

**Minutes of 1068th Meeting of the  
Town Planning Board held on 6.10.2014**

**Present**

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Chief Engineer (Works), Home Affairs Department

Mr Frankie W.P. Chou

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Mr Raymond K.W. Lee

Secretary

**Absent with Apologies**

Mr Roger K.H. Luk

Mr Clarence W.C. Leung

Ms Bonnie J.Y. Chan

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Ms Christina M. Lee

Mr H.F. Leung

Dr Eugene K.C. Chan

**In Attendance**

Assistant Director of Planning/Board

Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board

Mr Louis K.H. Kau (a.m.)

Ms Lily Y.M. Yam (p.m.)

Senior Town Planner/Town Planning Board

Mr Raymond H.F. Au (a.m.)

Mr K.K. Lee (p.m.)

**Agenda Item 1**

[Open Meeting]

**Matters Arising**

[The meeting was conducted in Cantonese.]

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

**Sha Tin, Tai Po & North District**

**Agenda Item 2**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in Respect of  
the Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan No. S/NE-TKP/1  
(TPB Paper No. 9731)

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[The meeting was conducted in Cantonese and English.]

**Group A**

***Representations No. R1 to R798 and R10736 to R10749***

***Comments No. C3669 to C3676***

**Presentation and Question Session**

2. The Chairman briefly explained the meeting arrangement and said that a total of 7,689 representations and 980 comments in respect of the draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (OZP) No. S/NE-TKP/1 were received. The representations and comments would be heard in two groups, i.e. Group A for collective hearing of those representations and comments mainly relating to the inadequate “Village Type Development” (“V”) zone, and Group B for collective hearing of representations and comments mainly relating to the excessive “V” zone and the environmental conservation concerns. The meeting would first consider the oral submissions by the representers and commenters in Group A. A total of 119 representers/commenters had indicated that they or their representatives would attend this session, including 83 representers/commenters

who had authorised a presentation team of 19 persons. 24 representers/commenters and their representatives in Group A had indicated that they would make oral submissions. As sufficient notice had been given to the representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations in the absence of the other representers and commenters who had indicated that they would not attend or had made no reply.

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

- |                    |   |  |
|--------------------|---|--|
| Mr C.K. Soh        | - | District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD |
| Mr Edmund P.K. Lee | - | Town Planner/Country Park Enclaves (TP/CPE), PlanD                   |
| Mr Cary P.H. Ho    | - | Senior Nature Conservation Officer (South) (SNCO/S), AFCD            |

R56 / C568 – 翁育明

- |                     |   |                             |
|---------------------|---|-----------------------------|
| Mr Poon Key Yuen    | ] |                             |
| Mr Kong Chee Cheung | ] | Representer and Commenter's |
| Ms Tsai Yen Mie     | ] | representatives             |
| Mr Wong Ming Fai    | ] |                             |

R59 / C618 – Leung Hung Hang

- |                    |   |                           |
|--------------------|---|---------------------------|
| Mr Leung Hung Hang | - | Representer and Commenter |
|--------------------|---|---------------------------|

R60 / C589 – Leung Kai Shing

- |                          |   |  |
|--------------------------|---|--|
| Mr Yip Fook Wah, Raymond | - | Representer and Commenter's representative |
|--------------------------|---|--|

A total of 39 Representers/Commenters and 46 Commenters

*(The list of representers and commenters who had authorised the persons below as their representatives was at Appendix A)*

Ms Anna S.Y. Kwong	]	
Mr Greg K.C. Lam	]	
Ms Rebecca F.Y. Lau	]	
Mr Ted K.L. Lam	]	
Mr Cheng Kwok Fai	]	
Mr Cheng Chi Ching, Tony	]	
Mr Cheng Chi Bun	]	Representers and Commenters'
Mr Li Yiu Ban	]	representatives
Mr Ted Y.C. Yui	]	
Mr C.Y. Fong	]	
Ms Gigi M.C. Lo	]	
Mr Kenton C.Y. Lam	]	
Mr Eric W.C. Kwok	]	
Ms Suey S.Y. Kwok	]	
Mr Wan Yuet Cheong	]	

R350 – 鄭偉良

Mr Cheng Wai Leung - Representer

R359 – 鄭江鴻

Ms Chung Wai Ling - Representer's representative

C41 – 李麗雲

C186 - 溫生

C366 – Li Yiu Bun

Mr Li Yiu Bun - Commenter and Commenters' representative

C262 – Chan Cho Wong

Mr Chan Cho Wong - Commenter

C263 – 黎多密

Mr 黎多密 - Commenter

C979 – 潘麒元

Mr Poon Key Yuen - Commenter

4. The Chairman extended a welcome and explained the procedure of the hearing. He said that the representatives of PlanD would first be invited to make a presentation. After that, the representers/commenters and their authorised representatives would be invited to make oral submissions. After the oral submissions, there would be a Question and Answer (Q & A) session which Members could direct question(s) to any attendee(s) of the meeting. Lunch break would be from about 1:00 p.m. to 2:30 p.m. and there might be one short break at 11:00 a.m., as needed. The Chairman then invited the representatives of PlanD to brief Members on the representations and comments.

5. Members noted that two replacement pages (pages 12 and 13) of the Paper had been tabled at the meeting. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points as detailed in the Paper:

Background

- (a) on 3.1.2014, the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 7,689 representations were received. On 11.4.2014, the representations were published for three weeks for public comment and a total of 980 comments on the representations were received;

The Representations

- (b) all the representations opposed the Plan and their views could be generally categorised into two groups:

- (i) Group A comprising 362 representations (R1 to R362) and 978 comments (C3 to C980) submitted by the Village Representative (VR) of To Kwa Peng and individuals mainly opposed the land use zonings in To Kwa Peng on ground of inadequate “V” land; and
- (ii) Group B comprising 7,327 representations (R363 to R7689) and two comments (C1 and C2) submitted by the green/concern groups, Legislative Councillor and individuals mainly on grounds of the excessive “V” zone and the environmental concerns;

#### Grounds of Representations and Representers’ Proposals

- (c) the main grounds of the representations in Group A as detailed in paragraphs 2.3 and 2.4 of the Paper were summarised below:

##### *Inadequate land within “V” zone to meet Small House demand*

- (i) the “V” zone was inadequate to meet the Small House demand. In particular, R361 indicated that only 1.94 ha (or 37.1%) of the village ‘environs’ (‘VE’) (5.23 ha) of To Kwa Peng was included in the “V” zone. As at 27.2.2014, the total Small House demand of To Kwa Peng was 143, comprising outstanding Small House applications of 83 and 10-year Small House demand forecast of 60. The 0.97 ha of land available within the “V” zone could only meet 27.1% of the total Small House demand;
- (ii) should sufficient land be reserved for Small House development by the indigenous villagers, it would relieve the housing demand in urban areas;

*Impracticable cross-village Small House applications*

- (iii) Pak Tam Au fell within the upper indirect water gathering ground (WGG) and had a surplus of land for Small House development within the “V” zone, whereas To Kwa Peng was located outside WGG but had a deficit of land for Small House development. It was impracticable to assume that the surplus of land in Pak Tam Au could be used to accommodate the cross-village Small House applications from To Kwa Peng since such cross-village applications from villages outside WGG (such as To Kwa Peng) to villages within the WGG (such as Pak Tam Au) were not supported under the current land administrative practice; and
  - (iv) other reasons included that land within the “V” zone of Pak Tam Au was not owned by the villagers of To Kwa Peng; the chance of acquiring land in Pak Tam Au was very slim; and there was fundamental difference in village culture;
- (d) the representers’ proposals in Group A as detailed in paragraphs 2.6 to 2.9 of the Paper were summarised below:
- (i) to expand the “V” zone of To Kwa Peng by rezoning the following areas :
    - an area to the northeast of the To Kwa Peng Village from “Conservation Area” (“CA”) to “V” (1.2 ha);
    - an area from the north of the village up to a 2m-wide strip of land along the footpath from “Coastal Protection Area” (“CPA”) to “V” (0.14 ha); and

- two areas each with a buffer distance of 14m from both sides of the natural stream from “Green Belt” (“GB”) to “V” (0.27 ha);
- (ii) to rezone an area to the immediate south and two areas to the east of To Kwa Peng from “CA” to “Agriculture” (“AGR”) (0.72 ha) to reflect the existing use of agriculture and to retain the potential for re-vitalization of farming activities;
- (iii) to rezone an area to the southeast of the village from “CA” to “GB” (2.1 ha) to provide a buffer between the “V” zone and “CA” zone in To Kwa Peng and to reserve land for future village expansion; and
- (iv) to rezone a 2m-wide strip of land immediately south of the footpath at the northwestern periphery of the OZP from “GB” to “CPA” (143m<sup>2</sup>) to provide a continuous “CPA” zone on both sides of the existing footpath at To Kwa Peng;
- (e) the main grounds of the representations in Group B as detailed in paragraphs 2.11 and 2.12 of the Paper were summarised below:

*Unjustified Small House demand forecast*

- (i) the Small House demand forecast figures provided by the District Lands Office/Tai Po, Lands Department (DLO/TP, LandsD) were basically the estimates solely submitted by the VRs without any justifications and verifications. Based on such forecast figures, the current “V” zone on the Plan was considered excessive. Designation of the “V” zone should be based on a more realistic estimation of the need for Small Houses; and

*Adverse environmental impacts*

- (ii) the area was characterised by high ecological value. Future village development would have adverse environmental impacts on the surrounding areas. In particular, there was no public sewerage system in the Area and the sewage from Small Houses could only rely on on-site septic tanks and soakaway (STS) systems. Proper maintenance of the STS was highly doubtful in To Kwa Peng due to the lack of road access. Pollutants would eventually be discharged into water bodies nearby including the natural coast along Ko Tong Hau at To Kwa Peng. As Pak Tam Au was located within the upper indirect WGG, increasing pollutants and untreated effluent outflow from STS systems to nearby streams would cause water pollution of the High Island Reservoir. The “V” zone should be minimised so as to protect the water quality;
- (f) the representers’ proposals in Group B as detailed in paragraphs 2.13 to 2.19 of the Paper were summarised below:

*To confine or rezone the “V” zone*

- (i) to confine the “V” zone to the existing village structures and building lots as well as sites of approved Small House applications;
- (ii) to rezone the entire “V” zone of To Kwa Peng to “CA”, and to confine the “V” zone of Pak Tam Au to 30m from the nearest currently occupied house and rezone the residual “V” zone areas to “CA”;

*To rezone the natural stream and the adjoining areas in To Kwa Peng from “GB” to “CA”*

- (iii) to conserve the natural stream and its riparian zone in To Kwa Peng as natural habitats for Sesarmine Crab (相手蟹)

community and an endemic sesarmid crab species (i.e. *Pseudosesarma patshuni*) as well as the migratory pathways for diadromous species by rezoning these areas from “GB” to “CA”;

*To designate water bodies and the adjoining areas as well as seasonal wet grassland in Pak Tam Au as “CA”*

- (iv) to conserve the water bodies such as ponds and watercourses, and the adjoining areas with a buffer distance of 10m to 30m as these water bodies and areas were important habitats for wildlife, in particular, Hong Kong Paradise Fish (*Macropodus hongkongensis*) (香港鬥魚), as well as the seasonal wet grassland to the east of the village cluster by designating these areas as “CA”;

*To rezone the residual areas from “V” to “Undetermined”*

- (v) to rezone the residual areas from “V” to “Undetermined” to ensure that future Small House development would require planning applications from the Town Planning Board (the Board);

*To amend the Notes of the Plan*

- (vi) the following amendments to the Notes of the Plan were proposed mainly to prevent ‘destroy first, build later’ activities or adverse environmental impacts:
  - to transfer ‘House (New Territories Exempted House)’ from Column 1 to Column 2 and delete ‘House (not elsewhere specified)’ from Column 2 under the “V” zone;

- to delete ‘Eating Place’ and ‘Shop and Services’ from Column 1 under the “V” zone;
- to delete ‘Barbecue Site’ from Column 1 under the “GB” zone; and
- to transfer ‘Agricultural Use’ from Column 1 to Column 2 under the “V”, “GB”, “CA” and “CPA” zones; and

*To incorporate the Area into Country Park*

- (vii) to incorporate the To Kwa Peng and Pak Tam Au area in Country Parks so that developments would be subject to scrutiny by the Country and Marine Parks Board (CMPB). The Development Permission Area (DPA) Plan should be extended for at least one year to allow for the required process;

Other views not directly related to the Plan

- (g) there were other views not directly related to the designation of zoning on the Plan in the two groups of representations, including categorically denial of new roads to enclaves not serviced by roads; development and infrastructure projects in enclaves should be designated projects under the Environmental Impact Assessment Ordinance (EIAO); promotion and facilitation of uses of private land which would enhance the ecology, agriculture, landscape and amenity value of Country Parks; contradiction of the Country Park Enclave (CPE) policy and failure to comply with the International Convention on Biological Diversity; review of the strategy to protect the Country Park enclave and putting the relevant villages into a new “Village and Country Park” area; review of Small House Policy; and that the Government should provide more support to the villagers, e.g. rehabilitation of village house, building environmental friendly houses, promoting sustainable farming and eco-tourism;

### Comments

- (h) among the 980 comments received, 978 comments (C3 to C980) in Group A were submitted by individuals opposing the Plan or the representations in Group B (R363 to R7689) mainly on ground of inadequate “V” land, responding to the representations in Group B and providing further substantiation on the representation made by the VR of To Kwa Peng (R361) or the proposals submitted by the villagers during preparation of the Plan, or offering views on the general issues of plan making, etc. The grounds and proposals of the comments in Group A were either the same or similar to those of the representations. Various individual commenters had put forth proposals similar to those raised by the representers. The two comments in Group B were submitted by Legislative Councillor Hon Chan Ka Lok (C2) and an individual (C1) objecting to the Plan mainly on environmental grounds;

### Planning Considerations and Assessments

#### *The Representation Sites and their Surrounding Areas*

- (i) the representation sites covered the whole OZP area;
- (j) the Planning Scheme Area (the Area) covered a total area of about 24.96 ha and was encircled by the Sai Kung East Country Park in the east and Pak Tam Road and Sai Kung West Country Park in the west;

#### *To Kwa Peng*

- (k) the To Kwa Peng area (about 9.77 ha) was located along the natural coast overlooking Ko Tong Hau at the north-western edge of the Sai Kung East Country Park about 12 km to the north-east of Sai Kung Town. It was accessible by a walking trail off Pak Tam Road or along the coast from the west and by marine access off a small pier fronting Ko Tong Hau and Long Harbour;

- (l) the To Kwa Peng area was rural in character comprising mainly fallow agricultural land surrounded by shrubs and woodland. While To Kwa Peng was a recognised village, the area was basically uninhabited with some ruins and a row of about seven village houses in dilapidated conditions. To the west of these houses was a stretch of fallow agricultural land. The surrounding areas had some signs of previous excavation and site formation works but the area had regenerated with scattered wild grasses and shrubs. There were graves located to the south of the hill along the southern boundary of the area;
- (m) there was a natural stream near the western boundary of the To Kwa Peng area flowing from south to north towards Ko Tong Hau. Estuarine mangrove and mudflat habitats were found along the coast fronting Ko Tong Hau. According to AFCD, uncommon species of mangroves, *Heritiera littoralis* (銀葉樹), *Lumnitzera racemosa* (欖李) and seagrass, *Halophila minor* (小喜鹽草) were found in this mudflat;

*Pak Tam Au*

- (n) the Pak Tam Au area (about 15.19 ha), which fell entirely within the upper indirect WGG, was located along Pak Tam Road at the western edge of the Sai Kung East Country Park about 500m to the south of the To Kwa Peng area. It was accessible by vehicles via Pak Tam Road and by walking trails connected to the Sai Kung East Country Park. There were bus and mini bus routes operating between Sai Kung Public Pier and Pak Tam Au;
- (o) with a scenic setting, the area was rural in character comprising mainly fallow agricultural land at the centre surrounded by shrubs and woodland. Pak Tam Au was a recognised village with a small cluster of village houses up to three storeys in height in fair to good condition. A short local track connected these houses with Pak Tam Road. According to 2011 Population Census, the total population of the area was below 50 persons;

- (p) the central part of the Pak Tam Au area comprised pockets of terraced fallow agricultural land overgrown with grass and shrubs surrounded to its north and south by slopes covered with woodland and dense natural vegetation. The woodland formed part of the well-established vegetation in the Sai Kung East Country Park. Some graves were found at the small hill at the south-western corner of the area. There was a partially trained stream running across the central portion of the area from the slope in the east towards the west;

Planning Intention

- (q) the Area formed an integral part of the natural system of the natural woodlands in the adjoining Sai Kung East Country Park with a wide spectrum of natural habitats including, inter alia, mature woodland, hillside shrubland, streamcourses, estuarine mangrove and mudflat, etc., which support some rare/uncommon flora and fauna of the Area and should be preserved and protected. 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 Sai Kung East and Sai Kung West Country Parks;
- (r) apart from the environmental and ecological considerations, development in the Area was constrained by limited transport and infrastructural provisions. 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.
- (s) the planning intention of the “V” zone was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community

uses serving the needs of the villagers and in support of the village development were always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses might be permitted on application to the Board;

- (t) the planning intention of the “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (u) the planning intention of the “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There was a general presumption against development in this zone;
- (v) the planning intention of the “CPA” zone was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It might also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There was a general presumption against development in this zone; and
- (w) for “GB”, “CA” and “CPA” zones, any diversion of streams, filling of land/pond or excavation of land should not be undertaken without the permission from the Board whilst for “V” zone, any diversion of streams, filling of pond required planning permission from the Board;

#### Consultation

- (x) on 4.10.2013, the Board gave preliminary consideration to the draft To Kwa Peng and Pak Tam Au OZP and agreed that the draft OZP

was suitable for submission to the Tai Po District Council (TPDC) and Sai Kung North Rural Committee (SKNRC) for consultation;

- (y) on 16.10.2013 and 13.11.2013, the SKNRC and the TPDC were consulted on the draft To Kwa Peng and Pak Tam Au OZP respectively. The SKNRC proposed to expand the “V” zone, which was in general supported by the TPDC. Subsequently, specific views and proposals were received from the villagers, green groups and other individuals. In particular, the green groups indicated that all the water bodies (such as watercourses and ponds) and the adjoining 30m-wide areas, and the freshwater marsh with protected and locally endangered orchid, *Liparis ferruginea* (鏽色羊耳蒜) as well as the adjoining seasonal wet grassland to the east of the village cluster should be designated as “CA”. After consultation with concerned departments, the draft OZP was subsequently revised by rezoning the freshwater marsh from “V” to “CA”;
- (z) on 20.12.2013, the Board gave further consideration to the draft To Kwa Peng and Pak Tam Au OZP together with the views received and agreed that the draft OZP (to be re-numbered to S/NE-TKP/1) was suitable for exhibition for public inspection. The draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/1 was gazetted on 3.1.2014;
- (aa) on 3.1.2014 and 8.1.2014, the draft OZP was presented to the SKNRC and the TPDC for consultation. The SKNRC proposed to expand the “V” zone, which was in general supported by the TPDC;

#### Responses to Grounds of Representations and Representers’ Proposals

- (bb) the responses to the grounds of representations as detailed in paragraphs 5.17 to 5.18 of the Paper were summarised below:

Designation of “V” zone

- (i) in drawing up the Plan and its land use proposals, special attention had been given to protect the ecological and landscape significance of the Area, noting that it was surrounded by Sai Kung East and West Country Parks. There was a need to cover the environmental sensitive areas, including coastal mangrove, mudflat, natural stream and mature woodland, by conservation zonings (i.e. “CA”, “CPA” and “GB”) in order to protect the natural environment from ecological and landscape perspectives. The total land area of these conservation zones was about 19.62 ha representing about 78.61% of the 24.96 ha of land covered by the Plan;
- (ii) there was also a need to reflect the two existing indigenous villages of To Kwa Peng and Pak Tam Au as well as to reserve land for their Small House developments. Discounting the environmental sensitive areas zoned “CA”, “CPA” and “GB”, the residual area covered by the current “V” zone was mainly occupied by existing village clusters and the adjoining relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which was suitable for village development. The boundaries of the “V” zone had been drawn up with regard to the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. The Small House demand was one of the factors in drawing up the “V” zone;

- (iii) based on the latest advice of DLO/TP, LandsD on the Small House demand figures in 2014, the assessment on the supply and demand for Small Houses for the two villages had been updated and summarised in **Table 1** of the Paper. In gist, the “V” zone of To Kwa Peng had an area of about 1.94 ha, of which about 0.97 ha of land was available for development of about 38 Small Houses to meet about 34% of the outstanding demand and the 10-year demand forecast (2010-2019) of a total of 113 Small Houses. The “V” zone of Pak Tam Au had an area of about 3.4 ha as compared to the ‘VE’ (about 3.74 ha) of Pak Tam Au Village, of which about 1.65 ha of land was available for development of about 66 Small Houses to meet about 188% of the outstanding demand and the 10-year demand forecast (2010-2019) of a total of 35 Small Houses;

*To Kwa Peng*

- (iv) there was no vehicular access to To Kwa Peng. After discounting the environmental sensitive areas zoned “CA”, “CPA” and “GB”, the residual area considered suitable for designation of “V” zone was located to the northwest of the village cluster where grassland with shrubs and fallow agricultural land overgrown with vegetation were found. The “V” zone had an area of 1.94 ha, which would not fully meet the land requirement of Small House demand with a deficit of 1.88 ha of developable land or 75 houses;

*Pak Tam Au*

- (v) Pak Tam Au was accessible by Pak Tam Road. After discounting the environmental sensitive areas zoned “CA” and “GB”, the residual area to the immediate south of the existing village cluster mainly comprising fallow flat agricultural land overgrown with grass and shrubs was suitable for “V” zone designation. With an area of 3.4 ha, the “V” zone of Pak Tam Au was able to fully meet the land requirement of Small House demand and had a surplus of 0.77 ha of developable land or 31 houses;

*Impracticable cross-village applications*

- (vi) the surplus of land for Small House development within the “V” zone of Pak Tam Au (about 0.77 ha) could help to meet the Small House demand of other villages within the Country Park enclaves in Sai Kung North having a shortfall of “V” land by means of cross-village applications. As advised by DLO/TP, LandsD, in order to preserve the water quality within the WGG, the villages outside the WGG were prohibited from applying Small Houses in villages within the WGG in Sai Kung North under the prevailing land administrative practice. In this connection, the villages within the WGG, such as Pak Sha O and Pak Sha O Ha Yeung might consider the “V” land in Pak Tam Au for Small House development if needed. For To Kwa Peng, cross-village applications to villages outside the WGG

were still permissible under the land administrative practice;

- (vii) as advised by DLO/TP, LandsD, amongst the 83 outstanding Small House applications in To Kwa Peng, only 12 applicants were indigenous villagers of To Kwa Peng. There was land providing 38 Small House sites within the “V” zone of To Kwa Peng;

*Unjustified Small House demand forecast*

- (viii) the Small House demand forecast was only one of the many references in drawing up the “V” zones. It was provided by the VRs to LandsD and could be subject to changes over time for reasons including demographic changes as well as aspiration of indigenous villagers currently living outside the village, local and overseas, to move back to the Area in future. Though there was no mechanism at the planning stage to verify the figures, the respective DLO would verify the status of the Small House applicant at the stage of Small House grant application;

*Adverse environmental impacts*

- (ix) the ecological value of To Kwa Peng and Pak Tam Au and the surrounding areas were well recognised and it had been an important consideration in drawing up the Plan. Conservation zones, including “GB, “CA” and “CPA” under which there was a general presumption against development, had been designated at suitable locations to protect the natural

environment of the Area and the ecologically linked Sai Kung East Country Park and the surrounding areas under the statutory planning framework;

- (x) since there was no existing sewer or planned public sewer in the Area, Small House development would have to rely on on-site STS systems. The sewage disposal including STS system of Small House would be considered by concerned departments during the processing of the Small House application by LandsD. The arrangement of sewage disposal works should comply with the requirements from the relevant Government departments;
  
- (xi) in accordance with the Environmental, Transport and Works Bureau's Technical Circular (Works) (ETWBTC(W)) No. 5/2005 "Protection of natural streams/rivers from adverse impacts arising from construction works", for development proposals/submissions that might affect natural streams/rivers, the approving/processing authorities should consult and collate comments from AFCD and relevant authorities. For protection of the water quality of the Area, the design and construction of on-site STS for any development proposals/submissions needed to comply with relevant standards and regulations, such as Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department". Operation and maintenance practices for septic

tank (e.g. desludging practices) were also given in EPD's "Guidance Notes on Discharges from Village Houses";

- (xii) according to EPD, in considering whether a site was suitable for septic tank construction for sewage treatment and disposal, a number of site-specific conditions needed to be taken into account including percolation test result, proximity of rivers/streams, depth of ground water table, topography and flooding risks. The ProPECC No. 5/93 also set out the design standards, including soil percolation tests, and clearance distances between a septic tank and specified water bodies; and
  - (xiii) the Pak Tam Au area fell entirely within the upper indirect WGG. It had been stated in the Explanatory Statement of the Plan that for any village type development within the "V" zone, it should be demonstrated that the water quality within WGG would not be affected by the proposals. In general, the use of STS systems for sewage treatment and disposal was considered as an unacceptable means for new village developments located in WGGs. There should be demonstrably effective means, such as proper waste water treatment plant, to ensure that the effluent water quality was acceptable to concerned government departments;
- (cc) the responses to the proposals in the Group A representations as detailed in paragraphs 5.18 to 5.21 of the Paper were summarised below:

To expand the “V” zone in To Kwa Peng

- (i) the areas proposed for “V” zone expansion covered extensive woodland areas mainly located in close proximity to the coast in To Kwa Peng. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that some of these areas were located below steep natural terrain and might be affected by potential natural terrain landslide hazard;
- (ii) the proposed “V” zone expansion was not supported in order to provide better landscape and conservation planning control at the area as well as comprehensive preservation of the coastal landscape, for the following reasons:

*From “CA” to “V”*

- (iii) AFCD commented that the area to the northeast of To Kwa Peng consisted of woodland developed from abandoned agricultural land. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD commented that it was a secondary woodland partly beyond the ‘VE’ and served as a scenic green backdrop at the cove of To Kwa Peng;

*From “CPA” to “V”*

- (iv) AFCD commented that the area to the north of the village was covered with terrestrial vegetation but was close to the estuarine

mangrove and mudflat habitats. CTP/UD&L, PlanD commented that the area was adjacent to the coast comprising partly seasonal wetland and densely vegetated slope and partly steep and natural terrain. Besides, wetland species of mangrove, mangrove associated and coastal plant species were found along the southern side of the footpath. Adverse impacts arising from the site formation and development work were expected. Should this area be rezoned from “CPA” to “V”, the residual strip of land zoned “CPA” along the south of the footpath would be reduced to 2m in width, which was considered insufficient to retain the integrity of the existing natural landscape and scenic quality of the area;

*From “GB” to “V”*

- (v) AFCD commented that the areas on both sides of the natural stream covered scrubland and young woodland developed from abandoned agricultural land. In particular, the entire “GB” area proposed for rezoning was part of the 20m-wide green buffer adjoining the east of the natural stream. CTP/UD&L, PlanD commented that the area was partly located on a slope down to the stream. Slope formation work for Small House development might cause adverse impact on adjacent riparian habitats. The stream and adjacent riparian habitats were significant landscape resources. The 20m-wide “GB” buffer was considered appropriate to retain and conserve the landscape resources in this area;

- (vi) the area to the west of the natural stream was mainly occupied by grassland with shrubs, natural slopes and woodland. A piece of land formerly used as a shrimp breeding ground was located near the footpath. The area was located away from the village cluster and fell outside the 'VE'. CTP/UD&L, PlanD commented that this area served as a green buffer between the adjoining "CA" and "CPA" zones;
  
- (vii) regarding the tree survey submitted by R361, CTP/UD&L, PlanD advised that it only covered part of the landscape resources in To Kwa Peng. According to the site visit conducted on 9.7.2014, the information provided in the tree survey was not comprehensive, some trees had not been included and no vegetation survey was provided;

To rezone various areas at To Kwa Peng from "CA" to "AGR"/"GB"

- (viii) as advised by AFCD, the three areas proposed to be rezoned from "CA" to "AGR" mainly consisted of fung shui woodland and woodland developed from abandoned agricultural land. On the landscape aspect, CTP/UD&L, PlanD advised that there were significant landscape resources in these areas. In particular, the area to the south of the village encroached upon the fung shui woodland, where native and mature tree species were found, whereas the remaining two areas to the northeast of the village were situated on a hillside with densely vegetated secondary woodland. A rare tree species, *Aquilaria sinensis*

(土沉香), was found in the surrounding hillside landscape. A natural stream passing through the area sustained the mangroves in the cove. The current “CA” zoning was considered appropriate for these woodlands. Besides, ‘Agricultural Use (other than Plant Nursery)’ was a Column 1 use and was always permitted within the “CA” zone;

- (ix) AFCD commented that the woodland covered by this long stretch of area was similar in quality to other wooded areas in To Kwa Peng and there were little ecological grounds to differentiate the area from the rest of the woodland zoned “CA” on the Plan. CTP/UD&L, PlanD advised that this area formed part of the woodland of the hillside, including the fung shui woodland; and

[Ms Bernadette H.H. Linn arrived to join the meeting at this point.]

*To rezone a strip of land along the footpath at To Kwa Peng from “GB” to “CPA”*

- (x) the entire coastal area along Ko Tong Hau of To Kwa Peng had already been covered by a continuous “CPA” zone on the Plan. The boundaries of the “CPA” zone at the northwestern periphery of the Area primarily followed the natural coastline in the north and the alignment of the footpath in the south. The adjoining area to the south of this “CPA” zone including the 2m-wide strip of land along the footpath proposed to be rezoned from “GB” to “CPA” was mainly grassland overgrown with

shrubs and natural slopes covered by dense vegetation zoned “GB”. It was appropriate to retain the “GB” zoning of the narrow strip of land along the footpath to tally with the adjoining larger “GB” zone;

- (dd) the proposals put forth by the representations in Group B were similar to those proposals received by the Board during the preparation of the Plan in 2013. The responses to these proposals as detailed in paragraphs 5.23 to 5.30 of the Paper were summarised below:

*To rezone the natural stream and the adjoining areas in To Kwa Peng from “GB” to “CA”*

- (i) AFCD commented that the areas adjoining the natural stream were mainly covered by relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land. “GB” was a conservation zoning with a general presumption against development and was appropriate for these areas;
- (ii) any potential Small House development within the “GB” zone was subject to planning control since any new proposed Small House within the “GB” zone required planning permission from the Board and each case would be considered on its individual merits;

*To designate water bodies and the adjoining areas as well as seasonal wet grassland in Pak Tam Au as “CA”*

- (iii) AFCD commented that the ponds and the natural stream

sections had already been zoned “CA” on the Plan. There might not be strong ecological grounds to rezone the concrete channel, which passed through the “V” zone, from “V” to “CA”. For the seasonal wet grassland, *Geissaspis cristata* (睫苞豆), though uncommon, was not a protected species in Hong Kong. There might not be strong reasons to substantiate the proposed rezoning of the seasonal wet grassland from “V” to “CA”;

- (iv) there was sufficient control in the current administrative system to ensure that individual Small House development and STS system within the “V” zone would not entail unacceptable impacts on the surrounding environment;

*To rezone the residual areas from “V” to “Undetermined”*

- (v) the “V” zone of the Area primarily covered the existing village clusters and the adjoining relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which was suitable for village developments. Besides, the object of the Plan was to indicate the broad land-use zonings for the Area so that development and redevelopment within the Area could be put under statutory planning control. Appropriate land use zonings had been proposed for land covered by the Plan;

*To amend the Notes of the Plan*

- (vi) as the planning intention of the “V” zone was to provide land

for New Territories Exempted House (NTEH), it was appropriate to put NTEH under Column 1 of “V” zone. While the Notes of the “V” zone primarily followed the Master Schedule of Notes to OZP, there was no strong justification to delete ‘House (not elsewhere specified)’ from Column 2 of the “V” zone;

(vii) if a food business was carried out at the premises, a food business licence was required to be obtained from the Food and Environmental Hygiene Department under the Public Health and Municipal Services Ordinance (Cap. 132). Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed. As such, there was no strong justification to delete ‘Eating Place’ and ‘Shop and Services’ from Column 1 of the “V” zone;

(viii) ‘Barbecue Spot’ referred to facilities operated by the Government and excluded sites that were privately owned and/or commercially operated. AFCD considered that such activities might not have significant adverse impacts on the environment and thus there was no strong justification to delete ‘Barbecue Spot’ from Column 1 under the “GB” zone;

(ix) ‘Agricultural Use’ within the “V” and “GB” zones and ‘Agricultural Use (other than Plant Nursery)’ within the “CA” and “CPA” zones were Column 1 uses. AFCD had reservation

on transferring ‘Agricultural Use’ and ‘Agricultural Use (other than Plant Nursery)’ from Column 1 to Column 2 from the agricultural development point of view as it would impose restrictions on agriculture and discourage agricultural development in the long run. Moreover, permission from the Board was required for any works relating to excavation of land (within the “GB”, “CA” and “CPA” zones), diversion of streams or filling of land/pond, which might cause adverse impacts on the natural environment. Taking into account the above factors, AFCD agreed that there was no strong justification for imposing more stringent control on ‘Agricultural Use’ and ‘Agricultural Use (other than Plant Nursery)’ in the relevant zones;

*To incorporate the Area into Country Park*

- (x) the proposed incorporation of the Area into the Country Park was under the jurisdiction of the Country and Marine Parks Authority under the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board; and
- (xi) the assessments on the enclaves’ suitability for incorporation into country parks were conducted by AFCD in accordance with established principles and criteria. The preparation of the OZP would not affect AFCD’s assessments on the enclaves;

Responses to other views not directly related to the Plan

- (ee) these views and requests were not directly related to designation of zoning on the Plan, which were also outside the purview of the Board. They should be relayed to relevant government departments for consideration as appropriate;

Responses to Comments

- (ff) the major grounds and proposals of the comments were either identical or similar to those raised in the representations as summarised above. The responses to the representations in paragraphs 5.17 to 5.30 of the Paper were relevant; and

PlanD's Views

- (gg) the representations in both Group A and Group B were not supported and no amendment should be made to the Plan to meet these representations.

6. The Chairman then invited the representers and their representatives to elaborate on their representations. For the efficient conduct of the meeting, the Chairman asked the representer and representers' representatives not to repeat unnecessarily long the same points that had already been presented by previous representers. The representers and their representatives agreed that the presentation team representing the villagers of To Kwa Peng would first make their oral submission, followed by the representatives of R56 in respect of Pak Tam Au.

A total of 39 Representers/Commenters and 46 Commenters

*(The list of representers and commenters was at Appendix A)*

7. With the aid of a Powerpoint presentation, Ms Anna S.Y. Kwong, representers' and commenters' representative (hereafter referred to as 'representative of To Kwa Peng villagers'), made the following main points:

- (a) her team was representing the villagers of To Kwa Peng;
- (b) the oral submission in respect of To Kwa Peng would include several aspects including village history and culture, Small House demand, inadequate land for Small House development and related issues, the proposed “V” zone extension and the environmental and landscape impacts. A video of about 10 minutes on the history and tradition of To Kwa Peng would also be shown;
- (c) To Kwa Peng was a recognised village. As the villagers intended to rehabilitate the village to accommodate the Small House demand, a team of consultants had been employed to formulate a development proposal for the village with the aim of achieving an orderly development pattern, containing urban sprawl, and conserving the existing natural landscape and coastal environment;
- (d) there were conflicting views with regard to the size of the “V” zone in To Kwa Peng. While the Group A representers considered that the “V” was insufficient to satisfy the Small House demand, the Group B representers were of the views that the “V” zone was excessive and would generate adverse environmental impacts;
- (e) two physical models had been prepared and displayed in the meeting room to illustrate the ‘before’ and ‘after’ scenarios of the proposed development for To Kwa Peng;
- (f) the proposed expansion of “V” zone of To Kwa Peng was necessary. The “V” zone, which could only provide land for development of 38 Small Houses, was inadequate to meet the 83 outstanding Small House applications, let alone the 10-year Small House demand forecast. Cross-village Small House application from To Kwa Peng to Pak Tam Au was impractical under current land administrative practice as the latter was located within WGG;
- (g) more update and accurate figures for the outstanding Small House

applications and the 10-year Small House demand forecast had been accepted by LandsD. The figures would be further explained and elaborated in their presentation;

- (h) with the adoption of proper landscape treatments and construction of a sewage treatment plant to serve the village, the adverse environmental impacts generated by the proposed development would be contained;
- (i) views not directly related to the Plan, including the review of Small House policy, review of assessment criteria of existing and future Small House demand, review of Block Government Lease and suitability of incorporating CPEs into country parks, should be disregarded as they were not relevant to the consideration of the representations and fell outside the purview of the Board; and
- (j) To Kwa Peng villagers did not take part in the ‘tree-felling’ protest held in several nearby villages on 5.10.2014. Those trees previously abandoned along the coast of To Kwa Peng were not felled by villagers. The excavation works carried out in the past were only site investigation works required and approved by the Buildings Department (BD) and no further ‘destroy first, build later’ activities had been undertaken after the consultants were engaged in the village development proposal.

8. With the aid of a Powerpoint presentation, Mr Greg K.C. Lam, representative of To Kwa Peng villagers, made the following main points:

Supply-demand imbalance for Small House developments

- (a) a number of key issues raised in the Long Term Housing Strategy Consultation Document “Building Consensus, Building Homes” were applicable to the circumstances of indigenous villagers. Similar to the public and private housing problems, the serious Small House shortage problem had resulted in a divided society and aggravated

class conflicts;

- (b) the serious supply-demand imbalance for Small House developments had become an obstacle in providing homes for indigenous villagers. The waiting time for processing Small House grant applications had been increasing. According to his information, the average waiting time for villagers of To Kwa Peng to obtain Small House grant was about 6 to 7 years. The villagers had been victims of such long waiting time. On the one hand, the costs involved in building a Small House had increased significantly owing to the inflated construction cost and the spending required on consultancy fees and provision of necessary infrastructures. On the other hand, due to the inflated flat prices, private flats were no longer affordable for the villagers especially the younger generation;
- (c) the shortage of land zoned “V” had led to increasing tensions among villagers, environmentalists and the Government. This was illustrated by recent protests from villagers of Tai Ho who had used excavators and bulldozers to destroy the mangroves in Tai Ho;
- (d) a research had been undertaken by the consultants to examine the relationship between the areas falling within the ‘VE’ and “V” zones on the draft OZPs concerning CPEs. It was revealed that six villages, including To Kwa Peng, were having “V” zone areas less than 50% of the ‘VE’ area. Dissatisfaction amongst villagers from these villages was particularly strong;
- (e) there had been severe competition among villagers for land within the “V” zones for Small House development. According to the information gathered from the 12 villages in CPEs with draft OZP published, the total Small House demands adopted by PlanD and that provided by VRs were about 2,530 and 5,370 respectively. However, land within the “V” zones could only provide sites for development of 471 Small Houses, meeting only 18.6% or 8.8% of the above Small House demands respectively;

Concerns of To Kwa Peng Villagers

- (f) hardship was felt amongst To Kwa Peng villagers, for the following main reasons:
- (i) there was a serious mismatch in the supply of and demand for land for Small House developments. The “V” zone (1.94 ha) of To Kwa Peng could only provide 0.97 ha of land for development of 38 Small Houses, meeting a small proportion of the total Small House demand;
  - (ii) among the 12 villages in CPEs with draft OZP published, To Kwa Peng was the only village where land zoned “V” met less than 50% of the outstanding Small House applications and none of the 10-year Small House demand forecast;
  - (iii) the “V” zone of To Kwa Peng was substantially smaller than those of the other villages. However, since To Kwa Peng was the ‘mother village’ of several Hakka villages in Sai Kung, it would be embarrassing for To Kwa Peng villagers to submit cross-village Small House applications in other villages; and
  - (iv) flat and fallow farmland in To Kwa Peng, which were of low ecological value, had not been designated for “V” zone;

Mismatch in Location of Small House Sites

- (g) it was the intention of the elder villagers to have several generations of their families living together in To Kwa Peng. Thus, before publication of the draft OZP, the villagers of To Kwa Peng had conducted an initial

land allocation for Small House developments by themselves. It turned out that the Small house sites allocated to the family of the VR in the eastern part of To Kwa Peng had been zoned “CA”, whilst the sites allocated to the family of the ex-VR was zoned “GB”. There was therefore a mismatch between the land zoned “V” and the Small House sites allocated to the VRs;

#### Progress of Outstanding Small House Applications

- (h) the number of outstanding Small House applications in To Kwa Peng should be 83. All the applications were submitted before publication of the draft DPA Plan in 2011, and more than 60% of the applications had been submitted for over 6 years. One of the villagers had passed away during the processing of his Small House application;
- (i) among the 83 outstanding Small House applications, 73 applications were already at an advance stage, and notices for Small House development had been posted for 16 applications. The processing of 21 Small House applications had been frozen due to gazettal of the DPA Plan;

#### Accuracy of Small House Demand Figures

- (j) the Small House demand figures adopted by PlanD for designating the “V” zone, i.e. outstanding Small House applications of 72 and 10-year Small House demand forecast of 30, differed significantly from the figures provided by the VR of To Kwa Peng. In order to justify and update the Small House demand figures, the VR had submitted in April 2014 a list of 83 known outstanding Small House applications (as of end 2013) with supporting information including the name of applicants, file numbers and dates of submission to DLO/TP, LandsD for verification. A name list of 83 villagers was also submitted to DLO/TP to justify the latest 10-year Small House demand forecast. The total Small House demand for To Kwa Peng was therefore 166;

- (k) some villagers from Tap Mun and Yung Shue O had been included in the above lists. It was because these two villages were closely related to To Kwa Peng due to marriage relationship between some of their villagers;
- (l) on 28.4.2014, DLO/TP confirmed that the above Small House figures provided by the VR had been adopted. The relevant correspondences had been tabled at the meeting for Members' reference;
- (m) the actual 10-year Small House demand was even bigger since 11 other villagers, whose names were shown on the clan pedigree, had not yet been included in the list. If these 11 villagers were taken into account, the total Small House demand for To Kwa Peng should be 177. Moreover, some villagers currently residing overseas had not been included in the list;

[Dr W.K. Yau left the meeting temporarily at this point.]

- (n) the land available within the "V" zone of To Kwa Peng could only provide 38 sites for Small House developments, meeting about 21.5% of the total Small House demand for To Kwa Peng (i.e. 166);

#### Practicality of Cross-village Small House Applications

- (o) during the preliminary consideration of the draft OZP on 4.10.2013, the Board had acknowledged that the land suitable for "V" in To Kwa Peng was inadequate to satisfy the Small House demand of the village. Hence, the approach of reserving more land in Pak Tam Au to cater for the Small House demand in To Kwa Peng through cross-village Small House applications had been adopted so that the overall Small House demand in both villages could be better provided for. However, it was subsequently learnt that the said approach was impracticable since cross-village Small House applications from villages outside the WGG (such as To Kwa Peng) to villages within the WGG (such as Pak Tam Au) were not supported under the current land administrative practice.

Such consideration should be taken into account in designating the “V” zone for To Kwa Peng;

- (p) cross-village application from To Kwa Peng to other villages would not be practicable since the land zoned “V” in other villages was already insufficient for Small House development by their own villagers. There were also cultural differences in different villages;

#### Scope for Increasing Land Supply for Small House Development

- (q) development needs and the sustainability of environment should not be a zero-sum game and a reasonable balance should be struck between them with a view to releasing and making the best use of land resources. In this regard, the villagers felt particularly aggrieved that some flat land and fallow agricultural land, which were considered suitable for Small House developments, had been designated as “GB” or “CA”. There was scope to rezone some of those areas to “V” for Small House development. Consideration should also be given to rezoning those areas with relatively low landscape and ecological value from “CA” to “AGR” so that Small House development might be considered by the Board through the planning permission system;
- (r) the land shortage for Small House was a pressing problem that demanded immediate action. Imminent needs of indigenous villagers should be addressed given that they had already spent significant time and money hoping to realise the Small House developments. A supply-led approach should be adopted to increase land supply to meet the Small House demand;

#### Proposed Development for To Kwa Peng

- (s) rezoning proposals involving seven pieces of land in To Kwa Peng had been put forward to reserve land for Small House development and to retain the potential for re-vitalisation of farming activities. In addition, three pieces of land currently used as orchards covered by Government

Land Licence along the southern boundary of the “V” zone were proposed to be rezoned from “CA” to “AGR”. Rezoning of these three orchards was necessary to permit the planting of mandarins which To Kwa Peng had been famous for. Three orchards were required to allow rotation of the fruit planting operation; and

- (t) according to the proposals, the “V” zone area would be enlarged by about 4,300 sq.m. for development of 12 Small Houses, while the area zoned “AGR” would be increased by about 8,300 sq.m.

9. A video of the VR of To Kwa Peng was shown which covered the following main points:

- (a) To Kwa Peng village had a history of over 200 years and the VR was in the 28<sup>th</sup> generation of the clan which currently consisted of ten families;
- (b) To Kwa Peng was the ‘mother village’ of several Hakka villages in Sai Kung including Uk Tau and Chek Keng;

[Dr W.K. Yau returned to join the meeting at this point.]

- (c) To Kwa Peng was a Hakka village with rich culture and tradition. It had particularly close relationship with Tap Mun and Yung Shue O because villagers of Tap Mun used to berth their vessels at To Kwa Peng to take shelters from typhoons, and many village houses in To Kwa Peng were built with the assistance of the villagers of Yung Shue O;
- (d) the total Small House demand for To Kwa Peng should be 177, including 83 outstanding Small House applications, 83 for 10-year Small House demand forecast and 11 other villagers whose names had been shown on the clan pedigree and would be eligible for Small House application in the future;

- (e) the outstanding Small House applications and 10-year Small House demand forecast, which amounted to a total of 166, had been confirmed by DLO/TP. The Small House demand was therefore significantly higher than that adopted by PlanD (i.e. 102) in preparing the draft OZP;
- (f) the “V” zone (1.94 ha) was much smaller than the ‘VE’ (about 5.23 ha) of To Kwa Peng and should be expanded to meet the Small House demand. To this end, it was proposed to rezone several pieces of land in To Kwa Peng to facilitate development of Small Houses, including (i) the former shrimp breeding ground which comprised mainly flat unvegetated land and an area along the eastern bank of the stream from “GB” to “V”; (ii) two areas in the north of the village from “CPA” to “V”; and (iii) two areas of fallow agricultural land in the northeast of the village from “CA” to “V”. Consideration could also be given to rezoning the latter two areas to “AGR” so that NTEH, ancestral hall and orchard could be considered by the Board through the planning permission system; and

[Mr Laurence L.J. Li arrived to join the meeting at this point.]

- (g) the villagers were genuine users of Small Houses in To Kwa Peng. The need for more land zoned “V” was imminent given that villagers had already waited for many years to implement the Small House developments.

[The meeting was adjourned for a break of 5 minutes.]

[Dr C.P. Lau left the meeting, and Professor P.P. Ho, Dr W.K. Yau, Mr Lincoln L.H. Huang, Ms Janice W.M. Lai, Mr Ivan C.S. Fu and Mr Francis T.K. Ip left the meeting temporarily at this point.]

10. Mr Cheng Chi Ching, representative of To Kwa Peng villagers, made the following main points:

- (a) he was the son of the VR of To Kwa Peng;
- (b) villagers of To Kwa Peng were not willing to apply Small House in other villages. It was always his desire to live with his family in his own village; and
- (c) if the “CA” zone in the east of To Kwa Peng was rezoned to “AGR”, the ancestral hall could be relocated to that area. This would attract more villagers to live in To Kwa Peng.

[Professor P.P. Ho, Dr W.K. Yau, Ms Janice W.M. Lai, Mr Ivan C.S. Fu and Mr Francis T.K. Ip returned to the meeting at this point.]

11. With the aid of a visualiser, Mr Wan Yuet Cheong, representative of To Kwa Peng villagers, made the following main points:

- (a) he was an indigenous villager of Ko Tong Village which was located in proximity to To Kwa Peng, and was very familiar with the history and environment of To Kwa Peng;
- (b) the villagers of Sai Kung were discontent with PlanD and the Board in that there had been insufficient consultation with villagers and that villagers had suffered unfair treatment in the planning of “V” zones;
- (c) in the draft OZPs for CPEs published so far, the total Small House demand adopted by PlanD in the planning of “V” zones was only about half of the demand provided by VRs. The Small House demands were envisaged to increase further in the preparation of draft OZPs for the remaining CPEs;
- (d) the villagers were concerned that there was a serious imbalance in the supply and demand for land zoned “V”. According to the Small House demand figures adopted by PlanD and provided by the VRs, some 2,100 and 4,900 Small Houses were required to meet the future Small House demand respectively;

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

- (e) the land zoned “V” was inadequate to meet the Small House demand of To Kwa Peng. The “GB” zoning for the former shrimp breeding ground in the northwest and the “CA” zoning for the fallow agricultural land in the northeast were unjust since the shrimp breeding and farming operations had been abandoned for years and the subject areas were without significant conservation and landscape values. It was also unreasonable to include the three orchards along the southern “V” zone boundary in the “CA” zone;
- (f) the villagers were disappointed with the draft OZP as their hope to rebuild the ancestral hall, develop Small Houses and continue the orchard operation in To Kwa Peng could not be realised. It was hoped that the “CA” zone in the northeast could be rezoned to “AGR” so that ancestral hall and Small House development could be considered by the Board through the planning permission system; and
- (g) Hong Kong was facing a housing shortage problem and that also applied to Small Houses. Both the Government and the Board should listen to the views of villagers and address their imminent housing needs.

12. Mr Li Yiu Bun, representative of To Kwa Peng villagers, made the following main points:

- (a) PlanD should reserve adequate land for villages on the statutory plans to sustain village development;
- (b) as the land surrounding the “V” zone of To Kwa Peng was designated for conservation zonings, the scope of future village expansion would be very limited. This was the main reason why villagers of To Kwa Peng had raised strong objection to the draft OZP;

- (c) the effectiveness of conservation zonings in preserving the natural landscape and environment was doubtful. As it was legitimate and reasonable for villagers to undertake vegetation clearance on their own land to restore agricultural operation, designating private land for conservation zonings would only foster those actions by villagers. Villagers would be more willing to preserve the natural condition of those land zoned “AGR”; and
  
- (d) conservation zonings had been used as an excuse by the Government for not allocating additional public resources to natural conservation. If some of the public spending on, say the ‘Incentive Scheme for Replacing Euro II Diesel Commercial Vehicles by New Commercial Vehicles’, or the assistance scheme for alleviating the impact of the trawl ban on the livelihoods of fishermen, had been re-allocated to conservation of private land, much benefit would be brought to the natural environment. Placing the burden of nature conservation on the shoulders of villagers was unfair and unreasonable. This might also have detrimental effect on social harmony in the long term.

[Mr Stephen H.B. Yau left the meeting at this point.]

13. With the aid of a Powerpoint presentation and two physical models, Ms Anna S.Y. Kwong made the following main points:

- (a) in addition to the 38 Small House permitted within the current “V” zone, it was proposed to expand the “V” zone to accommodate an additional 10 to 12 NTEHs at the former shrimp breeding ground, the eastern bank of the stream and along the northern coast;
  
- (b) the existing ancestral hall would be relocated to the fallow agricultural land in northeast of To Kwa Peng;
  
- (c) habitats for sesarminae crabs and endemic sesarmine crabs and food plants for butterflies would be preserved; and

- (d) no trees of significant conservation value such as *Aquilaria sinensis* (土沉香) had been recorded by the consultants in To Kwa Peng.

14. With the aid of a Powerpoint presentation, Mr Ted K.L. Lam, representative of To Kwa Peng villagers, made the following main points:

- (a) he was the landscape consultant of the proposed development;
- (b) seven amendment items to the draft OZP were proposed in respect of To Kwa Peng. Details of the proposed amendment items and the responses to the departmental comments were set out below. Most of the concerned government departments had no adverse comments on the proposed amendments;

Item 1

- (c) the “GB” zone in the northwest (about 2,000 sq.m.) was proposed to be rezoned to “V”. The subject area was previously used as a shrimp breeding and drying ground which had been abandoned and covered with ruins. A setback distance of 14m from the natural stream would be maintained;
- (d) the subject area was about 40m from the “V” zone with a public footpath connection. There were precedents in Ko Lau Wan and Luk Wu that “V” zones had been designated outside the ‘VE’;
- (e) due to the limited time for preparation of the submission and there was no clear demarcation of the item boundary on site for inspection, no tree survey had been undertaken for this item. Nevertheless, AFCD pointed out that no flora or fauna of conservation interest had been recorded in this area;
- (f) to provide a continuous “CPA” zone on both sides of the existing footpath, it was proposed to rezone a 2m-wide strip of land along the

immediate south of the footpath from “GB” to “CPA” should the major part of “GB” be rezoned to “V”;

#### Item 2

- (g) a 6m-wide strip of abandoned agricultural land (about 900 sq.m.) along the eastern bank of the stream was proposed to be rezoned from “GB” to “V”. The subject area was located at a similar level to the adjoining “V” zone in the east. The vegetation profile of the subject area was relatively disturbed, young woodland and shrubby grassland. There were 13 trees in the area but no riparian species;
- (h) as the subject area was gently flat, slope works and site formation works for the proposed Small House developments could be minimised. Any proposed works and development in the area would be subject to approval of relevant government departments;
- (i) according to AFCD, the stream was not an ecologically important streamcourse. The proposed rezoning would not affect the stream flow and a setback distance of 14m from the stream would be maintained. With the implementation of a sewage treatment plant to serve the proposed Small Houses, the water quality of the stream would not be adversely affected by this proposed amendment;

#### Items 3 and 4

- (j) these two areas were located to the south of the footpath along the coast and were proposed to be rezoned from “CPA” to “V”;
- (k) the area under Item 3 (about 980 sq.m.) was generally flat land with similar landscape characteristics to the “V” zone, while the area under Item 4 (about 420 sq.m.) formed a separate platform with a level difference of about 3m to 5m farther from the coast;

- (l) no mangrove or wetland habitats were found in both areas. There were 9 trees and some weeds within the Item 3 area and no trees were found within the Item 4 area;
- (m) as the area was gently flat, slope works and site formation works for the proposed Small House developments could be minimised. Any proposed works and development in these two areas would be subject to approval of relevant Government departments;
- (n) with the implementation of a sewage treatment plant to serve the proposed Small Houses, the coastal water quality and wetland habitats would not be adversely affected by these proposed amendments;

[Professor P.P. Ho and Ms Julia M.K. Lau left the meeting at this point.]

#### Item 5

- (o) the area (about 0.16 ha) located to the immediate south of the “V” zone was largely covered by fallow or good quality agricultural land. To reflect the existing agricultural use and to retain the potential for re-vitalization of farming activities, it was proposed to rezone this area from “CA” to “AGR”;
- (p) there were 17 trees, a stone house and a concrete platform in this area. While the area fell partly within the fung shui woodland, all trees identified were common species and no rare species or species of fung shui significance were found;
- (q) in addition to Item 5, it was proposed to rezone three areas along the southern “V” zone boundary from “CA” to “AGR” to reflect the existing orchard use. All three areas were covered by valid licences for orchard use;

#### Items 6 and 7

- (r) these two areas (total area of about 0.56 ha) located to the northeast of the “V” zone were largely covered by fallow or good quality agricultural land. To retain the potential for re-vitalisation of farming activities as well as to reserve land for future village expansion upon full development of the land within the “V” zone, it was proposed to rezone these two areas from “CA” to “AGR”;
- (s) flexibility would be allowed within the proposed “AGR” zone for village-related developments such as ‘Burial Ground’, ‘Picnic Area’, ‘Hobby Farm’ and ‘Barbecue Spot’ through the planning permission system; and
- (t) the ancestral hall was proposed to be relocated to the area under Item 6.

15. With the aid of a Powerpoint presentation, Mr Ted Y.C. Yui, representative of To Kwa Peng villagers, made the following main points

- (a) he was an environmental engineer and the sewerage consultant of the proposed village development. Their company had been engaged in many Government sewerage projects including the sewage treatment facilities at Sai Kung, Lamma Island and Stonecutters Island;
- (b) To Kwa Peng was located within the Mirs Bay Water Control Zone (WCZ). It was not served by any public sewers and thus not connected to the sewage treatment works in Sai Kung;
- (c) a sewage treatment plant was proposed in To Kwa Peng to serve the future Small House developments. With the use of membrane bio-reactor technology, the treated effluent quality would comply with all standards of discharge stipulated for the Mirs Bay WCZ. For some indicators, an even higher standard would be achieved. Membrane bio-reactor technology had been adopted in many public sewage treatment installations in Hong Kong including the sewage treatment plant at Dills Corner Garden;

- (d) based on the assumption of 80 houses and an average household size of 3.1, there would be a total population of about 248. The resultant total sewage flow would be about 92 cu.m. per day;
- (e) the sewage treatment plant would be located in the immediate north of the “V” zone and would comprise an equalization tank, a membrane bioreactor tank, a sludge tank and an odour treatment system;
- (f) reputable specialist contractor would be employed to maintain the sewage treatment plant and handle the disposal of sludge; and
- (g) with the proposed sewage treatment plant, percolation test would no longer be required as no STS system would be used. The concerns of the Board and the green groups on the environmental impacts of Small Houses would be adequately addressed.

16. Ms Anna S.Y. Kwong concluded by saying that a Deed of Mutual Consent (DMC) would be formed amongst the villagers of To Kwa Peng to ensure their joint responsibility in setting up of a management fund for future repair of the infrastructure and buildings, maintaining hygiene and sanitary conditions, preventing unauthorised building works and enhancing the green environment for To Kwa Peng.

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

R56 / C568 – 翁育明

17. Mr Kong Chee Cheung, representative of R56/C568 (hereafter referred to as ‘representative of Pak Tam Au villagers’) said that Pak Tam Au was a CPE located within upper indirect WGG. After publication of the draft DPA Plan in 2011, a team of consultants had been engaged to examine the feasibility of Small House developments in Pak Tam Au, with particular focus on sewage treatment aspect.

18. With the aid of a Powerpoint presentation, Mr Poon Key Yuen, representative of Pak Tam Au villagers, made the following main points:

- (a) Pak Tam Au and To Kwa Peng were two different indigenous villages. There had not been any proposal from Pak Tam Au villagers to reserve land in Pak Tam Au for Small House developments by villagers of To Kwa Peng;
- (b) to preserve the natural environment, the Small House developments would be confined within the “V” zone without intruding onto the government land and vegetated land in the north and northeast of the “V” zone;
- (c) a well-planned development layout had been formulated for the future Small House developments to achieve an orderly development pattern and to provide a better living environment for villagers. A 6m-wide emergency vehicular access, with an area capable of building some 20 Small Houses, would be provided within the “V” zone to serve the villagers and to facilitate the provision of infrastructures and utilities. To avoid congested development, only 22 Small Houses were proposed in the southern part of the “V” zone;
- (d) the villagers were committed to protect the natural environment of Pak Tam Au and minimise any potential adverse impacts of Small House developments. To this end, comprehensive surveys on trees, butterflies and dragonflies had been conducted so that Small House developments could be planned to minimise adverse impact on the existing trees and natural habitats. An incremental approach would be adopted to implement the Small House developments so as to minimise the potential environment impacts;
- (e) a sewage treatment plant with a design capacity to serve 120 houses was proposed. The sewage treatment plant would provide proper sewage treatment for the three approved Small Houses during DPA Plan stage as well as other future Small House developments in Pak Tam Au. A professional company had been engaged to design and construct the proposed sewage treatment plant. The estimated construction cost for the sewage treatment plant was about HK\$8 million and an upfront

deposit had already been paid. The company was a reputable one with past experience in building sewage treatment facilities in Lady Macle hose Holiday Camp and Chek Keng. Upon implementation of the sewage treatment plant, there would not be any pollution to the water quality of Pak Tam Au; and

- (f) the good planning of Small House developments and provision of sewage treatment plant at Pak Tam Au would set a desirable precedent for other villages to follow suit.

19. With the aid of a Powerpoint presentation, Ms Tsai Yen Mie, representative of Pak Tam Au villagers, made the following main points:

- (a) her company was responsible for the sewage treatment aspect of Small House development at Pak Tam Au;
- (b) the proposed sewage treatment plant would adopt membrane bioreactor technology which was one of the most advance sewage treatment technologies in the world;
- (c) the sewage treatment plant had been planned and designed to serve the Small House developments in Pak Tam Au by two phases. The Phase 1 works was designed to cater for sewage discharge from the three approved Small Houses with a design flow rate of about 21 cu.m. per day, whilst the Phase 2 works would be at full capacity serving 120 Small Houses with a design flow rate of about 828 cu.m. per day;
- (d) the effluent discharge from the sewage treatment plant would comply with all relevant standards and requirements of EPD. While the sewage treatment plant would be located within WGG under Group A inland waters, the treated wastewater would be stored at a pond within an area outside WGG under Group B inland waters;
- (e) the sewage treatment plant was an environmentally friendly facility which would enable the wastewater be treated to a standard that could

be reused for toilet flushing and irrigation purposes. As all the treated wastewater would be reused, there would not be any wastewater discharge at Pak Tam Au; and

- (f) the design, supply and installation of equipment under Phase 1 works would be capable of full operation, except that only one set of membrane module would be provided to meet the design effluent flow from the three approved Small Houses. The other membrane modules would be provided under Phase 2 works to enable operation at the maximum design capacity.

20. Mr Poon Key Yuen said that although the maximum design capacity of the sewage treatment plant could cater for 120 houses, the actual number of new Small Houses to be built would only be about 60 to 70. As such, there would be spare capacity in the sewage treatment plant to serve the existing village houses in Pak Tam Au. Moreover, a monitoring system would be installed at the sewage treatment plant to continuously monitor the treatment operation and effluent quality, and any irregularities would be rectified when necessary. He hoped that the Board would appreciate their effort in striking a proper balance between development and environmental protection.

21. Mr Poon continued to say that the “V” zone designation for Pak Tam Au and the provision for commercial uses on the ground floor of a NTEH within the “V” zone should continue as it was a means of livelihood to the villagers. Nevertheless, should the Board decide to amend the “V” zone of To Kwa Peng to meet some of the Group A representations, consideration should be given to demarcating Pak Tam Au and To Kwa Peng in two separate statutory plans so that developments in Pak Tam Au would not be affected by the plan-making procedure related to the proposed amendments for To Kwa Peng.

22. As the presentation from the government representatives, the representers, commenters and their representatives had been completed, the Chairman invited questions from Members.

23. By referring to the lists of outstanding Small House applications and 10-year demand forecast for To Kwa Peng tabled by the representatives of To Kwa Peng village at

the meeting, the Vice-chairman asked how many villagers on the lists were indigenous villagers of To Kwa Peng. He also asked if the land zoned “V” in To Kwa Peng was insufficient to meet the Small House demand, whether there was any arrangement to accord different priorities to those Small House applications from villagers of To Kwa Peng and those cross-village applications from villagers of other villages.

24. Mr Greg K.C. Lam, representative of To Kwa Peng villagers, said that there were 12 and 29 indigenous villagers of To Kwa Peng under the lists of outstanding Small House applications and 10-year Small House demand forecast respectively. Since 11 other villagers of To Kwa Peng and some 30 villagers currently residing overseas had not been included in the lists, the total Small House demand from villagers of To Kwa Peng alone would be over 80.

25. Mr Lam continued to say that To Kwa Peng had already established close relationship with Tap Mun and Yung Shue O for some two hundred years due to the marriages among villagers of these villages. Hence, it was reasonable for villagers from Tap Mun and Yung Shue O to submit cross-village Small House applications in To Kwa Peng. Since the land within the “V” zone of To Kwa Peng was insufficient to meet the Small House demand, the order of priority in allocating land for Small House developments would be subject to further discussion amongst the villagers. In general, higher priority would be accorded to the VR, ex-VR and villagers from families with higher status. Mr Lam further said that the proposed “V” zone extension would be capable of providing land to meet the Small House demand from the remaining 11 villagers of To Kwa Peng, whilst the Small House demands from overseas villagers could be addressed by the proposed “AGR” zones through the planning permission system.

26. Noting that the proposed sewage treatment plants in both To Kwa Peng and Pak Tam Au were of high design standards, the Vice-chairman asked the representatives of the two villages about the estimated capital cost for building the sewage treatment plant. Mr Poon Key Yuen, representative of Pak Tam Au villagers, said that the estimated total construction cost for the sewage treatment plant was around HK\$8 million. Given that the construction cost of each STS system would be around HK\$50,000, the cost of the proposed sewage treatment plant per house was not considered particularly high. Although the scale of biological treatment process would differ for different design capacities under the two phases, the sewage treatment plant would be constructed in one

single phase. The maximum design capacity of the sewage treatment plant would be the same even if its operation was to serve only the three approved houses in Phase I. Mr Poon continued to say that the treated effluent would be of a standard higher than that undergone tertiary treatment in government sewage treatment facilities. This demonstrated the villagers' strong commitment in protecting the natural environment. Ms Tsai Yen Mie supplemented that the construction cost of HK\$8 million was based on a sewage treatment facility at full design capacity. For Phase I operation, the key installations and equipment would be in place, but the number of membrane modules would be adjusted according to the scale of operation. Although the proposed sewage treatment plants in both Pak Tam Au and To Kwa Peng would adopt the membrane bioreactor technology, the membrane modules might be provided by different suppliers.

27. The Chairman asked the representatives of the villagers to elaborate on the funding arrangement for the proposed sewage treatment plants in To Kwa Peng and Pak Tam Au. Mr Poon, representative of Pak Tam Au villagers, said that the capital costs of the proposed sewage treatment plant would be paid by installments and shared amongst the future users of the facility on a pro rata basis. The concerned villagers had been consulted and agreed to this arrangement in order to satisfy the sewerage treatment requirement for the development of Small Houses in Pak Tam Au.

28. Mr Greg K.H. Lam, representative of To Kwa Peng, said that the sewage treatment plant was proposed to demonstrate the commitment of villagers to protect the natural environment of To Kwa Peng. The detailed funding arrangement of the facility would be determined upon knowing the actual number of Small Houses that would be permitted in To Kwa Peng. Ms Anna S.Y. Kwong supplemented that the estimated cost of the proposed sewage treatment plant to serve 38 houses was around HK\$ 8 million. The average cost was therefore about HK\$200,000 per household, which should be considered worthwhile by the villagers given that the proposed sewage treatment plant was much more cost-effective in minimising possible pollution as compared to STS systems. A DMC would be drawn up at a later stage to lay down the maintenance responsibility and funding arrangement of the sewage treatment plant.

29. In response to the a Member's question, Mr Greg K.C. Lam, the representative of To Kwa Peng villagers, said that he had no information on the property ownership of those villagers who had or would apply for Small House grant. According to his

understanding, some villagers were living in rented properties and the younger generations of the villagers did not own any property. He understood that most villagers were willing to return and live in To Kwa Peng.

30. A Member asked DPO/STN whether the “V” zones in Tap Mun and Yung Shue O had already been fully developed. Mr C.K. Soh replied that about 0.82 ha of land was available in the “V” zone of Yung Shue O for 33 Small House developments whilst the outstanding Small House applications and the 10-year Small House demand forecast for the village were 10 and 390 respectively. As for Tap Mun, it was not covered by statutory plan.

31. Mr Greg K.C. Lam, representative of To Kwa Peng villagers, said that since Tap Mun was located at a remote location with no road access, some villagers of Tap Mun had chosen to apply for Small House grants in To Kwa Peng given the close relationship between the two villages. Ms Rebecca F.Y. Lau, representative of To Kwa Peng villagers, supplemented that compared to Tap Mun where only marine access was available, To Kwa Peng was far more accessible as it was located closer to Sai Kung Town and could be accessed by a walking trail off Pak Tam Road or along the coast from the west. To Kwa Peng could also be reached by marine access off a small pier fronting Ko Tong Hau where boat connection to and from Wong Shek Pier was available. In response to the Chairman’s question, Mr Lam said that there was no existing and planned road access to To Kwa Peng. Ms Lau supplemented that whether the existing vehicular access could be extended to To Kwa Peng would be subject to the decision of the relevant government departments taking account of the need of the villagers. The villagers would have to accept the fact that there was no existing and planned road access to To Kwa Peng.

32. A Member asked DPO/STN whether cross-village Small House applications had been taken into account in designating the “V” zones. Mr C.K. Soh said that Small House demand was one of the factors in considering the designation of “V” zones. Small House demand comprised two components, i.e. outstanding Small House applications and 10-year Small House demand forecast. While the number of outstanding Small House applications reflected the applications already submitted to DLO, the 10-year Small House demand forecast was provided by the relevant VR. It was common that Small House demand forecast was derived based on the clan pedigree of the concerned village. Mr Soh said that he had not come across any Small House demand forecast that included

cross-village Small House applications.

33. A Member asked the representatives of To Kwa Peng villagers how the outstanding Small House applications would be accommodated in their zoning proposal. Mr Greg C.K. Lam said that according to their proposal, there were 38 Small Houses located entirely within the “V” zone. Some additional 20 Small Houses were either straddling the boundary of the “V” zone, or located within the proposed “V” zone extension areas and “AGR” zones.

34. Another Member enquired about the sizes of the fung shui woodland and the “CA” zone, and the location of the rare tree species in To Kwa Peng. By referring to Plans H-4 and H-5 of the Paper, Mr C.K. Soh said that the “CA” zone and the fung shui woodland in To Kwa Peng had an area of about 6 ha and 0.6 ha respectively. The fung shui woodland was located to the immediate south-east of the “V” zone.

35. In response to the question of a Member, Ms Anna S.Y. Kwong said that all the proposed Small Houses in To Kwa Peng would be occupied by indigenous villagers who had already submitted applications for Small House grant to DLO for consideration.

36. The Chairman asked whether the shrimp breeding ground and the mandarin orchards in To Kwa Peng were ‘existing uses’. Mr C.K. Soh said that if the said uses existed before the publication of the first DPA Plan for the Area and had not been discontinued, they could be regarded as ‘existing uses’ under the Ordinance. But as the shrimp breeding ground had already ceased its operation, it could not be regarded as an existing use. As for the mandarin orchards, they were regarded as ‘Agricultural Use (other than plant nursery)’, which was always permitted within the “CA” zone.

37. In response to a Member’s question, Mr Poon Kay Yuen, representative of Pak Tam Au villagers, said that the design of the proposed sewage treatment plant in Pak Tam Au was at an advance stage and the deposit for its construction and installation had already been paid. Approval from the relevant government departments including WSD, EPD and LandsD would be sought for the proposed sewage treatment plant in due course.

38. The same Member asked Mr Poon the reason of his suggestion that To Kwa Peng and Pak Tam Au should be covered by two separate statutory plans. In response, Mr

Poon said that although Pak Tam Au and To Kwa Peng were included on the same draft OZP, there was no direct relationship between the two villages. While the zonings for Pak Tam Au Village had generally been accepted by the villagers and detailed layout for the village development had already been under preparation, the zonings for To Kwa Peng Village might still be subject to change pending the decision of the Board at this hearing. Should the Board decide to propose amendment to the draft OZP, another round of publication of the amendments to the draft OZP and the subsequent representation consideration process would deem to be necessary. Such process would not only be time and resource demanding, but also affect the progress of the village development at Pak Tam Au. It would therefore be desirable to have a separate statutory plan each for the two villages.

[Mr Laurence L.J. Li left the meeting at this point.]

39. Another Member said that Small House grant applications were usually submitted by individual villagers and implemented over a period of time. This Member asked the representers' representatives to elaborate on the proposed funding arrangement of the proposed sewage treatment plant and how the DMC approach could be implemented in allocating funds to construct and maintain the sewage treatment plants. Ms Anna S.Y. Kwong, representative of To Kwa Peng villagers, said that the proposed sewage treatment plant was a better solution than STS system in addressing the environmental concerns. Since the sewage treatment plant and the associated infrastructure would already be in place when the villagers moved into the new Small Houses, it was unlikely that villagers would insist on using STS system for sewage treatment purpose. The capital cost of constructing the sewage treatment plant would be contributed by those villagers living in the new Small Houses. Assuming that 38 Small Houses were to be built, the contribution from each household would be about HK\$200,000. A management company would be employed by the villagers, through payment of management fees, to manage and maintain the sewage treatment plant. Ms Rebecca F.Y. Lau supplemented that after persuasion by the consultants, the villagers had accepted the concept of sewage treatment plant as well as the management arrangement and were willing to pay the costs as a commitment to protecting the natural environment.

40. Mr Kong Chee Cheung, representative of Pak Tam Au villagers, said that three

Small House developments with STS systems had already been approved during the DPA Plan stage and could be implemented without the sewage treatment plant. Nevertheless, as a good practice for protecting the natural environment, the proposed sewage treatment plant had been designed to cater for these three houses. He said that as Pak Tam Au was located with WGG, a DMC was deemed necessary to demonstrate that the potential pollution problem had been adequately addressed in both legal and practical terms. The villagers were obliged to enter into the DMC or otherwise approval for the Small Houses could not be obtained from the relevant Government departments. There would be scope to change or add new participants into a DMC. Mr Poon, representative of Pak Tam Au villagers, supplemented that the proposed sewage treatment plant was required to comply with the relevant requirements of WSD and EPD in respect of WGG. As such, the villagers should accept this proposal in order to obtain approval for Small House grant from DLO. He also said that the DMC approach should be feasible as he had come across a successful example ten years ago where villagers were willing to pay for the construction of an EVA. Since the annual maintenance cost of the proposed sewage treatment plant was only about HK\$100,000 to be shared amongst the villagers, and there would be economic and environmental benefits arising from the reuse of treated wastewater, the villagers should be willing to join.

41. Noting that cross-village Small House application from To Kwa Peng to Pak Tam Au was not feasible as confirmed by DLO/TP, the same Member asked DPO/STN whether the approach of reserving more land in Pak Tam Au to cater for the Small House demand in other villages through cross-village Small House applications was still valid. Mr C.K. Soh said that although the said approach was no longer feasible for To Kwa Keng, it would still be applicable to those villages located within WGG such as Pak Sha O and Pak Sha O Ha Yeung where there was a shortfall of land in meeting the Small House demand.

42. Noting that there was a former shrimp breeding ground within the “GB” zone in the north-west of To Kwa Peng, a Member enquired about the ‘buffer’ function of the “GB” zone on the draft OZP. Mr C.K. Soh said that the area in the north-west of To Kwa Peng was mainly covered with vegetation and hence it was designated as “GB”. The “GB” zone would provide a 20m-wide green buffer for the natural stream to its east.

43. In response to a Members' enquiry, Mr Greg K.C. Lam, representative of To Kwa Peng, said that the mandarins produced from the orchards in To Kwa Peng were mainly for consumption by fellow villagers. Whilst the licences of the three orchards were still valid and fruit production was still on-going, there was concern that these orchards were regarded as 'plant nursery' which required planning permission from the Board within the "CA" zone. As for the shrimp breeding ground, such use had been discontinued due to the need to re-plan the village.

44. The same Member enquired about the planning consideration in the designation and delineation of "CPA" zones as a buffer between the coast and the inland developments and whether there was a specified distance between "V" and "CPA". Mr C.K. Soh said that in general, in designating "CPA" zones, the geological features, physical landform and landscape, scenic or ecological value of the coastal area would be considered.

45. Mr Greg K.C. Lam, representative of To Kwa Peng villagers, invited Members to inspect the physical models of the proposed developments in order to better understand the topography and landform of individual zoning amendments in particular the area along the eastern bank of the stream and the platform in the immediate north of the "V" zone.

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

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

48. The meeting was resumed at 3:00 p.m.

49. The following Members and the Secretary were present in the afternoon session:

Mr Thomas T.M. Chow Chairman

Mr Stanley Y.F. Wong Vice-chairman

Professor S.C. Wong

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr F.C. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection

Mr C.W. Tse

Deputy Director of Lands

Mr Jeff Y.T. Lam

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

Director of Planning  
Mr K.K. Ling

Deputy Director of Planning/District  
Mr Raymond K.W. Lee

Secretary

Sha Tin, Tai Po & North District

**Agenda Item 2 (cont'd)**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in Respect of  
the Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan No. S/NE-TKP/1  
(TPB Paper No. 9731)

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[The meeting was conducted in Cantonese and English]

**Group B**

***Representations No. R363 to R7689***

***Comments No. C1 and C2***

**Presentation and Question Session**

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

51. The following government representatives, representer and representers' representatives were invited to the meeting at this point:

- |                    |   |  |
|--------------------|---|--|
| Mr C.K. Soh        | – | District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Planning Department (PlanD)                    |
| Mr Edmund P.K. Lee | – | Town Planner/Country Park Enclaves (TP/CPE), PlanD   |
| Mr Cary P.H. Ho    | – | Senior Nature Conservation Officer (South) (SNCO/S), Agriculture, Fisheries and Conservation Department (AFCD) |

R1979 – Yorkie Wong

R2130 – Nikki Suen

R4898 – Tan Kit Sun

R7682 – Kadoorie Farm & Botanic Garden

Mr Nip Hin Ming Tony	]	
Dr Chiu Sein Tuck	]	Representers' Representatives
Ms Woo Ming Chuan	]	
Ms Au Wing Yee	]	

R2729 – Peter Mann

Mr Peter Mann	–	Representer
Mr G. Eckersley	–	Representer's Representative

R2742 – Jill Lessiter

R4476 – Yuen Wing Ka

R4487 – Verity Picken

R4622 – Kelvin Mak

R4695 – Helen Yip

R4751 – Kurt Verkest

R4785 – Mr Paul Hodgson

R4840 – Judy Kai

R4865 – Susie Tsui

R4868 – 蔡智麟

R4952 – Leung Chi Ming

R5000 – Kapo Leung

R5041 – Tammy Lam

R5436 – Lai Po Yan

R5805 – Jill Lessiter

R5814 – Janna Hon

R5981 – Julie Lau

R6447 – KC Tsui

R6489 – Cindy Fong

R6687 – Adrian Au

R6875 – Peggy Lee



representers' representative, made the following main points:

- (a) Kadoorie Farm & Botanic Garden objected to the draft OZP as the proposed "V" zones would cause adverse ecological impacts on the secondary woodland in To Kwa Peng and the freshwater marsh in Pak Tam Au and other problematic land issues;
- (b) according to their habitat map, the southern part of the proposed "V" zone in To Kwa Peng was a secondary woodland which was linked with the surrounding country park. It was questionable why such a piece of dense woodland would be zoned "V" but not other conservation zonings such as "CA", "GB" and "GB(1)". Similar secondary woodlands in Hoi Ha and Pak Lap were zoned "GB(1)" and "CA" on the respective OZPs. Zoning the woodland in To Kwa Peng as "V" was not reasonable and not consistent with the approach in other OZPs;
- (c) it was noted that PlanD had taken their previous comments and zoned the freshwater marsh in Pak Tam Au as "CA". However, the area adjoining that freshwater marsh was zoned "V". It was expected that the freshwater marsh and the adjacent seasonal wet grassland would still be highly susceptible to ecological destruction due to the construction of Small Houses in the "V" zone. Although planning enforcement action could be taken against any unauthorised activities, such as dumping, on the wetland, the reinstatement requirements of PlanD were ineffective in restoring the wetland to its original state as the offenders were normally only required to grass the land. For example, the wetland in Pak Lap was restored as a piece of artificial grassland following PlanD's reinstatement requirement. Pak Tam Au should follow the approach of So Lo Pun where the original "V" zone had been set back from the wetland through rezoning a buffer area to "GB" to protect the wetland;
- (d) Small House development in the "V" zone would create adverse ecological impacts on sensitive water receivers. The Water Pollution Control Ordinance was very difficult to enforce, and septic tank could not properly solve the water pollution issues. Illegal sewage connection and

disposal was very common in village areas. As shown in the case of Ma Wan New Village on Lantau Island, the development of Small Houses had generated waste waters and pollutants which were illegally discharged to the nearby stream and sea. The then Secretary for Environment, Transport and Works admitted in the Legislative Council (LegCo) in 2005 that the front-line staff of the Environmental Protection Department (EPD) had encountered considerable difficulties in enforcing stream pollution under the Water Pollution Control Ordinance as illegal discharges were often completed in a few minutes and it was very difficult to catch the culprits red-handed and collect evidence on the spot for prosecution;

- (e) according to a case study conducted by the University of Hong Kong in Hoi Ha, the coastal water in Hoi Ha Wan was already highly polluted with a high level of *E. coli* and the discovery of endocrine disrupting chemicals. As such pollutants were caused by human activities, it was evident that the septic tanks used in Hoi Ha did not function properly to prevent water pollution. Besides, the Government had told the LegCo in 2005 and 2012 respectively that the septic tank and soakaway systems used in unsewered village areas for sewage disposal were susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the nearby public, and that the sewage from areas using ineffective septic tank and soakaway systems was a source of water pollution to nearby watercourses and the receiving waters;
  
- (f) the water sensitive receivers in To Kwa Peng comprised mangrove, seagrass, a natural stream and the enclosed bay of Ko Tong Hau which had a very low flushing rate; while those in Pak Tam Au comprised a network of stream and ponds, a freshwater marsh and the Hong Kong Paradise Fish which was a species of conservation concern found in the watercourses. Although a section of stream in Pak Tam Au had been channelised, that stream section was connected to other sections of natural stream which as a whole had a very high ecological value. When the Board considered the review of Applications No. A/DPA/NE-TKP/7 to

10 and 13 for five proposed Small Houses in 2012, it noted that Pak Tam Au was within the upper indirect water gathering ground (WGG) and considered that development which would cause pollution to the water supply should not be approved. However, the proposed “V” zone in Pak Tam Au covered the channelised stream and the two “V” zones of the OZP were also in close proximity to other watercourses. It was likely that the watercourses in the Area would be susceptible to illegal sewage discharge from Small House developments;

- (g) from the aerial photos and site photos taken in different years since 2008, it could be seen that there had been extensive clearance of vegetation in To Kwa Peng since 2008 where a large area of secondary woodland had been removed. However, the area which had been destroyed was zoned as “V” on the draft OZP. They wondered if the Board was taking a “destroy first, reward later” approach to encourage destructive activities;
- (h) from a media report of inmediahk.net in February 2014, nearly 90% of the private land in the proposed “V” zone in Pak Tam Au had been acquired by two property developers in 2007-2008. As such, the possibility for the indigenous villagers to purchase land within the “V” zone for building Small House was very slim. It was believed that the developers would enter into agreement with the villagers and allocate pieces of land to the villagers for applying for Small House grants in the villagers’ names. However, such kind of agreement should be illegal. The situation was similar to what had happened in Pak Lap;
- (i) while the “V” zones in Hoi Ha, So Lo Pun and Pak Lap were all well within their village ‘environs’ (‘VEs’), a significant portion of the proposed “V” zone in Pak Tam Au, which was mainly the area to the south of the channelised stream, was outside its ‘VE’. They wondered if the boundary of the “V” zone so drawn was to fit in the land holdings of the developers and tailor-made for the developers;
- (j) a previous paper of the Board revealed that there was only a demand of 36 Small Houses in Pak Tam Au but 3.4 ha of land was designated as “V”

there allowing the development of 68 Small Houses. It seemed that the extra “V” zone area was to cater for cross-village Small House applications from other villagers as the total population in Pak Tam Au and To Kwa Peng was less than 50 persons. From the information of Applications No. A/DPA/NE-TKP/3 to 5, the villagers who proposed to build Small Houses in To Kwa Peng were from Tap Mun and Yung Shue O but not the indigenous villagers of To Kwa Peng. If cross-village applications were allowed, the villagers’ demand for “V” zone land could never be satisfied. The designation of additional land as “V” to cater for cross-village applications, as in the case of Pak Tam Au, was not in line with the “incremental” approach adopted by the Board in designating “V” zones in country park enclaves. Compared with Hoi Ha, So Lo Pun and Pak Lap, the “V” zone designated in Pak Tam Au was even more extra-ordinary as the “V” zones in the former three enclaves were all within their ‘VEs’ and not intended to cater for cross-village applications;

- (k) previous planning applications for Small House developments in To Kwa Peng and Pak Tam Au had been rejected by the Board mainly on the consideration that the proposed developments would cause adverse water quality, ecological, landscape impacts on the environment and set undesirable precedents for other similar applications, even though the number of Small Houses proposed in the applications was much smaller than the number of houses that would be allowed in the two proposed “V” zones. EPD, in particular, had commented that unless there was effective means, such as a communal treatment facility, to ensure that the effluent water quality was acceptable, they inclined not to support the applications. Meanwhile, the Board had considered that the sites were not suitable for Small House developments in view of their remoteness and lack of infrastructure provision, in particular, vehicular access. Given that all those problems and concerns were still present in the Area and had not been resolved, it was questionable why the two large “V” zones would suddenly become acceptable to the Board;
- (l) while septic tank and soakaway system would not be used in Pak Tam Au which was within the WGG, both the Paper and the Explanatory

Statement (ES) of the OZP did not clearly state if septic tank and soakaway system would be allowed to be used in To Kwa Peng;

- (m) the Board was urged not to accept the two proposed “V” zones on the draft OZP but to follow the Tai Long Wan approach in reducing the size of the “V” zones to cover only the existing village settlements and approved Small House sites, to transfer New Territories Exempted House (NTEH) from Column 1 to Column 2 of the Notes for “V” zone and not to allow house other than NTEH in the “V” zone. Such an approach would create a three-win situation to the genuine indigenous villagers, the public and the natural environment;
- (n) for To Kwa Peng, it was proposed to rezone the riparian zone of the stream and the woodland from “GB” and “V” to “GB(1)” or “CA”, and the area previously affected by vegetation clearance or site formation from “V” to “GB”; and
- (o) for Pak Tam Au, it was proposed to rezone the area with scarce vegetation to the immediate south of the existing village settlement from “V” to “GB”, an outer area to the east, south and west of the proposed “GB” zone from “V” to “GB(1)” or “CA” to form a buffer zone for the watercourse and freshwater marsh, and two areas close to the “CA” and country park from “V” and “GB” to “GB(1)”.

R2729 – Peter Mann

56. Mr Peter Mann made the following main points:

- (a) he was a retired civil servant and had been living in Hong Kong for 38 years;
- (b) he visited the Area very often and considered it as one of the most beautiful parts of Hong Kong. He wished the future generations could enjoy the beautiful natural environment of the Area;

- (c) To Kwa Peng was virtually uninhabited nowadays. It would be unreasonable to allow 60 houses there, which had no road access; and
- (d) most of the land in To Kwa Peng and Pak Tam Au had been sold to developers. The areas should not be ruined for short-term commercial profit. He suggested that the size of the “V” zones should be reduced;

R2742 – Jill Lessiter

R4476 – Yuen Wing Ka

R4487 – Verity Picken

R4622 – Kelvin Mak

R4695 – Helen Yip

R4751 – Kurt Verkest

R4785 – Mr Paul Hodgson

R4840 – Judy Kai

R4865 – Susie Tsui

R4868 – 蔡智麟

R4952 – Leung Chi Ming

R5000 – Kapo Leung

R5041 – Tammy Lam

R5436 – Lai Po Yan

R5805 – Jill Lessiter

R5814 – Janna Hon

R5981 – Julie Lau

R6447 – KC Tsui

R6489 – Cindy Fong

R6687 – Adrian Au

R6875 – Peggy Lee

R6970 – ML Ho

R7135 – Natasha Lee

R7684 – WWF-HK

57. With the aid of a PowerPoint presentation, Mr Andrew Chan, the representers' representative, made the following main points:

- (a) WWF-HK considered that both To Kwa Peng and Pak Tam Au were of high ecological value and should be well protected. The two areas had well preserved habitats, including secondary woodland, *fung shui* forest, coastal mudflat, natural streams, ponds, marsh and species of conservation interest;
- (b) even the section of the channelised stream in Pak Tam Au was of high ecological value as it was connecting with the natural stream sections where Hong Kong Paradise Fish (a species of conservation concern) was found and formed an integral part of the stream ecosystem. This channelised part of the stream and its riparian zone should be rezoned from “V” to “CA”, otherwise it would be at the risk of water pollution from future village expansion;
- (c) land in To Kwa Peng and Pak Tam Au were already purchased by developers as reported in the media. In Pak Tam Au, nearly 90% of the private land in the proposed “V” zone had been sold to two developers between 2007 and 2008, whereas in To Kwa Peng, a private company had bought land since 2008. A village representative on one hand had acquired land in Pak Tam Au through his own company and on the other hand told PlanD that there would be over 59 villagers coming back from overseas to build Small Houses in Pak Tam Au with a view to enlarging the “V” zone. The population and the claimed Small House demand were however unverified. There was evidence that the villagers had allied with property developers to build estate-type Small Houses in the “V” zone for commercial purpose;
- (d) large-scale Small House developments would generate adverse ecological impact of direct habitat loss, higher risk of road kills on animals due to increased traffic flow, and potential sewage pollution to nearby water bodies, such as streams and ponds, due to improper connection of drains. As Pak Tam Au was inside the WGG, the use of septic tanks to treat sewage might not be appropriate;

- (e) To Kwa Peng had suffered from destruction in 2009 with large-scale vegetation clearance and land excavation. The affected area was mainly the private land owned by developers but such area was now designated as “V” zone on the OZP. It sent a wrong message to the villagers that the Board would reward their “destroy first” activities for giving them a favourable land use zoning. This would set an undesirable precedent to other new OZPs to be prepared in future. To protect the natural environment, the “V” zones should be restricted to areas covered by the existing building lots and houses only; and
- (f) of the 21 planning applications for Small House developments received in the Area since the gazette of the DPA Plan in 2011, 9 were rejected, 12 were withdrawn and only 1 was approved. The 6 applications previously rejected in Pak Tam Au and the 3 applications rejected in To Kwa Peng were all within the “V” zones currently designated on the OZP. The main rejection reasons for the applications were that the proposed Small House developments did not comply with the interim criteria for consideration of application for NTEH/Small House as the applicants failed to demonstrate no adverse ecological, landscape and water quality impacts, etc., on the area; the approval of the applications would set undesirable precedents for similar applications, the cumulative impact of which would result in a general degradation of the surrounding environment; the proposed developments were not compatible with the existing natural environment in the area, and would affect the natural environment and ecology of the area which was in close proximity to the mudflat, mangroves and areas surrounded by the Sai Kung East Country Park; and the proposed effluent disposal arrangement by septic tanks was unacceptable due to adverse water quality impact on the nearby water bodies. The rejection of those applications indicated that Small House development was not suitable in To Kwa Peng and Pak Tam Au. While there was no major change in the circumstances of the Area, it was questionable why two large “V” zones had been designated for To Kwa Peng and Pak Tam Au respectively on the OZP. The Board was requested to adopt the same standards in assessing the size of the proposed “V” zones.

R4239 – Designing Hong Kong Ltd.

58. With the aid of a PowerPoint presentation, Mr Paul Zimmerman, the representer's representative, made the following main points:

- (a) the entire community of Hong Kong, except the Heung Yee Kuk and the villagers, supported protecting the country parks and expected the Board to stop the abuse of the Small House policy. It was apparent that the land in the proposed "V" zones on the draft OZP had been acquired by developers but the Government ignored the fact and was only concerned about who owned the land at the time when the Small House application was made;
- (b) the environmental disaster of development under the Small House policy visible in the New Territories should not be allowed to spread into the country parks. It was inappropriate to argue that as long as the Small House developments could fulfil the requirements of the Lands Department (LandsD) and other relevant departments, they would not create impacts on the environment and could be acceptable since it was not the case in reality. As a resident in the village, he knew very well the village problems and he often filed his comments on the village issues to LandsD and PlanD but there had been no improvement over the years. There were no reinstatement of the spoiled land and no enforcement on any breach of the law. The Board should be able to avoid the environmental disaster at the outset by limiting the "V" zones and the associated development opportunities for Small Houses;
- (c) the enclaves were radically different from the over 600 other village environs in the New Territories as they were surrounded by country parks. The remote location of the enclaves was the reason why the enclaves were not put under planning control for years until now. It should be recognised that the enclaves were integral parts of country parks in terms of ecological, landscape and recreational values and they should be protected in the same way as the country parks;

- (d) the enclaves were not designated as country parks at the outset as there were still active farming activities and a very small number of inhabitants at that time in those areas. Over the years, many indigenous villagers had emigrated abroad or passed away, leaving the land in the enclaves idle. In recent years due to the rise in land value, the indigenous villagers seized the opportunities to develop their idle land. After the Tai Long Sai Wan incident in 2010, the Government recognised the need to protect the enclaves from development and implemented the enclave policy to either incorporate the enclaves into country parks or covered them with statutory town plans;
  
- (e) AFCD was aware that the effectiveness of the Town Planning Ordinance in achieving the nature conservation objective was not as strong as the Country Park Ordinance, for example, it could not curb eco-vandalism. When AFCD submitted the proposal to incorporate Tai Long Sai Wan into Sai Kung East Country Park to the LegCo in 2013, it informed the LegCo that PlanD or the Board would not allocate the resources for habitat/amenity improvement in Tai Long Sai Wan but under the Country Park Ordinance, the Government would manage the area, improve supporting facilities, carry out patrols, enforce the law and provide vegetation management;
  
- (f) if the enclave was incorporated into country park, it would be under the control of the Country and Marine Parks Board and AFCD for conservation. If land in the enclave was covered by an OZP but not zoned "V", the Board and PlanD would still maintain some form of control. However, if land in the enclave was zoned "V" on the OZP, only LandsD would be responsible for implementing the Small House policy on the land and it would exercise very limited enforcement on any abuse of the land. If large "V" zones were designated on the OZP, the Board forwent its control over the land and shifted protection and development control to LandsD. Development disaster would be repeated if land was under the control of LandsD;

- (g) the population in the Area was only 50 in 2011 but the planned population was 740. The Board should explain how genuine the Small House demand was as claimed by the villagers and how many Small Houses it would allow to be built in the two country parks in Sai Kung. It should also decide the carrying capacity of the area based on the capacity of road and infrastructure and the need to maintain biodiversity. As AFCD was the manager of the country parks and controlled vehicular access to the country parks, it should provide information on the carrying capacity of the enclaves to the Board for consideration;
- (h) it was appreciated that there had been an in-depth discussion on the sewage disposal and percolation test issues in the consideration of the Hoi Ha OZP, in particular that LandsD would now look at not only the Authroised Person (AP)'s certification of the percolation test but also details and results of the percolation test itself in addition to the design and construction proposals of the sewage treatment system used for the Small Houses, and that it would circulate the proposals to EPD for examination. However, LandsD and EPD might not be following what had been discussed for a long while by the Board as they had not made any changes to the process and not published any new guidelines to the applicants nor instructions to the APs;
- (i) it was noted that among all villagers in the New Territories, only Po Toi O in Clear Water Bay had been provided with a public sewage treatment system. However, the Board had never considered how a sewage treatment system could be implemented in the villages. The sewage treatment issue should be resolved before Small House development was allowed in the enclaves;
- (j) as regards the access road issue, neither the Transport Department nor the Highways Department raised any concern on the proposed "V" zones from the traffic and transport infrastructure points of view as village roads were outside their purview. The proposed "V" zones would have no access to public roads, or no service by public ferry or kaito. LandsD would only asked the villagers to make their own arrangements for

vehicular access and parking spaces and would not guarantee any right of way. The lack of government control on road access had resulted in illegal road construction in many villages. Sometimes, village access would be blocked by the villagers if the land ownership over the access was not resolved; and

- (k) in Hoi Ha, while AFCD controlled the access gate to the area, both AFCD and the Home Affairs Department issued vehicle access permits for residential dwellings within the area. AFCD was however not aware of how many access permits had been issued despite it controlled the gate. There were also no planned parking spaces inside the gate. The same situation applied to Pak Tam Road. Illegal on-street parking was very common in the Sai Kung country parks during weekends but both AFCD and the Police did not enforce as the cars had been issued with access permits. In the designation of “V” zones in the enclaves, there was never any plan for car parks in the OZPs, but the residents needed to rely on cars for travelling and going home. The Board just ignored the road access and parking issues. If development was allowed, there should be road. If road was not planned, illegal road would emerge.

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

R4279 – Janice Cheng

59. Ms So Suet Lan, the representer’s representative, submitted a document to the Board on behalf of Ms Janice H.F. Cheng (R4279) who was unable to attend the hearing session. The document outlined Ms Cheng’s views on how the Block Government Lease (BGL) was violated and the original Small House policy was falsified or perverted by the Government.

60. Ms So Suet Lan then made the following main points:

- (a) the BGL was a contractual agreement between the then British sovereignty and the villagers, which expressly stated that the alienation of land should be granted by the land authority. However, all

conveyancing of land held under BGL after the enactment of the Conveyancing and Property Ordinance (Cap. 219) in 1984 was not in compliance with that provision as the land was not granted by the land authority; and

- (b) while the Board had the right to decide whether the draft OZP should be accepted, it should respect the rule of law and the core values of people and should not allow people with vested interest to breach the law and the BGL and spoil the natural environment.

R4534 – Lai Oi Ling

61. With the aid of a PowerPoint presentation, Ms Lai Oi Ling made the following main points:

- (a) she appreciated the reduction in the size of the “V” zones on the draft Hoi Ha, So Lo Pun and Pak Lap OZPs after the hearing of the representations and comments by the Board;

[Professor S.C. Wong arrived and Mr Lincoln L.H. Huang returned to join the meeting at this point.]

- (b) To Kwa Peng and Pak Tam Au were rich in biodiversity and had many plant and butterfly species. However, the vegetation in To Kwa Peng was destructed by bulldozers in 2009. Records from the land registry revealed that a company had purchased over 40 land lots in To Kwa Peng in 2008. There was evidence of “destroy first, build later” activities in the Area. It was questionable whether the Small Houses being applied for in the Area were genuinely for the indigenous villagers or they were part of property development; and
- (c) any development in the Area should be compatible with the natural environment, and issues such as sewage disposal and road access should be taken into account. The Area should be incorporated into the country park for minimising ecological impact on the neighbouring country park

and for better monitoring and management. Village development should be confined to the existing and approved sites. As “GB” zoning was inadequate to protect the natural stream and riparian areas in To Kwa Peng, the riparian areas within 30m from the stream should be designated as “CA”.

#### R7681 – The Conservancy Association

62. With the aid of a PowerPoint presentation, Mr Ng Hei Man, the representer’s representative, made the following main points:

- (a) the Conservancy Association opposed the draft OZP as the two large “V” zones proposed in To Kwa Peng and Pak Tam Au would damage the ecology of the Area;
- (b) To Kwa Peng used to have a beautiful natural environment with dense vegetation in 2008 before it was destructed. In 2009, there was extensive vegetation clearance in the area, destructing some secondary woodland or *fung shui* woodland. The area destructed was however included in the “V” zone on the draft OZP to allow Small House developments. It gave the public an impression of “destroy first, reward later” and would set a bad precedent;
- (c) there was a natural stream at To Kwa Peng which, together with its riparian zone, was zoned “GB” on the draft OZP. The Paper expressly stated that the villagers might apply for Small House development in other zones, including the proposed “GB” zone in To Kwa Peng, which would be considered by the Board on its individual merits. The use of septic tanks and provision of access road in association with Small House development would bring adverse impacts on the stream. As such, the designation of “GB” zoning for the stream and its riparian zone was not appropriate;
- (d) three planning applications for Small House development in To Kwa Peng (No. A/DPA/NE-TKP/ 3, 4 and 5) were rejected by the Board. For

the case of Application No. A/DPA/NE-TKP/4 involving 16 proposed Small Houses, while PlanD had no objection to the application, the Board had acted as a gatekeeper for To Kwa Peng and rejected the application as it understood the potential disturbance of Small House development on the ecological condition of To Kwa Peng. The Board was expected to maintain the same consideration to reject the proposed large “V” zone in To Kwa Peng which was not well justified;

- (e) as regards Pak Tam Au, there was evidence that about 70% of the land within the proposed “V” zone had been sold to developers. The situations of Hoi Ha and Pak Lap might repeat in Pak Tam Au where the proposed “V” zone was not to cater for the housing need of the indigenous villagers but for the developers to make profit and non-villagers to move in; and
- (f) it was suggested that the size of the two “V” zones in To Kwa Peng and Pak Tam Au should be substantially reduced to cover only the existing village structures in order to follow the “incremental” approach; the natural stream and riparian zone in To Kwa Peng should be rezoned from “GB” to “CA” to avoid the threat from any possible Small House development; the watercourses, freshwater marsh and seasonal wetland in Pak Tam Au should be excluded from the “V” zone and protected by “CA” zoning; and To Kwa Peng and Pak Tam Au should be incorporated in the country park in the long term.

63. As the presentations of PlanD, the representers and the representers’ representatives had been completed, the Chairman invited questions from Members.

64. A Member asked the following questions: (a) why the sites of those previously rejected planning applications for Small House developments in the Area were zoned as “V”; (b) whether it was due to its current low ecological value that the area previously destructed in To Kwa Peng was zoned as “V”; and (c) whether it was appropriate to zone the area in Pak Tam Au as “V” if the “V” zone was intended to provide land for the villagers to build Small Houses but most land within the area was no longer owned by the villagers but developers.

65. In response, Mr C.K. Soh, DPO/STN, said that there were planning applications for Small House developments rejected by the Board in To Kwa Peng when the Area was covered by the DPA Plan. Those applications involved groups of proposed Small Houses and some of the sites fell within areas currently proposed to be zoned as “GB” and “CPA”. As there was insufficient technical information in those applications to demonstrate no adverse impacts on the surrounding environment, the applications were rejected by the Board. When the draft OZP was prepared, PlanD in collaboration with other departments had conducted a comprehensive study of the Area and identified some areas worthy for conservation, such as the area around the stream and the vegetated coastal area which were currently zoned as “GB” and “CPA”. The area currently zoned as “V” was considered acceptable for Small House development. As regards the issue of “destroy first, build later”, while vegetation should be conserved as far as possible from the environmental point of view, the clearance of vegetation on private land might not amount to an illegal activity per se, as it would depend on the land use zoning on the OZP. As regards the issue of land ownership, it was noted from the representation of Mr Poon Key Yuen (representative of R56 and C568) in the morning session that the land owners in To Kwa Peng were coordinating their land titles with the villagers. While the land ownership might be suspected to be in the hand of developers, Small House development still required the participation of individual eligible indigenous villagers to apply for Small House grants from LandsD and it was not possible for a single person to apply for a number of Small House grants under the Small House policy.

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

66. Nothing that Mr Paul Zimmerman (representative of R4239) had mentioned that all residential dwellings beyond the entry gate at Pak Tam Chung were entitled to have 2 vehicle access permits for each dwelling, a Member asked if, say, 100 houses were allowed to be built in the Area, whether the Government would be prepared to issue 200 vehicle access permits for those houses and whether the Government had taken into consideration the traffic generation associated with the Small Houses when designating the “V” zones for the Area. In response, Mr Cary P.H. Ho, SNCO/S, AFCD, said that while he was not responsible for the management of the country parks, as far as he understood, vehicle access permits would be issued to residents who lived within the restricted area beyond the entry gate and temporary day permits would also be issued to their visitors. The restricted access to Pak Tam Road was due to its location within the country park

areas. Mr C.K. Soh supplemented that there was no road access to To Kwa Peng.

67. In response to the same Member's question on whether there was any change in the circumstances of the Area since 2011 when the planning applications for Small House developments were rejected by the Board, Mr C.K. Soh said that the circumstances of the Area in 2011 and the present moment were similar. However, it should be noted that the location of some of the proposed Small House sites in the rejected applications were in the conservation zones on the current OZP. Nevertheless, not all applications were rejected by the Board. In Pak Tam Au which was within the indirect WGG where the sewage disposal arrangement was of paramount concern, the Board had approved an application (No. A/DPA/NE-TKP/1) in 2011 which proposed to use a kind of sewage treatment system other than the conventional septic tank and soakaway system and that sewage treatment proposal was considered acceptable to EPD and the Water Supplies Department.

68. Mr Ng Hei Man (representative of R7681) said that the proposed Small Houses in To Kwa Peng under Application No. A/DPA/NE-TKP/4 were rejected by the Board in 2011 for reasons of not compatible with the existing natural environment; the proposed effluent disposal arrangement by septic tanks was unacceptable due to the adverse water quality impact on the nearby water bodies; the proposed developments would affect the natural environment and ecology of the area which was in close proximity to mudflat and mangroves; the sites were remote and there was no proper access arrangement; and the approval of the application would set an undesirable precedent. In response to the Member's question, Mr Ng considered that there was no change in the circumstances of the Area since 2011. As those problems stated in the rejection reasons of Application No. A/DPA/NE-TKP/4 still persisted and had not been resolved, he did not see any grounds for designating a large "V" zone in To Kwa Peng and urged the Board to maintain consistent standards in considering whether Small House developments should be allowed in the area.

69. On the issue of traffic impact, Mr Paul Zimmerman (representative of R4239) said that as he understood from the residents living in the Sai Kung Country Park areas, they could apply for up to 2 permanent vehicle access permits per household and 5 visitors' daily permits if necessary. The access permits might also be issued to other organisations, such as contractors and government departments. LandsD would not consider the access

road, traffic and car use issues when processing the Small House applications as Small Houses were not provided with right of access. TD also did not concern about the traffic issue as they did not have the responsibility to provide access road to village houses.

70. Mr Nip Hin Ming Tony (representative of R7684 and others) said that those problems which underlined the reasons for rejecting Application No. A/DPA/NE-TKP/4 for proposed Small Houses in To Kwa Peng, e.g. the adverse water quality impact on the nearby water bodies and the close proximity to mudflat and mangroves, still existed and had not been resolved with the preparation of the draft OZP. The land use proposals on the draft OZP would even exacerbate the problems, for instance, the woodland in To Kwa Peng and the stream in Pak Tam Au which had high ecological values were included into the large “V” zones. EPD had once indicated that Small Houses could be accepted in To Kwa Peng only if a communal sewage treatment facility could be provided, but the draft OZP was silent on whether a communal sewage treatment facility would be used in To Kwa Peng for sewage treatment or it would still rely on the conventional septic tank and soakaway systems which would generate water quality impact on the water bodies.

71. As regards the issue of “destroy first, build later”, Mr Nip Hin Ming Tony said that the destruction which occurred in To Kwa Peng in 2008 involved areas on government land. The filling of land with deep piles of soil deposited should amount to unauthorised activity if there was a DPA Plan covering the area. As the area was not put under statutory control at that time, a DPA Plan was hence prepared to cover that enclave. PlanD might consider that since that area had been spoiled and with low ecological value, it could be zoned as “V”, but it gave the public an impression that the Board was rewarding the villagers for their unauthorised activities.

72. On the issue of land ownership in Pak Tam Au, noting the earlier response of DPO/STN that Small House application needed to be submitted by the indigenous villagers under the current application mechanism, Mr Nip Hin Ming Tony considered that the possibility for the indigenous villagers to buy back the land from the developers in Pak Tam Au for building their own Small Houses was very slim due to the large amount of money involved. The developers might collaborate with the villagers to make Small House applications to LandsD with a view to developing the land, and the Board might be seen as assisting in such illegal act by zoning the developers’ land as “V”. Moreover, there were cases of villagers applying for a number of Small Houses at a time and the

Government would approve such kind of applications.

73. A Member asked whether vehicle access permit would be issued to villagers in To Kwa Peng which was not directly served by public road and whether the chance of getting a permit was high. Mr Paul Zimmerman said that residents living in the restricted area beyond the entry gate were entitled to apply for vehicle access permit. The application criterion was a property address within the restricted area. There was no requirement for the applicant to prove that he had a parking space. As such, many cars were parked illegally on the road, pavement or government land within the restricted area. Mr Nip Hin Ming Tony said that from his experience, he noted that it was easy for the residents' visitors to get a day access permit into the area. The Chairman drew Members' attention that the above information provided by the representers' representatives was not yet confirmed by the issuing authority.

74. In response to the same Member's question on the ecological status of the stream in To Kwa Peng, Mr Cary P.H. Ho said that the stream was not an ecologically important stream (EIS).

75. A Member asked whether it was correct to say that the land status should not affect whether the land should be zoned for development or not. Mr C.K. Soh answered in the affirmative and said that the designation of the various land use zones on the draft OZP was mainly based on planning considerations including the topographical, geotechnical, ecological, conservation and landscape considerations. The feasibility of implementing the planned developments would also be considered if a development zone was designated.

76. The same Member asked whether the claim of some of the representers was valid in that there was a "destroy first, build later" phenomenon in To Kwa Peng since an area currently zoned as "V" used to be a piece of woodland in 2008. In response, Mr C.K. Soh said that the said area, which was on private land in To Kwa Peng, could be used for agricultural purposes at any time. The mere clearance of vegetation on private agricultural land might not amount to unauthorised activities.

77. The same Member said that without the relevant ecological information, it was difficult for the Government to assess whether there had been vegetation with high

ecological or landscape value in that area. Mr C.K. Soh said that as revealed from the aerial photos, those vegetation clearance activities were carried out in 2008 before the publication of the DPA Plan. Upon exhibition of the DPA Plan, activities such as land excavation and land filling were prohibited in the Area, and there was no further report of land excavation/filling activities in the Area.

78. In response to a Member's enquiry on whether the requirement for providing a sewage treatment plant in To Kwa Peng, as proposed by some representers in the morning session, would be stated in the ES of the OZP, Mr C.K. Soh said that no details of the proposed sewage treatment plant had been received from the proponents. If the relevant departments considered that the compliance with EPD's Practice Note for Professional Person (ProPECC PN) 5/93, which had been stated in the ES, was not sufficient in guiding the design and construction of the proposed sewage treatment plant, PlanD could consider revising the ES subject to the advice from the relevant departments.

79. Mr Paul Zimmerman said that although the vegetation in To Kwa Peng was removed in 2008, there were no agricultural activities in that area afterwards. Mr Ng Hei Man said that he recalled that in the consideration of the draft DPA Plan for the Area by the Board in around 2011, PlanD had stated in the background information that there had been vegetation clearance activities in To Kwa Peng in 2008. If the cleared area was now zoned as "V" to allow development, it would be against the original intention of preparing the DPA Plan. Mr Nip Hin Ming Tony said that because the land in To Kwa Peng had already been filled in 2008, there was no further land filling activities in the area after the publication of the DPA Plan as what DPO/STN had said.

80. As Members had no further questions and the representers and the representers' representatives had nothing to add, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representers, the representers' representatives and the government representatives for attending the hearing. They all left the meeting at this point.

[The meeting was adjourned for a break of 5 minutes.]

## Deliberation

81. The Chairman summed up the representers' concerns, including the size of the two "V" zones, the zonings of the two streams in To Kwa Peng and Pak Tam Au and their respective land use controls, the entry of cars into the Area and the general parking issue, the vegetation clearance activities in To Kwa Peng before the publication of the DPA Plan, and the concern on "destroy first, build later" cases.

### *To Kwa Peng*

82. A Member said that when the OZP was prepared, it was considered that the large "V" zone designated in Pak Tam Au, which would satisfy over 100% of its Small House demand, could accommodate some of the Small House demand from To Kwa Peng. However, cross-village Small House applications between To Kwa Peng and Pak Tam Au was not allowed under the prevailing land administration practice as Pak Tam Au was within the WGG and villages outside the WGG were prohibited from applying for Small House in villages within the WGG. This Member said that the Board might need to reconsider whether the sizes of the two "V" zones were appropriate.

83. The Chairman said that the previous 10-year forecast figure provided in 2010 only indicated a forecast demand of 30 houses but the figure rose to 83 houses in 2014. Members considered the substantial increase in the forecast figure dubious. Moreover, To Kwa Peng was basically uninhabited at the moment.

84. A Member noted that the previous outstanding Small House demand in To Kwa Peng was already 72 houses (now increased to 83 houses), which was the number of applications for Small House grants that had been submitted to LandsD over the years. The current provision of 38 Small House sites in To Kwa Peng could not even meet the outstanding demand. This arrangement was not in line with the practice for designating "V" zones in other new OZPs of the enclaves which could at least meet the outstanding demand. The Chairman noted the Member's observation but pointed out that in To Kwa Peng, land suitable for Small House development had been included in the "V" zone, while the environmentally/ecologically sensitive areas and areas with steep topography had been exclude and zoned "GB", "CA" and "CPA".

85. The Chairman said that although villagers in To Kwa Peng could not submit cross-village applications for developing Small House in Pak Tam Au, the villagers of other villages in Sai Kung North, e.g. Pak Sha O and Pak Sha O Ha Yeung, could make cross-village applications in Pak Tam Au. The Secretary drew Members' attention to page 13 of the Paper which outlined how the cross-village Small House applications within and outside the WGG might proceed.

86. A Member considered that it was not possible to satisfy all the Small House demand from the villagers, and the villagers had to agree among themselves on the utilisation and allocation of the limited land resource within the "V" zones. The Board had to consider the rationality of the "V" zone boundaries and the interest of the community as a whole.

87. Noting that the stream in To Kwa Peng was not an EIS, a Member considered that the "GB" zoning covering the stream was acceptable. This Member had no objection to the land use zonings in To Kwa Peng. As the "V" zone in To Kwa Peng was surrounded by the conservation zones of "GB", "CA" and "CPA", this Member enquired if the Board had any guidelines requiring the set back of the proposed Small Houses within the "V" zone from the adjoining conservation zones. The Chairman said that new Small Houses would not be allowed in the "CA" and "CPA" zones. Mr K.K. Ling, Director of Planning, said that each application for Small House grant would be considered by the District Lands Officer of LandsD on its own merits, and it was not uncommon that not all the land within the "V" zone could be allowed for Small House development. LandsD in consultation with other relevant departments would decide whether set back was required for individual sites. Mr Jeff Y.T. Lam, Deputy Director of Lands, supplemented that if the relevant departments raised specific requirements on individual applications, LandsD would consider imposing the requirements in the Small House grants.

88. A Member considered that it would set a bad precedent if the vegetated land cleared prior to the publication of the DPA Plan would be given favourable zonings on the OZP to allow development, and was worried that it would encourage similar cases in the countryside in future. The Chairman said that the Board already had detailed discussion on how "destroy first, build later" activities should be dealt with. In view of the need to protect the country park enclaves, the Government had started to either prepare statutory town plans to cover the areas or incorporate the areas into country parks for development

control purpose.

89. A Member recalled that in the hearing of the representations and comments on the draft Pak Lap OZP which involved “destroy first” activities, some Members had raised concern that the boundary of the proposed “V” zone followed largely the area of land that had been cleared of vegetation. The current case of To Kwa Peng looked similar to Pak Lap as the cleared area was also included in the “V” zone. As regards another Member’s views on whether the boundaries of the two “V” zones should be suitably adjusted to reflect a more reasonable percentage of land available for meeting the Small House demand, this Member noted that many of the outstanding demand in To Kwa Peng were from villagers of Tap Mun and Yung Shue O rather than the indigenous villagers of To Kwa Peng. If only the demand from the indigenous villagers of the subject village should be taken into account, the size of the “V” zone of To Kwa Peng should not be enlarged.

90. On the issue of sewage treatment, the same Member noted that the representers from the green groups were concerned about the sewage disposal issue and that some representers of the villagers in the morning session proposed to build a communal sewage treatment plant in To Kwa Peng. Sewage treatment facilities were also proposed for the three Small Houses approved by the Board in Pak Tam Au. However, as the construction of communal sewage treatment plant was expensive, the villagers might eventually turn to use the traditional septic tanks. This Member considered that it might be more appropriate for LandsD to deal with the sewage disposal issue at the application for Small House grant stage. Members agreed that the Board should focus on the suitability of land designated for “V” zone whereas the development details of the Small Houses should be examined by LandsD at the land grant stage.

91. The Chairman said that the clearance of vegetation in To Kwa Peng was carried out before the publication of the DPA Plan. The DPA Plan was prepared with a view to establishing planning control and protecting the area from further destruction. Mr K.K. Ling supplemented that the destructive activities carried out before an area was covered by any statutory town plan could not be regarded as a breach of the Town Planning Ordinance. As similar destructive activities were detected in the country park enclaves, the Government decided to either cover the enclaves with statutory town plans under the Town Planning Ordinance or incorporate the enclaves into country parks under the Country Parks Ordinance for development control and protection. For those country

park enclaves which were decided to be put under the control of the Town Planning Ordinance, PlanD had completed the preparation of statutory plans to cover all those enclaves. In the case of Pak Lap OZP, the subsequent reduction in the size of the “V” zone was due to ecological considerations. As explained by PlanD’s representatives on various occasions, the boundaries of the “V” zones were drawn up having regard to the ‘VE’, local topography, settlement pattern and other site-specific considerations. The Small House demand forecast from the villagers was only one of the factors in drawing up the “V” zone. The environmentally or ecologically sensitive areas and steep slopes would be excluded and only land suitable for Small House development would be zoned as “V”. Abandoned agricultural land, which did not have significant ecological value, might be included in the “V” zone, while applications for Small House development in the adjacent “Agriculture” (“AGR”) and “GB” zones might be permitted if land in the “V” zone was largely developed.

92. The Vice-chairman said that To Kwa Peng was uninhabited as he understood it. Of the 83 outstanding Small House applications in To Kwa Peng, only 12 applicants were indigenous villagers of To Kwa Peng. Of the demand of 83 Small Houses in the 10-year forecast, only the demand of 36 Small Houses were from indigenous villagers of To Kwa Peng, including those living overseas. The size of the “V” zone in To Kwa Peng which would provide sites for 38 new houses was reasonable for meeting the demand from the indigenous villagers as it was uncertain if the indigenous villagers would return to build their houses. While Small House demand forecast was one of the factors for consideration, it had been observed in the preparation of some recent statutory plans that such figures were often exaggerated. It was therefore not unusual that the Small House demand would not be fully met by available land in the “V” zone. On the other hand, it was noted that the percentage of the demand to be met by available land in the “V” zone in Pak Tam Au was 188%, which was exceptionally high, although the “V” zone in Pak Tam Au might need to cater for cross-village applications from Pak Sha O and Pak Sha O Ha Yeung. It was indicated by villagers of Pak Tam Au in the morning session that they were not going to accept cross-village applications from To Kwa Peng. If the villagers of Pak Tam Au also did not accept cross-village applications from other villages such as Pak Sha O and Pak Sha O Ha Yeung, the size of the “V” zone designated for Pak Tam Au would be too large. A Member concurred with the Vice-chairman’s view that the “V” zone of Pak Tam Au might be too large to meet its demand and its size might need to be reduced. Another Member remarked that land within the “V” zone in Pak Tam Au was

mostly owned by developers as mentioned by some representers.

[Miss Winnie M.W. Wong left the meeting at this point.]

93. Mr Jeff Y.T. Lam said that as villages outside the WGG were not allowed to apply for Small Houses in villages within the WGG under the prevailing land administration practice, the villagers of To Kwa Peng which was outside the WGG could not make cross-village Small House applications in Pak Tam Au. Under the existing practice, LandsD would conduct local consultation for each Small House application. The indigenous villagers might raise objection if they did not wish villagers from other villages to build Small Houses in their village. The local views would be taken into consideration when processing the Small House applications.

94. A Member opined that the Board should only take land use consideration into account to decide whether an area was suitable to be zoned as “V” or not, unless there was clear evidence that the villagers were liable for the destructive activities that had been carried out on the land.

95. In response to a Member’s question on how to handle deceptive Small House applications, Mr Jeff Y.T. Lam said that it was illegal for villagers to transfer their right of Small House grant to other persons prior to the approval of their Small House applications. LandsD would refer the case to the Police if any such case was reported to them. However, he did not have information in hand about the number of deceptive Small House applications which had been prosecuted.

96. A Member considered that the “V” zone in To Kwa Peng was acceptable as it could meet the demand from the indigenous villagers. However, as the previous planning applications for Small House developments in To Kwa Peng were rejected on sewage disposal ground and there had been no improvement of the sewage disposal infrastructure in the area, this Member considered that it might be appropriate to specify a condition in the OZP requiring the provision of communal sewage treatment facility for Small House development.

97. The Chairman said that as To Kwa Peng was not within the WGG, it might be sufficient if the sewage treatment facilities in that area could comply with EPD's ProPECC PN 5/93. Mr C.W. Tse, Deputy Director of Environmental Protection, said that the rejection of the previous planning applications in To Kwa Peng were not solely based on sewage disposal ground, and EPD only indicated reservation to those applications. While the suggested provision of a sewage treatment plant in To Kwa Peng was welcome, it did not mean the use of septic tank and soakaway system was not acceptable if the system was suitably designed. It was also noted that the "V" zone in To Kwa Peng was at some distance from the sea and the stream. While EPD had no objection to the inclusion of specific sewage treatment requirements in the OZP if Members considered it necessary, it would be more appropriate for EPD to give specific comments on individual sewage treatment proposals when LandsD referred the applications for Small House grant to them. Mr K.K. Ling supplemented that if Small House was permitted as of right in the "V" zone, it was not feasible for the Board to impose an approval condition requiring the project proponents to meet the standards on sewage treatment. The matter could be dealt with when processing the land grant application.

98. In response to the Chairman's question on the control of direct discharge of sewage into streams, Mr C.W. Tse said that EPD could enforce illegal discharge and require the offenders to rectify their sewage connection.

#### *Pak Tam Au*

99. Other than issues common to both To Kwa Peng and Pak Tam Au, the Chairman said that the main concern in Pak Tam Au was whether the size of the "V" zone was too large.

100. A Member considered that similar to Pak Lap, the current "V" zone in Pak Tam Au covered a large area of land that had been sold to outsiders and the land proposed for "V" zone far exceeded the Small House demand. Besides, Pak Tam Au could not accommodate any cross-village Small House applications from To Kwa Peng. As the "V" zone in Pak Lap was subsequently reduced and rezoned to "AGR", the Board might make the same arrangement to reduce the size of the "V" zone in Pak Tam Au. Following the incremental approach which was consistently adopted by the Board in other OZPs for the enclaves, the percentage of demand to be met by the available land in the "V" zones

should be less than 100%. The Board might consider the proposal from the green groups which suggested to rezone the part of the “V” zone to the south of the channelised stream to “Undetermined”.

101. The Secretary informed the Board that if there was proposed amendment to the draft OZP to meet the representations, the proposed amendment should be published for public inspection and further representation under section 6C(2) of the Town Planning Ordinance.

102. A Member considered that if some villages were designated with larger “V” zones for meeting a higher percentage of their Small House demands whilst other villagers were not, it might give an impression of unfair treatment to the public.

103. A Member considered that it was not necessary for the “V” zones designated on the OZP to meet 100% of the Small House demand, and that following the incremental approach, the “V” zones might just need to meet 50% to 60% of the outstanding demand of the indigenous villagers, disregarding any cross-village demand. The remaining areas could be zoned “AGR”, where planning application for Small House development could be considered by the Board.

104. Members agreed that the “V” zone in Pak Tam Au should be reduced.

105. Mr K.K. Ling said that a readily recognisable natural feature in the “V” zone was the channelised stream and suggested that the area to the south of the channelised stream could be rezoned from “V” to “AGR” as the ecological value of that area was not significant. Members also noted that the ‘VE’ of Pak Tam Au covered most part of the area to the north of the channelised stream within the “V” zone and the area to the south of the channelised stream was outside the ‘VE’.

106. A Member considered that the area to the north of the channelised stream could be maintained as “V” and to be developed first.

107. A Member considered that, in addition to the proposed rezoning of the area to the south of the channelised stream to “AGR”, the size of the “V” zone might need to be further reduced in the light of the realistic Small House demand to be met by the “V” zone.

This Member suggested that the Board could consider rezoning the eastern part of the “V” zone which was covered by freshwater marsh to other uses. Mr K.K. Ling clarified that the freshwater marsh was not within the “V” zone and the area had already been zoned “CA” in response to the green groups’ previous proposal.

108. The Vice-chairman also considered that the reduced size of the “V” zone was reasonable as the “V” zone in Pak Tam Au needed to accommodate some of the cross-village demands from Pak Sha O and Pak Sha O Ha Yeung. The “V” zones on the prevailing Pak Sha O DPA Plan could only meet 5% and 4% of the Small House demands of Pak Sha O and Pak Sha O Ha Yeung respectively. Mr K.K. Ling supplemented that the designation of a large “V” zone for Pak Tam Au was based on the presumption that it would accommodate some of the cross-village demands from Pak Sha O and Pak Sha O Ha Yeung, which were also within the WGG, and therefore the “V” zones designated for Pak Sha O and Pak Sha O Ha Yeung were comparatively small. Whether cross-village applications were acceptable by the indigenous villagers was a local matter.

109. A Member said that the primary consideration for designation of “V” zone was land use suitability. As such, in some areas, it was only appropriate to designate small “V” zones due to land use constraints and only a small percentage of the Small House demand could be met; whereas in other areas with less constraints, larger “V” zones might be possible and the percentage of Small House demand to be met could be higher. It was natural to expect that some of the Small House demand in areas with smaller “V” zones could be met in areas with larger “V” zones through cross-village applications.

110. The Vice-chairman said that in the designation of smaller “V” zones in Pak Sha O and Pak Sha O Ha Yeung, it had been assumed that some of their Small House demands would be met in Pak Tam Au. Taking the demands of Pak Sha O and Pak Sha O Ha Yeung into consideration, the size of the “V” zone in Pak Tam Au after rezoning the area to the south of the channelised stream to “AGR” was considered appropriate.

111. Members agreed that the part of the “V” zone to the south of the channelised stream in Pak Tam Au should be rezoned to “AGR”.

Representations No. R363 (part) to R7689 (part)

112. After deliberation, the Board agreed to partially meet Representations No. R363 to R7689 by rezoning the part of the “V” zone to the south of the channelised stream in Pak Tam Au to “Agriculture” (“AGR”).

Representations No. R1 to R362 and R363 (part) to R7689 (part)

113. After deliberation, the Board decided not to uphold Representations No. R1 to R362 and the remaining parts of Representations No. R363 to R7689 for the following reasons:

“Groups A and B Representations

(R1 to R362 and R363 (part) to R7689 (part))

*Designation of the “Village Type Development” (“V”) zone*

- (a) there is a need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers in To Kwa Peng and Pak Tam Au, the two recognised villages within the Area. The boundaries of the “V” zone for the villages have been drawn up having regard to the village ‘environs’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics. Only land suitable for Small House development has been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography have been excluded;
- (b) the Small House demand forecast is only one of the factors in drawing up the proposed “V” zones and the forecast is subject to variations over time;

Group A Representations

(R1 to R362)

*To expand the “V” zone in To Kwa Peng*

*from “Conservation Area” (“CA”) to “V”*

- (c) the area to the northeast of the village is a secondary woodland partly beyond the ‘VE’ and serves as a scenic green backdrop at the cove of To Kwa Peng;

*from “Coastal Protection Area” (“CPA”) to “V”*

- (d) the area to the north of the village is adjacent to the coast comprising partly seasonal wetland and densely vegetated slope and partly steep and natural terrain based on the topographical sections. Should this area be rezoned from “CPA” to “V”, the residual strip of land zoned “CPA” along the south of the footpath would be reduced to 2m in width, which is considered insufficient to retain the integrity of the existing natural landscape and scenic quality of the area. Besides, wetland species of mangrove, mangrove associated and coastal plant species are found along the southern side of the footpath;

*from “Green Belt” (“GB”) to “V”*

- (e) the strip of land to the east of the natural stream is partly located on a slope down to the stream. Slope formation work for Small House development may cause adverse impact on adjacent riparian habitats. The stream and adjacent riparian habitats are significant landscape resources;
- (f) the area to the west of the natural stream is located away from the village cluster and falls outside the ‘VE’. It serves as a green buffer between the adjoining “CA” and “CPA” zones;

*To rezone various areas at To Kwa Peng from “CA” to “Agriculture” (“AGR”) or “GB”*

- (g) the three areas proposed to be rezoned from “CA” to “AGR” mainly consist of *fung shui* woodland and woodland developed from abandoned

agricultural land. The current “CA” zoning is considered more appropriate for these woodlands. Besides, ‘Agricultural Use (other than Plant Nursery)’ is a Column 1 use and is always permitted within the “CA” zone;

- (h) the long stretch of area proposed to be rezoned from “CA” to “GB” forms part of the woodland of the hillside, including the *fung shui* woodland. The current “CA” zoning is considered more appropriate for these woodlands;

*To rezone a strip of land along the footpath at To Kwa Peng from “GB” to “CPA”*

- (i) the entire coastal area along Ko Tong Hau of To Kwa Peng has already been covered by a continuous “CPA” zone on the Plan. The adjoining area to the south of the “CPA” zone at the northwestern periphery including the 2m-wide strip of land along the footpath proposed to be rezoned from “GB” to “CPA” is mainly grassland overgrown with shrubs and natural slopes covered by dense vegetation zoned “GB”. As such, it is more appropriate to retain the “GB” zoning of the narrow strip of land along the footpath to tally with the adjoining larger “GB” zone;

#### Group B Representations

(R363 (part) to R7689 (part))

#### *Adverse environmental impacts*

- (j) conservation zones, including “GB” and “CA” under which there is a general presumption against development, have been designated to cover areas having ecological and landscape significance to protect the natural environment under the statutory planning framework;
- (k) the Lands Department when processing Small House grant and applications will consult concerned departments including the Environmental Protection Department (EPD), the Agriculture, Fisheries

and Conservation Department and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications;

- (l) the design and construction of on-site septic tank and soakaway system for any development proposals/submissions need to comply with relevant standards and regulations, such as EPD's Practice Note for Professional Person (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";

*To rezone the natural stream and the adjoining areas in To Kwa Peng from "GB" to "CA"*

- (m) the areas adjoining the natural stream are mainly covered by relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land. Hence, the current "GB" zoning for the area is considered appropriate to provide a buffer zone;
- (n) there is a general presumption against development within the "GB" zone. Any potential Small House development within the "GB" zone is subject to planning control since any new proposed Small House within the "GB" zone requires planning permission from the Town Planning Board (the Board) and each case will be considered on its individual merits. The Board may also impose appropriate planning approval conditions to ensure that the proposals would not have adverse impacts on the area;

*To designate water bodies and the adjoining areas as well as seasonal wet grassland in Pak Tam Au as "CA"*

- (o) the ponds and the natural stream sections have already been zoned "CA" on the Plan. There may not be strong ecological grounds to rezone the concrete channel, which passes through the "V" zone, from "V" to "CA". For the seasonal wet grassland, *Geissaspis cristata* (睫苞豆), though uncommon, is not a protected species in Hong Kong. There may not be

strong reasons to substantiate the proposed rezoning of the seasonal wet grassland from “V” to “CA”;

*To rezone the residual areas from “V” to “Undetermined”*

- (p) 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. Appropriate land use zonings have been proposed for land covered by the Plan;

*To amend the Notes of the Plan*

- (q) as the planning intention of the “V” zone is to provide land for development of Small House (NTEH), it is appropriate to retain NTEH as a use always permitted under Column 1 uses of the “V” zone;
- (r) if a food business is carried out at the premises, a food business licence is required to be obtained from the Food and Environmental Hygiene Department under the Public Health and Municipal Services Ordinance (Cap. 132). Licence will only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions are confirmed. As such, there is no strong justification to delete ‘Eating Place’ and ‘Shop and Services’ from Column 1 uses of “V” zone;
- (s) ‘Barbecue Spot’ refers to facilities operated by the Government and exclude sites that are privately owned and/or commercially operated. There is no strong justification to delete ‘Barbecue Spot’ from Column 1 uses under the "GB" zone;
- (t) planning permission from the Board is required for any works relating to excavation of land (within the “GB”, “CA” and “CPA” zones), diversion of streams or filling of land/pond, which may cause adverse impacts on the natural environment. There is no strong justification for imposing more stringent control on ‘Agricultural Use’ and ‘Agricultural Use (other

than Plant Nursery)' in the "V", "GB", "CA" and "CPA" zones;

*To incorporate the Area into Country Park*

- (u) designation of Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board; and

Other views not directly related to the Plan raised by Groups A and B Representations

- (v) these views and requests are not directly related to designation of zoning on the Plan, which are also outside the purview of the Board. They have been relayed to relevant government departments for consideration as appropriate."

**Agenda Item 3**

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

114. There being no other business, the meeting was closed at 7:10 p.m.

**Appendix A**  
**of Minutes of 1068<sup>th</sup> TPB Meeting**

**List of representers who have authorised Ms Anna S.Y. Kwong's team to attend meeting on behalf of them**

1.	R238 / C752	Lai Ka Ho
2.	R268	Fong Sze Yau
3.	R271 / C749	Lai Cheung Tai
4.	R272	Lai Koon Sang
5.	R275	Lai Kwok Keung
6.	R278	Lai Wing Lok
7.	R281	Lai Ka Shing
8.	R283	Lai Chi Kwong
9.	R284	Lai Chi Kwong
10.	R286	Lai Tze Kin
11.	R287	Lai Sam Tai
12.	R288	Lai Fong Hei
13.	R289	Cheng Che Shing
14.	R290	Fong Wai Hung
15.	R291	Fong Koon Tai
16.	R292	Lai Wing Sing
17.	R293	Cheng Shu Fong
18.	R310	Cheng Keung
19.	R312	Cheng But Cheung
20.	R315	Cheng Sill Kee
21.	R317	Cheng Wai Chung
22.	R319	Chan Kwan San
23.	R322	Fong Wing Kin
24.	R323	Fong Chi Kin
25.	R324	Lai Kin Lok
26.	R325	Fong Po Fai
27.	R326	Fong Yick Fei

28.	R327	Cheng Kwok Sun
29.	R329	Lai Shu Hang
30.	R330	Lai Ting Chun
31.	R331	Fong Chi Hong
32.	R332	Cheng Chi Bun
33.	R333	Cheng Hang Hing
34.	R337	Cheng Mo Fat
35.	R338	Fong Ho Kwan
36.	R341	Cheng Chi Ching, Tony
37.	R342	Lai Shing Tak
38.	R351/C745	鄭偉健
39.	R357/C745	鄭子文
40.	C678	Lai Kan Yin
41.	C682	Lai Tai Fung, Timothy
42.	C683	Lai Yan Yuen
43.	C684	Lai Yiu Wa
44.	C716	Lai Yiu Fai
45.	C717	Lai Chin Hung, Alec
46.	C718	Lai Yiu Chuen
47.	C719	Lai Lit, Simon
48.	C726	Lai Kai Wing
49.	C727	Lai Wing Fu
50.	C728	Lai Kai Man
51.	C729	Lai Sze Yau
52.	C730	Lai Kai Ming
53.	C731	Lai Tin Yeung
54.	C732	Lai Sui Sing
55.	C733	Lai Chu Yau
56.	C748	Lai Shui Yau
57.	C750	Lai Siu Man
58.	C751	Lai Chun Kit
59.	C753	Lai Kam Muk
60.	C768	Lai Ka Hing

61.	C769	Lai Kin Sing
62.	C794	Lai Che Wai, Henry
63.	C795	Lai Tin Fook
64.	C796	Lai Kam Hung
65.	C797	Lai Kar Fai
66.	C798	Lai Man Dick
67.	C799	Lai Ho Yin
68.	C802	Lai Chi Ming
69.	C804	Lai Hon Wai
70.	C805	Lai Yat Hung
71.	C806	Lai Tin Sung
72.	C807	Lai Ho Man, Peter
73.	C808	Lai Chi Ming
74.	C809	Lai Chi Fai
75.	C810	Lai Kai Wah
76.	C811	Lai Wai Ki
77.	C812	Lai Shu Yeung
78.	C825	Fong Kin Wing
79.	C826	Fong Chi Wai
80.	C828	Fong King Chung
81.	C873	Lai Ming Fai
82.	C874	Lai Kai Shing
83.	C875	Lai Kun Shun
84.	C876	Lai Kun Shun
85.	C861	鄭樹棋