

**TPB PAPER NO. 10238
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD ON 20.1.2017**

**DRAFT CHEUNG SHEUNG
OUTLINE ZONING PLAN NO. S/NE-CS/B
FURTHER CONSIDERATION OF A NEW PLAN**

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1. INTRODUCTION

The purposes of this paper are to:

- (a) report on the results of the consultation with the Tai Po District Council (TPDC) and Sai Kung North Rural Committee (SKNRC), and other public views received on the draft Cheung Sheung Outline Zoning Plan (OZP) No. S/NE-CS/B; and
- (b) seek Members' agreement that the draft Cheung Sheung OZP No. S/NE-CS/B, its Notes and Explanatory Statement (ES) (**Annexes I to III**) are suitable for public inspection under section 5 of the Town Planning Ordinance (the Ordinance).

2. BACKGROUND

- 2.1 On 24.10.2016, the Town Planning Board (the Board) gave preliminary consideration to the draft Cheung Sheung OZP No. S/NE-CS/B (TPB Paper No. 10194) and agreed that the draft OZP was suitable for submission to the TPDC and SKNRC for consultation. An extract of the minutes of the Board's meeting held on 24.10.2016 and TPB Paper No. 10194 are at **Annexes IV and V** respectively for Members' reference.
- 2.2 Major land use proposals of the draft OZP No. S/NE-CS/B (**Plan 1**) highlighted in the TPB Paper No. 10194 are recapitulated below:

“Conservation Area” (“CA”) Zone (4.27 ha and 23.72%) (Plans 1 to 6)

- (a) The “CA” zone largely covers the riparian zone of the Ecologically Important Stream (EIS) where freshwater marshes and habitat of Hong Kong Paradise Fish are found. Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species. The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies.

“Green Belt” (“GB”) Zone (13.70 ha and 76.11%) (Plans 1 to 6)

- (b) Majority of the Area comprising mainly woodland, which is ecologically linked to the natural habitats in the Sai Kung West Country Park and mainly consists of common native plant species with some protected species, has been zoned “GB” to provide a buffer between the village type developments and the Country Park and conserve the natural and landscape character of the Area. A moderate diversity of butterflies, including some species of conservation interest and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area. This zone also comprises the open grassland (including the playground) in front of the provision store, which has long been serving as a popular destination for hikers for rest.

“Village Type Development” (“V”) Zone (0.03 ha and 0.17%) (Plan 1s to 6)

- (c) Cheung Sheung Village is the only recognized village in the Area. The boundary of the “V” zone is drawn up having regard to the village ‘environs’ (‘VEs’), the number of outstanding Small House application, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible. The proposed “V” zone is mainly covered by grasses interspersed with some shrubs and is situated at a more accessible location near the provision store.

3. LOCAL CONSULTATION

SKNRC and TPDC

- 3.1 The SKNRC and TPDC were consulted on the draft OZP No. S/NE-CS/B on 1.11.2016 and 9.11.2016 respectively. The SKNRC objected to the draft OZP and the TPDC at its meeting respected the SKNRC’s view and hence also objected¹ to the draft OZP. Subsequently, the Indigenous Inhabitant Representative (IIR) of the Cheung Sheung Village submitted a letter on 13.11.2016 (**Annex VI-1**). An extract of the minutes of the TPDC meeting is at **Annex VI-2**. Their views and proposals are summarized below:

Designation of “V” Zone

- (a) They generally object to the inadequate “V” zone to meet the Small House demand of indigenous villagers in long term future as villagers would return to the Cheung Sheung Village if its facilities and accessibility are improved. The draft OZP should strike a proper balance between nature conservation and right/interest of indigenous villagers and landowners which should not be deprived without compensation. Therefore, it is proposed to expand the “V” zone or designate the building lots as “V” zones to respect their rights to develop and/or rebuild Small Houses (**Plan 7**).

¹ One of the TPDC Member supported the draft OZP.

Incorporation of Wong Chuk Long and Tai Hom into the Draft OZP

- (b) Wong Chuk Long and Tai Hom are inseparable parts of the Cheung Sheung Village and comprise private lots, and thus should be incorporated into the draft OZP to reflect the integrity of the village. Besides, it is proposed to cover the two building lots in Wong Chuk Long by “V” zones (**Plan 7**).

Lack of Consultation

- (c) There is a lack of consultation for the villagers to fully understand the implications of the draft OZP. A TPDC Member also raised a concern on the restriction of grave sweeping activities.

Green/Concern Group

- 3.2 On 28.10.2016, Kadoorie Farm & Botanic Garden Corporation (KFBG) made a submission to the Planning Department (PlanD) (**Annex VII**), indicating that they have no adverse comments on the draft OZP.

4. PLANNING DEPARTMENT’S RESPONSES

- 4.1 In consultation with the concerned departments, the PlanD’s responses to the above comments/proposals are as follows:

- (a) It is noted that one of the TPDC Member supports and KFBG has no adverse comments on the draft OZP.

Designation of “V” Zone

- (b) In drawing up the draft OZP, special attention has been given to protect the high conservation and landscape values of the Area having regard to the wider natural system of the adjoining Sai Kung West Country Park. Environmentally sensitive areas and areas with high landscape value including woodland, streams and freshwater marshes, have been zoned “GB” or “CA”.
- (c) Cheung Sheung Village is the only recognized village in the Area. Thus there is a need to designate “V” zone at suitable location to meet the Small House demand of local villagers after delineating the areas that have to be conserved. The boundary of the “V” zone has been drawn up having regard to the ‘VEs’, the number of outstanding Small House application, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and ecologically sensitive areas have been avoided as far as possible.
- (d) Based on the 2011 Population Census, the population of the Area was estimated by the PlanD as about 10 persons. As advised by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) (as at November 2016), there is no outstanding Small House application in the Area and the 10-year Small House demand forecast provided by the respective IIR is two. To accommodate building of two Small Houses, the PlanD estimates that

about 0.03 ha of land would be sufficient (**Table 1**). The “V” zone has been designated with an aim to guiding Small House development at a suitable location so as to avoid undesirable disturbances to the natural environment and to achieve a more orderly development pattern, efficient use of land and provision of infrastructure and services.

Table 1: Small House Demand for the Cheung Sheung Area in 2013 and 2016

Village	Small House Demand Figure in 2013 ⁽¹⁾		Small House Demand Figure in 2016 (New Demand)		‘VE’ Area (‘VE’ Area in Draft OZP) (ha)	“V” Zone on Draft OZP (ha)	Required Land to Meet New Demand (ha)	Available Land to Meet New Demand Figure (ha)	Percentage of the New Demand met by Available Land (%)
	Outstanding Demand	10-year Forecast	Outstanding Demand	10-year Forecast (2015-2024) ⁽²⁾					
Cheung Sheung	0	Nil	0	2	7.86 (6.38)	0.03	0.03 ⁽³⁾	0.03 (2 Small Houses)	100%

Note:

- (1) According to the TPB Paper No. 9560 on Consideration of the Draft Cheung Sheung DPA Plan No. DPA/NE-CS/B in February 2014, there was no outstanding Small House application and no 10-year forecast of Small House demand has been received from the IIR.
- (2) The figure of 10-year Small House demand is estimated and provided by the IIR of Cheung Sheung Village and the information so obtained is not verified in any way by DLO/TP, LandsD.
- (3) Including an area of around 65m² on Government land for each New Territories Exempted House and other areas for access, balconies and necessary waste water/sewage treatment facility.

Proposal to Expand “V” Zone

- (e) As compared with the no “V” zone designation on the DPA Plan, a total of about 0.03 ha of land is covered by “V” zone on the draft OZP. The area of the proposed “V” zone could fully meet the total Small House demand. Should there be a genuine need to use the land outside the “V” zone for Small House development, there is provision in the Notes of the draft OZP to allow for application in “GB” zone to the Board. Each application would be considered by the Board based on its individual merits.

Specific Proposal to Designate the Building Lots as “V” Zones

- (f) The settlements of Cheung Sheung Village including a few building lots are scattered and isolated, not forming any village cluster (**Plans 4 and 7**). The building lots (including Lot 104 in DD 365 which is specifically proposed to be covered by “V” zone by the IIR), are located away from any footpath and/or now overgrown with vegetation amidst the woodland/shrubland (**Plan 6**), which fall within the current “GB” zone. They are not considered suitable for Small House developments from the land use planning perspective having regard to their possible adverse impacts on the natural environment and landscape resources of the Area. Both AFCD and CTP/UD&L, PlanD consider that the “GB” zoning is appropriate.
- (g) Regarding villagers’ right to develop and/or rebuild Small Houses in their building lots, according to the covering Notes of the draft OZP, rebuilding of New Territories Exempted House (NTEH) or replacement of an existing domestic building in existence on the gazette date of the draft Cheung

Sheung DPA Plan by a NTEH are always permitted in the “GB” zone. Planning application for ‘House (other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ in the “GB” zone could be considered by the Board on its individual merits.

- (h) It is considered that the draft OZP could strike a balance between enhancing nature conservation of the Area and meeting the needs of villagers for Small House development/respecting the landowners’ right.

Incorporation of Wong Chuk Long and Tai Hom into the draft OZP

- (i) Wong Chuk Long and Tai Hom are two of the 77 country park enclaves across the territory (**Plan 7**). Of those 77 country park enclaves, 23 had been covered by OZPs before the Sai Wan Incident. As committed in the 2010-11 Policy Address, the Government would either include the remaining 54 enclaves into country parks, or determine their proper uses through statutory planning in order to meet conservation and social development needs. In taking forward this initiative, the AFCD and PlanD have made an assessment of the situation of each enclave having regard to relevant factors such as immediate development threats, accessibility of the site, conservation value, landscape and aesthetic value, geographical location and existing scale of human settlement. In general, for enclaves which were subject to imminent development threat, the DPA Plan would serve as a stopgap measure.
- (j) Amongst the 54 enclaves, the PlanD has completed the preparation of statutory plans for 30 of them. The AFCD has incorporated a number of enclaves into country parks and would continue conducting detailed assessments of the other enclaves (including Wong Chuk Long and Tai Hom) to determine their suitability for incorporation into country parks.

Lack of Consultation

- (k) Prior to the preparation of the draft OZP, an informal discussion with the IIR of Cheung Sheung Village has been conducted, who then submitted a letter in April 2016 mainly requesting for designation of “V” zone which has been incorporated into the draft OZP No. S/NE-CS/B where appropriate for the Board’s preliminary consideration in October 2016. Subsequently, the SKNRC and TPDC were consulted on the draft OZP on 1.11.2016 and 9.11.2016 respectively, and the concerned IIR submitted a letter in November 2016 mainly concerning about the inadequate “V” zone and Wong Chuk Long and Tai Hom not being incorporated into the draft OZP as indicated in paragraphs 3.1 (a) and (b) above. Both the SKNRC and TPDC will be further consulted after the publication of the draft OZP No. S/NE-CS/1 under section 5 of the Ordinance.
- (l) Regarding the concern on the restriction of grave sweeping activities in the Area, according to the covering Notes of the draft OZP, maintenance or repair of a grave is in general always permitted. There would be no hindrance to grave sweeping activities by the draft OZP.

4.2 In summary, no zoning amendments to the previous draft OZP have been proposed and the land use zonings on the draft OZP (No. S/NE-CS/B) as highlighted in paragraph 2.2 are considered appropriate.

4.3 Minor refinements to the Notes and ES are highlighted (*bold and italics* for addition and ~~cross-out~~ for deletion) at **Annex II and III** respectively for Members' easy reference.

5 CONSULTATION

The TPDC and SKNRC will be consulted after the Board's agreement to the publication of the draft Cheung Sheung OZP under section 5 of the Ordinance during the exhibition period of the OZP.

6. DECISION SOUGHT

Members are invited to:

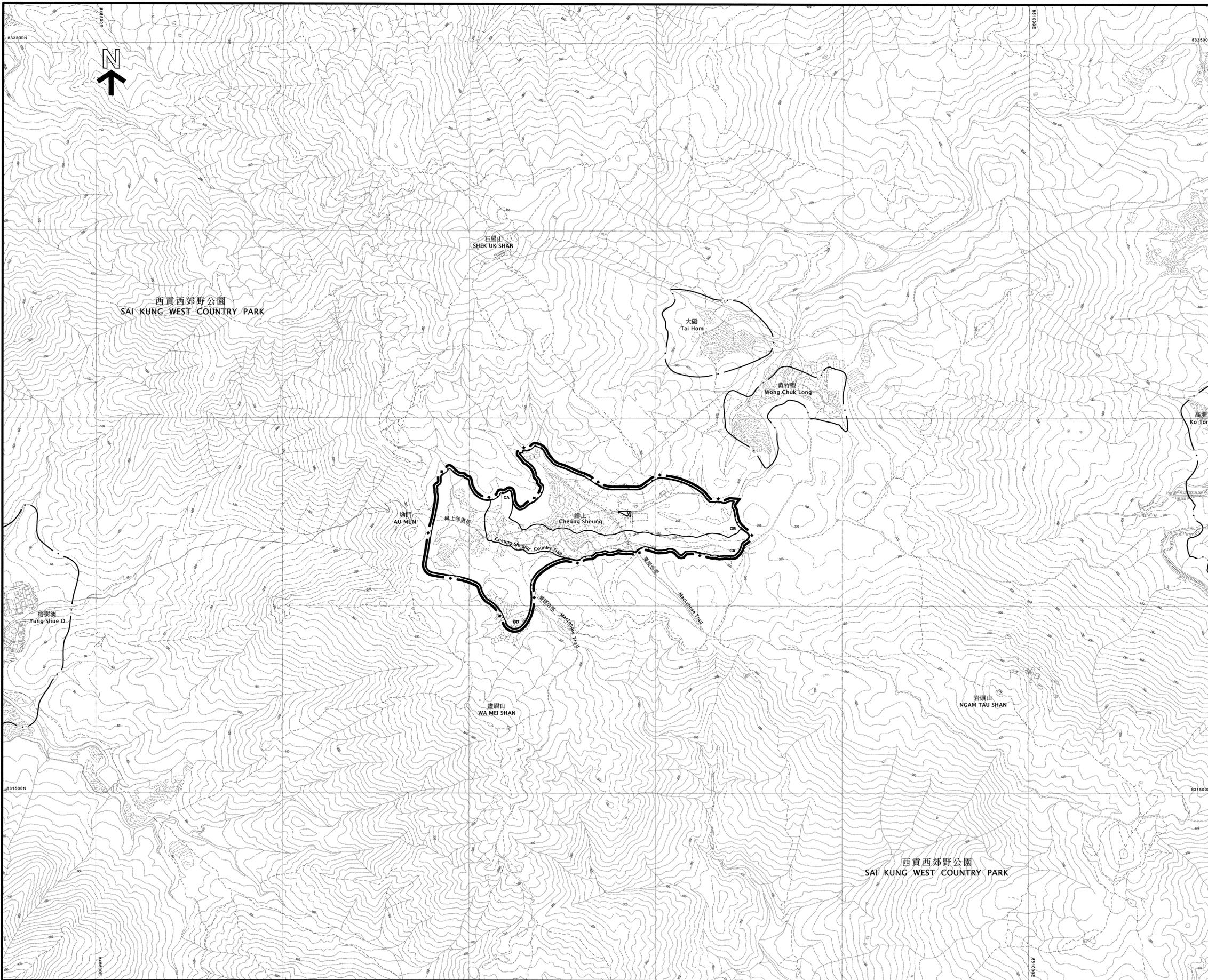
- (a) note the comments from and responses to the TPDC, SKNRC, concerned IIR and KFBG on the draft Cheung Sheung OZP No. S/NE-CS/B;
- (b) agree that the draft Cheung Sheung OZP (to be renumbered as S/NE-CS/1 upon gazetting) and its Notes (**Annexes I and II**) are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopt the ES (**Annex III**) as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Cheung Sheung OZP No. S/NE-CS/B; and
- (d) agree that the ES is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

7. Attachments

Plan 1	Proposed Land Uses - Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/B
Plan 2	Aerial Photos of Cheung Sheung
Plan 3	Village 'Environs' and Existing Physical Features of Cheung Sheung
Plan 4	Existing Land Uses in Cheung Sheung
Plan 5	Land Ownership and Village 'Environs' in Cheung Sheung
Plan 6	Development Constraints and Proposed Land Uses in Cheung Sheung
Plan 7	Specific Zoning Proposals from the Villagers
Annex I	Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/B
Annex II	Notes of the Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/B
Annex III	Explanatory Statement of the Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/B

- Annex IV** Extract of Minutes of the Town Planning Board Meeting held on 24.10.2016
- Annex V** Town Planning Board Paper No. 10194 (considered by the Town Planning Board on 24.10.2016)
- Annex VI-1** Submission from the Indigenous Inhabitant Representative of Cheung Sheung Village dated 13.11.2016
- Annex VI-2** Extract of Meeting Minutes of the Tai Po District Council held on 9.11.2016
- Annex VII** Submission from Kadoorie Farm & Botanic Garden Corporation dated 28.10.2016

PLANNING DEPARTMENT
JANUARY 2017



圖例
NOTATION

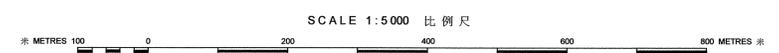
ZONES		地帶
VILLAGE TYPE DEVELOPMENT		鄉村式發展
GREEN BELT		綠化地帶
CONSERVATION AREA		自然保育區
MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME		規劃範圍界線
BOUNDARY OF COUNTRY PARK		郊野公園界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分率	
VILLAGE TYPE DEVELOPMENT	0.03	0.17	鄉村式發展
GREEN BELT	13.70	76.11	綠化地帶
CONSERVATION AREA	4.27	23.72	自然保育區
TOTAL PLANNING SCHEME AREA	18.00	100.00	規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

香港城市規劃委員會依據城市規劃條例擬備的嶂上分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
CHEUNG SHEUNG - OUTLINE ZONING PLAN



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
PLAN No. S/NE-CS/B

DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (4) A use or development of any land or building permitted under an earlier draft or approved plan including development permission area plan for the area and effected or undertaken during the effective period of that plan is always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (5) Except to the extent that paragraph (3) or (4) applies, any use or development falling within the boundaries of the Plan and also within the boundaries of the draft development permission area plan, unless always permitted in terms of the Plan, 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 permission from the Town Planning Board.
- (6) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (7) Alignment of roads and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.

- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (9) in relation to areas zoned “Conservation Area”:
- (a) maintenance, repair or demolition of a building;
 - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
 - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (e) rebuilding of New Territories Exempted House;
 - (f) replacement of an existing domestic building, i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House; and
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government.
- (9) In areas zoned “Conservation Area”,
- (a) the following uses or developments are always permitted:
 - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
 - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (iii) provision of amenity planting by Government; and
 - (b) the following uses or developments require permission from the Town Planning Board:

provision of plant nursery, amenity planting (other than by Government), sitting out area, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast, lamp pole, telephone booth and shrine.

- (10) In any area shown as ‘Road’, all uses or developments except those specified in paragraphs (8)(a) to (8)(d) and (8)(g) above and those specified below require permission from the Town Planning Board:

road and on-street vehicle park.

- (11) (a) Except in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:

structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.

- (b) Except as otherwise provided in paragraph (11)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

- (c) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.

- (12) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.

- (13) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

“Existing building” means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

“New Territories Exempted House” means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as ‘Shop and Services’ or ‘Eating Place’, the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

Schedule of Uses

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VILLAGE TYPE DEVELOPMENT

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 Government Use (Police Reporting Centre, Post Office only) House (New Territories Exempted House only) On-Farm Domestic Structure Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Burial Ground Eating Place Flat Government Refuse Collection Point Government Use (not elsewhere specified) # Hotel (Holiday House only) House (not elsewhere specified) Institutional Use (not elsewhere specified) # Market Place of Recreation, Sports or Culture Private Club Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation # Public Vehicle Park (excluding container vehicle) Religious Institution (not elsewhere specified) # Residential Institution # School # Shop and Services Social Welfare Facility # Utility Installation for Private Project

In addition, the following uses are always permitted on the ground floor of a New Territories Exempted House:

- Eating Place
- Library
- School
- Shop and Services

(Please see next page)

VILLAGE TYPE DEVELOPMENT (Cont'd)

Planning Intention

The planning intention of this zone is to designate both the existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction 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.

GREEN BELT

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 Barbecue Spot Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area	Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial Ground Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp 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) Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

(Please see next page)

GREEN BELT (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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	Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Utility Installation for Private Project
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Planning Intention

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.

Remarks

Any diversion of streams, filling of land/pond or excavation of land, 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.

CONSERVATION AREA

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 (other than Plant Nursery) Nature Reserve Nature Trail On-Farm Domestic Structure Wild Animals Protection Area	Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) House (Redevelopment only) Public Convenience Public Utility Installation Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

Planning Intention

This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development.

There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of streams, filling of land/pond or excavation of land, 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, 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.

DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

EXPLANATORY STATEMENT

DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

EXPLANATORY STATEMENT

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DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note : For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the draft Cheung Sheung Outline Zoning Plan (OZP) No. S/NE-CS/B. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land-use zonings of the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

- 2.1 On 17 February 2014, under the power delegated by the Chief Executive (CE), the Secretary for Development (SDEV) directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a Development Permission Area (DPA) Plan for the Cheung Sheung area.
- 2.2 On 21 March 2014, the draft Cheung Sheung DPA Plan No. DPA/NE-CS/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of eight representations were received. On 20 June 2014, the Board published the representations for public comment for three weeks and one comment on the representations was received. After giving consideration to the representations and comment on 5 December 2014, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations.
- 2.3 On 24 February 2015, the CE in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Cheung Sheung DPA Plan, which was subsequently renumbered as DPA/NE-CS/2. On 20 March 2015, the approved Cheung Sheung DPA Plan No. DPA/NE-CS/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.4 On 14 March 2016, under the power delegated by the CE, the SDEV directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Cheung Sheung area.
- 2.5 On _____ 2017, the draft Cheung Sheung OZP No. S/NE-CS/~~B~~**I** (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land-use zonings for the area of Cheung Sheung so that development and redevelopment within the area of Cheung Sheung can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and planning control only. It is a small-scale plan and the road alignments and boundaries between the land-use zones may be subject to minor alterations as detailed planning proceeds.

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Planning Scheme Area (the Area) and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land-use planning and control of development to meet the changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb/>.

5. THE PLANNING SCHEME AREA

- 5.1 The Area, covering a total land area of about 18 ha, is located at the centre of Sai Kung West Country Park, on an upland plateau about 300m above sea level, surrounded by ridges and spurs. It is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy and is located within the upper indirect water gathering ground (WGG).
- 5.2 Encircled by Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises secondary woodland on an upland plateau surrounded by hillside woodland in its southwestern, western and northern parts. Cheung Sheung Country Trail and **Cheung Sheung** Ecologically Important Stream (EIS) with freshwater marshes along its bank traverse the Area largely from west to east, with MacLehose Trail branching off in its southern fringe.
- 5.3 Cheung Sheung Village is the only recognized village in the Area. It is largely deserted and derelict, lying mostly in ruins heavily covered by trees and vegetation. The settlements are scattered and isolated, not forming any village

clusters. A few inhabited domestic squatters and a provision store can be found fronting an open ground at the more accessible location in the central part of the Area providing refreshment for hikers.

- 5.4 The Area is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to ***Hoi Ha Road at one end and*** Yung Shue O ***at the other end*** via the long and steep “Jacob’s Ladder”. The trails are often used for hiking events, such as Oxfam Trailwalker and Cheung Sheung Ascension Festival.

6. POPULATION

Based on the 2011 Population Census, the ~~total~~ population of the Area was estimated ***by the Planning Department as to be*** about 10 persons. It is expected that the total planned population of the Area would be about 20 persons mainly attributed to village expansion.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

7.1.1 Conservation and Natural Landscape

Encircled by Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises woodland, streams, freshwater marshes and abandoned agricultural land. The freshwater habitats are of particular ecological interest. The uncommon upland marshes support a moderate diversity of plants with a number of uncommon species, whereas the Cheung Sheung EIS together with its occasionally flooded riparian zone supports a fish species of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including a rare species. The woodland is ecologically linked to the natural habitats in the Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species with some protected species. A moderate diversity of butterflies including some species of conservation interest and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area. It is worthy of conservation while the scale of the village development should be compatible with the surrounding landscape and rural setting.

7.1.2 Recreation Potential

The trails in the Area are often used for hiking events, such as Oxfam Trailwalker and Cheung Sheung Ascension Festival. The open grassland in the central part of the Area is also the venue for various activities of the latter event. A camp site is located to the south just outside the Area along MacLehose Trail. There are a variety of recreational facilities in the nearby Sai Kung East and West Country Parks, including a network of hiking trails, quite a number of camp sites and barbecue sites and the Pak Tam Chung Visitor Centre.

7.1.3 Agriculture Potential

The freshwater marshes and the open grassland in front of the provision store are considered to have potential for agricultural rehabilitation, but there are minimal agricultural activities in the Area.

7.2 Constraints

7.2.1 Ecological Significance

Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as *Lobelia alsinoides* subsp. *hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水箭). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小蠅). The woodland is ecologically linked to the natural habitats in the Country Park. It mainly consists of common native plant species with some protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗). A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area. From the nature conservation perspective, developments that may adversely affect the natural character and the ecologically sensitive areas will not be recommended.

7.2.2 Landscape Character

With reference to the “Landscape Value Mapping of Hong Kong (2005)”, the Area is characterized as upland plateau (freshwater wetland). Woodland and natural streams are significant landscape resources of high landscape sensitivity in the Area. In general, the Area is natural and rural in character and has high landscape and scenic value. From the landscape planning perspective, any development with associated site formation work and/or utility installation which requires extensive vegetation clearance would cause significant adverse landscape impact to the Area. In order to preserve the various types of landscape resources and better integration with the natural surrounding, development in the Area should be restricted.

7.2.3 Transportation

At present, the Area is not served by any vehicular access and is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to ***Hoi Ha Road at one end and Yung Shue O at the other end*** via the long and steep “Jacob’s Ladder”.

7.2.4 Water Gathering Ground and Sewerage

There is no existing or planned public sewer in the Area, and since the Area is located within the upper indirect WGG, for any development proposal within the WGG, comprehensive assessment should be conducted and submitted to the Water Supplies Department (WSD) to demonstrate that it will not result in material increase in pollution effect to the WGG. Besides, the use of pesticides for agriculture use within the WGG is not allowed and prior approval must be obtained from the WSD for the use of other chemicals including fertilizers.

7.2.5 Infrastructure and Utility Services

The Area is provided with electricity and telephone services. There are no potable water supply, existing or planned sewerage and drainage systems in the Area.

7.2.6 Geotechnical

The western and northern parts of the Area are overlooked by steep natural hillside with past landslide records and may be affected by potential natural terrain landslide hazards. For future development in these areas, natural terrain hazard studies may be required to ascertain the scale of the hazards and to provide suitable hazard mitigation measures, if found necessary, as part of the development.

8. GENERAL PLANNING INTENTION

- 8.1 The Area forms an integral part of the natural system of the adjoining Sai Kung West Country Park with various natural habitats including, inter alia, woodland, streams and freshwater marshes, which should be preserved and protected. In general, the Area is natural and rural in character and has high landscape and scenic value. The general planning intention of the Area is to protect its high conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Country Park.
- 8.2 Apart from the environmental and ecological considerations, development in the Area is constrained by limited transport and infrastructural provisions. It is also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaking the limited infrastructure in the Area.

9. LAND-USE ZONINGS

- 9.1 “Village Type Development” (“V”): Total Area 0.03 ha
- 9.1.1 The planning intention of this zone is to designate both the existing recognized village and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 9.1.2 Cheung Sheung Village is the only recognized village in the Area. The boundary of the “V” zone is drawn up having regard to the village ‘environs’ (‘VEs’), the number of outstanding Small House application, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.
- 9.1.3 No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan, whichever is the greater. Application for minor relaxation of these ~~restrictions~~ **building height restriction** would be considered by the Board based on individual merits, taking

into account site constraints, innovative architectural design and planning merits that would enhance the amenity of the locality.

- 9.1.4 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 except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.
- 9.1.5 In accordance with the Environment, Transport and Works Bureau's Technical Circular (Works) No. 5/2005 "*Protection of Natural Streams/Rivers from Adverse Impacts Arising from Construction Works*", under the current administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the Agriculture, Fisheries and Conservation Department (AFCD) and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, the Lands Department, when processing Small House grant applications in close proximity to existing stream courses, should consult concerned departments including AFCD, the Environmental Protection Department (EPD) and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- 9.1.6 The Area is located within the upper indirect WGG and there is no existing or planned public sewer in the Area. For protection of water quality of the Area, any village type development should be demonstrated that the water quality within the WGG will not be affected by the proposals. In general, the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments within the WGG. Detailed proposal of demonstrably effective means (such as proper waste water treatment plant) is required to ensure that the effluent water quality is acceptable to concerned Government departments.

9.2 "Green Belt" ("GB"): Total Area 13.70 ha

- 9.2.1 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.
- 9.2.2 This zone, comprising mainly woodland, can provide a buffer between the village type developments and Sai Kung West Country Park and conserve the natural and landscape character of the Area. The woodland is ecologically linked to the natural habitats in the

Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species in Hong Kong with some protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗). A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.

- 9.2.3 This zone also comprises the open grassland (including the playground) in front of the provision store, which has long been serving as a popular destination for hikers for rest.
- 9.2.4 There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines.
- 9.2.5 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 except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

9.3 “Conservation Area”: Total Area 4.27 ha

- 9.3.1 This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- 9.3.2 This zone largely covers the riparian zone of the EIS where freshwater marshes and habitat of Hong Kong Paradise Fish are found. Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as *Lobelia alsinoides* subsp. *hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水篩). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its

occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小蠓).

9.3.3 New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan.

9.3.4 Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

10. COMMUNICATIONS

At present, the Area is not served by any vehicular access and is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to ***Hoi Ha Road at one end and Yung Shue O at the other end*** via the long and steep “Jacob’s Ladder”.

11. UTILITY SERVICES

The Area is provided with electricity and telephone services. There are no potable water supply, existing or planned sewerage and drainage systems in the Area.

12. IMPLEMENTATION

12.1 The Plan provides a broad land-use framework for development control and implementation of planning proposals for the Area. More detailed plans will be prepared as a basis for public works planning and private developments.

12.2 At present, there is no overall programme for the provision of infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both the public and private sectors.

- 12.3 Notwithstanding the above, minor improvement works, e.g. access improvement and laying of utility services will be implemented through the Public Works Programme and the Rural Public Works as and when resources are available. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned uses indicated on the Plan, provided that their proposals meet Government requirements.

13. PLANNING CONTROL

- 13.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.
- 13.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the draft DPA Plan and which are not in compliance with the terms of the Plan may have adverse impacts on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to this Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 13.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering the planning applications, will take into account all relevant planning considerations including guidelines published by the Board. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website, and are available from the Secretariat of the Board, and the Technical Services Division and the relevant District Planning Office of the Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.

- 13.4 Any development, other than those referred to in paragraph 13.1 above or in conformity with this Plan or with the permission of the Board, undertaken or continued on land included in this Plan on or after the date of the first publication in the Gazette of the Notice of the draft DPA Plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond and excavation of land in the relevant zones on or after the date of the first publication in the Gazette of the Notice of the draft DPA Plan without permission from the Board may also be subject to enforcement proceedings. Moreover, there is a presumption against filling of ponds for temporary land uses/developments in conservation-related zonings, such as “CA”.

TOWN PLANNING BOARD

2016 2017

Extract of Minutes of the Town Planning Board Meeting
held on 24.10.2016

Sha Tin, Tai Po & North District

Agenda Item 4

[Open meeting (Presentation and Question Sessions only)]

Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/B – Preliminary Consideration of
a New Plan

(TPB Paper No. 10194)

[The meeting was conducted in Cantonese]

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

Mr C.K. Soh - District Planning Officer/Shan Tin,
Tai Po and North (DPO/STN),
PlanD

Ms Channy C. Yang - Senior Town Planner/Country Park
Enclaves (2) (STP/CPE(2)), PlanD

36. With the aid of a PowerPoint presentation, Ms Channy C. Yang, STP/CPE(2)
made the following main points on the draft Cheung Sheung Outline Zoning Plan (OZP)
No. S/NE-CS/B as outlined in the Paper :

Background

- (a) on 21.3.2014, the draft Cheung Sheung Development Permission Area
(DPA) Plan No. DPA/NE-CS/1 was exhibited for public inspection

under section 5 of the Town Planning Ordinance (the Ordinance). The draft Cheung Sheung DPA Plan was subsequently approved by the Chief Executive in Council (CE in C) on 24.5.2015, and the plan was renumbered as DPA/NE-CS/2;

- (b) pursuant to section 20(5) of the Ordinance, the Cheung Sheung DPA Plan was effective for a period of three years until 21.3.2017. An OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the area upon expiry of the DPA Plan;

The Planning Scheme Area

- (c) the Planning Scheme Area (the Area), covering a total land area of about 18 ha, was located at the centre of Sai Kung West Country Park, on an upland plateau about 300m above sea level and was surrounded by ridges and spurs. It was a Priority Site for Enhanced Conservation under the New Nature Conservation Policy and was located within the upper indirect water gathering ground (WGG);
- (d) according to the “Landscape Value Mapping of Hong Kong (2005)”, the Area was characterized as upland plateau (freshwater wetland), with woodland and natural streams as significant landscape resources of high landscape sensitivity. In general, the Area was natural and rural in character and has high landscape and scenic value;
- (e) encircled by the Sai Kung West Country Park, the Area formed part of the wider natural system of the Country Park. It mainly comprised secondary woodland on an upland plateau surrounded by hillside woodland in its southwestern, western and northern parts. Cheung Sheung Country Trail and an Ecologically Important Stream (EIS) with freshwater marshes along its bank traversed the Area largely from west to east, with MacLehose Trail branching off in its southern fringe;

- (f) the Area was accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to Yung Shue O via the long and steep “Jacob’s Ladder”. The trails were often used for hiking events, such as Oxfam Trailwalker and Cheung Sheung Ascension Festival;
- (g) Cheung Sheung Village, which was largely deserted and derelict, was the only recognized village in the Area. The settlements were scattered and isolated, not forming any village clusters. A few inhabited domestic squatters and a provision store providing refreshment for hikers could be found fronting an open ground at the more accessible location in the central part of the Area. Based on the 2011 Population Census, the total population of the Area was estimated to be about 10 persons. About 75% of land in Cheung Sheung was government land while 25% was under private ownership;
- (h) the freshwater habitats in Cheung Sheung had long been recognized to have high ecological value. The upland marshes in the Area were an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species. The Cheung Sheung EIS, together with its occasionally flooded riparian zone, supported a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚), which was of conservation concern. The freshwater habitats also supported a moderate diversity of amphibians and dragonflies;
- (i) the woodland was ecologically linked to the natural habitats in the Country Park. It mainly consisted of common native plant species with some protected species. A moderate diversity of butterflies including some species of conservation interest, and the endangered Chinese Pangolin (穿山甲) had been recorded in the Area;

Consideration of the DPA Plan

- (j) during the two-month exhibition period of the draft Cheung Sheung DPA Plan, a total of eight representations and one comment on the representations were received. The Indigenous Inhabitant Representative (IIR) of Cheung Sheung Village and Sai Kung North Rural Committee (SKNRC) mainly objected to the lack of “Village Type Development” (“V”) zone. They proposed that “V” zone should be designated and that Wong Chuk Long and Tai Hom should be included in the DPA Plan. However, the green/concern groups and some individuals proposed to better protect the ecological importance and natural habitats of the Area by confining the “V” zone to existing building lots or not to designate “V” zone at all, and to incorporate the Area into the Country Park;

- (k) on 5.12.2014, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations and noted that detailed studies and analysis would be conducted to formulate the appropriate land use zonings in the course of preparing the OZP. No planning application had been received for proposed development within the Area;

Development Proposals Received

- (l) in the course of preparing the OZP, some views/proposals were received from concerned parties and they were set out below :
 - (i) on 24.3.2016, Kadoorie Farm & Botanic Garden Corporation (KFBG) made a submission stating that the Area was a popular hiking spot, of ecological importance and located within the WGG, no “V” zone should be designated and the whole Area should be zoned “Conservation Area” (“CA”);

- (ii) on 29.3.2016, an informal discussion with the Indigenous Inhabitant Representative (IIR) of Cheung Sheung Village was conducted to solicit the views and proposals of villagers on the land use zonings. The IIR subsequently submitted a letter on 5.4.2016 mainly requesting for designation of “V” zone to respect the indigenous villagers’ rights for Small House development in future;

Land Use Planning Considerations

- (m) Conservation of Natural Environment – in view of the high ecological value of Cheung Sheung, it was proposed to designate the riparian zone of the EIS as “CA” in order to reflect the ecological importance of those natural habitats whilst “Green Belt” (“GB”) zoning would be appropriate to conserve the natural and landscape character of the woodland adjoining the Country Park;
- (n) Land for Village Development – Cheung Sheung Village was a recognised village. Two village environs (‘VEs’) with a total area of 7.86 ha and about 6.38 ha fell within the boundary of the draft OZP. However, there were only a few building lots located away from any footpath and were now in ruins overgrown with vegetation. As advised by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), there was no outstanding Small House application in the Area as at September 2016 and the 10-year Small House demand forecast provided by the respective IIR was two. It was estimated that about 0.03 ha of land would be sufficient to accommodate the demand for two Small Houses. The area proposed for Small House development was situated on government land within the ‘VE’ at a more accessible location near the existing inhabited domestic squatters and the provision store;

Planning Intention

- (o) the general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Country Park. It was also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

Land Use Zonings

- (p) the proposed zoning included :
 - (i) “V” (about 0.03ha) – the planning intention of this zone was to designate both the existing recognized village and areas of land considered suitable for village expansion and to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. The boundary of the “V” zone was drawn up having regard to the ‘VEs’, the number of outstanding Small House application, Small House demand forecast, local topography and site constraints;
 - (ii) “GB” (about 13.7ha) – the planning intention was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. This zone comprised mainly woodland buffering the village type developments from the Sai Kung West Country Park. It also comprised the open grassland in front of the provision store, which was a popular resting place for hikers. There was a general presumption against development in this zone;

- (iii) “CA” (about 4.27ha) – this zone largely covered the riparian zone of the EIS where freshwater marshes and habitat of Hong Kong Paradise Fish were found. The planning intention was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There was a general presumption against development in this zone; and

Consultation

- (q) the draft OZP together with its Notes and Explanatory Statement (ES) as well as the Planning Report had been circulated to the relevant government bureaux and departments for comments. Views from KFBC, and the IIR of Cheung Sheung Village had been incorporated where appropriate. TPDC and SKNRC would be consulted and their comments would be submitted to the Board for consideration prior to the publication of the draft OZP.

37. As the presentation of the PlanD was completed, the Chairman invited comments/questions from Members.

38. A Member asked whether there were any regular hiking activities in the area and the statistics on the number of hikers using the walking trails. In response, Mr C.K. Soh, DPO/STN said that PlanD did not have such statistics. The Cheung Sheung Country Trail and the MacLehose Trail were popular hiking trails. The OZP had taken into consideration those hiking trails and the use of the provision store. Ms Channy C. Yang, STP/CPE(2) supplemented that the Oxfam Trailwalker held an annual hiking event in November each year, using MacLehose Trail in Cheung Sheung. In addition, the Cheung Sheung Ascension Festival was held in early 2016 and the provision store was the finishing point of the hike.

39. Another Member asked for the reason for designating the "V" zone on government land. In response, Mr C.K. Soh said that most private land in Cheung Sheung was agricultural land. While some private land fell within the 'VE', they were remote and heavily vegetated. The proposed "V" zone was a piece of flat grass land near the existing settlement and was relatively accessible. The site was considered suitable for accommodating the demand for 2 Small Houses estimated under the 10-year Small House demand forecast.

40. After deliberation, the Board agreed that :

- (a) the draft Cheung Sheung OZP No. S/NE-CS/B (Appendix I of the Paper) together with its Notes (Appendix II of the Paper) was suitable for consultation with TPDC;
- (b) the ES (Appendix III of the Paper) was suitable to serve as an expression of the planning intentions and objectives of the Board for the land use zoning of the draft Cheung Sheung OZP No. S/NE-CS/B and the ES should be issued under the name of the Board; and
- (c) the ES (Appendix III of the Paper) was suitable for consultation with TPDC together with the draft OZP.

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

**TPB PAPER NO. 10194
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD ON 21.10.2016**

**DRAFT CHEUNG SHEUNG
OUTLINE ZONING PLAN NO. S/NE-CS/B
PRELIMINARY CONSIDERATION OF A NEW PLAN**

**DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B
PRELIMINARY CONSIDERATION OF A NEW PLAN**

1. Purpose

The purpose of this paper is to seek Members' agreement:

- (a) that the draft Cheung Sheung Outline Zoning Plan (OZP) No. S/NE-CS/B (the Plan) (**Appendix I**) together with its Notes (**Appendix II**) are suitable for consultation with the Tai Po District Council (TPDC) and Sai Kung North Rural Committee (SKNRC); and
- (b) that the Explanatory Statement (ES) (**Appendix III**) is an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the various land use zonings of the draft OZP and is suitable for consultation with the TPDC and SKNRC together with the draft OZP.

2. Background

- 2.1 On 21.3.2014, the draft Cheung Sheung Development Permission Area (DPA) Plan No. DPA/NE-CS/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of eight representations and one comment on the representations were received. After giving consideration to the representations and comment on 5.12.2014, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations.
- 2.2 On 24.2.2015, the Chief Executive in Council, under section 9(1)(a) of the Ordinance, approved the draft Cheung Sheung DPA Plan, which was subsequently renumbered as DPA/NE-CS/2. On 20.3.2015, the approved Cheung Sheung DPA Plan No. DPA/NE-CS/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.3 Pursuant to section 20(5) of the Ordinance, the Cheung Sheung DPA Plan is effective for a period of three years until 21.3.2017. An OZP has to be prepared to replace the DPA Plan in order to maintain statutory planning control over the area upon expiry of the DPA Plan.
- 2.4 On 14.3.2016, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Cheung Sheung area.

3. Planning Context (Plans 1 to 3)

- 3.1 The Planning Scheme Area (the Area), covering a total land area of about 18 ha, is located at the centre of Sai Kung West Country Park, on an upland plateau about 300m above sea level, surrounded by ridges and spurs. It is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy and is located within the upper indirect water gathering ground (WGG). Cheung Sheung Village is the only recognized village in the Area. The Area is accessible by footpaths only.
- 3.2 With reference to the “Landscape Value Mapping of Hong Kong (2005)”, the Area is characterized as upland plateau (freshwater wetland), with woodland and natural streams as significant landscape resources of high landscape sensitivity. In general, the Area is natural and rural in character and has high landscape and scenic value (Figures 5a to 5d of **Appendix IV**).
- 3.3 Details of the land use considerations are contained in the Planning Report on Cheung Sheung at **Appendix IV**. Some major issues in relation to the proposed zonings are stated in the following paragraphs.

4. Issues Arising from Consideration of the DPA Plan

- 4.1 During the exhibition period of the draft DPA Plan, a total of eight representations and one comment on the representations were received. The major land use proposals raised by the representers/commenter are recapitulated below:
- (a) The Indigenous Inhabitant Representative (IIR) of Cheung Sheung Village and SKNRC mainly objected to the lack of “Village Type Development” (“V”) zone, and proposed to designate “V” zone and include Wong Chuk Long and Tai Hom¹ into the DPA Plan; and
 - (b) The green/ concern groups² and individuals proposed to better protect the ecological importance and natural habitats of the Area, to confine the “V” zone to existing building lots or not to designate “V” zone, and to incorporate the Area into the Country Park.
- 4.2 On 5.12.2014, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations. It also noted that detailed studies and analysis would be conducted to formulate the appropriate land use zonings in the course of preparing the OZP.

¹ Wong Chuk Long and Tai Hom are two Country Park enclaves to the northeast of the Cheung Sheung Area. As advised by District Lands Officer/Tai Po, Lands Department, there are no recognized villages under the New Territories Small House Policy.

² Green/concern groups include World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited, The Hong Kong Bird Watching Society, Kadoorie Farm & Botanic Garden Corporation and The Conservancy Association.

5. Object of the Plan

The object of the Plan is to indicate the broad land use zonings for the Area so that development and redevelopment within the Area can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.

6. The Planning Scheme Area (Plans 1 to 3) (Figures 5 and 6 of Appendix IV)

- 6.1 Encircled by the Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises secondary woodland on an upland plateau surrounded by hillside woodland in its southwestern, western and northern parts. Cheung Sheung Country Trail and an Ecologically Important Stream (EIS) with freshwater marshes along its bank traverse the Area largely from west to east, with MacLehose Trail branching off in its southern fringe.
- 6.2 The Area is not served by any vehicular access and is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to Yung Shue O via the long and steep “Jacob’s Ladder”. The trails are often used for hiking events, such as Oxfam Trailwalker and Cheung Sheung Ascension Festival.
- 6.3 Cheung Sheung Village is the only recognized village in the Area. It is however largely deserted and derelict, lying mostly in ruins heavily covered by trees and vegetation. The settlements are scattered and isolated, not forming any village clusters. A few inhabited domestic squatters and a provision store can be found fronting an open ground at the more accessible location in the central part of the Area providing refreshment for hikers. Based on the 2011 Population Census, the total population of the Area was estimated to be about 10 persons.

7. Development Proposals Received in the Course of Preparation of the Plan

- 7.1 Since the gazettal of the draft DPA Plan on 21.3.2014, no planning application in the Area has been received. In the course of preparing the OZP, some views/proposals were received from concerned parties and they are set out below:
 - (a) On 24.3.2016, Kadoorie Farm & Botanic Garden Corporation (KFBG) made a submission (**Appendix V**), which considers that given that the Area is a popular hiking spot, of ecological importance and located within the WGG, no “V” zone should be designated and the whole Area should be zoned “Conservation Area” (“CA”); and
 - (b) On 29.3.2016, an informal discussion with the IIR of Cheung Sheung Village was conducted to solicit the views and proposals of villagers on the land use zonings. He subsequently submitted a letter on 5.4.2016 (**Appendix VI**) mainly requesting for designation of “V” zone to respect the indigenous villagers’ rights for Small House development in future.

- 7.2 Planning assessment of the proposals is in **Appendix VII**. The views conveyed in these proposals have been taken into account in the preparation of the draft OZP and delineating the various land use zonings and the details are elaborated in the following paragraphs.

8. Land Use Planning Considerations (Plan 4 and Figure 12 of Appendix IV)

Conservation of Natural Environment (Figures 5, 9 and 10 of Appendix IV)

- 8.1 Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as *Lobelia alsinoides* subsp. *hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水箭). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小蠅).
- 8.2 The woodland is ecologically linked to the natural habitats in the Country Park. It mainly consists of common native plant species with some protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗). A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.
- 8.3 In consultation with the Agriculture, Fisheries and Conservation Department (AFCD), it is proposed to designate the riparian zone of the EIS where freshwater marshes and habitat of Hong Kong Paradise Fish are found as “CA” zone in order to reflect the ecological importance of these natural habitats whilst “GB” zoning would be appropriate to conserve the natural and landscape character of the woodland adjoining the Country Park.

Land for Village Development (Figures 6, 7 and 10 of Appendix IV)

- 8.4 Cheung Sheung Village is largely deserted and derelict, lying mostly in ruins heavily covered by trees and vegetation. The settlements are scattered and isolated, not forming any village clusters. There are two ‘VEs’ with a total area of 7.86 ha and about 6.38 ha falls within the boundary of the draft OZP. A few inhabited domestic squatters³ and a provision store can be found near

³ According to the Lands Department’s information, the inhabited domestic squatters and the provision store are recorded in a territory-wide Squatter Control Survey in 1982. These squatters are on Government land, unauthorized and temporary in nature, and “tolerated” until they cease to exist or are involved in a clearance for development, environmental improvement or safety reasons. The “tolerated” status of these squatters does not confer or recognize the right to occupy the land or any other legal rights. Nor does it give any person any legal title to these structures.

MacLehose Trail in the central part of the Area. There are also a few building lots located away from any footpath and now in ruins overgrown with vegetation (Figure 10 of **Appendix IV**).

- 8.5 Based on the 2011 Population Census, the total population of the Area was estimated to be about 10 persons. As advised by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) (as at September 2016), there is no outstanding Small House application in the Area and the 10-year Small House demand forecast provided by the respective IIR is two. To accommodate building of two Small Houses, Planning Department (PlanD) estimates that about 0.03 ha of land would be sufficient (**Table 1**).

Table 1: Small House Demand for the Cheung Sheung Area in 2013 and 2016

Village	Small House Demand Figure in 2013 ⁽¹⁾		Small House Demand Figure in 2016		'VE' Area ('VE' Area in Draft OZP) (ha)	"V" Zone on Draft OZP (ha)	Required Land to Meet New Demand (ha)	Available Land to Meet New Demand Figure (ha)	Percentage of the New Demand met by Available Land (%)
	Outstanding Demand	10-year Forecast	Outstanding Demand	10-year Forecast (2015-2024) ⁽²⁾					
Cheung Sheung	0	Nil	0	2	7.86 (6.38)	0.03	0.03 ⁽³⁾	0.03 (2 Small Houses)	100%

Note:

- (1) According to the TPB Paper No. 9560 on Consideration of the Draft Cheung Sheung DPA Plan No. DPA/NE-CS/B in February 2014, there was no outstanding Small House application and no 10-year forecast of Small House demand has been received from the IIR.
- (2) The figure of 10-year Small House demand is estimated and provided by the IIR of Cheung Sheung Village and the information so obtained is not verified in any way by DLO/TP, LandsD.
- (3) Including an area of around 65m² on Government land for each New Territories Exempted House and other areas for access, balconies and necessary waste water/sewage treatment facility.

- 8.6 The area proposed for Small House development is mainly covered by grasses interspersed with some shrubs and is situated at a more accessible location near the existing inhabited domestic squatters and the provision store which are situated on Government land and taken as existing uses.

Protection of Water Quality

- 8.7 The Area is located within the upper indirect WGG and there is no existing or planned public sewer in the Area. For protection of water quality of the Area, any village type development should be demonstrated that the water quality within the WGG will not be affected by the proposals. In general, the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments within the WGG. Detailed proposal of demonstrably effective means (such as proper waste water treatment plant) is required to ensure that the effluent water quality is acceptable to concerned Government departments.

- 8.8 In accordance with the Environment, Transport and Works Bureau's Technical Circular (Works) No. 5/2005 "*Protection of Natural Streams/Rivers from Adverse Impacts Arising from Construction Works*", under the current

administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the AFCD and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, LandsD, when processing Small House grant and applications in close proximity to existing stream courses, should consult concerned departments including AFCD, Environmental Protection Department (EPD) and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.

9. Planning Intention

- 9.1 The general planning intention of the Area is to protect its high conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Country Park.
- 9.2 Apart from the environmental and ecological considerations, development in the Area is constrained by limited transport and infrastructural provisions. It is also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area.

10. Land Use Zonings

10.1 “Village Type Development” (“V”) : Total Area 0.03 ha

- 10.1.1 The planning intention of this zone is to designate both the existing recognized village and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 10.1.2 Cheung Sheung Village is the only recognized village in the Area. The boundary of the “V” zone is drawn up having regard to the ‘VEs’, the number of outstanding Small House application, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.
- 10.1.3 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

except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

- 10.1.4 In accordance with the Environment, Transport and Works Bureau's Technical Circular (Works) No. 5/2005 "*Protection of Natural Streams/Rivers from Adverse Impacts Arising from Construction Works*", under the current administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the AFCD and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, LandsD, when processing Small House grant and applications in close proximity to existing stream courses, should consult concerned departments including AFCD, EPD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. Such requirement has been stated in the ES.
- 10.1.5 The Area is located within the upper indirect WGG and there is no existing or planned public sewer in the Area. For protection of water quality of the Area, any village type development should be demonstrated that the water quality within the WGG will not be affected by the proposals. In general, the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments within the WGG. Detailed proposal of demonstrably effective means (such as proper waste water treatment plant) is required to ensure that the effluent water quality is acceptable to concerned Government departments.

10.2 "Green Belt" ("GB") : Total Area 13.70 ha

- 10.2.1 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.
- 10.2.2 This zone comprising mainly woodland, can provide a buffer between the village type developments and the Sai Kung West Country Park and conserve the natural and landscape character of the Area. The woodland is ecologically linked to the natural habitats in the Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species in Hong Kong with some protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗). A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.

- 10.2.3 The “GB” zone also comprises the open grassland (including the playground) in front of the provision store, which has long been serving as a popular destination for hikers for rest.
- 10.2.4 There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines.
- 10.2.5 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 except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

10.3 “Conservation Area” (“CA”): Total Area 4.27 ha

- 10.3.1 This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- 10.3.2 This zone largely covers the riparian zone of the EIS where freshwater marshes and habitat of Hong Kong Paradise Fish are found. Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as *Lobelia alsinoides* subsp. *hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水篩). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小蠅).
- 10.3.3 New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan.

- 10.3.4 Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.
- 10.4 The proposed land use pattern of the Area is shown in Figure 11 at **Appendix IV**. Detailed land use proposals of the Area are set out in paragraph 9 of the ES (**Appendix III**).
- 10.5 A comparison of land use zonings on the approved Cheung Sheung DPA Plan No. DPA/NE-CS/2 and the draft OZP No. S/NE-CS/B is shown in the table below:

Land Use Zoning	Area on approved DPA Plan	Area on the Draft OZP
“V”	-	0.03 ha (0.17%)
“Unspecified”	18.0 ha (100%)	-
“GB”	-	13.70 ha (76.11 %)
“CA”	-	4.27 ha (23.72%)
Total	18.0 ha	18.0 ha

11. Notes of the Plan

- 11.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and other uses for which planning permission from the Board should be sought. The provision for application for planning permission under section 16 of the Ordinance allows flexibility in land use planning and control of development to meet the changing needs. To provide flexibility for development with design adapted to the characteristics of particular sites, minor relaxation of the specific development restriction(s) stated in the Notes for particular zones may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.
- 11.2 The draft Notes are formulated on the basis of the latest set of Master Schedule of Notes (MSN) endorsed by the Board.

12. Consultation

- 12.1 Prior to the preparation of the draft OZP, the major stakeholders have been approached for their views/proposals. Views from KFBC, and the IIR of Cheung Sheung Village have been incorporated where appropriate. The draft OZP together with its Notes and ES as well as the Planning Report have been circulated to the relevant Government bureaux and departments for comments. Comments received have been incorporated into the draft OZP, its Notes and ES as well as the Planning Report as appropriate.
- 12.2 Subject to the agreement of the Board, the draft OZP No. S/NE-CS/B will be submitted to the TPDC and SKNRC for consultation. Comments from the TPDC

and SKNRC will be submitted to the Board for consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

13. Decision Sought

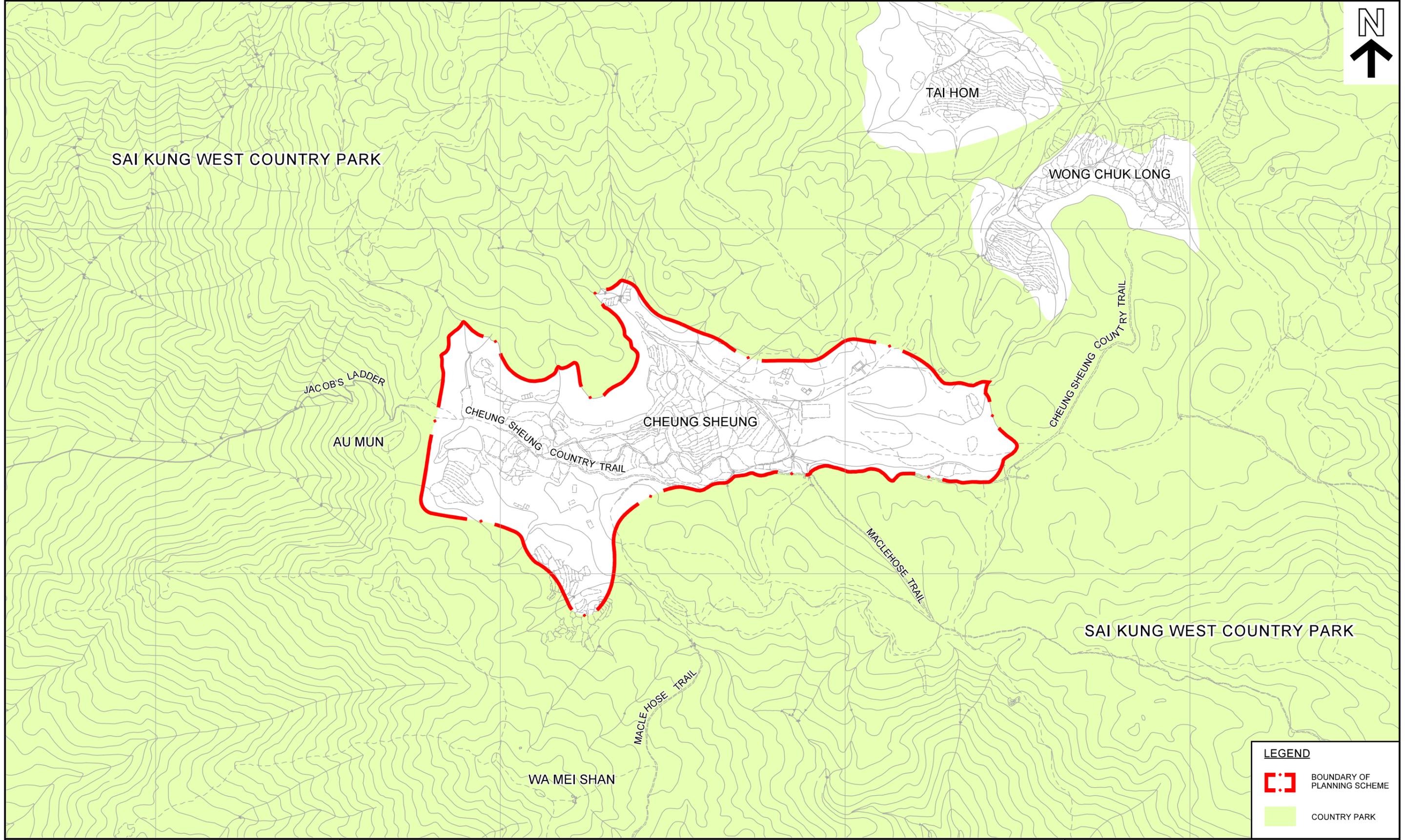
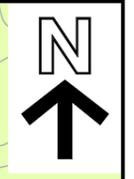
Members are invited to:

- (a) agree that the draft Cheung Sheung OZP No. S/NE-CS/B (**Appendix I**) together with its Notes (**Appendix II**) are suitable for consultation with the TPDC and SKNRC;
- (b) agree that the ES (**Appendix III**) is suitable to serve as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Cheung Sheung OZP No. S/NE-CS/B and the ES should be issued under the name of the Board; and
- (c) agree that the ES (**Appendix III**) is suitable for consultation with the TPDC and SKNRC together with the draft OZP.

14. Attachments

Plan 1	Planning Scheme Area of the Draft Cheung Sheung OZP
Plan 2	Aerial Photo of Cheung Sheung
Plan 3	Village Environs and Existing Physical Features of Cheung Sheung
Plan 4	Development Constraints and Proposed Land Uses
Appendix I	Draft Cheung Sheung OZP No. S/NE-CS/B
Appendix II	Notes of the Draft Cheung Sheung OZP No. S/NE-CS/B
Appendix III	Explanatory Statement of the Draft Cheung Sheung OZP No. S/NE-CS/B
Appendix IV	Planning Report on Cheung Sheung
Appendix V	Proposal by the Kadoorie Farm & Botanic Garden Corporation
Appendix VI	Proposal by the Indigenous Inhabitant Representative of Cheung Sheung Village
Appendix VII	Planning Assessment on the Development Proposals received in the Course of Preparation of the Plan

**PLANNING DEPARTMENT
OCTOBER 2016**

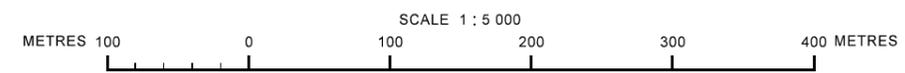


LEGEND

-  BOUNDARY OF PLANNING SCHEME
-  COUNTRY PARK

PLANNING SCHEME AREA

CHEUNG SHEUNG



PLAN PREPARED ON 7.4.2016
BASED ON SURVEY SHEETS No.
8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

PLANNING DEPARTMENT



REFERENCE No.
M/CPE/CS/16/4

PLAN
1



SAI KUNG WEST COUNTRY PARK

TAI HOM

WONG CHUK LONG

JACOBS LADDER

AU MUN

CHEUNG SHEUNG COUNTRY TRAIL

CHEUNG SHEUNG

CHEUNG SHEUNG COUNTRY TRAIL

MAGLEHOSE TRAIL

MAGLEHOSE TRAIL

WA MEI SHAN

SAI KUNG WEST COUNTRY PARK

LEGEND

-  BOUNDARY OF PLANNING SCHEME
-  COUNTRY PARK BOUNDARY
-  PRIORITY SITE FOR ENHANCED CONSERVATION UNDER THE NEW NATURE CONSERVATION POLICY - CHEUNG SHEUNG BOUNDARY

PLAN PREPARED ON 7.4.2016 BASED ON
 AERIAL PHOTOS No.CS55352, CS55354, CS55356,
 CS55358, CS55622, CS55624, CS55626 & CS55628
 TAKEN ON 2.1.2015 BY LANDS DEPARTMENT

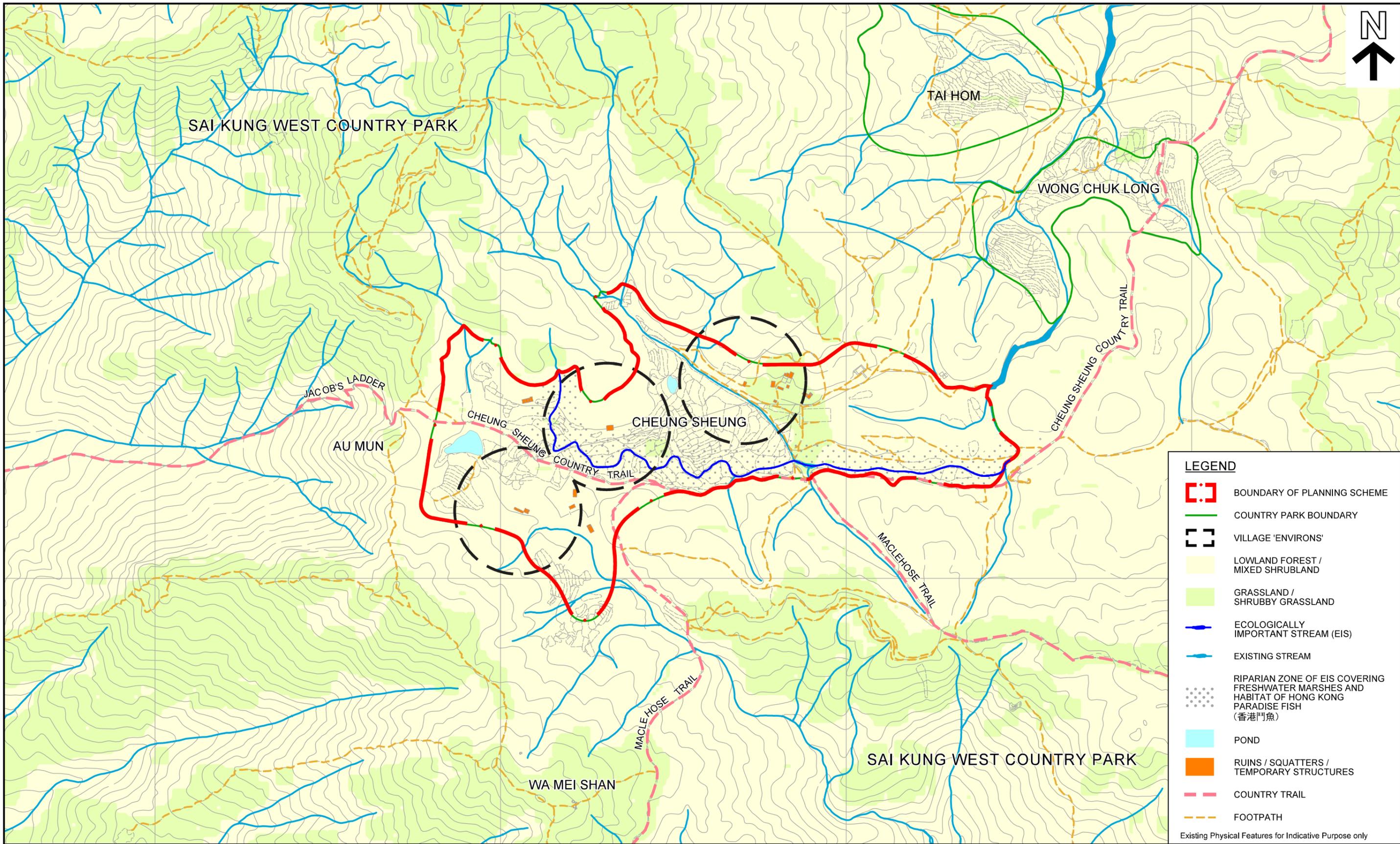
AERIAL PHOTOS
 CHEUNG SHEUNG

PLANNING DEPARTMENT



REFERENCE No.
 M/CPE/CS/16/4

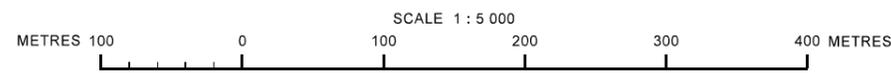
PLAN
 2



LEGEND	
	BOUNDARY OF PLANNING SCHEME
	COUNTRY PARK BOUNDARY
	VILLAGE 'ENVIRONS'
	LOWLAND FOREST / MIXED SHRUBLAND
	GRASSLAND / SHRUBBY GRASSLAND
	ECOLOGICALLY IMPORTANT STREAM (EIS)
	EXISTING STREAM
	RIPARIAN ZONE OF EIS COVERING FRESHWATER MARSHES AND HABITAT OF HONG KONG PARADISE FISH (香港門魚)
	POND
	RUINS / SQUATTERS / TEMPORARY STRUCTURES
	COUNTRY TRAIL
	FOOTPATH
Existing Physical Features for Indicative Purpose only	

VILLAGE 'ENVIRONS' AND EXISTING PHYSICAL FEATURES

CHEUNG SHEUNG



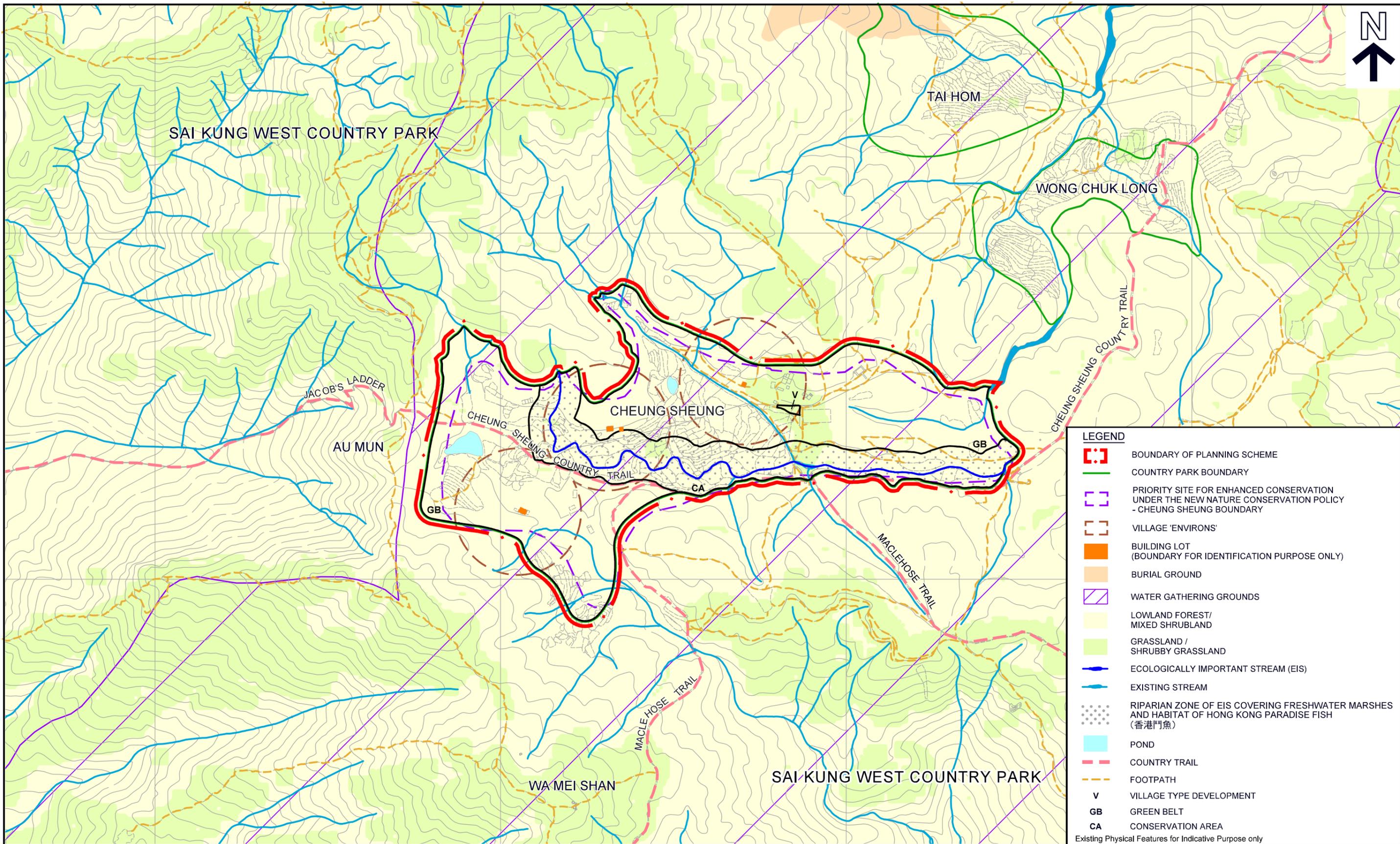
PLAN PREPARED ON 31.8.2016
 BASED ON SURVEY SHEETS No.
 8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

PLANNING DEPARTMENT



REFERENCE No.
 M/CPE/CS/16/4

PLAN
 3



LEGEND	
	BOUNDARY OF PLANNING SCHEME
	COUNTRY PARK BOUNDARY
	PRIORITY SITE FOR ENHANCED CONSERVATION UNDER THE NEW NATURE CONSERVATION POLICY - CHEUNG SHEUNG BOUNDARY
	VILLAGE 'ENVIRONS'
	BUILDING LOT (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
	BURIAL GROUND
	WATER GATHERING GROUNDS
	LOWLAND FOREST / MIXED SHRUBLAND
	GRASSLAND / SHRUBBY GRASSLAND
	ECOLOGICALLY IMPORTANT STREAM (EIS)
	EXISTING STREAM
	RIPARIAN ZONE OF EIS COVERING FRESHWATER MARSHES AND HABITAT OF HONG KONG PARADISE FISH (香港門魚)
	POND
	COUNTRY TRAIL
	FOOTPATH
	VILLAGE TYPE DEVELOPMENT
	GREEN BELT
	CONSERVATION AREA
Existing Physical Features for Indicative Purpose only	

DEVELOPMENT CONSTRAINTS AND PROPOSED LAND USES

CHEUNG SHEUNG



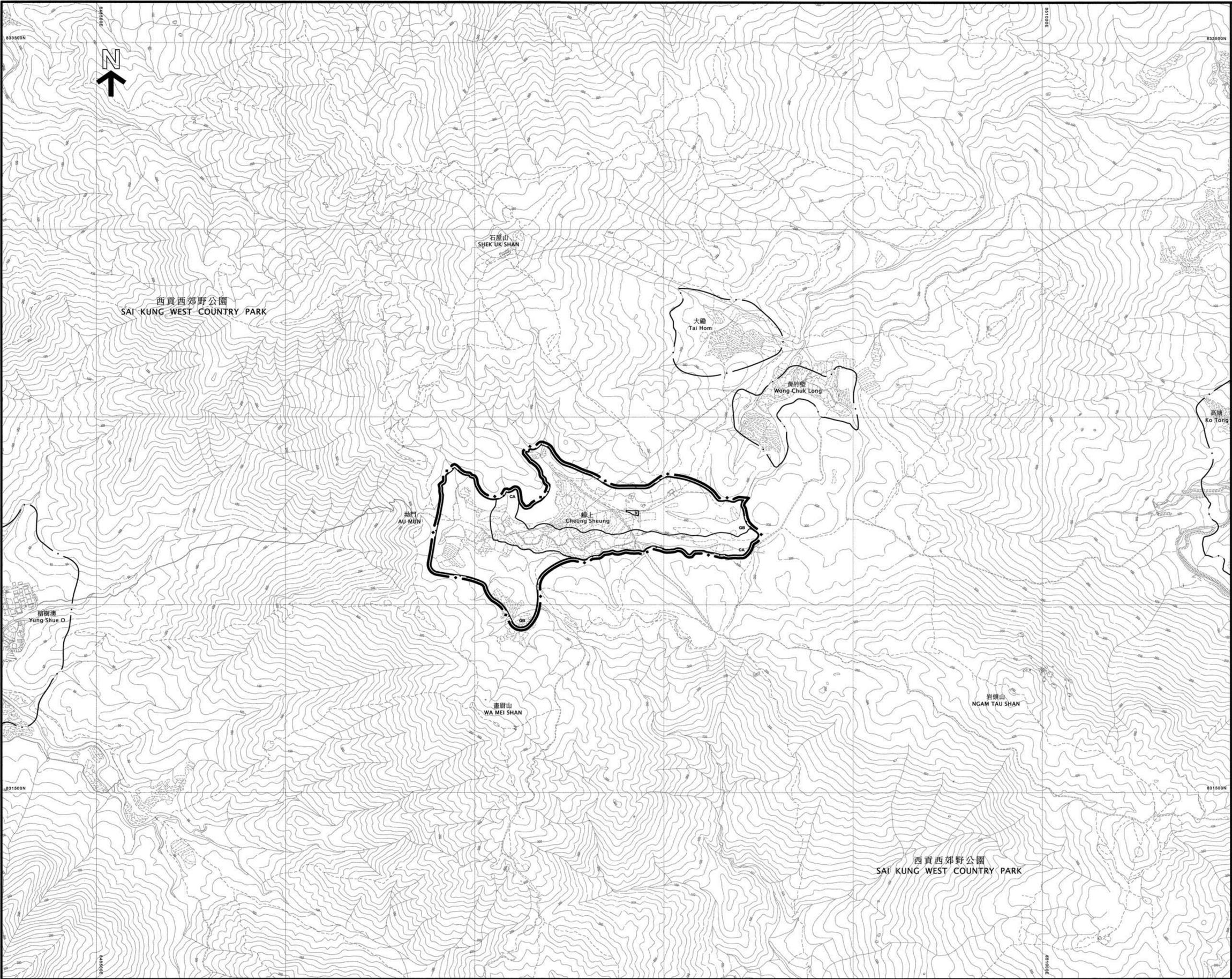
PLAN PREPARED ON 14.9.2016
 BASED ON SURVEY SHEETS No.
 8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

PLANNING DEPARTMENT



REFERENCE No.
 M/CPE/CS/16/4

PLAN
 4



圖例
NOTATION

ZONES		地帶
VILLAGE TYPE DEVELOPMENT		鄉村式發展
GREEN BELT		綠化地帶
CONSERVATION AREA		自然保育區
MISCELLANEOUS		
BOUNDARY OF PLANNING SCHEME		規劃範圍界線
BOUNDARY OF COUNTRY PARK		郊野公園界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
VILLAGE TYPE DEVELOPMENT	0.03	0.17	鄉村式發展
GREEN BELT	13.70	76.11	綠化地帶
CONSERVATION AREA	4.27	23.72	自然保育區
TOTAL PLANNING SCHEME AREA	18.00	100.00	規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

香港城市規劃委員會依據城市規劃條例擬備的嶺上分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
CHEUNG SHEUNG - OUTLINE ZONING PLAN



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
PLAN No. S/NE-CS/B

DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (4) A use or development of any land or building permitted under an earlier draft or approved plan including development permission area plan for the area and effected or undertaken during the effective period of that plan is always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (5) Except to the extent that paragraph (3) or (4) applies, any use or development falling within the boundaries of the Plan and also within the boundaries of the draft development permission area plan, unless always permitted in terms of the Plan, 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 permission from the Town Planning Board.
- (6) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (7) Alignment of roads and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.

- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (9) in relation to areas zoned “Conservation Area”:
- (a) maintenance, repair or demolition of a building;
 - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
 - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (e) rebuilding of New Territories Exempted House;
 - (f) replacement of an existing domestic building, i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House; and
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government.
- (9) In areas zoned “Conservation Area”,
- (a) the following uses or developments are always permitted:
 - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
 - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (iii) provision of amenity planting by Government; and
 - (b) the following uses or developments require permission from the Town Planning Board:

provision of plant nursery, amenity planting (other than by Government), sitting out area, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast, lamp pole, telephone booth and shrine.

- (10) In any area shown as ‘Road’, all uses or developments except those specified in paragraphs (8)(a) to (8)(d) and (8)(g) above and those specified below require permission from the Town Planning Board:

road and on-street vehicle park.

- (11) (a) Except in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:

structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.

- (b) Except as otherwise provided in paragraph (11)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

- (c) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.

- (12) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.

- (13) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

“Existing building” means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

“New Territories Exempted House” means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as ‘Shop and Services’ or ‘Eating Place’, the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

Schedule of Uses

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VILLAGE TYPE DEVELOPMENT	1
GREEN BELT	3
CONSERVATION AREA	5

VILLAGE TYPE DEVELOPMENT

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 Government Use (Police Reporting Centre, Post Office only) House (New Territories Exempted House only) On-Farm Domestic Structure Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Burial Ground Eating Place Flat Government Refuse Collection Point Government Use (not elsewhere specified) # Hotel (Holiday House only) House (not elsewhere specified) Institutional Use (not elsewhere specified) # Market Place of Recreation, Sports or Culture Private Club Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation # Public Vehicle Park (excluding container vehicle) Religious Institution (not elsewhere specified) # Residential Institution # School # Shop and Services Social Welfare Facility # Utility Installation for Private Project

In addition, the following uses are always permitted on the ground floor of a New Territories Exempted House:

Eating Place
Library
School
Shop and Services

(Please see next page)

VILLAGE TYPE DEVELOPMENT (Cont'd)

Planning Intention

The planning intention of this zone is to designate both the existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction 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.

GREEN BELT

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 Barbecue Spot Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area	Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial Ground Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp 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) Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

(Please see next page)

GREEN BELT (Cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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- Religious Institution
- Residential Institution
- Rural Committee/Village Office
- School
- Service Reservoir
- Social Welfare Facility
- Utility Installation for Private Project

Planning Intention

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.

Remarks

Any diversion of streams, filling of land/pond or excavation of land, 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.

CONSERVATION AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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<p>Agricultural Use (other than Plant Nursery) Nature Reserve Nature Trail On-Farm Domestic Structure Wild Animals Protection Area</p>	<p>Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) House (Redevelopment only) Public Convenience Public Utility Installation Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation</p>
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Planning Intention

This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development.

There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

(Please see next page)

CONSERVATION AREA (Cont'd)

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.

- (b) Any diversion of streams, filling of land/pond or excavation of land, 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, 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.

DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

EXPLANATORY STATEMENT

DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

EXPLANATORY STATEMENT

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DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN NO. S/NE-CS/B

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note : For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the draft Cheung Sheung Outline Zoning Plan (OZP) No. S/NE-CS/B. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land-use zonings of the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

- 2.1 On 17 February 2014, under the power delegated by the Chief Executive (CE), the Secretary for Development (SDEV) directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a Development Permission Area (DPA) Plan for the Cheung Sheung area.
- 2.2 On 21 March 2014, the draft Cheung Sheung DPA Plan No. DPA/NE-CS/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of eight representations were received. On 20 June 2014, the Board published the representations for public comment for three weeks and one comment on the representations was received. After giving consideration to the representations and comment on 5 December 2014, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations.
- 2.3 On 24 February 2015, the CE in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Cheung Sheung DPA Plan, which was subsequently renumbered as DPA/NE-CS/2. On 20 March 2015, the approved Cheung Sheung DPA Plan No. DPA/NE-CS/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.4 On 14 March 2016, under the power delegated by the CE, the SDEV directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Cheung Sheung area.
- 2.5 On _____ 2017, the draft Cheung Sheung OZP No. S/NE-CS/B (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land-use zonings for the area of Cheung Sheung so that development and redevelopment within the area of Cheung Sheung can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and planning control only. It is a small-scale plan and the road alignments and boundaries between the land-use zones may be subject to minor alterations as detailed planning proceeds.

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Planning Scheme Area (the Area) and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land-use planning and control of development to meet the changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb/>.

5. THE PLANNING SCHEME AREA

- 5.1 The Area, covering a total land area of about 18 ha, is located at the centre of Sai Kung West Country Park, on an upland plateau about 300m above sea level, surrounded by ridges and spurs. It is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy and is located within the upper indirect water gathering ground (WGG).
- 5.2 Encircled by the Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises secondary woodland on an upland plateau surrounded by hillside woodland in its southwestern, western and northern parts. Cheung Sheung Country Trail and an Ecologically Important Stream (EIS) with freshwater marshes along its bank traverse the Area largely from west to east, with MacLehose Trail branching off in its southern fringe.
- 5.3 Cheung Sheung Village is the only recognized village in the Area. It is largely deserted and derelict, lying mostly in ruins heavily covered by trees and vegetation. The settlements are scattered and isolated, not forming any village

clusters. A few inhabited domestic squatters and a provision store can be found fronting an open ground at the more accessible location in the central part of the Area providing refreshment for hikers.

- 5.4 The Area is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to Yung Shue O via the long and steep “Jacob’s Ladder”. The trails are often used for hiking events, such as Oxfam Trailwalker and Cheung Sheung Ascension Festival.

6. POPULATION

Based on the 2011 Population Census, the total population of the Area was estimated to be about 10 persons. It is expected that the total planned population of the Area would be about 20 persons mainly attributed to village expansion.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

7.1.1 Conservation and Natural Landscape

Encircled by the Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises woodland, streams, freshwater marshes and abandoned agricultural land. The freshwater habitats are of particular ecological interest. The uncommon upland marshes support a moderate diversity of plants with a number of uncommon species, whereas the Cheung Sheung EIS together with its occasionally flooded riparian zone supports a fish species of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including a rare species. The woodland is ecologically linked to the natural habitats in the Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species with some protected species. A moderate diversity of butterflies including some species of conservation interest and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area. It is worthy of conservation while the scale of the village development should be compatible with the surrounding landscape and rural setting.

7.1.2 Recreation Potential

The trails in the Area are often used for hiking events, such as Oxfam Trailwalker and Cheung Sheung Ascension Festival. The open

grassland in the central part of the Area is also the venue for various activities of the latter event. A camp site is located to the south just outside the Area along MacLehose Trail. There are a variety of recreational facilities in the nearby Sai Kung East and West Country Parks, including a network of hiking trails, quite a number of camp sites and barbecue sites and the Pak Tam Chung Visitor Centre.

7.1.3 Agriculture Potential

The freshwater marshes and the open grassland in front of the provision store are considered to have potential for agricultural rehabilitation, but there are minimal agricultural activities in the Area.

7.2 Constraints

7.2.1 Ecological Significance

Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as *Lobelia alsinoides* subsp. *hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水篩). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小蠅). The woodland is ecologically linked to the natural habitats in the Country Park. It mainly consists of common native plant species with some protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗). A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area. From the nature conservation perspective, developments that may adversely affect the natural character and the ecologically sensitive areas will not be recommended.

7.2.2 Landscape Character

With reference to the “Landscape Value Mapping of Hong Kong (2005)”, the Area is characterized as upland plateau (freshwater wetland). Woodland and natural streams are significant landscape resources of high landscape sensitivity in the Area. In general, the Area

is natural and rural in character and has high landscape and scenic value. From the landscape planning perspective, any development with associated site formation work and/or utility installation which requires extensive vegetation clearance would cause significant adverse landscape impact to the Area. In order to preserve the various types of landscape resources and better integration with the natural surrounding, development in the Area should be restricted.

7.2.3 Transportation

At present, the Area is not served by any vehicular access and is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to Yung Shue O via the long and steep “Jacob’s Ladder”.

7.2.4 Water Gathering Ground and Sewerage

There is no existing or planned public sewer for the Area, and since the Area is located within the upper indirect WGG, for any development proposal within the WGG, comprehensive assessment should be conducted and submitted to the Water Supplies Department (WSD) to demonstrate that it will not result in material increase in pollution effect to the WGG. Besides, the use of pesticides for agriculture use within the WGG is not allowed and prior approval must be obtained from the WSD for the use of other chemicals including fertilizers,

7.2.5 Infrastructure and Utility Services

The Area is provided with electricity and telephone services. There are no potable water supply, existing or planned sewerage and drainage systems in the Area.

7.2.6 Geotechnical

The western and northern parts of the Area are overlooked by steep natural hillside with past landslide records and may be affected by potential natural terrain landslide hazards. For future development in these areas, natural terrain hazard studies may be required to assess the scale of the hazards and to provide suitable hazard mitigation measures, if found necessary, as part of the development.

8. GENERAL PLANNING INTENTION

- 8.1 The Area forms an integral part of the natural system of the adjoining Sai Kung West Country Park with various natural habitats including, inter alia, woodland, streams and freshwater marshes, which should be preserved and protected. In general, the Area is natural and rural in character and has high landscape and scenic value. The general planning intention of the Area is to

protect its high conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Country Park.

- 8.2 Apart from the environmental and ecological considerations, development in the Area is constrained by limited transport and infrastructural provisions. It is also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaking the limited infrastructure in the Area.

9. LAND-USE ZONINGS

9.1 “Village Type Development” (“V”): Total Area 0.03 ha

- 9.1.1 The planning intention of this zone is to designate both the existing recognized village and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 9.1.2 Cheung Sheung Village is the only recognized village in the Area. The boundary of the “V” zone is drawn up having regard to the village ‘environs’ (‘VEs’), the number of outstanding Small House application, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.
- 9.1.3 No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan, whichever is the greater. Application for minor relaxation of these restrictions would be considered by the Board based on individual merits, taking into account site constraints, innovative architectural design and planning merits that would enhance the amenity of the locality.
- 9.1.4 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 except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

- 9.1.5 In accordance with the Environment, Transport and Works Bureau's Technical Circular (Works) No. 5/2005 "*Protection of Natural Streams/Rivers from Adverse Impacts Arising from Construction Works*", under the current administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the Agriculture, Fisheries and Conservation Department (AFCD) and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, Lands Department, when processing Small House grant and applications in close proximity to existing stream courses, should consult concerned departments including AFCD, Environmental Protection Department (EPD) and Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- 9.1.6 The Area is located within the upper indirect WGG and there is no existing or planned public sewer in the Area. For protection of water quality of the Area, any village type development should be demonstrated that the water quality within the WGG will not be affected by the proposals. In general, the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments within the WGG. Detailed proposal of demonstrably effective means (such as proper waste water treatment plant) is required to ensure that the effluent water quality is acceptable to concerned Government departments.

9.2 "Green Belt" ("GB"): Total Area 13.70 ha

- 9.2.1 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.
- 9.2.2 This zone comprising mainly woodland, can provide a buffer between the village type developments and the Sai Kung West Country Park and conserve the natural and landscape character of the Area. The woodland is ecologically linked to the natural habitats in the Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species in Hong Kong with some protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗). A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.

- 9.2.3 The “GB” zone also comprises the open grassland (including the playground) in front of the provision store, which has long been serving as a popular destination for hikers for rest.
- 9.2.4 There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines.
- 9.2.5 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 except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.
- 9.3 “Conservation Area”: Total Area 4.27 ha
- 9.3.1 This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- 9.3.2 This zone largely covers the riparian zone of the EIS where freshwater marshes and habitat of Hong Kong Paradise Fish are found. Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as *Lobelia alsinoides* subsp. *hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水篩). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小蠅).
- 9.3.3 New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses shall not result in a total redevelopment in excess of the plot ratio, site coverage and

height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan.

- 9.3.4 Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

10. COMMUNICATIONS

At present, the Area is not served by any vehicular access and is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to Yung Shue O via the long and steep “Jacob’s Ladder”.

11. UTILITY SERVICES

The Area is provided with electricity and telephone services. There are no potable water supply, existing or planned sewerage and drainage systems in the Area.

12. IMPLEMENTATION

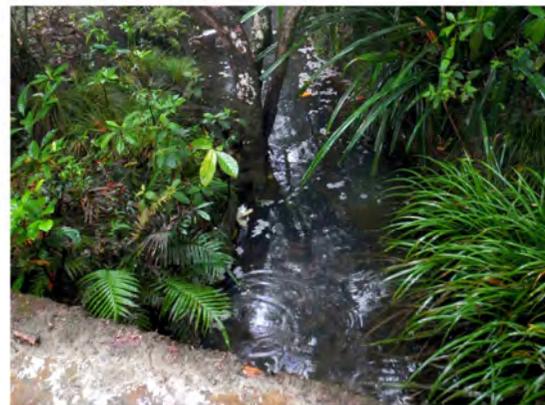
- 12.1 The Plan provides a broad land-use framework for development control and implementation of planning proposals for the Area. More detailed plans will be prepared as a basis for public works planning and private developments.
- 12.2 At present, there is no overall programme for the provision of infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both the public and private sectors.
- 12.3 Notwithstanding the above, minor improvement works, e.g. access improvement and laying of utility services will be implemented through the Public Works Programme and the Rural Public Works as and when resources are available. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned uses indicated on the Plan, provided that their proposals meet Government requirements.

13. PLANNING CONTROL

- 13.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.

- 13.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the draft DPA Plan and which are not in compliance with the terms of the Plan may have adverse impacts on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to this Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 13.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering the planning applications, will take into account all relevant planning considerations including guidelines published by the Board. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website, and are available from the Secretariat of the Board, and the Technical Services Division and the relevant District Planning Office of the Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.
- 13.4 Any development, other than those referred to in paragraph 13.1 above or in conformity with this Plan or with the permission of the Board, undertaken or continued on land included in this Plan on or after the date of the first publication in the Gazette of the Notice of the draft DPA Plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond and excavation of land in the relevant zones on or after the date of the first publication in the Gazette of the Notice of the draft DPA Plan without permission from the Board may also be subject to enforcement proceedings. Moreover, there is a presumption against filling of ponds for temporary land uses/developments in conservation-related zonings, such as "CA".

PLANNING REPORT ON CHEUNG SHEUNG



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1. **INTRODUCTION**

1.1 **Purpose of the Planning Report**

The purpose of this Planning Report is to give an account of the background and an appraisal of the existing conditions, characteristics and development requirements of the Cheung Sheung area (the Area). It also aims at providing a basis for the preparation of an Outline Zoning Plan (OZP) for the Area and the formulation of a planning framework to guide future development.

1.2 **Background**

1.2.1 The Area, covering a total land area of about 18 ha, is located at the centre of Sai Kung West Country Park, on an upland plateau about 300m above sea level, surrounded by ridges and spurs. It is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy and is located within the upper indirect water gathering ground (WGG) (**Figure 1**).

1.2.2 Encircled by the Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises woodland, streams, freshwater marshes and abandoned agricultural land. Cheung Sheung Village is the only recognized village in the Area. In general, the Area is natural and rural in character and has high landscape and scenic value.

1.2.3 Any large scale and uncontrolled development may affect the natural environment including the ecological and landscape value of the Area. There was an urgent need to prepare a development permission area (DPA) plan for the Area to facilitate proper planning control and enforcement. Under the power delegated by the Chief Executive (CE), on 17.2.2014, the Secretary for Development directed the Town Planning Board (the Board) to prepare a draft plan designating the Area as a DPA.

1.2.4 The draft Cheung Sheung DPA Plan No. DPA/NE-CS/1 was exhibited for public inspection on 21.3.2014 under section 5 of the Town Planning Ordinance (the Ordinance). During the plan exhibition period, a total of eight representations and one comment on the representations were received. After giving consideration to the representations on 5.12.2014, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations.

1.2.5 On 24.2.2015, the CE in Council (CE in C) approved the draft Cheung Sheung DPA Plan, which was subsequently renumbered as DPA/NE-CS/2 (**Figure 2**). On 20.3.2015, the approved Cheung Sheung DPA Plan No. DPA/NE-CS/2 was exhibited for public inspection under section 9(5) of the Ordinance.

1.2.6 Pursuant to section 20(5) of the Ordinance, the DPA Plan is effective for three years until 21.3.2017. On

14.3.2016, the CE, pursuant to section 3(1)(a) of the Ordinance, directed the Board to prepare an OZP for the Area.

2. **THE STUDY AREA**

2.1. **Location**

2.1.1 The Area, covering a total land area of about 18 ha, is located at the centre of Sai Kung West Country Park, on an upland plateau about 300m above sea level, surrounded by ridges and spurs. The location of the Area is shown in **Figure 3**.

2.1.2 The Area is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to Yung Shue O via the long and steep “Jacob’s Ladder”. The trails are often used for hiking events, such as Oxfam Trailwalker and Cheung Sheung Ascension Festival.

2.2. **Natural Features**

Physical Setting and Topography

2.2.1 Encircled by the Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises secondary woodland on an upland plateau surrounded by hillside woodland in its southwestern, western and northern parts. Cheung Sheung Country Trail and an

Ecologically Important Stream (EIS) with freshwater marshes along its bank traverse the Area largely from west to east, with MacLehose Trail branching off in its southern fringe. Cheung Sheung Village is the only recognized village in the Area. It is however largely deserted and derelict, lying mostly in ruins heavily covered by trees and vegetation. The settlements are scattered and isolated, not forming any village clusters. A few inhabited domestic squatters and a provision store can be found fronting an open ground at the more accessible location in the central part of the Area providing refreshment for hikers. Overview of the Area is shown on **Figures 3 and 4**.

Natural Habitats (Figures 5a – 5d)

2.2.2 The Area is one of the twelve Priority Sites for Enhanced Conservation identified under the New Nature Conservation Policy. Up till now, no proposal under the Management Agreement Scheme¹ or the Public-private Partnership Pilot Scheme² has been received for enhancing conservation in the Area.

¹ Under this measure, non-government organizations may apply for funding from the Government for entering into management agreements with the landowners for enhancing conservation of the priority sites.

² Under this measure, developments at an agreed scale will be allowed at the ecologically less sensitive portion of any of the priority sites provided that the developer undertakes to conserve and manage the rest of the site that is ecologically more sensitive on a long-term basis.

2.2.3 Encircled by the Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises woodland, streams, freshwater marshes and abandoned agricultural land. Details of the natural habitats and abandoned agricultural land are listed below:

(a) Native and Secondary Woodland

(i) The woodland is ecologically linked to the natural habitats in the Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species in Hong Kong such as *Machilus chekiangensis* (浙江潤楠), *Machilus breviflora* (短花楠), *Machilus pauhoi* (多脈潤楠), *Schefflera heptaphylla* (鴨腳木), *Neolistsea chuii* (鴨公樹) and *Symplocos lancifolia* (光葉山礬). Protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉), *Cibotium barometz* (金毛狗), *Zeuxine affinis* (纖細線柱蘭), *Ania hongkongensis* (香港安蘭), *Rhodoleia championii* (紅花荷) and *Enkianthus quinqueflorus* (吊鐘) have been recorded.

(ii) Groups of large and mature plantation, such as *Melaleuca quinquenervia* (白千層) and *Pinus massoniana* (馬尾松) are found on the hillside in the northeastern part and along a stream in the eastern part of the Area. The plantations are integrated with surrounding woodland of Sai Kung West Country Park.

(b) Streams and Freshwater Marshes

The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as *Lobelia alsinoides* subsp. *hancei* (假半邊蓮), and *Blyxa aubertii* (無尾水篩). Other common plant species include *Pandanus tectorius* (露兜樹), *Cleistocalyx operculata* (水翁), *Viburnum odoratissimum* (珊瑚樹), *Symplocos laurina* (黃牛奶樹), *Glochidion zeylanicum* (香港算盤子) and *Acorus gramineus* (石菖蒲). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小螳).

(c) Abandoned Agricultural Land

Agricultural lands are basically concentrated on the flat land with some patches scattered on the hillslopes and have been left abandoned. Most of the abandoned agricultural lands are largely overgrown with trees or shrubs forming secondary woodland and those on the bank of the EIS have turned into freshwater marshes.

(d) Fauna Records in the Area

A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.

2.3 Historical Development

2.3.1 Cheung Sheung Village is a recognized village of the Sai Kung North Heung. As shown on the survey sheets in 1973³ and 1975, it was a small village on the upland with only about 15 houses. It is however largely deserted and derelict, lying mostly in ruins heavily covered by trees and vegetation. The settlements are scattered and isolated, not forming any village clusters. A few inhabited domestic squatters and a provision store can be found fronting an open ground at the more accessible location in the central part of the Area providing refreshment for hikers.

2.3.2 There is no declared monument, graded/ proposed to be graded historic building or site of archaeological interest in the Area.

³ The earliest 1:1000 survey sheet available.

2.4 Population and Employment

Based on the 2011 Population Census, the total population of the Area was estimated to be about 10 persons. There is a provision store in the central part of the Area, providing refreshment for hikers. Besides, considerable amount of agricultural land has been lying abandoned, largely overgrown with trees or shrubs forming secondary woodland or having turned into freshwater marshes.

2.5 Existing Land Uses (*Figures 6a – 6f*)

2.5.1 The major existing land uses including the following:

Village Type Development

2.5.2 Cheung Sheung Village is the only recognized village in the Area. It is however largely deserted and derelict, lying mostly in ruins heavily covered by trees and vegetation. The settlements are scattered and isolated, not forming any village clusters. A few inhabited domestic squatters⁴ and a provision store⁵

⁴ According to the Lands Department's information, these squatters are recorded in a territory-wide Squatter Control Survey in 1982. These squatters are on Government land, unauthorized and temporary in nature, and "tolerated" until they cease to exist or are involved in a clearance for development, environmental improvement or safety reasons. The "tolerated" status of these squatters does not confer or recognize the right to occupy the land or any other legal rights. Nor does it give any person any legal title to these structures.

⁵ According to the LandsD's information, the provision store is accommodated in a temporary structure on Government land, which is also one of the squatters recorded in a territory-wide Squatter Control Survey in 1982.

can be found fronting an open ground⁶ at the more accessible location in the central part of the Area providing refreshment for hikers. The open grassland is also the venue for various activities of the annual hiking event Cheung Sheung Ascension Festival.

2.5.3 There are only four small and isolated private lots (with a total area of about 249m²) with house/building status in the Area. Ruins can be found in three of them. All are situated amidst woodland or shrubland, with only one can be reached via an indistinct footpath.

2.5.4 According to the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) (as at September 2016), for Cheung Sheung Village, there is no outstanding Small House application and the 10-year (2015-2024) Small House demand forecast⁷ provided by the Indigenous Inhabitant Representative (IIR) is two. Besides, there is no approved Small House application in the village.

Government, Institution or Community (GIC) Facilities

2.5.5 The only GIC facility in the Area is the ex-village school (Pok Oi Public School 博愛公立學校),

⁶ As advised by DLO/TP, LandsD, the playground is under a Government Land Licence.

⁷ The figure of 10-year Small House demand is estimated and provided by the IIR of the Cheung Sheung Village and the information so obtained is not verified in any way by DLO/TP, LandsD.

which is situated on the vegetated slope in the northern part of the Area and has been abandoned.

2.6 Land Ownership

About 13.77 ha (76.5%) of land in the Area is Government land, and the remaining 4.23 ha (23.5%) are private land comprising mainly agricultural land and a few building lots (**Figure 7**).

2.7 Transportation and Access

At present, the Area is not served by any vehicular access and is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to Yung Shue O via the long and steep “Jacob’s Ladder”. Cheung Sheung Country Trail traverses the Area largely from west to east, with MacLehose Trail branching off in its southern fringe. (**Figure 8**).

2.8 Infrastructure and Utility Services

The Area is provided with electricity and telephone services. There are no potable water supply, existing or planned sewerage and drainage systems in the Area.

3. PLANNING ANALYSIS

3.1 Strategic Planning Context

3.1.1 Given the natural environment, its ecological and landscape value coupled with the inaccessibility due to lack of vehicular access and its location within the upper indirect WGG, the planning framework for the Area should fundamentally be for preservation of the natural environment. Any large-scale development is not recommended to minimize the encroachment onto the sensitive environment and to protect and enhance ecological and landscape conservation.

3.1.2 With reference to the “Landscape Value Mapping of Hong Kong (2005)”, the Area is characterized as upland plateau (freshwater wetland). Woodland and natural streams are significant landscape resources of high landscape sensitivity in the Area. In general, the Area is natural and rural in character and has high landscape and scenic value.

3.2 Environment and Conservation Considerations (Figure 9)

3.2.1 Encircled by the Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises woodland, streams, freshwater marshes and abandoned agricultural land.

3.2.2 The freshwater habitats are of particular ecological interest. The uncommon upland marshes support a

moderate diversity of plants with a number of uncommon species, whereas the Cheung Sheung EIS together with its occasionally flooded riparian zone supports a fish species of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including a rare species. The woodland is ecologically linked to the natural habitats in the Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species with some protected species. A moderate diversity of butterflies, including some species of conservation interest, and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.

3.2.3 The Area is characterized as upland plateau (freshwater wetland) with woodland and natural streams as significant landscape resources of high landscape sensitivity. In general, the Area is natural and rural in character and has high landscape and scenic value.

3.3 Development Constraints (Figure 10)

Ecological Significance

3.3.1 Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy.

3.3.2 The Area, in particular its freshwater habitats, has long been recognized to have high ecological value.

The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as *Lobelia alsinoides* subsp. *hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水篩). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小蠵).

- 3.3.3 The woodland is ecologically linked to the natural habitats in the Country Park. It mainly consists of common native plant species with some protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗).
- 3.3.4 A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.
- 3.3.5 From the nature conservation perspective, developments that may adversely affect the natural

character and the ecologically sensitive areas will not be recommended.

Landscape Character

- 3.3.6 With reference to the “Landscape Value Mapping of Hong Kong (2005)”, the Area is characterized as upland plateau (freshwater wetland). Woodland and natural streams are significant landscape resources of high landscape sensitivity in the Area. In general, the Area is natural and rural in character and has high landscape and scenic value.
- 3.3.7 From the landscape planning perspective, any development with associated site formation work and/or utility installation which requires extensive vegetation clearance would cause significant adverse landscape impact to the Area. In order to preserve the various types of landscape resources and better integration with the natural surrounding, development in the Area should be restricted.

Transportation

- 3.3.8 At present, the Area is not served by any vehicular access and is accessible only by footpaths such as MacLehose Trail connecting to other parts of Sai Kung Country Parks, or Cheung Sheung Country Trail leading to Yung Shue O via the long and steep “Jacob’s Ladder”.

Water Gathering Ground and Sewerage

3.3.9 There is no existing or planned public sewer for the Area, and since the Area is located within the upper indirect WGG, for any development proposal within the WGG, comprehensive assessment should be conducted and submitted to the Water Supplies Department (WSD) to demonstrate that it will not result in material increase in pollution effect to the WGG. Besides, the use of pesticides for agriculture use within the WGG is not allowed and prior approval must be obtained from the WSD for the use of other chemicals including fertilizers.

Infrastructure and Utility Services

3.3.10 The Area is provided with electricity and telephone services. There are no potable water supply, existing or planned sewerage and drainage systems in the Area.

Geotechnical

3.3.11 The western and northern parts of the Area are overlooked by steep natural hillside with past landslide records and may be affected by potential natural terrain landslide hazards. For future development in these areas, natural terrain hazard studies may be required to assess the scale of the hazards and to provide suitable hazard mitigation measures, if found necessary, as part of the development.

3.4 Development Opportunities (Figures 8 and 9)

Conservation and Natural Landscape

3.4.1 Encircled by the Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises woodland, streams, freshwater marshes and abandoned agricultural land. The freshwater habitats are of particular ecological interest. The uncommon upland marshes support a moderate diversity of plants with a number of uncommon species, whereas the Cheung Sheung EIS together with its occasionally flooded riparian zone supports a fish species of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including a rare species. The woodland is ecologically linked to the natural habitats in the Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species with some protected species. A moderate diversity of butterflies, including some species of conservation interest, and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.

3.4.2 The Area is characterized as upland plateau (freshwater wetland) with woodland and natural streams as significant landscape resources of high landscape sensitivity. In general, the Area is natural and rural in character, and has high landscape and scenic value. It is worthy of conservation while the

scale of the village development should be compatible with the surrounding landscape and rural setting.

Recreation and Agriculture Potential

3.4.3 The trails in the Area are often used for hiking events, such as Oxfam Trailwalker and Cheung Sheung Ascension Festival. The open grassland in the central part of the Area is also the venue for various activities of the latter event. A camp site is located to the south just outside the Area along MacLehose Trail. There are a variety of recreational facilities in the nearby Sai Kung East and West Country Parks, including a network of hiking trails, quite a number of camp sites and barbecue sites and the Pak Tam Chung Visitor Centre (**Figure 8**).

3.4.4 The freshwater marshes and the open grassland in front of the provision store are considered to have potential for agricultural rehabilitation, but there are minimal agricultural activities in the Area.

3.5 Development Pressure

3.5.1 Due to its ecological, landscape and scenic value with access by footpaths, there is an urgent need to better protect the natural and landscape character of the Area from uncontrolled development.

3.5.2 Cheung Sheung Village is the only recognized village in the Area, which is largely deserted and derelict. Based on the 2011 Population Census, the

total population of the Area was estimated to be about 10 persons. According to the LandsD (as at September 2016), there is no outstanding Small House application in the Area, and the 10-year Small House demand forecast provided by the IIR is two.

3.5.3 There is neither public complaint received on suspected unauthorized development nor any enforcement case under the Town Planning Ordinance in the Area. Nevertheless, according to the Agriculture, Fisheries and Conservation Department (AFCD) in March 2015, two damaged trees and signs of vegetation clearance on both sides of the stream near the footbridge to the south of the provision store were observed. No suspect or witness was identified.

3.6 Development Proposals Received in the Course of Preparation of the Plan

3.6.1 As at October 2016, since the gazettal of the draft DPA Plan on 21.3.2014, no planning application in the Area has been received by the Board. In the course of preparing the OZP, some views/proposals were received from concerned parties and they are set out below.

Submission from Kadoorie Farm & Botanic Garden Corporation (KFBG)

3.6.2 On 24.3.2016, Kadoorie Farm & Botanic Garden Corporation (KFBG) made a submission, which considers that given that the Area is a popular hiking

spot, of ecological importance and located within the WGG, no “V” zone should be designated and the whole Area should be zoned “Conservation Area” (“CA”).

Submissions from the IIR of Cheung Sheung Village

3.6.3 On 29.3.2016, an informal discussion⁸ with the Indigenous Inhabitant Representative (IIR) of Cheung Sheung Village was conducted to solicit the views and proposals of villagers on the land use zonings. He subsequently submitted a letter on 5.4.2016 mainly requesting for designation of “V” zone to respect the indigenous villagers’ rights for Small House development in future.

4 PLANNING PROPOSALS

4.1 The Outline Zoning Plan

The draft Cheung Sheung OZP (the Plan) prepared under section 3(1) of the Ordinance is to provide a statutory basis for planning control over the Area. It will supersede the approved Cheung Sheung DPA Plan No. DPA/NE-CS/2, which was exhibited for public inspection under section 9(5) of the Ordinance on 20.3.2015. Uses and development that are always permitted and those for which the Board’s permission must be sought in various zones are set out in a schedule of Notes attached to the Plan. Also accompanying

⁸ The informal discussion was conducted during the site visit to Cheung Sheung organized by the SKNRC.

the Plan is an Explanatory Statement to assist an understanding of the Plan and to reflect the planning intentions and objectives of the Board for various land-use zonings.

4.2 Planning Objectives

The planning of the Area should gear towards the following objectives:

- (a) to provide a comprehensive planning framework to guide the development on an integrated and co-ordinated basis;
- (b) to conserve high natural landscape and ecological significance of the Area in safeguarding the natural habitat and natural system of the wider area; and
- (c) to preserve the natural and rural character of the Area.

4.3 Planning Principles

The main planning principles below are adopted for preparation of the planning and development proposals of the Area:

- (a) The Area is located at the centre of Sai Kung West Country Park, on an upland plateau about 300m above sea level, surrounded by ridges and spurs. Encircled by the Sai Kung West Country Park, the Area forms part of the wider natural system of the Country Park. It mainly comprises woodland, streams, freshwater marshes and abandoned agricultural land. The

freshwater habitats are of particular ecological interest. The uncommon upland marshes support a moderate diversity of plants with a number of uncommon species, whereas the Cheung Sheung EIS together with its occasionally flooded riparian zone, supports a fish species of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including a rare species. The woodland is ecologically linked to the natural habitats in the Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species with some protected species. A moderate diversity of butterflies, including some species of conservation interest, and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area. The Area is characterized as upland plateau (freshwater wetland), with woodland and natural streams as significant landscape resources of high landscape sensitivity. In general, the Area is natural and rural in character and has high landscape and scenic value. The natural environment and landscape and the rural setting should be preserved and protected.

- (b) Small House development in the recognized village will be concentrated at suitable locations so as to preserve the rural character of the Area. Future development and redevelopment should also demonstrate such a low-rise characteristic and not to overtax the limited infrastructure.

4.4 Land Use Proposals (Figure 12)

- 4.4.1 In the designation of various land use zones in the Area, consideration has been given to the natural environment, physical landform, existing land use pattern, demand for Small Houses and availability of infrastructure. The following land use zones are proposed to be designated on the Plan.
- 4.4.2 Village Type Development (“V”) (about 0.03 ha or 0.17%)
 - (a) The planning intention of this zone is to designate both the existing recognized village and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
 - (b) Cheung Sheung Village is the only recognized village in the Area. The boundary of the “V” zone is drawn up having regard to the village

‘environs’ (‘VEs’), the number of outstanding Small House application, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.

- (c) According to the DLO/TP, LandsD (as at September 2016), there is no outstanding Small House application in the Area, and the 10-year (2015-2024) Small House demand forecast provided by the IIR is two. To accommodate building of two Small Houses, PlanD estimates that about 0.03 ha of land would be sufficient (**Table 1**).
- (d) With reference to the Small House demand and ‘VEs’ for the recognized village of Cheung Sheung, PlanD has analyzed the site conditions of the areas within ‘VEs’ taking into account the existing village settlements, previously approved Small House grant applications⁹, environmental conditions, natural terrain and topography. There are two ‘VEs’ with a total area of 7.86 ha and about 6.38 ha falls within the boundary of the draft OZP. A few inhabited domestic squatters and a provision store can be found near MacLehose Trail in the central part of the Area. There are also a few building lots located away from any footpath and now in

ruins overgrown with vegetation. The remaining land of the two ‘VEs’ mainly comprises woodland, shrubland, streams including the EIS and freshwater marshes.

- (e) Throughout the plan-making process, concerned departments and the IIR have been closely liaised to ensure that their inputs and comments are duly taken into account in the delineation of the ‘V’ zone for the potential areas for village expansion.
- (f) The area proposed for Small House development is mainly covered by grasses interspersed with some shrubs and is situated at a more accessible location near the existing inhabited domestic squatters and the provision store which are situated on Government land and taken as existing uses.
- (g) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan, whichever is the greater. Application for minor relaxation of these restrictions would be considered by the Board based on individual merits, taking into account site constraints, innovative architectural design and planning

⁹ As advised by DLO/TP, LandsD in January 2016, there is no approved Small House application in the Area.

merits that would enhance the amenity of the locality.

- (h) 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 except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.
- (i) In accordance with the Environment, Transport and Works Bureau's Technical Circular (Works) No. 5/2005 "Protection of Natural Streams/Rivers from Adverse Impacts Arising from Construction Works", under the current administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the AFCD and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, LandsD, when processing Small House grant and applications in close proximity to existing stream courses, should consult concerned departments including AFCD, Environmental Protection Department (EPD) and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- (j) The Area is located within the upper indirect WGG and there is no existing or planned public sewer in the Area. For protection of water quality of the Area, any village type development should be demonstrated that the water quality within the WGG will not be affected by the proposals. In general, the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments within the WGG. Detailed proposal of demonstrably effective means (such as proper waste water treatment plant) is required to ensure that the effluent water quality is acceptable to concerned Government departments.

4.4.3 Green Belt ("GB") (13.70 ha or 76.11%)

- (a) 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.
- (b) This zone comprising mainly woodland, can provide a buffer between the village type developments and the Sai Kung West Country Park and conserve the natural and landscape character of the Area. The woodland is ecologically linked to the natural habitats in the

Country Park and is either native woodland on hillsides or relatively young secondary woodland. It mainly consists of common native plant species in Hong Kong with some protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗). A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.

- (c) The “GB” zone also comprises the open grassland (including the playground) in front of the provision store, which has long been serving as a popular destination for hikers for rest.
- (d) There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines.
- (e) 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 except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

4.4.4 Conservation Area (“CA”) (4.27 ha or 23.72%)

- (a) This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- (b) This zone largely covers the riparian zone of the EIS where freshwater marshes and habitat of Hong Kong Paradise Fish are found. Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as

Lobelia alsinoides subsp. *hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水篩). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小蠅).

- (c) New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan.
- (d) Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

5 IMPLEMENTATION

Infrastructural Provisions

- 5.1 The Area is provided with electricity and telephone services. There are no potable water supply, existing or planned sewerage and drainage systems in the Area.

Statutory Development Control

- 5.2 The Plan provides a broad land-use framework for development control and implementation of planning proposals for the Area. More detailed plans will be prepared as a basis for public works planning and private developments.
- 5.3 At present, there is no overall programme for the provision of infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both public and private sectors.
- 5.4 Notwithstanding the above, minor improvement works, e.g. access improvement and laying of utility services will be implemented through the Public Works Programme and the Rural Public Works as and when resources are available. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned uses indicated on the Plan, provided that their proposals meet Government requirements.

5.5 The types of permitted developments and uses on land within the Area are listed in the Notes of the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted. Any development, other than those referred to in this paragraph above or in conformity with this Plan or with the permission of the Board, undertaken or continued on land included in this Plan on or after the date of the first publication in the Gazette of the Notice of the draft DPA Plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond and excavation of land in the relevant zones on or after the date of the first publication in the Gazette of the Notice of the draft DPA Plan without permission from the Board may also be subject to enforcement proceedings.

**PLANNING DEPARTMENT
OCTOBER 2016**

Table 1 Small House Demand for the Cheung Sheung Area in 2013 and 2016

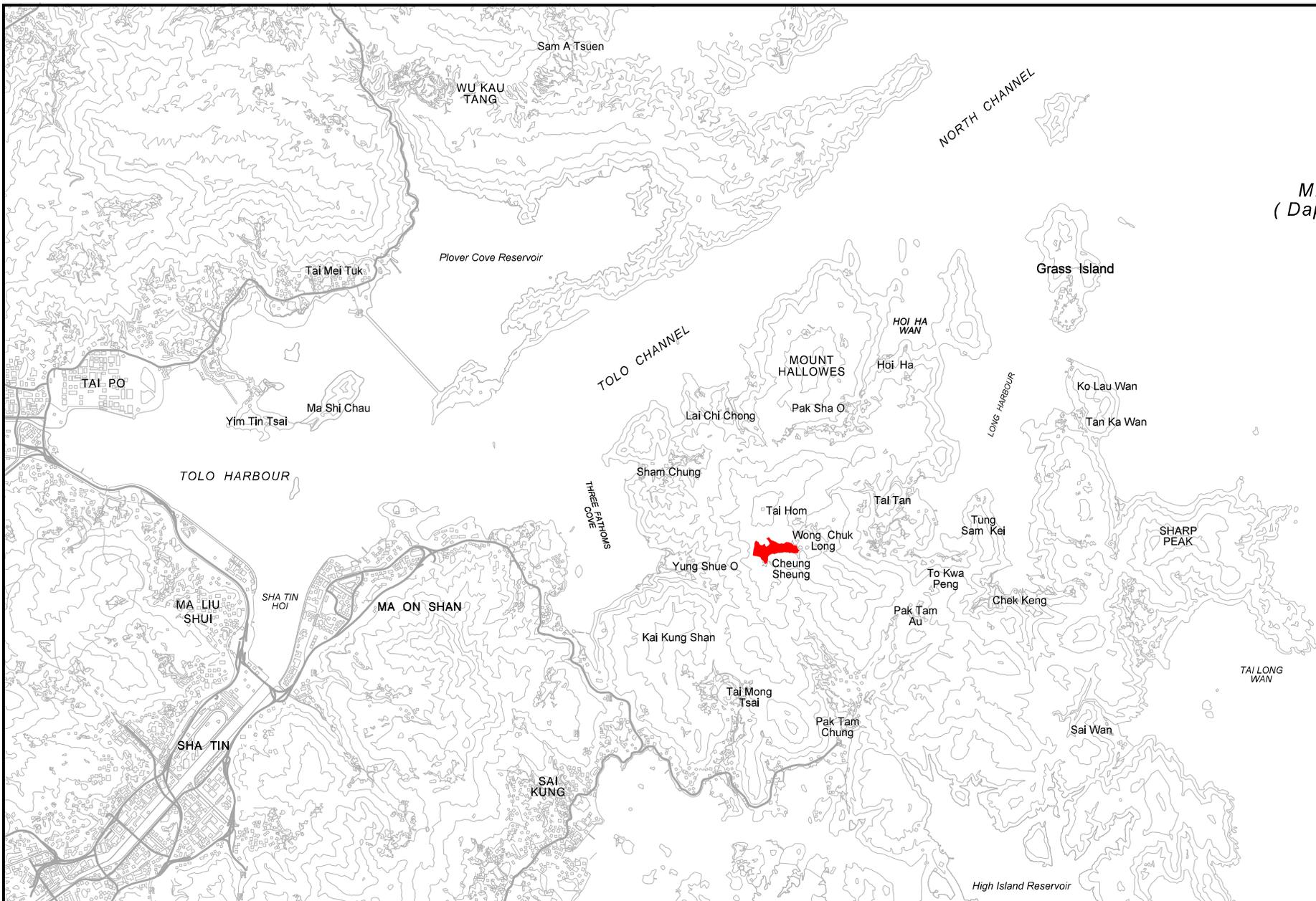
Village	Small House Demand Figure in 2013 ⁽¹⁾		Small House Demand Figure in 2016		'VE' Area ('VE' Area in Draft OZP) (ha)	"V" Zone on Draft OZP (ha)	Required Land to Meet New Demand (ha)	Available Land to Meet New Demand Figure (ha)	Available Small House to Meet New Demand	Percentage of the New Demand met by Available Land
	Outstanding Demand	10-year Forecast	Outstanding Demand	10-year Forecast ⁽²⁾ (2015-2024)						
Cheung Sheung	0	Nil	0	2	7.86 (6.38)	0.03	0.03 ⁽³⁾	0.03	2	100%

Notes:

- (1) According to the TPB Paper No. 9560 on Consideration of the Draft Cheung Sheung DPA Plan No. DPA/NE-CS/B in February 2014, there was no outstanding Small House application and no 10-year forecast of Small House demand has been received from the IIR.
- (2) The figure of 10-year Small House demand is estimated and provided by the IIR of Cheung Sheung Village and the information so obtained is not verified in any way by DLO/TP, LandsD.
- (3) Including an area of around 65m² on Government land for each New Territories Exempted House and other areas for access, balconies and necessary waste water/sewage treatment facility.



MIRS BAY
(Dapeng Wan)



 STUDY AREA

PLAN PREPARED ON 15.1.2016
BASED ON SHEET SERIES HM100C

LOCATION PLAN
CHEUNG SHEUNG

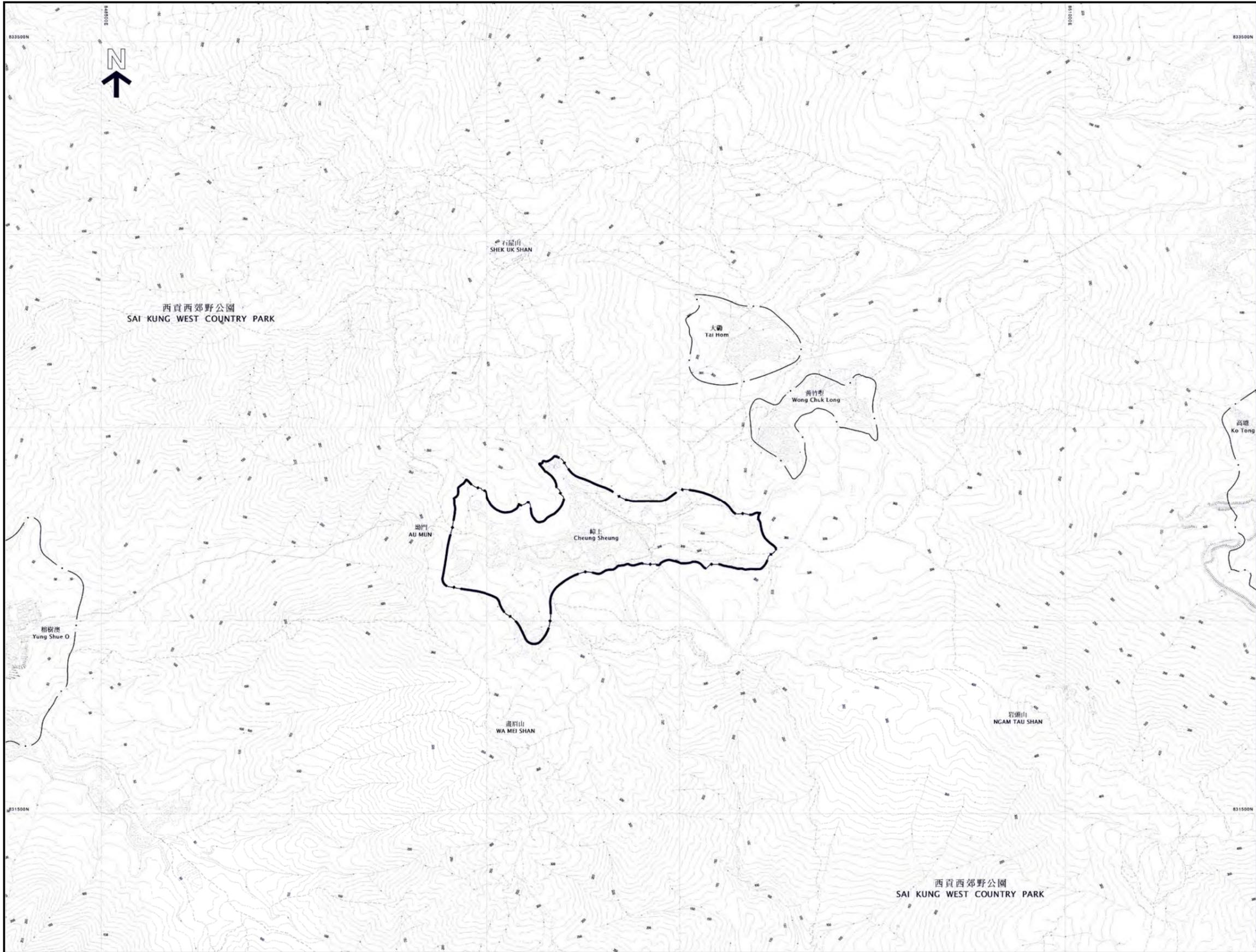


**PLANNING
DEPARTMENT**



REFERENCE No.
M/CPE/CS/16/1

FIGURE
1



圖例
NOTATION

MISCELLANEOUS		其他
BOUNDARY OF DEVELOPMENT PERMISSION AREA	— + —	發展審批地區界線
BOUNDARY OF COUNTRY PARK	— · —	郊野公園界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
UNSPECIFIED USE	18.00	100.00	非指定用途
TOTAL AREA OF DEVELOPMENT PERMISSION AREA	18.00	100.00	發展審批地區總面積

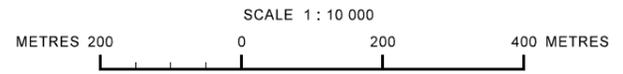
夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

CHEUNG SHEUNG
DEVELOPMENT PERMISSION AREA PLAN

PLANNING DEPARTMENT

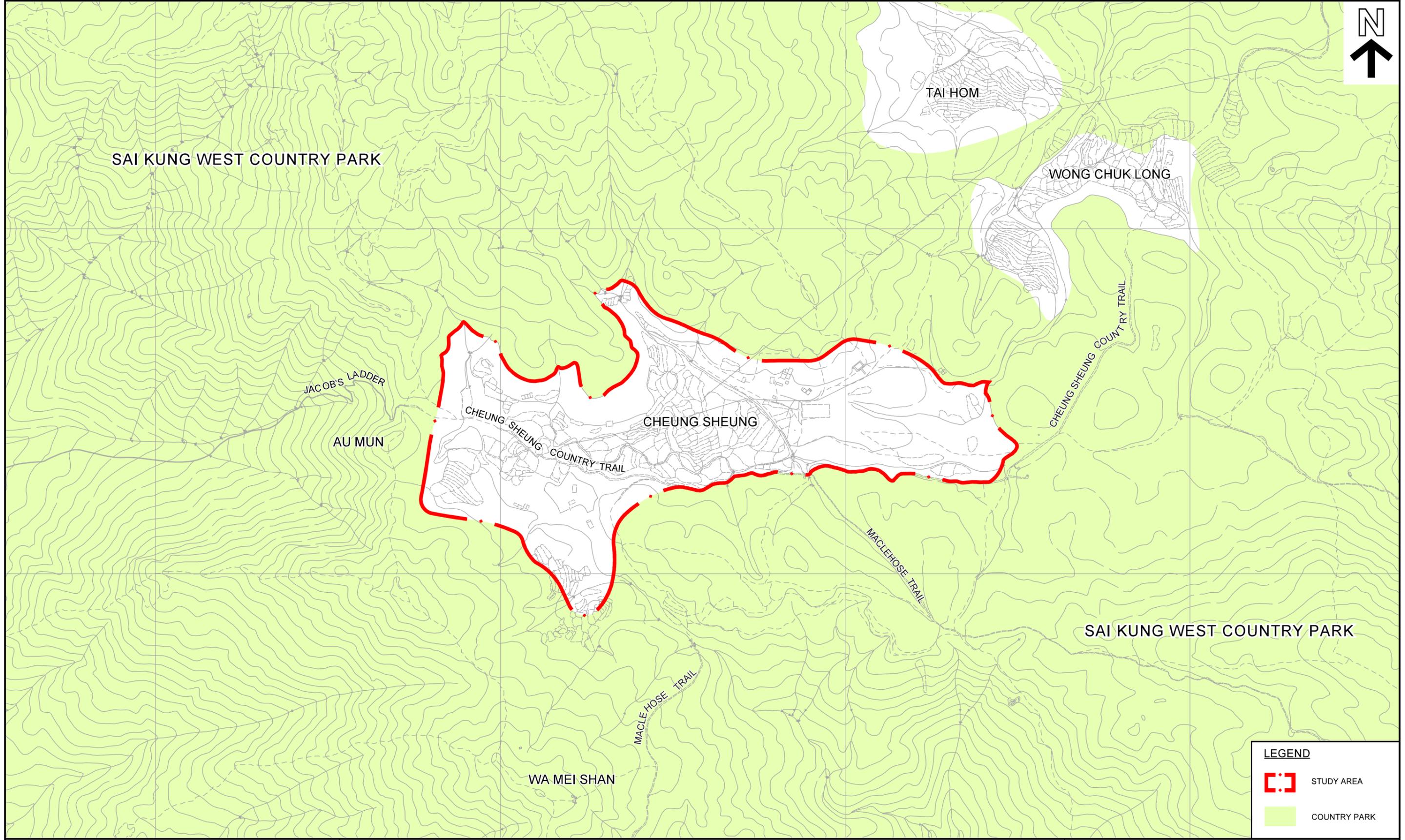
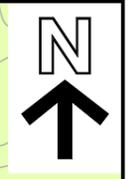


EXTRACT PLAN PREPARED ON 15.1.2016
BASED ON DEVELOPMENT PERMISSION AREA
PLAN No. DPA/NE-CS/2 APPROVED ON 24.2.2015



REFERENCE No.
M/CPE/CS/16/1

FIGURE
2



LEGEND

-  STUDY AREA
-  COUNTRY PARK

STUDY AREA
CHEUNG SHEUNG

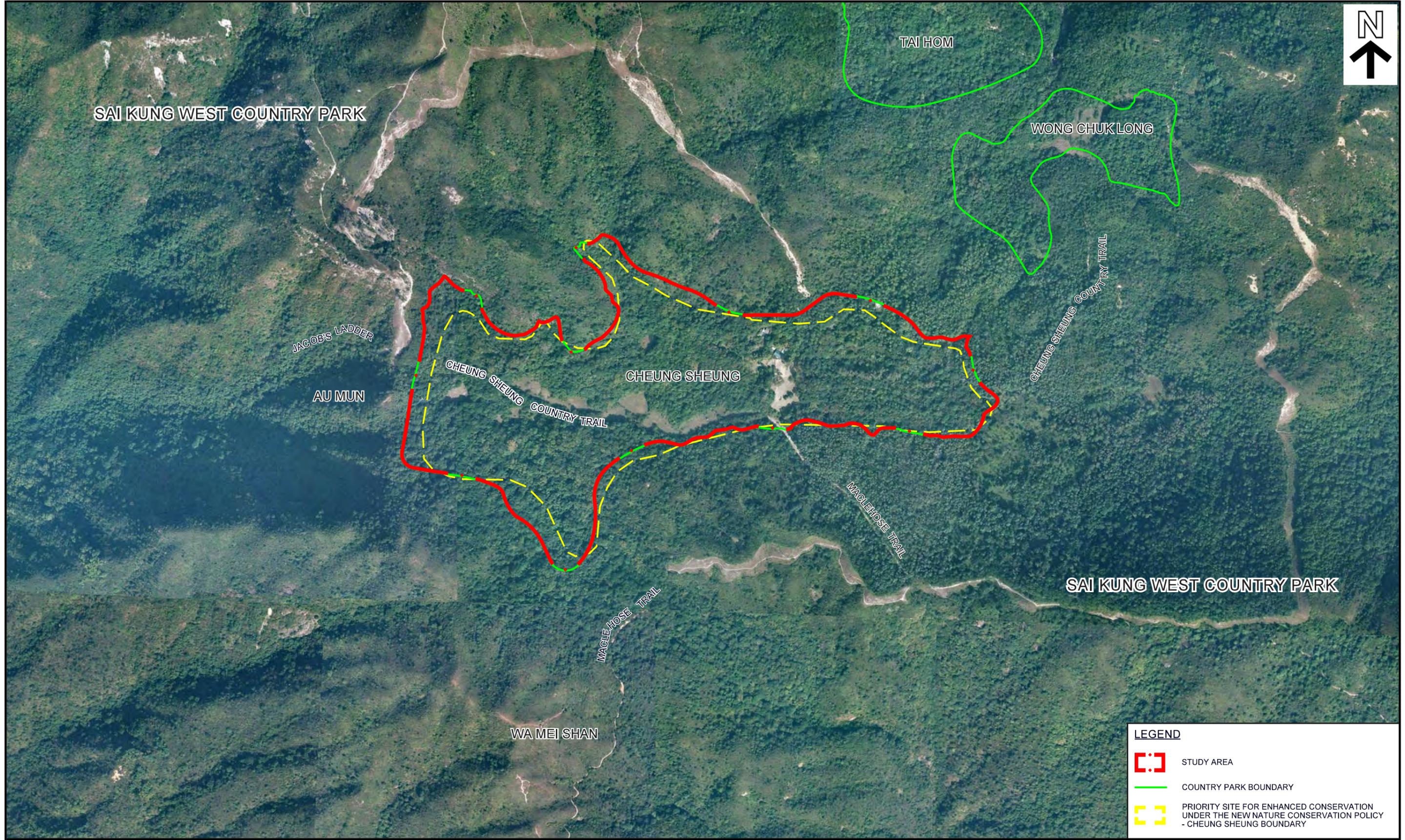
PLANNING DEPARTMENT 

PLAN PREPARED ON 24.2.2016
BASED ON SURVEY SHEETS No.
8-NW-13D, 14C/D, 18B/D, 19A/B/C/D



REFERENCE No.
M/CPE/CS/16/1

FIGURE
3



LEGEND

-  STUDY AREA
-  COUNTRY PARK BOUNDARY
-  PRIORITY SITE FOR ENHANCED CONSERVATION UNDER THE NEW NATURE CONSERVATION POLICY - CHEUNG SHEUNG BOUNDARY

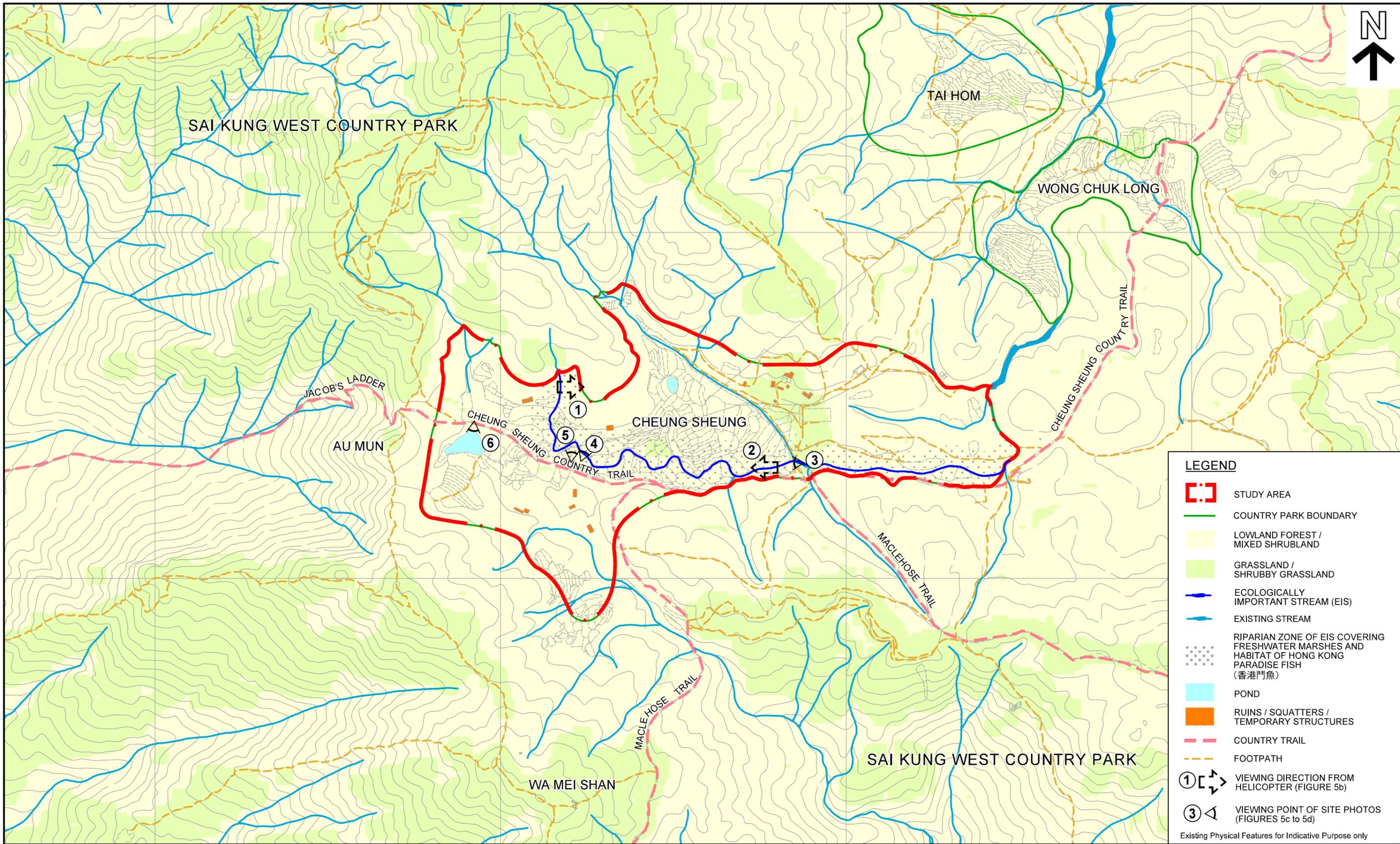
PLAN PREPARED ON 14.3.2016 BASED ON AERIAL PHOTOS No.CS55352, CS55354, CS55356, CS55358, CS55622, CS55624, CS55626 & CS55628 TAKEN ON 2.1.2015 BY LANDS DEPARTMENT

AERIAL PHOTOS

CHEUNG SHEUNG

PLANNING DEPARTMENT 

REFERENCE No. M/CPE/CS/16/1	FIGURE 4
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EXISTING PHYSICAL FEATURES

CHEUNG SHEUNG



PLANNING DEPARTMENT



REFERENCE No.
M/CPE/CS/16/1

FIGURE
5a

PLAN PREPARED ON 29.8.2016
BASED ON SURVEY SHEETS No.
8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

Existing Physical Features for Indicative Purpose only



PHOTOS 1 & 2 TAKEN FROM HELICOPTER

**SITE PHOTOS -
EXISTING PHYSICAL FEATURES**

CHEUNG SHEUNG

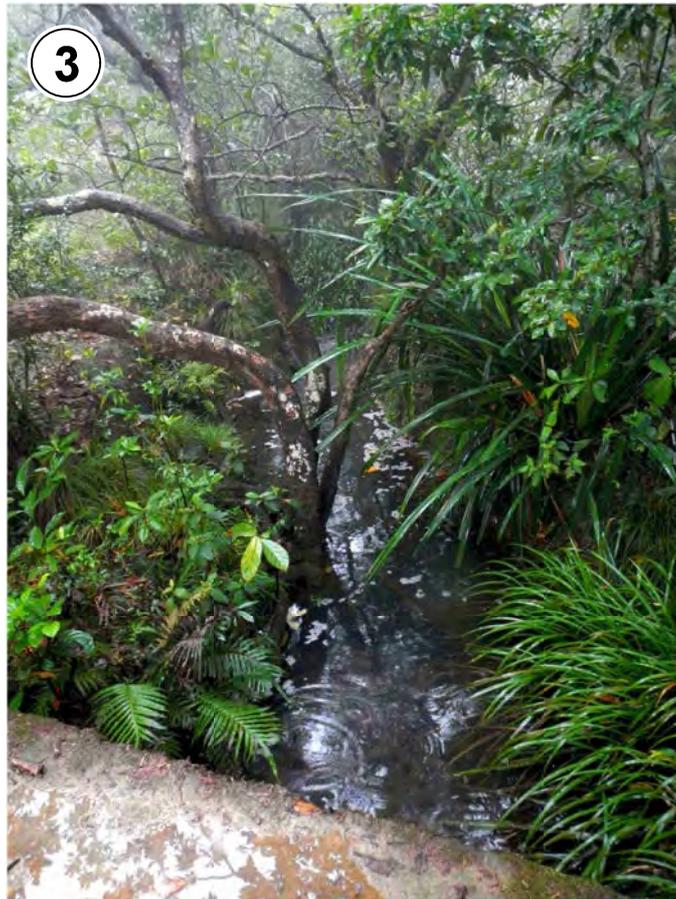
**PLANNING
DEPARTMENT**



PLAN PREPARED ON 26.2.2016
BASED ON SITE PHOTOS
TAKEN ON 18.2.2013

REFERENCE No.
M/CPE/CS/16/1

FIGURE
5b



ECOLOGICALLY IMPORTANT STREAM



ECOLOGICALLY IMPORTANT STREAM

SITE PHOTOS -
EXISTING PHYSICAL FEATURES

CHEUNG SHEUNG

PLANNING
DEPARTMENT



PLAN PREPARED ON 14.3.2016
BASED ON SITE PHOTOS
TAKEN ON 22.1.2016 AND 29.2.2016

REFERENCE No.
M/CPE/CS/16/1

FIGURE
5c



FRESHWATER MARSH



POND

SITE PHOTOS -
EXISTING PHYSICAL FEATURES

CHEUNG SHEUNG

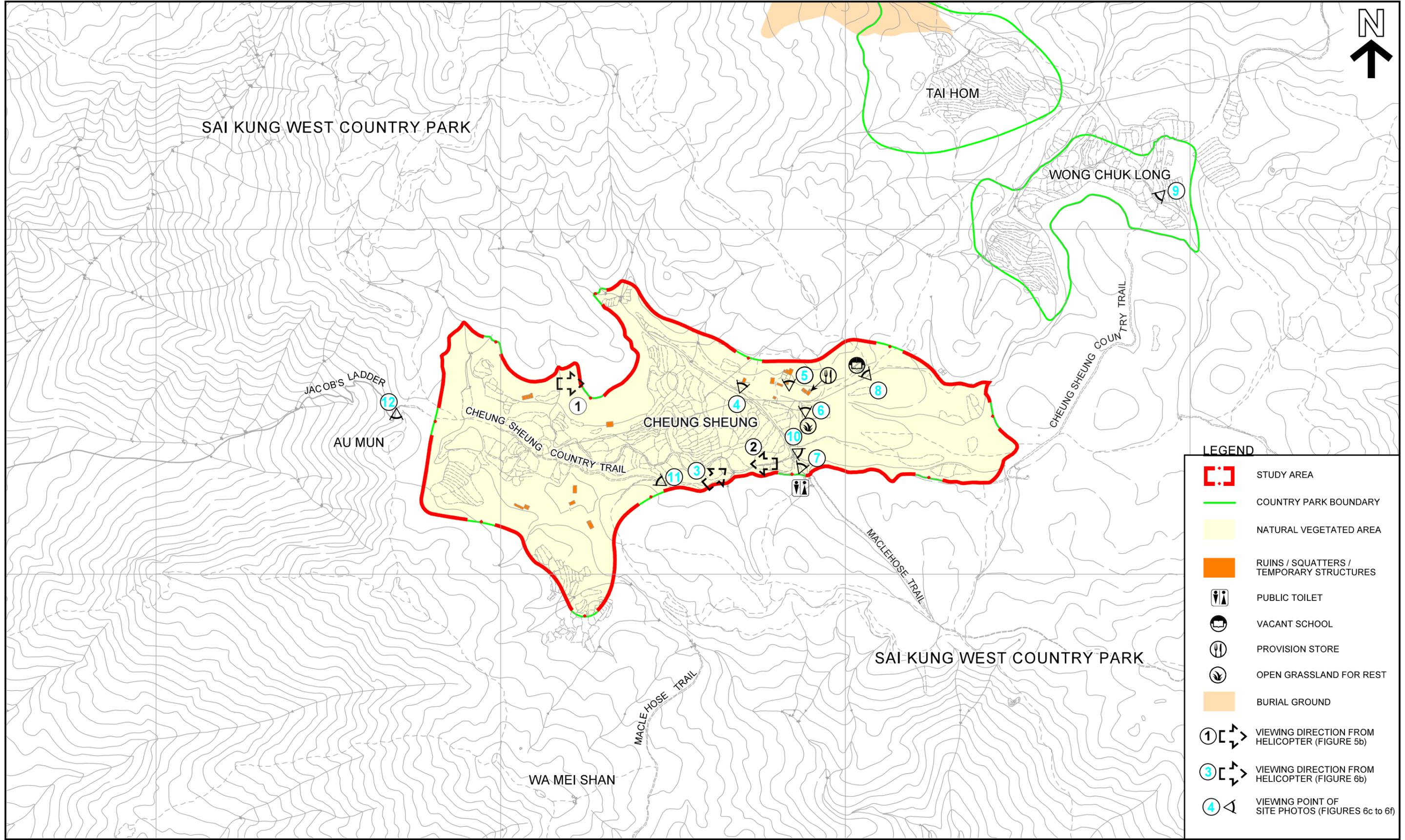
PLANNING
DEPARTMENT



PLAN PREPARED ON 15.9.2016
BASED ON SITE PHOTOS
TAKEN ON 22.1.2016 & 29.2.2016

REFERENCE No.
M/CPE/CS/16/1

FIGURE
5d



LEGEND	
	STUDY AREA
	COUNTRY PARK BOUNDARY
	NATURAL VEGETATED AREA
	RUINS / SQUATTERS / TEMPORARY STRUCTURES
	PUBLIC TOILET
	VACANT SCHOOL
	PROVISION STORE
	OPEN GRASSLAND FOR REST
	BURIAL GROUND
	VIEWING DIRECTION FROM HELICOPTER (FIGURE 5b)
	VIEWING DIRECTION FROM HELICOPTER (FIGURE 6b)
	VIEWING POINT OF SITE PHOTOS (FIGURES 6c to 6f)

EXISTING LAND USES

CHEUNG SHEUNG



PLANNING DEPARTMENT



REFERENCE No.
M/CPE/CS/16/1

FIGURE
6a

PLAN PREPARED ON 24.5.2016
BASED ON SURVEY SHEETS No.
8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

3



PHOTO 3 TAKEN FROM HELICOPTER

**SITE PHOTO -
EXISTING LAND USES**

CHEUNG SHEUNG

**PLANNING
DEPARTMENT**



PLAN PREPARED ON 26.2.2016
BASED ON SITE PHOTO
TAKEN ON 18.2.2013

REFERENCE No.
M/CPE/CS/16/1

FIGURE
6b



A BUILDING LOT WITH RUINS OVERGROWN WITH VEGETATION



DOMESTIC SQUATTERS

SITE PHOTOS -
EXISTING LAND USES

CHEUNG SHEUNG

PLANNING
DEPARTMENT



PLAN PREPARED ON 23.2.2016
BASED ON SITE PHOTOS
TAKEN ON 22.1.2016

REFERENCE No.
M/CPE/CS/16/1

FIGURE
6c

6



PROVISION STORE

7



OPEN GRASSLAND

**SITE PHOTOS -
EXISTING LAND USES**

CHEUNG SHEUNG

**PLANNING
DEPARTMENT**



PLAN PREPARED ON 11.2.2016
BASED ON SITE PHOTOS
TAKEN ON 22.1.2016

REFERENCE No.
M/CPE/CS/16/1

FIGURE
6d

8



EX-VILLAGE SCHOOL

SITE PHOTO -
EXISTING LAND USES
CHEUNG SHEUNG

PLANNING
DEPARTMENT



PLAN PREPARED ON 11.2.2016
BASED ON SITE PHOTO
TAKEN ON 22.1.2016

REFERENCE No.
M/CPE/CS/16/1

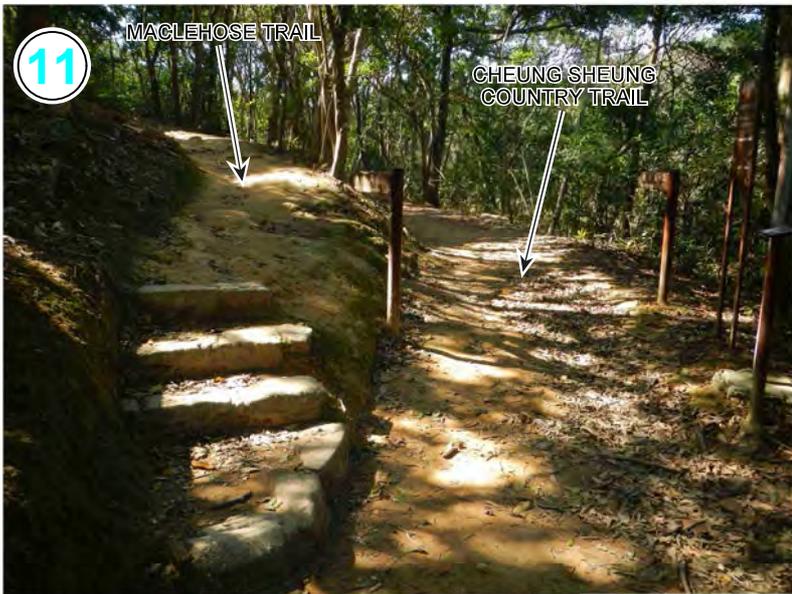
FIGURE
6e



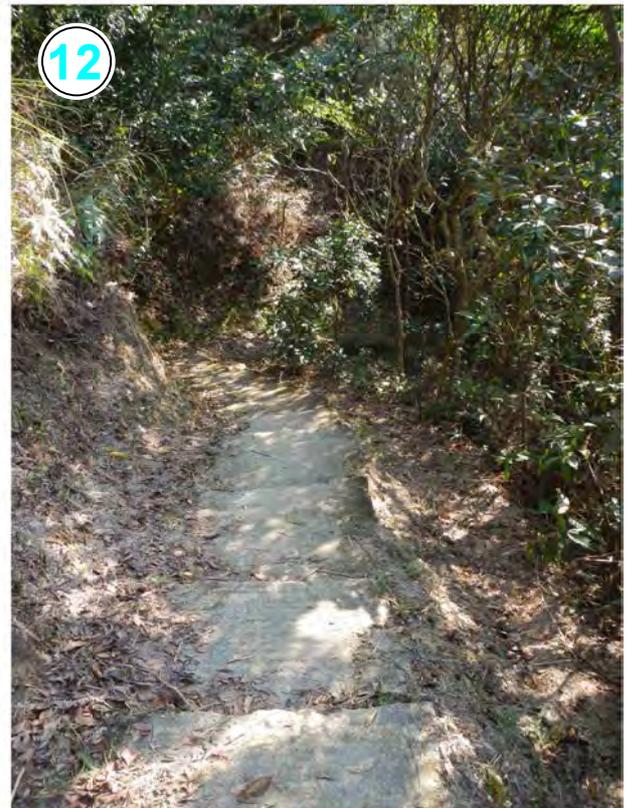
CHEUNG SHEUNG COUNTRY TRAIL



MACLEHOSE TRAIL



MACLEHOSE TRAIL AND CHEUNG SHEUNG COUNTRY TRAIL



JACOB'S LADDER

**SITE PHOTOS -
EXISTING LAND USES**

CHEUNG SHEUNG

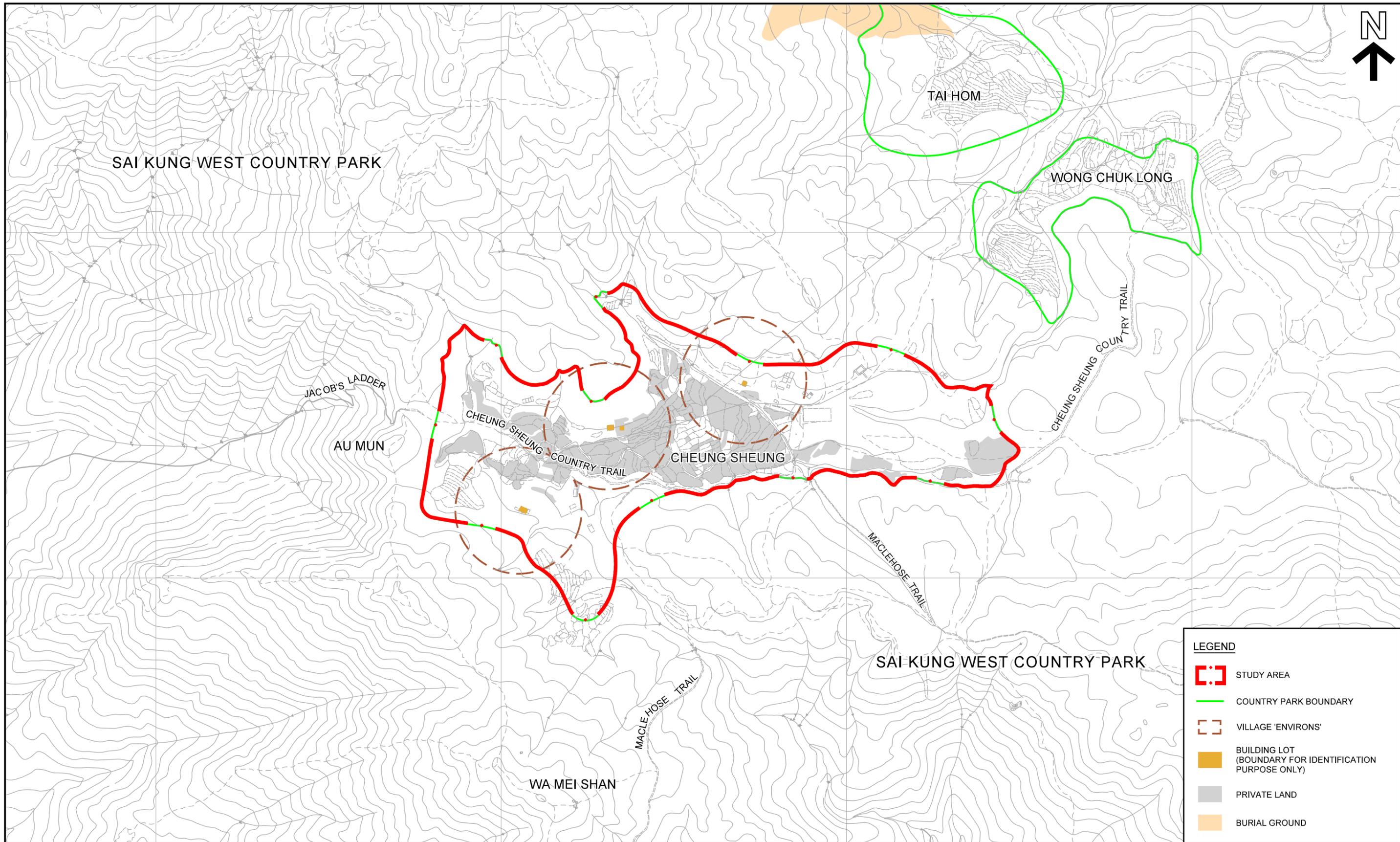
**PLANNING
DEPARTMENT**



PLAN PREPARED ON 15.3.2016
BASED ON SITE PHOTOS
TAKEN ON 29.2.2016 & 22.1.2016

REFERENCE No.
M/CPE/CS/16/1

FIGURE
6f



LEGEND

- STUDY AREA
- COUNTRY PARK BOUNDARY
- VILLAGE 'ENVIRONS'
- BUILDING LOT
(BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- PRIVATE LAND
- BURIAL GROUND

LAND OWNERSHIP AND VILLAGE 'ENVIRONS'

CHEUNG SHEUNG



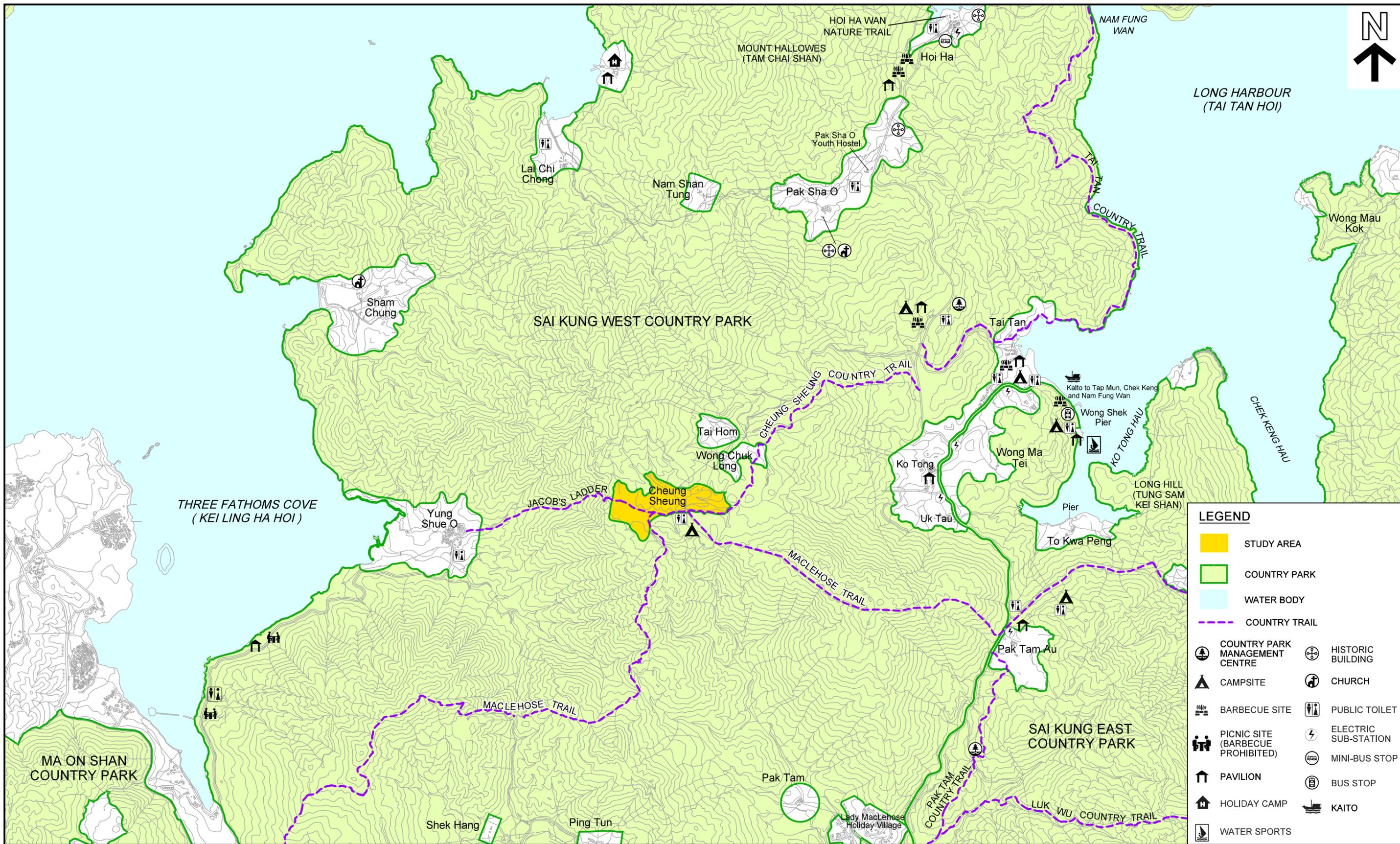
PLANNING DEPARTMENT



PLAN PREPARED ON 24.2.2016
BASED ON SURVEY SHEETS No.
8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

REFERENCE No.
M/CPE/CS/16/1

FIGURE
7



EXISTING GIC, INFRASTRUCTURAL AND RECREATION FACILITIES

CHEUNG SHEUNG



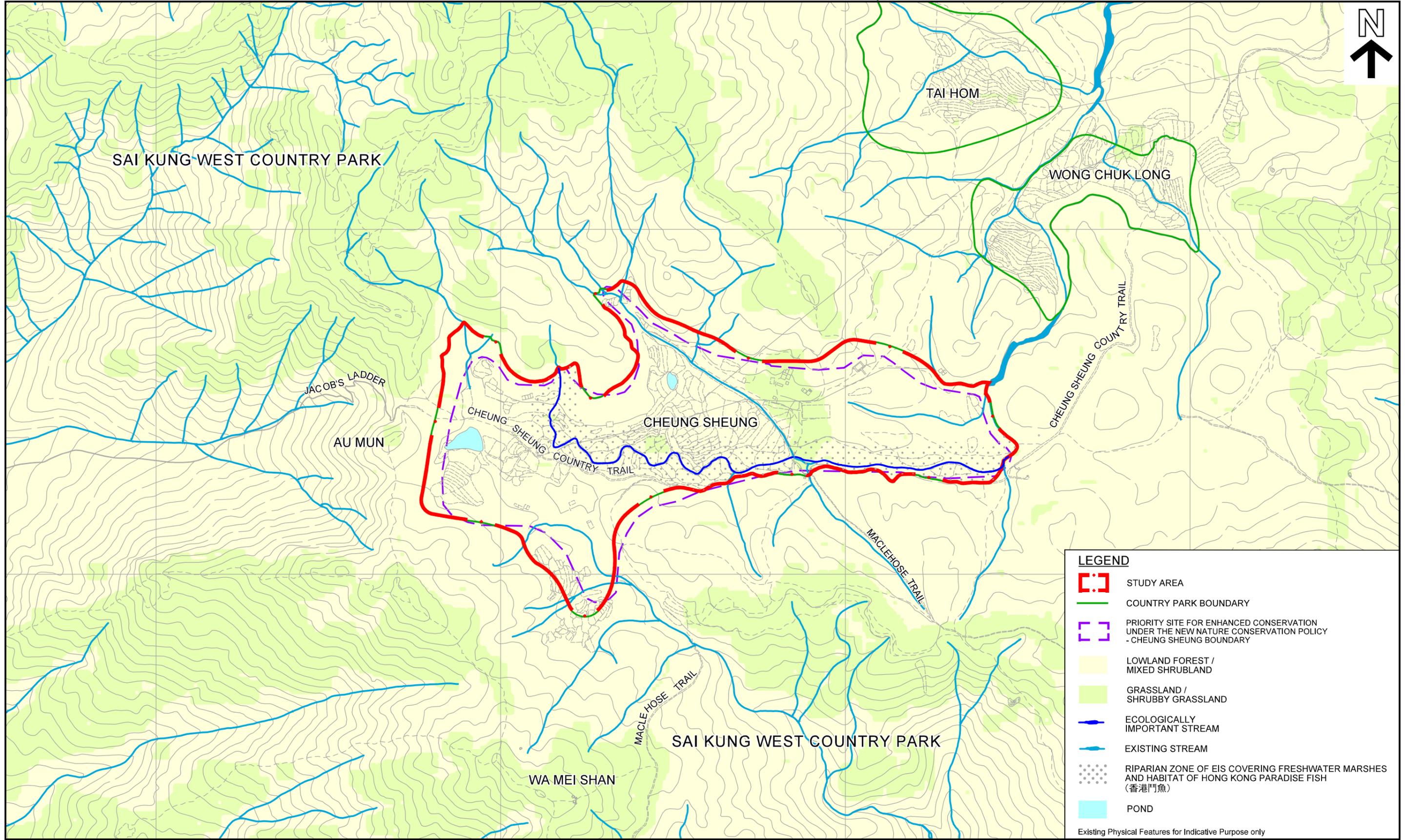
PLAN PREPARED ON 14.3.2016
BASED ON SHEETS No. 4-SE/SW AND 8-NE/NW

PLANNING DEPARTMENT



REFERENCE No.
M/CPE/CS/16/1

FIGURE
8



LEGEND

-  STUDY AREA
-  COUNTRY PARK BOUNDARY
-  PRIORITY SITE FOR ENHANCED CONSERVATION UNDER THE NEW NATURE CONSERVATION POLICY - CHEUNG SHEUNG BOUNDARY
-  LOWLAND FOREST / MIXED SHRUBLAND
-  GRASSLAND / SHRUBBY GRASSLAND
-  ECOLOGICALLY IMPORTANT STREAM
-  EXISTING STREAM
-  RIPARIAN ZONE OF EIS COVERING FRESHWATER MARSHES AND HABITAT OF HONG KONG PARADISE FISH (香港門魚)
-  POND

Existing Physical Features for Indicative Purpose only

ECOLOGICAL RESOURCES

CHEUNG SHEUNG



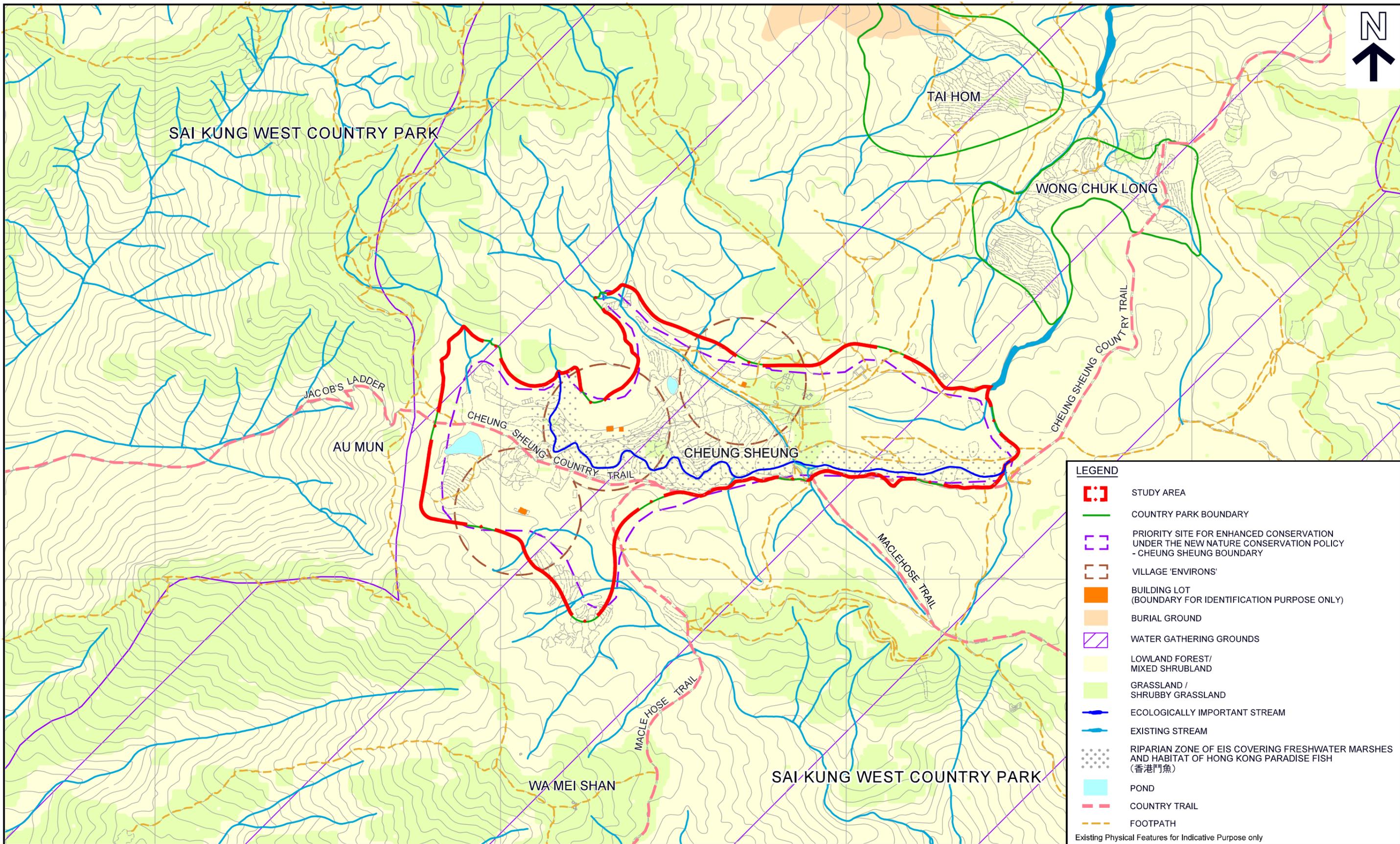
PLAN PREPARED ON 29.8.2016
BASED ON SURVEY SHEETS No.
8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

PLANNING DEPARTMENT



REFERENCE No.
M/CPE/CS/16/1

FIGURE
9



LEGEND	
	STUDY AREA
	COUNTRY PARK BOUNDARY
	PRIORITY SITE FOR ENHANCED CONSERVATION UNDER THE NEW NATURE CONSERVATION POLICY - CHEUNG SHEUNG BOUNDARY
	VILLAGE 'ENVIRONS'
	BUILDING LOT (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
	BURIAL GROUND
	WATER GATHERING GROUNDS
	LOWLAND FOREST / MIXED SHRUBLAND
	GRASSLAND / SHRUBBY GRASSLAND
	ECOLOGICALLY IMPORTANT STREAM
	EXISTING STREAM
	RIPARIAN ZONE OF EIS COVERING FRESHWATER MARSHES AND HABITAT OF HONG KONG PARADISE FISH (香港門魚)
	POND
	COUNTRY TRAIL
	FOOTPATH
Existing Physical Features for Indicative Purpose only	

DEVELOPMENT CONSTRAINTS

CHEUNG SHEUNG



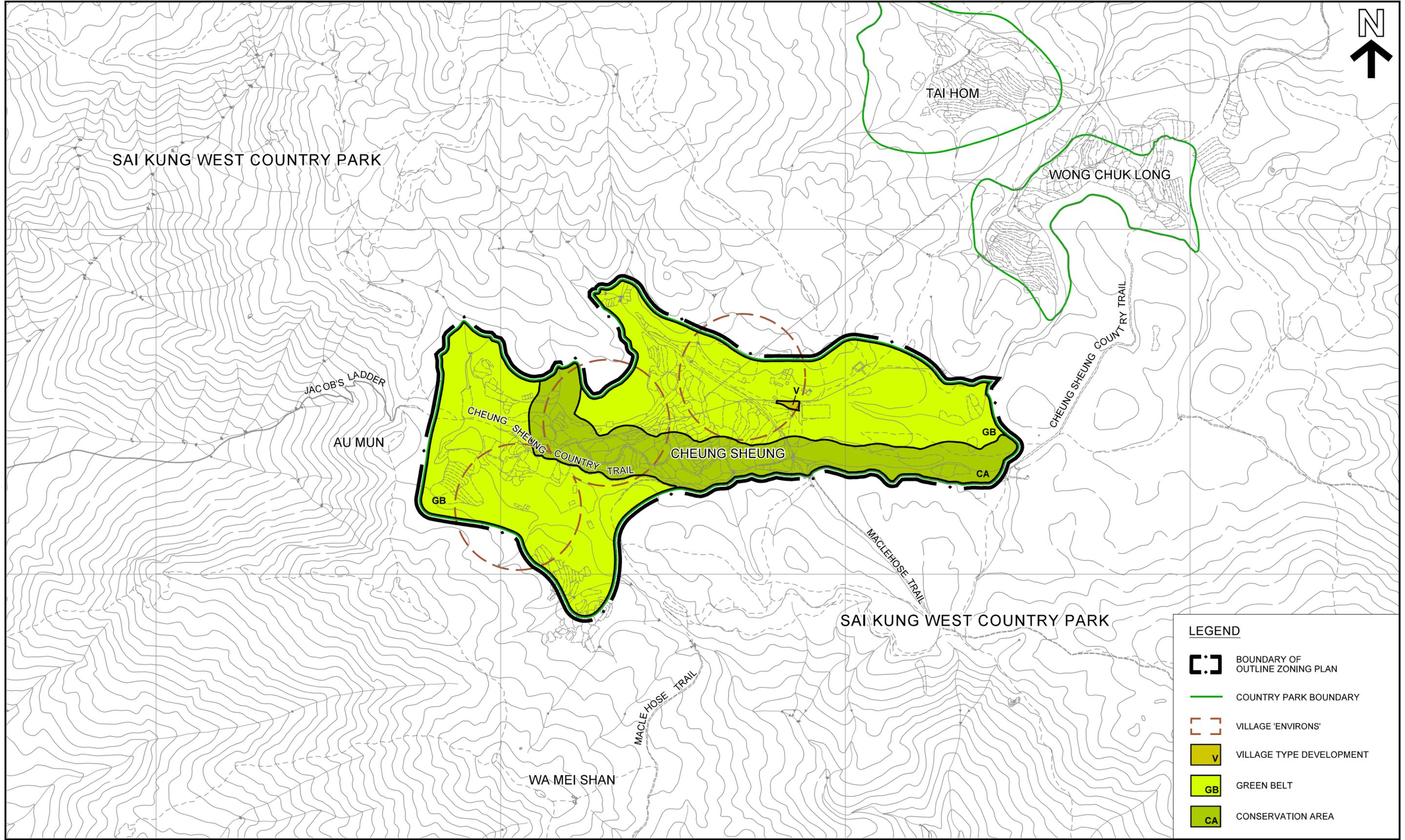
PLAN PREPARED ON 29.8.2016
 BASED ON SURVEY SHEETS No.
 8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

PLANNING DEPARTMENT



REFERENCE No.
 M/CPE/CS/16/1

FIGURE
 10

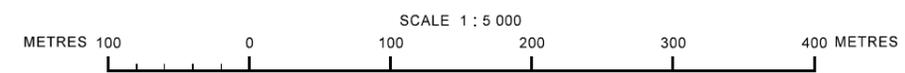


LEGEND

-  BOUNDARY OF OUTLINE ZONING PLAN
-  COUNTRY PARK BOUNDARY
-  VILLAGE 'ENVIRONS'
-  VILLAGE TYPE DEVELOPMENT
-  GREEN BELT
-  CONSERVATION AREA

PROPOSED LAND USES

CHEUNG SHEUNG



PLAN PREPARED ON 14.9.2016
 BASED ON SURVEY SHEETS No.
 8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

PLANNING DEPARTMENT



REFERENCE No.
 M/CPE/CS/16/1

FIGURE
 11

Proposal by the Kadoorie Farm & Botanic Garden Corporation

From: Tony Nip [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Date: 24/03/2016 15:25
Subject: KFBG's preliminary comments regarding the land use zonings for Ping Chau, Tai Po Kau and Cheung Sheung, and also the preliminary OZP of Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung

Dear David and Channy,

Please see below. Sorry for the late reply as we are extremely busy at the moment for many public consultations by the Government.

Ping Chau:

We should have mentioned in our previous submission that Tung Ping Chau is surrounded by a Marine Park and a long coastline with the best developed shallow-water community of fringing corals in Hong Kong. We wish to strongly state that this vital piece of information is very important as the designation of Village Type Development (V) zone would have a very high potential to severely impact this Marine Park with its coral communities of exceptional quality through the discharge of wastewaters.

In the draft DPA, it is now being suggested that several V zones are proposed to be set up in Tung Ping Chau, and in these zones "eating place" is an always permitted use at the ground floor of the always permitted New Territories Exempted House (NTEH).

There is no existing/ planned sewerage system/ sewage treatment facility on the island, the septic tank and soak away pit system would be the only means to collect sewage generated from the V zone. Please consider, if in the future many restaurants are operated on Tung Ping Chau, how the waste water generated can/ would be properly treated?

The Tung Ping Chau area forms part of the migration pathway of water birds, seabirds and land birds. Bird species of conservation concern recorded in Tung Ping Chau include: the Eastern Cattle Egret, Chinese Pond Heron, Black-crowned Night Heron, Striated Heron, White-bellied Sea Eagle, Peregrine Falcon, Greater Sand Plover, Grey-tailed Tattler, Sharp-tailed Sandpiper, Ruddy Turnstone, Emerald Dove and Collared Crow. We are concerned that the V zones would attract even more human activities and, thus, would have undesirable effects upon these birds.

To conclude, we strongly urge that the Planning Department to very carefully re-consider the planning intention to draw up locations and sizes of the V zones on this relatively distant and remote outlying island with limited access, and the planning consideration for the proposed OZP should follow the approach of the Tai Long Wan OZP. Any building of a NTEH should also require planning permission. In addition, the item "eating place" should not be an always permitted use on the ground floor of an NTEH and planning permission should be required for this kind of use of premises. Only with the provision of these planning controls can we be certain that the surrounding Marine Park and its exceptional community of corals would be protected for the enjoyment of the general public who dive and snorkel in the scenic and spectacular underwater landscapes of Tung Ping Chau.

Tai Po Kau:

The Plan Area is mainly covered with tall dense woodland and pristine natural streams are found in the Area. In the Town Planning Board Paper No. 9581, it has already been mentioned that protected flora and fauna inhabit the Plan Area, such as Pavetta hongkongensis, Cibotium barometz, Ailantus fordii, the Hong Kong Paradise Fish (Macropodus hongkongensis) and the Hong Kong Newt (Paramesotriton hongkongensis). Besides, the Plan Area (three enclaves) is completely encircled by the Tai Po Kau Nature Reserve (TPKNR). We consider that the habitats within the enclaves are ecologically connected to the TPKNR.

The TPKNR is a popular place for nature lovers and hikers, as it is widely recognised as one of Hong Kong's best developed woodlands which supports a rich diversity of wild flora and fauna. According to the AFCD website¹, TPKNR has over 100 species of trees, and from the Hong Kong Live Eco-map, AFCD has recorded 98 species of birds, 112 species of butterflies, 51 species of dragonflies, 17 species of freshwater fish and 36 species of herpetofauna in the area. We have also had discussions with various leading experts of the local flora and faunal

groups, and, they have recorded over 200 species of birds (Hong Kong Bird Watching Society, pers. comm.), over 300 species of plants including about 142 species of trees (Dr. Jin-long Zhang from KFBG, pers. comm.) and over 600 species of moths (Dr. Roger Kendrick, pers. comm.) within the TPKNR. We consider that the nature reserve is simply one of the best ecological hot spots of Hong Kong which must be thoroughly protected.

As specified in the Notes of the Tai Po Kau DPA Plan, the replacement of an existing domestic building by a New Territories Exempted House is always permitted. But we would like to remind the Board that the Plan Area is completely surrounded by TPKNR and there is no village environs within the Plan Area. The enclave near Ngau Wu Tok is also within the upper indirect water gathering grounds.

We consider that any development within the enclaves would introduce significant ecological impacts to the locality (e.g., potential water pollution from sewage and drainage discharges or increase light and human disturbance to the nearby habitats), which would in turn affect the natural ecology of TPKNR.

In order to protect this important ecological hotspot, we urge that these three enclaves should at least be zoned Conservation Area.

Cheung Sheung:

We notice that the TPB Paper No. 9560 already mentions the importance of the site as a popular hiking spot and outlines its high ecological importance. It is also a Priority Site under the New Nature Conservation Policy and is completely within the Water Gathering Grounds. There is also an Ecologically Important Stream (EIS) running through the site. We consider that these are fundamental reasons as to why no Village Type Development (V) zone should be designated within the area. In addition to the streams and freshwater marshes, the site is now largely covered with native woodlands.

We are in complete agreement with the DPA proposal that there should be no V zone within the site and this planning condition should also prevail in the future OZP. We consider that the whole site should be zoned "Conservation Area", as this can truly reflect its recognised (and existing) conservation importance.

Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung:

We should have introduced to you our technical report which documents the ecological importance of six Sai Kung CP enclaves, including the captioned one (see this link: <http://www.kfbg.org/upload/Documents/Free-Resources-Download/Report-and-Document/2013-KFBG-Sai-Kung-CP-enclaves-report-%28pdf%29.pdf>).

In the report, we should have mentioned that most of the Ko Tong enclave is covered with secondary woodland (Figure 7 of our report). We do not consider that the term now used in the TPB Paper 10074, 'lowland forest/ mixed shrubland', can precisely reflect the importance of the wooded area now covered by the plan. Indeed, there is also a piece of fung shui woodland, as identified in our report, to the west of the existing Ko Tong village, but it is not indicated in the TPB Paper, and now this area is zoned GB only.

Also, in our report, the area to the north of the existing Uk Tau village is considered to be mainly covered with secondary woodland. But now this area is covered with a proposed V zone. We do not agree with this.

We consider that the well-wooded area, especially fung shui woodlands, as identified in our report should be zoned Conservation Area.

We also consider that now the V zone at Tai Tan is very close to the EIS to the north of the proposed V zone. We do not agree with this.

We consider the V zone(s) should not be touching the EIS and other watercourses. The riparian zones should be zoned CA.

Thank you. Any enquires please contact me.

Best Regards,

Tony Nip
Senior Ecologist
Ecological Advisory Programme
Kadoorie Farm and Botanic Garden Corporation
Lam Kam Rd., Tai Po, N.T., Hong Kong.

Proposal by the Indigenous Inhabitant Representative of Cheung Sheung Village

致：規劃署

反對嶂上發展審批地區草圖編號 DPA/NE CS/1

就嶂上發展審批地區草圖編號 DPA/NE CS/1，草圖內明顯未有劃出 V-Zone 位置，供我村原居民日後興建小型屋宇。

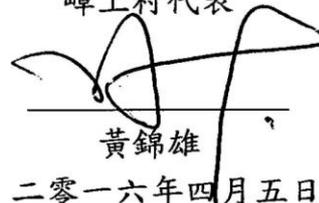
嶂上是香港其中一條認可鄉村，理應受到政府在一定資源上支援，但無奈地受到忽略，皆因我村人口較少的偏遠村落，政府以此為借口，過去的數十年，完全沒有得到支援，正因如此，村內設施完全荒廢破落，例如行人路、橋樑等都日久失修而破爛，交通馬路運輸更是奢侈的夢想，居民的生活條件完全沒有得到保障之下，被逼離開家園往外謀生。

今天的被逼離開並不代表我們村民將家鄉放棄，由於嶂上發展審批地區草圖編號 DPA/NE CS/1 並未有為村民擬訂 V-Zone 位置，無疑是抹殺村民返鄉建屋居住的機遇，致使村民將祖業難以繼續承傳。村民認為如日後家鄉生活條件得到改善，屆時定必返回重建家園，將祖業承傳下去，此乃離鄉謀生村民的精神支柱及信念。

我們村民都尊重環境保育，亦樂意為環保出力，環境保育固然重要，鄉村傳統文化同樣亦必須保留，所以我們強烈要求，堅決爭取嶂上發展審批地區草圖內劃上 V-Zone 位置，延續原居民權利及權益，使日後條件許可下，能返回興建小型屋宇，秉承應有的傳統生活文化。

此致

嶂上村代表



黃錦雄

二零一六年四月五日

副本送交：
西貢北約鄉事委員會

通訊地址：

聯絡電話：

**Planning Assessment on the Development Proposals
received in the Course of Preparation of the Plan**

Development Proposals

1. Since the gazettal of the draft DPA Plan on 21.3.2014, no planning application in the Area has been received. In the course of preparing the OZP, some views/proposals were received from concerned parties and they are set out below:
 - (a) On 24.3.2016, Kadoorie Farm & Botanic Garden Corporation (KFBG) made a submission (**Appendix V**), which considers that given that the Area is a popular hiking spot, of ecological importance and located within the water gathering ground (WGG), no “Village Type Development” (“V”) zone should be designated and the whole Area should be zoned “Conservation Area” (“CA”); and
 - (b) On 29.3.2016, an informal discussion with the Indigenous Inhabitant Representative of Cheung Sheung Village was conducted to solicit the views and proposals of villagers on the land use zonings. He subsequently submitted a letter on 5.4.2016 (**Appendix VI**) mainly requesting for designation of “V” zone to respect the indigenous villagers’ rights for Small House development in future.

Planning Assessment

Conservation of Natural Environment

2. Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The Area, in particular its freshwater habitats, has long been recognized to have high ecological value. The upland marshes in the Area are an uncommon habitat in Hong Kong supporting a moderate diversity of plants with a number of uncommon species, such as *Lobelia alsinoides* subsp. *hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水篩). The Cheung Sheung EIS, about 880m long flowing through the Area, together with its occasionally flooded riparian zone, supports a population of *Macropodus hongkongensis* (Hong Kong Paradise Fish, 香港鬥魚) which is of conservation concern. The freshwater habitats also support a moderate diversity of amphibians and dragonflies including the rare *Agriocnemis lacteola* (白腹小蠅).
3. The woodland is ecologically linked to the natural habitats in the Country Park. It mainly consists of common native plant species with some protected species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗). A moderate diversity of butterflies, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the mammal Chinese Pangolin (穿山甲), which is an endangered species, have been recorded in the Area.
4. In consultation with the Agriculture, Fisheries and Conservation Department (AFCD), it is proposed to designate the riparian zone of the EIS where freshwater marshes and habitat of Hong Kong Paradise Fish are found as a “CA” zone in order to reflect the ecological

importance of these natural habitats whilst “GB” zoning would be appropriate to conserve the natural and landscape character of the woodland adjoining the Country Park,

5. AFCD is in general agreement with the brief ecological information in the KFBG’s submission.

Village Development

6. From the nature conservation perspective, any direct or indirect impacts to the ecological and landscape resources within the Country Park Enclave and at the surrounding Sai Kung West Country Park, as well as to its natural and rural character, should be avoided.
7. There is a recognized village in the Area. Thus there is a need to designate “V” zone at suitable location to meet the Small House demand of local villagers after delineating the areas that have to be conserved.
8. The area proposed for Small House development is mainly covered by grasses interspersed with some shrubs and is situated at a more accessible location near the existing inhabited domestic squatters and the provision store which are situated on Government land and taken as existing uses.

致:規劃署

嶺上分區計劃大綱草圖編號: S/NE-CS/B

就嶺上分區計劃大綱草圖編號 S/NE-CS/B, 經多次申述、討論、爭取, 草圖內已劃出 V-Zone 位置, 供我村原居民日後興建小型屋宇, 但由於只有 0.03 公頃面積, 未能滿足我村原居民日後興建小型屋宇的需求。現就此建議及再度爭取, 希望將 V-Zone 位置擴大, 又或者將我等現有地契內之屋地位置納入為 V-Zone, 而此等屋地位置分別列於下方;

DD365, Lot No 104, Area 0.02

DD365, Lot No 295, Area 0.02

DD365, Lot No 292, Area 0.01

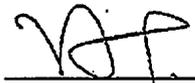
DD365, Lot No 295, Area 0.06

另外 建村以來, 黃竹塱及大磡這兩個地段本是嶺上村不可分割的部份, 前任村代表溫有先生及其家人正正是居於黃竹塱地段的原居民, 而該兩個地段亦有不小私人土地, 有關草圖錯誤地未有將黃竹塱及大磡列入, 使我村未能得到完整版圖, 為免鄉村部份有缺, 現要求必需將其完整歸納於草圖內。

嶺上是香港其中一條認可鄉村, 理應受到政府在一定資源上支援, 但無奈地受到忽略, 村內設施完全荒廢破落, 例如行人路、橋樑等都日久失修而破爛, 交通馬路運輸更是奢侈的夢想, 居民的生活條件完全沒有得到保障之下, 被逼離開家園往外謀生。村民認為如日後家鄉生活條件得到改善, 屆時定必返回重建家園, 將祖業承傳下去, 秉承應有的傳統生活文化, 此乃離鄉謀生村民的精神支柱及信念。

益古初開, 繼往開來, 新界原居民鄉村大多數是以務農為生, 正因如此, 農民也知道必須要保護環境, 才能有務農後之成果, 我們村民都尊重環境保育, 亦樂意為環保出力, 環境保育固然重要, 業權人之私有產權也同樣重要, 鄉村傳統文化亦必須尊重, 兩者若然處理得當, 延續原居民權益及環境保育亦可以並存。

嶺上村代表



黃錦雄

二零一六年十一月十三日

副本送交:

西貢北約鄉事委員會

大埔區議會
環境、房屋及工程委員會
2016 年第七次會議記錄

日期：2016 年 11 月 9 日(星期三)
時間：下午 2 時 30 分至下午 6 時 15 分
地點：大埔區議會會議室

IV. 《嶂上分區計劃大綱草圖 S/NE-CS/B》

(大埔區議會文件 EHW 75/2016 號)

18. 主席歡迎規劃署高級城市規劃師楊倩女士及城市規劃師蘇美玲女士就是項議程出席會議。

19. 楊倩女士介紹上述文件。

20. 委員首輪的意見如下：

- (i) 嶂上位置偏遠，村民數目近年有所減少，惟原居民對將來發展鄉村仍有合理期望。該處的鄉村式發展地帶只有 0.03 公頃，不足以應付鄉村的長遠發展需要。
- (ii) 有委員認為保育重要，但政府亦須顧及鄉村的長遠發展需要，不可剝削原居民的權益。
- (iii) 有委員認為規劃署諮詢不足，村民難以完全明白有關規劃對他們有何影響。
- (iv) 有委員指政府剝削私人土地業權人的權益，而且沒有向他們作出任何賠償，故此堅決反對該草圖。

21. 楊倩女士回應如下：

- (i) 規劃署在規劃土地用途時會考慮村民小型屋宇的需求和發展，但因為該區屬郊野公園不包括土地，故此必須同時考慮其保育價值、景觀特色、環境及基礎設施等因素。
- (ii) 嶂上村是認可鄉村，根據大埔地政處提供的資料，該村目前沒有尚未處理的小型屋宇申請。嶂上村原居民代表提交予地政處的“十年小型屋宇需求預測”所載的擬建屋宇數目為兩幢。
- (iii) 規劃署在擬備《嶂上分區計劃大綱草圖 S/NE-CS/B》時已納入原居民代表在本年 4 月提交的意見作考慮。在劃出須予保育的地方後，署方已在合適的地方劃設鄉村式發展地帶，以滿足嶂上村原居民對小型屋宇的需求。

22. 委員次輪的意見如下：

- (i) 有委員強調鄉村持續發展十分重要，擴展鄉村式發展地帶並不等於村民會用盡所批範圍發展。考慮到將來向城規會申請擴展鄉村式發展地帶會十分困難，他認為不應按村民提交的“十年小型屋宇需求預測”限制整個鄉村式發展地帶的範圍。他建議規劃署加大鄉村式發展地帶的面積，以保留原居民的發展空間。
- (ii) 有委員表示 0.03 公頃地方只夠興建兩幢小型屋宇。如該地帶附近的土地屬自然保育區或綠化地帶，兩幢屋宇附近不能再興建新的屋宇，限制了鄉村的長遠發展。他認為委員會應為村民爭取權益。
- (iii) 有委員表示規劃署不可因為政府要改變土地用途而將該區原居民對屋宇的需求條件化。他指現時劃出的鄉村式發展地帶只能興建兩幢屋宇並不足夠，署方須要給予充足的土地以維持鄉村未來的擴展性。

23. 有委員詢問嶂上的自然保育區、綠化地帶及鄉村式發展地帶內有多少私人土地。

24. 楊倩女士指現時沒有個別土地用途地帶內私人土地比例的資料，惟整個大綱草圖範圍內的政府土地及私人土地分別佔 76.5%及 23.5%。回應委員有關祖墳的關注，她補充根據《嶂上分區計劃大綱草圖 S/NE-CS/B》，墳墓的修葺或保養一般是經常准許的用途。

25. 郭永健先生表示支持該草圖。

26. 主席認為應尊重當區持份者及西貢北約鄉委會的意見。他總結，委員會反對該草圖。

From: Tony Nip
To:
Cc:

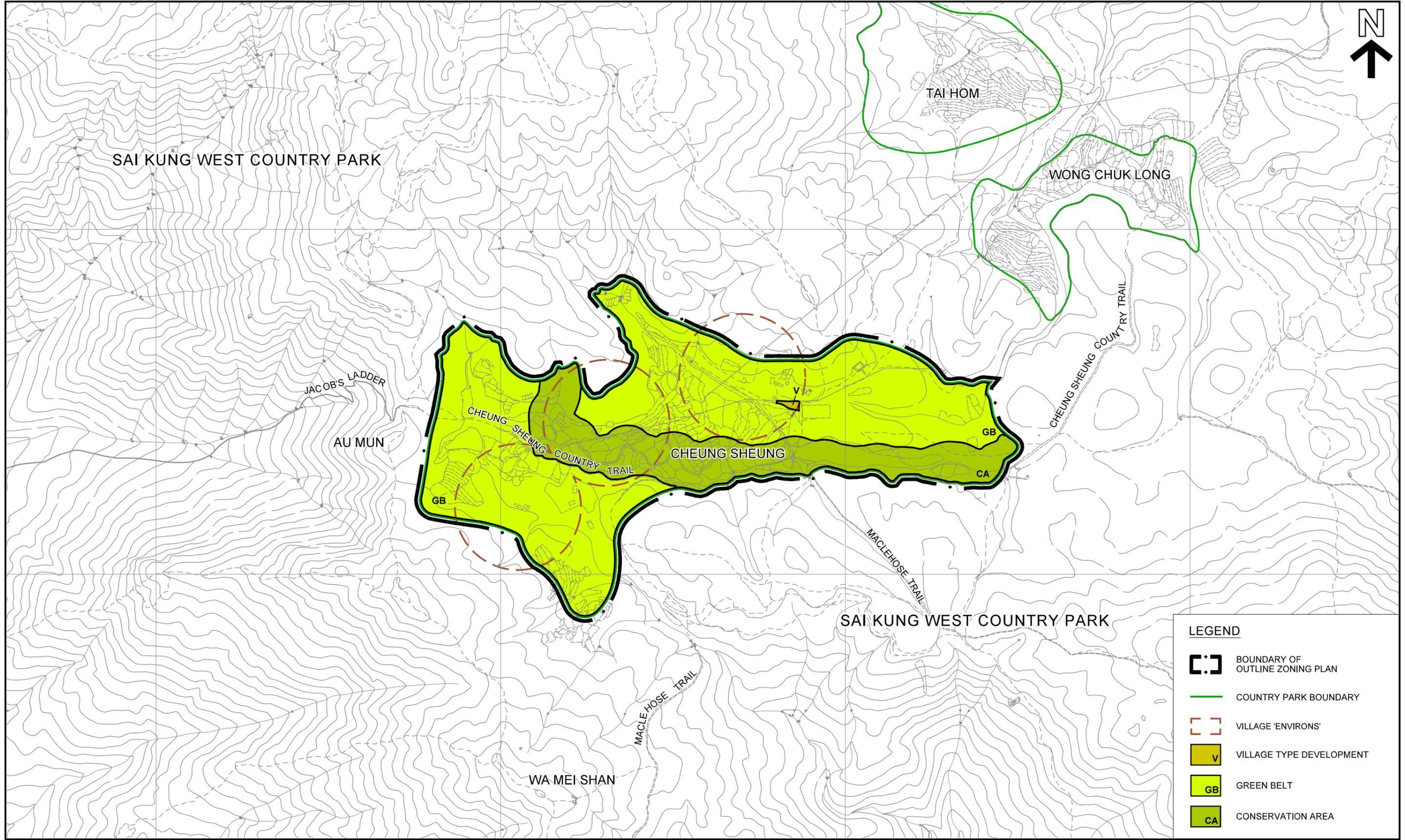
Date: 28/10/2016 16:55
Subject: Re: 轉寄: Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/B

Dear All,

We have no adverse comments regarding this draft plan.

Best Regards,

Tony Nip
Senior Ecologist
Ecological Advisory Programme
Kadoorie Farm and Botanic Garden Corporation
Lam Kam Rd., Tai Po, N.T., Hong Kong.



LEGEND

-  BOUNDARY OF OUTLINE ZONING PLAN
-  COUNTRY PARK BOUNDARY
-  VILLAGE 'ENVIRONS'
-  VILLAGE TYPE DEVELOPMENT
-  GREEN BELT
-  CONSERVATION AREA

PROPOSED LAND USES - DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN No. S/NE-CS/B

CHEUNG SHEUNG

PLAN PREPARED ON 10.11.2016
 BASED ON SURVEY SHEETS No.
 8-NW-13D, 14C/D, 18B/D, 19A/B/C/D



PLANNING DEPARTMENT



REFERENCE No.
 M/CPE/CS/16/7

PLAN
 1



SAI KUNG WEST COUNTRY PARK

TAI HOM

WONG CHUK LONG

JACOB'S LADDER

AU MUN

CHEUNG SHEUNG COUNTRY TRAIL

CHEUNG SHEUNG

CHEUNG SHEUNG COUNTRY TRAIL

MACLEHOSE TRAIL

MACLEHOSE TRAIL

SAI KUNG WEST COUNTRY PARK

WA MEI SHAN

LEGEND

-  BOUNDARY OF OUTLINE ZONING PLAN
-  COUNTRY PARK BOUNDARY
-  PRIORITY SITE FOR ENHANCED CONSERVATION UNDER THE NEW NATURE CONSERVATION POLICY - CHEUNG SHEUNG BOUNDARY

PLAN PREPARED ON 10.11.2016 BASED ON AERIAL PHOTOS No.CS55352, CS55354, CS55356, CS55358, CS55622, CS55624, CS55626 & CS55628 TAKEN ON 2.1.2015 BY LANDS DEPARTMENT

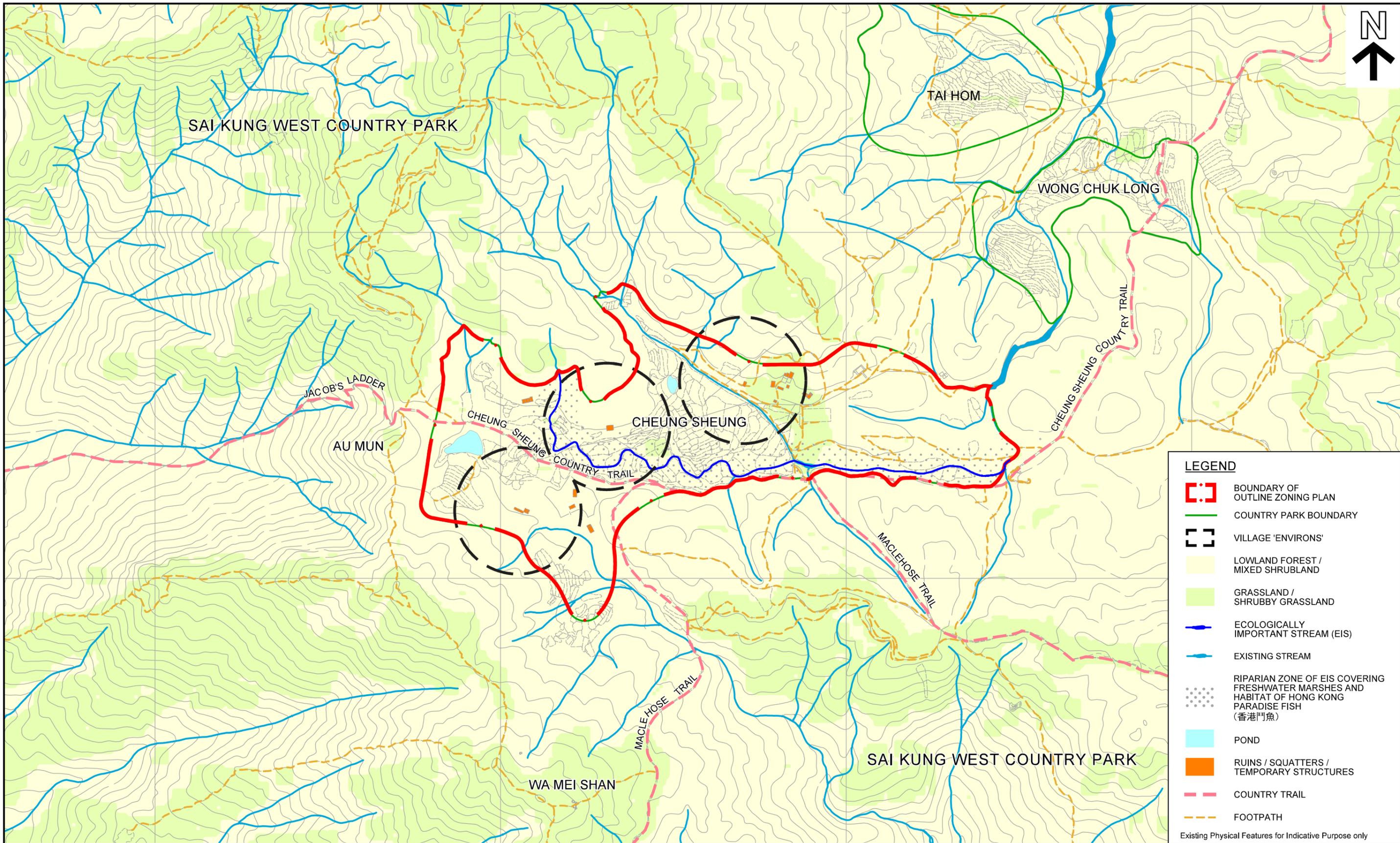
AERIAL PHOTOS
CHEUNG SHEUNG

PLANNING DEPARTMENT



REFERENCE No.
M/CPE/CS/16/7

PLAN
2



LEGEND

	BOUNDARY OF OUTLINE ZONING PLAN
	COUNTRY PARK BOUNDARY
	VILLAGE 'ENVIRONS'
	LOWLAND FOREST / MIXED SHRUBLAND
	GRASSLAND / SHRUBBY GRASSLAND
	ECOLOGICALLY IMPORTANT STREAM (EIS)
	EXISTING STREAM
	RIPARIAN ZONE OF EIS COVERING FRESHWATER MARSHES AND HABITAT OF HONG KONG PARADISE FISH (香港門魚)
	POND
	RUINS / SQUATTERS / TEMPORARY STRUCTURES
	COUNTRY TRAIL
	FOOTPATH

Existing Physical Features for Indicative Purpose only

VILLAGE 'ENVIRONS' AND EXISTING PHYSICAL FEATURES

CHEUNG SHEUNG

PLAN PREPARED ON 29.11.2016
 BASED ON SURVEY SHEETS No.
 8-NW-13D, 14C/D, 18B/D, 19A/B/C/D



PLANNING DEPARTMENT



REFERENCE No.
 M/CPE/CS/16/7

PLAN
 3



SAI KUNG WEST COUNTRY PARK

TAI HOM

WONG CHUK LONG

JACOBS LADDER

AU MUN

CHEUNG SHEUNG COUNTRY TRAIL

CHEUNG SHEUNG

INHABITED DOMESTIC SQUATTERS

CHEUNG SHEUNG COUNTRY TRAIL

MACLEHOSE TRAIL

SAI KUNG WEST COUNTRY PARK

WA MEI SHAN

EXISTING LAND USES

CHEUNG SHEUNG



LEGEND

-  BOUNDARY OF OUTLINE ZONING PLAN
-  COUNTRY PARK BOUNDARY
-  NATURAL VEGETATED AREA
-  RUINS / SQUATTERS / TEMPORARY STRUCTURES
-  PUBLIC TOILET
-  VACANT SCHOOL
-  PROVISION STORE
-  OPEN GRASSLAND FOR REST

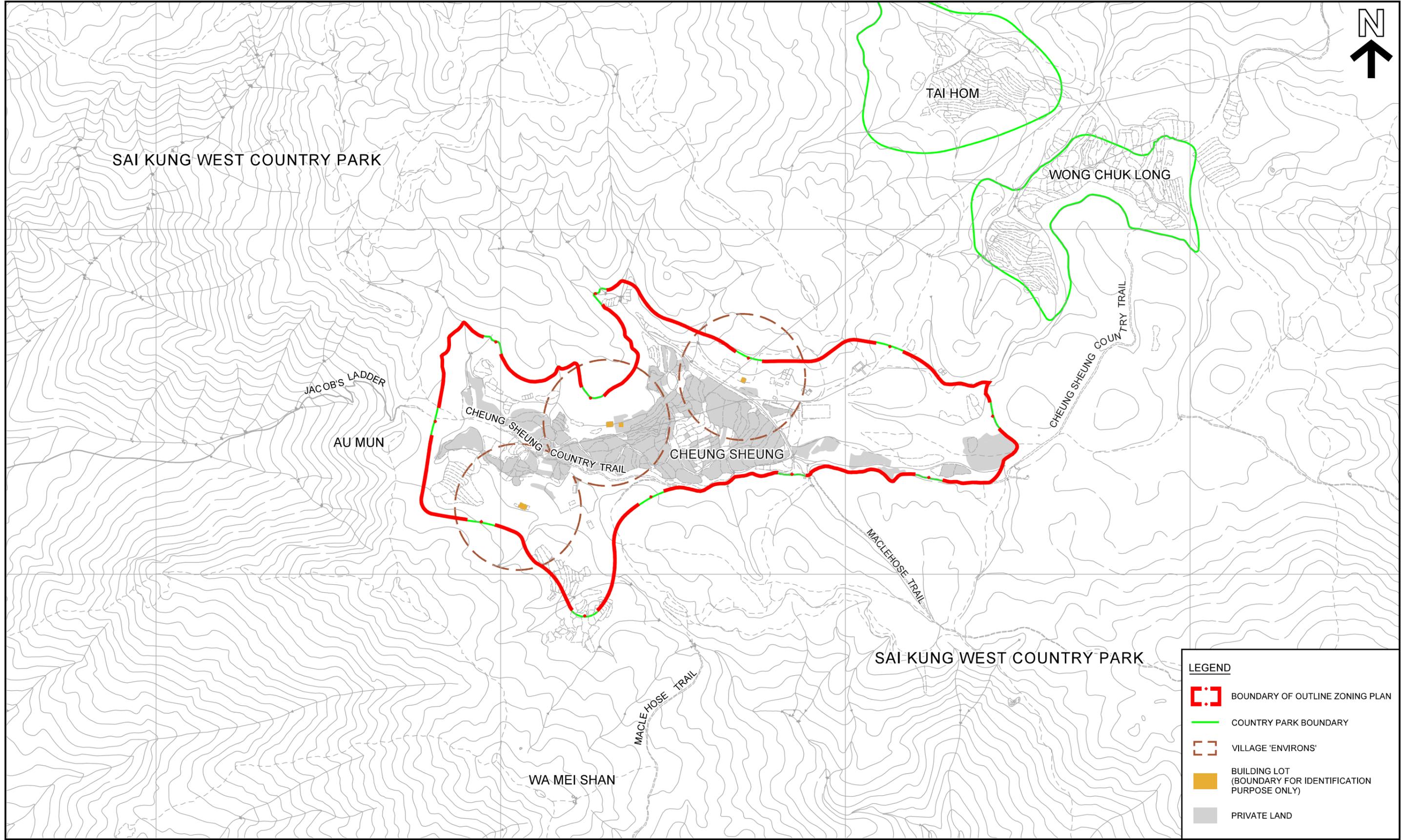
PLAN PREPARED ON 30.11.2016
BASED ON SURVEY SHEETS No.
8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

PLANNING DEPARTMENT



REFERENCE No.
M/CPE/CS/16/7

PLAN
4



LEGEND

-  BOUNDARY OF OUTLINE ZONING PLAN
-  COUNTRY PARK BOUNDARY
-  VILLAGE 'ENVIRONS'
-  BUILDING LOT (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
-  PRIVATE LAND

LAND OWNERSHIP AND VILLAGE 'ENVIRONS'

CHEUNG SHEUNG



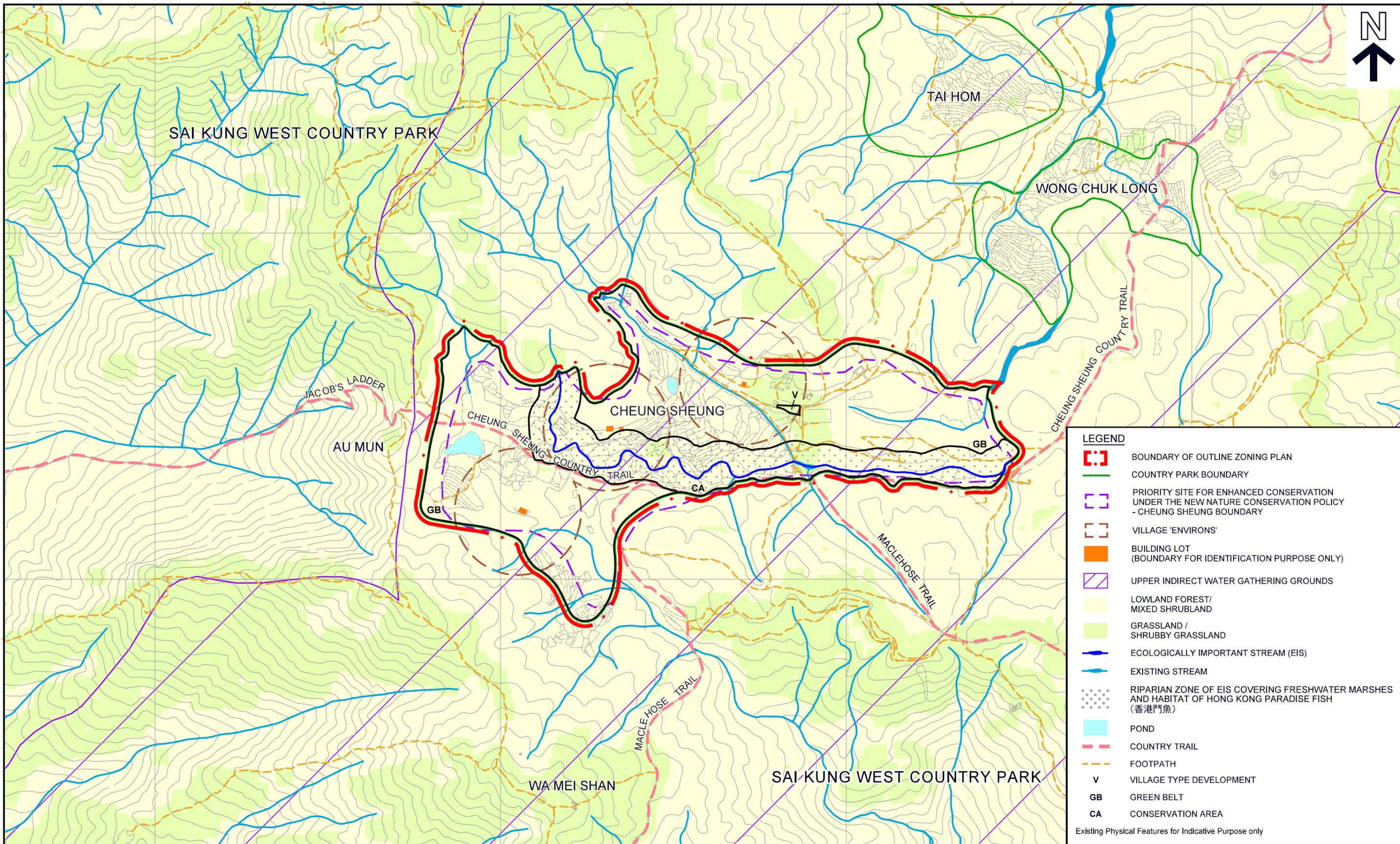
PLAN PREPARED ON 29.11.2016
BASED ON SURVEY SHEETS No.
8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

PLANNING DEPARTMENT



REFERENCE No.
M/CPE/CS/16/7

PLAN
5



LEGEND	
	BOUNDARY OF OUTLINE ZONING PLAN
	COUNTRY PARK BOUNDARY
	PRIORITY SITE FOR ENHANCED CONSERVATION UNDER THE NEW NATURE CONSERVATION POLICY - CHEUNG SHEUNG BOUNDARY
	VILLAGE 'ENVIRONS'
	BUILDING LOT (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
	UPPER INDIRECT WATER GATHERING GROUNDS
	LOWLAND FOREST / MIXED SHRUBLAND
	GRASSLAND / SHRUBBY GRASSLAND
	ECOLOGICALLY IMPORTANT STREAM (EIS)
	EXISTING STREAM
	RIPARIAN ZONE OF EIS COVERING FRESHWATER MARSHES AND HABITAT OF HONG KONG PARADISE FISH (香港門魚)
	POND
	COUNTRY TRAIL
	FOOTPATH
	VILLAGE TYPE DEVELOPMENT
	GREEN BELT
	CONSERVATION AREA
Existing Physical Features for Indicative Purpose only	

DEVELOPMENT CONSTRAINTS AND PROPOSED LAND USES

CHEUNG SHEUNG



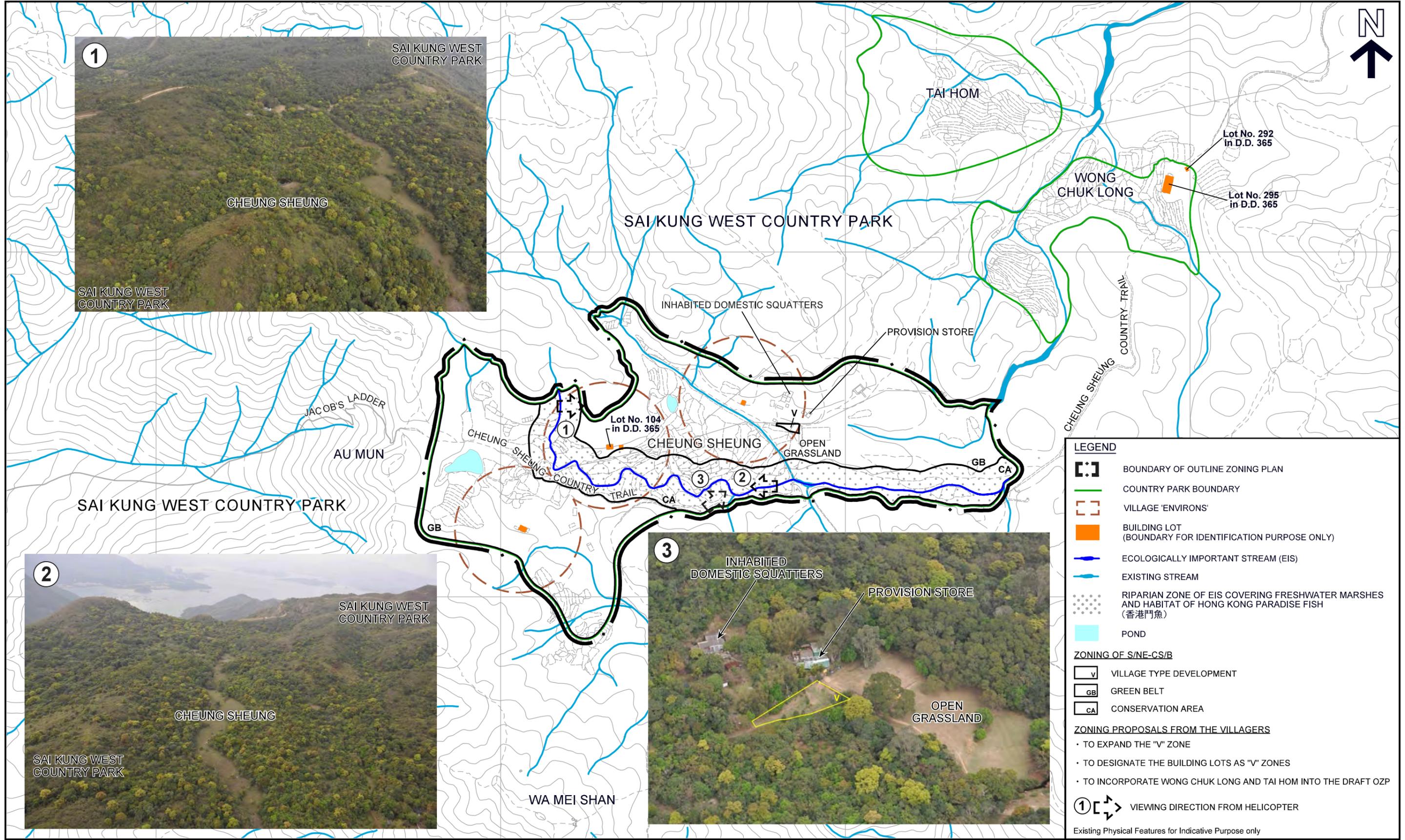
PLAN PREPARED ON 12.1.2017
 BASED ON SURVEY SHEETS No.
 8-NW-13D, 14C/D, 18B/D, 19A/B/C/D

PLANNING DEPARTMENT



REFERENCE No.
 M/CPE/CS/16/7

PLAN
 6



LEGEND

- BOUNDARY OF OUTLINE ZONING PLAN
- COUNTRY PARK BOUNDARY
- VILLAGE 'ENVIRONS'
- BUILDING LOT (BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- ECOLOGICALLY IMPORTANT STREAM (EIS)
- EXISTING STREAM
- RIPARIAN ZONE OF EIS COVERING FRESHWATER MARSHES AND HABITAT OF HONG KONG PARADISE FISH (香港門魚)
- POND

ZONING OF S/NE-CS/B

- VILLAGE TYPE DEVELOPMENT
- GREEN BELT
- CONSERVATION AREA

ZONING PROPOSALS FROM THE VILLAGERS

- TO EXPAND THE "V" ZONE
- TO DESIGNATE THE BUILDING LOTS AS "V" ZONES
- TO INCORPORATE WONG CHUK LONG AND TAI HOM INTO THE DRAFT OZP

VIEWING DIRECTION FROM HELICOPTER

Existing Physical Features for Indicative Purpose only

SPECIFIC ZONING PROPOSALS FROM THE VILLAGERS

CHEUNG SHEUNG

PLAN PREPARED ON 23.12.2016
BASED ON SURVEY SHEETS No.
8-NW-13D, 14C/D, 18B/D, 19A/B/C/D



PLANNING DEPARTMENT



REFERENCE No.
M/CPE/CS/16/7

PLAN
7