

**Minutes of 991<sup>st</sup> Meeting of the  
Town Planning Board held on 8.9.2011**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Director of Lands  
Miss Annie K.L. Tam

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr. H.M. Wong

Assistant Director (2), Home Affairs Department  
Mr. Andrew Tsang

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Mr. Fletch Chan

Director of Planning  
Mr. Jimmy C.F. Leung

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr. K.Y. Leung

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

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. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

**In Attendance**

Assistant Director of Planning/ Board  
Miss H.Y. Chu

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Senior Town Planner/Town Planning Board  
Mr. J.J. Austin

**Agenda Item 1**

[Open Meeting]

**Matters Arising**

[The meeting was conducted in Cantonese.]

1. There were no matters arising.

**Agenda Items 2 to 6**

[Open Meeting (Presentation and Question Session only)]

Further Consideration of Representations and Comments to the Draft Sha Tau Kok Development Permission Area (DPA) Plan No. DPA/NE-STK/1, Draft Lin Ma Hang DPA Plan No. DPA/NE-LMH/1, Draft Ta Kwu Ling North DPA Plan No. DPA/NE-TKLN/1, Draft Man Kam To DPA Plan No. DPA/NE-MKT/1, and Draft Ma Tso Lung and Hoo Hok Wai DPA Plan No. DPA/NE-MTL/1

**(TPB Paper No. 8900)**

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[The hearing was conducted in Cantonese.]

**Presentation and Question Session**

2. Members noted that the Heung Yee Kuk New Territories (HYK) had submitted comments in respect of the five DPA Plans and the following Members had declared interests on these items:

Mr. Stephen M.W. Yip	-	being an ex-officio Executive Councillor of the HYK
Dr. W.K. Yau	)	being co-opted Councillors of the HYK
Dr. C.P. Lau	)	

3. Members noted that Mr. Stephen M.W. Yip, Dr. W.K. Yau and Dr. C.P. Lau had tendered apologies for not being able to attend the meeting.

4. The Chairman said that at the meeting held on 25.2.2011, the Board heard all the representations and comments in respect of the five DPA Plans and decided to defer the consideration of the representations pending further review by the Planning Department (PlanD) on the land use proposals, in particular the “Village Type Development” (“V”) zones on the five DPA Plans. On 26.8.2011, the Board decided to defer the hearing until 8.9.2011 in order to allow more time for the representers and commenters to study the TPB paper and to consult villagers on their views.

5. The Chairman said that sufficient notice had been given to invite the representers and commenters to attend the hearing, but other than those who were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence. Members noted that the following letters had been tabled at the meeting:

- (a) a letter from Kadoorie Farm & Botanic Garden Corporation dated 25.8.2011 concerning the proposal to amend the Notes of the “Conservation Area” (“CA”) zone in the Lin Ma Hang DPA Plan;
- (b) a letter from World Wide Fund Hong Kong (WWF) dated 26.8.2011 concerning the proposal to amend the Notes of the “CA” zone in the Lin Ma Hang DPA Plan;
- (c) two similar letters from the Lin Ma Hang Village Office dated 26.8.2011 and 8.9.2011 concerning the conservation proposals for the Lin Ma Hang DPA Plan;
- (d) a letter from the Sheung Shui District Rural Committee dated 30.8.2011 concerning the proposals for the Ma Tso Lung and Hoo Hok Wai DPA Plan;
- (e) a letter from the Indigenous Inhabitants Representatives of Shan Tsui Village dated 31.8.2011; and

- (f) a letter from the Conservancy Association dated 31.8.2011 concerning the proposal to amend the Notes of the “CA” zone in the Lin Ma Hang DPA Plan;

6. The following representatives from the Government, the representers and the commenters were invited to the meeting at this point:

Mr. Hui Wai Keung	District Planning Officer/Shan Tin, Tai Po and North, PlanD
Mr. Terry Chao	Senior Town Planner/Frontier Closed Area, PlanD
Mr. Patrick Lai	Senior Nature Conservation Officer/North, Agriculture, Fisheries and Conservation Department (AFCD)
Miss Cynthia Chan	Nature Conservation Officer/North, AFCD

**All Five DPA Plans**

**Heung Yee Kuk - C3 (Sha Tau Kok DPA Plan), C8 (Lin Ma Hang DPA Plan), C1 (Ta Kwu Ling North DPA Plan), C1 (Man Kam To DPA Plan) and C1 (Ma Tso Lung & Hoo Hok Wai DPA Plan)**

Ms. Carmen Chan Ka Mun	)	
Mr. Henry Chan Hon Kwan	)	Commenter's representatives (all five DPA
Mr. Tony Chan Tung Ngok	)	Plans)
Ms. Chan Shui Man	)	
Mr. Lee Koon Hung	-	Commenter's representative (LMH, STK)
Mr. Marx Yuen Ka Man	]	
Mr. Man Sun Choi	]	Commenter's representatives (TKLN)
Mr. Hau Chi Keung	)	
Mr. Fung Wai Fat	)	
Mr. Fung Chau Chuen	)	Commenter's representatives (MKT, MTL)
Mr. Tsang Ka Keung	)	
Mr/ Fung Wai Kwong	)	

**Lin Ma Hang DPA Plan**

**R2 (Lin Ma Hang Village Office)**

Mr. Yip Wah Ching	-	Representer
Mr. Tsang Yuk On	)	
Mr. Ip Cheung Fung	)	
Mr. Ip Yuk On	)	
Mr. Ip Tung Fook	)	
Ms. Ip Mee Fook	)	
Mr. Ip Yat Choi	)	
Mr. Yip Lung Hong	)	
Mr. Lau Kwok Keung	)	
Mr. Yip Yuk Yam	)	Representer's representatives
Mr. Tsang Wai Lun	)	
Ms. Fan Cheong Wing	)	
Mr. Ip Koon Fat	)	
Mr. Ip Yuk Keung	)	
Mr. Lau Fong Sang	)	
Mr. Lee Ka Wai	)	
Mr. Lee Yau Wai	)	
Mr. Yuen Hi	)	
Ms. Yip Sze Ying	)	

**Man Kam To DPA Plan**

**R1 (Yik Wai Tung – Village Representative of Fung Wong Wu Tsuen)**

Mr. Yik Wai Tung	-	Representer
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**Sha Tau Kok DPA Plan**

**R1 (Mr. Marlon Cheung (Manager of the Cheung Clan's properties and Indigenous Inhabitant of Tong To Tsuen/Tong To Ping Section) and Mr. Yau Man Ching (Manager of the Yau Clan's Properties and Indigenous Inhabitants Representative of Tong To Tsuen) )**

Mr. Marlon Cheung - Representor

**R2 (Yau Man Ching – Indigenous Inhabitants Representative of Tong To Tsuen)**

Mr. Yau Man Ching - Representor

**R5 (Wong Tin Seng and Mo Lap Sun – Indigenous Inhabitants Representatives of Shan Tsui Tsuen)**

Mr. Mo Lap Sun - Representor

**R9 (Lee Wai Yin – Indigenous Inhabitants Representative of Muk Min Tau Tsuen)**

Mr. Lee Wai Yin - Representor

**C2 (Sha Tau Kok Farm Organic Co. Ltd.)**

Mr. Ng Wai Man - Commenter's representative

**Ma Tso Lung and Hoo Hok Wai DPA Plan**

**R1 (Mr. H.K. Cheung)**

Mr. H.K. Cheung - Representor

7. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

8. Mr. Terry Chao informed Members that replacement pages, mainly to rectify typos for pages 8 to 11, Annex II and Annex V of the Paper, had been tabled. With the aid of a Powerpoint presentation, Mr. Chao made the following main points as detailed in the Paper:

- (a) on 25.2.2011, the Board decided to defer a decision on the representations and comments in respect of the five DPA Plans pending further review by PlanD on the land use proposals, in particular the “V” zones, taking into account the views of the representors and commenters and other relevant planning considerations;

- (b) the review had covered all the “V” zones in the five DPA Plans with further surveys on the existing conditions within and in the vicinity of the “V” zones and the latest Small House demand provided by the District Lands Officer/North (DLO/N);
  
- (c) in reviewing the boundaries of the “V” zones, the following criteria had been adopted:
  - (i) the current “V” zones on the DPA Plans would be extended if the available land for Small House development within the “V” zones could not meet the demand figures. Extended “V” zone areas should be within or contiguous to the village ‘environs’ (‘VE’) and should preferably include government land, if available, in the vicinity. Due consideration to the topography, woodlands, roads, streams, burial grounds and ecological features of the areas would be taken into account;
  
  - (ii) the “V” zone would be extended to meet the increased demand figure but up to the limit equivalent to the area bounded by the ‘VE’;
  
  - (iii) the current “V” zones on the DPA Plans would not be extended if the available land for Small House development within the “V” zones was sufficient to meet the increased demand figures;
  
  - (iv) in determining land for Small House developments, both government land and private land would be considered; and
  
  - (v) in the event that the designated “V” zone (albeit size already extended to match the size of the ‘VE’) was still insufficient to meet the future demand, there was provision under the Notes of the DPA Plans for planning applications for SH developments to be submitted to the Town Planning Board for consideration;

- (d) upon completion of the review, “V” zone extensions for 11 recognized villages within the five DPA Plans were proposed and the “V” zones for the remaining 6 recognized villages were proposed to remain unchanged. In June 2011, the Indigenous Inhabitants Representatives (IIRs) of the respective villages, the villagers and the relevant government departments were consulted on the proposed “V” zone extensions. Taking into account the views received during the consultation exercise, the boundaries of some of the proposed village extension areas had been further adjusted. The recommended proposal for each village was set out below;

Ma Tso Lung and Hoo Hok Wai DPA

- (i) Liu Pok – to meet the substantial increase in Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the village by rezoning an area to the north and northwest of the village from “Agriculture” (“AGR”) to “V”. Taking into account the local topography and the presence of mature trees in the vicinity, an area in the northeastern part of the village was proposed to be rezoned from “V” to “AGR”. Although the villagers requested for extending the “V” zone further north to the Hoo Hok Wai wetland area, it was considered inappropriate as the concerned site comprised a marshy habitat with some ecological value which should be kept for agricultural use;

Man Kam To DPA

- (ii) Fung Wong Wu and Chow Tin Tsuen – to meet the increased Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the two villages by rezoning an area to the northwest of Chow Tin Tsuen from “AGR” to “V”. Although the villagers of Fung Wong Wu requested for extending the “V” zone to an area to the north of the trained Ping Yuen River, it was considered inappropriate as the area concerned was located completely outside the ‘VE’ of the recognized village;

- (iii) Muk Wu – to meet the substantial increase in Small House demand and take into account the suggestion of the IIR, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the village by rezoning two areas respectively to the north and east of the village from “AGR” to “V”;
- (iv) Muk Wu Nga Yiu – as the size of the existing “V” zone was already equivalent to the size of the ‘VE’ of the recognized village, no changes were proposed for the village;

Ta Kwu Ling North DPA

- (v) Tong Fong – to meet the increase in Small House demand, it was proposed that an area to the northeast of the village be rezoned from “Recreation” (“REC”) to “V”. The IIR had suggested extending the “V” zone to an area to the south of the village. However, as the area in question was located in the Ping Che and Ta Kwu Ling OZP and was not covered by the Ta Kwu Ling North DPA Plan, the proposal would need to be considered separately;
- (vi) Heung Yuen Wai (including Ha Heung Yuen) – to meet the increased Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the two villages by rezoning an area to the west of Ha Heung Yuen from “AGR” to “V”. A strip of land near the stream to the northeast of Ha Heung Yuen was proposed to be rezoned from “V” to “REC” to meet the villagers’ proposals as the concerned site was low-lying and might be subject to flooding. Although the IIRs had requested for extending the “V” to an area to the southwest of Ha Heung Yuen, it was considered inappropriate as the area fell within the 250m gas consultation zone of the NENT Landfill and would be subject to potential risks imposed by the landfill gas. It was also considered inappropriate to delete some areas adjoining village houses from the “V” zone, as proposed by the IIRs, as those areas formed part of the village settlement and should be retained within the “V” zone;

- (vii) Tsung Yuen Ha – to meet the increased Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the recognized village by rezoning two areas respectively to the north and east of the village from “REC” and “AGR” to “V”. The IIR of the village did not suggest any amendments to the proposal;
- (viii) Chuk Yuen – no amendment to the “V” zone was proposed as sufficient area had already been reserved in the New Chuk Yuen Village to accommodate the existing village and its future expansion;
- (ix) Kan Tau Wai – as there was sufficient land within the “V” zone to meet the future Small House demand, no change was proposed for the village;

Lin Ma Hang DPA

- (x) Lin Ma Hang – no amendment to the “V” zone was proposed for the village as the size of the “V” zone was already larger than the ‘VE’ by about 7%. A larger “V” zone had been designated for the village mainly to provide more flexibility in view of the topography, the restrictions and special nature of the “V” zone in that it was carved into three portions by the Lin Ma Hang stream, approval from several government departments would be required for any Small House development near the stream even though it was within the “V” zone, and the stream might be subject to flooding as it was untrained. Although the IIRs had requested extending the “V” zone to cover land zoned “AGR” to the south of the village, it was considered inappropriate to further extend the “V” zone as the size of the “V” zone was already larger than the ‘VE’;
- (xi) San Kwai Tin – as there was sufficient land within the “V” zone to meet the future Small House demand, no change was proposed for

the village;

Sha Tau kok DPA

- (xii) Tong To – to meet the substantial increase in Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the recognized village by rezoning two areas respectively to the northeast and south of the village from “AGR” to “V” and from “REC to “V”. The proposal had taken into account the request of the IIR to further extend the “V” zone to the south of the village and to avoid areas of difficult terrain, burial ground and mature trees to the north of the village;
- (xiii) San Tsuen, Muk Min Tau and Tsiu Hang – to meet the substantial increase in Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to about 95% of the ‘VE’ of the three recognized villages by rezoning an area to the west and southwest of San Tsuen, an area to the north of Tsiu Hang, and an area to the east of Muk Min Tau from “AGR” to “V”. A small strip of land to the north of San Tsuen was also proposed to be rezoned from “CA” to “V”. The proposed village expansion areas had avoided encroaching upon dense vegetation, seasonal wet grassland and the natural stream within the ‘VE’ and had provided a 10m setback from Sha Tau Kok Road. The IIRs of San Tsuen, Muk Min Tau and Tsiu Hang had been consulted and the proposal was considered acceptable; and
- (xiv) Tam Shui Hang and Shan Tsui – to meet the increased Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the two recognized villages by rezoning an area to the north and northeast of Sheung Tam Shui Hang from “AGR” and “Green Belt” (“GB”) to “V” and two areas to the south of Ha Tam Shui Hang from “AGR” and “GB” respectively to “V”. Upon consultation with the IIRs of Tam Shui Hang and Shan Tsui, it was also proposed that an area to the northeast of Shan Tsui be

rezoned from “GB” to “V”. Although the IIR of Shan Tsui had requested extending the “V” zone to cover two areas to the north of Shan Tsui and an area to the east of the Sha Tau Kok Border Control Point, it was considered inappropriate as those areas were either occupied by fung shui woodland of ecological value, or were located outside the DPA plan; and

- (e) to address the concern of the villagers of Lin Ma Hang on the impact on farming activities caused by the designation of the 20m buffer area on both sides of the Lin Ma Hang stream as “Conservation Area” (“CA”), the zoning of the site had been reviewed. Both AFCD and the Environment Bureau (ENB) considered the “CA” zone appropriate for protecting the water quality and eco-system of the stream. However, as the buffer area itself might not carry high intrinsic ecological value, it was agreed amongst the government departments that ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ could be transferred from Column 2 of the Notes of the “CA” zone to Column 1 so that these uses would be always permitted within the buffer area.

[Mr. Andrew Tsang arrived to join the meeting at this point.]

9. The Chairman then invited the representatives of the representers and commenters to elaborate on the representations and comments.

Commenter C3 (Sha Tau Kok DPA Plan), C8 (Lin Ma Hang DPA Plan), C1 (Ta Kwu Ling North DPA Plan), C1 (Man Kam To DPA Plan) and C1 (Ma Tso Lung & Hoo Hok Wai DPA Plan) – Heung Yee Kuk

10. Ms. Carmen Chan, representative of the Heung Yee Kuk, made the following main points:

- (a) she relayed the views of the Chairman of the Heung Yee Kuk (HYK), who appreciated the initiative taken by PlanD to consult the villagers on the “V” zone boundary and it was an improvement that the boundaries of some of the “V” zones had been amended to take account of the views of

the villagers, although there was still room for improvement;

- (b) the Heung Yee Kuk was concerned with three main issues. First of all, the designation of “V” zones should take into account the actual needs of the villagers. Although there was a slight increase in terms of area of the “V” zones for the respective villages, there was no actual increase in area for Small House development as the “V” zones would not exceed the size of the ‘VE’, except for Lin Ma Hang village. She said that the criterion adopted in the review exercise viz. that the area covered by the “V” zone should not be larger than the area of the ‘VE’ was not acceptable. It was almost 40 years since the Government promulgated the Small House Policy and hence it was unreasonable that the ‘VE’ boundaries could not be extended. It should be noted that some of the land within the ‘VE’ was not usable. Some of them were already under private ownership and hence not available for Small House development. Some of the “V” zone had included burial grounds and slopes which were not suitable for Small House development. The proposed “V” zone extension was therefore not practical. The Government should allow villagers who had land outside the “V” zone to build Small Houses in order to make better use of scarce land resources;
- (c) the planning of the Closed Area should respect the traditional right of the villagers. Conservation of the area should not be at the expense of the villagers’ traditional right. The zoning of the villagers’ land for conservation-related purposes had severely affected the livelihood of the villagers. They were not able to benefit from the opening up of the Closed Area. Though the Heung Yee Kuk supported nature conservation, the Government should also include measures to preserve the cultural heritage of the villages. The Board should consider the villagers’ proposal to develop a market town in the Closed Area to serve and support the local villagers. Moreover, the Government should designate areas of lower ecological value as “V” zone for Small House development so as to compensate for the loss arising from zoning villagers’ land for conservation purpose; and

- (d) the Government had formulated long-term housing policy such as the Home Ownership Schemes for the general public but had neglected the need of the local villagers. The boundary of the 'VE' had not been extended for years. The reason why only a small number of Small House applications were submitted was due to the lack of suitable land for Small House developments. The living environment of the villages had become very congested and the villagers were facing a serious housing problem. The Government should review the Small House Policy with a view to extending the 'VE' boundary. She hoped that Members would consider the housing needs of local villagers in the long-term planning of the area.

11. Mr. Hau Chi Keung, Chairman of the Sheung Shui District Rural Committee, made the following main points:

- (a) the Board should carefully consider the village extension areas proposed by the villages of the Sheung Shui District Rural Committee which mainly comprised government land and land owned by the local villagers. PlanD's proposal included wetland and fung shui woodland which were not suitable for Small House development and the extended area was not usable because the land was not under the ownership of the villagers;
- (b) the size of the "V" zone extensions proposed by PlanD was inadequate. The size of the "V" zone should be able to cater for the demand beyond the 10-year forecast as there would unlikely be a second chance to extend the "V" zone in future;
- (c) the 10-year forecast only reflected a suppressed demand. Many overseas villagers wanted to return to their villages but, as they could not find land in their own villages, they were forced to give up their rights for Small House development in their indigenous villages in order to make a cross-village application. Even the local villagers could not submit applications for Small House development as they could not find land

within the 'VE' to build Small Houses. Hence, the number of Small House applications submitted was very low;

- (d) in the long run, the Government should consider extending the boundaries of the 'VE' of the respective villages, which were drawn up some 40 years ago. As some of the land within the 'VE' were zoned as "CA", "AGR" or "REC" and could not be used for Small House development, there was not enough land within the 'VE' for Small House development. Hang Tau and Ho Sheung Heung were two examples where the 'VE' needed to be expanded;
- (e) while the villagers supported nature conservation, it was unfair for the Government to zone their private land to "CA" without paying compensation; and
- (f) some villagers would be affected by the implementation of the Kwu Tung North New Development Area (NDA). The Government should take the opportunity to expand the "V" zone for villages such as Liu Pok, Ma Tso Lung and Ho Sheung Heung to serve the affected villagers who would like to be relocated within the same area. The expanded "V" zone would also enable indigenous villagers of Liu Pok and Ma Tso Lung who were currently living in temporary housing within the NDA to return to their village in future.

12. Mr. Lee Koon Hung, Chairman of the Sha Tau Kok District Rural Committee, made the following main points:

- (a) the villagers were very disappointed that out of 2,400 ha of land to be released from the Closed Area, most of them had been zoned for conservation purpose and only a very small amount of land would be available for village expansion;
- (b) for Lin Ma Hang village, it was factually incorrect to say that Lin Ma Hang stream was a natural stream as the stream was built many years ago

by the villagers. The Board should consider the villagers' proposal to extend the "V" zone to the south of the village which was mainly agricultural land that was not worthy of conservation;

- (c) for Shan Tsui and Tam Shui Hang, he was concerned that the "V" zone extension proposed by PlanD had included a piece of land previously used as public burial grounds. That piece of land was not suitable for Small House development. The Board should consider the villagers' proposal to zone a piece of government land from "GB" to "V", even though that piece of land was located outside the 'VE'; and
- (d) although indigenous villagers were entitled to build Small Houses, many villagers were not able to find suitable land for Small House development. They suffered from housing problem as they were also not eligible for public housing because of their ownership of Tso Tong land.

[Mr. Walter K.L. Chan left the meeting at this point.]

13. Mr. Hau Chi Keung said that he would like to mention an incident which he knew was not related to the hearing but was noteworthy to the Board. The incident last year concerned illegal filling of land/pond at Ho Sheung Heung, which was publicized as a case of 'destroy first, develop later', was in fact a misunderstanding of the planning procedures by the villagers. As the villagers had obtained approval from the District Lands Office/North for the development of 7 Small Houses, the villagers had proceeded with filling the land/pond to facilitate the Small House development without realizing that planning permission was required before any filling of land/pond could be carried out.

14. Mr. Chan Tung Ngok made the following main points:

- (a) it was unfair to zone the private land of the villagers for a public purpose of conservation without any compensation. In view of the recent public concern on conservation and preservation, the Government should take the opportunity to review the Town Planning Ordinance, noting that the Special Committee on Compensation and Betterment had published a

report in 1992 recommending the provision of compensation to those landowners whose private properties were adversely affected by planning controls;

- (b) the Government could also adopt the same approach used for the King Yin Lei site, i.e. compensation through land exchange. PlanD should identify a site for exchange with the villages affected by conservation proposals so that the villagers would not suffer any loss. This would help reduce objections to the planning proposals;
- (c) the current methodology used in working out the “V” zone area by taking account of the number of outstanding Small House applications was not appropriate as that number only reflected a suppressed demand. Instead, the Government should assess the Small House demand based on the total number of male villagers aged 18 years old or above and did not own a Small House or had not obtained a Small House grant. The Village Representative would be able to provide that number. He noted that many elderly villagers did not have a Small House as there was not enough land within the village for Small House development; and
- (d) some of the land proposed by PlanD for “V” zone extension was not suitable for Small House development, such as land previously used as burial grounds. PlanD should work with the Village Representatives who had a good knowledge of the suitability of land for Small House development.

15. Mr. Yuen Ka Man made the following main points:

- (a) although the villagers of Ta Kwu Ling owned 70% of the land to be released from the Closed Area, most of them was zoned “Green Belt”. Hence, the villagers were not able to use their land for Small House development. Even though there were three boundary crossing points located within Ta Kwu Ling, i.e. Man Kam To, Lo Wu and the future Liantang/Heung Yuen Wai, no land had been designated for development

on the DPA Plans;

- (b) the small amount of land zoned “V” was not enough to cater for the needs of the villagers. As the ‘VE’ was drawn up 40 years ago, at a time when the area was a Closed Area with no public transport and villagers had to relocate elsewhere in order to make a living, it was inappropriate to take the ‘VE’ boundary as a constraint. With the opening up of the Closed Area, many villagers would return to live in the village and the existing ‘VE’ was not large enough to cater for the returning villagers;
- (c) as the Ta Kwu Ling area was in close proximity to Shenzhen where there were already a lot of development across the boundary, the area was most suitable for development; and
- (d) the opening up of the Closed Area did not bring any benefits to the indigenous villagers. The Government had only planned for the conservation of the mangroves and the habitats for migrating birds and had neglected the needs of the local villagers. The indigenous villagers could not exercise their right to build Small Houses in their villages as there was not enough land within the ‘VE’ for Small House development.

[Mr. B.W. Chan left the meeting temporarily at this point.]

16. With the aid of a few plans, Mr. Man Sun Choi made the following main points:
- (a) the villagers were not consulted on PlanD’s proposals and the statement that the villagers of Heung Yuen Wai did not demand any enlargement of the ‘V’ zone was incorrect;
  - (b) the 10-year forecast of Small House demand provided by the District Lands Office was incorrect as those figures did not include villagers who were living overseas but wished to return to live in the village;
  - (c) the Ta Kwu Ling Rural Committee requested that PlanD consult the

villagers of Ta Kwu Ling afresh before finalising the DPA Plans covering the area;

- (d) referring to Drawing Ha-5(2) of the Paper, he requested that the areas in black, which were either low-lying areas along the stream or woodlands not suitable for Small House development, be excluded from the “V” zone;
- (e) making reference to two drawings tabled at the meeting, he requested that the area in between Pak Fu Shan and Sham Chun River, next to the Liantang/Heung Yuen Wai Border Control Point (shown in red in the first drawing), should be rezoned from “GB” to “REC” or “AGR” as the site was previously used for agricultural purposes. Referring to the second drawing, he requested that the area in between Tsung Yuen Ha and Ha Heung Yuen (shown in black), which was most suitable for village expansion, should be rezoned to “V”;
- (f) contrary to the statement in the TPB paper, the villagers of Kan Tau Wai and Chuk Yuen had also requested for enlargement of their “V” zones; and
- (g) many villagers wanted to return to live in the village upon the opening up of the Closed Area. Therefore, it was wrong to rely on the Small House demand forecast provided by DLO.

[Mr. Andrew Tsang and Mr. Rock C.N Chen left the meeting at this point.]

17. With the aid of a drawing, Mr. Fung Wai Kwong, a resident of Liu Pok, made the following main points:

- (a) although the population of Liu Pok had continued to increase in the last few decades, the ‘VE’ of the village had never been extended. As a result, there was inadequate land for indigenous villagers to build their Small Houses. More than 100 villagers had already moved out to other

villages;

- (b) for those villagers who did not have land to build Small Houses, they were also not eligible for applying for public housing as all indigenous villagers had title to the “tso tong” land; and
- (c) referring to the drawing that was tabled, he said that PlanD’s proposed “V” zone to the northwest of Liu Pok was of no use to the villagers as that piece of land was owned by people outside the village. The request of the village was to extend the “V” zone to the north of the village where the land was flat and belonged to the villagers. Contrary to the claim made by PlanD, the area to the north did not form part of the Hoo Hok Wai wetland.

[Ms. Anita W.T. Ma left the meeting at this point.]

18. With the aid of a plan, Ms. Carmen Chan made the following supplementary points:

- (a) it was not absolutely necessary for the “V” zone to be confined within the boundaries of the ‘VE’ as suggested by PlanD. Making reference to the plan covering Lam Tsuen that was tabled, the boundaries of the “V” zone were shown to extend beyond the boundaries of the ‘VE’. In fact, several other villages were known to have their “V” zones extending beyond the ‘VE’ boundaries; and
- (b) there were also known examples where a “V” zone could be divided into two portions, due to the presence of a road or stream in between. Under such circumstances, the “V” zone could be linked up by adding ‘hooks’ on the two portions of land.

Representation R5 (Sha Tau Kok DPA Plan)

19. Mr. Mo Lap Sun made the following main points:

- (a) making reference to Drawing No. Ha-9(3), he said that the area proposed by PlanD as the village expansion area for Shan Tsui village was used as a public burial ground during the Second World War. That site would not be suitable for Small House development. It could only be used as a car parking area for the village; and
- (b) the Board was requested to re-consider the villagers' proposal for the village extension area as shown on Drawing Ha-9(2), in particular, the lots highlighted in green as they were land owned by the villagers. Although part of the village expansion area was located within the Sha Tau Kok Boundary Control Point outside the DPA Plan, he said that the area was originally part of Shan Tsui village and should therefore be reserved for the village as an expansion area.

[Miss Annie K.L. Tam arrived to join the meeting at this point.]

Representation R1 (Man Kam To DPA Plan)

20. With the aid of two survey plans, Mr. Yik Wai Tung made the following main points:

- (a) due to the training of Ping Yuen River and the requirement that Small House developments should not be located within 30 metres of the river, the amount of land available for the indigenous villagers of Fung Wong Wu to build Small House was greatly reduced by about 60% to 70%;
- (b) the villagers requested PlanD to identify land suitable for Small House development to compensate for their loss, even though the villagers were given monetary compensation under the river training programme;
- (c) the suggestion of the villagers was to rezone about 2.5 ha of land to the north of Fung Wong Wu, on the other side of Ping Yuen River, as "V" zone for village expansion. That site was suitable for Small House development as it had access to Lin Ma Hang Road and villagers would not need to cross Ping Yuen River to enter the village. The site would

not be affected by flooding as it was on higher ground. The Board should adopt an approach similar to the King Yin Lei case and provide a reprovisioning site on the other side of Ping Yuen River, even though the proposed site was outside the ‘VE’; and

- (d) the village expansion area proposed by PlanD was not suitable as it was too small and did not have vehicular access. The site would also be affected by flooding as it was close to the river.

21. With the aid of a few photos, Mr. Fung Wai Kwong supplemented his representation on Liu Pok and said that the village expansion area proposed by the villagers were mainly flat land with vegetation as shown on the photos and the area did not form part of the Hoo Hok Wai wetland.

22. With the aid of a plan, Mr. Tsang Ka Keung made the following main points:

- (a) he considered that, except for the Lin Ma Hang area, the overall planning of the Sha Tau Kok area was an improvement. He appreciated the proposal of a village expansion area for Tong To to cater for Small House demand of the Cheung’s clan in the village;
- (b) the Board should carefully handle the planning of Lin Ma Hang and should strike a balance between conservation and development; and
- (c) he suggested rezoning a “GB” site near Gate 1 of the Sha Tau Kok Boundary Control Point to “Government, Institution or Community” (“G/IC”) use so as to serve the future needs of the Boundary Control Point. The Government should plan for the long-term development of the Sha Tau Kok Boundary Control Point and take into account the increased traffic using that control point after the opening up of the Closed Area. Although there were currently some mangroves on the “GB” site, it was considered not worthy to preserve such a small colony of mangroves at that location, particularly if it would become a constraint to the future development of the Boundary Control Point.

Commenter C2 (Sha Tau Kok DPA Plan)

23. Mr. Raymond Ng made the following main points:

- (a) the Sha Tau Kok Farm Organic Co. Ltd. had requested that the area to the south of Sha Tau Kok Road, which was of low ecological value and was currently zoned “AGR”, be rezoned to “REC” to encourage more development in the area. The proposal was not accepted by the Government for the reason that there was inadequate infrastructure to support the development. This reason was unconvincing as the Government should start to plan and provide the necessary infrastructure (including transport, drainage and sewerage) to support the overall development of the Sha Tau Kok area upon the opening up of the Closed Area; and
- (b) the Board was also requested to consider the proposal to rezone an area to the north of Tong To village extending to San Tsuen to “REC” so as to encourage the provision of recreational facilities which would complement the future Robin’s Nest Country Park.

24. With the aid of a plan, Mr. Marlon Cheung made the following main points:

- (a) PlanD’s proposal to incorporate the village houses of Tong To Ping Tsuen into the village expansion area of Tong To was supported; and
- (b) he requested the Board to consider further extending the “V” zone to the south to include those agricultural lots owned by the villagers of Tong To Ping Tsuen.

Representation R2 (Lin Ma Hang DPA Plan)

25. With the aid of some photographs, Mr. Yip Wah Ching made the following main points:

- (a) PlanD had not considered the proposals of the villagers of Lin Ma Hang.

In the last six months, PlanD's staff had only met with the villagers once. The villagers were not invited to join AFCD in their site visit to Lin Ma Hang stream;

- (b) the villagers of Lin Ma Hang would suffer from the proposals of the DPA Plan which were made to please the conservationists without taking the interests of the villagers into account;
- (c) in the 1950s, Lin Ma Hang village had a population of over 1,000 people. There were 10,000 to 20,000 villagers currently living overseas and many of them wanted to return to the village to build their Small Houses. In this respect, the currently planned "V" zone was not large enough to accommodate the Small House demand of the villagers;
- (d) contrary to the large-scale development that was taking place on the other side of Sham Chun River, the HKSAR Government was trying to prevent development on the Hong Kong side without paying any compensation to the landowners;
- (e) the claim that Lin Ma Hang stream would cause flooding problem in the village was untrue as the village was located on higher ground and was not prone to flooding. It was only at the mouth of the stream where it merged with the Sham Chun River that flooding had occurred, mainly due to the flooding of Sham Chun River;
- (f) the photographs that were presented at the meeting showed that the Lin Ma Hang stream was not a natural stream but was built by his ancestors many years ago. In the old days, villagers would use the water in the stream for irrigating their farmland. Houses were built on both sides of the stream for easy access to the water source. Much effort had been put in by the villagers to maintain the stream in its current state. It would be a wrong decision to designate the stream as an "SSSI" as it would become no-man's land. No government department would take up the management of the stream while villagers were not allowed to use and

maintain the stream as they currently did;

- (g) when the lead mine at Lin Ma Hang was developed by the Government, the village provided the labour to work in the mine. As the land of the mine belonged to the villagers, compensation should be paid to the landowners if the Government wanted to preserve the lead mine;
- (h) the “V” zone extension proposed by PlanD had included burial grounds, slopes and fung shui woodland which were not suitable for Small House development. Small House development was also no longer permitted on the land on both sides of the stream. It was therefore misleading to claim that the size of the “V” zone had exceeded the size of the ‘VE’ by 7%;
- (i) the ‘VE’ was drawn up 40 years ago and had already severely constrained the development of the village. It did not take into account the increase in population in the village. The boundary of the ‘VE’ was totally out-of-date;
- (j) the planning of the villages should complement the overall development of Hong Kong and more land should be provided for village development. If the Government decided, in the public interest, to conserve the natural environment, landowners whose development rights were taken away should be properly compensated;

[Mr. Fletch Chan and Ms. Anna S.Y. Kwong left the meeting at this point.]

26. Mr. Ip Cheung Fung made the following main points:

- (a) the current Lin Ma Hang stream originally comprised several small streamlets which were subsequently channelled by the ancestors of the village into a stream by laying stones on both sides. As explained by the villagers, Lin Ma Hang stream was not a natural stream;

- (b) the stream was a main focal point of the village as it provided water for cultivation as well as recreation. Once the stream was designated as “SSSI”, the livelihood of the villagers would be severely affected as villagers could no longer fish or swim in the stream, nor draw water from the stream for cultivation purposes;
- (c) the pond was also very important for the villagers as it served a fire fighting purpose as well as a buffering mechanism to prevent flooding;
- (d) the fung shui woodland was planted by the ancestors of the village and the villagers had put much effort into preserving the woodland. The trees in the lead mine and at Robin’s Nest were also planted by the ancestors of the village and were not naturally grown. These trees were therefore the property of the village and the villagers had the right to fell them;
- (e) many villagers currently living overseas expressed their desire to return to the village. However, with only 6 ha of land available within the village for Small House development, it was not enough to meet the future demand;
- (f) it was unfair to require the villagers to give up their development rights for nature conservation. The development needs of the villagers were overlooked; and
- (g) the Government should handle the issue of compensation properly, instead of claiming that planning and compensation were two matters to be dealt with separately;

[Mr. B.W. Chan returned to join the meeting at this point.]

27. Ms. Carmen Chan made the following supplementary points:

- (a) the villagers of Lin Ma Hang requested rezoning the land on both sides of the stream from “CA” to “V” to enable the villagers to use the land for

Small House development;

- (b) according to the report produced by the Special Committee on Compensation and Betterment, the Government should consider paying compensation for the loss in development potential caused by imposition of planning controls. In this regard, if a piece of private land was zoned for conservation purpose, the Government should consider zoning another piece of land as “V” for Small House development so as to compensate for the loss of the villagers; and
- (c) when the Small House Policy was promulgated in 1972, it was never stated that the boundaries of the ‘VE’ had to remain unchanged. In this respect, the Government should consider the proposal of the villagers of Lin Ma Hang to enlarge the boundary of the ‘VE’ to meet their needs.

28. Mr. Chan Hon Kwan supplemented that as the Lin Ma Hang stream was built by the villagers, it belonged to them. It was unfortunate that the villagers did not lay claim to the stream in the early 1900s, when the survey plans were first prepared by the Government. Nevertheless, in accordance with the court rulings on adverse possession of title, the ownership of the stream should belong to the villagers as they had used and maintained the stream over the years.

[Mr. Stanley Y.F. Wong left the meeting at this point.]

29. Mr. Yip Wah Ching supplemented that Tong To Shan Tsuen should also be included into the “V” zone as it formed part of the original village and used to be inhabited by the Cheung’s clan.

[Professor Edwin H.W. Chan left the meeting at this point.]

30. Mr. Lau Fong Sang made the following main points:

- (a) during the time when the village was occupied by the Japanese, the villagers of Lin Ma Hang resisted and fought the Japanese and forced

them out of the village; and

- (b) the villagers owned the land and they would continue to fight to safeguard their homeland.

31. Mr. Yuen Ka Man supplemented that the communication between the government departments and the villagers would require much improvement. Taking the example of the village resite of Chuk Yuen village, the villagers were concerned that the works of the Liantang/Heung Yuen Wai Boundary Control Point would affect their private property rights. The related site investigation works could not proceed as a result of strong local objection. In that case, there was no direct communication between the concerned government departments and the villagers. As the opening up of the Closed Area would soon take effect, the Government should improve its communication with the villagers to avoid further disputes.

[Ms. Maggie. M.K. Chan left the meeting at this point.]

Representation R1 (Ma Tso Lung & Hoo Hok Wai DPA Plan)

32. Mr. Cheung Hoi Keung made the following main points:

- (a) it was unfair that the indigenous villagers were adversely affected by the DPA plans but no compensation was provided to them;
- (b) the DPA Plans were also incomplete as only recognized villages were zoned as “V” on these plans. Residents currently living in village houses outside the recognised villages had not been taken care of. Those residents were not consulted and no proposals were made for them, whilst there were many other proposals on the conservation of wildlife;
- (c) the Government could not remove all the residents in a whole district, such as those living in the Kwu Tung North New Development Area, for development without consulting the residents there. Though he did not object to nature conservation, PlanD should pay more attention to the livelihood of the local residents that were affected by the DPA Plans.

Areas of low ecological value should be reserved for village development in order to allow villagers to be relocated in the same area; and

- (d) the Government should indicate clearly the proportion of government land and private land that had been planned for conservation and development.

33. Ms. Carmen Chan concluded the presentation and said that the villagers' request was for the Board to make the best use of scarce land resources and to appropriately amend the DPA Plans, taking account of the representers' proposals. The Board should not ask the local villagers to pay the price for nature conservation. Moreover, the Board should consider the long-term planning of the Closed Area and further expand the "V" zone in order to cater for the long-term development needs of the villages.

34. As the representers and commenters and their representatives had completed their presentations, the Chairman invited questions from Members.

35. In response to a Member's enquiry on the consultation process, Mr. Hui Wai Keung made reference to Liu Pok in Drawing Ha-1 as an example and explained that in conducting the further review of the "V" zone as requested by the Board, PlanD had first prepared an "Initial" proposal on the "V" zone extensions of the 17 recognized villages based on the criteria mentioned above and consulted the IIR of the respective villages on the "Initial" proposal. Some IIRs or villagers had provided PlanD with their counter proposals, i.e. the "Suggestion by IIR" in Drawing Ha-1. After considering the counter-proposals and comments from concerned government departments, PlanD had prepared a final proposal (i.e. the "Final Revised" proposal in Drawing Ha-1) for the Board's consideration. Mr. Hui said that the IIRs and villagers had not been consulted on PlanD's "Final Revised" proposals.

36. Noting that one of the written representations mentioned that the population of Lin Ma Hang in 1951 was about 500 persons, a Member enquired whether there were statistics from the Census & Statistics Department on the current population of the Lin Ma Hang village. In response, Mr. Yip Wah Ching said the population of 500 was wrong as there were more than 300 village houses in the village back in the 1960s accommodating at least 2,000 persons. Ms. Carmen Chan supplemented that the statistics from the Census &

Statistics Department only reflected the “usual resident” on the day of survey and hence should not be used to assess the total number of indigenous villagers of the village as many of them had moved out of the village or overseas. It would be more appropriate to refer to the number of indigenous villagers in the genealogical records of each village.

37. In response to the same Member’s enquiry on the methodology of estimating the latest Small House demand, Mr. Hui Wai Keung said that the information was provided by the respective District Lands Office which had taken account of the outstanding Small House applications and the 10-year demand forecast provided by the IIR of each village.

38. The Chairman enquired about the two village expansion areas proposed by the representers of Shan Tsui Village. Mr. Hui Wai Keung referred to Drawing Ha-9(2) and explained that Shan Tsui Village was bounded by roads on three sides and the northern side was a fung shui woodland. The IIR’s proposal was to incorporate some areas in the fung shui woodland and an area to the east of Sha Tau Kok Road as village expansion areas. Mr. Hui said that the areas located within the woodland should not be rezoned to “V” as the fung shui woodland had to be preserved. The area to the east of Sha Tau Kok Road was unsuitable as that site was located outside the DPA Plan and would remain as a Closed Area in future. PlanD had identified a piece of land to the northeast of the “V” zone which was relatively flat as the extension area. He had no information showing that this piece of land was previously used as a burial ground as claimed by the villagers.

39. Mr. Mo Lap Sun said that the villagers could confirm that the land to the northeast of the “V” zone in Shan Tsui Village as proposed by PlanD had been used as burial ground. He said that the green area as marked on Drawing Ha-9(2) was suitable as an extension area as it was their own private lots and the villagers would not destroy their own fung shui woodland. That area was also within the ‘VE’. Mr. Chan Tung Ngok said that although the area to the east of Sha Tau Kok Road was outside the DPA Plan, the Board should not be restricted by the planning scheme area boundaries in its overall planning of an area. He also said that the villagers had clearly told DPO/STN that the site proposed by PlanD had been used as burial ground and was not suitable for Small House development. In response, Mr. Hui said that the area to the east of Sha Tau Kok Road was within Sha Tau Kok Town and was not covered by any statutory plan. In this respect, the Board’s jurisdiction did not cover that area.

40. In response to the Chairman's enquiry on the village expansion area proposed by the villagers of Fung Wong Wu, Mr. Hui Wai Keung made reference to Drawing Ha-2(2) and said that the area was located to the northwest of Fung Wong Wu across Ping Yuen River. Although the area was suitable for building development, it was far away from the 'VE' and the existing village. Besides, there was already adequate land within the extended "V" zone to meet the 10-year forecast of Small House demand for the village.

41. Ms. Carmen Chan, however, pointed out that the separation in distance between the existing village and the proposed village expansion area should not be a problem as the two "V" zones could be linked up on the DPA Plan by a 'hook'. One of the representers supplemented that the separation in distance was the result of the training of Ping Yuen River which had carved the village into separate portions. In this respect, it was reasonable to compensate the villagers by extending the "V" zone to the other side of Ping Yuen River. In response to the point about the 'hook' arrangement, Mr. Hui Wai Keung said that there were cases where two "V" zones were joined by a hook on the OZP. Since there was adequate land within the extended "V" zone to meet the future Small House demand, it was considered unnecessary to extend the "V" zone to the area proposed by the villagers.

42. In response to a Member's enquiry on whether compensation had been paid to the villagers for resuming their land under the river training project of Ping Yuen River, Mr. Yik Wai Tung said that villagers had obtained monetary compensation under the river training project. However, as the size of the "V" zone for Fung Wong Wu had been reduced after the river was trained, the Government should also compensate the loss of land by extending the "V" zone. He considered that the extended "V" zone as proposed by the villagers could be linked with the existing "V" zone with a 'hook' on the DPA Plan.

[Professor S.C. Wong left the meeting at this point.]

43. In response to a point made earlier by Ms. Carmen Chan concerning the "V" zone and the 'VE' boundary of Lam Tsuen where she said that the "V" zone was larger than the 'VE', the Secretary clarified that according to the extract plan presented by Ms. Chan, the size of the "V" zone was smaller than 'VE', although there were examples in other OZPs where the "V" zone was larger than the 'VE'.

44. Mr. Hui Wai Keung further explained that the villagers' proposal for Liu Pok was to extend the "V" zone to the north which was close to the fish ponds at Hoo Hok Wai. After consulting AFCD and DEP who raised concern on the proposal in view of the likely impact on the fish ponds, it was considered inappropriate to adopt the villagers' proposal. Mr. Fung Wai Kwong said that DPO/STN did not understand the topography and the environment of the village. The extension area to the west of Liu Pok as proposed by PlanD was on slopes and was a burial ground while the extension area in the northwest comprised private land which was not owned by the indigenous villagers. Though the village expansion area proposed by the villagers to the north was relatively close to the Hoo Hok Wai wetland, it was still outside the wetland and Small House development there would not affect the Hoo Hok Wai wetland. Mr. Fung was also disappointed that the villagers were only consulted once on PlanD's proposal which was totally inadequate.

45. The Chairman enquired about the proposal made by the IIR of Heung Yuen Wai. In response, Mr. Hui Wai Keung referred to Drawing Ha-5(2) and said that the proposal of the villagers was to extend the "V" zone to the west and southwest of Ha Heung Yuen (area hatched red on Drawing Ha-5(2)) and to remove some areas in the north, east and south (areas coloured black on Drawing Ha-5(2)). Upon consultation with the relevant government departments, it was found that the proposed area to the southwest of Ha Heung Yuen fell within the 250m gas consultation zone of the NENT Landfill and was not suitable for Small House development. Mr. Man Sun Choi said that the villagers of Heung Yuen Wai only demanded the size of the "V" zone to be the same as the 'VE'. The areas coloured black on Drawing Ha-5(2) was unsuitable for Small House development because they were either too close to the stream which would be subject to flooding, or they were burial grounds or fung shui woodland. Mr. Man also said that PlanD had never indicated the extent of the 250m gas consultation zone of the NENT Landfill to the villagers.

46. The Chairman enquired about the proposed "V" extension area for Kan Tau Wai. Mr. Hui Wai Keung said that the IIR of Kan Tau Wai was consulted on PlanD's initial proposal for the "V" zone extension and the IIR did not raise objection to PlanD's proposal. However, one of the representers disagreed with Mr. Hui and said that the IIR of Kan Tau Wai was misled and had only indicated that the "V" zone was sufficient at this stage. The IIR was not asked to give any counter-proposal to PlanD.

47. For the Tam Shui Hang, Mr. Hui Wai Keung said that the IIR of Tam Shui Hang was consulted on PlanD's initial proposal for the "V" zone extension and the IIR accepted the proposal. There was, however, a proposal from a villager to rezone the site near Gate 1 of the Boundary Control Point from "GB" to "G/IC". Upon consultation with the relevant government departments, it was considered inappropriate to rezone the site at this stage in view of its close proximity to the Boundary Control Point. The zoning of the site could be reviewed at the OZP preparation stage.

48. Making reference to Plan Ha-8a, Mr. Hui said that one of the representers proposed to zone an area to the south of Sha Tau Kok Road from "AGR" to "REC". Although AFCD advised that the coastal area south of Sha Tau Kok Road was of low ecological value, further studies on traffic and infrastructure constraints would need to be conducted to assess the feasibility of the "REC" zone. It was also noted that the site was facing the Sha Tau Kok Hoi which would be retained as a Closed Area. In this respect, it was considered more appropriate to retain the "AGR" zoning for the site. Mr. Lee Koon Hung, however, pointed out that the area in question was currently filled with rubbish. Instead of maintaining the status quo, the Government should consider rezoning the site to "REC" so that some development could take place to improve the existing situation.

49. The Chairman enquired about the "CA" zoning on both sides of Lin Ma Hang stream. Mr. Patrick Lai of AFCD explained that according to a study conducted by the University of Hong Kong (HKU) in 2000, the Lin Ma Hang stream was found to be a stream of high ecological value. The stream was subsequently designated as an SSSI in 2007. When the Study on "Land Use Planning for the Closed Area" was conducted, the Study confirmed the ecological importance of the stream and further proposed that a 20m-wide buffer area along both sides of the stream should be zoned as "CA" to protect the stream. Mr. Lai noted that the "CA" zoning on the DPA plan had already taken into account the existing land uses along the stream as some part of the riverside was not zoned "CA".

50. In response to a Member's enquiry on how the livelihood of the villagers of Lin Ma Hang would be affected by the DPA Plan, Ms. Carmen Chan said that before the stream was zoned "SSSI", the villagers could fish and swim in the stream and the land on both sides of the stream could be used for farming activities by drawing water from the stream.

With the imposition of the “SSSI” and “CA” zoning, villagers could no longer swim or fish in the stream, not to mention pumping water from the stream for cultivation purposes. Mr. Ip Cheung Fung supplemented that the Lin Ma Hang stream was part of their life. Once the “SSSI” and “CA” zoning were imposed, no activity would be allowed in the stream and along the riverside. Mr. Chan Hon Kwan said that the existing state of the stream of high ecological value was in fact the result of the villagers’ effort. By imposing statutory restrictions over the stream, the villagers would be prevented from maintaining and protecting the stream and there was no guarantee that the high ecological value of the stream could be kept. Mr. Yip Wah Ching said that the “CA” zoning would mean that the stream could no longer be used by the villagers. He was concerned that the zoning was only for the fish and not for the people.

51. Mr. Chan Tung Ngok was concerned that the 20m-wide buffer area which mainly comprised private property had been zoned “CA”. The villagers were not consulted on the proposed “CA” zone. They did not agree to the proposal which had frozen their right to develop the land without any compensation. The Government should adopt the King Yin Lei approach and compensate the villagers by providing a re-provisioning site for them to develop. The Chairman clarified that the Kin Yin Lei case was a measure taken under the heritage preservation policy and not under the Town Planning Ordinance.

52. A Member enquired about the statutory planning controls imposed on the stream under the “SSSI” zoning. In response, the Secretary said that according to the Notes of the “SSSI” zone under the Lin Ma Hang DPA Plan, any diversion of streams, filling of land/pond or excavation of land would require planning permission from the Board. There was no statutory planning control on such activities as fishing or swimming. Mr. Patrick Lai supplemented that an SSSI was an administrative measure to protect areas of special scientific significance and AFCD had no statutory control on the uses or activities permitted within an SSSI. As the Lin Ma Hang stream was zoned as an “SSSI” under the DPA Plan, the uses permitted would have to follow the statutory restrictions under the “SSSI” zoning. As regards the general protection of rivers, he mentioned the case of Tung Chung River which happened a few years ago where the Government had taken enforcement action against certain destructive actions to the river which was on government land.

53. Ms. Carmen Chan said that the villagers were worried that government departments would restrict access to and use of the stream. The Study conducted by HKU did not take into account the history of the stream and its cultural importance to the village. Mr. Lee Koon Hung referred Members to a case in Kai Kuk Shue Ha Tsuen at Sha Tau Kok, where a stream designated as an SSSI had been blocked by boulders after flooding. The concerned government departments claimed that they did not have the authority to clear the boulders because of its SSSI status and the stream was still blocked at the present moment. Mr. Yip Wah Ching reiterated that the Lin Ma Hang stream was built and owned by the villagers and they objected to the “SSSI” and “CA” zoning of the stream and the buffer area.

54. In response to Mr. Jimmy C.F. Leung’s enquiry, Mr. Hui Wai Keung said that PlanD had recommended including ‘Agricultural Use’ under Column 1 of the “CA” zone as a use that was always permitted. Ms. Carmen Chan, however, said that as the villagers would not be able to pump water from the stream, it was impossible for them to farm the land within the “CA” zone. Mr. Chan Tung Ngok supplemented that the villagers would need to dredge the stream and strengthen the banks to install the water pump and such activities were not permitted under the “SSSI” zoning.

55. Mr. Yip Wah Ching reiterated that the villagers of Lin Ma Hang strongly objected to the DPA Plan as they were not properly consulted. PlanD should conduct the land use review afresh. A representer also said that PlanD had presented a lot of incorrect and misleading information in the TPB Paper.

56. As the representers and commenters and their representatives had finished their presentation and Members had no more questions to raise, the Chairman said that the hearing procedures had been completed, the Board would deliberate on the representations in their absence and would inform them of the Board’s decision in due course. The Chairman thanked the representers and commenters and their representatives and the government representatives for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

57. The Chairman said that while the villagers of Shan Tsui had proposed to include

two sites they owned as village expansion area, the sites were within the fung shui woodland zoned “GB”. A Member commented that the two sites were relatively small and, strictly speaking, the villagers should not disturb their own fung shui woodland. However, the Board would need to strike a proper balance between development and conservation. As the DPA Plan was only an interim plan, it would be better to keep to the original recommendation to preserve the woodland. The long-term planning of the area, which should take into account the development of Shenzhen, would have to be carefully considered under the preparation of the OZP.

58. Another Member considered that as the two sites were small and the villagers had claimed that there was no impact on the fung shui woodland, the site could be considered for rezoning to “V”. Should there be concern on tree felling as a result of Small House development, it could be handled by LandsD in its processing of the Small House application. Miss Annie K.L. Tam, however, pointed out that if a site within a woodland was used for Small House development, it would inevitable involve some tree felling and it would be difficult for LandsD to object to the Small House application because of the felling of trees. A Member considered that the rezoning of two sites within the fung shui woodland to “V” would have long-term planning implication and there was insufficient information at this stage to support the amendment. After all, the actual number of returning villagers was not known. The Chairman said that the two sites were currently zoned “GB” and villagers could submit planning applications for Small House developments should they wish to do so. Moreover, it was not the practice of the Board to take into account land ownership when considering the land use zoning of a particular site. In this respect, Members considered that it was more appropriate to retain the “GB” zoning for the two sites.

59. For Heung Yuen Wai, the Chairman noted that the villagers’ proposed extension area fell within the 250m gas consultation zone for the NENT Landfill and was not suitable for development. A Member noted the grievance of the villagers that the “V” zone extension areas proposed by PlanD were often on land not owned by them and therefore could not be used by them for Small House development. Though landownership was not a relevant consideration in deciding on the land use zoning, this Member considered that there was a practical problem in that respect. Miss Annie K.L. Tam agreed that landownership should not be a relevant consideration in planning the use of an area as the

ownership of a piece of land could be changed easily. Mr. Jimmy C.F. Leung added that it was difficult to prove whether the villagers were unable to buy land for Small House development. He said that the villagers were mainly concerned that land within the 'VE' had not been zoned as "V".

60. Mr. Jimmy C.F. Leung opined that the Board was not responsible for formulating policy for Small House or nature conservation. The King Yin Lei case was a result of heritage conservation policy and not something proposed by the Board.

[Mr. Timothy K.W. Ma left the meeting at this point.]

61. After further consideration, Members agreed to adopt the "V" zone extension for Kan Tau Wai and Liu Pok as proposed in the TPB paper.

62. For Fung Wong Wu, Members noted that the village expansion area proposed by the villagers was across Ping Yuen River on land zoned "REC" and was far away from the 'VE' and the existing village. The Secretary said that the proposal to use land which was far away from the 'VE' might not be suitable as LandsD might not approve Small House applications on land completely outside the 'VE'. Miss Annie K.L. Tam said that the Board should only consider whether the proposed village expansion area was suitable to be zoned as "V" from the planning perspective and that it was irrelevant to take the 'VE' boundary into consideration. Mr. Jimmy C.F. Leung, however, considered that the 'VE' was a relevant consideration in drawing up the "V" zone as the planning intention of the "V" zone to provide land for Small House development would not be achieved if LandsD would not approve applications for Small House grants on land outside the 'VE'. The Chairman said that while the 'VE' was a relevant consideration, it was not be the only consideration in drawing up the "V" zone boundary. Noting that the villagers had already received compensation under the river training project and the proposed "V" extension area was outside the 'VE', Members agreed that the villagers' proposal should not be accepted.

63. For Tam Shui Hang, Members noted that the villager's proposal to rezone a piece of land from "GB" to "G/IC" for car parking purposes was not supported by the Hong Kong Police Force. The Secretary said that the zoning of the site could be reviewed at the OZP preparation stage. By the same token, the Chairman considered that a representer's

proposal to rezone an area from “AGR” to “REC” should not be adopted at this stage and that the zoning of that site would be reviewed at the OZP preparation stage. Members agreed.

64. For Lin Ma Hang, the Secretary explained that the issue raised by the villagers was not so much the “SSSI” zoning of the stream as the government representatives had already explained that there were no restrictions on the use of the stream and that the villagers could always submit an application to the Board for planning permission to pump water from the stream for irrigation purposes. The main concern of the villagers was the “CA” zone of the 20m-wide buffer area as Small House development would not be permitted. The villagers were originally also concerned about the need for planning permission to carry out agricultural activities, but this issue had already been addressed by PlanD’s recommendation to include ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ under Column 1 of the “CA” zone. To address the villagers’ concern on Small House development, the Board could consider rezoning the buffer area from “CA” to “GB” so that Small House development would be permitted on application to the Board. Under the Board’s current practice, unless the proposed development would involve extensive tree felling, applications for Small House development within the ‘VE’ would normally be approved.

65. Concerning the villagers’ proposal to rezone a large piece of land to the south of Lin Ma Hang from “AGR” to “V”, Members generally agreed that the proposal was not acceptable, given that the existing size of the “V” zone was already larger than the size of the ‘VE’.

66. On the villagers’ proposal to amend the “SSSI” zoning of the Ling Ma Hang stream, the Chairman considered that it was not acceptable. A Member agreed and said that whether the stream was built and owned by the villagers was an irrelevant consideration. Miss Annie K.L. Tam, however, noted that the management of the stream was a problem after its zoning to “SSSI” and that the management issue needed to be addressed as part of the Government’s conservation policy. A Member suggested that the villagers should be allowed to continue to manage the stream. Based on AFCD’s advice on the ecological value of the stream, it was appropriate to zone the stream to “SSSI”. The Chairman said that the buffer area could be rezoned from “CA” to “GB” where villagers would be allowed

to submit planning applications for Small House development. The Secretary said that a buffer area to protect areas worthy of conservation would normally be zoned as “CA”. However, in the case of Sha Lo Tung mentioned by the representers, the river and the buffer area were both zoned “SSSI” on the OZP. In the current case, as AFCD confirmed that the buffer area itself was of low ecological value and in view of the fact that there were already existing developments within the buffer area, the Board could consider rezoning the area from “CA” to “GB” to allow regulated development on the site.

67. A Member noted that the concern of the villagers was not on the zoning of the stream or its buffer area but on the need to expand the ‘VE’. As claimed by the villagers, the ‘VE’ had remained unchanged for 40 years. However, this was an issue outside the purview of the Board. In response to another Member’s enquiry, the Secretary said that PlanD’s proposal in the TPB Paper to include ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ under Column 1 of the Notes of the “CA” zone would not address the villagers’ concerns as the zoning of the site would remain as “CA” where there was a presumption against development. A Member noted that the request of the villagers was to rezone the buffer area to “V”, which would be out of the question as it would allow unregulated development which would adversely affect the ecology of the stream. This Member supported the proposal to rezone the buffer area to “GB” as a compromise so that any development within the buffer area would be regulated.

68. In conclusion, the Chairman noted that Members generally agreed to rezone the buffer area of Lin Ma Hang stream from “CA” to “GB”. As there was an existing community along the banks of the stream, the “GB” zoning would enable the Board to regulate development within the buffer area and maintain a proper balance between conservation and the community need for development.

69. The Chairman then concluded the discussion and noted that Members generally agreed to partially uphold the representations on enlarging the “V” zones in the five DPA Plans. Members also agreed to amend the “V” zones for some of the villages which were not the subject of representations, including the “V” zone for Muk Wu, Tong Fong, Heung Yuen Wai and Tsung Yuen Ha. Amendments to these “V” zones would be made under section 7 of the Ordinance. Members also agreed to note the supporting views of the representations and agreed that the remaining representations should not be upheld.

70. On the request of the Chairman, the Secretary explained that DPO/STN had reviewed the boundaries of all the “V” zones covering the five DPA Plans, no matter whether the villages had submitted representations or not. For those villages that had submitted representations on the “V” zones, the proposed amendments would be gazetted under section 6C(2) of the Ordinance, as the Board had agreed to partially meet the representation. For those villages that had not submitted representations on the “V” zones, the proposed amendments would be made under section 7 of the Ordinance.

71. Members also agreed to request PlanD to review the zoning of a piece of land in between Pak Fu Shan and Sham Chun River at the OZP preparation stage.

72. A Member noted that the villagers generally welcomed consultation by PlanD but were not satisfied that only one round of consultation was conducted. This Member considered that a negotiation process was required where the different interest groups could come together to negotiate with one another. The DPOs might need to conduct several rounds of negotiations with the interested parties. A Member, however, noted that consultation was different from negotiation and the DPO was not in a position to make any decisions on behalf of the Board.

73. The Chairman noted that apart from statutory consultation procedure under the Town Planning Ordinance, the DPO had taken extra effort to consult the villagers on the various proposals. The Chairman suggested and Members agreed to put on record the Board’s appreciation of the DPO’s efforts.

#### **Draft Sha Tau Kok DPA Plan**

##### Representation No. R1 (part) to R11 (part)

74. After further deliberation, the Board agreed to amend the DPA Plan to partially meet the representations on the enlargement of “V” zones by amending the “V” zone for the villages of Tong To, San Tsuen, Muk Min Tau, Tsiu Hang, Tam Shui Hang and Shan Tsui.

##### Representation No. R1 (part) to R11 (part) and R12 to R14

75. After further deliberation, the Board decided not to uphold the remaining parts

of representations R1 to R11 and representations R12 to R14 for the following reasons:

*Enlargement of All “V” zones in Sha Tau Kok*

- (a) to cater for the future Small House demand, the “V” zone of Tong To, San Tsuen, Muk Min Tau, Tsiu Hang, Tam Shui Hang and Shan Tsui had been extended to the extent equivalent to the size of the village ‘environs’ (‘VE’). Areas suitable for village type development had been zoned “V” taking all relevant factors like topography, settlement pattern, vegetation cover and other local features into consideration. The other “V” expansion areas proposed in the representation were not suitable for Small House development as they either fell outside the ‘VE’, had good potential for recreational or agricultural activities or were well vegetated woodland worthy of protection; *(for R1 to R11 and R13)*

*“AGR” and “GB” zonings for the Coastal Land south of Sha Tau Kok Road*

- (b) the zoning of “AGR” for the coastal areas to the south of Sha Tau Kok Road was to retain agricultural land of good quality. In line with the recommendations of the “Study on Land Use Planning for the Closed Area”, the “AGR” zone was appropriate for the coastal area. The scope for zoning the area to “REC” would be further studied during the course of OZP preparation taking all relevant factors into consideration; *(for R6, R8, R9 and R11)*
- (c) the zoning of “GB” close to the future Gate One Checkpoint of the Closed Area was considered appropriate taking into account its proximity to the Closed Area and its natural setting; *(for R6 and R11)*
- (d) the zoning of “AGR” for the coastal areas to the south of Sha Tau Kok Road was to retain agricultural land of good quality. There was no strong ground to zone the isolated fish ponds of low ecological value to “CA”; *(for R14)*

*Zonings for the Fung Shui Woodland near rural villages and the proposed Robin’s Nest Country Park and its northern slope*

- (e) the “GB” zone for the fung shui woodlands at Shan Tsui, Sheung Tam Shui Hang and Tong To was considered appropriate taking into account their relatively low ecological value, their small colony size and commonness of species composition; *(for R5 and R12)*
- (f) the “GB” zone for the proposed Robin’s Nest Country Park and its northern slope was to define the limits of urban and sub-urban development areas by natural features. The “GB” zoning would be reviewed pending the designation of the potential Robin’s Nest Country Park by the Country and Marine Parks Board; *(for R13 and R14)*

*Issues of Public Consultation and Compensation*

- (g) extensive public consultation had been conducted to collect public views during the course of the “Study on Land Use Planning for the Closed Area”. The publication of the draft DPA Plan under the Town Planning Ordinance (the Ordinance) was also a form of statutory public consultation under which all the representations and comments received would be duly considered by the Board in accordance with the provision of the Ordinance; *(for R3 and R4)*
- (h) under the Ordinance, there was no provision for compensation to land affected by planning restrictions of the statutory plan. Land resumption was outside the purview of the Board; *(for R7)* and

*Restrictions on “REC” zone*

- (i) the “REC” zone was intended primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism, which was in line with the vision and land use framework recommended in the “Study on Land Use Planning for the Closed Area”. Uses such as ‘Holiday Camp’ and ‘Picnic Area’ which were generally compatible with the environment without causing significant adverse drainage, landscape and ecological impacts were permitted as of right under the “REC” zone. However, major recreational developments such as ‘Golf Course’ and

'Theme Park' which might have potential drainage, ecological and landscape impacts on the adjacent area were placed under Column 2 requiring planning permission from the Board. Technical assessments and suitable mitigation measures would need to be provided in support of the planning application. In this respect, it was unlikely that the future recreational development at Tong To would cause any adverse impact on the area. *(for R1)*

### **Draft Lin Ma Hang DPA Plan**

#### Representation No. R4 (part) and R5 (part)

76. After further deliberation, the Board agreed to note the views of the above representations in support of the buffer area for the Lin Ma Hang stream.

#### Representation No. R1 (part) and R2 (part)

77. After further deliberation, the Board agreed to amend the DPA Plan to partially meet the representations by rezoning the buffer area of the Lin Ma Hang stream from "CA" to "GB".

#### Representation No. R1 (part), R2 (part), R3, R4 (part), R5 (part) and R6 to R7

78. After further deliberation, the Board decided not to uphold the remaining parts of representations R1, R2, R4 and R5 and representations R3, R6 and R7 for the following reasons:

#### *"V" zone for Lin Ma Hang Village*

- (a) the boundary of the "V" zone was drawn up having regard to the existing village 'environs' ('VE'), outstanding Small House applications, demand forecasts, local topographies, existing settlement patterns, ecologically important areas and other site specific characteristics. Areas suitable for village type development had been zoned "V", the size of which was already larger than the 'VE' by 7%. There was no strong planning justification to rezone all the agricultural land to the north, west and south of Lin Ma Hang Village from "AGR" to "V" as they were mostly hilly and fell outside the 'VE'. Nevertheless, the boundary of the "V"

zone would be kept under close review and would be further refined where appropriate in the course of preparing the OZP; (*for R1, R2 and R4*)

- (b) the sewerage improvement for Lin Ma Hang Village had been included in the North District Sewage Stage 2 Project the implementation of which would be subject to resource availability and local support. Relevant studies would be carried out to address/monitor the sewerage infrastructure for new developments in the area. Hence, the concern on the possible drainage/sewage impacts of the Lin Ma Hang “V” zone would be properly addressed. There was no ground to consider the proposal of planning village expansion on Government land elsewhere; (*for R4, R5 and R6*)
- (c) the draft DPA Plan was prepared to take forward the recommendations of the “Study on Land Use Planning for the Closed Area” and to provide interim planning guidance and development control pending the preparation of the OZP. It was not appropriate to repeal the current draft DPA Plan. Notwithstanding, in working out the detailed land use proposals in the process of OZP preparation, all relevant planning considerations would be taken into account and local consultations would be conducted as appropriate; (*for R2*)

*“SSSI” zoning for the Lin Ma Hang stream and the Lin Ma Hang Lead Mine and “CA” zoning for the stream’s buffer and fung shui areas*

- (d) the “SSSI” zoning for the Lin Ma Hang stream and the Lin Ma Hang Lead Mine was to recognise their existing status and to provide statutory planning control of the designated SSSIs. The stream buffer including the fung shui pool was proposed to be rezoned to “GB” as it comprised fallow agricultural land and did not carry high ecological value. While the “GB” zone would help provide a buffer to protect the water quality and eco-system of the stream, it would also provide flexibility for suitable development subject to scrutiny under the planning permission system. A suitable balance had been struck between conservation needs

and the existing village condition; *(for R1, R2, R3 R5 and R7)*

- (e) the designation of Restricted Area was outside the jurisdiction of the Town Planning Board. Nevertheless, the proposal to designate the Lin Ma Hang Lead Mine as a Restricted Area had been conveyed to the Agriculture, Fisheries and Conservation Department who would give due consideration to the proposal; *(for R7)*

*“GB” zoning near Lin Ma Hang Village, Robin’s Nest Country Park and the area near Tong To Shan Tsuen*

- (f) the “GB” zone for the areas near Lin Ma Hang Village and the proposed Robin’s Nest Country Park was to define the limits to urban and sub-urban development areas by natural features. As ‘Agricultural Use’ was a Column 1 use and was permitted as of right within the “GB” zone, existing and planned farming activities would not be affected by the zoning. The “GB” zone would be reviewed pending the designation of the potential Robin’s Nest Country Park by the Country and Marine Parks Board; *(for R1 and R2)*
- (g) the “GB” zone for the areas near the proposed Robin’s Nest Country Park and its northern slope, and the Tong To Shan Tsuen area was to define the limits to urban and sub-urban development areas by natural features. The proposed inclusion of the Lin Ma Hang Valley and its environs into the Robin’s Nest Country park had been conveyed to the Agriculture, Fisheries and Conservation Department who would give due consideration to the proposal when delineating the boundary of the Country Park in the future; *(for R4, R6 and R7)*

*Provision of Road Infrastructure*

- (h) the necessary road widening works for Lin Ma Hang would be carried out in the future. Moreover, improvement of local roads would continue having regard to the traffic needs and road safety; *(for R1)*

*Zoning for the Former Residence of Ip Ting-Sz*

- (i) given the broadbrush nature of zoning and the small scale of the DPA Plan, the site of the former residence of Ip Ting-Sz was too small to be reflected in a separate zone. The former residence was a declared monument and there was sufficient protection under the Antiquities and Monuments Ordinance (Cap. 53). The land use zoning for the secondary forest close to the site would be reviewed pending detailed investigation of the ecological value of the plant species therein during the preparation of the OZP; *(for R5 and R7)* and

*Issues of Compensation*

- (j) under the Ordinance, there was no provision for compensation to land affected by planning restrictions of the statutory plan. Land resumption was outside the purview of the Board. *(for R1 and R2)*

**Draft Ta Kwu Ling North DPA Plan**

Representation No. 1

79. After further deliberation, the Board agreed to note the concern of representation R1 on the implementation of the Liantang/Heung Yuen Wai Boundary Control Point and to convey his concerns to Security Bureau for its consideration.

Representation No. R2 and R3

80. After further deliberation, the Board decided not to uphold the above representations for the following reasons:

*“GB” zone for Fung Shui Woodlands*

- (a) as the fung shui woodlands near Tsung Yuen Ha and Kan Tau Wai were of low to moderate ecological value with low plant diversity, the “GB” zoning was considered appropriate. With a general presumption against development within the “GB” zone, any unauthorized development would be subject to enforcement under the provision of the Town Planning Ordinance; *(for R2)* and

*Restrictions and Requirements under the “REC” zone*

- (b) with the planning intention primarily for recreational developments for the use of the general public, the “REC” zone was not a conservation-related zoning per se and stringent restrictions on land filling/excavation was not necessary. Moreover, the Notes for the “REC” zone had already stipulated that any diversion of stream or filling of ponds as well as some recreational developments under Column 2 would require planning permission from the Board. With the programmed improvements to the drainage systems in the area of the DPA Plan and the current planning control procedures under the Notes of the “REC” zone, it was not necessary to require drainage impact assessments for developments within the “REC” zone. *(for R3)*

### **Draft Man Kam To DPA Plan**

#### Representation No. R1 (part)

81. After further deliberation, the Board agreed to amend the DPA Plan to partially meet the representation by amending the “V” zone for Fung Wong Wu.

#### Representation No. R1 (part), R2 to R6

82. After further deliberation, the Board decided not to uphold the remaining parts of representation R1 and representations R2 to R6 for the following reasons:

#### *“V” zone for Fung Wong Wu Village*

- (a) to cater for the future Small House demand, the “V” zone of Fung Wong Wu and Chow Tin Tsuen had been extended to the extent equivalent to the size of the village ‘environs’ (‘VE’). Areas suitable for village type development had been zoned “V” taking all relevant local factors like topography, settlement pattern, vegetation cover and other local features into consideration. The proposed “V” expansion area to the north of Ping Yuen River was considered not suitable as the area fell outside the ‘VE’ of Fung Wong Wu and was planned for recreational developments. The boundary of the “V” zone would be kept under close review and would be further refined where appropriate in the course of preparing the OZP; *(for R1)*

*“AGR” zone near Muk Wu and Lo Shue Ling*

- (b) the areas near Muk Wu and Lo Shue Ling were considered not suitable for warehouse or port back-up use and open storage uses as they were surrounded by active and fallow agricultural land with no proper access. Rezoning to such uses would result in adverse environmental and traffic impacts and land use incompatibility problems with the surrounding areas; *(for R2 and R3)*

*“GB” zone for Fung Shui Woodlands*

- (c) as the fung shui woodlands at Muk Wu and Chow Tin Tsuen were of low to moderate ecological value with low plant diversity, the “GB” zoning was considered appropriate. With a general presumption against development within the “GB” zone, any unauthorised development would be subject to enforcement under the provision of the Town Planning Ordinance; *(for R4)*

*“G/IC” zone for Historic Buildings*

- (d) the “G/IC” zone for the MacIntosh Fort at Nam Hang and Nga Yiu were considered appropriate to reflect Government landownership and the former use by the Hong Kong Police Force. Moreover, there was an established mechanism under the purview of the Antiquities and Monuments Ordinance and the Commissioner for Heritage to protect these historic buildings from the encroachment of development; *(for R5)* and

*Restrictions and Requirements for Development within “REC” zone*

- (e) with the planning intention primarily for recreational developments for the use of the general public, the “REC” zone was not a conservation-related zoning per se and stringent restrictions on land filling/excavation was not necessary. Moreover, the Notes for the “REC” zone had already stipulated that any diversion of stream or filling of ponds as well as some recreational developments under Column 2 would require planning permission from the Board. With the

programmed improvements to the drainage systems in the area of the DPA Plan and the current planning control procedures under the Notes of the “REC” zone, it was not necessary to require drainage impact assessments for developments within the “REC” zone. (*for R6*)

### **Draft Ma Tso Lung and Hoo Hok Wai DPA Plan**

#### Representation No. R2 (part)

83. After further deliberation, the Board agreed to note the views of the above representation in support of the planning and development of Hoo Hok Wai.

#### Representation No. R3 (part)

84. After further deliberation, the Board agreed to amend the DPA Plan to partially meet the representation by amending the “V” zone for Liu Pok.

#### Representation No. R1, R2 (part), R3 (part) and R4 to R8

85. After further deliberation, the Board decided not to uphold the remaining parts of representations R2 and R3 and representations R1, and R4 to R8 for the following reasons:

#### *“V” zone for Liu Pok Village*

- (a) to cater for the future Small House demand, the “V” zone of Liu Pok had been extended to the extent equivalent to the size of the village ‘environs’ (‘VE’). Areas suitable for village type development had been zoned “V” taking all relevant local factors like topography, settlement pattern, vegetation cover and other local features into consideration. The proposed “V” expansion area to the north of Liu Pok was considered not appropriate by the Director of Agriculture, Fisheries and Conservation as the proposed extension had marshy habitat with some ecological value which should be kept for agricultural use. The boundary of the “V” zone would be kept under close review and would be further refined where appropriate in the course of preparing the OZP; (*for R3*)

*Zoning for Hoo Hok Wai*

- (b) it was premature to zone Hoo Hok Wai as “CA” or “Comprehensive Development Area” (“CDA”) at this stage pending a follow-up study to ascertain the future land uses for Hoo Hok Wai. More detailed assessments would be carried out before an appropriate zoning would be given to Hoo Hok Wai when preparing the OZP. In the interim, apart from uses/developments permitted under the Notes of the DPA Plan, all other uses would require planning permission from the Board under the “Unspecified Use” designation; *(for R4 to R8)*

*Zoning for Fung Shui Woodland near rural villages*

- (c) no known fung shui woodland was identified within the area covered by the DPA Plan; *(for R4)*

*Concerns on Eco-lodge*

- (d) according to the “Study on Land Use Planning for the Closed Area’, the off-site disturbance impacts on Hoo Hok Wai due to the construction and subsequent operation of the eco-lodge would be insignificant. Besides, the eco-lodge was located suitably away from the Deep Bay so that any potential impact would be minimised. Under the planning permission system, technical assessments would need to be submitted in support of the planning application to the Board and any possible negative impacts of the eco-lodge development to its surroundings would be assessed and addressed; *(for R4 and R6)*

*“G/IC” zone for Historic Building*

- (e) the “G/IC” zone for the MacIntosh Fort at Ma Tso Lung was considered appropriate to reflect Government landownership and the former use by the Hong Kong Police Force. Moreover, there was an established mechanism under the purview of the Antiquities and Monuments Ordinance and the Commissioner for Heritage to protect these historic buildings from the encroachment of development; *(for R6)*

*Other Issues*

*Land Resumption*

- (f) there was no provision for compensation under the Ordinance to land affected by planning restrictions of statutory plans. The proposal to resume the fish ponds in Hoo Hok Wai was outside the purview of the Board; *(for R2 and R8)*

*Town Planning Board Guidelines No. 12B*

- (g) the guiding principles for development in Deep Bay Area as enshrined in Town Planning Board Guidelines No. 12B had been stated in the Notes as well as the Explanatory Statement of the DPA Plan. The need to revise the Guidelines to cover Hoo Hok Wai would be further examined when the findings of the further study were known; *(for R4 and R8)* and

*Reserve land for Kwu Tung North Development*

- (h) the rehousing arrangement for Kwu Tung North development was being examined under the NENT New Development Area Study. *(for R1)*

**Agenda Item 7**

[Open Meeting ]

Any Other Business

[The meeting was conducted in Cantonese.]

86. There being no other business, the meeting closed at 3:00 p.m.