

TOWN PLANNING BOARD

TPB Paper No. 9658
For consideration by the
Town Planning Board
on 16.5.2014

PROPOSED AMENDMENTS TO THE
DRAFT TA KWU LING NORTH OUTLINE ZONING PLAN NO. S/NE-TKLN/1
ARISING FROM THE CONSIDERATION OF REPRESENTATIONS AND COMMENT
ON OUTLINE ZONING PLAN NO. S/NE-TKLN/1

**PROPOSED AMENDMENTS TO THE
DRAFT TA KWU LING NORTH OUTLINE ZONING PLAN NO. S/NE-TKLN/1
ARISING FROM THE CONSIDERATION OF REPRESENTATIONS AND COMMENT
ON OUTLINE ZONING PLAN NO. S/NE-TKLN/1**

1. Introduction

This paper is to seek Members' agreement that:

- (a) the proposed amendments to the draft Ta Kwu Ling North (TKLN) Outline Zoning Plan (OZP) No. S/NE-TKLN/1 and its Notes set out at **Annexes I and II** are suitable for publication for public inspection under section 6C(2) of the Town Planning Ordinance (the Ordinance); and
- (b) the revised Explanatory Statement (ES) of the OZP (**Annex III**) is suitable for publication together with the Plan.

2. Background

- 2.1 On 19.7.2013, the draft TKLN OZP No. S/NE-TKLN/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of four valid representations were received. On 11.10.2013, the representations were exhibited for public comment. Upon the expiry of the publication period on 1.11.2013, one comment was received.
- 2.2 On 28.2.2014, upon hearing of the representations and comment on the OZP (TPB Paper No. 9523), the Town Planning Board (the Board) decided to uphold two representations submitted by the World Wide Fund for Nature Hong Kong (WWF Hong Kong) and the Kadoorie Farm and Botanic Garden Corporation (KFBGC). Members generally considered that sufficient protection should be given to the Heung Yuen Wai (HYW) Stream and its riparian area which have been assessed to have high ecological value under the FCA Study completed in 2010. In particular, it was concerned that some of the site formation works incidental to the recreational developments along the Stream might have adverse ecological impact on the stream. The zoning of the HYW Stream and its 20m riparian area should be amended and the Notes for the "Recreation" ("REC") zone of the OZP should clearly reflect the planning intention for low-density recreational developments. The Planning Department (PlanD) was requested to work out the appropriate zoning for the HYW Stream and its 20m riparian area in consultation with the Agriculture, Fisheries and Conservation Department (AFCD) and submit the proposed amendments to the draft TKLN OZP No. S/NE-TKLN/1 to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

- 2.3 Extract of the minutes of the Board's meeting on 28.2.2014 are at **Appendix** for Members' reference.

3. Appropriate Zoning for the HYW Stream and its 20m Riparian Area

Ecological/Habitat Conditions of the HYW Stream (Plans Ha-1 to Ha-3a and 3b and Ha-4a to 4e)

- 3.1 The HYW Stream runs through the planning scheme area of the TKLN area from the east to the west and connects with the Sham Chun River (深圳河) in the west. Its tributaries are widely spreading at the upper sections in the east and the southeast (**Plans Ha-1 and 2**) of the planning scheme area of the OZP. In general, the HYW Stream can be broadly divided into five sections (**Plans Ha-3a and 3b**):
- (a) the stream section connecting the NENT Landfill site and the Sham Chun River, which is often known as the Kong Yiu Stream (缸窰河), has been channelized with the maintenance track of the Drainage Services Department at one side (**Plans Ha-4a and 4b**). The water quality is not good and limited use of the stream by wildlife is observed. The ecological value of this stream section is limited;
 - (b) the lower section between HYW 'fung-shui' woodland and Kong Yiu Stream has good riparian zone and most of them are lined with mature trees (**Plan Ha-4c**). Both the water quality and stream habitat conditions are good. Native fish and other aquatic organisms have been observed. From the ecological perspective, this section is the best part of the Stream;
 - (c) the tributary of the HYW Stream south of Ha Heung Yuen (HHY) has good water quality (**Plan Ha-4d**). The lower section within the "Village Type Development" ("V") zone is rather narrow and mainly bordered by abandoned agricultural land overgrown by grass. On the other hand, some parts of the middle section of this tributary are lined with trees;
 - (d) the tributary east of HYW is a small stream with good water quality. The lower part adjacent to the 'fung-shui' woodland is lined with trees. The upper stream section of this tributary could not be easily accessed as the area is heavily overgrown (**Plans Ha-3a and Ha-4c**); and
 - (e) the middle and upstream sections of the HYW Stream in the east are rather narrow and meander through mainly abandoned agricultural land (**Plan Ha-4e**). The stream should have been modified by farming activities in the past and its riparian zones are mainly earth banks overgrown by grass, with some isolated trees.

Recommendations on the Appropriate Zonings for the HYW Stream and Rezoning Proposals

- 3.2 Taking into account the ecological/habitat conditions of the HYW Stream, the

following amendments to the zoning for the HYW Stream and its riparian area (**Plan Ha-5**) are proposed:

- (a) for the lower stream sections which have been channelized, no amendment to the land use zoning is necessary as the area concerned is considered of low ecological/intrinsic value. The current zoning of “REC”, “Agriculture” (“AGR”) and “V” on the OZP are suggested to be retained;
- (b) for stream section running through the “V” zones of HYW, HHY and Tsung Yuen Ha Villages, no amendment to the land use zoning of the stream and its riparian area is proposed as according to the Notes for the “V” zone, any diversion of streams shall not be undertaken without the planning permission from the Board, and there are existing administrative mechanisms to ensure that any potential adverse impacts on the natural streams would be properly addressed;
- (c) for stream section and its riparian area falling within the conservation zoning already, say “Conservation Area” or “Green Belt” (“GB”), no amendment to their land use zonings are suggested as sufficient protection is already in place under the Notes of the OZP, and any site formation related activities such as filling of land/pond or excavation of land require planning permission from the Board. This includes the upper sections of the HYW Stream in the hilly area of Wong Mau Hang Shan (黃茅坑山) in the east and southeast of the planning scheme area. The “GB” zoning on the OZP will be retained;
- (d) for the HYW Stream section in the south of the “V” zone of HYW and HHY Villages which are currently zoned “AGR” on the OZP, no amendment is proposed as “AGR” is a non-development zone and it is considered that sufficient protection to the Stream is already in place;
- (e) for stream section which is natural and with little human disturbance, the stream and its 20m riparian zone are proposed to be rezoned to “GB” so as to provide the required protection. This includes the middle and upper sections of the HYW Stream in the east and southeast which are currently zoned “REC” on the OZP, and the lower section of the HYW Stream between the HYW ‘fung-shui’ woodland and Kong Yiu Stream which is the section with the highest ecological value as per the advice of DAFC as detailed in paragraph 3.1(b). The stream itself and its 20m riparian area are proposed to be rezoned from “REC”, “AGR” and “V” to “GB” (up to the area already zoned “GB” on the OZP); and
- (f) as a result of (e) above, isolated land pockets/strips of land along the stream section created due to the proposed zoning amendments to the HYW Stream and its riparian area are also proposed to be rezoned to “GB” having regard that such residual land area may have limited potential for recreational development.

4. “V” zone affected by the Proposed Amendments to the HYW Stream and its Riparian Area

As a result of the above, some 0.32 ha of land along the northern boundary of the “V” zone of HYW and HHY Villages is proposed to be rezoned from “V” to “GB” so as to provide sufficient protection to the HYW Stream. To compensate the loss of “V” zone, it is proposed to rezone the same area of land in the west of this “V” zone, i.e. an area between Kong Yiu Stream and the western boundary of the “V” zone of HHY Village, which is currently fallow agricultural land, from “AGR” to “V”. The resultant “V” zone will be bounded by the HYW Stream to its north, an area zoned “GB” to the east, the 250m Landfill Gas Consultation Zone of the NENT Landfill to the south, and the Kong Yiu Stream to the west.

5. Proposed Amendments to the Draft Ta Kwu Ling North OZP

5.1 Proposed Amendments to Matters shown on the OZP (Annex I)

- (a) Amendment Item A (about 12.03 ha)
Rezoning the section of the HYW Stream and its northern riparian area between the northern boundary of the HYW ‘fung-shui’ woodland and the HYW and HHY Villages from “REC” to “GB”, and the eastern and southeastern sections of the HYW Stream and its riparian area, together with the pockets of land/strips of land between the “REC” and “GB” zones along the stream riparian area from “REC” to “GB”.
- (b) Amendment Item B (about 0.98 ha)
Rezoning the southern riparian area of the section of the HYW Stream between the northern boundary of HYW ‘fung-shui’ woodland and the HYW and HHY Villages from “AGR” to “GB”.
- (c) Amendment Item C (about 0.32 ha)
Rezoning the northern portion of the “V” zone of the HYW and HHY Villages falling within the 20m riparian area of HYW Stream from “V” to “GB”.
- (d) Amendment Item D (about 0.32 ha)
Rezoning an area between the channelized section of HYW Stream, i.e. Kong Yiu Stream, and the western boundary of the “V” zone of HYW and HHY Villages from “AGR” to “V”.

5.2 Proposed Amendment to the Notes of the OZP (Annex II)

Revision to the planning intention of the Notes for the “REC” zone to indicate that its planning intention is for low-density recreational developments.

- 5.3 The Notes and ES for the “REC” zone, and ES for the “GB” zone of the current draft TKLN OZP No. S/NE-TKLN/1 have been revised to incorporate the proposed amendments as mentioned in paragraphs 5.1 and 5.2 above. Relevant extracts of the revised Notes and ES (with proposed additions highlighted in ***bold and italics*** and deletion ~~crossed-out~~) are at **Annexes II and III** respectively for Members’ consideration.

6. Consultation

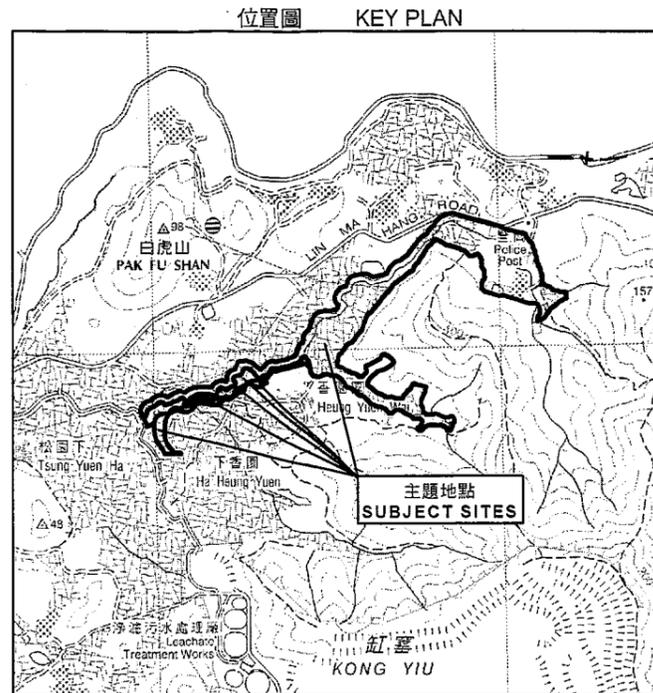
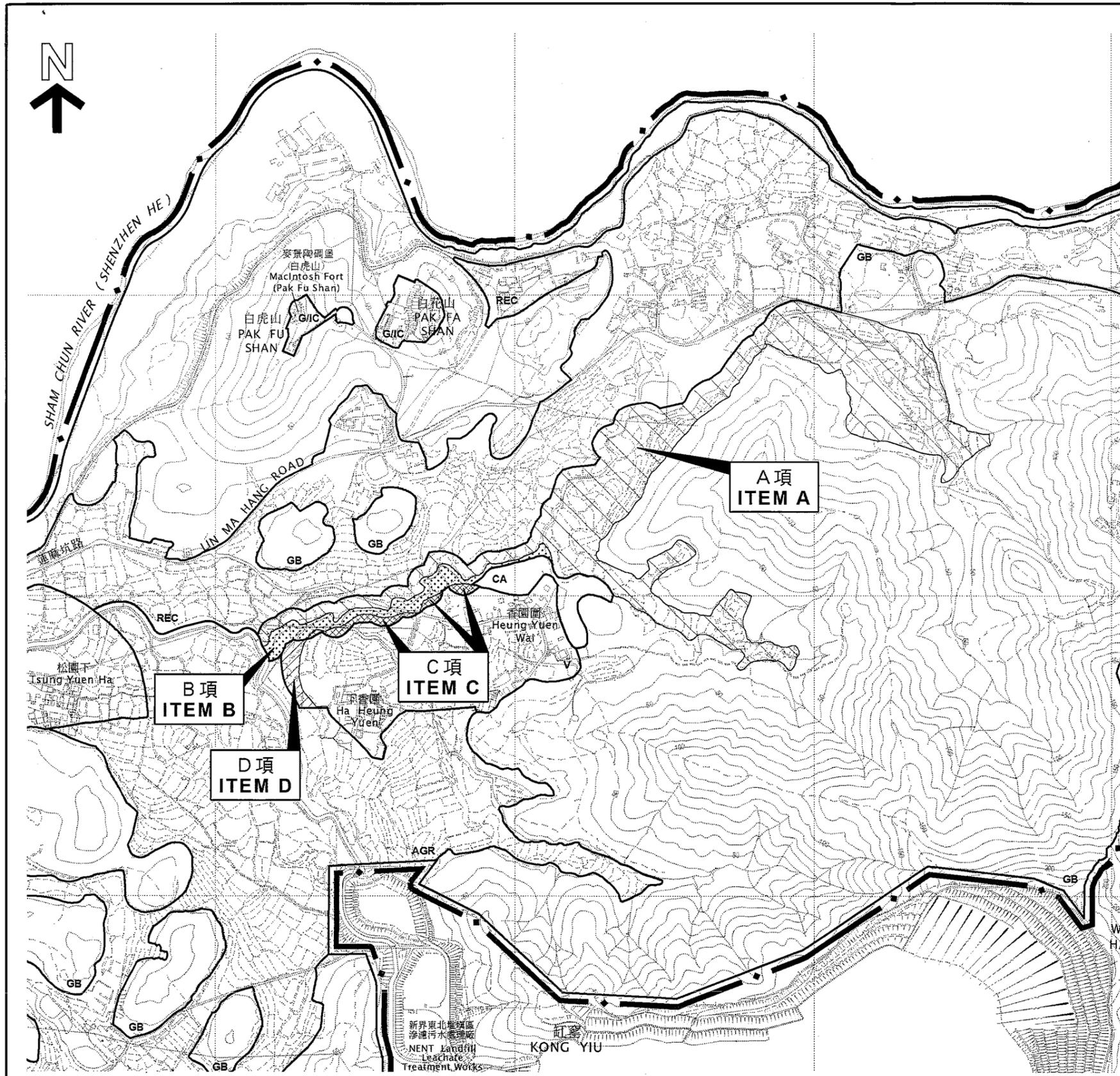
Relevant government bureaux/departments have been consulted on the proposed amendments to the draft TKLN OZP No. S/NE-TKLN/1 (**Annex I**), its Notes and ES (**Annexes II and III**) and their comments have been incorporated where appropriate.

7. Decision Sought

Members are invited to agree that the proposed amendments to the draft TKLN OZP No. S/NE-TKLN/1 as shown at **Annexes I and II** are suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance; and the revised ES at **Annex III** is suitable for publication together with the Plan.

Attachments

Annex I	Proposed Amendments to the draft Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/1
Annex II	Proposed Amendment to the Notes of the draft Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/1 in relation to Amendment Plan No. R/S/NE-TKLN/1-A1 (Notes for the “REC” zone)
Annex III	Proposed Revision to the Explanatory Statement of the draft Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/1 in relation to Amendment Plan No. R/S/NE-TKLN/1-A1 (paragraphs 9.3 and 9.6)
Plan Ha-1	Location of the Heung Yuen Wai Stream
Plan Ha-2	Aerial Photo
Plans Ha-3a and 3b	Index of Sections of Heung Yuen Wai Stream
Plans Ha-4a to 4e	Ecological/Habitat Conditions of Different Sections of the Heung Yuen Wai Stream
Plan Ha-5	Rezoning Proposals for Heung Yuen Wai Stream and its Riparian Area
Appendix	Extract of the Minutes of the TPB Meeting held on 28.2.2014



草圖編號 S/NE-TKLN/1 的建議修訂
 PROPOSED AMENDMENTS TO DRAFT PLAN No. S/NE-TKLN/1
 根據城市規劃條例第 6C(2) 條公布的建議修訂
 PROPOSED AMENDMENTS PUBLISHED UNDER SECTION 6C(2)
 OF THE TOWN PLANNING ORDINANCE

- A 項 ITEM A

由「康樂」地帶改劃為「綠化地帶」
 REZONING FROM "RECREATION" TO "GREEN BELT"
- B 項 ITEM B

由「農業」地帶改劃為「綠化地帶」
 REZONING FROM "AGRICULTURE" TO "GREEN BELT"
- C 項 ITEM C

由「鄉村式發展」地帶改劃為「綠化地帶」
 REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT"
- D 項 ITEM D

由「農業」地帶改劃為「鄉村式發展」地帶
 REZONING FROM "AGRICULTURE" TO "VILLAGE TYPE DEVELOPMENT"

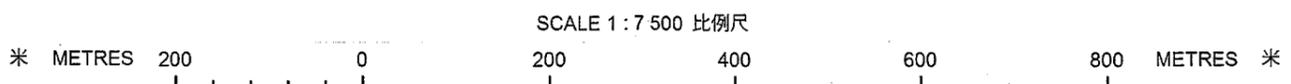
(參看附表)
 (SEE ATTACHED SCHEDULE)

2014年5月一日根據城市規劃條例第6C(2)條公布
 對草圖編號 S/NE-TKLN/1 作出的建議修訂
 PROPOSED AMENDMENTS TO DRAFT PLAN No. S/NE-TKLN/1
 PUBLISHED UNDER SECTION 6C(2) OF THE TOWN
 PLANNING ORDINANCE ON - MAY 2014

Draft

SECRETARY, TOWN PLANNING BOARD 城市規劃委員會秘書

打鼓嶺北分區計劃大綱草圖編號 S/NE-TKLN/1 的建議修訂
**PROPOSED AMENDMENTS TO DRAFT TA KWU LING NORTH
 OUTLINE ZONING PLAN No. S/NE-TKLN/1**



規劃署遵照城市規劃委員會指示擬備
 PREPARED BY THE PLANNING DEPARTMENT UNDER
 THE DIRECTION OF THE TOWN PLANNING BOARD



圖則編號 R/S/NE-TKLN/1 - A1
 PLAN No.

**Proposed Amendments to the Notes
of the draft Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/1
in relation to Amendment Plan No. R/S/NE-TKLN/1-A1**

The Remarks of the Notes for the “Recreation” zone are proposed to be amended to read:
(with proposed additions highlighted in *bold and italics* and deletion ~~crossed out~~)

- 1 -

RECREATION

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Animal Boarding Establishment
Barbecue Spot	Broadcasting, Television and/or Film Studio
Field Study/Education/Visitor Centre	Eating Place
Government Use (Police Reporting Centre only)	Flat
Holiday Camp	Golf Course
On-Farm Domestic Structure	Government Refuse Collection Point
Picnic Area	Government Use (not elsewhere specified)
Place of Recreation, Sports or Culture	Helicopter Landing Pad
Public Convenience	Hotel
Rural Committee/Village Office	House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)
Tent Camping Ground	Place of Entertainment
	Private Club
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Religious Institution
	Residential Institution
	Shop and Services
	Theme Park
	Utility Installation for Private Project
	Zoo

(Please see next page)

RECREATION (cont'd)

Planning Intention

This zone is intended primarily for *low-density* recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the *low-density* recreational developments may be permitted subject to planning permission.

Remarks

- (a) No residential development (except 'New Territories Exempted House') shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of streams or filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

**Proposed Amendments to the Explanatory Statement
of the draft Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/1
in relation to Amendment Plan No. S/NE-TKLN/1**

(This does not form part of the proposed amendments to
the draft Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/1)

Paragraphs 9.3, 9.5 and 9.6 of the Explanatory Statement of the current draft Ta Kwu Ling North OZP No. S/NE-TKLN/1 are extracted below. Paragraphs 9.3.1 and 9.6.4 are proposed to be amended and paragraph 9.6.5 is proposed to be added as follows (with proposed additions highlight in ***bold and italics*** and deletion ~~crossed-out~~):

9. LAND USE ZONINGS

9.3 “Recreation” (“REC”) : Total Area ~~111.83~~ ***99.80*** ha

9.3.1 This zone is intended primarily for ***low-density*** recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the ***low-density*** recreational developments may be permitted subject to planning permission.

9.3.2 There are abandoned agricultural land around Pak Fu Shan, north of the Tsung Yuen Ha, Ha Heung Yuen and Heung Yuen Wai. It is occupied by a number of temporary structures that are used for domestic and non-domestic purposes as well as some limited open storage uses. This area is designated for recreational purposes as it has low environmental value, low scenic value with a mixture of temporary structures. A large area east of Kan Tau Wai at the southwestern part of the Area is designated as “REC” zone on the Plan. It is intended to provide indirect economic benefits to the nearby villages and the area is adjacent to potential recreational facilities such as hiking/heritage trails and bicycle tracks as well as the potential Robin’s Nest Country Park so that the future facilities of this area can complement any proposed recreational uses in the “REC” zone.

9.3.3 Kaw Liu Village which contains mainly village settlements without recognized village status is included in this zoning. The house structures built in this area are mainly domestic houses. Although expansion of this rural settlement is not encouraged, redevelopment of existing NTEHs and domestic houses have been allowed for in this zoning.

9.3.4 Recreational uses such as horse riding schools, visitor centres, local historical museums, adventure parks, organic farms, hobby-farms, camping grounds, BBQ areas and other uses that are primarily outdoor nature-based activities are permitted within this zone. These facilities should work in parallel with the promotion of Heung Yuen Wai and other villages which are connected by the proposed heritage and hiking trails. However, the recreational development in this Area should be restricted to low-intensity development so as not to overload the infrastructure of the Area and create nuisance to the villagers.

- 9.3.5 No residential development (except NTEH development) shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys. To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the plot ratio and building height restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.
- 9.3.6 As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

9.5 “Agriculture” (“AGR”) : Total Area ~~55.92~~ **54.62** ha

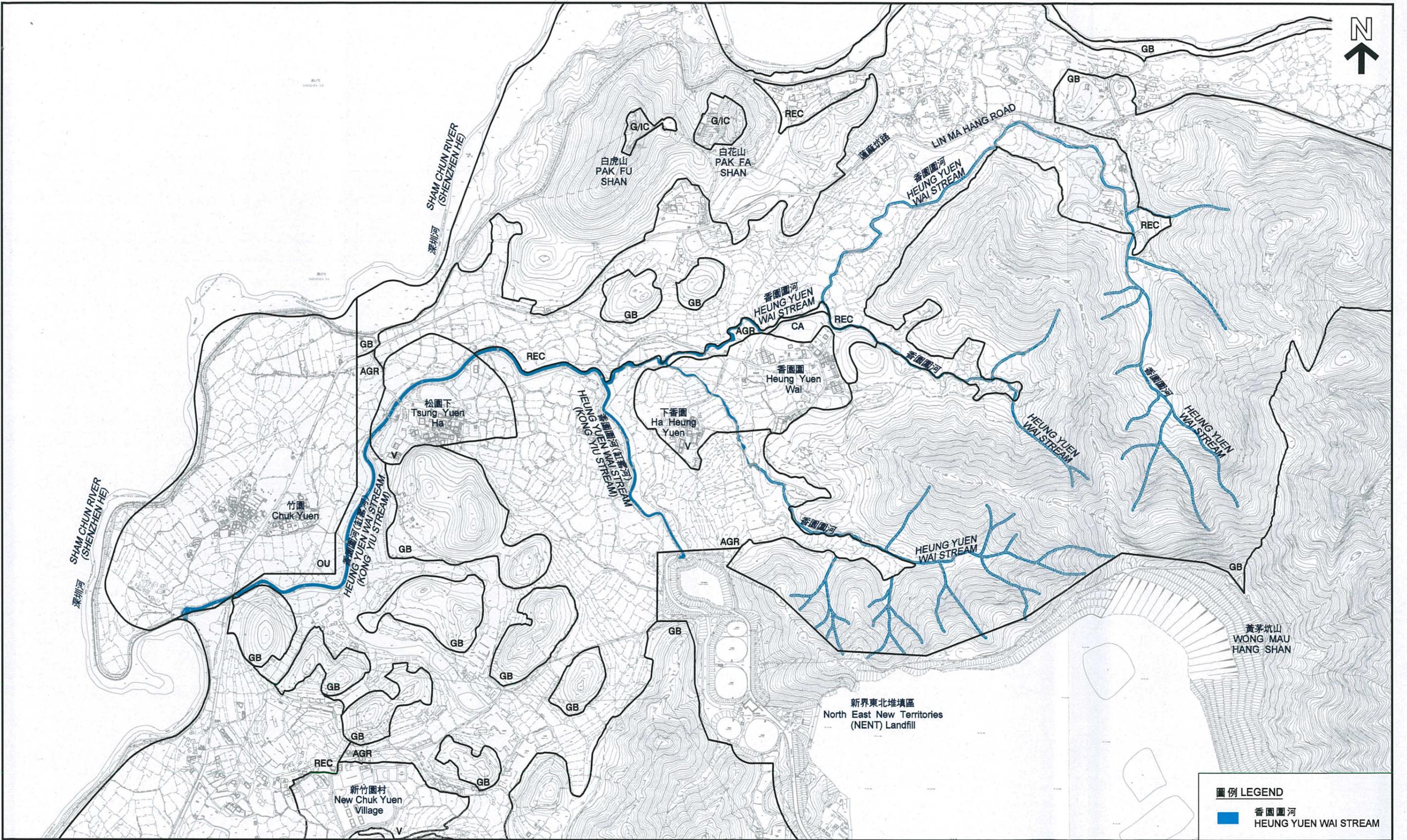
- 9.5.1 This zone is intended primarily to retain and safeguard good quality agricultural land, farm and fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.5.2 Majority of the agricultural land of good quality is found in lowland areas in the northern and eastern parts of the Area. With basic agricultural infrastructure, including irrigation facilities, fallow arable land can be easily rehabilitated for agricultural purpose.
- 9.5.3 As diversion of streams or filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities. However, filling of land specifically required under prior written instructions of Government department(s), or for the purposes of genuine agricultural practice including laying of soil not exceeding 1.2m in thickness for cultivation, or construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

9.6 “Green Belt” (“GB”) : Total Area ~~208.43~~ **221.46** ha

- 9.6.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- 9.6.2 However, limited developments may be permitted if they are justified on strong planning grounds. Developments requiring planning permission from the Board will be assessed on their individual merits taking into account the relevant Town Planning Board Guidelines.
- 9.6.3 The “GB” zone mainly covers the prominent hilly areas of the densely vegetated Wong Mau Hang Shan, Pak Fu Shan and Tung Lo Hang. Green buffer areas also include permitted burial grounds within the Planning Area and the ‘fung-shui’ woodland adjoining the villages of Tsung Yuen Ha, Kan Tau Wai, Ha Heung Yuen and Tong Fong. For the area located to the north

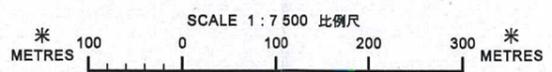
of Pak Fu Shan which is predominantly covered with trees and shrubs with no direct road access, it is retained as a “GB” to preserve its natural state.

- 9.6.4 ~~As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities. *The “GB” zone also covers the unchannelised section of Heung Yuen Wai Stream at the downstream area and the two land corridors adjoining the Heung Yuen Wai Stream at the downstream area to serve as a vegetated buffer from the river as well as to provide flexibility to the Board to scrutinize developments under the planning permission system.*~~
- 9.6.5 *As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.*



香園圍河的位置 LOCATION OF THE HEUNG YUEN WAI STREAM

對打鼓嶺北分區計劃大綱草圖
 編號S/NE-TKLN/1作出的擬議修訂
 PROPOSED AMENDMENTS TO DRAFT
 TA KWU LING NORTH OUTLINE ZONING PLAN No. S/NE-TKLN/1



本摘要圖於2014年5月14日擬備
 EXTRACT PLAN PREPARED ON 14.5.2014

規劃署
 PLANNING
 DEPARTMENT



參考編號
 REFERENCE No.
 R/S/NE-TKLN/1

圖 PLAN
 Ha-1



圖例 LEGEND

■ 香園圍河
HEUNG YUEN WAI STREAM

航攝照片 AERIAL PHOTO

本摘要圖於2014年5月14日擬備，
所根據的資料為地政總署
2011年正射影像地圖
EXTRACT PLAN PREPARED ON 14.5.2014
BASED ON ORTHOPHOTO 2011 PREPARED
BY LANDS DEPARTMENT

對打鼓嶺北分區計劃大綱草圖
編號S/NE-TKLN/1作出的擬議修訂
PROPOSED AMENDMENTS TO DRAFT
TA KWU LING NORTH OUTLINE ZONING PLAN No. S/NE-TKLN/1

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
R/S/NE-TKLN/1

圖 PLAN
Ha-2

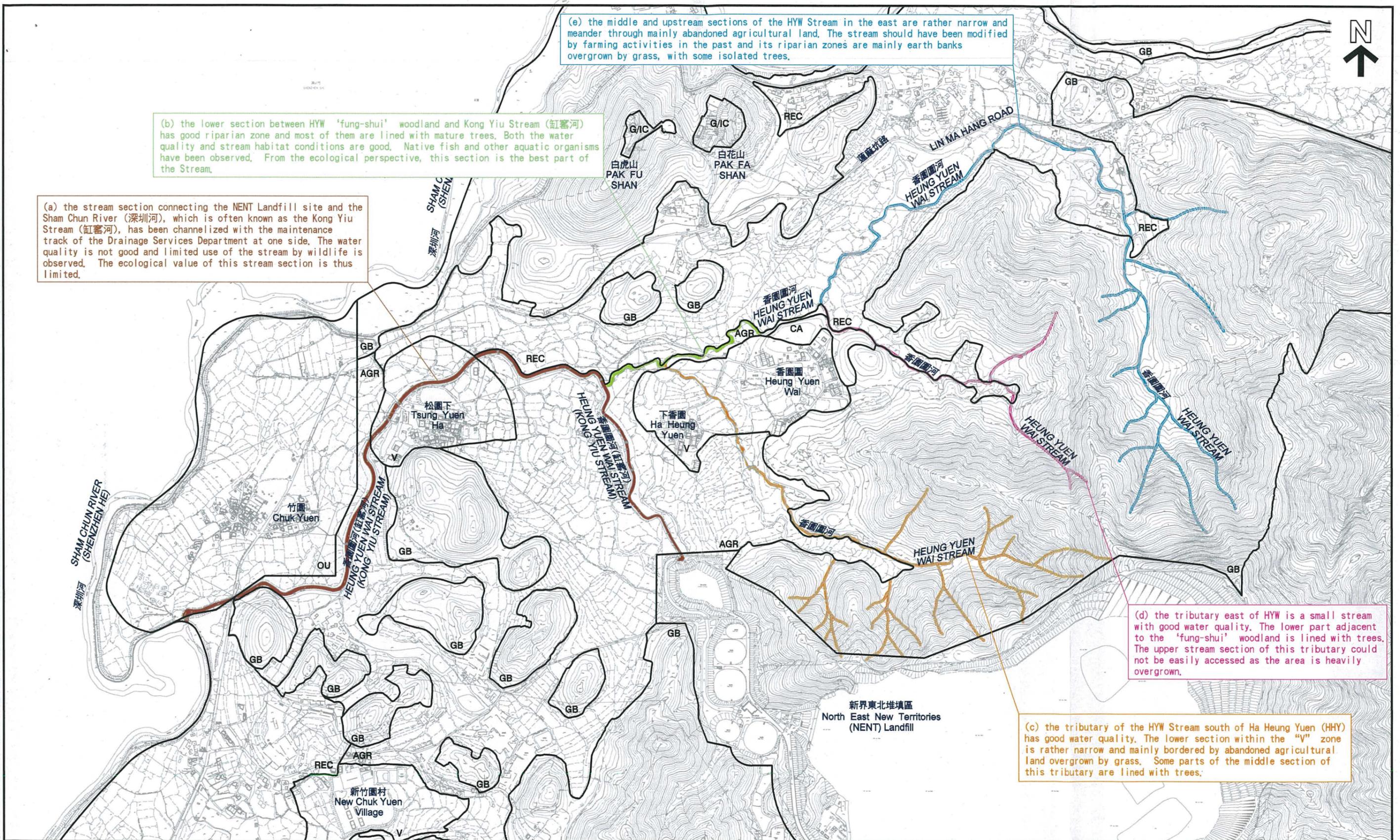
(e) the middle and upstream sections of the HYW Stream in the east are rather narrow and meander through mainly abandoned agricultural land. The stream should have been modified by farming activities in the past and its riparian zones are mainly earth banks overgrown by grass, with some isolated trees.

(b) the lower section between HYW 'fung-shui' woodland and Kong Yiu Stream (紅磡河) has good riparian zone and most of them are lined with mature trees. Both the water quality and stream habitat conditions are good. Native fish and other aquatic organisms have been observed. From the ecological perspective, this section is the best part of the Stream.

(a) the stream section connecting the NENT Landfill site and the Sham Chun River (深圳河), which is often known as the Kong Yiu Stream (紅磡河), has been channelized with the maintenance track of the Drainage Services Department at one side. The water quality is not good and limited use of the stream by wildlife is observed. The ecological value of this stream section is thus limited.

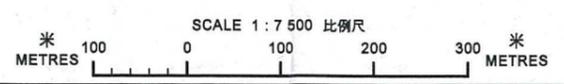
(d) the tributary east of HYW is a small stream with good water quality. The lower part adjacent to the 'fung-shui' woodland is lined with trees. The upper stream section of this tributary could not be easily accessed as the area is heavily overgrown.

(c) the tributary of the HYW Stream south of Ha Heung Yuen (HHY) has good water quality. The lower section within the "V" zone is rather narrow and mainly bordered by abandoned agricultural land overgrown by grass. Some parts of the middle section of this tributary are lined with trees.



香園圍河分段索引 INDEX OF SECTIONS OF HEUNG YUEN WAI STREAM

對打鼓嶺北分區計劃大綱草圖
編號S/NE-TKLN/1作出的擬議修訂
PROPOSED AMENDMENTS TO DRAFT
TA KWU LING NORTH OUTLINE ZONING PLAN No. S/NE-TKLN/1



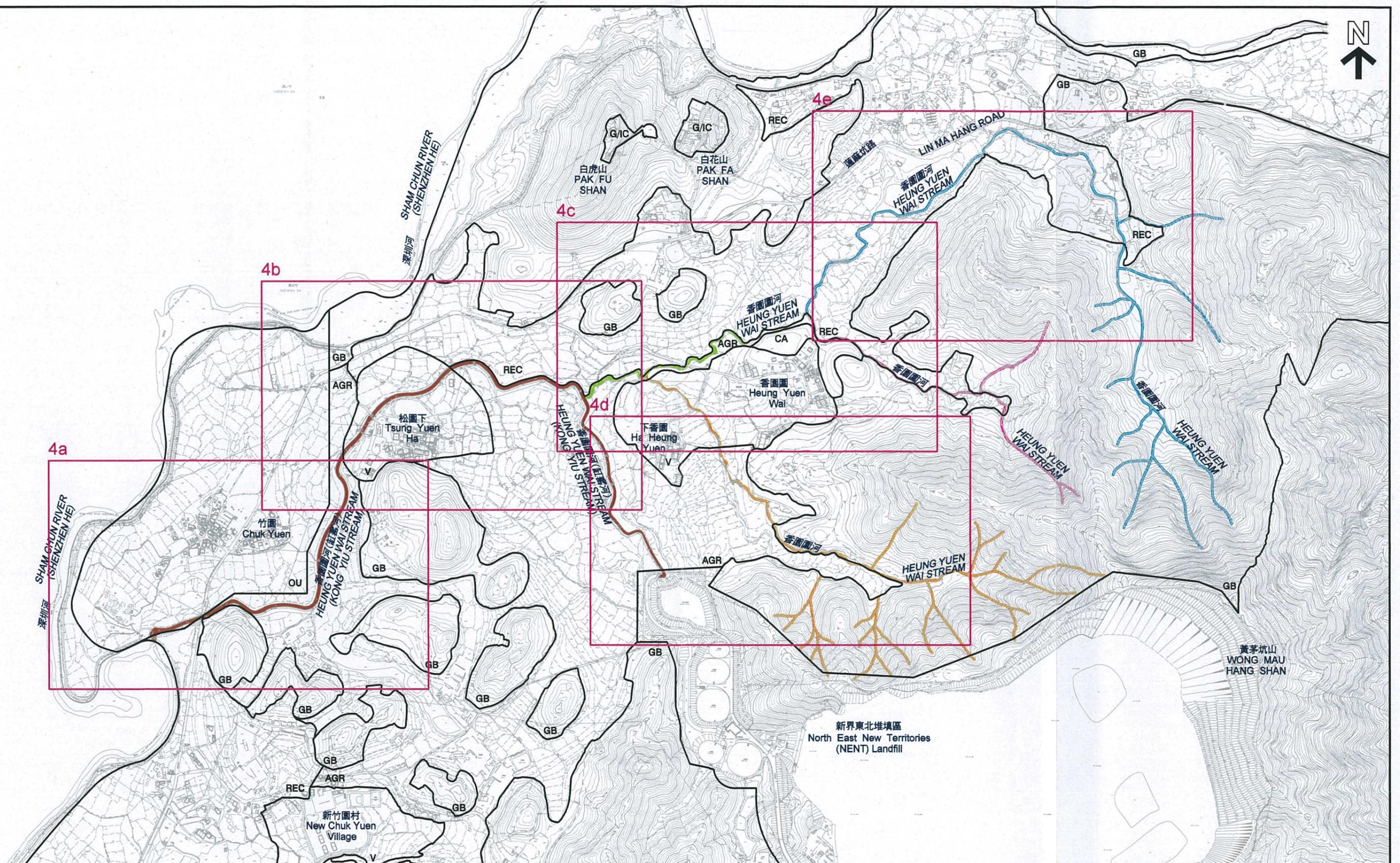
本摘要圖於2014年5月14日擬備
EXTRACT PLAN PREPARED ON 14.5.2014

規劃署
PLANNING
DEPARTMENT



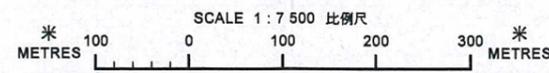
參考編號
REFERENCE No.
R/S/NE-TKLN/1

圖 PLAN
Ha-3a



香園圍河分段索引 INDEX OF SECTIONS OF HEUNG YUEN WAI STREAM

對打鼓嶺北分區計劃大綱草圖
 編號S/NE-TKLN/1作出的擬議修訂
 PROPOSED AMENDMENTS TO DRAFT
 TA KWU LING NORTH OUTLINE ZONING PLAN No. S/NE-TKLN/1



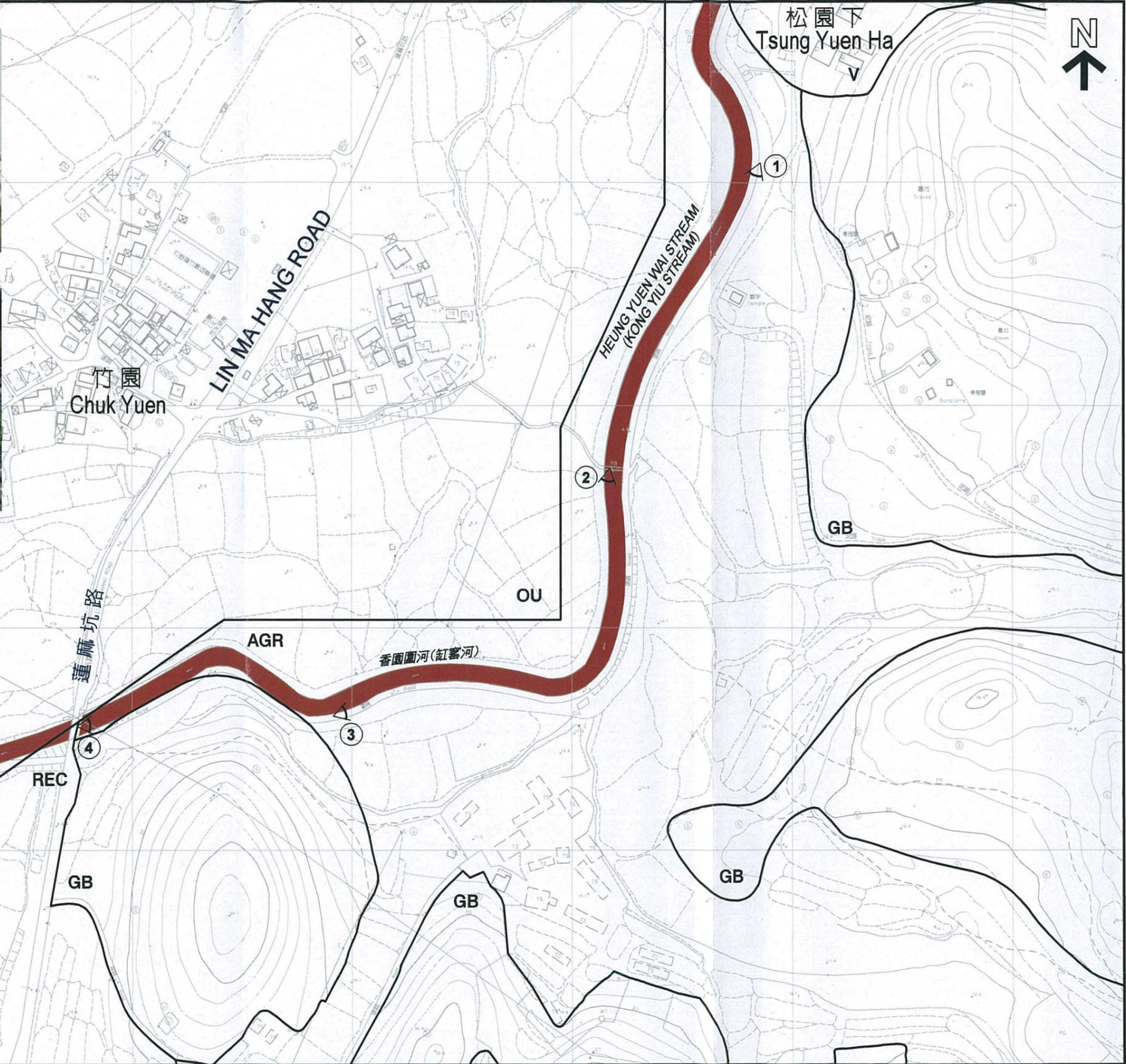
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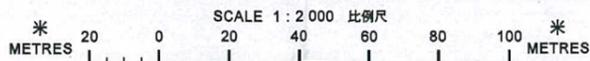
圖 PLAN
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3-NW-8C、8D、13A 和 13B
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香園圍河各河段的生態/生境狀況
ECOLOGICAL / HABITAT CONDITIONS OF DIFFERENT SECTIONS OF THE HEUNG YUEN WAI STREAM

對打鼓嶺北分區計劃大綱草圖
編號S/NE-TKLN/1作出的擬議修訂
PROPOSED AMENDMENTS TO DRAFT
TA KWU LING NORTH OUTLINE ZONING PLAN No. S/NE-TKLN/1

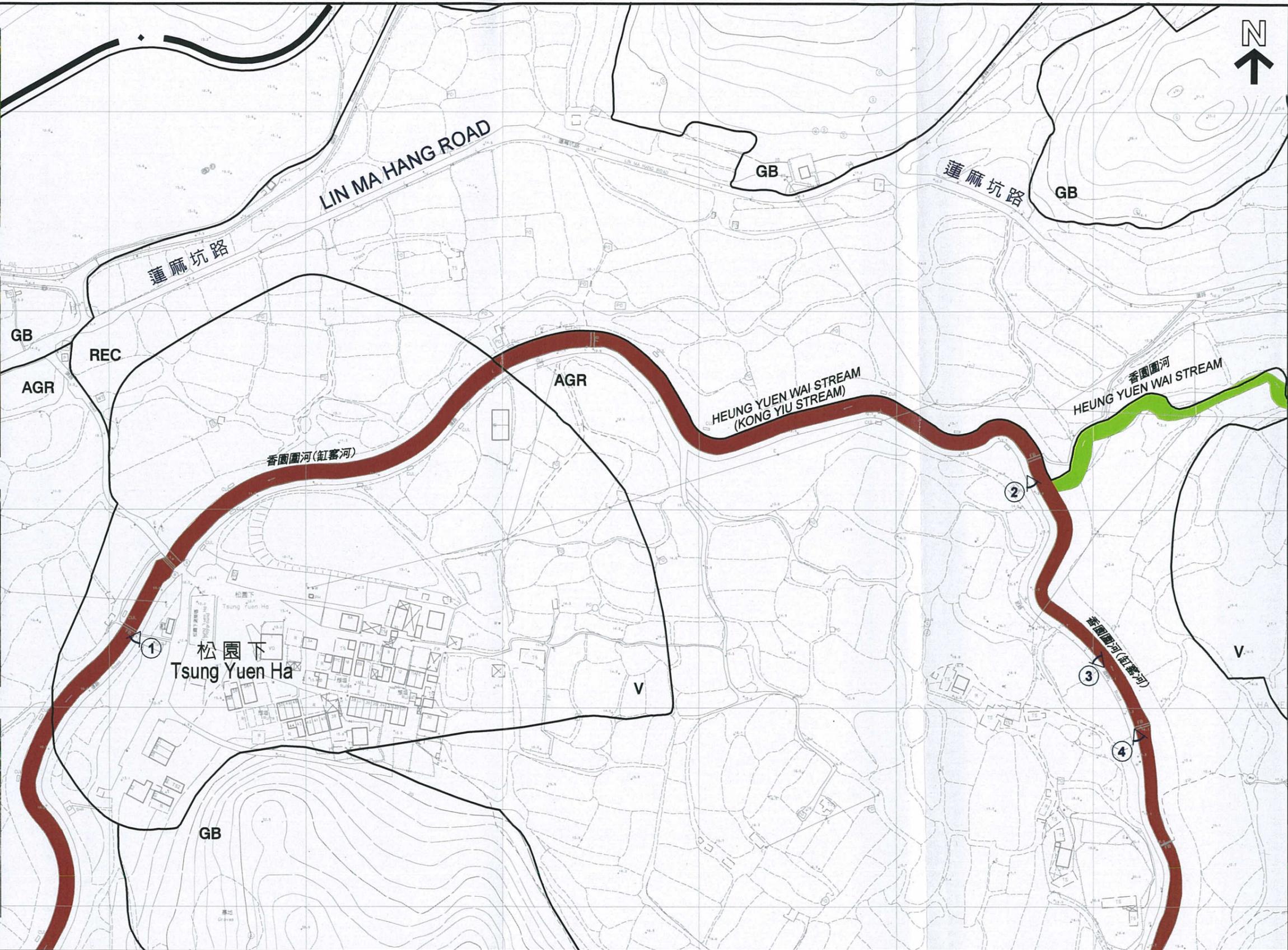


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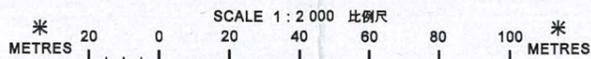
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圖 PLAN
Ha-4a



香園圍河各河段的生態/生境狀況
 ECOLOGICAL / HABITAT CONDITIONS OF DIFFERENT SECTIONS OF THE HEUNG YUEN WAI STREAM

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 編號S/NE-TKLN/1作出的擬議修訂
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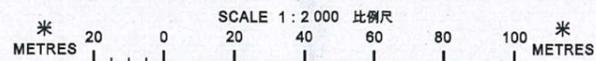
圖 PLAN
 Ha-4b



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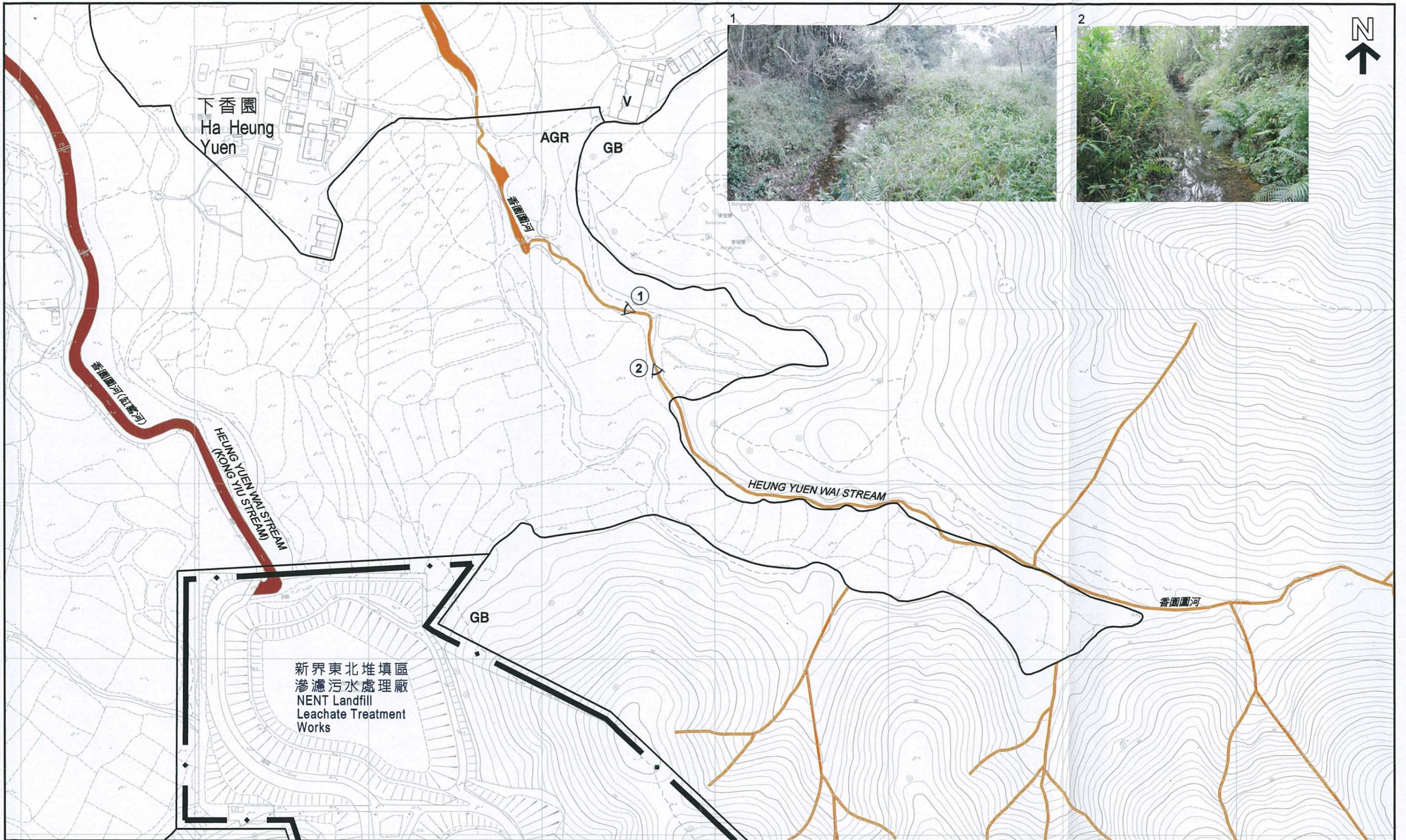


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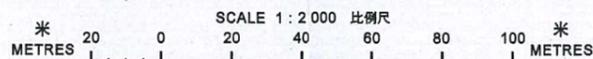
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 R/S/NE-TKLN/1

圖 PLAN
 Ha-4c



香園圍河各河段的生態/生境狀況
 ECOLOGICAL / HABITAT CONDITIONS OF DIFFERENT SECTIONS OF THE HEUNG YUEN WAI STREAM

對打鼓嶺北分區計劃大綱草圖
 編號S/NE-TKLN/1作出的擬議修訂
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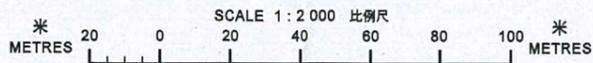
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 R/S/NE-TKLN/1

圖 PLAN
 Ha-4d



香園圍河各河段的生態/生境狀況
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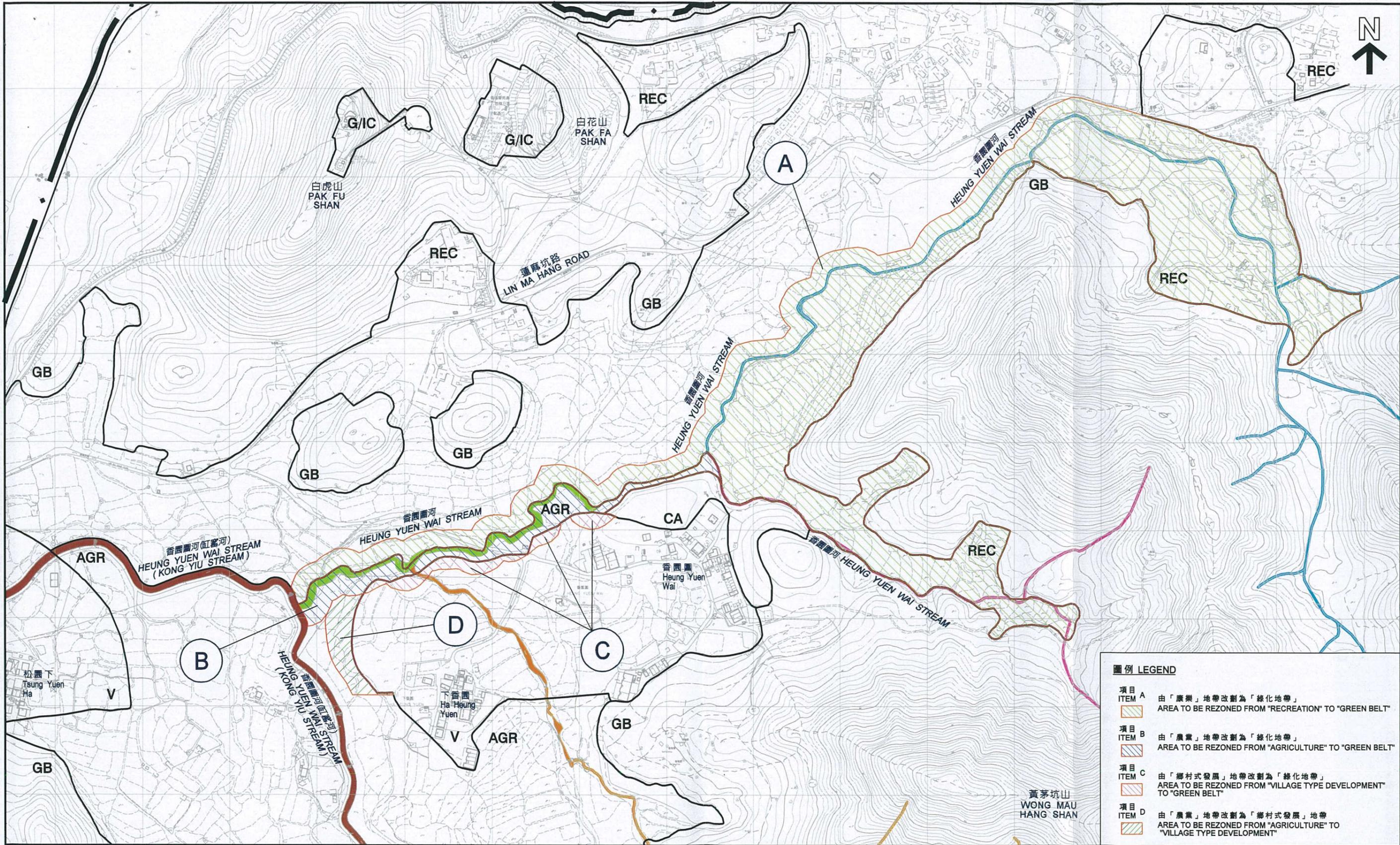
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參考編號
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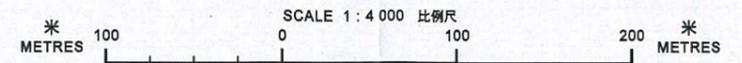
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圖例 LEGEND	
項目 A ITEM A	由「康樂」地帶改劃為「綠化地帶」 AREA TO BE REZONED FROM "RECREATION" TO "GREEN BELT"
項目 B ITEM B	由「農業」地帶改劃為「綠化地帶」 AREA TO BE REZONED FROM "AGRICULTURE" TO "GREEN BELT"
項目 C ITEM C	由「鄉村式發展」地帶改劃為「綠化地帶」 AREA TO BE REZONED FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT"
項目 D ITEM D	由「農業」地帶改劃為「鄉村式發展」地帶 AREA TO BE REZONED FROM "AGRICULTURE" TO "VILLAGE TYPE DEVELOPMENT"

香園圍河及其兩岸修訂圖則建議
 REZONING PROPOSALS FOR HEUNG YUEN WAI STREAM AND ITS RIPARIAN AREA

對打鼓嶺北分區計劃大綱草圖
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圖 PLAN
 Ha-5

~~Road, which are zoned "REC" and "REC(1)" on the draft Sha Ta Kok OZP No. S/NE-STK/1. As the size of "V" zone for San Tsuen and Muk Min Tau (including Tsiu Hang) is nearly equivalent to the size of 'VE' of the same villages, it is not justified to rezone additional area to "V" on the OZP (R5); and~~

- (b) under the "REC(1)" zone, 'Place of Recreation, Sports or Culture' use is placed under Column 2 so that the Board could retain statutory planning control on major development which may have potential impact on the natural environment (R6 to R14)."

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

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comment to the Draft Ta Kwu Ling North Outline Zoning Plan No. S/NE-TKLN/1
(TPB Paper No. 9523)

[The hearing was conducted in Cantonese.]

179. The Chairman said that reasonable notice had been given to the representers and commenter to invite them to attend the meeting. Members agreed to proceed with the hearing in the absence of the other representers and commenter who had indicated that they would not attend or made no reply to the invitation to the hearing.

180. The following Government representatives, representers and their representatives were invited to the meeting at this point:

Mr C.K.Soh	-	District Planning Officer/Shu Tin, Tai Po and North, Planning Department (DPO/STN, PlanD)
Mr Wallace Tang	-	Senior Town Planner/Shu Tin, Tai Po and North, (STP/STN), PlanD
Ms Cindy Wong	-	Town Planner/Shu Tin, Tai Po and North, (TP/STN), PlanD
Mr Cheung Kwok Wai	-	Senior Nature Conservation Officer, (North), Agriculture, Fisheries and Conservation Department

R2 – World Wide Fund for Nature Hong Kong

Mr Andrew Chan]	Representer's representatives
Mr Tobi Lau]	

R3 – Kadoorie Farm and Botanic Garden Corporation

Ms Woo Ming Chuan]	
Dr Chiu Sein Tuck]	Representer's representatives
Mr Tony Nip]	

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

182. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, PlanD, made the following main points as detailed in the Paper:

Background

- (a) in 2006, the Security Bureau conducted a review of the coverage of the then Closed Area and concluded that the objective of maintaining boundary security could still be achieved even if the existing Closed Area was reduced;

- (b) a Consultancy Study entitled “Study on Land Use Planning for the Closed Area - Feasibility Study” (FCA Study) was commenced in 2007 and completed in 2010 to formulate a land use planning framework to guide the conservation and development of the Closed Area, based on the principle of sustainable development. The land use framework integrated land use proposals that enhance conservation, while promoting appropriate development to enhanced the livelihood of local residents and prosperity of local economy;
- (c) five draft Development Permission Area (DPA) Plans for the Closed Area were prepared to take forward the recommendations of the FCA Study;
- (d) the key chronology of events for the draft Ta Kwu Ling North Outline Zoning Plan No. S/NE/TKLN/1 (the OZP) were:
 - (i) on 30.7.2010, the draft Ta Kwu Ling North DPA Plan No. DPA/NE-TKLN/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
 - (ii) the Town Planning Board (the Board) considered the representations and comment, and, after further review of the land use proposals by PlanD, published the amendments to the draft DPA Plan in relation to the “Village Type Development” (“V”) zone of Tong Fong, Tsung Yuen Ha and Ha Heung Yuen for public inspection on 28.10.2011;
 - (iii) on 8.5.2012, the Chief Executive in Council (CE in C) approved the draft DPA Plan under section 9(1)(a) of the Ordinance;
 - (iv) on 26.4.2013, the Board gave preliminary consideration to the draft OZP and agreed the draft OZP was suitable for submission to the North District Council (NDC) and Ta Kwu Ling District Rural Committee (TKLDRC) for consultation. NDC and TKLDRC were

consulted in May 2013 and consultation was also extended to the green/concern groups (including World Wide Fund for Nature Hong Kong (WWF), Kadoorie Farm and Botanic Garden Corporation (KFBG), the Conservancy Association (CA), Designing Hong Kong Limited (DHKL) and Green Power);

- (v) on 28.6.2013, the Board gave further consideration to the draft OZP, together with the comments received from concerned parties; and
- (vi) on 19.7.2013, the draft OZP No. S/NE-TKLN/1 was exhibited for public inspection under section 5 of the Ordinance. During the exhibition period, a total of four representations and one comment were received;

Planning Scheme Area

- (e) the planning scheme area (the Area) covered a total area of about 431 hectares. It was bounded by Sham Chun River in the north, Lin Ma Hang Road in the northeast, Wong Mau Hang Shan in the east, Tung Fung Au and Tung Lo Hang in the south, and Ping Che Road in the west. The North East New Territories Landfill was located immediately to the southeast of the planning scheme area at Wo Keng Shan;
- (f) the extensive lowlands mainly comprised arable land intermixed with livestock farms and clusters of settlements, woodlands and other vegetated habitats. The surroundings were predominantly agricultural land spotted with rural settlements;
- (g) there were six recognised villages within the area, namely Chuk Yuen, Heung Yuen Wai, Ha Heung Yuen, Tsung Yuen Ha, Kan Tau Wai and Tong Fong;

General Planning Intention

- (h) the general planning intention of the Area was to promote cultural conservation, recreation tourism and provide suitable facilities to meet the territorial need and cross-boundary infrastructure. It was also the planning intention to protect the natural setting and cultural integrity of the planning scheme area and to promote sustainable agricultural activities;

Representations and Representers' Proposals

- (i) the representations (R1 to R4) were submitted by green/concern groups. They considered that the streams in TKLN area were not sufficiently protected, in particular Heung Yuen Wai Stream (HYW Stream) and its riparian area, while the areas zoned "V" were considered excessive;
- (j) the main grounds of the representations as summarised in paragraph 2.2 of the Paper were:

Protection of the lowland streams

- (i) KFBG had carried out a detailed biodiversity study in some rural areas which had reinforced earlier findings of the high ecological value of the lowland streams in the former Frontier Closed Area (FCA). The submissions and recommendations on the protection of ecological habitats, however, had not been given due consideration by the Government in the plan-making process (R3);
- (ii) the Authority was not paying sufficient attention to the obligations of the Convention on Biological Diversity (the Convention) which required the protection of important habitats especially ecosystems in pristine condition using a holistic approach. The obligations of the Convention should be reflected in the zonings of the OZP (R3);
- (iii) in the four letters/joint letters attached to R3's representation, the green/concern groups mainly suggested, among others, protection measures for habitats of high ecological value; and pointed out the

adverse impact of inappropriate zoning on local conservation and landscape heritage (R3);

HYW Stream

- (iv) the FCA Study recognised that HYW Stream was of high ecological value. The riparian zone to the north of HYW Stream would be disturbed by land-filling and excavation activities which were not restricted under the existing "REC" zone. Also, construction runoff from site formation works at the riparian zone might cause adverse drainage and ecological impacts to the Stream. It was highly concerned that pollutant from HYW Stream would be discharged to Deep Bay affecting its water and ecology (R2);

- (v) the freshwater stream aquatic system and its riparian zones at Heung Yuen Wai which was considered to be of high ecological value in the FCA Study as well as the upper section of Ping Yuen River were now largely covered by non-conservation zonings, such as "REC", "Agriculture" ("AGR") and "V" zones (R3);

Designation of "V" zones

- (vi) survey should be conducted to ensure that species or habitats of conservation interest and agricultural land with good quality which might exist in the "V" zones could receive better protection by conservation zonings (R1);

- (vii) the demand of Small Houses was infinite and should be contained within existing village 'environs' ('VE') or "V" zone. Designating new "V" zone was contradictory to this containment policy (R4);
and

- (viii) the former FCA had high landscape and ecological values and all developments within the area should meet the highest landscape, streetscape and environmental standards and must be subject to

sustainable infrastructure layout plans and guidelines. However, the lack of village layout and infrastructure support within the “V” zone might lead to environmental deterioration (R4);

- (k) R2 and R3 considered that HYW Stream and its riparian area should be rezoned to conservation zoning, e.g. “AGR” or “GB”;

Responses to Grounds of Representations and Representers’ Proposals

- (l) responses to the representers’ views and their proposals as summarised in paragraphs 5.13 of the Paper were:

Protection of the lowland streams

- (i) extensive consultations with green/concern groups, local villagers and stakeholders had been carried out in the course of preparing the draft DPA Plan and draft OZP. Similar views on protection of HYW Stream and its riparian area had been expressed by the green/concern groups and considered by the Board at the preparation stage of the statutory plan as well as hearing of the representations and comments for the draft TKLN DPA Plan in accordance with the provisions of the Ordinance. The divergent views raised by the green/concern groups, local villagers and stakeholders had been fully heard and deliberated by the Board (R3);
- (ii) the ‘fung-shui’ woodland and the closed-canopy shrubland and secondary woodland which were considered ecologically important had already been zoned “CA” and “GB” under the current OZP. The OZP generally followed the recommendations of the FCA Study which had taken into account the biodiversity study conducted by KFBG in 2004. In the course of preparing the OZP, all major stakeholders including the green groups, local villagers and Rural Committees had been consulted and their views had been taken into account in drawing up the OZP. The OZP had struck a balance

between conservation needs and the development needs of the villagers (R3);

HYW Stream

- (iii) the high ecological value of the undisturbed upper section of HYW Stream was recognised and the area had been zoned “GB” on the DPA Plan and now on the OZP as recommended by the FCA Study. In preparing the OZP, the Board had also agreed to rezone two strips of land adjoining the lower section of the stream from “REC” to “GB” and “AGR” to respect their ecological value as agreed by the Director of Agriculture, Fisheries and Conservation (DAFC). It should be noted that the habitat types along the downstream area, which were covered mostly by fallow agricultural land, seasonally wet grassland and grassland/shrubland were generally of moderate and low to moderate ecological values, and village settlements and more human activities were found. As such, “AGR”, “REC” and “V” zones were proposed for the downstream areas. In considering the appropriate zoning for the stream and its riparian area, the Board had taken account all relevant factors, including the existing conditions, surrounding land uses and the planning intention for the area, and the public views as well as professional advice from DAFC. It should also be noted that the conservation zonings proposed by the green/concerned groups for the riparian area of the streams had been fully deliberated in the Board’s meetings on 26.4.2013 and 28.6.2013. There had been no significant change in planning circumstances (R2 and R3);
- (iv) in view of the limited infrastructure in TKLN area, the “REC” zone in the area could only support low-intensity recreational development, such as horse riding schools, visitor centres, local historical museums, adventure parks, organic farms, hobby-farms, camping grounds and barbeque areas. To address the green groups’ concern on control of any development in the area which might

require diversion of the existing streams in the area, restriction on diversion of streams was already included in the Notes of the “REC” zone. DAFC also considered that the “REC” zone was appropriate. Any unauthorised development within the Area would be subject to enforcement by the Planning Authority in accordance with the provisions of the Ordinance ((R2 and R3);

- (v) according to the FCA Study, the upper section of Ping Yuen River was of moderate ecological value. It was now zoned “REC” on the OZP. As mentioned above, any diversion of streams in “REC” zone required planning permission from the Board and unauthorised development would be subject to subject to enforcement under the Ordinance (R3);

Designation of “V” zones

- (vi) the boundaries of the “V” zones were carefully defined taking into account the recommendations of the FCA Study and various factors such as the ‘VE’, Small House demand forecast, local topography, settlement patterns, ecologically important area and other site specific characteristics. In this regard, DAFC considered that further investigation on the species or habitats within the “V” zone was not necessary (R1);
- (vii) there was a need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers in the six recognised villages within the TKLN area (R4);
- (viii) the sewage disposal and site formation works of Small House would be considered by concerned departments during the processing of the Small House application by Lands Department (LandsD). The arrangement of sewage disposal and carrying out of site formation works should comply with the requirements from the relevant government departments (R4); and

- (ix) PlanD would continue to monitor the situation and update the existing village layout plans (VLPs), if required. The preparation of new VLPs for villages covered by existing OZPs would depend on a number of factors such as implementation prospect of the VLPs as well as manpower and priority of work within PlanD (R4);

Comment on Representations and Responses to Comment

- (m) C1 commented that the planning scheme area was close to the study area of the Preliminary Feasibility Study on Developing the New Territories North (NT North Study). If the draft OZP was approved, it would have pre-emptive effect on the forthcoming NT North Study;
- (n) the comment was not related to the draft OZP and the four representations received. The NT North Study was a strategic planning study to examine the development opportunities and constraints of the NT North and had no direct relationship with or implications on the draft TKLN OZP (C1); and

PlanD's Views

- (o) based on the planning considerations and assessment in paragraph 5 of the Paper, PlanD's views were:
 - (i) representations R1 to R4 were not supported; and
 - (ii) representations R1 to R4 should not be upheld and the Plan should not be amended to meet the representations.

183. The Chairman then invited the representers' representatives to elaborate on their representations.

R2 – WWF

184. With the aid of a Powerpoint Presentation, Mr Andrew Chan made the following main points:

- (a) HYW Stream was recognised by the FCA Study as of high ecological value as it supported a good diversity of native fishes and was free from human disturbance. The Study further pointed out that any development at the riparian corridor and increased population and visitors to the area would have severe impact on the ecological value of HYW Stream;
- (b) the existing “REC” zoning could not sufficiently protect the ecological value of HYW Stream in that land filling/excavation activities were not prohibited in this zone;
- (c) construction runoff from site formation works at the riparian zone would degrade the water quality and cause adverse ecological impact on HYW Stream as well as its surrounding habitats; and
- (d) given the high ecological importance of HYW Stream, the stream and its riparian area should be designated a conservation zoning such as “GB” and “CA” in order to provide better protection for the stream and its riparian areas.

R3 – KFBBG

185. With the aid of a Powerpoint presentation, Mr Tony Nip made the following main points:

HYW Stream

- (a) according to the FCA Study, HYW Stream was considered to be of high ecological value mainly because it was largely natural and also contained species of conservation importance. Some rare or endangered species such as freshwater crab *Somanniathelphusa Zanklon*, paradise fish

Macropodum opercularia, and marsh shrimp *Macrobrachium fukienese* could be found in the stream. The Study even recommended that this network of streams was of sufficient ecological value to be added to the register of Ecologically Important Stream administered by Agricultural, Fisheries and Conservation Department (AFCD);

- (b) HYW Stream and its riparian area should be protected in entirety so as to minimise adverse ecological impact generated from human activities;
- (c) PlanD had stated in the Paper that the undisturbed upper section of HYW Stream was of high ecological value while the lower/middle section of the stream, where village settlements and more human activities were found, were of moderate to low ecological value. However, according to some site photos of different sections of the stream recently taken by him, the whole HYW Stream remained largely undisturbed and still contained a high diversity of water plants. Moreover, its ecological significance in terms of habitat characteristics was comparable to that of Lin Ma Hang Stream. Hence, the ecological value of HYW Stream was high;
- (d) PlanD had stated in paragraphs 7(c) and (d) of the Paper that it was appropriate to designate different zonings for the upper and lower sections of HYW Stream as the habitat characteristics and site circumstances were not the same along the whole HYW Stream and its riparian areas. Moreover, it also stated that the area zoned "REC" along HYW Stream had not been identified to have high ecological significance under the FCA Study. This was contrary to the findings of the FCA Study which recognised that the whole HYW Stream was of high ecological value;
- (e) noting the ecological significance of HYW Stream, it was unacceptable for PlanD to designate a major portion of the stream as "REC" on the OZP;

Ping Yuen River

- (f) according to the FCA Study, the upper section of Ping Yuen River was of moderate ecological value as an uncommon dragonfly species of regional concern was found in this area. The study had also recommended that the upper section of Ping Yuen River was of sufficient ecological value to be added to AFCD's register of Ecologically Important Stream. Since the lower section of Ping Yuen River, which were adjacent to village settlement, had been channelised, there was no dispute that the ecological value of the lower section of the river was not high;
- (g) despite the difference in ecological value for different sections of the river, the whole Ping Yuen River was zoned "REC" on the OZP;

"REC" zoning

- (h) as land filling, paving and excavation activities were not restricted under the "REC" zoning, such activities along the riparian areas of HYW Stream would cause adverse ecological impact to the stream. Besides, construction runoff from site formation works at the riparian areas would degrade the water quality and have significant adverse impact on the stream. Some recreational uses such as barbecue spot, which were always permitted in the "REC" zone, would generate large amount of domestic sewage and municipal waste. Such developments might also adversely affect the stream and its riparian areas; and
- (i) the high ecological value of HYW Stream and its riparian area as well as the upper section of Ping Yuen River would be destroyed if the inappropriate zoning of "REC" for these streams on the draft OZP was not rectified.

186. As the presentations were completed, the Chairman invited questions from Members.

HYW Stream

187. Noting that the three streams in Sha Tau Kok (STK), which were of moderate to high ecological value, were partly zoned “GB” or “AGR” on the draft STK OZP, a Member wondered if there was any special consideration in designating a “REC” zoning for a major section of HYW Stream which was of high ecological value.

188. Mr C.K. Soh said that the zoning of the OZP generally followed the recommendations of the FCA Study. While HYW Stream was identified as having high ecological value under the FCA Study, the designation of land use zoning for the stream and its riparian area had taken into account other relevant considerations, such as the existing conditions, surrounding land uses and development potential of the area. According to the Recommended Development Plan of TKLN under the FCA Study, the undisturbed upper section of HYW Stream was recommended a “GB” zoning in recognition of its high ecological value whereas a “REC” zone was proposed for the downstream areas having regard to the habitat types of the area and its suitability for some form of developments.

189. Mr C.K. Soh continued to say that in considering the appropriate zoning for the stream and its riparian area, apart from the recommendations of the FCA Study, all relevant factors, including the existing conditions, surrounding land uses, the planning intention for the area, and the public views as well as professional advice from DAFC had been taken into account. The “REC” zoning was in line with one of the aims of the FCA Study which was to improve the local economy and the livelihood of local residents whilst the conservation of the ecological value of HYW Stream had been respected and taken into account in formulating zoning designations.

190. The same Member followed up and enquired why the three streams in STK and their riparian areas were not zoned “REC” if it was considered that such zoning could help improve the livelihood of local villagers. In response, Mr C.K. Soh said that some areas within the draft STK OZP had already been put under “REC” and “REC(1)” zonings, i.e. area south of Sha Tau Kok Road. Moreover, there was a genuine need to designate suitable “V” zones to meet the Small House demand of the indigenous villagers in the STK area. For the draft TKLN OZP, while some areas were zoned “GB” and “AGR”, areas close to

village clusters with potential for low-density recreational uses were zoned "REC".

191. In response to the Chairman's question on whether the designation of appropriate land use zonings for different streams and their riparian areas would vary according to local circumstances, Mr C.K. Soh said that in considering the appropriate zoning for the stream and its riparian area, PlanD had taken into account all relevant considerations including the existing conditions of the stream and its riparian area as well as other specific site circumstances. For HYW Stream, its undisturbed upper section had been zoned "GB" to protect the ecological value of the stream. As the habitat types along the middle section of HYW Stream were mostly covered by fallow agricultural land, seasonally wet grassland and grassland/shrubland, and the area was near some village settlements where more human activities were found, the area was considered suitable for some low-density recreational developments and hence it was given a "REC" zoning. The current planning had struck a balance between conservation needs and the development needs of the villagers which was in line with the objectives of the FCA Study.

Permitted Uses within the "REC" zone

192. A Member asked which Column 1 uses under the "REC" zone would help the local villagers to improve their livelihood. Moreover, as the representer was worried that barbecue spot might pollute the natural stream and degrade its ecological value, the Member asked whether the "REC" zone could provide sufficient protection for HYW Stream which was of high ecological value.

193. Mr C.K. Soh said that according to the FCA Study, the "REC" zone was intended for promotion of eco-tourism. Small-scale recreational developments in support of eco-tourism such as holiday camp, picnic area, which were compatible with the rural setting and could blend in with the living environment of the local villagers, were always permitted. Besides, 'Place of Recreation, Sports or Culture' including hobby farm, organic farm, horse-riding school and visitor centre, etc. was a Column 1 use. These uses, which would attract more visitors to the area, might provide indirect economic benefits to the nearby villages. Mr Soh went on to say that those commercially operated barbecue sites, as shown on a photo displayed by the representer, were not the kind of intended recreational

development for the “REC” zone.

194. The Chairman supplemented that although ‘Barbecue Spot’ was a Column 1 use under the “REC” zone, it would exclude those barbecue sites which were privately owned and/or commercially operated in accordance with the Definition of Terms used in Statutory Plans (DoTs).

195. Mr Tony Nip appreciated PlanD’s views that the privately owned barbecue sites were not the kind of intended recreational use for the “REC” zone as these uses might have adverse ecological impact on the natural stream. He, however, was worried that such good intention might not be taken into account in the consideration of planning applications for barbecue sites in future upon the change of planning officials and Board members over the years. In this regard, he considered it more appropriate to have such intention duly incorporated into the statutory planning framework.

196. The Chairman said that the DoTs, which had included the definition of ‘Barbecue Spot’, was a public document formally endorsed by the Board and the discussions made at the meeting would be documented for future reference as necessary in the consideration of planning applications in future.

197. Mr Tony Nip continued to say that since the high ecological value of HYW Stream had been well-recognised, his request to give a conservation zoning only for HYW Stream and its riparian area was not unreasonable. Only through the rezoning of the stream and its riparian area from “REC” to other conservation zones, such as “GB” and “CA”, could the objective of striking a balance between conservation needs and the development be achieved in the Area. In response, the Chairman said that his views would be taken into account in the deliberation session of the meeting.

Area of “REC” zone

198. Another Member asked DPO/STN to explain the rationale for designating an extensive area as “REC” even when some areas were covered by mature trees and vegetation. Specifically, given that the site characteristics of the portion of “REC” zone at the

north-eastern corner of the Area was similar to that of the adjoining “GB” zone to the south, this Member asked why the said portion was zoned “REC” instead of “GB”.

199. Mr C.K. Soh explained, with reference to Plan H-3 of the Paper, that the “GB” zones within the larger “REC” zone were mostly areas of higher elevation covered by mature trees. The land surrounding these “GB” zones were relatively flat and suitable for low-density recreational development, and the area was therefore zoned “REC” to reflect its potential for low-density recreational developments. In considering the appropriate zoning for the Area, the topography and specific site characteristics of the Area were duly considered. For the portion of “REC” zone at the north-western corner, he said that the adjacent “GB” zone near the upstream of HYW Stream was mainly hillslopes not suitable for development while the land within that portion of “REC” zone was rather flat. Although both areas were covered by trees and vegetations, those vegetations were not identified as having high preservation value. Hence, the designation of “REC” zone for that area was not inappropriate and was in line with the planning intention of encouraging eco-tourism. Eco-tourism and other small-scale, low-density recreational developments would not be incompatible with the rural environment of the area.

200. Mr K.K. Ling, D of Plan, said that as revealed in his site inspection to the Area, the existing “GB” pockets in the western part of the Area were mostly well-vegetated knolls while the areas under “REC” and “AGR” zonings were flat land lying between these small knolls. He asked DPO/STN to further elaborate on the topography and characteristics of this area. Moreover, he also asked DPO/STN to brief Members on the existing land use and site conditions of the large “REC” zone.

201. Mr C.K. Soh said that the designation of an area as “GB” would normally be based on two criteria: (i) the site was well vegetated with mature trees; and (ii) the site was not suitable for development given its topography and natural features, such as elevated area and slopes. The “REC” zone in the northeast was relatively flat and characterised by a mix of land uses, including woodland and grassland near the upper section of HYW Stream, and grassland/shrubland intermixed with fallow agricultural land and village settlements in the middle and lower sections of the stream. The “REC” zoning would allow more flexibility in the utilisation of land and low-density recreational uses at suitable locations by the

villagers could minimise potential adverse impact on the rural environment.

Impact of "REC" zone on HYW Stream

202. Mr Tony Nip said that since some engineering works such as site formation, paving and land excavation were not prohibited in the "REC" zone, any recreational development, irrespective of its scale and density, would have significant adverse ecological impact on the local habitat and the natural stream. Citing the Sha Tau Kok Farm as an example, the site formation and other engineering works in relation to the development of the farm had severely damaged the environment and the local habitat. Given that any damage done to the natural stream and its associated habitat was irreversible, he reiterated that the "REC" zoning was not appropriate and urged the Board to designate a conservation zoning for HYW Stream and its riparian area of 20 or 30m so as to better protect the high ecological value of the stream.

203. In response to a Member's questions on the definition of low-density recreational development and whether there was any mechanism to ensure that the future recreational developments within the "REC" zone would be of low-density, Mr C.K. Soh said that low-density recreational development referred to the development intensity of the use. According to the user schedule of the Notes for the "REC" zone, Column 1 uses comprised mainly low-density recreational developments while other developments which might be of higher development intensity such as 'Flat', 'Hotel' were put under Column 2 in order to maintain necessary planning control by the Board through the planning application system. Examples of some recreational developments such as horse riding schools, visitor centres, organic farms and hobby farms, which were always permitted within the "REC" zone, were stated in paragraph 9.3.4 of the Explanatory Statement (ES) of the OZP.

204. Since site formation works were not prohibited under the "REC" zone, Mr Tony Nip repeated his stance that any site formation works associated with any scale of recreational development would cause significant ecological impact to the environment.

205. To address the representer's concern that the works carried out along the stream would have significant adverse ecological impact on the stream, Mr Soh said that 'diversion

of streams' and 'filling of pond' in "REC" zone would require planning permission from the Board.

206. In response to a Member's enquiry on whether eco-tourism was always permitted within "GB" or "CA" zone, Mr C.K. Soh said that eco-tourism, if purely involved hiking activities, was allowed within the "GB" and "CA" zones. However, should the provision of overnight accommodation was required for eco-tourism, 'holiday camp' use, which was always permitted within "REC" zone, was not permitted within "CA" zone and would require planning permission from the Board within "GB" zone. In this regard, "REC" zone would provide more flexibility in promoting eco-tourism.

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

207. Noting that 'Barbecue Spot', which was a Column 1 use under "REC" zone, might cause adverse impact to the surrounding environment, a Member asked whether there was any measure to ensure that the barbecue spot would not have adverse impact on the environment.

208. Mr C.K. Soh said that according to DoT, 'Barbecue Spot' excluded those barbecue sites which were privately owned and/or commercially operated. As such, large scale commercially operated barbecue establishments would not be permitted within the "REC" zone.

209. Dr Chiu Sien Tuck (R3) said that the request of the green/concern groups was simply to designate a conservation zoning for the stream course itself and its 30m riparian area so as to ensure sufficient protection to the natural stream courses. They had no objection to any development of any intensity beyond the 30m riparian zone.

[Mr F.C. Chan left the meeting at this point.]

210. A Member asked DPO/STN whether consideration had been given to designate both sides of HYW Stream as "GB" or "AGR" instead of "REC" in recognition of the ecological importance of the stream.

211. Mr C.K. Soh said that during the preparation of the draft OZP, PlanD had carried out a review on the zoning of HYW Stream in consultation with AFCD. As a result, a strip of land along the natural stream course at Heung Yuen Wai between the north of Heung Yuen Wai and Ha Heung Yuen was rezoned from “REC” to “AGR” and a piece of land east of Heung Yuen Wai was rezoned from “REC” to “GB” in view of their ecological values.

212. Mr Tony Nip, by making reference to an aerial photo (Plan H-3 of the Paper), said that the whole HYW Stream had remained largely natural. Although part of the middle and lower sections of the stream near Tsung Yuen Ha fell within the “AGR” zone, the stream course was not sufficiently protected as it directly abutted the adjoining “REC” zone to the north. PlanD’s rezoning proposal as mentioned in paragraph 211 above was insignificant to the overall protection of HYW Stream.

213. As the representers’ representatives had finished their presentations and Members had no further question to raise, the Chairman informed them that the hearing procedure had been completed and the Board would deliberate on the representations in their absence and inform the representers of the Board’s decision in due course. The Chairman thanked the representers’ representatives and Government representatives for attending the hearing. They all left the meeting at this point.

Deliberation

214. The Chairman invited Members to consider the representations and comment, taking into consideration all the written submissions and the oral presentations and materials presented at the meeting.

HYW Stream

215. The Chairman said that the main issue raised by the representers was that HYW Stream, which was of high ecological value according to the FCA Study, was not sufficiently protected by the existing “REC” zoning given that some of the engineering works incidental to the recreational developments along the stream might have adverse

impact on the ecological aspect of the natural stream. He asked Members to express their views on whether the “REC” zoning for the stream and its riparian area should be reviewed.

216. A Member said that consideration should be given to reviewing the “REC” zoning for HYW Stream in order to have better protection for this stream which was of high ecological value. The designation of a conservation zoning for the stream would be consistent with the approach adopted by the Board in the protection of other natural streams in other areas, e.g. Lin Ma Hang Stream.

217. The Vice-chairman recalled that during the Board’s visit to the Closed Area a few years ago, Members generally had a consensus view that the natural landscape and rural setting of the Closed Area should be preserved as far as possible. He considered that the existing natural environment in the northern part of the Closed Area along Shenzhen River should serve as a green buffer from the high-density developments in Shenzhen. For the draft Ma Tso Lung and Hoo Hok Wai OZP, the designation of “CA” zone for the extensive fish ponds in the northern part of Hoo Hok Wai was considered appropriate. However, for the Ta Kwu Ling North area, he could not understand the rationale in designating a vast “REC” zone in the northern part while the ‘GB” zones were small and scattered covering only those well-vegetated knolls. Although the representer had reiterated the ecological importance of HYW Stream as it provided an important habitat for some rare fish and bird species, AFCD had not provided sufficient support to rezone the stream and its riparian area into some conservation zones. With a view to achieving the overall planning objective of the FCA Study and to provide a green buffer in the northern part of the Area, consideration might be given to designate more “GB” or even “CA” zone in this area. He considered it prudent to request PlanD to review the land use zonings of the draft OZP with a view to provide sufficient green buffer in the Area.

218. The Chairman said that the appropriate zoning for HYW stream and its riparian area should be carefully considered having regard to the ecological value of the stream and the advice from AFCD.

219. A Member said that the objective to help improve the livelihood of local villagers should not be a material consideration in designating a large “REC” zone for the

Area. This Member also said that the 30m riparian area suggested by the green groups should be subject to review given that a riparian area of 20m had already been acceptable to the green groups in other areas. The Member also agreed that PlanD should be requested to further review the appropriate zoning for the northern part of the Area in order to ensure sufficient protection for HYW Stream.

220. Mr K.K. Ling concurred with the Vice-chairman's views that the areas released from the Closed Area should serve as a green buffer between the two high-density development nodes, i.e. Shenzhen in the north and the future New Development Areas in the south. This was in line with the vision for the Closed Area as proposed in the FCA Study. Moreover, as the local villagers had an expectation on increased development opportunities for the Closed Area upon its opening up, the future planning for the Closed Area would also need to cater for the reasonable development needs of the villagers. In view of the above, during the preparation of statutory plans for the FCA, PlanD had been working closely with the concerned stakeholders including green/concern groups and local villagers over the past few years with a view to achieving an optimal balance between conservation and development. While he considered that the zonings for the three streams in the STK area were appropriate given that the streams were near the village settlements and had been channelised downstream, he agreed that the zoning for HYW Stream should be reviewed. For the large "REC" zone, it was so designated in the FCA Study after consultation with the local villagers who opined that the area was suitable for low-density eco-tourism or other farming-related uses. He considered that there was scope to review the coverage of the "REC" zone if opportunity arose in future.

221. At the request of the Chairman, the Secretary briefed Members on the procedures of conducting the hearing as follows:

- (a) if the Board could make a decision on the representations and give a clear instruction to PlanD on the amendments to be made, e.g., the extent of the riparian area and the appropriate zoning for HYW Stream and its riparian area, the representation hearing procedure of this meeting would be completed;

- (b) however, if Members considered that a decision could not be made at the moment and PlanD should be requested to conduct a review to determine the appropriate zoning for the stream and its riparian area, and the review results would need to be submitted to the Board for further consideration, the representation hearing procedure could not be considered as completed and the hearing would have to be adjourned until completion of PlanD's review. In that circumstances, all representers and commenters had to be invited to the meeting again to express their views on the results of PlanD's review; and

- (c) if the Board considered that amendments should be made to meet the representations, Members would need to decide the specific amendments to be made to the OZP. For example, (i) whether it was necessary to amend the Notes for the "REC" zone to clearly reflect its planning intention for the development of low-density recreational developments, notwithstanding that the ES had already cited some examples of the intended recreational developments; and (ii) whether HYW Stream and its riparian area (say 20m) should be rezoned from "REC" to "GB" or "AGR". The amendments to the draft OZP would be submitted to the Board for agreement prior to its gazetting under section 6C(2) of the Ordinance.

222. A Member opined that the representer's proposal in relation to HYW Stream was very clear. R3 only requested for a conservation zoning for a linear strip of land comprising the stream and its 20m riparian area. This Member suggested designating the concerned area as "GB" and reviewing the extent of the large "REC" zone.

223. In relation to this Member's suggestion, Mr K.K. Ling commented that should the Board decide to request PlanD to conduct a review on the extent of the "REC" zones of the OZP, it was suggested that the review should be confined to the "REC" zone in the northern part of the Area which included HYW Stream. Consideration might be given to rezone part of the "REC" area to "AGR" in order to give better protection to the stream since any building developments, diversion of streams or filling of land/pond within the "AGR" zone would require planning permission from the Board.

224. The Secretary clarified that the purpose of the meeting was to consider the representations and comments of the OZP and Members should focus their discussion on the subject of the representations and decide whether amendments should be made to the OZP to meet the representations. The major grounds of representations raised by the green groups were related to the inappropriate zoning for HYW Stream. Given that the entire stream was assessed to have high ecological value under the FCA Study, Members should consider whether the existing "REC" zone would provide sufficient protection for the ecologically important HYW Stream and its riparian area. In view of the sentiment of some Members that the "REC" zoning for HYW Stream and its riparian area should be reviewed to provide more protection for the stream and that a riparian area of 20m, which was consistent with that for other streams, e.g. Lin Ma Hang Stream, would be sufficient, Members were invited to consider whether "GB" or "AGR" zoning would be more appropriate for HYW Stream and its 20m riparian area. She said that both "GB" and "AGR" zones could provide protection for the natural stream but the level of protection would be different. In response to some Members' suggestions to have a review on the whole "REC" zone which was not the subject of representation, she said that such review would entail the carrying out of a detailed study including relevant technical assessments.

225. One Member considered that it was undesirable to review only the zoning of a linear strip of land currently occupied by HYW Stream and its riparian area. This Member had the following views on the existing zonings of the OZP:

- (a) the "GB" zone at the eastern part of the area should be enlarged to include HYW Stream and its 20m riparian area;
- (b) the "GB" pockets at the western part of the area should be amalgamated into a larger "GB" zone; and
- (c) appropriate development restrictions should be incorporated into the Notes for the "REC" zone so as to ensure the development of low-density recreational development.

226. The Chairman reminded Members that the draft OZP had been considered and

agreed by the Board as suitable for public inspection and the subject meeting was part of the statutory plan-making process to consider the representations and comments to the draft OZP. As the subject of representations was related to the zoning of HYW Stream, Members should decide whether the zoning of the stream should be amended to meet the representations. A comprehensive review of the existing land use zonings of the OZP as suggested by some Members would require a detailed study supported by various technical assessments. Having considered Members' general views that HYW Stream and its 20m riparian area should be given a more appropriate zoning to provide better protection for this area, similar to the arrangement for Lin Ma Hang Stream as displayed on the visualiser, the Chairman suggested and Members agreed that PlanD should be requested to review, in consultation with AFCD, whether HYW Stream and its 20m riparian zone should be rezoned to "GB" or "AGR". The amendments would be submitted to the Board for consideration and upon the Board's agreement, the amendments would be gazetted for further representation in accordance with section 6C(2) of the Ordinance.

[Professor Eddie C.M. Hui and Mr H.F. Leung left the meeting at this point.]

227. The Secretary suggested that PlanD should also take the opportunity to suitably amend the Notes for the "REC" zone to clearly reflect the planning intention for low-density recreational developments. Members agreed.

Designation of "V" zones

228. Members noted and agreed to the following responses to the grounds of representations as suggested by PlanD:

- (a) the boundaries of the "V" zones were carefully defined taking into account the recommendations of the FCA Study and various factors such as 'VE', Small House demand forecast, local topography, settlement patterns, ecologically important area and other site specific characteristics. DAFC considered that further investigation on the species or habitats within the "V" zone was not necessary;

- (b) there was a need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers in the six recognised villages within the TKLN area;
- (c) the sewage disposal and site formation works of Small House would be considered by concerned departments during the processing of the Small House application by Lands Department (LandsD); and
- (d) PlanD would continue to monitor the situation and update the existing VLPs, if required. The preparation of new VLPs for villages covered by existing OZPs would depend on a number of factors such as implementation prospect of the VLPs as well as manpower and priority of work within PlanD.

229. In view of the above, Members decided to uphold Representations R2 and R3 by amending the zoning of HYW Stream and its 20m riparian area and to amend the Notes for “REC” zone of the OZP to clearly reflect the planning intention for low-density recreational developments. Members also agreed to request PlanD to work out the appropriate zoning for HYW Stream and its 20m riparian zone in consultation with AFCD and submit the proposed amendments to the draft Ta Kwu Ling North OZP No. S/NE-TKLN/1 to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

230. Moreover, Members decided not to uphold Representations R1 and R4 and considered that the OZP should not be amended to meet the representations. Members then went through the reasons for not upholding Representations R1 and R4 as detailed in paragraph 7(e) to (h) of the Paper and considered that the reasons were appropriate.

Representations No. R2 and R3

231. After further deliberation, the Board agreed to meet Representations R2 and R3 by amending the zoning of HYW Stream and its 20m riparian area and to amend the Notes for “REC” zone of the OZP to clearly reflect the planning intention for low-density

recreational developments.

Representations No. R1 and R4

232. After further deliberation, the Board decided not to uphold Representations R1 and R4 for the following reasons:

- “(a) the boundaries of the “V” zones have taken into account the recommendations of the FCA Study and relevant factors such as local topography, settlement patterns, ecologically important area and other site specific characteristics. Further investigation on the species or habitats within the “V” zone is not necessary (R1);
- (b) there is a need to designate suitable “V” zones within the planning scheme area to meet the Small House demand of indigenous villagers in TKLN area (R4);
- (c) the sewage disposal and site formation works of Small House will be considered by concerned government departments during the processing of the Small House application by LandsD and have to comply with the requirements of relevant departments (R4); and
- (d) the preparation of VLPs for villages covered by existing OZPs will depend on a number of factors such as implementation prospect of the VLPs, and manpower and priority of work within PlanD (R4).”

[The Chairman left the meeting temporarily and the Vice-chairman took over the Chairmanship at the point.]

[Ms Julia M.K. Lau left the meeting at this point.]