area, the new “GB(1)” zone would provide a wider buffer between the village, HHW Marine Park and Hoi Ha stream;

Inadequate and misleading information

(xxiii) the boundary of Marine Parks had been drawn making reference to the high water mark and the coverage of Marine Parks had taken into account the ecological characteristics of the shoreline. In this regard, the boundary of the HHW Marine Park was purposely drawn to include the beaches and sand dunes at Hoi Ha for better protection of the coastal ecology. The gazetted boundary of the HHW Marine Park was approved under the Marine Parks Ordinance in 1996 and there had been no changes since then. The northern boundary of the draft Hoi Ha OZP coincided with the HHW Marine Park boundary leaving no gap in between;

(xxiv) in drawing up the draft OZP and its land use proposals, various factors including conservation and natural landscape, ecological significance, landscape character, transportation, infrastructure and utility services had been taken into account. Views and comments had also been sought from stakeholders and relevant government departments. The draft OZP was not prepared on the basis of the survey map which was just as a map base of the draft OZP only;

Designation of CPEs as Country Parks

(xxv) as announced in the 2010-11 Policy Address, the Government undertook to either include the remaining 54 CPEs into country parks, or determine their proper uses through statutory planning, so as to meet the conservation and social development needs. For a CPE to be protected by a statutory

plan, the general planning intention of the CPE was to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House developments by the indigenous villagers of the existing recognised villages within the area; and

(xxvi) designation of country park was under the jurisdiction of the Country and Marine Parks Authority (CMPA) governed by the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board;

(bb) the responses to the proposals in the representations as detailed in paragraph 5.35 of TPB Paper No. 9645 were summarised below:

Group 1

Rezoning of the “CA” zone to “V” and “GB”

(i) the proposed visitor centre for HHW Marine Park fell within SKW Country Park and outside the boundary of the draft OZP. The “CA” zone at the western part of the Hoi Ha Area and along Hoi Ha Road consisted of relatively undisturbed, native woodland worthy of preservation that was contiguous with the adjoining SKW Country Park. The “CA” zone was considered appropriate from the nature conservation perspective;

Rezoning of the “CPA” zone to “V”

(ii) the “CPA” covered mangroves, mangrove-associated plants and backshore vegetation, and adjoined HHW Marine Park. A “CPA” zone was also required to serve as a buffer between the village area and HHW Marine Park;

Group 2

Designation of “CDA”

- (iii) in the course of preparing the draft OZP, the “CDA” proposal had been fully deliberated by the Board. The current zonings for the Hoi Ha Area had been drawn up to provide clear planning intention and protection for different localities in accordance with their ecological and landscape significance, and suitability for Small House development. Designation of the village area as “CDA” so as to enforce planning restrictions or protect the environment was not appropriate;

Provision of at least 30m from the shore for “CPA”

- (iv) the width of the “CPA” zone between Hoi Ha village and HHW Marine Park ranged from 25m to 35m. The “CPA” zoning was considered appropriate to form a buffer between the village and HHW Marine Park. Further extending the “CPA” zone inland would encroach onto the existing village;

Designation of CPEs as Country Parks

- (v) whether a specific CPE should be included in the country park or not was under the jurisdiction of CMPA under the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board;

Expanding the “OU(Water Sports Recreation Centre)” zone

- (vi) according to the short term tenancy (STT) covering Tolo Adventure Centre, a belt of trees not less than 3m in width should be planted along the southern side of the site within the STT boundary. The reason for expanding the site boundary due to the tenancy requirement was not justified; and
- (vii) the footpath fell outside the STT boundary and it was uncertain how the proposed amendment could facilitate the maintenance of the footpath. The maintenance or repair of road (including footpath) was always permitted in the “CA” zone under the

covering Notes of the draft OZP;

Responses to Grounds of Comments

- (cc) the major grounds of the comments and the responses highlighted in Annex IV of TPB Paper No. 9644 were similar to those raised by the adverse representations as summarised above; and

PlanD's Views

- (dd) PlanD's views on the representations were:

Supportive Representations

- (i) the supportive views of R10737 to R10739 and R10742 were noted;

Adverse Representations

- (ii) no objection to part of the Representations No. R799 to R10735 and R10750 to R10934 and the draft Hoi Ha OZP should be amended to partially meet these representations by rezoning the western part of the "V" zone and the adjoining "GB" zone to "GB(1)" and the eastern portion of the "CA" zone adjoining the "V" zone to "GB" as indicated in Annex VI of TPB Paper No. 9644. In tandem with the proposed amendments to the draft Hoi Ha OZP, the Notes and the ES should also be revised as proposed in Annexes VII and VIII of TPB Paper No. 9644; and
- (iii) Representations No. R1 to R798 and R10736, R10740, R10741, R10743 to R10749 and the remaining part of Representations No. R799 to R10735 and R10750 to R10934 were not supported and the draft Hoi Ha OZP should not be amended to meet these representations.

So Lo Pun OZP

10. Members noted that a replacement page (Plan H-1a) of TPB No. 9645 had been tabled at the meeting. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points in respect of the draft So Lo Pun OZP as detailed in TPB Paper No. 9645:

Background

- (a) on 27.9.2013, the draft So Lo Pun OZP No. S/NE-SLP/1 was exhibited for public inspection under section 5 of the Ordinance. The total numbers of valid representations and comments received were 10,748 and 3,673 respectively;

The Representations

- (b) all the representations objected to the draft So Lo Pun OZP and their views could be generally categorised into two groups:
 - (i) Group 1 comprising 875 representations (R1 to R798 and R10736 to R10817) submitted by the villagers and related organisations as well as other individuals mainly objecting to insufficient “V” zone to satisfy the demand for Small House developments and the inclusion of a large amount of private land within the “CA” zone; and
 - (ii) Group 2 comprising 9,873 representations (R799 to R10735 and R10818 to R10858) submitted by Legislative Councillors, green/concern groups and individuals mainly objecting to excessive “V” zone on the grounds that it was based on unrealistic Small House demand figures without verification and provision of Small House would pose a severe threat to the important habitats and species of the area;

Grounds of Representations

- (c) the grounds of representations in Group 1 as detailed in paragraph 2.3 of TPB Paper No. 9645 were summarised below:

Inadequate Land within "V" Zone

- (i) the proposed "V" zone could not satisfy the future demand for Small House development. Due to topographical constraints, inadequate land was available for Small House development;

[Mr Lincoln L.H. Huang returned to join the meeting at this point.]

- (d) the grounds of representations in Group 2 as detailed in paragraph 2.4 of TPB Paper No. 9645 were summarised below:

Designation of "V" Zone

Small House Demand

- (i) the "V" zone of about 4.12 ha for 134 houses with a planned population of 1,000 was excessive. According to the 2011 Census, the population in So Lo Pun was nil and there was no outstanding Small House application. Justifications should be provided for designating such a large "V" zone;
- (ii) the demand for Small House was infinite and had been determined without any justifications and verification. The prevailing Small House Policy was unsustainable and majority of such applications were abusing the policy;
- (iii) restraints on alienation of ancestral or inherited village land should be enforced so that Small Houses remained within the ownership of the indigenous villagers as far as possible;

Environmental Impact on Local Habitats and Surrounding Areas

- (iv) development in the area would have adverse impact on the habitat of Crab-eating mongoose (食蟹獾) and *Prionailurus bengalensis* (豹貓) in So Lo Pun. The Greater Bamboo Bat *Tylonycteris robustuala* (褐扁顛蝠), a rare local species, would be affected by the light generated from Small House developments;
- (v) So Lo Pun was not provided with public sewerage system. The sewage from Small Houses would only be treated by on-site STS systems. There was no road access to the area and proper maintenance of the STS was in doubt. Pollutants would be discharged into the water bodies nearby and pollute the environment;
- (vi) the STS could only provide a minimum level of sewage treatment. The effluent from a septic tank still carried a very high nutrient, organic and microbiological loads which could only be effectively attenuated in circumstances where the ground conditions were suitable and development density was low. The STS system was often not effective in removing pollutants in the long run because of inadequate maintenance and with the increase in number of septic tanks;
- (vii) the underlying surface sediment in So Lo Pun comprised porous and highly permeable deposits, which allowed for rapid drainage. Adequate purification could not be achieved by STS system before the wastewater reached the sea. There was no geological assessment on the cumulative sewage percolation to the surrounding areas;
- (viii) as the Crooked Harbour outside So Lo Pun was within the

Mirs Bay Water Control Zone and located in close proximity to Yan Chau Tong Marine Park and the Ap Chau Fish Culture Zone, the cumulative impacts on water quality from the STS systems in the “V” zone of So Lo Pun would pollute the ecologically sensitive habitats in So Lo Pun and the surrounding sensitive areas;

Notes of “V” Zone

- (ix) stricter planning control should be imposed. Planning permission should be required for ‘NTEH’, ‘Eating Place’ and ‘Shop and Services’ uses and any demolition, addition, alteration and/or modification to an existing building in the “V” zone;

Cumulative Impact Assessment

- (x) there was a lack of relevant surveys/assessments, including environmental, drainage, landscape, and traffic on the potential cumulative impacts of the additional Small Houses on the area. The carrying capacity for individual enclave sites and the overall capacity of all CPEs should be carefully studied before an informed and responsible decision on land use and Small House numbers could be made;
- (xi) there was no plan to improve the infrastructure (e.g. sewerage, road access, carparking and public transport) to support new developments in So Lo Pun and visitors to the area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of So Lo Pun and to prevent the existing village from polluting the area;

Adequacy of “GB” Zone

- (xii) the lower section of So Lo Pun Stream was a designated EIS. The “GB” zone adjoining the upper section of the stream

should be zoned to “CA” as it was ecologically significant. The real planning intention of “GB” zone might not be conservation-led as planning permission was often given to Small House development in “GB”, which might cause irreversible impacts on the wetland and the riparian zone in future;

Notes of “GB” and “CA” Zones

- (xiii) to prevent environmentally sensitive land from being destroyed in ecological terms (e.g. bogus agricultural activities) prior to applying for a change of land use, ‘Agricultural Use’, ‘On-Farm Domestic Structure’, ‘Barbecue Spot’, ‘Picnic Area’, ‘Public Convenience’ and ‘Tent Camping Ground’ in “CA” and “GB” zones should not be allowed or should be Column 2 uses requiring planning permission from the Board;

Ecological Information

- (xiv) a total of 244 vascular plant species including seven species of conservation concern, one dragonfly species with conservation concern, 11 native fish species including three species of conservation concern, two amphibian species and three mammals with conservation concern were recorded in So Lo Pun;
- (xv) 38 species of birds had been recorded in and around So Lo Pun. In particular, 10 species of birds were of conservation interest including Common Emerald Dove (綠翅金鳩), Grey Treeple (灰樹鵲) and Crested Kingfisher (冠魚狗). The water fern, a protected plant in China under State Protection (Category II), could be found in the freshwater marshes located in close proximity to the “V” zone, where the rice fish, a species of conservation concern, was also recorded;

- (xvi) the seahorse *Hippocampus kuda*, a species listed as Vulnerable under the International Union for Conservation of Nature, could be found at Kat O Hoi which was under threat by water pollution from the village houses;

Designation of CPEs as Country Parks

- (xvii) the objective of the CPE policy was to protect the enclaves against “immediate development threats” from “incompatible developments” such as extensive new Small Houses built on agricultural land and near forests and streams. However, most of the OZPs prepared for the enclaves had included expanded “V” zones that would cause “immediate development threats” on a larger scale. This contradicted the stated CPE policy and failed to comply with the ICBD; and
- (xviii) the CPEs were well connected with the adjoining country parks from the ecological, landscape and recreational points of view. They should be incorporated into country parks so that developments would be subject to scrutiny by CMPB and AFCDD, and put under active management including habitat and amenity improvements, regular patrols and surveillance, and enforcement actions against irregularities;

Representers’ Proposals

- (e) the proposals of the representations in Group 1 as detailed in paragraph 2.5 of TPB Paper No. 9645 were summarised below:
 - (i) the “V” zone should be expanded to cover the adjoining areas in the middle and upper sections of the river valley zoned “CA” and “GB”, with an area not less than 7.15 ha and should not cover any steep slope, stream or burial ground; and

(ii) to facilitate eco-tourism, the following rezoning proposals for the “CA” zone and part of the “GB” zone and road designation were proposed:

- the wetland including the part of the EIS adjacent to the breakwater should be rezoned from “CA” to “GB”;
- the wetland and the adjoining areas should be rezoned from “CA” and “GB” to “Recreation” (“REC”) to facilitate development of low-density recreational uses including field study/education/visitor centre with a view to promoting ecological tourism;
- the ex-school site and the adjoining areas should be rezoned from “CA” and “GB” to “G/IC” to facilitate development of village committee office and tourist centre;
- the pond and various areas adjacent to proposed “V” zone including the terraced agricultural land should be rezoned from “CA” and “GB” to “Agriculture” (“AGR”) to facilitate agricultural uses such as hobby farming;
- in relation to the rezoning proposals above, a set of new Notes for the “V”, “GB”, “REC”, “G/IC” and “AGR” zones had been proposed at Annex VI of TPB Paper No. 9645; and
- the existing footpath and the adjoining areas with a minimum width of 2.5m leading from the breakwater to the “V” zone should be shown as ‘Road’ on the So Lo Pun OZP;

(f) the proposals of the representations in Group 2 as detailed in

paragraph 2.6 of TPB Paper No. 9645 were summarised below:

- (i) the “V” zone should be confined to the existing village structures/building lots (within 20m around the existing ruined houses) and approved Small House sites;
- (ii) in order to strengthen the protection of the lower section of So Lo Pun Stream designated as EIS, the upper section of the stream and its tributaries together with the riparian zone with a minimum buffer of 30 metres on both sides of the streams as well as the adjoining woodland should be rezoned from “V” and “GB” to “CA”;
- (iii) to rezone the seagrass bed together with the adjacent mangrove community from “CA” to “SSSI”;
- (iv) So Lo Pun should be designated as a country park to protect its ecologically sensitive areas and the DPA plan should be extended for at least one year to allow for the required process. In the interim, the “V”, “GB” and non-conservation zonings could be rezoned to “U” to protect the natural environment;

Comments

- (g) among the 3,673 comments received, eight comments (C3669 to C3676) were submitted by villagers and individuals supporting the representations in Group 1 on similar grounds. They also objected to the representations opposing the excessive “V” zone in Group 2;
- (h) the remaining 3,665 comments were submitted by green groups/concern groups (including Friends of Sai Kung (C3640), DHKL (C3641) and Hong Kong Countryside Foundation (C3657)) and individuals with similar views put forth by the representations in Group 2. Amongst these comments, a total of 3,653 comments

(C1 to C3655, C3661 and C3677) supported the representations in Group 2 whereas the remaining 12 comments (C3656 to C3660 and C3662 to C3668) did not indicate the representations to which the comments were related but raised objection to the draft So Lo Pun OZP;

Planning Considerations and Assessments

The Representation Sites and their Surrounding Areas

- (i) the representation sites covered the whole OZP area;
- (j) the Planning Scheme Area of So Lo Pun (the So Lo Pun Area), covering a total land area of about 27.68 ha, was encircled by the Plover Cove Country Park on three sides and fronted the scenic coastline of Kat O Hoi to the north-east;
- (k) So Lo Pun Village was the only recognised village in the area which was currently largely uninhabited. Village developments mainly concentrated on the lower hillslopes in the northern part of the area. Most of the village houses had become ruins, except a few one to two-storey houses which were in dilapidated condition and left vacant;
- (l) the southern, western and northern parts of the So Lo Pun Area were mainly covered by woodland and shrubland. The wooded areas along the hillside formed a continuous stretch of well-established vegetation with those located at the adjacent Plover Cove Country Park and complemented the overall natural environment and landscape beauty of the surrounding country park. Fallow agricultural land on lower slopes and at lowland was mainly covered with grass and shrubs. Some freshwater marshes had evolved from abandoned wet agricultural fields at the flat land in the central part of the area. Estuarine mangrove/mudflat habitats were found on the

seaward side of the area along the coastline of Kat O Hoi. A pond fringed by reeds was found to the south-west of the estuarine mangrove. A natural stream flowed across the So Lo Pun Area in the south-west to north-east direction, the downstream part of which was an EIS;

- (m) according to 2011 Census, the total population of the So Lo Pun Area was about 110 persons;

Planning Intention

- (n) the general planning intention of the So Lo Pun Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Plover Cove Country Park. Apart from the environmental and ecological considerations, development in the So Lo Pun Area was constrained by limited transport and infrastructural provisions. It was also intended to consolidate the village so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the area;
- (o) the planning intention of the “GB” zone was 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 was a general presumption against development within this zone;
- (p) the planning intention of the “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as country park from the adverse effects of development. There was a general presumption against development in this zone;

- (q) the planning intention of the “V” zone was to designate both existing recognised village and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services;

Consultation

- (r) on 11.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the So Lo Pun Area. On 26.4.2013, the Board gave preliminary consideration to the draft So Lo Pun OZP and agreed that the draft OZP was suitable for submission to the North District Council (NDC) and the STKDRC for consultation;
- (s) NDC and STKDRC were consulted in May 2013. NDC and STKDRC strongly opposed the “CA” zoning as the land involved was mostly private land owned by the villagers. Besides, only about 9% of land was designated as “V” zone which could not meet the Small House demand. The planned “V” zone would eradicate the village and deprive the private landowners of their rights. The zonings (i.e. “CA”, “GB” and “V” zones) on the draft OZP seemed inadequate to cater for the villagers’ wish to revive the village. “AGR”, “REC” and “G/IC” zones should also be incorporated, and hence a balance could be struck between conservation and development rights of landowners;
- (t) comments from green groups including the DHKL, World Wide Fund for Hong Kong, The Conservancy Association and KFBGC were received. They in general supported the draft OZP as many areas of conservation importance in So Lo Pun were covered with

conservation zonings;

- (u) taking into account the divergent views on the draft OZP, in particular the proposed “V” and “CA” zonings, the zonings for the So Lo Pun Area were revised after further consultation with relevant departments, including AFCD. While the ecological importance of the wetland complex and the surrounding natural woodland with dense vegetated hillslopes and major natural stream were proposed to be retained as “CA” and “GB” zones, about 1.6 ha of land, including a piece of land at the north-eastern part of the area and a long stretch of level land at the south-western part of the area were rezoned from “GB” to “V” (with an increase in total “V” zone area from about 2.52 ha to about 4.12 ha);

- (v) on 9.8.2013, the draft So Lo Pun OZP incorporating the proposed extension of the “V” zone, together with the comments received from NDC, STKDRC, villagers and green groups/concern groups were submitted to the Board for further consideration. The Board noted the comments and agreed that the revised draft So Lo Pun OZP was suitable for exhibition for public inspection. On 27.9.2013, the draft So Lo Pun OZP No. S/NE-SLP/1 was exhibited for public inspection under section 5 of the Ordinance;

- (w) NDC and STKDRC were consulted in September and October 2013 respectively. They strongly opposed the “CA” zoning as the land involved was mostly private land owned by the villagers and relevant infrastructure should be provided to support the village;

Responses to Grounds of Representations and Representers’ Proposals

- (x) the responses to the grounds of representations as detailed in paragraphs 5.12 and 5.13 of TPB Paper No. 9645 were summarised below:

Designation of “V” zone

- (i) the wetland system (i.e. the intertidal habitats with mangrove and seagrass bed, reed pond, a natural stream identified as EIS and the freshwater marsh, etc.) was of ecological importance with a relatively high diversity of fish and a number of species of conservation interest had been recorded. The “CA” zoning for the wetland complex in So Lo Pun was appropriate so that the rich ecological and biological features in the wetland complex could be protected and preserved. The surrounding wooded areas and a traditional burial ground were zoned “GB”, providing a buffer between the development and conservation areas or country park;

- (ii) discounting the environmentally sensitive areas zoned “CA” and “GB” zones, the residual area covered by the “V” zone was mainly occupied by the existing village clusters and the adjoining relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which was considered suitable for village development;

- (iii) the boundaries of the “V” zone had been drawn up after considering the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics;

- (iv) an incremental approach for designating “V” zone for Small House development had been adopted with an aim to confine Small House development at suitable locations adjacent to existing village cluster. The “V” zone on the draft So Lo Pun OZP had an area of about 4.12 ha, which was smaller than the ‘VE’ of So Lo Pun Village (about 5.58 ha) by 26%, was capable of providing land for development of about 134 Small Houses to meet about 50% of the 10-year demand forecast of

270 houses;

Small House Demand

- (v) the Small House demand forecast was only one of the many references in considering the proposed “V” zone. The forecast was provided by the Indigenous Inhabitant Representatives to LandsD and could be subject to changes over time for reasons like demographic changes (birth/death) as well as the aspiration of indigenous villagers currently living outside the village, local and overseas, to move back to So Lo Pun in future. Though there was no mechanism at the planning stage to verify the authenticity of the figures, the respective DLO would verify the status of the Small House applicant at the stage of Small House grant application;

Environmental Impact on Local Habitats and Surrounding Areas

- (vi) the ecological value of So Lo Pun and the surrounding areas was well recognised and it had been an important consideration in the drawing up of the draft So Lo Pun OZP. Conservation zones, including “GB” and “CA” against which there was a general presumption against development, had been designated at suitable locations to protect the natural environment of So Lo Pun and the ecologically linked Plover Cove Country Park and the surrounding areas under the statutory planning framework;
- (vii) the sewage disposal including the STS system(s) of Small Houses would be considered by the concerned departments (including EPD, DSD, WSD, AFCD and PlanD) during the processing of Small House grant applications by LandsD. The arrangement of sewage disposal works should comply with the requirements from the relevant government departments;

- (viii) as stated in the ES of the draft So Lo Pun OZP, under the current practice and in accordance with ETWBTC(W) No. 5/2005, for development proposals/submissions that might affect natural streams/rivers, the approving/processing authorities should consult and collate comments from AFCD and relevant authorities. The use of septic tank as a sewage treatment and disposal option in rural areas with small population was permitted under Chapter 9 of the HKPSG. For protection of the water quality of the area, the design and construction of on-site STS for any development proposals/submissions needed to comply with relevant standards and regulations, including EPD's ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department". Operation and maintenance practices for septic tanks (e.g. desludging practices) were also given in EPD's "Guidance Notes on Discharges from Village Houses";
- (ix) according to EPD, in considering whether a site was suitable for septic tank construction for sewage treatment and disposal, a number of site-specific conditions needed to be taken into account such as percolation test result, proximity of rivers/streams, depth of ground water table, topography and flooding risks. Site-specific information was essential, particularly if the soil characteristics such as the soil textures were believed to be highly variable even on the same site. The percolation test was one of the requirements set out in ProPECC PN 5/93 which had to be followed by AP to determine the absorption capacity of soil and hence the allowable loading of a septic tank. This test would allow relevant parties to ascertain whether the soil condition was suitable for a septic tank to function properly for effective treatment and disposal of the effluent. The site-specific conditions of So Lo Pun would be taken account of in assessing the acceptability of the proposed STS system;

- (x) ProPECC PN 5/93 also set out the design standards, including soil percolation tests, and clearance distances between a septic tank and specified water bodies (e.g. ground water tables, streams, beaches, etc.), as well as clearance distances between buildings. These requirements would help identify the appropriate ground conditions suitable for the construction of septic tanks, and limit the density of houses to a certain extent;

Cumulative Impact Assessment

- (xi) when considering the draft So Lo Pun OZP, the Board had already taken into account all relevant planning considerations, including the advice of the relevant Government departments and public views. Neither TD nor HyD raised concern on the “V” zone from the traffic and transport infrastructure points of view;
- (xii) LandsD, when processing Small House grant applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications;

Notes of the Plan

- (xiii) as the planning intention of the “V” zone was to provide land for NTEH, it was appropriate to put NTEH in Column 1 of the “V” zone;
- (xiv) AFCD had reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ to Column 2 of conservation zones from agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Planning permission from the Board was required for works relating to diversion of streams,

filling of land/pond or excavation of land which might cause adverse impacts on the natural environment. Taking into account the above factors, AFCD considered that there was no strong justification for imposing more stringent control on Column 1 uses in the relevant zones;

(xv) 'Barbecue Spot' and 'Picnic Area' referred to facilities operated by the Government and excluded sites that were privately owned and/or commercially operated. 'Public Convenience' referred to any latrine within the meaning of the Public Health and Municipal Services Ordinance (Cap. 132) and any bathhouse maintained, managed and controlled by the Government for use of the public, and 'Tent Camping Ground' referred to any place opened to the public where tents were put only for temporary lodging for recreational or training purpose. Again, this was a facility designated by the Government. AFCD considered that such uses might not have significant adverse impacts on sensitive habitats and thus there was no strong justification for putting these uses under Column 2 of "GB", CA" and "CPA" zones;

(xvi) LandsD, when processing Small House applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. If a food business was to be carried out at the premises, a food business licence was required to be obtained from FEHD. As such, there was no strong justification to place 'NTEH', 'Eating Place' and 'Shop and Services' under Column 2 of the "V" zone;

Adequacy of "GB" zone

(xvii) AFCD had emphasised more on the preservation of habitats with high conservation value rather than records of individual

species or specimens of conservation interest. Important habitats such as mature native woodlands and the riparian zone of So Lo Pun Stream as well as the wetland, which could provide suitable habitats supporting a variety of species, were covered by conservation zonings. In general, these habitats were supporting various species of conservation interest;

(xviii) AFCD considered that the “GB” zone was appropriate since the area consisted of relatively disturbed, young woodland that had developed from abandoned agricultural land and the upper section of So Lo Pun Stream was not an EIS;

(xix) “GB” was a conservation zone and there was a general presumption against development within “GB” zone. Any Small House development would require planning permission from the Board. Relevant departments would be consulted to ensure that no adverse environmental, ecological and landscape impacts, among others, would be brought about to the surroundings including So Lo Pun Stream and the wetland;

Designation of CPEs as Country Parks

(xx) as announced in the 2010-11 Policy Address, the Government undertook to either include the remaining 54 CPEs into country parks, or determine their proper uses through statutory planning, so as to meet the conservation and social development needs. For a CPE to be protected by a statutory plan, the general planning intention of the CPE was to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House developments by the indigenous villagers of the existing recognised villages within the area; and

(xxi) designation of country park was under the jurisdiction of

CMPA governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board;

- (y) the responses to the proposals in the representations as detailed in paragraph 5.14 of TPB Paper No. 9645 were summarised below:

Group 1

Rezoning of the wetland including part of the EIS adjacent to the breakwater from “CA” to “GB”

- (i) the area adjacent to the breakwater proposed to be rezoned to “GB”, which covered part of the EIS, wetland and mangrove stand, etc., was part of the wetland system of So Lo Pun with significant ecological value. The current “CA” zoning for the area was appropriate;

Rezoning of the wetland/pond and the adjoining areas including part of the EIS from “CA” and “GB” to “REC” and “AGR”

- (ii) part of the long stretch of level land comprising the wetland complex should be retained for conservation purpose while the adjoining natural habitats should be designated as “GB”. There were no concrete recreation proposals submitted by any interested parties so far. In view of the above, there was no strong justification to rezone the wetland and adjoining areas from “CA” and “GB” to “REC”. Agricultural use was a Column 1 use in all zones and planning permission from the Board was not required;

Rezoning of the ex-village school and the adjoining area from “GB” and “CA” to “G/IC”

- (iii) there was presently no population in the area and the total population upon full development was about 1,000 persons. There was no requirement for specific government, institution and community (GIC) facilities for the moment;

- (iv) 'Village Office' use was always permitted in the "V" zone. For development of village office and visiting centre within the "GB" zone, they could be considered by the Board upon application on individual merits;

Notes of the rezoning proposals

- (v) there was no detailed information in the submissions to justify the proposed rezoning to "GB", "REC", "G/IC" and "AGR". The Notes of respective zonings should be based on the Master Schedules of Notes (MSN) agreed by the Board and there was no information provided to justify the additional uses in "GB", "REC", "G.IC" and "AGR" zones as proposed by the representers;

Designating areas shown as 'Road' on the OZP

- (vi) there was neither planned/committed access road to be proposed in the So Lo Pun Area. According to the Notes of the draft So Lo Pun OZP, geotechnical works, local public works, road works and such other public works co-ordinated or implemented by Government were always permitted;

Group 2

Designating the upper section of So Lo Pun Stream and its tributaries, the riparian zones and the adjoining secondary woodland as "CA"

- (vii) according to AFCD, a natural stream flows across the So Lo Pun area in the south-west to north-east direction, the downstream part of which was identified an EIS and this part of the stream formed part of the wetland complex in the area which had been designated as "CA" zone. However, the upper part of the stream was yet to be designated as EIS which required further investigation. In view of the above, it was not appropriate to designate the upper part of the stream as

“CA”;

- (viii) for development proposals that might affect natural rivers/streams and the requirement of on-site STS system, there were relevant regulatory mechanisms including ETWBTC(W) No. 5/2005 and EPD’s ProPECC PN 5/93;
- (ix) the riparian zone and the adjoining woodland were zoned “V” and “GB” on the draft OZP. Except for those located near the village clusters which were considered suitable for village expansion, these wooded areas formed a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park. The “GB” zoning was appropriate for providing planning control and protection to the upstream area and woodland;

Rezoning seagrass bed and the adjoining mangrove from “CA” to “SSSI”

- (x) the proposal of protecting the seagrass and mangrove by conservation zonings was supported. However, there was currently insufficient justification to designate the area concerned as “SSSI” and AFCDD did not have any plan to designate the area as SSSI; and

Designation of CPEs as Country Parks

- (xi) whether a specific CPE should be included in the country park or not was under the jurisdiction of CMPA under the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board;

Responses to Grounds of Comments

- (z) the major grounds of the comments and the responses highlighted in Annex IV of TPB Paper No. 9645 were similar to those raised by the

adverse representations as summarised above; and

PlanD's Views

- (aa) the representations in both Group 1 and Group 2 were not supported and no amendment should be made to the draft So Lo Pun OZP to meet these representations.

Pak Lap OZP

11. With the aid of a Powerpoint presentation, Mrs Alice K.F. Mak made the following main points in respect of the draft Pak Lap OZP as detailed in TPB Paper No. 9646:

Background

- (a) on 27.9.2013, the draft Pak Lap OZP No. S/SK-PL/1 was exhibited for public inspection under section 5 of the Ordinance. A total of 10,665 valid representations and 3,665 comments were received;

The Representations

- (b) except one representation (R10736) submitted by a local villager supporting the draft Pak Lap OZP, all the remaining representations opposed the draft OZP and their views could be generally categorised into two groups:
 - (i) Group 1 comprising 795 representations (R1 to R798 and R10737) submitted by individuals and the villagers mainly objecting to the insufficient "V" zone to satisfy the demand for Small House developments; and
 - (ii) Group 2 comprising 9,870 representations (R799 to R10735 and R10738 to R10775) submitted by Legislative Councillors,

a DC member, green/concern groups and individuals mainly objected to the large area of the “V” zone on the grounds that it was based on unrealistic Small House demand figures without verification. As 40% of the “V” zone was owned by private development companies and with bad record of ‘destroy first, build later’, they worried that it would set a bad precedent to encourage private developments;

Grounds of Supportive Representations (R10736)

- (c) the main grounds of the supportive representation as detailed in paragraph 2.3 of TPB Paper No. 9646 were summarised below:
 - (i) the draft Pak Lap OZP was supported as it could facilitate the development of Pak Lap Village. Although there was a need to protect the natural environment, the indigenous villager rights to build Small Houses and the landowners’ rights should be respected; and
 - (ii) there was a need to provide vehicular access to Pak Lap which was essential to the villagers’ future development;

Grounds of Adverse Representations

- (d) the major grounds of adverse representations in Group 1 (R1 to R798 and R10737) as detailed in paragraph 2.4 of TPB Paper No. 9646 were summarised below:

Size of “V” Zone

- (i) the “V” zone could not satisfy the demand for Small Houses and the future village development. The relevant authority had not considered the historical culture and ‘fung shui’ that shaped the layout of the whole village. The old village of the

indigenous inhabitants once faced Pak Fu Shan (白虎山) at its southwest. Due to poor 'fung shui', all male grown-ups died before the age of 40. Therefore, the entire village had been relocated to the present location to escape from the ill fate. While the "V" zone was irregular in shape and would lead to waste of developable land, some local villagers had no private land for Small House development and thus, expansion of the "V" zone to the south-western part of the existing village including Government land within the zone was required;

Inadequate Infrastructure

- (ii) the Pak Lap area was not served by any road or infrastructural and utility services such as public toilet, television and/or radio transmitter installation. Such facilities should be provided;

Designation of "CA" Zone

- (iii) the relevant departments, including AFCD, had neither conducted any consultation exercise nor elaborated on their conservation intention. No assessment report had been made available; and

Feasibility of "Agriculture" ("AGR") Zone

- (iv) vehicles and farmers' carts were restricted within the country park area. As there was no plan for agricultural rehabilitation, the local villagers worried that the "AGR" zone would limit the chance of Small House development;
- (e) the grounds of adverse representations in Group 2 (R799 to R10735 and R10738 to R10775) as detailed in paragraph 2.5 of TPB Paper No. 9646 were summarised below:

Size and Designation of “V” Zone

Small House Demand

- (i) the “V” zone of about 2.37 ha was considered excessive. There would be 79 houses in the “V” zone. According to the 2011 Census, the population in Pak Lap was less than 50 persons. Justifications should be provided for designating such a large “V” zone;
- (ii) the demand for Small House was infinite and had been determined without any justifications and verification. The prevailing Small House Policy was unsustainable and majority of applications were abusing the policy;
- (iii) restraints on alienation of ancestral or inherited village land should be enforced so that Small Houses remained within the ownership of the indigenous villagers as far as possible;
- (iv) the majority of land in the “V” zone had been sold to private developers. There were worries that the land would eventually become residential developments by private developers;
- (v) the “V” zone would set a bad precedent for other CPEs as Pak Lap was an area with records of suspicious ‘destroy first, build later’ practices in the past;

Impact on Natural Habitats

- (vi) Pak Lap, especially its secondary woodland, supported a diverse population of different fauna groups and was ecologically linked to the surrounding Sai Kung East (SKE) Country Park. High diversity of butterflies (37 species) and birds (55 species) had been recorded in Pak Lap;

- (vii) Pak Lap Wan was a habitat for *Amphioxus* (lancelet) (文昌魚). Chinese Striped Terrapin (中華花龜) and Chinese Bullfrog (虎皮蛙) had been found in the stream;
- (viii) some Water Ferns (水蕨) (listed under Class II protection in China) were found on the wet abandoned field within the “V” zone, and would be affected by the proposed Small House developments;
- (ix) possible roads in association with the residential developments would further damage the natural environment. The increased number of vehicles using Man Yee Road would pollute the water gathering ground of High Island Reservoir;
- (x) the downstream country park area would be significantly degraded by the potential pollutants brought about by the Small House developments. The ecological integrity of Pak Lap Wan would be affected;

Environmental Impact on Pak Lap Wan

- (xi) Pak Lap was not provided with public sewerage system. The sewage from Small Houses would only be treated by on-site STS systems. There was no road access to the area and proper maintenance of the STS system was in doubt. Pollutants would be discharged into water bodies nearby and pollute the environment;
- (xii) the STS could only provide a minimum level of sewage treatment. The effluent from a septic tank still carried a very high nutrient, organic and microbiological loads which could only be effectively attenuated in circumstances where the ground conditions were suitable and development density was low. The STS system was often not effective in removing

pollutants in the long run because of inadequate maintenance and with the increase in number of septic tanks;

- (xiii) the underlying surface sediment in Pak Lap comprised porous and highly permeable deposits, which allowed for rapid drainage. Adequate purification could not be achieved by the STS system before the wastewater reached the sea. Cumulative sewage percolation to the surrounding areas would occur;

Cumulative Impact Assessment

- (xiv) there was a lack of relevant surveys/assessments, including environmental, drainage, landscape, and traffic on the potential cumulative impacts of the additional Small Houses on the area. The carrying capacity for individual enclave sites and the overall capacity of all CPEs should be carefully studied before an informed and responsible decision on land use and Small House number could be made;
- (xv) there was no plan to improve the infrastructure (e.g. sewerage, road access, carparking and public transport) to support new developments at So Lo Pun and visitors to the area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of Pak Lap and to prevent the existing village from polluting the area;

Notes of the Plan

- (xvi) to prevent environmentally sensitive land from being destroyed in ecological terms (e.g. bogus agricultural activities) prior to applying for a change of land use, 'Agricultural Use', 'On-Farm Domestic Structure', 'Barbecue Spot', 'Picnic Area', 'Public Convenience' and 'Tent Camping Ground' in "CA" and "V" zones should not be allowed or should be Column 2

uses requiring planning permission from the Board;

- (xvii) stricter planning control should be imposed. Planning permission should be required for 'NTEH', 'Eating Place' and 'Shop and Services' uses and any demolition, addition, alteration and/or modification to an existing building in the "V" zone;

Designation of CPEs as Country Park

- (xviii) the objective of the CPE policy was to protect the enclaves against "immediate development threats" from "incompatible developments" such as extensive new Small Houses built on agricultural land and near forests and streams. However, most of the OZPs prepared for the enclaves had included expanded "V" zones that would cause "immediate development threats" on a larger scale. This contradicted the stated CPE policy and failed to comply with the ICBD; and
- (xix) the CPEs were well connected with the adjoining country parks from the ecological, landscape and recreational points of view. They should be incorporated into country parks so that developments would be subject to scrutiny by CMPB and AFCDD, and put under active management including habitat and amenity improvements, regular patrols and surveillance, and enforcement actions against irregularities;

Representers' Proposals

- (f) the proposals of the representations in Group 1 as detailed in paragraph 2.6 of TPB Paper No. 9646 were summarised below:
 - (i) to rezone the south-western part of the existing Pak Lap village from "CA" to "GB" and "V" to facilitate village expansion;

and

- (ii) to rezone the piece of land at the southern part of Pak Lap from “CA” to “G/IC” for provision of a public toilet and television and/or radio transmitter installation;
- (g) the proposals of the representations in Group 2 as detailed in paragraph 2.7 of TPB Paper No. 9646 were summarised below:
- (i) the “V” zone should be limited to the existing village area, two-thirds of the “V” zone should be reduced. Only the area to the west of the existing stream could be allowed for development. The area to the east of the existing stream should be rezoned to “CA”;
 - (ii) the “V” zone was bisected by a stream leading to Pak Lap Wan, and construction and sewage impacts from Small House developments might affect the stream. Buffer zone should be set up to separate the stream from the Small House developments within the “V” zone. The stream and its riparian areas should be rezoned to “CA”, and the STS system should be located at least 30m from the watercourses;
 - (iii) some isolated Water Fern were found in the wet abandoned field within the “V” zone. It was suggested that the wet abandoned field be rezoned from “V” to “CA”;
 - (iv) Pak Lap should be designated as a country park to protect its ecologically sensitive areas and the DPA Plan should be extended for at least one year to allow for the required process. In the interim, the “V” and non-conservation zonings could be rezoned to “U” to protect the natural environment; and
 - (v) the “AGR” zone was located in an area of young plantation

species and man-made pond. This area was hydrologically linked to the stream which drained into Pak Lap Wan. Surface runoff from farming activities would result in the increase of organic content in the stream and Pak Lap Wan. It was suggested that the area be rezoned from “AGR” to “CA” or “GB” to prevent the degradation of water quality;

Comments

- (h) among the 3,665 comments received, 3,655 comments (C1 to C3656 and C3661 to C3663) were mainly submitted by green/concern groups and individuals supporting the representations in Group 2 on the grounds that the excessive area of “V” zone would increase the threats to the ecology, landscape and recreation values of the country park;
- (i) the remaining 10 comments (C3657 to C3660 and C3664 to C3669) did not indicate the representations to which the comments were related but raised objection to the draft Pak Lap OZP and opposed the excessive “V” zone;

Planning Considerations and Assessments

The Representation Sites and their Surrounding Areas

- (j) the representation sites covered the whole OZP area;
- (k) the Planning Scheme Area of Pak Lap (the Pak Lap Area), covering a total area of about 6.8 ha, was located at the southern coast of Sai Kung peninsula, about 9.5 km to the south-east of Sai Kung Town, and was completely encircled by the SKE Country Park. There were mountain ranges to its east, north and west. To the south of the Pak Lap Area was the scenic coastline, including the beach of Pak Lap Wan which had also been designated as part of the SKE Country

Park;

- (l) the Pak Lap Area was characterised by a rural and countryside ambience, comprising mainly village houses, shrubland, woodland, grassland, fallow agricultural land and streamcourses. Pak Lap was the only recognised village in the Pak Lap Area and village houses were mainly two to three storeys in height. The main cluster of village houses was in the middle of the Pak Lap Area, most of them were vacant while some of them were still being used for habitation. The eastern and northern parts of the Pak Lap Area were fallow agricultural land and become regenerated grassland. A stream flowed across the Pak Lap Area from north to south into Pak Lap Wan. Further north of the Area was the High Island Reservoir;

Planning Intention

- (m) the general planning intention of the Pak Lap Area was to protect its high natural landscape value, to protect its natural and rural character which complemented the overall naturalness and the landscape beauty of the surrounding SKE Country Park and to make provision for future Small House development for the indigenous villagers of Pak Lap;
- (n) the planning intention of “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as country park from the adverse effects of development. There was a general presumption against development in this zone;
- (o) the planning intention of “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other

agricultural purposes;

- (p) the planning intention of “V” zone was to designate both existing recognised village and areas of land considered suitable for provision of village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services;
- (q) the planning intention of “G/IC” zone was primarily for the provision of government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory;

Consultation

- (r) on 11.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Pak Lap Area. On 26.4.2013, the Board gave preliminary consideration to the draft Pak Lap OZP and agreed that the draft OZP was suitable for submission to the Sai Kung District Council (SKDC) and the Sai Kung Rural Committee (SKRC) for consultation;
- (s) SKRC and SKDC were consulted on 30.4.2013 and 7.5.2013 respectively. SKDC requested for an expansion of the “V” zone for village type development and the provision of vehicular access within the Pak Lap Area. SKRC objected to the draft OZP as the zoning could affect the development rights of villagers. The VR of Pak Lap Village had submitted a counter-proposal to rezone the north-western and south-western parts of the existing Pak Lap Village from “CA” to “GB” and “V” zones to facilitate village expansion. The local villagers also suggested rezoning a piece of land in the southern part of Pak Lap from “CA” to “G/IC” for the provision of public toilet and

television and/or radio transmitter installation;

- (t) the green/concern groups were of the view that the “CA” was supported but the “V” zone was too large. There was a view that except a minimal “V” zone to accommodate the existing village, the entire Pak Lap should be designated as country park. Since part of the stream fell within the “V” zone, construction and sewage impacts from Small House developments might affect the stream. The stream and its riparian areas within the “V” zone should be rezoned to “CA”;
- (u) on 13.9.2013, the draft Pak Lap OZP, together with comments received from SKDC, SKRC, green/concern groups as well as other public comments, were submitted to the Board for further consideration. The Board noted the comments and agreed that the draft Pak Lap OZP was suitable for exhibition for public inspection. On 27.9.2013, the draft Pak Lap OZP No. S/SK-PL/1 was exhibited for public inspection under section 5 of the Ordinance;

Responses to Grounds of Representations and Representers' Proposals

- (v) the views of the supportive representation (R10736) were noted;
- (w) the responses to the grounds of representations and representers' proposals as detailed in paragraph 5.14 of TPB Paper No. 9646 were summarised below:

Size and Designation of “V” zone

- (i) in drawing up the draft OZP and its land use proposals, special attention had been given to protect the ecological and landscape significance of the Pak Lap Area having regard to the wider natural system of the SKE Country Park;

- (ii) there was a need to designate “V” zone at suitable locations to meet the Small House demand of indigenous villagers. The boundaries of the “V” zone had been drawn up after considering the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics. Only land suitable for Small House development had been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography had been excluded. During the course of preparing the draft OZP, views and comments from relevant stakeholders including SKDC, SKRC, villagers and green/concern groups and government departments had been taken into account in drawing up the “V” zone;

- (iii) the central and northern parts of Pak Lap were fallow agricultural land overgrown with grass and shrubs. As the grassland in the central part of Pak Lap was flat, close to the existing village and large enough to meet the outstanding and the 10-year forecast demand for Small House development, it was an optimal location for “V” zone. As such, the grassland in the central part of Pak Lap (1.81 ha) was reserved to meet the 10-year forecast demand, together with the existing village and the area approved for Small House and NTEHs development (0.56 ha), a total of 2.37 ha were designated as “V”;

- (iv) the Small House demand forecast was only one of the many factors in designating the “V” zones. The forecast was provided by the Indigenous Inhabitant Representatives to LandsD and could be subject to changes over time. Though there was no mechanism in the planning stage to verify the authenticity of the figures, the respective DLO would verify the status of the Small House applicant at the stage of Small House grant application. The current “V” zone on the draft

OZP had an area of about 2.37 ha which was only 34% of the 'VE' of Pak Lap (6.85 ha);

- (v) land within the "V" zone, be it privately owned or government land, was subject to the planning intention that land within this zone was primarily for development of Small Houses by indigenous villagers. Whilst 'House (NTEH only)' was a use always permitted, 'Flat' and 'House (not elsewhere specified)' were uses which required planning permission of the Board. As such, there was sufficient control in the draft OZP in that land within "V" zone would be used for Small House development;

Environmental Impact on Pak Lap Wan

- (vi) the sewage disposal including the STS system(s) of Small Houses would be considered by concerned departments (including EPD, DSD, WSD, AFCD and PlanD) during the processing of the Small House application by LandsD. The arrangement of sewage disposal works should comply with the requirements from the relevant government departments;
- (vii) as stated in the ES of the draft Pak Lap OZP, under the current practice and in accordance with ETWBTC(W) No. 5/2005, for development proposals/submissions that might affect natural streams/rivers, the approving/processing authorities should consult and collate comments from AFCD and relevant authorities. The use of septic tank as a sewage treatment and disposal option in rural areas with small population was permitted under Chapter 9 of the HKPSG. For protection of the water quality of Pak Lap Wan, the design and construction of on-site STS system for any development proposals/submissions needed to comply with relevant standards and regulations, including EPD's ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental

Protection Department”. Operation and maintenance practices for septic tanks (e.g. desludging practices) were also given in EPD’s “Guidance Notes on Discharges from Village Houses”;

- (viii) according to EPD, in considering whether a site was suitable for septic tank construction for sewage treatment and disposal, a number of site-specific conditions needed to be taken into account such as percolation test result, proximity of rivers/streams, depth of ground water table, topography and flooding risks. Site-specific information was essential, particularly if the soil characteristics such as the soil textures were believed to be highly variable even on the same site. The percolation test was one of the requirements set out in ProPECC PN 5/93 which had to be followed by AP to determine the absorption capacity of soil and hence the allowable loading of a septic tank. This test would allow relevant parties to ascertain whether the soil condition was suitable for a septic tank to function properly for effective treatment and disposal of the effluent. The site-specific conditions of Pak Lap would be taken account of in assessing the acceptability of the proposed STS system;

- (ix) ProPECC PN 5/93 also set out the design standards, including soil percolation tests, and clearance distances between a septic tank and specified water bodies (e.g. ground water tables, streams, beaches, etc.), as well as clearance distances between buildings. These requirements would help identify the appropriate ground conditions suitable for the construction of septic tanks, and limit the density of houses to certain extent;

Cumulative Impact Assessment

- (x) when considering the draft Pak Lap OZP, the Board had taken into account all relevant planning considerations, including the

advice of the relevant Government departments and public views. Neither TD nor HyD raised concern on the “V” zone from the traffic and transport infrastructure points of view;

- (xi) LandsD, when processing Small House grant applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications;

Notes of the Plan

- (xii) as the planning intention of the “V” zone was to provide land for NTEH, it was appropriate to put NTEH in Column 1 of the “V” zone;

- (xiii) AFCD had reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ to Column 2 of the “V” and “CA” zones from agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Planning permission from the Board was required for works relating to diversion of streams, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment. Taking into account the above factors, AFCD considered that there was no strong justification for imposing more stringent control on Column 1 uses in the relevant zones;

- (xiv) ‘Barbecue Spot’ and ‘Picnic Area’ referred to facilities operated by the Government and excluded sites that were privately owned and/or commercially operated. ‘Public Convenience’ referred to any latrine within the meaning of the Public Health and Municipal Services Ordinance (Cap. 132) and any bathhouse maintained, managed and controlled by the Government for use of the public, and ‘Tent Camping Ground’

referred to any place opened to the public where tents were put only for temporary lodging for recreational or training purpose. Again, this was a facility designated by the Government. AFCD considered that such uses might not have significant adverse impacts on sensitive habitats and thus there was no strong justification for putting these uses under Column 2 of the zones concerned;

- (xv) LandsD, when processing Small House applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. If a food business was to be carried out at the premises, a food business licence was required to be obtained from FEHD. As such, there was no strong justification to place 'NTEH', 'Eating Place' and 'Shop and Services' under Column 2 of the "V" zone;

Inadequate Infrastructure

- (xvi) according to the 2011 Census, the total population of the Pak Lap Area was less than 50 persons. At present, the Pak Lap Area was supplied with potable water, electricity and telephone services. Relevant works departments would keep in view the need for infrastructure in future subject to resources availability. Flexibility had been provided in the Notes of the draft Pak Lap OZP for geotechnical works, local public works and environmental improvement works co-ordinated or implemented by the Government, which were generally necessary for provision, maintenance, daily operations and emergency repairs of local facilities for the benefit of the public and/or environmental improvement;

Designation of CPEs as Country Parks

- (xvii) as announced in the 2010-11 Policy Address, the Government undertook to either include the remaining 54 CPEs into country parks, or determine their proper uses through statutory planning, so as to meet the conservation and social development needs. For a CPE to be protected by a statutory plan, the general planning intention of the CPE was to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House developments by the indigenous villagers of the existing recognised villages within the area; and

- (xviii) designation of country park was under the jurisdiction of CMPA governed by the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board; and

- (xix) AFCD commented that whether a site was suitable for designation as a country park should be assessed against the established principles and criteria, which included conservation value, landscape and aesthetic value, recreation potential, size, proximity to existing country parks, land status and existing land use. The CMPA would also seek the advice of CMPB in respect of the proposed country parks;

- (x) the responses to the proposals in the representations as detailed in paragraph 5.14 of TPB Paper No. 9646 were summarised below:

Group 1

Rezoning of the “CA” zone to “V” and “GB”

- (i) AFCD advised that the wooded areas at the periphery of Pak Lap consisted of relatively undisturbed, native woodland where a high diversity of plants, including protected species, could be found. Regarding the proposal for rezoning to “GB”, AFCD advised that woodland was of similar quality and there

were little ecological grounds to differentiate the proposed “GB” and “CA” areas which in fact formed a continuous woodland integrated with the adjoining SKE Country Park. To preserve the native woodland and to maintain a buffer between the village area and the surrounding SKE Country Park, rezoning the woodland was not supported from the nature conservation point of view;

Rezoning a piece of land at the southern part of the Pak Lap Village from “CA” to “G/IC”

- (ii) the Office of the Communications Authority would keep in view the needs and forward the requests to the services providers when necessary. As to the requested provision of public toilet, a site at the southern part of the existing village was zoned as “G/IC” for the provision of public toilet and a Government Refuse Collection Point to serve the needs of the local residents and tourists;

Group 2

The “V” zone should be limited to the existing village area

- (iii) the responses to grounds of representations stated in paragraph 9(w)(i) to (iv) above were relevant;

The Stream and its riparian area should be rezoned to “CA”

- (iv) the responses to grounds of representations stated in paragraph 9(w)(vi) to (ix) above were relevant;

Rezoning the Area with Water Fern from “V” to “CA”

- (v) while water ferns were found scattered in the abandoned wet agricultural land on the eastern side of Pak Lap, AFCD advised that the colony was small and its occurrence was subject to site conditions. The proposed “CA” zone was not justified;

Designation of CPEs as Country Parks

- (vi) whether a specific CPE should be included in the country park or not was under the jurisdiction of CMPA under the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board;

Rezoning of "AGR" to "CA" or "GB" Zone

- (vii) AFCD advised that the fallow terraced field and ponds had good potential for rehabilitation into agricultural use and the area should be designated as "AGR" to retain and safeguard good quality land/farm/fish ponds for agricultural purpose. To ensure that activities within the "AGR" zone would not result in adverse environmental impact, the Notes of the draft OZP had stipulated that any diversion of stream, and filling of land/pond within "AGR" zone required planning permission from the Board; and
- (viii) livestock rearing activities in the "AGR" zone in Pak Lap were prohibited under the Waste Disposal Ordinance. It was not anticipated that major organic pollution to the stream and Pak Lap Wan would be caused by farming activities not related to livestock rearing;

Responses to Grounds of Comments

- (y) the major grounds of the comments and the responses highlighted in Annex IV of TPB Paper No. 9646 were similar to those raised by the representations as summarised above; and

PlanD's Views

- (z) PlanD's views on the representations were:

Supportive Representation

- (i) the supportive views of R10736 were noted; and

Adverse Representations

- (ii) the representations in both Group 1 and Group 2 were not supported and no amendment should be made to the draft Pak Lap OZP to meet these representations.

[The meeting was adjourned for a 5-minute break.]

12. The Chairman invited the representers and the representers' representatives in respect of all three draft OZPs to elaborate on their representations.

R18 - 翁煌發

13. Mr Yung Wong Fat made the following main points:

- (a) he was the Village Representative (VR) of Hoi Ha Village;
- (b) the preparation of draft OZP for Hoi Ha was welcomed because good planning could enable village expansion and environmental improvement, and achieve a balance between development and conservation;
- (c) the villagers had all along been expressing their viewpoints and aspirations in an objective and reasonable manner. However, they felt aggrieved that the accuracy of Small House demand figures had been subject to dispute by other representers;
- (d) Small House demand figure was essential information for consideration of the "V" zone designation on the statutory plan. To demonstrate the accuracy of Small House demand figures for Hoi Ha,

a list showing the number and relevant information of the male indigenous villagers of Hoi Ha, including their tribal origin, name, identification number and telephone number, had been prepared for information of the Board and PlanD and tabled at the meeting. The list showed that the updated future Small House demand, after discounting those villagers who had passed away and those who had already exercised their Small House right, was 97. As such, the Small House demand forecast of 84 provided for preparation of the draft Hoi Ha OZP was not exaggerated, as alleged by other representers, but underestimated;

- (e) according to the draft Hoi Ha OZP No. S/NE-HH/1 exhibited on 27.9.2013, about 2.6ha of land were zoned “V”, which was 11% smaller than the area of the village ‘environs’ (‘VE’) of Hoi Ha (about 2.92 ha). Although the area of “V” zone could only satisfy about 68% of the total Small House demand, such proposal was acceptable to the villagers taking into account the inadequacy of sewage treatment facilities and the need to conserve the woodland areas in Hoi Ha;
- (f) according to PlanD’s latest proposal as shown on Plan H-4 of TPB Paper No. 9644, the western portion of the “V” zone was proposed to be rezoned to “GB(1)”. As a result, the area zoned “V” would be reduced to 1.95ha, which could only accommodate about 40 Small Houses and satisfy about 43% of the Small House demand. Moreover, planning application for new Small House developments was not provided for in the “GB(1)” zone. In the light of the above, the villagers of Hoi Ha strongly objected to PlanD’s latest proposals;
- (g) with insufficient land zoned “V” on the draft Hoi Ha OZP, there would be disputes among villagers regarding the land for Small House development, thus damaging the harmony of the village;
- (h) the villagers had been adopting a sensible and reasonable approach

towards nature conservation. While they had no objection to the “GB” zoning of the mature woodland and undulating land within the ‘VE’, they also accepted an area to the west of the village cluster, which was smaller than the ‘VE’, for village expansion. However, the concerned area was described by the green groups as ‘secondary woodland’ and according to PlanD’s latest proposal, it was proposed to be rezoned from “V” to “GB(1)”. It was queried if the green groups had provided sufficient information and justifications to demonstrate the high conservation value of the concerned area which, according to on-site observation, was mainly abandoned farmland overgrown with grass and covered with debris. It would be grossly unfair to the villagers if the Government considered the protection of woodland with insignificant conservation value to be more important than the development needs of the villagers;

- (i) the indigenous villagers had been good citizens in following Government’s requirements to provide the STS system as sewage treatment facilities for Small House developments. However, the green groups still used the reason of sewerage and environmental impacts to restrict village developments. While the villagers of Hoi Ha had been urging the Government to provide public sewage treatment facilities to serve them, a private lot owner in Hoi Ha had recently offered his land for providing a sewage treatment system for the village. It was hoped that future village development would no longer be constrained by sewage treatment issues; and
- (j) the villagers of Hoi Ha proposed to maintain the “V” zoning of the area to the west of the existing village cluster; or to designate that area with a new “V(1)” zoning with ‘House (NTEH provided with non-STS system as sewage treatment installation only)’ instead of ‘House (NTEH only)’ use as a Column 1 use.

R28 - 陳祖旺

14. Mr Chan Cho Wong made the following main points:

- (a) many planning applications for Small House developments within “GB” zones had been rejected by the Board in the past. The unlimited expansion of “CA” and “GB” zones would have adverse impact on the housing land supply. A lack of flat supply might cause social unrests such as those riots in the 1950s and 1960s;
- (b) nature conservation was a public matter which should be implemented fairly to all stakeholders. For those private property rights affected by nature conservation, compensating measures to the landowners such as land exchange or cash compensation should be considered. Otherwise, the Basic Law would be contravened;

[Dr C.P. Lau left the meeting temporarily at this point.]

- (c) in the Mainland, native people living in Jiuzhaigou National Park were compensated with residences within the national park, and farmers would be given compensation by the Government upon resumption of their land for development. The situation in Hong Kong was worse than that of the Mainland as landowners would not receive any form of compensation if his private land was zoned for conservation purpose;
- (d) it was unfair that compensation was given to non-indigenous villagers of Choi Yuen Tsuen in the case of the Express Rail Link, but not for the legal landowners and indigenous villagers affected by conservation zonings; and
- (e) his comments would be voiced out to the Chinese Government if necessary.

[Actual Speaking Time of R28: 11 minutes]

R32 - 李耀斌

15. Mr Lee Yiu Ban made the following main points:

- (a) a letter of his verbal submission was tabled at the meeting;
- (b) a large number of representations had alleged that the sizes of the “V” zones were excessive. It was mainly because the ‘VEs’ were not indicated on the DPA plans, thus giving the impression that the concerned villages were very small or even not in existence. Therefore, when the three draft OZPs were published, there were strong reactions against the sizes of the “V” zones. The ‘VE’ boundaries should be duly considered in the plan-making process of DPA plans;
- (c) the claim by some representers that the planned population of some CPEs was a drastic increase as compared with the existing zero or low population of the areas was unfair to the villagers and misleading to the public. Taking So Lo Pun as an example, there existed over 100 houses in the village in the past. However, after the diversion of watercourses for construction of reservoirs and the designation of country parks, the farming activities had diminished and the provision of road access had become infeasible. As such, villagers could no longer sustain their living in the village and had gradually moved out from the village to work or attend school. When most villagers moved out, the village had become derelict;
- (d) indigenous villagers had a strong sense of home-belonging. They also had great aspirations for sustaining the development of their own villages for their next generation. The fact that no people were living in the villages did not mean that the indigenous villagers had no intention to rehabilitate their villages. The draft OZPs should

cater for the rehabilitation of villages;

- (e) the Government should consider conserving and rehabilitating the villages by providing appropriate supporting facilities so that villagers could return and live in the villages. The provision of road access and rehabilitation of agricultural activities were essential, while the latter could also enrich the food chains and biodiversity, thus benefiting the natural environment;
- (f) the benefit of incorporating the CPEs into country parks was insignificant given their relatively small area in aggregate as compared with that of the country parks;
- (g) the Small House demand figures provided by the VRs of the villages to the Government were accurate and supported with evidence, as demonstrated by the list of villagers eligible for Small House right in Hoi Ha prepared by R18;
- (h) indigenous villagers would only apply for Small House grants based on their needs and ability. Some villagers of Hoi Ha had passed away without exercising their Small House rights, and only a small number of the villagers had applied for or had been granted with Small Houses in the past 20 years. The number of Small House grant applications was even smaller for So Lo Pun and Pak Lap which were not served by vehicular access. The alleged abuse of the Small House Policy by the villagers could not be established;
- (i) according to the list prepared by R18, the actual Small House demand of Hoi Ha Village was 97. However, only 1.6ha of land (equivalent to about 64 houses) was available for Small House development within the “V” zone on the draft Hoi Ha OZP No. S/NE-HH/1. On this basis, the “V” zone should be expanded by about 1 hectare to meet the actual Small House demand;

- (j) PlanD's latest proposal to rezone the area to the west of Hoi Ha Village from "V" to "GB(1)" was a fabricated disguise to restrict village development. There was also no merit in the proposed rezoning of the area to the east of Hoi Ha Village from "CA" to "GB" as there was no guarantee that Small House developments would be permitted within the proposed "GB" zone. PlanD's latest proposals would further reduce the area zoned "V" in Hoi Ha and were strongly objected to;
- (k) before the designation of HHW Marine Park in the mid-1990s, the villagers of Hoi Ha had expressed grave concerns on the possible adverse impacts of such designation on village development. It was after further explanation by the Government officials that HHW Marine Park would be confined to the water areas and would not affect the daily life and village development that the villagers had later withdrawn their objections against the marine park designation. To use the reason of potential pollution of HHW Marine Park for restricting village development in Hoi Ha was absurd;
- (l) it was the Government's responsibility to provide public sewage treatment facilities for the villagers. To minimise the potential impact on HHW, the Government should consider providing environmentally friendly sewage treatment facilities in Hoi Ha; and
- (m) the Board should take into account the needs of the villagers in making a decision on the three draft OZPs.

[Actual speaking time of R32: 17 minutes]

[Dr C.P. Lau returned to join the meeting at this point.]

R594 - 梁和平

16. Mr Leung Wo Ping made the following main points:

- (a) the Government appeared to have adopted double standards in respect of the planning of “GB” zones. On the one hand, the Government had been conducting reviews of “GB” zones to increase housing land supply. On the other hand, PlanD had proposed to expand the area zoned “GB” on the draft Hoi Ha OZP. According to past experience, the chance of approval for planning applications for Small House developments within “GB” zone was very slim;
- (b) the zoning proposals on the draft Hoi Ha OZP No. S/NE-HH/1 had been accepted by the Hee Yee Kuk and SKNRC after thorough discussion. PlanD’s latest proposal to reduce the “V” zone of Hoi Ha Village was unjustified. As Vice-chairman of SKNRC, it was his responsibility to reflect the views of SKNRC to the Board;
- (c) it was unreasonable for the green groups to use reasons such as environmental impacts, traffic congestion, pollution to rivers and coastlines, densely built villages and inadequate population to deter village developments. The villagers had well accepted that land was a scarce resource which should be used efficiently and effectively. As demonstrated by his own village, villages could be developed in a tidy and orderly manner after concerted efforts by the Government and villagers;
- (d) the beauty of Hoi Ha was attributed to the villagers’ past efforts in treasuring the village and protecting the natural environment. The shortage of land for village development had, however, caused overcrowding and environmental problems. Adequate space should therefore be allowed for village development;
- (e) the use of existing population and the number of outstanding Small House applications to determine the size of “V” zones was inappropriate. The history, development needs and sustainability of the villages should be taken into account; and

- (f) the westerners living in Hoi Ha Village were currently enjoying ample spaces in the village. They would object to any further development of the village as their interests would be adversely affected.

[Actual speaking time of R594: 10 minutes]

R795 – 李雲開

17. Mr Lee Wan Hoi made the following main points:

- (a) he was an indigenous villager of Tung Ping Chau and a member of the SKNRC. He shared the feelings of villagers of Hoi Ha, So Lo Pun and Pak Lap as Tung Ping Chau was facing the same problem of those villages;
- (b) ‘environment protection’ was a beautiful term but it could not guarantee good living environment for villagers. As the villagers had committed to protect the natural environment, their interests should also be protected;
- (c) no one would like to see his land designated for conservation purpose because his rights and interests in the land would be deprived of. Planning of villages should meet the needs of the villagers. The Government should provide adequate supporting facilities such as road access to help sustain the living of the villagers. However, the Government had not done anything to help improve the living conditions of the villagers or facilitate village development. The slogan ‘love country, love Hong Kong, love people’ was only an empty statement;
- (d) land was a valuable asset of the villagers. It was unreasonable to zone the villagers’ land for conservation purpose without any compensation or providing any benefits to the villagers in Hong Kong.

Even in the Mainland, compensation was provided to the affected villagers if their land was resumed;

- (e) the stringent planning controls on the use of the villagers' land had taken away the rights of the villagers. This might have contravened Article 41 of the Basic Laws;
- (f) while the area zoned "V" had been reduced, there was no guarantee that Small House development would be permitted within the proposed "GB" zone to the east of Hoi Ha Village; and
- (g) the balance of development and conservation should not be tilted towards the latter. The culture and living of villagers should be duly respected in the planning process.

[Actual speaking time of R795: 9 minutes]

18. The Chairman then invited the representers and the representers' representatives in respect of the draft Hoi Ha OZP to elaborate on their representations. The representers and the representers' representatives indicated that they would not make verbal submissions in the meeting.

19. The Chairman then invited the representers and the representers' representatives in respect of the draft So Lo Pun OZP to elaborate on their representations.

SLP-R10736 - 鎖羅盆村村務委員會聯同曾家裘測量師有限公司

20. With the aid of a Powerpoint presentation, Mr Thomas Tsang Ka Kau made the following main points:

- (a) in the light of the unique geographical setting of So Lo Pun, it was the intention of the villagers to conserve the natural environment based on human needs and to develop the So Lo Pun Village in an orderly and sustainable manner under the concept of 'eco-village'. It was

also the intention to encourage eco-tourism, facilitate local economy and to rehabilitate So Lo Pun Village in the context of the North East New Territories development strategy;

- (b) a picture taken in the 1960s showed that So Lo Pun was once a vibrant village with plenty of active paddy fields, and occupied by over 300 villagers. Since the designation of Sha Tau Kok as a Closed Area which restricted access to and from So Lo Pun Village, the daily lives of villagers had been adversely affected and they had started to move out of So Lo Pun to the urban areas or even overseas. It was estimated that over 300 villagers of So Lo Pun Village were now residing in other countries. These villagers had strong aspiration to move back to So Lo Pun to rehabilitate the village. They would also like to show to others the unique history and living experience of indigenous villagers;
- (c) the private landholding in So Lo Pun was concentrated in the valley and all private land was under the ownership of the villagers and their families;
- (d) the villagers of So Lo Pun had three main proposals to amend the draft So Lo Pun OZP, i.e. to expand the “V” zone; to rezone some parts of the “CA” zone to “V”, “REC”, “AGR” and “GB”; and to rezone an area zoned “GB” to “G/IC”;
- (e) the “V” zone designated on the draft So Lo Pun OZP was close to the natural slopes and the existing village houses in the northern part of the valley. Since the natural slopes had been subject to soil erosion and slope instability hazards, part of the “V” zone would not be suitable for village development and the residual area could only accommodate about 80 new Small Houses. It was therefore proposed to expand the area zoned “V” southwards to cover part of the “CA” zone. As a result, the area zoned “V” would be increased from 4.12 ha to 7.15 ha for accommodating about 188 new Small

Houses;

- (f) the “CA” zone on the draft So Lo Pun OZP was relatively large in size, with an area of 8.05ha and covered many private land. However, the ecological environment of So Lo Pun did not justify the designation of “CA” zoning. The EIS in So Lo Pun was the main source of potable water and irrigation water for villagers, which had been regulated through a system of fish ponds and sluice gates to avoid flooding and overflowing onto the agricultural fields. Moreover, the ecology of the “CA” zone had been disturbed by a breakwater located at the estuary in the north-east. As the breakwater was the main access to So Lo Pun and Lai Chi Wo and formed part of a popular route for tourists and hikers, the flora and fauna which could be found in the adjacent areas was not abundant and uncommon. It was proposed that part of the “CA” zone in the north-east be rezoned to “REC” and “GB” to facilitate low-density recreational uses with a view to promoting ecological tourism. It was also proposed that some farmland land and a pond adjacent to proposed “V” zone be rezoned from “CA” and “GB” to “AGR” to reflect the existing uses and to facilitate agricultural uses such as hobby farming;
- (g) to facilitate eco-tourism and to enhance the living condition of the village, it was proposed that an area in the north-eastern part of So Lo Pun occupied by the ex-Kai Ming School site be rezoned from “CA” and “GB” to “G/IC” to facilitate development of a village committee office, a tourist centre and other Government facilities. The ex-school site was a collective memory of the villagers and it was considered appropriate to reuse it as a tourist/education centre to showcase the history of So Lo Pun to the people of Hong Kong;
- (h) the access leading from the breakwater to the “V” zone should be shown as ‘Road’ on the OZP; and

- (i) it was hoped that the above proposals would be accepted by the Board so that the needs and aspiration of the villagers could be met.

[Actual speaking time of SLP-R10736: 12 minutes]

SLP-R10737 - 范富财(蛤塘村原居民村代表)

21. Mr Fan Foo Choi made the following main points:

- (a) private land in villages should not be expropriated by the Government for nature conservation purpose. There should be sufficient land for village development for the next generations. Otherwise, the anti-Government riots in 1950s and 1960s might repeat;
- (b) many existing natural features were nurtured by humans. Government policies should be formulated based on the needs of people. The views of the indigenous villagers, as major stakeholders, should be respected in the planning of CPEs; and
- (c) Government resources should be devoted to improve the living condition of the remote villages so that villagers, including those currently residing overseas, could return and live in the villages.

[Actual speaking time of SLP-R10737: 4 minutes]

SLP-R10740 – 曾玉安

22. Mr Tsang Yuk On made the following main points:

- (a) he was the VR of Mui Tsz Lam Village in Sha Tau Kok, a member of STKDRC as well as a co-opted member of the District Minor Works and Environmental Improvement Committee of NDC;

- (b) there was concern that Government policies had been leaning towards nature conservation and deterred village developments. The Board should treat indigenous villagers as the major stakeholders and consider their needs appropriately in the planning process of CPEs;
- (c) the moral standard of Hong Kong had been declining and there were examples of injustice in Government policies which had affected social harmony;
- (d) in contrast to those villages in Yuen Long, Tai Po and Sai Kung where many Small House developments were built, it would be very difficult for indigenous villagers of such remote villages as So Lo Pun to realise their Small House rights or return and live in the village due to the lack of access, infrastructural facilities and utilities. To sustain the living environment of the villagers, consideration should be given to open up the Closed Area in Sha Tau Kok and to provide environmentally friendly transport facilities to serve the villages;
- (e) the VR of Hoi Ha Village had set a good example by preparing a list of male indigenous villagers of Hoi Ha as proof of the Small House demand. The Board could request other villages to follow suit so as to reduce disputes on the Small House demand figures;
- (f) private land within the CPEs was mostly agricultural lots, which should not be zoned for conservation purpose unconditionally. The CPEs were purposely excluded from country parks in order to sustain the living of villagers and the development of villages;
- (g) there was a sluice gate regulating the water levels of the So Lo Pun area. Since the gate was damaged about 40 years ago, seawater had flowed backwards into the agricultural fields causing them fallowed and the growth of some floras and faunas worthy of conservation. If the fallow agricultural fields were put back to agricultural use, the vegetation in the area might have to be cleared and hence the

conservation interest would be lost. The designation of private land as “CA” zone was therefore meaningless;

- (h) since the designation of the 12 priority sites for enhanced conservation, there had been no progress on either conservation or development of these sites since over 90% of the land was under private ownership. The demolition of Ho Tung Garden was another example which illustrated that conservation of private properties did not work in Hong Kong;
- (i) there was no dispute on zoning government land for conservation purpose as natural features were generally treasured by villagers. As a matter of fact, a close relationship had been established between AFCD and villagers on the conservation of Lai Chi Wo; and
- (j) the villagers’ private properties should not be used to achieve nature conservation objectives and the needs of indigenous villagers should be taken care of.

[Actual speaking time of SLP-R10740: 9 minutes]

SLP-R10744 - 鄭馬福(谷埔村原居民村代表)

23. Mr Simon Sung, the representer’s representative, made the following main points:

- (a) the situation in So Lo Pun was similar to that of Kuk Po, Yung Shue Au and Fung Hang. In Kuk Po, the land zoned “V” zone mainly covered the existing village cluster and only two new houses could be accommodated. However, there were over 2,000 villagers of Kuk Po residing overseas;
- (b) although the land adjacent to the EIS in Kuk Po comprised private agricultural lots and building lots, no villager had received

compensation from the Government. The Government should stop sending out messages to the public that compensation would be provided when designating private land for conservation purpose;

- (c) future development of the Sha Tau Lok area should be based on the model of Sha Tin New Town. Through land resumption, reclamation and railway connection, the area could provide plenty of land to meet the housing needs of Hong Kong people; and
- (d) designation of conservation zones in the Sha Tau Kok area would not be effective in promoting eco-tourism due to the lack of supporting transport and infrastructural facilities.

[Actual speaking time of SLP-R10744: 4 minutes]

SLP-R10747 - Sha Tau Kok District Rural Committee (STKDC)

24. Mr Lee Koon Hung, the representer's representative, made the following main points:

- (a) STKDRC objected to the draft So Lo Pun OZP;
- (b) after the Tai Long Sai Wan incident, the Government had proposed to incorporate some CPEs into country parks and to prepare statutory plans for the other CPEs. The incorporation of CPEs into country parks was objected to since during the designation of country parks in 1970s, the Government had committed to excluding the existing villages from the country parks;
- (c) putting CPEs under statutory planning control would not resolve the development issues in the New Territories. Planning control would often result in depriving private landowners of their property rights. The tradition of villages and the private property rights should be duly respected;

- (d) the villagers were even 'greener' than the environmentalists as farming was in fact an environmentally friendly practice;
- (e) freezing the development of villages would not help conserve the natural environment. Rather, it would polarise different sectors of the community with opposing views. If no further development was permitted in the rural areas as advocated by the environmentalists, the concerned villagers and landowners might resort to extreme actions, such as denying the access of outsiders into the villages in Tai Long Sai Wan;
- (f) an appropriate balance between development and nature conservation should be struck. A good example was illustrated in Alishan, Taiwan, which was a nature reserve but also renowned for eco-tourism; and
- (g) the views of the villagers should be taken into account in the planning process.

[Actual speaking time of SLP-R10747: 8 minutes]

[Professor S.C. Wong and Ms Bernadette H.H. Linn left the meeting temporarily at this point.]

SLP-R10762 - 黃富、黃冠英

25. Mr Wong Fu made the following main points:

- (a) any development should be served by road access, infrastructures and utilities. Without the provision of road access and utilities for So Lo Pun, the draft So Lo Pun OZP would only be fake proposals that could not be implemented;

- (b) the Board should provide clear explanation on a number of facts and issues. There were no rivers in So Lo Pun but only small streams and trenches. Moreover, areas zoned “V” located close to those trenches were not suitable for Small House development as they would be prone to floods washed down from the mountains;
- (c) he did not agree to the proposals presented by the representative of R10736, whose views could not represent those of the villagers of So Lo Pun;
- (d) there was insufficient evidence to prove that So Lo Pun was as ecologically important as claimed by some representers. During his site inspections with the staff from the World Wide Fund for Nature, no protected flora and fauna species could be found;
- (e) he once tried to reactivate farming in So Lo Pun but ultimately failed as the farm produces had been eaten by animals; and
- (f) the Government had not been helpful to the villagers. Road access and utilities should be provided for the village.

[Actual speaking time of SLP-R10762: 12 minutes]

26. The meeting was adjourned for lunch break at 12:50 p.m.

27. The meeting was resumed at 2:15 p.m. on 28.4.2014.

28. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Dr C.P. Lau

Dr W.K. Yau

Professor K.C. Chau

Mr Sunny L.K. Ho

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Deputy Director of Lands (General)

Mr Jeff Y.T. Lam

Deputy Director of Environmental Protection (1)

Mr C.W Tse

Director of Planning

Mr K.K. Ling

Presentation and Question Session

[Open Meeting]

29. The following representatives of Planning Department (PlanD) and Agriculture, Fisheries and Conservation Department (AFCD), the representers and the representers' representatives were invited to the meeting at this point:

- | | | |
|--------------------|---|--|
| Mr C.K. Soh | - | District Planning Officer/Shau Tin, Tai Po & North District (DPO/STN), PlanD |
| Mr David Y.M. Ng | - | Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD |
| Mr Ivan M.K. Chung | - | District Planning Officer/Sai Kung & Islands (DPO/SKIs), PlanD |
| Mrs Alice K.F. Mak | - | Senior Town Planner/Sai Kung (STP/SK), PlanD |
| Ms Lisa Y.M. Chau | - | Town Planner/Sai Kung (TP/SK), PlanD |
| Mr Cary Ho | - | Senior Nature Conservation Officer (South) (SNC/S), AFCD |
| Mr K.W. Cheung | - | Senior Nature Conservation Officer (North) (SNC/N), AFCD |
| Mr Alan Chan | - | Senior Marine Parks Officer (SMP), AFCD |
| Mr K.S. Cheung | - | Country Parks Officer (Special Duty) (CPO(SD)), AFCD |

Representations in respect of Draft Hoi Ha OZP No. S/NE-HH/1, Draft So Lo Pun OZP No. S/NE-SLP/1 and Draft Pak Lap OZP No. S/SK-PL/1

R18 – Yung Wong Fat

Mr Yung Yuet Ming - Representers' representative

R32 – Li Yiu Ban

Mr Li Yiu Ban - Representer

Mr Chung Tin Sang] Representers' representatives

Mr Chung Kin Ming]

R299 – Tsang Yuk On

Mr Tsang Yuk On

R599 – Leung Wai Kit

R674 – Choi Chun Wah

Mr Li Yiu Ban - Representers' representative

R429 – Yeung Chun Yin

Mr Yeung Chun Yin - Representer

R795 – Lee Wan Hoi

Mr Lee Wan Hoi - Representer

Representations in respect of Draft So Lo Pun OZP No. S/NE-SLP/1

SLP-R10736 – 鎖羅盤村村務委員會聯同曾家裘測量師有限公司

Mr Thomas Tsang] Representers' representatives

Mr Lam Tsz Kwai]

Mr Vincent Yip]

SLP-R10740 – Tsang Yuk On

Mr Tsang Yuk On - Representer

SLP-R10762 – Wong Fu

Mr Wong Fu - Representer

SLP-R10812 - Wong Hing Cheung

(Please refer to Appendix A for a list of representers who had authorised Wong Hing Cheung as their representative.)

Mr Wong Hing Cheung - Representer and Representers' representative

SLP-R10781 – Wong Kwai Ning

Mr Wong Kwai Ning - Representer

SLP-R10790 – Wong Sui Ching

Ms Wong Sui Ching - Representer

SLP-R10791 – Wong Sui Ping

Ms Wong Sui Ping - Representer

SLP-R10793 – Ms Wong Sui Fun

Mr Wong Yau Man - Representers' representative

SLP-R10794 – Wong Sui Ting

Ms Wong Sui Ting

Representations in respect of Draft Pak Lap OZP No. S/SK-PL/1

PL-R10736 – 劉成

Mr Kong Chi Cheung] Representers' Representatives

Mr So Chi Wai]

Mr Cheung Ka Ming]

Mr David Stanton]

PL-R10737 - 西貢白腊村各原居民

Mr Lau Pak On]	Representer's representatives
Mr Chan Wong]	
Mr Lau For On, Kenny]	

30. The Chairman invited the representers and the representers' representatives to elaborate on their representations on the draft So Lo Pun OZP.

R10812 – Wong Hing Cheung

R10738 – 黃子揚

R10755 – 黃桂華

R10763 – 黃冠新

R10774 – Wong Wai Sun

R10776 – Wong Ho Yan

R10799 – Wong Ho Yi, Yedda

R10811 – 范黃綺嫻

R10813 – 黃瑞強

31. Mr Wong Hing Cheung said that he was a Representer himself and he also represented some Representatives who were villagers of So Lo Pun Village. He then read out a letter from 黃瑞強 (R10813) who could not attend the meeting but requested that his views be conveyed to the Board. The main points of the letter were that it was against the Basic Law to rezone the private land in So Lo Pun Village; although the houses in the village were uninhabited, the villagers had not abandoned the village; and it was the intention of the villagers to re-establish the village in future.

32. With the aid of a Powerpoint presentation, Mr Wong Hing Cheung then further made the following main points:

- (a) the rezoning of private land to “CA” under the draft So Lo Pun OZP was against the Basic Law which stated that the traditions and rights of the indigenous villagers in the New Territories should be protected;

[Dr C.P. Lau returned to join the meeting at this point.]

- (b) So Lo Pun Village was established more than 400 years ago by their ancestors and it was now the 11th generation. Due to the rapid growth in the urban area and lack of supporting infrastructure and facilities in the rural area, a lot of villagers left the village in the 1960s and 1970s. Although the houses in So Lo Pun Village were now in a dilapidated state, most villagers hoped that they could re-establish the village when better infrastructure was provided;
- (c) the Government had treated So Lo Pun Village unfairly. Even directional signs indicating So Lo Pun Village were removed in recent years. As a result, many people such as the hikers did not know the existence of So Lo Pun Village;
- (d) when the Board considered the draft So Lo Pun OZP in August 2013, there were TV programme and newspaper articles reporting that the “V” zone of So Lo Pun Village had been extended from about 2ha to over 4ha, and that So Lo Pun Village had made application to the Board for constructing 134 village houses. However, these reports were flawed in the sense that the land for the “V” zone was based on the village house demand forecast and that no application had been submitted to the Town Planning Board. As at 2014, there were 269 male descendants in So Lo Pun Village and none of them had applied to the Government for Small House. Nevertheless, the Small House demand forecast, based on the above population figures, was accurate;

[Mr David Y.T. Lui left the meeting temporarily at this point.]

- (e) the rezoning to preserve the country park and the natural environment as supported by the environmentalists had not taken into consideration the needs of the villagers;
- (f) although the village was now deserted, it did not mean that the villagers

had given up the village so much so that their land could be rezoned for the purpose of conservation. The villagers had returned annually to clear the vegetation and decorated the houses with a view to maintaining the original appearance of the terraced fields and village houses. The clearance of vegetation had to be carried out periodically in order that the terraced fields would not be overgrown with vegetation;

[Mr Roger K.H. Luk left the meeting temporarily at this point.]

- (g) the section of the ecologically important stream (EIS) near the estuary was no longer in existence since 1960s as the river mouth had been blocked to create a fish pond which was now abandoned. The re-aligned stream course was coloured 'blue' in the plan prepared by PlanD. The "CA" zoning for this part to preserve the EIS, which no longer existed, was therefore meaningless. The planning intention of the "GB" and "CA" zones was also questionable;
- (h) the planning intention of the "GB" zone was to define the limit of urban development and to contain urban sprawl. As So Lo Pun Village is not near any urban area, the "GB" zoning was not necessary. Moreover, the restrictive "CA" zone would prohibit villagers from carrying out vegetation clearance on their private land to maintain the appearance of So Lo Pun Village. The restrictive "CA" zone would have the effect of confiscating private land as the land could not be put to any meaningful use by the villagers. With the "CA" zoning, the village environment would soon become overgrown with vegetation again and the village environment would be eliminated. The villagers' right should be respected;

[Mr Roger K.H. Luk returned to join the meeting at this point.]

- (i) the Board should be responsible for the planning of the urban area but

not the rural area. So Lo Pun Village did not benefit from the plan, e.g. no road access was provided to the village. It was not planning for the village but only imposing restrictive controls on the use of private land.

[Actual speaking time of R10812: about 60 minutes]

R10781 – Wong Kwai Ning

33. Ms Wong Kwai Ning made the following main points:

- (a) Mr Wong Hing Cheung (R10812) had already covered the points she wanted to make; and
- (b) the Board should put equal weight on all considerations rather than being biased towards the conservation of the natural environment. The land at So Lo Pun Village was privately owned and it was not right to rezone the private land, which effectively restricted the villagers to use the land for any meaningful purpose for the sake of conservation.

[Actual speaking time of R10781: about 1 minute]

R10793 – Wong Sui Fun

34. Mr Wong Yau Man made the following main points:

- (a) the points he wanted to raise were mostly covered by other representers; and
- (b) the villagers of So Lo Pun Village had made much contribution to Hong Kong during the World War II. In return, the Board should respect the rights of the villagers and should not rezone their private land to conservation related zonings, which would restrict the development of So Lo Pun Village. Without further development, So Lo Pun Village

would wither and its history would be forgotten.

[Actual speaking time of R10793: about 1 minute]

35. The Chairman then invited the representers' representatives in respect of the draft Pak Lap OZP to elaborate on their representations.

R10736 – 劉成

36. Mr Kong Chi Cheung advised that an ecological assessment for Pak Lap had been carried out to establish the land use pattern for Pak Lap. He then invited Mr David Stanton to brief the Board on the findings of the ecological assessment.

37. Mr David Stanton made the following main points:

- (a) the draft Pak Lap OZP had excluded all areas of natural habitats (i.e. secondary woodland and shrubland) from the development zones and the areas zoned for development had limited ecological value. There was only one plant species of conservation significance, i.e. water fern, which might be affected by development. However, patches of water fern within the development zones could easily be transplanted;
- (b) the findings of the ecological assessment were consistent with those of AFCD; and
- (c) the adoption and implementation of the OZP would not result in any significant adverse impact on the ecological value of Pak Lap and its adjacent areas.

38. Mr Kong Chi Cheung then made the following main points:

- (a) In view of the assessment on the ecological value of Pak Lap, the land area and proportion of various zonings on the draft Pak Lap OZP were

acceptable;

- (b) appropriate mitigation measures would need to be implemented in developing Pak Lap, especially within the “V” zone with respect to the siting of village houses away from the riverbank and the installation of septic tanks in accordance with ProPECC 5/93, to ensure that there would not be any adverse impact on the water quality of the natural stream in Pak Lap. The existing trees within the “V” zone would be retained wherever possible in developing village houses;
- (c) as only NTEH of 8.23m in height would be permitted within the “V” zone of Pak Lap Village, which was located at a lower level than Sai Kung Man Yee Road, there would not be any adverse visual impact on the surrounding area. A site on the western side of Pak Lap Village would be designated for a refuse collection point and public toilet, and a ramp of about 1.2m wide connecting Pak Lap Village and Sai Kung Man Yee Road would be provided to cater for these facilities; and
- (d) he appreciated PlanD’s effort in preparing the draft Pak Lap OZP.

[Actual speaking time of R10736: about 11 minutes]

39. As the presentation from the Government representatives, representers and representers’ representatives had been completed, the Chairman invited questions from Members.

40. The Vice-chairman said that Mr Thomas Tsang, representing R10736, had made a presentation about the planning of So Lo Pun Village in the morning session. However, Mr Wong Fu pointed out subsequently that Mr Thomas Tsang only represented one So Lo Pun villager. The Vice-chairman asked Mr Thomas Tsang to clarify whether he was authorized by 鎖羅盆村村務委員會 and more details of his plan for So Lo Pun.

41. In response, Mr Thomas Tsang clarified that he was authorized to represent 鎖

羅盆村村務委員會 and he had been liaising with PlanD and Sha Tau Kok District Rural Committee on the planning proposals for So Lo Pun Village. Although he was not a villager of So Lo Pun Village, he was providing free service to the villagers helping them to develop So Lo Pun Village to showcase the unique village development in the New Territories for the future generations. He proposed to rezone some of the “CA” zone at the foothill to “V” to accommodate more village houses. His proposal could accommodate about 188 houses while the “V” zone on the OZP could only accommodate about 80 houses. A 2.5m-wide road network for zero-emission vehicles was also proposed to facilitate transportation of goods and daily necessities to the village. Moreover, a small “G/IC” zone was proposed to provide more GIC facilities, e.g. visitor centre, to help revitalize the village.

42. The Vice-chairman sought further clarification from Mr Wong Hing Cheung on the authorization of Mr Thomas Tsang. In response, Mr Wong Hing Cheung said that Mr Thomas Tsang was only representing the Village Representative and Mr Tsang’s plan reflected only the intention of some villagers, although it was welcomed by the Rural Committee. Mr Tsang clarified that the Village Representative had signed off the representation submitted to the Board.

43. A Member asked the following questions:

- (a) Would the restrictions on the draft So Lo Pun OZP be subject to change if there were changes in the personnel of PlanD and the membership of Board?
- (b) Would the difference in the alignment of the EIS in the “CA” zone as raised by Mr Wong Hing Cheung have any impact on the “CA” zone?
- (c) In planning for the village, who would be the major stakeholders and what weight should be given to their views?

44. In response, Mr C.K. Soh clarified that all the development restrictions stipulated on the draft So Lo Pun OZP were statutory planning controls, which did not

hinge on individuals and would not be affected by any change in the personnel of PlanD or the membership of the Board. Mr C.K. Soh also clarified that AFCD had been consulted on the alignment of the section of the EIS in question. It was recognised that the relevant section of the stream was covered by mangrove and reed pond. The alignment was indicated on the OZP to illustrate the EIS as designated while the existing stream courses were shown on its northern and southern sides. As the area covered by the “CA” zone had encompassed the past and existing alignments of the EIS, the stream courses would be suitably protected.

45. In response, Mr Tsang Yuk On said that the major stakeholders referred to those people being directly affected by a decision. In the case of the draft So Lo Pun OZP, the land owners of those private lots being designated for conservation purpose were the major stakeholders and their views should be considered in the first place. In considering the representations on the draft So Lo Pun OZP, the Board should consider giving different weight to major stakeholders and other/secondary stakeholders, e.g. those not directly affected but only expressed their views.

46. A Member noted that some representers wanted to re-establish So Lo Pun Village while some had proposed other development for the area. While the draft OZP tried to strike a balance between development and the need for conservation of the environment, the question was which type of development would be the most appropriate. He also asked whether the villagers would move back to the village if it was re-established and how they would make a living there.

47. In response, Mr Tsang Yuk On said that as a member of the Sha Tau Kok District Rural Committee and the Northern District Council, he was of the view that villagers should not be deprived of their rights to develop by designating their private land for conservation purposes. He said that if the villagers’ land was zoned “V”, they could choose whether to develop after considering all relevant factors. However, their rights were taken away as the zoning would restrict their land for certain purposes. As to the “CA” zone, although agricultural use would be permitted, it was not possible to cultivate within the “CA” zone as the land near the river mouth was not suitable for agricultural use. The villagers would not be able to make use of their land under the “CA” zoning. On the

point of re-establishing So Lo Pun Village, Mr Wong Hing Cheung said that the villagers hoped to restore the appearance of the village to showcase what So Lo Pun Village was like and their ancestors' efforts in establishing the village. On the point of developing So Lo Pun Village, he realized that the plan proposed by Mr Thomas Tsang could only be implemented in the long term. He would welcome such plan if it could be implemented. He urged the Government to improve the external transportation to the village so that more people could visit and appreciate the village. Mr Thomas Tsang supplemented that the alternative layout for So Lo Pun Village was the result of a series of discussions with the villagers, which aimed to balance the development need of the villagers, and nature conservation.

48. A Member said that the draft So Lo Pun OZP attempted to strike a balance between development and nature conservation and to maintain the existing attractiveness of So Lo Pun. If more facilities and better transportation were provided, which in turn would attract lots of visitors, the place would lose its attractiveness.

49. In response, both Mr Wong Hing Cheung and Mr Tsang Yuk On considered that it was not correct to designate private land as "CA". Mr Wong reiterated that the most proper way was to zone building lots as "V" for village development and agricultural lots as "AGR". If the private land was zoned for conservation purposes such as "CA", the villagers would not be able to use their land and the terraced fields would soon be covered by vegetation. Mr Thomas Tsang added that his proposal would help the villagers to re-establish So Lo Pun Village while providing opportunity in the long term to further develop the village. Mr Wong Hing Cheung said that the area zoned "CA" was now a swamp due to flooding of the stream. It was because the relevant government departments did not carry out their duties to maintain the natural water course.

50. As all the representers and the representers' representatives attending the session had completed their presentations and Members had no further question to raise, the Chairman thanked the representers, the representers' representatives and the Government representatives for attending the hearing. They all left the meeting at this point.

51. The meeting was adjourned at 4:00 p.m.